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SECOND SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1935



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Legislative Assembly.

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MR. LALCHAND NAVALRAI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Tuesday, 10th 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.

PERSONNEL AND OTHER DETAILS OF THE DELIMITATION COMMISSION.

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

- (a) whether any correspondence was going on between the Secretary of State and the Government of India regarding the personnel and other details of the Delimitation Commission ;
- (b) when that Commission will be sent out to India, and what the scope of its work will be ; and
- (c) whether this House will be consulted in this matter at any stage, and if not, why not ?

The Honourable Sir Nripendra Sircar : (a) and (b). I invite the Honourable Member's attention to the communiqué of the 31st July announcing the personnel, terms of reference, etc., of the Indian Delimitation Committee. The Committee is expected to begin its work at the end of September.

(c) The Government of India propose to give the Indian Legislature, in due course, an opportunity of commenting on Federal matters covered by the report of the Delimitation Committee before framing their recommendations to His Majesty's Government.

Mr. S. Satyamurti : In view of the fact that the Federal Legislature, *i.e.*, the lower House will be composed of representatives indirectly elected by the Provincial Legislatures, will Government give this House an opportunity, at a suitable date, of pronouncing upon the provincial franchise as well ?

The Honourable Sir Nripendra Sircar : At the present moment, I cannot give an assurance, but I can undertake to convey this request to Government.

Mr. S. Satyamurti : May I know if Government's attention has been drawn to a proposal, specially in Madras, for the single transferable vote in joint electorates which return *harijan* candidates, and do they not consider that that goes against the spirit, if not the letter, of the Poona Pact, to which His Majesty's Government is a party ?

The Honourable Sir Nripendra Sircar : I am sorry that I did not know that I shall have to answer this question today in a particular matter relating to Madras, and I am afraid I cannot answer it.

Mr. S. Satyamurti : Will Government send for the papers and consider this very important question that a proposal of the Provincial Franchise Committee accepted by the Provincial Government goes right in the teeth of the Poona Pact ?

The Honourable Sir Nripendra Sircar : We are quite prepared to consider the objection which has fallen from my Honourable friend.

Prof. N. G. Ranga : When the proposals of the Provincial Delimitation Committees are sent to the Government of India, will the Government of India try to consult the Indian Delimitation Commission also about their views in regard to those recommendations ?

The Honourable Sir Nripendra Sircar : I have said in answer to a supplementary question from my Honourable friend, Mr. Satyamurti, that I am not prepared to give any guarantee or undertaking, but I am prepared to carry this to Government for consideration.

Mr. S. Satyamurti : May I know if Government's attention has been drawn to the proposal of the Provincial Franchise Committee in Madras and accepted by the Madras Government that tens of thousands of graduates who now enjoy the franchise should be deprived of the franchise for the University seat in the Provincial Assembly, and whether Government propose to consider this matter ?

The Honourable Sir Nripendra Sircar : I have already said that I shall see that they consider the matter.

Mr. T. S. Avinashilingam Chettiar : Is it the policy of Government to have a uniform system of franchise throughout the country or to have separate systems of franchise for each province ?

The Honourable Sir Nripendra Sircar : I cannot make any pronouncement on Government's policy and I do not know that there is a definite policy in this matter. It must wait until the publication of the report of the Delimitation Commission and discussion in this House.

Mr. S. Satyamurti : Is it the policy of Government to extend or restrict the existing franchise as a whole ?

The Honourable Sir Nripendra Sircar : I think it is fairly clear from what has happened before that the idea is to extend and not to restrict.

Mr. F. E. James : Is the Honourable Member aware that in Madras the representatives of the party to which my Honourable friend, Mr. Satyamurti, belongs, though invited, declined to serve on the Delimitation Committee ?

The Honourable Sir Nripendra Sircar : I was not particularly aware of that, but I am prepared to take it from my Honourable friend as correct.

Mr. S. Satyamurti : Are Government aware that the Committee was packed with representatives of the reactionary party and we would be in a hopeless minority ?

The Honourable Sir Nripendra Sircar : I absolutely repudiate that suggestion.

AMENDMENTS OF THE GOVERNMENT OF INDIA BILL IN THE HOUSE OF COMMONS REGARDING THE PRINCES AND THE FEDERATION.

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

- (a) whether, with regard to the amendments of the Government of India Bill in the House of Commons, regarding the Princes and the Federation, they were consulted by the Secretary of State ;
- (b) if so, what the advice was which they gave ; and
- (c) if, apart from consultation, they made any representations in this matter to His Majesty's Government ?

The Honourable Sir Nripendra Sircar : With the permission of the President, I would like to answer parts (a), (b) and (c) of the question as a whole.

The Government of India were consulted by the Secretary of State on the amendments referred to by the Honourable Member, but I regret that I am not in a position to disclose the contents of the confidential correspondence.

Mr. S. Satyamurti : May I know, if the reason for Government's refusal is that public interests will be affected ?

The Honourable Sir Nripendra Sircar : My Honourable friend has for once correctly anticipated the formal answer. That is the answer.

Mr. S. Satyamurti : With regard to clause (c), may I know, if, apart from the reply to the consultation, they made any further representations to Government ?

The Honourable Sir Nripendra Sircar : I believe that is part of the confidential correspondence, and I regret I cannot disclose it.

Mr. S. Satyamurti : Are Government aware that Mr. Monckton is reported to have made some promises to the States Ministers' Conference at Bombay last week, and are Government aware if he is given any authority by the Secretary of State for India to negotiate directly or indirectly on behalf of His Majesty's Government ?

The Honourable Sir Nripendra Sircar : I am not aware of any such thing.

DISCRIMINATION AGAINST INDIANS BY THE KENYA GOVERNMENT.

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

- (a) whether their attention has been drawn to the telegram from the *Free Press of India*, dated the 25th May, 1935, regarding Kenya Government discriminating against Indians ;
- (b) if the facts stated therein are true ; and
- (c) if so, whether Government propose to take any steps to protect legitimate Indian interests ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) Not to the knowledge of the Government of India.

(c) Does not arise.

Mr. S. Satyamurti : Did Government make any inquiry after the receipt of this question ?

Sir Girja Shankar Bajpai : Government perused with great care the cutting which my Honourable friend sent, and it is so completely full of misstatements that it really was not worth while making any inquiries. For instance, I will just read out a bit :

" It is understood that the whole series of cotton markets established over cotton producing areas where cotton passes, etc."

Practically no cotton is produced in Kenya. The gentleman must have been thinking of Uganda.

ENQUIRY INTO THE PRODUCTION AND TRADE OF RICE IN THE MADRAS PRESIDENCY.

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

(a) whether their attention has been drawn to the Report of Mr. C. R. Srinivasan, Special Officer, appointed by the Madras Government, to enquire into the production and trade of rice in the Presidency, especially the recommendation in favour of a reduction of railway freight for transporting rice and paddy from producing centres to different consuming centres in the province ; and

(b) whether they propose to take any steps in the matter, and if not, why not ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) As regards (i) of the recommendations summarised at the end of the report, the Honourable Member's attention is invited to the provisions of the Indian Tariff (Amendment) Act, 1935. It is understood that the Government of Madras have been in touch with Railway administrations concerned, as a result of which freights in certain cases have been reduced. The rest of the recommendations concern the Local Government exclusively.

Mr. S. Satyamurti : May I know, in somewhat more detail, in how many cases approximately and for what distances this freight for transporting rice and paddy from producing centres to consuming centres has been reduced ?

Sir Girja Shankar Bajpai : All that I know at the moment is that the actual reductions have reached as much as 16 per cent. in certain cases ; but, if my Honourable friend wants details of the kind he mentioned just now, I shall endeavour to obtain them and place them at his disposal.

Prof. N. G. Ranga : Is the Honourable Member aware of the fact that, in as many as 12 districts of the Madras Presidency and in the Andhra districts, no steps till now have been taken by the railway authorities to reduce the railway freights for the transport of paddy and rice ?

Sir Girja Shankar Bajpai : I am prepared to examine the information which my Honourable friend has furnished.

Prof. N. G. Ranga : Have Government received any communication from the Andhra Chamber of Commerce with a request that these freights should be reduced as far as these articles are concerned in the Andhra districts ?

Sir Girja Shankar Bajpai : I could not really answer that question, because it concerns the Railway Board : I can say that I made inquiries from my Honourable friend, Mr. Rau, and he does not remember to have seen any such representation.

Prof. N. G. Ranga : Have the Government of Madras sent any communication to the Government of India ?

Sir Girja Shankar Bajpai : No, the Government of Madras have sent no communication to the Government of India.

APPLICATION OF A SYSTEM OF CONTROL OVER IMPORTS BY THE JAPANESE TRADE COUNCIL.

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

(a) whether their attention has been drawn to the action of the Japanese Trade Council, who have decided to apply a system of control over imports, and to introduce safeguarding measures against countries which impose severe restrictions on Japanese imports ;

(b) whether they have considered the effect of this on India's trade with Japan ; and

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

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

(b) and (c). Trade relations between India and Japan are governed by the Indo-Japanese Trade Convention and Protocol, and the Government of India have no reason to believe that the Government of Japan have any intention of discriminating against Indian imports to Japan in contravention of the existing agreement between the two countries.

Mr. S. Satyamurti : Has there been any correspondence between this Government and the Government of Japan in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : No, no occasion has arisen for any correspondence so far.

Mr. S. Satyamurti : Have Government made any inquiries after the receipt of this question ?

The Honourable Sir Muhammad Zafrullah Khan : There was no need to make any inquiries, because, as I have said, no portion of this agreement has been contravened.

Mr. S. Satyamurti : When is this trade convention due for revision next ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say whether it is due for revision or not, but it continues in force till the spring of 1937.

Prof. N. G. Ranga : Is there any Indian Trade Commissioner in Japan ?

The Honourable Sir Muhammad Zafrullah Khan : No.

Prof. N. G. Ranga : If there is no Trade Commissioner there, how and through what channel do the Government of India try to ascertain the policies and intentions of the Government of Japan ?

The Honourable Sir Muhammad Zafrullah Khan : I have said nothing with regard to the intentions of the Government of Japan except this, that we have not found there are any reasons to consider that they will in any way try to contravene the agreement already arrived at between us ; but there are several channels, apart from trade commissioners—publications, declarations, statements of policy, correspondence, and so on.

Prof. N. G. Ranga : Is there any agent at all of the Government of India in Japan who can try and ascertain the facts there.

The Honourable Sir Muhammad Zafrullah Khan : There is no trade agent in Japan.

Prof. N. G. Ranga : Do Government propose to appoint one now ?

The Honourable Sir Muhammad Zafrullah Khan : That matter is being considered.

RESTRICTION OF INDIAN IMPORTS INTO ROUMANIA, ITALY AND GERMANY.

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

- (a) whether they have taken any steps with regard to the restriction of Indian imports into Roumania, Italy and Germany ;
- (b) whether they have investigated the matter ; and
- (c) what their conclusions in the matter are ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is referred to the replies given by me to Mr. T. S. Avinashilingam Chettiar's starred question No. 5 on the 2nd September, 1935, and the supplementaries thereto and to parts (b) and (c) of his own starred question No. 209.

Mr. S. Satyamurti : I am asking only with regard to Germany : what is the position with regard to the trade of this country with Germany ?

The Honourable Sir Muhammad Zafrullah Khan : What is exactly meant by " position " ? In reply to supplementaries, I explained the position : but if the Honourable Member will explain what he means by " position ", I will be able to tell him.

Mr. S. Satyamurti : Is there any restriction on Indian imports into Germany ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, as part of the general restrictions imposed by Germany with regard to imports from all countries.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair thinks the matter was explained the other day.

Mr. S. Satyamurti : Have Government made any representations to the Government of Germany, with regard to these restrictions on imports from India into that country ?

The Honourable Sir Muhammad Zafrullah Khan : Not yet.

Mr. S. Satyamurti : Why not ?

The Honourable Sir Muhammad Zafrullah Khan : Government have the matter under consideration : they are getting all the information relevant to this question and are considering what action is necessary.

RESULTS OF THE OTTAWA TRADE AGREEMENT.

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

- (a) whether the examination of the results of the Ottawa Pact are complete ;
- (b) when they will be placed before this House ; and
- (c) whether this House will be given an early opportunity to consider the matter and give its opinion on it ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, up to the end of the Fiscal Year 1934-35.

(b) The Report for that year will be laid on the table of the House at an early date.

(c) The House will be afforded an opportunity of discussing the results of the Ottawa Trade Agreement in the next Budget Session.

INCONVENIENCE CAUSED TO INDIAN PASSENGERS ON ACCOUNT OF EUROPEAN SOLDIERS TRAVELLING IN ORDINARY SECOND CLASS COMPARTMENTS.

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

- (a) whether their attention has been drawn to the fact that great inconvenience is caused to the Indian passengers on account of European soldiers travelling in ordinary second class compartments ;
- (b) whether Government propose to make other arrangements and thereby minimise the inconvenience caused to Indian passengers ; and
- (c) whether arrangements will be made to transport soldiers in separate compartments reserved for them ?

Mr. P. B. Bau : (a) Occasional complaints have been received.

(b) Government have no reason to think that a reference to the railway staff in the case of a genuine complaint will not set matters right.

(c) No. The arrangement suggested would result in a waste of accommodation.

Mr. S. Satyamurti : May I know whether the Honourable Member's attention has been drawn to recent occurrences—I need not give the details—and will Government consider the desirability, in the interests of

Indian passengers, of reserving carriages for these European soldiers and charging the Army Department for the entire cost of transporting them ?

The Honourable Sir Muhammad Zafrullah Khan : The position is that if there is a small number of British soldiers travelling, it would, as has been explained in the answer, amount to waste of accommodation to reserve compartments for them, when there is not a full complement of passengers to occupy these compartments, let alone the reservation of carriages for a small number of British soldiers.

Mr. S. Satyamurti : May I know whether the Honourable the Commerce Member has considered, in the light of recent events, the great inconvenience and discomfort likely to be caused to Indian passengers by these European soldiers, especially when they are travelling without any superior in command ?

The Honourable Sir James Grigg : What is the insinuation ?

Mr. S. Satyamurti : The insinuation is that they behave like brutes.

The Honourable Sir Muhammad Zafrullah Khan : I cannot understand the inconvenience likely to be caused : as the Financial Commissioner has explained in reply to the question, occasional complaints have been received, and Government has no reason to think that a reference to the station authorities would not set matters right.

Mr. S. Satyamurti : Are Government aware that in Bareilly Station, when British soldiers left their baggage there and the clerks asked them for money, they were assaulted by these soldiers ?

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

Mr. S. Satyamurti : Of course, you are not.

Prof. N. G. Ranga : Are Government aware of the fact that third class passengers also experience great inconvenience because of these sepoys and soldiers travelling third class in their compartments ?

The Honourable Sir Muhammad Zafrullah Khan : No : I am not aware what kind of inconvenience is being referred to.

INDIANISATION OF THE GOVERNMENT OF INDIA SECRETARIAT.

Mr. S. Satyamurti : I now put my supplementaries on question No. 207. May I ask the Honourable the Home Member what is the reason for this slow progress in the Indianisation of the Secretariat in the Government of India ?

The Honourable Sir Henry Craik : I do not think the progress is particularly slow.

Mr. S. Satyamurti : Why is it slow, particularly or otherwise, in view of the fact that in the Preamble, to which my attention has been drawn, which stands unrepealed, the increasing association of Indians was declared in 1919,—16 years ago now ?

The Honourable Sir Henry Craik : The association is steadily increasing.

Mr. S. Satyamurti : May I know whether there are any Departments in which there is discrimination against Indians—say, the Home and Finance Departments ?

The Honourable Sir Henry Craik : No : there is no discrimination against Indians in either Department.

The Honourable Sir James Grigg : The Honourable Member from Madras has reason to know that that is not true.

Mr. S. Satyamurti : I shall not discuss that on the floor of the House : I choose to respect confidences : the Honourable the Finance Member does not. Therefore, I will not pursue that matter. But I will ask the Honourable the Home Member whether Government are on the whole satisfied with the results of these Indians being recruited to the Secretariat ?

The Honourable Sir Henry Craik : My own experience is comparatively limited : but I do know this, that at least on one occasion since I assumed office I have tried to get an Indian, but no Local Government was in a position to spare the services of a suitable Indian.

ALLEGED IMPERSONATION AND MALPRACTICES EMPLOYED IN ELECTIONS TO THE LEGISLATURES AND LOCAL BODIES.

236. ***Mr. Lalchand Navalrai** : (a) Has the attention of Government been drawn to a number of articles appearing in the *Sind Observer*, dated the 14th May, 1935, referring to impersonation and other glaring malpractices employed in elections to the legislatures and local bodies ?

(b) What steps do Government propose to take by way of amendment of law and rules in connection therewith for better preparation of the electoral rules and checkmating impersonations ?

(c) Do Government propose to amend the law, making offences of impersonations cognizable and triable summarily ?

The Honourable Sir Henry Craik : (a) The Government of India have perused the articles referred to.

(b) and (c). The Government of India are in consultation with Local Governments as to whether a more effective procedure is desirable to check impersonation at elections.

Mr. Lalchand Navalrai : May I know if the Honourable Member knows that the Karachi Municipality have started a system by which identification marks of voters are taken down and that prevents impersonation : will the Honourable Member consider that system ?

The Honourable Sir Henry Craik : I was not aware of that : I dare say, it is a very good idea.

Prof. N. G. Ranga : Is the Honourable Member aware of the fact that this evil of impersonation and sometimes glaring impersonation is widely prevalent in the Madras Presidency also ?

The Honourable Sir Henry Craik : I believe it prevails in all provinces.

Prof. N. G. Ranga : Will Government try to take steps to see that rules are suitably amended to prevent this all over India ?

The Honourable Sir Henry Craik : I have already said that we are in consultation with Local Governments to consider whether more effective procedure can be devised.

Mr. Lalchand Navalrai : The Honourable Member may have no idea as to what the Karachi Municipality has done ; but I am giving the idea to the Honourable Member : will he kindly look into it when some improvement is going to be made ?

The Honourable Sir Henry Craik : Yes : if the Honourable Member will give me the facts, I will certainly look into it.

AMENDMENT OF THE INDIAN MEDICAL COUNCIL ACT.

237. ***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state if they have received a copy of the resolution passed by the 27th Annual Conference of the All-India Medical Licentiates Association, urging upon Government to amend the Indian Medical Council Act so as to include the Indian Medical Licentiates within the scope of the Act ?

(b) If so, what steps do Government propose to take in the matter ?

(c) Have Government reconsidered the desirability of amending the Act to the aforesaid scope, since the passing of the Act ? If so, in what way and with what result ?

(d) Were any reports called for on the subject while considering the question after the passing of the Act ? If so, will Government be pleased to place those papers on the table ?

Sir Girja Shankar Bajpai : (a) Yes.

(b), (c) and (d). I would invite the Honourable Member's attention to the discussions that took place in this House in February and September, 1933, on the Indian Medical Council Bill, now the Indian Medical Council Act. Government's position in regard to licentiates was fully explained then. No reports were called for from Local Governments nor have any been submitted by them since the Act was passed. In the opinion of the Government of India no extension of its scope in the manner suggested by the Honourable Member is called for.

Mr. Lalchand Navalrai : Is it not a fact, Sir, that in those discussions it was given out that the reports would be sent for and the question whether the scope would be extended to the licentiates also would be considered hereafter ? Have Government considered it ?

Sir Girja Shankar Bajpai : Sir, I made it perfectly clear, then, because I made the statement on behalf of the Government on that occasion, that, as a result of pressure brought upon Government by the House, we had consulted the Local Governments, and they were not in favour either of the preliminary inquiry or of any additional inquiry of the nature suggested by the Honourable Member.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether, now that the Act is in operation, Government will inquire from the medical licentiates and other bodies and also from the Local Governments to reconsider that question ?

Sir Girja Shankar Bajpai : Sir, the operation of the Act by its very terms being limited to medical graduates has no effect upon medical licentiates.

FEEs DEMANDED BY THE CIVIL SURGEON, NEW DELHI, DURING HOSPITAL HOURS.

238. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the Civil Surgeon in charge of New Delhi Municipal Hospital (Willingdon Hospital) is entitled to charge fees for examination of patients in the hospital during the hospital working hours? If so, how much and under what rule or order of the Municipality or of Government?

(b) Is it a fact that in other hospitals in India, the medical officers are permitted to charge a particular fee for examination only when they examine private patients in their private quarters during their leisure hours?

(c) Is it a fact that the Civil Surgeon at the New Delhi Hospital charges out-patients, who are not first class Government officers, for examination only in the hospital during hospital hours? If so, how much and under whose orders?

(d) Are Government aware that, in the event the Civil Surgeon, whose services are loaned by the Government to the Municipal Hospital at New Delhi, does make a charge on all non-first class Government officers and private residents of New Delhi for mere consultation in the hospital during consultation hours, it becomes impossible for such of those that cannot afford to pay the fee demanded by the Civil Surgeon to obtain expert advice?

(e) Are Government aware that in Great Britain, where most of the hospitals are maintained out of voluntary contributions, any person is permitted to obtain expert advice even from Honorary Physicians and Surgeons during their consulting hours in the hospital on the payment, if not entirely free, of a very small fee to the hospital and not to the physicians and surgeons? If so, how is the Civil Surgeon, New Delhi, justified in demanding fees for consultation during hospital hours from out-patients?

(f) Do Government propose to find out how long and in how many cases the Civil Surgeon at the Municipal Hospital in New Delhi has received fees from out-patients for examining them during hospital hours, and do Government propose to make him refund the amounts so received to the particular patients? If not, why not?

Sir Girja Shankar Bajpai : (a) (c), (d) and (f). The Honourable Member's question presumably refers to the practice in respect of out-patients. The position in New Delhi in regard to such patients is that, unless they are officials entitled to the services of the Civil Surgeon, they have to see the senior Assistant Surgeon who is in charge of the out-patients' department. The Assistant Surgeon may consult the Civil Surgeon when necessary. If a non-official, who is not entitled to the Civil Surgeon's services and who is in a position to pay a fee, insists on seeing the Civil Surgeon, he may be seen in the hospital and charged a fee not exceeding Rs. 16. Officials entitled to medical attendance by an officer

below the rank of Civil Surgeon have the right of access to the Civil Surgeon, when necessary or when difficulty arises, and no fee is demanded or expected. In the circumstances Government do not consider it necessary to make the enquiry suggested by the Honourable Member in part (f) of his question.

