

24th September 1935

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume VI, 1935

(17th September to 26th September, 1935)

SECOND SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1935



NEW DELHI
GOVERNMENT OF INDIA PRESS
1936

Legislative Assembly.

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MR. LALOHAND NAVALRAI, M.L.A.

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CORRIGENDUM.

In the Legislative Assembly Debates, Vol. V,
No. 7, dated the 10th September, 1935, page 724,
last line, *for* “ **weakers** ” *read* “ **weakness** ”.

LEGISLATIVE ASSEMBLY.

Tuesday, 24th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

ESTABLISHMENT OF AN INSTITUTE FOR ANIMAL AND HUMAN NUTRITION RESEARCH.

621. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether the Imperial Council of Agricultural Research has before it a proposal for the establishment of an Institute for Animal Nutrition Research and Human Nutrition Research ;
- (b) whether the Linlithgow Commission urged the establishment of both the branches simultaneously and why there has been delay in this matter ; and
- (c) whether they propose to take any action in this direction ; and if so, when ?

The Honourable Sir Girja Shankar Bajpai : (a), (b) and (c). The Royal Commission on Agriculture in India referred to the work being done on animal nutrition problems in the Physiological Chemist's Section at Bangalore and to the investigations conducted under the Indian Research Fund Association into deficiency diseases and malnutrition of human beings. They recommended the development of both branches of nutrition work and suggested the ultimate establishment of two institutes. A scheme was prepared for the establishment of a Central Research Institute for animal nutrition as early as 1929 but it could not be proceeded with for lack of funds. The matter has been considered at frequent intervals since but the financial obstacle has, unfortunately, persisted. A fresh scheme for founding an animal nutrition institute on a modest scale is engaging the active consideration of Government at the present moment. Human nutrition work is being continued at Coonoor.

Mr. S. Satyamurti : With regard to animal nutrition research, what is the financial commitment of the modest scheme which is now being considered by Government ?

The Honourable Sir Girja Shankar Bajpai : Speaking from memory, something like 2½ to 3 lakhs non-recurring and about a lakh a year recurring.

Mr. S. Satyamurti : Will Government do their best to make provision for it in the next year's budget, in view of the very great importance of this subject for the cattle of this country ?

The Honourable Sir Girja Shankar Bajpai : My Honourable friend will realise that at this stage it is not possible to make a commitment because it is impossible to foresee what the financial position is going to be next year ; but I can assure him that the matter will receive the most sympathetic consideration.

Mr. S. Satyamurti : As regards human nutrition, may I know who is in charge of the work at Coonoor now, and are Government or is he considering the desirability of evolving a nutritious diet on a scale which the poor people in this country can afford, and make it available to the people as early as possible ?

The Honourable Sir Girja Shankar Bajpai : The successor of Sir Robert Mackerrison at Coonoor is a gentleman named Ackroyd who has very wide experience of nutrition work abroad ; and with regard to the second point mentioned by my Honourable friend, I believe he has already taken up the matter and actually issued a pamphlet showing how a man may live on two annas a day and have a very nutritious diet.

Mr. S. Satyamurti : May I ask whether the results of this research will be made available to the people in all the languages of the country, as early as possible ?

The Honourable Sir Girja Shankar Bajpai : As my Honourable friend is aware, that is primarily a matter for the Local Governments, but I shall have the suggestion of having it translated into the different languages considered.

PROHIBITION OF WOMEN FROM WORKING UNDERGROUND.

622. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the statement made by the Under Secretary of State for India in the House of Commons that two women were killed in a recent mining disaster in Bihar ;
- (b) when they propose to prohibit women working underground ; and
- (c) the reasons for delay in this matter ?

Mr. A. G. Glow : (a) Yes.

(b) The employment of women underground in mines was prohibited with effect from the 1st July, 1929, except in the coal mines in Bengal, Bihar and Orissa and the Central Provinces and the salt mines in the Punjab. In the case of these exempted mines the regulations promulgated by the Government of India in 1929 provided for a gradual percentage reduction each year in the number of women employed underground so as to lead to their total elimination by the 1st July, 1939. The question of advancing this date is at present under the consideration of the Government of India in consultation with the Local Governments and the Mining Boards concerned.

(c) There has been no delay.

Mr. S. Satyamurti : May I know what is the number of women or the percentage of women now working in the exempted mines, up to the latest date for which figures are available ?

Mr. A. G. Clow : I am afraid, I have not got that in my head, but I imagine it is somewhere about 14 per cent.

Mr. S. Satyamurti : May I know if Government will take immediate steps to prohibit the employment of women without waiting for 1939 ?

Mr. A. G. Clow : As I said at the end of the answer I gave to part (b), we are considering this question in consultation with the Local Governments and the Mining Boards concerned. As the Honourable Member is probably aware, a Convention was adopted at Geneva on this subject this year and will have to be considered in that connection.

Mr. S. Satyamurti : When will Government be able to bring up legislation, if necessary, or take administrative action to prohibit the employment of women underground ?

Mr. A. G. Clow : Legislation is not actually necessary, as the Government of India have been invested with rule-making powers under the Mines Act. Any rules that are published would require to have three months' notice after the Mining Boards have been consulted.

Mr. S. Satyamurti : Will Government expedite their decision in this matter as much as possible ?

Mr. A. G. Clow : Yes, Sir. We are considering it at the moment, and I hope as soon as we are relieved from the arduous labours of this Session, we will be able to come to a decision.

Prof. N. G. Ranga : Was any compensation paid to the families of these women ? If so, how much ?

Mr. A. G. Clow : I cannot say ; it would depend on whether their dependants filed applications under the Workmen's Compensation Act or not.

Prof. N. G. Ranga : Have Government tried to ascertain the facts ?

Mr. A. G. Clow : I see no reason to do so. Not only is it open to them to file applications but the Commissioner is specially entrusted with the duty of calling the attention of the dependants to the possibilities under that Act.

MANUFACTURE OF GUNS IN INDIAN ORDNANCE FACTORIES FOR THE USE OF THE INDIAN ARMY.

623. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the extent to which guns are manufactured in Indian Ordnance Factories for the use of the Indian Army ;
- (b) the results thereof ; and
- (c) when all India's requirements in this respect are expected to be provided locally ?

Mr. G. B. F. Tottenham : (a), (b) and (c). Practically all the guns required for the use of the Army in India are already manufactured in the Indian Ordnance Factories with satisfactory results.

Mr. S. Satyamurti : What is the significance of the word "practically" ? What are the gun requirements which are not wholly manufactured in this country ?

Mr. G. R. F. Tottenham : The only exception is that when the army takes into use a new pattern of weapon, we have to begin by getting that weapon from the manufacturers in England up to a certain quantity ; and then we get the patterns out here and make them up in our own factories. It is only for a limited period that we buy in England.

GOVERNMENT'S POLICY WITH REGARD TO THE TRIBES ON THE NORTH-WEST FRONTIER.

624. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) their definite policy with regard to the tribes on the North-West Frontier ;
- (b) the cost incurred by Government in Frontier operations during the last three years ; and
- (c) whether they propose to replace their present policy by policy of friendly adjustment with the tribes, and if not, why not ?

Mr. J. G. Acheson : (a) The attention of the Honourable Member is invited to the reply given on the 12th September, 1933, to Mr. M. Maswood Ahmad's question No. 880 and to the reply given by me to a similar question during the present Session ?

(b) The expenditure on operations on the Frontier during the last three years amounted to Rs. 39.64 lakhs. This includes the cost of road construction.

(c) The present policy of Government is in effect one of friendly adjustment with the tribes and the question of changing it does not, therefore, arise.

Dr. Khan Sahib : Will the Honourable Member be pleased to state if his attention has been drawn to an article in the *United Service Magazine* by "Mouse" forecasting the policy of the Government in the tribal area ? He has stated how to subdue the tribes one after the other, and to create military governors there and to charge no revenue or taxes. May I ask the Honourable Member if Government, by creating these military areas, have got at the back of their minds to control and direct these tribesmen from time to time into the administered area, to loot there and thus constantly keep up the disturbances on the Frontier and further always to create suspicion in the minds of the Hindus and the rest of India ?

Mr. J. G. Acheson : My answer to the first part of the question is that the article in question, of which I have heard, represents the views of a private individual only, and Government are in no way responsible for it. The second part of the question contains a number of implications and insinuations, and, therefore, does not call for a reply.

Dr. Ziauddin Ahmad : May I ask if it is not a fact that the people in tribal areas pay customs duty as the customs barrier is on the other side ?

Mr. J. G. Acheson : Certainly, on such goods which they consume which come through Indian ports of entry and are dutiable.

Dr. Ziauddin Ahmad : So they do pay taxes ?

Mr. J. G. Acheson : Indirectly, yes.

Mr. S. Satyamurti : With reference to clause (c) of this question, I did use the phrase "friendly adjustment" myself ; but I am asking whether the Honourable the Foreign Secretary understands that phrase in the sense in which I used it : is it the policy of the Government to recognise the independent or quasi-independent position of these tribes, and come to a settlement with them as between friends or allies, or is it their policy to subjugate them and make them real subjects of the British Raj ?

Mr. J. G. Acheson : I do not think I have anything to add to the very full statements of policy already made by me during this Session. I think that I have understood what the Honourable Member means by "friendly adjustment" and have replied to it, taking it in the ordinary plain sense of the expression.

Mr. S. Satyamurti : Do Government, therefore, recognise that these tribes might remain independent and yet friendly with the British Government ?

Mr. J. G. Acheson : The object of Government is that these tribes should be on friendly terms with the Government. Government do not admit that these tribes are independent tribes.

Mr. S. Satyamurti : What is their political status ? Are they independent, quasi-independent, or are they subjects of the British Government ?

Mr. J. G. Acheson : That has already been answered on a previous occasion in this Assembly.

Mr. S. Satyamurti : I do not understand that answer : I want an answer which I as a layman can understand : what is the political status of these tribes, according to the British dictionary ?

Mr. J. G. Acheson : The status is that of British protected persons, or it was that until the new Constitution Act : there has been some alteration of status in the new Constitution Act ; but, at the moment, I am not prepared to go into a dissertation on the legal niceties of the position : that is rather a matter for the representative of the Legislative Department.

Mr. S. Satyamurti : Will Government give up fighting these tribes then, and sue for peace with them ?

Mr. J. G. Acheson : Government do not fight the tribes ; they fight the Government from time to time.

ENQUIRY INTO THE INCOME-TAX SYSTEM IN INDIA.

625. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) when the enquiry into the Income-tax system in India fore-shadowed by the Honourable the Finance Member last April will be started ;

- (b) what its composition and terms of reference will be ; and
- (c) what opportunities will be given for non-official opinion to express itself before the body conducting the enquiry ?

The Honourable Sir James Grigg : I would refer the Honourable Member to previous answers on this subject—in particular those to No. 35 and No. 367.

Mr. S. Satyamurti : Is there any further answer to clause (c) of the question ?

The Honourable Sir James Grigg : No : that is dealt with pretty fully in the answers to which I have referred.

Mr. S. Satyamurti : Have Government come to any conclusion as to the nature or extent of non-official opinion which will be made available in this inquiry ?

The Honourable Sir James Grigg : A communication has been addressed to some representative commercial bodies suggesting that, in the first instance, they should send written memoranda, and that, in the centres to which the experts are going, they can make oral representations.

ENQUIRY INTO THE FINANCIAL RESOURCES OF THE PROVINCES ON THE EVE OF THE NEW CONSTITUTION.

626. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) when the inquiry into the financial resources of the Provinces on the eve of the new constitution coming into force would be held ;
- (b) what its composition and terms of reference will be ; and
- (c) whether the enquiry will include financial experts of the Provinces and also of the Federation or only of the Provinces ?

The Honourable Sir James Grigg : An announcement on the subject has already been made.

Mr. S. Satyamurti : Sir, I am asking only clause (c) of this question, as an announcement has already been made by the Government with reference to clauses (a) and (b).

The Honourable Sir James Grigg : I was giving an answer to the whole question by asking the Honourable Member to wait till the short notice question had been asked and answered : but I am not sure that that particular point is included in that question. But that is covered by the terms of the announcement that the inquiry will be conducted by one expert who represents neither the provinces nor the centre.

Mr. S. Satyamurti : May I ask with regard to clause (c) of the question, whether financial experts of the provinces or the Federation or of both will be associated as assessors or in any other advisory capacity with this gentleman ?

The Honourable Sir James Grigg : No : I think their association with the inquiry will be in the capacity of witnesses.

Mr. S. Satyamurti : There will be no advice offered to him either by this Government or by the Provincial Governments ?

The Honourable Sir James Grigg : Call it advice if you like : I call it evidence.

Mr. S. Satyamurti : Will they submit memoranda to him ?

The Honourable Sir James Grigg : Indubitably.

Mr. S. Satyamurti : Will they be offered as witnesses for oral examination by this gentleman ?

The Honourable Sir James Grigg : I have not the slightest doubt, yes.

REVISION AND CLASSIFICATION OF GOODS TRANSPORTED ON RAILWAYS.

627. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether they are considering the revision and classification of goods transported on the Railways ;
- (b) when they propose to come to a conclusion thereon ; and
- (c) whether opportunities would be given for non-officials to express their opinion before they make up their mind in the matter ?

Mr. P. B. Rau : (a) and (c). I would refer the Honourable Member to the reply I gave to his question No. 127 on the 5th September, 1935.

(b) I regret I am unable to say now when a conclusion will be reached.

Mr. S. Satyamurti : May I know whether Government realise the need for expedition in this matter, and may I know the reason for the inability of my Honourable friend to make a statement as to when they propose to come to a conclusion on this important matter ?

Mr. P. B. Rau : Sir, Government fully realise the need for expedition in this matter : the only reason why I am unable to give a reply to his question is that I am not an astrologer.

Mr. S. Satyamurti : Apart from being an astrologer, does it require anything else for the Honourable Member to decide, when they can come to a conclusion on matters pending before them ? It does seem to me that this House should be treated with a little more courtesy, and that answers should be given to questions which have been pending for a long time with Government.

Mr. P. B. Rau : It is impossible for me to forecast the future in this matter.

Mr. S. Satyamurti : Will my Honourable friend tell me what are the obstacles in the way of coming to a conclusion in the next two or three months ?

Mr. P. B. Rau : The question is far too complicated to expect that we shall be able to arrive at a conclusion in the next two or three months. The first thing that Government is trying to ascertain is what statistics would be required as a preliminary measure before we can consider the proposals to reclassify the whole of the goods classification : and on that

we are awaiting a report from the Indian Railway Conference Association, which we expect will be received in October. It is only after that report has been received and examined that we shall be in a position to settle what is the procedure we shall adopt.

Mr. S. Satyamurti : Will Government take every possible step to expedite a conclusion on this matter ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

INDIAN AND EUROPEAN OFFICERS WORKING IN THE FINANCE DEPARTMENT.

628. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) how many Indian and European Officers have been working in the Finance Department (Civil) of the Government of India in Simla and Delhi for the past fifteen financial years, their designations and their salaries ;

(b) whether there is any policy of Europeanisation being followed in respect of the staffing of this Department ; and

(c) if so, the reasons therefor ?

The Honourable Sir James Grigg : (a) A statement is laid on the table.

(b) No.

(c) Does not arise.

Statement.

Twenty-eight European officers and 25 Indian officers have been appointed permanently to posts in the Finance Department (Civil) of the Government of India in Simla and Delhi during the last fifteen financial years. Certain officers have, however, served in more than one post and in the statement given below officers who have served in more than one post are shown against each such post :

Designation.	No. of Europeans.	No. of Indian
Secretary or Additional Secretary ..	7	..
Financial Commissioner, Railways ..	2	1
Financial Adviser, Posts and Telegraphs ..	3	1
Joint Secretary ..	8	..
Officer on Special Duty ..	9	9
Deputy Secretary or Additional Deputy Secretary ..	8	4
Budget Officer	3
Under Secretary	2	5
Assistant Secretary	12

Salaries.

Assistant Secretary.

- (i) When held by an officer of the Indian Audit and Accounts Service—pay in the time-scale of that Service, *plus* a special pay of Rs. 250 per mensem.
- (ii) When promoted from the Imperial Secretariat Service Class II—Rs. 1,000—50—1,250.

Under Secretary.

- (i) When held by an officer of the Indian Audit and Accounts Service, grade pay *plus* special pay of Rs. 300 per mensem.
- (ii) When held by an officer of the Indian Civil Service, pay in the junior time-scale *plus* special pay of Rs. 300 per mensem.

Budget Officer.

Pay in the scale of Rs. 1,500—100—2,000.

Deputy Secretary or Additional Deputy Secretary.

- (i) For a member of the Indian Civil Service pay in the senior time-scale of I. C. S. *plus* a special pay of Rs. 400 per mensem *plus* overseas pay subject to a maximum of Rs. 2,250 for pay *plus* special pay but excluding overseas pay.
- (ii) When held by an officer not belonging to I. C. S.—pay in the time-scale of the Service to which the officer belongs *plus* a special pay,—the amount of which is fixed with reference to the merits of each case.

Officer on Special Duty.

Pay is fixed on the merits of each case.

Joint Secretary.

Pay varies from Rs. 3,000 to Rs. 3,750 and overseas pay of £13-6-8 per mensem is drawn in addition by officers getting not more than Rs. 3,000 per mensem.

Financial Adviser, Posts and Telegraphs.

Pay in the scale of Rs. 2,500—125—3,000.

Financial Commissioner, Railways.

Pay Rs. 4,000 per mensem.

Secretary or Additional Secretary.

Pay Rs. 4,000 per mensem.

Mr. S. Satyamurti : Question No. 629.

The Honourable Sir Muhammad Zafrullah Khan : Sir, before I answer this question, there is a point of order that I want to raise. I have noticed that some of the Honourable Members opposite are in the habit, after questions have been put and answers have been given, of making comments on the nature of the answers that have been given : sometimes they are even of a complimentary nature—as was the case with regard to my last reply : very often they are otherwise, but that is not my objection : it is open to them to do what they like ; but I have noticed that these comments also go down in the reports and are printed. These are not parts of the questions and answers, and I respectfully request that you will be pleased to give a ruling as to whether these should be printed or not. I am not objecting to Honourable Members making comments—they can please themselves ; but these comments should not form part of the printed record of questions and answers.

Mr. President (The Honourable Sir Abdur Rahim) : As a matter of fact, any comment or criticisms made, after a question has been answered, cannot be treated as part of the proceedings ; and I, therefore, direct that such comments should not be embodied in the published proceedings.

APPOINTMENT OF INDIANS AS CHAIRMEN OF PORT TRUSTS IN INDIA.

629. ***Mr. S. Satyamurti** : With reference to letter No. 232-P. & L-5/35, dated the 18th July, 1935, from the Government of India, to the Indian Merchants' Chamber, Bombay, will Government be pleased to state :

- (a) the reasons why they consider it will be contrary alike to public policy and to interests of Ports to make a statutory provision that the Chairmen of Port Trusts shall be Indians ;
- (b) whether they have considered the fact that so far there have been no Indian Chairmen of Port Trusts though these Port Trusts are to serve the interests of India first ; and
- (c) whether they propose to take any action with a view to satisfy the legitimate demands of Indians that the Chairmen of Port Trusts shall, as far as possible, be Indians ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The attention of the Honourable Member is invited to section 96 of the Government of India Act, 1919, and section 111 (1) of the new Government of India Act. Moreover, any restriction of the kind contemplated would limit the field of selection, and any limitation of the field of selection would react against the best interests of the ports.

(b) It is not true that there have been no Indian Chairmen of Port Trusts.

(c) I would invite the attention of the Honourable Member to the reply given to his question No. 731 on the 8th March, 1935, and to the supplementary questions and answers thereto, where the whole matter is discussed in great detail.

Mr. S. Satyamurti : May I know what are the reasons which prompted the Government to say that to make a statutory provision that Chairmen of Port Trusts shall be Indians was contrary to public policy ? What is the public policy which Government had in mind ?

The Honourable Sir Muhammad Zafrullah Khan : That was clause (a) of the question : I have read out a detailed reply to it.

Mr. S. Satyamurti : My Honourable friend has given reference only to sections of the old Act and the new Act. Government published a communiqué, if my memory serves me aright, stating that a provision like this is contrary to public policy. I am asking, Sir, what, apart from the statutory prohibition in the matter, is the public policy in the mind of the Government contrary to which they thought this provision would be, if it was made ?

The Honourable Sir Muhammad Zafrullah Khan : In addition to the provisions of the Statute to which I have made reference in my answer to part (a) of the question, I believe I did say that any restriction of

the kind contemplated would limit the field of selection, and any limitation of the field of selection would react against the best interests of the ports.

Mr. S. Satyamurti : Does not public policy in India at least, Sir, require that Chairmen of Port Trusts should be Indians ?

The Honourable Sir Muhammad Zafrullah Khan : I have no doubt, Sir, that, as time passes and a larger number of Indians can be appointed to the Port Trusts on a larger number of occasions than heretofore, the Chairmen will be Indians.

Mr. S. Satyamurti : What are the reasons, Sir, why Government consider that a statutory provision to this effect would adversely affect the interests of the ports ? Will not Indian Chairmen guarantee the interests of ports, at least as diligently and as efficiently as European Chairmen ?

The Honourable Sir Muhammad Zafrullah Khan : It is a question of selection in each case out of a certain circle of people who are likely to serve the interests of ports best, and out of that circle it might be possible that on some occasions a European would be the best choice and on some occasions an Indian would be the best choice.

Mr. S. Satyamurti : Is it the case of the Government, Sir, that, so far no Indian has been available to serve in the various Port Trusts of India,—competent, efficient and honest enough to be a Chairman of the Port Trust ?

The Honourable Sir Muhammad Zafrullah Khan : That is not the Government case.

Mr. S. Satyamurti : Then, why was no Indian appointed so far to any of the Port Trusts ?

The Honourable Sir Muhammad Zafrullah Khan : There is another question put down on that, and it will be answered when it is reached.

Mr. S. Satyamurti : I want to ask why the Government do not propose to take any action.

The Honourable Sir Muhammad Zafrullah Khan : I beg your pardon,—it is part of this question. It is not true that there has been no Indian Chairmen of Port Trusts.

Mr. S. Satyamurti : How many Indians have been appointed Chairmen of Ports Trusts so far ?

The Honourable Sir Muhammad Zafrullah Khan : I believe on three or four occasions.

Mr. S. Satyamurti : In Bombay, has there been any so far ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. S. Satyamurti : In Calcutta ?

The Honourable Sir Muhammad Zafrullah Khan : No. In Aden and Chittagong, there were Indian Chairmen.

Mr. S. Satyamurti : In Calcutta, Bombay, Madras, or Karachi, the most important ports, there have been no Indian Chairmen ?

The Honourable Sir Muhammad Zafrullah Khan : That follows from my previous reply.

Mr. S. Satyamurti : I want to ask about part (c),—as to why Government don't propose to take any action to satisfy the legitimate demands of Indians that Chairmen of Port Trusts shall, as far as possible, be Indians.

Mr. President (The Honourable Sir Abdur Rahim) : That has been fully answered. (Laughter from the European Benches.)

STATEMENT OF THE JAPANESE AMBASSADOR IN BOMBAY ABOUT THE INDO-JAPANESE PACT.

630. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the statement of the Japanese Ambassador in Bombay early this month about the Indo-Japanese Pact ;

(b) whether they propose to start negotiations on that basis ; and

(c) when they propose to come to a conclusion in that matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Honourable Member no doubt refers to a statement by His Excellency Monsieur Matsushima, an officer of the Japanese Foreign Office, inspecting Japanese Consulates abroad.

If that is so, (b) and (c). Government do not consider that a personal expression of opinion by a Japanese official provides a basis for negotiations.

Mr. S. Satyamurti : Apart from that, will Government consider the desirability of starting negotiations with Japan, considering the amount and the nature of trade between the two countries and their geographical position ?

The Honourable Sir Muhammad Zafrullah Khan : When the present Indo-Japanese Trade Agreement is drawing towards the close of its period, naturally Government will have to consider something of that description.

FEETHAM COMMISSION REPORT ON THE OCCUPATION OF COLOURED PERSONS OF PROCLAIMED LAND IN TRANSVAAL.

631. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have received the Feetham Commission Report appointed to inquire into the occupation of coloured persons of proclaimed land in Transvaal ;

(b) whether copies of the report will be made available to the Members of the Legislative Assembly ; and

(c) what action they propose to take thereon ?

