

9th September 1935

**THE**  
**LEGISLATIVE ASSEMBLY DEBATES**  
**(Official Report)**

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**Volume V, 1935**

*(2nd September to 16th September, 1935)*

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**SECOND SESSION**  
**OF THE**  
**FIFTH LEGISLATIVE ASSEMBLY,**  
**1935**



**NEW DELHI**  
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**1936**

# Legislative Assembly.

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**MR. LALCHAND NAVALRAI, M.L.A.**

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# LEGISLATIVE ASSEMBLY.

*Monday, 9th 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.

### TRIBAL VENDETTA ON THE NORTH-WEST FRONTIER.

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

(a) whether the facts regarding the tribal vendetta on the North-West Frontier published on the 22nd May, 1935, are correct ;

(b) what part Government played therein ; and

(c) whether Government observe neutrality in such matters ?

Mr. J. G. Acheson : With your permission, Sir, I propose to reply to questions Nos. 197, 210 and 213 together, as they all relate to the murder of Khan Sahib Zangi Khan, Madda Khel, and the events which followed it.

The reports published in the papers were noticed by Government. The facts stated in the account published on the 22nd May, 1935, are based on information supplied by Government to the Press and are substantially correct.

These events took place in unadministered tribal territory, where Government do not exercise control in regard to purely internal tribal matters.

Information regarding important events on the North-West Frontier is invariably furnished, as in this instance, to the Press. Government do not consider it necessary to table the papers.

Mr. S. Satyamurti : May I know what is meant by unadministered areas ? What is the extent and nature of Government control in these areas ?

Mr. J. G. Acheson : Government control is of a general nature and is mainly confined to protecting the interests of the inhabitants of the neighbouring administered districts of British India.

Mr. S. Satyamurti : With regard to the Honourable Member's answer to clause (c) of question No. 197, may I know whether in these unadministered areas the Government observe strict neutrality among those tribes or whether they support one tribe as against the other, and, if so, on what considerations ?

**Mr. J. G. Acheson :** It is extremely difficult to give answers to general questions regarding unadministered tribal territory as the conditions vary enormously from place to place. If the Honourable Member will specify any particular area, I will give an answer.

**Dr. Khan Sahib :** Is it a fact that in the unadministered area round about Loe Agra the woods there are kept as a preserve for the pleasure shoots of the Political Officer and his British friends, and is it also a fact that, if any tribal man intercedes, he is fined Rs. 50 and given three months' rigorous imprisonment ?

**Mr. J. G. Acheson :** I have no information, but the story sounds to me extremely improbable.

**Mr. S. Satyamurti :** May I know what is meant by purely inter-tribal matters ?

**Mr. J. G. Acheson :** It is difficult to give legal definition at such short notice, but speaking offhand, I should define purely inter-tribal matters as being matters which do not concern the inhabitants of the neighbouring districts of British India.

**Dr. Khan Sahib :** Will the Honourable Member kindly take the trouble of finding out if what I have stated is true ?

**Mr. J. G. Acheson :** Certainly.

**Mr. S. Satyamurti :** May I know the reasons why Government at all interfere as between these tribes ? What are the reasons why Government interfere ?

**Mr. J. G. Acheson :** In the interests of the security of the neighbouring districts of British India and the interests of the security of India as a whole.

**Mr. S. Satyamurti :** Have Government tried to come to any terms with those people, in order to observe certain rules in their relations with one another ?

**Mr. J. G. Acheson :** Certainly. In most cases agreements have been executed with the tribes, and these are being observed.

**Mr. S. Satyamurti :** In how many cases, have such agreements been executed ?

**Mr. J. G. Acheson :** I cannot give the exact number, but I would refer the Honourable Member to Aitchison's Treaties, a copy of which is, I believe, in the Library of the House.

**Mr. S. Satyamurti :** Is that the latest word on the subject ?

**Mr. J. G. Acheson :** It is the latest word up to, I believe, 1928, when the last edition was revised.

**Mr. S. Satyamurti :** Are there any treaties after 1928 ?

**Mr. J. G. Acheson :** I believe there have been one or two agreements—one, for instance, the Jhalanai Agreement of 1933 which has recently been broken by the Upper Mohmands.

**Mr. S. Satyamurti :** With reference to the Honourable Member's answers to question No. 210 which was also answered along with

question No. 197, may I know whether the Durand Line is still the Frontier recognised by the tribes as such ?

**Mr. J. G. Acheson :** Yes, Sir. I will suggest that I should meet my Honourable friend and some of his friends and give them a lecture on the subject and give answers to questions. I find it very difficult to answer this miscellaneous mass of questions in the House though I am very happy to give all the information I possibly can.

**Mr. S. Satyamurti :** I do not want lectures, but I want some intelligible information about the Frontier. I am asking the Honourable Member why, in spite of all these various treaties, the tribal warfare perpetually goes on costing enormous sums to the Indian Exchequer and loss of life ?

**Mr. President (The Honourable Sir Abdur Rahim) :** It is a big question, and it cannot be answered by means of questions and answers.

**Mr. S. Satyamurti :** Sir, it is a non-voted subject, and what else can we do ? We can only ask questions.

**Mr. President (The Honourable Sir Abdur Rahim) :** It deals with a big question of policy, and the Chair thinks it can be more appropriately discussed on the budget.

**Mr. S. Satyamurti :** We are seeking information, and we cannot get information on the budget discussion. Anyhow, I leave it at that. As regards the Honourable Member's answer to question No. 213, I thought I heard the Honourable Member say that this was in connection with the construction of a road.

**Mr. J. G. Acheson :** I did not say that, it had no connection with the construction of a road.

**Mr. S. Satyamurti :** Then, what was this murder due to ?

**Mr. J. G. Acheson :** As far as can be ascertained, it was committed in prosecution of a typical Pathan blood feud.

**Dr. Khan Sahib :** Is it a fact that people who know about this murder on the Frontier attribute it to the Political Department ?

**Mr. J. G. Acheson :** I resent that question very much. I have never heard of any such allegation, and it is entirely false.

**Mr. S. Satyamurti :** With reference to the Honourable Member's answer to part (c) of question No. 213, will Government place all the relevant papers on the table of the House ?

**Mr. J. G. Acheson :** Government do not consider it necessary to place the papers on the table of the House.

**Mr. S. Satyamurti :** May I know why they do not consider it necessary ?

**Mr. J. G. Acheson :** I have nothing to add to my answer.

#### SAFEGUARDING OF THE INTERESTS OF INDIANS IN KENYA.

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

(a) whether after the debate in this House during the last Session on the adjournment motion on the question of Indians in

Kenya, especially as regards the reservation of the highlands for Europeans, any correspondence has passed between them and the British Government, and if so, whether they will place the correspondence on the table ;

(b) whether there has been any change in the situation, and if so, for better or for worse ; and

(c) what steps Government propose to take to safeguard the interests of Indians in Kenya ?

**Sir Girja Shankar Bajpai :** (a) Since the debate referred to by the Honourable Member the representations foreshadowed by me have been made to His Majesty's Government, and the result is awaited. Government regret that publication of the correspondence cannot be considered until the negotiations have been completed.

(b) So far as Government are aware there has been no change in the situation for the worse.

(c) Government have already taken such steps as seemed desirable to safeguard Indian interests in this matter.

**Mr. S. Satyamurti :** With reference to the answer to clause (a) of the question, may I know when the Government of India addressed His Majesty's Government on this matter ?

**Sir Girja Shankar Bajpai :** Soon after the debate. I do not exactly remember the date.

**Mr. S. Satyamurti :** Have they had any reply to it or none at all ?

**Sir Girja Shankar Bajpai :** The position is that the Secretary of State for India and the Secretary of State for the Colonies are discussing this matter.

**Mr. S. Satyamurti :** With reference to clause (b), I take it there has been no change for the better either.

**Sir Girja Shankar Bajpai :** There is no change at all. The *status quo* remains.

**Mr. S. Satyamurti :** With reference to clause (c), I thought my Honourable friend said that Government have taken some steps. May I know definitely what steps they have taken ?

**Sir Girja Shankar Bajpai :** At this stage, the only step taken is the step of representing the position to His Majesty's Government.

**Mr. S. Satyamurti :** Will the Government of India remind His Majesty's Government and ask them to expedite a decision on this matter ?

**Sir Girja Shankar Bajpai :** I think my Honourable friend will appreciate the fact that we do not want to hustle the Colonial Office unduly. It is not that we are altogether contented with the existing position. At the same time, it is very much better than the position which would be if the Order in Council were passed and we want to let the Colonial Office have as much time as they like in order to consider this matter so long as the result of the consideration is favourable to us.

**Mr. S. Satyamurti :** Are Government satisfied that no final order will be passed, until the Government of India have had their final say in the matter ?

**Sir Girja Shankar Bajpai :** The Secretary of State for the Colonies gave an assurance to that effect in the House of Commons.

**Mr. B. Das :** Is the Honourable Member aware of the statement of Mr. Pandya and has he approached the Honourable Member in that connection ?

**Sir Girja Shankar Bajpai :** With the exception of the interview that he gave to the press, Mr. Pandya has taken no steps to approach the Government of India either in regard to this matter or any other matter affecting Indians in Kenya.

**Mr. B. Das :** He is probably disappointed with the Government of India.

**Sir Girja Shankar Bajpai :** That is a question which my friend might address to Mr. Pandya, but my recollection of the interview is that he expressed satisfaction with the steps taken by the Government of India.

#### POSITIONS OF INDIANS IN ZANZIBAR WITH REGARD TO THE CLOVE ORDINANCES.

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

- (a) the latest position of Indians in Zanzibar with regard to the clove ordinances ;
- (b) what steps the Government of India have taken and are taking ; and
- (c) whether the question will be settled when the next clove crop comes in, and if not, why not ?

**Sir Girja Shankar Bajpai :** (a) and (b). The attention of the Honourable Member is invited to the reply given by me on the 4th September, 1935, to question No. 118.

(c) I hope so, Sir.

**Mr. S. Satyamurti :** May I know, apart from this optimistic temperament which I entirely share with my Honourable friend, he has any reasons for this hope ?

**Sir Girja Shankar Bajpai :** The mere fact that the Colonial Office have not told us definitely that they propose to do nothing, is, in my opinion, a circumstance that gives rise to hope.

**Mr. S. Satyamurti :** Is there nothing more hopeful than that in the situation ?

**Sir Girja Shankar Bajpai :** My friend will appreciate that there can be nothing more definite until we have had a definite reply, which has not yet materialised.

**Mr. S. Satyamurti :** Will the Government of India ask the Colonial Office to expedite the reply ?

**Sir Girja Shankar Bajpai :** I can assure my Honourable friend that the Government of India are stimulating the Colonial Office to such an extent as they consider desirable.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware of an Associated Press message that a company has been floated in England by name Zanzibar Distilleries Company ?

**Sir Girja Shankar Bajpai :** I think my Honourable friend, Mr. Joshi, put a similar question, and I asked him to supply information so that I might consider whether an inquiry is desirable. If my Honourable friend will do likewise, I shall be very glad to oblige him.

**RATE-WAR BETWEEN THE BRITISH INDIA STEAM NAVIGATION COMPANY AND THE AGARWAL STEAM NAVIGATION COMPANY.**

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

- (a) whether they are aware of the rate-war going on between the B. I. S. N. Company and the Agarwal Steam Navigation Company ;
- (b) whether Government propose to take any steps in the matter ; and
- (c) if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** With your permission, Sir, I shall answer questions Nos. 200 and 225 together.

The Government of India recently received from the Agarwal Steam Navigation Company a complaint alleging that the British India Steam Navigation Company had started a rate-war against them by reducing the passenger fares on the run between Rangoon and Calcutta, and requesting the intervention of Government in the matter. Shortly thereafter a representation was also received from Messrs. Ganga Singh and S. C. Bhattacharjee, on behalf of one Passenger Service League, Rangoon, requesting the intervention of the Government of India in regard to the question of reducing passage rates between Rangoon and the Indian ports to the pre-war level and in the rate-war alleged to have been started by the British India Steam Navigation Company. As regards the alleged rate-war, the Agarwal Company, on their own showing, were the first to reduce their passage rate between Rangoon and Calcutta and only complained when a further reduction of rates was made by the other Company. The Government of India, therefore, decided not to take any action in the matter. With regard to the general question of reduction of passage rates between Rangoon and the Indian ports, reference is invited to the reply given by the Honourable Sir Joseph Bore to Mr. Ananthasayanam Ayyangar's unstarred questions Nos. 116 and 118 on the 27th February, 1935.

**Mr. S. Satyamurti :** What is the position of the Government of India ? Do they refuse to interfere to reduce the fares between Rangoon and Indian ports ?

**The Honourable Sir Muhammad Zafrullah Khan :** As the Government of India found that the rate-war which had been complained of had been started by the complainant company, they did not consider it fair to call it to the notice of the other company concerned. In this case, the rate-war had been started by the Agarwal Company themselves.

**Mr. S. Satyamurti :** Apart from the original responsibility, do not the Government of India consider that, in the interests of the development of Indian shipping, they should lay down certain maxima and minima rates, so that there may be a fair chance for Indian shipping ?

**The Honourable Sir Muhammad Zafrullah Khan :** Under what authority ?

**Mr. S. Satyamurti :** Have the Government examined that question ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government have looked into the question which was raised, to which I have given a reply, but if my Honourable friend will tell me under what authority he expects Government to interfere, I shall look into the question further.

**Mr. S. Satyamurti :** Have Government considered the need for giving some opportunity for Indian shipping to develop ?

**The Honourable Sir Muhammad Zafrullah Khan :** It appears from the correspondence carried on between the two companies that according to one of these companies the rates are already so low as to be uneconomical.

**Mr. S. Satyamurti :** With regard to clause (b) of question No. 225, may I know what is the reason why the Government do not propose to reduce these fares to the economic level prevailing immediately before the War ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have suggested that if my friend will refer me to the authority under which Government can interfere, I shall be very happy to look into the matter.

**Mr. S. Satyamurti :** Am I the legal adviser to the Government of India ?

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member's reply is that Government have no authority.

**Mr. S. Satyamurti :** They could easily say so !

**Mr. Sami Vencatachalam Chetty :** Is it the contention of the Government that the Agarwal Company violated the agreement entered into by them with the B. I. S. N. Co.

**The Honourable Sir Muhammad Zafrullah Khan :** Was there any agreement entered into ?

**Mr. Sami Vencatachalam Chetty :** I thought Sir Joseph Bhore brought about certain compromise between these two companies ?

**The Honourable Sir Muhammad Zafrullah Khan :** These were not the companies concerned.

**Prof. N. G. Ranga :** Do Government consider that the unfettered rate-war now going on is in the interests of Indian shipping ?

**The Honourable Sir Muhammad Zafrullah Khan :** If I am bound to offer an opinion on that, I think, when companies start a rate-war between themselves, it is bound to injure some interest or other, but I am not in a position to give an opinion as to this particular rate-war and the limits that it has reached.



**Mr. Sami Vencatachelam Chetty :** Will Government make a similar arrangement as in the case of the other companies ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government's good offices were invited in connection with one or two previous disputes and Government were ready to offer their good offices when they found that the companies concerned were willing that Government should take a hand in the matter. When Government find a similar readiness on behalf of any other group, I think Government will not be behind-hand in offering their help, if, by the offer of such good offices, they can help to bring about a settlement.

**Mr. Sami Vencatachelam Chetty :** Having regard to the fact that one of the companies stands to gain by this struggle, would it not be possible for the Government themselves to intervene and bring about a settlement ?

**The Honourable Sir Muhammad Zafrullah Khan :** At the stage where matters stand, Government are not sure which company is likely to gain and which is likely to lose. When they come to a stage when they require the good offices of Government and the intervention of Government is likely to lead to good results, Government will not be unwilling to render such assistance as they can ?

**Mr. S. Satyamurti :** Are Government not aware that Indian shipping is in an infant stage as compared with these giants ? Will not Government offer their good offices in the interests of the development of Indian shipping ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government's experience is that the offer of good offices at a stage when the good offices are likely to be rejected by those concerned does not lead to any useful purpose. A stage might arise when such good offices might lead to good results.

#### GOLD EXPORTED FROM INDIA SINCE ENGLAND WENT OFF THE GOLD STANDARD.

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

- (a) the total quantity of gold exported from this country since England went off the gold standard ;
- (b) the effect of it on the internal or the external trade of India ; and
- (c) whether Government propose to take any step to prohibit and restrict the export of gold from this country, and if not, why not ?

**The Honourable Sir James Grigg :** (a) About 30½ million ounces between 22nd September, 1931, and the 25th August, 1935.

(b) and (c). I would invite the attention of the Honourable Member to the reply given by me to starred question No. 8 by Mr. T. S. Avinashilingam Chettiar during the current Session.

**Mr. S. Satyamurti :** Has the Finance Member not changed his opinion yet ?

**The Honourable Sir James Grigg :** Not yet.

**Mr. S. Satyamurti :** Has the Finance Member examined the question as to how much of this gold is what is called "distress gold", that is, not gold which can be spared easily, but gold which is given up out of distress of the unfortunate people concerned?

**The Honourable Sir James Grigg :** I have considered that aspect of the question in so far as it is possible to do it without a special inquiry. A special inquiry would, of course, be extraordinarily expensive, and, I think, would lead to very indefinite results.

**Mr. S. Satyamurti :** What is the conclusion of the Finance Member's examination of this question? How much of this is distress gold?

**The Honourable Sir James Grigg :** Not very much, in my own opinion, but I do not claim that it is more than a matter of opinion.

**Prof. N. G. Ranga :** Is the Honourable Member aware of a book called "Wisdom and Waste" written by one of their own experts, Mr. Darling, in which it is definitely stated that a great part of this gold is, naturally, very distress gold?

**The Honourable Sir James Grigg :** I do not entirely agree with Mr. Darling, though, of course, this may be presumptuous on my part.

**Mr. S. Satyamurti :** Will Government institute an inquiry and find out how much of this is distress gold, and whether the interests of the country do not demand at least a limited embargo on this gold export?

**The Honourable Sir James Grigg :** No, Sir.

**Prof. N. G. Ranga :** What is the extent of the scope for the further exports of gold from India?

**The Honourable Sir James Grigg :** Do you mean how much gold is left in India? Some figures were given in one of the League of Nations publications. I can look it up, and I can give the Honourable Member the reference.

**Mr. Lalchand Navalrai :** May I ask what have been the aggregate exports to date and how much of gold is still left?

**The Honourable Sir James Grigg :** My recollection is—if you look at the League of Nations publication to which I have referred—that only about a fifth or sixth of the gold stocks has left the country.

**Prof. N. G. Ranga :** In view of the deplorable condition of our present balance of trade, how much longer does the Finance Member expect our unrestricted gold exports to help him in the balance of trade?

**The Honourable Sir James Grigg :** As long as is necessary.

**Mr. S. Satyamurti :** Does the Honourable Member wish and expect all the gold to be exported?

**The Honourable Sir James Grigg :** No, Sir.

**Mr. S. Satyamurti :** With reference to clause (b) of the question—I am not prying into Budget secrets—may I ask, whether the Honourable Member has considered the possibility of these gold exports falling, and of his apple cart being then upset?

**The Honourable Sir James Grigg** : I have considered that possibility, but I do not think it is probable in the near future.

**Mr. Lalchand Navalrai** : How much gold does the Honourable Member wish should remain in India ?

**The Honourable Sir James Grigg** : I am not prepared to answer a hypothetical question like that.

**Mr. Lalchand Navalrai** : I only want the Honourable Member to give us the aggregate quantity that has been exported and I want to know how much scope for further exports there is now ?

**The Honourable Sir James Grigg** : I am not prepared to answer that offhand.

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

#### RIGHTS OF INDIANS IN ZANZIBAR.

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

(a) whether their attention has been drawn to the statement made by Mr. Ghulam Ali Qadarbhoy, Zanzibar Indian Leader, published by the Associated Press of India, on the 19th May, 1935, regarding the rights of Indians in Zanzibar ;

(b) whether the statements made therein are true ; and

(c) what step if any, Government propose to take in the matter ?

**Sir Girja Shankar Bajpai** : (a) Yes.

(b) The statements referred to by the Honourable Member contain both facts and inferences. Of the former, only those relating to Zanzibar appear to be precise. These are substantially correct.

(c) The position of Indians in the territories mentioned continues to engage the attention of Government. As regards the Zanzibar Land Alienation Decree, a Commission was appointed by the Government of Zanzibar to report on the problem of agricultural indebtedness in the Protectorate. Its report has been submitted and is under the consideration of the Colonial Government.

**Mr. S. Satyamurti** : Have the Government of India got a copy of that report ?

**Sir Girja Shankar Bajpai** : Yes, Sir, but it is still confidential.

**Mr. S. Satyamurti** : Have this Government made any representations to His Majesty's Government on that report ?

**Sir Girja Shankar Bajpai** : Yes, Sir, we have represented to His Majesty's Government that the report should be published as soon as possible.

**Mr. S. Satyamurti** : Have they made any recommendations from the point of India to His Majesty's Government ?

**Sir Girja Shankar Bajpai** : The Government of India prefer to defer representations until they are in possession of the views of the Colonial Government.

**Mr. S. Satyamurti :** Are the Government of India satisfied that the Colonial Government will not pass final orders, till the Government of India have had an opportunity of expressing their opinion ?

**Sir Girja Shankar Bajpai :** The Secretary of State for the Colonies has been asked to take no action on the report or on the recommendations of the Government of Zanzibar until the Government of India have had an opportunity of making their representations ?

**Mr. S. Satyamurti :** Has he made any yet ?

**Sir Girja Shankar Bajpai :** Yes.

# **FINANCIAL ADJUSTMENT FOR THE CREATION OF THE NEW PROVINCES OF ORISSA AND SIND.**

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

(a) whether the financial adjustment for the creation of the new provinces of Orissa and Sind have been completed ;

(b) if so, what they are ; and

(c) if not, whether the Governments of Madras and Bihar and Orissa in respect of Orissa, and the Government of Bombay in respect of Sind, will be given opportunities to state their case before a final solution is arrived at ?

**The Honourable Sir James Grigg :** (a) and (b). Final conclusions in these matters have not yet been reached.

(c) The Governments concerned have already been given the fullest opportunities to state their cases.

**Mr. S. Satyamurti :** Did they state their cases ? Are their cases being considered ?

**The Honourable Sir James Grigg :** Naturally.

**Mr. S. Satyamurti :** May I know whether, before Draft Orders in Council on this matter are placed before Parliament, the Government will have an opportunity of stating their opinions with regard to these arrangements ?

**The Honourable Sir James Grigg :** Indubitably.

**Mr. S. Satyamurti :** Will this House be given an opportunity of expressing its opinion ?

**The Honourable Sir James Grigg :** I cannot give any undertaking in that matter. For the most part these are accounting arrangements, and the questions of principle are very simple.

**Mr. S. Satyamurti :** May I know since the Federal Government will presumably have to foot a portion of the Bill at least in respect of these provinces, what are the reasons why this House should not be given an opportunity of expressing its opinion on these fundamental matters ?

**The Honourable Sir James Grigg :** The questions of principle concerned have been in the main determined by the Imperial Parliament.

**Mr. S. Satyamurti :** With regard to the actual amount of contribution which should be paid by the Central Government, no principle has been

laid down. May I know whether the actual proportion will be laid before the House for its opinion ?

**The Honourable Sir James Grigg :** I cannot give any undertaking in that matter.

**Mr. Lalchand Navalrai :** May I ask if a non-official is going to be joined with the officers who are investigating into this financial question of separation ?

**The Honourable Sir James Grigg :** No, Sir.

**Mr. Lalchand Navalrai :** Why not ?

**The Honourable Sir James Grigg :** Because I consider it is more expeditious and, in the end, more satisfactory if the question is determined impartially and if there is no wrangle between members representing the various provinces.

**Mr. Lalchand Navalrai :** Does the Honourable Member think that, if a non-official were joined to this committee of officials, he would not be impartial ?

**The Honourable Sir James Grigg :** I cannot hear the Honourable Member.

**Mr. Lalchand Navalrai :** I am talking quite loudly.

**The Honourable Sir James Grigg :** It reverberates.

**Mr. Lalchand Navalrai :** Will the Honourable Member say, if a non-official Member is joined to the committee of officers who are investigating this question, that he will not be impartial ?

**The Honourable Sir James Grigg :** Of course not ; non-officials will represent the provinces they come from.

**Mr. S. Satyamurti :** May I ask if the very important question of the financial solvency of the proposed federation and of these provinces is not a matter which should be discussed on the floor of this House ? What are the reasons why the Government propose to conduct the inquiry in camera, and pass orders over our heads ?

**The Honourable Sir James Grigg :** The Honourable Member had better put down a question and then I can give a considered answer. In any case, the main responsibility in the matter is the Government's.

#### ESTABLISHMENT OF A GERMAN AUTOMOBILE FACTORY IN BOMBAY.

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

- (a) whether it is a fact that a German automobile factory is being established in Bombay with a capacity for turning over fifteen thousand cars and one thousand omnibuses annually ;
- (b) whether any permission is sought for or given for the opening of that factory ; and
- (c) if so, on what conditions ?

**The Honourable Mr. D. G. Mitchell :** (a) Not so far as I am aware.

(b) and (c). Do not arise.

INDIAN EXPORTS AND IMPORTS AND INDIA'S TRADE POSITION.

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

- (a) whether it is a fact that during the year 1934-35 Indian exports to the United Kingdom showed only a small increase of about 32 lakhs ;
- (b) whether during the same period Indian imports from the United Kingdom increased by over six crores of rupees ;
- (c) whether India's trade with other Empire countries showed any appreciable rise in exports ;
- (d) whether imports from Empire countries into India showed an increase from 67 crores to 69 crores ;
- (e) whether Government have considered these figures as bearing on India's trade position ;
- (f) whether Japan contributed considerably to India's export trade ; and
- (g) whether India's exports to foreign countries have increased in spite of the great decline in export to Germany, France, Italy and Turkey ?

The Honourable Sir Muhammad Zafrullah Khan : (a) According to the latest available figures, exports from India to the United Kingdom were Rs. 47.81 crores in 1934-35 as compared with 47.21 crores in 1933-34, an increase of Rs. 60 lakhs.

(b) Imports into India from the United Kingdom amounted to 53.73 crores in 1934-35 as compared with 47.59 crores in 1933-34, an increase of Rs. 6.1 crores.

(c) India's exports to the other Empire countries amounted to 21.53 crores in 1934-35, as against 20.94 crores in the preceding year.

(d) Imports into India from Empire countries, other than the United Kingdom, were valued at Rs. 11.62 crores in 1934-35 as against Rs. 10.11 crores in 1933-34.

(e) Government are fully aware of the position disclosed by these figures of India's export and import trade.

(f) Yes.

(g) Yes. An increase of Rs. 10 crores in Japan's taking of raw cotton more than counterbalanced decreases of Rs. 2 crores in exports to both France and Germany. Exports to Italy, however, showed an increase while in the case of Turkey there was a small decrease.

Mr. S. Satyamurti : With reference to answer to clause (d) of the question, did I hear the Honourable Member to say imports from other than Empire countries ?

The Honourable Sir Muhammad Zafrullah Khan : I said the imports which came to India from Empire countries other than the United Kingdom for which I have already given the figures.

Mr. S. Satyamurti : In view of the answers to clauses (a), (b), (c) and (d) of the question, may I know if the Honourable Member has examined these figures, in the light of the working of the Ottawa Agreement ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Sir.

**M. S. Satyamurti :** May I know if the Government's attention has been drawn to the fact that, while imports to this country have gone up very largely, the exports have risen only by 60 lakhs ?

**The Honourable Sir Muhammad Zafrullah Khan :** That follows from the answer.

**Mr. S. Satyamurti :** May I know whether Government are satisfied that India has got anything like reasonable benefit from the working of the Ottawa Agreement ? If so, what are their reasons for arriving at this conclusion ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government do not propose to express any opinion as to the working of the Ottawa preferences as this House will have an opportunity of discussing them in the Budget Session on the basis of the report which Government have prepared.

**Mr. S. Satyamurti :** May I know whether Government have examined the causes for this large increase of imports into this country, and whether it is not due to the preferences given to Britain ?

