

Wednesday, 6th September, 1933

THE
COUNCIL OF STATE DEBATES

VOLUME II, 1933

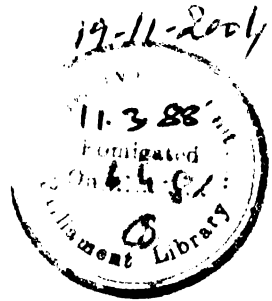
(29th August to 16th December, 1933)

SIXTH SESSION

OF THE

THIRD COUNCIL OF STATE

1933



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COUNCIL OF STATE.

Wednesday, 6th September, 1933.

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

FUTURE STRENGTH OF THE EUROPEAN PERSONNEL OF THE ARMY IN INDIA.

144. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (on behalf of the Honourable Mr. Hossain Imam): Has the attention of Government been drawn to the press report of a letter of His Excellency the Commander-in-Chief about the future strength of the European personnel of the Army in India? Is Government aware that one report says that he (His Excellency) advocates the doubling of the European forces in the new Constitution, while the other says that he demands doubling if no reforms are granted? Will Government intimate the exact facts about this letter, and state whether this is the personal opinion of His Excellency the Commander-in-Chief or the view of the Government of India?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I presume that the Honourable Member is referring to Sir Philip Chetwode who, while he is on leave, is not Commander-in-Chief. Government have seen the so-called Press reports but have no further information on the subject.

CONVICTIONS IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

145. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (on behalf of the Honourable Mr. Hossain Iman): Will Government state the number of persons arrested and convicted for civil disobedience movement crimes from 1st to 21st August, 1933, in each province of India?

THE HONOURABLE MR. M. G. HALLETT: I lay on the table a statement giving the information in my possession. The figures relate to the number of persons convicted, not necessarily imprisoned. I have no separate figures relating to the number of arrests.

Statement showing approximate number of convictions under the ordinary law and central and provincial Acts during the first fortnight of August, 1933.

Madras	..	..	..	..	..	32
Bombay	..	..	..	..	..	57
Bengal	..	..	..	..	..	Not available.
United Provinces	..	..	..	..	..	21
Punjab	..	..	..	..	..	60
Bihar and Orissa	..	..	..	..	..	111 up to the 12th August, 1933.
Central Provinces	..	..	..	..	..	7
Assam	..	..	..	..	..	1
North-West Frontier Province	..	..	..	..	..	3
Delhi	..	..	..	..	..	6
Coorg	..	..	..	..	..	Nd
Ajmer-Merwara	..	..	..	..	..	Nd
Total	..	..	..	..	..	298

REPRESENTATION OF MUSLIMS AND OTHER MINORITY COMMUNITIES IN
THE SUBORDINATE RAILWAY SERVICES.

146. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (on behalf of the Honourable Mr. Hossain Imam): Will Government lay on the table its decision on Mr. Hassan's report on Railway services? What action have they taken or do they propose to take on it and when will such action be taken?

THE HONOURABLE MR. M. W. BRAYSHAY: A copy of the orders issued in connection with suggestions Nos. 1, 2, 3, 4, 5, 6, 14 and 15 in Mr. Hassan's report is placed on the table of the House. Orders on the others depend on the decision on the general question of the future communal proportion for recruitment which is under the consideration of Government.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

No. 660-E.G.

Dated Simla, the 31st August, 1933.

To

THE AGENT, (1) EASTERN BENGAL RAILWAY.
(2) EAST INDIAN RAILWAY.
(3) NORTH WESTERN RAILWAY.
(4) GREAT INDIAN PENINSULA RAILWAY.

DEAR SIR,

Representation of Muslims and other minority communities in the subordinate Railway Services.

With reference to the correspondence resting with your letter (1) No. 185-E./18, dated
(2) No. A.E.-840/1, dated
(3) No. 831-E./281/11,
(4) No. 21239-R., dated

13th July, 1933,

22nd June, 1933,

dated 20th June, 1933,

5th June, 1933,

I am directed to state that after considering the views furnished by the various State-managed Railways, the Railway Board have decided that the following action should be taken on the recommendations made by Mr. Hassan in his report on the "Representation of Muslims and other minority communities in the subordinate Railway Services" except recommendations Nos. 7 to 13 which are still under consideration and on which orders will issue in due course.

Recommendation No. 1.—The Divisional Selection Boards should be held on different dates to enable a candidate rejected in one Division to try in another, or Divisions where members of minority communities are available in large numbers should be asked to recommend candidates of these communities in such numbers to the Central Selection Board that if there is any deficiency in one Division it may be made up by excess in the other.

Decision.—*(In the case of Railways where final appointments are made by a Central Selection Board, the Divisional or District Selection Boards should, where candidates

* () To Great Indian Peninsula, North Western and Eastern Bengal Railways only.

of minority communities are available in large numbers, recommend candidates in such numbers that if there is a deficiency in any other Division or District, it might be met by candidates from these Divisions. Similarly, on Railways where final appointments are made by Divisional or District Selection Board, should there be any difficulty in selecting the required number of candidates of minority community in any Division or District a requisition for the remaining number should be placed on those Divisions or Districts where the candidates of that minority community are available in larger numbers.) * (If one Division has a number of candidates belonging to the minority communities who pass the Selection Board and who are in excess of the number required on that Division, the Divisional Superintendent should offer them to other divisions on the distinct understanding that they will be posted to and remain on the Division or District where they are appointed to work.)

Recommendation No. 2.—The rule that preference should be given to sons and relatives of Railway employees should be suitably amended so as not to affect the Muslim interests adversely.

Decision.—It is noted that the operation of Rule 63 of the " Rules for the recruitment and training of subordinate staff on State-managed Railways does not act detrimentally to the interests of the minority communities as 1/3rd of the vacancies are reserved for the redress of marked communal inequalities. In view of this, the Railway Board do not consider any further orders are necessary.

Recommendation No. 3.—Provision should be made for the redress of communal inequalities in the rules of recruitment relating to Apprentice Mechanics.

Decision.—Necessary provision has been made in this respect in the " Rules for recruitment and training of Apprentice Mechanics and Trade Apprentices in the Mechanical Workshops of State-managed Railways ", vide this office letter No. 2434-E., dated the 23rd March, 1933.

Recommendation No. 4.—In cases in which promotion is given by branches of an office necessary adjustment should be made to see that the subordinate staff in each branch have fair chances of promotion to the higher grades.

Decision.—The Railway Board desire that the subordinate staff in each branch of an office where promotion is given by branches, irrespective of the community to which they may belong, should have reasonable chances for promotion to the higher grades. † (In this connection, I am to point out that paragraph 2 of this office letter No. 917-E.G., dated the 6th August, 1931, to which you refer in your reply does not affect this recommendation, the object of which as explained in paragraph 153 of the report is that in cases in which promotion is given by branches of an office the distribution of the staff should be made in such a manner that each member of the staff may have a reasonable chance of promotion to rise to the higher grades.)

Recommendations Nos. 5 and 14.—5. The attention of all the Railway Administrations should again be drawn to the fact that it is the intention of the Railway Board to provide special training facilities for Muslims, which will in the course of time fit them for higher posts and they should be asked to inform the Railway Board at the end of each year what definite action has been taken by them in the matter.

14. Muslims with the requisite qualifications should be selected from among those already in service and given special facilities for training for the higher posts.

Decision.—The Railway Board are averse to adopting any arrangement which may savour of communal discrimination in respect of existing employees. They consider it of importance that no man's claim to promotion should be overlooked because he belongs to a particular community and special consideration should be given to the provision of training facilities for higher posts for all communities. Particular care should be taken to see that communities that are inadequately represented in the higher posts are given careful consideration and adequate training to fit them for higher posts.

Recommendation No. 6.—Action should be taken to increase the number of Muslims in the Establishment sections of Railway Offices.

Decision.—The Board consider that it is important to ensure that particular communities are not handicapped by the preponderance of any one community in the Establishment branches of Railway Offices and leave it to you to take whatever steps may be necessary for this purpose.

Recommendation No. 15.—A special organization, the duration of which will depend on the extent to which the Railway Board are prepared to accept my recommendations should be set up at the headquarters of the Railway Board to assist and advise the Railway Administrations in carrying out the orders that the Railway Board may be pleased to pass on this report. If for any reasons it is not considered necessary to have a special organization this work should be entrusted to the Deputy Director, Establishment, Railway Board, and should form part of his regular duties.

Decision.—The Railway Board do not propose to take any special action in this direction as they consider that this work should form part of the normal duties of the organisation provided for Establishment work. The Board expect that you and the officers subordinate to you will give due consideration to the orders issued in this connection.

Yours faithfully,

K. M. HASSAN,

Deputy Director, Railway Board.

REPORT OF THE COMMITTEE OF EXPERTS ON DEFENCE.

147. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (on behalf of the Honourable Mr. Hossain Imam): Will Government state their decision on the report of the Committee of Experts on Defence, and when they propose to publish the report? If it is thought inexpedient for military reasons to publish the full report, has Government considered the advisability of publishing a summary? If not, why?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: It would be impossible, for military reasons, to publish the report itself, but I hope that an announcement will be made in the course of the next month or two both on this question and on the allied questions considered by the Capitation Rates Tribunal

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules I lay on the table copies of the Bill to prevent Juveniles from smoking Tobacco, which was passed by the Legislative Assembly at its meeting held on the 5th September, 1933.