(b) There is no uniform practice in this matter.

(e) The position in Great Britain is not as suggested by the Honourable Member. In most hospitals an out-patient is examined by the hospital almoner as to his financial position before being admitted to the consulting room. When admitted, he has no choice of consultant but has to appear before the doctor or his assistant who may be on duty on that day.

Mr. N. M. Joshi : May I know, Sir, on what grounds a first class officer has the right of consulting the Civil Surgeon even for a slight illness, while a subordinate officer has not got the same right ? What is the reason for this kind of discrimination ?

Sir Girja Shankar Bajpai : I don't think my Honourable friend has quite appreciated the position. A subordinate official of the Government for a minor ailment is entitled to the services of an Assistant or Sub-Assistant Surgeon, as the case may be, but if either the Sub-Assistant Surgeon or the Assistant Surgeon feels that the character of the disease is such that the Civil Surgeon should be consulted, the Civil Surgeon is consulted and renders his service free of charge.

Mr. N. M. Joshi : May I ask, Sir, whether it will not serve the purpose of economy if a first class officer goes to a subordinate medical officer for consulting about a minor ailment ?

Sir Girja Shankar Bajpai : I don't think that will be so, because, after all, if economy is the main objective, probably my friend will suggest that there should be a first class Civil Surgeon to do all the work, but inasmuch as there are only 24 hours in a day, I doubt very much whether that first class Surgeon could do it.

Mr. N. M. Joshi : May I know whether the Government of India will consider if it will not be proper to offer the services of the Civil Surgeon according to the nature of the malady, instead of according to the class of the officer ?

Sir Girja Shankar Bajpai : Inasmuch as the existing arrangement seems to meet all reasonable requirements, Government don't think it is necessary to consider a modification.

Mr. Lalchand Navalrai : May I know if a non-official pays the fees and the Civil Surgeon examines him, will he examine him during hospital hours or after the hospital hours ?

Sir Girja Shankar Bajpai : Ordinarily, private practice is done outside hospital hours, but if there is a special case when a non-official goes to the hospital and seeks the assistance of the Civil Surgeon and it is held that he is in a position to pay the fee, in that case he is examined during hospital hours.

Mr. Lalchand Navalrai : To whom is the fee paid then ? Is it to the Civil Surgeon himself or to the Municipality or the Government ?

Sir Girja Shankar Bajpai : To the Civil Surgeon in the case of the New Delhi Municipality.

Mr. Lalchand Navalrai : Does the Honourable Member know that, in other Government hospitals, Civil Surgeons, during hospital hours, examine patients without fees? Will the Honourable Member advise the New Delhi Municipality or the Civil Surgeon there to conform to that practice which is followed in other provinces?

Sir Girja Shankar Bajpai : I have already answered part (b) of my Honourable friend's question, and I have said that there is no uniform practice in this matter.

Mr. T. S. Avinashilingam Chettiar : Sir, may I, with your permission, ask this question, because Mr. Mathuradas Vissanji is not here?

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member got any authority from him?

Mr. T. S. Avinashilingam Chettiar : No, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Then he cannot ask that question.

PROTECTION TO THE COCOANUT INDUSTRY IN INDIA.

239. ***Mr. Mathuradas Vissanji :** Will Government be pleased to state :

- (a) whether they have received the recommendations of the Sub-Committee appointed by the Imperial Council of Agricultural Research on Dr. Patel's Report on the cocoanut industry in India and, if so, when ;
- (b) what action Government have taken on the recommendations of the Sub-Committee ; and
- (c) whether Government propose to take immediate action to afford protection to the cocoanut industry in India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, in February, 1935.

(b) and (c). The recommendations of the sub-committee are still under the consideration of the Government of India.

REFUSAL OF PERMISSION TO MR. MOHAN LAL SAKSENA TO VISIT THE CELLULAR JAIL AT PORT BLAIR.

240. ***Mr. Sri Prakasa :** (a) Is it a fact that Mr. Mohan Lal Saksena had applied for permission to visit the Cellular Jail at Port Blair and that Government refused to give the required permission ?

(b) Is it also a fact that he had offered to go there at his own expense? If so, will Government be pleased to state the reasons why the permission was refused?

(c) Is it a fact that the Honourable Diwan Bahadur G. Narayanaswami Chetti, C.I.E., recently paid a visit to the Andamans? If so, will Government be pleased to state whether he was granted permission after Mr. Mohan Lal Saksena's application?

(d) Will Government be pleased to lay on the table a copy of the correspondence that passed between the Honourable Diwan Bahadur G. Narayanaswami Chetti, C.I.E., and Government in this connection ?

The Honourable Sir Henry Craik : (a) Yes.

(b) Yes. I would refer the Honourable Member to my letter to Mr. Saksena of 27th April, 1935, a copy of which has been placed on the table of the House.

(c) Yes. The Honourable Diwan Bahadur G. Narayanaswami Chetti was granted permission long before Mr. Saksena's application.

(d) A copy of the correspondence with the Honourable Diwan Bahadur G. N. Chetti on the subject of his visit to the Andamans is placed on the table of the House.

Copy of a letter No. F. 60|35-Jails, dated 27th April, 1935, from the Government of India, Home Department, to Shri Mohan Lal Saksena, M.L.A., Advocate, Aminud-daulah Park, Lucknow.

In your letter of April 17th you asked to be informed of the reasons which led the Government of India to refuse your request for permission to go to Port Blair. The reasons are as follows :

In your original request you stated that you had received a number of complaints regarding the treatment of prisoners in Port Blair. In reply to an enquiry from me you refused in your letter of March 29th to reveal what these complaints were and admitted that you had no evidence in support of them. The investigation of complaints in regard to the treatment of prisoners is essentially a matter for Government to take up themselves and the Government of India are always prepared to undertake such investigation when specific complaints are brought to their notice. But to allow a non-official to visit the Settlement with the express object of enquiring into complaints, especially when they are unspecified and admittedly *ex parte*, would in the opinion of Government encourage the presentation of such complaints by prisoners and would thus be highly prejudicial to jail discipline. Government cannot, therefore, agree to give facilities to any individual for such a purpose.

Copy of a demi-official letter No. 1316|33-Jails, dated the 30th October, 1933, from the Government of India, Home Department, to the Honourable Dewan Bahadur G. N. Chetti, Member of the Council of State, 9, Windsor Place, New Delhi.

You approached the Honourable the Home Member in Simla with a request that you might be allowed to visit the Andamans, in a private capacity and at your own expense, about Christmas time, so that you might have an opportunity of visiting the Cellular Jail. Mr. J. W. Smyth, the Chief Commissioner of the Andamans, is at present in Delhi and is staying with the Honourable the Home Member at No. 2, King Edward Road. He will be leaving Delhi on Thursday evening. The Honourable the Home Member has asked me to write to you and say that Mr. Smyth will be very glad to see you before he leaves Delhi and discuss with you your desire to visit the Andamans. If you would like to meet Mr. Smyth, perhaps you will write to him direct at No. 2, King Edward Road, and let him know when it would be convenient for you to call upon him.

Copy of a demi-official letter No. D.1451|33-Jails, dated the 20th November, 1933, from the Government of India, Home Department, to the Honourable Dewan Bahadur G. N. Chetti, Member of the Council of State, 9, Windsor Place, New Delhi.

In continuation of my demi-official letter No. 1316|33-Jails, dated the 30th October, I write to inform you that the Government of India have no objection to your visiting the Andamans in a private capacity. The Chief Commissioner has sug-

gested that you should sail by the S. S. "Maharaja" on one or other of the two following trips :

1. Leave Calcutta	December 10
Arrive Port Blair	December 13
Leave Port Blair	December 20
Arrive Calcutta	December 24
2. Leave Calcutta	December 31
Arrive Port Blair	January 3
Leave Port Blair	January 10
Arrive Madras	January 14

2. The Agents of the S. S. "Maharaja" are Messrs. Turner, Morrison and Company, Calcutta, and, after you have decided the dates most suitable to you, you should write to them direct about accommodation. I am sending a copy of this letter to them so that there may be no difficulty in regard to accommodation.

Mr. Sri Prakasa : Why was a discrimination made between the two gentlemen in the matter of granting permission to visit the Andamans ?

The Honourable Sir Henry Craik : I would refer the Honourable Member to the correspondence I am laying on the table.

Mr. Sri Prakasa : Sir, I want a definite answer at once, because I want to base my supplementary questions on it. It will take some time for me to get the answer from the table of the House. Cannot the Honourable Member read out that correspondence ?

Mr. President (The Honourable Sir Abdur Rahim) : If the answer is to be found in the correspondence, the Chair thinks the Honourable Member can read the correspondence and afterwards put his supplementary questions. If the Honourable Member reads that correspondence, it is possible that supplementry questions may not be found necessary.

Mr. Sri Prakasa : That is impossible, Sir.

Mr. Ananthasayanam Ayyangar : May I know from the Honourable Member if a single reform has been effected within the prison walls on the advice given by Diwan Bahadur Narayanaswami Chettiar till now ?

Prof. N. G. Ranga : Not even butter milk is supplied to prisoners in Madras.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot carry on a conversation like that.

Mr. M. Ananthasayanam Ayyangar : Yesterday it was stated that, on account of the special experience of the working of the Jail Administration, Diwan Bahadur Narayanaswami Chettiar possessed a special advantage, and, therefore, he was given a passport to proceed to the Andamans. I am now asking the Honourable Member to state if, in all his experience, even a single reform has been effected as a result of the advice tendered by Diwan Bahadur Narayanaswami Chettiar ? Is there a single reform to the credit of Diwan Bahadur Narayanaswami Chettiar ?

The Honourable Sir Henry Craik : I think the gentleman in question has effected a great deal of reform in jail administration.

Mr. M. Ananthasayanam Ayyangar : May I know if even a single reform has been effected in all the millions of jails in this country as a result of the advice given by Diwan Bahadur Narayanaswami Chettiar ?

The Honourable Sir Henry Craik : I do not think that arises out of this question. I happen to know that the gentleman in question has done a great deal especially in regard to helping released prisoners.

Mr. M. Ananthasayanam Ayyangar : That is outside the jails. My question relates to reforms effected, if any, inside the jails. Released prisoners are no longer in jails. I want to know what additional comforts or any other improvements in the amenities of life of the prisoners inside the jails have been made as a result of the advice tendered by Diwan Bahadur Narayanaswami Chettiar ?

The Honourable Sir Henry Craik : That does not arise out of the answer I have given. If the Honourable Member wishes to have this information, he should put down a question on paper.

Mr. M. Ananthasayanam Ayyangar : On what grounds was that gentleman chosen to go to the Andamans in preference to my Honourable friend, Mr. Mohan Lal Saksena, who is a Member of this House ?

Prof. N. G. Ranga : He is a well-known loyalist !

Mr. Sri Prakasa : I want to ask you, Sir, for the sake of information, whether, if I feel that any supplementary questions should be asked after reading the papers, I could put them tomorrow, or shall I have to wait and take my chance later ?

Mr. President (The Honourable Sir Abdur Bahim) : The Honourable Member may ask any supplementary questions that may arise out of the correspondence, tomorrow.

TRAIN SERVICE BETWEEN GUDUR AND KATPADI AND DHARMAVARAM ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

241. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that the train service between Gudur and Katpadi and Dharmavaram on the Madras and Southern Mahratta Railway, is very slow, and consequently bus service is flourishing and making good income to the detriment of the Railway income ?

(b) Are Government also aware that the third class carriages in use are all rickety, having doors opening outside and having no proper bolts and hinges ?

(c) Are Government aware that the lavatories in the third class carriages are not provided with water, are not cleaned properly, are too small for free ingress and egress, and are highly insanitary ?

(d) Are Government prepared to take immediate steps to remedy these defects ?

Mr. P. R. Rau : (a) There are heavy gradients on each of the sections referred to, and all trains have to stop at every station. Owing to the light section rails in the track a more powerful engine is not available for use on these sections. Under these circumstances the speed of trains is restricted.

(b) No. All trains running on those sections are composed of bogie stock.

(c) No. Tanks of lavatories of third class carriages running on those sections are filled with water and the lavatories cleaned at six stations.

(d) Government are forwarding a copy of the question and the answer to the Agent, Madras and Southern Mahratta Railway, to see whether any steps can be taken to accelerate the service.

Prof. N. G. Ranga : Are Government aware of the fact that latrines in these trains are in an abominable condition ?

Mr. P. E. Rau : No, Sir. I understand that they are cleaned at six stations out of eighteen.

CONSTRUCTION OF A RAILWAY LINE BETWEEN TIRUPATI AND MADRAS.

242. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware of a resolution passed by the Bar Association, Tirupati, that the Tirupati Railway Station should be connected by metre gauge to Madras ?

(b) Has not the line been surveyed and lands acquired for laying the railway at an enormous cost ?

(c) Are Government prepared to take up the construction of the railway at an early date ?

Mr. P. E. Rau : (a) No.

(b) No land has been acquired. As I informed my Honourable friend in February last, the total cost of the survey is about Rs. 76,000.

(c) The project is one of those being reconsidered at the present moment.

PROPOSAL TO CONSTRUCT A FUNICULAR RAILWAY FROM TIRUPATI TO TIRUMALAI HILLS IN THE MADRAS PRESIDENCY.

243. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware of a proposal to construct a funicular railway from Tirupati to Tirumalai Hills *via* Chandragiri in the Madras Presidency ?

(b) Are Government aware that there is a lot of public opinion against it on the ground that the sanctity of the Tirumalai Hill would be destroyed and that town of Tirupati would sink into insignificance ?

(c) Are Government prepared to take steps to prevent the construction of such a railway ?

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

(b) and (c). No. The proposal is one primarily for decision by the Government of Madras.

PROTECTION OF INDIANS FROM AIR RAIDS.

244. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that all countries in Europe and in the East are taking steps to protect the civil population from air raids, in case of an air attack, by giving them mask drills ?

(b) What steps, if any, are Government taking in this direction to protect the people of India ?

(c) Do Government propose taking any steps to improve their defence in case of a possible outbreak of war in Europe or in the East ?

Mr. G. E. F. Tottenham : (a) Government understand that the Governments of several countries have been studying the matter, but they have no precise information as to the extent to which they have been training their populations by means of gas mask drills.

(b) and (c). The possibility of air raids on India is remote at present, and no active measures to train the civil population in methods of protection are considered necessary. The Honourable Member may rest assured that the Government will take such steps as may be necessary, if the need arises.

Prof. N. G. Ranga : Is there any possibility of the Government of India thinking of throwing bombs on the civilian population outside the frontier ? They are already doing this on the frontier now.

Mr. G. E. F. Tottenham : I could not hear the Honourable Member's question. If he could speak a little slower and a little louder, I might be able to hear him.

Prof. N. G. Ranga : Is there any possibility of the Government of India thinking of throwing bombs on the civilian population on this side of the frontier ?

Mr. President (The Honourable Sir Abdur Rahim) : That does not arise. Next question.

REFUSAL OF PERMISSION TO CERTAIN PERSONS TO ENTER QUETTA FOR AFFORDING RELIEF TO THE EARTHQUAKE SUFFERERS.

245. ***Mr. M. Ananthasayanam Ayyangar :** (a) Why have Government refused permission to the Indian National Congress Secretaries and to Mahatma Gandhi to enter Quetta for affording relief to the earthquake sufferers ?

(b) Is it not a fact that the Congress leaders rendered invaluable services to Bihar by giving relief to the earthquake sufferers ?

(c) What steps have Government taken to see that no thefts are committed of the properties of the earthquake sufferers at Quetta ?

(d) What is the total value of the property recovered from out of the debris at Quetta, and how much of this was restored to the owners ?

Mr. J. G. Acheson : (a) I would refer the Honourable Member to the answer given by the Honourable Sir Henry Craik to part (c) of Mr. Satyamurti's starred question No. 219.

(b) Yes, Sir, Government are aware of the services rendered by the Congress to the sufferers in the Bihar earthquake.

(c) The Honourable Member's attention is invited to Chapters IV and VI of the pamphlet "The Quetta Earthquake, 1935", copies of which have been sent to all the Members of this House.

(d) It is not possible to estimate the total value of the property recovered from under the debris before the city was sealed, as the

property excavated was handed direct to the owners and no record was kept. Since the preliminary salvage has started within the sealed area, property valued at over rupees four lakhs has been handed over to the owners.

Mr. M. Ananthasayanam Ayyangar : What is the value of the articles still in the possession of Government which have to be surrendered to the owners ?

Mr. J. G. Acheson : I am afraid I cannot answer that question without notice.

Pandit Krishna Kant Malaviya : Is it a fact that one Mr. Hogg of the Boy Scouts was allowed to proceed to Quetta ?

Mr. J. G. Acheson : I do not think that arises out of this question.

PREVENTION OF THE EXPORT OF SILVER AND A RISE IN ITS PRICE.

246. ***Mr. M. Ananthasayanam Ayyangar :** What steps do Government propose to take to prevent the export of silver and to prevent a rise in the price thereof ?

The Honourable Sir James Grigg : I would invite the attention of the Honourable Member to the reply given by me to Mr. Satyamurti's starred question No. 223 during the current Session.

Mr. M. Ananthasayanam Ayyangar : No, Sir. When I asked that question, my Honourable friend said there was a question on the paper later which he would answer, and now he is asking me to go back to the answer which he gave to the first question.

The Honourable Sir James Grigg : The Honourable Member was referring to another question of his which appears later on, but if he wants me to answer the question before it has been reached, I will tell him here and now, that I do not propose to make any statement of any kind of the subject of silver while the bullion market is in its present jumpy state. I do not desire to give the speculators any kind of lead in any direction.

Mr. M. Ananthasayanam Ayyangar : The Honourable Member.....

Mr. President (The Honourable Sir Abdur Bahim) : The Honourable the Finance Member has said that he is not going to make any statement on the subject of silver.

Mr. M. Ananthasayanam Ayyangar : There is a question out of the vague answer that my Honourable friend has given. The Honourable Member who puts this question is not a speculator himself, I may assure him. I want the Honourable Member to state what steps have been taken till now to lower the price of silver. let alone the steps that have to be taken in the future ? What steps have been taken till now to lower the price of silver ?

The Honourable Sir James Grigg : The price of silver has been regulated by market conditions.

Mr. M. Ananthasayanam Ayyangar : Has a very large quantity of silver been sold by the Government of India to reduce the price of silver ?

The Honourable Sir James Grigg : That is a question which I do not propose to answer.

Mr. M. Ananthasayanam Ayyangar : I am asking with regard to the sale that has already taken place, and not to the sale that may take place hereafter. Have the Government of India already sold a large quantity of silver to bring down the price of silver ?

The Honourable Sir James Grigg : Does the Honourable Member mean before the present speculative rise in silver took place ? Of course, they did. Information about that appears in the annual reports of the Controller of Currency.

Mr. M. Ananthasayanam Ayyangar : May I know what quantities were sold ?

The Honourable Sir James Grigg : I cannot say off-hand. You will find it in the Controller's report.

Mr. M. Ananthasayanam Ayyangar : Was any quantity sold during the last three months ?

The Honourable Sir James Grigg : That is a question which I refuse to answer.

COMBINE FOR WORKING THE GOLD MINES IN THE NILGIRIS.

247. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that some Australian and London companies have entered into a combine for working the gold mines in the Nilgiris ?

(b) Have Government investigated the possibilities of opening up gold mines there ?

(c) Do Government propose to take steps to start a company locally or to nationalise that industry ?

The Honourable Mr. D. G. Mitchell : (a) The Government of Madras report that an unregistered company, called the Wynaad Gold Development Company, Limited, with English and Australian Directorate has obtained permission to prospect for gold in certain private *Janmam* lands in the Nilgiris.

(b) Certain investigations were made in 1879 and 1901-1902.

(c) No.

Mr. M. Ananthasayanam Ayyangar : Why not ?

The Honourable Mr. D. G. Mitchell : In all possibility it was not worth while.

Prof. N. G. Ranga : Have Government ascertained whether it would be worth while or not ?

The Honourable Mr. D. G. Mitchell : The grade of the ore in that part of Madras is so low that, even with the present high prices of gold, there is no likelihood of its development being a paying proposition.

Mr. M. Ananthasayanam Ayyangar : Then, what is the explanation of this private company coming in when there is no prospect of getting any profit ?

The Honourable Mr. D. G. Mitchell : The Honourable Member must remember that hope which springs eternal in the human breast and which has resulted probably in more money being spent on hunting and prospecting for gold than has ever been derived from the mining of it.

Mr. M. Ananthasayanam Ayyangar : What are the results of the investigations of 1879 and the later year to which the Honourable Member referred ?

The Honourable Mr. D. G. Mitchell : Complete failure. One company in particular obtained no gold whatsoever.

Mr. M. Ananthasayanam Ayyangar : I suppose this information is available to the persons who are floating the present company ?

The Honourable Mr. D. G. Mitchell : I presume so.

Mr. M. Ananthasayanam Ayyangar : Then, why are they floating a company of that kind ?

Mr. President (The Honourable Sir Abdur Rahim) : Next question, No. 248.

REFUSAL OF PERMISSION TO CERTAIN PERSONS TO ENTER QUETTA FOR AFFORDING RELIEF TO THE EARTHQUAKE SUFFERERS.

248. ***Sardar Sant Singh :** (a) Is it a fact that Mahatma Gandhi and Babu Rajendra Parshad, President of the Indian National Congress, applied to the authorities for permission to visit Quetta, after the earthquake ? If so, what was the correspondence which passed between the Government and the gentlemen concerned ? Will Government lay the full text of the correspondence on the table of this House ?

(b) What were the reasons which led Government to refuse permission to Mahatma Gandhi and the President of the Indian National Congress ?

The Honourable Sir Henry Craik : (a) Mr. Gandhi applied for such permission for himself and others. Babu Rajendra Prasad applied for such permission for relief parties. Government would have no objection to laying the correspondence on the table but have not the permission of the gentlemen concerned to do so.

(b) I would refer the Honourable Member to the reply I gave to parts (b) and (c) of Mr. Satyamurti's starred question No. 219.

