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**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

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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.

Thursday, 12th 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.

INDIANISATION OF THE POSTS OF CHAIRMEN OF THE PORT TRUSTS IN INDIA.

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

- (a) whether their attention has been drawn to the fact that not one of the seven Chairmen of the Port Trusts in India is an Indian ;
- (b) whether they propose to take any steps to redress this racial inequality ; and
- (c) if not, why not ?

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

(b) and (c). The Honourable Member's attention is invited to the reply given to part (b) of his question No. 731 on the 8th March, 1935, and to the supplementary questions and answers thereto where the whole matter is discussed in great detail.

Mr. S. Satyamurti : May I know why the Government of India are against any Statutory provision for increasing the number of Indians on these Port Trusts, with a view to getting at least a few Indians elected as Chairmen of some of these Port Trusts ?

The Honourable Sir Muhammad Zafrullah Khan : I believe that, in the supplementaries to the previous question, the Honourable the Finance Member has given an answer to that.

Mr. S. Satyamurti : I was told that that might raise racial considerations. I asked the question then, but I did not get an answer. I ask now the Honourable the Commerce Member with more hope, what is the racial consideration involved in reserving chairmanships of Indian Port Trusts to Indians ? Why do the Government think that, in India, Indians should not be protected as against other races ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member says that he put that question to the Honourable the Finance Member, and I have no doubt that he received a reply when he put that question.

Mr. S. Satyamurti : I did not, and, therefore, I am asking the Honourable the Commerce Member who is now replying, he himself being an Indian. I ask why he thinks or the Government think that

reserving membership or chairmanship to Indians on Indian Port Trusts is a racial matter.

The Honourable Sir Muhammad Zafrullah Khan : It is immaterial whether the question is put to a European Member or an Indian Member of Government. The position of Government with regard to these Port Trusts is that, as the Indianisation of Services continues, there will be a larger and larger number of Indians on the Port Trusts, and Government do not think it is either feasible or desirable to introduce legislation to reserve a certain proportion of membership to Indians as such.

Mr. S. Satyamurti : What are the reasons why Government do not think it desirable that Indianisation should proceed much more rapidly in this branch of public administration, than it does today ?

The Honourable Sir Muhammad Zafrullah Khan : If Government take the action suggested, it would amount to disqualification of a particular race, and that is the racial consideration involved.

Mr. S. Satyamurti : Why should Europeans not be disqualified in this country ? This is Indians' country, and not Europeans' country.

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

Mr. S. Satyamurti : One more supplementary question, Sir. May I know why, in Chittagong uniformly, the Agent of the Assam Bengal Railway is made a member and Chairman again and again of the Port Trust there ?

The Honourable Sir Muhammad Zafrullah Khan : I do not know that any special answer is necessary. Agents of Railways are often members of Port Trusts, and, if an Agent is appointed Chairman, I do not think there is any extraordinary reason behind it.

Mr. S. Satyamurti : Have Government considered the inconvenience caused to Indian merchants, exporters and importers, by the continuous presence of a European as Chairman ?

The Honourable Sir Muhammad Zafrullah Khan : In Chittagong, a European has not been continuously Chairman of the Port Trust.

Mr. President (The Honourable Sir Abdur Rahim) : Next question, No. 289.

CONSTITUTION OF A PERMANENT TARIFF BOARD.

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

- (a) whether they have come to any decision on the question of constituting a permanent Tariff Board ;
- (b) whether they have considered the evil effects of appointing *ad hoc* Tariff Boards from time to time ; and
- (c) when they propose to come to a decision on this question ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government are still of opinion that it is unnecessary to constitute a permanent Tariff Board.

(b) Government do not admit that evil effects result from the appointment of *ad hoc* Tariff Boards.

(c) Does not arise.

Mr. S. Satyamurti : May I know why Government have not yet come to a conclusion in favour of a permanent Tariff Board, especially in view of the fact that it is a judicial or at least a quasi-judicial body ?

The Honourable Sir Muhammad Zafrullah Khan : Government do not consider that that is any reason for constituting a permanent Tariff Board.

Mr. S. Satyamurti : With regard to the answer to part (b) of the question, have Government considered in their recent appointment of the *ad hoc* Tariff Board for textile duties, that they have appointed two gentlemen, one of whom is a representative of British commerce, and the other, a violent supporter of the Mody-Lees and Ottawa Pacts ?

The Honourable Sir Muhammad Zafrullah Khan : If the reference is to Sir Alexander Murray, he is not a representative of British commerce. He was, I believe, connected for a long time with a firm that carried on business in jute in Bengal.

Mr. S. Satyamurti : For whom ?

The Honourable Sir Muhammad Zafrullah Khan : For that firm.

Mr. S. Satyamurti : For Britain.

The Honourable Sir Muhammad Zafrullah Khan : In the interests both of that firm and of India. And he has been Chairman of the Associated Chambers of India and Ceylon. He has been a member of the Bengal Legislative Council. He has been a Member of the late Imperial Legislative Council, he has been a Member of the Council of State, he has been a Member of this House, he has been a member of three Royal Commissions. He has twice represented India in International Labour Conventions at Washington and Geneva. With regard to the other gentleman, whether the reference is to Diwan Bahadur A. Ramaswami Mudaliar, or to Mr. Fazal Ibrahim Rahimtoola, I do not think that the allegation that they are violent supporters, either of one pact or the other, is justified.

Mr. S. Satyamurti : I am overwhelmed, but may I ask whether, apart from being violent, Diwan Bahadur Ramaswami Mudaliar is not a supporter of British preference, that is to say, of both the Mody-Lees Pact and the Ottawa Pact, and what are the reasons why Government appointed him to this Committee, considering that it has got to make very important recommendations on this particular matter ?

The Honourable Sir Muhammad Zafrullah Khan : Government appointed Diwan Bahadur Ramaswami Mudaliar, because they thought that he was an excellent choice for this Committee.

Mr. S. Satyamurti : I have no doubt about that, that suits them ; but I am asking only one more question. Have Government considered that appointing gentlemen to *ad hoc* Tariff Boards creates in them a feeling that they will not be there for ever, and, therefore, they find themselves in a more difficult position than they would be, if they were permanently appointed ?

The Honourable Sir Muhammad Zafrullah Khan : No, I do not agree.

Mr. S. Satyamurti : May I know whether the Government propose to come to a decision on this question, namely, of having a permanent Tariff Board, and, if so, when ? Part (c) of the question.

The Honourable Sir Muhammad Zafrullah Khan : The answer to the first part of the question which I read out was that Government are still of opinion that it is unnecessary to constitute a permanent Tariff Board. The next question is, when will your intentions change, when will your opinion change. I am unable to say whether it will change, and, if it does, when.

Prof. N. G. Ranga : In view of the fact that, in the interests of the consumers, protection should be granted only for so long and for such industries as there is a necessity, will Government consider the advisability of establishing a permanent Tariff Board to make enquiries from time to time to see whether the industries which are given protection are properly run and efficiently managed and that the protection is given only for the time being ?

The Honourable Sir Muhammad Zafrullah Khan : I have heard the Honourable Member, but I am quite unable to follow the question.

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

†290.*

Mr. S. Satyamurti : I do not put question No. 290. That has been already answered. I put No. 291.

NEW TYPE OF AEROPLANE FOR OPERATION IN INDIA.

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

- (a) whether it is a fact that a new type of aeroplane for operation in India and the middle East is at present undergoing trials before experts of the Air ministry in London ;
- (b) whether it is intended to use them for North-West Frontier work ; and
- (c) whether Government propose to continue the work of bombing the villages, and if so, why ?

Mr. G. R. F. Tottenham : (a) and (b). The answer is in the negative.

(c) The position of the Government of India has always been that they are prepared to subscribe to any general international convention regarding the abolition of military aircraft, but that in the absence of such a convention they are not prepared to deprive themselves unilaterally of the use of a weapon which, in certain circumstances and subject to the restrictions and safeguards that are invariably imposed on its employment, has proved itself an effective and economical adjunct to the preservation of the peace of the Frontier.

Mr. S. Satyamurti : Is it or is it not a fact that International Conferences have been asking for the abolition of bombing from the air on

the civilian population, and that the Government of Great Britain opposed that International Convention ?

Mr. G. R. F. Tottenham : No. That is not a fact.

Mr. S. Satyamurti : Were the Government of India consulted about the abolition of bombing from the air on civilian population ?

Mr. G. R. F. Tottenham : With reference to the Disarmament Conference ? Yes, their views were asked for.

Mr. S. Satyamurti : What were the views of the Government of India ?

Mr. G. R. F. Tottenham : I have just stated them.

Mr. S. Satyamurti : May I take it that the Government of India are against the abolition of bombing from air on the civil population ?

Mr. G. R. F. Tottenham : The Government of India were prepared, as I said, to subscribe to any general convention for the abolition of military aircraft, but they were not prepared in advance of any such general agreement to deprive themselves of a particular weapon which, under certain circumstances, can be and is of great value.

Mr. S. Satyamurti : May I take it that the position of the Government of India is this—that, unless all military aircraft is abolished altogether, they will not give up bombing from air on the civil population ?

Mr. G. R. F. Tottenham : I have explained as clearly as I can what the policy of the Government is, but I must object to the statement that the policy of the Government is, or ever has been, to bomb the civil population. We have never done that.

Mr. S. Satyamurti : May I know whether they are willing to abolish unilaterally, if I may put that question to Mr. Tottenham, bombing from air on the civil population ?

Mr. G. R. F. Tottenham : We have never bombed the civil population.

Pandit Krishna Kant Malaviya : Did the Government of India raise their voice when Great Britain wanted exception in favour of the North-West Frontier, Iraq and other places ?

Mr. G. R. F. Tottenham : The Government of India agreed with His Majesty's Government that it would be legitimate to make this reservation regarding police bombing in their own areas. They agreed to the establishment of the convention prohibiting bombing as an international weapon, but accepted the reservation of retaining the power of air bombing for police purposes in their own areas. That was at a certain stage in the Disarmament Conference.

PREVENTION OF CONGRESSMEN FROM VISITING QUETTA.

292. ***Mr. S. Satyamurti :** Will Government be pleased to state whether their policy of preventing Congressmen from visiting Quetta had any political considerations behind it ?

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

SAFEGUARDING OF THE INTERESTS OF INDIAN IN ZANZIBAR.

293. *Mr. Mohan Lal Saksena : (a) Have Government made any representation to His Majesty's Government with a view to safeguarding the interests of Indians in Zanzibar as recommended by Mr. K. P. S. Menon in his report ?

(b) If so, what has been the result of the representation ?

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

IMPOSITION OF A PROHIBITIVE IMPORT DUTY ON ZANZIBAR CLOVES.

294. *Mr. Mohan Lal Saksena : Is it a fact that the Indians in Zanzibar have asked Government to impose prohibitive import duty on Zanzibar cloves ? If so, have Government considered the advisability of legislating accordingly ?

Sir Girja Shankar Bajpai : The answer to the first part of the question is in the affirmative. As regards the second part, the attention of the Honourable Member is invited to the reply given by me on the 5th September, 1935, to part (c) of Mr. S. Satyamurti's question No. 144.

Mr. Mohan Lal Saksena : Are Government aware that Indians in Zanzibar passed a Resolution urging upon the Government of India to take immediate action including imposition of prohibitive duty on cloves ?

Sir Girja Shankar Bajpai : Government have received a copy of that Resolution.

Mr. Mohan Lal Saksena : What action have the Government of India taken ?

Sir Girja Shankar Bajpai : I explained that in my reply to Mr. Satyamurti the other day.

TREATY OF COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND ZANZIBAR.

295. *Mr. Mohan Lal Saksena : (a) Is it a fact that a treaty of friendship, commerce and navigation exists between Great Britain and Zanzibar ?

(b) If so, will Government state whether they have considered if the provisions of Clove Growers' Association and clove importers' decrees are in contravention of the provisions of the aforesaid treaty and further whether the provisions of other decrees in question are in consistence with its provisions ?

Sir Girja Shankar Bajpai : (a) The attention of the Honourable Member is invited to the statement laid on the table of the House with reference to the reply given to starred question No. 1322 asked by Mr. S. Satyamurti on the 2nd April, 1935.

(b) In view of the fact that the treaty referred to by the Honourable Member is no longer in force, this question does not arise.

DISSATISFACTION AMONG INDIANS IN FIJI DUE TO THE PROPOSED CHANGE IN THE SYSTEM OF REPRESENTATION IN MUNICIPALITIES AND THE LEGISLATIVE COUNCIL.

296. *Mr. Mohan Lal Saksena : (a) Is it a fact that steps are being taken by the Government in Fiji to replace the present system of representation in municipalities and the Legislative Council in Fiji by the system of nomination ?

(b) Are Government aware that the proposed change has caused great dissatisfaction among Indians in Fiji ?

(c) If so, what steps, if any, do Government propose to take to stop the proposed change in the system of representation ?

(d) Did the Colonies Committees, appointed by the Government of India, submit to the Colonial Office any memoranda on the position of Indians in Fiji ?

(e) If so, will Government be pleased to state what recommendations, if any, it made regarding municipal franchise ?

(f) Did the Colonial Office take any action on them ? If so, what ?

(g) Is the proposed change in the system of representation in conformity with the above mentioned recommendations ?

(h) Are Government prepared to consider the advisability of sending, at an early date, a mission of enquiry to Fiji to study the situation on the spot and to report on the problems now confronting Indians in that colony ?

(i) Is it a fact that Indians in Fiji have asked for such an enquiry ?

Sir Girja Shankar Bajpai : (a) to (c). I would refer the Honourable Member to the reply given by me on the 5th September, 1935, to Mr. Avinashilingam Chettiar's question No. 149.

(d) to (g). With regard to municipal councils, the facts are these. There are two Municipal Councils in Fiji of whom only one, viz., Suva, is of importance to Indians. Under the Municipal Institutions Ordinance of 1909, this Council was composed of members elected on a common electoral roll, but as the franchise was restricted to persons who could read, write and speak the English language, and the town of Suva was one single constituency, no Indian was ever elected to this council. The Colonies Committee referred to by the Honourable Member suggested that in order to ensure Indian representation on the Municipal Council of Suva, the principal Indian vernaculars should be recognised as qualifying a person to vote, on the same footing as English, and the town should be divided into wards. This recommendation, though supported by the Government of India, was not accepted by the Colonial Office. The choice thus lay between no representation of Indians and representation in equal strength with the other communities, on a basis of nomination for all. The Government of India saw no objection to this arrangement, provided that this could be secured without prejudice to its subsequent revision, should circumstances make this possible, on the basis of a common electoral roll and recognition of Indian vernaculars as qualifying tests for the municipal franchise on the same terms as English. They have acquiesced in the change from

the old system, which left the Indian unrepresented, to the present which gives him equal representation with Europeans and Fijians on a nominated Municipal Council, on this understanding.

(h) The matter is under consideration.

(i) The Indian Association of Fiji have asked for an enquiry.

Mr. Mohan Lal Saksena : When does the next election to the Legislative Council take place ?

Sir Girja Shankar Bajpai : The term of the Legislative Council has been extended by a period not exceeding one year in order to enable the different interests concerned to be consulted on this question of nomination *versus* election.

Mr. Mohan Lal Saksena : Are the Government of India sending a representation on behalf of Indians in Fiji to the Colonial Office ?

Sir Girja Shankar Bajpai : In reply to a question by Mr. Satyamurti the other day, I stated that the Government of India would be sending their representation to the Colonial Office after consulting the Standing Emigration Committee of the Legislature.

REPRESENTATION FROM CERTAIN DRIVERS OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

297. ***Mr. Mohan Lal Saksena :** (a) Will Government be pleased to state if the Railway Board have received any representation from Abdul Shakoor and other drivers working in the Moradabad Sub-division of the East Indian Railway ? If so, what action have Government taken on it ?

(b) Is it a fact that in 1931 when they were made to accept reduced pay as a measure of economy, they were given an assurance that, on the improvement of financial position, they would be given the pay to which they would have been entitled in case they were drawing their original pay ?

(c) If so, why has their pay not been restored in accordance with the aforesaid assurance ?

Mr. P. R. Rau : The attention of the Honourable Member is invited to the information laid on the table of the House on the 2nd September, 1935, in reply to his starred question No. 395 asked on the 21st February, 1935.

APPOINTMENT OF A COMMITTEE BY THE CONGRESS PARTY IN THE ASSEMBLY TO ENQUIRE INTO AND REPORT UPON THE ADMINISTRATION OF REPRESSIVE LAWS IN BENGAL.