RESOLUTION RE SALE OF SILVER.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I formally moved the Resolution on the 4th September but for the convenience

of Honourable Members I will read again the Resolution which stands in my name :

“ This Council recommends to the Governor General in Council to place on the table the entire correspondence which has taken place between the Secretary of State and the Government of India regarding the sale of silver from India's silver reserve for the payment of a portion of the Debt instalment to the United States.”

My object in bringing this Resolution before the House is to have three important points cleared up by Government in connection with the silver transaction. These are as follows. Firstly, how did this transaction take place and was the Government of India consulted in the matter ? Secondly, what is the constitutional position of India on the eve of the introduction of new reforms ; that is, with reference to the propriety of consulting the people's representatives in the Legislatures or even the Standing Finance Committee ? Thirdly, what was the price paid to India and was it fair in relation to the price received from America and the market rate in England ?

I will take my second point first, that is the constitutional position. In this connection the House will remember I put a number of questions on the 29th August and the replies received from Government were very unsatisfactory. In reply to my questions as to whether the opinion of the Standing Finance Committee was taken on the transaction and whether Government would be pleased to bring this matter before the two Legislatures to ascertain the opinion of the people, the answer was in the negative. That is, neither the Standing Finance Committee nor the Legislatures were consulted in the matter, nor is the Government prepared at this stage to do so. This is the attitude taken up by Government so far as the constitutional position is concerned, and the House will see that it is most unsatisfactory. On the eve of new reforms we expect that the Government will be more and more constitutional, whereas we find that they are pursuing their old policy and are not prepared to take the representatives of the people into their confidence on a matter of such high importance. I, Sir, protest most emphatically against this reply of Government.

Now as regards my first point, as to how this transaction took place and was the Government of India consulted, we on this side of the House are doubtful whether the Government of India itself was consulted in the matter and whether the Secretary of State did not decide the matter over the head of the Government of India. I shall prove this from reports received through Reuter of the interview given by the Finance Member who happened to be in England at that time. On the 11th June, Sir George Schuster gave an interview to the *Hindustan Times* and the question put directly to him was whether Britain was going to pay its debt out of India's silver reserve. The reply he gave to the representative was most emphatic. He is reported to have said that it was all a rumour. The British Government had not so far approached the Government of India on the subject. Mark the words “ so far ”. That is, up to the 11th June the Government of India was not approached by the British Government. Not only that. He went further and made his statement still more emphatic. He said the possibility of such action had not even been discussed in the despatches. So, Sir, there was absolutely no correspondence up to the 11th June. I do not know whether this is correct or not.

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

This is what has been reported in the press and I believe it is correct, because my Honourable colleague Rai Bahadur Lala Jagdish Prasad put a direct question yesterday on this matter and the Government was silent, quite silent. They did not contradict this statement. The question put to the Government and the reply was :

"Is it a fact that on the 11th of June last Sir George Schuster in an interview with the representative of the *Hindustan Times* with reference to a report emanating from Washington said that there was a possibility of Britain paying the debt instalment out of the silver reserves of the Government of India? Did he further say that it was all a rumour that the British Government had not so far approached the Government of India on the subject and that the possibility of such action had not even been discussed in their despatches"?

This was a direct question put to my friend and the Government was quite silent. They did not answer—(*An Honourable Member* : "Silence is golden!")—which means that this never took place. My Honourable friend here says that "Silence is golden". I accept his assertion, but silence means that Government has got no reply on the question and the statement made in the press is correct. So, Sir, there was no correspondence with the Government of India up to the 11th June. Now I shall go on a little later. What happened on the 13th of June, two days afterwards. It was expected in the House of Commons that Mr. Chamberlain will make a statement on the debt payment to America, but he could not make the statement because the question was not settled with America up to the 13th of June. So there was no question of settling it with India from whom the payment was made. The matter had to be first settled with the creditor and then with this country from whose reserve fund the amount had to be paid.

On the 14th Mr. Chamberlain announced in Parliament that President Roosevelt had accepted the British offer of \$10 million as acknowledgment of debt payment to be made in silver at 50 cents per fine ounce which had been acquired from the Government of India.

He made a statement that it has been acquired from the Government of India on the 14th, when the whole question was undecided till the 13th. I would ask the Honourable Members to pause a little and see whether there was any time for consultation and settlement with the Government of India. I would reply in the most emphatic terms that there was absolutely none. Sir, it leads us to infer that the whole transaction was settled over the head of the Government of India, which was simply ordered by the great autocrat at Whitehall to deliver the required quantity of silver. This is my second point.

I shall now deal with the third and the last point in connection with this Resolution, and that is the price paid to India. This also, Sir, is a very important point. When Mr. Chamberlain made an announcement in the House of Commons he absolutely made no mention about the price that was going to be paid to India. This was a very important question, Sir. Had it been settled with the Government of India, he would certainly have taken the House of Commons into his confidence and stated at what price this silver had been acquired from the Government of India. By this we infer that the price was

not settled with this poor country. In reply to my questions on the 29th I have received information from the Government that the rate given to India was 20-7/16d. per standard ounce delivered at London and as it was shipped direct the charges of transport would be subject to a deduction. Sir, this was the price that was paid for Indian silver and as it was sent direct to America a further deduction was made according to the transport charges from India to England. Now, Sir, let me see what was the price of silver at that time in India, because by that we shall be able to judge whether a fair price was paid to India or not. At the outset before developing the point I would again lodge an emphatic protest on the question that before acquiring this silver from the Indian Government they ought to have settled the price and this is another example of high-handedness and is an unique and unheard of transaction that the seller disposes of goods without settling the price he is to get and if the correspondence is placed before us everything will be brought to light in case the position is otherwise. In regard to the price that India is to receive we have another press statement from Reuter on this question and its information must have been correct and authentic. It said :

“The actual cost of silver transferred from the Government of India to the British Government is understood to be approximately 16 lakhs pounds which is equivalent to Rs. 2 crores and 12 lakhs”.

Sir, one of the greatest, if not the greatest, authorities on this question, Mr. D. P. Khaitan, in an interview to the press gave the price of silver at the time in India and the difference between this price and the price paid to India. In that press interview he pointed out that the market price in India of the silver acquired by Britain was about Rs. 3 crores and 12 lakhs and that the price paid by America would come to about Rs. 3 crores and 30 lakhs. On this, Sir, my Honourable friend Rai Bahadur Lala Jagdish Prasad also put a direct question but it was not replied to which again shows that the statement made by Mr. Khaitan on that point must have been correct. The Government ought to have come forward and contradicted it if it was otherwise.

So, Sir, the price given by Mr. Khaitan shows that there is a clear difference of one crore of rupees. This one crore has been lost to poor India and advantage has been taken of it by our Imperial Government. They ought to have had some consideration for poor India and if they had acquired silver without consultation and without the settlement of a price with India, they ought to have paid directly what they had got from America. The price, Sir, got from America comes to Rs. 3 crores and 30 lakhs and the price according to the prevailing rates at that time comes to Rs. 3 crores and 12 lakhs. Still there was a difference of Rs. 8 lakhs. Even if the British Government had not thought it proper to pay the whole of the amount that it received from America they could very well have kept Rs. 8 lakhs. But why this Rs. 1 crore and 8 lakhs? Why did they keep this big amount for themselves as they gave silver from India's reserves. This is another point on which I lay great emphasis and make a strong protest. Now, Sir, I shall submit that if the whole affair requires consideration or not, and it is for the House to decide whether this question is to be brought up and the whole position is to be cleared in the eyes of the whole country. And for this, Sir, I have moved this Resolution and if

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

the Government is pleased to put the correspondence before the House everything will be as clear as daylight. Sir, such business correspondence cannot be expected to be of a confidential nature and it cannot affect any high principles of administration nor involve any policies the divulging of which will be harmful to either Government. I therefore hope that Government will see its way to do so to clear its position in the eyes of India.

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

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, the Resolution of my Honourable friend, Rai Bahadur Lala Mathura Prasad Mehrotra, is most reasonable and timely. I hope, Sir, there will be no dissentient voice in the House on the subject under discussion. Anybody who has the economic interest of the country at heart expects that the details of the loss and gain accruing to India by the transaction in silver should have been made public. Sir, when the Government have not in any way refuted the allegations against them about this silver deal is it not natural that suspicion should be brewing in the country about the loss of a crore of rupees to India? To my mind the Government must exonerate themselves of the charge that there was a clear case of breach of trust inasmuch as the British Government had no right to take the difference of about a crore in this shady transaction. So far as we have been able to learn, Sir, as a result of some secret conversations and correspondence between the Governments in England and India, India has been made to part with 2 crores of ounces of silver. The market rate of silver in India at the time of the said deal was about Rs. 58-8-0 annas per 100 tolas and at that rate the value of two crore ounces of silver would be Rs. 3 crores and 12 lakhs.

