

Monday, 14th September, 1931

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OF THE

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LEGISLATIVE ASSEMBLY.

Monday, 14th September, 1931.

ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

H. E. the Viceroy : Gentlemen of the Indian Legislature, as a preliminary to my general remarks this morning, I wish at once to make reference to the tragic death of Sir Steuart Pears, the Chief Commissioner of the North-West Frontier Province, which occurred at Nathia Gali on the 9th of this month. In him the Government of India have lost an officer of wide experience, sound judgment and immense knowledge of the Frontier, whose services could ill be spared at the present juncture. I wish to pay this brief tribute to his memory and to tender to Lady Pears an expression of my deep and sincere sympathy, with which, I am sure, you will all desire to be associated.

I consider it a great privilege and pleasure, as Viceroy of India, to meet to-day and to welcome Honourable Members of both our Legislative Chambers, who are gathered here to assist and advise my Government on the important matters which will be laid before them during this Session for their consideration. I should like to extend a special word of greeting to you, Sir Henry Moncrieff Smith, who, as President of the Council of State, have upheld the dignity and usefulness of our second Chamber during the period of your tenure of that high office. And I am delighted to extend an equally sincere greeting to my old friend, the President of the Legislative Assembly, for I feel that it is to me a particularly happy augury that in his person I am renewing an association full of pleasant memories of the days when Sir Ibrahim Rahimtoolah gave me such valuable assistance in guiding the destinies of the Presidency of Bombay.

We are met at a time when the future development and progress of India are engaging the attention of our delegates in London, and we all trust that their discussions with their British fellow-delegates, which have just recommenced, may produce the best possible results, at a time too when both the political, the financial and economic conditions of the country are causing us all the greatest anxiety and concern. It is surely a time when, more than ever before, all races, classes and communities in India should cultivate the spirit of co-operation, of mutual confidence and trust, for is it not true to say that we all have a great common purpose in view, namely, the handing over to Indians the responsibility of the administration of their local affairs, with a view to securing for India an absolutely equal position alongside the other Dominions within the British Empire ? Let me now give you some information as to such important happenings that have taken place, such fresh problems that will have to be faced, since last Honourable Members met for their administrative duties.

I am glad to be able to inform you that, in the field of external affairs, our foreign relations are of a perfectly satisfactory character, and that our relations with the Foreign States whose boundaries adjoin India continue most cordial in every way.

Let me turn your attention for a few moments to inter-Imperial relations.

[H. E. the Viceroy.]

As Honourable Members are aware, the Government of India deputed the Right Honourable V. S. Srinivasa Sastri to represent them before the Joint Select Committee of the two Houses of Parliament in London on the question of East Africa. Mr. Sastri gave evidence before the Committee towards the middle of June, and widespread satisfaction will be felt at the fact that, on the question of Closer Union, the views, which the Government of India finally authorised him to express on their behalf, were in complete accord with those of non-official Indian opinion, both in this country and in East Africa. My Government now await the report of the Committee with great interest.

The depression in the rubber and, latterly, in the tea industry has seriously affected the Indian labourer in Malaya and Ceylon. The Governments of these two territories have shown a commendable spirit of co-operation with us in ensuring that the measure of sacrifice imposed by the economic crisis on the Indian labourer is not proportionately greater than what he can legitimately be expected to bear along with the other elements engaged in the industry, and that the labourer, who is not prepared to bear his share of the sacrifice, is repatriated to this country free of cost. My Government are watching the economic situation, in so far as it affects the Indian labourer, with constant and sympathetic vigilance and will do all that lies in their power to safeguard his interests.

When the Order in Council on the subject of the franchise in Ceylon was first promulgated, there was considerable misgiving as to its effect on the Indian aspirant to the vote. It was feared that the requirement of a certificate of permanent settlement would have the effect of debarring a great many Indians from claiming the franchise. Honourable Members will be glad to hear that the great majority of Indians, who have sought admission to the electoral roll, have done so on the strength of domicile which can be established by a proof of five years' continuous residence in the Island. The total number of Indian electors is over 100,000 and it is hoped that, as the Indian population of Ceylon learns to appreciate the value of the vote and of organisation, their numbers will increase. Meanwhile, my Government have learnt with great satisfaction that one of the Indian elected Members of the State Council has secured a seat in the Ministry.

Early in the new year representatives of the Government of India will meet the representatives of the Government of the Union of South Africa to consider matters arising out of the working of the Cape Town Agreement which was concluded in 1927. As Honourable Members are aware, the Union Government, in deference to our representations, have agreed to postpone consideration of the Bill to regulate the tenure and ownership of immovable properties by Indians in the Transvaal until after this Conference which will also consider this projected measure of legislation. My Government are deeply appreciative of the spirit of friendliness of which this decision of the Union Government is a sign, and earnestly hope that it will help to ensure for the Conference an issue satisfactory and honourable both to India and to South Africa. Non-official Indian opinion, both in South Africa and in this country, has been greatly alarmed by this Bill, as also by certain other legislation, of which the recent amendment of the Immigration Act of the Union in respect of the value of Transvaal Registration certificates is the most important. The Government of India are of opinion that there is justifi-

fication for this feeling, but do not despair of a satisfactory settlement of all these questions, provided that the representatives of both Governments approach them with earnest resolution to maintain and, indeed, improve upon the friendly relations which the Conference of 1927 did so much to establish. I feel confident that the interests of India will be fully maintained by her representatives under the wise and able Chairmanship of Sir Fazl-i-Husain.

In his speech at the opening of the Legislative Assembly in January last, my predecessor made reference to the collapse in world prices of agricultural products, and the distress which was thereby being caused. Except in a few cases, there has, I am afraid, been no improvement in the trend of prices since then, and the situation for a country which is as dependent as India on the prices she realises for the products of her fields is one of great anxiety. My Government have been watching the situation with concern. I am glad to be able to say that the reports which we have received show that Local Governments have been adopting vigorous measures to grapple with it. Substantial remissions and suspensions of land revenue have been granted wherever the situation rendered such a course necessary and similar measures have been adopted in respect of local rates and irrigation dues in several Provinces. Agricultural loans have been given on a liberal scale and concessions made in the matter of the repayment of outstanding loans, and when necessary measures have also been taken to open test relief works and to distribute gratuitous relief. In Madras and the United Provinces committees were appointed by the Local Governments to enquire into the existing situation and suggest measures of relief, and the recommendations made by these committees are being given effect to as far as possible. Harvest prospects in themselves, I am happy to be able to say, are promising. The reports which we have received show that except in Sind, Upper Burma and, in particular, parts of Bengal which have recently been visited by the most disastrous floods, the condition of the crops and agricultural prospects are, generally speaking, satisfactory.

What then is wanted to bring about a general improvement in the situation is a rise in prices. For that we must, I am afraid, wait for the revival, which we all hope will not be much further delayed, in general economic conditions throughout the world.

India, as one of the original signatories of the Covenant of the League of Nations, has always taken a prominent part in the deliberations of the Assembly; and, in accordance with the desire expressed on many occasions by the Indian Legislature, our Delegation is, for the third time, being led by a distinguished Indian. The League, as is well-known, concerns itself not only with its primary objects of disarmament and peace, but also with other beneficent and humanitarian activities; and in these as well as in the matter of co-operation in the economic and social spheres which form a considerable part of the League's functions, India is largely concerned and her Delegates have always evinced therein a lively interest. I am sure I shall be voicing the sentiments of all of you when I wish Sir B. L. Mitter and his colleagues on the Delegation every success in the work of the Session which commenced last Monday.

In addressing you last January at Delhi, my predecessor referred to the Royal Commission on Labour presided over by my Right Honourable friend, Mr. Whitley, which was then engaged in the concluding stages of its work. The Report of the Commission has since been published, and

[H. E. the Viceroy.]

their recommendations are receiving the careful consideration of the Government of India. After consultation with the Provincial Governments, proposals for legislation will in due course be placed before the Legislature. The thanks of the Government and people of India are due to Mr. Whitley and his colleagues for their valuable report based on a very thorough investigation of the conditions of labour in this country.

I should also like to acknowledge the invaluable services rendered on behalf of India at the International Labour Conferences by Sir Atul Chatterjee who has recently relinquished charge of his duties as High Commissioner for India. Sir Atul was associated with the International Labour Organisation from its inception in 1919. Out of the 15 Sessions of the Conference held so far, Sir Atul has attended no less than 11, and from 1926 he has been in addition the permanent representative of the Government of India on the Governing Body of the International Labour Organisation. His election as President of the International Labour Conference in 1927 was a signal honour to India.

I now come to the matter which is that of most immediate practical importance—the financial situation.

At the outset I must express my appreciation of the great services rendered by those chosen by the Legislature to represent them on the various Retrenchment Committees. This is an occasion on which my Government, in a desire to act in a manner responsive to public opinion as represented in the Legislature, have invited the unofficial representatives to join with them, and lend them their support, in performing a very difficult, a very unpleasant, but yet a very necessary task. It is with great appreciation that I have been able to note how whole-hearted has been the response to this invitation. During the past months a great number of your Members have been devoting themselves in different places to an exhaustive examination of the various fields of public expenditure. Their work has been given ungrudgingly, often at great inconvenience and personal sacrifice. One Member, the late Mr. K. C. Roy, whose untimely and tragic loss I, and all of you, so deeply deplore, continued his labours on one of the most arduous Sub-Committees almost to the very moment when he was struck down.

I am glad to have this opportunity to express the appreciation and thanks of myself and of my Government for the public services thus rendered by all members of these Committees.

Their interim reports will receive the most urgent consideration by my Government, for the introduction of practical measures brooks no delay. Let me now say a few words about our financial plans.

In present circumstances, India, like practically every other country, must regard it as her foremost duty to devise means to weather the unprecedented economic storm which is now disturbing the whole world. It is essential in the interests of the country's credit that special action in this matter should not be delayed, and you will be informed shortly of my Government's proposals for dealing with the situation. For the present it suffices for me to announce clearly and decisively that we are determined to meet the situation adequately, and to maintain those principles of sound finance which India has always followed. This time of constitutional change is not one for making dangerous experiments with untried methods. On the contrary, we shall work on the proved

principles which in the long run always reward those who have the courage and tenacity to hold fast to them. I would add that rumours that my Government propose to meet the difficulties by such methods as lowering the value of the country's currency are entirely unfounded.

The plans necessary to restore financial equilibrium will inevitably demand sacrifices from all classes from the highest downwards, and I am confident not only that these sacrifices will be willingly made, but that India will emerge successfully from her present troubles. The intrinsic position of India is thoroughly sound. She has not pledged her credit to finance extravagant or unproductive expenditure; her trade is based on commodities which are necessities for the world, and she can produce them on terms which can compete with any other country. Such difficulties as we must now encounter are caused, not by any internal defects, but by an economic cyclone which has come equally upon all the world, and which no single country by its own isolated action can alleviate. Our task in these circumstances is to preserve the situation until the force of the tempest is past. And, in order that we may succeed in this task, the one great need is that all classes and communities in India, officials and businessmen, Indians and Europeans, town and country, should pull together with a common effort. This is a time for all those who are serving India, or who owe to her their political or economic allegiance, to put the public interest above all thoughts of private gain or political advantage. This is the appeal which I wish to broadcast to the country. If it is heard, then I can safely prophesy that India will emerge strengthened from her trials, and that in years to come she will be able to look back upon the present purging process as an event which, though painful at the time, was a blessing in disguise. The public finances will have been thoroughly overhauled, and the new constitution will start with troubles of this kind behind it, and with a clear road for improvement in the future.

The eyes of India are now fixed on those statesmen who are sitting in London and carrying on the work of constitutional reform which received such an auspicious beginning last winter culminating in the announcement of His Majesty's Government on the 19th of January which went far ahead of any previous declaration of their policy and set the stage afresh for co-operation in the great task of Indian constitutional reform. The delegates attending the Conference will be confronted with many difficult details, but it is a matter of the greatest satisfaction to know that every party is now represented at the Round Table Conference, and it is my earnest hope that an agreed solution will be reached in regard to constitutional matters including an agreement on communal questions to the satisfaction of all communities, especially the minorities, the safeguarding of whose rights has been assured by His Majesty's Government. I would point out that in matters affecting the Reforms my Government has not been idle since the adjournment of the Round Table Conference last winter. Apart from material supplied to the Secretary of State, it has set up enquiries on the lines directed by the Conference. The experts' proposals on the financial consequences of the separation of Burma have been submitted for consideration to the Standing Finance Committee. Copies of the report of the North-West Frontier Province Subjects Committee have been supplied to all Members of the Legislature. The recommendations of the Committee have been conceived on generous lines and will, it is hoped, meet the aspirations of the Frontier Province to stand on a position of constitutional equality with the other Provinces. The Sind financial enquiry is now in progress and plans have already

[H. E. the Viceroy.]

been made to set up the Orissa Committee during the cold weather. The Federal Structure Committee in London has already resumed its labours accompanied by the good wishes of all in India, and I must emphasise once again the supreme desirability of maintaining peaceful conditions in India during the discussions which are now taking place, and I appeal with all the emphasis at my command to those who have the interests of this great country at heart to preserve an atmosphere of peace and tranquillity.

We must all have been shocked and horrified at the brutal and senseless murders and attempts to murder which have taken place in this country during the last few months, and I am sure we should all wish to express our deepest sympathy with the families of Mr. Garlick and Khan Bahadur Ahsanullah and Lieutenant Hext who have all met their deaths at the hands of these assassins, and by whose deaths we have lost three officers who in their several ways were giving valuable service to this country and the British Empire. I think too that we should wish to express our feelings of grateful thanks for the Providential escape from death of His Excellency the Governor of Bombay and Mr. Cassells, the Commissioner of Dacca.