The Honourable Sir Girja Shankar Bajpai : (a) and (b). Only Parts I and II of the Report of the Transvaal Asiatic Land Tenure Act Commission have been published ; copies of these have been placed in the Library of the House.

(c) The Government of India await the views of their Agent in South Africa and the local Indian community. After consideration of these they will take such action as may appear desirable.

CANCELLATION OF THE PASSPORT OF MR. MASANI OF BOMBAY.

+632. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to the questions and answers in the House of Commons about the impounding of the passport of Mr. Masani, Joint Secretary of the All-India Socialist Party ;
- (b) in what terms the request of the Government of India to the Secretary of State to impound his passport was couched, and whether their correspondence on the subject will be placed on the table of the House ;
- (c) the reasons for this request ;
- (d) whether it is a fact that the Government of India considered that Mr. Masani's activities in connection with communism made it desirable that he should not travel abroad and, if so, what the basis of this opinion of the Government of India was ;
- (e) whether the Government of India have come to the conclusion that communists do not deserve a passport for travelling abroad ; and
- (f) whether they have come to the conclusion that persons holding communist opinions are to be treated differentially by the Government of India and they are to be punished for the holding of opinions ?

INCREASE IN PENSIONS OF LOWER-PAID POSTAL EMPLOYEES.

633. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether they have taken any action in regard to the increasing of pensions of lower-paid postal employees ; and
- (b) when they propose to take up and decide this matter ?

Mr. G. V. Bewoor : The Honourable the Finance Member is going to answer another question on the same subject a little later and I ask the Honourable Member to await that answer.

Mr. S. Satyamurti : May I know, Sir, whether the Postal Department has no answer in this matter ?

The Honourable Sir James Grigg : It is a general question.

Mr. G. V. Bewoor : It is a general question referring to inferior servants, and Mr. Joshi has question No. 642 on the same subject. The Honourable the Finance Member will reply to it and that reply will cover this question as well.

Mr. S. Satyamurti : My question is about the postal employees.

†For answer to this question, see answer to question No. 532 answered on the 20th September, 1935.

The Honourable Sir James Grigg : My answer will cover postal employees also.

Mr. S. Satyamurti : I want an answer from the Department concerned as to what is going to be done with regard to postal employees ?

Mr. President (The Honourable Sir Abdur Rahim) : That is part of another question.

Mr. S. Satyamurti : No, Sir ; I do not concede that it is part of another question. The Finance Department for financial reasons may not agree to it, but I want the Postal Department to press this question.

The Honourable Sir James Grigg : Perhaps the Honourable Member will wait and see what the answer is.

FALL IN EXPORTS AND RISE IN IMPORTS.

634. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the fact that the fall in exports in the quarter of April-June from India amounted to Rs. 11.92 crores, i.e., 47 per cent. as compared with the same period of last year ;
- (b) whether even gold exports are falling ; and
- (c) whether imports have been steadily increasing by Rs. 2 crores during the last two months ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The total exports of private merchandise and treasure during the quarter April-June, 1935, amounted to Rs. 43.89 crores as compared with Rs. 54.32 crores in the corresponding months of 1934, a decrease of Rs. 10.43 crores or 19 per cent. This decrease was, however, due to a fall in the exports of gold as indicated in part (b) of the reply. The exports of private merchandise during the period April-June, 1935, actually showed an increase of Rs. 98 lakhs or about three per cent. as compared with the corresponding period of 1934, the export figures for the two periods being Rs. 39.04 and Rs. 38.06 crores, respectively. The latter figure is for the earlier period.

(b) Exports of gold during April-June, 1935, were valued at Rs. 4.09 crores as compared with Rs. 15.70 crores during the corresponding period of 1934. In July, 1935, there was, however, a marked increase when the exports amounted to Rs. 6.04 crores as compared with Rs. 4.09 crores during the quarter ending June, 1935, and Rs. 5.83 crores in the corresponding month of 1934.

(c) No. During the months of June and July, 1935, the latest for which figures are available, the imports amounted to Rs. 9.92 and 10.06 crores, respectively, as compared with Rs. 9.56 and 9.90 crores in the corresponding months of 1934.

Mr. S. Satyamurti : With reference to the answers to clauses (a) and (b) of the question, Sir, in view of the fact that in spite of the increase in the export of private merchandise on the whole, the exports have been falling, will the Honourable the Commerce Member be pleased to state what steps Government have taken or contemplate taking, with a view to redressing the balance of trade ?

The Honourable Sir Muhammad Zafrullah Khan : That refers to the decrease in the export of gold, and I think that is a question for the Honourable the Finance Member to answer.

Mr. S. Satyamurti : No, Sir. My point is that the entire value of exports, in spite of increase in the export of private merchandise, has fallen. May I know, in view of that fall in the total value of exports, what steps have Government taken or they propose taking in order to redress the inequality ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, that is a matter for the Finance Department.

Mr. S. Satyamurti : Is not the Commerce Member concerned with the export and import trade of this country ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir.

Mr. S. Satyamurti : I am asking him, therefore, whether he contemplates taking any steps to promote the export trade of this country apart from gold ?

The Honourable Sir Muhammad Zafrullah Khan : Apart from the exports of gold, if the question is confined to that, I have on several occasions submitted to Honourable Members the various steps the Government of India have taken or contemplate taking and the difficulties that exist with regard to certain steps that have been suggested by Honourable Members opposite with regard to agreements with various countries. I thought the Honourable Member's question was directed to the export of gold, and that is why I stated that that part of the question would be answered by the Honourable the Finance Member.

Mr. S. Satyamurti : Will Government take steps, in view of these disturbing figures, to promote the export trade of this country ?

The Honourable Sir Muhammad Zafrullah Khan : Some of these are in the stage of correspondence and negotiations with foreign countries. It is not only the Government at this end which can expedite these steps, but they must await the pleasure of the Governments of the countries with whom they are carrying on negotiations.

The Honourable Sir James Grigg : May I also add that I do not know in what respect the Honourable Member finds the figures disturbing, but so far there has been no difficulty in India buying foreign exchange at a good price.

REGULATION OF THE BARTER OF IMPORTED GOODS AGAINST EXPORTS IN ITALY.

635. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the Ministerial Decree having been promulgated by the Government of Italy with the object of regulating the barter of imported goods against exports ;
- (b) whether they have examined this matter carefully ; and
- (c) what action they propose to take to safeguard Indian interests ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) and (c). The arrangements for private barter of goods came into force only very recently and there is no indication of their having seriously affected Indian export trade with Italy. The Government of India are, however, carefully watching the whole situation arising out of the restrictive measures imposed by Italy with a view to taking such action as may be desirable in the interests of Indian trade.

Mr. S. Satyamurti : What are the latest figures of Indian exports to Italy up to the time for which figures are available to the Honourable the Commerce Member ?

The Honourable Sir Muhammad Zafrullah Khan : Does the Honourable Member want a comparison of the figures or does he want the latest figures ?

Mr. S. Satyamurti : The latest figures.

The Honourable Sir Muhammad Zafrullah Khan : The latest figures for the period April to July of 1935, are, exports to Italy, 1,72,02,643, imports from Italy, 58,33,360.

Mr. S. Satyamurti : Has there been a fall, or a rise or is it stationary ?

The Honourable Sir Muhammad Zafrullah Khan : I did think that the Honourable Member would want a comparison, and I can give him a comparison of the figures. For the corresponding period of 1933, that is to say, April to July, 1933, the figures are as follows. Exports to Italy, 1,81,68,712 ; imports from Italy, 71,50,333. The balance in that year in favour of India was 1,10,18,379. In the corresponding period of 1934, that is to say, April to July 1934, exports to Italy, 1,84,20,287 ; imports from Italy, 79,94,480. The balance in favour of India was 1,04,25,807. For 1935 I have given the figures already. The balance in favour of India was 1,13,69,283,—larger than either in 1933 or 1934.

Prof. N. G. Ranga : Is it not a fact that our exports of ground-nut to Italy have been falling ?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise out of this question.

STORES FOR RAILWAYS PURCHASED THROUGH THE INDIAN STORES DEPARTMENT.

636. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the extent to which stores purchases for Indian Railways are being made through the Indian Stores Department ;
- (b) the reasons why all such purchases are not being made through the Stores Department ; and
- (c) whether Government are prepared to consider the desirability of using the Indian Stores Department only for this purpose ?

Mr. P. B. Ban : (a) During 1934-35, the percentage of stores purchased by State-managed Railways, through the Indian Stores Department, was 31½ per cent. of the total. This percentage has been calculated on the total purchases of stores made by those railways. There are, however, certain classes of stores, which are not handled by the Indian Stores Department, such as stone, bricks, lime, ballast, etc. Also

the purchase of certain stores (namely, rails, fishplates, wagons and underframes, sleepers and coal) is centralised under the Railway Board. These items should be excluded in forming an idea of the extent to which the Railway purchases have been transferred to the Indian Stores Department. The proportion of Indian Stores Department purchases on this basis may be taken to be 60 per cent. approximately.

(b) and (c). The policy of Government is to make all purchases for State-managed Railways through the Indian Stores Department when any advantage is gained thereby either to railways or to the State as a whole. To achieve this, periodical meetings are held between the Railway Board and the Chief Controller of Stores, Indian Stores Department, to consider what additional items of stores can be handed over to the Indian Stores Department for purchase.

So far as Company-managed Railways are concerned, their contracts with the Secretary of State do not permit Government to give them instructions with regard to the methods of purchase.

Mr. S. Satyamurti : May I know, so far as these purchases are centralised in the Railway Board, whether they are all made through the Indian Stores Department ?

Mr. P. R. Rau : No, Sir. They are made by the Railway Board themselves.

Mr. S. Satyamurti : Not through the Indian Stores Department ?

Mr. P. R. Rau : No.

Mr. S. Satyamurti : May I know the reason why the Railway Board do not utilise the machinery of the Indian Stores Department for their purchases ?

Mr. P. R. Rau : There is no special advantage in that, for instance, take the case of coal. There is no special advantage gained by entrusting the purchase of coal to the Indian Stores Department. Take the rails for instance. The Indian Stores Department inspect the rails but the purchase is made under the terms of a contract arranged between the Railway Board and the Tatas.

Mr. S. Satyamurti : In view of the fact that the Indian Stores Department is being maintained by Government, will the Railway Board consider the making of purchases through them wherever there is no disadvantage to the railways ?

Mr. P. R. Rau : I have already said that the policy of the Government is to entrust the purchase to the Indian Stores Department whenever any advantage is gained thereby either to the railways or to the State.

Mr. S. Satyamurti : May I know, with regard to Company-managed Railways, if any proportion of their purchases is made through the Indian Stores Department, or are they all made outside ?

Mr. P. R. Rau : A certain proportion is being purchased by the Company-managed Railways through the Indian Stores Department, and I believe that that percentage is increasing.

Mr. S. Satyamurti : Will the Railway Board urge upon the Company-managed Railways, apart from compelling them, to make as many

purchases as possible, through the Indian Stores Department wherever, as the Railway Board have laid down, there is advantage to the Company-managed Railways ?

Mr. P. R. Rau : We have already done that, and we propose to continue exercising whatever pressure we can bring to bear upon them for that purpose.

MANUFACTURE OF LOCOMOTIVE BOILERS AND LOCOMOTIVES IN INDIA.

637. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) to what extent, if any, Locomotive Boilers and Locomotives are being manufactured in India ;
- (b) whether the Railway Board have examined the position ; what their conclusions are ; and
- (c) when Government hope to make arrangements for manufacturing all Locomotive Boilers and Locomotives in India for their Railways ?

Mr. P. R. Rau : (a) From 1930-31 to 1934-35 an average of thirteen locomotives together with their boilers have been built per annum in the Ajmer Workshops of the Bombay, Baroda and Central India Railway.

(b) and (c). I would refer the Honourable Member to the speech made by the Honourable the Railway Member on the 4th of September on the subject.

Mr. S. Satyamurti : Have the Government considered the position arising out of the passing of that Resolution by this House ?

The Honourable Sir Muhammad Zafrullah Khan : No.

Mr. S. Satyamurti : Do the Government propose to consider that Resolution passed by this House ?

The Honourable Sir Muhammad Zafrullah Khan : I have nothing to add to what I have stated in my speech on the Resolution.

Mr. S. Satyamurti : The Resolution was passed after the Honourable Member's speech. My question is whether Government propose to consider the Resolution which was passed ? His speech was made before the passing of the Resolution. I am asking whether after the passing of the Resolution the Government propose to consider this. I am entitled to an answer on that point.

The Honourable Sir Muhammad Zafrullah Khan : Nothing that was said during the course of the debate has served to change my view in that respect.

Mr. S. Satyamurti : Has the passing of the Resolution produced any effect on the Honourable the Commerce Member's mind ?

The Honourable Sir Muhammad Zafrullah Khan : No, except to think that on occasions this House is apt to take a very unreasonable view of things.

Mr. S. Satyamurti : On a point of order, Sir. Is it right on the part of any Honourable Member to characterise any Resolution of this House as unreasonable ?

Mr. President (The Honourable Sir Abdur Rahim) : There can be no reflection made by any Honourable Member on this House.

The Honourable Sir Muhammad Zafrullah Khan : I was asked a particular question as to what effect the passing of the Resolution had on my mind. If I had to be truthful I had to say what effect it had on my mind. If the Honourable Member is prepared to withdraw the question I am prepared to withdraw the answer. If the question is repeated, I will have to give the same answer. And what answer can I give except to say what effect it had on my mind ?

Mr. S. Satyamurti : I submit, Sir, that the Honourable Member must withdraw his answer.

The Honourable Sir Muhammad Zafrullah Khan : Then the Honourable Member cannot insist on asking what effect it had on my mind.

Mr. President (The Honourable Sir Abdur Rahim) : Whatever the effect might be on the mind of any Honourable Member, he cannot express in this House any reflection on the House.

The Honourable Sir Muhammad Zafrullah Khan : My reply is that I refuse to answer that question.

Mr. S. Satyamurti : I want the Honourable Member to withdraw the word he has used. The word has been used and it has gone into the records. The Honourable Member must withdraw.

The Honourable Sir Muhammad Zafrullah Khan : I cannot give an answer to that question except the one I have given as it relates to the effect it had on my mind.

Mr. S. Satyamurti : I insist that the Honourable Member must withdraw having regard to the categorical ruling given by you, Sir.

The Honourable Sir Muhammad Zafrullah Khan : That is the reply which I substitute.

Mr. N. M. Joshi : May I know whether the Government of India have considered that Resolution ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

Mr. N. M. Joshi : May I ask what the result of their consideration is ?

The Honourable Sir Muhammad Zafrullah Khan : That the Government have not changed their views in the matter.

Mr. S. Satyamurti : When I asked that question, the answer was, No, and when Mr. Joshi asks the same question he says, Yes. Which is the correct answer ?

The Honourable Sir Muhammad Zafrullah Khan : I thought that on the first occasion the question was whether the Government had changed their views....

Mr. S. Satyamurti : I did not say reconsidered, I said considered. I want the House to be treated with some respect.

The Honourable Sir Muhammad Zafrullah Khan : If the question was whether the Government had considered it, my reply is, Yes.

Mr. S. Satyamurti : When did they consider it ?

The Honourable Sir Muhammad Zafrullah Khan : After the Resolution was passed.

Mr. S. Satyamurti : Was there a meeting of the Council for the purpose ?

The Honourable Sir Muhammad Zafrullah Khan : That is a question which no Honourable Member is entitled to put to any Member of Government.

Mr. S. Satyamurti : What is the answer to my point of order, Sir ?

The Honourable Sir Muhammad Zafrullah Khan : That the answer may be substituted,—that I cannot answer that question.

EXCLUSION OF THE CHITTAGONG HILL TRACTS FROM THE GENERAL CONSTITUENCY FOR ELECTION TO THE BENGAL LEGISLATIVE COUNCIL.

638. ***Dr. Thein Maung :** (a) Will Government please state if the Chittagong Hill Tracts are excluded from the general constituency for election to the Bengal Council ?

(b) If so, what is the reason for it and whether Government propose to request His Majesty's Government to include these Tracts within the electoral district ?

(c) Are Government aware that many of the people classified as 'animists' are as a matter of fact Buddhists ?

The Honourable Sir Nripendra Sircar : (a) Yes.

(b) The Montagu-Chelmsford Report recommended the exclusion from the jurisdiction of the reformed provincial Governments of backward areas where the people were primitive and there was no material on which to found political institutions. The Chittagong Hill Tracts were included among such areas because they consist of an area of very sparsely populated hills and ravines which are covered with dense jungle and the inhabitants of which belong to a variety of primitive tribes. The point raised in the latter part of the question is under consideration.

(c) The Honourable Member presumably refers to Bengal but if he will read the Bengal Census report and Tables, 1931, he will find that there is no return of the number of animists so I do not understand why he should ask if Buddhists have been returned as animists.

REPRESENTATION OF BUDDHISTS IN GOVERNMENT SERVICES.

639. ***Dr. Thein Maung :** (a) Are Government aware that qualified Buddhist candidates find it impossible to get posts in the Government Services in India proper ? If so, what is the cause ?

(b) Will Government state how many Buddhists are employed in the All-India Services ? If they are not adequately represented, are Government prepared to take action to have them represented ?

(c) Are Government prepared to consider the desirability of reserving some of the posts for Buddhist candidates on the same principle as adopted in the case of other minorities ?

The Honourable Sir Henry Craik : (a) Government have heard no complaint regarding any difficulty felt by Buddhist candidates in getting posts in the Government service. If the Honourable Member has any particular case in mind, I will have it investigated.

(b) There are 26 Buddhists in the Indian Civil Service and five in the Indian Police and one known Buddhist in the Indian Medical Service (Civil Branch). As regards the other all-India Services, recruitment has either been stopped or suspended, and Government do not think it would serve any useful purpose to collect similar information in respect of such Services.

(c) There are very few Buddhists in India outside Burma and Bengal. The Resolution of 4th July, 1934, does not apply to Burma. In Bengal, Buddhists are eligible for appointment in the quota of vacancies reserved for 'other minorities', as explained in the second part of the Home Department Office Memorandum of the 15th May, 1935, a copy of which is in the Library of the House.

REPRESENTATION OF BUDDHISTS IN THE ARCHÆOLOGICAL DEPARTMENT.

640. ***Dr. Thein Maung :** (a) Is it a fact that the Archæological Department is over-represented by some communities ?

(b) In view of the large number of Buddhist ruins under the control of the Archæological Department, are Government prepared to consider the desirability of giving training to Buddhist candidates ?

The Honourable Sir Girja Shankar Bajpai : (a) I take it that the Honourable Member wishes to know whether there is any community over represented in the Archæological Survey of India. On that assumption, the answer is in the negative.

(b) The training of apprentice scholars in the Archæological Survey of India has been suspended owing to financial stringency. The question of its revival will be considered as soon as the financial outlook improves. When the system of apprentice scholars is revived the Honourable Member's suggestion will receive careful attention.

ENQUIRY REGARDING THE WORKING OF THE CHILDREN (PLEDGING OF LABOUR) ACT.

641. ***Mr. N. M. Joshi :** (a) Will Government be pleased to state whether they have made any enquiry regarding the working of the Children (Pledging of Labour) Act II of 1933 ?

(b) If so, do they propose to publish a Report on the working of the Act ?

(c) If the answer to part (a) above be in the negative, will Government be pleased to state whether they propose to make any enquiry and publish the report ?

Mr. A. G. Clow : (a) No.

(b) Does not arise.

(c) Government have no such enquiry in contemplation.

Mr. N. M. Joshi : May I ask whether Government think that no good will come out of the inquiry ? Why do they not propose an inquiry ?

Mr. A. G. Clow : It would be extremely difficult to conduct a satisfactory inquiry into an Act of this kind, as it is partly civil law and partly imposes criminal penalties. Particulars could no doubt be secured of the number of prosecutions but they would not give an adequate idea of the manner of the operation of the Act....

Prof. N. G. Ranga : Are any of the Provincial Governments securing these statistics regarding the working of this Act ?

Mr. A. G. Clow : Not so far as I am aware, unless they have included particulars in their criminal statistics ; but I do not think there is a separate entry relating to this rather small Act.

Prof. N. G. Ranga : Will Government consider the desirability of asking the Provincial Governments to collect these statistics ?

Mr. A. G. Clow : As I have already explained, a mere record of the number of successful or unsuccessful prosecutions would not afford any adequate indication of the operation of the Act.

INCREASE IN THE RATE OF PENSION PAID TO THE INFERIOR GOVERNMENT SERVANTS.

642. ***Mr. N. M. Joshi :** Will Government be pleased to state whether they have taken steps to increase the rate of pension paid to their employees belonging to inferior service, and if they have, will they be pleased to state when the increased rate will come into operation ?

The Honourable Sir James Grigg : The Government of India have formulated a scheme for improving the pensionary conditions of inferior servants under the Central Government and it is hoped that final orders will be issued in the course of the current financial year.

PROVISION OF CRÈCHES IN FACTORIES.

643. ***Mr. N. M. Joshi :** Will Government be pleased to state which of the Local Governments have made use of their power under section 33 (2) of the Factories Act for the provision of Crèches in factories ?

Mr. A. G. Clow : Final rules under the Factories Act, 1934, have so far been issued by the Governments of Burma and the Central Provinces. The rules made by the latter contain provision for rooms for children under section 33 (2) of the Act. Draft rules under the Act have been published by the Governments of Bengal, Madras, the Punjab and the United Provinces, who have made provision for rooms for children, and the Governments of Bihar and Orissa, Bombay and the North-West Frontier Province who make no such provision.

Prof. N. G. Ranga : What about the Madras Government ?

Mr. A. G. Clow : The Madras Government propose to make provision in their draft rules.

FACTORIES USING POWER BUT NOT COMING UNDER THE FACTORIES ACT.

644. ***Mr. N. M. Joshi :** Will Government be pleased to state the number of factories which use power but do not come under the Factories Act ?

Mr. A. G. Clow : No figures are available. Approximate figures of the number of such establishments employing ten or more persons were collected by most of the Local Governments for the Royal Commission on Labour in 1930, and the Commission estimated the total at not less than two thousand.

Prof. N. G. Ranga : Is it not a fact that a periodical census is being taken of the factories in different provinces in which power is being used ?

Mr. A. G. Clow : Yes, we have particulars of them, if they have come under the Factories Act.

Mr. N. M. Joshi : May I ask whether the Government of India will ask the Local Governments to collect statistics of factories which use power ?

Mr. A. G. Clow : That would be an extremely difficult thing, especially as these establishments are not inspected.

Dr. Ziauddin Ahmad : May I put a question ? There are some small sugar factories worked by hand and not by machinery, which have got farms attached to them. Will the factory include the farms as well when considering the total number of workmen ?

Mr. A. G. Clow : I am not a lawyer, but I have no doubt there are Honourable Members opposite who for a proper fee would be very ready to advise my Honourable friend. (Laughter.)

Prof. N. G. Ranga : Is it not necessary to take a licence when power is used ?

Mr. A. G. Clow : It is not necessary.

FACTORIES EMPLOYING FIFTY PERSONS OR MORE BUT NOT USING POWER.

645. ***Mr. N. M. Joshi :** Will Government be pleased to state the number of factories which employ fifty persons or more but do not use power ?

Mr. A. G. Clow : Accurate statistics are not available but on the basis of particulars supplied by Local Governments in 1930 the Royal Commission estimated the number as in the neighbourhood of a thousand.

Prof. N. G. Ranga : Is it not possible for the factory inspectors to ascertain these facts ?

Mr. A. G. Clow : It probably would be. I imagine that the estimate that was prepared in 1930 was framed on the basis of particulars collected from the factory inspection staff.

Prof. N. G. Ranga : Will Government consider the desirability of asking these inspectors to submit periodical reports on the number of factories in which 50 persons or more are employed ?

Mr. A. G. Clow : Unless the factories are brought under the Factories Act, the inspectors have no power to enter them and I do not see how they can get fully reliable particulars. I do not imagine that the position has changed since 1930.

Prof. N. G. Ranga : Is it not possible for Government to change the rules under the Factories Act, so that factories, which employ 50 persons or more but do not use power, could also be brought under the operation of the Factories Act ?

Mr. A. G. Clow : It is legally possible to do that by notification.

Prof. N. G. Ranga : Have Government considered the desirability of doing it ?