Sir, nobody will object to the sale of India's surplus silver but it is important to know at the same time in what form India has received payment. Payment by Britain to India in gold is unthinkable although the Hilton Young Commission recommended the sale of silver and the acquiring of gold in exchange. Apparently we believe, Sir, the payment must have been done in sterling securities, which at the present day has lost its stability in the international market and the way events are drifting we do not know whether these British sterling securities will ever be able to command the same confidence as they used to do a few years back. The whole transaction has apparently been made in order to strengthen the stability of sterling securities.

In these circumstances, this House demands that Government should make a full disclosure of all the facts and figures relating to this deal as it has cast a slur on the *bona fides* of the British Government. In conclusion I think India can legitimately claim the whole of the profit that might have accrued from this transaction.

With these few words, Sir, I support the Resolution so ably moved by my friend, the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, in speaking on this Resolution, while I am not in entire agreement with the Government of India in its silver sales I do not think that we can

condemn the Government for having sold the silver without consulting this country, as it is too late to lay the blame on the shoulders of the Government. The Government have been selling silver for many years past, and they have sold it without the advice of the Standing Finance Committee. If we want to start the practice, this is neither the time nor the procedure for doing so, and we cannot condemn the Government for having done a thing which they have been doing without condemnation from this House, or from the other Chamber, for all these years.

The other objection, Sir, as far as this transaction is concerned, is that we had a suspicion that the Government of India was ignored and that suspicion was further strengthened by the interviews which have been exhaustively dealt with by my Honourable friend Mr. Mehrotra. Leaving aside the question of proceeding on an order from the Secretary of State to do certain things there is another point of view which ought not to be lost sight of. To all those who have interested themselves in the matter of silver, it is well known that we bought enormous quantities of silver under the Pitman Act of America at 101 cents per ounce. That purchase of silver was not made entirely because India required it for its own needs. We purchased that silver, Sir, in order to finance the purchases on behalf of the Government of England during the war years. And it was during those years that we had to find silver in order to pay in silver for the purchase of the goods which we were sending to England and other theatres of war in Mesopotamia, in Syria, in Palestine and other places. This silver which was purchased from America at 101 cents per ounce was again sold off to England and from England to America at a rate which comes to about 32 cents. England has received payment at the rate of 50 cents. We cannot hold England liable to pay us 50 cents per ounce on commercial grounds, but on moral grounds, taking into consideration the fact that all the silver was bought for the benefit of England, it was incumbent on His Majesty's Government in England to pay us this, not as price but as compensation for the losses which we have sustained in all these years. Our sales of silver have not yet totalled up to the amount of the purchase which we made under the Pitman Act. Enormous amounts of silver were purchased and even if the Government of England paid us a crore, they would not have done any great service to India, but we would have a feeling, Sir, that England is doing the honourable thing by us and that she is not just driving a hard bargain. Now our answer will be that they have taken advantage of our position and dictated a price below that which we could have claimed on grounds of equity.

Sir, I support the motion.

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary) : Sir, I am very glad to have this opportunity of destroying the mare's nest that has been discovered by the Honourable Mr. Mehrotra and I must congratulate the Honourable Mr. Hossain Imam for having raised the debate to one more consistent with the dignity of this House. I need only deal briefly with the points raised by the Honourable mover. They have been largely answered by the Honourable Mr. Hossain Imam himself.

His first question was that of consultation, his second was that owing to the rapidity with which the negotiations were concluded, it was not physically

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possible that the Government of India could have been consulted by the Secretary of State. Sir, a specific question was asked Government both in the Lower House and here whether the Government of India were consulted. The answer we gave was "Yes" and I should have thought that that specific answer would have been sufficient. I have never heard more flimsy evidence then that adduced by the Honourable Member in the attempt to prove that that statement was incorrect. He is perfectly correct in saying that the Honourable the Finance Member gave an interview to—I think it was the *Hindustan Times*—before he sailed. I do not know the exact date—either the 10th or 11th. At that time the Finance Member was perfectly correct in saying that there were no negotiations. As anybody who reads the papers would have realised, the question at issue was not a token payment; it was whether the British Government would have to pay the Government of the United States at all. It was only at the last moment that this device of a token payment was hit upon, and in connection with that, it would be remembered that the Government of the United States had made an offer to its debtors only—not to the world in general but to its debtors only—that it would accept payment of war debts up to a maximum of \$200 million at a rate which could rise to a maximum of 50 cents per ounce. It is quite clear that the laudable object of the United States in making that offer was to make a small payment appear something larger than it really was, because their offer was confined to their debtors only, and they knew that there was no chance of being paid in full. At the last moment the British Government decided that they would accept that offer to a limited extent. The Honourable Rai Bahadur seems to have forgotten the existence of the electric cable. He is correct in saying that the Chancellor of the Exchequer made a statement in the House of Commons on the night of the 13th to the effect that no decision had been reached. But he does not know that immediately afterwards a cable was sent to the Government of India which reached us on the morning of the 14th and an answer was sent in about half an hour or so to enable the Chancellor of the Exchequer to make another statement in the House of Commons. Sir, ordinarily I would not bring these matters forward because I expect that when a Government representative rises in these benches and says the Government were consulted, he will be believed; but since there seems to be some doubt in the matter I have given the actual figures and dates.

The Honourable Rai Bahadur has also made a point that neither the Standing Finance Committee nor the Legislature was consulted. Sir, new constitution or old constitution, there is no Government in the world which could possibly consult a legislative body to reach a decision which have to be taken between 6 and 6-30 one morning. The Assembly was not in session, the Standing Finance Committee was scattered all over India and this is a function which not only this Government but every Government must reserve for its executive. We are prepared to stand up afterwards and defend our action.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : On a point of information, Sir.

THE HONOURABLE THE PRESIDENT: Order, order. The Honourable Member will have his right of reply later on. The Honourable Member (addressing the Honourable Mr. Taylor) will proceed.

THE HONOURABLE MR. J. B. TAYLOR : The Honourable Member went on to say that we were negligent or contemptuous of the rights of the Legislature in saying that we were not going to refer it to them. Sir, it is not for us to take the initiative. We are perfectly prepared to answer, as I am doing now, if any Member wishes to criticise the action we have taken. We are here to answer criticism but to expect us on our own initiative to bring forward *ex post facto* the action taken by us before them for confirmation would seem to me to be wasting unduly the time of the Legislature. As the Honourable Mr. Hossain Imam has pointed out, this is not the first occasion on which we have sold silver. We have been selling it since 1927. We are prepared to recognise that this general policy may be attacked and we are prepared to defend it. But individual transactions must be within the province of the executive.

Now, Sir, I shall come to the more important points made by the Honourable Mr. Hossain Imam. He has raised the real question which I consider is of interest to the House, namely, " Was the transaction a justifiable one from the point of view of the Government of India ? " In the first place, I do not think anybody will attempt to argue that an offer which was made by the Government of the United States specifically to its debtors would give us a claim to the full price. As I have pointed out, the object of that offer was to make a small payment appear to be somewhat larger than it really was. The British Government, as everybody knows, did not owe that debt to America themselves, because they were brokers for the other countries of Europe as a result of the war and they have constantly made it clear that any remission which they get from America would be passed on to their debtors in turn. In these circumstances, for us to ask that we should have got the full price would merely have meant that they would have gone into the market elsewhere and bought it and they would have had no difficulty in getting it. The Government of Italy also made a token payment and I presume they purchased it from the market, at a price which the market was prepared to offer. Actually, the price which we obtained was a favourable one. 20-7/16*d.* was roughly 1*d.* above the market price of silver at the time and the cost of transport amounted to something less than ½*d.*, so that, roughly speaking, we made a profit of about Rs. 6 to Rs. 8 lakhs over what we would have obtained if we had gone into the market to sell. A most misleading comparison has been attempted with the price in India. As everybody knows, there is a very heavy duty in India, and if anybody in this House imagines that the Government of India could have sold 20 million ounces in India at a price even remotely approximating to the market price of silver in Bombay at the time, I am afraid that he will have to choose some other profession than silver broking. (Laughter.) Sir, even if that silver could have been sold to America it would have had to be exported after remission of the import duty, so that the only price by which the transaction can be gauged is the world market price, not the artificial duty protected price of India. As I have said, on that basis, we made a clear profit of some Rs. 6 to Rs. 8 lakhs ; and the transaction was even more favourable if you look at it in relation to the prices of the present day. The price of silver is now somewhat slightly over 18*d.* This means that the transaction resulted in a profit of between Rs. 20 to Rs. 30 lakhs to the Government which has gone to strengthen the currency reserve.

The Honourable Mr. Hossain Imam has gone back still further and raised a very difficult and broad question, whether the silver purchased by the

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Government of India under the Pitman Act was really for India's own requirements or was also for international or rather inter-Allied purposes during the war. That is a very broad question, Sir, but it is not one which could have been considered in the hurried negotiations leading to a payment of war debt. That was an individual transaction. We had to look upon that merely in our role as sellers of silver. If we had wasted time to consider and raise those points, even assuming we had been convinced of their validity, the whole transaction would have fallen through. But I would point out that possibly the one constructive result of the World Economic Conference has been the silver agreement, in which the Government of the United States has made what in effect is a very material concession to India by promising to take off the market an amount equivalent to that which we sell. Thereby to a certain extent they have recognized that we are in a different position from that of an ordinary seller of silver. I have tabled a motion asking for the ratification by both Houses of that agreement, so that the House will have an opportunity of discussing it and its various implications. In view of that motion I do not wish to go further into that aspect of the question now.