EARTHQUAKE AT QUETTA IN 1931.

249. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if there was an earthquake in Quetta in 1931 ? If so, how much loss of person and property did it cause ?

(b) What steps did Government take in Quetta to guard against such incidents happening thereafter ?

(c) Were any earthquake-proof buildings constructed at Quetta ? Were they private or public, and how far did they stand the recent dreadful earthquake at Quetta ?

Mr. J. G. Acheson : (a) The attention of the Honourable Member is invited to the answer given by the Honourable Mr. E. B. Howell on the 7th November, 1931, to parts (b) and (c) of his question No. 1245.

(b) All public buildings constructed since 1931 have been built to earthquake-proof design.

(c) They stood the recent earthquake very successfully. As far as is known no private houses were constructed on earthquake-proof lines.

Mr. Lalchand Navalrai : May I know from the Honourable Member if he can give me an idea of the reply given by Mr. Howell in reply to part (a) ?

Mr. J. G. Acheson : I have it here. It reads :

“ The Honourable Member is referred to the communiqué issued by the Honourable the Agent to the Governor General in Baluchistan, dated the 29th August, 1931 (which gave the particulars of the earthquake).

In all, 104 deaths have been reported in Kalat State territory and seven deaths in British Baluchistan. The Central Jail, Railway buildings and other Government property at Mach were seriously damaged. At Quetta and Ziarat a considerable number of Government buildings were slightly damaged. In the Bolan pass neighbourhood, numerous Government buildings and also the Railway and the road were seriously damaged, etc.”

The answer is rather long, but the portion I have read out gives sufficient indication of its nature.

Prof. N. G. Ranga : Why is it that no condition was imposed upon the private owners to see that they should build their houses only as earthquake proof ?

Mr. J. G. Acheson : Not that I am aware of.

Prof. N. G. Ranga : Do the Government of India propose to impose any such condition for the construction of houses in future.

Mr. J. G. Acheson : Such a proposal is under consideration.

RECENT EARTHQUAKE AT QUETTA.

250. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to make a full statement as to the happening of the recent earthquake at Quetta, and state at what time it took place, what immediate steps Government took, and what arrangements were made for immediate help and succour to the people on account of the earthquake ?

(b) At what time after the earthquake shock did Government, through the military and civil authorities, commence helping the people who were alive, and what help did they render to them ?

(c) When was the digging out of people from under the debris commenced and when was it stopped and why ?

(d) How many persons were dug out, dead or alive, during the above period ?

(e) Was any outside help called for the purpose of bringing out people ?

(f) Did Government do anything to immediately import into Quetta outside labour and volunteers in order to help the military and to do

more extensive work of digging out people during the period it was being done? If not, why not?

(g) Is it a fact that people and organizations from outside Sind and the Punjab volunteered to come to Quetta with any amount of labour, provisions and food-stuffs to do work in an organized, systematic and disciplined manner under the control of the military? If so, did Government accept the offer? If not, why not?

(h) Are Government aware that the opinion of the people and the Press has been that had the authorities requisitioned adequate, organized and disciplined corps from outside and rushed them to Quetta within a day or two of the occurrence of the earthquake, not only thousands of lives would have been saved, but the possibility of the alleged stench and danger of epidemic would have disappeared? Will Government be pleased to state full reasons for not so requisitioning?

(i) Is it a fact that responsible persons from Shikarpur actually offered to go with volunteers, labour, provisions, and other necessities?

(j) Is it a fact that they were permitted to do so and that they arranged for a special train and equipped it, but the order was countermanded and they could not carry out their wishes? If so, why was the order changed?

(k) Is it a fact that Government subsequently allowed four prominent citizens of Shikarpur, with attendants and provisions, to proceed to Quetta and also placed two wagons at their disposal for carrying supplies?

(l) Is it a fact that the party left Shikarpur but on reaching Jacobabad, the Deputy Commissioner, who had received countermanding orders stopped them from proceeding to Quetta? How do Government explain this action?

Mr. G. R. F. Tottenham: (a) to (h). I think the Honourable Member will find these parts of his question answered in the pamphlet "The Quetta Earthquake, 1935".

(i) to (l). I lay on the table a statement based on information received from the local civil authorities which shows that the Honourable Member has been misinformed in some important respects.

Statement.

(i) and (j). A band of about 12 volunteers, with provisions and money, left Shikarpur on the evening of the 31st May and reached Quetta, where they remained for about two weeks.

On June 1st, Khan Bahadur Allahbakhsh, Mahomed Umar and the Hindu Panchayat, apparently after consulting the local authorities, collected a band of about 50 volunteers, with provisions, money and necessaries, and wanted to send them by a special train. The local railway authorities were only prepared to attach an additional coach to the ordinary train; but Khan Bahadur Allahbakhsh wired to the railway authorities at Karachi asking for a special train. In the meantime, orders were received from the military authorities at Quetta prohibiting movements to that place, and the railway authorities had, therefore, to refuse the Khan Bahadur's request. It is thus not true to say that a special train had been arranged and equipped.

(k) and (l). The facts are as follows. On this occasion two wagons chartered by the persons mentioned above actually left Shikarpur, one attached to a goods train and the other to a passenger train. At Jacobabad a deputation of Shikarpuris, headed by Khan Bahadur Allahbakhsh and containing two prominent Shikarpuri doctors, called on the District Magistrate, Jacobabad, and asked to be allowed to proceed to Quetta for relief work. Permission was granted; but subsequently the

District Magistrate received instructions from Quetta not to allow medical relief parties, as the amount of medical aid in Quetta was adequate. The District Magistrate met the party at the railway station and explained to them that he could not let them proceed to Quetta. They had already attached their goods wagon to the train, and although the District Magistrate requested them to allow the wagon to proceed, they insisted on detaching it, as they themselves were not allowed to go to Quetta. At a later date, under instructions from the Administrator, Shikarpur, this wagon was re-booked to Quetta for free distribution to sufferers as a gift from the Shikarpur Relief Committee.

There was an entirely separate party, consisting of three persons (not four as stated in the question), which travelled from Shikarpur by the same passenger train as Khan Bahadur Allahbakhsh and his party. This party, the members of which were Diwan Bahadur Murlidhar, Mr. Alibakhsh (not to be confused with Khan Bahadur Allahbakhsh) and Mr. Chainrai had received permission to proceed to Quetta and did so. They were also met by the District Magistrate at the railway station at Jacobabad. They had no wagon.

Mr. Lalchand Navalrai : May I know from the Honourable Member, with regard to (e), whether any outside help was called for the purpose of bringing out people alive ?

Mr. G. R. F. Tottenham : If the Honourable Member would read the pamphlet, he would find the information there. I cannot lay my hands on the exact page, but it is there.

Mr. Lalchand Navalrai : Can the Honourable Member give any idea whether outside help was called or not.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should read the pamphlet.

Mr. Lalchand Navalrai : I have read the pamphlet, and I do not find in it the answers to the questions I have put. May I know from the Honourable Member if any additional help was called in to help the military in order to bring out people alive ?

Mr. G. R. F. Tottenham : I would refer the Honourable Member to page 12 of the pamphlet.

Mr. Lalchand Navalrai : May I know then from the Honourable Member if Mr. Hogg and his scouts were allowed to come in ?

Mr. G. R. F. Tottenham : I would refer the Honourable Member to the bottom of page 12 of the pamphlet. It is all stated there.

Mr. Lalchand Navalrai : I find in the pamphlet that after the 3rd evening there was no possibility of finding people alive ? May I know how it was not possible to find people alive ?

Mr. G. R. F. Tottenham : That is not stated in the pamphlet.

Mr. Lalchand Navalrai : Is it not a fact that on the 3rd evening, they stopped the excavations on the ground that further people will not be found alive ?

Mr. G. R. F. Tottenham : No, Sir.

Mr. Lalchand Navalrai : What was the reason then ?

Mr. G. R. F. Tottenham : If the Honourable Member will wait for the next question, I will explain the reason.

EXCAVATION WORK AT QUETTA AFTER THE EARTHQUAKE.

251. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state if any attempt was made at any time to resume the excavation work after it was stopped for the first time after the occurrence of the earthquake in Quetta ? If not, why not ? If so, when and for how long, and how many people were extricated from under the debris alive ?

(b) Is it a fact that the digging work with a hope of bringing out people alive was stopped owing to medical and sanitary reasons ? If so, who gave that opinion, what was it, and which was the highest authority which accepted that opinion ?

(c) Why were not suitable sanitary precautions, such as are usually taken when dead bodies are exhumed, taken or gas masks used for further excavating the buried people ?

Mr. G. R. F. Tottenham : (a) Regular excavation work in the city was suspended at night fall on the 3rd June, 1935. Street clearance was commenced early in July ; salvage of undamaged houses about the end of July ; and continuous excavation work early this month.

It is not possible to state accurately how many persons were extricated alive.

(b) Yes. The senior civil and military medical officers all agreed that to continue operations at that juncture would have involved the risk of a serious outbreak of disease. This opinion was accepted by the General Officer Commanding-in-Chief, Western Command, who at that time was in chief civil as well as military command. It was endorsed a few days later by the Public Health Commissioner with the Government of India when he visited Quetta.

(c) Regular excavation could not have been carried out even with the use of gas masks without grave danger of an outbreak of disease among the surviving population. By that time the chance of anybody's being alive in the debris was remote, while an epidemic among the survivors would certainly have caused the loss of numerous lives.

Mr. Lalchand Navalrai : May I know how it was considered that the chances of finding people alive were remote ?

Mr. G. R. F. Tottenham : That was the experience of those who were working in the area at the time.

Mr. Lalchand Navalrai : Did these people realise that when they stopped excavations, there were many people alive ?

Mr. G. R. F. Tottenham : I should like to know what authority the Honourable Member has for that statement. People on the spot were satisfied that there was very little chance of finding anybody alive. During the last few hours of excavation work, I believe, nobody was brought out alive.

Pandit Krishna Kant Malaviya : Even if one man could have been saved, he should not have been allowed to die.

Mr. G. R. F. Tottenham : The Honourable Member can make any statement he likes.

Seth Haji Abdoola Haroon : May I know when martial-law was proclaimed in Quetta ?

Mr. G. R. F. Tottenham : There is another question on that subject.

Dr. T. S. S. Rajan : What is the epidemic which the medical officers were afraid of ?

Mr. G. R. F. Tottenham : Cholera, I believe.

Mr. M. Ananthasayanam Ayyangar : Is the Honourable Member aware that for a week and more persons, who were imbedded in earth in the Bihar earthquake, were found alive later on.

Mr. G. R. F. Tottenham : That may have been so. I have no information.

Mr. M. Ananthasayanam Ayyangar : Why was the operation suspended within three days ?

Mr. G. R. F. Tottenham : The damage and devastation in the city of Quetta was of a different character from the damage done in the comparatively small towns and villages in Bihar.

Mr. M. Ananthasayanam Ayyangar : Have excavations been made since then for recovery of property from under the debris ?

Mr. G. R. F. Tottenham : I would refer the Honourable Member to the answer I have read out.

Seth Haji Abdoola Haroon : Is salvage work being done at present by the Government.

Mr. G. R. F. Tottenham : There are other questions on the subject which my Honourable friend, the Foreign Secretary, will be answering shortly.

Mr. M. Ananthasayanam Ayyangar : Would the recovery of property also have led to the outbreak of cholera ?

Mr. G. R. F. Tottenham : There was grave risk of disease arising from the exposure of corpses lying under the debris. Whether excavations had taken place for the recovery of bodies or of property, the danger would have been the same.

Pandit Krishna Kant Malaviya : May I know if excavation work was stopped as Government were short of hands ?

Mr. G. R. F. Tottenham : Not at all.

Dr. T. S. S. Rajan : Is not cholera a water borne disease ?

Mr. G. R. F. Tottenham : I am not a doctor, Sir.

Dr. T. S. S. Rajan : To say that a decomposed body would give rise to cholera is against all scientific facts.

Mr. Sri Prakasa : Was the nature of the damage done in Quetta different in nature to that done in the great city of Monghyr ?

Mr. G. R. F. Tottenham : I have no knowledge of the damage done there.

Mr. M. S. Aney : As regards the outbreak of cholera, may I know the names of the medical officers who gave that opinion.

Mr. G. R. F. Tottenham : The Honourable Member will find them in this pamphlet.

Mr. M. S. Aney : Can the Honourable Member oblige me by giving me the names ?

Mr. Sri Prakasa : On what authority did the Honourable Member say that the damage done in Quetta was different from that in Bihar ?

Mr. G. R. F. Tottenham : On the basis of facts, Sir.

Mr. Sri Prakasa : But did not the Honourable gentleman say that he had no knowledge of the damage done in Bihar ?

Mr. Lalchand Navalrai : May I know from the Honourable Member whether, when the excavations were made for finding out the property, cholera raged there then or not ?

Mr. G. R. F. Tottenham : The excavations were made after due precautions had been taken, and the danger of disease, I understand, is now less, because a large number of the corpses have dried up.

Mr. Lalchand Navalrai : May I know if no precautions would have availed at that time ? Would any precautions not have availed at the time after the 3rd of that month ?

Mr. G. R. F. Tottenham : I have answered that in reply to part (c) of the Honourable Member's original question.

ALLEGED DISAPPEARANCE OF CERTAIN PERSONS AFTER THE EARTHQUAKE AT QUETTA.

252. ***Mr. Lalchand Navalrai :** (a) Is it a fact that some people, including some women, were taken to the Relief Camp immediately after the earthquake at Quetta ? If so, had they any ornaments and valuable on their person, and how were they disposed of ?

(b) Is it a fact that some persons, including certain women, disappeared after they were secured from under the debris ?

(c) Were they traced subsequently ? What steps did Government take to find them out ?

Mr. G. R. F. Tottenham : (a) Hundreds of people of both sexes were taken in lorries to the Relief Camp soon after the Earthquake and a very large number went there on foot. It is naturally quite impossible to say what ornaments or valuables they had in their possession nor how they disposed of them.

(b) and (c). As far as is known no persons disappeared after being dug out from the debris.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether, when these people were taken to the hospital, the ornaments on the persons of the women were removed or not ?

Mr. G. R. F. Tottenham : Certainly not.

Mr. Lalchand Navalrai : Where did they go, then ? They must have had some ornaments,—or they had no ornaments at all ! If there were no ornaments, where did they go ?

(No answer.)

Seth Govind Das : Did those ornaments then go into the pockets of the Government servants ?

(Cries of " Order, order.")

Mr. Lalchand Navalrai : Sir, the Honourable Member is not answering my question.

Mr. President (The Honourable Sir Abdur Rahim) : Apparently the Honourable Member is not in a position to answer it.

CHILDREN SECURED AFTER THE EARTHQUAKE AT QUETTA.

253. ***Mr. Lalchand Navalrai :** (a) Were any children secured on the night of the earthquake at Quetta and thereafter ? If so, how many were males and how many females, and how were they disposed of ?

(b) Were there any unclaimed children and orphans in charge of Government ? If so, how have they been disposed of ?

Mr. G. R. F. Tottenham : (a) and (b). Many children were rescued and left the city with their parents or relatives, but I am unable to give their numbers. As far as is known only one orphan, a Sindhi girl, was found. She was admitted to the Race Course Hospital on the 2nd June and was subsequently sent to the Shikarpur Orphanage. Twenty-two Muslim orphans, who were living in the Quetta Muslim Orphanage, were removed to the Lahore Orphanage on the 2nd June, 1935.

Mr. Lalchand Navalrai : Were there no orphans admitted to hospitals, and, if so, where were they then sent ?

Mr. G. R. F. Tottenham : I have just given the information in reply to the Honourable Member's question.

CASUALTIES DURING THE EARTHQUAKE AT QUETTA AND VALUE OF THE PROPERTY LOST.

254. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state how many people in all were killed during the earthquake at Quetta, and how much property was lost ?

(b) How many Europeans, civil and military, were killed and injured, respectively ?

(c) How many of them were secured alive from under the debris, and when was excavation made for them, and for how long ?

(d) Were any Europeans sent away to Europe ? If so, what was their number, and when were they sent ?

Mr. G. R. F. Tottenham : (a) As regards the first part, the Honourable Member's attention is invited to page 1 of the pamphlet "The Quetta Earthquake, 1935", a copy of which was sent to him on the 29th August, 1935.

As regards the second part, it is impossible to estimate the value of the property lost, but in Quetta city alone, approximately fifteen thousand shops and houses were destroyed or badly damaged.

(b) The approximate numbers are :

	Killed.	Injured.
(i) Army	11	30
(ii) Royal Air Force	56	132
(iii) Civil	90	59
(iv) North Western Railway	95	27
Total	252	248

(c) The approximate numbers are :

Army	22
Royal Air Force	83
Civil	56

These figures do not include many Europeans who were able to extricate themselves or were rescued by their servants before organised rescue parties arrived.

It is impossible to say in each case when excavation began and how long it lasted.

(d) Yes, 1,176. They were provided with passages as soon as accommodation in steamers was available for them. The majority were sent in a specially chartered ship on the 21st June, 1935. Some had to be detained until fit to travel.

Mr. M. Ananthasayanam Ayyangar : What was the total population of Europeans in Quetta at the date of this earthquake ?

Mr. G. R. F. Tottenham : I do not know, Sir.

SALVAGE OF PROPERTY AT QUETTA AFTER THE EARTHQUAKE.

255. ***Mr. Lalchand Navalrai :** (a) When did the salvage of property commence at Quetta after the earthquake, and how long did it last ?

(b) How much property was secured during the salvage work and what was the cost incurred for doing so ?

(c) Is it a fact that a persistent and earnest demand was made for an early salvage ? If so, why was it refused ?

(d) Are Government aware that the traders of Quetta, particularly Shikarpur bankers, had a great stake and is it a fact that they requested for very early excavation of their documents and valuable securities, but the request was rejected ? If so, why ? When were such excavations made after all ?

Mr. G. R. F. Tottenham : (a) The salvage of certain essential items, such as food and petrol, began immediately after the earthquake. On the fifth day it had to be confined to selected areas owing to the danger of infection, and operations in the city area were suspended for this reason. The Honourable Member is referred to the Communiqués issued on the 10th and 30th July and the 30th August regarding the resumption of salvage operations.

(b) Government have no precise information as to the value of the large amount of property that has been salvaged or the cost of salvaging it.

(c) and (d). Such demands as were made for early salvage had to be refused for the reasons explained in the answer to part (a). The rescue of human beings rather than of property was naturally the first concern of the authorities.

Mr. Lalchand Navalrai : May I know if excavations have now been made for the purpose of salvaging the documents and securities or not ?

Mr. G. R. F. Tottenham : If the Honourable Member will read the communiqués to which I have referred in part (a) of my answer, he will find what has, and has not yet, been done in this matter.

Mr. M. Ananthasayanam Ayyangar : Is there no list maintained of property recovered from the debris ?

Mr. G. R. F. Tottenham : Does the Honourable Member wish to know whether a list of property owners is maintained ?

Mr. M. Ananthasayanam Ayyangar : A list of the property recovered.

Mr. G. R. F. Tottenham : Yes, I believe very careful lists are maintained.

Mr. Lalchand Navalrai : Why then are Government not able to estimate the value of the property recovered ?

Mr. G. R. F. Tottenham : My Honourable friend, the Foreign Secretary, has already stated the value of the property which has been recovered since the regular excavation work began a few weeks ago. That amounts, I believe, to something between rupees four and five lakhs. We have no definite information as to the value and amount of property that was recovered in the earlier days, directly after the earthquake took place.

Mr. M. Ananthasayanam Ayyangar : In the earlier stages, was the property salvaged handed over without any receipt, irrespective of the claims of the rightful owners ?

Mr. G. R. F. Tottenham : Just after the earthquake, a number of owners of property were able to go and take over their property themselves, and no precise record, I imagine, was kept of those transactions.

Mr. M. Ananthasayanam Ayyangar : Are Government assured that whatever property came into the hands of the relief workers were passed to the rightful owners ?

Mr. G. R. F. Tottenham : Every possible precaution is being taken and every possible step is being taken to see that property is restored as far as possible and as quickly as possible, to its rightful owners.

RE-BUILDING OF QUETTA.

256. *Mr. Lalchand Navalrai : (a) Do Government propose to re-build Quetta ? If so, at what place, under what plan and with what safety ?

(b) What precautions do Government propose to take to mitigate loss of person and property from any earthquake in future in the Quetta area ?

Mr. G. R. F. Tottenham : (a) and (b). The Honourable Member's attention is invited to Chapter VIII of the pamphlet " The Quetta Earthquake, 1935 ", copies of which were sent to all Members of this House on the 29th August, 1935. The whole matter is still under consideration.

Mr. M. Ananthasayanam Ayyangar : With reference to the statement of the Honourable Member in connection with the previous question as to the loss of life among the European civil and military officers there, may I know for the information of the House whether the houses that have been built for European civil and military officers were of a different type and earthquake-proof ?

Mr. G. R. F. Tottenham : No, Sir. Before this earthquake, there were no earthquake-proof constructions in Quetta, apart from the few buildings that were built on earthquake-proof lines between 1931, when the last earthquake took place, and 1935 : and none of those buildings, as far as I am aware, were buildings for military officers ; they were mostly, I think, for railway officers.

Mr. M. Ananthasayanam Ayyangar : Then, how does the Honourable Member account for the lesser loss of life among the European military and civil officers ?

Mr. G. R. F. Tottenham : The main reason was that the buildings in the city were extremely badly constructed ; they had no proper mortar, and so forth.

Mr. Lalchand Navalrai : May I know, since Quetta is still shaking, whether on that account Quetta would be removed from its present site, and, if so, where ?

Mr. G. R. F. Tottenham : I cannot give any further information on that point. The matter is still under consideration at the moment.