**Mr. President (The Honourable Sir Abdur Rahim) :** I think it would be better if the Honourable Member puts these questions when the report is before the House.

#### PREPARATIONS IN INDIA FOR A WAR.

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

(a) whether their attention has been drawn to the statement of the United Press emanating from Bombay on the 3rd May, regarding the Indian Army getting ready for war ; and

(b) whether the facts stated therein are true ?

**Mr. G. R. F. Tottenham :** (a) Yes.

(b) No.

**Mr. S. Satyamurti :** Not even after the Italo-Abyssinian crisis ?

**Mr. G. R. F. Tottenham :** No.

**Mr. S. Satyamurti :** You are always prepared for war ?

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if any attempt has been made to recruit people for the outside services up till now ?

**Mr. G. R. F. Tottenham :** I do now know what the Honourable Member means, but the answer is probably in the negative. (Laughter.)

**Mr. M. Ananthasayanam Ayyangar :** With reference to part (a) of the question, may I know what are the steps that are being taken in this direction ?

**Mr. G. R. F. Tottenham :** No steps.

HIGHER OFFICERS HELD BY INDIANS IN THE GOVERNMENT OF INDIA SECRETARIAT.

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

- (a) whether, in respect of the Government of India Secretariat there is a definite attempt to put Indians from the higher offices ;
- (b) how many Indians there were ten years ago and five years ago in the Government of India Departments as Secretary, Additional Secretary, Deputy Secretary or Under Secretary ;
- (c) how many Indians there are holding these offices to-day ;
- (d) how many Indians there are occupying such places in the Finance Department ;
- (e) whether there are any Indians in the Home Department holding such offices ; and
- (f) whether Government have any policy in this matter, and if so, what the policy is ?

The Honourable Sir Henry Craik : (a) The answer is in the negative.

(b) and (c). I lay a statement on the table.

(d) One.

(e) Yes ; one Under Secretary.

(f) I would refer the Honourable Member to the Preamble to the Government of India Act, 1919.

*Statement showing the number of Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries (including officers of corresponding status) employed in the Government of India Secretariat on the 1st January, 1925, 1930 and 1935.*

Designation.	1925.		1930.		1935.	
	Total No.	No. of Indians.	Total No.	No. of Indians.	Total No.	No. of Indians.
Secretaries ..	14	2	17	3	15	4
Joint Secretaries ..	2	Nil.	5	1	7	2
Deputy Secretaries ..	20	3	20	5	22	9
Under Secretaries ..	12	6	12	9	11	6
<b>Total ..</b>	<b>48</b>	<b>11</b>	<b>54</b>	<b>18</b>	<b>55</b>	<b>21</b>

Mr. S. Satyamurti : I will put my supplementary questions on this question, Sir, tomorrow, after I have read the statement that has been laid on the table.



**Mr. B. Das :** Is it not a fact that except the Department of Education, Health and Lands, there is no Indian Deputy Secretary or Joint Secretary or Secretary in any other Department of the Government of India ?

**The Honourable Sir Henry Craik :** I do not think that is the case.

**Mr. B. Das :** Is it not a fact that there was a Joint Secretary in the Finance Department and there was a Deputy Secretary in the Home Department and now.....

**The Honourable Sir James Grigg :** I suggest to my Honourable friend that he should talk to me personally and I will tell him some facts about that which he does not know.

#### NEGOTIATIONS WITH THE SHAMOZAI TRIBE ON THE NORTH-WEST FRONTIER FOR A FRIENDLY AGREEMENT.

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

- (a) whether their attention has been drawn to a telegram from the Free Press of India, dated Simla, the 1st May, regarding negotiation with the Shamozaï tribe on the North-West Frontier for a friendly agreement ;
- (b) whether the facts stated therein are true ; and
- (c) whether any further progress has been made in this matter ?

**Mr. J. G. Acheson :** (a) Yes.

(b) In the main—the Shamozaï were at their own request permitted, not invited or pressed, to come into a jirga.

(c) Yes ; the road to Loe Agra has since been completed and it has been possible to allow normal traffic across the river.

#### TRADE NEGOTIATIONS BETWEEN THE UNITED KINGDOM AND ITALY AND INDIA.

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

- (a) whether their attention has been drawn to the statement made by Colonel Colville in the House of Commons, with regard to the trade negotiations between the United Kingdom and Italy ;
- (b) whether the Government of India have made any progress in negotiating such arrangement with the countries mentioned therein ; and
- (c) if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) On the assumption that the Honourable Member is referring to the statement made by Lieut.-Colonel Colville, Secretary of the Department of Overseas Trade, in the House of Commons, on the 29th April, 1935, the reply is in the affirmative.

(b) and (c). The countries mentioned by Colonel Colville were, Italy, Turkey, Egypt, Spain, Peru and Uruguay. Representations have already been made in respect of India's trade relations with Italy and Turkey. The trade relations of India with the other countries mentioned do not appear yet to justify the initiation of negotiations.

**Mr. M. Ananthasayanam Ayyangar :** Is it a fact that all articles from India to Italy have been banned ?

**The Honourable Sir Muhammad Zafrullah Khan :** No.

**TROUBLE ON THE DURAND LINE ON THE NORTH-WEST FRONTIER.**

†210. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the telegram of the Free Press of India, dated the 1st May, 1935 from Simla regarding the trouble on the Durand Line on the North-West Frontier ;
- (b) whether the facts stated therein are correct ; and
- (c) whether Government from time to time are prepared to issue authoritative communiqués so as to give accurate and up-to-date information to the public ?

**INDIAN AND EUROPEAN ASSOCIATIONS CONSULTED ABOUT THE EXTENSION OF REPRESSIVE LEGISLATION.**

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

- (a) whether they consulted the European Associations in the country with regard to the extension of repressive legislation, some of which expires by the end of this year and if so, which are the Associations they consulted ;
- (b) whether they will place the information they have received on the table of the House, and if not, why not ; and
- (c) whether any Indian Associations were consulted, and if not, why not ?

**The Honourable Sir Henry Craik :** (a) and (c). No Associations, either European or Indian, was consulted in the matter.

(b) Does not arise.

**Mr. S. Satyamurti :** Did any Association forward their opinions to the Government of India, without being consulted ?

**The Honourable Sir Henry Craik :** I think a good many individuals and Associations submitted their opinions to the Government of India.

**Mr. S. Satyamurti :** Did any Indian Association send its opinion ?

**The Honourable Sir Henry Craik :** I cannot remember that, but we have had a good many opinions.

**Mr. S. Satyamurti :** Did any European Association offer any opinion ?

**The Honourable Sir Henry Craik :** I am not sure about that.

**Mr. S. Satyamurti :** Was any European Association against this Bill ?

**The Honourable Sir Henry Craik :** I must have notice of that question.

**Mr. S. Satyamurti :** Was any Indian Association in favour of this Bill ?

**The Honourable Sir Henry Craik :** There, again, I must have notice.

†For answer to this question, see answer to question No. 197.

## CONSUMPTION OF INDIAN LINSEED IN GREAT BRITAIN.

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

- (a) whether it is a fact that during the year 1934-35 Great Britain's consumption of Indian linseed dropped by about 65 thousand tons ;
- (b) whether it is a fact that the Argentine imports of linseed increased by ten thousand tons ; and
- (c) whether this decline and increase are growing, and what are the latest figures ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). The position stated by the Honourable Member is correct as compared with the year 1933-34.

(c) I lay a statement on the table showing the imports of linseed into the United Kingdom from India and Argentine during the three years ending 1934-35 and the months of April to June during 1933, 1934 and 1935. It is not yet possible to say whether the tendency to which the Honourable Member refers still continues.

*Statement showing the imports of linseed into the United Kingdom from India and Argentine during the period 1932-33 to 1934-35.*

	Total.	From India.	From Argentine.
	Tons.	Tons.	Tons.
1932-33 ..	338,557	13,520	316,059
1933-34 .. ..	243,474	173,988	67,113
1934-35 .. .. .	196,657	108,697	77,411

*Statement showing the imports of linseed into the United Kingdom from India and Argentine for the months April to June in the year 1933, 1934 and 1935.*

	Total.	From India.	From Argentine.
	Tons.	Tons.	Tons.
April 1933 .. ..	23,747	2,220	21,017
May, 1933 .. ..	14,612	4,118	9,496
June, 1933 .. ..	14,128	8,674	4,799
April, 1934 .. ..	19,347	4,928	14,419
May, 1934 .. ..	15,738	10,788	4,950
June, 1934 .. ..	10,617	6,276	4,341
April, 1935 .. ..	10,223	55	17,164
May, 1935 .. ..	16,047	1,742	14,305
June, 1935 .. ..	14,549	7,451	7,087

**Mr. S. Satyamurti :** In view of the fact that there has been a frantic propaganda about linseed after the Ottawa Agreement, will the Honourable the Commerce Member examine this phenomenal drop, and see how far it is due to mere laws of supply and demand, and preference had nothing to do with it ?

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, the drop is not phenomenal as a reference to the figures that I have submitted would show. For instance, in 1931-32, the export of linseed from India was 15,933 tons altogether. In 1932-33, it was 13,520 tons. In 1933-34, it was 173,988 tons, and, in 1934-35, it was 108,697 tons. There has been some drop, but I do not think that the inference can be drawn that there has been a phenomenal drop. Besides, it might be due to seasonal factors.

**Mr. S. Satyamurti :** Is a drop of 65,000 tons only a small one ?  
(No answer.)

# **MURDER OF KHAN SAHEB ZANGI KHAN OF MADDAKHEL, NORTH-WEST FRONTIER.**

†213. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the *Associated Press* statement published from Peshawar, on the 18th May, regarding the murder of Khan Sahab Zangi Khan of Maddakhel, North-West Frontier ;
- (b) whether the facts stated therein are true ; and
- (c) whether Government will place all the relevant papers on the table of this House ?

## **COMMITTEE FOR THE CLASSIFICATION OF RAILWAY GOODS.**

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

- (a) whether their attention has been drawn to the leading article in the *Hindu*, dated the 2nd May and entitled " Railway Goods Classification Committee " ;
- (b) whether they propose to deal with the complaints stated therein ; and
- (c) if so, what steps they will take to meet them ?

**Mr. P. E. Rau :** (a) Yes.

(b) and (c). The difficulties experienced by the public to which reference is made in the article have been recognised by Railway Administrations, and the investigation, which is at present being made by the Indian Railway Conference Association in connection with the revision of the Railways' General Classification of Goods, has simplification as one of its objects.

**Mr. S. Satyamurti :** At what stage does this investigation stand ? When was it started, and when is it expected to finish ?

†For answer to this question, see answer to question No. 197.

**Mr. P. R. Rau :** I gave a full reply to this question only last week.

**Prof. N. G. Ranga :** May I know if the Andhra Chamber of Commerce has brought to the notice of the Honourable Member certain anomalies in the rates classification that prevail on the Madras and Southern Mahratta Railway ?

**Mr. P. R. Rau :** If my Honourable friend is referring to the interview that I had with the Andhra Chamber of Commerce, I may inform him that they have given me a printed memorandum which is under the consideration of the Railway Board.

**Mr. S. Satyamurti :** Will Government expedite their decision on this question ?

**Mr. P. R. Rau :** I informed my Honourable friend last week that Government would do their best to expedite their decision.

**Mr. F. E. James :** May I ask, Sir, whether there will be another meeting of the conference which was held between the representatives of the Railway Conference and the representatives of the Chambers of Commerce in regard to this classification of rates ?

**Mr. P. R. Rau :** I have not seen the proceedings of the last Conference, and, I am not sure, whether it was intended that they should meet again.

**Prof. N. G. Ranga :** Will all the interests concerned—industrial, commercial and agricultural—be given an opportunity of expressing their views before a final decision is reached in regard to this re-classification of rates ?

**Mr. P. R. Rau :** I think that has always been the intention of the Government.

ARTICLE ENTITLED "THE CIVIL SERVICE BOMB" IN THE *Amrita Bazar Patrika*.

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

- (a) whether their attention has been drawn to an article, entitled "The Civil Service Bomb", in the *Amrita Bazar Patrika* ;
- (b) whether they propose to follow up the publication of this circular with a view to finding out the real authors thereof ; and
- (c) whether they propose to take any disciplinary action against them, and if not, why not ?

**The Honourable Sir Henry Craik :** (a) Yes, Sir.

(b) No.

(c) No, because the opinions expressed in the note were private opinions which were never intended for publication.

**Mr. S. Satyamurti :** Is it the position of the Government of India that their services can express any opinions in private for being considered by Service Associations, however much they may be against the policy of the Government ?

**The Honourable Sir Henry Craik :** I do not see how the Government of India can stop it.

**Mr. S. Satyamurti :** May I ask if these opinions were expressed by these Honourable gentlemen as memoranda for the Bengal Civil Service Association ?

**The Honourable Sir Henry Craik :** The suggestions contained in that circular were rejected by the Bengal Civil Service Association.

**Mr. S. Satyamurti :** Do Government, therefore, propose to take no action against these gentlemen whose opinions clearly show that they are against even the reactionary Government of India Act, now placed on the Statute-book ?

**The Honourable Sir Henry Craik :** We do not punish people for holding private opinions about certain subjects.

**Mr. S. Satyamurti :** Even though such opinions are expressed publicly ?

**The Honourable Sir Henry Craik :** No ; they were expressed privately.

**Mr. S. Satyamurti :** Not even under the Press Act, can you punish them ?

**The Honourable Sir Henry Craik :** Only if they are published.

#### ABOLITION OF THE EXISTING FRANCHISE ENJOYED BY INDIANS IN FIJI.

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

- (a) whether their attention has been drawn to the fact that a proposal is on foot in Fiji to abolish the existing franchise enjoyed by the Indians there ;
- (b) if hereafter they will be represented on the legislature by the nominees of the Government ;
- (c) whether the Government of India were consulted in this matter, and what their opinion was ; and
- (d) whether Government propose to start enquiries in the matter and take steps to see that the legitimate rights of Indians are protected ?

**Sir Girja Shankar Bajpai :** (a) to (d). The attention of the Honourable Member is invited to the answer given by me on the 5th September, 1935, to Mr. Avinashilingam Chettiar's question No. 149.

#### APPOINTMENT OF A BOARD OF NON-OFFICIAL VISITORS TO THE ANDAMANS.

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

- (a) the date on which they invited Dewan Bahadur Gopathy Narayanasamy Chettiar to visit Port Blair in the Andamans ;
- (b) the reasons why they invited him to do so ;
- (c) whether Government met the cost of his trip to and fro, and if so, why ;
- (d) whether this visit was planned after the letter of Mr. Mohan Lal Saksena to Government on this subject ;

(e) whether Government are proceeding with their scheme to appoint a board of non-official visitors to the Andamans; and

(f) if so, at what stage the matter stands and when it will be completed?

**The Honourable Sir Henry Craik :** (a) to (c). The Government of India did not invite Diwan Bahadur G. Narayanaswami Chetti to visit Port Blair. In September, 1933, he asked for permission to visit the Andamans. The permission was granted in November, 1933, as a special case, as the Diwan Bahadur has taken an active interest in prison administration and prison reform in India. Circumstances prevented him from paying the visit till April, 1935. The expenses of the journey to and from Port Blair were paid by the Diwan Bahadur himself.

(d) No.

(e) and (f). The question is under consideration. I hope to discuss it further with the Chief Commissioner who is likely to visit Delhi during the cold weather.

**Mr. S. Satyamurti :** May I know what are the general principles on which permission is given or refused to gentlemen who want to visit Port Blair?

**The Honourable Sir Henry Craik :** I do not know if there are any general principles.

**Mr. S. Satyamurti :** May I know why permission was refused to a Member of this Honourable House, while permission was given to a Member of another House?

**The Honourable Sir Henry Craik :** The reason why permission was refused to a Member of this House is the subject of a later question.

**Prof. N. G. Ranga :** Why was this special treatment accorded to Diwan Bahadur Narayanaswami Chetty to visit the Andamans? Is it because that he has been notorious in keeping down the amenities of "C" class prisoners in Madras?

**Mr. S. Satyamurti :** May I know if the Diwan Bahadur is a "friendly" person to Government, as there are friendly Presses? Is it because of his being a friend of the Government of India that he was permitted to visit Port Blair?

**The Honourable Sir Henry Craik :** He is a friend of mine, although I was not a Member of the Government at the time when permission was given to him.

**Mr. S. Satyamurti :** May I know whether Government have perused his description of Port Blair as an Utopia, and do they propose to transfer their headquarters to Port Blair for some time?

**Mr. F. E. James :** May I ask, with the permission of my Honourable friend, Mr. Satyamurti, whether it is not a fact that Diwan Bahadur Narayanaswami Chetty has for years past been interested in the general question of prison administration and is, in fact, one of the prime movers of Discharged Prisoners' Aid Society both in Madras and in Delhi and Simla?

**Mr. S. Satyamurti :** The Honourable Member is giving information, and not asking a question.

**Prof. N. G. Ranga :** He is also a friend of the Madras Government.

**The Honourable Sir Henry Craik :** Yes, Sir. The Diwan Bahadur is a well known authority on prison administration, and prison reform. I think he was the founder of, or, at any rate, he was instrumental in founding, the Prisoners' Aid Society in Madras.

**Mr. S. Satyamurti :** Is it not a fact that his is a faithful echo of "His Master's Voice" ?

POSSIBILITY OF GIVING WARNINGS TO THE PUBLIC ABOUT IMPENDING EARTHQUAKES.

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

- (a) whether their attention has been drawn to the question answered in the House of Commons about the possibility of giving warnings to the public about impending earthquakes ;
- (b) whether Government have taken any action in the matter ; and
- (c) if so, with what result ?

**The Honourable Mr. D. G. Mitchell :** (a) Yes.

(b) and (c). The Government of India have consulted the Director General of Observatories whose opinion is that there is no practical method of giving warnings of impending earthquakes. He has, however, suggested that a special research organisation is needed to study earthquakes in India, and this suggestion is now under consideration.

REFUSAL OF PERMISSION TO PUBLIC ORGANISATIONS TO PROCEED TO QUETTA FOR EARTHQUAKE RELIEF WORK.

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

- (a) whether the President of the Indian National Congress appealed to the Viceroy and the Government of India to permit *bonâ fide* public organisations, including the Indian National Congress, to proceed to Quetta after the earthquake in order to help in giving relief ;
- (b) whether such permission was given or was refused ; and
- (c) if it was refused, the reasons why it was refused ?

**The Honourable Sir Henry Craik :** (a) The answer to the first part of the question is in the affirmative.

(b) The permission was refused.

(c) The reasons for refusal were stated in paragraph 3 of the Communiqué issued to the Press on the 5th June, 1935, copies of which will be found in the Library.

**Mr. S. Satyamurti :** Were there any political reasons for the refusal of permission, for example, that the Indian National Congress shall not be allowed to add to its prestige by doing humanitarian work in Quetta, as they did in Bihar, during the last earthquake there ?



**The Honourable Sir Henry Craik :** No reasons of that kind.

**Mr. S. Satyamurti :** Were there any military reasons why strangers should not be allowed to see the havoc done by the earthquake in and around Quetta ?

**The Honourable Sir Henry Craik :** Not that I am aware of.

**Mr. S. Satyamurti :** Was this the reason—that the salvage work was stopped too early by Government, and, therefore, they did not want strangers and outsiders to come and see for themselves, in order to form their own conclusions, as to the right or wrong of having stopped the salvage work too early by Government ?

**The Honourable Sir Henry Craik :** I do not admit that the premises on which the Honourable Member's presumption is founded are correct.

#### ORGANISATION OF SUGAR MARKETING.

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

- (a) whether their attention has been drawn to the paper read by Mr. V. C. Bhatt before the Royal Society of Arts, London, on India's sugar industry ;
- (b) whether Government propose to take any steps for the better organisation of sugar marketing ;
- (c) whether a Sugar Bureau is proposed to be started for a self-supporting information service ; and
- (d) what other steps Government propose to take in this matter ?

**Sir Girja Shankar Bajpai :** (a) The Government of India are not aware of any paper read by Mr. ' V. C. Bhatt ' before the Royal Society of Arts, London. Presumably my Honourable friend came across a Tamil variant of B. C. Burt's. This officer has contributed a paper to the Journal of the Royal Society of London and Government have seen that.

(b) and (d). This matter has been taken up by the Indian Sugar Mills' Association and by the Indian Sugar Producers' Association. The Sugar Technologist, Imperial Council of Agricultural Research, has given them all the technical assistance required in the preparation of standards of Indian factory sugars, and is Chairman of a small committee set up by the Imperial Council of Agricultural Research for this purpose. Funds for the preparation of standards were provided by the Imperial Council of Agricultural Research. It is expected that these Standards which will be prepared annually, will be on sale shortly to all requiring them.

(c) A sugar Bureau has been in existence for many years. An Indian Trade Sugar Information Service on a self-supporting basis has been in operation since April, 1934, while a Sugar Cable Information Service, which is also self-supporting and which gives to subscribers information about sugar prices, production, crop prospects in foreign countries, has been functioning since 1922.

**Mr. S. Satyamurti :** I plead guilty to the charge of reading Tamil pamphlets and newspapers. May I ask the Honourable Member

whether these departments are on a permanent basis, or on a temporary basis ?

**Sir Girja Shankar Bajpai :** I am not quite sure to which departments my Honourable friend refers. The Imperial Council of Agricultural Research is a department on a permanent basis.

**Mr. S. Satyamurti :** Although on a supplementary grant ! I am asking whether these research departments which my Honourable friend mentioned just now, in reply to part (c) of my question, are on a permanent basis, or on a temporary basis ?

**Sir Girja Shankar Bajpai :** The position as regards that is that the Sugar Technologist who forms part of the Department of Imperial Council of Agricultural Research is, I believe, on contract. This particular Research into Sugar standards is only a temporary thing for two or three years, I believe.

**Mr. M. Ananthasayanam Ayyangar :** Has the Imperial Council of Agricultural Research evolved a scheme for making India self-sufficient in the production of sugar ?

**Sir Girja Shankar Bajpai :** I do not think that is the function of the Imperial Council of Agricultural Research.

#### PROPOSAL TO ESTABLISH A SWADESHI AUTOMOBILE INDUSTRY IN INDIA.

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

- (a) whether certain businessmen of Bombay, or any other place in India, approached the Government of India with regard to a proposal to start and establish a swadeshi automobile industry in India ;
- (b) what their reply to the request was ; and
- (c) what steps Government propose to take in this matter ?

**The Honourable Mr. D. G. Mitchell :** (a) No.

(b) and (c). Do not arise.

**Mr. S. Satyamurti :** May I know if Government will apply to them the same standard as the Griggian standard that they must be self-sufficient five years hence, before they give them any facilities ?

**The Honourable Mr. D. G. Mitchell :** The question has not yet arisen.

#### RAISING OF NEW LOANS.

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

- (a) whether they propose to raise any new loans this year ;
- (b) whether those loans will be raised in India or in England ; and
- (c) if the reply to part (a) be in the affirmative, what the terms and conditions will be ?

**The Honourable Sir James Grigg :** One sterling and one rupee loan have already been raised and the terms and results have been published in the Press. As regards the question of further loans I do not think it is in the public interest that I should make any statement.

**Mr. S. Satyamurti :** Are Government considering any proposals for raising loans for conversion purposes ?

**The Honourable Sir James Grigg :** I do not quite know what the Honourable Member means. The whole debt programme of the Government of India is constantly under review and Government embark on conversions at the earliest moment when they are likely to give good results. It is a continuous process.

**Mr. S. Satyamurti :** Apart from the maturing programme, are Government constantly considering the question of using the present low rates of interest in the money market, to give relief to the Indian tax-payer by way of conversion ?

**The Honourable Sir James Grigg :** Certainly, but, of course, each conversion is a question of the rights of the existing holders. You cannot force them out, you can only persuade them out ; and sometimes it is rather more expensive to persuade them than is worth while.

**Mr. S. Satyamurti :** Then, why does not the Honourable Member consider the question of buying them out, and thus follow the right British precedent ?

**The Honourable Sir James Grigg :** I am certainly prepared to consider buying them out at any time when it gives favourable results.

**Prof. N. G. Ranga :** What were the respective rates of interest paid on these two loans ?

**The Honourable Sir James Grigg :** I think the London one was about 3.1|6 and the Indian one a shade under 3½ ; that is including redemption.

#### RISE IN THE PRICE OF SILVER.

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

- (a) whether they have considered the situation arising out of the continued rise in the price of silver ;
- (b) whether they have considered the desirability and practicability of introducing the Government of India Rupee Securities on the London Stock Exchange ; and
- (c) what the precautions are, if any, which Government propose to take to see that the Rupee does not go out of circulation, and an inconvenient demand does not arise for the conversion of currency notes into silver rupees ?

**The Honourable Sir James Grigg :** (a) It is not quite accurate to say that there has been a continued rise in the price of silver. During April the price rose from about Rs. 68 to Rs. 84 per 100 tolas. It has since dropped to something in the neighbourhood of Rs. 65.

(b) and (c). Government have naturally been keeping a close watch on events and will continue to do so but I cannot say now what action they will find it necessary to take in any particular situation.

**Mr. S. Satyamurti :** With regard to the answer to clause (b), may I know whether Government have considered this particular sugges-

tion of mine of introducing Rupee Securities on the London Stock Exchange ?

**The Honourable Sir James Grigg :** To be quite honest with the Honourable Member, I was not quite certain what the suggestion was, because the quotation of securities in other currencies on the London Stock Exchange is entirely a matter for the Committee of that Exchange.

**Mr. S. Satyamurti :** Have Government made a representation to that Committee ?

**The Honourable Sir James Grigg :** No, Sir.

**Mr. S. Satyamurti :** Why, Sir ?

**The Honourable Sir James Grigg :** Because Government do not consider that it is necessary.

**Mr. S. Satyamurti :** Is it not desirable ?

**The Honourable Sir James Grigg :** I think probably not.

**Mr. S. Satyamurti :** Have Government examined this question with any seriousness and with expert information, or is it case of off-hand opinion ?

**The Honourable Sir James Grigg :** It all depends on how the Honourable Member regards my opinion. If I am an expert, then it has been considered by an expert.

**Mr. S. Satyamurti :** Unfortunately you are. But, with regard to the answer to clause (c), what steps have Government considered in connection with this matter ?

**The Honourable Sir James Grigg :** I do not think I can answer that.

**Mr. S. Satyamurti :** Is there any possibility of that kind ?

**The Honourable Sir James Grigg :** That is a matter of opinion, and one opinion is obviously held by the Bombay Bullion Market.

**Mr. S. Satyamurti :** What is the expert's opinion ?

**The Honourable Sir James Grigg :** I think the expert's opinions are in number equal to the number of experts.

**Mr. S. Satyamurti :** What is the Finance Member's opinion ?

**The Honourable Sir James Grigg :** I cannot give you that.

**Mr. M. Ananthasayanam Ayyangar :** What is the quantity of silver sold by the Government of India ?

**The Honourable Sir James Grigg :** There is a question on that later on.

**DEFAMATORY PASSAGES ABOUT INDIANS IN A PUBLICATION ENTITLED "SOUVENIR PROGRAMME OF MALAYAN CELEBRATIONS".**

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

- (a) whether their attention has been drawn to a publication entitled "Souvenir Programme of Malayan Celebrations" of the Silver Jubilee of His Majesty the King, issued by Messrs. T. B. Rogers and Co., Ltd., and edited by James H. Martin ;

(b) whether their attention has been drawn to the defamatory passages about Indians in that publication ; and

(c) whether Government propose to proscribe the book or take any other steps in order to prevent such defamation ?

**Sir Girja Shankar Bajpai :** (a) and (b). Yes.

(c) As the Honourable Member is probably aware a representation against the passages referred to by him was made on behalf of the Indian community in Malaya to the Government of the Colony. In Government's reply, which was widely published, His Excellency the Governor expressed, on behalf of the general public, his profound regret that the reputation of the Indian community should have been subjected to such an odious and unjustified attack. The publishers also agreed to expunge the offending passages from the unsold copies of the publication. The Government of India were advised by their Agent in Malaya that no further action was necessary on their part and they accepted this advice.