Finally, Sir, I was told that there is no objection to divulging documents. There is always an objection to divulging documents when the object of the questioner is to attempt to draw out differences between various Members of the Government, and in this case that was an even stronger objection. These documents relate not only to the Secretary of State and the Government of India; they include other countries as well. It would have been completely impossible for us to publish documents which would indicate the views of foreign and friendly Governments at the time of the conduct of the negotiations. Such a course of action would be completely unheard of, not only in this Government but as regards any Parliament in the world.

For these reasons, Sir, I hope either that the Honourable Member will accept my explanation as having cleared all the points and withdraw his Resolution, or that the House will reject it.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I am glad the Honourable Finance Secretary has cleared many points that were raised by me and that he has accepted the correctness of the interview which the Finance Member gave in London. He also agrees that the difference in price was due to the fact that silver that was re-exported was free of duty, and so on. I would have pressed my motion but as he has stated that he has tabled a motion on the subject by which he is going to ratify—

THE HONOURABLE MR. J. B. TAYLOR : That has nothing to do with this transaction at all. The motion which I have on the agenda is one asking this House to ratify an agreement entered into by the representatives of the Government of India at the World Economic Conference regulating quotas for the future sales of silver by Government.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I stand corrected, Sir. In that motion we shall have an opportunity to determine whether the price paid to India was proper or not and also

other allied questions. I therefore see no reason to press my motion and would ask leave of the House to withdraw it.

The Resolution* was, by leave of the Council, withdrawn.

RESOLUTION *RE* RELEASE OF POLITICAL PRISONERS AND DETENUS.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, I beg to move :

"That this Council recommends to the Governor General in Council to release all political prisoners and detenues, not guilty of committing acts of moral turpitude or violence in order to create an atmosphere of goodwill for the successful working of the Reforms."

Sir, before I go into the merits of the question I want to clear my position. I have already cleared it in the Resolution itself. For those prisoners or detenues who have been convicted of acts of violence or moral turpitude I have no sympathy, rather I detest their action. But, Sir, there is a large number who have courted imprisonment on account of a definite policy followed by the great organisation known as the National Congress, which was one of mass civil disobedience. They courted imprisonment on mere technicalities. Now the position stands changed. Mass civil disobedience has been withdrawn which was the policy on which they acted, and therefore there is no use in keeping them behind bars. Sir, I will deal with this question a little minutely and crave the indulgence of the House to relate briefly the history of this question to enable the House to arrive at proper conclusions. I will go back to the time of the pact known as the Irwin-Gandhi pact. That pact was arrived at at the intercession of prominent leaders, I mean Mr. Jayakar and Sir Tej Bahadur Sapru, and the Government too thought it proper that a gesture should be made to see what it would lead to. As a consequence of that pact Mahatma Gandhi went to attend the second Round Table Conference as the sole representative of the Congress. But, Sir, the pact was due largely to the personal influence of the then Viceroy and I may say that many Members of the Government perhaps were not in favour of it. They felt a sense of mortification. On the other hand, Mr. Gandhi used his enormous influence to bring about the pact and there was a disagreement about it among the younger generation of his following. Consequently they looked upon it rather as a victory over the Government. But both parties were wrong. Those on the Government side who felt mortified by it were wrong, and those on the Congress side who looked upon it as a victory were also wrong. Both parties looked at it from a wrong angle of vision. The result was there was no sincerity. Both were prepared for a fresh war. Sir, when Mahatma Gandhi returned from England he decided to see the situation created in his absence. A large number of Congress leaders assembled at Bombay and after consulting them and seeing the situation created in his absence he wanted to seek an interview with the Viceroy. That interview was refused. I must say, Sir, that that was a Himalayan blunder. Had that interview been granted, who knows —

* Vide page 175, ante.

THE HONOURABLE MR. BIJAY KUMAR BASU : On a point of order, Sir. Can the Honourable Member criticise the action taken by the Governor General in this House ?

THE HONOURABLE THE PRESIDENT : He criticised the action of the Government of India. I did not catch his exact words.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I meant the Government of India, Sir.

THE HONOURABLE THE PRESIDENT : If you meant the Government of India, it is all right. I hope you have ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I meant the Government of India, Sir. As I said, Sir, if the interview had been granted, history would perhaps have been different. The result was that Congress declared mass civil disobedience again, which was the greatest folly they committed, and the natural consequence was that wholesale arrests of all the leaders and followers took place in thousands ; the figure went up to 80,000. That was the situation at that time. But now the situation is quite changed. The leader of the civil disobedience movement, Mahatma Gandhi, has himself realised his mistake. He tried to divert his followers by inducing them to work for social reform, that is, removal of untouchability.

THE HONOURABLE THE PRESIDENT : Order, order. I would ask the Honourable Member to confine himself within the four corners of the Resolution. We are not discussing the civil disobedience movement generally.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I am adducing arguments to prove how the situation has changed and how prisoners are to be released now ; by way of argument I am explaining the change in the situation.

THE HONOURABLE THE PRESIDENT : The Honourable Member has said enough already.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : So, Sir, he has himself practically accepted defeat and diverted the energies of his followers. Then, Sir, he withdrew the mass civil disobedience movement —

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : Not entirely.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA——mass civil disobedience movement, as a result of which a large number of persons were imprisoned. When I move my Resolution I do not ask the Government to release those who have courted arrest after his recent declaration of individual civil disobedience. I do not agree with him even on that point (Hear, hear) and those who have been arrested on the individual disobedience may not be released, but those who were arrested on the mass civil disobedience, which was withdrawn, might be released ; there is absolutely no necessity of keeping them behind prison walls. Since individual disobedience has been declared, how many persons have courted imprisonment ? This in

itself shows that it is not liked by the Congress people themselves. Hardly one or two per cent. of them would have courted imprisonment. (*An Honourable Member*. "How do you know?") Sir, I have got from a paper the number of civil disobedience prisoners and I will place it before this House to show how many persons who courted imprisonment on the mass civil disobedience movement are in prison. Their number is very much reduced and I have got figures for June and July, 1933 to prove it. I have not got the figures for August, though my Honourable colleague Mr. Hossain Imam put a question today and Government have laid a statement on the table, the statements in this House are not laid on the table of every Member and therefore I am not in a position to make use of that statement. The figures I have collected for June and July are as follows :

Province.	Month.	Men.	Women.
Madras	June	446	34
	July	354	30
Bombay	June	1,935	170
	July	1,629	152
Bengal	June	790	40
	July	602	25
United Provinces..	June	866	9
	July	344	Nd
Punjab	June	113	3
	July	103	3
Bihar and Orissa ..	June	688	28
	July	494	17
Central Provinces ..	June	28	Nd
	July	7	Nd
Assam	June	103	11
	July	77	8
North-West Frontier Province	June	1,558	Nd
	July	765	Nd
Delhi	June	25	1
	July	24	1
Coorg	June	55	1
	July	46	Nd
Ajmer-Merwara ..	June	11	Nd
	July	2	Nd

These are the figures of different provinces for June and July, 1933. This clearly shows that the number is reducing gradually and people during these months were not courting arrest as a mass movement. The total number of persons behind prison walls by the end of June was 6,618 men and 297 women and by the end of July, 4,437 men and 533 women. Sir, I am moving this Resolution for these prisoners subject to the exclusion of those who have committed any sort of violence. As I have said, I have absolutely no sympathy for them.

Sir, on the 30th of last month His Excellency the Viceroy delivered an address to both the Houses in which he has himself stated what is the present situation of the civil disobedience movement in the country, and, with your

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

permission, Sir, I shall read one or two sentences from his speech, which in itself shows that it has practically declined ; if it exists, it exists in name only. He said :

" It is true that civil disobedience still maintains a precarious existence through the personal influence of its author, but the popular judgment has really discarded it, and the pathway to happier conditions is broadening out before us. The struggle will be no longer between those who would break and those who would uphold the law, or between those who would maintain and those who would destroy the British connection, but it will be a struggle between different policies for meeting the practical problems that face us ".

His Excellency himself has described the present situation and I entirely agree with His Excellency. Sir, the Reform Bill is shortly to be placed before Parliament. It is required to create an atmosphere of goodwill for its successful working and in this connection also His Excellency has made an appeal to us, the Members of the two Houses. In making this appeal, His Excellency said :

" If we are to ensure rapid progress, which we all desire in the way of constitutional reforms, we must create an atmosphere in which that progress can develop. Little can be done by the Government alone. Equal responsibility must lie upon the Honourable Members themselves and other leaders of political thought in India to whom we must look to use their influence by their speeches, by public meetings and propaganda to see that the electorates of the future are made fully aware of the great advance we are striving to achieve through the White Paper proposals ".

Sir, in response to the appeal of His Excellency I place the facts before the Government and ask them to give us a chance

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of facing the facts and going before the electorate.