Mr. A. G. Clow : That is a matter for the Local Governments, and obviously a good deal depends upon the extent to which they are able to provide adequate inspection staff.

LEGISLATION FOR THE COLLECTION OF STATISTICS AS RECOMMENDED BY THE ROYAL COMMISSION ON LABOUR.

646. ***Mr. N. M. Joshi :** Will Government be pleased to state when they propose to bring forward Legislation for the Collection of Statistics as recommended by the Royal Commission on Indian Labour ?

Mr. A. G. Clow : The matter is under consideration.

Mr. N. M. Joshi : How long has this matter been under consideration ?

Mr. A. G. Clow : For some time. It is not a question that can be taken up independently. It is considered in connection with the possibility of collecting other statistics as well.

Mr. N. M. Joshi : May I ask whether Government can give some estimate of the time within which they will be able to come to a decision on this question ?

Mr. A. G. Clow : Sir, as statistics are in the portfolio of the Honourable Member for Commerce, my friend can address his question to him.

TRAINS ON DIFFERENT RAILWAYS NOT CARRYING THIRD CLASS CARRIAGES.

647. ***Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) which of the trains on different Railways do not carry any third class carriages ;
- (b) what inconvenience is caused to the Railways by attaching third class carriages to all trains ; and
- (c) whether they have examined the question whether by not attaching third class carriages to certain trains where they are not attached, these trains are run at a loss or not ?

Mr. P. B. Rau : (a) So far as Government are aware, the trains on which third class passengers, except servants of upper class passengers, are not carried are the following :

3 Up and 4 Down Frontier Mails between Bombay and Peshawar,

5 Up and 6 Down Calcutta-Punjab Mails between Howrah and Saharanpur.

(b) The number of trains not carrying third class passengers is, as the Honourable Member has no doubt noticed, so small that it is

obvious that it is only when the train cannot normally carry the additional load that a third class carriage is not attached.

(c) Government are asking the Administrations concerned to examine this suggestion.

PROVISION OF ELECTRIC FANS IN THIRD CLASS CARRIAGES.

648. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(a) the amount of capital and running expenditure which is estimated for the provision of electric fans in the third class carriages ;

(b) what amount they propose to provide for this purpose in the immediate future ?

Mr. P. B. Rau : (a) The capital required to provide fans in third class compartments of Class I Railways is roughly estimated to be from $1\frac{1}{2}$ to 2 crores of rupees and the recurring expenditure at about Rs. 30 lakhs per annum.

(b) Government regret they are unable to provide any money for this purpose in the immediate future.

Mr. Lalchand Navalrai : Will the Honourable Member please tell me if electric fans are being introduced in intermediate compartments or not ?

Mr. P. B. Rau : I do not think that arises out of this question, Sir.

Mr. N. M. Joshi : May I ask why the Government of India do not propose to provide any money for this reform in the next Budget ?

Mr. P. B. Rau : In view of the financial position of the Railways, Sir.

SEPARATE RESTAURANT CARS FOR THE USE OF THIRD CLASS PASSENGERS.

649. ***Mr. N. M. Joshi** : Will Government be pleased to state on how many trains separate restaurant cars are provided for the use of the third class passengers ?

Mr. P. B. Rau : Separate restaurant cars are not provided for the exclusive use of third class passengers, but I presume my Honourable friend is referring to the arrangements for providing refreshments, otherwise than in dining cars which are generally used by first and second class passengers.

I place on the table a statement summarising the information available in the time tables of railways as regards the trains on which such arrangements have been made.

Statement.

Bengal Nagpur Railway.—On all mail and important trains a separate compartment in a third class carriage is provided for the sale of fruit, aerated waters and ice.

Bombay, Baroda and Central India Railway.—Two compartments are reserved for Hindu and Mohammadan catering on Nos. 15 and 16 Kathiawar Expresses between Bombay (Central) and Viramgam and on Nos. 19 and 20 Delhi Expresses between Bombay (Central) and Delhi.

Great Indian Peninsula Railway.—A compartment is allotted on the Poona Mail and Express trains for vending tea, coffee, fruit and Indian sweetmeats, etc.

A restaurant car which provides Indian food is run on the Grand Trunk Express train between Delhi and Balharshah.

Madras and Southern Mahratta Railway.—Special cars run on the following trains for the sale of sweetmeats, bread, biscuits, tea, coffee, etc. :

Broad Gauge.—

Nos. 23 and 24 Expresses—between Madras (Central) and Bangalore City.

Nos. 15 and 16 Passengers—between Madras (Central) and Bangalore City.

Nos. 31 and 10 Passengers—between Madras (Central) and Bezwada.

Nos. 3 and 4 Expresses—between Madras (Central) and Bezwada.

Metre Gauge.—

Nos. 1 and 2 Mails—between Bangalore City and Poona.

Nos. 3 and 4 Passengers—between Bangalore City and Poona.

Nos. 67 and 68 Passengers—between Bangalore City and Guntakal.

Nos. 73 and 74 Passengers—between Guntakal and Hubli.

North Western Railway.—Dining cars for Indian passengers run on 57 Up and 58 Down trains between Delhi and Lahore. Vending car for Indian passengers run on 7 Up and 8 Down mail trains between Rohri and Lahore.

South Indian Railway.—Buffet cars for Indian passengers run on the following trains :

Nos. 9 and 10 Trivandrum Fast Passengers—between Madras-Egmore and Shencottah.

Nos. 11 and 12 Shencottah Passengers—between Madras-Egmore and Shencottah.

Nos. 7 and 8 Dhanushkodi Fast Passengers—between Madras-Egmore and Dhanushkodi.

Mr. N. M. Joshi : May I ask why separate restaurant cars are not provided for the third class passengers ?

Mr. P. R. Rau : The reason is that the Railways concerned do not consider that such cars would be sufficiently patronised to justify it.

Mr. N. M. Joshi : May I ask, whether Government will make some experiments in these directions ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. N. M. Joshi : Why, Sir

The Honourable Sir Muhammad Zafrullah Khan : For the reason already stated by the Financial Commissioner.

Dr. Ziauddin Ahmad : Is it not a fact that, on the N. W. Railway, they did provide such cars for third class passengers sometime ago, but they were given up ?

The Honourable Sir Muhammad Zafrullah Khan : They were not reserved for third class passengers. There were restaurant cars for Hindus and for Muhammadans as distinguished from those which catered according to the European scale.

An Honourable Member : They were not reserved exclusively for higher-class passengers ?

The Honourable Sir Muhammad Zafrullah Khan : No.

Prof. N. G. Ranga : Are Government considering any proposals for the increase of these Indian refreshment cars ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

The policy in regard to increasing the number of such cars must be reconsidered in the light of the fall in earnings.

Mr. Sri Prakasa : Is it not a fact that, on the Bombay side, third class passengers do patronise the restaurant cars ?

Mr. P. R. Rau : Sir, if the Honourable Member looks at the statement I have just placed on the table, he will see that, on the G. I. P. Railway, there is a restaurant car which provides Indian food on the Grand Trunk Express train between Delhi and Balharshah, and a compartment is also allotted on the Poona Mail and Express trains for vending tea, coffee, fruit and Indian sweetmeats, etc. On the B. B. and C. I. Railway, two compartments are reserved for Hindu and Muhammadan catering.

Prof. N. G. Ranga : Has there been any increase in the number of trains to which these Indian restaurant cars are attached, during the last few years ?

Mr. P. R. Rau : I think my Honourable friend must give me notice of that question.

Dr. Ziauddin Ahmad : Is it a fact that the Hindu and Muhammadan restaurant cars have been given up on the North Western Railway ?

The Honourable Sir Muhammad Zafrullah Khan : They are still run on some of the sections.

Mr. Sri Prakasa : Is it not a fact that third class passengers cannot get their refreshments from the restaurant cars that are usually attached to the mails, because very often the waiters refuse to serve third class passengers ? I can say that from my own personal experience.

The Honourable Sir Muhammad Zafrullah Khan : So far as "purchase" is concerned, all passengers can purchase any refreshments they like from the restaurant cars ; only the restaurant cars themselves cannot be used except by the higher class passengers.

Mr. Sri Prakasa : Is it not a fact that they refuse to supply refreshments to third class passengers in the compartments in which they are travelling ? If this is so, cannot the Honourable Member inquire into the matter ?

The Honourable Sir Muhammad Zafrullah Khan : That I am not aware of.

Mr. Sri Prakasa : He may make sure and give instructions accordingly ? Can he not ? No harm will be done by enquiring ?

The Honourable Sir Muhammad Zafrullah Khan : As a matter of fact, I cannot understand why, apart from any isolated instances, that should be so, because, after all, selling a bottle of soda or of lemonade to any passenger would bring them custom.

Mr. Sri Prakasa : Sir, it is not a question of merely a bottle of soda or of lemonade, but, also of tea, for instance. I may want tea, but they refuse to give it to me unless I travel in a higher class compartment.

The Honourable Sir Muhammad Zafrullah Khan : The same applies to tea, Sir.

QUESTION OF PLACING THE SUPERVISOR OF LABOUR DIRECTLY UNDER THE GOVERNMENT OF INDIA.

650. ***Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) whether they have recently considered the question of placing the Supervisor of Railway Labour directly under the Government of India instead of his being under the Railway Board ;
- (b) if so, what their decision is ;
- (c) if not, whether they propose to consider the question at an early date ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) The Government consider that the Supervisor of Railway Labour should, as at present, remain under the Government of India in the Railway Department.

(c) Does not arise.

Mr. N. M. Joshi : May I ask whether the " Government of India in the Railway Department " means the " Railway Board " or independently of the " Railway Board " ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to follow the question.

Mr. N. M. Joshi : Sir, under the Government of India, there is an organization called the Railway Board. My question is, whether the Supervisor of Railway Labour will be under the Railway Board or will perform his duties independently, under the Government, without being under the Railway Board ?

The Honourable Sir Muhammad Zafrullah Khan : I have replied to that in the answer I have read out to part (b) of the question.

An Honourable Member : May I ask the Honourable Member to repeat the reply, because I did not hear the reply ?

The Honourable Sir Muhammad Zafrullah Khan : I said :

" The Government consider that the Supervisor of Railway Labour should, as at present, remain under the Government of India in the Railway Department."

QUESTION OF PLACING THE SAFETY INSPECTORS DIRECTLY UNDER THE GOVERNMENT OF INDIA.

651. ***Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) if they have recently considered the question of placing the Safety Inspectors under the Indian Railways Act directly under the Government of India instead of under the Railway Board ;
- (b) if so, what their decision is ?

Mr. P. R. Rau : Under section 4 of the Indian Railways Act, Government Inspectors of Railways are appointed by the Governor General in Council and are required to report to him.

Dr. Ziauddin Ahmad : Is it not a fact that the Railway Statutory Committee appointed in London recommended that these Inspectors should be under a body other than the Railway authorities ?

Mr. P. R. Rau : I think that is so. In section 181 (3) of the Government of India Act of 1935, a definite provision has been made that "the Federal Government or its officers shall perform in regard to the construction, equipment and operation of railways such functions for securing the safety both of members of the public and of persons operating the Railways as in the opinion of the Federal Government should be performed by persons independent of the authority of the Railway Administration".

Prof. N. G. Ranga : Is it not a fact that for some of the railways the Safety Inspectors have not given the necessary certificate ?

Mr. P. R. Rau : What necessary certificate does my Honourable friend refer to ?

Prof. N. G. Ranga : About the safety of the railway lines—whether they are in proper condition or not. I have in mind, for instance, the B. B. and C. I. Railway for which the necessary certificate was not obtained by the Railway Board in 1933-34 ?

Mr. P. R. Rau : This does not arise out of this question, which is whether Safety Inspectors should be under the Railway Department or under another Department.

Mr. M. Asaf Ali : Sir, a reference has been made to the Government of India Act of 1935. Has it come into operation yet ?

Mr. P. R. Rau : No.

Mr. M. Asaf Ali : Why, then, is a reference made to it ?

PUBLICATIONS DISTRIBUTED FREE TO THE MEMBERS OF THE CENTRAL LEGISLATURE.

652. ***Mr. N. M. Joshi :** Will Government be pleased to state :

(a) which of their publications are distributed free to the members of the Central Legislature ?

(b) whether they propose to consider the question of supplying all their publications free to members of Central Legislature or at least of enlarging the free list in consultation with a special committee of the Legislature appointed for the purpose ?

Mr. A. G. Clow : (a) I am unable to give the Honourable Member a list of the Government publications distributed free to Members of the Central Legislature which must always be incomplete owing to the appearance of new publications from time to time. The position is as was stated in the reply given on the 27th February, 1935, by the Honourable Sir Frank Noyce, to part (d) of Mr. M. Ananthasayanam Ayyangar's unstarred question No. 121.

(b) Government do not propose to take the action suggested.

Mr. Lalchand Navalrai : Is there any list showing how the publications are being supplied ? Is there any list either in the Library or elsewhere showing which publications are at present being supplied free or otherwise ?

Mr. A. G. Clow : No, Sir. The list is constantly changing. Thus, a new publication appears, and it may be supplied, or it may not be supplied.

Mr. M. Ananthasayanam Ayyangar : What will be the total cost of publishing two hundred more copies of the free publications ?

Mr. A. G. Clow : It would be very large indeed, Sir.

Mr. M. Ananthasayanam Ayyangar : Is the Honourable Member aware that, year after year, from time to time, a number of such publications used to be made available in the Delhi Session, and it has only recently been abandoned ? Is the Honourable Member aware that several Honourable Members of this House have received intimations from the Manager of Publications that extra copies are or are not available to Honourable Members of the House ?

Mr. A. G. Clow : Such circulars are issued from time to time, when publications are found to be surplus to requirements in the Central Publication Branch.

Mr. M. Ananthasayanam Ayyangar : Are they then distributed after that period free ?

Mr. A. G. Clow : I am not sure which publication the Honourable Member is referring to ?

Mr. M. Ananthasayanam Ayyangar : The Trade Review, for instance, for 1933-34, and many other such publications.

Mr. A. G. Clow : Does he refer to circulars concerning publications issued free or advertised for sale ? The former relate only to publications which are surplus to requirements.

SHORT NOTICE QUESTIONS AND ANSWERS.

Mr. T. S. Avinashilingam Chettiar : Sir, as the clauses which I had wanted to be answered have been deleted, I do not wish
12 NOON. to put my short notice question.

FOREIGN AND INDIAN INSURANCE COMPANIES DOING BUSINESS IN INDIA.

Mr. T. S. Avinashilingam Chettiar : Will Government state :

- (a) the number of foreign and Indian insurance companies doing business in India ; and
- (b) the amount of business done by foreign and Indian companies for the last year for which statistics are available ?

The Honourable Sir Nripendra Sircar : (a) The number of foreign and Indian insurance companies working in India in 1933 which is the latest date for which figures are available was 47 and 194, respectively.

(b) The premium income earned in India by foreign and Indian insurance companies was Rs. 26,24,000 and Rs. 6,01,09,000 respectively.

ENQUIRY INTO CENTRAL AND PROVINCIAL FINANCES.

Mr. S. Satyamurti : Sir, I apologise to you and to the House for the length of my question.

Will Government be pleased to state :

- (a) whether they were consulted by the Secretary of State for India over the appointment of Sir Otto Niemeyer to undertake an enquiry into Central and Provincial finances under the Government of India Act ;
- (b) whether the terms of reference were settled in consultation with the Government of India ;
- (c) the reasons why the questions mentioned in sections 140, 146 and 147 of the Government of India Act are not included in the terms of reference ;
- (d) why the financial relations between the Indian States and the Federation are not included in the terms of reference ;
- (e) whether any procedure with regard to taking of evidence or consulting public opinion has been laid down, and if so, what it is ;
- (f) whether any opportunity will be given to this House to express its opinion on these vital questions before the enquiry is completed ;
- (g) the materials which will be placed before him for reviewing the present and prospective budgetary positions of the Government of India and the Governments of the Provinces ;
- (h) whether the enquiry includes the questions mentioned in paragraphs 272 and 273 of the Joint Parliamentary Committee's Report, and specifically whether this Report will form the basis of the assurance to be given to Parliament by His Majesty's Government on the financial position mentioned in the last sentence of paragraph 275 of the Report ;
- (i) whether the enquiry will include the prospect of a net profit on the working of the Railways of five crores, as contemplated in the Percy Committee Report which has now disappeared, and the question of jute export duty, and the contribution of a portion thereof to the Provinces concerned ;
- (j) whether the enquiry will consider the question of the remission or the payment back to the Provinces of the proceeds of income-tax, and if so, what proportion thereof ;
- (k) whether there is any chance of the results of this enquiry postponing the inauguration of the new Constitution ;
- (l) whether the expert will be entitled to come to his own conclusions on the figures of provincial and Federal budgets, apart from the figures submitted to him by the Governments concerned ; and

- (m) how long the enquiry is proposed to take and whether the Report of the enquiry will be placed before this House for an expression of its opinion ?

The Honourable Sir James Grigg : (a) and (b). Yes.

(c) and (d). Section 140 (2) is included, but Section 140 (1) is not presumably because it is a matter for the future Federal Legislature. Sir Otto Niemeyer has been appointed to advise His Majesty's Government generally in regard to questions in which Orders in Council have to be issued in order to inaugurate Provincial Autonomy. The financial relations between Indian States and the Federation, which are presumably in the Honourable Member's mind, have not to be solved at the time of the institution of Provincial Autonomy and moreover have little if any affinity with the problems between the Provinces and the Federation.

(e) No.

(f) I can give no undertaking that an official day will be assigned for the purpose before the enquiry is completed.

(g) All materials considered to be relevant by the various Governments in India will be placed before Sir Otto Niemeyer and he will naturally be at liberty to call for any further information which he may require.

(h), (i) and (j). I would refer the Honourable Member to the terms of the press communiqué issued on the 18th instant.

(k) I cannot say what action Parliament will see fit to take in the matter.

(l) Certainly.

(m) I am unable to state how long Sir Otto Niemeyer will need to complete his investigations. I am also unable to state whether His Majesty's Government will require an expression of the opinion of this House before making its final decisions.

Mr. S. Satyamurti : With reference to the answer to clauses (a) and (b), may I know whether the terms of reference as finally settled follow the lines recommended by this Government ?

The Honourable Sir James Grigg : The Honourable Member may not know as it is a matter between the Government and the Secretary of State.

Mr. S. Satyamurti : With reference to the answer to clause (c), may I know with regard to sections 146 and 147 of the Act, why this inquiry has nothing to do with it ?

The Honourable Sir James Grigg : That is the same question in another form.

Mr. S. Satyamurti : May I know whether the Honourable the Finance Member does not consider that the possibility of contributions from the States to the Federation being remitted in whole or in part, either in cash or in any other manner, has a relevant bearing on the future financial position of the Federation and its capacity to make contributions to the deficit provinces, or to remit a portion of the jute tax or a portion of the income-tax ?

The Honourable Sir James Grigg : I do not think it has any direct connection.

Mr. S. Satyamurti : May I know with regard to the answer to clauses (e) and (f) of this question, whether the Commissioner has got absolute liberty in this matter, that is to say, with regard to the taking of evidence or the consulting of public opinion, or whether he is prohibited from taking any evidence or consulting any public opinion ?

The Honourable Sir James Grigg : There is no prohibition or limitation on his freedom of action in that respect whatever, but, of course, there are certain physical limitations as to taking evidence. If I may express my personal opinion, it seems to me that it is mainly a matter for the Local Governments concerned. If they want to collect opinions from the public, they can pass them on to him if they think they are relevant. But that is only my personal opinion.

Mr. S. Satyamurti : May I know why the Government of India say that this House should not be given an opportunity to express its opinion ?

The Honourable Sir James Grigg : I did not say that. I said : " I can give no undertaking that an official day will be assigned ".

Mr. S. Satyamurti : With regard to answer to clause (g), may I know whether the memoranda will be submitted by the respective Governments, and if the Commissioner may change his mind or form his own opinions on these, what will be the materials that will be available to him ?

The Honourable Sir James Grigg : All relevant materials and also any materials that he may ask for.

Mr. S. Satyamurti : With reference to paragraph 273 of the Joint Parliamentary Committee's report, may I ask one specific question ? I am inviting my Honourable friend's attention to the last sentence which runs thus :

" On this point (that is, the point of the financial solvency of the proposed Federation) Parliament must at the appropriate time receive a direct assurance from His Majesty's Government."

I will confine myself to the Honourable Member's answer. So far as the inauguration of Provincial Autonomy is concerned, will Sir Otto Niemeyer's report form the basis of the assurance which His Majesty's Government will give to Parliament about the solvency of the provinces ?

The Honourable Sir James Grigg : In reply to this question, I think I had better read a sentence from the Press communiqué :

" The Government of India Act, 1935, provided that the allocation of certain resources between Central and Provincial Governments in India shall be settled by Order in Council, of which drafts will have been laid before Parliament ; and His Majesty's Government have undertaken that a special inquiry will first be held, so that they and Parliament may be furnished with an independent review of the financial position of the provinces and the Centre....."

The rest is irrelevant for this purpose.

Mr. S. Satyamurti : I am asking whether, for the assurance of His Majesty's Government, so far as the Honourable the Finance Member is aware, there is any other inquiry, except the one which will be conducted by Sir Otto Niemeyer ?

The Honourable Sir James Grigg : I do not think so. This is the inquiry which is intended to give Parliament an independent review of the financial position of India.

Mr. S. Satyamurti : Will the Government of India send their conclusions or opinions on the report of Sir Otto Niemeyer to His Majesty's Government before they make their recommendation to Parliament ?

The Honourable Sir James Grigg : I have not thought about it ; but I think that it is quite possible.

Mr. S. Satyamurti : Will Government consult this House before they send their opinion on the report of Sir Otto Niemeyer ?

The Honourable Sir James Grigg : I cannot give any undertaking about it.

POSITION IN THE NORTH-WEST FRONTIER PROVINCE.

Mr. S. Satyamurti : Will Government be pleased to state :

- (a) the latest position in the North-West Frontier Province ;
- (b) the number of men and officers, British and Indian, who are engaged in the operations therein ;
- (c) the object of these operations ; and
- (d) when the operations are expected to conclude, and with what result ?

Mr. J. G. Acheson : (a) The unrest on the Hazara border has, I am glad to say, completely subsided as have also the disturbances in Dir. As regards the Mohmand situation a Government Force has established itself at Nahakki in Kamalaj Halimzai country. As a result of the combined land and air operations carried out up to date, the formed *lashkars* have dispersed though there are still some gangs in the vicinity of the troops and sniping still continues. The latest news is that the Burhan Khel, Isa Khel, and Kamalaj Halimzai have made complete submission, and there are indications that the remaining offending sections will shortly make overtures for peace. Elsewhere the Frontier is quiet.

(b) 16,000 of all ranks including followers.

(c) As stated in the Press Communiqué of 12th September, to secure tribal overtures on which an adequate settlement can be made.

(d) When the tribes have accepted the peace-terms and have shown by their behaviour that they intend to carry them out honestly. The result is hoped to be the removal of the Mohmand menace to the peace of the Peshawar border.

Dr. Khan Sahib : Will the Honourable Member state if the real object of the Government is to take Nowazai and from there connect a road right up to the road which connects Malakand with it ?

Mr. J. G. Acheson : The answer is in the negative.

Dr. Khan Sahib : Will the Honourable Member state what means Government will adopt to create a peaceful and conciliatory atmosphere amongst the troops ? Are Government going to use the same kind of people who are always deceiving Government and creating these troubles or are Government going to use some other people who will give them honest advice ?

Mr. J. G. Acheson : This question appears to contain an insinuation. I should like, however, to take this opportunity of pointing out that all these people, with reference to this question and to the previous supplementary questions, are all indubitably under the suzerainty of His Majesty the King Emperor.

Dr. Khan Sahib : I want to put another supplementary question.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair would warn the Honourable Member that he must not make insinuations or reflections while he is putting supplementary questions.

Dr. Khan Sahib : I am speaking absolute truth, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : It is not a question of absolute truth or not. The point is, he must not make any criticism or cast any reflection while putting his supplementary questions. The question must be confined to obtaining information and not to casting any reflection.

Dr. Khan Sahib : My question is this. Will the Honourable Member state as to who are the people who are going to be used for carrying on this negotiation between the troops and the Government ?

Mr. J. G. Acheson : The Political Officer with the Forces will deal directly with the tribes in the matter. The officer in question is Captain Bacon of the Political Department.