**Mr. S. Satyamurti :** With regard to clause (c), I got no answer. May I know whether this Government propose to take any steps to proscribe that book in India ?

**Sir Girja Shankar Bajpai :** The Government of India are not aware that any copies of this book have actually reached this country. Their information is that this was a publication of entirely local interest printed exclusively for local circulation.

**Mr. S. Satyamurti :** But have Government considered the possibility of this book being introduced into India, and do they proscribe books only after they arrive here, and never before ?

**Sir Girja Shankar Bajpai :** The Government of India consider it extremely unlikely that a supplement to a newspaper of purely local interest will reach this country. If my Honourable friend has information to the contrary in his possession, I shall be very glad to bring to the notice of the department concerned the question of restrictive action.

**Mr. S. Satyamurti :** May I know why my Honourable friend is answering this question when the Department concerned is not answering it ?

**Sir Girja Shankar Bajpai :** I am speaking on behalf of the Department of Education, Health and Lands, which is primarily concerned with Indians overseas.

#### RATE-WAR BETWEEN THE BRITISH INDIA STEAM NAVIGATION COMPANY AND THE AGARWAL STEAM NAVIGATION COMPANY.

†225. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have received any representation from Mr. Ganga Singh, M.L.C., and Mr. S. C. Bhattacharjee, editor of the *Rangoon Mail*, about the rate-war started by the B. I. S. N. Rangoon-Calcutta line against its new rival, the Agarwal Steam Navigation Company ; and

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†For answer to this question, see answer to question No. 200.

- (b) whether they propose to interfere, in the larger interests of the public, and stop this rate-war, and reduce the passage fares between India and the Rangoon ports to the economic level prevailing immediately before the war ?

TRANSFERS FROM THE BRITISH SERVICES TO THE INDIAN ARMY.

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

- (a) whether it has been decided to re-open the transfers from the British Services to the Indian Army, which had been closed for the last four years ;  
(b) whether officers commissioned between 1921—30 will be accepted for transfer ; and  
(c) whether this arrangement will entail extra cost to the Indian Exchequer, and if so, how much ?

Mr. G. R. F. Tottenham : (a) and (b). Yes.

(c) No.

Mr. S. Satyamurti : Is there no proposal to transfer more Indian senior officers now, than before, to the Indian army ?

Mr. G. R. F. Tottenham : Wherefrom ?

Mr. S. Satyamurti : From the British army ?

Mr. G. R. F. Tottenham : There are no Indian officers in the British army.

APPOINTMENT OF DELIMITATION COMMITTEES.

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

- (a) whether they are aware that Delimitation Committees have been appointed by Madras and by other provinces ;  
(b) whether the Government of India were consulted in this matter ; and  
(c) what the functions and powers of these Delimitation Committees are ?

The Honourable Sir Nripendra Sircar : (a) Yes.

(b) No.

(c) The functions of these Committees are advisory and relate to matters pertaining to the delimitation of constituencies and connected electoral points referred to in the terms of reference to the Indian Delimitation Committee in respect of the future Legislatures.

Mr. S. Satyamurti : May I know if these Provincial Governments have appointed these delimitation committees, without any reference to the Government of India at all ?

The Honourable Sir Nripendra Sircar : I have answered the question whether the Government of India were consulted in this matter in the negative.

**Mr. S. Satyamurti :** Does my Honourable friend draw a distinction between consultation and reference ?

**The Honourable Sir Nripendra Sircar :** What is exactly meant by reference ?

**Mr. S. Satyamurti :** I think my Honourable friend knows it better than I do.

**The Honourable Sir Nripendra Sircar :** We were not consulted.

**Mr. S. Satyamurti :** Were you informed about it ?

**The Honourable Sir Nripendra Sircar :** Yes, we were.

**Mr. S. Satyamurti :** And what was your answer ?

**The Honourable Sir Nripendra Sircar :** The answer was acknowledgment. It is a matter for the provincial committees to decide. We gave them no directions, and that is why I said that we were not consulted.

**Mr. S. Satyamurti :** Do the Government of India contemplate varieties of voting and constituencies in the various provinces, and do they leave absolute discretion to the provinces to evolve fancy franchises, fancy votes, and fancy constituencies ?

**The Honourable Sir Nripendra Sircar :** I object to all these insinuations in the question about fancy this and fancy that, and, if my Honourable friend will properly put the question, I will answer him.

**Mr. S. Satyamurti :** There is no insinuation. In Madras, for example, they have suggested single transferable votes. I am asking whether the Government of India do not consider some amount of uniformity necessary in the working of the various provincial franchises.

**The Honourable Sir Nripendra Sircar :** That is a matter for the Committee to consider and uniformity is impossible, for conditions in the different provinces are absolutely different.

**Seth Govind Das :** Are Government aware that, as far as the Central Provinces Delimitation Committee is concerned and its work is concerned, there is great dissatisfaction felt by the northern districts ?

**The Honourable Sir Nripendra Sircar :** We have no specific knowledge, but we know this much that whatever is done will cause dissatisfaction to some part of the provinces.

**Mr. S. Satyamurti :** My question is this : do the Government of India propose at any time to examine the proposals of these committees with a view to testing their soundness, their practicability, and their facility to promote the working of democratic institutions in this country, or do they propose to observe benevolent neutrality in these matters ?

**The Honourable Sir Nripendra Sircar :** Whether they will adopt an attitude of benevolent neutrality or malevolent neutrality or whether they will take up belligerent attitude are matters on which no final decision has been arrived at.

**Mr. S. Satyamurti :** My question was whether this Government proposed to examine these various proposals of the provincial com-

mittees with a view to testing their soundness, practicability, and their fitness for democratic institutions : do they or do they not ?

**The Honourable Sir Nripendra Sircar :** What the Government of India will do in the future is a matter about which there is at present no final decision.

**Mr. S. Satyamurti :** Questions can be asked only about the future course of Government action.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair thinks, the Honourable Member has answered it : he has said that he has not arrived at any decision.

**Mr. S. Satyamurti :** I take it from you, Sir.

# UNSTARRED QUESTIONS AND ANSWERS.

## APPOINTMENT OF ASSAMESE IN CERTAIN APPOINTMENTS IN THE COMPTROLLER'S OFFICE, ASSAM.

**23. Srijut N. C. Bardaloi :** (a) Will Government state whether the number of appointments in the Comptroller's Office in Assam, Shillong, are filled up as follows ?

Kind of service.	No.	Hindus of Bengal race including Sylhet Bengalees.	Others.
(i) All-India Service, ..	2	1	1
(ii) Assistant account officers ..	3	3	Nil.
(iii) Superintendents and Senior Assistants ..	17	17	Nil.
(iv) Divisional accountants ..	3	3	Nil.
(v) Clerks ..	112	90	22
(vi) Typists and stenographers ..	4	3	1
(vii) Record clerks ..	12	6	6

(b) Is it a fact that prior to 1929 Non-Bengali candidates had to pass an office test whereas Bengali Hindus were exempted from passing that test ?

(c) Is it a fact that since 1929 recruitments are made direct without any test in the proportion of two Hindus and one Muhammadan ?

(d) Is it a fact that the number of Hindus in the Assam Valley Districts of Assamese race far out-number the Hindus of the Surma Valley who are Bengalis by race ?

(e) Will Government please state how many Assamese are there in the list given above and how many Hindus of the Surma Valley are appointed till now ?

(f) Apart from the all-India services, is it not the policy of Government to distribute posts and preferments equitably among all communities and races ?

(g) Is it a fact that the selecting officers in the Comptroller's Department are two Bengalis and an Anglo-Indian ?



(h) Are Government aware of the fact that the Gauhati College and the Calcutta Colleges are turning out scores of Assamese graduates every year, and that great discontent among Assamese youths for being deprived of their legitimate shares in the posts of these lucrative Departments is prevalent? Are Government prepared to re-shuffle the posts of these Departments and fix a proportion of appointments to be given to the Assamese according to their population in the Province?

**The Honourable Sir James Grigg :** The information is being obtained and will be laid on the table of the House in due course.

#### PERIODICAL TRANSFER OF THE SUPERVISING OFFICIALS IN THE MADRAS CUSTOMS HOUSE.

**24. Mr. B. B. Varma :** (a) Will Government be pleased to state whether it is a fact that the present Assistant Collectors and Chief Inspector of the Madras Customs House have been working in the Madras Port for many years, and if so, will Government please state the number of years each official, referred to, has been working in the Port?

(b) Will Government be pleased to state whether it is a fact that the supervising officials of the Madras Customs House belong to all-India cadre and are liable to transfer to other Ports?

(c) Is it a fact that in the Salt Department amalgamated with Customs recently, supervising officials are not posted continuously in the same station for many years in public interest?

(d) Will Government be pleased to state whether they are aware that only two or three sample packages of cement bags, imported fruits, etc., are reserved for weighing while the rest of the goods go unchecked and, if the reply is in the affirmative, are Government aware that considerable customs revenue is lost by this defective procedure?

(e) Do Government propose to arrange for periodical transfer of the supervising officials posted to the Madras Customs House?

**Mr. A. H. Lloyd :** (a) The two Assistant Collectors have been serving at Madras in their present capacity since 1927 and 1929, respectively. The Chief Inspector has held his present appointment since 1921.

(d) Only the Collector and the Assistant Collectors, who are members of the Imperial Customs Service, are liable to transfer. One of the present Assistant Collectors was promoted from a class II appointment in the Madras Custom House and normally such are retained at the Port where they have served before such promotion.

(d) Government have no reason to believe that the procedure adopted at Madras is defective or results in loss of revenue.

(c) and (e). Both in the Customs Department and in the Salt Department transfers are effected only when they are in the public interest and not after any fixed periods.

#### GRIEVANCES OF THE STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

**25. Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that the relieving staff on the Bombay, Baroda and Central India Railway is sufficient only to cope with the cases of ordinary leave?

(b) If the answer to the above question be in the affirmative, will Government please state what steps they intend to take to remove the grievances of the Bombay, Baroda and Central India Railway employees with special reference to leave ?

(c) Is it further a fact that the Railway staff between Bayana-Agra section, specially at Fatehpur Sikri station, had to be on duty more than 84 hours a week ? If so, do Government propose to take steps to stop this over-work ?

(d) Is it a fact that this Railway Staff gets no holiday either on Sundays or on any gazetted holiday ?

**Mr. P. R. Rau :** (a) and (b). Government have no information. The staff of the Bombay, Baroda and Central India Railway are not Government servants and the Agent is competent to deal with the matter.

(c) and (d). Government have no information. The Hours of Employment Regulations are being introduced on the Bombay, Baroda and Central India Railway with effect from the 1st November, 1935, and any departure from these Regulations thereafter will be investigated by the Supervisor of Railway Labour and brought to the notice of Government.

#### REFUSAL OF LEAVE TO THE RAILWAY STAFF OF THE MORADABAD DIVISION.

**26. Pandit Sri Krishna Datta Paliwal :** (a) Is it a fact that the Railway Staff of the Moradabad Division is not granted leave when they apply for it ?

(b) Is it also a fact that they are not granted even casual leave ?

**Mr. P. R. Rau :** (a) and (b). Government have no reason to believe that the facts are as stated.

#### FREE QUARTERS FOR THE COMMERCIAL STAFF AT CERTAIN STATIONS IN THE MORADABAD DIVISION.

**27. Pandit Sri Krishna Datta Paliwal :** Will Government please state if it is a fact that the commercial staff at certain stations in the Moradabad Division are not supplied with free quarters in preference to the transportation staff ? Is it a fact that they too have to perform night duties, etc. ? If so, why are the former not supplied with free quarters ?

**Mr. P. R. Rau :** Government have no information but have forwarded a copy of the question to the Agent, East Indian Railway, to consider whether any action is required.

#### DIFFERENCE IN THE SCALES OF PAY OF THE GOODS CLERK AND BOOKING CLERK.

**28. Pandit Sri Krishna Datta Paliwal :** (a) Is it a fact that a difference in the scales of pay of the goods clerk and booking clerk has been enforced since the 1st November, 1928, in favour of the former ? If so, why ?

(b) Is there a difference in the scale of pay of the office clerks and the time clerk, which favours the former ? If so, why ?

**Mr. P. R. Rau :** Government have no information. These question have been left by them to the Agents of State-managed Railways to deal with.

#### WANT OF DIRECT TRAIN CONNECTION BETWEEN MUTTRA AND ALLAHABAD.

**29. Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that there is no direct train connection between Muttra and Allahabad, the two great cities of pilgrimage for Hindus ?

(b) Are Government aware that on account of the insufficient lighting arrangements and very little interval between the two (Bombay, Baroda and Central India and East Indian Railways) night trains at the Hathras Junction the passengers are put to very great inconvenience ?

(c) If the answer to the above two parts be in the affirmative, what steps do Government propose to take to remove the grievances ?

**Mr. P. R. Rau :** (a) Yes. Through trains between Howrah and Muttra were run prior to 1st March, 1931, but the service was discontinued as the number of long distance passengers entraining and detraining at Muttra did not justify its continuance. The total number of tickets issued from Allahabad to and via Muttra and to stations in the Agra area and via for a period of twelve months ending June, 1934, averaged 29 per day.

(b) and (c). The Agent states that the station is lit by four high power lamps and nineteen ordinary platform lamps and that he has not been able to trace any complaints regarding the lighting arrangements at the station. He is, however, having the matter looked into further to see if there are any grounds for complaint.

The interval between the arrival of the East Indian Railway's train and the departure of the Bombay, Baroda and Central India Railway's train is 21 minutes. This does not appear to be inadequate.

#### REBATE ALLOWED BY THE LEADING SHIPPING COMPANIES FOR PASSAGES TO EUROPE FOR RAILWAY SERVANTS.

**30. Mr. V. V. Giri :** (a) Will Government be pleased to state whether it is a fact that several shipping companies allow a rebate of about 5 per cent. on the passages for railway servants ? If not, will Government state the exact amount of rebate allowed by leading companies for passages to Europe ?

(b) Is it a fact that the Railway Board used to deduct rebate amounts from the passage money allowed to railway officers or officials entitled to the Lee Concessions up to August, 1934 ?

(c) Will Government please state the amounts credited to railway revenues on each State-owned Railway in regard to rebates allowed on passage money from the time the Lee concessions were sanctioned ?

(d) Will Government state whether it is a fact that the Railway Board have decided to allow railway officials to pocket rebates on passage money allowed under the Lee Concessions and, if so, will Government be pleased to state the actual loss suffered on each Class I Railway by allowing this concession over and above the actual cost of passages ?

**Mr. P. R. Rau :** (a) Government understand that some shipping companies grant a rebate on passages booked by railway servants whether at their own expense or as part of the Lee Concessions. Government are not aware of the exact amount in all cases.

(b), (c) and (d). These rebates were not, so far as Government is aware, credited to railway revenues. Originally they were credited to the passage accounts of the officers concerned ; later it was decided that the rebates, when allowed by the companies, may be received by the officers in cash. This decision did not ultimately make any difference so far as railway revenues were concerned ; but the whole question of whether such rebates should be brought into the Government accounts at all and, if so, how they are to be accounted for, is being reconsidered.

#### FREIGHT CHARGED ON CERTAIN CLASSES OF GOODS.

**31. M. V. V. Giri :** Will Government be pleased to state the freight charged on goods classified under several classes of general goods classification on each Class I Railway, within the minima and maxima prescribed by the Railway Board ?

**Mr. P. R. Rau :** For the purpose of freight rates, commodities are placed in ten different classes, I attach a statement giving the maximum and minimum rates per maund per mile for each class.

Within the maxima and minima, Railway Administrations are empowered to quote such rates as circumstances require. The rates actually charged are notified by the different Railway Administrations in their Goods Tariffs.

#### *Statement.*

Class.	Minimum.		Maximum.	
	Pie.		Pie.	
1		·10		·38
2	..	·10	..	·42
3	..	·166	..	·58
4	..	·166	..	·62
5	..	·166	..	·77
6	..	·166	..	·83
7	..	·166	..	·96
8	..	·166	..	1·04
9	..	·166	..	1·26
10	..	·166	..	1·87

#### COST OF REPAIR AND MAINTENANCE INCURRED ON ROLLING STOCK ON RAILWAYS.

**32. Mr. V. V. Giri :** Will Government be pleased to state the average cost of repair and maintenance incurred on each unit of rolling stock condemned in 1933-34 and 1934-35 on each Class I Railway ?

**Mr. P. R. Rau :** I am unable to understand the Honourable Member's question. Condemned rolling stock is usually broken up and

serviceable material obtained therefrom is again used. The remainder is sold as scrap. No cost is incurred on repair and maintenance on these.

#### OUTPUT CAPACITY OF THE TATANAGAR RAILWAY WORKSHOPS AND OTHER WORKSHOPS FOR MANUFACTURE OF CARRIAGE AND WAGON UNDER-FRAMES.

33. **Mr. V. V. Giri** : Will Government be pleased to state the maximum output capacity of the Tatanagar Railway Workshops and other workshops owned by Government for manufacture of carriage and wagon under-frames ?

**Mr. P. R. Rau** : The capacity of the Tatanagar Workshops per annum is 550 I. R. S. Broad Gauge 68'-0" Bogie under-frames or 2,200 I. R. S. Broad Gauge 4-wheeled wagon under-frames.

The only other Railway Workshop undertaking the manufacture of under-frames is the Ajmer Workshop of the Bombay, Baroda and Central India Railway. Its annual capacity is 75 Metre Gauge Bogie carriage under-frames plus 800 Metre Gauge 4-wheeled wagon under-frames.

#### MANUFACTURE OF LOCOMOTIVE BOILERS IN RAILWAY WORKSHOPS.

34. **Mr. V. V. Giri** : Is it a fact that locomotive boilers used to be manufactured in several railway workshops, and if so, will Government please state the difference in cost in manufacture in railway workshops and outside ?

**Mr. P. R. Rau** : I believe that many years ago locomotive boilers used to be manufactured in one or two of the railway workshops : at present the only workshop that undertakes the manufacture is the Bombay, Baroda and Central India Railway Workshop at Ajmer. I am endeavouring to obtain the cost of manufacture at Ajmer and the cost of purchase of a similar boiler from outside. I shall lay a statement on the table later.

#### INTEREST ALLOWED ON PROVIDENT FUND DEPOSITS OF RAILWAY SERVANTS.

35. **Mr. V. V. Giri** : Will Government be pleased to state the actual interest allowed on the Provident Fund assets of the railway servants in the last ten years ?

**Mr. P. R. Rau** : A statement showing the rate of interest allowed on all provident fund deposits (including deposits of servants of State-managed Railways) for the last ten years is attached. Servants of the Assam Bengal, Bombay, Baroda and Central India, Bengal Nagpur, Madras and Southern Mahratta and South Indian Railways have also, during the period in question, been allowed the same rates.

Year.							Rate of interest.
1926-27 .. .. .	..	..	..	..	..	..	5½%
1927-28 .. .. .	..	..	..	..	..	..	4½%
1928-29 .. .. .	..	..	..	..	..	..	4½%
1929-30 .. .. .	..	..	..	..	..	..	4½%
1930-31 .. .. .	..	..	..	..	..	..	5%
1931-32 .. .. .	..	..	..	..	..	..	5%
1932-33 .. .. .	..	..	..	..	..	..	5·25%
1933-34 .. .. .	..	..	..	..	..	..	5·5%
1934-35 .. .. .	..	..	..	..	..	..	5·25%
1935-36 .. .. .	..	..	..	..	..	..	5%

## INTEREST ALLOWED IN CALCULATING COMMUTATION VALUE OF PENSIONS.

86. **Mr. V. V. Giri** : Will Government be pleased to state the amount of interest allowed in calculating commutation value of pensions each year since 1921 in regard to Government pensions ?

**The Honourable Sir James Grigg** : A statement is laid on the table.

*Statement.*

For applications made in India.		For applications made in the United Kingdom.	
Period.	Rate of interest.	Period.	Rate of interest.
From the 1st January, 1921 to the 13th June, 1921.	3½ per cent. per annum.	From the 1st January, 1921 to the 14th January, 1925.	6 per cent. per annum.
14th June, 1921 to the 31st March, 1927.	5½ per cent. per annum.	15th January, 1926 to the 16th March, 1927.	5½ per cent. per annum.
1st April, 1927 to the 3rd December, 1928.	4½ per cent. per annum.	17th March, 1927 to the 3rd December, 1928.	4½ per cent. per annum.

  

For officers of Asiatic domicile.		For other officers.	
Period.	Rate of interest.	Period.	Rate of interest.
From the 4th December, 1928 to the 31st March, 1930.	4½ per cent. per annum.	From the 4th December, 1928 to the 31st March, 1930.	4½ per cent. per annum.
1st April, 1930 to the 31st July, 1933.	5 per cent. per annum.	1st April, 1930 to the 31st May, 1933.	5 per cent. per annum.
1st August, 1933 to the 15th September, 1934.	4½ per cent. per annum.	1st June, 1933 to the 15th July, 1934.	4½ per cent. per annum.
16th September, 1934 onwards.	4½ per cent. per annum.	16th July, 1934 onwards ..	4½ per cent. per annum.

## ADDITIONAL APPOINTMENTS AND RETRENCHED EMPLOYEES ON STATE RAILWAYS.

37. **Mr. V. V. Giri** : (a) Will Government be pleased to state the number of additional appointments of officers on all State-owned Class I Railways after retrenchment campaign of 1931 ?

(b) Will Government be pleased to state the number of retrenched persons taken back into service on old scales and on lesser paid scales of pay, respectively, on each Class I Railway since 14th July, 1931 ?

(c) Will Government be pleased to state the number of retrenched employees now on the waiting list of each Class I Railway ?

**Mr. P. B. Rau :** (a) I would invite the Honourable Member's attention to the statement showing the number of appointments created and vacancies which occurred among officers of gazetted rank on State Railways and of corresponding rank on Companies Railways which appears as appendix 'G' to Volume I of the Annual Report by the Railway Board on Indian Railways, for 1931-32, 1932-33 and 1933-34.

(b) and (c). The available information is contained in the statement laid on the table of the House on the 2nd September, 1935, in connection with starred question No. 158 asked by Mr. V. V. Giri on the 12th February, 1935. All persons who were originally appointed before the 16th July, 1931, were, when re-employed after retrenchment in accordance with the existing orders, eligible for the old scales of pay.

#### MOTOR BUSES RUN BY THE RAILWAYS.

**38. Mr. V. V. Giri :** Will Government be pleased to state the number of motor buses run by the Railways under the provisions of the Indian Railways (Amendment) Act of 1934 ?

**Mr. P. B. Rau :** None.

#### CONSTITUTION OF A JOINT STANDING MACHINERY ON RAILWAYS.

**39. Mr. V. V. Giri :** Will Government be pleased to state when they propose to arrive at a decision regarding the constitution of a Joint Standing Machinery on Railways as recommended by the Whitley Commission and demanded by the All-India Railwaymen's Federation, and will Government be pleased to state whether they propose to inform the said Federation about the draft proposals before coming to a final decision ?

**Mr. P. B. Rau :** The matter is still under consideration.

#### AMOUNT CREDITED TO RAILWAY REVENUES UNDER FINES, FORFEITURE OF PROVIDENT FUND, ETC., AND INCOME AND DISBURSEMENTS OF THE STAFF BENEFIT FUND OF EACH RAILWAY.

**40. Mr. V. V. Giri :** Will Government be pleased to lay on the table a statement showing the sums credited to Railway Revenues under fines, forfeiture of the Provident Fund Bonus, etc., during 1931, 1932, 1933 and 1934 on each Class I Railway, and a statement showing the income and disbursements of the Staff Benefit Fund of each Class I Railway during the same years ?

**Mr. P. B. Rau :** Four statements showing the transactions of the Fine Funds, Staff Benefit Funds on Class I Railways, during the years 1931 to 1934, are attached.

Statement showing transactions of the Fine Funds of Class I Railways for the financial year 1930-31.

Railways.	Assets.						Disbursements.						Balance in hand on the 31st March, 1931.
	Balance on 31st March, 1930.	Fine inflicted.	Boards forfeited.	Other amounts credited.	Interest on Balances.	Total.	Hospital for sick employ-ees.	Compen-sation allow-ances.	Schools.	Recreation Clubs.	Miscella-neous.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.
A. B. . . . .	9,173	3,083	7,271	5	—4†	10,502	Nil.	Nil.	376	4,390	1,336	6,002	13,400
B. & N. W. . . . .	36,045	8,183	5,864	2,310	1,022	43,344	370	Nil.	9,016	5,702	1,379	16,367	86,977
E. W. & C. I. . . . .	27,234	17,779	6,399	68	1,616	63,096	500	532	7,040	11,410	14,010	33,492	19,594
Burma . . . . .	54,669	5,916	8,489	Nil.	2,378	71,619	1,535	1,010	2,437	37,441	1,296	38,719	87,990
E. B. . . . .	51,761	9,090	11,086	Nil.	Nil.	71,936	Nil.	334	1,124	20,723	1,460	24,081	87,915
E. I. . . . .	16,214	7,099	32,343	5,432	670	61,658	900	Nil.	Nil.	19,398	33,478	43,698	7,073
E. I. P. . . . .	6,237	61,771	14,367	13,392	36,366	7,39,453	2,700	570	24,608	1,04,885	60,323	1,86,186	5,44,377
G. I. P. . . . .	3,33,603	38,135	29,474	1,169	9,827	4,13,258	Nil.	Nil.	2,462	46,085	24,972	73,579	3,32,579
Jodhpur . . . . .	6,181	3,685	137	43	232	9,653	660	15	Nil.	6,332	367	6,994	2,799
M. & S. M. . . . .	1,49,628	3,947	6,211	Nil.	5,760	1,64,354	1,530	1,732	143	113,804	12,433	80,731	1,83,633
N. S. . . . .	31,264	4,613	3,589	5,320	1,841	46,527	Nil.	Nil.	71	6,995	2,198	9,369	87,548
N. W. . . . .	2,19,376	47,133	4,480	19,360	7,000	2,98,249	Nil.	Nil.	4,383	42,540	69,981	1,06,904	1,89,445
R. & K. . . . .	23,607	1,466	859	394	1,726	7,197	Nil.	Nil.	2,248	2,361	65	5,394	1,202
R. I. . . . .	1,30,768	4,351	5,079	Nil.	5,193	1,36,331	74	2,695	25,060	23,493	7,855	68,557	76,764
Total . . . . .	16,71,434	2,15,406	1,24,967	46,804	63,636	21,22,127	8,399	6,238	80,808	3,46,129	2,12,427	6,54,021	14,66,106

\* The difference between the balances shown in last year's statement and this is due to investment of Rs. 39,100.

† Due to depreciation of investments written off.



Statement showing transactions of the Staff Benefit Fund/Fine Fund of Class I Railways for the year ending 31st March, 1935.

Railways.	Assets.						Disbursements.						Total columns 9 to 13.	Balance on the 31st March, 1935 (Columns 8-14).
	Balance on the 31st March, 1931.	Fine inflicted.	Bonus forfeited.	Other amounts credited.	Contributions from Ry. Revenue.	Interest on balance.	Total columns 2 to 7.	Hospital for sick employes.	Compensation allowances.	Schools & education of the staff.	Recreation Clubs.	Miscellaneous.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.
A. R.	13,500	2,242	4,570	26	6,637	—	25,690	231	..	90	4,819	851	5,991	19,799
B. & N. W.	26,977	7,437	10,475	2,483	..	1,082	48,422	250	..	9,974	5,219	5,363	20,805	27,917
B. N.	19,594	18,996	13,601	350	30,000	430	80,971	500	345	3,357	13,176	9,582	24,980	53,911
B. R. & C. I.	27,900	5,103	1,478	10	29,032	965	74,579	10,212	479	3,195	26,353	868	40,737	52,842
Barnas	27,815	6,546	8,269	..	4,792	1,891	59,303	..	..	2,799	18,381	300	21,431	37,823
B. R.	7,972	4,231	363	9,083	25,062	638	47,338	390	50	448	19,812	10,529	31,199	16,126
E. I.	5,44,277	54,329	7,695	20,395	38,610	21,151	6,86,428	2,100	780	28,479	70,070	97,477	1,86,905	4,87,523
G. I. P.	3,38,879	38,783	10,698	2,175	36,470	11,086	4,38,909	..	10	1,370	33,397	15,790	60,467	3,87,642
Jodhpur	2,789	2,236	1,382	34	..	532	8,914	660	..	..	5,345	698	6,000	314
M. & S. M.	1,33,623	3,815	6,390	..	..	4,381	1,47,186	1,605	289	53	10,807	12,201	24,055	1,32,111
N. S.	27,398	1,476	3,459	223	..	1,028	43,923	..	..	4,634	6,980	3,824	10,804	23,179
N. W.	1,99,445	39,398	8,241	18,591	56,885	6,434	3,18,994	13,736	1,234	..	50,722	36,742	1,07,068	2,11,923
R. & K.	1,303	1,313	2,645	12,100	..	1,590	8,851	..	..	2,179	..	590	6,668	1,433
S. I.	76,764	4,937	3,210	..	10,000	2,433	98,344	5	563	..	16,648	10,767	27,983	70,361
Total	14,68,106	1,57,931	82,003	55,468	2,37,488	54,036	20,85,032	29,659	3,750	53,469	2,85,278	2,05,278	5,82,434	15,02,896

\*This represents depreciation on investment less interest.