THE CRIMINAL LAW AMENDMENT BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion
12 Noon. moved by the Honourable Sir Henry Craik :

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

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I was rather disappointed when I heard the speech of the Honourable the Home Member. It seemed that the Honourable Sir Henry Craik was treading upon fresh ground and he had no knowledge of the past, the commitments of his predecessors, Sir James Crerar and Sir Harry Haig. When the Emergency Press measure was first introduced in 1931, Sir James Crerar gave a definite assurance to the House that the Bill was a temporary measure and it was only aimed at terrorist crimes and terrorist

[Mr. B. Das.]

movements. Thereafter, not only Sir James Crerar, but his successor, Sir Harry Haig, repeated that assurance and he even gave the assurance to the House that the Press Emergency Act which was incorporated in the Ordinance Act of 1932 would be withdrawn in time. But, since then, the Honourable Sir Henry Craik has discovered new sins on the part of us, Indians, and he wants to perpetuate this Act. Last year, when he was a fresh Member to this House, he said that India had two public enemies—public enemy No. 1, the terrorist, and public enemy No. 2, the Communist. But this year, very obviously, he has discovered public enemy No. 3, which is the communal dissenter. If I know the way in which his mentality is working, I will not be surprised if, in the near future, he discovers another public enemy, which will be called public enemy No. 4, namely “the contempts of the High Courts in India”. I will, later on, try to show that the High Courts in India are siding with the executive and making us believe that Indians cannot expect the British sense of justice any more from the Indian High Courts.

Sir, I must take this opportunity of offering my congratulations to Mr. Griffiths for his able maiden speech. This is the second time that Bengal has sent us a civilian—the first was the Irish civilian, Mr. Donovan—who can make a fine speech. But I was very much surprised to find that both Mr. Griffiths and Sir Henry Craik were trotting out the same old arguments of 1930-31. They had no fresh arguments to put forward as to why this Press Emergency Act and this Ordinances Act should be perpetuated. There was nothing new in all the arguments that Mr. Griffiths brought forward and for which he was cheered by the henchmen of the Government sitting on the other side of the House. All those arguments were repeated *ad nauseam* by Sir James Crerar and Sir Harry Haig and the then supporters of Government. Not a single new fact was brought out by the Home Member or even by his able supporter from Midnapore. I would ask Mr. Griffiths—I am sorry he is not present in the House—whether he read the speeches of Mr. K. C. Neogy and Mr. S. C. Mitra on the question of the Dacca riots and the Midnapore riots at the time when the Bengal Ordinance Bills were discussed and passed, and the various tragedies that were perpetrated by the Bureaucracy in Bengal by those Black and Tan methods? I challenge also Mr. Griffiths, including the Home Member, to tell me why the Nelson Committee's report was not published. Why is it that the Adami Committee's report on the Dacca riots was not published? The Adami Committee was appointed to inquire into the troubles of Dacca, and I believe at that time Mr. Griffiths was in Dacca. Very likely he was the Diwan of the Nawab of Dacca when the riots took place at Rahmatpur and other places. I want to know why those two reports were not published. Sir Harry Haig gave us an assurance on the floor of the House that a Government Committee was being appointed to inquire into the causes of the Dacca riots. That report never saw the light of the day. When the predecessor of the present Home Member was questioned, he began to reply in a roundabout way. Government did not publish those two reports because they knew that, if those two reports would see the light of the day, the Bengal Government, the Bengal executive and the Bengal police would stand condemned, not only before the people of India, but before the civilized nations of the world. That was the reason why those two reports were not published. The same remarks also apply to the report of the Government Committee in connec-

lion with the riots in the Hijli camp, which also did not see the light of the day. I hope, when the Home Member stands up to justify his unjustifiable position, he will be good enough to say why those three reports were never published. Sir, I will only ask the Honourable the Home Member, who is so very new to the Bengal politics and the mysterious dealings of the Bengal administration, to revise his memory by reading the debates that took place on the floor of the House and, though I am not a Bengali, the impression that was left on my mind was that the Bengal Government was overdoing the case.

Sir, one must seek the grounds why Government want to perpetuate this legislation. The Honourable the Home Member has dropped a hint. He wants to give a certain amount of security to the new Ministers. Whether the new Ministers will have any power or whether the Bureaucracy, the Civil Service, will control the new Ministers under the new dispensation of provincial autonomy or whether they want to continue the present system of autocratic administration, are points on which I do not wish to express any opinion. But I do wish to say this that the Government of India are not anxious so much for the new Ministers as to enable their followers, the Civil Service, to continue the present system of administration. I want to know how is it that, whenever the Government of India introduce a Criminal Law Amendment Bill on the floor of this House, red leaflets and red placards are always circulated in Chittagong and placards are posted all over the town? Here is a cutting I have got from the *Hindustan Times* which says that the northern quarter of the town of Chittagong was plastered with red leaflets in Bengali which were removed by the police. As far as I know—and I would like to be corrected by the Honourable the Home Member if I am wrong—there is martial law in Chittagong and no Bengali youth can go out after the evening. This very thing happened in 1931 and 1932 when this House discussed similar measures. Sir, the public suspicion is, and we have often given expression to this, that the police is behind all these. The police and the military are controlling the Chittagong town and there are curfew orders there; and, yet, in the night, some youths were able to go out and put these placards all over the town. This is very surprising indeed! It only shows the methods that are adopted by the Bureaucracy and the alien Government to justify their case.

Sir, the *Amrita Bazar Patrika* has published a Government circular which leads me to infer what is behind the Government mind in perpetuating this Ordinances Act. This is the circular issued by the District Intelligence Branch Institute of Bengal. I am glad that my Honourable friend, Mr. Griffiths, is here and he will justify this circular if he gets another chance to speak on this Bill and he will justify the action which his Government has taken. This circular which the police in Bengal circulated to their underlinks of the police department reads thus:

“At the instance of Pandit Madan Mohan Malaviya, a new party has grown up under the caption of ‘Congress Nationalist Party’. In Bengal, its nominees have swept all the polls in the recent Assembly elections, defeating their rival candidates set up by the Congress Parliamentary Board of Dr. B. C. Roy. The Congress Nationalist Party aims at the rejection of the Communal Award and the White Paper. Whether any members are being enrolled by the Nationalist Party or any organization supporting them is being set up, you would intimate accordingly. Henceforth, any enrolment of Congress members or organizing Congress activities should be mentioned in your weekly confidential reports.”

[Mr. B. Das.]

Sir, this shows what the Bengal Government has in mind, and if the Honourable the Home Member is still exercising superintendence and control over the Government of Bengal, then, I think the Government of India is a party to this kind of circular to the departmental myrmidons in Bengal. I hope, when my Honourable friend, the Deputy President, rises to speak on behalf of Bengal, he would like to tell us how the police are harassing the Nationalist Party and the Congress organisations in Bengal, so that my Honourable friend, Sir Henry Craik's secret ambition, that the Ministers under the new regime should be all toadies and not nationalists, would be fructified. This shows that the Government have got a deeper policy. A new Home Member comes and repudiates what his predecessor has said in the past, namely, that this measure would not continue permanently and that this measure would aim at only terrorist crimes.

Sir, I have often condemned, on the floor of the House, terrorist crimes, and Sir Harry Haig, while he was a Member of this House, agreed in the end with the Government of Bengal and wanted that the Government of India and the Government of Bengal should collaborate in finding employment for the unemployed and they should find the energies of these youths diverted from terrorist crimes. My Honourable friend, Mr. Sarma, talked of Sir George Anderson's speech. I take this opportunity to refer to Mr. Sarma's speech just a second. It seems Mr. Sarma made an excursion last year to England and hob-nobbed with the high and mighty in the India Office and gave banquets which were all well-known. But he seems to have had no time to acquaint himself with the British public, and, therefore, he took shelter as a speaker on the floor of this House and insulted the intelligence of the British public that they do not read the British press and that public opinion is not shaped by the British press. If I were an Englishman, I would feel indignant at such a statement coming from anybody, and I believe my Honourable friend, Mr. Sarma, got an embrace from the Honourable the Home Member which he was eagerly looking forward. Well, Sir, the Honourable the Home Member might embrace Mr. Sarma, but no Britisher, proud of his nation and of the liberties of the British press, would embrace Mr. Sarma, rather would detest his speech. If His Excellency Sir George Anderson, at this late stage, wants that the detenus should be trained in agricultural activities and opportunities should be found for them as to how to live in the pursuit of agriculture, I want to know what did the Government of India and the Government of Bengal do in the past, and why did they not think of solving this so-called problem of unemployment, whether it is among the educated classes of Bengal or amongst the unemployed workers in Bombay whom the Honourable the Home Member dubs as Communists. The Meerut Conspiracy Case proved that there is very little justification for thinking that there is any widespread movement of Communism in India. I read Communist books and I believe the Honourable Sir Henry Craik in his leisure moments may be reading those books just to enlighten his soul and spirit. That does not mean that the soil of India is suitable for the spread of Communism. I challenged the Honourable the Home Member last Session whether he wants to condemn Socialism as a public enemy of India, and he did say, no, he had no aim at Socialism. I know in India there is the Socialist Party growing inside the very Congress to which I belong. If it is honest and pure Socialism, the Socialism of Pandit Jawahir Lal Nehru, I have nothing to quarrel with ; but to raise

this bogey of Communism to perpetuate measures that will give a handle to the Lieutenants of Government to do anything they like, to pursue Black and Tan methods which they pursued in Ireland just before De Valera freed Ireland from the yoke of England, then, Sir, I condemn the action of the Government.

I should like to allude to one thing more. The Honourable the Home Member talked about the friendly and the unfriendly presses. As an old Member of this House, I know and I have been accustomed to see Home Members in the past taking all the press into their confidence and talking to them. Somehow, the Honourable the Home Member, Sir Henry Craik, experienced as he is, tried to flirt with the *Hindu* of Madras and invited the only Indian representative of that paper. He did not invite the representatives of the other papers, not even the representatives of the Associated Press of India or the United Press or the Free Press of India. This new system of flirtation will not do any good. I do not know whether the Honourable the Home Member read that speech of the late Mr. A. Rangaswami Iyengar while he presided over the All-India Journalistic Conference in 1931 and where he condemned the Press Ordinance that was introduced in 1930. So, if the Honourable the Home Member thinks that by setting one particular section against another section of the Indian press, he will try to create dissension amongst the Indian press, he will be thoroughly disillusioned. His predecessors did the same. They caused communal dissension which he now calls Public Enemy No. 3. If there is communal difference in India, as my Honourable friend, Dr. Deshmukh, has already pointed out, I blame the Government for it. I do not say that the Honourable Sir Henry Craik was a party to it, he might have been a party to it in the Punjab, I do not know anything about his work in the Punjab. But I, who has been here for the last 12 years, know how the policy of the different Home Members has caused this deep communal tension. Well, the story has ended. My Muhammadan brethren have got the Communal Award and they are satisfied with it, and they are not going to play any more into the hands of the Government and play their tune. So, I submit that Government cannot set a nationalist paper like the *Hindu* against the other press so that there will be dissension and they can get help from an unexpected quarter where no Government will expect help. I congratulate, rather I pity, the Government of India for having postponed my Bill to repeal the Criminal Law Amendment Act, 1908, to another date. It is coming on the 17th of this month. I should have thought that Government had a grain of common sense. Why did Government originally fix the 3rd instant as the non-official day for Bills? While the ballot box was placed on the table outside the Chamber, and while most of us signed our names in the numbered list, suddenly a *fatwa* comes in in the name of the Governor General to the effect that the non-official day has been changed from the 3rd to the 24th. I submit that either the Governor General has not discharged his responsibility or that he is incompetent to discharge his responsibility, because, why was it done on the day when the ballot box was placed on the table for Members to sign their names in that register. That shows the incompetency of the Governor General and his advisers, whether they are the whole Executive Council or only one Member is involved in it.

Sir, I told the Honourable Member that he would create in a year or so public enemy No. 4 in the matter of legislating for contempt of Courts.

[Mr. B. Das.]

Only yesterday, I got from my esteemed friend, Mr. C. Y. Chintamani, a copy of an editorial which was published about certain contempt of Court created through an article in his paper. We, who belong to the eastern part of India, were surprised at the punishment of that great editor, Mr. Tushar Kanti Ghosh of the *Amrita Bazar Patrika* who was punished by the High Court of Calcutta for a slight error, which may be called contempt of Court. Sir, I am not a lawyer and I am not afraid of speaking out boldly even against the Indian High Courts which are at present functioning as part of the executive Government. The I. C. S. men are going to be High Court Judges perpetually,—so it is provided in the Government of India Act.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable gentleman is perhaps wandering far away from the Bill.

Mr. B. Das : Yes, Sir, but I am giving the necessary advice as to what will come next year.....

Mr. President (The Honourable Sir Abdur Rahim) : There are other Honourable Members who desire to speak on the Bill itself.

Mr. B. Das : So, Sir, I have no hope from this Government or the High Courts. The High Courts have fallen in my estimation and in the estimation of the Indian public, because they do not administer justice and they misrepresent justice in India and identify themselves with the executive.....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair will not allow the Honourable Member to make these reflections on the High Courts.

Mr. B. Das : Sir, what this Government want is permanent protection. They have got it through the Government of India Act in the shape of safeguards. And, only three days ago, the Honourable the Finance Member said that an industry which required permanent protection had no right to exist. I would repeat the same admonition ; I would say that a Government which wants permanent and perpetual protection, whether by means of safeguards or by means of Ordinance Bills or Press Laws, has no right to exist, and, therefore, I ask them to get out of this country.

Dr. R. D. Dalal (Nominated Non-Official) : Sir, in supporting the motion moved by the Honourable the Home Member to take into consideration the Criminal Law Amendment Bill, I desire to refer to some of the general considerations of the Bill ; and, in doing so, I shall occupy the attention of this Honourable House for only a few minutes. In the first place, I congratulate the Honourable the Home Member on bringing forward this Bill in the interests of public security and tranquillity—in the interests of the peaceful development of the country and the liberty of the action of individuals in the political, social, and economic sphere. This Bill proposes to replace the Criminal Law Amendment Act of 1932, which is due to expire on the 18th December, 1935. Sir, I confess that this Bill has evoked a good deal of opposition from the Honourable Members opposite, and I am conscious that more dissentient voices will be raised. But I submit that all legislation is unpopular with somebody ;

and Honourable Members must be aware of the most salutary measures denounced as iniquitous at the time of their introduction and of the Government savagely abused for the passing of the Acts, which were afterwards extolled and applauded as their principal title to fame.

Now, Sir, I shall just say one word as regards the Civil Disobedience Movement, and I shall then pass to an important item, namely, the control of the press.

Sir, I respectfully ask, does any right-minded Indian desire to return to the dreadful conditions of 1930 Civil Disobedience Campaign, namely, the horrible carnage and bloodshed of Cawnpore, the ghastly tragedies at Sholapur, the dislocation of trade and business, hartals, frenzied appeals to boycott and obstruction, raids on salt pans, the looting and burning of foreign goods, corrupting frontier tribes, murder, rape and arson? If there is one thing which the people of India desire, it is to be saved from the horrors of 1930. The Congress has time and again declared that the Civil Disobedience Movement may be revived any time, the object being to destroy the law, and to paralyse and coerce the Government, and to intimidate and coerce those individuals who do not agree with the Congress. The behaviour of the extremists cannot be depended upon. The Civil Disobedience Movement was started for the second time on quite inadequate grounds; and if these powers are relaxed, it is just possible that the Civil Disobedience Movement may be started for the third time. Further, Mr. Gandhi, Leader of the Congress, has time and again declared that Civil Disobedience is with him an article of faith. Furthermore, four or five days back, on the 5th September, my Honourable friend, Mr. Satyamurti, Secretary of the Congress Party, solemnly admitted that Civil Disobedience would never be abandoned. For these reasons I have reluctantly come to the conclusion that it is unwise to omit from the new Act the sections which expressly refer to the Civil Disobedience Movement—this subversive movement, which is the denial to democracy, an enemy of freedom, and an obstacle to reform.

Sir, I submit that no innocent law-abiding person has any reason to fear the effect of the provisions of this Bill; and the honest and well-conducted press has nothing to fear from this Bill. These powers are necessary owing to proved ineffectiveness of the existing law. Prosecution for sedition is a slow, complicated, elaborate proceeding, and even when a conviction is obtained, it is obtained against a man of straw. The editor, who actually directs and inspires the policy of the paper and who writes seditious articles, sits quietly, easily, safely, and comfortably in the background. Of course Government can publish a contradiction in a communique, but the mischief is already done by the original false statement or insinuation. Sir, the consistent policy of Government has been to maintain the Indian press as free from control as possible; but circumstances have compelled Government to impose or to re-impose executive control. The liberty to print attacks on Government, to impute evil motives to Government, to incite to refusal to pay or to acts of violence—this liberty is surely not the true freedom of the press. Much has been said as to restricting and curbing and curtailing the liberty of the press; but I submit that liberty is more easily destroyed by those who abuse it than by those who restrict it. I confess that the Indian press, especially the vernacular press, has played a very important

[Dr. R. D. Dalal.]

part in creating public opinion and interest in political affairs amongst the masses. But a great deal of mischief that has been created is due to the vapourings and vagaries of the vernacular press. Lawlessness, communal bias, hatred between the different communities, Hindu-Moslem riots, all these are mostly due to the vernacular press. The Indian National Congress is admittedly the strongest and best organised political force in India ; and the Congress has unquestionably succeeded in rousing the masses. This success is, mainly due to the vernacular press. There is no doubt that in the past a torrent of misrepresentation, perversion, and sheer invention has poured from the vernacular press ; and the vernacular newspapers have encouraged the spirit of lawlessness by praising to the skies every manifestation of defiance of the law ; what is more they have stimulated the lower passions of their readers by every means ranging from salacious advertisement to the condonation of murder. Now, Sir, with your permission, I shall refer to the bomb explosion in the Legislative Assembly Chamber at New Delhi. That dastardly outrage was perpetrated on the 8th April, 1929.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : Can that be prevented by this Bill ?

Dr. R. D. Dalal : My cousin—Sir Bamonji Dalal was seriously injured as a result of that bomb explosion. Holding strongly as I do the view that the Criminal Law Amendment Act of 1932 has exerted a powerful deterrent influence and in view of what has happened to my family, I regard the press provisions with much gratification, because I am convinced that the idea of that Delhi bomb explosion was nurtured as a result of seditious writings.

Now, Sir, with your permission, I shall state very briefly how seditious writings become disseminated in rural areas. I was one of Secretary of State's doctors for plague duty in India, and one of my duties was to carry on rat-destruction as a measure against plague. So in the evenings I had to supervise the laying of rat-poison-baits in the houses of villagers. During those rounds many a time I saw large numbers of villagers assembled in the open air, or in a village school, or at the village *chavdi* ; and to those crowds articles from vernacular newspapers were read loudly by some one of the audience, and then they were criticised. I need hardly point out that at those meetings disaffection against the British Raj in India was fostered ; and I need hardly add that seditious writings are the poisonous seed, which must sometimes fall upon the soil of immature or discontented minds, and that from such root in due course springs the impulse, which drives human beings to ruthless and shameless crime and invests it with the false halo of self-sacrifice.

Sir, I submit that every sensible, reasonable, and right-thinking person will agree that these weighty considerations I have briefly indicated prove the necessity for this Bill and establish its justification. I am strongly of the opinion that some such legislation as is now before this Honourable House is absolutely necessary in order to resist the forces which would create a state of anarchy and chaos, and in order to bring to fruition the policy of Government to hand over to the future Government a working administration in such a manner that the transfer of command shall be a transfer of power and not of weakers ; and I

earnestly, with all the force and conviction of which I am capable, appeal for the support of all Honourable Members, who have at heart the peace, welfare, and happiness of the people of this country. (Cheers.)

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadian Rural) : Mr. President, in discussing the Bill before us, the first and the foremost question is what is the occasion, what is the necessity, what is the scope and what is the object of this Bill. The Honourable the Home Member has told us that the occasion is this : the Criminal Law Amendment Act of 1932 will expire in December, 1935. The Government of India propose, by this Bill, to continue certain of the provisions of that Act in a permanent form, and he told us that this legislation is a safeguard against the four menaces of terrorism, communalism, Communism and the Civil Disobedience Movement. The question which I ask Honourable Members of this House to consider is this : is it really a *bona fide* excuse—these four grounds that have been made the foundation of the proposed legislation ? If it is really intended to perpetuate the provisions of the Criminal Law Amendment Act of 1932, it is necessary to see what that Bill was. Was that Bill for fighting these three menaces, terrorism, communalism and Communism ? It would appear from an examination of the Act of 1932 that that Act had nothing to do with the terrorist movement, or, for that matter, with communist movement or with communalism. The Act of 1932 was based on the provisions of Ordinance No. 10 of 1932. That was an Ordinance, the preamble of which says :

“Whereas an emergency has arisen which makes it necessary to confer special powers upon the Government for the purpose of maintenance of law and order.”

That was in April, 1932. We must remember what was that emergency. Was it Communism or was it communalism, or, for the matter of that, can it be said that that emergency was terrorism ? We all know what that emergency was. That emergency was the Civil Disobedience Movement of 1932. To say that terrorism was the emergency is to say something which is absolutely meaningless. What is the meaning of emergency ? Emergency means a sudden occurrence, a sudden appearance, an unexpected occurrence, something which unexpectedly happens is a matter of emergency. Can it be said that the terrorist movement was an emergency which occurred in 1932 ? Sir, the terrorist movement has been going on in this country for a long number of years, and there was already in the provinces emergency legislation existing to fight the terrorist movement. Therefore, Sir, it is quite obvious that the terrorist movement was not one of the objects for enacting the Act of 1932. We all know, Sir, that when that Ordinance of 1932 expired in December, Government thought it necessary to replace it by the Act of 1932, which it is now proposed to perpetuate. Now, Sir, what did the Honourable the Home Member in charge of the Bill say when this Act of 1932 was enacted ? It was stated in the Statement of Objects and Reasons appended to that measure—I am quoting the exact words :

“That the organisers of the Civil Disobedience Movement have not yet abandoned their attempt to paralyse the Government and to coerce law-abiding citizens.”

That was the avowed justification for the necessity for the Act of 1932. There was no mention made at that time of the terrorist

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movement. We need not labour this point. When the then Home Member moved for reference of the Bill to the Select Committee, he said this :

“ The objects of the Bill were to deal with the manifestations of the Civil Disobedience Movement and, in particular, to deal with certain forms of intimidation, particularly picketing and boycotting, with certain matters connected with unlawful associations and with control of the press. On the foundation of this Bill which is before the House, which was intended to apply to manifestations of the Civil Disobedience Movement which are apt to occur throughout India, various Local Governments have also introduced supplementary legislation in their local Councils, legislation which appears in general, though of a more drastic character than the proposals before this House, to be receiving the approval of the local Councils.”