On the one hand, we accept that civil disobedience as a mass movement is dead, is broken. The defeat is accepted. On the other hand, those persons who courted civil disobedience are not set free. With what face should we go before the electorate and tell them about the reforms ? We all know that there is a large section in India who do not believe in the Congress policy, who do not go with them ; but they have sympathies on account of the sufferings that they have endured and for that reason, Sir, if the gesture comes from the Government in response to the withdrawal of the mass movement to set free these prisoners we shall be able to go and meet the electorate and put before them what the reforms are giving and shall say that the fault was with those who started this civil disobedience movement and who acted on that movement but not with the Government and the moment Government saw that it had been withdrawn, they have set at liberty all those who went to jail on that principle.

Sir, there is one thing more that I have heard often from the Government, that they require assurances from the leader of this movement as well as his followers for the stoppage of the mass civil disobedience and for release of political prisoners. Sir, with the greatest humility I submit that this is not the right policy. This is a policy of vindictiveness and with your permission I shall quote two or three sentences from the speech delivered by my Honourable friend Mr. Joshi, a nominated Member of the Lower House, when a similar Resolution was moved in the Delhi session. I am quoting what he said,

because I think that no better words can replace them. Sir, with regard to this policy of taking an assurance at this stage amounting to a policy of vindictiveness, he said :

"The Government of India, after all, depend upon the sympathy of the public in their administration, and if the people once feel that the Congressmen are kept in jail longer, not because it is necessary to keep them there, but because Government want to stand on their prestige and so they do not want to release them, Government will lose the sympathy of the public ".

In another place he said :

"The Congress movement today is checked, and checked to a very great extent, but, Mr. Chairman, let me assure this House that the sympathy of the people for the Congress movement is not dead. The longer you keep the Congressmen in jail, the greater is the sympathy which the people will feel for them. I therefore feel that if the Congressmen are kept in jail too long, there is not only the danger of people sympathising with them to a greater extent, but there is also the danger of that sympathy being more active. Therefore, it seems to me that the right policy for the Government is to release the prisoners ".

With regard to assurances, he said :

"That the Government should ask for assurances is, I feel, a wrong thing. If assurances are necessary from any party, it is the Government that should give an assurance that no person's freedom will be taken away unless there are grave reasons for their doing so. Freedom is the natural right of every citizen and no man need be asked to give an assurance as to why he should be kept free ".

Sir, in conclusion I would submit before the House a few more observations, before I sit down, to sum up the whole argument. The civil disobedience movement has practically been abandoned. The matter rests on technicalities alone. I consider that it is necessary for the success of constitutional reforms that the hand of repression must now be stayed and that the hand of conciliation should be extended to those whose cooperation is essential for restoring peaceful conditions in the country. All the world over in the world's history the inevitable reaction of the failure of direct action in the political struggle has been the growth of a tendency to resort to parliamentary methods and that tendency is discernible in Congress politics today. Now, the question is, are Government going to encourage or promote the growth of that tendency or is it going to hamper or retard it ? That is the true implication of the Resolution before us today in other words, and I hope the Government will realise it and release the civil disobedience prisoners without any further delay who courted imprisonment on the mass movement.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal : Nominated Non-Official) : Sir, so far as this Resolution is concerned, I find that I am in the position of an inquisitive enquirer.

THE HONOURABLE MR. HOSSAIN IMAM : *Amicus curiae* ?

THE HONOURABLE MR. BIJAY KUMAR BASU : An enquirer. I want some information. To begin with, although English is not my mother tongue, I claim to have studied the language, and studied the language through grammar—

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Here, or in England ?

THE HONOURABLE THE PRESIDENT : Order, order.

THE HONOURABLE MR. BIJAY KUMAR BASU—and studied the language through grammar. I find that the Resolution, as it is worded runs:

“all political prisoners and detenus not committing acts of moral turpitude, etc.”.

Detenus, I am afraid, are never tried. They are not even charged. How can we know whether they have committed any acts of moral turpitude or immoral turpitude or violence? Detenus also are not convicted. I think, Sir, if the learned mover will kindly change the wording a little it might perhaps make his meaning clearer. If I may suggest to him this form:

“This Council recommends to the Governor General in Council to release all political prisoners not guilty of committing acts of moral turpitude or of violence and detenus, in order to create an atmosphere of goodwill”

and so forth. The second thing that I do not really understand is, what are really acts of moral turpitude?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know if the Honourable Member is moving this amendment?

THE HONOURABLE THE PRESIDENT: He is not moving any amendment. He has only made a suggestion to you to drop the word “detenus.” It is for you afterwards, when you come to reply, to decide whether you are prepared to drop this word.

THE HONOURABLE MR. BIJAY KUMAR BASU: What I meant was to place the word “detenus” after the words “or of violence” if he wanted it. Anyway, that is his lookout. I do not move any amendment at all. As I was mentioning, Sir, I have been a student of law and a lawyer for more than 20 years now. I have not yet found the words “acts of moral turpitude” defined in any section of any Criminal Code. Sir, one act may be an offence which under the Indian Penal Code would be classed as an offence, and I take it that all offences, whatever they are, involve acts of moral turpitude. For example, if a starving man going about the streets finds a confectioner's window loaded with eatables, breaks into the shop and takes a loaf of bread, he is put before the magistrate and is punished for theft. Now, if there was a code of morality different from the legal Code most likely somebody would say, “Well, it is not an offence; it is not stealing, because this man did not have his food for two or three days and he was justified in breaking into the shop and taking the bread”. Whether that would be considered according to the present law as an act involving moral turpitude or not I am not in a position to understand.

The other thing that strikes me is this. My friend says that if political prisoners of that particular description are set at liberty today, an atmosphere of goodwill will at once appear. Where is the guarantee for that? As a matter of fact there are people who hold different opinions. For example, there are people who think that if these people who are now behind prison bars, called for convenience political prisoners, are allowed to come out of those bars, the reforms as contemplated may be entirely wrecked, because they have been agitating and agitating for so long when they were out of prison, and if they come out of prison they will agitate again and perhaps more. If my

friend had made his motion in the way that all political prisoners convicted of mass civil disobedience may be set at liberty, I do not think there would have been any objection so far as I am concerned. But the Resolution as worded includes not only those prisoners who have been convicted of civil disobedience but also other prisoners who have been convicted of other offences against the State.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I made it clear in my speech.

THE HONOURABLE MR. BIJAY KUMAR BASU : But that is not in the Resolution. I do not think the speech of the Honourable Member will be a part of his Resolution. But if he makes that clear, I do not think there will be much objection.

Then, Sir, to talk about the withdrawal of the civil disobedience movement, I am not in touch with the movement or its author, but what I find from the newspapers is, that the civil disobedience movement is in a sort of suspended animation. Whether the civil disobedience movement would be revived or not it is perhaps only its author who can say, because—

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Who is the author, please ?

THE HONOURABLE MR. BIJAY KUMAR BASU—there has never been any statement, any declaration either by Mr. Gandhi or any body on his behalf that he has withdrawn the civil disobedience movement. I do not see the difference sought to be made out by my Honourable friend between the mass civil disobedience movement and individual civil disobedience movement because, if all individuals practice civil disobedience, then it will be mass civil disobedience. Therefore the difference as between individual civil disobedience and mass civil disobedience is the difference between Tweedledum and Tweedledee.

Then, Sir, we have been treated to very interesting figures regarding the civil disobedience prisoners but I must confess I am dense and I have not been able to follow how he made out that the release of these people will at once create an atmosphere of goodwill. Goodwill, Sir, as I think you will agree, is like clapping. It requires two palms of two hands. My friend has said a lot about the Government not doing this and the Government not doing that, but he has not directed the very well-chosen words that he used against the Government against the authors of the civil disobedience movement or the Congress which at present are supposed to be disbanded.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I did so.

THE HONOURABLE MR. BIJAY KUMAR BASU : I paid considerable attention to my learned friend's speech and I must say that I have not been able to discern it. Further, I think when he quoted from the speech of His Excellency the Governor General when he addressed the two Houses the other day, I am afraid he had misread that portion of the speech. So far as I remember, and the impression I carried was that His Excellency desired that Members of the Legislature and other public men should go forth in pursuance

[Mr. Bijay Kumar Basu.]

of a propaganda to make the reforms at least well-known to their constituents and create some sort of atmosphere in which the reforms can be understood when they come. It was not so much to create an atmosphere of goodwill, the way in which my friend has interpreted it.

Sir, I do not see any great good would come if this Resolution is carried, because I doubt that the release of political prisoners will at once create an atmosphere of goodwill that is necessary for the successful working of the reforms.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Sir, the Honourable mover has not said a word as to whether he had any authority to say that if political prisoners were released they will not attempt to revive the civil disobedience movement or spread lawlessness. I cannot say whether he has noticed any change of mind or ideas or whether it is only a pious hope. Sir, I presume that it is possible for a political prisoner not convicted of any crime of violence to secure his release by giving an undertaking that he will not take part in the civil disobedience movement, and if a political prisoner is not prepared to give that undertaking it shows that if set free he would still pursue the same course. Then where is the justification for asking the Government to release all the prisoners unconditionally. Sir, the country had a sad experience of what followed the launching of this baneful movement. There was not only picketing of shops but there were raids, there were riots, there were political dacoities and murders. The Government took adequate action and the movement though now not quite killed is suppressed and workers for this movement cannot now be had in large numbers on hire or otherwise. If, at this juncture Government were to release all the prisoners unconditionally, then if this movement were revived and I think there is every danger of its being revived, the Government would be accused—and I would say, justly accused—of supplying workers for this movement. The civil disobedience movement having been proved beyond doubt to be against the interests of the country I think, Sir, instead of asking the Government to release these prisoners, efforts should be made to persuade the organisers and the leaders of this movement to withdraw it totally.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : That is also being done.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : It has not been withdrawn totally. Your own figures show that. Sir, in my opinion if the Government accept the Resolution or act upon it, then, instead of creating a favourable situation for the successful working of the new Constitution, it will be leaving to their successors a legacy of lawlessness in the country.