Mr. S. Satyamurti : Apart from acts of hostility, are there any points in dispute ? If so, what are they, and are they capable of settlement between the tribes and the British Government ?

Mr. J. G. Acheson : I have already pointed out in my speech on the adjournment motion on this subject, earlier in the Session, what are the main points in dispute. The main point in dispute is that these persons are habitually and wantonly engaged in acts of aggression against the peaceful inhabitants of Peshawar district and against the forces of Government. That is the only matter in dispute.

Dr. Khan Sahib : Will the Honourable Member state the date on which the tribes attacked Peshawar area ?

Mr. J. G. Acheson : I cannot give the exact date. But it has already been communicated to the Press in Communiqués.

Dr. Khan Sahib : Approximate date or a rough idea about the date of attack, about the names of villages which they attacked, and so on ?

Mr. J. G. Acheson : The post of Shabqadr was one of the posts which was attacked. The Munda post is another. These were two of the posts which were attacked among others.

Dr. Khan Sahib : Were these attacks made after the advance of the army or before ?

Mr. J. G. Acheson : Before.

THE CANTONMENTS (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. G. B. F. Tottenham (Army Secretary) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Cantonments Act, 1924, for certain purposes.

THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL— *contd.*

Mr. President (The Honourable Sir Abdur Rahim) : Legislative Business. Further consideration of the following motion moved by Mr. B. Das on Friday, the 29th March, 1935 :

“ That the Bill to repeal the Indian Criminal Law Amendment Act, 1908, be taken into consideration.

Srijut N. C. Bardaloi (Assam Valley : Non-Muhammadan) : Sir, I was speaking the other day about the Partition of Bengal, and I did not conclude my speech then. During the days of the Partition of Bengal, a conference took place at Barisal. All the leaders of Bengal, including the late Surendra Nath Banerjea, and C. R. Das, Aurabinda Ghose (who is at present living) and many other great leaders, whom Bengal respects and reveres, tried to hold that conference at Barisal. That was a perfectly constitutional affair. In that conference, those leaders were assaulted and insulted and the conference was broken up.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The Chair would remind the Honourable Member that this matter has been debated for a number of days, and the Chair would ask Honourable Members, who wish to speak again on this subject, not to repeat what has already been said.

Srijut N. C. Bardaloi : This point relating to the Barisal conference was not debated in connection with this Bill. It was referred to in connection with the other Bill relating to Criminal Law which was introduced by Government.

Mr. President (The Honourable Sir Abdur Rahim) : That makes no difference. If the matter has been debated in connection with this Bill or with another Bill, it makes no difference.

Srijut N. C. Bardaloi : I will make my observations in my own way to prove that the Act of 1908 is no good.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not repeat himself or refer to what has already been said by other speakers. He must conform to the Rules and Standing Orders.

Srijut N. C. Bardaloi : What I wanted to say is this. This discontent and unrest was not the doing of the young men of Bengal alone, it is the doing of the authorities also by their mishandling of the situation.

Now, I come to other instances which, to my mind, explain the present position of Bengal, and any amount of oppressive laws on the part of the authorities will not stop the present unrest unless the root cause is removed. My Honourable friend, Sir Abdul Halim Ghuznavi, said the other day that the root cause has been removed. I say that the root cause has not been removed, it is the branch cause that has been removed and the root has gone deeper down. What is the root? I shall briefly state the facts to prove my statement. It is a fact that the annulment of partition was a stroke of statesmanship, and many of the persons who were on the other side and who were great agitators in those days were brought into line by the action of Government, but those persons who took part in these revolutionary affairs or murders or who took to lawlessness before the annulment of partition, what became of them? They were hounded, not only like criminals but, like wild beasts throughout India. Even after that, no attempt was made by Government to bring them to their side and thus to bring peace to this country by conciliating them. I know of a case in Gauhati. After the partition of Bengal, some Bengalis remained in a house peacefully at Gauhati and they were doing business. They remained there for about a year. Nobody knew they were revolutionaries. After a certain time a detective policeman went there to arrest them with the help of the local policemen. There was a pitched battle at night. Some of them were arrested and they were tried by a special tribunal and sentenced to various terms of imprisonment. If only those persons had been brought round and allowed to do the peaceful business they were doing at that place, their feelings would not have been roused and they would have remained useful citizens. But no, they were again sent to jail. I know one of them who was an inmate of the Nalanda House and who ran away from there. I met that man some time later in a meeting of the Congress and I asked him what he was doing. He said he was doing khadi work. He said he had given up all those activities because, through Mahatmaji's favour, he had taken to khadi work and to non-violence and he was doing well. I asked some of the people in the khadi business and they told me that he was one of the best and most useful workers. That is the sort of work which some of these people, who had once taken to terrorism, are able to do if they escape being hounded by the police. They should be brought round and their feelings ought to be assuaged. But, instead of that being done, they are hunted by the police from pillar to post and from post to pillar, all throughout India, because some time back they happened to belong to the revolutionary party. They may not be murderers or dacoits, but still they are hunted.

This state of things went on and, as I said the other day, but the Jallianwalla Bagh outrage excited the whole of India. There was not one Indian who did not feel terribly excited over this Jallianwalla Bagh incident. Then, Sir, after the Jallianwalla Bagh and the crawling order which excited the masses of India came the Dyer fund. And what is this fund? Government officers were of course engaged in suppressing these people who were fighting against Government, but after the good deed of General Dyer the Dyer fund was started. And who subscribed to it? Most of the European gentlemen who are non-officials, and even the Anglo-Indians. Did not that irritate the Indians more than anything else? Did the authorities then take steps to put that association under

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this Act of 1908 and declare it unlawful? What was it? It was nothing but a challenge to Indians and to the honour and self-respect of Indians. You make them crawl and you kill them, and because the authorities took some steps against the man who did it, in order to pacify the feelings of Indians, the non-official Europeans and even Anglo-Indians joined together and raised a fund for him. That was another fact which actually brought on this non-co-operation movement. The Honourable the Law Member in reciting the 56 cases tried to prove that Congress members became anarchists or anarchists became Congress members. It is the sort of thing that sometimes the revolutionaries join the Congress and afterwards they again become revolutionaries. And, therefore, the Honourable the Law Member pressed it with great force and cited 56 cases in which anarchists or terrorists were found to be Congress members. Sir, I know it for a fact that when Mahatmaji went to Bengal and Assam he actually discussed this point with many Congress members and with men who knew much about this movement. He asked them to give up the path of terrorism and violence and to join the non-violent movement as that was the only way to fight the British Government and it was better than violence. At his bidding a lot of people who were of that fraternity actually gave up terrorism and came to join the non-co-operation movement as non-violent non-co-operators. The late lamented Bepin Chandra Pal once said in his stentorian voice,—and I remember it even now,—“I am not a non-co-operator but do not repress this non-violent movement so much because if you do so it will go underground again”. Government paid no heed and the non-co-operation movement of 1921 was crushed with all the vigour that Government possessed. After that there was tranquillity for some time. I want to ask whether this Act of 1908 had the least effect upon the minds of the people when they actually went out to defy Government and to practise Civil Disobedience. Honest men when they feel that Government are doing something wrong to the country, and when they feel that they have got no other weapon except the non-violent method and Civil Disobedience, go on in spite of this Act of 1908. The passing of this Act to suppress the Congress movement does not mean anything; it is just like a sportsman shooting at a duck which is sitting on her eggs because she will not run away. The Congress offices are always open, the names are registered, they do not do anything behind the scenes or hide anything. And so these policemen take the help of this Act of 1908 and by overdoing promote terrorism, as I cited some examples the other day. This sort of thing will not suppress this non-co-operation movement. As a matter of fact at present there is no non-co-operation movement and there is no necessity for this Act. As regards terrorism, will this Act of 1908 help Government in any way? Do the terrorists keep open offices and do they do anything openly? The Honourable the Law Member cited a lot of cases in which lists of terrorists were found. He said their names were entered in a register. I cannot controvert that statement as it was proved in a court of law but I have got my own doubts. Anyway, this state of things went on and, afterwards, we know how the authorities always flouted public opinion. The Congress sat from year to year, they passed Resolutions, they made suggestions, and the authorities always disregarded them. The Congress Resolutions were always considered as

so much waste paper. And what happened? **Mahatmaji** had nothing else to do but to have recourse to Civil Disobedience and the great Dandi march began. What happened at Dacca before that? The facts with regard to the Dacca riot have been stated at length by my Honourable friend, the Deputy President. Those who read the newspapers in those days knew what happened at this Dacca riot, and many people believe that this riot was engineered, and they had good reasons for thinking it to be so. The Honourable the Deputy President said the other day that three or four days before the rioting began Government servants were warned that there would be a riot and were asked to keep provisions ready. All the guns were taken away from the Hindu houses and then the rioting began. I understand that Mr. Griffiths, the present District Magistrate of Midnapore, was then at Dacca. I should like to know what steps he took to prevent this riot or rescue people's houses and properties from being looted and plundered.

Mr. P. J. Griffiths (Bengal : Nominated Official) : Sir, on a point of personal explanation. I spent four whole days and nights protecting Congress Hindus from attacks by the Muhammadans.

Srijut N. C. Bardaloi : Muhammadans or Hindus, whatever they may be, when it is a question of plunder, there is no difference between Muhammadan and Hindu hooligans. The Hindu or Muhammadan hooligans are poor : they live from hand to mouth and they do not get one full meal a day and these people when they get a chance to plunder, they do it and nobody can prevent it. But I want to ask my friend what he was doing and how many did he rescue when all this was going on, when the looting was taking place, when the houses were burning, and policemen were merely standing by and doing nothing. We got these accounts from the papers and my Honourable friend, the Deputy President, has repeated them here. Do we not know what was happening in Dacca at that time? Have we not read of the heroic action of two Bengali girls—all honour to them—who protected their house by means of brickbats which they threw on the hooligans? Where was the police then? And where was my Honourable friend when shops were looted and houses were burnt and when millionaires and rich men became paupers in a day, because the looters came and set fire to their houses and looted their things? Where was the police then? Where were the Europeans? Did they suppress the riot? Did they rescue these people? Did they rescue anybody? They did not do anything. And what about the mentality of the young men who were at Dacca? They thought rightly or wrongly that it was you, the Government men who set up these hooligans to commit all these acts : they have a clear recollection of what took place : they have suffered and become beggars : can any of them have any affection for this Government? If the Government did not protect them, if the Government did not do anything to save them how can they have any other feeling than of this kind? The Honourable the Deputy President has given instances and I can give some also from my own personal acquaintance with some of the sufferers on a later occasion. I know one of them who was beaten by the police. Was it not a shame to beat a retired Indian District Magistrate at his old age in the presence of his wife, daughters and son? Would the son or wife or the daughter have any affection left for this Government after

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This respectable gentleman had been assaulted ? His name has been given by my friend, the Deputy President. Things went on like this and the soul of Bengal was actually pierced. There was agony on all sides. This terrorism on the part of the hooligans, supported as it was thought by the Government men because they remained inactive, actually preyed upon the minds of the people. What did the Government do ? If the Government had taken immediate steps and saved these people, if the Government had put down these hooligans, then probably the people would have at once got respect for the Government. Bengal has suffered and, therefore, the Bengalis have become unruly. I do not say that they should go and commit murders, but am giving the real psychology of how these people have become unruly and taken to this sort of crime.

Now, about Chittagong. After Dacca came Chittagong. I need not state all the facts that happened there. The terrorists, to our shame, committed murders ; and, in spite of our non-violent creed, in spite of the fact that we do not injure or murder people, the bureaucracy, to their shame on the other hand almost, murder the terrorists and not only the terrorists, but also the innocent people whom they suspect to be terrorists. The police say they are terrorists and, on suspicion, they are sent outside Bengal and detained for years and years without giving them any chance of proving their innocence : well, that is a sort of murder. I can cite a lot of examples in which these detenus have been kept and sent to distant places merely on suspicion, without any kind of trial : some of them were shot ; some died ; one hanged himself and committed suicide ; another man died of disease—perhaps he might have been treated better elsewhere : one man went mad : and there are innumerable cases in which wailing mothers and wailing wives have sent applications after applications to the Government asking that the detenus might be tried, that they should not be kept in detention on mere suspicion and thus be killed inch by inch. These persons who are detained like this without any trial are sometimes treated not like human beings. Well, their relations, their wives and children—will they be very loyal to this Government ? Will they have much affection for this Government ? When there is so much bitterness in the minds of these 2,000 or 3,000 young men of Bengal suffering like this—multiply this 2,000 or 3,000 by their relations and friends and admirers : how many do you get ? How many men are there in Bengal who are still suffering ? Have Government done anything to help them ? Nothing.

After Chittagong we come to Midnapore. Midnapore is now engaging the attention of the Government of India. At Midnapore, during the non-co-operation movement, we have seen a lot of pictures in the papers, how at Contai these people went to make salt, how they were assaulted, how they were beaten and how many of them got terribly injured. These non-violent men were beaten. The District Magistrate of Midnapore said, the other day, that whenever civil resisters go and picket, they begin with non-violence but they end up by being violent. I ask him how many soldiers and how many constables have been beaten by these picketers, how many Europeans have been injured by these civil resisters and in how many places ? I have not heard of any so far. Of course, in the past, in places like Chauri Chaura things happened ; but

now how many non-co-operators have been convicted of assaulting policemen or beating policemen ?

Mr. P. J. Griffiths : 189 in my district.

Srijut N. C. Bardaloi : I am glad of the information ; but I perfectly remember the movement of non-co-operation going on without any violence on their part. Anyhow what I say is this : on the one side people go and do everything non-violently, peacefully : their creed is suffering, and they get beatings and at every beating they merely call ' Mahatma Gandhi ki Jai ' or ' Vande Mataram ' and they go on getting these beatings. I know places where it happened like that. On the other hand you get these people who beat the volunteers, those who actually treated them violently come forward with the grievance that they are the injured party : that the party which used the *lathi* is the injured party : that was the position. That sort of thing went on in Bengal in spite of this Act of 1908. These occurrences took place in 1930. Congress offices were closed up ; properties were confiscated ; but that did not stop it. I know in Calcutta in a meeting there was a *lathi* charge and a lot of people were injured : some lost their limbs, and some got broken heads and limbs : but in the next day's paper we found it was a mild *lathi* charge. I do not know what a mild *lathi* charge is—possibly it was inspired by the Government officials ; otherwise it cannot be described as a mild *lathi* charge. So, when I get accounts of mild *lathi* charges, I know what they are. As I say, this sort of action on the part of the Government will not stop the Bengal people. I said in the beginning that the Bengal people are highly sentimental. When they do not see any other way they take to terrorism. The murders at Midnapore have been referred to. Do we not regret the murders of three District Magistrates at Midnapore ? As a matter of fact, when I read about the last murder and about the wails of the poor widow I felt like crying myself. I felt very sorry : everybody feels sorry for it ; but somehow my friends on the opposite Benches do not feel that we are sincere in what we say and they think they alone are sorry and nobody else. If they do that, they do it because of their own mentality. Do they ever feel sorry for those who are waiting for the detenus, viz., mothers and wives who are waiting because their sons and husbands are pining away in distant jails ? Do they ever feel for those who are detained in jails without trials ? You do not feel sorry for them ; you do not give them a decent trial. What is it that you want ? I say that, in my younger days, the people were saying that British Raj is like Ram Raj. Why did they call it Ram Raj ? Because they thought that British justice was the best in regard to meeting out justice to a subject nation. But now, what do they see ? British people have forgotten what justice is.

An Honourable Member : This is now Ravan Raj. (Laughter.)

Srijut N. C. Bardaloi : What is the thing that people want now ? They want justice and nothing but justice. You have got your law courts, you have got eminent Counsels like the Honourable the Law Member, you have got your informers and spies,—now bring all these detenus into the open and put them on trial in open courts, and punish them if you find them guilty after giving them a fair trial. None will say anything to it. There have been so many cases of hanging and trans- portations for life, imprisonment for varying terms for murders,

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dacoities and various other criminal offences, but does anybody say anything about the punishment you mete out to the guilty? Why don't you try these men even now? Punish them if they are found guilty; if they are not found guilty, then let them off. Let them lead an honest and virtuous life.

Now, Sir, can you actually make Bengal calm and peaceful? No. Bengal can be calmed down only by kind treatment. The only way you can calm down the Bengalis is to try the detenus and if they are found guilty, punish them; if they are found innocent, then release them at once.

Sir, His Excellency the Governor of Bengal is trying to give some land to some of the unemployed youths, specially to detenus and terrorists, but will that satisfy them? Among the detenus there are many people who are not dying for want of food. As I said, try them in the open courts, and do not allow your policemen and spies to hound them and create cases for the courts. Only recently there was a case in which it was found by the Magistrate that a revolver or a bomb was planted by the police. There are *agents provocateurs*, and you have to take care of them. Only by giving these detenus an open trial you will be able to bring about peace and contentment in Bengal. If this is not done, if you go on with your repression,—you may, for the time being, suppress the movement by means of your military and police, you may bring in laws like these to suppress the people,—but if you go on with your repression, the time is coming when you will have to keep policemen in charge of almost every house in Bengal. Even now you make policemen march through the villages to strike terror in the minds of the poor people, but if you go on like this, the time is not far distant when you will have to place one soldier or one policeman against the house of every Bengali youth who lives there. Even now you have got curfew orders, individual cards, identifying cards, and all sorts of humiliating things for them, you have placed all these humiliating things against the manhood of Bengal, but, as I said, if you go on like this, the time will soon come when you will have to keep a detective, a constable or a soldier in front of the door of every Bengali youth. Therefore, I suggest, Sir, these sort of irritating things will do no good to anybody,—do not bring in these laws. The other day we threw out by a majority an important measure like the Criminal Law Amendment Bill, and what happened? It has been certified. Sir, what is our position here? Why do we come here? Is it for the purpose of getting ourselves flouted? This measure also, whatever we may say here, is bound to be kept on the Statute-book, but I say sincerely, that this sort of repression or suppression will not do. You will have to reform yourselves, you will have to change your mentality, otherwise you will also have to suffer just as the people suffer. (Cheers from the Congress Party Benches.)

The Honourable Sir Henry Craik (Home Member). : Sir, as you observed a short time ago, this subject has been debated in one form or another now for eight days, and the arguments both for and against the particular measure we are discussing have been worn so threadbare that I do not on my part propose to contribute anything to them either one way or the other. What has brought me to my feet has been the

entirely unsubstantiated, undocumented and *ex parte* statements that have been made by various speakers on the other side blaming Government for a state of affairs which has necessitated this special legislation. The last speaker, Sir, poured out a long string of accusations which, naturally enough, are not within my immediate knowledge, but on one point about which he asked one of his numerous rhetorical questions, he challenged us to give him an answer. He got an answer which considerably disconcerted him, and I have no doubt if I had the time or if my friends had the time to look up the actual facts regarding many of his other allegations, we would find that they are completely unsubstantiated and completely one-sided.

One particular speech, however, was made in the course of this debate by the Honourable Member from Rohtak which happened to deal with matters within my personal knowledge, and in the course of it he cast various reflections on myself and on officers who were then serving under me. I propose to show that that speech was from beginning to end an almost entire misrepresentation and distortion of facts and that such truth as it contained was twisted out of all recognition. I propose to show not only that the charges which the Honourable Member brought forward against Government officers were grossly exaggerated, but that he himself was guilty of far more serious misconduct on his own part.

An Honourable Member : Yes ?

The Honourable Sir Henry Craik : I will show that. I have chapter and verse. The object of that speech was to show that Government through its executive officers abuse any special powers given to it and that, therefore, no special powers should be given. The Honourable Member went further and alleged that by the use of these special powers Government have practised oppression, and, therefore, were responsible for the origin of the terrorist movement. He alleged that terrorism started in the Punjab after what he called the assault by the police on Lala Lajpat Rai on the 30th October, 1928. His syllogism, if I may so put it, ran thus. His first premise was that there was no terrorism in the Punjab before October, 1928. His second premise was that in October, 1928, Lala Lajpat Rai was beaten by police. The conclusion was, therefore, that Government was responsible for the rise of terrorism in the Punjab....

Mr. Sham Lal (Ambala Division : Non-Muhammadan) : On a point of explanation, Sir. It was not my conclusion. It was the statement of the approver in which he said that after Lala Lajpat Rai had been beaten they decided on murder. It was not a conclusion, but a fact, and it is part of the evidence of the Crown witness.

The Honourable Sir Henry Craik : The Honourable Member says that it is not his conclusion but it was based on the evidence of the approver. The approver he refers to is a person called Inderpal, a convicted murderer, who plotted murder and was sentenced to death for it and is now undergoing transportation for life. Not only that, a convicted murderer who to save his own skin gave away the whole case against his associates, and not only that, but one who as a witness was found guilty of committing perjury by the Court. If that is the Honourable Member's corroboration....

Mr. Sham Lal : On a point of explanation, Sir. This was the case of the learned Public Prosecutor. There were certain parts of the

[Mr. Sham Lal] Crown witnesses' evidence which were accepted by the learned Public Prosecutor, and I challenge my Honourable friend....

The Honourable Sir Henry Craik : I do not give way. This is not a point of personal explanation at all, and I refuse to give way. The Honourable Member on the testimony of this murderer and perjurer witness alleged that there was no terrorism in the Punjab before October, 1928. As a statement of fact that is, of course, entirely inaccurate. The Honourable Member has evidently forgotten the two Dusserah outrages which were the worst outrages from the point of view of casualties of any that took place in the Punjab. One, I think, caused the death of nine and wounded fifty people, the other caused the death of ten and injured fifty-eight. These outrages happened at the Dusserah festivals of 1926 and 1928, before any such incident....

Mr. Sham Lal : They were not political murders.

The Honourable Sir Henry Craik : They were political murders. I think I can claim a good deal more knowledge of this than the Honourable Member. The Honourable Member has entirely ignored the fact that the principal terrorist gang in the Punjab, led by that "splendid hero" Bhagat Singh, who did not even kill his man himself but merely shot him as he lay helpless and unconscious on the ground—that hero of the Honourable Member's party, his gang was in existence long before 1928 and was well-known to the police.

Mr. Sham Lal : On a point of order, Sir.

The Honourable Sir Henry Craik : No point of order has arisen. Bhagat Singh was a leading member of the Naujivan Sabha, an association that was in existence long before 1928. Bhagat Singh was actually arrested but was discharged because at that time—that was the beginning of 1927—no sufficient evidence was available. His gang was the direct descendant and comprised the remnants of the gang which committed the Kakori dacoity in the United Provinces in 1925. It is absurd to assert, and it is entirely unsubstantiated and uncorroborated, that there was no terrorism in the Punjab before 1928.

The second premise of the Honourable Member is that on the 30th October, 1928, in the course of a demonstration by a disorderly crowd against the arrival at Lahore of the Simon Commission, Lala Lajpat Rai was assaulted by the police. That again is entirely untrue. An enquiry was held by the Senior Commissioner of the Punjab and it was found that this disorderly crowd placed deliberately some political leaders, Lala Lajpat Rai and one or two others, at their head and tried to force their way through a barbed wire barrier which they knew had been erected to keep them back. That was a deliberate act of defiance which every one in the crowd knew perfectly well would have only one result and which was intended to have only one result, and that was to bring the crowd into conflict with the police.

Sardar Sant Singh (West Punjab : Sikh) : Does the Honourable Member mean....

Some Honourable Members : Order, order.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

The Honourable Sir Henry Craik : The crowd, according to plan, came into conflict with the police. A sergeant was knocked down by the crowd and into the gap caused by his fall they pushed forward their leaders and they in turn had to be pushed back by the police. The only *lathi* blow that fell on Lala Lajpat Rai fell on his umbrella. He was not hurt himself at all and the best proof of that is that, although he was at the time a very sick man, he made a speech the same evening lasting for an hour and a quarter and spoke with all his usual vigour and showed no signs of any physical disability whatever.

Sardar Sant Singh : Oh, I see ! What a shame !

A few Honourable Members on the Congress Benches : Deliberate lies.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair cannot allow that sort of expression.

The Honourable Sir Henry Craik : If any one was to blame for what happened, it was the people who so foolishly insisted on placing these political leaders in the forefront of a mob that they knew was bound to come into conflict with the police.