Later on, at another place, the Home Member said :

“ We were pressed, however, very strongly from many quarters to impose a time limit on these provisions which are admittedly exceptional provisions, admittedly drastic provisions ; and, in deference to those views, we have agreed to put a time limit of three years on the Bill. We may hope that by the end of that time, the futility, the waste of effort, the injury to the country, both moral and economic, caused by civil disobedience, will have been fully appreciated, and the negative, destructive, non-co-operating mentality which, under the influence of success or supposed success, has been flourishing so long will have been finally discredited ; and when it has been discredited, then, Sir, let this Bill lapse. In any case within three years we hope that the decision as to the continuance or discontinuance of these provisions will lie in other hands than ours.”

So, apart from the other things which he said about the futility, from his own point of view, of the Civil Disobedience Movement, here was a clear declaration made that as soon as the Civil Disobedience Movement will disappear, the Bill will lapse. That was the idea given to us, so that there is no manner of doubt that all the grounds now urged in justification of this measure are merely an after-thought.

Then, Sir, about the Civil Disobedience Movement, the Honourable the Home Member in a somewhat half-hearted manner said that because Civil Disobedience declined, some of the drastic provisions have been dropped in this Bill. He referred to three menaces ; he did not like to call the fourth menace or danger by any name ; but, all the same, later on in his speech he made it perfectly clear that he wanted to fight four dangers by this Bill including the Civil Disobedience Movement. Now, Sir, the Civil Disobedience Movement, whether it has been suspended temporarily or abandoned for all time to come, the stern fact remains that it is no longer in force at the present moment, but it has been stated, in justification of some of the provisions, that in the near future the Civil Disobedience Movement might possibly be revived. I wonder whether that can be made a ground for the enactment of this drastic legislation in anticipation of some future trouble and for making the emergency legislation permanent. Therefore, Sir, all the four grounds mentioned, namely, terrorism, Communism, communalism and Civil Disobedience Movement, cannot be held to be valid for the enactment of this measure. I shall discuss the question of terrorism later on, but for the moment I am merely trying to show that terrorism cannot be made the ground for the perpetuation of these provisions. Now, Sir, admittedly, so far as the terrorist movement is concerned, the precise position of the Government is this, that there has been a definite improvement in the position, but only it is said that recruitment is still going on, but where recruitment is going on is not stated.

One fact, however, has been admitted, and that is, the position has improved considerably. These are the two facts so far as the Civil Disobedience Movement is concerned,—namely, it has declined very considerably compared with the movement of 1932 when this Act was enacted. This is one fact,—and the other fact is, that those provisions which it is proposed to perpetuate were not intended to fight terrorism. In view of these facts, it is very difficult to understand why terrorism should be made a ground for the perpetuation of these provisions.

Sir, the third ground given is communalism. That is again a question which I shall discuss later on. Is it, I ask, a *bona fide* ground for the enactment of these provisions? The argument that to fight communalism, an emergency legislation, a drastic legislation, a coercive legislation should be enacted, is something which it is very difficult to appreciate, and communalism is not an emergency. Can anybody say with any reason or plausibility that this evil of communalism has been a sudden unexpected occurrence? Whatever the character of communalism may be,—the question as to who are responsible for it, and how it should be remedied, apart from all these questions,—communalism cannot, by any stretch of imagination, be said to be an emergency.

There is another argument that has been put forward, and that is that this Bill is for the benefit of the new Government that is coming. This is a point which has been dealt with by many of my Honourable friends, and I shall not repeat all they have said. But let me say only this. It appears that all this argument for the benefit of the new Government that is coming is merely shedding crocodile tears. It is just possible—I do not know, but it is just possible that it may be a bribe offered, an attempted bribe offered to those gentlemen who are likely to be in power in the new Government. “Look here, you are going to be Ministers, and, therefore, this Bill is for your benefit.” Whether those gentlemen will fall a prey to that temptation, I do not know; but when the new Governments come, they will have their own Legislatures and there will be ample opportunity for any sort of legislation that they may find necessary, and I do not see why this legislation should be undertaken in anticipation. That, again, is not a *bona fide* excuse; it is a *mala fide* excuse.

Then, the argument was that this is for the benefit of the voiceless millions. That is an argument which we are already accustomed to hear—that whatever this bureaucratic Government do, that is done for the benefit of the voiceless millions of this country, because they claim that they are the trustees of the people. The real object of this legislation has, however, come out in the last part of the speech of the Honourable the Home Member where he says that the object of this legislation is not to crush the spirit of nationalism in this country. I say, that is the real object, there the real motive of this Bill has come out, because it is well known that language is intended not to give expression to thoughts, but to conceal them. And if we judge this declaration by that standard, then we can appreciate the real motive for this legislation—that is to crush the spirit of nationalism. For instance, what is this provision about picketing? As I understand section 7, it is merely a device to prevent propaganda for Swadeshi in the interests of British trade by penalising even peaceful picketing. That is the old story of exploitation. Therefore, I say that the real

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policy underlying this legislation is to crush the spirit of nationalism and the Congress movement and Congress mentality. That is the real object and underlying policy of this Bill.

Now, I shall examine the three grounds, one after another. Let me take, first of all, the ground of terrorism. The problem which the Honourable the Home Member seeks to solve is the problem of terrorism. The question is, how to solve this problem. The Honourable the Home Member's solution is the repressive, coercive, drastic measures which have been proposed in this Bill. Therefore, the question arises, is that a sovereign remedy for terrorism? It has been admitted, times without number, by different Provincial Governments and by the Central Government also, that repressive legislation alone will not do and other measures are necessary. The question is, what are those other measures, and whether those measures have been tried and adopted. Before you cure a disease, you must know what the real malady is. Before we deal with this problem of terrorism, we must know what are the root causes of terrorism, what is the genesis of terrorism, what is the psychology of this revolutionary movement. We must know what is the inner thought-current of this revolutionary party. That must be known. Has the Honourable the Home Member ever cared to bestow his anxious consideration over this question? There are two things which I want to know from the Honourable the Home Member before he can expect our support to this Bill. What is his diagnosis, what is this revolutionary movement due to, what has made this party a revolutionary party? What are those circumstances, political, economic, or administrative, which have made this party a revolutionary party? Have those causes been investigated and ascertained? We have got in this country any number of committees and commissions appointed for investigating into several problems, political, administrative and financial, but have the Government cared to have a committee of officials and non-officials to find out the real root causes of this movement and to prescribe remedies for it? That is the question of questions. So far as I am concerned, I say that repression is not only not the remedy for terrorism, but I say that repression is, on the contrary, the exciting cause of terrorism. My diagnosis is simple, is incredibly simple. I can describe the root causes of terrorism in two small words, that is,—hunger for food and hunger for freedom, one economic, and the other, political. The terrorists want food, they want freedom. Give them food, give them freedom, and terrorism will vanish from this country as darkness vanishes at the approach of dawn. I do not care either for food. Give us freedom, and we shall take care of our food. You cannot satisfy a man's hunger for freedom merely by repressive legislation and depriving him of his personal liberty. You cannot satisfy a nation's hunger for food by depriving them of all their resources and impoverishing them from day to day. Therefore, the two root causes of this revolutionary movement are, causes political and causes economic. So far as the political causes are concerned, the position is this. India wants self-government. The desire for freedom is burning within the hearts of the Indians. Once the fire of freedom is kindled, no human power can extinguish it my methods, either violent or non-violent, by repressive legislation or otherwise. Sir, you can control the body of man,

you cannot possibly control the mind of man. God-given desire for freedom cannot be effaced or impaired by man-made laws. England has lost America, England has lost Ireland, because of this policy of repression. History teaches us that the policy of repression is bound to fail in the long run. You may crush the spirit of some people for all time, you may crush the spirit of all the people for some time; but you cannot crush the spirit of all people for all time, either by repressive legislation or otherwise. This inwardness of the situation must have been perfectly obvious to British statesmen, and, therefore, they gave promises and pledges of self-government and responsible Government to India from time to time. That explains the announcements made from time to time, but unfortunately they were mere pledges or promises. The history of British India is an unbroken record of broken pledges and broken promises—promises kept to the ear, but broken to the hope. It was Lord Lytton, I believe, who said once that there are two courses open to the Britishers—either to act up to their promises or to cheat Indians.....

Mr. Sri Prakasa : They preferred the latter.

Mr. Akhil Chandra Datta :and he confessed as suggested

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by my friend, Mr. Sri Prakasa, that he chose the latter course. The Morley-Minto reforms cheated India, the Montagu-Chelmsford reforms cheated India, and, I am sure, I voice the feeling of the whole of India when I say that the new Government of India Act of 1935 is another glaring instance of cheating and fraud. Never was a greater breach of faith and a greater breach of promise committed by one nation with respect to another nation. Hopes encouraged and hopes blasted result in inevitable disaster. They produce their own inevitable effect upon the impressionable minds of impatient and impetuous youths. That, I say, is the genesis of the revolutionary movement in the country. That is the political side of the matter. Then, there is the economic side. What has been the financial policy of the British Government in India? That policy has been,—India for England, not India for India. The exploitation of India has been the guiding policy of their administration. In the well known words of Lord Curzon, exploitation and administration go hand in hand. That was the cynical admission of a great Viceroy. Indian industries have been sacrificed at the altar of British industries. India is governed by policy dictated from Lancashire, and, if any policy is laid down here in India, it is formulated in places like Clive Street in Calcutta and other such places. India has been bled white,—bled white, not as a matter of accident, but as a matter of deliberate policy. Life and livelihood have been endangered. The result is acute unemployment. The problem is the problem of bread. The average annual income of an Indian is not even Rs. 40 now. There are hundreds and thousands of people in India who do not have even two meals a day. There are hundreds and thousands of graduates who are starving. A first class M. A. can be had for Rs. 40 a month. I say, these are the contributory causes of the revolutionary movement. That is what His Excellency the Viceroy said in July, 1934, at a meeting of the European Association in Calcutta. He said :

“ But there is another aspect of the Terrorist movement, which I think it is important to bear in mind. It is a fact that at the present time we have too many

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young men and women passing out from the Universities with B.A. at the end of their names, and too few positions for them to look forward to when they want to start on their career of public service. The result is that the lack of occupation produces in their minds feelings of disgust, despair and resentment with the result that they fall an easy prey to the leaders of this movement who lurk in the background and use them at the most susceptible time of their lives to carry out their nefarious designs."

I would ask one question of the Honourable the Home Member. Is he prepared to say that these political causes and these economic forces have not contributed to the development of the revolutionary movement in this country? My case is that terrorism is the inevitable result of the political and economic forces which I have described. He must be a quack who does not diagnose the real inner remedy, but only prescribes external application, calculated to bring only temporary relief. It may be said that these are causes applicable to the whole of India, and I may be asked why the origin and development of terrorism is in a great degree confined to my province of Bengal. That is a question which I feel I owe it to my own province as well as to the Government and to the Honourable Members of this House to explain—as to why it is that this movement of terrorism is more rampant in Bengal than in any other province. My answer to this question is this. Terrorism was born in the anti-partition agitation of Bengal. That is my case, and I hope that, in the final speech of the Honourable the Home Member, he will express his own opinion on this subject—whether that is a correct view of the position or not. My case is that it was born in the anti-partition agitation of Bengal in 1906. There was practically no terrorism in my province before the partition. The partition lacerated the heart of Bengal, and there was an agitation unparalleled in the history of this country, both in volume and in intensity. It must be remembered that that agitation was not an unconstitutional agitation in the beginning. It was a constitutional agitation, but the agitation went on unheeded for half a decade. I say half a decade with the utmost precision. Now, this agitation, Sir, gave birth to the Swadeshi movement. At the time of the declaration of this partition, Bengal declared the boycott of British goods as a protest against the partition. For half a decade, British statesmanship remained adamant and obdurate. That was the inception of the revolutionary movement. But this movement was then only in a nebulous condition; it might have been nipped in the bud by a tactful and sympathetic handling. But the Government, in their intoxication of power, mismanaged the situation and bungled, and probably bungled advisedly. They initiated a policy of repression, a policy of counter-terrorism, a policy of legalised terrorism, to meet that agitation; they initiated a policy of ruthless repression which, instead of pouring oil over troubled waters, added fuel to the fire. Sir, it was a small cloud no bigger than a man's hand then. I am speaking of this terrorism as it was in the beginning; but the Government's repression contributed to its extension and expansion. Sir, I wish to refer to some of the acts of repression that were practised then. There was the *Bandê Mataram* Circular, there was the Rislej Circular, and there was the crop of repressive circulars which followed them, there were the Regulation *lathis* which were not only brandished in the streets of East Bengal, but actually showered upon the devoted heads of the promoters of the Swadeshi movement; there was the deportation of our most-respected leaders, including even Srijut

Aswini Kumar Dutt of hallowed memory and Babu Krishna Kumar Mitra. So far as Babu Krishna Kumar Mitra is concerned, Sir, well, he was the prince of moderates. I do not think there has been any man or a politician whose views on politics are so moderate as were those of Babu Krishna Kumar Mitra. He was one of the men deported, because he took part in the constitutional agitation against the partition. Sir, the unjust persecution and prosecution of many true sons of Bengal, the preposterous sentences which were usually passed in what were known as Swadeshi cases staggered humanity and they staggered even a man like Lord Morley himself ! The letting loose of Gurkha soldiers upon the people of Backergunj and other districts of East Bengal, the game of divide and rule, the doctrine of the favourite wife, not only preached with cynical frankness, but translated into action, not for the sake of the favoured, but with a sinister design, the indiscriminate and wanton house searches and arrests and shadowing of respectable and innocent gentlemen by the police, the breaking up of social service leagues and beneficent *samitis*, all these put a very serious strain upon the loyalty of our people. They staggered ; they paused ; they rubbed their eyes, and wondered if they were in the twentieth century under the enlightened British rule. They groaned ; they became silent ; they became sullen too. But there is still something more to account for the appearance of this revolutionary party. All the executive *Zabardastisms* were not considered sufficient to crush the rising new spirit—a spirit which any national Government would have guided, encouraged, fostered and directed into a right channel. But the angry Bureaucracy summoned the subservient Legislature to forge the most reactionary and most repressive measures one after another.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member propose to continue for some time longer ?

Mr. Akhil Chandra Datta : Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : In that case, the Chair will adjourn the House till half past two.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Mr. Husenbhai Abdullahbai Laljee, M.L.A. (Bombay Central Division : Muhammadan Rural).

THE CRIMINAL LAW AMENDMENT BILL—contd.

Mr. Akhil Chandra Datta : Sir, before the House adjourned for Lunch, I was describing the ruthless repression that was going on in Bengal and also how that repression gave birth to terrorism and how it gave food to terrorism. The legislative enactments were hurled at us with the rapidity of shots from a machine-gun. First came the Seditious Meetings Act, which was passed in 1907. That shrewd statesman, Dr.

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Rash Behari Ghosh, opposed the Bill, not because he had ever any bias for sedition or seditious meetings, but, with the unerring vision of a true prophet, he saw that the measure was calculated to drive discontent, sedition and terrorism underground. But the prophet was not honoured. He protested in vain, and the measure was passed. In 1908, the Bureaucracy had the Newspaper Incitement Offences Act passed. In that year, they wanted to do away with all our associations which were doing service to the country, and the Criminal Law Amendment Act was passed. The next link in that interminable chain of cruel legislation was the Indian Press Act which was passed in 1910. In 1913, we had another Criminal Law Amendment Act passed for the punishment of criminal conspiracies. The last though not the least, was the Defence of India Act which was passed in 1915. Then followed other repressive enactments. There were so many repressive legislations crowded in such a short period that it must be unparallel in the history of the civilized world. I wonder if British statesmanship thought it could sow whirlwind and yet could reap a good harvest. I wonder if they realised that the discontent which was already deep was being driven deeper, and that it would, according to the immutable laws of human nature, find its own outlet in some other channel. It is always dangerous to sit on the safety valve. Sir, my case is that there was repression in Bengal when there was none in other provinces. Hundreds of youngmen were interned during a period when there was practically no internment in other provinces. This explains why terrorism made its first appearance in my province as compared to other provinces. It is certainly not a matter of accident. Nobody will say that there is anything perverse in the human nature of Bengal. I do claim, without any disrespect to any other province, that the Bengalees are one of the finest people on the face of the earth. Their civilization, their culture, their educational and religious advancement, their traditional cult of non-violence have won admiration all the world over. Therefore, I say, there is nothing particularly offensive or perverse in the soil of Bengal and I say that it is not without any particular reason that there should be recrudescence of terrorism there rather than in other provinces. In Bengal, again, all districts are not equally affected. There is always a certain proportion between the degree of repression and the degree of terrorism. The greater the repression, the greater the terrorism. Indeed, they act mutually as cause and effect. Take the several districts of Bengal. You will find that terrorism has thrived most in those districts where repression was the greatest. Chittagong, Midnapore and Dacca may be cited in support of my contention. So far as Midnapore is concerned, the repression was the greatest there during the Civil Disobedience Movement. Mr. Griffiths is not here, otherwise, I am sure, he would have borne me out that repression was ruthless in the district of Midnapore, and that explains, Sir, that terrorism is greater in Midnapore than in many other districts. I have not yet fully explained why terrorism came first in Bengal. Bengal received the first and foremost shock in the struggle for freedom. It was in Bengal where the movement for political emancipation was first started. The Swadeshi movement was started there, the boycott movement was started there, and in fact, Bengal gave the signal, and the battle for freedom began in India.

Mr. S. Satyamurti (Madras City : Non-Muhammadian Urban) : I rise on a point of order, Sir. I find that neither the Home Member nor

the Home Secretary is in his seat. Is it fair to this House, when a debate of first class importance is going on, that the Department should be unrepresented? We know that it makes no difference whether they are here or not.

An Honourable Member : The Leader of the House is here.

The Honourable Sir Nripendra Sircar (Leader of the House) : Is there any rule that all of us should be here when we know that the discussion will last another three days and when we know perfectly well that whatever has been said will be reported to the Home Member. The Home Member will be here in a few minutes.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member in charge of the motion ought to be here.

The Honourable Sir Nripendra Sircar : As a matter of fact, the Home Member will be here in a few minutes.

Mr. S. Satyamurti : Even the Home Secretary is not here.

The Honourable Sir Nripendra Sircar : From Secretaries up to chaprassis are not wanted.

Mr. S. Satyamurti : So the Honourable Member puts Secretaries and the chaprassis in the same category !

The Honourable Sir Nripendra Sircar : The Honourable Member seems to be carried away by enthusiasm. The Secretary of the Home Department is a Member of the Council of State, and not of this House.

Mr. S. Satyamurti : There is just one gentleman sitting behind the Home Member. I do not know who he is.

The Honourable Sir Nripendra Sircar : They are all gentlemen. The gentleman sitting behind the Home Member is not the Home Secretary.

Mr. Akhil Chandra Datta : Is it the case of the Honourable Member that Secretaries are merely chaprassis ?

The Honourable Sir Nripendra Sircar : If that is your construction, by all means please yourself.

Mr. Akhil Chandra Datta : I was just now speaking, Sir, of the beginning of the battle for freedom in Bengal. I was saying that at first it was a constitutional fight.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Abdul Matin Chaudhury one of the Panel of Chairmen.]

Mr. Chairman, it was at first a constitutional fight, but the bureaucracy would not tolerate it. Sir, after the partition, the Bengal Provincial Conference was held at Barisal, but that was broken up by Regulation *lathis*. I happened to be in that Conference. The breaking up of that Conference led to the appearance, for the first time, of terrorism in my province. Repression brought terrorism in its train. I still remember the feeling of discontent and resentment with which even the most moderate leaders of the province returned from Barisal after the forcible dispersal of the Conference. Sir, I still remember those words uttered by

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the veteran leader, Mr. Bhupendra Nath Basu, after the dispersal of the Conference. The words are still ringing in my ears. Mr. Basu said :

“ The days of constitutional government are over, the days of police rule have dawned.”

Now, all this was too much for the youth of the country. The old people continued their old methods of constitutional agitation, but the impetuous youth of Bengal, noted for their national trait of emotion and imagination, yielded and succumbed. In tracing, therefore, the history of the revolutionary movement in Bengal, one cannot forget the breaking up of the Barisal Conference. Now, Sir, while dealing with this aspect of the question, I mean the development and continuance of terrorism in Bengal, may I invite the attention of the House to the views expressed by one who is not an occupant of the Opposition Benches, but by one who now occupies a seat as the Honourable the Leader of the House, I mean the Honourable Sir Nripendra Sircar.

The Honourable Sir Nripendra Sircar : You won't find there anything to support your view.

Mr. Akhil Chandra Datta : At one place, Sir Nripendra Sircar said :

“ Nothing can be a surer guarantee for filling the terrorists with well-founded hope arising from the creation of an atmosphere favourable for their activities. The Hindus will be justified in feeling that serious injustice has been done to them, and the belief that they cannot have their legitimate share or an effective voice in the Legislatures will be a formidable recruiting agency for swelling the ranks of sympathisers of terrorists.”

Then, at page 152 of this book, called “ Sir N. N. Sircar's Speeches and Pamphlets ”, we find that when he was cross-examining Mr. Villiers, the President of the European Association, in London, he put this question :

“ Am I right in saying that, judging by the members of the movement who have been captured from time to time by these officials, their view is probably this, that the present condition of difficulties is due to a foreign rule, and, therefore, foreign rule must be cut off altogether.”

That was the question. I am not sure whether there was not some implication and suggestion conveyed by the question and it was not without purpose. The answer was :

“ So far as it is due to any reasoning thought at all, it is definitely due to that. In a great measure, these boys are caught while they are absolute youngsters, and their emotions are worked on until they get into a state of hysteria over a matter which is right beyond the scope of reasoning at all, but so far as reasoning comes in at all, you are correct in your statement.”

Meaning thereby the statement contained in the question.

Another question was like this :

“ Do you think that, if the Bengal Hindu would come to the Legislature, and try to work out his salvation through it, that would result in weaning sympathisers of terrorists, and isolate the terrorists ? ”

The answer was this :

“ I think in time that will undoubtedly be the tendency, but I think it will take a certain amount of time.”