Sir, I oppose this Resolution.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, if I rise to support the Resolution before the House I do so on two grounds which have not yet been touched upon by others, namely, on the grounds of equity and economy. I do not wish to discuss the political aspect

of it. I was really surprised, Sir, that my Honourable friend—the nominated Member from Calcutta—who has taken upon himself to learn English and who has 20 years' experience at the Bar does not know the meaning of "moral turpitude" and does not find it defined in English law. I am not a lawyer, so I cannot quote to him chapter and verse, or the section, but I think the words themselves are clear enough and understandable by everybody. I seem to have a hazy idea that in the Legislative Rules some mention of "moral turpitude" is also made—about people who have not been convicted of offences involving moral turpitude not being barred from standing for election, while those who have been so convicted are debarred.

THE HONOURABLE MR. BIJAY KUMAR BASU : Sir, I only complained that it was not defined.

THE HONOURABLE MR. HOSSAIN IMAM : The General Clauses Act does not define everything. Many things are interpreted by the High Courts and other Courts. Sir, as I have said, I wish to support this Resolution on the ground of equity. It will be fresh in the memory of most Members of this House that there was a case in the Allahabad High Court in which a member of the English Bar was convicted by a Benares Court to a term of imprisonment. A motion was made in the Allahabad High Court, not by the accused, but by some other people on his behalf, and a famous decision was given in regard to people other than an accused coming to the High Court on behalf of an accused, and in addition they ruled that in that particular case the accused had been convicted on wrong premises. He was supposed to be Treasurer of the Congress Committee and the Congress Committee had not been declared to be an unlawful association. Then there was that case in the Bombay High Court in which a man had been convicted and sentenced to pay a fine of Rs. 10,000. The case was brought to the notice of the High Court, and the High Court set aside the order and released him. In all these civil disobedience cases the accused did not adduce evidence and did not participate in the proceedings, and it is one of the tenets of English law that cases should not be adjudicated on the evidence of one party alone. It is on this ground that I appeal to Government not to stand on ceremony but to look at the matter from the point of view of equity, as most of these prisoners have been convicted because no defence was offered, because these misguided and, you might say, rather desperate people, did not want to have recourse to all the majesty of the English law. But however that might be, they have been convicted and sent to jail. Government ought to consider that the few cases that went up to the High Court were all decided in favour of accused. But now the movement is on the wane and we have the example of former leaders of the non-cooperation movement who have been released and have not gone back to jail. Whatever they might have to say for themselves in words, it is their actions which you have to look to, and their action is the surest possible sign that the liberation of political prisoners at this juncture will not have any bad reactions. Government cannot keep them perpetually in jail, if they liberate them now they will be placing them under an obligation. You may not reap the full harvest at the moment, but it will be a seed sown which will bear a fruit in the future and a better fruit, not the bitter fruit that you are going to have now.

Sir, the next point that I wish to urge is that at the present moment all the Provincial Governments are in monetary difficulties and if all these prisoners

[Mr. Hossain Imam.]

were released on the system—the counterpart of which in India I do not know—of ticket of leave of absence, by which, when people are released they have to put in an appearance at the police station, and if they do not do so, they are at once sent back to jail—that will relieve the Provincial Governments from some of their burden, and at the same time it will give a sort of indication to the people that the Government really want bygones to be bygones and to have a settlement on new terms.

With these few words, Sir, I support the Resolution.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, I quite agree with my Honourable friend Mr. Basu that the Resolution has been worded in such a way as to lump together the detenus and political prisoners. Detenus are men who have been the inspirers, the originators and aiders and abettors, of the civil disobedience movement. If they were to be released what guarantee is there that they would not resume their old activities as before ? So far as Bombay is concerned picketing has already commenced and there is not a single day when we do not get reports of arrests. It cannot be called individual, when four or five persons or more go together for picketing. It would be a misnomer to call it such. Secondly, there was a ceremony of what is called flag salutation the other day and a number of persons were arrested and punished. It has been said that if these prisoners are released they would not revert to their old activities. Such unfortunately is not the case, and in Bombay at least we have known of instances where men and women who have been released have again reverted to their old practices. There is no guarantee that if a large number of the prisoners are released they would not desist from their old ways. A good deal has been made of sympathy on their behalf. I would say, Sir, that that sympathy is mere lip sympathy. There are men who have a sneaking sympathy with the civil disobedience movement. They have provided the sinews of war to carry it on and ostensibly exhibit a mock sympathy with the poor and unfortunate persons whom they have instigated and deluded to court imprisonment. They have been very careful of their skins ? Under these circumstances it would be a great error of judgment for Government to release them without any promise that they would change their ways and would not resume the movement once again.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary) : Sir, many of the arguments that I might have brought forward against this Resolution have already been brought forward by those who have opposed it. I myself found it somewhat difficult to understand what was the exact meaning of the Resolution, but I am glad that the Honourable Rai Bahadur has made it quite clear that he was not referring to terrorists and communists or persons convicted of offences of that kind. A limitation is imposed and the Resolution is confined to persons convicted of offences connected with the civil disobedience movement. That is quite a clear issue. I myself have considerable difficulty in understanding what moral turpitude is, and if I was asked to give a pronouncement or definition of it or asked to apply it to a particular case, probably some of the gentlemen on the opposite side might differ from my interpretation.

The wording of the Resolution is however a mere side issue and I now pass on to what is the main point of the Resolution. The Honourable mover's point is that in view of the change in the situation Government should take steps now to release at once all those convicted of offences connected with the mass civil disobedience movement as it existed some four or five months ago. That I think interprets his argument fairly, because I understood him to make it clear that persons convicted of offences connected with the individual civil disobedience movement in the course of the last month would not be included in the amnesty. The first point then to consider is what is the present position. I will first reiterate what is the policy of Government, and requote the statement made many months ago by the Secretary of State that :

“ we must have convincing reasons to believe that the release of prisoners will not be followed by a revival of civil disobedience ”.

That is the policy and the question we have to ask ourselves is have we yet got those convincing reasons ? A month or two ago it appeared that there was a very good chance of civil disobedience being abandoned. Those hopes were destined to fail, for after the Poona Conference what was the statement which was made by the President of the Congress ? It is necessary to be quite clear as to what that statement was, and I will read out the first three items of the statement which was issued on the 22nd of July. The first one is, I think, the most important—I presume that the most important part of a statement is put first. That was that :

“ the campaign of civil disobedience should not be unconditionally withdrawn in the existing circumstances ” ;

that is to say, civil disobedience is still the accepted policy of the Congress

The second was :

“ Mass civil disobedience including no-tax and no-rent campaign should be discontinued for the time being, the right of individuals who may be ready for every suffering and who may be prepared to act on their own responsibilities to continue civil disobedience being reserved ”.

The third was that :

“ all those who are able and willing to offer individual civil disobedience on their own responsibilities without expectation of any help from Congress organisations are expected to do so ”.

I invite attention to the words at the beginning “ all those who are able and willing ”. That is an appeal to a large number. That was the statement that was made on the 22nd of July. What was the result of that statement ? I think the first feeling that went over the country was a feeling of bewilderment and uncertainty. People did not know where they stood. Some of the Congress supporters were disappointed that steps were not taken to revive the old form of the movement in a more intensive manner ; some were disappointed that the movement was not abandoned and that a more constructive policy was not taken up. Apart from this feeling of disappointment, the general feeling was one of bewilderment. The supporters of Congress did not know where they stood ; they did not know what to do in the circumstances. Similarly with Government. Government saw that Congress still maintained civil disobedience in the forefront of their policy. They could not foresee what would be the result of the so-called change of policy, from the mass movement to the individual.

[Mr. M. G. Hallett.]

It might have happened that a small body of individual civil resisters would have rapidly multiplied into many thousands and then we should have been faced with the situation as it was in May, 1930 and in January, 1932. Government having regard to their responsibility could not allow that situation to arise and they could not contemplate any relaxation of their efforts. The answer to the question whether there were, after the issue of the statement at the end of July, convincing reasons to believe that the release of prisoners would not be followed by a revival of the movement must be in the negative. That this was the position on the first of August of this year. Six weeks have passed since then and we have had in various parts of the country attempts to revive the movement. I do not wish to appear to exaggerate the situation but in practically every province some attempt has been made to revive that particular form of civil disobedience which had proved most successful in the past and in that area in which it had proved successful. In the Central Provinces, for example, an attempt was made to go back to forest satyagraha. In other provinces those who have tried to revive this movement have gone back to that form of civil disobedience which caused the greatest embarrassment and trouble to the ordinary inhabitants of the country, *i.e.*, picketing. As I have said, I do not wish to exaggerate the position but from the statement which I have given in reply to a question today there have been a number of convictions during the last month spread over all the provinces of India. That shows that the movement is not entirely dead. It is still alive. What guarantee then have we that if we release the small number of prisoners still remaining in jail they will not take up and develop and intensify this policy? Call it individual civil disobedience or call it mass civil disobedience, still it remains civil disobedience,—a movement directed against Government.