The Honourable Member, having misinformed the House to that extent, went on to draw certain inferences out of the Lahore Conspiracy Case in which he appeared as principal defence counsel. That was a case that lasted for a very long time, in which the Honourable Member drew very handsome fees from Government. The Government appointed and paid for the Counsel for the defence in that trial which lasted for over three years. The Honourable Member, I think, got about half a lakh of rupees in fees and as a result of that, rose from the position of a comparatively unknown mofussil lawyer to the position of a Congress leader and a Member of this House. He made a great point out of the question of detention in police or judicial custody of a certain approver in that case, and, in connection with that point, he made a strong personal attack on myself, alleging that I had defied the orders of the High Court and that I had abused the powers of the executive and so on. The actual facts were these. The approver in question was detained, and detained for very good reasons, according to the practice that had invariably been followed in all such cases, without objection in the past, in police custody. The reasons were obvious, first, that the approver being a member of a gang of very desperate murderers was naturally in grave danger of his life if he were compelled to remain in the same jail as the associates, whom he had betrayed, and secondly, that if he was in a position where his associates could tamper with him there was every chance—as they were entirely unscrupulous people,—there was every chance that they would induce him to retract his statement, and that is in fact what he eventually did. For those reasons the approver in question was kept, according to the usual practice, in police custody. He made certain allegations that he was being ill-treated. Those allegations were found by the High Court to be entirely false. My Honourable friend read many quotations from the High Court judgment but he did not read this. The Judges said :

“ We are not satisfied that, in spite of being in police custody, which was subsequently held to be illegal, Indar Pal was either subjected or threatened to be subjected to any such ill-treatment as would make his statement inadmissible..... Apart from his own statement, there is no evidence to show that he was in any way ill-treated by the police.”

[Sir Henry Craik.]

His own statement being, of course, perfectly worthless. An application was made to the Tribunal which was trying this case that he should be transferred to judicial custody. That application was rejected by the Tribunal but on appeal it was accepted by the High Court who held that it was illegal,—that the practice, which as I have said had been an age-long practice, of keeping approvers in police custody was illegal. The approver was accordingly transferred to a jail after special arrangements had been made so that he could be kept separate from his other associates implicated in this criminal conspiracy. For a day or two, but not longer, till those arrangements were completed, he was kept in the Fort in Lahore, which for that purpose was declared to be a jail. Immediately the High Court held that that was illegal, in fact, I think, before their decision was actually communicated to Government, he was removed to a jail. So much for that point. There was no defiance of the High Court orders and there was no application to the Government of India for an Ordinance. All these are figments of the Honourable Member's fertile brain.

Now, Sir, before I proceed further to deal with the Honourable

1 P.M.

Member's allegations, I think the House should be made aware of what was the main nature of this Lahore Conspiracy case. The principal charge against this gang, which consisted originally of 21 or 22 people, was what were known as the booby-trap bombs. The secret society which perpetrated these diabolical offences was known as "the Atishi Chakar", or the fiery wheel or circle. On the 19th June, 1930, there occurred simultaneously a series of outrages at six separate places in the Punjab which, for devilish ingenuity, have not, I think, been surpassed by any terrorist outrage anywhere else in India. Simultaneously on the morning of that day, small explosions occurred in untenanted or empty rooms in houses in Lahore, Amritsar, Gujranwala, Sheikhpura, Lyallpur and Rawalpindi. I would ask the House to remember Rawalpindi, because I will have to come back to that place later. The object of these small explosions was to ensure that the police should immediately proceed to investigate their causes and the police promptly did this in every case. In every one of these rooms there was arranged a diabolically ingenious trap, which contained a much more violent explosive, so arranged either in a small box or some kind of vessel that it should explode immediately it was touched. As a result of these second explosions in Gujranwala, one police officer was killed and several were wounded. As a result of the explosion in Lyallpur, one police officer was very seriously wounded and subsequently died and a second was blinded in one eye. That officer who was blinded was the eldest son of an old friend of mine and I remember his lingering in agony for many months and eventually he had to be invalided out of the service and though he is still comparatively young, he is now a broken man. Fortunately, in the other four places, this abominable plot was not successful, though in some cases some of the police officers had very narrow escapes. In one case, the explosive was in a closed box and instead of opening it or picking it up as most people would have done, the police officer turned it over with his foot, so that the bomb instead of hitting the detonator slid up against the lid of the box. Anyhow the plot was successful to

this extent that two police officers were killed, several were wounded and one was blinded and had to leave the service. I do not know if Honourable Members who were so lavish in their praise of murderers the other day extend their meed of praise to those who brought about these results. For my part, I feel nothing but the most intense indignation for these abominable crimes.

It was the people who were guilty of that plot who were tried in the Lahore Conspiracy case. The Honourable Member speaking the other day gave the impression that the case was fabricated and supported by perjury and so on.

Mr. Sham Lal : On a point of explanation. I did not say that the case was fabricated. What I submitted was that the evidence was fabricated.

The Honourable Sir Henry Craik : But the Honourable Member entirely omitted to mention the result of the case. He gave the impression, perhaps unwittingly, that the only features of this case of any importance were the perjury and forgery alleged to have been committed by police officers. He omitted entirely to mention that of the twenty-one or twenty-two persons sent up for trial, 16 were convicted. The case was withdrawn against one as he was too ill to appear in Court. Four or five were discharged. The other 16 were convicted and the High Court which heard the appeal upheld the conviction of 14 out of the 16. The case was obviously one of extreme difficulty. Although the principal outrages were committed in the middle of June, the police officers could not get a clue till the end of August. In the end, the case resulted in the conviction of an overwhelming majority of the accused.

In decanting at great length on the sins of omission and commission of the police, the Honourable Member relied to a considerable extent on the statements of Inderpal. He also quoted certain extracts from the appellate judgment of the High Court. He conveniently omitted to quote a very relevant and very important sentence. The High Court said, and this was quoted by the Honourable Member, that "the trial has become so complicated and prolonged so inordinately merely because the police did not place a true picture of the investigation, as it proceeded, before the Court". The next sentence he omitted to quote and I will quote it. This is how it ran :

"But in fairness to the police and the magistrates concerned we feel bound to record that it has not been shown that there was any deliberate attempt to introduce any falsehood into the case or to implicate any innocent person. The desire to suppress all discrepancies and inaccuracies apparently sprang from over-zeal but it has led to disastrous consequences."

Then, a great deal was made about the alleged substitution of a page of Inderpal's statements. He made an enormous number of statements, and he constantly contradicted himself and lied :

"We are prepared to believe"—said the Judges of the High Court—"that this substitution was made with Inder Pal's consent, but the emphatic denial of the magistrate on this point throws a great doubt in our minds on his fairness as a magistrate and his veracity as a witness."

Now, Sir, the investigation in this case, as I say, was a very long one ; the trial itself lasted for three years, and it was a long time before the police got on to the track of the murderers. Throughout the course

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of these investigations, and throughout the trial, they had to contend with the very greatest difficulties,—with unscrupulous attempts on the part of the defence to tamper with the witnesses, and with all sorts of plotting, intrigues and machinations to try and ensure the failure of the case. (Hear, hear.) It is not altogether unnatural that in a case involving the death and wounding of so many of their comrades, the police should have shown a certain amount of over-zeal (Interruptions), but as the Judges of the High Court said, there was no attempt to implicate any innocent person, and there was no attempt to introduce any falsehood of any kind. The case was eventually, after the most careful, and possibly one of the most prolonged trials in the history of criminal jurisprudence in India, entirely or almost entirely successful. (Hear, hear.)

The Honourable Member said, quite untruly, that the police officers concerned had been promoted and given titles and honours by the Government. That statement, Sir, is entirely and completely incorrect. The Government held a careful investigation into the matter: no officer was promoted, one at least was severely censured, and it is entirely untrue to say that anyone was rewarded with a title or the grant of rank. (Interruptions). I do not give way. He further alleged that what happened in this case showed that 75 per cent. of the entire police in the Punjab were corrupt and perjurers. That, of course, is a fantastic and wild statement. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

The Honourable Sir Henry Craik: I took down his exact words:

“75 per cent. of the entire police force are corrupt and perjurers.”

As a matter of fact, in this particular case, a very large number of police officers were engaged. The case concerned, as I have said, not only the Central C. I. D., but it concerned the police of no less than six districts, and possibly more than the six districts where the explosions took place. The number of police engaged in the case must have been at least fifty or sixty. Against only four of them were any charges made, or any malpractices alleged,—and that is what the Honourable Member chooses to distort into “75 per cent. of the entire police force of the Punjab”. (Hear, hear.)

Sir, I have said that the police had to contend, in this case, with grave difficulties and with persistent attempts on the part of the defence to tamper with the witnesses for the prosecution. Now it is a good thing, I find as a rule, to follow the old proverb that “people who live in glass houses should not throw stones”. (Ironical cries of “Hear, hear”), and another pertinent proverb is that “the pot should not call the kettle black”.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): So you are black.

The Honourable Sir Henry Craik: I have here, Sir, documentary evidence to show that persistent and successful attempts were made by the defence to tamper with the witnesses for the prosecution, and that the Honourable Member who brought these charges was himself implicated up to the hilt in these attempts. (Hear, hear.)

Mr. Sham Lal: On a point of order, Sir, the Honourable Member is making a most serious charge against me.

The Honourable Sir Henry Craik : I am making a most serious charge. And the Honourable Member himself made a most serious charge against me.

Mr. Sham Lal : Then the Honourable Member should have prosecuted me. These must be the reports from the very C. I. D.

Mr. S. Satyamurti : Mr. President, on a point of order—I am not able to lay my hands on the number of the rule, but I believe I am correctly repeating the exact words, which are : “ no Member, while he is making a speech, should make a personal charge against another Member ”. I will give you that reference presently, and I submit that the Honourable the Home Member is now making a serious personal charge against another Honourable Member.

The Honourable Sir Henry Craik : The Honourable Member made a most serious personal charge against me.

An Honourable Member : Why didn't you object then ?

The Honourable Sir Henry Craik : I did object. I contradicted it. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

Mr. S. Satyamurti : May we have a ruling on this point, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : There is no doubt that no Honourable Member of this House is allowed to make a personal charge against another Honourable Member. (Loud Applause.)

The Honourable Sir Henry Craik : I am replying, Sir, to a most grave personal charge made by the Honourable Member against my honour and against the honour of the officers concerned.

An Honourable Member : You did not object.

The Honourable Sir Henry Craik : I am replying to that charge ; I am entitled to place before the House the evidence which I have to show that the charge was not only unfounded but malicious.

Mr. President (The Honourable Sir Abdur Rahim) : As to the point of order, the Honourable Member is perfectly entitled, if he is attacked, to defend himself. (Loud Applause.) (Interruptions.)

The Honourable Sir Henry Craik : As regards the Rawalpindi outrage, there were at least two witnesses from Rawalpindi who were prepared to swear to the identity of one of the accused persons as having been seen near the scene of the outrage either just before the explosion or just after—I forget which—anyhow the point is not material. Anyhow those were vital witnesses of identity. Their names were Syed Alam and Karam Din. There was a person living in Rawalpindi called Gopal Singh,—an employee of a certain contractor there. On the 20th March, 1933, this Gopal Singh—who appears to have been an agent of the defence—wrote to the Honourable Member, who was the leading counsel for the defence, a letter, of which this is a literal translation :

“ Dear Lala Sham Lal,

I have tried to approach Syed Alam. He has become all right.....Please send a copy of the statement that he has made.”

(Interruption by Professor N. G. Ranga) : Is that Mr. Ranga again ?

Mr. President (The Honourable Sir Abdur Rahim) : The Chair would ask the Honourable Member, Professor Ranga, not to go on interrupting like this.

The Honourable Sir Henry Craik :

"I have tried to approach Syed Alam. He has become all right. Please send a copy of the statement that he has made and the amendments you want in detail (Laughter) so that he might be instructed. Please send the statement soon, as I have to go to Murree after finishing this work soon. Also please send a copy of the statement that Karam Din (*that was the other witness*) has made together with the amendments you desire in detail. (Laughter.) You will have to send the statements of both the persons."

Enclosed with this letter was a loose sheet, not in a separate envelope, addressed to Krishan Gopal, one of the accused persons—the accused man against whom these two people were going to give evidence.—*He was staying apparently with the Honourable Member. His postal address, at any rate, was the same. The enclosure read as follows :*

"I have settled with Syed Alam : Karam Din also agrees. The bargain has been struck at Rs. 100. We have decided to deposit it somewhere. We will have to give it to them when they have given their statement. (*They would not trust them.*) Please send the amount as soon as possible as I have to go to Murree soon....."

Mr. Sham Lal : May I point out, Sir, that that man was tried for tampering with prosecution's evidence and the case was withdrawn by the Crown. (*Cries of "Shame, shame" from the Congress Party Benches.*) Why did they withdraw the case ?

The Honourable Sir Henry Craik : I know that perfectly well. It is clear that my arguments have gone home with the Honourable Members opposite from whom I never expected the ordinary courtesies of debate. What did not come out in that case was the Honourable Member's personal complicity in this disgusting transaction. (*Continued Cries of "Shame, shame" from the Congress Party Benches.*)

Mr. President (The Honourable Sir Abdur Rahim) : The Chair would ask the Honourable Members not to go on shouting in this way.

Mr. S. Satyamurti : Sir, my Honourable friend, the Home Member, is perfectly entitled to reply to any charge which an Honourable Member of this House might have made against him by making a categorical statement, but I submit that no personal charge against the Honourable Member can justify his making a counter and vile personal charge against another Honourable Member. I request you, Sir, to give a ruling to keep up the dignity of the House.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair has already given its ruling that there should not be any personal charge made by one Honourable Member against another Honourable Member in this House. But, if an Honourable Member is attacked, he is perfectly entitled to defend himself, and, in defending himself, if it is found necessary to point out that one Honourable Member, who made the charge, made it recklessly or without evidence or without any reference to facts, he is entitled to point that out.

As the Honourable the Home Member is likely to take some time, the Chair thinks it had better adjourn the House.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President (The Honourable Sir Abdul Rahim) in the Chair.

The Honourable Sir Henry Craik : Sir, before I proceed with the main narrative of these somewhat sordid events, I must correct one statement that I made this morning. I am very anxious not to say anything that can possibly be considered an exaggeration. I said this morning that one of the police officers who was wounded by the "booby-trap" bombs had to be invalided from service because he lost the sight of his eyes. I am glad to find that I was mistaken in that. Though the officer lost the sight of one eye and though the medical board actually recommended that he should be invalided, as the sight of the other eye was expected to be lost, eventually the skill of the oculist managed partially at any rate to save the sight of one eye and I am glad to say that it was found not necessary to invalid him from service, but it has been found possible to give him light duties such as he is physically capable of performing. That is a small correction I should like to make.

Now, Sir, before luncheon, I read to the House a letter addressed to the Honourable Member from Rohtak by a man named Gopal Singh of Rawalpindi. I should like the House to remember the date of that letter. It was received on 21st March, 1933. On the 22nd March, a reply was sent to this man Gopal Singh at Rawalpindi, not by the Honourable Member from Rohtak, but by the accused person Krishna Gopal who was then on bail and who was closely concerned with this evidence that was coming from Rawalpindi. I will read that letter :

" Bother Sardar Gopal Singh,

I am in receipt of your letter and have understood the contents. Don't you worry. Arrangements will be made regarding the money. The money however can be delivered when he comes to this place,"—*that is when the witness comes to Lahore from Rawalpindi*—" You can assure them through some reliable person. I shall explain to you full particulars on my return to Rawalpindi, as these home affairs should not be reduced to writing."

The last clause is a very wise observation. The rest of the message is irrelevant and so I need not read it. Now, Sir, that was on the 22nd March, 1933. I should like the House to mark what the sequel was. On the 26th May, 1933, that is two months later, these two witnesses with whom the defence had been tampering were produced before the Tribunal and I will read—I will not give my own version of what happened—I will read an account written on that very date by an eye-witness who was present in Court. The account runs as follows :

" There was a considerable amount of excitement in the Tribunal's court today,"—*(that was 26th May, 1933)*, " when Karam Din, the witness was being re-cross-examined by Kapur ", *(that was the Junior Defence Counsel)*. " The latter started to ask him a question with regard to certain matters of identification in Rawalpindi. Karam Din suddenly burst into tears and wept for a considerable time. The defence and the accused were over-joyed at this as they thought that his tears were the fore-runners to allegations he was going to make against the police. Sham Lal and Kapur joined with the Judges in an effort to calm him down so that he might have a fair hearing. Eventually peace was restored and Karam Din stated that his distress was due to the fact that a friend of one of the accused, Krishna Gopal, had approached him in Rawalpindi and had asked him to commit perjury in favour of the accused, that the person who had been to him in Rawalpindi was Gopal Singh and that he (Gopal Singh) had obtained instructions from the defence Counsel regarding the answers which Karam Din was to give to the questions that would be asked him

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by the defence in this case. As he had failed in court to carry out what has been told to do, he was afraid of what would happen to him when he went back to Rawalpindi and he, therefore, craved the Court's protection. This bomb-shell caused considerable consternation and the Tribunal held, after discussion and after hearing the protests of the prosecution Counsel, that as Karam Din had not in fact gone back on his statement the attempts to make him commit perjury were irrelevant in this case and the matter therefore should not go on record. They, however, said, that they would bear the matter in mind and would be prepared to listen to any reference concerning this made by the prosecution at any future date. Karam Din was told that if he cared to submit an application the President would see that it received consideration. I understand that he is submitting a petition to the Tribunal asking for protection. The result of all this was that when Sayyid Alam, the second witness from Rawalpindi, appeared, the defence asked him only one or two questions of little importance, although this Sayyid Alam is probably the most important Rawalpindi witness and his re-cross-examination was expected to last for hours. Karam Din stated in court that Sayyid Alam had also been asked in Rawalpindi to go back on his statement."

Now, Sir, if any corroboration is required as to the genuineness of the letters and correspondence which I have read out to the House, that statement recorded at the time, by an eye-witness, is surely the fullest possible corroboration that human ingenuity could devise.

I will now inform the House what the sequel was. This man Karam Din went back to his home in Rawalpindi and he went before the District Magistrate. I think he had submitted a petition to the Tribunal at Lahore who forwarded it to the District Magistrate for disposal. Karam Din was summoned by the District Magistrate and made before him a statement on oath confirming all that I have hitherto recounted. He spoke of the attempts to tamper with him and so on, the threats that had been given to him regarding what would happen to him if he did not alter his statement. On that Government decided to prosecute this man Gopal Singh, the Rawalpindi agent who had got at these two witnesses, and a prosecution under section 214 of the Penal Code was actually started in the Court of a Magistrate at Rawalpindi. The Honourable Member from Rohtak in one of his numerous interruptions this morning made great play of the fact that that prosecution was ultimately withdrawn. I will explain exactly why it was withdrawn; and here again I will not use my own words but I will quote from a letter written by the Superintendent of Police at Rawalpindi explaining the circumstances. It says:

"Upon an affidavit sworn by Karam Din we have lodged a complaint under section 214 of the Indian Penal Code against Gopal Singh in the court of the Cantonment Magistrate, Rawalpindi. When the case was called the defence counsel contended that the case could not proceed unless Krishna Gopal, accused in the bomb case, is first convicted of the substantive offence, and in support of this he quoted a Madras ruling. His contention appears to be sound though it is possible that the Legal Remembrancer could produce some ruling to the opposite effect. I must confess that at the moment I can find nothing to oppose the Counsel's contention and would be grateful if you would let me know when the original case against Krishna Gopal pending before the Special Tribunal is likely to be decided."

That letter was written on the 28th August, 1933, and the Superintendent of Police was told in reply that the Tribunal was at the moment having a vacation, that it was impossible to say when the case would finally be decided by the Tribunal and that it was of course impossible to say what would be the verdict in the case of Krishna Gopal. Eventually this man Krishna Gopal was acquitted and it was, therefore, held that it was not possible to proceed with the charge against Gopal Singh. That, Sir, was the only reason why that prosecution was withdrawn. It may be

asked why with these facts in our possession Government did not produce them before the Courts, either before the Tribunal which was then engaged in the trial or before the High Court, with a view to reporting the professional misconduct of one of the High Courts' officers. That course was carefully considered but it must be remembered that at the time this evidence came into our possession, that is to say, in March of 1933, this extremely lengthy trial had then been proceeding for a period of over two years, and it was impossible to foresee how long it would take to reach its conclusion. Had we taken steps either to bring to the knowledge of the Court that attempts were being made to tamper with witnesses or to bring to the knowledge of the High Court that the principal counsel for the defence was in our opinion guilty of grave professional misconduct.

Mr. Sham Lal : Sir, on a point of personal explanation.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should go on ; he is not making any charge against the Honourable Member.

Mr. Sham Lal : Yes. I may inform the House that I did not represent Kriehna Gopal.

The Honourable Sir Henry Craik : Had we taken either of those

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courses we would have seriously prejudiced the accused persons in their defence. Further, we should probably have made it necessary for this very long and very expensive trial to commence all over again from the beginning with a new counsel ; and it might have been a perfectly good plea to put in that the new counsel was not acquainted with all the details of the case. Most of the evidence had been recorded by then and it might have been necessary to start the entire case again from the beginning.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, on a point of order, how is all this relevant ?

The Honourable Sir Henry Craik : There is no point of order ; it is perfectly obviously relevant. I am explaining why we did not take.

Mr. M. S. Aney (Berar Representative) : Sir, when a point of order is raised, is it for the Honourable Member to reply that it is perfectly relevant, without giving an opportunity to the Chair to give its ruling ?

Mr. President (The Honourable Sir Abdur Rahim) : The Chair gave its ruling already.

The Honourable Sir Henry Craik : That, Sir, seems to me a completely adequate explanation for the failure to take what might have been suggested was an obvious action on the information in our possession.

I have only this to add, that if the speech of the Honourable Member from Rohtak is a fair specimen of the Congress or his party's case in favour of this legislation, then all I can say is that it is no case at all. I can only say that I am amazed, and I think the House too must be amazed, at the effrontery that can put forward a case such as he put forward the other day in support of this legislation.

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) : Sir, I was very anxious that this House and the country should be spared the acrimonious discussion we have had over the Criminal Law Amendment Bill and other repressive laws, and if you remember, Sir, I made an earnest appeal on my bended knees that these should be withdrawn and the country should be given a chance, so that we could work in a calmer atmosphere in the Constitution that is coming. I am sorry that there has been a good deal of display of temper, and I think it has not been the monopoly of this side (Congress) only. We have seen and heard the Honourable the Home Member, and I was surprised that a responsible official of his age and his experience should have made assertions which no one, who feels for his country, could easily tolerate. Unfortunately we on this side are only an opposition ; they administer the law, they rule the country and they have not got to suffer for the bad laws that they make. I speak today, because I am a worker in the cause of Islam and in the cause of my country, and I have suffered also from the bad laws that they made. Government's Benches have been talking very lightly of murders and sympathy with murderers, but if we use the same kind of argument that they use, I can ask the Honourable the Home Member, what about the 69 murders that were committed in Karachi ? Sir, when this case of Abdul Qaiyum came to our notice, we made a serious effort to stop such cases in future. He had killed another man in Karachi, and the Islamic law on the point was very clear. As you know the Holy Qoran says :

" Lakum fil kasas la hayat."

" Which means that the secret of life lies in taking life for life." We waited with some of our friends on the Honourable the Home Member. He was very kind and very patient, and we put our case before him and he heard us very patiently. It was decided by Government that as Abdul Qaiyum had taken one life, he ought to give his life. We have no quarrel with that decision, but we expected in the cause of peace in the country that the Honourable the Home Member would have sent for us, and, if he had done that and asked our advice, I am certain that some of us would have gone to Karachi and would have arranged to take the body of Abdul Qaiyum to a place where thousands would have joined the funeral prayers and paid the last honours to the deceased and the 69 valuable lives and so many wounded would have been spared. I am afraid, believing in their monopoly of good sense and wisdom, the officials do not want to listen to us and they do not want our advice : they only want our votes to help them to pass such laws. I for one, who have suffered through bad laws and have been forced into a position which I never like, declare frankly that you cannot expect us to put our necks into the noose like this voluntarily. The Criminal Law Amendment Bill has been passed. Personally I do not see any reason for these repressive laws of 1908 to spoil and disfigure the Statute-book. They only make the country bitter and more bitter, and they are of no use or efficacy. I was a Government servant for 17 years—meritorious service and fine record. But things happened to my faith in India and outside in Moslem Lands and we decided that we could not keep quiet : and I and my late brother and those who thought with us, including some of the greatset Ulemas in the country, men well-known for their character and for their piety, were hauled up and forced into a position which we did not like. If the Government make

bad laws and punish us afterwards for our belief, then, it must lose our support. My loyalty is conditional. As long as I am allowed to practise my faith as freely as I want, I would be willing to be a subject of His Majesty the King Emperor. But if you pass such laws and force me into a position which I as a good and God fearing Muslim, thinking of my eternal life, am not prepared to accept, then you punish us and send us to prison. What was this Karachi state trial to which we were subjected? My brother, myself, Dr. Kitchlew, Maulana Hussain Ahmad, Pir Ghulam Mojaddid and Mufti Nissar Ahmad were tried at Karachi and Government wanted to give us life sentences, but we got only two years each. We had preached only what the Holy Qoran ordained on every Muslim: and I would like to ask those Muslims who always go and vote with the Government to listen and say if I am quoting the Qoran correctly or not. I ask Sir Abdul Halim Ghuznavi, Mr. Yamin Khan, and other Government supporters to let the House know what they think about the Qoranic Text:

“Waman Yaktul Momenan Motaamedan, fa jazaahum Jehannam, etc.”