Then, there is another question :

“ May I take it that it follows that if the Bengal Hindus feel that they have a legitimate grievance, and they keep away from the Legislature, knowing their position, and so on, it will really help disturbance and the terrorist movement in Bengal ? ”

The answer was this :

“ Any feeling of legitimate grievance on the part of the community would have that effect, so far as that community is concerned. ”

Then, Sir, in another place, the Honourable Sir Nripendra Sircar says this :

“ At first sight, no connection may appear between the financial settlement and the terrorist movement ; but looking below the surface it is fairly obvious that dyarchy failed in Bengal and general discontent and unrest increased, because the Ministers, having no available resources, were unable to achieve anything in furtherance of the beneficent activities of Government. ”

The Honourable Sir Nripendra Sircar : Quite right.

Mr. Akhil Chandra Datta : My Honourable friend says, it is quite right. I also have cited these passages to show that he is quite right and what is right is this that this terrorism is being developed and food is being supplied to these terrorists by what has been suggested in these questions by the Honourable Sir Nripendra Sircar, namely, the injustice done to the people.

Now, Sir, that is about Bengal. I shall not speak as to the root causes of the terrorist movement in the Punjab. I shall, however, say only this that, as in Bengal, the partition gives the explanation, so, in the Punjab, it was the Jallianwalla Bagh massacre which brought into existence the terrorist movement there. In this connection, may I call the attention of Honourable Members of this House to the attitude of Mahatma Gandhi with regard to the question of the massacre of Jallianwalla Bagh ? Immediately after this massacre, that very year in the December following, there was the Amritsar Congress, and, only a few days before the Congress, the reforms had been published. The question before the Congress was whether those reforms were adequate and satisfactory and whether they should be worked. There was a controversy and difference of opinion between the leaders, and the attitude of Mahatma Gandhi was that they should be worked. He was for co-operation as he had all along been ; in fact, he had been even a recruiter. That was the position of Mahatma Gandhi at Amritsar in December, 1919. The other leaders were of a different opinion. However, there was some settlement between the leaders, and a resolution was passed to the effect that the reforms were inadequate, unsatisfactory and disappointing. Mahatma Gandhi was waiting at that time for the report of the Hunter Committee about the Jallianwalla Bagh massacre. That report was published not very long after in the course of the year and that disillusioned Mahatma Gandhi, and the result was that from a co-operator he became a non-co-operator. That was the result so far as Mahatma Gandhi is concerned. His attitude was influenced by the massacre and by the official attitude with respect to this massacre. But younger people went a little further ; they not only became non-co-operators, but went one step further, and some of them became terrorists. This being the true genesis of the revolutionary movement, I say with regard to this Bill that the proposed legislation is the

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remedy of a quack, not that of a real physician, and it is bound to frustrate its own object. This, however, is no matter for speculation, but the very fact that this repressive legislation failed in the past for so many years to crush the terrorist movement, and the very fact that it is now proposed to have a permanent emergency legislation (if it is not a contradiction in terms), goes to show and is in fact a confession that repression will not do. Repression will not do and other measures must be adopted to meet the situation. Repression may prevent major crimes and overt acts for a time as it has prevented major crimes, for we have been told that there has been no major crime for some time past in my province, but it cannot purge the body politic of the poison.

Now, Sir, the Honourable the Home Member has told us in his speech in support of his claim that the measure should be made permanent,—that what he ardently desires is a change of heart on the part of the terrorists. I wonder, Sir, if he really and sincerely believes that the drastic measures proposed in this Bill are really calculated to bring about a change of heart on the part of the terrorists. I do not believe that he believes it. If, however, he does really and sincerely believe that these are measures which will bring about a change of heart, I must say that I cannot credit him with much of imagination and much of knowledge and insight into human nature and human character. So if really that is a *bonâ fide* excuse that, in order to fight terrorism, these measures are necessary, I say it is bound to fail and I cannot support this measure on this ground.

That, Sir, is about terrorism; then, there is the question of communalism. One word about terrorism, however, I will say here. It appears that a certain Bill has been introduced recently,—I do not remember exactly if it has been passed,—in the Bengal Legislative Council, the Bengal Public Security Extending Bill of 1935.

The Honourable Sir Nripendra Sircar : It has been passed without a division.

Mr. Akhil Chandra Datta : That is a Council from which Dr. Banerjee and myself came away after the Lahore decision, leaving the field to people whom I shall not describe or characterise. In the Statement of Objects and Reasons, it is said :

“ The Act was passed to confer special powers on the Local Government to enable it in case of emergency to combat activities subversive of law and order or prejudicial to the public security for the suppression of which the ordinary powers of the Government are inadequate.”

Then follows a statement which is very significant and very important. It is said :

“ That such activities may recur is by no means impossible, and the Local Government is of opinion that it would not be prudence to allow the preventive powers conferred by the Act to lapse.”

Here is an admission by the Government of Bengal that the subversive movement has almost died out; but it is said in justification of that measure “ that such activities may recur is by no means impossible”. That is the position. On the mere possibility that in the future there may be a recurrence—

the word is "recur"—of the activities—I say it follows by necessary implication that such activities may not also recur. That is the position with respect to the movement of terrorism. As has been admitted, times out of number, in this House, the position has improved and improved considerably. Under these improved conditions, we are asked to give our assent to the Bill to fight the movement of terrorism.

The next ground on which it is sought to justify this Bill is the third menace of communalism. To be frank, I have been requested by the Honourable the Leader of the Opposition not to dilate upon this point, because he will deal with it, and, I dare say, he will deal with it far more ably than myself; and, therefore, out of respect for him, I shall not deal with this aspect of the question. But I am anxious to prove one thing, namely, that whatever communal feuds and dissension there is—I am now speaking of my own province, Bengal,—all that had been engineered and brought into existence, fostered and fomented by a third party.

An Honourable Member : What is that third party ?

Mr. Akhil Chandra Datta : You know that third party.

Another Honourable Member : It is before us.

Mr. Akhil Chandra Datta : There was a riot at Chittagong immediately after the murder of a certain police officer. Mr. J. M. Sen-Gupta, whose premature death the whole country mourns, went to Chittagong and made an inquiry. After the inquiry, he came to Calcutta, and, in a meeting held in the Town Hall in Calcutta, he declared substantially to this effect :

"I say I take the full responsibility of making this statement: the riot in Chittagong was engineered and brought about by the local authorities. Here am I. I make this statement openly. I am prepared to prove it; and if the Government like they can prosecute me and put me on trial."

That was a challenge which was never accepted. So that we are perfectly entitled to assume and to proceed on the assumption that the Chittagong riots were the result of the intervention of a third party. Then, there was rioting at Dacca in May, 1930. With regard to that, there were two committees which made inquiries simultaneously about the causes of these riots—one an official committee which was presided over by Mr. Sachse. The report of that committee never saw the light of day. The reason for non-publication is significant and obvious. There was another committee, a Congress Committee—my humble self was the President of that Committee. We used to meet each other. The evidence that was forthcoming before us, with regard to those riots, was this: that it was brought about by that very same third party. A meeting was held on the night preceding the riots, in the house of a Muhammadan gentleman, where the local officials discussed about the coming riots, and Mr. Griffiths was there—I know that one Mr. Griffiths of the Indian Civil Service was the manager of the Dacca Nawab at that time. (*Cries of "Shame, shame"*.) I do not know whether the Honourable Member from Midnapore was that Mr. Griffiths. But, why, I am sure, he was the gentleman; and I thought and hoped that, while he was speaking on communalism, he would throw more light on the real state of affairs at Dacca. I do not know whether he himself was present and whether he had a share in the matter; but the evidence that I got as a

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member of that Committee, was that he was also present at that meeting ; and here he is now, after coming to the Assembly, preaching a homily on communalism and all that. It does not lie in his mouth to make this assertion.....

An Honourable Member : Nor in the mouth of his chief !

Mr. Akhil Chandra Datta : With regard to these Dacca riots, I know from a reliable source that, just before the riots, two or three days before the riots, the Government officials had been told by some people, by higher officials, that they should make purchases of provisions for two or three or five days, because they were told that rioting would be going on for some days. Guns, revolvers and arms were taken away from the Hindus before the riot began. A high official, occupying the position of an additional District Judge, gave his evidence before the Sachse Committee. He deposed to the effect that looting was going on before his eyes : that the police were taking part in it, that he phoned again and again to the Superintendent of Police and Magistrate ; for three days it went on and he phoned and phoned, but without any response, and no police appeared. That is the story of the Dacca riots. There was a Hindu-Moslem riot in Comilla. There, again, I have the same story to tell. I shall tell only what I know from my own personal experience. I must admit to our shame, the shame of the Hindus as well as the shame of the Muhammadans, that there was that riot. That must be admitted. But the point that I am making is that they did not fight on their own initiative. That is the whole point. Some people were assaulted : there was one man, Baikuntha, whose head was broken : I went myself with some of my friends with that broken head to the District Magistrate. Honourable Members of this House will be staggered to hear the reply that I got from the District Magistrate : he said " Why do you come to me ? Go to Mr. Bepin Chandra Pal." (*Cries of "Shame"*.) Then, there was also the Divisional Commissioner who came. We wrote to him for giving us relief for preventing the whole thing. He would not take any notice of these things. Later on, some days after, there was a meeting of officials and non-officials : in the open meeting, we took the Commissioner to task for not taking any action when these things were brought to his notice. We said : " You came here from Chittagong on such and such day ; we wrote to you on that day ; but you did not take any notice." He said at first : " Oh, I did not come on that day : I was not here." Then, one of our friends got enraged and said : " You did come here on that day : you were here." After receiving that snub, he said : " Well, I might have."

Then, Sir, I do not propose to dilate at length on the Mymensingh incidents. Mr. G. S. Dutt was the District Magistrate there. He tried his best to prevent all communal riots, and what was the result ? He was soon transferred. (*Cries of "Shame, shame"*.) Then came another District Magistrate in his place. He went to the Bar Library and gave an assurance that there would be no Hindu-Muslim rioting. Almost immediately after that assurance was given to the Bar Library, there occurred one of the worst Hindu-Muslim riots in the district. There was one poor Sub-Divisional Magistrate, who went and controlled the rioting, and what was the result ? Like Mr. G. S. Dutt, he was also immediately transferred. (*Cries of "Shame, shame" from Congress*

Party Benches.) Then what followed ? A proposal was made by a certain Muhammadan gentleman, I think he was the Public Prosecutor, for the formation of a reconciliation board to meet the situation. It was proposed to Mr. Som, who is now a Member of this Assembly, that he should be a member of the reconciliation board. What was the reply of Mr. Som ? He said : " Well, I am in possession of information and evidence that the District Magistrate and the Superintendent of Police are engineering these things through and in concert with you. You ask me to be a member of a committee in which you are taking a leading part " ? That was the reply given by him in the open library. The House will be interested and pained to hear what followed the next morning. On the following morning, Mr. Som was arrested (*Cries of " Shame, shame " from Congress Party Benches*) on the ground that there was a meeting held there some days before in which Mr. Som had taken part and talked about picketing, and, therefore, he was arrested and put on trial. The trial went on for some time, I think it went on for some days, and he was kept in *hajat* lock-up), and from the jail to the Court room, the House will be astonished to hear, Mr. Som used to be escorted handcuffed and roped. (*Cries of " Shame, shame " !*) (*An Honourable Member : " Disgraceful."*) (*Another Honourable Member : " It is no surprise to hear it."*) Sir, I am reminded of the fate that overtook Mr. Nagendra Nath Sen, the Leader of the Khulna Bar, because he was also handcuffed and roped. There is another youngman of Comilla who received the same treatment. His father is a Member of this House now,—I shall not name him. Now, Sir, all this reminds me of a certain observation of the late Swami Vivekananda. He said that some people, after creating the disease, try to cure it ; it is the habit of some people to have a lavatory just by the side of the bedroom and then call for the physician to cure typhoid. Therefore, Sir, these provisions in the Bill are no cure for communalism. On the other hand, we say : " Physician, heal thyself " ; if you heal thyself, if you refrain from fostering and fomenting communalism, communal rioting will vanish from this land in no time. (*Cheers.*)

Then, Sir, I need not weary the House of emphasising the importance and liberty of the press. Sir, I think it was the dictum of Lord Russell, one of the most famous Judges of England, who said that liberty of the press is nothing more or nothing less than the liberty of every subject of His Majesty. In fact, a free press is the rock of people's liberty, and, therefore, an attack on the liberty of the press is an attack on the liberty not only of the press, but on the liberty of the whole nation. The press is regarded as the fourth estate, one of the four pillars of the State, and if there is any encroachment on the rights of the press, no patriotic Indian can give his support to the measure.

It is said that responsible Government is coming. Now, responsible Government and a muzzled press are contradictory in terms. I am not here to attribute any sinister design, but who knows that this muzzling of the press is not a counterblast to the coming reforms ?

An Honourable Member : It is.

Mr. Akhil Chandra Datta : Where there is responsible Government, there must be a free press, and, without a free press, how will you educate the electorate ? 14 per cent. of the total population of this country is going to be enfranchised, and we must educate the electorate, and that

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is the function of the press. Now, what is the case of the Honourable the Home Member with regard to the press legislation? He has got a very ingenious head. His case is this. There were no repressive laws or special laws with regard to press in the years 1922 to 1930. During this period, there were no special press laws, and the result, according to the Honourable the Home Member, was,—inflammatory writings of the worst description in the press in praise of terrorism and terrorist murders and also incitement to communal dissensions. That is his case. This is one aspect. The other aspect is that in 1926 and 1927 there were communal riots,—there were communal riots in 1926 in Calcutta, and in 1927 there were communal riots in Lahore. On these two premises, he comes to the conclusion that the first Press Ordinance of the year 1930 was the result of these inflammatory writings and communal riots. Now, Sir, I am afraid the Honourable the Home Member thought that the Members of this House are what is called a common jury of shopkeepers to swallow anything that may be told to them. Are we to believe, Sir, that if the press was indulging in such inflammatory writings, not for one month or for one year, but from year to year for a period of eight years, that the Government had abdicated their functions and remained silent without taking any action whatsoever? Either his statement is true, or it is false. If it is false, then the whole case of the Honourable the Home Member goes. If, on the contrary, his case is true, namely, that for eight years all these things were going on, and the Government had taken no steps whatever to check those things, then I say that the Government were guilty of abetting by omission. The fact really is that the Press Ordinance of 1930 had nothing to do with the alleged inflammatory writings and communal riots of those days. That was obviously the result of the Civil Disobedience Movement of 1930. That is the sort of reasoning indulged in by the Honourable the Home Member in order to prop up the repressive press legislation. The whole question that the House has got to decide is this. Was the Ordinance of 1930 the result of the Civil Disobedience Movement of that year, or was that the result of the riots of 1926 and 1927? The emergency occurred in 1930, and reference is made to what happened five or six years before 1930! That is the sort of logic followed by the Honourable the Home Member. The Honourable Member, in his speech, has quoted the authority of the Local Governments; among others, and more remarkable still, he has quoted the authority of the Punjab Government. In this connection, we have to remember that at that time the Home Member was in the Punjab Government. I do not know who drafted those reports of the Punjab Government which have been quoted *in extenso* by the Honourable the Home Member in his speech. (*An Honourable Member*: "Himself.") I only hope that it was not a case of from Philip Drunk to Philip Sober.

The Honourable Sir Nripendra Sircar: Which is the drunk period and which is the sober period? (Laughter.)

Mr. Akhil Chandra Datta: Now, Sir, in support of his case, the Honourable the Home Member has quoted a Bihar paper. He was asked to give the name of that paper, but he would not give the name. I had always thought that Government were unwilling to give out the names of their informers and witnesses in a certain type of cases, but I never

knew that there was any difficulty in giving the name of a newspaper which has published the extract and from which publication the Honourable the Home Member was quoting in support of his contention.

The Honourable Sir Henry Craik (Home Member) : Is the suggestion that I invented the quotation ?

Mr. Akhil Chandra Datta : But the fact remains that, in spite of the request from this side of the House, the name was not given.

The Honourable Sir Henry Craik : You really want to know the substance of the writing.

Mr. Akhil Chandra Datta : Sir, what is the substance of the thing that he has given us from that writing ? One of the sentences which has been quoted from that unnamed, undisclosed Bihar paper is : " Burn every house." I do not know whether that is the doctrine of the civil disobedience resister, or the doctrine of the terrorist, or of the Communist, or of the communalist. (*An Honourable Member* : " Or of the bureaucracy.") The Honourable gentleman from Midnapore has quoted two papers, the *Mukti* and the *Swadhinata*. These are papers which are hardly known to our people. Has he quoted any daily papers, weekly papers, respectable papers commanding very large circulation all over the country in different provinces and in different cities ? Has the Honourable the Home Member, or, for the matter of that, Mr. Griffiths, quoted anything from any of those papers in support of their case ? One line has been quoted from the *Advance*. What is that line after all ? It is said there, " Dauntless Dinesh dies before dawn ". Is it seriously suggested that that is an incitement to terrorism or that it is making a martyr of him ? There should be a certain sense of proportion in making such suggestion or allegation. Mahatma Gandhi has been quoted, and we are glad that he has been quoted. But Mahatma Gandhi has said this also with regard to the Midnapore murder. He said :

" I deeply deplore the assassination of the Midnapore Magistrate, but, at the same time, it is impossible not to regret that the rulers do not only not redress the wrongs that lead to such assassinations, but insist on ruling by counter-terrorism, which the Ordinances undoubtedly mean."

Will the Honourable the Home Member, who quoted Mahatma Gandhi from *Young India*, take note of this also ?

As regards the press, I want to say a word about the Press Conference which was recently held in Calcutta under the presidency of no less a person than Mr. C. Y. Chintamani of Allahabad, an *ex-Minister*, and a member of the Liberal Party, and whose views are always known to be very sober and very moderate. There was the editor of the *Hindu* who was also a party to that. He was not himself present, but he sent his representative. I believe that the *Hindu* is one of the friendly papers. (Laughter.) That was mentioned by the Honourable the Home Member the other day. Then, there was that grand old man of Calcutta, Mr. Ramananda Chatterjee, who was present at that Conference. Here is the resolution passed at that Conference with respect to this legislation now before the House :

" The All-India Journalists' Conference is gravely concerned by the reported intention of the Government of India to renew the Criminal Law Amendment Act, 1932, which includes the Press (Emergency Powers) Act, 1931, in a more objectionable form. The Conference is emphatically of opinion that these Acts of 1931 and 1932 as well as the Indian States Protection Act and the Bengal Criminal Law Amendment

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Act, 1934, are utterly incompatible with the legitimate freedom of the Press and the fundamental right of free expression of opinion and strongly urges that none of these Acts should any longer be retained on the Statute Book."

It is really a pity that Government would not take any notice of such a representative opinion about the proposals which we are now discussing. As regards the grievances, particularly of the Bengal Press, my Honourable friend, Pandit Krishna Kant Malaviya, has already described them, and I should not like to repeat them. But just one word about the requisition of security. A distinguished Judge of England said :

" Liberty of the press consists in printing without previous license, subject, however, to the consequences of the law."

That should be the rule.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

As regards the abuses of the special powers under the Press Act, I am afraid, the time at my disposal does not permit me to go into details. It remains for me to make a few observations as regards the manner in which repressive legislation is administered specially in my province. The grievance is two-fold. In the first place, the law is arbitrary and, in the second place, it is arbitrarily exercised. I do not think anybody can challenge the fact that there is literally a reign of terror just now in Bengal. It is impossible to hold a meeting even for the death anniversary of Mr. C. R. Das. There is more police coming in than there is audience. Once some ladies met in my house in Comilla for offering prayers on the occasion of Mahatma's fast. That was the whole thing and would you believe it that for two or three days police came one after another and asked what was going on. After all it was nothing more than a meeting of about a dozen ladies. Life has become intolerable in these circumstances. As regards the manner in which this law is administered may I refer to an incident which happened in Sylhet. There was a peaceful procession. There was no order passed prohibiting the procession. In that procession, there was the leader of Assam, Mr. Brojendra Narayan Chowdhury. In that procession, there was another gentleman who happens now to be a Member of this Honourable House, Mr. Basanta Kumar Das. The police came in and began to assault the leading people including Mr. Chowdhury, who was then the Deputy Leader of the Congress Party in the Assam Council. My friend, Basanta Babu, was also not spared. He received his share of the beating. (*Cries of "Shame, shame!"*) I will give you another instance. There was one gentleman of the name of Girish Chandra Nag, who was an *ex*-Member of this House. He was an elected Member from the Surma Valley constituency. He was the predecessor of Basanta Babu. There was a search made in his house at Dacca on the suspicion that his gifted daughter, Miss Lila Nag, an M. A., known all over the province for her beneficent activities in the educational line, had something to do with some movement. His house was searched, and would you believe it, an old gentleman, a retired Deputy Magistrate and a Rai Bahadur, was assaulted by the police officer for no reason whatsoever in his own house in the presence of his wife and sons! His furniture, his almirah and library were broken. (*Cries of "Shame, shame!"*) He was personally assaulted, although there was no charge against him at all. Only a search was made with regard to something about his daughter.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should not go into the history of all these old cases.

Mr. Akhil Chandra Datta : I want to show, how the executive are administering the law as it stands, and how can you possibly give more power to that executive. That is the point that I want to make. As regards the manner in which notices are served, I shall give one instance as to how notice was sought to be served on a man who had died long ago. This is the statement made by Mr. Sarat Chandra Bose who communicated this to the Government when he was a State Prisoner. The incident which happened in Dacca was reported in three Calcutta papers and the report was not contradicted by the Government of Bengal. This is the statement :

“ On Monday last, the police went to the house of Sreejot Harendra Kumar Ghose, retired Deputy Magistrate, living at Rajar Dewry, Dacca, and enquired of his son, Anil Kumar Ghosh. The police said that an order under the Bengal Suppression of Outrages Act was to be served on Anil. The police were, however, informed by the inmates of the house that the boy had died 15 months ago, in the month of Baisakh last year. The police then returned puzzled.”