A disquieting feature of these tragic happenings lies in the fact that these outrages have been committed for the most part by immature youths who, at the most emotional and susceptible time of their lives, are being, literally, exploited through the teachings and writings of revolutionary leaders to carry out their criminal and murderous designs. While Local Governments are primarily concerned in the arduous and dangerous task of combating this movement, I feel that they are entitled to receive all assistance within reason that we are able to give. I am confident that I and my Government in the performance of our manifest duty can rely on the support of Honourable Members in taking all necessary and reasonable steps to stamp out these terrorist and revolutionary activities which are destroying the fair name of India in the eyes of the world.

I am glad to be able to inform Honourable Members that the situation in Burma, which has for months past been causing us much anxiety and concern, has within the last few weeks been showing signs of marked improvement. It is a matter of particular gratification that there has been a cessation, which I hope will be maintained, of racial and communal strife. I profoundly trust that before long peaceful conditions will once again be the happy lot of that Province.

I am sure you would wish me to express our thanks to officers and men both of the Army and the Police for the admirable way in which they have carried out their duties under the most difficult and trying conditions, and, while we must all sympathise with His Excellency the Governor of Burma and his Government on the difficulties they have had to surmount, I can confidently assure you that their one desire is to get back to normal conditions as soon as possible, to pursue a policy of clemency as far as circumstances will allow, and to take all practicable measures for the relief of economic distress.

In leaving you to carry on your duties, I trust that a great Providence may guide you in your labours and that the results of your deliberations may prove of lasting benefit to our country and to all classes of its people. (Applause.)

The Assembly met in the Assembly Chamber at a Quarter Past Twelve of the Clock, Mr. President in the Chair.

THE INDIAN PRESS BILL—*contd.*

Mr. President : The House will now resume further consideration of the Press Bill.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, at the very outset I think it is but very proper that I should express the feelings on this side of the House in regard to the great and memorable speech that we have been given by His Excellency the Viceroy ; and I may say on behalf of the Opposition that the Opposition wholly endorses the following passage in His Excellency's speech when he referred to a disquieting feature of these tragic happenings as lying in the fact, " that these outrages have been committed for the most part by immature youths who at the most emotional and susceptible time of their lives are being literally exploited through the teachings and writings of revolutionary leaders to carry out their criminal and murderous designs ". Sir, we fully agree with His Excellency that so far as these immature youths are concerned, they are being diabolically misled by revolutionary teachings. His Excellency went on to say :

" I am confident that I and my Government in the performance of our manifest duty can rely on the support of Honourable Members in taking all necessary and reasonable steps to stamp out these terrorist and revolutionary activities."

I assure His Excellency on behalf of the Opposition that His Excellency's Government may count upon Honourable Members to give their help in all necessary and reasonable steps to stamp out these terrorist and revolutionary activities. We are at one with the Government and His Excellency the Viceroy in thinking that these revolutionary activities and terrorist preachings are hampering the healthy and legitimate growth of Indian nationalism.

Now, if I may examine the Bill before us in the light of this observation, I may say straightaway that there are certain things in this Bill which are unnecessary and there are certain things which are unreasonable, and what is unnecessary and what is unreasonable will not receive the support of this House, whereas if the Government were to deal straight with the terrorist movement, instead of trying to rope in the Indian Press, I am sure the opposition on this side of the House would give the Government every encouragement and every support. I shall presently show how this Bill will not and cannot stop the activities of the revolutionaries, and how this Bill will not and cannot put an end to the terrorist movement in India. Was there not a terrorist movement during the days when the Press Act was in existence ? Was there not a terrorist movement during the days when the Press Ordinance was issued, an Ordinance which was issued behind the back of this House and without the authority of this House—an Ordinance or rather a series of Ordinances which the Government ventured to issue soon after the adjournment of the Legislative Assembly ? I shall prove to you how this Press Bill cannot stop terrorist activities. Every one who has some knowledge of the terrorist activities in this country knows the sources from which they draw their inspiration ; every one who has read the

[Mr. C. S. Ranga Iyer.]

Rowlatt Report is aware that the terrorist draws his inspiration more from mammoth processions and meetings, more from the platform than from the Press. I shall not follow the example of the Honourable the Leader of the European Group in trying to read out—because we would respectfully bow to your ruling—chunks of extracts from the volumes that the Home Department has so generously supplied us with. But if you read the extracts, you will find in them two or three pages from the *Bombay Chronicle*—two or three pages of what?—two or three pages reporting the proceedings partly of a meeting in Bombay and partly of a procession in Bombay—a mammoth procession consisting of people ten times larger than the circulation of that newspaper could ever be; and what was said on that platform and at that meeting every one in this House knows, as I believe every one in this House has read the volumes of extracts that have been so generously supplied to us by our very good and very ardent Home Member. This Press Bill cannot prevent mammoth processions; this Press Bill cannot stop the repetition of the speeches that were delivered; but, if some little report of a meeting appears in that paper or of the procession, then that paper can be prosecuted, persecuted and destroyed. The men who make the speech and the men who organise the procession will go scot free. It is from these big huge processions that young immature minds derive their inspiration: from black flags they march on to black deeds.

My protest on behalf of the entire newspaper Press in India in my capacity as President of the Upper India Journalists' Association, and my protest against this Bill from my place in the Opposition here, is that the Press is being treated in a manner unworthy of any Government, unworthy of this Government, especially after the good certificate that the Honourable the Home Member in his extremely temperate and closely reasoned speech was pleased to give. Why should there be one law for the ordinary citizen in India and why should there be another law for the Press? Why should there be one law for the platform—and the platform in India to-day is more powerful than the Press—and another law for the Press? The platform to-day in England is quite as powerful as the Press, even though the English Press is known as the Fourth Estate. The mere fact that the Labour Government was His Majesty's Government, even though they had only a little rag of a newspaper in England, shows that the Press is not so powerful in England as the platform. The entire Tory Press and Liberal Press right through all the elections were fighting them; nevertheless they were His Majesty's Government not very long ago. That shows that the platform is powerful in England and that the Press is not so powerful. In India on the other hand the platform is extremely powerful, and the Press is extremely feeble and this feeble thing is going to be destroyed by this Press Act—for it is its destruction and no less that is aimed at by this Press Bill. So long as sub-clause (1) of clause 4 remains unaltered, so long all the evils mentioned by that great Justice of the Calcutta High Court, that famous Englishman, Sir Lawrence Jenkins, remain unmitigated, all the evils which he said accrued from it will continue to accrue from it. Sir, therefore, I do not think that the Government are dealing with us fairly. I do not think that it is proper for the Government, that it is necessary for the Government, that it is reasonable on the part of the Government to expect us to support this Bill.

Sir, a speech was made, after, I believe, the interesting speech of the Leader of the European Group, by an Honourable gentleman from Calcutta, Mr. Ghuznavi. He made certain statements in his speech. He said that in some Calcutta Corporation schools certain teachings were being taught, that little urchins were made to say things which as I now find existed only in the imagination of the Honourable Member. I wish an Honourable gentleman like him had stayed a little while before running away to London, he had stayed a little while to face the music. I do not think he is in this House.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : He is here.

Mr. C. S. Ranga Iyer : My friend Mr. Mitra says he is here. Any way, coming as he does from Bengal, he knows better—he may be here in Simla, but he does not seem to be here in this House. I wish he were here to hear a telegram which I have just received from the Mayor of Calcutta. The Mayor wires to me :

“Just seen complete statement by Ghuznavi regarding lessons in Corporation schools. Thorough inquiry shows report absolutely false unfounded, kindly contradict. Mayor, Calcutta.” (Applause.)

Sir, but for this telegram, I would not have taken notice of that Honourable gentleman's speech, because there are speeches and speeches delivered in this House.

A jackal of the Anglo-Indian Press which persists in a serious misrepresentation of facts and which tries to belittle not only the Congress but the Opposition in this House, was responsible the other day for urging an argument in favour of the principles of the Bill. It said that if responsible Government were to be introduced in this country, one party would try to dominate over another party and there might be the necessity under the same circumstances for a Bill of this kind. Sir, I do not anticipate the same circumstances under a responsible Government. The circumstances that exist to-day exist because responsible government is wanted by this country, and there does not seem to be any extremely clear prospect of responsible Government as Indians want it, as the Colonies enjoy it, immediately coming. But let us suppose that responsible government is going to be granted immediately. Indications do not seem to be favourable in regard to the grant of complete Dominion Status, nothing less than which will satisfy Indian aspirations, for India, Sir—as H. E. the Viceroy truly said in his memorable speech at the Chelmsford Club, in his first political utterance, which will go down to history even as the name of Simon de Montfort in the history of England,—India wants that position which the Colonies enjoy, when the power of the Viceroy and the Governor General will be like that of the Governor General in the self-governing Colonies. As agitation goes on, one kind of circumstance we witness. When the agitation achieves its object, another kind of circumstance comes into existence, and therefore I do not believe that there would be the same circumstance about which despairing Anglo-Indian newspapers in their self-advertised friendship for India are never tired of cautioning us. Supposing the same circumstance, let us concede for argument's sake, will exist, and supposing the powers that be introduce a Bill of this kind, the circumstance then would not be the same circumstance as prevails to-day. The Honourable gentlemen opposite will have a wider constituency then

[Mr. C. S. Ranga Iyer.]

than the Viceregal Lodge. They will have a public opinion to face ; they may even have to risk, if they feel strongly, a dissolution of the Cabinet on that issue. They will have to consult public opinion. Under such circumstances a Government will be responsible to the people and removeable by the Legislature. Such a Government will be perfectly entitled to do what it thinks proper under those circumstances. But, Sir, so long as the Government are not responsible to the people of this country, so long I would appeal to the Honourable the Home Member not to proceed with a Bill of this kind in the manner we see it to-day, for, as I have already said, there is in it that phrase " offences involving violence ", and we have our experience of the interpretations of that phrase.

Sir, there is another aspect, and, in my opinion, a sadder aspect. This Press Bill could easily have waited for another six months for its introduction, and that is all that my friend Mr. Das wants, instead of its being rushed through like this behind the back of the delegate, the sole delegate of the Congress, Mahatma Gandhi. (Applause.) In the absence of Gandhi, whose happy terms of agreement with Lord Irwin, you, Sir, with your usual foresight, placed on the record of the proceedings of this House, with those proceedings on record, I think I may just as well place on record what men who speak for Gandhi, what organizations who can speak for Gandhi, think of the introduction of the Bill in the light of the Gandhi-Irwin Pact, in the light of the letter and the spirit of the Pact. The Working Committee of the Congress, which met at Ahmedabad in September, unanimously with one mind passed the following Resolution :

" While the Working Committee has all along opposed and condemned violence, it considers the Press Bill now before the Assembly to be too drastic and a wholly unwarranted measure in that it constitutes an extension of the penal law and an attack upon the property and liberty of the press. The Committee declares that the provisions of the Bill are so wide and vague that violence may be made to comprise any act or activity on the part of the public and has good reasons for its apprehensions in view of the interpretation put upon the word by the Government in the matter of truce prisoners still in jail.

" Further, the Working Committee looks upon the proposed measure as a re-enactment of the proposed Ordinance of last year in a much more expanded form, and therefore considers it a measure sought to be re-enacted during truce time and accordingly a distinct breach of the Delhi Settlement."

I do not want to comment upon the Working Committee's observations

Mr. B. Das (Orissa Division : Non-Muhammadan) : No comment is necessary.

Mr. C. S. Ranga Iyer : My Honourable friend, Mr. B. Das, says, no comment is necessary. Whether comment is necessary or whether comment is unnecessary, I leave it to those who will follow me if they deem fit to comment upon it. But all I can say is this. We were no parties to the truce ; we were mere spectators ; and sometimes spectators see more of the game than the actual participants. I am afraid that the Government do not, in the opinion of the other party to the truce, appear to have played the game. That does not look like statesmanship. That looks like the policy of the panicky ostrich which puts its head into the sand, a policy which does not reflect much credit when you have to take into consideration the big issues that are at stake. Sir, would the heavens have fallen if they

had waited for another six months ? Less than six months will show whether the Government of India and the Government of Great Britain propose to stand between Mahatma Gandhi and the light of the world. Meantime, if things are smoothened down and a happy era dawns, the necessity for the Press law will disappear, because Gandhiji's followers will be the soldiers of Government, carrying on a tearing, raging campaign in the country more powerful than any Press Bill, to bring about non-violence in this land and eliminate that "noxious growth of the West transplanted to the East", as the late Sir Surendra Nath Banerjea used to say about terrorism in Bengal. Mahatma Gandhi on landing in Marseilles said, "I go to England to realise the dream of my life, the freedom of my country." At such a time it does not look like much political prudence for the Government of India to raise their high hand to strike at the freedom of the Indian Press. It seems to me very bad tactics. In a time of peace they should not prepare for war, as the Congress people are pointing to them with their accusing finger. They say, and in my opinion, most rightly say, that this Press Bill can be directed as it stands at present to crush the civil disobedience movement should it be revived, and not necessarily the terrorist movement, for if by inference, if by implication, allusion, metaphor and so on, a newspaper were to say, "Go on with the civil disobedience movement", and if Government think that violence is the byproduct of civil disobedience, then they can get at that newspaper publisher, and they can get at the newspaper press. Sir, I wish, if the Government really wanted to introduce a measure of this kind, that they had not repeated all those ugly features to which I have already referred the other day and which I do not want to repeat.

Lastly, my time is up. I do not want to fulfil my ambition of an hour's speech, as I believe there will be many more speakers on this side of the House as well as on the other, and more especially because I want to listen to my Honourable friend who was my leader fifteen years ago. Fifteen years ago, on the Lucknow platform, Sir C. P. Ramaswami Aiyar—he was then young and a mere "Mr." and only 37 years old, fifteen years ago he was appointed by the Subjects Committee at the suggestion of Sir Surendra Nath Banerjea and Lokmanya Tilak to move the repeal of the Press Act of 1910. (Cheers.) That was a memorable Congress, the greatest of Congress Sessions ever held, because after the sad Surat split, like the Ganges and the Jumna meeting together, the extremists and moderates met together on that platform and the young Mr. Ramaswami Aiyar, the popular hero of the Home Rule days, was the centre of attraction. The same Subjects Committee, at the suggestion of the same esteemed leaders, peace be on them, invited me to second that resolution. (Applause.) What wondrous turns in the wheels of politics ! Sir, speaking to the audience, the great Congress audience, Sir. C. P. Ramaswami Aiyar, in his usually attractive and inspiring style, reminded them of some of the wonderful ideas of Milton's *Areopagitica*. I am glad to say that at least one of his prophecies has turned true. In the words of Milton, he felt :

"Methinks I see in my mind a noble and puissant nation rousing herself like a strong man after sleep and shaking her invincible locks. Methinks I see her as an eagle mewing her mighty youth, and kindling her undazzled eyes at the full mid-day beam."