298. ***Mr. Mohan Lal Saksena :** (a) Are Government aware of the appointment of a Committee by the Congress Party in this House to enquire into and report upon the administration of repressive laws in Bengal ?

(b) Is it a fact that the Government of India, in consultation with the Bengal Government, have issued a circular to the effect that the correspondence of the members of the Committee be specially censored and that the report of the Committee should not be allowed to be published ?

(c) If so, will Government be pleased to lay on the table a copy of the aforesaid circular ?

(d) Will Government be pleased to state the reasons for issuing such a circular ?

The Honourable Sir Henry Craik : (a) Yes.

(b), (c) and (d). If such a circular had been issued, it would necessarily have been of a confidential nature and an answer to these parts of the Honourable Member's question would, therefore, amount to giving publicity to the existence and contents of a confidential document, which would be contrary to the public interest.

Prof. N. G. Ranga : Was such a circular issued at all ?

The Honourable Sir Henry Craik : I say that if such a circular had been issued, it would necessarily be of a confidential nature, and it would be contrary to the public interest to give publicity either to the existence or the contents of a confidential document.

Mr. Mohan Lal Saksena : Are Government aware of the United Press message of the 30th May, reporting that such a circular had been issued and which runs as follows :

"The United Press reliably understands that the Government of India after consultation with Provincial Governments especially the Government of Bengal, have finally decided to put a ban on the Report of the Committee appointed by the Assembly Congress Party to investigate and report on the question of repression in Bengal. The Government views this move on the part of the Congress with disfavour and allege that the Committee is collecting deliberately one-sided information which is calculated to bring the Government of India into contempt not only in this country but in the eyes of the nations of the world. It is understood that strict censorship has been advised to be kept on the correspondence between members of the Committee and immediately the report is ready to forfeit it under the Press Act."

Is it a fact that a circular has been issued on these lines ?

The Honourable Sir Henry Craik : I have already said that I cannot answer that.

Mr. Mohan Lal Saksena : Is the Honourable Member aware that my correspondence is being strictly censored ?

The Honourable Sir Henry Craik : No, Sir.

Mr. Mohan Lal Saksena : Will the Honourable Member believe me when I say that letters addressed by two Honourable Members of this Assembly were despatched to me, but they have not been delivered to me ?

The Honourable Sir Henry Craik : I have no knowledge about that.

Pandit Krishna Kant Malaviya : Will the Honourable Member kindly make inquiries and find out ?

The Honourable Sir Henry Craik : No, Sir.

Pandit Krishna Kant Malaviya : Why not ?

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

PUBLICITY GIVEN TO THE PART-DELIVERED SPEECH OF THE LAW MEMBER ON MR. B. DAS'S INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

299. *Mr. Mohan Lal Saksena : (a) Is it a fact that the part-delivered speech of the Law Member in connection with Mr. B. Das's Bill to repeal Criminal Law Amendment Act was sent to various Local Governments with instructions that it may be translated and distributed among the public ?

(b) Is it a fact that special efforts were made to give publicity to that speech ?

The Honourable Sir Henry Craik : (a) and (b). Government considered that the speech contained information of great importance which was not generally known to the public and that it merited wider circulation than it would obtain through the Press and for these reasons they arranged for copies of the speech to be widely distributed.

Prof. N. G. Ranga : Why is it that Mr. Das's speech was not also circularised simultaneously, so that the public might be able to get an impartial idea of that debate ?

The Honourable Sir Henry Craik : That was for Mr. Das to do.

Mr. S. Satyamurti : Is this the first time that speeches delivered by Honourable Members of the Government are specially circularised to various Local Governments, with a view to giving them instructions to give them further publicity ?

The Honourable Sir Henry Craik : It has been done frequently.

Mr. Mohan Lal Saksena : What was the hurry about it ? What was the hurry about circulating the speech before it was actually completed ?

The Honourable Sir Henry Craik : The hurry was this that, obviously, the speech could not be completed before a period of at least six months.

Mr. S. Satyamurti : Do Government consider it fair to circulate a one-sided speech, without giving the Opposition an opportunity of meeting those one-sided facts ? They may be false facts. Without, at the same time, affording an opportunity to the Opposition to contradict those statements of so-called fact, is it fair on the part of the Government to circulate only a one-sided speech ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a matter of opinion. Next question.

UNEMPLOYMENT PROBLEM.

300. *Mr. Mohan Lal Saksena : (a) Are Government aware that lately there have been reports in the press of suicides by individuals and whole families on account of unemployment ?

(b) Have Government taken any steps to tackle the problem of unemployment in the centrally-administered areas ?

(c) Have Government got any information regarding the extent of unemployment prevailing amongst the educated classes of the centrally-

administered areas ? If not, are Government prepared to make necessary arrangements for collecting statistics in this connection ?

(d) Do Government also propose to consider the advisability of appointing an enquiry committee ?

The Honourable Mr. D. G. Mitchell : (a) I have seen one or two reports of individual suicides attributed to unemployment : I am not aware of cases of suicide by whole families.

(b) Yes.

(c) I would refer to the answer I have already given to Mr. Asaf Ali's starred question No. 265.

(d) Government do not propose to appoint a committee to deal with the centrally-administered areas.

Prof. N. G. Ranga : Will Government please consider the advisability of establishing some labour exchanges and employment bureaus in centrally-administered areas ?

The Honourable Mr. D. G. Mitchell : There is no such proposal.

Mr. Mohan Lal Saksena : Did Government take any steps to verify the reports published in the papers ?

The Honourable Mr. D. G. Mitchell : No, Sir.

Mr. M. Ananthasayanam Ayyangar : In reply to clause (c) of the question, I gather, the answer was that no steps are being taken by the Government of India to organise unemployment relief and that no statistics have been gathered till now. If the Government propose at some future date to adopt or undertake such relief measures, is it not necessary for them to know what exactly is the number of people unemployed ?

The Honourable Mr. D. G. Mitchell : It is no doubt most desirable to have that information if the information could be compiled in a form in which one could place any reliance, but the difficulty is that to compile statistics of unemployment is a practically impossible task.

Mr. M. Ananthasayanam Ayyangar : Are not similar statistics collected in America and England ? Does not the Honourable Member know that there are ten millions of unemployed people in America ?

The Honourable Mr. D. G. Mitchell : "Unemployment" is a negative thing, and it is very difficult to establish a negative. The figures referred to, which are obtained in other countries, do not relate to negative things. They are called "statistics of unemployment", but they are, as a matter of fact, statistics of positive things, that is, of persons who are in receipt of relief of various kinds.

Mr. M. Ananthasayanam Ayyangar : How is relief given before it is known how many there are who are unemployed ?

The Honourable Mr. D. G. Mitchell : These forms of relief were started in England, for instance, by the trades unions themselves and have been gradually expanded.

Mr. M. Ananthasayanam Ayyangar : Were there no statistics of unemployment before relief measures were started in England ?

The Honourable Mr. D. G. Mitchell : The trades unions themselves provided them. Again, they were figures of positive things ; they were figures of members on the trade union registers who were out of job.

Mr. M. Ananthasayanam Ayyangar : Are not women also in England getting relief by way of maternity relief ?

The Honourable Mr. D. G. Mitchell : Sir, I fail to understand the Honourable Member's question. If there are figures of women in England in receipt of maternity relief, again they are positive things and could be easily counted.

Mr. M. Ananthasayanam Ayyangar : Sir,.....

Mr. President (The Honourable Sir Abdur Rahim) : The question has been sufficiently answered. The position is quite clear now. Next question.

SECRETARY OF STATE'S CONCEPTION OF POLITICAL OFFENDERS OF THE CIVIL DISOBEDIENCE CLASS AND BOMB-THROWERS.

301. ***Mr. M. Asaf Ali :** (a) Has Government's attention been drawn to a statement, which the Secretary of State is reported to have made in the House of Lords with reference to an amendment of Lord Faringdon to clause 26 of the Government of India Bill (disqualification of offenders) in which the Secretary of State opined that there was no difference between one who participated in civil disobedience and a person who threw a bomb at a Viceroy ?

(b) Are Government aware of the difference between the two classes of offenders described above ?

(c) If so, have they taken any step to rectify the Secretary of State's conception of political offenders of the civil disobedience class and bomb-throwers ?

The Honourable Sir Henry Craik : (a) Yes. I will read an extract from the official report of the Secretary of State's speech :

" One of the difficulties in meeting the request of noble Lords opposite is due to the fact that in India there is no distinction between a political and a criminal offence. It is very often difficult to discriminate between a criminal and a political offence in any country, and certainly in Indian law no distinction is made. I am rather wondering whether my noble friends opposite would suggest that the Indian gentleman who bombed my noble friend here (Lord Halifax) was guilty of a criminal offence or a political offence. I think it would be found difficult to decide whether it was a criminal offence or a political offence."

The observations do not appear to me to justify the construction put on them by the Honourable Member.

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

DECREASE IN THE INDIAN EXPORTS TO CERTAIN COUNTRIES.

302. ***Mr. M. Asaf Ali :** (a) Is it a fact that Indian exports to France, Germany, Italy and Japan have fallen during the last two years ?

(b) Will Government be pleased to furnish comparative figures for the last five years including 1935, to show the percentage of decrease ?

(c) Can Government explain the causes of this decrease and say how far it is due to the operation of the Ottawa Agreement ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Honourable Member is referred to Volume II of the Annual Statement of the Sea-borne Trade of British India for the year ending 31st March, 1934, and Monthly Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1935, copies of which are available in the Library of the House.

(c) The decrease in Indian exports to certain countries is due partly to the continued depression in world trade and partly to the adoption of restrictive measures by these countries for the purpose of safeguarding their industrial and monetary interests.

Mr. M. Ananthasayanam Ayyangar : When were the first restrictions imposed on the imports of goods into Japan and other countries ?

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

Mr. M. Ananthasayanam Ayyangar : Was it not after 1932—the date of the conclusion of the Ottawa Pact ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say.

Prof. N. G. Ranga : Is it not a fact that the exports of groundnut to Italy and Germany have considerably fallen during the last few years ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say.

LEASE OF LAND BETWEEN DELHI AND SHAHDARA TO MR. WAUGH.

303. ***Mr. M. Asaf Ali :** (a) How many acres of land between Delhi and Shahdara, and on what terms, have the Delhi Government leased to Mr. Waugh ?

(b) How much of this land has been actually under cultivation, and for how long ?

Sir Girja Shankar Bajpai : (a) 718.33 acres in Shahdara were leased to Mr. Waugh for a period of 25 years from the 1st April, 1923. The lessee was given the option of acquiring proprietary rights at any time during the currency of the lease, at a price to be determined at the time of purchase. He was to pay land revenue at Re. 1 per acre for the first two years, Rs. 2 per acre for the next three and after that at current rates. A *malikana* at half the revenue rate was also to be paid.

(b) In 1934, 268 acres were actually under cultivation. The whole area was previously lying waste, and this portion of it was broken up and brought under cultivation between 1923 and 1934.

Mr. M. Asaf Ali : Will the Honourable Member kindly tell me whether he has any knowledge of the number of cultivators who had been dispossessed before 1923 on account of the acquisition of land in connection with New Delhi ?

Sir Girja Shankar Bajpai : I do not think that this has anything to do with the acquisition of land for New Delhi. As regards this parti-

cular area, as I have already informed the Honourable Member, my information is that at the time when it was leased it was lying waste, so no cultivators could have been dispossessed.

Prof. N. G. Ranga : May I ask, Sir, if Government have considered the suggestion of granting this land to a co-operative society of peasants so that they might be able to utilise it better than the individual who is using it only for himself ?

Sir Girja Shankar Bajpai : Sir, seeing that the lease to this particular individual was given eleven years ago, and I also gather that it was actually sold in October, 1934, it is not possible for Government, at any rate, to give it to a co-operative society.

CULTIVATORS AFFECTED BY ACQUISITION OF LAND FOR THE PUSA INSTITUTE IN DELHI.

204. ***Mr. M. Asaf Ali :** (a) How many cultivators of the Delhi Province are likely to be affected by acquisition of land for the Pusa Institute ?

(b) How do Government propose to provide such persons with cultivable land elsewhere ?

Sir Girja Shankar Bajpai : (a) and (b). Steps have been taken to acquire 474 acres of land. This area constitutes about a third of the total held by the 250 cultivators affected. The cultivators, portions of whose holdings have been acquired, were told that, if they wished, recommendation would be made to the Punjab Government to provide them with land in the neighbouring districts of the Punjab where Government lands are available but so far they have not made any application.

Prof. N. G. Ranga : Is there any culturable land at all in that neighbourhood which could possibly be granted to these people ?

Sir Girja Shankar Bajpai : I can assure my Honourable friend that if culturable land in the neighbourhood in the possession of Government were available, assistance would have been given to these people to make use of it.

Prof. N. G. Ranga : Could it not have been possible for Government to have thought of establishing this Institute a little farther off, so that these people might not have been dispossessed of their houses ?

Sir Girja Shankar Bajpai : Unless this Institute had been established on waste land, somebody or other was sure to have been dispossessed.

Mr. M. Asaf Ali : Can these cultivators be accommodated by Mr. Waugh, because he possesses 718 acres of land ?

Sir Girja Shankar Bajpai : The geographical position rather is that this land is taken on this side of Jumna whereas the other land is across the Jumna, and I hardly think that these people would care to go across the Jumna in order to cultivate the land there.

Mr. M. Asaf Ali : They have already been dispossessed of their land which has been acquired by Government and so they will be prepared to go anywhere to cultivate land, and certainly across the Jumna which is only a question of about two miles.

Sir Girja Shankar Bajpai : Sir, I think my Honourable friend did not quite follow what I said. I said that it is only one-third of the land belonging to these cultivators that has been acquired. In other words, there has hardly been a single case of complete dispossession. What has happened is that a small plot of land has been taken from the total holding.

RELIEVING OF CONGESTION IN OLD DELHI.

305. ***Mr. M. Asaf Ali :** (a) Have Government taken any steps to make *nazul* land in the Delhi Province referred to in my question No. 151 of the last session, available for relieving congestion in Old Delhi ?

(b) Have Government invited the attention of the Delhi Municipal Committee to my questions Nos. 100 and 101 (c) to (g) and their answers ? If so, when, and if not, why not ?

Sir Girja Shankar Bajpai : With your permission, Sir, I shall answer parts (a) and (b) together. The Government of India have decided to place an officer on special duty at Delhi to ascertain, with greater definiteness than has been attempted so far, (i) the nature and magnitude of the problem of congestion, (ii) the extent to which the measures already undertaken or now in progress provide a solution, (iii) the manner in and the extent to which these processes need to be supplemented, (iv) the agency to which the supplemental measures should be entrusted, and (v) the expenditure involved and the best way of providing it. As soon as the report of the investigating officer becomes available, Government will examine it and take up the question as to what action is desirable and practicable.

Mr. M. Asaf Ali : May I know if the officer appointed is also an expert in matters which have been entrusted to him ?

Sir Girja Shankar Bajpai : It has not been possible to find an officer who was expert in town-planning, and, at the same time, expert in the local conditions of Delhi, but I can assure my Honourable friend that, in the process of investigation, if he needs expert assistance of a technical character, that assistance will be forthcoming.

REPORT CALLED FOR BY THE COMMISSIONER OF INCOME-TAX, BIHAR AND ORISSA, IN APPEAL CASES.

306. ***Mr. Ram Narayan Singh :** Will Government be pleased to state if it is a fact that the Commissioner of Income-tax, Bihar and Orissa, calls for a report from subordinate authorities invariably in each case in which an appeal is filed to him ? If so, is that report of a confidential nature, and is the assessee entitled to a copy of such report ?

Mr. A. H. Lloyd : The Commissioner of Income-tax calls for reports from Income-tax Officers on the allegations made in the petitions of appeal under section 32 as well as on those in petitions under section 33, whenever there is any point raised which has not been properly or fully dealt with in the orders of the lower authorities. No report is called for where such report is not necessary.

In the ordinary course the reports of Income-tax Officers are treated as confidential. But very often the Commissioner of Income-tax, Bihar and Orissa, has given the assessee a copy of the report if

asked for by the assessee when the report does not contain any confidential matter. It is often necessary to inform the assessee of the substance of the Income-tax Officer's report in order to enable the Commissioner to decide the assessee's objection.

REGULATION OF INCOME-TAX ASSESSMENT IN BIHAR AND ORISSA.

307. ***Mr. Ram Narayan Singh** : (a) Is it a fact that there is a practice prevalent in Bihar and Orissa of regulating income-tax assessments by means of confidential circulars and instructions issued by the Commissioner ?