This is the way in which the Act is administered in my province. I should like to mention two other instances to prove that the information in the possession of Government is not infrequently incorrect. We are always told : “ You people have got no information. We have lot of information in our possession, but we are not at liberty to disclose it like the Bihar paper.” We have two cases showing the value of the information possessed by the Government and the Police Department. One is about informer Ram Chandra Bania. He planted a revolver in the house of one Ram Prasad Bhakat in Calcutta and informed the police. It led to the arrest of the inmates, and, later on, they were discharged, and that man was sent for trial for giving false information, with the result that he was convicted and given two years by the Presidency Magistrate of Calcutta for possession of a stolen six chamber revolver without license. That was only the other day in September, 1935. There was another recent case in the district of Midnapore. There were three informers who, in April, 1935, planted six bombs underneath a plantain grove in the garden of one Hari Setna and informed the police. The police came, found the bombs and arrested the inmates of the house. Later on, these informers were prosecuted for giving false information. The findings of the trying magistrate were :

- (1) that one informer purchased potassium chlorate and another purchased arsenic sulphate. These were the explosives found in the bombs ;
- (2) that the bombs were prepared by the informers themselves ; and
- (3) that a letter found with the revolver was written at the dictation of one of the informers.

These two cases have revealed a serious and disgraceful state of things.

The Honourable Sir Nripendra Sircar : Who prosecuted the informers ?

Mr. Akhil Chandra Datta : Even that much of credit for honesty the Honourable the Leader of the House does not appear to give to the execu-

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tive. I must gratefully acknowledge that in these two cases the police officers did their duty. But who knows, Sir, while you give me thanks, will you answer this question—-who knows how many cases there are, undetected cases, how many people have been arrested and sent to jail on the information of such informers? Now, Sir, here is a general description of what is going on in that part of the country. "Various kinds of strange orders are passed by the District Magistrate....." Thus, some one is asked not to leave his home and a specified area, some not to enter a particular school or to associate with students, and some not to leave home from sunset to sunrise. Now, what happened? As a result of all this, students were compelled to withdraw from the schools where they were reading and to sit idly with their own parents in their own villages. As the times of sunset and sunrise were not definitely mentioned in these notices, some of the boys were easily prosecuted and convicted, and they had no watch or clock in their respective homes, so as to know the time of sunset every day. House searches and prosecutions there were many in connection with so-called objectionable literature. There have been extensive house searches from village to village, and some houses were searched half a dozen times. People were prosecuted and convicted for keeping so-called objectionable leaflets, even for keeping some pictures and even including Mr. Sen Gupta's address as the Chairman of the Reception Committee of the Calcutta Congress. Now, not only did the police commit excesses, but there came in the military also. Soldiers paraded from village to village, and so-called suspects—teachers, students, etc.—were compelled to march with them or to run for considerable distances. In many places, even old men had also to share the same fate. Sometimes boys were made to swim for hours together. (Voices: "Good! good!") In one case, a distinguished Head Master in the district of Noakhali was restrained by the District Magistrate from entering his school or associating with his students, with the result that the poor teacher lost his job. And, what was the reason for that? He was asked by Mr. Hant, the military intelligence officer of Noakhali, in his letter dated the 22nd October, 1934, to help a certain C. I. D. officer in his work which the Head Master did not like to do, and, therefore, the above strange order was passed upon the Head Master. Now this is what is going on there! This was in Noakhali, but I know all these remarks apply equally to all the districts.

Now, Sir, I am afraid I am tiring the patience of the House and should not like to continue. (Voices: "No, no, go on.") The position, therefore, at the present moment is this. There is peace on our side, but war mentality on the other. The Civil Disobedience Movement has been suspended, and, at the present moment, the situation can be described like this. There are no riots or other disorders; there is no murder, there is no campaign of a no-tax movement. Admittedly, there is no boycott of men, no social boycott, either of Government servants or of the supporters of the Government. There is no boycott of Courts, there is no picketing, there is no interference at all with the administration of law and order and the law Courts. There is no intimidation. Now, if that is the position, Sir, it is very difficult to understand why at all these provisions should be retained, much less they should remain permanent. Now, Sir, our position is this. If you want to kill the national consciousness, do it by all means, but we cannot be a party to it,

and we won't be a party to it. (Hear, hear.) You can kill us, but we cannot commit suicide ourselves. Therefore, we cannot bless your Ordinance Bill, and we won't sign our own political death warrant. Sir, I oppose the Bill. (Loud and Prolonged Cheers.)

Mr. A. K. Fazlul Huq (Bakarganj *cum* Faridpur : Muhammadan Rural) : Sir, I had not the privilege of listening to the speech of the Honourable the Home Member when he introduced his Bill but I have had the opportunity of reading his speech, with the added advantage that I have been able to bring my considered judgment to bear, not merely on the provisions of the Bill, but also on the speech which the Honourable Member delivered in its support. Sir, having considered the position carefully, I regret to have to say that I am constrained to oppose this Bill. (Hear, hear.) Sir, before I proceed to make my observations I wish to say something by way of a personal explanation. It is not enough to say that I have had personally nothing to do either with terrorism, communalism or Communism. No one amongst ourselves, even most distantly related, has ever been either a terrorist, a Communist or a communalist ; and although I am a very insignificant Member of this Assembly (*Voices* : "No, no"), it has been my luck to occupy more or less responsible positions in public service and in public life. (Hear, hear.) It is, therefore, no pleasure to me to be constrained to join my voice with that of the Opposition and, if necessary, to vote against the measure that has been introduced in this House. Sir, I have been obliged to take this step from a supreme sense of responsibility. I will not indulge in quoting any facts and figures but I will illustrate the remarks I am going to make by quoting certain instances within my own personal knowledge in order to convince the House that measures of this kind not only defeat their own object but are often misused and abused in the most extraordinary manner. (Hear, hear.) No one disputes the proposition that in all civilized societies legislation is not only necessary but even desirable in order to restrict the activities of individuals so as not to interfere with the rights and privileges of others or of the society as a whole. No one, for instance, in his senses can quarrel with the Penal Code or the Criminal Procedure Code or any of the codified law of the country which is meant not merely for the protection of the individuals but for the protection of the society as a whole. But when Government wants to introduce an extraordinary measure of a more or less repressive character, the burden lies heavily on the Member who seeks to introduce that measure not merely to prove that that legislation is desirable but that it is also necessary. I will presently show that judged from that standard the Honourable the Home Member has failed to discharge the burden that lay on him and, therefore, the Bill that has been introduced cannot, on any account, be supported.

Now, Sir, I contend, in the first place, that this Bill is wholly useless and unnecessary. It is said that there are terrorist activities and that they have got to be suppressed and put down. But, Sir, even if there are irresponsible writings in the press, it cannot for a moment be contended that these writings of themselves generate anything like terrorism or anarchism or that they incline peaceful people to take to terrorism or anarchism. The European community in India, for instance, are most devoutly attached to the Government. Naturally they should be so. But supposing some Anglo-Indian paper were to indulge in violent writings, inciting to terrorism and sedition, I do not think the Europeans would for

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a single moment waver in their loyalty or be misled by any writing of that kind. The reason is obvious. In order that seditious writings or writings encouraging terrorism or anarchism can have any effect, the ground must already be prepared and it is only when the poison falls on congenial soil that evil results are expected to ensue. Now, I contend that at the present moment there is a good deal of disaffection in India. The reason is not that there have been writings in the press but I contend that it is persistent mal-administration that has driven the non-violent people into the folds of those who are disloyal. The voice of the people never finds anything like a hearing from the bureaucrats. They go on in their own way full of the belief that they know everything and that their wisdom knows no bounds, that whatever they do is right and they take steps which generally lead them to disastrous consequences. Now, Sir, I was saying that measures of this kind are generally abused. I will cite two instances, one relating to the Criminal Law Amendment Act and the other relating to the Press Act. Some time ago a certain Subdivisional Magistrate, whom I shall not mention by name at the present moment, trespassed into a mosque with shoes on. The Muslims vehemently protested and they appealed to the Collector and to the Commissioner but without any effect. I went over to that place personally and made certain inquiries and I was personally convinced that the allegations made against the Subdivisional Magistrate were correct. I wrote to the Commissioner and I telegraphed to him asking for an inquiry or at least for an interview and I am sorry to say that he had not even the ordinary courtesy to reply to my letter or telegram. On the contrary, he went away to Darjeeling and from there the Government wrote to one of my friends, not to me who was moving in the matter, that Government are in close touch with the situation. The accident happened somewhere about 500 miles away from Calcutta, the entire Government was then at Darjeeling and we were told that the Government were in close touch with the situation. However, we had to compose ourselves to this state of affairs. Suddenly, the Subdivisional Magistrate lodged a complaint against certain persons who had published an account of those occurrences in the columns of a Calcutta paper and asked the permission of the Government to prosecute them under section 6 of the Criminal Law Amendment Act. Now, these gentlemen had only published in the newspaper an account of what had happened, and the result was that section 6 was invoked in order to prosecute those persons, one of whom happens to be a member of the Bengal Legislative Council. We asked the District Magistrate to drop the proceedings and we pointed out to him the Statement of Objects and Reasons of the Criminal Law Amendment Bill when it was introduced in 1932. He paid no heed to what we said and ultimately we moved the High Court. The matter is still *sub judice* and I cannot say anything further on that point. I am giving only one instance to show how the Criminal Law Amendment Act is sometimes used by the executive in this country.

Then, Sir, as regards the Press Act. We all know that there is a certain official called the Press Censor, whose duty it is to keep a watchful eye over the writings in the press. That may be his ordinary function but he thinks that he has got the authority and the jurisdiction to interfere in other matters as well. At one time, not very long ago, there was a proposal of the Government of Bengal to abolish a certain Muslim hostel in

Calcutta. We protested against that, because the cost to the Government was only Rs. 3,000 a year and the abolition of that hostel would have meant disaster to a large number of poor Muhammadan boys. We found that the Government would not listen to us and we arranged a public meeting to be held and we invited representatives of the press to be present there and to publish the proceedings. The House will be surprised to hear that the Press Censor immediately issued a mandate to all the newspapers not to publish the proceedings of our meeting and even forbade the representatives of the press to be present at our meeting. This is how the Press Censor carries on his duties in order to see that the Press Act is regularly acted upon and regularly obeyed. I submit that these repressive Acts may be well meant and it may be that the Honourable the Home Member, with the best of intentions, has introduced this measure in this House. But I submit that if the executive officers, with whom lies the actual working of the Act, act in this irresponsible manner, where is the guarantee that these Acts would not be abused and the purpose for which they have been passed would not ultimately be frustrated ?

There is just one point to which I will refer before I finish. Since the year 1910, efforts have been made to pass various Acts in order to put down terrorism, anarchism and Communism. Has any attempt been made to find out the root cause of this anarchism, terrorism and Communism ? I say no attempt has been made. A faint voice says, "yes"; but I say that no attempt has been made to find out the root cause. Sir, if there is headache, the only remedy that the Government can propose is to cut off the head in order to get rid of the headache. Is that the way to eradicate the disease ?

Mr. F. E. James (Madras : European) : What attempts did you
4 P.M. make to eradicate this evil of terrorism ?

Mr. A. K. Fuzlul Huq : I was not given a chance at all.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : How many repressive laws did you support while you were a Minister in Bengal ?

Mr. A. K. Fuzlul Huq : I do not think the pages of the proceedings of the Bengal Legislative Council can show a single instance where I supported any repressive measure. (Applause.)

Mr. Sri Prakasa : If you had done so, you would have been knighted.

Mr. A. K. Fuzlul Huq : Now, Sir, what I am submitting to the Honourable House is this ; it is no use tinkering with the situation. I say India at the present moment is seething with discontent and that too for a very good reason. The reason is that the bureaucracy is carrying on the administration so as to impoverish the country. The Government are carrying on their work in a most irresponsible manner. They never care how they spend public money. The result is that the youths of this country become inclined to listen to writings in the press which may even distantly suggest terrorism and anarchism. The same thing would happen in any country. Supposing the Indians were to conquer England and supposing the Indians were ruling England. Supposing the Indians as the conquerors had introduced a mock parliament in England and had got hold of the treasury. Supposing the Indians were to send out all the money from England to India. Supposing in that mock Parliament, in some way or other, the Englishmen were allowed to put interpellations

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and supposing that every time when a question was put by an Englishman, some Indian Member on the Treasury Benches rose and answered : " Part (a). Yes. Part (b). No, Part (c). Does not arise and Part (d). It is not in the public interest to answer this." Supposing such answers were given by the Indian Members representing the Government in England, I would not be surprised if English youths in those conditions had had recourse to terrorism and anarchism. (Laughter.) Therefore, I submit that you should remove the root cause. You bring down the huge expenses of your administration. India is at the present time, as is well-known, the poorest country in the world and yet the Government are running an administration which is most expensive on the face of the globe. (*A Voice* : " Shame.") Yes, it is really a matter of shame and those who countenance this state of things are certainly to be ashamed of their conduct. I will take one instance. Here is my Honourable friend, Mr. Griffiths, from Bengal, representing the Bengal Government. He has no reason to be here. Why is he here ? For one or two reasons,—either to record his vote or to make a speech. So far as recording of vote is concerned, even a clerk from the Secretariat can do it as efficiently.

Mr. S. Satyamurti : A chaprassi will do.

Mr. A. K. Fuzlul Huq : A clerk might be sitting here, and, at the time of the division, he can go to the lobby and record his vote. His vote would be as valuable as that of Mr. Griffiths, because the clerk from the Secretariat would be as good a Member as Mr. Griffiths and we would have the satisfaction of being able to get a vote for the Government with much less expense than we can have the vote when the Government brings in Mr. Griffiths here all the way from Bengal paying him his travelling expenses and a salary of Rs. 2,000 a month from the public treasury. I say with the utmost respect that any hireling would serve the purpose for which Mr. Griffiths has been brought here. As regards speeches, we do not want any from the official Members. I know that Mr. Griffiths made a very good speech, he is a very grand speaker, but all the facts stated by him are wrong. (Applause.) Those who support this Bill may think that what all Mr. Griffiths has said is correct. But I dispute his facts though I admire his speech. I dispute all the facts which he has put forward before the House. Why ? Because what does a District Magistrate ever know about the real heart of India ? How can poor District Magistrates know anything of India ? No Englishman knows Bengali. The Englishmen have got very high intellectual capacity, but they are very dull in learning languages.

An Honourable Member : Mr. Griffiths knows Bengali.

Mr. A. K. Fuzlul Huq : He knows as much Bengali as I know Japanese. He does not know it. Now, I have not come across a single Englishman except Rev. Carey of Barisal who can claim to know the vernacular of the country. Now, the difficulty is that when these District Magistrates go out into the country they suffer from a great handicap because they do not know the local vernacular. They cannot mix freely with the people and so, it cannot be expected that they would know what grievances the people have. These District Magistrates come into contact only with *chaukidars* and *panchayatdars* who generally mistranslate to them what the poor ryots have got to represent. Well, Sir, in this connection I am reminded of an old story. There was an

old Raja who was holding his court in the jungles, and the jackals began to howl. The Raja asked, what are all these howlings about? The courtiers said, "Your Majesty, it is very cold and the jackals are feeling the cold. They are asking for blankets". The Raja immediately asked, "How many blankets they want". The courtiers said, "They want blankets which would cost about two lakhs". The Raja immediately ordered two lakhs of rupees to be paid out of the treasury for the purchase of blankets. When the Raja was holding his court the next day, the jackals again began to howl, when he asked what was the howling about. The courtiers said, "Your Majesty, the jackals are thanking your Majesty for the blankets". (Laughter.) So when the District Magistrates go to the villages, they listen to whatever the *chaukidars* or the *panchayatdars* have to represent about the grievances of the people and after listening to those stories, the District Magistrate thinks that he has done his duty. With this kind of knowledge, my Honourable friend, Mr. Griffiths or anybody else, may go and hear the grievances of the poor masses, but they do not know the real situation. The real situation is this, that unless and until this top-heavy and most expensive administration is reduced to reasonable limits, unless the voice of the people is heard and honoured, and unless and until the Government is really broadbased on the wishes of the people, there can never be any end to terrorism or Communism or anarchism. Terrorism, anarchism and Communism all naturally grow out of discontent. Go to the root cause and adopt the Unani and Ayurvedic systems of treatment. Feel the pulse of the nation, find out the root cause and prescribe the proper medicine, not quack medicines in the shape of repressive measures which will recoil like the boomerang on those who propose to adopt such remedies. Therefore, I suggest, that you should adopt such acts which will really broadbase the Government on the willing affections of the people as well as eradicate for ever all causes of sedition, disloyalty and discontent.

An Honourable Member : What about the salary of the Executive Councillors ?

Mr. A. K. Fuzlul Huq : I am not talking here of the salary of any one individual in particular. I am talking generally of the abnormally heavy expenditure in administration. In my own Province of Bengal the expenses on the administration have gone up from five crores to eleven crores. What is the justification for that? In the Government of India also, the expenses have been jumping higher and higher every year. When I am saying these things, I am not doing so in any carping spirit of criticism. I am saying all these things as one of the best friends of the Government, as one of the best supporters of the Government. If I vote against this measure, it is because I honestly feel that I cannot support a measure of this kind which does not appeal to my conscience. I have carefully considered the provisions of the Bill, I have also considered the various facts and circumstances which have come to my knowledge in the past. I know from personal knowledge how these provisions are being abused by the executive authorities. It is for that reason I cannot find myself able to support this Bill. There is yet time, Sir. Let the Honourable the Home Member consider if the provisions which he wants to introduce in the shape of this special enactment cannot be included in the ordinary law of the land by amending

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the Code of Criminal Procedure and the Indian Penal Code. If that is done, I do not think there can be any objection. But we have certainly got objections to extraordinary measures, because extraordinary measures really prove to be extraordinary remedies. They do nothing to bring solace to the disease, they simply irritate, they simply excite the people. In order to prevent all that, it is necessary that such steps should be taken as will achieve the object in view and at the same time disarm all possible opposition. Sir, I have heard of terrorism, anarchism and Communism and communalism. Let me say as far as communalism is concerned, these particular measures are not at all necessary nor are they justified. Communalism will go when the leaders of the various communities feel that it is enough to stick to one's own faith, that it is wrong to abuse another man's faith and another man's religion. (Hear, hear.) A good Mussalman to be a good Mussalman must have toleration for the faith of others ; so a Hindu, so a Sikh and so a Christian. When we Indians, who are educated, who are born amongst the people and are above the people in knowledge and experience, teach our own people the lessons of toleration, then and then only will communalism disappear. But if some one else intervenes in these domestic quarrels of ours, it only embitters the situation. The third party that comes in is always leaning towards one side or the other. If the first party and the second party choose to quarrel, let them quarrel for some time and everything would be quiet in the end. But if the third party intervenes, they might intervene in such a manner as to raise a suspicion of partiality either towards this party or to that.

Captain Sardar Sher Muhammad Khan (Nominated Non-Official) : What about your compromise in London with the Bengal Hindus ?

Mr. A. K. Fuzul Huq : So far as Bengal is concerned, you can leave it to us to settle our affairs. Personally, so far as I am concerned, I have always had the most affectionate love from all my Hindu friends. I have nothing to fear personally, and I think tactfully we will be able to work in harmony with them, whatever may be the Communal Award or whatever may be the decision of Government.

Sir, I do not wish to take up the time of the House. The matter has been discussed for so many days and from many points of view. I am only asking the Honourable the Home Member to consider if even now he cannot think of amendments in the Act which may meet to a certain extent the wishes of the various groups in this House. If he is adamant I can only say that even those like us who do not wish ordinarily to embarrass Government will have no other alternative but to vote against the Bill. Government certainly will have the power to certify, but Government by certification is certainly not a thing to be desired ; and I, therefore, once more ask him to consider whether the additional powers which he wants to take cannot be introduced into the ordinary law of the land. Sir, I do not think I need take up the time of the House : I feel that, as at present advised, I have no other alternative but to oppose this measure.

Maharaja Kumar Vijaya Ananda Gajapatiraj (United Provinces : Landholders) : Sir, I have carefully looked into the proposals of the

present Bill. In this Hall, we meet together to square up differences, and one can fairly presume that intolerance to a differing opinion will weigh in favour of the Bill.

I need not take up much time by pointing out that the proposal to continue some of the provisions of the Act of 1932 is in a much modified form. The Government of India have recognised that safety and execution of duties of public servants need no longer any special law for their protection, that rumours are no longer to be feared, that discipline of boys and wards have become normal, and such other activities may safely be left to themselves. In the Statement of Objects and Reasons, three matters are intended to be continued by giving them a permanent form.

The first of these is picketing. I hope it will not be out of place to narrate a little incident of my own. When in 1930, the world-renowned cricketers, Hobbs and Sutcliffe, my guests, offered to play their first innings at Benares, more than ten thousand people were glad to witness the game. I do not know how the local Congressmen had a bee in their bonnet to organise picketing against the show, and picketing commenced. I assured the local Congress authorities that no political odour should be given to the affair, and picketing was stopped. Good sense prevailed.

I recall this incident to say that there is scope for mutual understanding. I would have been glad to see section 7 of the Act of 1932 also modified. But I, rather too cautious for my age, have weighed some considerations which I beg to place before this House. I say this in the same spirit as I took up when I wrote to the Benares Congress authorities.

This Act was passed on the 7th December, 1932. The Honourable the then Home Member's last remarks contain the following words: "If the menace which is typified in the Civil Disobedience Movement is once removed—and the passing of this Bill will contribute powerfully to remove it—then we can go forward with confidence into the new era." Opinions may be widely divergent as to the dawning of the new era, but that the Act of 1932 has powerfully contributed to remove the agitation cannot for a moment be disputed. It is one of the truisms of political philosophy that "we base our legislation on the expert interpretation of our environments. The solutions proposed make their way successfully only as they represent an interpretation of experience sufficiently akin to our own to be valid for us". Now that the environment has changed, the Government have, by repealing some of the drastic provisions, interpreted that change. I humbly submit that successful as the Government have been, can we truly interpret the present situation by saying that the Government were wrong in their legislation in 1932? If one can, let him dare. I cannot. For the life of me, I cannot shut my eyes to the obvious facts. From that point of view, to me the question has narrowed down into one—how much power should still remain with the Government? For my part, I can say that clause (b) of section 7 (1) can be modified in view of the altered environment.