Then, Sir, the Government have been charged with being vindictive, with keeping people in jail unnecessarily. I think I can show that that charge is unfounded. We have recognised for several months, even before the suspension of civil disobedience before the Poona Conference, that the movement was becoming less intense, and was commanding much less public support and as long ago as February last, before the attempt to hold the Calcutta Conference which proved such a fiasco, the Government of India had asked Local Governments to consider whether they could not effect a reduction in the number of prisoners detained in their jails, whether they could not safely release a considerable number? That was a matter which had to be considered in the light of local conditions. The Government of India could not say that there ought to be a definite percentage released from such a province. It was a matter for the Local Government to decide in the light of the conditions prevailing in the province whether they could release any of the political prisoners or not. The Honourable Member who moved this Resolution has quoted the figures showing the total number of prisoners in jail at the end of July and at the end of June. I regret that I have not the figures available for August yet, but he has not quoted or made any attempt to show the reductions which have been made as a result largely of this policy which has been adopted by the Government of India and the Local Governments of releasing unconditionally those whom they felt could safely be

released. The figures for the whole of India are these : In January the total number of prisoners was 13,788. It fell at the end of July by rather over 9,000 to 4,683. I can quote also the figures for individual provinces which are even more striking. Take, for instance, the United Provinces, from which the Honourable Member comes. There were there at the end of January, 2,848 prisoners. At the end of July the number remaining in jail was an infinitesimal percentage of the total population of the United Provinces—there were only 344 prisoners, and I think that even that number was reduced within the first week or so of August. Unless there has been an increase as a result of the individual civil disobedience movement in August, I should say that the number in the United Provinces is probably now not more than 200. Take again the North-West Frontier Province. There was a very big drop of practically half the total number of prisoners between the end of June and the end of July. The number went down from 1,558 to 756. In Bihar and Orissa the number of prisoners was high at the end of February owing to the attempt to celebrate Independence Day and Gandhi Day during that month. At the end of February there were 2,434 prisoners in jail ; at the end of July there were practically 2,000 less,—only just over 500. These figures are sufficient to show what Government has been doing during the last seven or eight months. The fact that these reductions have been made meets the argument which the Honourable Mr. Hossain Imam put forward—the argument of economy. The numbers have been reduced to a very small figure and the cost of these prisoners is not high. On the other hand, if they were released and if they were able to revive the movement in any particular locality, the total cost to provincial exchequers would be very much greater. We have thus only some 4,000 prisoners in the whole of India. If anybody troubles to work out the percentage of the total population he will find it is infinitesimal. Who then are the prisoners who are left ? Some of them are those who under the Honourable mover's Resolution would in any case be exempt from release, that is to say, they have been guilty of violence. Others are those who have been guilty while in jail of offences against jail discipline and who have been convicted by the courts for those offences. Others are those who have frequently been convicted of the offence of civil disobedience. Can we expect that when the policy is still one of civil disobedience that these people will go back and not take any further part in the movement ? The answer to that question must again be "No". Some of the prisoners remaining are merely in jail because they refused to give a security. They could walk out tomorrow if they were prepared to give the requisite security. Further, as one Honourable Member, I think, mentioned, it is open to anyone of these 4,000 prisoners to walk out tomorrow if he will give an undertaking that he will not take any further part in civil disobedience, either in its activities or in incitement thereto.

THE HONOURABLE MR. HOSSAIN IMAM : An undertaking that he will not participate in the civil disobedience movement for how long ?

THE HONOURABLE MR. M. G. HALLETT : That would have to be considered in the light of local conditions and of the prisoner's previous record.

I have tried to explain that, though Government felt that nothing should be done by them to encourage or to facilitate any revival of this movement

[Mr. M. G. Hallett.]

which has proved such a bane to India in the last two years, yet they are not vindictive against individual prisoners. Mr. Hossain Imam suggested that some prisoners have been unjustly convicted. He quoted two cases out of many thousands of cases which must have been tried during the continuance of this movement. I am not prepared to accept the view that these convictions were unjust or inequitable merely because the accused have not taken the opportunity of defending themselves and I cannot accept that as an argument for the release of the remaining prisoners.

THE HONOURABLE MR. HOSSAIN IMAM: How many cases went to the High Court, Sir?

THE HONOURABLE MR. M. G. HALLETT: Perhaps none went to the High Court, but there are always friends of the accused who are quite ready to move the High Court in such a matter. That then is the position. We have a very small number in jail. The declared policy of Congress is the continuance of civil disobedience in one form or the other. Can Members of this Council say that there are convincing reasons for further releases, that the release of these remaining prisoners will not be followed by a revival of the movement? I think the answer must be "No". Government must adhere to their policy. The next move must come, if it comes at all, from the opposite side.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, the Resolution, as expected, has been opposed by three nominated Members over which I have no complaint. This was expected when the Resolution was balloted and I have got the highest respect for them for doing so. Everybody is free to give his own views. But I am glad that none of the elected Members have got up to oppose the Resolution and this is the greatest satisfaction that I have got in connection with this Resolution. Sir, a lot has been said on the word "detenus" and when it was said I offered to accept the amendment, to delete the word or to substitute it after "violence" as suggested by my Honourable friend Mr. Basu.

THE HONOURABLE THE PRESIDENT: There has been no amendment before the House.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I said so, but none has moved any amendment and as the mover of the Resolution I am not in a position to make any amendment of that sort. If you, Sir, will permit me, I am ready to make an amendment so that the Resolution may be acceptable to those gentlemen who have said so.

THE HONOURABLE MR. M. G. HALLETT: I oppose an amendment at this stage.

THE HONOURABLE THE PRESIDENT: The mover of the original Resolution cannot move an amendment to his original motion. If he wants particular words to be deleted, he can ask the Chair to do so.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I request you to permit me to delete the words "and detenus" from the Resolution.

THE HONOURABLE THE PRESIDENT : Has the Government Member any objection ?

THE HONOURABLE MR. M. G. HALLETT : No, I do not mind, Sir.

THE HONOURABLE THE PRESIDENT : The Chair will permit you to delete the words "and detenus".

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I beg to move :

"That the words 'and detenus' may be deleted."

THE HONOURABLE THE PRESIDENT : There is no necessity for you to make any motion now. You can continue your speech. The Chair will take note of your remarks.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Thank you, Sir. In this respect I have fulfilled the desire expressed by my Honourable friend Mr. Basu and I now expect that he will support the Resolution.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : He did not say that.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I expect, Sir, that he will support me.

THE HONOURABLE MR. BIJAY KUMAR BASU : In this world we expect many things, but few things turn up !

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Then let us wait and see. He has also told us that he could not understand the meaning of the words "moral turpitude". I was surprised indeed that a lawyer of great eminence, such as he is, is not able to follow these words, although as has been pointed out by my Honourable friend, the word exists everywhere, and it is also in the electoral rules of all the Legislatures where it is provided that a candidate who is guilty of committing any acts of moral turpitude or violence is disqualified for election.

THE HONOURABLE MR. BIJAY KUMAR BASU : The Home Secretary even would not explain it.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : My friend Mr. Hallett has also said that he cannot define the words. I was rather surprised to hear that the Government are not able to define a word which they have incorporated in so many Acts.

Sir, my quoting a few sentences from His Excellency's speech for creating an atmosphere of goodwill has also been questioned by my Honourable friend. I said that His Excellency has appealed to us as Members of the Legislature to go to the electorate and explain to them what the reforms are. What I meant to say was that if the Government will be pleased to set free these 4,000 and odd prisoners, of course those who have not been guilty of acts of moral

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

turpitude or violence and who have gone to jail on mass civil disobedience only—I made that very clear—we would be in a better position to face facts and to tell them that the Government when it saw that that policy had been abandoned, have magnanimously come forward and released the prisoners. This was to strengthen our position in facing the electorate that I made an appeal to the Members of this House and for nothing else.

Sir, one Honourable Member said, "What is the guarantee that those who are released will not commit the same acts?" Of course, there is no guarantee but we must face facts. The facts are that at the present moment a large number of leaders of the movement are out of prison, and they have not practised civil disobedience and courted imprisonment as they used to do when the Congress organisation was not disbanded, and when the policy was not abandoned. This very fact shows that they are not going to practise it again and that they have abandoned that policy. Beyond that there cannot be any guarantee and nobody can do so.

Sir, some figures have been quoted by my Honourable friend Mr. Hallett and they fully support my argument that the number of prisoners is dwindling, and the majority of those who have been released—I should go to the extent of saying that 95 per cent. of them—have not courted imprisonment. Sir, I am now in a position to give the figures for the first fortnight of August as supplied by the Government in answer to the question of my Honourable friend and these figures show that since it has been declared that mass civil disobedience has been abandoned the number of those who are practising individual civil disobedience is very insignificant.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : The number had started to decrease even before that.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Because people thought that it was then futile to practise mass civil disobedience. People had begun to realise the futility of the movement and therefore the number was dwindling. Sir, the figures show :

Madras	32
Bombay	37
Bengal	Not available.
United Provinces	21
Punjab	60
Bihar and Orissa	3
Central Provinces	7
Assam	1
North-West Frontier Province	3
Delhi	6
Coorg	Nd.
Ajmer-Merwara	Nd.