I should not stand between Sir C. P. Ramaswami Aiyar and ourselves, especially when that dream of his, that pleasant dream of his is becoming the visible reality of the morrow. (Applause.)

The Honourable Sir C. P. Ramaswami Aiyar (Law Member) : Mr. President, let me at the outset follow my old friend, Mr. Ranga Iyer, in paying a tribute to His Excellency the Viceroy for the great lead that he has given to the country. It is not my object nor is this the occasion to refer to the details of that memorable speech. His words directed attention to the grave issues pending before this country, but with an optimism which is characteristic of the statesman who is presiding over the destinies of this country, the speech also looked forward with hope and confidence to the immediate future.

Having said that, let me turn my attention now to those extremely flattering and seemingly embarrassing statements which emanated from the fertile memory and the agile brain of the Deputy Leader of the Opposition. Let me assure him that I do not consider that the occasion is one for any embarrassment on my part, nor have I departed from those ideals and aims for which I stood fifteen years ago at Lucknow. If I had done so, I should not have gone to the Round Table Conference, and I also assert that I should not have stood here to-day to discharge a duty which I do not discharge merely as a formal one but which I hope to discharge as one which is due to this country of ours and its ordered progress. Mr. President, a great deal has been said in journals and by public men about the breach of faith which is involved in bringing forward this measure, a breach, as it is called, of the Irwin-Gandhi pact. Let me first deal with that aspect of the matter. In the first place, let me remind you, that there has been no person who has been more deliberately antagonistic to the misguided activities of the Press which lays itself out either to praise or to sympathise with the terrorist crime than Mahatma Gandhi. Gandhiji spoke in unmeasured terms of sorrow and anger against those who prostitute one of the greatest of professions for the purpose, of forwarding, either weakly or wickedly, this particular cause directly or indirectly. Let it be remembered also, Mr. President, that the Irwin-Gandhi pact was an agreement between a great political organisation, the Congress, and the Government of India. Let it not be ignored that the Congress has stood for non-violence. Let it not be forgotten that Gandhiji is not an advocate of terrorism, and therefore in trying to hit at terrorism, there can be no breach of faith or of the pact.

My friend, Mr. Ranga Iyer, in the course of his speech did himself much less than justice. He is the President, he has told us more than once, and I know it myself, of the Upper India Journalists' Association. He represents a very powerful limb of the Fourth Estate in this country and yet he told us that the Press does not count for much today and that in contrast with the Press, the platform and private propaganda exercise an influence and wield an authority beside which the authority of the Press sinks to nothing. Mr. President, is he just to himself in that ? Does he not know that in this country, and indeed everywhere the Press, English and vernacular alike, exercises an influence out of all proportion to numerical circulation ? Does he not know that every day in obscure and remote villages some journal is read and commented upon and borrowed and read again, so that back numbers of newspapers are not back numbers in fact but are live things and can evoke lasting feelings and rouse poignant emotions ? Is it not therefore our duty to realise

and not to depreciate the dignity and the influence of the Press ? If the President of the Upper India Journalists' Association will not do that, let me undertake that task on behalf of journalism in this country. Mr. President, the influence of the Press is great and mainly it is wholesome and inspiring. I have had some experience of journalism myself. As my friend very well knows, I have been in temporary conduct of a paper myself and therefore let me not be accused of opposition to journalism. This Bill is not intended to aim at the liberties of the Press. It is essentially and intrinsically, an one-clause Bill and an one-topic Bill and in addition, a temporary Bill, and if legitimate suspicions are felt in any quarter that it purports to be more than an one-clause Bill and an one-topic Bill, there is the opportunity in the Select Committee for those ideas to have the fullest possible play. Why in confronting the House and the country with a Bill which extends to 32 clauses, did I say that it is an one-clause Bill and an one-topic Bill ? I say that because the object and the purpose of this Bill as indicated in clause 4 is to strike at incitements to terrorism and at crimes of violence. All other clauses are ancillary, auxiliary and processual, and the idea of the Bill is to enunciate the fundamental doctrine that is essential at this moment to fight terrorism in all possible ways and thereafter to produce conditions in this country, political and economic, enabling that fight to be continued and carried on. I desire to lay emphasis on this aspect of the matter most prominently, Mr. President, that departing, and conspicuously departing, from the old Ordinance and the old Press Bill, the present Bill is limited in scope. Clause 4 of this Bill is directly concerned with terrorism and acts of violence. Turn now to the old Bill and to the Ordinances and go through clauses (a) to (h). You will realise, Mr. President, what a limitation, what a restriction of the old Bill has here been attempted. Not long ago, in England, an observation was made by the very talented Editor of the *Hindu*, whom we all rejoice to see in England to-day, about the scope of the Bill. I am afraid Mr. Rangaswami Iyengar was mistaken as to his idea regarding what he termed the very wide scope of the Bill, which he said he was going to fight. Let me assure Honourable Members here and the country outside that it is not the object of the Bill to throw the Indian Press out of gear, because after all no Government can be efficiently carried on with a muzzled Press. No Government can be carried on without a live, active and reasonable Press, and it is because we realise that this Bill will, if enacted, still maintain the Press in full vigour and only curtail the excesses, that we are here to promote this Bill in this House.

Mr. B. Das : Is it not the purpose of the present Bill to strike at the civil disobedience movement ?

The Honourable Sir C. P. Ramaswami Aiyar : I am very glad that I have been reminded of that matter. If my friend opposite will turn to the Statement of Objects and Reasons of the old Bill, he will realise that the object of the old Bill was thus enunciated. One of the sentences there was this :

“ Experience has shown that propaganda in furtherance of subversive movements and of crimes of violence is also carried on by means of leaflets, pamphlets, bulletins and the like..... It was the policy of many newspapers consistently to encourage the civil disobedience movement and thus to foster conditions of disorder.”

The old Bill set itself out to combat the civil disobedience movement because it was felt at that time that it was necessary to hit at that movement. Contrast that statement with the Statement of Objects and Reasons

[Sir C. P. Ramaswami Aiyar.]

of the present Bill. It has been apprehended in some quarters that the present Bill might possibly be used to hit the civil disobedience movement. Mr. President, we hope that that movement will have no recrudescence, especially after the memorable statements which Gandhiji has been making both in India and England, but it is not the object of the present Bill to deal with that at all. Its scope is not so comprehensive. It is limited. It is only to deal with a narrow and special subject, namely, terrorism. Having said that, Mr. President, let me analyse the position thus. First of all, is there an evil? That is the first question to be decided. If there is such an evil, how best is it to be combated? Now the point that I wish to make very strongly is that this terrorism, this cult of assassination, of violence, is by no means confined to India. It will not, I am afraid, human nature being what it is, cease on that day on which complete self-government and Dominion Status are attained by this country, I hope very, very soon. (Applause.) Let me now place before this House a quotation from a very recent speech made by Dr. O'Higgins of Ireland. Ireland, after an epoch-making struggle, has attained the rank of a Dominion and is enjoying the fullest possible rights of self-government. Ireland, Sir, is confronted with similar problems to us: Ireland also is confronted with the advocacy of violence and of terrorism. And listen, Mr. President, to what Dr. O'Higgins has said recently about this matter:

"The Free State Government had held its hand in the hope that the trouble would subside or disappear. It was evident that certain organizations are at work engaged in a very ugly task. The Government would soon have to adopt stern measures for the protection of the people against that ugly work and the enforcement of law and order and must assuredly wipe out any combination that menaces the peace and stability of the country."

Those words were spoken by the Irish statesman with reference to acts of violence, of terrorism, of clandestine assassination which have unfortunately disfigured Ireland even after the establishment of self-government. My desire, Sir, is to point out that there is no wish to check any movement, any legitimate political movement but to check those effervescences which are a distortion and denial of all political and social life. Mr. President, I do not propose to deal with the question as to what exactly the extent of the evil is. Nor do I propose to follow the example of those who have made extensive quotations. But I have been at some pains to select a few passages for the purpose of showing what is the evil that we are confronted with. I trust, Mr. President, you will allow me to place some of those passages before this House.

"The battle is bound to go on until a socialistic and communistic republic is established."

"We shall not be content with destroying the white-skinned English only, we want the destruction of the native black-skinned Englishmen too. Further, we want the downfall of Gandhi, who is religiously-minded, a traitor to the nation and a patron of capitalists."

Mr. Das spoke of the writing on the wall. The real writing on the wall is the result of misguided youth against normal political activity and even against Gandhiji.

"The fight for freedom cannot be an open fight; we shall have to take to guerilla warfare. What will have to be done is a country-wide and a lasting terroristic movement."

"The Congress has reprobated such murders. Their deeds"—(that is, the deeds of the young men)—"indicate that these do not care for the Congress or the Leaders, and they will and must go their own way. On seeing Bhagat Singh it appears as if

Lord Krishna's philosophy of action and the Sivaji and Pratap ~~war-creeds~~ had again manifested itself in this era for the welfare of this subject country. In the Legislative Assembly, there was a bomb explosion. Its fumes, like the lightning wave, spoke in every corner of India, and let it speak. May revolution live long! Without destruction the work of construction cannot go on."

Are these extracts, Sir, indicative of the better mind of this country? Are these passages a manifestation of the genius and the culture of this age-long land? I venture to say emphatically, "No, Sir." (Applause.) And if you feel that these passages do not indicate what is the better mind of India but its perversion, then let us so work that the mood, the mental attitude which is behind these passages is eradicated and suppressed: and the object of this Bill is to do that. (Applause.)

Mr. President, I shall now deal with one or two criticisms that have been made with regard to this Bill. There was an article, which I read
1 P.M. in which it is stated, that it does not differ very materially from the Press Act of 1910, and Mr.

Ranga Iyer, in that persuasively emphatic way, of which he is a master, has commented upon Sir Lawrence Jenkins' judgment. Sir Lawrence Jenkins' judgment, Sir, dealt with the *Comrade* passages under the Press law of 1910. No one who compares the Press law of 1910 with the project of law which is now before this House can fail to realize the fundamental difference in scope, ambit and object between the two. If then Mr. Ranga Iyer will go into the Select Committee and improve upon the language of clause 4, so as to make its object even more obvious and to make it well proportioned and apt for the purpose he has in view, no one can object. (Applause.) Then, Sir, there was another argument. It was stated by a very reputed organ of the public Press:

"We have not had the benefit of seeing this wonderful brochure. But we have no doubt that a large number of the quotations objected to will be such as would to a fair-minded individual appear to be perfectly innocent."

Is that a fact, Sir? Then it was stated,

"Why, if these papers have been functioning so mischievously, have the Government kept still, why have they not pounced upon these various newspapers and proceeded against their editors?"

Mr. B. Das: Yes, quite so!

The Honourable Sir C. P. Ramaswami Aiyar: I am glad to see that the question which I have propounded is a question which is exercising the minds of those who are vigorously nodding their heads on the other side of the House. The answer is obvious, Mr. President. Some of these papers unfortunately are conducted on such precarious lines by such obscure individuals that to proceed against them would be not to serve any real object (Laughter); and, speaking with some experience of this branch of the administration, because for 5½ years I was connected with a similar branch of administration in another part of this land, I may say that the consistent policy of the Government has been not to proceed except against people against whom it is worth while to proceed.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Is the Editor of the *Statesman* of that type?

The Honourable Sir C. P. Ramaswami Aiyar: If the Editor of the *Statesman* should lose himself and all sense of perspectives in such manner as to bring himself within the ambit of the Bill, then, speaking for myself I should certainly proceed against him.

Mr. Amar Nath Dutt : But he has brought himself within several sections of the Indian Penal Code, but the Government never took action ?

The Honourable Sir O. P. Ramaswami Aiyar : The Honourable Member's interruption shows that the Editor of the *Statesman* is not obscure ; but if the Editor of the *Statesman* indulged in those attacks and those reflections which are the subject of this Bill, no Government which is worth its salt can refrain from proceeding against it.

Now, having said that, let me continue with what I was endeavouring to point out. The consistent object of Government has been not to proceed against these obscure individuals and give them an unnecessary notoriety ; but the case is different when it is not an isolated and remote and obscure individual who is doing this, but there is an evidently concerted endeavour on the part of many obscure men to do the same thing in many parts of the country. (Applause.) Then, although each one may be obscure, the sum-total of the efforts becomes dangerous, and it is because there is an apprehension, a legitimate apprehension, on the part of Government and of many responsible people that the present occasion is one which has regimented and co-ordinated the mischievous activities of many isolated presses, that we appear before the House bringing forward this Bill.

Mr. President, another statement I have heard made is this, that the Bill may not be so comprehensive, as the two Ordinances issued by Lord Irwin, but, if passed into law, it will not be the less dangerous or less menacing to the members of the Indian Press. Now, the whole of the gravamen of that charge is in what is called the comprehensiveness or the ambiguity or the vagueness of clause 4. I have already stated that with regard to clause 4, if Honourable Members co-operate for the purpose of making it serve its real and ultimate object better, no one could be gladder than the Government.