“If one Muslim intentionally goes and kills another Muslim, then his punishment is Jehannam, eternal fire and God's wrath, and so forth.”

Suppose our Muslim brethren are threatened and attacked unjustifiably in Palestine or Syria or elsewhere, then that very fact changes our politics. To please Italy and wean it off from the Triple Alliance, Tripoli was given to her, Morocco and Algeria was given to France; Egypt was taken over by England itself, Persia was to be divided north and south, the north was to go to Russia and the south to England. Each time England wanted to get into an advantageous position, they did so at our expense. I am a Muslim, thank God. I have not invented my faith, nor has my friend, Sir Abdul Halim Ghuznavi nor Mr. Yamin Khan, nor any of my other friends there, who support the Government: they are not responsible for our faith. Over 1,300 years ago, the last of the Prophet (God's peace be on him) came and he gave us our laws and we cannot accept any laws that clash with them.

From 1908, when I was in Government service, you have tried these repressive laws. Day by day, the condition in India is getting worse, and I want to warn the people responsible for them. I want to co-operate with them, but they make it impossible for me to do so. Every day the condition is getting worse. I know what the effect of the Criminal Law Amendment Act debate and today's debate will be on the country. I am not a very learned man. I do not know much law, but I understand one thing probably more than most, and that is mob psychology. The speech which you had cheered,—the Honourable the Home Member's speech today will create millions of terrorists. The time has come when Government must change this attitude, and if they do not change it, and if they do not withdraw these repressive laws, it will be bad for us and worse for them. I am against all repressive laws. By all means frame laws for thieves, evil-doers and murderers: but you cannot include us in that category—we are God-fearing respectable people. I tell you, not one blackguard, not one thief, not one murderer, not one habitual criminal can ever be checked by these laws. You merely bring bitterness into our hearts. I have no bitter-

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ness in my heart, I have not allowed it, but the bitterness is getting into the heart of the country, and I say frankly, that if things go on like this for another ten or fifteen years, there will be a bloody revolution in this country. Why these laws now? The new reforms are coming: we will be in the place which the officials occupy now. The Constitution is not what we wanted or what we expected or what we deserved. Yet, many of us will work this Constitution and we are often told that our co-operation is wanted. I say: "I will give them that co-operation on certain conditions" and I also say: "bring a great deal of pressure on our friends Congressites here that they must work the reforms and give the reforms a fair chance". But with what face can I go to them and ask them to work this Constitution with these laws on the Statute-book? A few years hence, when we will be in charge of our own affairs, we will be perfectly entitled to look after our own affairs and make our own laws. I mean no disrespect to my Honourable friend, the Law Member. He is a very able man, and I know he has come here at great personal sacrifice giving up his huge practice, to take up this work. But he will agree with me that there are as good people in Bengal as he. He himself will say so. There is my friend, Sir Muhammad Zafrullah, whom I know intimately: there are as good people among the Muslims as he—I mean no disrespect to him. I am proud of him, and I am proud of all Indians who sit on the front benches; they carry on the work of this House and the administration of this country with great capacity: but I for one will honestly tell them through you, Sir, and I will tell the whole House that those who think that India will lapse into chaos, the day the English disappear, are very much mistaken. If one fine morning we find that every Englishman and Englishwoman and every administrator have developed angelic wings on their shoulders and flew away from this unfortunate and unwanted country and gone back to their own beautiful land, I assure you, Sir, there may be an astonishment, and temporary dislocation of work for a week or few days, but within ten days the administration will be as good, if not better than what it is today. (Opposition Cheers.) The time has come to conciliate. You have tried all measure of repression. I have been a prisoner, and I know prison life. I told you the other day about habitual criminals. I say at the rate that you are going, you will soon make 350 million of Indians habitual criminals. Every repressive law means that the criminals also develop further capacity and ingenuity to commit more crimes and get hardened. Every day, new laws are being created for repression with no effect. I hear my friend, Mr. Morgan (European Group), laugh. Let me tell him I was a loyal subject. I wanted to be a good Muslim also. For all practical purposes I thought as they did and I wanted to be a friend: even now after a period of 20 years as an outlaw and rebel I want to co-operate with them. But what do I get? A great wrong was done to the Moslems at Karachi. Non-official Moslem members of both Houses, responsible men all of them, decided that as Government was not going to make an official inquiry we must go and ease the situation, soothe the Muslims, soothe their feelings and see that in future such things did not happen. With what result? Our entry into Sind was banned and I was to be finished—I was put down on the black list of the Government. My letters are being opened; and I appeal to my

Honourable friend the Home Member—I do not know if he has read them—to read them kindly and see that they reach me alright. My wife's letters, love letters from my family and all kinds of letters addressed to me are opened. (Loud Laughter.) For the last 20 or 25 years, they have carried on this game, and, so far thank God, the Honourable the Home Member has found no letters to incriminate me. And yet I am a peace maker, Sir, in spite of all kinds of harrassment. They want my assistance, as they cannot carry on without me. I want to go to a place on a peace mission, suddenly the police officers and other Government officials want to show their displeasure and demand a security of Rs. 3,000 from my paper the *Daily Khilafat*. I started from Bombay for Sind, and a telegram was received all along the G. I. P. line that an eye was to be kept on me. At 2 o'clock after midnight, at Bhusaval, where they change for Nagpur side, a man comes and asks me: "Have your servants got tickets", because he wanted to know whether I was going to Delhi or to Nagpur. I always keep my heavy shoes beside me, and I would have thrown my shoes at this disturber of night's rest, but I desisted. The poor Railway official was prompted by a police man to wake me up against all railway rules. I went to Bhopal to meet my daughter-in-law and my sister-in-law, Begum Muhammad Ali, and also to pay respects to H. H. the Nawab Saheb of Bhopal. The police report had already gone ahead that Maulana Shaukat Ali was travelling by a certain train and his movements should be watched. Sir, the day I arrived in Simla to attend the Assembly Session and entered my host's house in Summer Hill, there was a police man with folded hands sitting on the verandah of the post office to watch my movements. When I go by rickshaw, these policemen, as they cannot follow me, ask the rickshaw coolies all about my movements. Thank God, I have been a very good boy in Simla. (Laughter). and there is nothing against me so far. I think the police must have given a very good report about me, and the Honourable the Home Member must have thought that, "unlike Lala Sham Lal, Shaukat Ali was a very good man". (Laughter.) Sir, I had never studied any revolutionary literature until I was sent to jail. The first book that I read was during the Karachi jail, Carlyle's French Revolution belonging to the Jail Library. We were to be imprisoned there for 20 years, but the Court gave us only two years. The second book that I read was Tharaud on "Civil Disobedience" and the third book was also given to me by the Jail Superintendent in Rajkot from his own station club library; and all these books dealt with the Irish question, and, later on, I came across the History of the American War of Independence. But, Sir, I have been watching all movements including the events of the Great War. I was not on the English side, because Islam was in danger and my Khalifa was forced to fight in self defence, and, therefore, I had to side with my Muslim brethren, and for me as against my faith, no Kingdom, no Empire, no loyalty, no Criminal Law Amendment Act would count, and, I am sure, every God-fearing Muslim will agree with me and fight for the safety and glory of Islam. But Sir, in the last war, India gave many thousands of men,—Hindus, Muslims, Sikhs and members from all communities. In 1917, when I was in prison, the late Mr. Montague promised on behalf of England, Self-Government for India within ten years. And we expected that we will get our promised reward; but, this is the year of Grace, 1935, and we see no signs of any

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reward ; on the other hand, we see very ugly signs or rewards like the Criminal Law Amendment Act, the Rowlatt Act and other Acts to keep down the people of this country. A great poet in India, a great friend of mine, told me once : " This Criminal Law Amendment Act is putting a seal on my brain and political muse ! " and I agree with him. Sir, the other day, we had a poets' gathering in Simla, and I think my friend, Mr. Yamin Khan, was sitting behind me ; and whenever a poet sang beautifully, I said to him, Criminal Law Amendment Act. My friend said, " No ! " A second time he also repeated a shame-faced " No ! ", but the third time, when a fine verse was sung, I said : " Criminal Law Amendment Act " and he said " Yes !!! " (Laughter.) The only reward we got for our services in the last War was the Rowlatt Act—the Black Act as it is called. As soon as the War was over, they enacted the Jallianwalla Bagh scene in which Sir Michael O'Dwyer and General Dyer took a prominent part. They were lauded to the skies as saviours of the British Empire. It was said they had saved the British Empire. The Britishers subscribed and gave General Dyer a big purse and a " Sword of Honour " for his meritorious services to the Empire. And yet, after barely a year, the non-co-operation movement came in, and people of all classes and communities, Hindus, Muslims and Sikhs worked together for righting of the wrongs, and the future historian of India will chronicle all these events.

I am a worker for peace—triangular peace. Now, how can I go and ask my friends to work peacefully in the cause of the country ? I personally like the Honourable the Home Member very much, he is an honest man, but when he has been a party to the introduction of these Rowlatt Act, Criminal Law Amendment Act and such like Acts, under which people were made to crawl on their bellies, to write poetry on the ground with their nose, how can I ask the people to remain calm ? The Congress started the Civil Disobedience Movement, in spite of all your repressive Acts,—of course I was opposed to the Civil Disobedience Movement, because it was a sectional movement, started in spite of my advice and opposition to it, and my friends, Sir Ghulam Hussain Hidayat-alla and Dr. Deshmukh know it that I and my group fought against it. Yet though it was a sectional movement, it was four times stronger than the non-co-operation movement, in spite of all your Criminal Laws and other laws which have disfigured the Statute-book. Do you think you have been able to save India ? Do you think criminal laws of this character will ever be able to save this country ? I am afraid, Sir, they are making every decent minded man a revolutionary. Sir, I would appeal to the Honourable the Home Member as also to the Honourable the Law Member to please withdraw this measure. You have to conciliate the people of this country. Reforms are coming, you are going to give power into the hands of the people. Why do you produce bitterness in our hearts ? In your wisdom,—of course you think you have got the monopoly of wisdom,—in your wisdom you think we are all fools, we will blindly surrender to what you say and give you the votes you want. Under the present conditions, I would rather put the noose round my neck than vote for Government Repressive Laws. I even now beg of the Government to withdraw all these repressive laws. The Indian Penal Code is quite sufficient. Give us a chance for peace. I am not afraid to die, I am an old man. My father died at the age of 32, my

brother at the age of 50, and my children died young, and I have lived my life, a very interesting life I can assure you, these 62 years, and I do not mind dying. But let us think of these young men, Muslims and Hindus, of Bengal or of any other province. Power is going to be given to us. The country is not going to stand any nonsense and to be treated as babies. I am not a baby. (Laughter.) For 600 years, my people have been soldier administrators. I am not that miserable thing which officials call "babu" or "banya", I am soldier and fighter, and I know this game. I say, in the interests of everybody, more in the interests of England, and also in the interests of India,—everybody's life should be happier if Government retrace their steps and give up this old road that has led them nowhere. If they do so, their administration will probably last longer. What may happen after fifty years, God alone knows. But if you trust India and win the goodwill of the people, India will be a happy country and England too. This is my appeal. If the Government want my vote, I won't give it to them as long as these repressive laws are on the Statute-book. I am a single man here, and I have no party, but in the next election I hope to have a very good party in this House. I say nobody will vote for you unless there is a change of heart and unless great and brave people as you are you stretch your hand and shake hands of the brave people of India, and then India, England and the whole world will be happy. (Applause.)

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division ; Non-Muhammadian Rural) : It is needless for me to say that I stand to support Mr. B. Das's Bill for the repeal of this obnoxious law and not to allow it to stultify the Statute-book any longer. In the last Delhi Session, when this Bill was under discussion, the Honourable the Law Member had taken great pains to read out from his book a list of names,—name after name he read on, but for what purpose I could not understand. Since 1905 we have been struggling for our inherent rights and several movements have come and gone and we, in Bengal, have identified ourselves with every movement. Sir, there came revolutionary movement before non-violent non-co-operation movement in Bengal, and naturally if there were some men who had been violent previously, they have been found to be in the non-violent movement when it was started in Bengal in 1921, and it required no proof. We never denied that there were some people in charge of District Congress Committees who were men previously pledged to or connected with violence, and when Mahatma Gandhi introduced this non-violent non-co-operation movement in Bengal they wanted to become non-violent, and it is a pity that Government did not like that they should be non-violent. If we examine the laws that are now governing Bengal, I feel inclined to say that Government prompt and incite Bengal to more violence. The whole responsibility for violence rests with Government and not with the Bengali people. With regard to this law, another question which the Honourable the Law Member asked, in reply to a statement by the Deputy President of the House in his last Speech,—that "Hunger for food and hunger for freedom" made Bengal young men violent—he asked, "hunger for food and hunger for freedom is prevalent everywhere", and why should there be violence in Bengal alone? I may take the liberty to remind him of an old story from the pages of history. When Lord Clive was planning his campaign against Siraj there was a conference of the nobilities and gentries

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of Bengal to decide whether they should help the English to drive away Siraj from the throne or Musnad. There was one lady, a great lady, a Rani of Ranis, I mean Rani Bhabani whose name is sacred, whose memory is sacred,—she warned those gentlemen, those noblemen of Bengal not to excavate canals and bring crocodiles from the seas. Today Bengal is expiating the sins of her forbears. Bengal is expiating for their sins by giving her lifeblood. Up till 1905 Bengal had given slavery brand loyalty to England. Slavery I call it—because they remained mendicants for their rights and privileges, and it was not until Lord Curzon's speeches on the University Bill and his partition of Bengal, that Bengal rose from the torper, Bengal rose from the slumber and took to direct action. During the partition days, under the leadership of the then Mr. Surendra Nath Bannerjee, the boycott movement was launched. He said that so long as England and the British Government in India would not modify the partition there would be no end of boycott because a nation of traders would be moved only when their pockets were touched. That was the beginning of the movement. How did the bomb come? The first bomb that came was when, Sushil Kumar Sen, a boy of fifteen, was given a sentence of fifteen stripes, for he had paid in their own coin some three or more European Sergeants who attacked him in a melee in the Presidency Magistrate's Court. The action—the brutal action of the sergeants who belaboured the boy was never called into question, they were never punished, and that was the origin of the first bomb. His friends took it to heart to avenge that wrong. A boy of fifteen was given 15 stripes, and that in the name of law and order! When Khudiram Bose and Profulla Chaki had gone to Muzaffarpur and by mistake killed two ladies instead of Mr. Kingsford, their target elect—everyone in Bengal was sad. The two youngmen never thought of killing those ladies, they wanted to avenge the wrong done by Mr. Kingsford, the magistrate.

Sir, I do not for a moment stand here to support terrorism. I stand here only to show that it is the actions of the magistrates and officials in charge of Government that are responsible for terrorism in Bengal. In the name of law and order, they have insulted law and their own codes and they have introduced this cult of the bomb. Sir, in this connection I should like to read an extract from the Rowlatt Committee's report :

“ He (Vivekananda) organised centres of philanthropic and religious efforts under the supervision of Ramakrishna Mission and carrying much further the teachings of his master, preached that Vedantism was the religion of the world and that although India was now subject to a foreign power, she must be careful to preserve the faith of mankind. She must seek freedom by the aid of the Mother Shakti. Vivekananda died in 1902. His writings and teachings survived him, have been popularised by the Ramkrishna Mission and deeply impressed many educated Hindus. From much evidence before us, it is apparent that this influence was perverted by Barindra and his followers in order to create an atmosphere suitable for the execution of their project. So indeed was the teachings of the Bhagvat Gita or Lord's Song of the Mahabarat Epic recited by Sri Krishna, the incarnation of the creator of the world before the great long ago battle of Karukshetra. But neither the religious teachings of Vivekanand nor the exultation of Sri Krishna in the Bhagvat Geeta would have afforded so moving a text to preach from had not the whole world, specially the Asiatic world been electrified and amazed by the victories of Japan over Russia at a time when within this country circumstances occasioned by certain Government measures specially favoured the development of Barindra's plans. Early in the century, Lord Curzon, then Viceroy, had introduced the University Bill which provoked much controversy and was interpreted by politicians as designed to limit the number of Indians educated in English and thus retard national advance. That was their idea

and opinion. In Bengal, where as we have seen, English education had been largely adopted, opposition was intensely bitter and while the dispute was in progress, the Government projected partition of Bengal. It was the agitation that attended and followed on the latter measure that brought previous discontent to climax and afforded a much desired opportunity to Barindra and his friends."

The members of the Rowlatt Committee deserve thanks for the saving grace to admit that it is the flouting of public opinion in Bengal that is responsible for the discontent and the bomb. Had this present law been in force then, the Ramakrishna Mission would have been its victim and the world would have been deprived of the great and noble service of this mission. If Swami Vivekanand had lived, he would have been a victim of this law if it was in force then and he would have been in jail. The partition of Bengal came and that was responsible for most of this discontent. During this partition agitation, the extremists and moderates formed themselves together into one group of politicians and they conducted a campaign against the partition which the Government declared to be a settled fact. Now, I have shown how the cult of the bomb was started and now I want to show how it spread. After Profulla Chaki died, Khudi Ram was under trial and ultimately executed. The Alipore Conspiracy case was started. Twelve young men were arrested and placed on trial and the trial went on for a year. The supposed leaders were Arabindo Ghose and Barindra Ghose. This is well known to everybody. Since 1906, this cult of the bomb and this revolutionary movement went on increasing in spite of all laws. In 1906 we had only two cases. In 1907 we had seven cases, in 1908 we have 21 cases, in 1908 five institutions were declared unlawful and there were 16 cases. In 1910, there were nine cases, in 1911, there were 14 cases, in 1912, 14 cases, 1914, 18 cases, 1915, 31 cases, in 1916, 12 cases, in 1917, 9 cases and then in 1922 came Mahatma Gandhi's movement, in 1922, there was one, in 1923, nine cases, in 1924, eight cases, in 1925, three, in 1926, one case, in 1927, there was one, in 1928, three cases and in 1929-32 there were seven cases. Regulation III of 1818 and regulation *lathis* were all in use and nobody could stop terrorism in spite of all laws. Terrorism is not and cannot be suppressed by law. Those who readily lay down their lives for any such idealism or foolishness as you call it, no law can stop them, no law can prevent them from their activities. It is very well known to everybody. The law is for those who obey law. Terrorists never mind any law. They have been inspired by laws of their own. They are actuated by their own sense of self-respect and a nation's prestige and they cannot live the lives of ordinary men. They are guided by their own light which burns within their souls. Consequently, even if this law is passed by this House, it can never stop terrorism, because so long as terrorism of the British Government will remain, terrorism of the people will continue to stay. There may be lull but they cannot be extinct.

Sir, I shall now come to the Civil Disobedience Movement of 1930, and I shall take Midnapore first. I shall start with the movement in Midnapore in 1930, and I know my Honourable friend, Mr. Griffiths, is here. I shall give this Honourable House an idea of how that poor district was governed in 1930. Sir, people who were aloof from the Civil Disobedience Movement will endorse every word I say in this House—men who are in the good books of the Government, men who are held in great esteem, men who have unbroken faith in the sense of justice of the British. Sir, with such men, an enquiry committee was formed to

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inquire into the atrocities of the Government in Midnapore during the Civil Disobedience Movement. Sir, during the previous debate my Honourable friend, Mr. Griffiths, gave us in his inimitable language and in a very impressive and eloquent speech an account of how simple-minded and enthusiastic young men were recruited to the ranks of terrorism by sinister agencies. Sir, it is, I say the action of the Government and not anybody else's action that forced these young men to join the ranks of terrorists and to run after the lives of those who were responsible for such atrocities in the name of law and order. Sir, everybody here is acquainted with the nature of the non-violent non-co-operation movement and the Civil Disobedience Movement. The main feature of both the movements is to accept "suffering and sacrifice" by defying certain "unrighteous laws"—laws which should not have seen the light of the day to stultify the Statute-book, and such laws were chosen to be broken by the Leader of the country. You know, Sir, that Mahatma Gandhi chose to break the salt law, and young men and young women from all parts of the province marched forward to manufacture salt in Contai, and this was on the 6th of April; and the 25th of April had been fixed as a day to stop the payment of the *Chaukidari tax*. So, Sir, this was the method of the struggle. Every one of the workers was pledged to remain non-violent, to observe non-violence in mind, language and deed. Sir, there was not one who could be charged with violence; there was not one who could be charged with any objectionable conduct, and they suffered in silence from all these atrocities during that work. Sir, I do not blame the district authorities for seeking to stop that attempt at breach of laws by the Congress workers, but, Sir, they made unprovoked assaults on the villagers; they damaged, destroyed and removed private properties; they threatened physical violence to people who did not follow them as slaves; they exacted promises and undertakings from poor villagers by assaults and threats; they forcibly took possession of buildings belonging not only to private individuals but to public bodies, like national schools, and they kept in some of the places of inadequate accommodation men in detention at Contai, and then there was wholesale detention without charge and without trial, and sometimes without food and drink of men who were only suspected to be sympathetic with the movement. Sir, I do not know if the Honourable the Home Member has in his possession the report of the non-official enquiry committee consisting of such distinguished and esteemed gentlemen as Mr. J. N. Basu, the great Liberal leader, Mr. Akhil Chandra Datta, our Deputy President, the late Mr. B. N. Sasmal, M.L.A., Mr. K. C. Neogy, M.L.A., Mr. P. R. Sen, P.R.S., Mr. P. C. Banerjee, Mr. L. C. Wahid Hussain, Advocate, Calcutta, High Court, Mr. J. N. Maitra, Councillor, Calcutta Corporation, and some other Members of the Bengal Legislative Council. Does anybody here who knows these names ever imagine that what they have inquired into and reported upon is all false? Sir, it is because, on the contrary, they stated what were facts, after proper inquiry, that this report was banned, and it could not be published for the public. Truth is very unpalatable specially to cowards and men with guilty conscience. (Hear, hear.) I say, Sir, if the Honourable the Home Member or the Leader of the House had the courage to place on the table of this House this report, then this House would have been able to understand the real situation at Midnapore during the Civil Disobedience Movement.