(b) Is it a fact that a complaint of such a nature was made on behalf of the Maharajadhiraja of Darbhanga in the civil suit instituted against the Commissioner and Assistant Commissioner of Income-tax, Bihar and Orissa ?

Mr. A. H. Lloyd : (a) The answer is in the negative. The Income-tax Officers sometimes consult the Commissioner on points of law arising in the course of assessments and receive instructions asked for.

(b) It does not appear from the records that such a complaint was made in the civil suit instituted by the Maharajadhiraja of Darbhanga.

Mr. Ram Narayan Singh : Is it not a fact that the Maharajadhiraja of Darbhanga brought a civil suit against the Commissioner and Assistant Commissioner of Income-tax and that the suit was hushed up simply because the Commissioner was personally criminally involved in it ?

Mr. A. H. Lloyd : The answer to the first part of the question is in the affirmative, and the answer to the second part is in the negative.

Mr. T. S. Avinashilingam Chettiar : What happened to the civil suit ?

Mr. A. H. Lloyd : If the Honourable Member will put down a question, I will give an exact answer.

ABSENCE OF WAITING ACCOMMODATION FOR ASSESSEES IN INCOME-TAX OFFICES IN BIHAR AND ORISSA.

308. ***Mr. Ram Narayan Singh** : Are Government aware that in most of the Income-tax offices in Bihar and Orissa there is no proper accommodation for the waiting assessee ? If so, do Government propose to do anything for their comfort ?

Mr. A. H. Lloyd : Steps are being taken to provide better accommodation for assessee. In several Income-tax Offices an extra room is already set apart for them.

GRIEVANCES OF THE INCOME-TAX STAFF IN BIHAR AND ORISSA.

309. ***Mr. Ram Narayan Singh** : (a) Has the attention of Government been drawn to the articles published in the *Indian Nation*, Patna, dated the 12th and 24th June, 1935, under the caption "The grievances

of the Income-tax staff" ? If so, what action, if any, have they taken or propose to take to remove those grievances ?

(b) Are Government aware that there is great discontent among the Income-tax staff, Bihar and Orissa, against the unreasonably harsh and insulting treatment which is constantly meted out to them by the Commissioner of Income-tax ?

(c) Is it a fact that the Commissioner of Income-tax, Bihar and Orissa, uses unparliamentary and insulting language towards his subordinates in official letters and documents ?

(d) Are Government aware that an impression is abroad that the concurrence of the Commissioner of Income-tax, Bihar and Orissa, to the proposals of his office in the essential matters of promotion, postings and transfers of the staff is a mere formality ?

(e) Is it a fact that complaints of such nature were made against the office staff of the Commissioner from time to time ? If so, what action did Government take to eradicate the evil ?

(f) Is it a fact that when complaints of such nature were made in the past, the Commissioner of Income-tax reported to the Government of India that such complaints were made at the instance of interested persons ?

(g) Do Government propose to institute a regular enquiry into the existing administration of the Income-tax Department, Bihar and Orissa, in order to remove the complaints and defects and to place it on a satisfactory basis ?

The Honourable Sir James Grigg : (a) Yes. The two letters which appeared in the *Indian Nation* to which the Honourable Member refers suggest that there is a sense of insecurity in the Bihar and Orissa Income-tax Service, because there were some retrenchments of officers in 1932 ; and, secondly, that as all the officers of the Department are placed under the control of one officer, viz., the Commissioner of Income-tax,—if that officer is not strong and impartial, the interests of the subordinate officers may suffer by intrigues in the department and the officers may be subjected to undeserved "pin-pricks". The officers of the Department know that the retrenchments made in the Income-tax Department as well as in other Departments were non-recurrent measures necessitated by the financial stringency of the time, and are not likely to be repeated. They, therefore, have no reason for labouring under a sense of insecurity. The Government of India agree with the other sentiments expressed in the letters though not with the implication that the situation suggested actually exists and do not consider that any action is called for.

(b) and (c). The answer is in the negative. The Bihar and Orissa Income-tax staff both Gazetted and Ministerial have their own recognised Associations and have never complained of harsh or insulting treatment on the part of the head of the Department or unparliamentary language in official letters or documents.

(d) The suggestion made in the question has no foundation.

(e) The answer to the first part of the question is in the negative. The second part of the question does not therefore, arise.

(f) No.

(g) No.

MUSLIMS APPOINTED AS SUGAR INSPECTORS.

310. **Sir Muhammad Yakub :** (a) How many Sugar Inspectors were appointed last year and how many of them were Muslims ?

(b) Is it a fact that one of the Muslims appointed last year has resigned ?

Mr. A. H. Lloyd : With your permission, Sir, I shall answer questions 310 and 311 together. The staff employed in connection with the administration of the sugar excise duty is under the control of the Provincial Governments. The Government of India have, therefore, no information regarding appointments of Sugar Inspectors, and the orders relating to the reservation of posts in Central Services do not apply to such appointments.

Sir Muhammad Yakub : What does the Honourable Member mean that the orders of the Government of India do not apply to "such appointments" ?

Mr. A. H. Lloyd : The appointments of sugar inspectors made by Provincial Governments.

Sir Muhammad Yakub : Are not the Government of India taking the excise duty from sugar ?

Mr. A. H. Lloyd : The excise duty is levied on behalf of the Government of India by the Provincial Governments working as agents to the Government of India.

Sir Muhammad Yakub : Cannot the Government of India direct the Provincial Governments to make recruitment according to the rules which have been issued by the Government of India about recruitment in the Central Services ?

Mr. A. H. Lloyd : I am not aware that that question is being considered.

Sir Muhammad Yakub : Will Government consider this question ?

Mr. A. H. Lloyd : I am prepared to consider whether anything could be done in that direction.

Mr. A. K. Fazlul Huq : Does it come to this that the Government of India cannot help the Muslims in this matter ?

Mr. A. H. Lloyd : It comes to this that the Government of India have not interfered with the arrangements of the Provincial Governments in a subject which the Provincial Governments are administering as their agents.

Mr. Lalchand Navarai : May I know if the Government of India are in a position to get information from the Provincial Governments on questions like these when Honourable Members of this House want information ?

Mr. A. H. Lloyd : It depends upon the opinion of the Government of India as to the value of the information if obtained.

Mr. Lalchand Navai : Am I to understand that the Government of India attach no value to the questions put today ?

Mr. A. H. Lloyd : The Government of India do not consider it necessary to interfere with the arrangements made by Local Governments for recruiting staff for the administration of a Central subject when the Local Governments are working as their agents.

Sir Muhammad Yakub : Am I to understand that the Resolution which was issued by the Home Department last year was merely an eye-wash and there was no substance in it ?

Mr. A. H. Lloyd : No, Sir. The amount of staff employed by the Provincial Governments as agents of the Government of India—at least so far as the Board of Central Revenue is concerned—is negligible compared with the amount of staff employed directly by the Central Government.

Sir Muhammad Yakub : Are Government aware that many back-doors are open in the Government of India to nullify the effect of the Home Department Resolution regarding communal representation ?

Mr. A. H. Lloyd : No, Sir.

Sir Muhammad Yakub : Are the Government of India prepared to make a survey of the effect of their Resolution ?

Mr. A. H. Lloyd : The Government of India are not prepared to undertake any survey of the kind mentioned by the Honourable Member unless they are satisfied that there is some foundation for an allegation of the nature made by the Honourable Member.

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

RECRUITMENT OF MUSLIMS AS SUGAR INSPECTORS.

†311. ***Sir Muhammad Yakub :** (a) What is the total number of Sugar Inspectors which the Government of India are going to recruit this year ?

(b) Do Government propose to observe their orders for reservation of 25 per cent. of the posts for Muslims ? If not, why not ?

PERCENTAGE FIXED FOR MUSLIMS ON THE ASSAM-BENGAL RAILWAY.

312. ***Dr. Ziauddin Ahmad :** (a) Will Government be pleased to state the percentage which the Railway Board has fixed for Muhammadans on the Assam-Bengal Railway ?

(b) Was this percentage communicated to the Agent of the Assam-Bengal Railway ?

(c) Was the Agent instructed, directly or indirectly, to give the percentage fixed for the Mussalmans to other communities ?

(d) Did the Agent follow the instructions of the Railway Board in the recent recruitments ?

†For answer to this question, see answer to question No. 310.

Mr. P. B. Rau : (a), (b) and (d). The Railway Board suggested that 35 per cent. of all vacancies in the subordinate posts to be filled in future by direct recruitment should be reserved for Muslims. This has been accepted by the Board of Directors and the operation of the orders will be watched by the Government of India by means of statements which Railway Administrations are required to submit quarterly.

(c) No.

ENQUIRY INTO THE CONDUCT OF AN IMPERIAL SERVICE OFFICER.

313. ***Sardar Mangal Singh :** (a) Will Government please state who is a competent authority to order an enquiry under Act XXXVII of 1850 into the conduct of an Imperial Service Officer ?

(b) Will Government please state how many officers of the Imperial Services have been tried under Act XXXVII of 1850 by one Commissioner and how many by more than one ?

The Honourable Sir Henry Craik : (a) The authority is the Governor General in Council.

(b) I regret I am unable to supply this information the collection of which would necessitate an examination of the records of every inquiry held under the Act.

RECRUITMENT OF MUSLIMS IN THE ENGINEERING DEPARTMENT OF STATE RAILWAYS.

314. ***Syed Ghulam Bhik Nairang :** (a) Will Government be pleased to state the respective numbers of Muslim and non-Muslim employees in the Engineering Department of the several State-owned Railways ?

(b) In view of the paucity of Muslim employees in the Engineering Department of the State-owned Railways, are Government prepared to order that fresh recruitment to the said Department may be confined to the Muslims, when qualified Muslim candidates are available, till the proportion of Muslim employees in the Department comes up to that contemplated by Government orders bearing on the subject ?

Mr. P. B. Rau : (a) Government regret they are not prepared to supplement with figures for individual Departments the information in regard to communal representation in railway services which is given in the Annual Administration Report of Indian Railways.

(b) No. I would invite the Honourable Member's attention to paragraph 5 of the Memorandum of Supplementary Instructions, issued by the Government of India, Home Department, in May, 1935, a copy of which is, I believe, in the Library of the House.

CANCELLATION OF THE PASSPORT OF MR. MASANI OF BOMBAY.

315. ***Prof. N. G. Ranga :** (a) Are Government aware of the fact that the passport granted in India to Mr. Masani of Bombay, one of the secretaries of the All-India Congress Socialist Party was seized by the Police in England in order to prevent him from visiting any of the continental countries even for purposes of health ?

(b) If so, what are the special political or other reasons for which he is thus disabled and insulted ?

(c) Is it the intention of Government to prevent any or all the Indian Socialists from visiting any of the continental countries ?

(d) If not, why is Mr. Masani subjected to this disability ? If so, is it to prevent him or them from either studying the socialist activities and policies of the continental countries or from carrying on propaganda on behalf of the Indian Congress Socialists ?

(e) If so, what is the justification for such an action ?

The Honourable Sir Henry Craik : (a) to (e). I am aware that Mr. Masani's passport was impounded in England. This action was taken, not because Mr. Masani is a Socialist but because the Government of India considered that Mr. Masani's activities in India were such as to make it undesirable that he should be in possession of a passport for travel abroad. His passport was renewed subsequently in view of certain assurances being given on his behalf in England.

Prof. N. G. Ranga : With reference to the reply to part (c), is it the intention of the Government to prevent only Indian Socialists from visiting Continental countries ?

The Honourable Sir Henry Craik : I said that this action was not taken because Mr. Masani was a Socialist.

Mr. S. Satyamurti : What is the nature of the activities of Mr. Masani or of any other person in India, which, in the judgment of the Government of India, will dis-entitle them to have passports to travel to foreign countries ?

The Honourable Sir Henry Craik : That is a very wide question which I cannot answer in a few words.

Mr. S. Satyamurti : May I have a rough idea ? Apart from violent activities, are there any non-violent activities which are likely to bring such people within the mischief of the prohibition which the Government of India apply in granting passports to travel to foreign countries ?

The Honourable Sir Henry Craik : Close association with the Communist Party would be one of the reasons, and, for example, if we knew that the person intended to visit a Communist Conference at Moscow, we would probably refuse to provide him with a passport.

Mr. S. Satyamurti : Was Mr. Masani going to attend the Communist Conference at Moscow ?

The Honourable Sir Henry Craik : I do not know.

Mr. S. Satyamurti : Then, on what information, did Government withhold permission to Mr. Masani to travel to certain countries ?

The Honourable Sir Henry Craik : I did not say that was the exclusive reason ; there were other reasons.

Mr. S. Satyamurti : What are they ?

The Honourable Sir Henry Craik : Close association with the Communist Party is one of the chief reasons.

Prof. N. G. Ranga : Is it not a fact that Mr. Masani has, for the last two years, been carrying on Congress socialist propaganda and nothing else, and that he is not connected with any Communist organization or Communist propaganda ?

The Honourable Sir Henry Craik : I do not think that is a fact.

PROTECTION TO THE INDIAN SERICULTURAL INDUSTRY.

316. ***Prof. N. G. Ranga :** (a) Will Government be pleased to state whether the Tariff Board has made certain recommendations suggesting the imposition of protective duty upon the imports of foreign silk and silk-yarn in order to protect the Indian Sericulture ?

(b) If so, when and what are those recommendations ?

(c) What is the action taken by Government upon those recommendations ?

(d) Are Government aware of the fact that the imports of silk and silk-yarn are just the same or even more in spite of the import duty levied ?

(e) If so, what are the comparative figures of imports for the year preceding the raising of the import duty and the years since its imposition ?

(f) What are the prices quoted for those imports in the year preceding the raising of the import duty and since its imposition ?

(g) Are Government aware that the present import duty has not tended to give any appreciable protection to the Indian Sericultural Industry ?

(h) Are Government prepared to consider the advisability of levying a higher import duty under the Safeguarding of Industries Act to protect the Indian sericultural industry ?

The Honourable Sir Muhammad Zafarullah Khan : (a) Yes, Sir,

(b) and (c). Attention of the Honourable Member is invited to (1) the Report of the Indian Tariff Board regarding the grant of protection to the Sericultural Industry, and (2) the Indian Tariff (Textile Protection) Amendment Act, 1934, copies of which are available in the Library.

(d), (e) and (f). Attention of the Honourable Member is invited to the Accounts relating to the Seaborne Trade and Navigation of British India.

(g) Representations have recently been received to the effect that the existing import duties are inadequate. These are receiving the attention of Government.

(h) The Safeguarding of Industries Act, 1933, lapsed on the 31st March, 1935.

I may add to the written reply that, during my recent tour to South India, representations were made to me also, apart from the representations received by the Department, and the whole question is being very carefully considered.

Mr. S. Satyamurti : When was the first representation received by the Government for protection to the sericulture industry ?

The Honourable Sir Muhammad Zafrullah Khan : Before the Tariff Board was set up ?

Mr. S. Satyamurti : When was it received ?

The Honourable Sir Muhammad Zafrullah Khan : Does the Honourable Member mean when the first representation was received that an enquiry should be made for affording protection before the Tariff Board was set up ? If so, I have no information.

Mr. S. Satyamurti : Is it not some years ?

The Honourable Sir Muhammad Zafrullah Khan : I could not say.

Mr. S. Satyamurti : How long do you propose to consider this matter ?

The Honourable Sir Muhammad Zafrullah Khan : So far as the Tariff Board report is concerned, it was considered and action taken upon it and the Indian Tariff Textile Protection Act of 1934 was passed. I think the Honourable Member is under a misapprehension. Since the Act was passed and the duty was imposed, further representations have been received that adequate duties have not been levied. With regard to this, further representations have been made since the duty was levied which was only a few months ago, and now the whole matter is being considered.

Mr. S. Satyamurti : I am asking about clause (g) of the question.

The Honourable Sir Muhammad Zafrullah Khan : As I said, it is a question which requires consideration. The manufacturers of silk, or rather those who are interested in the rearing of silk worms and the preparation of silk, have made representations since the passing of that Act that the duty levied is not adequate. Inasmuch as the Act itself was passed in 1934 and these representations have only been received during the last few weeks, the matter is being taken up again and is being looked into. I have not been able to appreciate the real point of the question.

IMPROVEMENT IN THIRD CLASS CARRIAGES ON RAILWAYS IN INDIA.

317. ***Prof. N. G. Ranga :** (a) Will Government be pleased to state the progress made since last Session of the Assembly in the development of a new and better third class carriage ?