Mr. President, I have really very little more to add. If I were not convinced that this Bill is necessary for the purpose of releasing the fair name of India from the aspersions which may be cast upon it, I would not have stood up at this moment. If I did not feel that the activities of the revolutionary Press would militate against our common ideals and aspirations I would not have been so emphatic. Let me conclude by saying that : I would advocate that this Bill be criticised from every point of view and that sufficient safeguards to ensure that those papers only are proceeded against that are mischievous and dangerous should be introduced. But to oppose the committing of this Bill to the Select Committee would mean an assertion and a belief that there is no evil to be met. I have endeavoured to point out that the evil is there, that the evil is real, that the evil is such that it is obnoxious to our ideals of self-government and that it is opposed to the culture, the traditions and the fundamental instincts of every race in India, Hindu, Muhammadan and English alike. Feeling like that, I do feel at the same time that it may be possible to improve this Bill in many aspects. I do not say that any Bill can be perfect, nor do I say that this is perfect. I now stand before you, Mr. President, merely for pleading that there is a poison in the body politic. Let us remove it and purge ourselves of it. Let all reasonable men put their heads together for the purpose of ensuring that the Bill which has only this one aim fulfils it adequately and reasonably.

The Assembly then adjourned for Lunch till Twenty-Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes Past Two of the Clock.

Mr. John Tait (Burma : European) : Coming as I do from a province where the fellow countrymen of those Honourable Members, who have spoken with such vehemence in opposition to this Bill, have been denouncing the Local Government, in season and out of season, for what they declared to be the Local Government's wilful neglect to put an end to the anti-Indian campaign which has characterised a section of the vernacular Press for the past six months and more, I confess to no little surprise, and indeed to a fair measure of disappointment, at the tone of the speeches we have listened to from Honourable Members on the other side. Sir, I find it difficult to acquire any clear understanding as to what really is the true honest conviction of Honourable Members, especially those from Madras, Bengal and Bombay, provinces which supply Burma with her merchants and her labour in their hundreds of thousands, on this question of Press control, and my mystification is not lessened when I read the solicitous enquiry as to the protection and the care by Government of Indian residents and Indian commercial interests in Burma, which is included in the list of questions against the names of Honourable Members, who are so strongly opposed to any form or degree of Press control in India. What, Sir, am I to understand from this glaring inconsistency? I am almost constrained to call it this Dr. Jekyll and Mr. Hyde policy in so far as the interests of Indians in Burma are concerned. If Honourable Members are to be perfectly honest as to their standpoint as regards the Press both in India and in Burma, then I submit they must come out frankly to declare that for the provinces on this side of the Bay of Bengal they demand one set of conditions, namely, complete freedom of the Press, and for that other Province of the Indian Empire which lies on the other side of the Bay of Bengal, they demand another set of conditions diametrically opposite, namely, full control by Government of the anti-Indian Press in Burma. The Honourable Member, Mr. Ranga Iyer, it will be remembered this morning said, "Why should there be one law for one section of the community and another law for another section?"

But, Sir, if there is still another inference which I might be justified in drawing from the attitude of Honourable Members in opposition to the Bill, I think it can only be that Honourable Members from those provinces I have mentioned are perfectly prepared to sacrifice the interests of their own countrymen in Burma, if by so doing they acquire complete control of all matters relating to the Press and to other things, and, Sir, what is more important and more disappointing is the apparent fact that the pious solicitation expressed for Indians and Indian interests in Burma can be put down merely as so much lip-service and so much eye-wash.

Sir, I am a European representing a European constituency, but I feel at this moment that I am standing here fighting the cause of Indians in Burma against their own fellow countrymen sitting on the Benches opposite (Hear, hear).

It is quite true that within the last few weeks the Burma Government have acquired powers under an Ordinance by which they can effect some control over the Press and to that extent the clamour of Indian residents in Burma has been met. But, Sir, Ordinances are never liked, least of all with Honourable Members in this House, but apparently there was no other legal course open to the Burma Government if on the pleadings, the

[Mr. John Tait.]

representations and the clamour of Indians in Burma protection was to be provided.

It may be that this aspect of the question has been overlooked by Honourable Members ; it may be that Honourable Members have not been aware that their own kith and kin in Burma have been clamouring for Press control ; it may be that they have not been aware that their own fellow countrymen in Burma have been pleading to the Government for protection against what they declared to be an unbridled, irresponsible anti-Indian Burmese vernacular Press—pleadings which took the form not only of representations from individuals to Government, but of resolutions and communications from the Burma Indian Chamber of Commerce and, as I understand, were included in the reasons for a deputation being sent to plead the cause of Indians in Burma before His Excellency the Viceroy here in Simla. Sir, I trust that it may be so—I trust also that with this information now placed before Honourable Members, those, who have been in opposition to the Bill but who lay some claim to consistency in their politics, will now be constrained to withdraw that opposition.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, the Honourable the Law Member in his maiden speech in this House has justified the Bill on the ground that the Press in India, and he has referred to one quotation from the vernacular Press, have gone beyond the legitimate sphere of fair criticism.

The Honourable Sir C. P. Ramaswami Aiyar : There are about twelve quotations.

Sir Hari Singh Gour : I was only dealing with the quotation he read out to the House.

The Honourable Sir C. P. Ramaswami Aiyar : I read out about twelve quotations.

Sir Hari Singh Gour : If he read out twelve quotations, they were precious small, and they came up to one quotation in substance.

The Honourable Sir C. P. Ramaswami Aiyar : Not my fault.

Sir Hari Singh Gour : If you say that so far as the virulent section of the Indian Press, which counsels terrorism and murder and unrest is concerned, unless the Executive Government is given power to control the Press, we shall not be able to cope with this mischief, it is a different matter. My Honourable friend Mr. Ranga Iyer in his excellent speech has pointed out that, so far as the communist tendency in this country is concerned, the terrorist and revolutionary organisation is not confined to the keepers of the Press, but that large meetings are held in which revolutionary doctrines are preached. If you were to muzzle the Press, you would not in any way prevent the holding of these large meetings which preach doctrines subversive of law and order. It is for the purpose of suppressing the widespread mischief that my Honourable friend the Home Member introduced in the last Assembly a Bill called the Public Safety Bill, in which he intended to control the communistic and revolutionary movements in this country.

The Honourable Sir James Orerar (Home Member) : Sir, I may remind my Honourable and learned friend that the Bill to which he refers referred solely to persons who are not natives of India.

Sir Hari Singh Gour : Quite so. In its inception and origin it was intended to deal with persons who were not natives of India. But the object of that Bill was to prevent the dissemination of revolutionary and terrorist doctrines in this country. The Honourable the Home Member will remember that, in spite of strenuous opposition from the Opposition Benches, I was the single Member from this side who supported him and pointed out that that Bill, if properly amended, would deal with the mischief. That Bill has gone. The Honourable the Home Member now wishes to deal with the Press and he wishes to point out, and his colleague has pointed out, telling us that he has given twelve quotations from the Press illustrative of the revolutionary doctrines preached in this country. But have the Honourable the Home Member and the Law Member given a moment's attention to the fact that all these quotations are from obscure prints, the names of which are not even known outside the very small circle—if there is a small circle—in which these prints receive their publication? As the Honourable Member has in fact pointed out himself, in answer to an interjection by an Honourable Member on this side as to why he did not take any action against any of these papers, he said that these papers are obscure papers and did not wish to give them wider publicity by taking any action. Now, Sir, leaving out these small prints, about which I shall have something to say presently, I find from the extracts in this book that the extracts from the English papers and the vernacular papers form two distinct classes; and you will find that, so far as the English papers are concerned, papers like the *Bombay Chronicle*, *Liberty*, *Advance*, and other papers of that kind, there is absolutely nothing in them anywhere, either directly or by insinuation, countenancing revolutionary or terrorist doctrines. If you read the extracts which are given in this book, you will find that all the quotations may be sub-divided under three heads; one is objection taken to the trial of persons by special tribunals instead of a regular High Court; secondly, publication of the proceedings of public meetings held in Calcutta and outside for the purpose either of performing a *sradh* or for the purpose of denouncing the action of Government in not acceding to the largely subscribed prayer for the commutation of the sentence passed upon Bhagat Singh; and thirdly, certain letters which Dinesh Gupta wrote from the Alipore Jail to his relatives. These are the three classes which the English papers from which extracts are given in this book fall into. Then you have on the other side a very large number of translations and extracts from the vernacular papers. Even among the vernacular papers I find that the more responsible papers like the *Kesari* of Calcutta or the *Swatantra* referred to in pages 38 and 51 denounce revolutionary and terrorist activities. Let me by way of illustration read to the Honourable Members only two sentences. At page 38 this is what is said by the *Kesari* of Calcutta, a vernacular paper :

“ The execution of Dinesh Gupta has wounded our hearts. It is a matter of pain that the life of an youth in whose heart there was patriotism should thus be put an end to. We do not like to suppress the feelings of our heart only because we are not at one with his methods. We admit that his action has retarded the progress of the country.”

This is the statement made by a vernacular paper. Then you have another paper called the *Swatantra*. At page 51 of this compilation I find the following statement :

“ The Congress policy of non-violence is so explicit that none of its followers should in any manner incite a violent act.”

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I therefore submit, Sir, that in making a conglomeration of all cases and extracts from all papers, English and vernacular, the author of this book has omitted to consider that, so far as the English papers are concerned, they have not counselled terrorism or revolutionary doctrines. They have published in extenso the proceedings of public meetings, and I ask the Honourable the Home Member whether he regards the publication of news by these papers as conducive to the perpetration of crime and as calling for the policy which underlies the present Bill. The second question I wish to ask him is why they did not make any distinction between English papers and vernacular papers. We know, Sir, that as far back as 1878, an Act was passed called the Vernacular Press Act (Act LX of 1878) dealing with the vernacular Press alone, and after a few years that Act was repealed. I wish therefore to ask that, if you find from these extracts that the vernacular papers, obscure or otherwise, are mainly responsible for the dissemination of terrorist and revolutionary views, why not confine your Bill to the vernacular papers?

The Honourable Sir James Orerar : Sir, I should like to make sure what the Honourable Member's question is. Is it the Honourable Member's point that Government ought to discriminate unfavourably against newspapers which are published in the vernacular?

Sir Hari Singh Gour : The point I was trying to make was that, in order to cope with the mischief created by the vernacular Press and which is illustrated by the extracts printed in this book, why should not the Bill be confined only to the vernacular Press?

The Honourable Sir James Orerar : That is precisely the discrimination which I wanted to bring out clearly.

Sir Hari Singh Gour : The second point I want to bring out is this. The Honourable Member is perfectly aware of the fact, and he has in his opening speech pointed it out, that these newspapers from which these extracts have been published enjoy a limited circulation and that also is the statement made by the Law Member himself. My second point in connection with that therefore is that if these small and obscure prints having a very limited circulation are to be dealt with, why are they not dealt with under the ordinary law and why do you not deal with them under the ordinary law? It is not necessary for me to remind the Honourable the Home Member that we have added to the Criminal Procedure Code only recently sections 99A to 99G. I admit that section 99A of the Criminal Procedure Code deals only with sedition and does not deal with murder and acts involving violence. But if that is the difficulty under section 99B has the Honourable the Home Member considered the advisability of amending that section, which would have dealt with this mischief in a much more satisfactory manner by making an amendment of an existing Act rather than resuscitation of the Act of 1910 which was dead and buried in 1922?

The Honourable Sir James Orerar : Do I understand that the Honourable and learned gentleman's principle is that this legislation should be permanent and not, as the Government propose, temporary?

Sir Hari Singh Gour : The Criminal Procedure Code is the processual Act and under the Criminal Procedure Code the High Court has got plenary jurisdiction, power of appeal and revision at all stages ("Hear, hear" from the Nationalist Benches), and that is what you have refused

under the Press Act ; and my Honourable friend cannot get away from that by saying that this is only a temporary measure and that I am counselling the introduction under section 99A of a clause which would be permanent rather than temporary.

My third point is this : it is perfectly true that some papers in this country are openly revolutionary and preach revolutionary doctrines. It is equally true that this House must deal with this mischief. But the question is, how are you going to do it ? If our remedy can be confined to coping with that limited mischief which these revolutionary papers preach, then I have not the slightest doubt that every right-minded Member in this House will support the Government, but on two conditions ; the first condition is that it will not arm the executive with unlimited and unfettered jurisdiction. We on the Opposition Benches feel that, while the executive should have the power of initiation, there must be ample judicial control all along the line, and if you can give us that judicial control, then you would have done a great deal to make this Bill acceptable to various Members of this House.

There is another point upon which I should like to dwell at some little length. It is this : Honourable Members are aware of the existence of the old section 3 and old section 4 of the Press Act of 1910. That Press Act of 1910 was, as my friend, Mr. Ranga Iyer pointed out, subjected to serious criticism at the hands of the Calcutta High Court ; and they pointed out that these two sections of the Press Act of 1910 are so largely worded, that their meshes are so fine, that no person can escape through them. When after more than twenty years you wish to revive that Act of 1910, and you read section 3 of the Act of 1910 and clause 3 of the present draft Bill, you will find that both are exactly identical. I have compared the two, and if you compare them you will find them to be the same. Have you profited by the criticisms of the High Court and of the public ? You have not, and let me tell you why not. If Honourable Members will turn to clause, they will find that that clause deals with two classes of presses—new presses and old presses. So far as new presses are concerned, the procedure is this : as soon as a man goes before the Magistrate for making a declaration under the Press and Registration of Books Act of 1867, he is called upon by the statute to give security, unless for special reasons he is exempted from giving security. Security is the rule : exemption is the exception. I wish to ask any legally-minded man in this House “ Have you given any directions to the Magistrate as to what constitutes special reasons for exempting a person from giving security ? ” You have made it a general rule that as soon as a new man comes up and says, “ I wish to establish a Press ”, you immediately call upon him to give security. I ask the Honourable the Home Member, is this not curbing—not the liberty of the Press—but curbing the development of the printing industry in this country, by asking every printer to give security before he establishes a Press ? We have been told that every dog is entitled to one bite ; you do not give this new unfortunate printer even a single bite ; on the other hand you bite him first and take no chance with him. (Laughter.) Is this fair ? Let him establish the press, and if afterwards you find that he misbehaves, call upon him to give security. But do not start by asking every printer, every new man, as soon as he comes before you to make a declaration that he wishes to establish a printing press, to give a security.