†Government securities sold during the year.

Statement showing transactions of the Staff Benefit Fund Five Paise for the year ending 31st March, 1932.

Assets.										Disbursements.					
Railways.	Balance on the 31st March, 1932.	Fines indicated.	Excess for- feited.	Other amounts credited.	Contrib- utions from Railway Revenue.	Inter- set on balance.	Total columns 2 to 7.		Hos- pital for sick employ- ees.	Compen- sation for allow- ance.	Schools and edu- cation of the staff.	Recrea- tion Clubs.	Miscella- neous.	Total columns 9 to 13.	Balance on the 31st March 1933 (Columns 8-14).
							Rs.	Pa.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
A. B.	18,789	1,910	7,418	140	9,768	619	36,375	961	863	1,374	12,190	2,543	17,431	21,064	
B. & N. W.	27,617	6,963	1,996	3,087	3,087	3,529	43,497	..	..	10,941	9,303	1,170	21,414	23,083	
B. N.	88,011	13,708	7,998	54	29,980	199	1,02,912	800	788	8,441	8,784	9,608	27,963	78,949	
B. E. & C. I.	33,843	5,302	1,560	10	32,856	688	74,277	15,000	63	6,177	21,639	1,175	44,054	30,233	
Barras ..	37,868	6,974	6,183	62	10,302	1,949	63,082	..	39	8,012	29,087	1,808	28,578	35,474	
B. E.	16,139	3,559	3,559	18,884	42,633	1,478	86,480	665	385	170	22,448	20,838	44,506	41,974	
B. L.	4,87,868	31,307	4,728	1,32,736	48,981	23,142	7,47,823	22,866	89,058	3,394	23	1,01,399	2,07,460	5,40,488	
G. I. P.	3,87,542	31,755	5,778	1,32,736	26,110	12,458	4,66,879	..	810	2,977	24,199	10,309	37,895	4,27,984	
Jodhpur	314	2,066	..	49	4,762	18	7,239	660	610	..	4,992	340	6,898	1,247	
M. & S. M.	1,22,111	1,691	2,064	1,478	9,000	5,700	1,42,064	1,382	..	160	1,143	10,719	13,294	1,28,770	
N. S.	33,119	1,406	3,375	4,978	..	1,497	44,369	..	..	83	8,548	1,378	10,086	24,264	
N. W.	2,11,926	33,077	2,759	18,904	55,339	4,700	3,26,975	9,635	653	5,410	68,376	1,30,714	2,14,787	1,11,888	
R. & K.	2,483	1,402	185	944	..	1,498	6,282	..	..	2,430	3,335	..	6,826	61	
S. I.	70,361	4,895	1,991	5,893	19,000	3,302	1,05,322	130	3,981	62	12,666	14,634	31,463	73,796	
Total	15,02,598	1,65,606	49,799	1,87,372	2,90,160	90,836	22,54,361	51,499	98,789	49,590	2,17,660	3,08,180	7,11,638	15,44,723	

Statement showing transactions of the Staff Benefit Fund/Fund of Class I Railways for the year ending 31st March, 1934.

Railways.	Assets.														Disbursements.					
	Balance on 31st March, 1933.	Fine inflicted.	Bonus for forfeited.	Other amounts credited.	Contributions from Railway Revenue.	Interest on Balance.		Total columns 2 to 7.	Hospital for sick employees.	Compassionate allowance.	Schools and education staff.	Recreation Clubs.	Miscellaneous.	Total columns 9 to 13.	Balance on the 31st March, 1934 (Columns 8-14).					
						Rs.	Rs.													
I	2	3	4	5	6	7	8	9	10	11	12	13	14	15						
A. B. ..	21,964	1,539	3,764	1,152	11,256	4,151	49,836	3,929	387	2,171	12,323	4,941	23,760	17,078						
B. and N. W. ..	22,085	6,308	7,253	180	..	1,369	37,253	..	..	7,555	8,839	610	17,004	20,948						
B. N. ..	70,949	16,004	7,766	611	32,336	365	1,32,811	500	1,000	16,913	7,688	16,547	43,639	90,308						
B. E. and C. I. ..	80,823	8,492	129	25	59,102	1,370	94,341	10,000	237	6,373	24,935	725	42,68	54,072						
Burma ..	33,474	5,091	10,904	2,161	14,083	849	71,433	..	185	7,578	21,889	1,308	30,968	40,476						
C. B. ..	41,976	2,445	2,639	27,804	38,959	1,944	1,16,595	4,324	2,405	1,604	28,321	53,685	90,108	26,476						
E. I. ..	5,40,488	46,865	4,320	36,144	59,052	16,480	7,09,259	2,853	1,309	22,387	72,321	37,956	1,37,876	5,63,953						
G. I. P. ..	4,27,964	31,536	16,173	3,441	41,899	13,016	5,34,049	5,477	500	3,595	33,345	9,340	52,257	4,81,792						
Jodhpur ..	1,247	1,732	—128	115	7,000	55	10,021	500	..	..	6,111	234	6,845	3,176						
M. and S. M. ..	1,28,770	2,757	5,372	1,339	41,925	3,895	1,83,958	1,830	2,212	3,067	22,241	1,230	30,000	1,53,968						
N. S. ..	84,364	918	8,617	426	..	1,102	40,327	..	..	..	12,668	4,068	16,756	23,671						
N. W. ..	1,11,688	30,651	7,308	30,496	61,960	3,724	2,30,027	10,736	2,089	4,779	75,849	57,081	1,60,536	85,403						
R. and K. ..	556	1,014	1,372	5,106	..	1,453	9,503	..	..	3,000	3,947	14	6,961	9,542						
S. I. ..	73,769	4,232	3,771	..	20,000	2,834	1,04,606	90	1,941	15	27,981	15,581	45,608	66,998						
Total ..	15,44,723	1,57,574	81,169	98,462	3,84,572	47,618	23,14,108	39,639	12,165	78,897	3,59,298	2,08,298	6,83,287	16,30,321						

**STAFF TO IMPLEMENT THE HOURS OF EMPLOYMENT REGULATIONS ON THE MADRAS AND SOUTHERN MAHRATTA AND THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAYS.**

**41. Mr. V. V. Giri :** Will Government be pleased to state the number of additional staff required and proposed to be appointed to implement the Hours of Employment Regulations on the Madras and Southern Mahratta and the Bombay, Baroda and Central India Railways ?

**Mr. P. B. Rau :** The Agents, Madras and Southern Mahratta and Bombay, Baroda and Central India Railways, report that the number of additional staff required to implement the Hours of Employment Regulations on their railways is approximately 421 and 581, respectively.

**TRANSFER OF THE MANAGEMENT OF THE COMPANY-MANAGED RAILWAYS.**

**42. Mr. V. V. Giri :** Will Government be pleased to state whether any steps are being taken to transfer the management of all Company-managed Railways, to facilitate amalgamation of Railways as recommended by Pope Committee ? If not, why not ?

**Mr. P. B. Rau :** Such transfer can only be made at the termination of existing contracts ; otherwise, by private negotiation outside the contracts which may be very expensive. The question raised by Mr. Pope is, however, receiving attention.

**REPORT ON THE QUESTION OF THE MANUFACTURE OF LOCOMOTIVES IN RAILWAY WORKSHOPS IN INDIA.**

**43. Mr. V. V. Giri :** Will Government be pleased to lay on the table a copy of the Report of Enquiry into the question of locomotive manufacture in railway workshops in India ?

**Mr. P. B. Rau :** A memorandum on the subject is being prepared and will be placed before the Standing Finance Committee for Railways as early as possible.

**PERSONS DISCHARGED ON DISCIPLINARY GROUNDS ON RAILWAYS.**

**44. Mr. V. V. Giri :** Will Government be pleased to state the number of persons discharged on disciplinary grounds on each Class I Railway since the New Discharge and Dismissal Rules of 1930 were introduced ?

**Mr. P. B. Rau :** Government have no information and consider that the collection of the information required will involve an amount of time and trouble unlikely to be justified by results.

**PROPOSED RAILWAY LINE FROM SYLHET TO CHHATAK.**

**45. Mr. Basanta Kumar Das :** With reference to the answers given on behalf of Government to starred question No. 529, asked on the 25th February last, will Government be pleased to state if any report has been submitted after the investigation undertaken regarding the proposed railway line from Sylhet to Chhatak as a part of the Sylhet Chhatak-Therriaghat project ? If so, what is the purport of the report and what

action, if any, do Government and the Railway Department propose to take to open the line as early as possible ?

**Mr. P. B. Rau :** A project estimate prepared by the Railway Administration has been received and is under examination by the Railway Board.

#### COVERED AND RAISED PLATFORMS FOR IMPORTANT STATIONS ON THE ASSAM BENGAL RAILWAY.

**46. Mr. Basanta Kumar Das :** (a) Will Government be pleased to state if a copy of starred question No. 531, answered on the 25th February, 1935, regarding covered and high level platforms for important stations on the Assam Bengal Railway was sent to the Railway Company ? If so, what reply have Government received from them ?

(b) Are Government aware that the Assam Bengal Railway is now building a new station at Sylhet and that no arrangement for a high level platform and a covering for the station has been made ? If so, are Government prepared to consider the desirability of asking the Assam Bengal Railway to provide a high level platform and a covering for the new station at Sylhet ?

**Mr. P. B. Rau :** (a) Yes. Government consider that Agents of Railways are in the best position to decide on the distribution of funds allotted to their railways for this purpose. Hence no reply was asked for.

(b) Government are aware of the proposal to build a new station at Sylhet, but are not aware of the details. The matter has been brought to the notice of the Agent.

#### PROVISION OF ADDITIONAL OPENINGS IN THE EMBANKMENT FROM FENCHUGANJ TO SYLHET BAZAR.

**47. Mr. Basanta Kumar Das :** With reference to starred question No. 797, asked on the 11th March last, on the Report of the Assam Flood Enquiry Committee, will Government be pleased to state if they have now received any information from the Assam Bengal Railway authorities as to what steps they have taken or propose to take to give effect to the recommendations of the Committee for providing additional openings in the embankment from Fenchuganj to Sylhet Bazar ?

**Mr. P. B. Rau :** The information required was placed on the table of the House on the 3rd April, 1935, and will be found on page 3518, Volume IV, No. 5, of the Debates of the Assembly.

#### EFFECTS OF THE IMPORT OF BURMA RICE IN INDIA.

**48. Mr. Basanta Kumar Das :** (a) Are Government aware that the import of Burma rice in India tends to keep down the price of paddy in India, specially in Assam and Bengal, and offers serious competition to the husking industry in those parts of India ?

(b) Are Government aware that in Assam and Bengal and other parts of India, where paddy is the staple product, husking by hand is one of the chief cottage industries carried on by the poorest section of the

community and that the import of Burma mill rice reduces the price of rice so low that it becomes no longer profitable for them to husk rice for sale with the consequence that they are thrown out of employment ?

(c) Is there any proposal to admit Burma rice into India duty-free, after the separation of Burma, in exchange for free admission into Burma of Indian products such as tea, etc. ?

(d) Have Government taken into consideration the desirability of preserving the independence of the Indian Legislature as to the fiscal policy to be adopted after Burma is separated from India, specially its freedom to afford protection to the Indian products and Indian husking industry ? If not, are Government prepared to press this matter upon the attention of His Majesty's Government in England ?

(e) Do Government propose to take into consideration the desirability of leaving the question of such reciprocal engagement to be negotiated with the future Federal Government ?

(f) In case it is found desirable to conclude such agreements immediately on the separation of Burma, will Government consult the opinion of the Assembly first before coming to any final decision ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Government have no reason to believe that the position is as stated by the Honourable Member. They understand that different varieties of Bengal rice invariably fetch a higher price in Calcutta than the imported Burma rice.

(c) The Honourable Member's attention is invited to Article 3 of the Provisional Draft of India and Burma Trade Regulation Order recently published in the White Paper on the Trade and Immigration Relations between India and Burma after separation of Burma.

(d) The answer to the first part of the question is in the affirmative. The second part does not arise.

(e) This matter is already provided for in the new Government of India Act.

(f) The Honourable Member's attention is invited to the reply given to parts (c) and (d) of Mr. Satyamurti's starred question No. 143.

#### ESTABLISHMENT OF A HIGH COURT FOR ASSAM.

49. **Srijut N. C. Bardaloi :** (a) In view of the fact that Assam has been made an autonomous Province, will Government state whether a High Court will be established in that Province ?

(b) Do Government propose to place the proposal for a High Court in Assam before the Subvention Committee ? If not, why not ?

**The Honourable Sir Henry Craik :** (a) There is no such intention at present.

(b) Does not arise.

#### ESTABLISHMENT OF A UNIVERSITY AT GAUHATI.

50. **Srijut N. C. Bardaloi :** (a) Are Government aware that the establishment of a University at Gauhati was strongly recommended by

the Royal Commission presided over by Sir Michael Sadler, on the ground that Assamese culture and civilisation required the establishment of such a University ?

(b) Is it a fact that the late Sir Ashutosh Mukerjee, and eminent educationist and a member of that Commission, heartily supported the proposal and stated that the Gauhati College with the blocks of compact boarding houses, an excellent laboratory and a library attached, makes it possible to convert the same into a residential University ?

(c) Do Government propose to place the proposal before the Subvention Committee ?

**Sir Girja Shankar Bajpai :** (a) and (b). The Calcutta University Commission (of which the late Sir Ashutosh Mukerjee was a member) did not recommend the creation of a separate University for Assam at any specified period but expressed the opinion that Gauhati might rightly aim at becoming a seat of a University at some future date.

(c) It will be for the Assam Government to plead its own case at the Financial Enquiry.

#### GRIEVANCES OF THE PASSENEGERS AT GHUTKU STATION ON THE BENGAL NAGPUR RAILWAY.

51. **Seth Sheodass Daga :** (a) Is it a fact that Ghutku Station on Bengal Nagpur Railway, a B Class Station, is open for passengers' traffic since its opening, i.e., about 1892 ?

(b) Is it a fact that at night, two Up and Down trains are halting there ?

(c) Is it a fact that the said station is about three quarters of a mile away from the town and is surrounded by fields ?

(d) Is it a fact that, since the demolition of the old station, i.e., 25 years past, only a temporary shed with tin roofing is erected, and the waiting room is open from three sides ?

(e) If the reply to part (d) be in affirmative, are Government aware that it is very much troublesome and inconvenient all round the year for the passengers, i.e., in summer noon on account of the hot wind and roofing, in the rainy season on account of the showers coming in, and in winter nights on account of the chilly cold weather ?

(f) Are Government aware that the platform of the said station is so low that it is very troublesome and risky for passengers to get in and out of the train ?

(g) Are Government prepared to get the said grievances of the passengers with regard to the station waiting room and platform redressed by the railway authorities concerned ?

**Mr P. B. Rau :** Government consider that these matters are best left to the Advisory Committee. The Agent's attention has, however, been drawn to the question.

#### VACANCIES IN THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

52. **Khan Sahib Nawab Siddique Ali Khan :** (a) Is it a fact that there were several permanent vacancies in the permanent subordinate cadre

of the Engineering Department of the Great Indian Peninsula Railway and that these have been recently surrendered? If so, how many, and for how many years were these kept unfilled?

(b) Is it a fact that while permanent vacancies were kept unfilled, several subordinates have been retained on the temporary cadre chargeable to Lump Sum Revenue Grant for a number of years, and that these men are not engaged for a particular capital work and have been retained during the period when the railways have passed through a financial crisis? Why have they not been confirmed in suitable unfilled permanent vacancies and their temporary posts abolished instead of surrendering permanent posts?

(c) Is it a fact that the recent policy of the Chief Engineer, Great Indian Peninsula Railway, is not to fill up vacancies above Rs. 300 per month for technical men drawing old scales of pay, with the exception of Permanent Way, Bridge and Signal and Interlocking Inspectors, thus depriving the Inspector of Works, Supervisors, Head Draftsmen, Surveyors and Draftsmen, of all chances of promotion?

(d) Is it true that in the Mechanical Department, Transportation Department and Traffic Department, there are graded posts of Rs. 240—300, Rs. 300—375, Rs. 375—450, Rs. 450—550, Rs. 550—650 on the permanent subordinate cadre while in the Engineering Department technical staff except for P. W. Is. and Bridge, Signal and Interlocking Inspectors have no chance of promotion beyond Rs. 300, although they are entitled to the old scales of pay?

(e) Is it true that when superior service officers go on Home leave, their immediate subordinates on the subordinate cadre are not given a chance to act in their places, although these subordinates may be fully qualified to take up their posts?

**Mr P. R. Rau :** I am obtaining the information and will lay a reply on the table of the House in due course.

#### MAIL SORTERS IN EAST BENGAL AND ASSAM.

**53. Srijut N. O. Bardaloi :** (a) Will Government state how many candidates passed the departmental competitive test held in 1929-30 for mail sorters' appointments from East Bengal and Assam?

(b) Was any warning given to these persons that revised rates for pay of the posts for which they were candidates was under consideration?

(c) Were the above persons approved candidates for appointment as sorters in the "S" division?

(d) Is it a fact that the passed candidates were appointed as reserve sorters in the grade Rs. 40—5—140 in 1930?

(e) Is it a fact that in spite of there being many vacancies in the list of reserve sorters' posts many of the appointed candidates were relieved of their posts on the 31st December, 1930?

(f) Were there fourteen posts vacant before the 16th July, 1931, when the above were still unemployed?

(g) Is it a fact that those persons were employed in 1933 and 1934 but in a lower grade?



(A) Will Government refer to the Director General's special general Circular No. 37, dated 11th March, 1935 ?

(i) Are Government prepared to place the persons referred to above in the old time scale of pay of Rs. 40—5—140 ?

**The Honourable Mr. D. G. Mitchell :** (a) to (i). Information has been called for and a reply will be placed on the table of the House in due course.

#### PRODUCTION OF QUININE AND CINCHONA.

**54. Srijut N. C. Bardaloi :** (a) Will Government please state what quantities of quinine and cinchona are produced in India through Government agency and what quantities through private agencies ?

(b) Will Government please state what amount of profit Government usually make by the sale of quinine ?

(c) At what price are quinine and cinchona sold to Local Board and District Board Dispensaries ?

(d) At what price can Government supply quinine if they forego the profit made from the sale of quinine ?

**Sir Girja Shankar Bajpai :** (a) A statement showing the quantity of quinine and cinchona febrifuge produced at Government factories on behalf of the Government of India and the Governments of Madras and Bengal in the years 1931-32 to 1933-34 is laid on the table. Government have no information regarding production through private agencies.

(b) and (d). Including overhead charges and interest on the reserve of 150,000 lbs. maintained by them, it is doubtful whether the Government of India make any profit at the price at which they supply quinine to Local Governments.

(c) Rs. 18 per lb. for quinine sulphate and Rs. 9 per lb. for cinchona febrifuge (powder).

*Production at Government factories of quinine sulphate and cinchona febrifuge during the years 1931-32 to 1933-34.*

1931-32.				Quinine Sulphate. lbs.	Cinchona febrifuge. lbs.
Government of India	..	..	..	1,536.4	459.3
Government of Madras	..	..	..	22,307	9,084
Government of Bengal	..	..	..	43,534	13,079
				67,377.4	22,622.3
1932-33.					
Government of India	..	..	..	3,981	2,004
Government of Madras	..	..	..	23,153	10,993
Government of Bengal	..	..	..	42,239	22,749
				69,373	35,746
1933-34.					
Government of India	..	..	..	5,739.6	3,394
Government of Madras	..	..	..	22,716	13,141
Government of Bengal	..	..	..	45,728	25,129
				74,183.6	41,664

**PREDOMINANCE OF MUSLIM EXTRA-DEPARTMENTAL SUB-POSTMASTERS IN AGRA.**

**55. Bhai Parma Nand :** Is it a fact that out of eight permanent Extra-Departmental Sub-Postmasters seven are Muhammadans in the Agra Town ? If so, what is the reason for such an abnormal heavy proportion of the minority community and who is responsible for this ?

**The Honourable Mr. D. G. Mitchell :** As regards the first part, Government have no information.

As regards the second part, the Honourable Member is referred to the reply given to his own unstarred question No. 81 in this House on the 22nd February, 1935.

**INCREASE IN THE PROPORTION OF MUSLIM CANDIDATES ON THE WAITING LIST OF INFERIOR CADRE IN THE AGRA POST OFFICE.**

**56. Bhai Parma Nand :** Is it a fact that during the tenure of the present Postmaster at Agra the proportion of Muhammadan candidates on the waiting list of inferior cadre has considerably increased specially since the officiating appointment of the Muhammadan Town Inspector ?

**The Honourable Mr. D. G. Mitchell :** Government have no information and do not propose to call for it as the waiting list has nothing to do with the actual recruitment. A copy of the question and this reply is, however, being sent to the Director General of Posts and Telegraphs, who is competent to deal with the matter.

**APPOINTMENTS OF EMPLOYMENT OFFICERS ON STATE RAILWAYS.**

**57. Mr. V. V. Giri :** (a) Will Government be pleased to state if appointments of Employment Officers have been made in certain departments of the State Railways in accordance with the recommendations of the Whitley Commission ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the qualifications of the persons recruited for the posts and the duties allotted to them ?

(c) Will Government be pleased to state if the employees in the Electrical Department of the East Indian Railway get the advantage of the services of such Employment Officers ?

(d) If the reply to part (c) be in the negative, will Government be pleased to state how the grievances of the staff in the said department are enquired into and the establishment matters dealt with ?

(e) If the reply to part (c) be in the affirmative, will Government be pleased to state if there is any Employment Officer particularly for this department and if so, where he is posted ?

**Mr. P. B. Rau :** (a) Yes.

(b) Full details of the reasons for sanctioning these posts are contained in a memorandum placed before the Standing Finance Committee for Railways on the 2nd February, 1934, which will be found on pages 17—19 of Volume X, No. 6, of their proceedings, to which I would refer the Honourable Member.

(c), (d) and (e). I have called for information and will lay a reply on the table of the House in due course.

#### PROCEDURE FOLLOWED IN FILLING UP OF VACANCIES IN THE ELECTRICAL DEPARTMENT ON THE EAST INDIAN RAILWAY.

58. **Mr. V. V. Giri** : Will Government be pleased to state the procedure followed in the Electrical Department on the East Indian Railway to fill up vacancies in the higher grades of the supervising subordinate staff ?

**Mr. P. E. Rau** : I have called for the information and will place it on the table of the House when received.

#### REPRESENTATION OF THE STAFF IN THE ELECTRICAL DEPARTMENT OF THE EAST INDIAN RAILWAY IN THE WELFARE COMMITTEE.

59. **Mr. V. V. Giri** : Will Government be pleased to state whether the staff in the Electrical Department of the East Indian Railway have got any representation in the Welfare Committee ? If so, whether the delegate is elected by the staff or nominated by the Administration ?

**Mr. P. E. Rau** : The available information is given in the documents placed in the Library of the House in connection with unstarred question No. 7 asked on the 5th February, 1935.

#### REDUCTION OF PAY OF GRADUATES IN COMMERCE IN THE POSTS AND TELEGRAPHS DEPARTMENT.

60. **Mr. V. V. Giri** : (a) Is it not a fact that the Government of India, Industries and Labour, Posts and Telegraphs Branch, in their Memorandum No. 74-Est.-A|28, dated 19th September, 1930, recognised graduates and under-graduates in Commerce as equivalent to graduates and under-graduates in Arts and Science ?

(b) Is it not a fact that before the issue of the above orders certain graduates and under-graduates in Commerce were actually recruited in the Postal Department on a higher starting pay allowed to graduates and under-graduates in Arts and Science at that time, and that they were allowed to draw that higher rate of pay for several years ?

(c) Is it not the strict principle of the Government of India not to reduce the pay of an official which he was allowed to draw on the reasonable belief that he was entitled to it ?

(d) If the replies to parts (a) to (c) above be in the affirmative, how is it that the pay of graduates and under-graduates in Commerce who were recruited on a higher starting pay was reduced after several years with retrospective effect to the minimum starting pay allowed to Matriculates, thereby also depriving them of their higher position in the Circle Gradation List ?

(e) Are Government prepared to consider this grievance and restore the pay and position of those who were started on a higher starting pay which was afterwards reduced ?

**The Honourable Mr. D. G. Mitchell** : (a) Yes, but only with respect to men recruited on and from the date of the order.

(b) Yes, but the concession had been wrongly allowed by local authorities in a few cases.

(c) No.

(d) and (e). Do not arise in view of the replies to parts (b) and (c) above. I may add, however, that the recovery of the amounts overdrawn by the officials concerned prior to the date of orders in question was waived by Government.

## MOTION FOR ADJOURNMENT.

### INTEREST OF INDIANS CONCERNED IN ZANZIBAR.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have received notice of a motion for adjournment on the Zanzibar question from Pandit Govind Ballabh Pant. I understand the Honourable the Leader of the House and the Honourable Member have talked over the matter and perhaps they will inform the House what has been the result.

12 NOON.

**The Honourable Sir Nripendra Sircar** (Leader of the House) : Sir, the position is this : we had some talk with Pandit Govind Ballabh Pant. I am not prepared to give an undertaking or guarantee that we shall be able to do this, but I am prepared to say that I shall try my best to give him two hours towards the end of the Session. If that satisfies my friend, he can act accordingly. If, on the other hand, he wants an undertaking or guarantee on a particular day, I am not in a position to do that and my Honourable friend can move his motion.

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I feel a little handicapped in proceeding with my motion after the conversations I had with Sir Girja Shankar Bajpai and with the Honourable the Leader of the House. I understand his statement is as reasonable a guarantee as a person in his responsible position can give, that he will try his utmost to accommodate us. I cannot expect from him more than that. Perhaps he could have said as much in a more graceful manner, but that is after all a matter of taste.....

**The Honourable Sir Nripendra Sircar** : That is your monopoly.

**Pandit Govind Ballabh Pant** : But, all the same, I am thankful to him and consider it unnecessary to proceed with my motion now in the circumstances.

## ELECTION OF A MEMBER TO THE STANDING FINANCE COMMITTEE.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that up to 12 Noon on Friday, the 6th September, 1935, the time fixed for receiving nominations for the Standing Finance Committee, only one nomination was received. As there is only one vacancy, I declare Mr. F. E. James to be duly elected to the Standing Finance Committee.

## STATEMENT LAID

CASES IN WHICH THE LOWEST TENDERS HAVE NOT BEEN ACCEPTED BY THE  
GOVERNMENT

**The Honourable Mr. D. G. Mitchell** (Member for Industries and  
missioner for India, showing all cases in which the lowest tenders have not  
during the half-year ending the 30th June, 1935.

HIGH COMMISSIONER

INDIA STORE

ABSTRACT OF CASES in which tenders for stores demanded by the Central Govern-  
goods demanded, were accepted on the grounds of superior quality,  
inspection, quicker

HALF YEAR ENDING

Stores ordered.	Contract number.	Name of Contractor.	Amount of Contract.
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PART A.—Cases in which lower foreign tenders, including British tenders for foreign

*Nil.*

PART B.—Cases in which the discrimination

			£ s. d.
Tapes, measuring Steel No. 80.	R. 2759/4994/16-3-35 ..	J. Chesterman & Co., Ltd.	75 5 0 (British).
Timber, lignum vitae, 10 cwts.	T. 78/27/13-4-35 ..	Waterman & Ross, Ltd.	16 0 0 approx. f. o. b. London (British).
Timber, lignum vitae, 25 cwts.	T. 321/454/17-5-35 ..	Waterman & Ross, Ltd.	20 10 0 approx. f. o. b. London (British).