Sir, I shall now start with a few sketches of most inhuman fresh assaults which the members of this Committee saw with their own eyes. It was in Contai. The victims were (1) Bains Pradhan, of Baltalia. (2) Indra Jana of Bagdhia, and (3) an elderly woman named Suryya. Next they visited the scenes of looting and damaging of property in Subarnadighi village. There, one Mohendra Nath Samanto's house was entered into by the police, his house was pulled down, his articles were scattered, his papers, documents, etc., were thrown all over the yard, and the paddy bags were cut open and scattered. Next, the members visited a house close by and saw, to their horror, a girl of eighteen years, in an advanced stage of pregnancy, Ambu by name, breathing with difficulty, her eyes closed, with tears trickling, and she complained of her breasts being twisted, and of her being kicked about on the hips ! (Hear, hear.) Sir, these people surely had not taken any part in the breaking of the "Salt Act", but they were suspected of being sympathisers. Sir, the local officers did not like that the visitors should have further opportunities of seeing these atrocious acts and to have further evidence of these oppressions. They were arrested by the S. D. O. for the time being but better sense prevailed and they were set at liberty. However, they recorded statements, observed wounds, inspected damages to property, although they were hampered, and they regretted to notice such want of administrative sense of executive capacity in the local officials concerned. In the afternoon, they reached Mirzapur, nine miles from Contai ; they visited the Library Association where they would take evidence, and found the houses and the buildings of the national school all occupied by the police ! Then the members took down these cases of assault and witnessed fresh marks of wounds on their bodies. From there they went to Nachinda and took the evidence of thirty eye-witnesses, and many of them were women who had marks of assault on their bodies !! (Hear, hear.) Sir, the martial spirit of the British Government was here manifested on the bodies of women in Midnapur, without any provocation on their part !! Sir, the Assistant Surgeon of Contai, a Government servant, will bear witness to this. In Contai town at Saraswatitala, an unprovoked assault had been made on the 8th of May, 1930, and the buildings of the national school, which had the reputation of being one of the best of schools in the district, if not the best, had been taken possession of by the police, and constables were lodged in that building on the 25th May. On the 25th May, there had been no case of any act of violence in Contai on the part of the villagers and yet all the teachers of this national school have been externed from the district. Can you imagine, Sir, how thoughtlessly the local authorities have acted and have been still persisting in this blunder ? Is this the way by which the Government of India mean to bring peace to the country and restore law and order ? Teachers are sacred and the profession of teaching is holy, as they by their examples build the character and by their elevating and ennobling teaching they make the future character of the nation. But, Sir, this Government do not leave anybody untouched, unscathed and unhurt. On the 26th of May at Kholakhali a large number of persons—all sufferers—wanted to hear witness. Seven were examined and most of them bore marks of assault on their bodies, assault by canes, lathies and kicks. One woman, named Kumari Dasi, was roughly handled to faint. In Egra, Babu Pashupati Maiti, a teacher, on his way to school, was assaulted with canes by police, be-

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cause he put on Khaddar. In Gupinathpur—in village Bayenda—in discriminate assaults on bodies of villagers were inflicted and the Committee had seen fresh marks of assaults on bodies of many who appeared to give evidence. At Pratapdighi Patashpur thana shooting took place on 1st of June, 1930, resulting in the death of two persons. The father of one of the two persons killed was examined. Sir, the committee inquired if there had been any attempt on the part of the villagers to attack the police—any sort of provocation. There was nothing of the sort; only the movement was there. Looting of money, loss of silver and gold ornaments, was the common feature of these assaults. Sir, I can go on quoting this sort of assaults, this sort of oppression and this sort of tyranny on the part of the Government for hours together—if not days. But I think it is useless. It is not in Contai alone that these atrocities were perpetrated but they were perpetrated in many other places in Tamluk and Sudder sub-divisions. I will give you the instance of Charpalia. Now, Charpalia is a village in the police station of Egra, sub-division Contai. The committee visited the place on the 28th September, 1930. The tragedy of drowning is harrowing and exposes the bestiality and brutality of the Government in its nakedness. The site of the tragedy is a narrow lane between a large tank on one side of a fence in front of the house of Khirode Chandra Jana. On the 8th September, 1930, there was unprovoked assault by the police with *lathies* on a large number of villagers who had fallen into the tank opposite that house. Five dead bodies were found in the tank. On the 7th September some officials including Circle Officers, police officers, visited Charpalia with several policemen. Policemen were placed partly in the house of Brojo Mandal and partly in Khirode Jana's house. On the 8th September, a large number of people went on a deputation to the Circle Officer and they pleaded their inability to pay the *Choukidari* tax on account of poverty. They wanted either remission or time. They were supplicant while parley was going on between the Circle Officer, the President of the Panchayat and the representatives of the people. Order was given to test the strength of the police *lathies* on the unarmed men without the least provocation. They were driven between the two detachments of police, one in front of Khirode Jana's house and the other at the back of Brojo Riandal's House. Sir, violence was absolutely one-sided. If they had any inclination to violence, they could have overpowered the police as they could have been out-numbered and *lathies* and brickbats could have been secured. Being attacked from rear and the front 200 men jumped into the tank to escape death and wound. People tried to get out of the water but the policemen standing on the bank belaboured them with *lathies*. They were severely hit on their heads and those who were swimming were pelted with hard sods. Sir, shall I go on describing this any further? I do not think the House requires it. I shall ask Mr. Griffiths if he requires any further enlightenment on the achievement of the executives of the Midnapore during the Civil Disobedience Movement. Sir, I have already said that five dead bodies floated in the tank and three of them had their heads smashed. I would like to ask the Honourable the Home Member if he had awarded police medals to these cold-blooded murderers of innocent men. Sir, do you know whom they had killed? Three of these persons were 20, 17 and 14 years of age. One Rudra Sasmal had gone to pay the *Chaukidari*

tax. Sir, Charpalia has become the pilgrimage of the people of Midnapore and of the neighbouring district. Government may, if they like, raise Charpalia to the grounds or turn it into a bog.

Sir, I believe I have given sufficient food for consideration to the

4 P.M.

Honourable the Home Member and the Leader of the House. In spite of all this, most of the youngmen remained non-violent. I do not want to quote here any further deeds of oppression of the police on individuals who had taken part in the movement. Sir, it really puts me to shame to go on describing the atrocities committed on innocent people by the police in the name of law and order under the very nose of the district officers. Sir, I think it is now time for me to conclude my speech. But before I do so, I wish to make an appeal to the Honourable the Home Member. I request him to forget for the moment that I am an old revolutionary who is addressing this Honourable House. I have come here as a legislator and as such I feel inclined to tell this House the defects that I observe in these laws and to give a guidance to the authorities. I know our people better than they do and I know my young friends better than they do. All those persons who are now under detention are my friends, younger brothers and comrades. I feel for them because they have been kept in confinement for six years simply on suspicion created by informants. How long will they be there? On the eve of the reforms, of which the authorities are so proud, I would ask them not to stultify the Statute-book with this repressive law. This law cannot save India. It is only a policy of conciliation that can save India. Sir, England has already lost India just as Austria lost Italy when Mazzini was scheming his secret societies and sending his secret messages and pamphlets from England under the protection of the English people. Sir, England did not know that America was lost in spite of warning by Edmund Burke. The Czar of old Russia did not know that he was going to lose his kingdom and the whole royal family would be murdered. Sir, Lenin was a murderer; DeValera was a murderer; Mazzini was a murderer and you call these youngmen of Bengal murderers? I do not feel shame to call them murderers of the type. In every clime and age such murderers were born in the past and will see light in the future. Do not try to insult the intelligence of India by confounding between murderers and martyrs. They are all martyrs. We cannot forget the difference between the two classes of people I mean Dyers-O'Dwyers and these murderers. I cannot subdue my temptation to mention just three names out of these terrorists who are dead, names of which any nation should be proud. Sir, Kanai Lal Dutt, a young boy of 20 or 21 died, not to save his own life, but to save the life of many innocent souls. Narendranath Goswami the approver was made to entangle many an innocent man in that Alipur conspiracy case. The result was this, Kanailal sacrificed his life to save good many innocent lives. The jailor knew of what stuff he was made and what sublime character he possessed and how high his soul was soaring when he was waiting for his death in the condemned cell. Second man was, Sir, Jotindra Nath Mukherji—a man of such a character as to be found rarely in any country. Such characters are born in the world few and far between. Sir, ask the jailor of the time—of what stuff Dutt was made. Ask Sir Henry Wheeler and Sir Charles Tegart about Jotin Mukherji and they will endorse every word of appre-

[Mr. Amarendra Nath Chattopadhyaya.]

elation of mine. These gentlemen were not murderers but martyrs. To call them murderers is to insult martyrdom.

Now, Sir, it is time for me to conclude, and I do so with an appeal to the Government not to press for keeping this obnoxious law on the Statute-book. I appeal with all earnestness that the law which has not served any useful purpose should not disfigure the Statute-book any longer.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I had no intention of taking part in this debate, particularly because while speaking on the Bill of 1932 which was sought to be revived and made perpetual, there were certain important matters of principle with which I have dealt but the events which occurred today have made it necessary for me to perform what I feel a duty which I owe to those sitting on this side of the House. But before I deal with them in detail, it is also my desire to express in a very few brief sentences my own experiences of the manner in which the Act of which sections 15, 16 and 17 and 18 survive has been worked during the last four or almost five years, and of the way in which it has been operated. At the time when this Act was passed in 1908—and I have gone through the speeches with great care—it was stated in this House, on behalf of the Government, that a crime leading to violence and involving murder and looting was a crime that they could not detect and wanted to put down and for that purpose they wanted to be armed with special powers. As they always have done—and I do not wish to go over the ground which I have covered last time—either through negligence or through astuteness, this is what is incorporated in section 15 :

“ Association means any combination or body of persons whether the same be known by any distinctive name or not. Unlawful association means an association which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts.”

If the Act had stopped at that, it would certainly have served all the purpose for which it was intended. But, as is always the case and notwithstanding the charges that have been made I venture to repeat that the Government of this country in particular during the last some 20 years have always armed themselves by rushing legislation either through this House or its predecessor, created a scare and they have got what they wanted, in the first instance by the professed objects which they have in view, either as I said by a piece of ingenuity or otherwise they have got incorporated clause (b) which this House or its predecessor ought never to have passed and which they passed believing and hoping and trusting that the executive was what they professed themselves to be governing this country for its common weal and good and not for the suppression of all forms of national life and national consciousness. It was for that reason, though I do not wish to be uncharitable, but at all events it was with a view to catch whatever they thought was unfavourable to themselves whatever they thought was likely to hold its head against their supreme and sublime power that they had enacted in the law clause (b) or what has been declared to be unlawful by the Local Governments under the powers hereby conferred. It is those wide words, followed by the power conferred on the executive under section 16, which has made the Act pernicious in its operations, atrocious in all the work that it did. Sir,

I am often told to give facts. I challenge the other side to take the map of India as large as they like and plant the national flag which we adore on every single town or village in which an association was declared unlawful during the last period of four years and I defy them to see anything in that map at all. In other words every single association that stood for nationalism, and I know numerous ones in my part of the Province including those which had for their purpose no other than prayer and encouragement of other types of noble aim or physical exercise purpose intended for the purpose of amelioration of this land, was declared illegal by them having got this charter in their hands, an unholy charter used for unholy purposes. That is the way in which this Act has been worked. I am witness to the fact that in 1930—and all the law reports of all the Indian High Courts will bear witness to that fact—when every single case went up, in most of them fortunately I was associated for the defence during the first year until I myself became the victim of this particular Act, and I remember very well how this section 17 was applied. That section runs :

“Whoever is a member of an unlawful association or takes part in meetings of any such association contributes or receives or solicits a contribution for the purpose of any such association or in any way assists the operations of any association shall be punished.”

The last part, “assists the operation of any such association” has been put to uses of which even the Courts of law became themselves ashamed. I know a case, and I will give you only one, where a meeting was going to be held at Chaupati sands which, even though the Bombay Congress Committee was declared unlawful, at all events purported to have been signed by somebody under the auspices of that association. The Commissioner of Police having come to know of that meeting himself published a proclamation under the Bombay Police Act prohibiting that meeting. A newspaper, a most respected and a most moderate one, one that has not yet come under the scrutiny of this vigilant Government published first the report that they had information about the meeting that was going to be held. Immediately below that, in the same column they published the proclamation of the Commissioner of Police and yet this Government, taking advantage of the language of the Act, put up the Editor for trial on the ground that he, by publishing the information as to that meeting, was assisting in the operations of the unlawful association. When I appeared before the Court, two Judges presided and I put it to them, was it unlawful to publish the words of the Commissioner of Police which said :

“Whereas it has come to notice that a meeting is advertised to be held at Chaupati sands I hereby prohibit the same.”

That part was perfectly legitimate to be published in the newspapers and yet they said the section does not say that it is by any unlawful operations of any unlawful association. In other words, it is all very well to rely on promises made at the time when these Acts are passed, when the executive, with all care and protection of the millions of this land, come to you to be armed with authority. We have learnt by experience to see the use to which they can put it and the degree of insincerity and hypocrisy which they themselves have been guilty of, by reason of their own professions which they do not keep. Because their own Advocate General appears and stands before the Court saying, “My Lord, what have you got to do with the promise of the executive except to give

[Mr. Bhulabhai J. Desai.]

effect to this Act ? " Where is the word "unlawful" before the word "operation" ? It may be any operation, however lawful, however benevolent, however good, however progressive, however useful ; but so long as we the condemned persons choose to do the right acts, even the right acts become unrighteous, and that becomes an offence under what is called the law of the land. It is, Sir, these two sections which now survive, and reading clause (b) and reading sections 16 and 17, it is one of those charters which have been abused during all the years of its existence in a manner that calls for a vote of this House for the purpose of its repeal. I would have undoubtedly given you a great deal more of detailed information about the working of this Act, had I the time at my disposal, but I have intervened in this debate for another purpose too.

I felt, Sir, during the time that the Honourable the Home Member was addressing the House this morning,—much as I respect his self-possession and his experience,—that he should not have really allowed himself to be carried away in the manner in which he did. Next to you, Sir, the Members on this side of the House look to me to protect their honour and their sense of respect, and it is, therefore, my duty to examine very briefly, and enter a humble but emphatic protest against the manner in which the privilege of the House was used. My Honourable friend, Mr. Sham Lal, only made charges, or what he called repeated the charges, proved against the police in the judgment of the High Court itself. The sentence on which he relied was this :

" We trust that the lesson to be learnt from this trial will be taken to heart and police officers who have at all times to perform a difficult task will never again disgrace their force and cause such a waste of public time and money as in this case."

He had, therefore, the authority of the judgment of the High Court in what has been described as a protracted trial to justify the position that he took up. His only ground was that the executive are apt to abuse the powers given to them, either by scaring the House, by creating a fright or by exaggerating dangers, and that, therefore, we should beware lest we should entrust them with too much power in advance, notwithstanding the promises of their good and benevolent use. My Honourable friend, Mr. Griffiths, seems to think that you can make any law you like and surrender the life and liberties of the people so long as the executive promises to use it mildly. I do not take such a view of the law or of the responsibility of this House. And when my Honourable friend got up to protest against the abuse of the law, as illustrated in the case in which he had the honour to appear, he came in for a personal charge against him. I am not here to question the correctness of the ruling of the relevancy of the episode. I would like to close it myself if I could, honourably to myself and honourably to those with whom I am associated. But he came in for a direct charge of having disgraced his profession and having disgraced himself. And to make it worse the Honourable the Home Member said that for reasons of prudence alone they did not take any action against him in the High Court of Judicature, forsooth with a view to save expense,—the last infirmity of which they can be accused. And yet, Sir, on what was that based ? On two letters, one of which purports to have been addressed to one Sham Lal and presumably intercepted by the police. And if this is the manner in which documents are to be used in order almost to blackmail this side of the House,

for indeed it is quite possible to produce any document which any man may produce and put it in the hands of the Honourable the Home Member; he may be perfectly entitled to believe that it is right or just or correct; but I trust that in his better judgment and in his calmer moments he will see that if a similar process were repeated against him from this side of the House he would be the first to protest against it as being almost infamous on our part. And yet that is the charge which he did not flinch from making on materials on which no responsible man and much more the Honourable the Home Member should act. As I said, I am one of those who have done my level best, almost against the grain sometimes, to maintain the traditions of a House of this character. I do not pretend to be a man who has been versed in them as you, Sir, have been. And yet the fact remains that there is something innate in a man's education and character which prevents him from doing things which after all our honour demands that we shall not do. And, Sir, it is that respectful protest that I wish to make. And the process of reasoning went like this. He says there were these two letters written, one to Sham Lal and one to Gopal Singh. After that certain events took place in Court; after that a certain statement was made in Rawalpindi; after that a prosecution was undertaken which was withdrawn; and yet, without the basic foundation which I hope and trust my Honourable friend will acknowledge that my Honourable friend, Mr. Sham Lal, did not appear for Krishna Gopal at all. And yet we have been entertained to an exhibition both of temper and of accusation which I think he will only do well not to repeat. What we do, therefore, is to enter our emphatic protest.

So far as his own conduct of the case was concerned, the Judges who tried it have said this :

" We cannot close this judgment without expressing our gratitude to the learned counsel on both sides for the great assistance they have given in this complicated case. They have shown complete mastery of details and the case has been presented on both sides with fairness and accuracy. Their ability and industry had shortened the hearing," etc.

Sir, on a former occasion also I entered my protest against what I called the *argumentum ad hominem* which cannot prove anything at all. And yet it is surprising to me that with that self-possession for which he is distinguished, the Honourable the Home Member still thought that by levelling a personal charge against Mr. Sham Lal the repeal of this Act would in the least degree have been affected. It almost looks, at least to my mind, as if having no better argument you try almost to foully and falsely accuse your opponents. That, I submit, is not the proper function of debate either on this side of the House or the other, and I shall stand for that principle and see that it is obeyed, so far as I can control the proceedings of this House, by advice, suggestion, persuasion or even a respectful appeal. That is the standard for which we stand in support of the traditions of this House, I say that two of these sections are formal and as regards the other, it is now time—it has lived 27 years in ignominy and to the prejudice and detriment of India and the national cause and it should now die a deserved death.

Mr. B. Das (Orissa Division : Non-Muhammadian) : Sir, in a way I feel grateful to the members of the Government for having revealed their attitude of mind and the policy for which Government stand today. It seems that the Government of India are so very decayed in their super-

[Mr. B. Das.]

strength that they have to deliver speeches like those which came from the Honourable the Home Member and the Honourable the Law Member which are unworthy of any Government, not to speak of the present Government of India. Sir, I do not wish to refer to the long speech that the Honourable the Law Member made—lasting for three and a half hours : I would only interpret it by reminding the House that it is the old story of the wolf and the lamb ; whether the lamb itself polluted the water or his father did it or his grandfather did it, was no matter of concern to the wolf : and he promptly proceeded to devour the lamb : similarly, the Honourable the Law Member will not allow and will not tolerate the lambs of the Congress on this side. As for the Honourable the Home Member he showed a temper which I did not expect from a Home Member of the Government of India and I say his exhibition of temper was unworthy of him. I would only remind him of the writing of another very great—perhaps a greater—bureaucrat than himself, who was a General of the Indian Army and who became the head of the Irish Constabulary in Ireland in 1920. After being the head of the Black and Tan methods in Ireland and doing all the crushing he did to suppress the Sinn Fein movement in Ireland, he came to the following conclusion, and I believe my Honourable friend, Sir Henry Craik, after he retires from his present task, will do the same. He said :

“ Had I known what I was in for in 1920, when I consented to go to Ireland to take part in suppressing the Irish Sinn Fein revolution, I should, in the words of Mr. Baldwin, ‘ never have touched it with the end of a barge pole ’. One lives and learns.”

I believe Sir Henry Craik will say the same thing and will reflect in the words of General Crozier in his book on the Black and Tan Movement in Ireland :

“ Having seen a great deal of force in use, having applied that force for over thirty years, having experienced the utter failure of force, I must needs look for other weapons with which to achieve the object—the welfare of mankind.”

Sir, when in office no bureaucrat will think of these lines. When they retire, when they think of the other world in their peaceful moments, they will think of this. We are tired of the Black and Tan methods which they applied, whether in Bengal or in Bombay or in the Punjab. The speakers on this side have proved to the hilt that this Act should not exist and should be repealed and I, therefore, hope that the House will take my Bill into consideration.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill to repeal the Indian Criminal Law Amendment Act, 1908, be taken into consideration.”

The Assembly divided :

AYES—65.

Aaron, Mr. Samuel.
Abdul Matin Chaudhury, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Ba Si, U

Badi-uz-Zaman, Maulvi.
Banerjee, Dr. P. N.
Baqui, Mr. M. A.
Bardaloi, Srijut N. C.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.

AYES—contd.

Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Mr. Basanta Kumar.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Essak Sait, Mr. H. A. Sathar H.
 Fuzlul Huq, Mr. A. K.
 Gadgil, Mr. N. V.
 Gauba, Mr. K. L.
 Ghulam Bhik Nairang, Syed.
 Giri, Mr. V. V.
 Gupta, Mr. Ghansham Singh.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Khan Sahib, Dr.
 Khare, Dr. N. B.
 Lalchand Navalmi, Mr.
 Laljee, Mr. Husenbhai Abdullahai.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Mudaliar, Mr. C. N. Muthuranga.

Muhammad Ahmad Kasmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Paliwal, Pandit Sri Krishna Dutta.
 Pant, Pandit Govind Ballabh.
 Raghunath Narayan Singh, Choudhri.
 Raju, Mr. P. S. Kumaraswami.
 Ranga, Prof. N. G.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Shaikat Ali, Maulana.
 Sheodass Daga, Seth.
 Siddique Ali Khan, Khan Sahib Nawab.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Anugrah Narayan.
 Sinha, Mr. Satya Narayan.
 Sinha, Mr. Shri Krishna.
 Soni, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Thein Maung, Dr.
 Thein Maung, U.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Vissanji, Mr. Mathuradas.

NOES—60.

Abdoolah Haroon, Seth Haji.
 Abdul Aziz, Khan Bahadur Mian.
 Abdullah, Mr. H. M.
 Acheson, Mr. J. G.
 Ahmad Nawaz Khan, Major Nawab.
 Ayyar, Diwan Bahadur R. V. Krishna.
 Ayyar, Rao Bahadur A. A. Venkatarama.
 Bajoria, Babu Baijnath.
 Bajpai, The Honourable Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Bhagechand Soni, Rai Bahadur Seth.
 Bhat, Mr. Madhusudan Damodar.
 Blackwell, Mr. J. H.
 Bower, Mr. E. H. M.
 Boyle, Mr. J. D.
 Chapman-Mortimer, Mr. T.
 Chatarji, Mr. J. M.
 Clow, Mr. A. G.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 Desai, Mr. S. P.
 DeSouza, Dr. F. X.
 Fazl-i-Haq, Piracha, Khan Sahib Shaikh.
 Gajapatiraj, Maharaj Kumar Vijaya Ananda.
 Ghiasuddin, Mr. M.
 Ghuznavi, Sir Abdul Halim.
 Graham, Sir Lancelot.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Hands, Mr. A. S.
 Hidayatallah, Sir Ghulam Hussain.
 Hoekenhull, Mr. F. W.

James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Jehangir, Sir Cowasji.
 Lal Chand, Captain Rao Bahadur Chaudhri.
 Leach, Mr. F. B.
 Lee, Mr. D. J. N.
 Lister, Mr. T.
 Lloyd, Mr. A. H.
 MacLachlan, Mr. D.
 Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
 Milligan, Mr. J. A.
 Mody, Sir Hormusji Peroshaw.
 Morgan, Mr. G.
 Mukherjee, Rai Bahadur Sir Satya Charan.
 Nixon, Mr. J. C.
 Owen, Mr. L.
 Rajah, Rao Bahadur M. C.
 Rau, Mr. P. R.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain Sardar.
 Singh, Mr. Pradyumna Prashad.
 Sircar, The Honourable Sir Nripendra.
 Tottenham, Mr. G. R. F.
 Yakub, Sir Muhammad.
 Yamin Khan, Mr. Muhammad.
 Zafarullah Khan, The Honourable Sir Muhammad.
 Ziauddin Ahmad, Dr.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 2 stand part of the Bill ”

Mr. P. J. Griffiths : Sir, it was not my intention to speak on this Bill, a Bill of which I believe, this House and the country outside is heartily tired, but I have been prompted to speak by the remarks which I heard from two Honourable Members in particular who have taken part in the debate. As I listened to, what with due respect I must call, the wild, unrestrained and thoroughly irrelevant speeches of my friend the Honourable Member from Assam and my friend, Mr. Chattopadhyaya, I found it impossible to contain myself. For some considerable time I found it difficult to discover any logical principle of relevance between their speeches and the Bill under consideration, but after listening for some time, I realised what the game was. The game was to vilify the Government, to persuade the audience that whatever Acts have been carried out by Government in the past have been unjustified and to argue therefrom that the Government in future will inevitably make unfair use of any powers with which it may be entrusted. This is the only argument against this Bill which I have heard advanced either today or last week. That argument has been supported by, what with due respect I must characterise, as a tissue of misstatements having no shadow of foundation whatsoever.