The second question is that of unlawful associations. I can understand those who are outside this Legislature and have no faith in evolution or constitutional progress. But it is inconsistent why my colleagues

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who do not deny the existence of terrorism and yet do not propose any alternative measure to tackle with unlawful associations. I have heard with surprise a respected and experienced legislator expressing the other day in this House that the Government is not our Government. I recall with respect an observation of the late Mr. Gokhale, of course, when I was a baby in arms, that after all this Legislature was our Legislature. There is enough scope for differing opinions trying to gain power in this Legislature, and the Government is carrying on, on the law of this Legislature. If the Government be not our own, I do not for a moment appreciate the value of thousands of questions and scores of resolutions brought up. Similarly, if the Government be not our own, why object to the legislation for unlawful associations? Is it not simply because, the Government have, as Government, found terrorism having its root in unlawful associations? We as legislators have our duty in that behalf. If we object to the present law, it is up to us to suggest an alternative.

The third set of powers are against the press, which is after all, the voice of the people. I am the last person to support stifling reports of events or fair criticism. But in this matter also, the only available remedy is to suggest amendments to modify the existing law. In the absence of such suggestions, the men in power will continue in their course.

When talking about fair criticism, I should refer you to some of the recent papers of our country. The *Bombay Sentinel* of the 4th September has pitted the mentality of the Honourable the Home Member and compared his methods to that "of the Bourbons in France and Tsarist regime in Russia". The *Searchlight* of the 1st September has an editorial on the I. C. S. men in Judicial Service and in course of that article, observes: "The truth is that the whole system of judicial administration is defective from top to bottom and a thorough overhauling is needed to put things right". The *Advance* of the 5th September has, in supporting a recent judgment of Mr. Justice Lort-Williams, criticised this present Bill trenchantly and forcefully; but historically and philosophically. The *Forward* of the same date observes that: "His Excellency was ill-advised in disallowing the adjournment motion of the Honourable Mr. Akhil Chandra Dutta". The *Daily News* of Nagpur of the 4th September, in its editorial, had hard words against the Honourable the Finance Member such as "Sir James is just putting his statistics into his pocket and talking in air". "He is not a free agent and the City of London thinks for him".

I have compiled this selection to show that fair criticism is allowed and there is a way for both sides to make up. I do not see why there should be greater desire for press comment than this by the Opposition. That is my humble submission.

I regret I have to bring in another personal sentiment into this game of politics. Sir, it is regrettable that during the Civil Disobedience Movement, the premier Cricket Tournament which is called "the Quadrangulars" was abandoned for three years in Bombay. Had it not been abandoned, much of the bad humour of the hitters and bowlers on both sides of this House would not have been in evidence, and now I

have joined in this debate, because I cannot reasonably play the role of a mere spectator. As the Honourable the Home Member is rather satisfied with the suspension of the Civil Disobedience Movement, I leave it aside. But the game played in this Movement was not cricket. One thing, I may allude to, *viz.*, the no-tax campaign. There has been too much "body-line" stuff in this political field in our country, and if a new law is necessary to prevent the corruption of the game, everybody in this House should welcome it.

Another very important question has occurred to me. Of course, it has seemed important to me. Is it not a fact that this Government is handing over these powers to a new set of men who are coming into office—whoever they may be? Has not the Government sufficient justification for recognising that differences in "political, economic or religious views" lead to annoyance? Has not the Government reason to fear "constantly recurring outbursts of communal feeling"? Facts are there, and none can blink at them.

I may be called an alarmist. But I am still in the habit of taking my lesson from those who have experience and opportunity. Recently I came across an article in the latest issue of the *Political Quarterly* from the pen of Captain the Right Honourable Wedgewood Benn, whose sympathies for Indian aspirations are well-known. I take the liberty of culling a few observations from his article "Outlook on the Indian Reforms":

"It is true to say that little has been heard of the most important of all forces—popular Hindu opinion, and that little has been ignored. . . . 'Working the Constitution' may mean two things. It may mean merely a willingness to stand for election, but its real meaning is willingness to form or support Indian Ministry. That Indians will be found to accept portfolios, of course, goes without saying."

Referring to Congress candidates, he observes:

"If they can succeed in shaming Indian Ministers into relinquishing their responsibilities, they will be happy. The issue which they wish to keep before the public—that of Britain *versus* India—will be most clearly presented, of course, if they can force the Governors into the use of the autocratic powers which they now possess in an unprecedented degree. . . . It is to be hoped that the Indian Assemblies will be willing to assume the responsibilities for safeguarding what is a prime Indian interest, the preservation of peace and quiet in their streets and fields."

In my humble opinion, the problem before the Indian politicians is whether they will start from the *status quo*, and themselves bring about a happier environment, or continue in futile methods and endless agitation. I think the Congress Party can alter the law to a workable formula, and themselves be the administrators of the future, if wisdom prevails.

No one will be happier than myself if, by our conduct, no occasion is afforded to any one to use the powers of the proposed law, and this law remains a forgotten chapter.

With these few words, I wish to resume my seat and support the Honourable the Home Member.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, it is needless to say that I rise to oppose the motion for the consideration of the Bill. So far as the Government and some of the Honourable Members who have supported them are concerned, they may treat this Bill as a mere administrative

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device for the maintenance of order under coercion. Some of them may look upon it only in a light spirit of frolicsome frivolity. But so far as I and those of my way of thinking are concerned, it gives rise to momentous issues. It is nothing short of an outrage on the cherished acquisitions, the cherished possessions, and the cherished institutions of modern age and civilization. Take away the right of freedom of thought, take away the right of freedom of expression, take away the right of freedom of association : just ignore the achievements of science, its discoveries and inventions ; and what is left of modern civilization ? What is, above all, the greatest achievement of the modern age and how has it been attained ? Is it not only through the clash of ideas and through the impact of mind upon mind that humanity has been progressing and steadily advancing forward ? I oppose this measure, because, in its effect to maintain artificial calm, it is creating, at all events even if it succeeds, the peace of the desert as Lord Irwin once said, or a fettered and muzzled India as Lord Morley had said on a previous occasion. Sir, is it not a tragedy and an irony that in this year of Grace 1935 such a Bill should be placed before this House ? I am reminded, Sir, that it is just 100 years almost to a day that Sir Charles Metcalfe, known as the liberator of the press in India, issued orders withdrawing all restraints on the press. I would like just to read out a few sentences from the reply he gave to the deputation which waited on him in the year 1835 for the withdrawal of restraints on the press. This is what he said :

“ It rests with them ” (meaning the critics and opponents), “ to show that the communication of knowledge is a curse and not a benefit, and that the essence of good Government is to cover the land with darkness ; for otherwise it must be admitted to be one of the most imperative duties of a Government to confer the incalculable blessing of knowledge on the people, and by what means can this be done more effectively than by the unrestrained liberty of publication and by the stimulus which it gives to the powers of the mind.”

I would appeal to Honourable Members opposite to give a little thought to those words of wisdom. By what other means can you carry the torch of light in this country ? Sir, we deplore illiteracy, we deplore superstitions, we want to find out remedies for them, we want to carry on a propaganda that may turn even the man who lives in the most remote hamlet in the village into a literate man, we want even the humble dweller of the thatched hut to be an intelligent citizen. We want him to be capable of taking an active interest in the affairs of our country. How can it be done otherwise than by the extension of the activities of the press ?

Sir, before proceeding further, I should like to tell the House that whenever any restraints were imposed on the press, they retarded the growth and extension of printing presses as well as of newspapers and other periodical publications and even of books. As Honourable Members are aware, between the years 1910 and 1920, the press in India was subject to the octopus of the Press Act. In 1921, the Press Act was repealed, and, between 1921 and 1930, the press was free from fetters. The reaction was striking. Sir, between the years 1911 and 1920, when the press was under the Press Act. the rise in the number of presses was from 2,780 to 3,371 an increase of about 600 in 10 years,— or, on an average of 60 per year. When these fetters were withdrawn

in 1921, what was the result ? Between the years 1921 and 1931, the number of presses went up from 3,371 to 6,520, which shows an increase of about 3,200. The number was almost doubled. The growth in the number of presses in two years was more than in the whole of the ten preceding years. Similar was the case with newspapers. The number of newspapers and publications was 2,924 in 1911 as against 3,093 in 1920. Thus, the total increase during this decade was only 169. But, thereafter, between 1920-21 and 1930-31, the number went up to 4,500, with the result that the increase during this decade came to 1,500 in place of 169. Thus, in one single year, after the withdrawal of the fetters, there was a larger addition to the number of newspapers and publications in this country than during the whole of the preceding ten years when the press was under the repressive Press Act. (Cheers from Congress Party Benches.) Let us now look at the number of books published. The number of books published in 1911-12 came to 11,584. And what was the number in 1919-20 ? It was in reality only 11,110. There was thus an actual reduction, a shrinkage to the extent of 500 in the number of books during the period the Press Act was in force. But what was the result when the Press Act was withdrawn ? Between 1919-20 and 1930-31 the number went up from 11,100 to 17,427,—an increase of more than 6,000. Sir, can you have any doubt in your mind in the face of these figures and statistics that restraints on the press are a grave menace and a great hindrance to the diffusion of knowledge and culture, and stand in the way of all the well-wishers of the country and of all those people who are interested in promoting truth, light and learning ?

Let us look back again on the history of the last few years. Sir, as I have just said, but for two short interludes, there were no restraints on the press between 1835 and 1910, when the Press Act was introduced which remained on the Statute-book up to the year 1921. Sir, I should like to remind Honourable Members of the Report that was issued by the Press Laws Committee. I will not repeat what they said. Important extracts from their report have been brought to the notice of the House by some of the speakers who have preceded me. What I want to tell Honourable Members is this : that in July, 1921, when the Press Laws Committee issued its Report, and shortly after when the Press Act was repealed, the commotion in the country was much more grave, much more alive and much more kicking than it is today. At that time, Sir, the Civil Disobedience Movement was almost at its zenith, there were no local laws, and there was no law at all in Bengal for the control of terrorism. Besides, all the political prisoners, whether convicted for violence or for non-violence offences, who had been released in pursuance of the proclamation issued in December, 1919, on the passage of the Montford Act were at large then. Sir, the state of terrorism at that time was much worse than what is said to be today. I think the Home Member, the Government of India and the Secretary of State, all claim jointly and severally that the state of the country, so far as terrorism is concerned, is better, and has considerably improved since. May I know what is the reason for proceeding with a Bill like this at this time of the day when there is undisturbed tranquillity, when, so far as terrorism is concerned, you admit and declare that the position is much better, and when, so far as Civil Disobedience is concerned, it is at least suspended and quiescent. I ask, in all humility, what is the

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justification for proceeding with a measure of this sort today when it was considered proper, appropriate and safe to repeal the Press Act of 1910 in 1921-22. So far as terrorism is concerned, there are provisions in the Bengal Act which are most stringent and rigid. There it is open to the magistrates to issue orders to the printers and editors not to publish anything they do not like, irrespective of its being lawful or unlawful, wholesome or unwholesome. The Bengal Criminal Law Amendment Act contains provisions which do not leave any room for any free activity to any person or journalist in Bengal. Whether those laws are tolerable or not, I am not concerned with. What I am concerned with is only this, that, so far as terrorism is concerned, the remedies that you are providing in this Bill are altogether insignificant, negligible, useless and superfluous in the face of the Bengal Criminal Law Amendment Act, and there is no reason why, in the circumstances, you should plead terrorism as an excuse for putting this Bill permanently on the Statute-book. Then, Sir, may I know what, after all, has been the efficacy, the benefit, the advantage of the last three years' administration of the Criminal Law Amendment Act which is and was intended to expire in December next and will then die an unlamented death? I should like to know what has been the advantage, what has been the consequence, what has been the fruitful sequel to the passing of that measure and its administration for the last three years. It was admittedly an emergency measure. It was devised with a view to treating a passing phase, a temporary malady, and what has been its reaction, and what has been its effect? A malady that was then no more than local, transitory and incidental, has now become chronic, and a permanent, inseparable and unsavoury feature of the body politic. Is not that by itself sufficient for condemning that measure and for throwing it out? There is a proverb among us as to a disease coming on worsening with the treatment. Where the treatment has, after regular trial of three years, proved to be altogether inefficacious, and even harmful, and detrimental to the patient, is it in any way wise to persist in that wrong and erratic course? So, I submit, the Bill should be thrown out, because the parent of the Bill, the existing Act, out of which it has sprung, has proved a monster which may kill, but cannot possibly cure or heal. There is one more reason why I think there is absolutely no justification for this measure. Here I have before me the report of the speech that the late Home Member delivered, while introducing the Criminal Law Amendment Bill in 1932. I have also before me a copy of the Bill which was then introduced with its Statement of Objects and Reasons. It was repeatedly said by the Home Member then that the Government had introduced that Bill only because of the Civil Disobedience Movement. He said :

"The origin of the Bill is very plain. It can be said in two or three words, the civil disobedience movement. It is unnecessary to give a history of that movement."

Further, he went on to say :

"Those Ordinances expired after six months and as the period for their expiry approached, it became evident that we were in no position to discard the weapons with which the civil disobedience movement was being fought. Accordingly, at the end of June the Governor General issued a new consolidated Ordinance. This in its turn will expire at the end of the year. Now, Sir, the problem is, what action are the Government to take. The civil disobedience movement, though its manifestations have

been much curtailed and though I think I can claim that its supporters have lost a good deal of the impetus with which the movement was started, is still in existence and no one can prophesy when it will come to an end. It certainly will not end so long as the leaders still feel that there is any prospect of gaining their objects. Now, Sir, what stands between them and success is mainly the power conferred by the Ordinance and therefore it is the view of Government that the best method of ensuring a speedy end of this movement is to make it clear that the powers with which the movement is being fought will be continued."

As I observed a minute ago, a similar explanation is given in the Statement of Objects and Reasons. Now, the Honourable the Home Member has admitted in his Statement of Objects and Reasons here that the Civil Disobedience Movement is at present in abeyance. He has also withdrawn certain clauses which formed part of the old measure. So far as he is concerned, this Bill has not been introduced in order to provide a ready weapon to meet the menace of Civil Disobedience if it is ever revived and resumed. That is admitted by the Honourable the Home Member himself in the Statement of Objects and Reasons. Sir, in these circumstances, I submit that there is absolutely no justification for this Bill and it is but the outcome of the morbid tendency of the executive which is ever avaricious to retain such arbitrary and autocratic powers as it manages to acquire in moments of crisis. That alone is the reason for this measure. It is easy for them to invent reasons for preserving their autocratic powers, even when those powers are not needed for combating any critical situation. I submit that the reasons that have been mentioned here are merely fictions born of a fertile imagination, as, in fact and in reality, these reasons did not affect the Criminal Law Amendment Bill of 1932. There was no reference to anything of this sort in the Statement appended to the Bill or the opening speech of the then Home Member.

The Honourable Sir Henry Craik : No, no. That is not correct.

Pandit Govind Ballabh Pant : I am definite. I challenge the Honourable the Home Member to show me the contrary. I have before me the Statement of Objects and Reasons, and I have before me the speeches. I know the Honourable Member will have a right of reply. I have absolutely no doubt that, so far as published literature on the subject goes, the Government had nothing in mind except the Civil Disobedience Movement when this measure was placed on the anvil in the year 1932. Obviously, the question is this, whether, in the present circumstances, it is proper and it is reasonable that a Bill of this sort should be placed before the House. I do not care if a slip here or a word there is pounced upon by the Honourable Members opposite who seem to be helpless and confused; but the exponents of official view then made it abundantly clear that they were not actuated by any other motive except that of meeting and combating the Civil Disobedience Movement when they introduced their Bill in 1932. But, Sir, that is not all that I have to submit. I should like to know what are the reasons then for this measure. Government want it to be permanently lodged in the Statute-book. I want Honourable Members to remember that it is not an emergency measure to tide over a crisis. It is, so far as the present Government is concerned, to form, if their object can be carried out, an integral part of the Statute-book of this country for all time to come. Among the fantastic reasons advanced in support of this measure, there is one which seems to surpass all others in its amazing nature. I have not heard anything more astounding, and had it not been a hard fact, I would be loath to

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accept, even as regards the Government of India, that they were capable of such stupid audacity. They say that it is to prepare the country for responsible Government that they want to impose fetters on the press. I have not heard anything more ridiculous, more ludicrous, more perverse and more untrue in any argument in my life. Sir, what does responsible Government mean? The press provides the lungs and arteries to the body politic. Responsible Government sways and swings in the enlivening breeze which only a free press can produce and generate. Take that live force away, and what is left except blank dullness, foolish obstinacy and a nauseating sense of complaisant self-sufficiency for those who are commissioned to carry on the administration of the country. Has anybody ever heard of responsible Government with dictatorial powers in the hands of the Government, and can there be absolute powers of a more comprehensive and far-reaching type than those provided in this Bill? Assume for a moment that you form a responsible ministry in a province and arm them with this Bill. I say, if they have a little grain of sense in them, they can perpetuate their existence. I have no desire to get into those offices. They may be beyond my reach or outside the scope of my will or ambition, but I have no doubt, that a politician cannot conceive of a better weapon, and a better instrument for the perpetuation of his hold and grip than the powers which this Bill provides. What is the scope of this Bill? Government can declare any association unlawful. It may be even the European Association and, if I am in power tomorrow, perhaps Mr. James will think twice before equipping me with this power. Or it may be the Indian Civil Service Association, and I may declare it unlawful, for there is no control, no restraint, and no appeal. There is no other authority to which you can appeal against my decision. What I say is absolute: what I do is final. I can suppress any press. I can call for security. I can forfeit the security of any press on the pretext of any one of the innumerable grounds mentioned in section 4. I do not care to read out that section at this stage. I may have to do it later, but one of the things provided there is incitement to disaffection, and disaffection was defined by one of the High Court judges, Sir John Strachey, as want of affection. If I am a Minister, and if any Member on the other side says anything that, instead of promoting affection on the part of other people towards me, tends even indirectly to drain their ardour for me, it will be within my competence to crush that press and to call for security from that paper. Well, Sir, could I desire for more if I wanted to be a Hitler or a Mussolini? I think you are doing the gravest injustice to the intelligence of this country and also the cause which you seem to espouse by placing this Bill on the table of this House. Then, Sir, I do not know how you will interpret and enforce these things. Charlie Chaplin was hauled up in the divorce Court by his wife on the ground that he had been guilty of hatred towards her. Plain Charlie protested in naive earnestness that his affection for his wife was unbounded and he had never been guilty of any lapses. But it was of no avail to him and the divorce was decreed. I do not know how publicists and public men will manage to protect themselves against such charges of disaffection against them, whether by the existing Government which has never made any secret of its animosity for them or by their successors that may follow hereafter.

There is yet another aspect which seemed to me to be still more strange. Example is better than precept. The Honourable the Home Member and his fraternity want us to trust the Ministers and the Governments of the future implicitly and to surrender to them the most valued rights and privileges in advance; but how have they themselves behaved? I do not know if Mr. Griffiths is here. The safeguards, even as they appear in the Government of India Act in their final form, do not satisfy some of the members of the Indian Civil Service, at least in Bengal, who held out a veritable threat which, when the Bill was in the last stage in the House of Commons, caused a little flutter at the time, even in the ranks of the bureaucracy in this country. Sir, may I put a question to the Honourable the Home Member as well as to others in his fold. So far as the Imperial Services are concerned, they cannot trust the Ministers. The Ministers should not even touch them. The Secretary of State alone will have exclusive control of the Imperial Services. Even the Governor General cannot be trusted, leave aside the Ministers. Even the Secretary of State cannot be trusted. Unless his advisers representing the Services support a change by a majority, even the Parliament will not sanction any amendment of service rules or conditions. Sir, even in the matter of postings, the Minister has got to go to the Governor and to appeal to him. He has to pray to him to get Mr. Griffiths appointed to Midnapore or some other place, and, so far as the medical services are concerned, no Indian can be appointed to certain reserved posts even by the Governor. Well, Sir, does that indicate the confidence of the bureaucracy in the Governments of the future? Is it just on their part to ask us to trust these Governments and to place the most valued rights which alone constitute life worth living at the sweet mercy and disposal of these discredited suspects? Is it sincere? Can hypocrisy go further? Can dishonesty go further? I ask the bureaucracy now and here—what justification have they to force us to surrender to the mysterious, to the obscure, to the unknown and the unknowable Ministers of the future the most valued heritage, the most cherished fundamental rights which form the very basis of civilised existence? How dare they impose these fetters on this country, while keeping themselves strictly and meticulously and completely out of the orbit and influences of these Ministers? (Loud Applause.)

Sir, I am reminded of a story I once read. There were two fine cousins, Eve and Mary. Eve was younger, but had
 5 P.M. two divorcees to her credit. They had a common friend, John, with a hare-lip and squint eyes. John wanted to marry, and Eve very seriously, very earnestly, very persuasively suggested it to Mary that she should marry John. Mary gently said: "you have greater experience of married life, you have already had two husbands. John has queer looks. Why don't you marry him?" Well, for some time, Eve beat about the bush, but ultimately she gave out the truth. "My dear Mary, your parents were married only once. Your grand-parents were married only once. You are, by nature, by heredity, faithful. So far as I am concerned, my mother was the third wife to my father, and my father was the third husband to my mother. (Laughter.) So it won't be safe for me to marry such a husband. Besides, Mary, I know you want a husband, so that you may serve him, and I want a husband so that he may serve me. So, so far as you are concerned, John will be safe and you will be happy. But if I were to enter into this alliance,

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both of us will be unhappy. But I will be prepared to help you both, and I will make full use of either or both of you on every occasion for any purpose I like and choose." (Laughter.) That, Sir, is the state of affairs that obtains in this country. It is very well to suggest to us, to the innocent Marys in this country, to marry hare-lipped and squint-eyed Johns, so that the shrewd and the astute Eve may always be able to command the services of both to her heart's content. (Laughter.) Are we really such credulous, stupid fools? And, then, Sir, what is happening today? How are the high and mighty behaving? Do you know how the constituencies are being delimited? Do you know how the Delimitation Conferences and Committees are being formed? Do you know in how many diverse ways efforts are being made to manage and manipulate things, so that the Bureaucracy may ever continue to rule, and, while the mask and figure may be of an Indian, the power may always rest and vest in the hands of the European?

Mr. President (The Honourable Sir Abdur Rahim) : Would the Honourable Member like to stop here and resume his speech tomorrow?

Pandit Govind Ballabh Pant : All right, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : The House stands adjourned till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 11th September, 1935.