PART C.—Cases in which the discrimination

*Nil.*

PART D.—Cases in which lower British tenders have

*Nil.*

## ON THE TABLE.

HIGH COMMISSIONER FOR INDIA IN PURCHASING STORES FOR THE  
OF INDIA.

Labour) : Sir, I lay on the table a statement, furnished by the High Com-  
been accepted by him in purchasing stores for the Government of India,

FOR INDIA.

DEPARTMENT.

ment, other than the lowest complying with the technical description of the  
superior trustworthiness of the firm tendering, greater facility of  
delivery, etc.

30TH JUNE, 1935.

Lowest Tender not accepted.	Reason for Acceptance.
-----------------------------------	------------------------

*made goods, have been set aside wholly or partially in favour of British tenders.*

*Nil.*

*is between British firms only.*

£ s. d.	
71 13 9 (British).	The lowest tenderer required twelve weeks for delivery. As this delivery would not meet the requirements of the Indenting Officer the order was placed with the next lowest tenderer who offered delivery in four weeks.
14 0 0 f. o. b. Liverpool (British).	The accepted tender was the more advantageous having regard to the extra cost of inspection at Liverpool.
29 15 0 approx. f. o. b. Liverpool (British).	Ditto ditto.

*is between foreign firms only.*

*Nil.*

*been set aside in favour of foreign tenders.*

*Nil.*

## **ELECTION OF A MEMBER FOR STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.**

**The Honourable Mr. D. G. Mitchell** (Member for Industries and Labour) : Sir, I move :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one Member for the Standing Advisory Committee for the Indian Posts and Telegraphs Department to fill the vacancy caused by the resignation of his seat in the Assembly by Sir Darcy Lindsay.”

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

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one Member for the Standing Advisory Committee for the Indian Posts and Telegraphs Department to fill the vacancy caused by the resignation of his seat in the Assembly by Sir Darcy Lindsay.”

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform Honourable Members that for the purpose of election of a Member to the Standing Advisory Committee for the Indian Posts and Telegraphs Department, the Notice Office will be open to receive nominations upto 12 Noon on Wednesday, the 11th September, and the election, if necessary, will, as usual, be held in the Secretary's Room in the Assembly Building on Friday, the 13th September, 1935, between the hours of 10-30 A.M. and 1 P.M. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

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## **THE CENTRAL PROVINCES COURTS (SUPPLEMENTARY) BILL.**

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I move for leave to introduce a Bill to supplement the Central Provinces Courts Act, 1917. I need say nothing beyond the fact that this Bill is intended to make certain amendments of a formal nature in some enactments consequent on the establishment of a High Court of Judicature at Nagpur in the Central Provinces. Sir, I move.

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

“ That leave be given to introduce a Bill to supplement the Central Provinces Courts Act, 1917.”

The motion was adopted.

**The Honourable Sir Nripendra Sircar** : Sir, I introduce the Bill.

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## **THE CRIMINAL LAW AMENDMENT BILL—contd.**

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved by the Honourable Sir Henry Craik on the 5th September, 1935 :

“ That the Bill to amend the Criminal Law be taken into consideration.”

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadan Urban) : Mr. President, the other day I tried to bring to the notice of this House that the alleged grounds of suspended Civil Disobedience and revival of terrorism and extension of Communism, which were brought forward

before the House by the Home Member for the sanction of a permanent measure like this, were not sufficient. There was another ground that he brought forward, and that was communalism ; and if one were to look at his speech, it almost seems as if he tried to put stress on this ground of communalism. What I should like to realise is what is this communalism ? I am all the while trying, so that we may not get into a panicky state and be stamped into voting for something that we have not given sufficient thought about.

Communalism can be of two kinds. One is what I might say the intellectual communalism, and the other one may be the lower type—what may be called the rowdy type. All the blame of communalism is going to be put on the scapegoat of the press, as if it is the press which is responsible for this communalism. Let me dispose of this intellectual communalism or the higher type of communalism that unfortunately has been created in this country. If it exists today, who is the worst offender in this respect ? I am afraid Mr. Morgan's group and his community in this country is perhaps more responsible for it than any other of the indigenous communities in this country. (*Cries of "Oh" from the European Group Benches.*) I will prove it if you say "Oh". It is not merely Mr. Morgan's community that is responsible for this, but there is the other party also, that is, the Government of India. (*Opposition cries of "Hear, hear."*) What is the meaning of fancy franchise ? What is the meaning of all kinds of different compartments into which the Constitution has been divided ? What is the meaning of the overwhelming number of seats in the Bengal Legislative Council which has been given to the European community, out of all proportion ? What is the meaning of your reserving all the highly paid services in the Army, Navy and other branches exclusively for Europeans ? You start from the Magna Charta right up to the latest pronouncement made by the Viceroy, and what is the promise given to this country ? That promise is that no distinction of race, creed or colour will be observed in giving appointments, and yet, what is the position today ? In the last Session of the Assembly, we were told what was the percentage of Indians in the higher services in this country. Look at the Indian Civil Service, look at the Indian Medical Service with which I am well conversant, and, I say, if that is not communalism, what else is it ? Communalism does not mean merely going for each other in a rowdy manner, communalism also means giving everything to one community, and I make bold to say that perhaps in this respect no other community can be charged to the same extent with communalism as the European community. (*"Hear, hear" from Congress Party Benches.*) I was surprised, Sir, to hear my intellectual friends like Sir Ghulam Hussain Hidayatallah saying that it is a blot on us that communalism does exist without trying to understand the causes of such communalism. Why, let me now come to the lower type of communalism. If there is rioting in some place, are we going to take part in it. Or can the papers be held responsible for either one type or other ? No. It is not on account of presses that this kind of communalism exists. I do not want to go into the sinister origin of these communal troubles. I am not here to prove that. My only point is this, that this Bill is intended to muzzle the press in this country, and, therefore, I want to prove to the House conclusively that the press has nothing to do with either the starting or the stopping of riots. Here I may be permitted to give my own personal experience. I have seen these riots. I have had



[Dr. G. V. Deshmukh.]

a great deal to do with these inter-communal riots, the so-called Hindu-Muslim riots in Bombay twice. One riot took place in 1928 and the other in 1932. Now, Sir, I want you to take note of the dates particularly. In 1928, there was no Criminal Law Amendment Act in existence. By the time the riots broke out for the second time in Bombay, and that was in 1932, the Criminal Law Amendment Act came into being, and what do we find? Sir, in 1928, the riots came to an end within eight days, with much less casualties, with much less trouble and loss to the commercial community in Bombay....

**Mr. F. E. James** (Madras : European) : That was because you were the Mayor of Bombay?

**Dr. G. V. Deshmukh** : That was partly due to that. Sir, I had a great deal to do with it. As a matter of fact, it was not the papers which were responsible for bringing the riots to an end, but it was the Peace Committee which was started in that City by the Mayor of that year which brought the riots to an early end. ("Hear, hear" from Congress Party Benches.) Now, Sir, look at the riots of 1932. The rioting went on for ten weeks with untold misery to the poor people, and it inflicted a great deal of loss to the commerce of Bombay. Therefore, what is the good of your saying that, if you don't have these laws, communalism will be rampant, that you see great danger ahead, there were never such times as the present when communalism was rampant? There is absolutely no meaning in these arguments at all. Somehow or other, I feel that this is a flimsy argument brought forward to enact this measure, and all these arguments are urged in favour of the measure so that some of our friends, who do not want to think over the matter themselves and want to take the opinions that come from the other side, may swallow them. Well, Sir, all the arguments that have been urged in favour of the four points by the Honourable the Home Member for receiving the sanction of the House have not got much substance in them. But, then, I want to put it to you the other way. At any rate, even the Opposition conceded that these are all different troubles having different causes, having different geographical origin, and, therefore, what is the duty of an administrator? The duty of an administrator is not to suggest, like a quack, one remedy for all diseases. That indeed is not the duty of a good physician; he should see that each disease is treated on its own merits, but the quack prescribes a common remedy for all diseases. He prescribes one remedy for all diseases from constipation to cholera. This is what the administrator should not do. The Government say they will have one Bill and that will cure all the political ills of this country. Sir, the whole objective of this Bill has been, whatever appearance it may have, to muzzle the press, and our European administrators are not doing this for nothing. I do not want to go into the reasons as to why they are doing it, but I know this much that they are not doing this for nothing, and the reason is obvious. Anybody conversant with general literature will know that it is the printed word that is of great importance, that it was on account of presses and the printing machines which came into existence in Europe that Europe was pulled out of its dark ages. It was on account of the printed word that the superstition which existed before was made to disappear, it was the printed copy of the Bible that made all the superstition disappear, and, Sir, I have not the slightest hesitation in saying

that the object of this Bill is to muzzle the printing press and the printed word. If they had the choice, they would muzzle even the spoken word....

**Mr. M. Asaf Ali** (Delhi : General) : They are muzzling it.

**Dr. G. V. Deshmukh** : My friend says, they are muzzling it. I have not the least doubt that they have done it, or, at any rate, if they could, they would certainly muzzle the word of mouth too. You can see that the whole object of this measure is to attack the press, because they do not want that our people should be sufficiently educated to criticise the actions of the Government officials, the actions of the bureaucracy, so that these bureaucrats and other Government officials may be left uncriticised, so that they may continue in the enjoyment of limitless powers in this village land of India. The fact is, they do not want that the people should improve, and that is why the whole measure has been brought forward. After all, this measure, Sir, as you yourself suggested years ago, is a two-faced measure. It shows one face to us, Assembly Members, and the other face to the outside world, but the object behind it is quite different, and that object is, as I have been trying to impress upon Honourable Members, to muzzle the press. Sir, there is a saying in India, and that saying applies most appropriately to this measure, and the saying is : " Mukhse Ram bagal men Chhoori ". For the information of my friends opposite, I may say, it means this : " With a Sermon on the Mount in the Mouth, but a stiletto in the side." And it is said that this measure is being enacted to save us from communalism, terrorism, and all the other *Iams*, but the whole object of the Bill is, whichever way you may look at it, to safeguard and protect the officials in the future Constitution ; the real underlying object is, whichever way the officials may behave in the future Constitution, to see that they should go on untrammelled in the exercise of their tyrannical power. It is only on account of that that this measure is being enacted in the teeth of popular opposition. Therefore, Sir, I am entreating all my Indian friends to look at the whole question from a proper perspective, and not to be led away by specious arguments when recording their votes, I entreat all my Indian friends to record their votes with reason. Sir, we on this side have nothing to offer to our friends ; all that we can do is to convince them on grounds of reason that this measure is superfluous and dangerous and how they should vote ; we have nothing else to offer, but to entreat them to think seriously before they cast their votes. Most of us are at the other end of our life, but if this measure is passed, what is going to happen to our children and grandchildren ? It is mainly by means of newspapers that public opinion is created.

The Honourable Member from Midnapore, the other day, said, what is wrong with the curtailment of liberty ? I think he was right. He is one of those Englishmen who has been surfeited and satiated with liberty. He is naturally, Sir, suffering from indigestion of liberty and thinks that, liberty is a poison to others ; but will he refer to the history of his own country for a moment and will he deny that it was for the retention of liberty that the British nation lost one continent ? Otherwise, today the American continent also would have been painted the same red colour as the other half of the world. And what is the good of comparing liberty with professions, dangerous professions ? Liberty cannot be compared with professions. The analogy is entirely wrong. It is no good saying that you demand security from the dealers in poison. Is liberty poison ?

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I ask my Honourable friend to refer to the literature of his own country. Liberty is life, is the very breath of life, and if you are going to say, that a person must deposit Rs. 500 before his child starts to breathe, or that he must deposit Rs. 5,000 or Rs. 10,000 as he grows old at the age of five or ten, would that be reasonable? Even this question of liberty is not being looked at from the proper point of view. It is liberty that we want, liberty under the law, and we are, therefore, keen that these laws which actually come in the way of liberty shall not be passed.

Sir, a great deal of point has been made about dummy editors. I should like to ask the Honourable the Home Member whether Babu Motilal Ghose was a dummy editor, whether Lokamanya Bal Gangadhar Tilak, the father of the Home Rule Movement in India, was a dummy editor, whether Agarkar, the social reformer in Maharashtra, was a dummy editor, whether Mr. (afterwards Sir) Surendra Nath Banerjea was a dummy editor. You come here and give us as reason for your action something that has been produced by your own action. It is the same old trick. The common law of the land, section 124A, was misused, and, therefore, can you blame people when no honest man is allowed to continue as editor? It is the same old trick of the administration. It was alluded to by Abraham Lincoln. You do something to provoke people and then you take that as an excuse to bring forward some other repressive measures. What are you doing under this measure? You are putting discretion, it may be nominal, in the hands of the District Magistrate—bad enough. But on whose evidence will he demand security? On the evidence of the police—that police of ours who mistake sweetmeats for bombs—I suppose everybody knows the incident—that police like this, that C. I. D. like this—on the information of these men, the District Magistrate is going to ask the man to put down the security immediately. We consider that the liberty of the press which this Bill is going to take away is absolutely vital for the advancement of our country. It cannot be admitted for a minute that the powers which were given during the time that the present Act was in force were exercised in the proper fashion. By the fruits shall you judge them? I will give you a very little incident and that is this. In Bombay we have what is called the Rationalist Association. It may be information for Mr. James to hear that I am the President of that Rationalist Association. We conduct a magazine which is called *Reason*.

**Sir Ghulam Hussain Hidayatallah** (Sind Jagirdars and Zamindars : Landholders) : May I put one question to my Honourable friend? He referred to the riots of 1932. May I ask him in what month those riots took place?

**Dr. G. V. Deshmukh** : I do not know if the Honourable Member was in charge of that department of riots.

**Sir Ghulam Hussain Hidayatallah** : When did the Criminal Law Amendment Act come into force? At the end of 1932 or before?

**An Honourable Member** : The Ordinance was there.

**Dr. G. V. Deshmukh** : Sir Ghulam Hussain Hidayatallah was in office, he had a great deal to do in office.

**Sir Ghulam Hussain Hidayatallah** : I had nothing to do with the riots.

**Dr. G. V. Deshmukh :** I know that you had nothing to do with the riots. I never saw you round about there. (Laughter.) But I can prove to you....

**Sir Ghulam Hussain Hidayatallah :** You made an assertion and the burden lies on you to prove the dates when the riots occurred.

**Dr. G. V. Deshmukh :** You were the Executive Councillor of the Government of Bombay, and you were in Bombay itself and you do not know that the riots were taking place in June ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should address the Chair. He cannot carry on a conversation across the floor of the House with another Member of the House.

**Dr. G. V. Deshmukh :** Very well, Sir. Through you I want to tell my Honourable friend that the riots continued from April to June. And the Ordinance was there. (Laughter.) The Press Act was there. If he had seen the trend of my argument, he would have realised that my argument was that these riots to which so much attention has been drawn did occur in spite of the Press Act being there. That I suppose the Honourable Member cannot deny if he is keen on these dates.

**Sir Ghulam Hussain Hidayatallah :** I wanted to correct you when you made a statement that the Criminal Law Amendment Act was in force at the time.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member must address the Chair.

**Dr. G. V. Deshmukh :** I am very sorry to waste the time of the House over this thing. The Emergency Press Act was passed in 1931 if you please. Is that right ? That is one year before the riots.

**An Honourable Member :** Ignore those interruptions.

**Dr. G. V. Deshmukh :** I will take no notice because he had nothing to do with the riots ; during the three months, I never saw him even once in Bombay. (Laughter.) Where was I when you interrupted me ?

**An Honourable Member :** You were the President of the Rationalist Association.

**Dr. G. V. Deshmukh :** I thought those who interrupted me might oblige me by telling where I was when I was interrupted. I was telling you that we have a magazine that is being edited for all intellectuals, having nothing to do with politics, and that is called *Reason*. What do we find ? One day a sub-inspector of police comes into the office and says, " Hand over all the copies of the *Reason* you have got ". The Secretary, naturally, being a young man, not having much experience of this world, resented and telephoned to me as to what was to be done. We are not lawyers, we do not know much law. I said : " The best thing we can do is to hand him over the copies." He took those copies away. We quietly submitted to the sub-inspector. But, after a month, those copies were returned to us, I do not know for what reasons. Now, you can imagine if this kind of thing exists in Bombay where public opinion is, to a certain extent, of some importance, what must it be in the country, what must it be outside ? What will it be in distant places and villages ? And it is absolutely useless for you people to come here and say, these powers will be exercised mildly and let us have them on the Statute-book,

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and, after all, we have a right of repealing the measure. I will tell the Honourable gentleman who put forward that argument, that judges after judges have pointed out the deficiencies about section 124A, but what provision have you been able to make to repeal it? Look at the notice given by my Honourable friend, Mr. Satyamurti, for the repeal of all the repressive laws dating back to 1818. What have you been able to repeal? It does not seem to me to be a common sense argument. We will soil ourselves first and then we will have a cleaning afterwards. Why soil yourself first by this Bill and try to have a cleaning afterwards? Have nothing to do with the Bill from the very beginning, from now. We think that the press is absolutely necessary for the requirements of our people, and that is why we are opposing these provisions so strongly. If the Honourable the Home Member does not take away all the individual restrictions, I would consider it as of little importance; if he likes to keep those restrictions, I would not care. But what I do care is that the press being the means of educating and elevating our people, let there be no restrictions on that press. We have been exhorted, times without number, by speakers on that side that we must take the full sense of our responsibility, but that responsibility we feel is the education and elevation of our people, the uplift of our people, so that they may not be serfs and slaves, but proper subjects, so that they will claim their just rights, and, what is more, maintain them against a bureaucracy limitless in power. Sir, that is our object and that is the responsibility which we have undertaken and will undertake, and, in the name of that responsibility, we will not accept this Bill.

**Mr. R. S. Sarma** (Nominated Non-Official) : Sir, it is always very difficult and a great handicap to rise to speak immediately after so effective and accomplished a speaker as Dr. Deshmukh who has just finished, but all the same I am grateful to you, Mr. President, for the opportunity you have given me this morning of making one or two brief observations on the motion now before the House. I shall indeed be very brief, as I propose to confine my remarks solely to those provisions of the Bill which relate to the press. Sir, the heavy artillery of the Opposition has been directed against those clauses of the Bill which seek to control the press; I think I can claim, of all Members of this House, to be in a better position to speak about this particular aspect of the Bill, as I have been a working journalist for over a decade or so,

**An Honourable Member** : Friendly journal ?

**Mr. R. S. Sarma** : Yes, although I have not had the advantages enjoyed even by unfriendly journals today. As one who owned, at one time, three daily papers in Calcutta and at the present time the owner of a weekly paper, I rise today to state to the House what I, as a working journalist and as a newspaperman, feel about this Bill. Before doing so, let me, Sir, make a passing reference, and a passing reference only, to the speech of my friend, Mr. Krishna Kant Malaviya. Dr. Deshmukh in the beginning of his speech said that he liked the speech of the Honourable the Home Member. I may also say that of all the speeches delivered from those Benches, I liked the speech of Mr. Malaviya most. I was rather surprised at the slight annoyance experienced by the Finance Member or the Home Member when Mr. Malaviya spoke. If I were the Home Member, I would have immediately run to the seat of Mr. Malaviya and

embraced him, because there was no speech more helpful and more useful to the Home Member than the speech of Mr. Malaviya himself. Some Honourable Members might have had doubts about the wisdom of a measure of this character at this juncture. There might have been others who might have had doubts, whether apart from the merits of the Bill, the time was opportune just on the eve of the introduction of great constitutional changes in this country, to put on the Statute-book a measure which might be called a reactionary measure, but after the clear and unmistakable speech of my friend, Mr. Malaviya, all those misgivings must have vanished from the mind of every Member.

**An Honourable Member :** You have not understood him.

**Mr. R. S. Sarma :** Because, Sir, however, much Mr. Malaviya might have condemned the acts of violence and terrorism, his speech was a clear glorification of the motives and the patriotism of those people who had committed those offences. It is speeches of that character and writings of that character in the press that this Bill is intended to prevent.

Now, Sir, I want to tell the House as a common sense journalist how I view this measure and I do it from a simple standpoint. (Interruption.) I do not mind interruptions so long as they are intelligible—and I am accustomed to interruptions in this House. Just as every other measure in the Statute-book, this is essentially a preventive measure. There are provisions in the existing Penal Code and the Criminal Procedure Code which give powers to the executive and judiciary, powers which are terrifying when one reads them, but I come to the logical conclusion that these are only danger signals serving as a warning to those people who want to overstep the limits of the law. Judged from that point of view, I do not think any one need fear any of the provisions of the present Bill. I do not think there is anything to fear, if one does not want to break the law. Dr. Deshmukh said that the newspaper is a great force and plays a great part in educating public opinion, and that this measure is intended to stifle the freedom of the press. I know that newspapers are very powerful, that newspapers are necessary, they are often talked of as the fourth estate of the realm. The influence of the press is very great indeed all over the world and it is all the more so in our country, though I do not know whether this tremendous influence in India is for good or for evil. If one has followed the writings in the Indian press during the last few years, one would realise the mischief that the Indian newspapers have been able to create in the cause of terrorism and other subversive movements in this country.

**An Honourable Member :** Question.

**Mr. R. S. Sarma :** In England or any other country in Europe, people read only the news and not the views in the papers and come to their own conclusions, but things are very different in India. With our masses, whatever is printed is gospel truth.

**An Honourable Member :** It is just the other way.

**Mr. R. S. Sarma :** Not at all, Sir. I have known Members of the Legislature in some provinces who have not read the Government of India Act but have gone and discussed the Act with high officials and when they were questioned in detail, they had to admit that they had not read the Government of India Act but only the comments in papers like the

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*Amrita Bazar Patrika* and the *Hindustan Times* about the Government of India Act. Even the head lines of some of these papers are dangerous and revolting. Everybody is familiar with the famous head line which appeared in a Calcutta paper, when that dangerous terrorist, Dinesh, was executed. The paper brought out the head line 'Dauntless Dinesh dies at dawn'. Look at the alliteration and the emotion. If these things do not manufacture terrorists, I wonder what does. Any one who has followed the leading articles in many of the Indian newspapers will have no hesitation in coming to the conclusion that these terrorists are not born but are made in the columns of some of the newspapers; our Indian masses are very credulous and the ignorant and the sentimental section of the public are being most mercilessly exploited by journalist politicians. That is a factor which the Government are bound to take note of. I shall give from my own experience an illustration of how the ordinary man is misled. It is to protect that kind of man from being exploited that I want an Act of this kind put on the Statute-book.

Mr. Birla, who was once a distinguished Member of this House, owned the Calcutta evening newspaper, *The New Empire*, of which I was the editor. There was a breakdown in our press and we could not print our paper in our own press. As there was no other well equipped Indian printing press in Calcutta, where a daily newspaper could be printed, we arranged to print it in the *Statesman* press. At that time, the *Statesman* was subjected to a very severe boycott because of certain articles that appeared in that paper against the late Lokamanya Bal Gangadhar Tilak. There was a great propaganda in the newspapers as to why Mr. Birla's paper was printed in the *Statesman* press. There was a vigorous campaign against us going on in the press and there was a great public meeting called one day to condemn Mr. Birla and myself for our printing our paper in the *Statesman* press. Well, the fact is, we tried the Indian press and we did not succeed, because no Indian press could, day after day, print 6,000 or 7,000 copies and we were indeed very thankful to the *Statesman* that they allowed us to do it. There was held this public meeting, attended by twenty thousand men, and Mr. Birla asked me: "Why don't you go to this meeting and explain matters, and why we were obliged to print our paper in the *Statesman* press." Though I knew the hostile character of the audience, I took courage in both hands, went to the meeting, got upon the platform and explained matters to the audience. Well, the audience looked as if they were convinced. I said, if anybody could suggest any Indian press where we could print, I was willing to pay a thousand rupees a month more than what we were paying to the *Statesman*. One fellow got up and said: "Why, there is the Marwari press, (Mr. Birla is a Marwari), in which you can print the paper." I asked, what is this Marwari press which can print a daily newspaper? Then one man got up and said: "There is of course the Halwasiya press." I said the Halwasiya press was a jute press and not a printing press; but a man suddenly got up on the table and shouted: "Never mind, all the same it is a press." (Laughter.) He won the day. Now, Sir, that is the mentality of the masses who read our newspapers. It is said that the effect of this Act would be to prevent honest expression of views. I deny this. Can anybody point out whether any extremist newspaper which has not been malicious or scurrilous has been subjected to any embarrassment? I will give you a very good illustra-

tion. Take the *Hindu* of Madras. Now, it always enjoys the blessings of Mahatma Gandhi, who has said that the *Hindu* is doing a great national service. It is a Congress organ. (Voices : "No, no.") Yes, Sir, for all practical purposes, though it has not the Congress label. Well, at the last elections, what did it do ? My Honourable friend, Mr. Satyamurti, depends upon the *Hindu* of Madras to publish all his speeches....

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : No, Sir, I depend on the justice of my cause—I depend on the Indian National Congress and on nobody else.

**Mr. R. S. Sarma** : Why, as to publicity and propaganda, I say Mr. Satyamurti preaches through these newspapers, through the *Hindu*. Therefore that paper is for all practical purposes a Congress paper. Now, has it suffered in any way ? It wrote openly saying that Sir Shanmukham Chetty should be defeated, that Diwan Bahadur Ramaswamy Mudaliar should be defeated, that Mr. Sami Vencatachalam Chetty and Mr. Satyamurti should be returned with large majorities. Has it suffered in any way for its expression of views ? On the other hand the *Hindu* is favoured with all Government advertisements. The paper is in the good books of the Government. An illustrious Member of the Government of India, Sir Frank Noyce, went last year to Calcutta and performed the opening ceremony of the Calcutta office of that paper. Now, the editor of that paper is supposed to be the editor of an extremist paper. Has he suffered in any way ? He even got a Silver Jubilee medal ! I am only trying to show that the Government do not mind, however, violently it writes so long as it does not support terrorism, so long as, by seeming to condemn acts of violence, it is not glorifying such acts as being inspired by patriotism and noble ideas....

**An Honourable Member** : Does the *Hindu* support this measure ?

**Mr. R. S. Sarma** : It does not. That is my argument. Even when Government does not get the support of that paper in the matter, I say, look at the consideration that the Government is giving to that paper. Only the other day, Honourable Members might remember, that the Honourable the Home Member on the floor of the House, raised the *Hindu* to the dignity of a friendly press. My point is while papers can write as violently as they do such as the *Hindu* of Madras or the *Amrita Bazar Patrika* of Calcutta, so long as they do not overstep the limits of decency, so long as they do not secretly sympathize with the terrorist movement, so long as they do not supply inspiration and encouragement to terrorists and breakers of law—I say no man need fear this legislation. I admit, Sir, that the tone of the press has lately improved. And why ? Because of the existence of these provisions—not because of any change of heart. I know sometimes even some of these extremist papers privately like such Acts like this. (Voices of : "Oh, oh")

**An Honourable Member** : Where did you get that from ?

**Mr. R. S. Sarma** : Now, suppose the Press officer instead of exercising his powers goes in a friendly manner to some of these papers and gently says : "Why don't you please co-operate with me ? Don't publish this kind of inciting stuff." How often the editor of such a paper will not actually say, as so many have done, "I agree, but you see if I do not publish this, my rival newspaper will, and, therefore, it is



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better that you issue some sort of communique that nothing should be published." (Laughter.) That is the attitude of many of the papers.