(b) Do Government propose to introduce this new model third class carriage upon all the railways in India ?

(c) If not, what steps do they propose to take to see that the third class carriages of all the railways and particularly the Company-managed Railways are also improved ?

(d) What is the estimate of additional cost to be incurred by introducing this new model carriage on State-managed Railways alone ?

Mr. P. B. Rao : (a) A sample third class coach of improved type is at present being built by the Great Indian Peninsula Railway. It

will be ready for inspection by the members of the Central Advisory Council for Railways during the next Delhi Session.

(b) and (c). If approved, the new type will be adopted as the future standard for the State-managed Railways. The Company-managed Railways will be requested to adopt this standard design.

(d) It is estimated that the cost of the new type carriage will exceed the cost of the present standard type carriage by Rs. 5,000.

Prof. N. G. Ranga : What is the estimate of the Government of India for the construction of this new type of carriages as and when the old type carriages come to be scrapped and new carriages are put in their place ?

Mr. P. R. Rau : I cannot frame an estimate of that at the present moment.

Dr. T. S. S. Rajan : What is the passenger capacity of the new third class carriage ?

Mr. P. R. Rau : I believe it is 96.

Dr. T. S. S. Rajan : Has there been any difference of opinion with regard to the total accommodation between the various State Railways and Company-managed Railways ?

Mr. P. R. Rau : A drawing of this type was placed before the Central Advisory Council last March or April, and it was discussed by the members there and it was finally decided that a coach of that type should be built in Bombay and should be brought to Delhi to be inspected by them, and, after their inspection, they would be in a position to give their advice as to whether any changes would be necessary.

Prof. N. G. Ranga : How many carriages come to be scrapped annually on account of their being too old ?

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

PLACING OF COMPLAINT BOOKS IN GUARDS' CARRIAGES AND AT JUNCTION STATIONS.

318. ***Prof. N. G. Ranga :** Will Government be pleased to state what action has been taken since last Session upon their promise to me in answer to my question to see that complaint books are placed in the guards' carriages in all trains and also at all the junction stations ?

Mr. P. R. Rau : In answer to the question to which my Honourable friend refers, I stated that I was having enquiries made with a view to considering whether the suggestion should be brought to the notice of other Railways and that when information was obtained I would place it on the table of the House.

The suggestion was brought to the notice of certain principal Railways and I am placing on the table of the House a statement summarising the replies received.

Statement.

Assam Bengal Railway.—Since 1932 guards carry complaint books and a notice to this effect is exhibited in the bath rooms of first and second class compartments. Arrangements are being made for these notices, printed in the vernacular, to be posted up in lower class carriages.

Bengal and North Western Railway.—Complaint books were introduced at some of the more important junctions from November 1931 and a notice is displayed at stations that this book is available. The Head Ticket Collector carries this book with him when checking trains and produces it on demand.

Bengal Nagpur Railway.—Had experimented with a somewhat similar proposal in 1928 when Conductor Guards were given forms to supply to upper class passengers in the event of their wishing to make any complaints. The experiment was not successful and the arrangement was therefore discontinued.

Bombay, Baroda and Central India Railway.—Have introduced the complaint book at Ahmedabad station and propose waiting to see the result of the experiment at stations on other railways.

Eastern Bengal Railway.—Guards carry a complaint book, and a notice to this effect is exhibited in upper class carriages. Arrangements are being made for similar notices to be posted up in all carriages.

East Indian Railway.—Complaint books have been introduced at certain selected stations as an experimental measure for one year, when a report will be submitted to the Railway Board.

Great Indian Peninsula Railway.—Complaint books have been introduced at seven important stations as an experimental measure for one year, when a report will be submitted to the Railway Board.

Madras and Southern Mahratta Railway.—Are experimenting by placing "Suggestion Books" at one station.

North Western Railway.—A complaint book has been maintained as an experiment at Lahore station since July 1933 and a notice to this effect is displayed at the station. Only three complaints had been recorded up to May 1935 and, in view of the small use made, the arrangement has not been extended to other stations. The experiment at Lahore station will be continued and a report submitted to the Railway Board after a year.

South Indian Railway.—Are arranging to introduce complaint books at some of the more important stations and a notice to this effect will be exhibited on notice boards: a paragraph regarding this being also inserted in the Railway's Coaching Time Table and Guide.

INFERIOR QUALITY OF FOOD SERVED IN THE VIZAGAPATAM INDIAN REFRESHMENT ROOM.

319. ***Prof. N. G. Ranga :** (a) Are Government aware of the fact that the sweets and other eatables sold in the Vizagapatam Indian Refreshment Room are cooked with oil and are unfit for human consumption and that a cup of coffee is charged $1\frac{1}{2}$ annas as against $1\frac{1}{2}$ annas charged in other similar refreshment rooms?

(b) Are Government aware also that the food given there is distinctly of inferior quality to that served in other refreshment rooms?

Mr. P. E. Rau : (a) and (b). I am not aware what refreshment room my Honourable friend is referring to. The Agent, Bengal Nagpur Railway, states that there is no Indian refreshment room at Vizagapatam station. He adds that the price for a cup of coffee in the Railway's Indian Refreshment rooms is one anna.

Prof. N. G. Ranga : Will the Honourable Member try to ascertain the true facts, because I myself have been to this Indian refreshment room at Vizagapatam, and it is still there?

Mr. P. E. Rau : May I know when my Honourable friend visited that station?

Prof. N. G. Ranga : Only two months ago.

Mr. P. B. Rau : I will make further inquiries on the point, but the Agent has definitely told me that there is no such refreshment room.

RAILWAY CONCESSION TICKETS ISSUED TO STUDENTS.

320. ***Prof. N. G. Ranga :** (a) Will Government be pleased to state on what conditions and principles are concession tickets issued to students to enable them to go to and from their schools ?

(b) Which schools are recognised for this purpose ?

Mr. P. B. Rau : (a) Concession tickets are issued on production of a certificate from the Head Master or Principal of the institution to which the parties belong as follows :

(1) to parties of not less than 15, when travelling to or from the same stations ;

(2) to parties of not less than 4, when travelling for examination or educational purposes :

(i) from their institution to their homes, or *vice versa* ;

(ii) from their institution to an examination centre, or *vice versa* ;

(iii) from their homes to an examination centre, or *vice versa*.

(b) (i) Schools teaching up to the primary, middle, high school or entrance standards which are recognised by the Education Department.

(ii) Colleges affiliated to a recognised University.

(iii) Medical schools, technical, commercial, industrial and agricultural institutions under Government or recognised by Government.

REFUSAL TO GRANT CONCESSION TICKETS TO THE STUDENTS OF THE PEASANTS INSTITUTE, ANDHRA.

321. ***Prof. N. G. Ranga :** (a) Are Government aware of the fact that the Peasants Institute started and run by the Andhra Peasants Protection Committee applied in April, 1935, to the Madras and Southern Mahratta Railway for concession tickets to its students who are all peasants ?

(b) Is it a fact that such concession tickets were refused to be granted ?

(c) If so, will Government state the reason for such a refusal ?

(d) Are Government prepared to consider the advisability of granting such concession tickets to all educational institutions irrespective of the fact of their recognition by the educational department ?

Mr. P. B. Rau : (a) I understand that the Honourable Member applied on the 11th March for concession rates to be granted to students of the Peasants Institute at Nidubrolu.

(b) Yes.

(c) and (d). The Honourable Member will have noticed from my reply to his previous question that the concession is restricted to students of certain recognised institutions. In view of the present financial position of railways, Government are not prepared to extend concessions of this sort unless it is clear that such an extension will result in an increase of earnings.

Mr. M. Ananthasayanam Ayyangar : Why is a discrimination made between one institution and another, and why are some only recognised ?

Mr. P. E. Rau : I have already replied to that. I said that, in view of the present financial position of Railways, Government are not prepared to extend the concession to other institutions.

DEVELOPMENT OF THE RURAL CREDIT DEPARTMENT OF THE RESERVE BANK OF INDIA.

322. ***Prof. N. G. Ranga :** (a) Will Government be pleased to state what measures have so far been taken by the Reserve Bank of India to develop its Rural Credit Department ?

(b) What is the nature of the recommendations made for its development and work by the special officer Mr. Darling ?

(c) What steps are proposed to be taken during the next year to help the agricultural interests ?

(d) Do Government propose to consider the advisability of appointing an Advisory Council consisting mostly of members of the Central Legislature to aid the Rural Credit Department of the Reserve Bank ?

The Honourable Sir James Grigg : (a), (b) and (c). Mr. Darling was appointed on special duty to report on the co-operative and agricultural credit movement to the Reserve Bank in order to assist it in the formation of the agricultural credit department. Mr. Darling's Report is now under the consideration of the Bank and until the Bank has considered the report, it is not possible to state what steps will be taken in the matter.

(d) The creation of the department is a matter for the Bank under section 54 of the Reserve Bank of India Act, 1934, and it would be improper for Government to consider the appointment of an Advisory Council to assist that department.

Prof. N. G. Ranga : What is the information of the Government of India as to when the Reserve Bank of India will try to develop its Rural Credit Department and then begin to carry on its functions ?

The Honourable Sir James Grigg : I have no information on that. As I say, the report of Mr. Darling is under consideration, and that is all I can say.

Prof. N. G. Ranga : In view of the fact that mention has been made here in his own report on rural development about the report submitted by Mr. Darling on the co-operative movement in India, will the Honourable Member inform the House whether he has considered that particular report, and, if so, what are his conclusions ?

The Honourable Sir James Grigg : I think the Honourable Member is confusing two sets of reports. The primary set is that to the Reserve

Bank in relation to the setting up of their Agricultural Credit Department. But Mr. Darling was asked by the Government of India to advise what should be the best way of spending the sum of 10 or 15 lakhs which was set aside from the crore in relation to the co-operative movement. If the Honourable Member wants to know any details about that 15 lakhs he should address the question to the Education, Health and Lands Department.

Prof. N. G. Ranga : What is the nature of the recommendations made by Mr. Darling as to the best way of helping the rural co-operative movement ?

Sir Girja Shankar Bajpai : The distribution of the 15 lakhs which the Government of India have set apart for assisting the co-operative movement in the provinces has already been made.

Prof. N. G. Ranga : Apart from the distribution of 15 lakhs out of this rural development grant, will the Government of India be good enough to tell us the general trend of the recommendations made by Mr. Darling for the development of a Rural Credit Department for the Reserve Bank ?

The Honourable Sir James Grigg : I certainly could not do that without the permission of the Reserve Bank.

CENSUS OF THIRD CLASS PASSENGERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

323. ***Prof. N. G. Ranga :** (a) Will Government be pleased to state if it is a fact that the Madras and Southern Mahratta Railway Company took a census of third class passengers during the last summer ?

(b) If so, between what stations and for how many and which days ?

(c) What are the results of such a census ?

(d) Was any overcrowding discovered ?

(e) If so, to what extent ?

(f) What steps are proposed to be taken by the Railway authorities to improve the accommodation for third class passengers ?

Mr. P. B. Rau : (a) I understand that a census of passenger trains was taken for a week in June, 1934.

(b), (c), (d) and (e). I am placing on the table a statement showing the number of trains and carriages checked and particulars of the over-crowding brought to notice. Over-crowding was discovered on three broad gauge trains out of 105 trains checked and on two metre gauge trains out of 123 trains checked.

(f) The Agent, Madras and Southern Mahratta Railway, states that the over-crowding on the broad gauge was due to large marriage parties travelling unexpectedly and that on the metre gauge was due to a sudden rush of traffic from Goa owing to coastal steamer services having been closed on account of the monsoon. This was relieved by the running of an extra train, through to Poona, with effect from the 21st June, 1934.

Statement showing particulars of overcrowding detected in trains during Census taken in June 1934.

Date.	Train No.	Station.		Station at which checked.	Extent of overcrowding.		
		From	To		Seating capacity.	Total passengers in train.	No. in excess of seating capacity.
1934 June,—							
14th ..	10 Up	Waltair ..	Madras ..	Tenali ..	346	360	14
15th ..	9 Dn.	Madras ..	Waltair ..	Do. ..	452	473	21
23rd ..	15	Madras ..	Bangalore City.	Jalarpet ..	496	528	32
18th ..	1 Up	Bangalore City.	Poona ..	Belgaum	294	313	19
19th ..	1 Up	Do. ..	Do. ..	Do. ..	234	247	13

Total number of trains checked	{	B. G. ..	105
		M. G. ..	123
Total number of carriages checked ..	{	B. G. ..	555
		M. G. ..	813

Prof. N. G. Ranga : Do the Government of India understand from the Agent of the Madras and Southern Mahratta Railway that any special carriages have to be attached to trains running between Waltair and Madras ?

Mr. P. B. Rau : No, Sir ; I am not aware that he is proposing to add extra carriages between Waltair and Madras.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 485 asked by Mr. Sitakanta Mahapatra on the 7th of August, 1934.

POSTING OF CERTAIN INCOME-TAX OFFICIALS AT A PARTICULAR STATION FOR A LONG TIME IN BIHAR AND ORISSA.

(a) and (b). Only one Income-tax Officer and one Inspector-Accountant in Bihar and Orissa continued to remain in the same station for more than three years. They have since been transferred. Only six officers were posted in 1934 to their home districts. Income-tax Officers, as a rule, are transferred after every three years. Inspector-Accountants are transferred as occasion requires. Members of the clerical

staff are not ordinarily liable to transfer. Transfers in their cases are made only in exceptional circumstances, e.g., when vacancies occur due to death, retirement or promotion or when there are reasons to believe that the retention of a clerk at a particular station is undesirable.

(c) Yes.

(d) In 1932 four Income-tax Officers applied for leave. It was granted to three of them but postponed in the case of the fourth at his own request. In 1933 also leave was applied for by four officers and was granted to two of them. One officer withdrew his application and the other was refused leave.

(e) The Government are not aware that any sense of insecurity in service exists. The resolution referred to was received and duly considered by Government who were satisfied that there were no grievances which required to be removed.

Information promised in reply to Pandit Gotind Ballabh Pant's starred question No. 344 on the 20th February, 1935.

DAMAGE TO CROPS BY THE RECENT FROST.

There was slight or no damage to crops in Madras, Bengal, Bihar and Orissa, Assam, Coorg, North-West Frontier Province and Burma. The position in regard to the other provinces is stated below :

Central Provinces.—No appreciable damage was done to crops except in parts of three districts. Remission of land revenue was granted by the Local Government to the extent of Rs. 34,000. In addition relief was given in the shape of suspension of land revenue amounting to Rs. 2,05,000.

Delhi.—Crops were damaged by frost but the rains which fell subsequently made good most of the damage that was done except in the case of oilseed and sugarcane crops, in the case of which loss was estimated to be below 25 per cent. A sum of Rs. 20,000 was set aside for distribution as takavi for the purchase of sugarcane seed. Efforts were made in co-operation with the Agricultural Department of the United Provinces to supply good sugarcane seed from the neighbouring United Provinces Districts.

Ajmer-Merwara.—Damage to standing crops in the Ajmer sub-division and the Beawar tahsil was very slight. In the Todgarh tahsil it was between 4 annas and 8 annas in the rupee but was not widespread. In the Kekri sub-division damage was caused to the gram crops to the extent of 8 annas in the rupee and the early sown barley crops in certain places were also affected. The damage was mitigated by the showers which followed the frost. The damage was not severe or widespread enough to require any special relief measures.

United Provinces.—Arhar was the only crop which suffered considerable damage. The loss to the other crops was negligible except in very limited areas chiefly damaged by hail. Beneficial rain in many districts soon after the frost did much to counteract the loss threatened by frost. Arhar is essentially a kharif crop though it is harvested in the Rabi, but as a special case the United Provinces Government allowed District Officers to treat Arhar as a Rabi crop for purposes of granting relief on account of agricultural calamities during Rabi 1342 Fasli.

Baluchistan.—There was no damage to standing crops by frost. Damage was caused to fruit trees by frost while the standing wheat crops in certain parts of the Province were injured by hail but the damage did not prove to be so serious as to require any special relief measures.

Punjab.—The only appreciable damage done by frost in this Province was to the standing sugarcane crop, which was rendered unfit for being used as seed. The damage was mitigated by the fact (1) that the cane intended for seed purposes had already been buried in the ground in many places before the advent of frost, and (2) that most of the Coimbatore varieties which are now extensively grown in the Province are capable of giving a good ratoon crop next year, even if no seed is

available for fresh sowings. In the district of Gurdaspur the damage to sugarcane was estimated to be 1/16th in irrigated and 1/4th in un-irrigated tracts. In order to mitigate the distress improved seed was introduced and takavi was distributed. Relief was also given in the shape of suspension of land revenue. Standing rabi crops were damaged in parts of certain districts, where the damage was not made good by subsequent rains, the situation was met by the grant of suspensions or remissions of land revenue and water rate. Fruit trees were also damaged in certain localities but the damage was not serious.