I turn first to the statement which the Honourable Member from Assam made in his endeavours to support this thesis. He was good enough to state that Government could not be trusted because, among other things, the officials of Government had engineered the Dacca riots. He went so far as to say that Government was so certain of the coming of these riots that every official in Dacca was warned four or five days beforehand to lay by a large stock of provisions. Sir, I happened to be an official in Dacca at that time, and I can assure the House that that statement has no foundation whatsoever. No official was given any warning. (Some interruptions and laughter from the Opposition side.) It is all very well for Honourable Members opposite to laugh and to assume that I am not telling the truth in this particular matter. Sir, I am in a much better position than the Honourable Member in question to state the actual facts. (“ Hear, hear ” from Official Benches.) I was in Dacca at that time....

Srijut N. C. Bardaloi : On a point of personal explanations, Sir,....

Mr. P. J. Griffiths : I do not give way, Sir.

Srijut N. C. Bardaloi : I merely want to make a personal explanation.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not giving way. Let the Honourable Member continue.

Mr. P. J. Griffiths : I happened to be in Dacca at that time, and I can assure the Honourable Member that I personally received no such notice whatsoever.....

Srijut N. C. Bardaloi : (When the speaker was continuing) : I wanted to say that I spoke from information received from the Deputy President's speech and other contemporary accounts.

Mr. P. J. Griffiths : My house happened to be in the middle of the bazar. Surely, if Government had considered it necessary to warn

officials of the impending riots, I who lived in the bazar should have been the first to receive such warning, but no such warning was ever either given or contemplated by the authorities,—(Some Honourable Members were laughing at this stage) and the Honourable Members who laugh have no personal knowledge of the facts whatsoever.

Again, Sir, as another instance of the Government's failure to preserve law and order, we were told that during the Dacca riots policemen were standing by doing nothing, watching houses being burnt and watching people being attacked. I wonder if the Honourable Member from Assam has any idea at all as to the strength of the police force present at that time. I will tell him for his information that the total police force in the town of Dacca, on the day when the riots broke out, was 200 men. The great bulk of the Dacca police force had been drafted to Barrackpore to deal with the trouble in Calcutta, and another large section of that force had been sent into the interior of the district to deal with troubles created by my friends of the Congress. Thanks to their activities, thanks to the fact that the police were preoccupied with putting down the objectionable features of the Civil Disobedience Movement, there were 200 police constables available in Dacca to deal with the Dacca riots. My Honourable friend may possibly not know that Dacca is a very large town, that the rioting took place in every quarter of the town, and that the length of the streets concerned amounts roughly to 50 miles. If my Honourable friend is anything of a mathematician he will soon realise that we had on an average four policemen to every mile of road. Do my Honourable friends opposite suggest that four policemen can protect the lives and property of one mile of road in the middle of flaming riots? There is another side to this picture. Government made every possible effort to obtain auxiliary forces to deal with these communal riots, and, first and foremost they enrolled special constables. Certain gentlemen of the town did join as special constables, but I believe I am right in saying that not one single member of my Honourable friend's party saw fit to offer his services to the authorities for the preservation of law and order. (Laughter.) Honourable Members may laugh, but these facts are susceptible of proof and I am prepared to prove them. My Honourable friend from Assam was not content with making assertions against Government. He saw fit to talk of the Europeans. He said, what were the Europeans of Dacca doing during the riots? The answer to that is simple and it is very creditable for the European community. Almost, without exception, every European non-official present in Dacca or in the neighbouring town of Narayanganje offered his services to the Government as a special constable. Lorries were mobilised, and in each lorry was stationed a party consisting of three or four Europeans, one official and as many police constables as could be found. Those lorries toured continuously round Dacca town day and night, and what did they find? They came to a house and found somebody setting fire to it. They put down the fire and arrested the miscreant, if he had not already run away, and while doing that, in practically every case, for the first two days, they found that somebody else had started a fire further down the road. I do not think even my Honourable friend from Assam could have collected, in so short a space of time, a better organisation or a more efficient body of men to deal with such a situation. I must apologise for dealing in such great detail with a subject which is not strictly relevant to the Bill under discussion, but I can only say that as my Honourable friends opposite have made state-

[Mr. P. J. Griffiths.]

ments of that kind, the basis of their allegation that Government is unfit to exercise greater power, I am entitled to reply to those statements. I have, therefore, one more point to make in connection with the Dacca riots. My Honourable friend, the Deputy President, speaking the other day, was good enough to state that on the night preceding the riots a meeting was held in Dacca town in the house of a local Muhammadan at which officials were present and at which the forthcoming riots were discussed. I am very glad for the sake of his peace of mind to be able to assure my Honourable friend that that statement has no foundation whatsoever. (Cheers from Official Benches.)

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : There were witnesses to that effect before the Committee of which I was the President.

Mr. P. J. Griffiths : My Honourable friend is under a disadvantage ; he gets his information second hand, but I am speaking of what I myself saw. But to return to the speech of my Honourable friend from Assam. He was not content with making extravagant assertions about the conduct of the officials in Dacca. He saw fit to turn his attention to the district in which I happen now to be employed. With reference to my district, he said, " You had these people going down to make salt, you had Civil Disobedience, you had many Congress workers who were assaulted, but on the other hand, how many Congress workers did you have convicted for assaults on the police or on the members of the public ? "

Mr. B. Das : My Honourable friend is dealing with Dacca riots. We are now discussing clause 2 of the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : Clause 2 deals with repeal.

Mr. P. J. Griffiths : I have sympathy with the objection of the Honourable Member, but I will remind him that if I am irrelevant, the fault lies with his Party and not with me. In the course of his remarks regarding my present district the Honourable Member from Assam was good enough to ask how many cases occurred in which workers in the Civil Disobedience Movement were concerned in assaults. I was very pleased this morning to have the opportunity of giving him an answer. That answer I repeat—it is 189. I do not know whether in addition to these cases of assault my Honourable friend was listening the other day when the Honourable the Leader of the House gave him details regarding the Chachua Hat murder case and the Chachua Hat riot case. He may possibly remember that on that occasion certain Congress volunteers had gathered together. A small body of police visited the place and in their anxiety not to shed blood endeavoured to disperse that body with lathis. They failed in their endeavour and had to take refuge in a house near by. Reinforcements were called for, but before those reinforcements could arrive, two police officers were brutally and cruelly murdered. That, Sir, was done as a result of the subversive activities of the Congress Party. I pass on to another very peculiar point which my Honourable friend from Assam thought fit to make. He brought to light the case of a bomb which had been planted by an evil minded informer in the house of an innocent person. I presume he was referring to the case which took place in the town of Midnapore not long ago. He laid great stress on the fact

that this case was sent up by the police, the wicked police who could possibly never act honestly, and when this case came from the wicked police to the honest and upright magistrate, then that magistrate discovered that the whole case was a concoction. As usual, my Honourable friend has completely mistaken the facts. The facts are that during the course of the police investigation it was the police themselves who discovered that this had been planted. The very officer to whom information was brought was the first to discover that it was a wicked and ingenious plot. (Cheers from Official Benches.) The prosecution of the informer was lodged by the police in consultation with me, and any suggestion that that particular incident shows the corruptibility or dishonesty or the inefficiency of the police is too grotesque to deserve notice. There is only one more point made by my Honourable friend with which I think it is worth while to deal. In support of his case about the iniquity of the present Government, he drew a touching picture of the condition of the detenus. I must confess that if I had not known him longer he would have almost brought tears to my eyes by his description of the poor detenus deprived of medical aid. What are the actual facts of the case? I will speak again, not of what I have read in some remote book, but of what I know from my own personal experience. In my own district there has been a detention camp of which Members might know.

An Honourable Member : What is "my district"?

Mr. P. J. Griffiths : I am not concerned with your district. But as things stand, there is a detention camp in the district of Midnapore. The average income, previous to admission to that detention camp, of its present inmates has been calculated and works out on a generous calculation at Rs. 14-8-0 a month. There is such gross poverty that in their ordinary village homes it is quite impossible for these gentlemen to obtain the services of the Civil Surgeon or of any expert doctor. At present, Sir, when they are ill, the entire medical resources of the Government are at their disposal and this, Sir, is not theory but practice. I can assure Honourable Members that at least ten inmates of the Hijli Detention Camp were treated by the Civil Surgeon during my last month in Midnapore. I think that sufficiently disposes of the attempt of the Honourable Member from Assam to throw mud against the Government.

I turn now, and here I shall be as brief as possible, to the suggestions—shall I call them insinuations—made by my Honourable friend, Mr. Amarendra Nath Chattopadhyaya. If I had been new to this country and if I had been a stranger to Mr. Chattopadhyaya's usual style of oratory, I should have been troubled and distressed in mind. I should have verily believed that the Government must indeed be a Satanic one, if this kind of thing could go on under its aegis; but, Sir, I was not distressed or troubled in mind, because I remembered the previous occasion when exactly the same kind of statement was made by exactly the same Honourable Member. That statement also concerned my unfortunate district. We were told that troops in the district of Midnapore had gone into a certain village, brought out the women from the houses and had them stripped naked. My Honourable friend, the Leader of the House, took the trouble to write a personal letter to Mr. Amarendra Chatterjee and asked him if he would give him any details or any kind of facts in support of that allegation. That was in March this year. My Honourable friend, the Leader of the House, is still waiting for his reply from Mr. Amarendra Chatterjee.

An Honourable Member : He never received the letter.

The Honourable Sir Nripendra Sircar (Law Member) : On a point of personal explanation. I did send a letter to Mr. Amarendra Chattopadhyaya. I am not aware, it was miscarried. I did not send it by post. I sent it through a peon book. I have not got the document here. I wrote to him that if he would give me some information about the name of the village and so on, I can inquire into the matter.

Mr. Amarendra Nath Chattopadhyaya : It is news to me. I never received any such letter.

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : May I ask a question of the Leader of the House ?

Mr. President (The Honourable Sir Abdur Rahim) : The Chair cannot allow it.

Mr. P. J. Griffiths : I have no means of knowing what happened to that letter. I can only inform this House that the letter was sent and, it is unfortunate, that that particular letter, out of the thousands of letters which are sent by the Law Member during the year, should have been miscarried.

But, Sir, as I listened to the speech of the Honourable Member, I
 5 P.M. thought at one time that it would be necessary to deal with it in some detail. That idea was dispelled when he came to the end of his speech and I heard a strange, indeed a lamentable, eulogy of people whom I call murderers but whom the Honourable Member prefers to call martyrs. It is strange and significant that Honourable Members on that side of the House, however much they might theoretically deplore terrorism, are always ready to find some redeeming feature in the character of the terrorist murderer. My Honourable friend says that Kanaiya Lal Dutt is a man of whom any nation might well be proud. Speaking for myself—and perhaps I might remind the House that Kanaiya Lal Dutt was the murderer of an approver—I should be ashamed to belong to any nation which could be proud of such a murderer.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must remember that he is speaking to clause 2 and not on the general debate.

Mr. P. J. Griffiths : I will confine myself strictly to the scope of clause 2. Clause 2 is the substantive clause of this Bill and in debating this clause, the question we have to settle is whether the Criminal Law of 1908 is necessary or not. Now, Sir, when I listened, some days ago, to the debate on the Criminal Law Amendment Act, I had a good deal of sympathy with my friends on the opposite side of the House. I realised that their position was a difficult one. I realised that they were.....

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : On a point of order. Having passed the motion for the consideration of the Bill, the House has accepted the principle of the Bill and the principle of the Bill is that the Act of 1908 be repealed. It is not open to the Honourable Member or to any other member to cover the same ground over again. I submit that all his arguments are entirely irrelevant and out of order.

Mr. P. J. Griffiths : As I read clause 2 of the Bill, it says : " The Indian Criminal Law Amendment Act, 1908, is hereby repealed." I understand that as we are discussing the Bill clause by clause, clause 2 is also open to discussion.

Mr. President (The Honourable Sir Abdur Rahim) : Clause 2 embodies the principle and the real object of the Bill and that has been discussed threadbare upon the motion for consideration. There is no amendment of which notice has been given to this clause. So the Chair must rule that no general discussion can go on any further.

Mr. P. J. Griffiths : May I ask, Sir, not in a contentious spirit but as a new Member of the House, exactly what is within the scope of the discussion.

Mr. President (The Honourable Sir Abdur Rahim) : If there was an amendment, that amendment could be discussed. The House has already given its verdict on the general principle of the Bill. So, the principle of the Bill is no longer before this House.

The Honourable Sir Nripendra Sircar : May I put in a word on this ? Without giving notice of any amendment, an Honourable Member can oppose any clause of the Bill. The peculiar situation here is this. Under one clause, the Bill repeals all the clauses of the Criminal Law Amendment Act. Therefore, the result of one clause is that 5 or 6 or 8 clauses of the old Act are going. Therefore, every clause of the old Act is relevant in a discussion on clause 2. That is my submission.

Mr. President (The Honourable Sir Abdur Rahim) : What is the effect of the decision of the House ?

The Honourable Sir Nripendra Sircar : Supposing the House had decided on a Select Committee motion, that also means accepting principle of the Bill, but am I to be told that no clauses can be altered or amended ?

Mr. President (The Honourable Sir Abdur Rahim) : The House has committed itself to the principle of the Bill, and, therefore, the Chair cannot allow this general discussion to go any further.

Mr. P. J. Griffiths : May I speak on the principle of the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : That has been decided upon already.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Sir, I rise to oppose this clause, and I want to give my reasons for doing so, and I hope I may be permitted to give my reasons very shortly for the benefit of my Honourable friends.

Mr. President (The Honourable Sir Abdur Rahim) : Will the Honourable Member please speak up. The Chair cannot hear a word.

Voices : Nobody hears him.

Another Voice : He has got a sore-throat.

Sir Cowasji Jehangir : I am giving my reasons very shortly, Sir, as to why I oppose this clause and why I would urge the House to throw it out. Mr. President, we have heard a great deal about terrorism.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadian Urban) : Do not address us. Address the Chair.

Sir Cowasji Jehangir : I think my Honourable friend, Dr. Deshmukh, does not understand what it is to address the Chair. I am addressing the Chair. Mr. President, both the Honourable Members on this side of the House and on the other side of the House have confined their attention merely and perhaps completely to terrorism. Now I would like to draw the attention of the House to another evil of a very serious nature from which we in Bombay suffer, namely, communism. (Hear, hear.) (Voices : " Oh, Oh ! ") Now, Sir, I hope and believe, nay, I am really sure, that there is not a single Honourable Member on the side of the Opposition who is at heart really a communist. There may, no doubt, be many who are advanced socialists. Sir, I claim, in my own humble way, also to be a socialist (Laughter and Voices of " Oh, Oh ! "), but not an advanced socialist. I repeat that I am sure there is not a single Honourable Member on this side of the House who is really, at heart, a communist. Now, Sir, I wish we were in a position to be able to say that there were really no communists in the right sense of the word in my Presidency. I am afraid there are many, Sir, there are many who desire to subvert the present social order of things ; there are many who will take every opportunity, as they do, to hamper trade and industry, and there are many in my part of the world who will encourage strikes—not to benefit the labourer—but only in order to encourage " disorder ", in order that the social state may be changed,—and who, are, we are informed, financed from another part of the world. Sir, I will give you just one little incident that occurred to me some years ago. I had to deal with an extensive labour strike, when many labour leaders saw me two or three times a week. One of my friends had a silk shirt on and my attention was drawn to it, I asked him : " Mr. So and So (I am not going to mention his name), I see you have got a silk shirt on ? " His reply was, " yes, I have, and the money to buy it did not come from your pocket, it came from Moscow ". (Voices : " Oh, Oh ! ") That was in the Secretariat of Bombay when I was a Member of Government, in charge of labour,—and that was the answer I got.

Dr. G. V. Deshmukh : He pulled your legs !

Sir Cowasji Jehangir : Now, Mr. President, there are many in my city who will be only too willing to act—not against Government, but against us all, against you and me, to upset the ordered state of social life : And I understand that although this Act may not have been passed originally for the purpose of being able to tackle this great evil, it is today of considerable use for this purpose ; and, therefore, when my Honourable friends are in power, they will have to bring on the Statute-book some other Act which will enable the Provincial Governments to fight one of the greatest evils we have had to contend with and shall have to contend with in an increasing degree in future.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member is making a " second reading " speech. He ought to have spoken, if he wanted to make general observations, at the time when the motion was under consideration. The Honourable Member is not in order in discussing the principles of the Bill now.

Sir Cowasji Jehangir : Mr. President, I have not been able to hear you....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member, the Chair said, is not in order in dilating upon the general principle of the Bill, which has already been decided upon by the House.

Sir Cowasji Jehangir : I am opposing the passing of this clause, Sir, which affects the general principle of the Bill, and if you still rule me out of order, then I will resume my seat.

Mr. President (The Honourable Sir Abdur Rahim) : That is really the Chair's ruling. The Honourable Member did not hear the Chair properly, but that is its ruling.

Sir Cowasji Jehangir : Then, I will urge upon the House, Mr. President, before, I sit down, that the House do reject this clause, unless and until there is some other Act on the Statute-book which will help Provincial Governments to fight this living evil, the increasing evil of communism, an evil which threatens to ruin our country and all the future prospects of our peace, happiness and prosperity. (Loud and prolonged Cheers.)

The Honourable Sir Henry Craik : Sir, May I respectfully point out that clause 2 of this Bill contains three sub-clauses. One repeals the Criminal Law Amendment Act, and the other two contain provisions which in the course of this lengthy debate have not been so much as mentioned. There has been no discussion whatever on sub-clause (2) or sub-clause (3) of this Bill.

Mr. President (The Honourable Sir Abdur Rahim) : But there is no amendment ?

The Honourable Sir Henry Craik : Surely it is in order to oppose sub-clauses (2) and (3) ? I should like to oppose them not only on their merits because they are the worst piece of draftsmanship I have seen for a long time.....

Mr. President (The Honourable Sir Abdur Rahim) : Order, order : The Chair finds in May's Parliamentary Practice (page 403), the following :

"The chairman (I take it the Chairman of the Committee of the House) proceeds to read the number of each clause, which is thus brought under the consideration of the committee ; and to call on the members who have given notices of amendments. A member is not at liberty to speak generally upon a clause, upon its being called by the chairman, there being no question before the committee until an amendment has been moved, or the question proposed, 'That the clause stand part of the bill.' If no amendment be offered to any part of the clause, the chairman at once proposes the question, 'That this clause stand part of the bill,' and when this has been disposed of proceeds to the next clause. If no amendment be offered to any part of the clause, the chairman at once proposes the question, 'That this clause stand part of the bill', and when this has been disposed of proceeds to the next clause."

The question is that this clause stand part of the Bill.

The Honourable Sir Nripendra Sircar : May I have your permission, Sir, to make a few remarks in connection with this point of order ? I will again quote what you have quoted just now :

"A member is not at liberty to speak generally upon a clause, upon its being called by the chairman; there being no question before the committee until an amendment has been moved (that has not been done in this case) or the question proposed, 'That the clause stand part of the bill'. (That you have done.) If no amend-

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ment be offered to any part of the clause, the chairman at once proposes the question, 'That this clause stand part of the bill', (that is what you have done) and when this has been disposed of proceeds to the next clause."

I particularly wish to draw your attention, Sir, to the following words :

"A member is not at liberty to speak generally upon a clause, upon its being called by the chairman, there being no question before the committee until an amendment has been moved, or the question proposed."

I submit, Sir, that what it means is this. If the question is proposed, then the matter is before the committee and it can be disposed of by a reasoned speech. I can make a reasoned speech as soon as this question is put to show that this clause should be rejected, although I have not moved an amendment. This matter is of great importance and not merely for this case. I submit that this is an important point of order and I want your ruling. I shall not be satisfied with the hilarity of Honourable Members opposite because they have not followed the point.

Mr. S. Satyamurti : May I say one word ? It has been ruled in this House that even a suggestion for the omission of a clause must require an amendment. An amendment must be tabled to the effect that the clause be omitted. I remember, Sir, that when you were the Leader of the Opposition, a similar Bill came before the House and when motions after motions were moved, a point of order was raised and the Chair ruled that even for omitting a particular clause, an amendment ought to be moved. In this case, no notice of any amendment has been given to omit this clause. The Bill has been before the House for nearly six or seven months, and yet no Honourable Member has taken the opportunity to give notice of an amendment to omit the clause ; and, therefore, any discussion on the general principles of the Bill cannot cover the wide sphere which the Honourable the Law Member says it can cover. I submit the passage in May's Parliamentary Practice, which you were good enough to read to the House, is almost conclusive in the matter. Undoubtedly, it is open to Honourable Members to give arguments as to why this clause should not be accepted by the House, but having failed to give notice of any amendment, they cannot start the whole argument over again.

The Honourable Sir James Grigg (Finance Member) : I gather, Sir, that we have to follow in this case the practice which is to be found set out in May's Parliamentary Practice which is a book based on the practice followed in the British House of Commons. Perhaps I might be allowed to say that I have had a long experience of such things and in the House of Commons they follow the practice which has been described by the Law Member and not that advocated by the Honourable Member opposite.

Some Honourable Members from the Congress Party Benches : How do you know that ? You were not a member of the House of Commons.

Pandit Govind Ballabh Pant : Sir, I should request you to give a ruling on the facts of this particular case. So far as the general question raised by the Honourable the Law Member is concerned, it may

have wider bearings and implications. But taking the Bill before the House alone, the facts are simple and plain enough. The Bill before the House is for the repeal of the Act of 1908.

The Honourable Sir Henry Craik : No. No. That is wrong.

Pandit Govind Ballabh Pant : The two sub-clauses that are parts of clause 2 do no more than follow the principal clause to a logical conclusion.

The Honourable Sir Henry Craik : No, that is not so.

Pandit Govind Ballabh Pant : Even if they be independent parts of the clause, that makes no difference. Supposing you re-open the discussion on this question, what is the point that the Honourable Members would like to discuss or could discuss. The only point they can discuss would be whether the Act of 1908 should or should not be repealed.

The Honourable Sir Henry Craik : No, there are other points.

Pandit Govind Ballabh Pant : There is nothing else. There is no other argument that has been put forward. If it is not open to them in the absence of an amendment to ask the House to omit sub-clauses (2) and (3) from clause 2, then either the whole of clause 2 goes in or it does not. If the whole of the clause does not go in, then we go back upon the principle which we have already accepted. In these circumstances, I submit that general discussion is entirely out of order.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : May I, Sir, make a few observations on the point of order with your permission? My submission is that the motion before the House is that a certain clause of the Bill be taken into consideration. The result of the previous voting is that the House has given permission for the consideration of that clause. It cannot mean that by giving permission to take the clause into consideration, the House is precluded from opposing the motion or opposing that clause. Sir, am I to understand that if a motion for consideration is passed, the House is stopped or precluded from opposing the Bill at all? There is no question of moving an amendment. An amendment should be moved only when we want a certain clause, or a resolution, in another form, but if we want to oppose the clause *in toto*, then there can be no amendment on it and the House cannot be precluded from giving its reasons for opposing the clause. So, I would humbly submit that now when the motion is "that clause 2 of the Bill be taken into consideration", all arguments that can be advanced for opposing the clause will be quite valid and the House cannot be precluded from opposing the motion. If after the motion for consideration is passed, the whole of the Bill is to be considered as it has been passed by the House and nobody can raise any objection to it, the position would become absurd. I hope that is not the meaning of your ruling.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Sir, may I respectfully make one submission. You will kindly observe that, after the principle of the Bill has been

[Sir Muhammad Zafrullah Khan.]

accepted and sub-clause (1) of clause 2 has been passed, the two subsequent sub-clauses provide that :

“(2) All proceedings and prosecutions pending on the date of the coming into force of this Act shall be deemed to be withdrawn.

(3) All sentences of imprisonment or fine or both that may remain to be undergone or paid by those convicted under the Act shall cease with the coming into operation of this Act.”

My respectful submission is that it would be open to Honourable Members to speak on this clause and oppose the motion that this clause do stand part of the Bill on the ground that if this clause passes, certain dire consequences are bound to follow and on that ground to show that this clause should not form part of the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair finds there is a ruling given on 29th November, 1932, but having read that ruling, the Chair is not quite sure whether it goes to the full length of what is contended on one side of the House, namely, that there can be no discussion on the principle of the Bill upon a consideration of a clause when no amendment has been moved or even given notice of. The question raised, as the Chair has already intimated, is of considerable importance, not only to this Bill, but to the procedure of the House generally, and the Chair is unable to give a final ruling on this point just now. The Chair would consider the point carefully and give its ruling afterwards. There seems to be no more time now to carry on the debate, and the Chair will, therefore, adjourn the House till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th September, 1935.