Sir, there is one important point which my Honourable friend, Dr. Deshmukh, mentioned and which, other speakers on the Opposition side have mentioned, namely, that the most essential thing to do in order to combat terrorism is to find avenues of employment for our educated youth. That is a very important subject no doubt; but I want to make one observation. This terrorism is confined to India or rather to Bengal; but unemployment is all the world over. Why should this terrorism be here alone? Of course that does not prevent my agreeing fully with what my Honourable friend, Dr. Deshmukh, said on this point, namely, that the one thing you should do is to find avenues of employment and occupation for our educated young men. Now, coming from Bengal as I do, I am proud to make the statement, on the floor of this House, that no one in India has a clearer and fuller realization of the need of efforts in this direction than my Governor, His Excellency Sir John Anderson. (Loud and Prolonged Cheers.) Only last week, Sir, he made a most notable pronouncement in the Bengal Legislative Council. In words of clear and incisive eloquence, words all the more weighty because of their restraint and reticence and careful avoidance of over-emphasis, His Excellency examined the present position of the terrorist movement in Bengal and made a notable announcement which I shall read in his own words:

"Government have decided upon giving to selected detenus at the expense of the State a training which would enable them to assist in developing the natural resources of the country, both to their own profit and to the profit and advantage of the country at large."

The details of the scheme which has been propounded by His Excellency are now public property and have been published in the papers....

**An Honourable Member:** After how many years?

**Another Honourable Member:** Under what conditions?

**Mr. R. S. Sarma:** Under conditions necessary for this experiment to succeed. Honourable Members will find that in this great and statesman-like announcement there lie the beginnings of a still greater and more far-reaching campaign of solving the unemployment problem and I think it is my duty, on the floor of this House, on behalf of Bengal, to pay my unstinted meed of tribute and admiration to His Excellency Sir John Anderson. (Loud and Prolonged Cheers.) Sir, one Honourable friend asks me—why then the need for this Act and what is the particular need for this legislation? I say it is to prepare the field for the successful working of the new experiment, so that these unfortunate young men will not be induced again to fall into the trap of pursuing these violent and destructive methods. That is the reason. (Hear, hear.) I say nobody need be in fear except those people who lurking in the background exploit eager and thoughtless youth in the interests of universal disorder. (Hear, hear.)

Sir, one word more and I have done. The *Hindustan Times* characterised rather sarcastically this Bill day before yesterday as Lord Willingdon's parting gift.

**Some Honourable Members:** Parting kick.

**Mr. B. S. Sarma :** In my opinion, it is a real gift, and my countrymen may not realise the value and significance of this measure today. They may think that it is a reactionary piece of legislation ; but let me assure this House and my friends that long after the present political turmoil is over and long after the dust of the present political controversy has subsided, when my Honourable friends, Mr. Bhulabhai Desai, Pandit Govind Ballabh Pant and Mr. Satyamurti, become Ministers in their own provinces and sit in their official chairs, engaged in useful constructive national work, free from the fear of the bomb and the revolver, when they will find that the youngmen who are now an embarrassment to the State become useful members of society, when the future Indian Prime Minister of this country, who may be a Congress dictator, finds that he can carry on his work of national reconstruction without the necessity of a Hitler purge of the 30th June of last year, when this consummation, God willing, materialises, not only will the name of Lord Willingdon be cherished with affection by my grateful countrymen and remembered with gratitude but his whole policy will stand out as a shining testimony of what he and his Colleagues had been able to do to make India not only fit for self-government but safe for the enjoyment of those precious privileges. (Applause.)

**Pandit Krishna Kant Malaviya** (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, I wish to speak on a point of personal explanation. I did not want to interrupt the Honourable Mr. Sarma when he was in the midst of his speech. I am afraid he would have charged me with discourtesy as he has charged me with other things. His charge is entirely baseless and I treat his insinuations with the contempt which they deserve.....

**Mr. President** (The Honourable Sir Abdur Rahim) : That is not a point of personal explanation. The Honourable Member must confine himself to his point of personal explanation.

**Pandit Krishna Kant Malaviya :** I am coming to that. He said that I was glorifying murders. That was the charge that he laid at my door. I do not object to my Honourable friend for he is speaking on behalf of the constituency which he so ably represents.....

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable Member is making a speech, the Chair cannot allow that. He can only say something by way of personal explanation.

**Pandit Krishna Kant Malaviya :** What I want to say is this. I come as a representative of the people of this country and as their representative I have to speak.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. If the Honourable Member has no personal explanation to offer, the Chair would ask him to sit down.

**Pandit Krishna Kant Malaviya :** What I wanted to say was this that I was speaking for men who could not speak for themselves here. The Honourable Member has entirely misunderstood me. I did not defend murders.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would ask the Honourable Member to resume his seat. Apparently, he has no personal explanation to make.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Mr. President, the Bill before the House is not a new measure. It has passed through the searching scrutiny of a strong Select Committee and was also hammered on the floor of this House, in a full-dress debate, in 1932, when it was placed on the Statute-book of the country, for a period of three years. That period is now going to expire, and the present Bill is intended to remove some of the provisions of that Act and to continue others for an indefinite period. It is, therefore, our duty to examine under what conditions the Criminal Law Amendment Act of 1932 was passed and whether the time has come and the conditions in the country are such that the whole of this Act should be repealed.

Sir, we all know it very well that when the Criminal Law Amendment Act of 1932 was passed, the country was passing through a state of chaos and anarchy. Civil Disobedience and boycott were rampant, the peace of the country was threatened everyday and persistent boycotts and hartals made the peaceful avocations of the day impossible. It was under these circumstances that the Government of India were forced to enact a measure which was no doubt of a repressive nature but which was justified to meet the conditions prevailing in the country. When this Bill was passed, what was the effect ? The effect of it was that all those pernicious movements and all those nefarious activities were stopped and the peaceful progress of the country continued unmolested. The Government have, therefore, decided that the provisions of the Act which are no longer required should now be repealed. It shows that the Government of India do not want to keep harsh measures on the Statute-book a minute longer after the necessity for their enactment becomes non-existent. During the time when this Act was in force, no difficulty was experienced in lawful activities and peaceful political movements of the country. The Indian National Congress was able to hold a full-fledged Session in 1933, at Bombay, without in any way experiencing any difficulty on account of this Act. Similarly, many other Provincial Conferences were held unmolested. This shows that the power which was vested, by this Act, upon the local authorities and the Provincial Governments was not misused or abused.

Now, Sir, of the sections of the Act of 1932 which will be retained under the new Bill, the most important ones to which objection has been taken are sections 5, 7, 11 and 13. Section 5 relates to the dissemination of the contents of proscribed documents and it is considered as an attack on the liberty of the press and the liberty of the speech. I quite agree with my Honourable friend, Dr. Deshmukh, when he says that the press is a very powerful machine for moulding the public opinion and, therefore, it becomes extremely necessary for us to see whether the great power which the press exercises in the country is being exercised for the benefit of the young generation of India or to their detriment. Is it not a fact, Sir, that the mischievous speeches of some irresponsible persons are the root cause of many of our miseries and troubles ? Is it not a fact that the communal tension and communal riots in India are caused by fiery speeches.....

**Mr. M. Asaf Ali** : Of communalists.

**Sir Muhammad Yakub** : Yes, quite right. The present Bill is intended to stop the activities of those communalists. What

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I was going to say is that the communal riots are caused by the fiery speeches of mischievous persons and by the mischievous articles

that appear in the communalist papers of India. (Hear, hear.) Look at the small State of Loharu, which is not even equal to the four walls of our Legislative Assembly, and yet a lot of agitation is being carried on....

**Mr. M. Asaf Ali** : I rise to a point of order, Sir. Is the Honourable Member in order in referring to an Indian State ? Can we make any reference to any Indian State in this House and to the incidents going on there ? Some of my questions were disallowed on that very ground.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member, the Chair is sure, will not refer to incidents in Indian States.

**Sir Muhammad Yakub** : I am not referring to the incidents that take place in Loharu. What I am going to say is that the mischievous speakers in British India go from Simla and Delhi and publish their poisonous statements in communal papers in Delhi and Lahore and I, therefore, say, that these mischievous persons are responsible for the communal tension from Rajputana to Lahore. If there is a small spark of communal tension in one part of the country, the communal papers fan it into a huge blaze which would set fire to the whole country from one end to the other. This is what we have experienced for a very long time and which we are seeing here every day.

**Pandit Krishna Kant Malaviya** : Yes, the communalists sit in conference in the cool heights of Simla.

**Sir Muhammad Yakub** : Of course they do meet and at the expense of the Government of India, because they also draw their daily allowance of Rs. 20 a day !

Now, Sir, is it not the duty of the Government to impose restrictions and curtail the liberty of such mischief-making press ? Of course all honour is due to the nation-building section of the Indian Press. They have done their work nobly in a way which commands our respect, and they have nothing to fear from any measure which may be placed on the Statute-book. (Hear, hear.) Sir, probably there is no other country in the world, except France and England, where the Press and the platform enjoys more liberty than is enjoyed by the Press and the platform in India even in the face of the present laws on the Statute-book. Liberty unrestricted is a very luring term to pronounce, but does it—nay, can it exist in any phase of our social or political life. On the contrary we find that those who are the loudest in their demand for unrestricted liberty are the greatest sinners in curtailing the liberty of the people. (Hear, hear.) The case of Soviet Russia is a case to the point. It will take our Honourable friends on the Opposition Benches a good deal further up if they gather courage to go to Russia and make a speech criticising the administration of that country. The Press and the platform in Russia are being used there only as the mouthpiece of the Government and the mouthpiece of the administration and it would be too bold indeed to associate the liberty of the Press and the platform with the present state of conditions prevailing in Soviet Russia. Mr. President, two years ago when I was in Constantinople, a number of the representatives of newspapers of that historic city called on me and approached me with the request that I should give them a statement about my impression of the tour. Being an Indian Mussalman, I started by saying that “ for a long time I cherished a great desire to pay a visit to the capital of the old Islamic Khilafat and

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that I was glad that that desire was fulfilled then". At this the poor representatives trembled in their shoes and said that it was impossible for them to publish anything containing the word "Khilafat" or "Khalifa" or things like that. (Hear, hear.) These are the conditions prevailing in countries where monarchs were butchered and thrones were over-turned in the name of liberty and freedom. Coming nearer home, may I be excused if I say that even the Congress movement in India cannot subsist without putting drastic restrictions in their own field. (Hear, hear.) The Khaddar franchise, the taking of pledges from members or ban against attending social functions given in honour of Government servants are some of the examples of this curtailment of the liberty on the part of the Congress movement. (Applause.) We are not ignorant of the feeling which is in the minds of certain Congress members in opposition to these restrictions.

**Some Honourable Members :** No, no. There is none.

**Sir Muhammad Yakub :** There it is all the same, and I leave it at that. For a Government the imposition of restrictions becomes more a duty than a mere convention and a Government would not be worth the name if it does not restrict the liberties of some in the interests of all. The unfinished speech of the Honourable the Law Member on the Bill which was sponsored by my Honourable friend, Mr. B. Das, has clearly proved that Communism and terrorism not only do exist but they are still germinating in this country and he has also proved beyond doubt how the Congress movement is linked with that, a fact which was proved by the speech delivered by my Honourable friend, Pandit Krishna Kant Malaviya, the other day. Is it, therefore, wise on our part to refuse to arm the Government with the necessary powers to deal with a situation arising out of the circumstances? Now, Sir, the question is, whether we only want applause from the Press.

**An Honourable Member :** And also from Government.

**Sir Muhammad Yakub :** And the public and from the Government as well. I am quite sure that Congress will receive applause from the Government because I imagine that there has been for a long time some subterranean connection between the Government and the Congress. (Laughter.) Whenever Government want to give some liberty to the country, some more reforms to the country, the Congress comes in between and puts some spoke in the wheel of the advancement of the country; and that shows that there is some subterranean connection between the Congress and Government. (Laughter.) Therefore, my friend is right when he says that they would also expect an applause from Government. If this Bill is thrown out at this stage, the Opposition no doubt will have the satisfaction, the empty satisfaction, of inflicting another defeat upon Government, which they cannot remove by their vote. But what would be the result? Will they be able, by doing so, to stop the placing of this Bill on the Statute-book? On the other hand, if we allow the consideration motion, we will be able to improve the provisions of some of the clauses, when the Bill is discussed, clause by clause, we can move amendments and the United House can pass amendments. I am not in a position to advise the Honourable Members on the Opposition Benches, but I am more concerned with my friends on the Opposition Benches because they are our

countrymen and their goal and our goal is the same, while the goal of Government is not the same ; and I want you to join hands with me and take the ball to the common goal. Nor do I pose to play the part of a peacemaker, but as an humble worker and as a sincere friend of my country, I appeal to the Honourable Members on the Opposition Benches that they should allow the clauses of this Bill to be discussed on the floor of the House so that we may be able to modify some of its provisions and we may also be able to fix a time limit on its life as we did on the previous occasion. Here are two alternatives : either you have the Bill on the Statute-book, in the form in which it is presented before the House, or you have a modified, polished and a more improved Bill if you vote for the motion before the House. From this point of view I feel myself constrained to vote for the motion before the House.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

#### MEMBER SWORN.

Mr. John Desmond Boyle, M.L.A. (Bombay : European).

#### THE CRIMINAL LAW AMENDMENT BILL—*contd.*

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, after the surgical operations of the Bill performed by the distinguished surgeon of Bombay—I refer to the Honourable Dr. Deshmukh—I thought that the local sore would show some signs of cure ; but from the speech of my Honourable friend, Sir Muhammad Yakub, who is not now in his seat, and my Honourable friend, Mr. Sarma, who too does not seem to have come back, it seems that the other distinguished surgeon from Southern India, Dr. Rajan, will have to repeat the operation in order to bring about a recovery.

The history of the various nations has left certain lessons for the administrators of states, but I find that in this land the lessons of history are ignored. History tells us that the multiplication of grievances of the subject races leads to discontent, which in its turn leads to resentment, which in its turn leads to open armed rebellion. The lessons of history are very clear on the point, and, if ignored, they extract the full price from those who happen to be in power for the time being. That this lesson is known to the Honourable the Home Member is clear from the very fact that in his speech he said that this legislation is directed for the benefit of the dumb millions, the masses of this country. Whether it is for the benefit of the millions or not is to be judged from the actual facts that are taking place in the country and not from the idle professions which can be made on the basis of certain police information supplied to the Honourable the Home Member. May I ask him one simple ques-

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tion in this connection ? What is the principle underlying this Bill ? As a lawyer and as a Member of this august House, I am entitled to a reply. The Honourable the Home Member, like his predecessor when this Act was before the last House, has tried to evade a reply to this question. The question is not only an important one, but a vital one for the country as a whole. If we have a reply to this simple question as candidly as we got once when a similar measure was being discussed in the House, then the reply would be : " The Bill seeks to invest the executive with powers to decide certain judicial issues ". That is to say, the executive judgment is to be substituted for the judicial judgment. It was a candid reply made by an Honourable Law Member, who discussed a similar measure before, in this House. If that is so, and if this is the principle underlying this Bill, there should be no doubt as to the attitude of all lovers of liberty towards this legislation and that attitude is summary rejection of the Bill. My reasons for this are not very difficult to fathom ; but I am doubtful whether my views, even if strengthened by the highest authority from the land wherefrom the Honourable the Home Member comes, will find some response in that quarter, if response is possible.

Lord Sankey, when Lord Chancellor of England, made a speech in 1929 where he said that rule of law was a condition precedent to liberty. The Government of India Act was passed in the teeth of opposition of the people of India, and we know that the Government of India Act received a cold reception from the people of this country who are to be vitally affected by that legislation. If we were to ignore the opinion of nationalist India, if we were to call those who have declined support to the Government of India Act as irreconcilable agitators and, if we only consider and take into account that school of thought which says that we should give a trial to this legislation in India, then this would be a pertinent question to ask, " is this legislation to be a precursor of that Government of India Act which pretends to confer liberty or responsibility upon those who would like to work it later on ? Is it that every piece of reform given to India should be preceded by a storm ? ". You remember the consequences of the passing of the Rowlatt Act in the old Imperial Council when the reforms of 1919 were introduced. Have you forgotten the history of those times when the passing of the Rowlatt Act against the will of the people was followed by a huge rising and riots in the Punjab, I myself being one of the victims ? Even in those days it was claimed that this Rowlatt Act was passed in order to make the exercise of responsibility conferred by those reforms easy for those who were to exercise it. But what was the length of the existence of that Rowlatt Act ? Did it not remain a dead letter on the Statute-book without finding a single mourner on its death ? Why then repeat the same blunder, I ask ? I will reserve this point for the moment to be dealt with when I come to discuss the effect of such legislations on the country. If this legislation is allowed to be passed by this House, it will mean the negation of all liberty. This mentality of the bureaucracy is manifested by a certain remark which a retired Anglo-Indian once made. When passing by the House of Commons, he asked, " what are these buildings ? " And being told that they were Parliamentary Houses, he said, " really is the rubbish still going on ? " That is the mentality, Sir, which a bureaucrat brings to bear upon the conditions of this country and then carries the same impressions to his Home after retirement. Such mentality has been

described in some pithy formulæ by no less a person than the Chief Justice of England. He says :

" If a similar method were applied to the ardent bureaucrat, the amateur of the new despotism, his reflections might perhaps be indicated in some creed as this :

- (1) The business of the Executive is to govern.
- (2) The only persons fit to govern are experts.
- (3) The experts in the art of Government are the permanent officials, who, exhibiting an ancient and too much neglected virtue, ' think themselves worthy of great things, being worthy '.
- (4) But the expert must deal with things as they are. The ' four-square ' man makes the best of the circumstances in which he finds himself.
- (5) Two main obstacles hamper the beneficent work of the expert. One is the sovereignty of Parliament, and the other is the Rule of Law.
- (6) A kind of fetish worship prevalent among an ignorant public, prevents the destruction of these obstacles. The experts, therefore, must make use of the first in order to frustrate the second.
- (7) To this end let him, under Parliamentary forms, clothe himself with despotic power, and then, because the forms are Parliamentary, defy the Law Courts.
- (8) This course will prove tolerably simple if he can (a) get legislation passed in skeleton form ; (b) fill up the gaps with his own rules, orders and regulations ; (c) make it difficult or impossible for Parliament to check the said rules, orders and regulations ; (d) secure for them the force of statute ; (e) make his own decision final ; (f) arrange that the fact of his decision shall be conclusive proof of its legality ; (g) take power to modify the provisions of statutes ; and (h) prevent and avoid any sort of appeal to a Court of Law.
- (9) If the expert can get rid of the Lord Chancellor, reduce the Judges to a branch of the Civil Service, compel them to give opinions beforehand on hypothetical cases, and appoint them himself through a businessman to be called ' Minister of Justice ', the coping stone will be laid and the music will be the fuller."

For, these are the underlying ideas with which the present Bill has been framed by the Bureaucracy. The real issue between those who adorn the Treasury Benches and those who occupy the Opposition is whether India shall be allowed to be governed by the executive or by the trained judges ; whether the rule of law shall prevail or the executive will shall prevail, whether the Courts of law shall be supreme in land or the executive will of a despot sitting in his office will govern. That is the issue. I do not think that even the Honourable Members of the Treasury Benches can accuse those who are opposed to them of any personal ill-will towards them, but the real struggle is between the two principles. We, on this side, can never allow to be governed by executive authority alone without giving us an opportunity to defend ourselves. What we want is that the progress of the country should only lie on the institution of liberty, equality, security of person and property. Here is a contention, Sir, and I want the Honourable the Law Member to take note of it,—why should he yield place to his brother sitting by his side, the Honourable the Home Member ? Supremacy of law has been regarded as a great asset for the liberties of the people. Why should he not put up a strong fight when the Honourable the Home Member comes to him and asks him to abdicate his place and to give him the right to rule the country by executive decrees ? I really don't see whether such a thing is possible in the Government of India as it is constituted today, and I do not pretend to know whether such a struggle did really take place in the Cabinet of the country or not. But if I were an advocate of the rule of law, I would certainly



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put up a stiff fight before I permitted any Government of India to introduce such a piece of legislation that wants to substitute executive judgment for judicial judgment. Sir, even taking into consideration the fact that whoever becomes the Member of the Government of India is inspired by certain considerations which make him infallible or unerrable to which weakness every human being is liable, even then such a benevolent all-knowing despot would not be a good substitute for the judgment of a Court. In this connection I will again with your permission quote from the Chief Justice of England. This is what he says :

“ All that is involved and implied in the term ‘ Court ’ is essential. It may well be that, in a particular case, a perfectly correct opinion might be obtained from some anonymous person, incapable of identification, who heard none of the parties to the controversy, but brought his individual reason to bear in private upon a miscellaneous bundle of correspondence. It is even possible that, in a particular case, a mysterious individual of that kind might not be in the smallest degree tempted or diverted from a sound opinion by the fact, if it happened to be the fact, that he was closely associated with one of the parties to the controversy. But it is manifest that an opinion is arrived at differs by the whole width of the heavens from the decision of a Court. The work of a Court involves many important ingredients, as for example, (1) that the judge is identified and is personally responsible for his decisions ; (2) that the case, subject to rare exceptions, is conducted in public ; (3) that the result is governed by the impartial application of principles which are known and established ; and (4) that all parties to the controversy are fully and fairly heard. In other words, the decision of a Court is in every important respect sharply contrasted with the edict, however benevolent, of some hidden authority, however capable, depending upon a process of reasoning which is not stated and the enforcement of a scheme which is not explained. The administration of the law of the land in the ordinary Courts presupposes, at least, personal responsibility, publicity, uniformity, and the hearing of the parties.”

Now, Sir, with such an authority at my back, may I ask the Honourable Member with what show of plausibility he can come to this House and ask us to substitute executive decree for the rule of law ? The plain duty of Honourable Members who have any respect for the liberties of their fellow-beings, in this land, is to throw out such a legislation, whether it be the Criminal Law Amendment Act or any other Act which substitutes executive judgment for judicial judgment.

I will now come to the next point. What is the justification for such a law ? Before I deal with the justification given by those who are advocates of this piece of legislation, I should like to refresh the memories of Honourable Members with the history of this legislation. After the Gandhi-Irwin Pact had been arrived at and after Mahatma Gandhi had left for England to join in the deliberations of the Second Round Table Conference, and when Mahatma Gandhi was still there in England, a conspiracy was hatched in India by, I regret to say, the European residents of this country to thwart the political activities of one important political body, namely, the Congress. My Honourable friend, Mr. James, says, that it is not true, but I am going to adduce evidence which is very conclusive, which is incontrovertible and which even he would not be able to deny. In this connection I would refer you to the speech of no less a person than Mr. Winston Churchill made in the House of Commons on the 3rd December when Mahatma Gandhi was still in London. In his speech he said. The question was in relation to the Committees which were to tour India to enquire into what changes should be made in the

constitution of India. He said, speaking on this motion in the House of Commons :

“ What are we to do ? We are to send out committees to India ; they are to roam around India, large parts of which may be under something like martial law. They will roam around India in places where ordinary constitutional rights are superseded by measures of enforced protection. They are to be subjected to the same sort of ill-usage as that to which the Simon Commission were subjected by the adherents of the Congress party. India has to be kept in this state of unsettlement perhaps for two or three years.”

At that time the Government had not promulgated the Ordinances, there was, at any rate, no knowledge on the part of the public that such Ordinances were to be promulgated. How could Mr. Winston Churchill know on the 3rd December, 1931, that such would be the condition, that such would be the treatment meted out to the Committees that would come to India, and that there would be a sort of *quasi*-martial law in this country ? I hope this one quotation will be sufficient to satisfy my Honourable friend, Mr. James, about what I said, that there was a conspiracy hatched by the European residents here to suppress all legitimate political activities before Mahatma Gandhi returned to India. (Interruption by Mr. F. E. James.) I expect you to quote some opinion in your favour.

I am sorry I have not got at this time the circular issued by the European Association which is known as something—I do not remember the exact name. There was a circular which I quoted last time in this House, but I will give another piece of evidence from a highly respectable Indian, I mean Dr. Ansari's statement before he sailed for Europe in those days. He made an open statement in the Press that he had actually seen the draft of the Ordinances before Mahatma Gandhi has come back. The history is very simple. The Conservative Government had replaced the Labour Government in England, Lord Irwin had left the shores of India and new angels had come to take charge of Indian Government. Is it not a fact that during the five years of Lord Willingdon's Government we are being treated to suppressive and repressive laws ? And yet the European community in India will deny that they are no party to this conspiracy !

Now, coming to the justification given for the introduction of such a piece of legislation. We are told that there are three very active movements in India, the first is terrorism, the second is Communism, and the third is communalism. The advocates of the Government Benches have added a fourth, and that is Civil Disobedience Movement. The first question that naturally arises is, were not terrorism and Communism rampant in the land before the introduction the Ordinances ? Why were not Ordinances promulgated then ? Why should it be left till after the conclusion of the Second Round Table Conference, the return of Mahatma Gandhi and the well-known refusal of Lord Willingdon to see Mahatmaji after his arrival ? If they were really intended to strike at the terrorist and the Communist, they should have been promulgated when the Civil Disobedience was in abeyance. But no such thing was done. There can be no concealing the fact that these Ordinances were aimed at putting down and crushing any reviving spirit of Civil Disobedience. When the Civil Disobedience Movement is in suspense and when the advocates of Civil Disobedience are now adorning the Opposition Benches in this House, the pretence of the Government cannot hold good. They say that the Bill is necessary and like benevolent despots charitably inclined they say these

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powers are necessary, not for themselves,—no, they are quite safe from the hands of any of these three issues,—but for the coming Government ! And the coming Government, according to their own statement, is to consist of grown up children who would have no knowledge of how to defend themselves ! Why, the same argument was used by the predecessor of the present Home Member in this House ? But that new Government unfortunately never came into being during the three years that the Bill has been in operation. The question that naturally comes before us is— is this a pretence or a real fact or it is only to placate those who may be wavering on which side to vote ? Sir, let me deal with these movements one by one. I will take up communalism first.

Nobody will deny the fact that communalism took its birth on the

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day when an engineered deputation waited upon Lord Minto and demanded separate electorates for the muslim community. The birth of communalism dates from the birth of separate electorates. Well, who gave the separate electorates ? The Government. Well, the Government is responsible for communalism. The concession of separate electorates was followed by similar other concessions and the policy of divide and rule was taken to such an extent that now Government finds itself the victim of the reaction that is bound to come. The separate electorates were followed by the Communal Award and the Communal Award was followed by the communal service award and the communal service award is followed by the various acts of favouritism which are daily to be seen in the advertisement in the public press issued by the various Government departments. What has been the principle underlying all this policy ? Is it justice or political expediency ? I will, with your permission, address my Muslim brothers on this point and tell them that they should take a lesson from the history of the Sikhs. I remember the days of 1857 when there was a rising of the army and Delhi was the scene of bloodshed. The Sikhs had then lost their empire only nine years before that outbreak. Lord Lawrence and other members of the English Government sent for the Sikh Chiefs and asked them to give them a passport up to Bombay and get back their empire. The Sikhs refused. They said : “ No, we will protect you ” and we successfully defended them with the result that now the Sikhs have been thrown out, because political expediency does not require them. Political expediency does not listen to reason, to honesty, sincerity or anything. Muslims are very glad. They are dancing over the little favours that they have got. I tell them that the length of the period of this favouritism is measured by the law of political expediency which gave birth to it and political expediency will end it. There is no love of any religion in the Executive Government of this country. I am very very glad to hear from no less a person than Sir Muhammad Yakub that communalism is an evil. I wish he had made a further declaration on the floor of this House that the Muslims henceforth would have nothing to do with communalism and I would certainly have followed him by a similar declaration that the Sikhs no longer stand for communalism. Let the Mussalmans come forth even now, with a declaration that henceforth they will stand on their own legs and will stand for merit alone. I have the honour to belong to a very small minority in India, I would not, on behalf of my community, hesitate to announce that the Sikhs regard communalism as unsuperable obstacle to the progress of India. It has been said that communalism is raising

its head in the Punjab. Unfortunately it is true to some extent but, if I were free to disclose the facts that fanned the situation in the Punjab, if I were free to tell this House how this communalism has been used as a weapon to engineer this false agitation over the Shahidganj Gurdwara, I think I would be able to convince Honourable Members of this House that it is not an agitation which anybody should be afraid of. But without going into that question I may mention one fact that is very apparent and obvious and that is the coming elections to the Provincial Assembly based upon separate electorate is responsible for all this trouble. There is no genuine feeling behind it. It is only a race for votes.