Bombay.—The damage to crops was severe in parts of the Gujarat districts in the Northern Division. There was some damage in certain districts of the Central Division especially Nasik and, to a lesser degree, Ahmadnagar. The districts of the Southern Division were immune from this calamity. In Sind slight damage was caused to rabi crops by a cold wave in Dadu, Thar Parkar, Upper Sind Frontier and Larkana districts. In order that relief might be granted, as far as possible, to the agriculturists whose crops were destroyed either wholly or partially by frost, the Government of Bombay sanctioned suspensions and remissions of land revenue and irrigation dues and also granted concessions in the matter of the recovery of takavi loans and the dues of co-operative societies. The suspensions and remissions of land revenue granted on this account amounted to Rs. 17,72,000 and Rs. 10,86,000 respectively.

Information promised in reply to starred questions Nos. 1218 and 1219 asked by Mr. M. S. Aney on the 30th March, 1935.

SALE OF QUININE.

No. 1218.—Statement showing the quantity of Quinine sold in provinces and the amount recovered for its price per Year from 1924-34.

Province.	Year.	Quantity sold.	Amount recovered.	Remarks.
1	2	3	4	5
		lbs.	Rs.	
Madras	1925	7,900	1,37,097	Figures for 1924 are not available.
	1926	7,645	1,72,355	
	1927	9,386	1,55,459	
	1928	9,600	1,63,157	
	1929	13,204	2,27,285	
	1930	13,710	2,34,203	
	1931	9,264	1,49,508	
	1932	8,816	1,44,433	
	1933	7,256	1,31,169	
	1934	8,981	1,53,747	

Province.	Year.	Quantity sold.	Amount recovered.	Remarks.
1	2	3	4	5
		lbs.	Rs.	
Bombay	1924	1,768	46,865	
	1925	1,264	30,429	
	1926	1,834	31,707	
	1927	1,447	34,364	
	1928	1,721	43,418	
	1929	2,164	46,325	
	1930	2,218	37,962	
	1931	2,036	36,107	
	1932	2,091	34,233	
	1933	2,638	44,935	
	1934	2,812	42,622	
Bengal	1924	38,236	7,29,291	Figures are for the financial years 1924-25 to 1933-34.
	1925	39,325	7,16,911	
	1926	31,510	5,34,687	
	1927	23,243	3,74,706	
	1928	29,814	4,71,692	
	1929	26,612	4,30,326	
	1930	28,668	4,39,703	
	1931	31,585	4,77,941	
	1932	35,493	5,21,650	
	1933	46,991	7,26,748	
	1934	
United Provinces ..	1924	646½	19,392	
	1925	601	18,026	
	1926	425	12,757	
	1927	508	15,240	
	1928	344	10,319	
	1929	550½	16,518	

Province.	Year.	Quantity sold.	Amount recovered.	Remarks.
1	2	3	4	5
		lbs. oz. dr.	Ra. a. p.	
United Provinces—contd.	1930	450½	13,512 0 0	
	1931	467	14,006 0 0	
	1932	619½	14,853 0 0	
	1933	680½	15,989 0 0	
	1934	903	21,109 0 0	
Punjab	1924	1,511	48,418 8 0	Financial year 1924-25 to 1934-35.
	1925	1,322	42,326 1 0	
	1926	1,634	47,103 14 0	
	1927	1,567	34,056 13 0	
	1928	1,702	37,055 7 0	
	1929	3,818	83,373 0 0	
	1930	2,544	55,543 6 0	
	1931	1,984	43,681 15 0	
	1932	2,137	46,756 10 0	
	1933	2,654	62,384 0 0	
	1934	1,420	34,026 9 0	
Bihar and Orissa	1924	671·2	26,428 0 0	
	1925	726·6	28,602 0 0	
	1926	433·4	17,065 0 0	
	1927	398·9	10,471 0 0	
	1928	529·5	13,999 0 0	
	1929	584·7	15,348 0 0	
	1930	501·2	13,156 0 0	
	1931	536·4	14,080 0 0	
	1932	455·3	11,951 0 0	
	1933	344·7	9,048 0 0	
	1934	339·2	8,348 0 0	

Province.	Year.	Quantity sold.	Amount recovered.	Remarks.
1	2	3	4	5
Burma		lbs. oz. dr.	Rs. a. p.	Figures for 1924-29 and 1934 relate to sales of cinchona febrifuge only.
	1924	2,147	23,482 13 0	
	1925	2,070·11	22,641 14 0	
	1926	1,917·49	20,972 8 0	
	1927	2,343·49	25,631 14 0	
	1928	1,926·17	21,067 8 0	
	1929	3,754·57	55,958 6 0	
	1930	4,246·17	65,453 14 0	
	1931	5,435·37	90,232 0 0	
	1932	3,633·66	54,704 0 0	
	1933	3,579·03	57,230 10 0	
	1934	1,926·62	23,413 12 0	
Central Provinces ..	1924	1,113 3 0	15,248 15 3	
	1925	1,050 1 0	14,755 3 0	
	1926	1,062 8 15	14,903 13 11	
	1927	1,206 0 4	16,453 13 9	
	1928	1,155 4 8	16,348 10 9	
	1929	1,721 2 0	24,047 10 8	
	1930	1,543 0 0	21,462 11 0	
	1931	1,548 0 0	21,494 14 0	
	1932	1,962 0 0	21,248 5 0	
	1933	1,880 0 0	25,864 13 0	
	1934	1,710 11 5½	24,129 8 7	
Assam	1924	493·25	21,761 0 0	Figures for 1924-29 represent those for financial years and figures for 1930-34 represent those for calendar years.
	1925	359·88	17,596 0 0	
	1926	498·28	14,868 14 0	
	1927	650·85	11,532 14 0	
	1928	896·11	17,064 7 0	

Province.	Year.	Quantity sold.	Amount recovered.	Remarks.
1	2	3	4	5
		lbs. oz. dr.	Rs. a. p.	
Assam—contd.	1929	838.62	15,745 6 0	
	1930	923.88	16,696 12 0	
	1931	819.42	15,512 14 0	
	1932	717.82	13,753 5 0	
	1933	988.34	18,965 8 0	
	1934	907.20	15,710 8 0	
North-West Frontier Province.		Nil.		Quinine was distributed free by the local Government.
Coorg	1924			Figures for 1924-26 are not available.
	1925			
	1926	
	1927	73	1,873 9 0	
	1928	53	1,372 0 6	
	1929	38	962 12 3	
	1930	34	691 11 0	
	1931	34	550 15 6	
	1932	28	484 7 3	
	1933	22	368 14 9	
	1934	25	410 4 9	
Delhi		Nil.		
Baluchistan		Nil.		Quinine was distributed free by Government.
Ajmer-Merwara		Nil.		Ditto.
Andamans		Nil.		Ditto.

EXPENSES INCURRED FOR THE PURCHASE OF QUININE AND FOR ITS DISTRIBUTION AND SALE.

No. 1819. Statement showing the expenses incurred by Government per year from 1924-34 for the distribution and sale of quinine in different provinces.

Province.	Year.	Expenses incurred.	Remarks.
1	2	3	4
		Rs. a. p.	
Madras ..	1924	8,256 0 0	The cost of quinine sold or distributed free is not included in these figures, as the Government of Madras manufacture their own quinine. Figures relate to financial years 1924-25 to 1934-35.
	1925	7,444 0 0	
	1926	12,667 0 0	
	1927	17,038 0 0	
	1928	18,951 0 0	
	1929	19,756 0 0	
	1930	17,065 0 0	
	1931	14,874 0 0	
	1932	14,399 0 0	
	1933	14,260 0 0	
	1934	11,339 0 0	
Bombay	1924	1,29,798 0 0	
	1925	86,834 0 0	
	1926	61,688 0 0	
	1927	79,859 0 0	
	1928	58,352 0 0	
	1929	94,109 0 0	
	1930	74,925 0 0	
	1931	63,386 0 0	
	1932	57,664 0 0	
	1933	53,307 0 0	
	1934	67,289 0 0	

Province.	Year.	Expenses incurred.	Remarks.
1	2	3	4
		Rs. a. p.	
Bengal	1924	..	These figures relate to financial years 1925-26 to 1933-34. Figures for 1924-25 and 1934-35 are not available. The cost of quinine sold or distributed free has not been included in these figures, as the Government of Bengal manufacture their own quinine.
	1925	20,815 10 0	
	1926	24,780 3 6	
	1927	18,125 4 0	
	1928	20,370 0 6	
	1929	21,526 13 3	
	1930	19,825 13 3	
	1931	21,979 11 0	
	1932	26,169 15 9	
	1933	33,435 15 9	
	1934	..	
United Provinces.. ..	1924	23,205 7 0	
	1925	34,761 8 2	
	1926	17,620 11 6	
	1927	23,045 0 10	
	1928	17,065 2 8	
	1929	28,530 6 6	
	1930	31,823 9 0	
	1931	31,734 13 0	
	1932	28,359 7 9	
	1933	33,391 13 11	
	1934	37,443 8 9	
Punjab	1924	71,995 0 0	Figures relate to financial years 1924-25 to 1934-35.
	1925	69,999 5 9	
	1926	67,915 15 0	
	1927	66,598 11 0	
	1928	68,007 13 0	

Province.	Year.	Expenses incurred.	Remarks.
1	2	3	4
Punjab—contd.		Rs. a. p.	
	1929	76,312 14 0	
	1930	77,724 11 0	
	1931	3,636 12 0	
	1932	1,685 0 3	
	1933	3,970 13 6	
	1934	40,674 6 0	
Burma ..	1924	25,176 4 0	Figures for 1924-28 and 1934 relate to cinchona febrifuge only.
	1925	23,786 4 0	
	1926	21,480 10 0	
	1927	30,721 14 0	
	1928	27,152 8 0	
	1929	60,582 2 0	
	1930	68,467 10 0	
	1931	91,608 4 0	
	1932	55,447 12 0	
	1933	59,568 2 0	
	1934	24,865 0 0	
Bihar and Orissa ..	1924	43,905 0 0	
	1925	37,477 0 0	
	1926	16,941 0 0	
	1927	13,036 0 0	
	1928	15,954 0 0	
	1929	21,147 0 0	
	1930	13,096 0 0	
	1931	13,966 0 0	
	1932	6,931 0 0	
	1933	3,369 0 0	
	1934	2,009 0 0	

Province.	Year.	Expenses incurred.		Revenue.
1	2	3	4	
		Rs.	a. p.	
Central Provinces ..	1924	70,960	0 0	
	1925	52,968	5 6	
	1926	55,082	5 6	
	1927	28,379	13 0	
	1928	41,552	0 0	
	1929	33,302	15 0	
	1930	32,931	2 9	
	1931	34,369	13 0	
	1932	34,131	4 3	
	1933	44,940	12 6	
	1934	44,459	5 0	
North-West Frontier Province.	1924	8,600	0 0	
	1925	8,600	0 0	
	1926	8,600	0 0	
	1927	5,820	0 0	
	1928	4,800	0 0	
	1929	4,800	0 0	
	1930	5,500	0 0	
	1931	6,000	0 0	
	1932	6,000	0 0	
	1933	7,500	0 0	
	1934	9,000	0 0	
Assam ..	1924	24,096	8 0	
	1925	19,846	8 0	
	1926	19,398	0 0	
	1927	20,842	12 0	
	1928	28,511	16 0	
	1929	26,906	12 0	

Province.	Year.	Expenses incurred.	Remarks.
1	2	3	4
		Rs. s. p.	
Assam—contd. 	1930	30,291 8 0	
	1931	26,162 12 0	
	1932	29,120 15 0	
	1933	35,800 12 6	
	1934	27,257 1 0	
Baluchistan 	1928	6,011 0 0	Figures for 1924-1927 are not available.
	1929	6,456 0 0	
	1930	6,612 0 0	
	1931	5,111 0 0	
	1932	3,876 0 0	
	1933	5,835 0 0	
	1934	7,682 0 0	
Delhi 	1924	1,720 0 0	
	1925	1,580 0 0	
	1926	2,285 0 0	
	1927	1,090 0 0	
	1928	680 0 0	
	1929	1,045 0 0	
	1930	1,720 0 0	
	1931	1,285 0 0	
	1932	480 0 0	
	1933	860 0 0	
	1934	915 0 0	
Ajmer-Merwara 	1929	1,661 0 0	Figures prior to 1929 are not available.
	1930	1,537 1 0	
	1931	363 12 0	

Province.	Year.	Expenses incurred.	Remarks.
1	2	3	4
		Rs. a. p.	
Ajmer-Merwara— <i>contd.</i>	1932	1,201 0 0	
	1933	1,031 6 0	
	1934	1,359 5 0	
Andaman and Nicobar Islands.	1924	4,158 8 0	
	1925	3,273 8 0	
	1926	5,880 0 0	
	1927	5,558 0 0	
	1928	2,103 0 0	
	1929	2,319 6 0	
	1930	5,590 12 0	
	1931	5,385 2 0	
	1932	4,962 7 0	
	1933	5,696 0 0	
	1934	3,144 0 0	
Coorg	1927	1,322 1 0	Figures prior to 1927 are not available.
	1928	953 15 0	
	1929	686 7 6	
	1930	607 9 6	
	1931	611 11 0	
	1932	508 0 6	
	1933	398 0 9	
	1934	453 14 0	

Information promised in reply to starred question No. 1352 asked by Dr. N.B. Khare, on the 2nd April, 1935.

CLASS OF EMPLOYEES ON STATE-MANAGED RAILWAYS WHO ARE PAID PRESIDENCY ALLOWANCE.

A Presidency allowance as such is not paid on the State-managed Railways except to two employees (Running Shed Foreman, Bamangachie and Inspector of Works,

Howrah), who are governed by the late East Indian Railway Company Rules, and are given an allowance at the rate of Rs. 50 per mensem. This allowance will not be permissible to subsequent holders of these posts, unless they are governed by the old East Indian Railway Company Rules. Local allowances are, however, paid at Bombay, Calcutta and Rangoon as follows :

Compenstory and local house rent allowances are granted to all gazetted officers, stationed at Bombay, Calcutta (including Howrah and Lilloah) and Rangoon. Subordinate staff at these stations are granted the following allowances :

At Bombay, a local house allowance (with a special local allowance for subordinates drawing less than Rs. 200 per mensem) is granted to all subordinate staff (including running staff) and clerical staff of all departments (excluding workmen in the shops, apprentices, coolies and other inferior servants). Inferior servants employed in Bombay offices are granted a house allowance of Rs. 4 per mensem, if not provided with railway quarters.

At Calcutta, subordinate staff other than clerical staff are not granted any compensatory local allowance except Station Superintendent, Cabin Master and Train Control staff. Clerical staff including draftsmen, typists, stenographers, etc., are granted a local or compensatory allowance, except in grades where the local allowance has been merged in pay. Inferior and lower paid staff are paid a zone allowance.

At Rangoon, all subordinates are granted a house allowance.

Information promised in reply to starred question No. 1461 asked by Mr. Muhammad Nauman on the 4th April, 1935.

COMMUNAL COMPOSITION OF THE INDIAN STAFF IN THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA.

(a) No.

(b) 82 Indians of whom 27 are Bengali Hindus.

(c) Eight.

(d) 12. Of these, one has been filled by a Hindu and none by a Muslim, as no suitable Muslim candidates were available. It may be mentioned that, though the provisions of the Government of India Resolution of the 4th July, 1934, cannot in view of the exceptional conditions of recruitment of Indians in England, be made applicable in their entirety to the offices under the control of the High Commissioner for India, the question of recruiting suitable Muslims for those offices always receives the personal attention of the High Commissioner.

Information promised in reply to question No. 1493 asked by Mr. Ram Narayan Singh on the 4th April 1935.

GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

(a) I am not clear what information exactly is wanted by the Honourable Member. If he is referring to the enhanced rates of daily allowances payable to officers and subordinates visiting Calcutta on duty, the ordinary rate of daily allowance (and not double this rate) is only admissible for visits to Howrah on duty. The daily allowance is admissible only to officers and subordinates whose headquarters are outside Howrah. On the other hand, if the Honourable Member is referring to the local allowances paid to officers and subordinates stationed at Calcutta and Howrah (including Lilloah), I would refer him to the reply relating to Calcutta laid on the table to the question by Dr. N. B. Khare No. 1352. I should add that the scale of a local allowance granted has no relation to the daily (travelling) allowance which is given for a different purpose.