Total 208

That is the total for the whole of India for the first fortnight of August when mass civil disobedience was given up. As contrasted with this, if Honourable Members will see the figures for the first quarter of August, 1931 or 1932, they will find that thousands and thousands courted imprisonment and went to jail.

So this very fact shows that the policy is not being accepted by even the followers of the Congress movement. Besides my Honourable friend Mr. Hallett read a few resolutions that were adopted at the Poona Conference. Those resolutions also support my case. In the last resolution that was read it has been made clear that if anybody wants to practise individual civil disobedience he will do so at his own responsibility. The Congress will not support him. What more is wanted? The President of the Congress says that everybody is free to do anything he likes but the Congress is not going to support such individual actions. So that makes my case all the stronger. As for the assurance—my Honourable friend Mr. Hallett says that if those who are in prison will give an assurance they will be set free. But if they do so there will be no grace left. If the Government releases them of its own accord that would be a graceful act. And what is that assurance? If an assurance is given and then it is broken, you will send him back to jail. That is the position now. I want it to be done with a good grace as it is quite a different thing to do it on certain conditions. If you do it with a good grace we shall be able to explain at public meetings that Government has not been vindictive; Government has done what was its duty; when it thought that people were out to fight against it, it put them into jail; but as soon as it realized the futility of the movement it set the offenders at liberty of its own grace. That is an argument which will appeal to the electors. I hope I have made clear that this Resolution does not concern individual civil disobedience and does not concern those who have committed acts of violence, but only with a limited number of persons, and its effect will be enormous. I now commend it to the acceptance of the House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Are you not going to withdraw it?

THE HONOURABLE RAI BAHADUR LALA MAHURA PRASAD MEHROTRA: No, Sir.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Considering that the Honourable mover of this Resolution had in no uncertain terms condemned the civil disobedience movement of every description, whether mass or individual—I think I am right in interpreting his position that he has condemned the civil disobedience movement in principle and in action, whether as a mass movement or individual—I should have thought that having condemned the movement in such clear and certain terms he would have been perfectly satisfied with the figures that were quoted to him by the Honourable Mr. Hallett. What has been the position? As soon as Government felt that the movement had practically failed, it began to consult Local Governments suggesting the advisability of taking stock of the situation to see whether those poor victims of others, the leaders, could not be released without the peace of the country in any way suffering. The response of the Local Governments was all that any fair-minded person could have expected.

[Khan Bahadur Mian Sir Fazl-i-Husain.]

Something in the neighbourhood of 2,000 men were released before their time was up. Then came the time when those who supported the movement themselves realised that the movement had practically failed, and instead of having the courage of their convictions and dropping or abandoning the movement they had recourse to the subtlety of suspending the movement temporarily for six weeks. Well, Government was not inclined to be very critical as to the words used by the supporters of the movement whether they abandoned it or suspended it temporarily for six weeks, and it went on with its policy of premature releases week after week and month after month. Government did not only make a gesture. It acted in a way which was not one of foolish generosity but of statesmanlike generosity. I should have thought that in response to these facts, during the months of June and July the Honourable mover of this Resolution would have found some supporters amongst Congress men and would by the end of July have produced a declaration that we should hear no more about civil disobedience. It is much to be regretted that to the sorrow of this unfortunate country those who are leading the movement did not think fit to do so. I should have thought that the month of August would have been employed by the Honourable mover of this Resolution in going about interviewing the leaders of the Congress and the supporters of the civil disobedience movement and bringing to their notice the folly of going on with this movement to the detriment of peaceful citizens of India and the chances of establishing peaceful conditions in the country. What ~~have~~ to ask him is what has he done in the country before coming to the floor of this House and saying to Government "Please stop"? Surely there are two parties to this affair. Have we not done our duty by our country in seeing that this wretched movement is really once for all buried? If you believe that it is a movement which ought to be encouraged for the good of the country, I can understand it. But you say that you believe it is a bad movement, that it is the worst possible movement for your country, and then you say "Be gentle". And what was the argument? "Please release them so that I may go to the electorate and get votes". Surely, Sir—

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: To explain the reforms.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Honourable Member intends to initiate the people as to what the reforms are going to be without having any intention of standing for election under the reforms. I think the Honourable Member is making one or two assumptions. One is—

(The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra attempted to interrupt again.)

THE HONOURABLE THE PRESIDENT: Order, order. The Honourable the Leader of the House is in charge of the floor of the House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Honourable Member is assuming that his electorate does not consist of

either landlords or tradesmen, but consists of a third category who are neither landlords nor tradesmen. If he goes to the landlords am I to understand, Sir, that they will take him to task because the people who were picketing in order to prevent the payment of rent are not now doing so? And if he goes to the tradesmen voters, is he in any danger of being told, "We are no longer seeing our friends the picketers, we are now again trying to do some business: please see that those who have gone to jail come back". (Laughter.) I do not understand, Sir, what the position is. Do you say, "Release these people so that there may be peace in the country and we may go back to the electorate"? Who are your electors? Does your electorate really want you to see that picketing goes on, that prevention of payment of revenue is strengthened? I am sure, Sir, that there is some confusion of thought about this matter and the confusion can never be got rid of till we do what is most essential in India, a little clear-thinking. See that we understand the position, do what we say and say what we mean. I therefore feel very strongly indeed, Sir, that on the floor of this House in this matter a position should be taken up which is clear as crystal, which is definite and not vague, and which does credit to the Members of this House, and also those who take interest in politics outside the House. I will very briefly state, Sir, what I venture to think is in the best interests of the country in the matter of the release of prisoners. First and foremost a strong appeal to those who are standing out and beating the dead horse of the civil disobedience movement, not to beat it any more. That would be an act of prevention of cruelty to animals. I would tell them that as soon as those people desist from this cruelty to this poor wretched horse, they will find that Government will act differently than at present in the matter of release of prisoners, as they did during the months of May, June and July. If you want to achieve your objective, proceed in the right and proper manner to achieve it. What pays in this world? A proper and well thought out plan in pursuance of the object and not if I may be permitted to style it what we call in the vernacular *safarash*. Please release these men; they are poor fellows. That would not do. What is wanted is not an appeal to the strong and mighty arm of the Home Member, but an appeal to the misguided leaders of civil disobedience to desist from pursuing the movement if they have any love for their country. Do you really think that it is in the best interests of the country that these people should be released while the movement is still being pursued? I very strongly feel that this is not in the best interests of the country. What is needed is that there should arise independent men who are not afraid of calling a spade a spade and if they feel that civil disobedience is a wrong movement they should not be frightened of saying so because of any opinion or authority to the contrary. I trust, Sir, that this Resolution which to my mind goes to the very root of the political situation in the country will be rejected by this House if not unanimously at least almost unanimously. It is really a test of the *bona fides* of the Honourable Members in regard to the present day political problem. Are we doing the right thing in condemning the civil disobedience or not? Are we going to let people imagine that there is some sort of sympathy lurking in our minds for the movement? Are we paying only lip loyalty to the cause of righteousness when we call it a bad and wicked movement? The test is do you mean what you say or are you trying to be friends with both sides?

THE HONOURABLE THE PRESIDENT : Resolution moved :

" This Council recommends to the Governor General in Council to release all political prisoners not guilty of committing acts of moral turpitude or violence in order to create an atmosphere of goodwill for the successful working of the Reforms."

The question is :

" That this Resolution be adopted."

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Do you want a division ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : No. (Laughter.)

The motion was negatived.

THE HONOURABLE THE PRESIDENT : There is only one more Resolution on the List of Business for today and I would like to consult Honourable Members if they would like to take up this Resolution today or to postpone it to the next non-official day, that is the 11th instant, on which day I think we have got two or three Resolutions. I would like to know your wishes.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I would like non-official Members to express their wishes.

THE HONOURABLE MR. HOSSAIN IMAM : We would like to take up this Resolution on the 11th.

THE HONOURABLE THE PRESIDENT : Does any other Honourable Member wish to express an opinion on this proposal ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Government would like to meet the wishes of non-official Members.

THE HONOURABLE THE PRESIDENT : I would ask the Honourable Mr. Hossain Imam to read his Resolution so that he may not lose priority, and then the Resolution will be debated on the first non-official day.

RESOLUTION *RE* INDIAN CIVIL SERVICE.

THE HONOURABLE MR. HOSSAIN IMAM : My Resolution runs :

" This Council recommends to the Governor General in Council to move the Secretary of State in Council to reduce the strength of the provincial cadre of the Indian Civil Service from 202.79 per cent. to 160 per cent. of the total number of superior posts for direct recruitment in the provinces, and to remove the discrimination in the overseas pay of the Indians recruited in India and in London and to increase the posts to be ultimately listed to 25 per cent. of the superior posts."

THE HONOURABLE THE PRESIDENT : This Resolution will be debated on the next non-official day.

The Council will now adjourn.

The Council then adjourned till Eleven of the Clock on Thursday, the 7th September, 1933.