Again, look at the amount of security that you have laid down. It shall not be less than Rs. 500. Why not less than Rs. 500 ? Supposing

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a man wants to have a small hand press which costs him perhaps Rs. 500 ; is he to deposit Rs. 500 ? Mark further. The security must be at your discretion either in cash or in Government promissory notes. Do you distrust the value of your own promissory notes to make sure that the security should be cash down ? What is the object ? These are the galling provisions of section 3 which have been reintroduced without any change and without any amendment in this new Bill of 1931.

I pass on to the next point. Honourable Members will find, as I have said, that the whole of clause 3, except one paragraph, is copied from the Act of 1910. The paragraph that has been added now for the first time is sub-clause (2). By this addition, you have made the old provisions even more drastic. You say "The Magistrate may at any time cancel an order dispensing with security and require security to be deposited, and he may at any time vary any order fixing the amount of security under this subsection or under sub-section (1)". I ask you, when you drafted the Bill in the year of grace 1931, did you not pass your eye back to the history of this obnoxious legislation of 1910 and the amount of criticism to which it was subjected and which resulted in its repeal in 1922 ? You have done nothing of the kind.

I now turn to the next clause. The Honourable the Law Member said that this is a very limited Bill. Yes. Let us examine the point. Clause 4 of the present Bill is section 4 of the Press Act of 1910. Now, I admit that in the Press Act of 1910 there are various other clauses which have been left out in clause 4 of your Bill. What you have done is this. You have simply enlarged the provision of one single clause which occurred in the Act of 1910 in your present Bill. Let me explain it to Honourable Members. In the old Act of 1910, clause (a) ran thus : "to incite to murder or to any other offence under the Explosive Substances Act of 1910 or to any act of violence". What you have done here is "to encourage the commission of any offence of murder or any offence involving violence". Sir, I know of such words as "abetment of crime". I know of such words as "instigation of crime". But what I want to know is as to what you mean by the word "encouragement", which is not defined in the Indian Penal Code, and which is foreign to the criminal jurisprudence of this country. Certainly, I can well understand an act of violence, but I have still to learn—and I have no doubt the Honourable the Law Member or any other legal Knight on the Treasury Benches will enlighten me upon it—I have still to learn as to what is the meaning of the words "any offence involving violence". Now, if you turn to the General Clauses Act, you will find the word "offence" defined. If you turn to Chapter XII and Chapter XVII you have certain offences which are designated as offences involving a breach of peace or a commission of a crime ; but I want to know as to what is the meaning of the involved sentence "or offence involving violence". And who is to be the judge of it ? The Magistrate and the Local Government. The Local Government and the Magistrate are to be the sole judges of these obscure phrases which they are to interpret and apply to a particular case before them. I say why do you start with these nebulous definitions of crime ? Why don't you be plain and say this : "whoever directly or indirectly aids or abets or incites the commission of murder or any offence such as is described in Chapter XII or in Chapter XVII of the Indian Penal Code" ? If you say so much you will make the meaning absolutely clear, but you have not done so.

Now, Sir, there is another point to which I would like to draw the attention of the House. Both under clause 3 and under clause 4 the Magistrate demands a security. That security is the minimum of Rs. 500, and it may run up to Rs. 10,000. Now, I ask, Sir, supposing a Magistrate demands a security of Rs. 10,000 from an unfortunate man who wants to print labels for *bidies*, supposing he wants to print a picture of Mahatma Gandhi to make his *bidies* more acceptable to the public and popularise them. Well, the Magistrate says, "I demand from you a security of Rs. 5,000", and that is obviously excessive. Now, who is going to be the judge of it? You have demanded a security and you have closed down his press before it is opened. You are giving him no right of appeal to the High Court whatever for obtaining redress from a judicial authority against your act, of which he may have good reason to complain. I submit, therefore, that if you want to make this Bill acceptable, the first thing you must do is to give the person against whom you issue an order demanding security the right of appeal to the High Court. Are you prepared to do that? That of course is a question, the answer to which will determine the attitude we on this side of the House will take upon this Bill.

Now, Sir, there is another question. Honourable Members are aware that in this country the moment the Government come down upon a newspaper with a heavy hand, immediately its circulation goes down, it will become a security paper, and all its readers will say "Oh, these people cannot write with the same amount of independence and freedom because the Government have taken security from them, and they will probably be closing down the paper the moment you demand security from them". I therefore suggest that, in order that your Bill may not be exposed to that abuse, you must make some provision for the constitution of a Press Committee on your local Councils in all the provinces where the co-operation of non-officials might be invited, and in co-operation with them go to the newspapers and say, "Now, do you advise that action should be taken against a particular paper and what should be the amount of security that that paper should pay?". In that way you will make your Bill not only more popular, but you will prevent its abuse in practice, and you will secure the co-operation from the public, which you must appreciate, and the existence of which is very necessary, for the good government of this country.

I therefore submit that, so far as this Bill is concerned, it has been drawn up in a great hurry. There is no doubt about it. It has been copied almost verbatim from the Act of 1910, overlooking the criticism to which that Bill was subjected from 1910 down to 1922. I would therefore suggest that the least the Honourable the Home Member can agree to is to accept the motion of my friend Mr. B. Das for circulation. What does circulation mean in this case? Three months. He has put down that this Bill should come up again in January, 1932. We have only got three months before us. If you accept this motion, you will have served a double purpose; you will have recast this Bill, if you so desire, with the help of the non-official Members of this House. You would have sounded public opinion, and you would have, I am quite sure, obtained the support of a large body of men in the provinces to the re-enactment of a measure which in 1910 excited widespread opposition from the platform and the Press. You would, therefore, I submit, have served a great purpose; you would have made your measure more popular; you would have obtained

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the co-operation of the Opposition in this House, and you would have obtained a large measure of support from responsible people outside the House. Sir, I would have been very reluctant to delay the passage of this Bill if the Honourable the Home Member had told us in his opening speech that any of the passages in the newspapers to which he has referred or any newspaper comments which he has not referred to have been directly responsible for the commission of those crimes which we all deplore. They are remotely connected, I do not deny that that they have some remote connection with the writings, but is it not a case of *post hoc ergo propter hoc*. If you therefore wait for three months, there will be no danger that there would be....

The Honourable Sir James Crerar : May I invite the Honourable Member's attention to the record of violent crimes committed and ask him to consider how many crimes of that character have been perpetrated within the last three months ?

Sir Hari Singh Gour : That was exactly the point that I was making. The point I was making was this. You have not said, much less proved it, that the lamentable crimes committed during the last three months were directly caused by the newspaper agitation to which you have referred. You have not said.....

The Honourable Sir James Crerar : I extremely regret to interrupt the Honourable Member, but I am afraid he has not listened to what I said in my opening speech. I pointed out that in several instances, quite a considerable number of instances, young men accused of crime have stated that their first idea of committing it had entered their minds from reading newspapers.

Sir Hari Singh Gour : I am glad for the statement that the Honourable the Home Member has made, but he has not given to us the statements made by these unfortunate accused, in any of the printed papers circulated to the Opposition. That is the point I was making. It may be perfectly true that they made that confession. I have been at the Bar quite as long as if not longer than the Honourable the Law Member. (*The Honourable C. P. Ramaswami Aiyar :* "Much longer.") But I am quite sure of this, that he and I will agree that if you have a confession, you have to treat it with a great deal of caution. We do not know what that confession was and as to how far we must rely upon that confession. But at the same time I am quite prepared to concede that newspaper agitation, particularly newspapers tinged with communistic ideas (*An Honourable Member :* "Like the *Statesman*."), are responsible and may be held responsible for the commission of crimes, but they are not the direct cause of these crimes. That is the only point I am making, and if you delay the passage of this Bill for three months, there is no evidence on record, nor indeed can any statement be made with any degree of assurance, that further crimes would be committed on account of the newspapers being free to comment and to agitate during the next three months. That is the only point I am making. Within these three months you will have considered the *pros* and *cons* of it ; in these three months you will have the opportunity of revising this Bill, ensuring the support of the Opposition, and getting a large measure of popular support for your

measure. You cannot forget that there is a great deal of odium attached to this Bill by reason of its past history. You know that from 1878 when the Vernacular Press Act was placed upon the Statute-book, the Indian newspapers and the Indian organisations had been decriing that Act and it had to be repealed. When the Act of 1910 was placed upon the Statute-book, the agitation grew in intensity and volume, till in 1922 you had to repeal it also. I therefore suggest that if you wish to re-enact substantially the measure of 1910, you would be doing a great service to yourself and to the country by taking the public into your confidence and hearing them as to what they have got to say regarding the measure you wish to place on the Statute-book.

Now, Sir, if you do not wish to do that, are you prepared to concede to the Opposition the following points? The first point is that the High Court must be the judge not only of the necessity but also of the measure of security, and that before you demand any security from the newspaper, the accused must be given the right of appeal to the High Court against your order. That is the first point. The second point is that when you demand security that security must be commensurate with the capacity and ability of the person to give it, and that you cannot demand from him security in cash because he wishes to give it in G. P. notes. My third point is this. You know I was a humble instrument in having the Indian Penal Code amended doing away with the penalty of forfeiture. You are once more re-introducing the penalty of forfeiture. I would ask you to consider whether any other penalty than that of forfeiture cannot be substituted against the offending person. Now, these are the questions that I would ask the Honourable the Home Member to think about, and if we find that the Honourable the Home Member is in a reasonable mood and is prepared to meet our reasonable objections, there would not be any opposition from these Benches. But I wish to point out to the Honourable Member that Honourable Members on this side of the House are seriously afraid that if the executive are given the final power of control over the newspapers, they are not likely to use it for the purpose which is the declared and primary object of the Honourable the Home Member, or of the Government and of this House. I wish further to point out that clauses 3 and 4 require to be completely recast. These are the operative clauses of the Bill and they have to be recast. So will be the other clauses which treat the printer and the publisher as two individuals, whereas in point of fact they are often the same. To demand separate securities in such a case would amount to a certain order to close down the business which appears to have been aimed at in several clauses of the Bill. Will the Honourable the Home Member raise any objection in Select Committee to our recasting those clauses on the ground that, by accepting the motion for a reference to Select Committee, we have accepted the principle of the Bill and we are derogating from the principle of the Bill in recasting those clauses? I want the Honourable the Home Member to make that point perfectly clear.

The Honourable Sir James Orerar : I will make it perfectly clear here and now if the Honourable Member desires. If the Bill goes to a Select Committee, I shall be prepared to consider any amendments

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which are consistent with the effective achievement of the main object of the Bill. (*A few Honourable Members* : " This is not clear.")

Sir Hari Singh Gour : I am perfectly willing to understand what the Honourable Member means. But the point I am making is that the Honourable the Home Member, or any spokesman on behalf of the Government, should not raise the question that in making amendments or changes in the Bill we are destroying the principle of the Bill which the House stands committed to by accepting the motion for reference to a Select Committee. That is all I want to make clear, because it is the intention of this part of the House to assist the Government to its utmost capacity ; but at the same time, this part of the House is anxious to see that the rights and liberties of the Press are not seriously jeopardised and that, as far as possible, such a judicial control is introduced in the operation of the Bill as would give the aggrieved party a right to appeal to an impartial tribunal. These are my points, and I think they are reasonable and I do not see why the Honourable the Home Member should object to them. If they are conceded, we are quite prepared to co-operate with the Honourable the Home Member (*Some Honourable Members on the Nationalist Benches* : " No, no "), but if they are not conceded, all that we want to do is to let this Bill go to the country for three months (Hear, hear). Within these three months you would have got evidence, the reports of your Local Governments, the public bodies, and the Press, and if there are any merits and demerits in the Bill, they will all be exposed and made clear, and after that in the January Session we can make further progress with this Bill. If the time were long, I would not have supported a motion of this character, but as it is only a matter of three or four months, I hope the Honourable the Home Member will accede to the suggestion I have made.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : There does not appear to be any Honourable Member in this House who is an advocate of violence and assassination, and I venture to suggest that our traditions and culture prevent the large majority of the people of our country sympathising with assassination, and all forms of violence which we have undoubtedly seen within the last year or so, but, Sir, when we come to enact a measure which is intended to prevent such violence and assassination, I think my Honourable friends opposite will admit that we are entitled to examine that measure with care and consideration. Firstly, we have to satisfy ourselves that the measure is going to have a beneficial effect, and secondly, that it is not going to effect prejudicially anybody in the whole country. In order to do that, I think, it may be useful to attempt to analyse the forms of violence which we have seen in India during the last few months. I would divide them into three categories. Firstly, there is the terrorist movement as opposed to the non-violent passive resistance movement. There is a school of thought, however, misguided it may be, which still believes that without a show of violence and actual perpetration of violence there is going to be no constitutional advance in this country. There is another school which has gone in for violence and assassination with a very different object. They desire to have no form of constitutional

government now or hereafter. They are unequivocal adherents of the Third International. They fear that any constitutional advance in this country will postpone their goal. Their goal has been made very clear to us not only now but for some years. Thirdly, there is violence and assassination committed by reckless, impetuous, sometimes perhaps, honest, but misguided young men who not belonging to either of the organised groups of violence I have just mentioned are tempted to go in for violence and assassination hoping to become patriots and martyrs by an hour's or even a minute's work. I understand that the principal object of the Bill before us is to save these young men from themselves. Let me candidly admit that I do not think any Press Act is going to prevent terrorism of the first kind I have explained. The only way to fight that terrorism is an earnest, equitable and honest endeavour to give this country the freedom it desires. The second kind of terrorism can only be fought by my own countrymen themselves by propaganda, and much more by an earnest endeavour now and in the future to give all working men, whether they be the agriculturist or the industrial labourer, their due share in the wealth they have helped to create. But, Mr. President, I am quite prepared to admit that the perpetrators of the third class of violence, which hurts more the perpetrator than those whom he attacks, ~~deserve protection~~; and it is more than possible that these young men naturally desiring to serve their country, reading what has admittedly been written, are tempted to go in for these reckless misguided actions, unfortunately to find their efforts leading them and the country nowhere. It is easy to be a patriot if one has a revolver and desires to use it indiscriminately and if there is any one here or in the country who suggests on the platform and in the Press that the man who uses a revolver is a patriot and a martyr, that man deserves to go to prison; but, Mr. President, it is our duty to see that the measure introduced will really effect what Government desire, viz., that these young men should not have provided for them literature which sends them to the gallows.