(b) Travelling Ticket Examiners are entitled to the same privileges as other subordinates, except that they are granted a consolidated travelling allowance in lieu of duty allowances.

Information promised in reply to part (b) of starred question No. 1542 asked by Mr. Muhammad Azhar Ali on the 5th April, 1935.

CERTAIN BENEFITS FOR MISTRIES AND MECHANICS OF THE POSTS AND TELEGRAPHS DEPARTMENT.

(b) The total number of posts of mistries and mechanics in the non-pensionable cadre, is 158 and 8 respectively. The mistries and mechanics look after all instruments, power plants and battery installations in telegraph offices and telephone exchanges and attend to minor repairs of such apparatus. They also look after electric installations in Post and Telegraph offices and installations of electric bells and clocks.

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

Mr President (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that upto 12 Noon on Wednesday, the 11th September, 1935, the time fixed for receiving nominations for the Standing Advisory Committee for the Indian Posts and Telegraphs Department, only one nomination was received. As there is only one vacancy I declare Mr. J. Ramsay Scott to be duly elected to the Standing Advisory Committee for the Indian Posts and Telegraphs Department.

THE CRIMINAL LAW AMENDMENT BILL—concl'd.

Mr. President (The Honourable Sir Abdur Rahim) : The House
12 NOON. will now resume consideration of the following motion moved
by the Honourable the Home Member :

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

Mr. N. M. Joshi (Nominated Non-Official) : Sir, I am very grateful to you for permitting me to put in a brief plea on behalf of human freedom. The legislation which the Assembly has been considering is one of a series of repressive Acts, firstly, restricting personal freedom in legitimate activities, and, secondly, investing the executive with powers which should belong to the judiciary. Legislation of this kind is abhorrent to my instincts and inconsistent with principles which I have imbibed during the course of my education and public life. When the original legislation was discussed in this Legislature in 1932, I had opposed it. I felt that such legislation unnecessarily restricts our freedom. It was said that we should not place too much value upon abstract principles of freedom. I do not share that view. I feel that abstract principles of freedom are of great value and we should try to follow them as much as possible. However, admitting that abstract principles require to be modified in real life, I would like to consider this legislation from a practical point of view as it affects the working classes of this country. I feel the Honourable the Home Member was unnecessarily pessimistic about his reading of the present situation. I think he and the supporters of the Government unnecessarily stressed the difference between the suspension and the withdrawal of the Civil Disobedience Movement. I feel there is no difference between suspension and withdrawal. There is nobody in this House who will insist upon any one of us here swearing an oath that we shall never

[Mr. N. M. Joshi.]

offer civil resistance to a legislation, however outrageous, however unjust that legislation may be. (*Opposition cries of "Hear, hear."*) I wonder whether the Honourable the Home Member himself will swear an oath that he will never offer resistance to a legislation, however unjust that legislation may be. I feel that the terrorist movement in this country is, fortunately for us, admittedly declining. The economic depression has not only reduced the strength of the Communist movement, but has brought the ordinary labour movement to a very low level. Unfortunately, in our country, there are communal clashes; but I have every hope that, with the passing of the Government of India Act, providing for adequate separate representation to all the minorities and making Statutory provision for giving to the minorities their due share in the public services, communal ill-will in this country is sure to diminish. I, therefore, feel that, in the present situation of the country, there was absolutely no justification for the legislation which the Government of India have brought forward before the Assembly.

With your permission, Sir, I shall now very briefly examine the various clauses of the Bill; and, being interested in the welfare of the working classes, I shall first take up the clause referring to picketing. Picketing, when accompanied by intimidation, obstruction, violence or encroachment on private property, can be dealt with under the ordinary law. I have got some experience of how the magistrates deal with picketing during strikes. In nine strikes out of ten, the magistrates have succeeded, legitimately or sometimes illegitimately, in putting down picketing; and I, therefore, feel that there was absolutely no reason why this clause should have been introduced as affecting the working classes of this country. Picketing means peaceful persuasion and I feel that this is a right which the working classes value as being necessary for the maintenance of their standards of life. There is no method by which the working classes of this country or of any country can maintain their standards of life and also better their standards of life, without, sometimes, refusing to work for their employers. To refuse to work unless the conditions are satisfactory is a right of every human being. That action is sometimes called a strike. I feel that on some occasions a strike is not only desirable, but extremely necessary if the interests of the working classes are to be protected; and if a strike is declared by a majority of members in an industry, is it not the duty of the majority to try to persuade the minority to join them in that strike? I feel it is not only the right of the majority of workers to persuade the minority to join them in their strike, but it is their clear duty to do so. By enacting this section against peaceful picketing or peaceful persuasion, I feel that the Government of India are putting themselves on the side of the employers. The justification given by the Honourable the Commerce Member and the Honourable the Home Member is that there is no such thing as peaceful picketing. I admit on certain occasions picketing leads to violence; but what justification has the Honourable the Home Member or the Commerce Member to say that violence is due to the action of the working classes? When the working classes resort to picketing, what do the employers do? The employers try to collect together, not *bonâ fide* workers, but rowdies in the town and send them into the factory with the object of either frightening the workers who are on strike or sometimes of deliberately creating violence. It is not, therefore, right to say that violence is due to the action of the working classes or the workers. If

picketing is to be prohibited because it leads to violence, not necessarily by the action of the workers, may I ask, Mr. President, why should not black-legging be made illegal? Unfortunately, black-legging is resorted to by the employers, and the Government of India, by passing this legislation, are anxious to place themselves on the side of the employers. (*Cries of "Shame" from Congress Party Benches.*)

Mr. President, the next section of this legislation with which I should like to deal very briefly is the section dealing with illegal organizations. It was said that this section is only a complementary section of another Act passed in 1908. Let me make it quite clear, Sir, that I am opposed to that Act also, and if I am opposed to the Act of 1908, I must oppose what is called a complementary or supplementary legislation to that Act. Freedom of association is another right greatly valued by the working classes.

Prof. N. G. Ranga (*Guntur cum Nellore : Non-Muhammadan Rural*) : And peasants also.

Mr. N. M. Joshi : And, by passing this legislation, the Government of India is taking away that right. Mr. President, during last year, the Government of India declared certain labour organizations illegal. I do not know if the Government of India had inquired whether the majority of the members of these organizations were Communists. I am sure that the majority of the members of these organizations were not Communists. If there were any Communists in those organizations, their number was extremely small; and even if some members of these organizations were Communists, is it a sufficient ground to declare an organization illegal and to suppress it that a few of its members are Communists? I know that most of the organizations which were declared illegal were not engaged in doing any revolutionary work. They may have carried out a few strikes, but I am sure there is no evidence to show that they were engaged in revolutionary activities. I feel that legislation declaring organizations illegal will be very harmful to the interests of the working classes. It may be said that the Unions with which I am connected, or others who are of the same view as myself are connected, have not yet been declared illegal. But what guarantee is there that, when you have a law on the Statute-book which can declare almost any organization illegal, the organizations with which I am connected and the organizations with which my friends are connected will not be declared illegal next year or the year after that? Mr. President, I do not wish to deal any more with the details of this section.

I shall now say a word, Sir, about the sections dealing with propaganda. It was said that the section penalising re-publication of an article or a book which is proscribed or forfeited follows as a matter of logical sequence. I fail to understand how there is a logical sequence between the forfeiture of a book by Government by executive action and making the re-publication of that book a penal offence. The first act itself may be a wrong thing, the proscription of a book may be an unjust action, and, if that is so, the re-publication of that book cannot be made a penal offence. If there is a logical sequence at all, it can only be in the forfeiture of a book and the proscription of the re-published copies. But it is wrong by executive action to forfeit a book, and, then, when that book is re-published, consider it to be an offence. The original forfeiture may be a mistake unless that forfeiture was investigated and declared right by a judicial inquiry.

[Mr. N. M. Joshi.]

Mr. President, the Honourable Member, the District Magistrate of Midnapore, asked—do we want men of straw to own presses and papers? I do not know, Sir, what the financial position of the Honourable Member is. He may be a wealthy man, but I want to ask him whether the poor people, the common people of this country, have absolutely no right to express their views by means of a newspaper or to maintain a press in order to express their views? Why does he insist that the printing industry and the newspapers should always be in the hands of wealthy people? I was surprised, Sir, to hear that phrase “men of straw” from a District Magistrate. I had always felt, Mr. President, that District Magistrates claimed to protect the poor people of this country. I never thought that a man, appointed specially to protect the poor people of this country, would have that contempt for the common people of this country. I shall not say anything more on that point.

Mr. President, I do not wish to deal with the details of the section dealing with the press, but I would like to make one remark as regards the sections which are intended to put down any propaganda which discourages recruitment either to the military or to the police service. That clause will prohibit even mere propaganda on behalf of what I may call pacifism. There are men in this world who do not believe in wars or in the military forces. Have they no right at all to say that the Governments have no business to maintain an army for wars? If tomorrow I publish an article saying that the police in this country are not properly paid, and if some magistrate takes the view that my statement has discouraged recruitment to the police, I shall be liable for prosecution. I feel, Sir, that all these sections dealing with picketing, illegal organizations and the press restrict our freedom without any justification.

It was said, Mr. President, that it is always better to prevent a wrong being done. I agree with the general principle that prevention is better than cure. The real difficulty in handing over powers to our magistrates and the authorities in general is the fact that we have no confidence in them. Our experience has shown that the preventive powers given to the magistrates in this country have not been properly used. They imagine dangers and risks where they do not exist.

I shall not detain the House by detailing many examples which have come in my experience, but I shall give a few. There was a strike in the province of Madras a few years ago. The backbone of the strike was broken, but some of the workers kept out of the factory, merely because they felt ashamed to join work after having gone on strike. My Honourable friend, Mr. Giri, and myself felt that it was wrong to allow these people to suffer. So, both of us together went to that place with the intention of telling those people to go to work immediately. I can swear on oath that I had no other intention. I persuaded the leaders of the men of the rightness of the course which I thought they should follow. The leaders asked me and Mr. Giri to address a meeting next day. The meeting was held, we went there, but an order was served both on Mr. Giri and myself (*Cries of “Shame” from the Congress Party Benches*) that our speeches were likely to cause bloodshed. It is only one example. I will give you another, a more recent one.

Last year, there was a strike of textile workers in Bombay. That strike has been declared legal both by the Chief Presidency Magistrate of Bombay and the High Court of Bombay. During that strike, some

people took a leading part. The Government of Bombay, under the new emergency legislation, put in jail about 20 people, who were leading the strike, without trial. Mr. President, I shall give the latest example that has happened. Between Poona and Bombay, there is a place called Ambernath where there is a match factory. Only a few months ago, there was a strike there, and, without any provocation on the part of the workers there, the magistrate issued an order that within some miles of the factory no meeting should be held and that not even a leaflet should be distributed. (*An Honourable Member* : "They have done it in Malabar also.") In spite of these restrictions, the strike was settled by negotiation. After the strike was settled, a friend of mine, who is interested in the workers of that factory, issued a leaflet explaining to the workers the terms of the settlement. The magistrate hauled up that gentleman (*Cries of "Shame" from the Congress Party Benches*) and fined him Rs. 200. With these experiences, Mr. President, do you expect me to invest the magistrates with these preventive powers? (*Cries of "No, no" from the Congress Party Benches.*)

I shall say only a few words now as to whether this legislation is likely to serve the object for which it is intended. It is said that this legislation is intended to put down terrorism. Many speakers have spoken on this point at length, but I shall say only one thing. I feel that if terrorism can at all be put down, it can only be done with the co-operation of the common people of the province in which terrorism exists. Unfortunately, in our present political situation, co-operation from the common people cannot be expected. Secondly, if we consider the economic situation of the province, I hold very strongly that so long as the permanent zemindari system with all its ramifications of first degree, second degree, tenth degree of landlordism exists in Bengal, it will not be easy to reduce unemployment in that province.

I feel that if the communal hatred is to be wiped out from our country, it can be done so, not by negative means of legislation, but by positive and constructive efforts. So long as there is religious fanaticism in this country, so long as there is religious orthodoxy in this country, communal hatred will remain. Unfortunately, the greatest supporter of the religious orthodoxy in this country is the Government of India.

I have said, during the last Session of the Assembly, that I am not a Communist. I agree with a part of the philosophy which the Communists preach, but I do not believe in the dictatorship even of the proletariat. I do not also believe in the use of mass violence in which the Communists believe. Although I hold that constitutional agitation and parliamentary method will give me what I want, I equally feel that the Communists have a right to say that constitutional methods and parliamentary work may not lead us to the goal which we all want to reach. I feel, Mr. President, that if Government are anxious that the people of this country should have a strong faith in constitutional agitation and parliamentary method, it will be wrong for Government to prevent discussion between the merits of constitutional agitation and Communism. If Communism is to be prohibited from this country on the ground that it preaches the use of violence, may I ask whether the Government of India have taken any steps to prohibit the entry of Fascist and Nazi ideas into this country? What is Nazism if it is not Communism in a different form?

Prof. N. G. Ranga : Organised hooliganism.

Mr. N. M. Joshi : Why don't the Government of India prohibit Nazi ideas coming into India ? I feel that if Communism is not to be allowed into this country, that can happen only by two means. There must be perfect freedom of expression of views, and, secondly, constructive steps should be taken promptly and on a much vaster scale. I do not wish to deal with this point any further, but I should like to say that legislation of this kind which restricts our liberty hangs on our minds as a constant nightmare. It is all very well for people, who sit on my left and who themselves are the magistrates exercising authority to say that the law will be applied only to those who break it. The others have no fear. It is all very well for my friend, Mr. James, to say that the law will only be applied to those who break it. The law is not likely to be applied to any Europeans. If you will permit me a little exaggeration, I shall say, Mr. President, that if the Honourable gentleman from Midnapore or Mr. James commits a murder in broad daylight in this country, I am not sure whether any one of them will be hanged. Legislation of this kind frightens us. It hinders the free expression of our views. It prevents free action on our part. We must, therefore, continue to oppose such legislation.

Mr. President, before I close, may I say a word about what my Honourable friend, Mr. James, said yesterday. He said in England freedom is given, because the English people deserve freedom. The Honourable the Commerce Member said that the English people have a sense of humour. The English people may have a sense of humour, but may I ask him whether it is easy to develop that sense of humour under the conditions in which we live ? That sense of humour is developed in England, because in England there is freedom of speech, freedom of association and freedom of action. The English people maintain that sense of humour, because the British Parliament is supreme. The Englishman has a faith that, whatever he wants, he can achieve through his Parliament and through his platform and press. Indians have not got that faith. If our Government will create those conditions of confidence in the Government, if they will give us freedom, if they will give us self-government, I am quite sure, Indians will also develop a sense of humour. Unfortunately for us, when Britishers, who love freedom and self-government, leave their country for imperialist adventures which they try to ennoble by calling them imperialist responsibilities, they lose faith in freedom and self-government. May I suggest to them that, in order that they should be true to their traditions as Britishers, in order to be true to their history, as freedom-loving people, even when they go out to further their imperialistic responsibility, they should maintain their faith in freedom and in self-government. I hope, Sir, that the Government of India will withdraw this legislation, and, if they do not do it, I hope that this Legislative Assembly will throw it out.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, in 1932, the Government of India brought forward a Bill which was intended to be a permanent legislation and those Honourable Members, who have seen the provisions of that Bill, as it was introduced in 1932, will find that it was somewhat different from the form in which it emerged out of the Select Committee. There was a suggestion that amendments to the Indian Penal Code should be made. This was objected to by the Members of the Assembly at that time. The idea of the Select Committee

was accepted by the Government, and this Bill was made for three years. I happened to be a member of the Select Committee, and the reason why we proposed three years at that time was that it was believed in 1932 that the Federal Assembly would be set up by 1934 and we thought that the present Government should have these powers and that the future Government also must have this for one year extra. We thought that the present Government should exercise this power up to 1934 when the new Constitution was coming in.

Mr. B. Das (Orissa Division : Non-Muhammadan) : You thought, but not the Committee. Mr. Gaya Prasad Singh and Mr. Azhar Ali walked out of the Committee.

Mr. Muhammad Yamin Khan : The Honourable Member has been long enough in the Assembly to know that I meant the majority of the body.

Mr. M. Asaf Ali (Delhi : General) : You said " We ".