**Mr. M. Ghiasuddin** (Punjab : Landholders) : May I ask, Sir, how all this is relevant under this Bill ?

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : In the opinion of the Chair, it is in order, because the Honourable Member is referring to communalism and how it arose.

**Sardar Sant Singh** : My Honourable friend should not have taken offence on this question. I do not want to injure the feelings of my Muslim brothers in the Punjab. I only referred to it in passing to show that such demonstrations and agitation are bound to take place and will continue to take place whenever there is a race for catching the votes of the illiterate masses. My remarks are intended more for the Treasury Benches than for my countrymen on this side of the House. This communalism is prevalent only because of the coming elections and to say that such a piece of legislation as this is necessary to put down communalism is not true. I will come now to another point. Soon after the Shahidgunj agitation, prosecutions for possessing more than one kirpan by the Sikhs were started. The case was taken to a magistrate. The magistrate gave the judgment and discharged the accused, holding that according to the law Sikhs could carry any number of kirpans. May I ask the Honourable the Home Member and the Law Member what was the duty of the Executive authorities under such circumstances ? When the judgment was given, was it not the plain duty of the authorities to respect the law and to respect the judgment of their own Courts ? But the Punjab Executive authorities did not do any such thing. What did they do ? They started more arrests and placed the case before another magistrate. According to my understanding of the functions of the administration, I think the best example the Executive Government could set was to show respect for the law which they themselves had made. The Sikhs have been carrying these kirpans for the last ten years without being molested anywhere by the police. All of a sudden, without any notice, the Sikhs were arrested for possessing more than one kirpan. What did it show ? Well, it only shows that the executive tries to interpret the law as it suits them. The decision of a Court was given, but they treated that decision with contempt which no civilised administration can afford to do. Sir, it is their business to set an example to the public that the law must be respected. But when the executive do not respect the law there can be only one result and that is that the public begins to lose respect for the law. In this particular case, the Punjab Government, after the judgment of one Court, started further prosecutions and succeeded—obtaining a different finding. Now, there were two judgments in conflict with each other. May I ask a simple question again—

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what is the duty of the Executive Government in any country ? Is it not their duty to make the rule of conduct for the people clear and unambiguous ? It was their duty to tell the people what the law is, but instead we find this Government giving us conflicting decisions. We are left to follow the judgment of one magistrate or another magistrate without any guidance. When the agitation started and the Sikhs came out in procession with two kirpans with each man and defied the Government, then the Government realised the folly of their action of securing conflicting judgments. My point is that the Government at first creates a situation, and when the Government finds itself in a tight corner, it comes forward to ask the Legislatures for more power for the executive. Who is going to give them such powers under such circumstances ? Have you ever seen any executive in the world not respecting the judgment of their own Courts ? But here in India they do it : and when they find that the same amount of response is not forthcoming as in other countries and the people begin to defy the authority of the law, then that defiance of law becomes a ground for asking for more powers.

Government complains of picketing, complains of the Press activities ; why should there be complaint when the people have only taken measures in self-defence against the aggressive measures of the Government ? Why did the Civil Disobedience Campaign come into existence ? Because the Government did not listen to the public opinion. Now, there is a story in the Ramayan that one of the members of the family of Ravan used to sleep on for months together, and when the need came for him to be awakened, drums were beaten, elephants were brought to trample him down. It was only then that he could be awakened. Is this the sort of sleep in which the Government of India are going to indulge ? Why are they not listening to the intelligent public opinion ? Why are they turning a deaf ear to public opinion ? If they had but listened to the public opinion they would not have needed such legislation. Sir, their duty is to be responsive to public opinion. Why do they not do so ? Is it not then our plain duty as honest men and is it not the duty of all lovers of liberty to tell them that, unless you respond to us, we will never respond to you ? You complain of non-co-operation—with what face ? Have you co-operated with us ? Was not the last Assembly a co-operators' Assembly ? Did you not get all you wanted from that Assembly ? Can you then show a single instance in which you responded to the criticisms from those who were on this side of the House.

**An Honourable Member :** There was the three years' duration of the Bill.

**Sardar Sant Singh :** But what about the substitution of executive for judicial judgment ? Did we not claim that the executive should not have such vast powers over the lives and liberties of the people ? Sir, the Government did not show us the least regard then. My Honourable friend refers to the three years' duration of the Bill. Let me tell him one fact which happened in the Select Committee on this Bill, namely, that several nationalist members of the Select Committee had to walk out from the Select Committee declaring that thenceforth they had nothing to do with it. Sir, my friend, the Honourable the Home Member

pleads for the change of heart. How can you expect us to change our heart and our attitude towards such legislation when you do not change your own heart? Sir, I leave Communism and terrorism to those who know about them much more than I can pretend to do. I will now come to the plain duty of the Government. I think, Sir, that the present Government of India and its predecessors are conscious of only one function; they think that their only function in India is to maintain law and order and that there is no other function. Their main plea for bringing forward such legislation is that law and order cannot otherwise be maintained. May I remind the Honourable the Home Member that this is not even the primary object of the Government, what to say of the main object. Sir, it is a secondary object; and in this connection I will just read a small extract from my speech on this Bill at the last time:

"The purpose or end of Government is the weal and welfare of the community. But we find, Sir, if we go through the literature that has been broadcast by the Government Benches, that they have laid very great stress on this point that the maintenance of law and order is the only function of Government. I will presently quote from Austin again to show that the maintenance of law and order is not the primary function of Government; it is a secondary function and it is a necessity which enables the Government to bring about the welfare of the community over which they have been placed by the deity. I cannot give long quotations as the time at my disposal is short, but this is what he says:

'But, by most or many of the speculators on political government and society, one or a few of the instrumental ends through which a government must accomplish its proper absolute end, are mistaken for that paramount purpose.

For example: It is said by many of the speculators on political government and society, that 'the end of every government is to institute and protect property'. And here I must remark, by the by, that the propounders of this absurdity give to the term 'property' an extremely large and not very definite signification.' It is, therefore, clear, that those who want to govern must govern, not for the end of maintaining law and order, but for the purpose of bringing about the welfare of the community of which they are in charge for the time being."

Now taking this view of the functions of an administrator, may I ask the simple question again whether the present piece of legislation fulfils this object? Will it tend to the weal and welfare of those who are in your charge at the present time? Sir, the effect of such legislation will be only to kill all political activity, as it has killed it in the past three years. In this connection I will not be doing justice to the effect of this legislation in a better way than Mahatma Gandhi did when you brought up this piece of legislation in 1932. He said:

"Repression appears to me to be crossing what might be called the legitimate limit, and governmental terrorism is spreading through the land. Both English and Indian officials are being brutalised. The latter, high and low, are becoming demoralised by reason of the Government rewarding as meritorious disloyalty to the people and inhuman conduct towards their own kith and kin. The latter are being cowed down. Free speech has been stifled. Goondaism is being practised in the name of law and order. Women who have come out for public service stand in fear of their honour being insulted, and all this, as it seems to me, is being done in order to crush the spirit of freedom which the Congress represents. Repression is not confined to punishing civil breaches of the common law. It goads people to break newly-made orders of autocracy designed for the most part to humiliate them."

Sir, this was said in 1932. It is as true today as it was then. What do we find in the country? We may find there is peace, but it is the peace of the grave; it is not the peace of a living, active nationhood; it is the peace that you find in a house which has a perpetually mourning aspect about it. Do you want to perpetuate similar conditions. I will

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certainly appeal to my Honourable friends to my immediate left to consider the situation in a more dispassionate manner. You have inherited the great traditions of Parliamentary Government and the sovereignty of the rule of law has been the standing feature of the Parliamentary Government. Why do you want to deny us that form of Government? If you want to deny us that form of Government, why don't you say so openly? Do not pretend to give us democratic government when that government is not a democratic government at all. Do not commit fraud upon us. Do not be a hypocrite towards us but be honest. If you tell us that we are being governed by sword, I will be the first man to swear loyalty to your Government. But that loyalty, as you know, will last as long as you hold the sword in your hand. But my eyes shall constantly be on that hand which holds the sword and the first opportunity that I get to snatch that sword will be utilised by me. That is a sort of loyalty where honesty, sincerity and genuineness will prevail and not the hypocrisy and fraud. Do not treat us as simpletons and ignorant people who do not understand. You may be very strong at this time and you may be unshakable at this time. But the empires that have preceded you have left a mark upon the history of various people. Their history shows that they were as powerful in their time as you are now. Those empires were lost, not because they lost their administrators but because their administrators lost their imagination which is necessary to keep an empire. Do you mean to say that those Governments which prosecuted certain individuals were insane governments or government who had no imagination? They had it, but their imagination was as limited as is yours now. If you read the history you will find that not a single reformer or even a prophet or a *Guru* or an *Avatar* was but as a rebel to the then society. May I refer with due humility and respect to the life of Jesus Christ? Why was he crucified? He must have been crucified under similar laws and convicted by the courts then in existence. Why was the Prophet of the Mussalmans prosecuted and persecuted? Why were the Sikh *Gurus* so cruelly martyred? Has that martyrdom enhanced their respect or have they lost it? They have become deities in our eyes and we respect them and we listen to their words. But if they are to be judged by the standard which is being set now by the Government of India, then they will all be called rebels and terrorists and what not. I appeal to you even at this eleventh hour to beware of the coming danger. A time comes when people cannot be goaded to a greater extreme and then rebellion becomes a justifiable act and open revolt to the authority becomes legalised. This is not what I alone say but this is what your great jurists have said. I will take the liberty of quoting once more from Austin's book of Jurisprudence before I finish my remarks. He says :

" If we take the principle of utility as our index to the Divine Commands, we must infer that obedience to established Government is enjoined generally by the Deity. For, without obedience to ' the powers which be ', there were little security and little enjoyment. The ground, however, of the inference is the utility of Government : And if the protection which it yields be too costly, or if it vex us with needless restraints and load us with needless exactions, the principle which points at submission as our general duty may counsel and justify resistance. Disobedience to an established government, let it be never so bad, is an evil : For the mischiefs inflicted by a bad government are less than the mischiefs of anarchy. So momentous, however, is the difference between a bad and a good government, that, if it would lead to a



good one, resistance to a bad one would be useful. The anarchy attending the transition was an extensive, but a passing evil : The good which would follow the transition was extensive and lasting. The peculiar good would outweigh the generic evil : The good, which would crown the change in the insulated and eccentric case, would more than compensate the evil which is inseparable from rebellion."

Sir, in the end, I want only to appeal to the Members on the Treasury Benches. You may consider yourself quite safe and you may think that even if this House throws down this Bill, you have a power to certify it. You can do so, and you may do so, but do you know what amount of resentment you will create in the country ? Will you take into account that amount of discontent that will follow in its wake and the respect for law in the country will slowly but steadily disappear ? You and I both want the maintenance of peace : it is our mutual interest. But if you go on taking the step that you are taking now without caring for the future, you will need desperate action. But my only hope is that wiser counsels will still prevail. Sir, I have done.

**Sirdar Jogendra Singh** (Fyzabad Division : Non-Muhammadan Rural) : Mr. Deputy President,.....

**Bhai Parma Nand** (West Punjab : Non-Muhammadan) : Sir, I want to speak on a point of personal explanation.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : But the Honourable Member has not yet spoken.

**Bhai Parma Nand** : Certain other Honourable Members have spoken, and I want to explain my position as I understand I will not have a chance to speak.....

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Honourable Member will be quite at liberty to speak if he gets his chance, but, having not spoken at all up to now, there is nothing to explain.

**Sirdar Jogendra Singh** : Sir, the Honourable Mr. Acheson, the other day, referred to King Charles' head as being the favourite nightmare of Dick. It appears the Congress has become the King Charles' head of Government and a constant nightmare for the Honourable Sir Henry Craik. (Applause.) When the Ordinances expired, the Government of India came to the Legislatures, then very conveniently constituted for them, and wanted the Ordinances to become an Act of the Legislature. We are told by the Honourable the Home Member that it is true, Civil Disobedience has been called off, but the nightmare of its being revived at a future date still haunts the authorities and they cannot have sound and peaceful sleep unless the Assembly places in their hands the "Big lathi" of the Criminal Law Amendment Act which they say has helped them so well in the past. The Honourable the Home Member has my heartfelt sympathy. This, Sir, reminds me of Dionysius, the ancient autocrat of Syracuse, who felt similarly insecure. He was, therefore, constantly building up fortifications against potential conspirators to come. He was so nervous that he used to sleep in a room which could only be approached by a drawbridge in a palace which was connected with the outside world by another drawbridge.

**Bhai Parma Nand** : I did not quite follow your ruling, Sir. My point is that the Honourable Member.....



**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Is it a point of order that the Honourable Member is raising now ?

**Bhai Parma Nand** : I want your ruling on this point, Sir. My submission is that if an Honourable Member in this House pointedly refers to another Member, who wants to make a protest against his remarks and rises to make a personal explanation, then what is your ruling ? Do you mean to say that you will not allow him to give an explanation of his position ?

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Chair has given its ruling.

**Bhai Parma Nand** : What is it ?

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Chair's ruling is that if, in reply to the speech of another Honourable Member, the Honourable Member (Bhai Parma Nand) wishes to offer a personal explanation, the Honourable Member is not in order. He will be entitled to make a speech, but no question of personal explanation arises in view of the fact that he has never spoken at all.

**Bhai Parma Nand** : He has clearly referred to me.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Order, order :

**Sirdar Jogendra Singh** : The king could not trust any one, not even his own queen when asleep and hence slept all alone. The king was demoralised to such an extent that he used to pull up the drawbridge himself before he retired for the night. Sir, the Agents of this foreign Government are like Dionysius and are even afraid of their own shadows.

When Lord Macaulay formulated or, shall I say more correctly, invented the precious volume known as the Indian Penal Code, even the most eminent jurists of Britain hailed it as the most perfect Code to meet effectively offences of all kinds whatsoever.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

With the passing of time, Government have begun to feel that, that consummate Code is not enough. They further desired more arbitrary powers to meet the recurring challenge to their authority. Therefore, the Agents of the alien Government in India wish to contribute their further share towards the mischievous design of so tightening Britain's control over our Motherland as to make it impossible for us to attain complete independence which is our birthright. They first wanted the vicious Ordinances for six months only. Then they persuaded and appealed to the soft conscience of some of our predecessors, who fell an easy prey to the machinations of this foreign Government and allowed these autocratic powers for a further period of three long years. Now, the Government desire to put this barbaric Act on the Statute-book permanently. This, Sir, appears to be Dominion Status in action.

Let me tell the Government, Sir, that power unrestricted and arbitrary is like an intoxicant. (Hear, hear.) The more you take it, the more you want it. But the end of those who intoxicate themselves with power is recorded in history as the same as that of the unredeemed

inebriate. They both bring about their destruction through surfeit. The Government have brought before this House this Bill to still further deprive the entire nation of every shadow of human rights such as liberty of speech, liberty of press and even freedom of association. The Honourable the Mover of the Bill as well as the Honourable Mr. Griffiths have very eloquently advised that this atrocious Act is intended to prevent terrorism and Communism, but let me tell them, very frankly, that both these will exist in spite of this Act. (Hear, hear.) The only remedy which I would humbly suggest is that the best way to extinguish terrorism and Communism is, not through the application of this Act but, by providing constructive schemes by which you can give employment to several hundred thousands of our intelligent young men who in spite of the highest academical qualifications are starving for want of food and raiments.

The Honourable the Home Member has further stated that this Bill is intended as a set-off against the so-called spirit of communalism, which is according to him in a virulent form in our country at the present moment. I may be permitted to state with somewhat brutal frankness that 'Divide and rule' has been the traditional policy of British Imperialism in this country. It has been by such tactics that they are perpetuating their domination over our unfortunate country.

If I am to state in a lighter vein, I am reminded of my school days when I read the story of the "monkey and the two cats". (Laughter.) I, however, hope that Indians, to whatever creed or religion they might belong, will think in terms of Indians first, Indians last and Indians always (Applause), and that is the only way in which we can eliminate the third party who is responsible for many of these ills suffered by us in this country. Underneath the surface of the Bill I honestly perceive evil designs to deprive the elementary right of citizenship.

If the Bill is a forecast of the new Act, as I do believe it is, I would appeal with all the sincerity that I can command to throw out the measure and save our Motherland from the further fetters of slavery. Sir, with these humble words, I oppose this Bill. (Applause.)

**Mr. T. Chapman-Mortimer** (Bengal : European) : Sir, in rising to support the motion of the Honourable the Home Member, I am conscious of the fact, that on the one hand, I have not the knowledge of debate of some of my Honourable friends opposite, and, on the other hand, that I have not the mastery of the subject which my Honourable friend, Mr. Griffiths, showed us the other day in his admirable, may I also say, courageous speech. If I venture to make a few remarks now, Sir, it is because I cannot let pass without a reply some of the remarks of, among others, my Honourable friend, Dr. Deshmukh. It is perhaps natural for my Honourable friend in alluding to the possibility of legislating for one Province and not for others that he should have drawn an analogy from surgery. But as my Honourable friend, Mr. Griffiths, so ably and admirably put it, the object of this Bill is not to perform surgical operations, but it is to prevent situations arising when surgical operation becomes necessary.

My Honourable friend, Sardar Sant Singh, very kindly reminded the House this afternoon of the appalling state this country was in in

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1930-31 before this present Act was in operation. I thank him for reminding us, as, I am quite sure, none of us wants to see the kind of situation arising again that we saw in those years, a situation which very definitely called for the surgical knife. I have always understood, Sir, that, before you call in the surgeon, you call in the physician. The wise physician who treats his patient for a sore head, for instance, or a gouty hand generally, does something rather different than cut it off. I imagine he orders his patient a strong physic or it may be that he suggests that he should restrain himself and that his diet be severely restricted. That, Sir, is exactly what my Honourable friend, the Home Member, has done. He proposes in this Bill to restrict picketing, to restrict the activities of unlawful associations and to restrain within the limits of decency and public safety that section of the press of this country which, over and over again, whenever these repressive laws are not in existence, forgets what decency means. According to my Honourable friends on the other side of the House the new measure is unnecessary, tyrannical and unjustified.

In an effort worthy of a better cause, in my opinion, my Honourable friend, Mr. Satyamurti, tried the other day to prove how unnecessary this Bill was, unnecessary, that is to say, in his opinion. In his view the ordinary provisions of the law are ample and cover all the subversive activities of lawless bodies or persons. If my Honourable friend means that the ordinary law lays down that incitements to murder, picketing, lawless associations and criminal conspiracy are illegal, I quite agree. But he knows and every Honourable Member of this House knows that there are forms of picketing and criminal conspiracy and incitements to murder which it is impossible to tackle under the ordinary law of this land. And it is because it is so impossible that in 1930-31 we had the most disgraceful situation not only, as my Honourable friend, Dr. Deshmukh, suggests, in Bengal, but at least as bad, if not worse, in Bombay and other provinces. That situation was only saved by the bringing in of this emergency measure, first the Ordinances and subsequently the Acts. Now, Sir, we all know how impossible it was to prevent that situation arising that arose in 1930-31, because the ordinary law of the land made it extremely difficult for the executive to catch hold of people who were the real sinners and who paid four annas to small boys and others to go to jail for them. Honourable Members admit with one breath that the crimes this Bill seeks to prevent are illegal and deplorable—I am glad they agree with Honourable Members on this side of the House on that point—but they hasten immediately to add that there is no need for Government to take any necessary measures to rectify a situation which every Government worthy of the name must face. They do not think it is necessary to bring in measures to put down these deplorable acts which they all agree are undesirable and illegal.

That, Sir, is one of the arguments of the Opposition. The second argument of the Opposition seems to be this. They say this is a tyrannical measure. One would think, after having heard some of their speeches, that they seem to think that if this Bill were passed into law the executive would become a lawless body; it would take the law into its own hands and act without any kind of restraint from the judiciary. That is absolutely incorrect.

**Sardar Sant Singh :** I may point out to my Honourable friend that the objection is to the substitution of executive judgment for judicial judgment.

**Mr. T. Chapman-Mortimer :** It would be an insult to their intelligence to suppose that they do not understand the meaning of the Bill. They know perfectly well what is proposed and that what is proposed still leaves the Courts with a very strong restraining power over the executive. It seems to me that the only conclusion we can draw from this argument of the Opposition is that they are trying to persuade some of those Honourable Members who came, as my Honourable friend, Mr. Gauba, suggests, with an open mind. I am very glad indeed to hear my Honourable friend tell us that so many of his friends and he too came here with an open mind, because, I am sure, that if they consider the real issues at stake in this debate they will vote with this side of the House. If they admit that it is the duty of every Government to maintain the law and, if necessary, to restrain the liberty of individuals who are trying to take from other individuals their liberty,—and that, Sir, is present in every law because you have to restrain some persons from doing ill in order that the rest of us may go free or comparatively free,—if they admit the necessity for that, I submit that they have no alternative but to come forward and support the motion. The Honourable the Home Member has made it quite plain that though he did not say he would accept them, he was, nevertheless, prepared fairly to *consider* any reasonable amendments proposed.

In this connection, Sir, several Honourable Members including my Honourable friend, Sardar Sant Singh, said, that if only we, on this side, would frankly admit that this is an autocratic Government they would have no objection to the Bill. They say that what they object to is that India should be told that it has a democratic constitution but that on the other hand severe measures are necessary. Honourable Members who use this argument seem to forget several things. In the first place they forget that no one suggests that the Government of this country, as at present constituted, is a democratic Government though it has certain democratic aspects. At the same time no one on this side of the House calls it,—certainly I should not call it,—a democratic Government. Then again they forget that it has been stated over and over again by high authority that the present Government forms a transitional stage. My Honourable friends, rightly in my view, look to the British constitution as a better model than that of the autocracies of Italy, Germany and Soviet Russia. What they always forget is that we in the United Kingdom only reached our present stage of constitutional development after hundreds of years. They are trying to bring in, or rather we are trying to bring in with their help, a democratic constitution which will in the fulness of time place India in her rightful place among the Commonwealth of British Nations. We are trying to bring this constitution in with their help in a few decades. I suggest that if you consider that, you will less often cast it in our teeth what is an absolutely untrue and unjust assumption that we, on this side of the House, are false to the promises that the British Government has made over and over again. We have not told India that she has now got democracy : we have told her that in the fulness of time we hope she will attain to it ; and, as His Excellency's distinguished predecessor wisely said, the goal and the path to it are

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not the same and should not be confused. This argument of the Opposition seems to me, therefore, entirely beside the point.

Lastly, it has been argued that this all-India measure is unjustified because, so it is suggested, there is peace throughout the length and breadth of India except in these two plague spots, Punjab and Bengal. I suggest that though my Honourable friend in making this suggestion no doubt did so unwittingly, he reflects a mentality which my Bengali friends rightly resent. They feel, and I am sure all of us here feel who think it out, how unjust it is to blame them for acts for which, in many cases, they are not alone responsible and to which they have been incited by extravagant messages in the press and propaganda conducted from other centres. We all know how sentimental and nationally-minded the patriotic Bengali is, and, I think, it is unfair that we should play on his feelings, first incite him to boycott, picketing and Civil Disobedience, and then when the time comes say "Oh, no: we are quite innocent: it is the terrible Bengali and Punjabi who is the cause of all the trouble!" I submit, all-India legislation is absolutely necessary and I, therefore, strongly support the proposal that this Bill be taken into consideration by this House.

There is one other point in this connection and it is this: clause 7 of the existing Act which is sought to be retained is a clause which is only, so to speak, a permissive clause. It only comes into force when Local Governments consider that the situation in some particular district or province or city warrants its introduction. It seems to me that in these circumstances the very clever play which my Honourable friend, Mr. Satyamurti, made with that section of the Bill, relating to annoyance, picketing, etc., is not a very reasonable argument to bring against this measure. After all, in the South, he says, there is peace: in that case it is quite certain or almost certain that in his province, at all events, this section, which worries him so much, will not come into force at all.

Finally, Sir, the issue before the House seems to me simply this: do we admit that picketing, criminal conspiracy and incitement to murder are evils? If Honourable Members are agreed that they are evils, we have to consider whether or not this Bill is necessary in the interests of the maintenance of law and order and, in particular, to safeguard the Government and the community against these three evils caused by lawless persons. If we are agreed that that is the issue, it is impossible that there can be any doubt as to the way in which we should all vote when the division time comes. After all, if Honourable Members feel that they agree with the principle that these acts are evil and illegal, they still have always the opportunity to put forward reasonable and sensible amendments: for, as the Honourable the Home Member has already told us, if this motion is passed by the House, he will be open to consider all such reasonable amendments.

**Mr. M. Asaf Ali:** Mr. President, I have risen to offer just a few observations and remarks with reference to this Bill, before the House is actually upon to register its vote. Various aspects of the Honourable the Home Member's speech which he delivered in support of this Bill have been touched upon by speakers on this side of the House, but I feel that

there are at least two points which have been left untouched and I shall try to refer to them. While the Honourable the Home Member was speaking in support of this Bill, it struck me that he had chosen, for the text of his speech, a sentence which I would not be far wrong in adopting myself for my speech today. He said "the price of liberty is eternal vigilance"; and it is vigilance which animates us on this side of the House to oppose this Bill. We want vigilance on their side as much as on our side: we must watch their actions, watch their proposals and see to what extent they go against the liberties and the freedom of the people. But of that later on. In the course of his speech, which was rather brief—and there is a reason for its being very brief.....

**The Honourable Sir Henry Craik** (Home Member): You ought not to complain of that.

**Mr. M. Asaf Ali**: I should not complain of it—it was very concise indeed and telling in its own way. There was a good reason for it. While I was listening to the Honourable the Home Member's speech, I was wondering whether it was born of the conviction that this Bill was absolutely essential to the maintenance of peace, law and order or not; and, towards the conclusion of his speech, I was convinced that it was not born of that conviction, but it was born of a confidence, which is always there on the Treasury Benches, a confidence that, whatever the result in this House, so far as this Bill is concerned, it will find its way somehow or other into the Statute-book. That is why the Honourable the Home Member's speech was concise, and not as detailed as it should have been. When you are proposing a measure of this nature, when you are asking for special powers or when you are trying to perpetuate special powers, you ought to support it with facts and figures: you ought to place before us definite facts and figures which might justify your demand. But what do we find? Not one tittle, not one shred of argument which is supported by facts and figures—only the Honourable Member from Midnapore who was fitly described by Dr. Deshmukh as the Mussolini of Midnapore—a nickname which might go down in history—tried to bring up a few facts and figures, and they were utterly misleading. They were wrong, as I shall have time and opportunity enough to prove later on. They were not the facts and figures that we wanted. (Official Laughter.) He who laughs last laughs best: do not laugh too soon. What were the facts and figures that he brought up? The facts were only with regard to murders—(Official Members: "Oh, no.")—only murders, and I shall tell you a tale of murders—do not worry: murders by whom? By terrorists. About 300 of them, heinous, despicable, abhorrent murders, and we detest them as much as you do. (Honourable Members: "Oh.") Do not say "Oh"; we are sincere, we are honest; when we say a thing, we mean it. If we did not believe in the creed in which we do, you would have heard a different tale. (Cheers from Congress Party Benches.) And today India's fate would have been different. (Hear, hear.) You ought to be thankful to the Congress whose policy of non-violence has checked political assassination and terrorism, and do not imagine for a single moment that it is your preventive measures or your repressive laws that have gone and controlled the terrorists. It is the Congress, it is the non-violent creed of the Congress that has prevented

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and controlled the terrorists. And, talking of murders, Sir, they ought to know a few facts and figures from their own reports. Let them just refer to their own reports, and they will find that, during one decade, beginning from the year 1921 up to the year 1931, there were as many murders reported in India as 62,800 and odd, and in how many of these cases were convictions obtained? With all the great paraphernalia which they always ask us to finance, with all the police and all the other arms that they have in their armoury, what did they do? In only 17,000 and some odd cases could they obtain convictions. What happened to the 45,000 and odd? Do you place the murders of poor people.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should address the Chair.