Mr. K. Ahmed (Rajshahi Division : Muhammad Rural) : Where do they get those revolver and firearms from ?

Sir Cowasji Jehangir : I refer you to the Honourable the Home Member. I am not the Home Member. Mr. President, it is our duty to examine the question whether this measure will not affect adversely a large number of men who are at present in the journalistic profession.

Mr. B. Das : Quite so, quite so.

Sir Cowasji Jehangir : Let me candidly admit that I have been considerably impressed by the speeches of some of our lawyer friends, and even the Honourable the Law Member has admitted that if this measure goes too far, it ought to be amended. It is not the object of this House to let this measure be an instrument of terror to the journalists in India (*Several Honourable Members* : "Hear, hear"). It has one object, and one object alone in view, as far as this side of the House is concerned, and that is to prevent any journalist from printing matter that may encourage young men to resort to assassination; it is not intended to enable this Government or any Local Government to pounce upon any favourite press or any journalist or anyone controlling a press by means of this Act. That is the fear that has been at the back of the mind of every Honourable Member who has

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spoken up till now ; and I am again ready to admit that Government ought to have seen to it that no such suspicion would lie at their doors when they moved for consideration of this Bill. I do not think Honourable Members opposite are in a position to deny that the clause, as drafted or copied from the last Press Act, is extraordinarily wide and goes far beyond what Honourable Members themselves want. I will repeat what has been said by several Honourable Members here, namely, that if only the Government had taken into consideration the criticisms not only of the public but of High Court Judges—and there sits in our midst to-day my Honourable friend, Sir Abdur Rahim, a retired High Court Judge—if the Government had taken the criticisms of such High Court Judges into consideration before they drafted this Bill, I venture to suggest that they would not have met with the opposition that they are faced with to-day. Therefore, Sir, it now depends not upon this side of the House but upon my Honourable friends opposite whether they are going to place on the Statute-book a measure which is intended to guard and protect young men whom we so desire to protect and a measure that will in no way go an inch further (Applause).

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammadan) : Sir, this piece of legislation has been subjected to much scrutiny from various sides of the House. I regret to say that, in spite of the tempting promises of the Leader of my Party, the Honourable the Home Member has not given him the assurance that he wants. Sir, when this Bill was introduced by the Honourable the Home Member in a speech marked by great restraint and moderation, I felt that something was troubling his mind ; and if I may venture to guess, I think he felt that this Bill was one of those odious pieces of legislation that were running counter to the whole current of English legislation and practice. Let me point out to you, Sir, what I mean by this. The principle underlying this Bill is in short this, that every keeper of a printing press, the moment he goes to make a declaration as he must under the law, is straightaway put upon probation. In order to carry on a certain trade, that of keeping a press for printing books, pamphlets or newspapers, he is put on probation, and he is required to deposit a security. That, Sir, it will be noticed, is worse than censorship. A man, without any offence being attributed to him, without any inquiry or without any trial, is looked upon as a suspect. We go further. Having labelled him as a suspect and having got him to deposit some security, the moment the Local Government or its representative the Magistrate, performing strictly speaking not a judicial function, thinks the man has transgressed the law, the fiat goes forth that his security is forfeited. That, I submit, namely, the forfeiting of the security without any judicial inquiry, without any trial, without giving the man any chance to justify his action, or without giving anybody any opportunity to go into the case, is the basic principle of this Bill, and that is the odious part of the Bill. Sir, the old Press Act was worked in a manner that caused consternation among journalists, and all kinds of journalists united in opposition to it. It had to be repealed in 1922, but it left a bad taste behind, and it was revived in the Ordinances, and they still were modelled on the same lines as those of the Press Bill. Sir, why is it that the Government of India have all along stuck to that principle of the Bill, and why is it that the journalistic world has so far stoutly objected to the provisions of this Bill ? I submit, Sir,

the point is that, of all professions in the world, the journalistic profession or the profession of keeping printing presses is singularly marked out for this exceptional treatment. He alone is put upon probation; and when the security is liable to arbitrary forfeiture, he is practically helpless and gone.

Now I submit to you, Sir, that the fundamental principle which underlies the liberty of the Press is not this, that any statute has guaranteed or that any law has made it clear that the Press shall enjoy any measure of liberty. The fundamental principle underlying the liberty of the Press, which the Honourable the Home Member assured us was safeguarded, is seriously endangered by this Bill, for the reason that a newspaper man is treated in a different manner from any other man. Now, Sir, the fundamental principle of the liberty of the Press, the liberty of the Press which has been made so much of in the English constitution, that fundamental principle we are transgressing here. Let me explain the position in a few words in a layman's language. Suppose a newspaper man extols a murder, we all detest it. Now in the case of this man, you pounce upon him and forfeit his security. But suppose another man got upon the platform and did precisely the same thing, is there any law under which you can take hold of him and get Rs. 5,000 out of him without any trial? Why, then, are you treating the newspaper man or the keeper of a press differently? Is there any law which will enable a Magistrate or a police officer to go to their houses and take from their pockets Rs. 2,000 worth of security. That I submit, Sir, is the underlying mischief of this Bill to which we all object. (*Cries of "Hear, hear"*.) We have had recited to us a list of violent crimes committed, a list of objectionable literature extolling murders. We are only too happy to assist the Government in all reasonable ways and certainly in an emergency, but we must insist that you should put the newspaper man and every other man on the same level, and give the newspaper man the right of being tried in a court of law. We are prepared to go with you as far as is reasonable, but not to do away with the traditional safeguards and to rely solely on the whims of executive action. Sir, the more you feed this appetite for arbitrary action, the more it grows. Sir, for all manner of things, people have been taken to task under the Press law. I remember a case in which merely for printing a programme of the Congress, or printing news of the holding of a certain meeting, a paper was taken to task.

Mr. B. Das : Shame, shame.

Mr. Jagan Nath Aggarwal : However much you may try to have recourse to a High Court, you cannot get that remedy which is your due. Therefore, I say, in answer to the appeal of the Honourable the Home Member, that when we find that there is a crop of this kind of literature, and this kind of crime flourishes, then let us face the thing in the right way, not in this tinkering way, not in this way which is contrary to all the principles of constitutional progress at a time when we are trying experiments in constitutional progress, by substituting the executive function for the judicial function. If your Magistrate thinks that the man has violated the law, let this man have a fair trial. Let him be tried by this very Magistrate and let his judgment be a judgment of the court. That is a fundamental point underlying the Bill, and I do not think that point can be remedied in any other way. We must have him a right of trial. Why are these newspaper men looked upon as being so vile and

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vulgar that they should be dealt with so sternly by the executive and not by the courts of the land ? In vain I looked in the speech of the Honourable the Law Member, much as I admired it, for any indication as to why these journalists are being treated in this extraordinary fashion ? Are they the vagabonds of the land ? He paid a great compliment to my friend, Mr. Ranga Iyer, who had denied journalists great influence in the land, but that is not all. He said the influence of a newspaper ought not to be judged only by the circulation it enjoys. But I appeal to him, is it fair to treat the journalist as an outcast ? The moment he is treated as a suspect, he is treated singularly in a manner not justified by the canons of civilised administration. That is the fundamental principle underlying the Bill, and I respectfully submit that neither the Home Member nor the Law Member has justified this extraordinary Bill. It may be said we have given you a beautiful provision in the shape of an appeal to the High Court. Unfortunately, I had a taste of it. I had on one or two occasions to knock my head against these provisions. These provisions of clause 4 consisting of 7 or 8 sub-clauses were read by me over and over again. It was impossible to escape through the meshes of it. Whether a man escapes through them or not, a man finds himself in an impossible situation when an appeal is made to the High Court. The position is that the Magistrate has pronounced that his security is forfeit and an appeal is made by the keeper of the press. How is the appeal to be argued ? Where is the material ? The material is the Magistrate's fiat saying that so-and-so's security is forfeit because in such and such publication there were offensive words. What is to be done ? Where is the material on which you can go up to the High Court ? There is only one document from which you can prove your innocence. Where is the material to prove the guilt ? The person who is the appellant—and this is the most important point and I would like the Honourable the Law Member to justify it—has got to prove to the High Court that it is impossible for that document to come within the scope of that clause ? Is there any such provision in the laws of the land or in any other land in which a person is called upon to prove the negative ? We are always required to prove the affirmative. We are required to prove that this document is seditious, whereas in this law it is laid down that you shall be required to prove that this document is not seditious.

Sir, I have not troubled the House with quotations from the decision of Sir Lawrence Jenkins in the *Comrade* case, but if I remember aright Mr. Justice Stephens pointed out that his task was a stupendous task, more difficult than that of any other Judge in the British Empire, that he had to find from one document the intention of a person and to see whether a person had succeeded in proving the negative. No Judge in the British Empire has been called upon to do that. Therefore, I submit that this right of appeal which is superimposed on the executive action, the basis of which is not a judicial trial, is absolutely ludicrous. You cannot get that sense of security which you are entitled to get in the case of a person who is proceeded against. Therefore, he goes without any trial and inquiry and this provision of the Bill is absolutely of no avail to him.

Now, Sir, the other day when this matter was gone into, the Leader of the European Party, was pleased to observe that papers like the *Tribune*, the *Hindu* or the *Leader* need have no fear from it, like his own. But I took the trouble to look into the files of these papers to see what these

papers have got to say about it. I have got all these papers with me, and almost all of them have expressed their indignation on its introduction and on the possibility of its passing through this House. Let me give you a couple of lines from each of these papers. I do not wish to weary the House. The *Tribune* in its issue of September, 11, has said :

"It (*namely, the Assembly*) will be committing a capital blunder if it does not oppose tooth and nail the proposal for referring the Bill to a Select Committee. That proposal should be met both directly by opposing the motion and indirectly by a motion for circulation of the Bill. Let all those Members who were so profuse in paying their tribute to the memory of Mr. K. C. Roy prove the sincerity of their profession. Let them remember both that Mr. Roy was a life-long fighter for the liberty of the Press and that his very last act in life was to attend the Assembly, though he was in extremely bad health, with the deliberate object of opposing this particular measure."

Similarly, the *Leader* and the *Hindu* have also given their unalloyed opposition to this Bill. That being the case, my submission to the House is that in this measure you are giving a kind of treatment to the keeper of the newspaper press which is inconsistent with the whole principle of jurisprudence, and therefore it is no wonder that everybody outside has objected to it. The other day, it was pointed out that this Bill is confined to cases where there is an attempt at incitement to murder and therefore its operation will be limited to a certain section of the Press and no decent paper has any reason to fear from it. One would be surprised to read words like this :

"If every time a Hindu youth murders a British official, a young Englishman retaliated by murdering a Congress leader, the effect would be deplorable, but there would be no inequality of justice."

An Honourable Member : What is the name of the paper ?

Mr. Jagan Nath Aggarwal : I am just going to give you the name. You will bear with me, Sir, that this is only in answer to the huge volume of extracts. You will remember, Sir, that it was admitted by the Law Member and by the various speakers that these papers had very little circulation and hardly any reading public. In fact, they maintained that most of them were so obscure that the names of a good many of them were not known. But the paper that I am reading from is not at all an obscure paper. It is one of the foremost papers coming from Bombay. It is the *Times of India, Illustrated Weekly*, dated the 13th September, 1931. I will not quote it verbatim, but will give you the gist of it. Dealing with the Chittagong murder, it says that here is a situation in which a Muhammadan officer was shot dead by a terrorist. The Muhammadan community straightaway retaliated by a reprisal and this is a lesson for the bureaucracy. I just give the very words and not paraphrase :

"The fact however, that on this occasion the official selected for assassination was a Muhammadan led to complication. Unlike the British community, which has limited itself,

Honourable Members will mark the words "British community",

"on similar occasion to passing resolutions urging Government to punish the real instigators, the co-religionists of the murdered police official in Chittagong took the law into their own hands and wreaked their revenge indiscriminately on the community from which the assassin was recruited."

Well, Sir, one might say this is a neutral passage, nothing of laudation or praise of the murderer. But it proceeds :

"With almost comical indignation the Congress papers in Calcutta protest that the deceased Police Inspector was assassinated not because he was a Moslem, but because he was a policeman ! The Moslem community are not impressed by these superfine distinctions."

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This is laudation of what happened there :

" They have watched with growing amazement the impunity with which a succession of British officials have been murdered, as also increasing boldness of the real instigators of these crimes as they have realised that their activities do not involve any risk to their own skins or even restrictions of their liberties. The Muhammadan community have taken the earliest opportunity to indicate that they do not mean to adopt an equally quiescent attitude. If Muhammadan officials are murdered there will be immediate reprisals..... Although mob outrages are always deplorable, the lesson to be drawn from the Chittagong affair is that, if a policy of terrorism is to be pursued, it will not long remain one-sided "—

I do not know if there can be greater incitement to murder or violence :

" If every time a Hindu youth murders a British official, a young Englishman retaliated by murdering a Congress leader, the effect would be deplorable, but there would be no inequality of justice. I cannot of course imagine any development of that sort actually accruing but if it did, some of the Hindu leaders might begin to realise the iron self-restraint under which the British community—forced to look on impotently as one after another of its members is foully murdered—is now labouring. As testified in the roughest fashion, at Chittagong, the Muhammadan community, when subjected to similar outrages, refuses to subordinate itself to the same inhibitions, but hits back quick and hard. As a result the Murder Club will probably think many times before it decrees the death of another Muhammadan, even though he may chance to be a police officer."