Mr. Muhammad Yamin Khan : I am saying " We " in the sense I said just now. It was considered desirable that the Act should remain in force for three years. Unfortunately, Federation has been postponed. We are now in 1935, and we have got no Federation yet. That might come after several years. We do not know how long afterwards it will come. Our chief idea at that time in making the life of the Bill three years was that the new Legislature must have freedom to deal with the laws as it thought fit in 1935. This is the real point. My Honourable friends, who were in the old Assembly, might remember the circumstances that existed in 1931 and 1932. We were having *hartals* every day. *Hartals* were the fashion of the day. People were forced to observe *hartals*. Volunteers forced people to observe *hartals* when they were not willing to do so, but this they did simply to please them. Whenever somebody was interned, there used to be a *hartal* in his honour almost every day. People coming from my province will bear me out when I say that *hartals* were forced by the volunteers. They were not the actions of the Congress leaders. They were the actions of the Congress volunteers and people who went in the name of the Congress volunteers. People were not allowed to have their own way, and, in my province, it was coming to be a source of great evil and annoyance to the poor shop-keepers, who were asked to close their shops, because they could not on this account earn their own livelihood. The poor *tongawallas*, for instance, were asked not to ply their *tongas*, simply because one man or another had been sent to jail ! For the sake of this and that person going to jail, poor *tongawallas* were asked not to ply their *tongas* and they had to leave their work ! Now, the poor *tongawalla* had to feed his horses and had to feed himself, his wife and his children. Where from could he do this, except by borrowing from the money-lenders whom he could never repay ! I know it for a fact that in several cases the *tongawallas* suffered so much that they had to part with their *tongas* and had to sell their horses in order to pay off debts. (Interruptions.) This was becoming the fashion of the day, and the blame, of course, did not lie with the leaders, but on the followers whom they could not control. And, why ? Once a spirit had been created, once an atmosphere had been created, everybody wanted to out-shine the other man and everybody was anxious to become the leader at that time, because, by showing that he had this spirit, this spirit of terrorising the people,

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he would be called a leader. This was in 1931 ; and I may remind Honourable Members—and here I am dealing only with picketing—when Bhagat Singh was executed, on that day, here, in the Assembly, my old friend, who is not here today unfortunately, and I do not know what has happened to him, Mr. Rangachariar, who was the Leader of the Opposition, walked out with his party from the Assembly, and he said that that action was taken as a demonstration and as a protest against the execution of Bhagat Singh. And, upon his walking out from the Assembly on that day, the press gave publicity to the news in bold letter head-lines saying that heroes were executed, and similar other things. The result was that everybody was asked in India to observe *hartal*. People in Cawnpore were asked to observe *hartal*. The Congress leaders and the Congress volunteers gave vent to their feelings also on the Muhammadan shops in Cawnpore and wanted to force the owners to close their shops. Now, those people naturally resented, and they said : “ we are not going to close our shops ”, but what the result was—Honourable Members know full well ! Thousands of people were butchered, thousands of people were killed, women and children....

Mr. M. Asaf Ali : What ? Thousands ?

Mr. Muhammad Yamin Khan : Men and women died of burns as a result of houses being set on fire. This is the story of Cawnpore.

An Honourable Member : It is all wrong.

Mr. Muhammad Yamin Khan : Please do not interrupt me. Honourable Members ought to have the patience to hear what is unpleasant to them. (Hear, hear.) The fact is that whatever Cawnpore suffered from, it suffered on account of unrestricted picketing. (Hear, hear.) If picketing had not been resorted to in Cawnpore, the people there would not have suffered from all these evil effects from which the City has been suffering even today. And, Sir, we had not only such terrible things in Cawnpore, where thousands of people died as a result thereof, but the effect of that picketing is that even today there is strained feeling between Hindus and Muhammadans, and they are not carrying on their peaceful profession of trade and commerce as they did in the good, old days. The repercussions were found not only in Cawnpore, but we had also the Bombay riots, we had in Agra a communal riot, we had in Ajodhya a communal riot which came up after that, we had riots all over the provinces. And, then, the press took up the side of all these picketers and it painted all these people as heroes,—which, of course, they really were not. People excited each other, and there was communal antagonism, and all this was very undesirable. Sir, if people had any responsibility, if it was our desire to see that there should not be any communal tension, if people wanted that peaceful avocations should go on, if people wished that murders and riots and other disorders should not happen, if people desired that women and children should not thus be exposed to dangers and harm, the position would have been different. But the volunteers went on causing excitement, and there was grave disorder, and this was the state of affairs when this Act was enacted. There is another thing. Even up here, Honourable Members were stopped by picketing from entering the Legislative Assembly. Ladies came here and waited at the entrances and they wanted Members not to enter the Assembly Chamber.

Some of my Honourable friends once said that the letters "M. L. A." meant "a member of the lunatic asylum"; well, they came to that lunatic asylum themselves, and those very people were forced to come and to sit here.

An Honourable Member : There are certain habituals.

Mr. Muhammad Yamin Khan : This was the state of things then, and that became the fashion, and, therefore, there was no other help. The volunteers continued to annoy the shopkeepers and others, and, of course, this could not be allowed to go on for ever, and it was all this which led to communal tension all over the country. Then, as regards the press, when Bhagat Singh threw a bomb in the Assembly Chamber, what did we learn from the press? Was he condemned because the sanctity of this House had been violated? The sanctity of this forum even was not observed. These people never thought that if a man wanted to kill the Members of the present Government, and if they were killed, there would be other people who would like to kill the Members of the future succeeding Governments; that if a bomb is thrown into the Assembly on account of the fact that somebody does not agree with the present system of Government or with the deeds of the present Government, then he would have in future some other person who, because he does not agree with the then Government, might wish to throw bombs on the future Home Members. Now, that is what nobody can tolerate in any country. In my province, in fact in my own constituency in Aligarh, the Congress people came up and started the no-rent campaign, they wanted that no rent should be paid to zamindars, and much excitement was got up against the zamindars. And who was chosen as the target of the attack? A most powerful and influential man, a great zamindar, Nawab Bahadur Sir Muhammad Muzammilullah Khan, who was for many years a Member of the Central Legislature; he was chosen for attack, the programme was chalked out that his tenants should not pay any rent to him, and the whole attack was launched on one man and one man alone. The Congress did not choose any other person; they did not like to excite the peasants of other people; they chose only one man, Nawab Bahadur Sir Muhammad Muzammilullah Khan. His estate was the only place in the whole of the district of Aligarh where no-rent campaign was carried on. He is a powerful man, and he showed to the world that he could meet the situation very well.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Did he not crush his tenants?

Mr. Muhammad Yamin Khan : He has never tortured his tenants. His tenants love him like their father. He has saved his tenants from the hands of the money-lenders. He has never allowed any money-lender to enter into his estate, and that was the reason why he was chosen as a target. If my Honourable friend wants to know the real facts, I can tell him. It was after this no-rent campaign in his estate that when a zamindar in Allahabad went to collect his rent, he was victimised and for seven miles blood stains were found, and, out of the zamindar and his followers, only one man escaped to tell this story. Now, Sir, the point of my argument is this : What was the condition at that time and what is the condition now? If we find peace in the country today, it is all due to this Act. If this Act had not come into force, all these things would not have been controlled. If the Act of 1932 had not been in force, we would not have been able to see the Congress Party decorating those Benches today.

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It has created a good effect in another way. The Act of 1932 has brought the Honourable Members opposite to co-operate in the enactment of legislation of the country rather than be its critics from outside. Whatever their views may be, they have, by coming into this House, created some satisfaction in the country. When they remained outside the Legislatures, they were merely agitating the people and leading them to violence. By coming into this House, they have created a healthy influence at least so far as Civil Disobedience is concerned. If they had been following Civil Disobedience, they would not have been here. They have stopped it and that has created a healthy influence, and that is the direct result of this Act of 1932. I would like to hear from the Benches, which are decorated by my Honourable friends on the other side, to give me any concrete example to show that picketing in such and such cases did not end in violence. Also I would like to know what justification they have for that section of the press which excites one community against the other.

My friend, Mr. Abdul Matin Chaudhury, quoted the case of the *Comrade*, and I know why he quoted it, but does the case of the *Comrade* come under the purview of the present Bill with which we are dealing ? It has nothing to do with this. Even the Act of 1932 is going to be modified by the Act of 1935, and we have got nothing there to fear a case like this. My friend, Mr. Abdul Matin Chaudhury, said that he was an apostle of the Hindu-Muslim unity, and I was glad to hear that remark, because there is no other person who is more anxious for this unity than I am. I am one of those who believe that the progress of the country depends upon the solution of the communal problem. Sir, this country cannot make any progress as long as we have got that communal tension. That had been the cause of our downfall, and that will be the cause of keeping us down in the future.

Now, Sir, what is the press going to be stopped from ? The press is going to be stopped from promoting feelings of enmity or hatred between different classes of His Majesty's subjects. Sir, you cannot improve the conditions in the country unless you prevent the press from disseminating communal literature which is driving one community against the other. The first thing that the press should do is to learn how to settle down differences between various communities. The liberty of the press does not lie in this that we should give them licence to say anything whatever they like. My friend said that 61 Muslim papers had been suppressed and that the responsibility would lie on the shoulders of those Mussalman Members who would vote for this Bill. May I ask him one question ? If he believes in the unity of the Mussalmans and the Hindus, why should he not believe in the unity of the different sections of Mussalmans themselves. If he believes that the Mussalmans must first set up their house in order, then he will find that most of the papers that have been suppressed were the papers which had been exciting one class against the other. He did not quote a single instance, but may I give him the illustration of a few papers ? There is a paper called *Al-Najm* of Lucknow which published on the 1st June, 1934, very nasty articles against the Shias. It said that the number of Shias was only about 18,000 in the whole of Lucknow, and it excited the feelings of the Sunnis against them. Another edition of this very paper was published on the 25th of August, 1934, in which the editor wrote a very nasty article about a personality

which is held in the very highest respect by the Mussalmans. In fact, it is next to that of the prophet himself. I mean the personality of Hazrat Ali Karam-ullah-o-Wajho. This man said about him that he was licentious and he indulged in his lust. If a paper publishes an article of that kind, will my Honourable friend, Mr. Abdul Matin Chaudhury, ask any Mussalman to come forward and defend that paper simply because it was a Muslim organ? Probably my friend will not defend that paper at all.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I refuse to believe that story.

Mr. Muhammad Yamin Khan : I have given the date of that paper. It was published on the 25th August, 1934. I do not think it is worth while to repeat those nasty words which he wrote. They are so bad.....

An Honourable Member : Is that communalism?

Mr. Muhammad Yamin Khan : My Honourable friend understands

1 P.M. by communalism that it is fight between Hindus and Muhammadans. That is not the case. Even a fight

between Shias and Sunnis is also communalism.

There was another paper, called *Al-Naqid* of Cawnpore, which wrote on the 19th August, 1934, very nasty things about Hindus, and that tried to create ill-feeling between Hindus and Muslims. That paper wrote a very nasty article about Hindu women—all those nasty things are not worth mentioning in this House, and so I will not repeat them. That paper wrote about Hindu ladies and young boys coming within the provisions of the Sarda Act, and, in this way, that article incited hatred between Hindus and Muslims. Well, will my Honourable friend, standing up as the apostle of Hindu-Muslim unity, say that that paper should be allowed to continue its nefarious action of inciting hatred between the two communities? I say that such a paper is a great harm to the community, and that it is a disgrace to the Muslim community.

Then, there was another paper at Patna which wrote on the 23rd May, 1935, with reference to two Honourable Members of this House. It asked, whether there was no Muhammad Amin? My Honourable friends must know what it meant. Muhammad Amin was the man who killed Rajpal. This paper wanted that another Muhammad Amin should come up to deal with those two Honourable Members of the Assembly.

An Honourable Member : Probably you are that "Muhammad Amin", who wanted to incite people.

Mr. Muhammad Yamin Khan : Certainly I would have condemned it, if any paper asked that my Honourable friends Mr. Fuzul Huq or Maulana Shaukat Ali should be murdered. My Honourable friends seem to think that if a paper wrote like that, it was not exciting people to murder. This happened not in 1934, but in 1935. This article was written in May, 1935. Then, that paper was very rightly suppressed in Patna. My Honourable friends will perhaps say that it was not justifiable. If more examples are wanted, I can easily quote. There are hundreds of such instances which I kept in my file, but unfortunately I burnt them all last year. There may be persons who agree with my views and there may be other persons who might disagree with me. My religion teaches :

"*Lakum dinakum wale yadin.*"

"You are pleased with what you believe to be right, and I am pleased with what I believe to be right."

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This is the principle which my religion preaches. That is what my Prophet has taught me. You must leave me alone. I do not want to interfere with what other people believe to be right. I do not want that another man should be killed, simply because he disagrees with me. That may be the philosophy of other people, but that is not mine. That is not my phase. No two human beings are similar. My Prophet teaches me that I should not interfere with other men's ideas.

Now, coming to the liberty of the press, I say liberty is quite different from license. My Prophet teaches that you are at liberty to do whatever you like, provided that does not interfere with the inherent rights of others. You are at liberty to go and earn by hard work, but you are not at liberty to go and steal. Islamic law says that if a man steals, his hands should be cut off. So, this kind of license, namely, stealing is not allowed. He is to be stopped from stealing. If stealing is permitted, it would mean that you are abusing the principle of liberty. It is license which must be discriminated from liberty.

Mr. Muhammad Azhar Ali : Where have you read all these ?

Mr. Muhammad Yamin Khan : My Honourable friend will not read any book and he does not know anything. So it is no use to cure the incorrigible man. The point is, whether circumstances are such that we should allow the press to incite hatred among the different communities and different sections of Muslims. We should not give this power to the press, rather we should control the press from doing such mischief. However laudable an object it may be to have a free press, it should not be allowed to create ill-feeling between the Hindus and Muslims. At the present moment, the two communities are going to settle down to work the new Constitution. We have had bad times, and, in the interest of the future of India's progress, we should come to an amicable understanding and live like brothers. The only object of this Bill is to create peace and not allow the press to create dissension. Why should any press, which will confine its activities to legitimate proportions, be afraid of this measure ? The saner sections of the press need not be afraid of this measure. I read in the *National Call* the other day some story written by one of its correspondents which tends to create ill-feeling between Sikhs and Muslims. This is what the *National Call* says about the Meerut dispute :

" Meanwhile some mischief mongers spread a false rumour to the effect that the local Sikhs were bent upon demolishing the mosque close to the proposed site and that they had actually demolished a portion of a wall. This led the Muhammadans to visit the said mosque in groups of hundreds and thousands crying different slogans and alarming the public peace with the approach of Hindu-Muslim riots. It is said that about 10 to 15,000 Muslims gathered at the said mosque and the authorities and the Hindu public, what to say of the Sikhs had a very hard time for the whole night between September 1 and September 2, 1935. As a matter of fact, the Sikhs only learnt of it at about 9 p.m. on 1st September when they were holding their usual weekly meeting in the Gurdwara. Not a single Sikh ever visited the place of the site of the mosque in question and the allegations made against them were entirely baseless and false."

Now, the next sentence is very pertinent :

" The Sikhs resent it and look upon this misguided action of the Muhammadans with utmost abhorrence. The Sikhs of Meerut have all along been most loyal to the Government and friendly to their sister communities and would be pleased if the authorities would kindly take some legal action against the mischief mongers and request

the saner elements amongst the Muhammadans to kindly publicly deplore the action of their fellow-brethren who are responsible for injuring the feelings of the Sikhs as a whole."

Well, Sir, I come from Meerut. I never heard anything about the supposed demolition of mosque. There is the Cantonment next door to my house. The place is not even a furlong from my house, and I never heard about this incident until I saw it published in the newspapers. From reading the report in the newspapers, one would have come to the conclusion that the Muhammadans gathered there in such large numbers simply to bring about a riot and that the Sikhs as a whole resented this. When I approached my Sikh friends in this House, they said they never heard about this incident at all. How could they have heard of it when such a thing did not take place at all? This appeared only in the columns of the *National Call* and nowhere else. So I say that this kind of writing should be stopped and should not be allowed to go on, because it creates such bad blood, that Muslim constituents will not return those Muslim Members again if they have anything to do with the Hindus and the same will be the case with Hindu Members. We have to mould the future destiny of India, and those people who are the cause of dividing us should be put under control. I have very often seen reports in the press that a Muslim *goonda* has outraged a Hindu lady or a Hindu has outraged a Muslim. Why should not the name be published? Why should you publish it as "a Muslim" or "a Hindu"? The effect that is created in the minds of ignorant people is to excite them. For the sake of our country and for the future of our country, we should rise to the occasion and put down these people and curb them. The Government of India Act has come, and we must settle down. In the town of Meerut, we Muslims have lived always on terms of friendship with the Hindus and have enjoyed their confidence, and year after year they have elected members of my family as Chairman of the Municipal Board. And, now, it is very deplorable that bad blood is sought to be created between us there.