**Mr. M. Asaf Ali** : Do Government, Sir, place murders of these 55,000 and odd people on a different basis to the murders of 300 public servants, murders that are equally despicable, equally abhorrent? You may ask me why these 55,000 cases were not successful. My answer to that is, all the attention of the Government is concentrated on nothing else, but what they call, political crimes which are merely political demonstrations. The police is engaged the whole time in tracking down innocent political demonstrators, and thousands and thousands of people are run after by them, while they leave these murders alone; they leave other crimes alone. Let me give the House a more detailed account of some of the other crimes which have been committed in India during the last decade and what they have done with respect to them. Sir, in 1932, as many as 167,939 cases were reported of house trespass, and house breaking with intent to commit theft, and how many convictions were obtained? 22,000 convictions were obtained. And this tale goes on year after year, murders, dacoities, serious offences against person, ordinary theft, and so on, and, on an ordinary calculation, that I made, I found that as many as two million cases were left untraced. Did you then ever come to us.....

**The Honourable Sir Nripendra Siroar** (Law Member) : The Honourable Member is not addressing the Chair.

**Mr. M. Asaf Ali** : Did Government come to us then and say that the ordinary law of the land was insufficient, it was inadequate, and whether we would strengthen their hands with respect to these murders, whether we could not give them more powers, even under the ordinary Indian Penal Code? Did they ever come to us? They did not. They did not pay even a second thought to this. But today, when the Civil Disobedience Movement is not in existence, when this movement is not in progress, today when they themselves admit that the situation with regard to terrorism has improved tremendously,—they themselves admit that for a long time there has been no terrorist crime,.....

**The Honourable Sir Henry Craik** : No, no; I said nothing of the sort.

**Mr. M. Asaf Ali** : How many crimes have been committed during the last two years?

**The Honourable Sir Henry Craik** : During the last five months, .....

**Mr. M. Asaf Ali :** I am asking for two years or for even one year !

**The Honourable Sir Henry Craik :** Certainly a dozen murders.

**Mr. M. Asaf Ali :** How many convictions have been obtained in each case ? In how many cases have you been able to trace not merely murders, but conspirators connected with them ?

**The Honourable Sir Henry Craik :** What is the relevancy ?

**Mr. M. Asaf Ali :** The relevancy is this, that the ordinary law is more than enough for your purposes. You cannot restrain murderers by passing this measure. Do you know how revolutionary conspiracies are hatched ? There is the gentleman sitting next to you, Sir Muhammad Zafrullah Khan,—I had the honour of working with him in connection with the trial of the Delhi conspiracy. He knows something about it. Please ask him, and he will tell you that these conspirators do not go and put up their sign boards in public places and say : “ This is a society for committing murders ”. These are secret societies. You cannot possibly control them by declaring secret associations unlawful, and, even if you do, it makes no difference whatever to them.....

**The Honourable Sir Henry Craik :** Address the Chair.

**Mr. M. Asaf Ali :** The whole time I have been addressing the Chair, and if I face the Honourable Member, he ought not to feel frightened. In so far as the facts and figures are concerned, I simply want the Government to place before us the actual facts and figures relating to the failure of the Government to obtain convictions in cases of the nature with which they want to deal under this law. This Bill, Sir, is really the tabloid form of the emergency legislation that has preceded it. It is the tabloid form of all the Ordinances which were condemned in this very House, and by none with greater eloquence than yourself. I shall just read one passage from your own speech. Referring to these Ordinances, you said on one occasion :

“ I maintain that the scope of the Ordinance is to deprive every one of every vestige of right of personal speech, right to liberty, right to property, right to association and every right that a human being may possess, and who is the Indian with the least self-respect who can tell the Government : ‘ We have confidence in you, and what you have done is right.’ Is this how you are preparing India for Swaraj, for Dominion Status. You have deprived the entire people of their elementary and fundamental rights.” (Hear, hear.)

In these words you described the Ordinances, and the Ordinances were then translated into emergency legislation. The emergency legislation had three years’ run under circumstances which are known to every one. And, now, when the emergency legislation is about to expire, they come to us asking us to grant a new lease of life—not a new lease of life, but to grant perpetuity for this Bill. Mr. President, the Honourable and Learned Home Member or the gallant Home Member, whichever you like, in his speech said something which touched my heart, and it must touch the heart of every decent Indian. He said, one of the reasons for bringing up this legislation at this time was that the present Government wanted to oblige their successors. The present Government wanted to spare their successors the odium which they might incur if they also



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sponsored an odious legislation of this kind. I agree with the Honourable the Home Member that this is an extremely odious, an atrociously odious, a scandalously odious piece of legislation. But since he proposes to do his successors a good turn, we, as the representatives of his successors, may tell him and assure him that we will not be outdone in this act of generosity. This mood of expansiveness, this generosity, this solicitude for the future Government of this land is really worthy of gratitude, and we can show our gratitude in only one way, and that is, to spare the present Government the odium of carrying this measure through. We would like to reject this measure here and now so that the present Government may be spared that odium. One good turn deserves another. That is the only way in which we can oblige them.

So far as the real objects and reasons for this legislation are concerned, I have got some observations to offer. My first suspicion is, which I was mentioning to another colleague of mine—my first suspicion is that probably the present Government is under the impression—I do not know, it may or it may not be so, but I feel that it is so. I suspect that they are under the impression that under the new Government of India Act, 1935, there is a provision made for concurrent legislation by the centre and by the provinces in so far as the existing criminal laws are concerned. The actual phrasing I forget, I have not got the Act with me here, but I believe it is something like this, that in regard to criminal laws there will be concurrent jurisdiction. The Central Legislature and the Provincial Legislatures will enjoy concurrent jurisdiction only in so far as those criminal laws are concerned which happen to be on the Statute-book at the time of the passage of the Bill. If that is so, then I am absolutely certain that the present Government of India feel that under the new Act the Central Legislature will have no authority to undertake legislation of this character concurrently with the provinces...

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways) : That is entirely wrong.

**Mr. M. Asaf Ali** : It may be wrong, I am only stating my suspicion.

**The Honourable Sir Muhammad Zafrullah Khan** : I am giving you information.

**Mr. M. Asaf Ali** : The information is very welcome, but I can assure you that legal opinion may differ. You are entitled to your opinion and I am entitled to mine. We are both lawyers. Probably I have got as much right to say that I am right as you have to say that you are right.

**The Honourable Sir Muhammad Zafrullah Khan** : And more.

**Mr. M. Asaf Ali** : I did not say that. If you happen to be a Member of Government....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must address the Chair.

**Mr. M. Asaf Ali** : It was simply because the other Honourable Member addressed me directly that I had to answer him directly.

**An Honourable Member** : Paying off old scores !

**Mr. M. Asaf Ali :** This is one of the reasons I suspect, but supposing that that reason is not right, I was really surprised that the Honourable the Home Member abandoning the printed objects and reasons here, which happened to be only three, wandered far and wide and opened a new door to an argument and reasoning by bringing in three other reasons. In the printed paper I find the following objects and reasons :

“ The present Act includes—

- (a) provisions against certain forms of intimidation,
- (b) provisions against associations dangerous to the public peace, and
- (c) provisions to secure greater control over the Press.”

So, obviously, the object of this legislation is not to crush terrorism, —not a word is said about terrorism here,—not to crush terrorism, not to crush communalism as was affected by the Honourable the Home Member, but only to control the press and to have some provisions to crush what they call associations dangerous to the public peace. I have already said that, in so far as terrorist organisations are concerned, there is not the ghost of a chance of any enactment of this nature ever grappling with that problem. And why do I say so ? The history of terrorism is before you. It began in 1903, I should not like to go beyond that, although it is quite possible for one to go as far back as 1857 and trace the whole history upwards, but I shall only confine myself to the period beginning with 1903. It was in 1903 that Barin Ghosh, who went from Ahmedabad to Calcutta, to try and establish an association, but he failed. By 1905, other associations had sprung up. In 1907, we had the first bomb outrage, and then the history of repressive legislation commences. In 1908, the Government passed four or five repressive legislations, among which three happen to be legislations on which this Bill is based, namely, Incitement to Offences Act, the Seditious Meetings Act, and the Criminal Law Amendment Act of 1908. These three Acts were passed. But did the number of terrorist outrages after that dwindle down, or did it continue to mount up ? The history of terrorism is rather eloquent in itself. The terrorist outrages continued to multiply. By 1910, the Government felt compelled to have a Press Act, the Press Act of 1910. Then, by 1911, they wanted more and more repressive legislation, and the history of repressive legislation goes on. It is a melancholy tale, it is a most mournful tale. Year after year some legislation was being brought up until in 1919 we had the Rowlatt Bills, one of which became the Rowlatt Act which never came into operation. Did the terrorist outrages dwindle down in number ? On the contrary, year after year the terrorist outrages were mounting up.

Then came the Congress movement. The Congress adopted the creed of non-violence, and if you then study the history of terrorist outrages you will find that the adoption of the creed of non-violence had its own effect. They are talking about the inadequacy of ordinary laws. They fought down the rising of 1857 without these laws. They fought down the Wahabi movement, which was a regular uprising, without these laws. They fought down the Thuggee and Kooki movement without these laws. And are they now telling us that the ordinary laws have ceased to have any effect ? My answer to that would be they are bad workmen who are quarrelling with their tools. They do not know how

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to use them. They do not know the powers under the existing laws, that is quite obvious. I shall have an opportunity later on perhaps to examine the Bill itself and the provisions of this legislation clause by clause and show you how they are futile, or superfluous, or too dangerous. They fall into three categories ; either they are superfluous because ordinary laws are more than enough, or they are so dangerous that we cannot possibly clothe the present executive with these powers, and we will never do so. After all, the new Government are coming into existence. They will deal with these matters themselves when the opportunity arises and let not the present Government forget the fact that there is a world of difference between the mentality of those who now adorn the Treasury Benches and the mentality of those who are going to adorn the Treasury Benches in the future, because there will be no nominated blocks as far as the provinces are concerned at any rate and people will depend entirely and absolutely on their electorates, people who have been in close association with those who are accused of being either agitators or persons who are in sympathy with certain movements which are called subversive. Mr. President, this poor word "subversive" is one of the most over-worked terms employed in this House. The word subversive has been before us for a very long time and somehow or other we do not seem to be quite sure what it really means, because the passage of a peaceful political procession through a street is a subversive movement. The wearing of khaddar becomes a subversive movement. Once I had a most interesting experience while I happened to be acting as *amicus curiae* in one of these political cases when I had to examine the City Magistrate of Delhi. He said "Yes, such and such a person is definitely guilty under section 16 of the Criminal Law Amendment Act". "But how?" "He was participating in activities organised by an unlawful association." I put this question : Suppose the unlawful association says "keep clean, use soap every day" and I go and use soap in obedience to the instruction of that unlawful association, would I be guilty of an offence? "Decidedly yes" was the reply. Supposing the unlawful association says "promote your own industries, wear khaddar" would you hold me guilty of that offence. The answer was "Decidedly yes, because you are following the instructions of an unlawful association. These are the directions issued by an unlawful association and so long as you obey those directions you are committing that offence". That is the mentality of those who deal with these laws. Do the Government want us to clothe them with these powers so that they may be abused indiscriminately? This is not the only illustration. I have got here heaps of literature which I could read out to you. Perhaps it will take me days to read all these instances of the abuse of the law by executive authority. These are the bulletins issued by the Congress from time to time and the interviews which international travellers granted to representatives of the people during the continuance of the repression of the so-called subversive movement and there are various other reports written not by the Congress but by others. If I were to read all of them it would take me weeks together. Let me give you a few illustrations of the manner in which these laws operate in actual practice. It is all very well to talk of the maintenance of law and order. Believe me these Acts have proved in India a

veritable Pandora's Box. All the evils have flowed from them. These repressive laws have been at the foundation of most of the movements that have come into existence in India. But instead of reading these illustrations of the abuse of law and instead of reading these various reports, I should like to read to this House the opinion of the Repressive Laws and Press Committees, because that would be far more relevant. These Committees were constituted in 1921 and considered the various enactments which were considered to be objectionable by certain sections of the people. Fortunately, at that time, Sir Tej Bahadur Sapru happened to occupy the position which the Honourable Sir Nripendra Sircar occupies today.

**The Honourable Sir Nripendra Sircar :** He now regrets the mistake he made.

**Mr. M. Asaf Ali :** Before I read the opinion of those committees, I should like to read a passage out of the Government communiqué which gave the opinion of the Government of India with regard to the movement which was then in progress. The movement which I am referring to was the non-co-operation movement which had already begun in 1921 and this was the opinion of the Government of India of those days. This Resolution is No. 4484, dated the 6th November, 1920 :

"In the first place, they (Government) have been reluctant to interfere with the liberty of speech and freedom of press at a time when India is on the threshold of a great advance towards the realisation of the principle of self-government within the Empire, when indeed the first elections are only in sight."

Exactly the same situation faces us today. The new elections are in sight.

The present Government do not want the new Government to begin with a clean slate. They want to write as much as possible on this slate and hand this disfigured palimpsest to the new Government and start the new Government with this halter round their neck. Is that what they want to do? The Honourable the Home Member said that he wanted to save the new Government the odium of sponsoring such a legislation. Can the new Government last 24 hours if it resorts to this kind of legislation? It cannot last 24 hours. Therefore they are trying to cut the very ground from under their feet and not only that. by asking us to be parties to such a legislation, they are cutting the ground from under our feet. What elected Member, I should like to ask, would have the courage to be a party to the passage of this enactment and then go and face his constituency? He will not be able to come back to this Assembly or any Legislature, much less form a Government. If the Honourable the Home Member felt that he was doing a great good turn to the future entrants and to the future Government, I am afraid he was very much mistaken. Or perhaps he was rather astute.

**The Honourable Sir Henry Craik :** I am never astute.

**Mr. M. Asaf Ali :** They (the Government) said further :

"In the second place, the Government are at all times reluctant to embark on a campaign against individuals some of whom may be actuated by honest, if misguided, motives. This consideration is reinforced by the knowledge that the form of prosecution under the ordinary criminal law"

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— and this is what I want the present Government to take note of—

“that the form of prosecution under the ordinary criminal law would be likely to give those against whom it might be directed the opportunity of posing as martyrs and might also by evoking false sympathy swell the number of adherents to a cause which has in itself no intrinsic merit to commend it to public acceptance.”

And what was said of that movement by the Government then may be said of communism today. I do not know why we on this side of the House always accuse the present Government of lack of imagination!

I think the Honourable the Home Member evinces a tremendous amount of imagination. He indulged his imagination and drew upon his imagination a good deal, when he created this mare's nest of communism. Where is that communism? How many associations are there in India today, and in how many centres do you think they can possibly strike roots? Sir, India is the last place where, for a long time to come, communism can strike its roots. The kind of communism which now prevails in Indian villages, that is, communes (they are not villages but they are communes), where people share a common life, that is the kind of communism which is acceptable to India today; but the kind of communism to which the Honourable the Home Member was referring will take a long time to find a footing, and until that time arrives, I do not think there is any need for the present Government to bother its head, to worry itself, about its existence. I would like, Sir, now to go back to the opinions of these Committees first. Now, Sir, a Committee was appointed, I think, in 1921 under the presidency of Sir Tej Bahadur Sapru: and, after having considered the Press Act of 1910, which was considered an extremely obnoxious measure in those days, in spite of the fact that the non-co-operation movement was in progress, they came to these conclusions. They said:

“It is apparent, however, that the main object of the Act”,—(that is to say, the Press Act of 1910)—was to prevent the dissemination of incitement to violence and sedition, although the scope of section 4 of the Act is much wider.”

Then, they said:

“The chief questions that have to be examined, in our opinion, are, firstly, whether the Act has been effective in preventing the evil against which it was directed. Secondly, whether legislation of this character is now necessary for the maintenance of law and order; and, thirdly, whether, on a comparison of the advantages and disadvantages which the retention of the Act would involve, its continuance is desirable in the public interest”.

—and they came to the definite conclusion:

“We may say at the outset that on a careful consideration of these points, we are of opinion that the Act should be repealed.”

Well, it was repealed. Later on, they say:

“We are not, however, satisfied that the cessation of such incitements is due solely or even mainly to the Act or that in present conditions the ordinary law is not adequate to deal with such offences.”

Sir, this was their opinion. I am not the only one who says that the prevention of these incitements to murder, etc., has not been due to

the repressive laws. This has been due to other causes. Later on, Sir, they said :

" Many witnesses indeed are of opinion that the Act is fatal to the growth of a healthy spirit of responsibility in the Press and that it deters persons of ability and independent character from joining the profession of journalism. Finally it is maintained that the Act places in the hands of the executive government arbitrary powers, not subject to adequate control by any independent tribunal, which may be used to suppress legitimate criticism of Government and that such a law is entirely inconsistent with the spirit of the reforms scheme and the gradual evolution of responsible government. There is in our judgment great force "

—mark these words—

" There is in our judgment great force in many of these criticisms. We find, as already noted, that the Act has not proved effective in preventing the dissemination of seditious and that it is doubtful whether it is necessary to retain it for the purpose of preventing incitement to murder and similar violent crime ; "

Now, Sir, there are some provisions here, in so far as the press is concerned, which relate to the confiscation of presses, the forfeiture of securities, and so on,—and this is the opinion which that Committee formed at the time :

" We have also considered the question of vesting Courts of Justice with power to confiscate a Press, if the keeper is convicted for the second time of disseminating seditious. Although section 517 of the Criminal Procedure Code affords some faint authority for the enactment of such a provision in the law, we feel that it would operate inequitably, particularly in the case of large and valuable presses used not only for the printing of a particular paper but also for other miscellaneous work. "

This was with respect to the press law of the time. I think I can quote at some length portions of the opinion of this Committee which we ought to consider while we are considering this particular Bill. Now, Sir, in the same year there was what was called the Repressive Laws Committee and this is what that Committee put on record in the year 1921, I repeat when the non-co-operation movement was in its full swing :

" We also appreciate the fact that the use of the ordinary law may in some cases advertise the very evil which the trial is designed to punish. It is undesirable that any Statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislatures. The harm created by the retention of arbitrary powers of imprisonment by the Executive may, as history has shown, be greater even than the evil which such powers are directed to remedy. The retention of these Acts could in any case only be defended if it was proved that they were in present circumstances essential to the maintenance of law and order. As it has not been found necessary to resort in the past to these measures save in cases of grave emergency, we advocate their immediate repeal. "

The result was that the Seditious Meetings Act went by the board, it was repealed. The Incitements to Offences Act was repealed. The Press Act went by the board ; and not only that, even the Criminal Law Amendment Act, 1908, was retained only in so far as the second part was concerned, and the first part was repealed. Now, this was at a time when a grave emergency existed,—this was at a time when, I believe, it was Lord Lloyd, Sir, who happened then to be the Governor of Bombay, who said that these people (the Congress) came within an ace of success—I believe it was Lord Lloyd (Voices : " Yes, yes ")—well, it was at that time that all these repressive laws were repealed : and, today, when no emergency exists of any description whatsoever, you ask us to clothe you with this amazing authority !

[Mr. M. Asaf Ali.]

Where, Sir, is the necessity? Terrorism, I have already told you, cannot possibly be controlled by this Act. Communism does not exist; it is not a present danger. Now remains communalism. Yes, that is a danger at the time. I am in entire agreement with the Honourable the Home Member when he says that the communal tension today is much greater than it has ever been before. I think he said that during the 40 years of his service he had not known communal tension worse than it happens to be today. I believe he used words to that effect and I am in entire agreement with him. But may I ask the Honourable the Home Member and the Government which he represents: Who is the author of this communalism? Is it or it not a fact that in 1906 Lord Minto sent for the Nawab of Dacca and all those gentlemen who happened to be members of a deputation and before doing so, he had already been in communication with Lord Morley who happened to be the Secretary of State for India at that time. It is recorded in the letters of Lord Morley who wrote back to Lord Minto and said: What is this new hare that you are starting? I believe he used words to that effect. And what was the new hare? The new hare was separatism. Until that time India had not known separate elections and it was in 1909 for the first time that they came into existence. From that day onwards communalism has been the bane of India. I beg my Mussalman friends to forgive me and I am not suggesting for a single second that they should or should not ask for separate electorates. I am not suggesting anything of the kind. But my answer to the Honourable the Home Member is: If by communalism Government means the demand of certain communities for jobs and the demand of certain communities for seats, then the Government has killed communalism by giving the jobs they wanted and the seats they wanted. I should like to know why any communalism should be there now? If the answer of the Government of India is that they cannot control the Frankenstein which they themselves once created, then I would ask them to leave it to us. Let us come and occupy the seats which you are occupying now, and we shall deal with the Frankenstein and lay it to its eternal rest.

**The Honourable Sir Henry Craik:** You have had several tries at it.

**Mr. M. Asaf Ali:** I shall take up that challenge. Yes, we made several desperate tries and honourable efforts and what was the result? Every time some new hare was started by you. What did we not do at the Unity Conference of Allahabad and Lucknow? For weeks we were sitting together and we nearly solved our problems when within a week of the solution of that problem—I should not like now to give out the names—I had the honour and privilege of meeting one of the Members of Government who happened to be a Member of Government at the time. At any rate, he was in agreement with the solution which we had arrived at and within the next week what did we find? A message was received from London and that was more than enough to frustrate our efforts and the whole thing went by the board.

**Seth Haji Abdoola Haroon (Sind : Muhammadan Rural):** To which communal settlements are you referring?

**Mr. M. Asaf Ali:** Unfortunately you happened to be attending the Round Table Conferences in London when we were making our efforts.

At any rate, you did not happen to be in India at the time. Perhaps you were in Ottawa. Anyway, these developments were being watched by those who were at the Round Table Conference and we have been authoritatively informed that our deliberations and the conclusions at which we arrived had a good deal to do with some of the conclusions which were arrived at at the Round Table Conference. This is what I was told : I do not know how far it is true. I am not in the know of things. Those who attended the Round Table Conferences must know about it.

**The Honourable Sir Nripendra Sircar :** Attended by whom ?

**Mr. M. Asaf Ali :** I believe you were at the Round Table Conference at the time.

**The Honourable Sir Nripendra Sircar :** No : I did not attend the Second Round Table Conference.

**Mr. M. Asaf Ali :** At any rate, my simple and straightforward proposition is this. You created this monster : you created this Frankenstein ; you cannot control it today and you have confessed your inability. We will not grant you any power to deal with it now because there is the ordinary law. If you cannot control it, we will do that when we come to occupy your places and I can assure you that the ordinary law will be more than enough for our purposes and we shall deal with this monster as well as any other monster that may arise hereafter all right.

In so far as the question of presses is concerned, I think in the beginning I made a reference to the Member from Midnapore who quoted wrong figures. I believe he told this House that there were as many as 4 thousand and odd presses in India. That is perfectly correct. But there are not as many newspapers. There are only 1,282 newspapers in India including daily journals.

**The Honourable Sir Henry Craik :** There are over 4,000 newspapers.

**Mr. M. Asaf Ali :** Then I shall stand corrected. I should like to know the Government's figures. I am only quoting from this book ("Time's Indian Year Book"), which, I believe, is well-known to everybody. It says that there are 4,509 presses and 1,282 newspapers. Out of these 1,282 newspapers, 448 have been dealt with by you and all these 448 have ceased publication. That means that practically 50 per cent. of the newspapers of the country have ceased to exist on account of the inequitable, unjust and tyrannical operation of the law.

**The Honourable Sir Henry Craik :** The Honourable Member's figures are quite wrong. The total number of newspapers according to my figures is 4,630.

**Some Honourable Members :** That figure includes newspapers and periodicals.

**Mr. M. Asaf Ali :** I am talking only of the newspapers and I am quoting from a well-known book of reference—the Indian Year Book of the *Times of India*. I can assure you that it is not a Congress book ; we have not published these figures. There are not more than 1,282 newspapers in India ; there may be more periodicals.



**The Honourable Sir Henry Craik :** But they are subject to the same law.

**Mr. M. Asaf Ali :** You know what class of press and what class of journals you want to get at. You have been getting at nothing else but newspapers. I can read out the entire list of those papers which have ceased publication, dailies and weeklies.

Well, Sir, in so far as as special legislation is concerned, and in so far as special powers are concerned, I should like to put a few principles on record by which they ought to be judged before any Legislature can possibly agree to clothe the executive with special powers. The first of these principles should be that the special powers asked for must cover certain conditions existing in the country. The Honourable the Home Member made certain nebulous, general and vague assertions but he did not prove the existence of the conditions which require an enactment of this nature. Special powers must be proved to be absolutely necessary because the ordinary law has failed. I have already shown that there is nothing whatsoever before the House to lead us to think that the ordinary law of the country has failed to attack the kind of evil which is intended to be controlled, arrested and extinguished by this legislation. On the contrary, we find that so far as terrorism is concerned, Government admit that there has been an improvement in the situation. In so far as Communism is concerned, Government have put forward no case whatsoever. Special powers must have the fullest sanction of the people and should not be assumed in deliberate opposition to the will of the people. I feel, Sir, I am perfectly right when I assert that the bulk of the country is dead opposed to any legislation of this nature as is fairly clear from the attitude of Honourable Members of this House. Various Honourable Members have spoken from both sides of the House and you know, Sir, that the majority of the elected Members of the House has already spoken against the Bill which shows that public opinion, at any rate, is not with the Government. Repressive laws have never achieved their object. I have already told this to the House. The history of terrorism on the one hand and the history of the ordinary non-violent national struggle on the other is absolutely sufficient to prove this assertion, namely, that repressive laws have never crushed any of these things. Have you forgotten the history of various other countries? Did not the British Government enact a Prevention of Crimes Act in 1882 and again in 1888 for Ireland. What was the result of it? The result of it was that not very long ago, Ireland became a Free State and the British King had to issue a Proclamation by which he convened a Constituent Assembly which Constituent Assembly settled the constitution for Ireland. If repressive laws could control the national destinies of people, then Ireland ought to have been today as much a subject nation as India happens to have the misfortune of being today. Repressive laws cause resentment and agitation and tempt the people to disobedience and generally drive the movement underground. That they cause resentment you cannot deny. So far as the Civil Disobedience Movement is concerned, it is not a subversive movement. It can never be called a subversive movement. I am prepared to join issue with any constitutionalist anywhere and assert that civil disobedience is a perfectly constitutional movement.

It is merely a political demonstration because the Government happen to be absolutely irremovable. We cannot turn the Government out of power. We cannot control their legislation. What else are we to do in this House? Will the Government kindly change places with us and let us then see what they will do under similar circumstances? Supposing we formed an irremovable Government. Supposing we made laws to control their destinies which they cannot possibly influence in any way. What would they do under such circumstances? Would they or would they not civilly disobey the laws? I think every Britisher would be the first to say, "I am not going to obey laws of this nature". Therefore in so far as Civil Disobedience is concerned, it is a perfectly constitutional movement, but I admit that revolutionary movements are different. I also wanted to say that repressive laws always put a premium on inefficiency among both the magistracy as well as the police. Why? Because the attention of the police is focussed upon, and their attention is diverted to political offences and they let the ordinary offender alone. The result is inefficiency in administration. All ordinary criminals go scot-free, whereas the political demonstrators are tracked down as criminals. Sir, I know that there are other better and abler speakers, rather I should say there are able speakers, for I do not claim any ability, who will later on speak on this motion and so I do not wish to take up the time of the House. I shall address only one word to the elected Members of this House. In so far as the Government are concerned, their mind is made up and those who support the Government are not likely to be influenced by any arguments that may be addressed to them here. So, it is absolutely unnecessary for me to address them, for their minds are up. To the elected Members, I should just like to address one word. If the elected Members desire to go back to their constituents some day, then they ought to remember that the atrocious nature of this enactment will not easily be forgotten by their constituents. The country will not forget their actions whatever they may be and they have to think a hundred times before they cast their votes for the consideration of this measure; for to vote for the consideration of this Bill means that you accept the principle of the Bill. If the elected Members are going to be a party to the acceptance of the principle of the Bill let them remember that they will have to go back to their constituents. I need not paint a gloomier picture than that of one of the ex-Presidents of this very House who happened to be occupying a seat in one of the Boxes the other day. In so far as he was concerned, it was only the Ottawa Pact that made him lose his seat in this House.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member ought not to discuss personalities here.

**Mr. M. Asaf Ali** : I have named none. I am only just reminding the elected Members of the fate which awaits those who betray the country. (Cheers.)

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 10th September, 1935.