If this is the cult and if this is the trouble, by all means meet it. Do not make any distinction, whether it is a small paper or a large paper, whether its editor is white, brown or black, but rope in everybody and deal with them sternly in a proper manner. I am at one with Government in taking action for proper maintenance of law and order. But any attempt to whittle down the above principles cannot be countenanced ; the principles underlying the Bill are vicious and should be done away with. Legislation should be taken up in the proper manner to punish such offenders, but no tinkering here and there will serve the purpose in view.

Mr. N. M. Dumasia (Bombay City : Non-Muhammadan Urban) : I confess that when I came to this House I did not come with an open mind. I was biased against the Bill when I read clause 4 in which I scented danger to the liberty of the Press. But after the admirable speeches that have been made by Members on all sides of the House, especially after the convincing speech by the Law Member, I find it impossible to withhold my support to this measure so long as it is confined to one class and it is specifically limited to the terrorist movement. It is impossible to withhold our support to the suppression of terrorist activities, but it is difficult to support clause 4 as it is worded. It is more elastic and less definite as it stands now. It should be made more definite and less elastic and it should be made as clear as possible that it is confined to the terrorist movement alone. Otherwise, as my Honourable friends, Mr. Ranga Iyer and Sir Hari Singh Gour, pointed out, this will forge a fetter round the neck of journalists which every one with the love of liberty of the Press must strongly oppose. Sometimes these apparently innocent-looking measures unless well-defined prove to be most obnoxious and dangerous to the liberty of the Press. We all deplore the cult of anarchy which has made its ugly appearance in the country, but Government are not to be absolved from blame for the appearance of the ugly cult of anarchy. Government have failed to take notice of the signs of the time ; they have failed to take notice of the political grievances of the people ; they have failed to take

notice of the economic grievances of the people ; and they have failed to take prompt measures against those who indulge in incitement to violence. Government for a long time abdicated its functions and that in itself has proved a danger to society. The Government excuse that they do not take any notice of those writings simply because the Press is obscure does not absolve them from their responsibility to protect society (Hear, hear). If they had not neglected that duty, they would not have found it necessary to bring forward this measure. Unless clause 4, which is the operative clause is amended in the light of criticisms of the late Chief Justice Jenkins, one of the ablest Judges, the Government will find opposition not only from this House but from outside, all over the country.

We must make it clear in the Select Committee that this Bill will be confined only to the terrorist movement, and for other crimes of violence, they must resort to the Penal Code.

I want to say a word about the penalty. In the original Press Act, the penalty was Rs. 10,000 maximum, now it is Rs. 20,000, if you put it upon the keeper of the Press as well as on the publisher, and printer. This provision is much more harsh than the previous one. I think Government must reduce the liability of the printer and publisher to Rs. 5,000 and the keeper of the press to Rs. 5,000, so as to make the total penalty Rs. 10,000 as in the old Press Act. Then I am of opinion that this Bill will not serve the purpose for which it is made as the agitators will find other means of demonstrations in favour of murderers in the shape of processions and hartals. That is a feature which you should not fail to take into account. The only remedy for bringing about the cessation of this violence is to take the people more and more into confidence and grant them a machinery so that they may be enabled to remove their own grievances. I am sure if we achieve what the Round Table Conference seeks to achieve, I do not think we will hear of any cult of violence in this country.

Sir, whether the cult of violence is to continue or whether it is to stop, rests in the hands of Government.

Then, Sir, the appeal to the High Court must be before the demand for deposit is complied with and not after the forfeiture of the deposit. Government must allow all judicial safeguards. We are living in the 20th century, when the school master is abroad and we have learnt the lessons of freedom. We have imbibed the lessons of freedom from the history of England itself. I think it is impossible to curb the liberty of the Press and the more you curb the liberty of the Press, the more will other means of expressing the people's grievances be found. I am still of the opinion that this Bill will not serve the purpose for which it is intended unless Government conciliate the people. Sir, as an Anglo-Indian paper has pointed out, it is morally foul and politically disastrous to encourage or praise the detestable cult of assassination. I am glad to find that there is not a single Member in this House who favours the cult of assassination, nor is there anybody in the country who would favour it. But, Sir, as you know, communist principles are abroad and socialist principles are embraced readily, and the people know what is happening in other countries, and if they imitate the example of other countries, the blame must be placed on the education which they have received.

Sir, I have said that I am ready to give my qualified support to the Bill, provided the obnoxious features of this Bill are done away with. We reserve to ourselves the right of rejecting this measure when it emerges

[Mr. N. M. Dumasia.]

from the Select Committee if we find that it is not to our satisfaction. Sir, nobody will accept any principle which forges a new fetter around the Indian Press. As one of the oldest journalists, I say that Government ought not to have placed this responsibility upon the House unless Government themselves were prepared to shoulder their own responsibilities. Government ask for our co-operation when they want to forge new fetters around the Press, but when we ask Government for their co-operation what do we get from them? Only defiance and defiance alone. Sir, Government must also be amenable to reason and amend clause 4 as suggested by the Leader of the Opposition. If they do so, I am sure there will be no opposition to this measure. I hope there will be no necessity to make use of this measure, which is only for one year, and that after a year with peace and tranquillity prevailing in the country it will be removed from the Statute-book.

Dr. F. X. DeSouza (Nominated Non-Official) : Sir, I rise to support the motion that this Bill be referred to a Select Committee.

4 P.M.

When a Member of this Honourable House, who is jealous of the liberties of his country and proud of its traditions, is asked by his vote to support a measure which imposes some restriction upon the Press of this country, it must cause him grave searchings of the heart before he supports such a measure. The Honourable the Home Member, who introduced the Bill in a speech characterised by the greatest moderation, enunciated two propositions. The first is that the experience of the last few years has proved the existence of a strong revolutionary party the object of which is to overthrow the established Government, to destroy the established order of society and thus create a reign of terrorism. The second is that the activities of this party are very largely strengthened by some sections of the Press, who either directly incite to murder and crimes of violence, or without going to the extent of direct and overt incitement, covertly by damning with faint denunciation the murder and investing the murderer with the halo of a saint, martyr and patriot, encourage the commission of these crimes. The Honourable the Home Member said that if these two propositions are proved, the conclusion necessarily follows that some action must be taken to stop the activities of these people. Sir, it is unnecessary for me, after the speeches that have been made by Honourable Members opposite, who have practically admitted the principle of the Bill, to analyse at any great length the evidence which the Honourable the Home Member has placed before this House. The existence of this conspiracy cannot be disputed for one moment. Looking at the list of the terrible crimes, we find that during the year 1929 there were as many as 13 crimes of violence, during the year 1930 as many as 74, and during the year 1931 up to the 31st August, as many as 128. Only within the last few weeks, the tale becomes gruesome. On the 22nd July, last, an attempt on the life of the Governor of Bombay; on the 23rd July the murder of Lieutenant Hext on the train; on the 27th July the murder of Mr. Garlick, the District Judge of Alipore; on the 21st August an attempt on the life of Mr. Cassells, the Commissioner of Dacca, and on the 30th August the murder of Khan Bahadur Ashanulla, Inspector of Police at Chittagong. Can it for one moment be argued that this series of crimes, perpetrated in different parts of the country are isolated and sporadic? Is it not clear that they are the work of a revolutionary active party working secretly throughout the length and breadth of this land?

The obvious result of the commission of violent crimes like these is not only to impair the morale of the officials of Government, whether European or Indian, but they have thrown the citizens of this country into a state of nervous tension. An Honourable Member of this Legislature belonging to the Upper House told me the other day that, much as he would have liked to avail himself of the privilege of travelling by reserved compartment to which he is entitled, from Madras, he feared to do so, for during these days of terrorism he was afraid that he might be attacked by an assassin if he were alone.....

Mr. B. Das : Was he a non-official Member ?

Dr. F. X. DeSouza : Yes.

Mr. B. Das : Then he is a coward. (Laughter.)

Dr. F. X. DeSouza : Turning now to the second point, that the activities of the revolutionary party are strengthened by the teachings of certain sections of the Press, I have read carefully the sixty-six pages of extracts from about seventy journals which have been supplied to us by the Home Department. These extracts range from all sorts of incitements to violence, murder and red ruin down to a glorification of the murderer, while professing to condemn his crime. I shall not read any of these extracts, but I shall only comment on one or two criticisms made by Honourable Members on the other side. They said, "What is the object of making so much fuss of these insignificant sheets whose names even are unknown to us and whose circulation is limited ? They really form the gutter Press of this country : why should we take notice of them at all and give them unnecessary importance ?".....

Mr. N. M. Dumasia : There you fail to do your duty to protect society ?

Dr. F. X. DeSouza : I think when Honourable Members on the other side said that these papers have little or no circulation or influence on public opinion, they must have spoken with their tongues in their cheeks. They know as well as I know, perhaps even better than I do, that it is this class of journalism which has the greatest attraction and which is swallowed with the greatest avidity by young men of immature minds.....

Mr. N. M. Dumasia : And yet you take no action !

Dr. F. X. DeSouza :by young men who indulge in political discussion, which after all they have every right to do : and feeling as we all do that there is something wrong in the state of Denmark, they fall back upon this section of the Press to find a true solution of the trouble. I am not speaking merely upon conjecture. I speak from the records of the courts. Honourable Members are aware of the case of the young man who has just been convicted of the attempted murder of the Governor of Bombay : he was a young man belonging to a good family, a man of education, who in the ordinary course would have obtained distinction in his profession, but who fell under the evil influences of papers like these and allowed himself to commit the crime of which he has been found guilty.....

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : On a point of order. Is my Honourable friend entitled to discuss a case which is still *sub judice* ? It may have been decided by the first court : but I understand an appeal has yet to be filed in the case.

Mr. President : Has the case been decided ?

Mr. B. B. Puri : No ; not finally : my submission is only this, that if the conviction has taken place in the trial court, an appeal has yet to be heard. I think it may amount to prejudicing the case of the appellant if the merits of his case are discussed in this House.

Mr. President : On a question of fact : is the Honourable Member quite sure that an appeal has been lodged ?

An Honourable Member : It is bound to be.

Mr. President : The point of order can only be dealt with if there is some evidence to show that the case is still *sub judice*. If an appeal has been preferred, it would be *sub judice* and the Honourable Member would not be allowed to comment on it. The question is one of fact. Unless I am assured that the case is really *sub judice*, I cannot interfere with the Honourable Member's observations. Will any Honourable Member tell me as a matter of fact whether an appeal has been preferred ?

Mr. Amar Nath Dutt : The time for filing an appeal has not expired as yet. And so long as there is time to file an appeal I think the case should be considered as *sub judice*.

Mr. President : Has the Honourable Member any definite information on the subject ?

Dr. F. X. Desouza : I shall not press the matter further. All that I wish to say is this : I might have referred to other cases in which the accused persons, belonging to very good families and coming from very good homes, who in the ordinary course would have been an ornament to their professions and in time might have become ornaments even of this House, have been found guilty of offences like political assassination, and this sort of thing gives one furiously to think. Any Member of this Assembly, may have some one dear and near to him undergoing education in colleges and other educational institutions : it is not unlikely—if we are to judge by the cases that have already been decided—that the class of young men who will be affected by propaganda of this character will be young men of generous instincts, of noble ideals, perhaps perverted ideals, who are prepared to sacrifice their lives and their liberty in pursuance of what they consider to be a heroic act. Are we prepared to allow these young men, these immature youths, at this the most emotional part of their career, to be debauched in the pregnant phrase of the late Mr. Eardley Norton, or to allow this deadly poison to be injected into them, in the words of His Excellency Lord Irwin in his inaugural speech opening the session of last year, while we look on debating about the definition of the permissible limits of justifiable criticism of political assassination ? Should we not rather throw theory to the winds, and holding that the public safety after all is the ultimate law, pass a measure of this kind ? To me it seems that we shall be closing our eyes to the realities of the situation if we discuss theoretical limits of public criticism and allow this sort of propaganda to be carried on by the Press.

One pertinent observation was made by Honourable Members on the other side, and it is, why is it that the ordinary law is not adequate for dealing with this evil ? But everybody is aware that the ordinary law is absolutely inadequate for the simple reason that it allows of dissemi-

nation of the pernicious matter long before it can be suppressed. Even in countries which we consider to be the freest countries, even in England, the Executive Government possess powers of confiscation and forfeiture without resorting to the remedy of an ordinary trial. Last year we heard of a London Magistrate confiscating the issues of a novel written by a well known writer on the ground that, in his opinion, it had an immoral tendency. The Society of Journalists in London and the Society of Authors raised their powerful voices against a confiscation of this nature. They said it was scandalous that a decision as to whether a particular book was or was not of an immoral tendency should be left to the unfettered discretion of a single London Magistrate ; but their protests were of no avail and the decision was upheld. It is absolutely necessary in a case of this kind, where there is danger of public dissemination of pernicious matter, that the executive should possess summary powers.

Sir, a few words more and I have done. Strong objection was raised by some Honourable Members on the ground that clause 4 of the Bill was too comprehensive, so that any paper against whom the executive had a grudge could be easily dragged in. But, I think, Sir, that Government have made the position perfectly clear, that it is only direct or indirect incitement to violence in the ways mentioned in the Bill that will come within the purview of the clause, and if Honourable Members consider that the wording is too wide, it is certainly open to them in the Select Committee to suggest other wording to carry out the intention of Government. To me, Sir, it seems strange that anybody who is a follower of the doctrines of Mahatma Gandhi could for one moment have any hesitation in supporting this Bill. I believe that the prevalence of violent writings in certain sections of the Press was brought to the notice of Mahatma Gandhi himself a few months ago, and the Mahatmaji said in his issue of *Young India*, dated the 28th May, 1931, as follows :

“ I have before me extracts from journals containing some gruesome things. There is communal incitement and gross misrepresentation to political violence bordering on murder. It is of course easy enough for the Government to launch out prosecutions or pass repressive ordinances.”

But, says the Mahatmaji :

“ It will serve the purpose only temporarily and in no case will it convert the writer. The real remedy lies with the journalists associations. Why should we not create a department whose business it would be to study the various journals and bring them to the notice of the people ? ”

That precisely, Sir, is the policy that Government are pursuing. By bringing forward this measure, the Government have attempted to stop temporarily the spread of the dangerous poison that is now infecting the youth of this country. But they say it is only for a short period, say for a year or two or three at the outside. Meanwhile the presidents and secretaries of the various journalists associations throughout India should exercise their influence, and by persuasion and co-operation create a sort of public opinion among the journalists themselves so as to prevent the appearance of articles of this nature in the Press. That is all I wish to say, Sir, and with these few words, I support the motion that the Bill be referred to a Select Committee.

U Tun Aung (Burma : Non-European) : Sir, I must congratulate my Honourable friend from Burma, Mr. Tait, on his able maiden speech,

[U Tun Aung.]

but I regret I am unable to follow in his footsteps in supporting the motion.

Mr. B. Das : He wants to separate you from India.

U Tun Aung : Sir, I feel very sorry that my Honourable friend dragged in the question of anti-Indian feelings which are alleged to prevail in Burma. After hearing the speech of His Excellency the Viceroy this morning, I thought the Honourable Members in this House understood that things in Burma had been restored to their normal conditions and all the alleged anti-Indian feelings or anti-anybody's feelings had died away. I cannot therefore see why the Press, whose function has been praised so highly should be muzzled at this moment. The Honourable Members are aware, I believe, that at the present moment we have in Burma the unfortunate Burma Ordinance, applicable to that country alone, (*an Honourable Member* : "Shame"), and in that Ordinance special provisions have been embodied for the control of the Press. I cannot therefore appreciate the necessity for another Press Act further to control the Press in Burma. If the Honourable Members will pursue the extracts which have been made available to us by the official Benches in justification of this measure, they will see that not a single passage was taken from any of the newspapers in Burma ; and this fact shows that the Press in Burma has been behaving quite well, and I fail to understand why under such circumstances the Press in Burma should be placed under any control whatsoever as is proposed to be done by this Bill. You know, Sir, that Burma has until recently been unfortunately placed in a miserable plight, but it is fast getting out of the wood. No doubt during those disturbed days there might be some unfortunate cases of Indians being victimised wilfully or otherwise but that alone should not in fairness to Burma be construed as sufficient justification to prove that the Burmans as a nation are against Indians. No doubt in 100 cases of Burmese deaths there may be a few cases of Indians being assaulted or killed, but the House must remember that in times of trouble and difficult discrimination of race or colour could not be expected as necessity knew no law, and all those people who were particularly hard hit by the depressed economic conditions could not but yield to the irresistible methods of force and lawlessness. Unfortunately such hard hit people attacked the rich people, and unfortunately among those rich people there happened to be some Indians. Sir, these unfortunate incidents that took place during the disturbed days should be treated as past history. It is therefore most unfortunate that my Honourable friend from Burma should have dragged in that question here. The relationship between the Burmese and the Indians, I may say, has again begun to resume the previous cordial nature, and I need hardly say that Burmans as a very hospitable race love their neighbours and fellow beings. As I said before there is now an Ordinance in Burma to deal with the situation which has very much eased now, and this fact will be testified to by the Chief Secretary who is now the official Member from Burma, and I do not see why India along with Burma should be saddled with another piece of legislation which, although on the face of it, it may not appear to be repressive, but when placed in the hands of

the Executive, we cannot safely say that it will not be abused. In this connection, Sir, I would like to bring to your notice unfortunate fact that in Burma a member of the Legislative Council representing the disturbed area, Tharrawaddy, addressed a letter to the Secretary of State for India in which he set out all the facts relevant and necessary for the purpose of showing why the rebellion had taken place. Without showing any reason, without showing any justifiable cause, that letter addressed by a member of the Legislative Council to the highest authority for India in the British Parliament has been withheld, and that letter, which has been printed, has been proscribed by the Burma Government. When a responsible member of the Legislative Council makes an attempt to represent matters to the higher authorities for necessary redress or rectification, even in such a case the Government come in and interfere. In fact, if that letter had been placed before the British Parliament, it would have shown the actual conduct of the Government in dealing with the situation in Burma. It would also be seen that the rebellion could be very well ascribed to the outrageous activities and deeds committed by those very people responsible for the maintenance of law and order. Their lawless activities had led to lawless conditions, and these facts were embodied in that letter, but that letter had been withheld. Now, Sir, if even in such a legitimate effort of a responsible person to get affairs righted the Government thought it fit to interfere how much worse abuses, would Government commit if this Bill were passed into law? It is only paying a much too hollow compliment to say that the papers in the country are functioning side by side with the Government and that they are affording great assistance to the Government, and yet the Government contemplate gagging them in an undue manner by this Bill. It must be remembered that the terrorist activities, these incitements, contained in these extracts from papers most of which are unknown—these took place when the whole country was in a great stir and upheaval asking for the realization of the political aspirations. Now that great disturbance has, I hope and trust, been considerably allayed firstly by the world famous agreement known as the Gandhi-Irwin pact, and latterly by the agreement of Mr. Gandhi to go to England. When we are now gradually getting out of the thick atmosphere of distrust and discontent and when all the attentions of the country are being fixed upon the possible achievements in the Round Table Conference in England, it will be most unfortunate—nay it is sadly inopportune that a Bill of this nature should be ushered in by the Government. Sir, you know too well the temper of the country. When Government by such an Act show distrust for the people, how can you expect their co-operation and co-ordination? A Bill of this nature will tend to invite people—shall I say incite people—to honour it more by breaches than by observance, and this being so the Bill, if passed into law, will fail most deplorably in its aims and objects. I think that it will be well advised if the motion for circulation be accepted by the Government, so that the necessary circle of public opinion may be available for consideration when the Bill is brought forward in the Delhi Session, and the House will then be in a better situation to come to a proper decision. The House will then be in a happier position to decide whether the necessity for controlling the Press was really desirable. At the present time we are simply asked to take a leap in the dark simply on the frail materials such as the extracts of newspapers which are admittedly insignificant

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and unknown in the country and in respect of which no proceedings whatever have been taken. Are we justified in at once agreeing to have this measure referred to a Select Committee, thereby agreeing in principle that such a measure is desirable at this juncture? I feel that the materials on which this Bill has been founded are still insufficient and the time is most inopportune for this Bill to be introduced now. So far as Burma is concerned, the Burma Ordinance No. 5 is already there, much undesirable though it is, and on the top of it, if this Bill were passed into law, I for one would not be surprised if there is a renewed and unnecessary stir in the country, resulting in activities which this measure is intended to prevent. I would therefore say that tolerance for the present moment would enable the readjustment of the disturbed state of the public mind and I fully trust that there will be more peace than would be otherwise if this Bill were passed into law.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I do not propose, Sir, to speak at any length on this Bill, but there are a few points which occurred to me during the course of the discussion to which I have listened, and I think that it might be worth while to place them before the House.

One obvious feature of the debate has been that, while a number of speakers have made it clear that they see difficulties and objections, and that they will require to be satisfied about these, there has been very little whole-hearted opposition to the Bill, very little root and branch opposition, though my Honourable friend, Mr. Das, got very near it, though his phrase was tooth and nail and not root and branch. So frankly indeed did he disclose his attitude, that when he spoke of assisting the Government, I felt somewhat apprehensive.

"Timeo Danaos et dona ferentes."

"I fear the Greeks when they come with gifts in their hands."

I confess I had some doubt in my mind whether the offer of help was whole-hearted. My Honourable friend also claimed in his speech to speak on behalf of India. Mr. President, when I think of India, I think of something grand, awful and mysterious, but when I think of Mr. Das, I think of a very worthy colleague with an abnormally suspicious mind. (Laughter.) Therefore, I am not prepared to accept him altogether as the mouthpiece of India. Another speaker, Mr. Aggarwal, I think, raised objections of principle which, in his view, if he carried them to their logical conclusion, would prevent him accepting the Bill in any shape or form, but I believe it is true of most of the other speakers that while, as I say, they had objections and difficulties which they would like to see removed, they were not altogether opposed to the consideration of the Bill.

Another feature of the debate which struck me was that more than once one speaker answered another, not designedly but by implication, and some of the arguments adduced against the Bill seemed to be quite admirable arguments in support of it. On the last day, my Honourable friend, Mr. Ranga Iyer, devoted some time in the opening part of his speech to an attack upon the Anglo-Indian Press. I think I ought on behalf of Government to express our indebtedness to him for establishing the necessity of controlling at least one section of the Press. Again, to-day Mr. Aggarwal read an extract from a Bombay newspaper and it seemed to me that the

natural inference from his argument was that there was great need for control, and more than that—for there was a further inference to be drawn from the quotation—that unless we take care in our Bill to stop loopholes and to insert words such as “by inference or implication”, we shall be unable to exercise that control which is needed. I am indebted to the Honourable Member for an admirable example of why we have to be careful about the drafting of the clauses in this Bill. You all of you remember the old story of the pick pocket. He was caught and was about to be ducked at the pump when the aggrieved party said, “Whatever you do, don’t nail his ears to the pump”. That was an encouragement to violence but in form it was the reverse, for the opening words were “Whatever you do, don’t”. Therefore I say, if you wish the Bill to be effective for its purpose, it is necessary to prevent obvious evasions. Another example of what I have in mind is to be found in the speech of the Honourable the Leader of the Opposition. He wanted to know if the publication as news in a newspaper of speeches of the kind objected to would be considered incitement to violence. My answer is “why not?”, but if a further answer is needed I would refer him to my Honourable friend, Mr. Ranga Iyer. Mr. Iyer told us how much mightier the platform was than the Press—and when I listened to my Honourable friend and reflected how formidable he would be on the platform, and how dangerous if his talents were misdirected, I was very nearly convinced—but if the speeches to which my Honourable friend referred were open to the strong objection which he told us they were, then surely their publication for the purpose of broadcasting must be open to the same objection as an article originating in the newspaper itself. What we are after is prevention; our object is not punishment as such but to prevent, if we can, certain mischief from being done. Again my friend, Mr. Ranga Iyer, said it was altogether unfair that the public speaker should get off scot free and that the journalist should incur heavy penalties. Now, I take it that the speeches he referred to did not fall within the mischief of the ordinary law. At present Local Governments of course take action under the ordinary law against speeches in which they are advised that the speaker has transgressed the law. As I have said, my Honourable friend told us that what was really doing the mischief was the platform and not the Press. Well, I will put him a straight question. If we introduce a Bill punishing speeches of the kind he condemned, can we rely upon him for his support? Because, if not, then I submit that his argument is entirely worthless and is intended to mislead the House in order to secure the rejection of the Government proposals.

Once again my Honourable friend, the Leader of the Opposition, said that the newspapers printed in the vernacular were doing the harm and argued that the provisions of the Bill should be confined to the vernacular Press. I am not a lawyer, Mr. President, but it would seem to me a somewhat curious proceeding to enact that a certain statement was a crime in Hindustani, Bengali, Guzerati and Mahratti, but was not a crime if made in English. This discrimination according to language would be a novelty in our system of jurisprudence which I think this House should be very slow to accept.

Now, Sir, as regards the main motion, I think that the natural termination of the discussion to which we have listened would be the reference of the Bill to a Select Committee. Whatever difficulties Honourable Members opposite may have, I believe that the great majority of them desire to

[Sir George Rainy.]

do what is right in order to discourage the terrorist movement which they know, as well as we do, is doing untold harm. The Honourable the Leader of the Opposition, however, raised certain difficulties. In the first place, I think this is clear that the speakers on the other side have made their attitude perfectly plain, and that it would be impossible for any one on this side to charge them with inconsistency, if, having allowed the Bill to go to a Select Committee, they were subsequently to say "The amendments made do not satisfy us and we must vote against the Bill". They protected the Opposition quite definitely and clearly. They have safeguarded their position effectually on this point. But my Honourable friend, the Leader of the Opposition, wanted something more. He will get a reply from my colleague, the Home Member, in due course, but there is one thing I want to say at once and it is this. If we invite the House to go into Select Committee, we do not do so with the intention of raising pettifogging objections and points of order. We do not desire to raise technical objections as regards amendments on the ground that they are contrary to the spirit of the Bill. That is not the spirit with which we shall enter the discussion and it is really the spirit that matters in a case of this kind. Whether or not a particular amendment is contrary to the principle of a Bill is always a matter for the decision of the Chair, but certainly it is not the intention of Government, as I say, to go into Select Committee with the idea of tripping up Honourable Members on the other side. I do, therefore urge as strongly as I can that the important points which have been raised in this debate—and I do not deny that they are important—can with most advantage be discussed in Select Committee. When we take into account the measure of underlying agreement there is on all sides, any other termination to the debate would be a wrong termination. But some of my Honourable friends opposite will say, "Why not agree to circulation, why not wait for another three months? Of course it would not be three months, for the Assembly does not usually sit in December, and I am afraid it would be the end of February before the Bill become law. This is not a matter which has been taken up hastily, at short notice. The evil which we seek to remedy has been working havoc in our midst during the past months. If there are, as I claim that there are, good reasons for legislating at all, then there are good reasons for legislating at once. (*Cries of "Hear, hear."*) I know that Honourable Members opposite do appreciate the difficulties under which Government officers are carrying on their work all over India; but I wonder whether they quite realize how great the strain must be, not at the headquarters station, but in the districts, and especially in the Province of Bengal, I believe it would make a very great difference not only to the feelings of these officers but to the zeal and the earnestness which they put into their work and the manner in which they carry out their duties if they could feel that they had the support not only of the Government behind them—for, after all, it is the business of Government to support their officers—but had also the support of the Central Indian Legislature. Sir, it is for this that I would appeal, I believe that the passage of the Bill would do more to hearten and encourage our very deserving officers in the plains than almost anything else (Loud applause).

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th September, 1931.