I admit, of course, that the press should not be badly treated and should have full liberty to criticise, and, in 1932, it was enacted that criticism of measures of Government with a view to obtaining their alteration by lawful means, without exciting or attempting to excite hatred, contempt and disaffection, shall not be penalised. What is intended in the present Bill is to take off all the sections except section 16 and section 7 which deal with crimes; the others deal with the procedure. Our anxiety in 1932 was that the measure should not be permanent, and we succeeded. The same is our anxiety today; and the present Government should not bind the Government of the future. But that can be achieved only by taking the Bill into consideration. As the Bill stands, it is for permanency, and if it is not taken into consideration, no amendments are possible, and Government will be forced to have recourse to the extraordinary measure of certification. I honestly and sincerely believe that this Bill is necessary, though it may be in a modified form, until the future Government comes into being. Up to that time, picketing should not be allowed, because it takes away the liberty of the people, and the press also should not be allowed unbridled license to preach communal hatred and disaffection among different classes. But if the House fails to take it into consideration and to amend it as it likes, Government will, in my opinion, be justified in having resort to extraordinary powers. It is for the Honourable Members to join hands and carry out amendments

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according to their desire, rather than force the hands of Government to put the Bill, as introduced, permanently on the Statute-book. Sir, I support the motion for consideration.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) : Sir, I was very anxious to intervene immediately after the Home Member had spoken, so that the House and the country might have been spared the flood of eloquence on both sides, rather of a stormy character. I know what eloquence means and what it can do. Before I go further, I may mention one incident. It is my duty, as an humble peacemaker, to take kicks from both sides of the House. However, I was very grateful that this Government made a small gesture in the right direction when they released my friend, Pandit Jawahar Lal Nehru. He is a gentleman by instinct, by education and by family traditions ; and the Government may perfectly rest assured that he will never take undue advantage of any little gesture in his favour and I hope that all Honourable Members will agree with me in praying that his sweet wife and revered mother may be spared to him for many many years.

I heard the speech of the Honourable the Home Member very patiently. Personally I like him, and I have always received consideration and courtesy from him. He pieced together a number of things to make a case against what you may call the revolutionaries and terrorists or those advanced people who want to see a free India. As one who has experienced internment, has suffered imprisonment, and also has suffered under Regulation III of 1818, I can also make a case against this Government. If I was to relate all that happened to me and to my brother, Mohammed Ali and to our family, and if I piece together every little bit, every wrong done to us, every insult offered to us and our faith, every discomfort that we went through, then, I assure you, Sir, there will be a file ever so much bigger than the record which the Honourable the Home Member produced before us, but I do not want to do it. I am not here for that purpose. If I wanted to create fresh records of grievances against the Government, I could do it if this sort of thing is allowed to go on. And I assure the Honourable the Home Member that by the course you are taking and the kind of speeches you have made and are making, you have already created at least half a million of Indian youths who will be revolutionaries in the near future. The truth must be told to you. You have already done a great deal of harm to the British connection with India--I mean the Government and their supporters,--by their speeches and actions, have done more harm to the British connection, and I assure you, Sir, that the speech of the Honourable the Home Member will be read with glee and great pleasure by the die-hards in England who do not want that Indians should get rights to control their own affairs. He has done a great disservice to India whose salt he has been eating. As regards my friend, the Collector from Midnapore (Mr. Griffiths), I may say this. I am a fighter myself and I liked his fine fighting speech ; and though he may appear a Bantam or a Featherweight, he has got self-assurance enough to take on a Primo Carnera, the heaviest giant, and fight him. I admire a man like that. His speech was a fighting speech, and I enjoyed it. I only hope that when these new elections take place in

Bengal, and when I and men like myself go to Bengal and Midnapore and want to make speeches there, so that pliant and weak Muslims may not be elected, he may, if he wants, send for us and argue with us and convince us with his speeches but would not ban our entry under section 144 or lock us up.

I expected something better from my friend, Mr. James. His speech was a mighty sermon : it was very interesting ; but, all the time he was speaking, he seemed to be under the impression that Mr. Aney and my own humble self and Mr. Lalchand Navalrai and Sardar Sant Singh—all communalists—would appreciate the pearls of wisdom he was scattering. The lecture was really meant for us. Before he spoke, I wanted to intervene again and to beg the Honourable the Home Member on my bended knees, saying, " For God's sake, withdraw this Bill. It is not wanted. By this withdrawal, you will bring in better feeling and you would do a great service to your Empire ". Sir, the Government had tried these methods of repression before, and with what result ? During the last Great War, the people of India bled white for England and fought all over the world for England and saved the Empire. We were told in 1917 that we were fighting this war for self-determination and we expected self-government would come immediately after. Instead of that, we got the Rowlatt Act. Sikhs, Muslims and Hindus of the Punjab went and fought for the Empire : but, under the Defence of India Act, Muslims, Hindus, Sikhs, without any distinction, which really meant that all who had fought in the war, were made to crawl on their " tummies " simply because an English woman was insulted ; and for that one insult, hundreds and thousands of Indians were insulted and punished. I do not mind the punishment, but every Indian, who had to go out of that lane, had to crawl on his " tummy ", and there was no Sikh or Muslim or Hindu— and Sikhs are great Bahadurs, Muslims are great Bahadurs and Hindus are big Bahadurs today—who would have said " No, I will not crawl on my tummy " : I have legs to walk on. Do what you like ". With all those things in my mind, Sir, I went to the highest English official in this country, and he told me : " Yes—Dyer and O'Dwyer did let us down badly ". Please do not repeat that mistake.

I say, how, in spite of repressive laws, you have ten times more revolutionaries in this country than there were in 1920. Do you think you can stop the rising feeling of resentment by these Acts ? Let me tell you this, Sir. People were made to crawl on their " tummies " : poets had to write verses with their noses on the ground ; *Sadhus* were white-washed with lime, and all sorts of wonderful things were done. Mr. Bosworth Smith would go and insult women in Sheikhupura District saying " You are now in *purdah* : why did you not look after your men and tell them they should not stand up against the *sirkar* : I will remove now your veil with my stick, but my policemen will come, and lift your skirts. " These things happened. Every day, in spite such laws, the country is getting worse and worse. I have been imprisoned and know jail life. I do not know if my friend, the Collector of Midnapore, has seen imprisonment. I would like every official, especially in the Indian Civil Service, after he had passed his departmental examinations to be locked up like any ordinary prisoner for three months. (Laughter.) His clothes should be the same, his food should be the same, and he must be given ten stripes on his bare back ; and he will then understand what these laws mean to us. If the Honourable the Home Member wants at any time to introduce real, humane reforms in jails, I would be only too glad to offer

[Maulana Shaukat Ali.]

him my humble services. There is a class of prisoners, Sir, who are called "*Dohalias*"—habituals—I do not know what they are called in Bengal : they have two blue stripes on their clothings instead of one for ordinary convicts, who have one blue stripe and one white. I assure you, Sir, there is nobody more flattered, more feared and more pampered in the jail by all the jail officials than these hardened habitual criminals. When I was a prisoner in Karachi, my Superintendent told me the story of a man called Razaack whom I had the pleasure of meeting later when I was in the jail office to consult my lawyers during the Karachi trial. This man was dressed in gunny bags,—a kind of jail punishment. He would not look at anybody, but would abuse every jail official. When he saw me and learnt who I was, he salamed me. The Superintendent told me a story about him: for disobedience of orders he was given 30 stripes: the procedure being that he was made stark naked, stripped of every inch of clothing and tied on a wooden triangle. A white cloth saturated with some kind of medicine—Dr. Deshmukh will be able to say what it was—was put on his bare buttocks, and he was given 30 stripes : these stripes were not ordinary : at the fourth stroke, they brought blood : he clenched his teeth and then received the remaining stripes without a cry : and when he had received them, he turned round to the Superintendent and before all said : " You have given me thirty stripes on the back : now give me thirty stripes in front ", and the whole jail was resounding with praises for this jail hero. So much for these wicked punishments. Now, Sir, are you wanting the whole country and every youth of India, Muslim, Sikh or Hindu, to say : " You have given us so many stripes on the back : give us as many more on the front ? Do you want them to become '*Dohalias*' or habitual breakers of Law " ? It would be unwise and wrong.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Is the Honourable Member going to be very long ?

Maulana Shaukat Ali : I shall not be very long ; I shall take only ten minutes more.

Several Honourable Members : After lunch.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member can go on.

Maulana Shaukat Ali : Thank you, Sir. I am very sorry I have to detain the House, without lunch, but I shall not be very long. I beg on my knees the Honourable the Home Member to withdraw this Bill. I would beg of them even at this late stage to withdraw this Bill and save the poor people of this country and themselves from a great deal of trouble. If this Bill is sent to H. E. the Viceroy, I hope he will refuse to certify it. Sir, he is going away in a few months, and, after so many years' service to India, I do not think he will give this disagreeable parting gift to this country by certifying a measure of this character. If Government do not pay heed to our prayers and entreaties to withdraw this Bill, then the responsibility will be theirs ; they will lose many well-wishers. In this connection, Sir, I am reminded of a story, my brother, Mahomed Ali, told me when the Press Act of 1908 was passed. He thought it was meant only for the Bengalis, the Tilakites and Marathas and for others, but not for Muslims who were

loyal and contented. But what happened? The very first man who was caught by this Act was Mahomed Ali himself and his paper, the *Comrade*. (Laughter.) What for? For publishing a quotation from the Bible "Come into Macedonia and help us"; taken from an Englishman's pamphlet in favour of the Turks. The case went up before Chief Justice Sir Lawrence Jenkins, and he said: "Mr. Mahomed Ali, I cannot give you back your papers, but I give you back your honour". The Press Law is such that even quotations from the Bible and the Holy Koran, made in connection with humanitarian causes, come within its arm. (Cries of "Shame" from the Congress Party Benches). I was reading yesterday a weekly, *Old Aligharian*,—I am very sorry I have not got it here. It gave in full an old article from the *Comrade*, written by my brother himself in 1911. Mahomed Ali sent an appeal to every Muslim to start to collect a fund to found the King George Muslim University. I was then that abject being called a Government servant. He induced me to take long leave and made me go round as Secretary to H. II. the Aga Khan to beg Muslims to make contribution for the Muslim University to be named after King George. My friend, Mr. Asaf Ali, asked me not to mention too often that I have been a "rebel and an outlaw", but I cannot help mentioning it, because I want to be frank; because I want that a real effort should be made to bring about an honourable understanding. If you want to quarrel, you can go on quarrelling, but what will happen to India and what would you gain?

The Home Member and the Government, front Benchers, have got devoted, if not wise, supporters. If it is desired that women and children of the independent tribes should not be bombed, somebody from that side and from the Frontier will get up and say that the people in the Frontier only needed and appreciated bombing and so there must be bombing; if the Government say that a repressive Press Act is not necessary, somebody behind them and a press man too will urge and impress on the Government to deal it with a strong hand. I was expecting my friend, Mr. Yamin Khan, to speak after me, and to tear me to pieces, but I am very glad he spoke before me, and I am now able to give him an answer. Sir, they have tried all kinds of repressive laws, but that method has not improved conditions in the country. My brother used to tell me a story. It appears that, one night, in Piccadilly, a gay old dandy, well dressed in immaculate clothes, with a monocle and a gold headed cane and having dined well at his club with a couple of champagne bottles inside him, saw a salvation army preacher in his red uniform who was shouting: "Friends, come and get salvation, I will show you the road to salvation, I will guide you along the proper path". This club man went up to him, put on his monocle and drawled out: "My friend, do you know the road to salvation?" "Yes, I do" was the reply. "How do you know it?" "I have been on this road to salvation for 40 years" was the reply. Then, said he: "My friend, if after being for 40 years on this road of salvation, you have reached only as far as Piccadilly, then I will advise you to try another road". (Laughter.)

Then, Sir, I have one thing more to say. It is an incident from Islamic history. Every lawyer in the House knows the name of Imam Ahmmad Bin Hambal, one of the four jurists, who have done so much for Islamic Law. Imam Hambal, after each prayer, used to pray in fervent language for the rest of the soul of one Abu Hozama. His son one day asked

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him who this man was ? He must have been a great saint ! The Imam replied : " No ; he was the greatest blackguard in the whole of Iraq, he was a thief, a robber and a murderer, but he did me a yeomen service for which I will always be grateful ". And, here, I want to refer to what my friend, Mr. Yamin Khan, said : Does he not remember the Karachi State trial where Mahomed Ali, Maulana Hosain Ahmad, Mufti Nisar Ahmad, Pir Gholam Mojaddin, Dr. Kitchlew and myself were tried for preaching this commandment of the Holy Koran :

" Wa man Yaqtool Momenan Motaammadan, fa jasaho Jehannamo ", etc.

" If one Moslem intentionally killed another Moslem, then, his punishment was Jehannam, etc."

Mr. Muhammad Yamin Khan : What is the punishment to one who excites one Mussalman to kill another ?

Maulana Shaukat Ali : I am not excited even by the interruption of my friend, Mr. Yamin Khan. No one has excited any Muslim against him. He has not been killed. (Laughter.) As I was saying, Sir, the great jurist informed his son that there was time when in a point of law I differed from the Ulema who surrounded the Khalif Mamurrasheed and they said :

" This man is spoiling the morals and the faith of the Muslims, he ought to get 100 stripes in the public market."

I was then escorted by thousands of police, in glittering uniforms, meant to browbeat, and the thousands and thousands of people who loved and respected me and they could not do anything but cry bitterly at the sight of my humiliation and shame. I was also very nervous and feeling weak. Just then, one man rushed through the crowd and came to me and said, " I am Abu Hozema ; I have this day come out of the prison, I am 45 years old ; 25 years I have passed in prison, I have had 24,000 lashes on my bare back ; and before I left the prison, I took an oath that this very day I will commit robbery. If 24,000 lashes and 25 years' imprisonment have not stopped me from doing the devil's work, will these 100 lashes stop you from doing God's work ?

I got new courage and knew that he was sent by God to warn me and give me courage, " That is why I pray for him ". Sir, I have suffered much, I have been a prisoner. When I came here, I thought I was the only man in the House who had spent a long time in jail, but I saw that my friend, Mr. Amarendra Nath Chattopadhyaya, surpassed me. He told me he had a bigger jail record than I had. Sir, all my speeches in this House are in print. I was trying hard to make an honourable peace with the Government. If there is honourable peace between India and England, I would welcome it. After the Government Members had refused to institute an official enquiry in spite of the decision of this House, then the Assembly and Council of State Muslim Members appointed a non-official commission to enquire into the Karachi firing. We wanted an impartial non-official inquiry. Some of us wanted to go there and find out the causes of the rioting there ; we merely wanted to investigate and find out whether really Muslims were at fault, whether they could have avoided the trouble, whether there was any justification for shooting, and that what steps should be taken to prevent a recurrence of such trouble. In fact, we wanted to find out the

real cause of the trouble. The result was that the Bombay Government banned this and served notice on me, saying that I was doing acts prejudicial to public peace. The Honourable the Home Member was very angry with Pandit Krishna Kant Malaviya and said : " You want to sympathise with murderers ? " Sir, I tell you frankly, there is no Mussalman who does not sincerely believe that 69 Muslims were murdered in Karachi. They would be justified to say, " I cannot co-operate with the Government, because they want to hide and condone official murderers ". We wanted to enquire into the actual facts of the firing and suggest how to deal with such situations in future, but we were not allowed to go. Though I was a non-co-operator and a " rebel and an outlaw ", yet never was any security demanded from the *Khilafat* newspaper, of which I am the Editor and no " dummy Editor " too, but, after this incident, the Government showed their displeasure by demanding a security of Rs. 3,000. I did not want to kill any body, I have not killed even a cat, and I make no personal grievance of this action of the Government. I would advise Government to withdraw this Bill and conciliate people, but, if they won't heed that advice, well, everything is in the hands of God and they alone would be responsible as to what happened. (Applause.)

The Assembly then adjourned for Lunch till Five Minutes to Three of the Clock.

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

Mr. M. S. Aney (Berar Representative) : Sir, I have to thank you for permitting me to intervene in this debate and make a few observations on the motion before the House. I shall be very brief. Not that I have not much to say, but I think that the motion has been debated at considerable length and from all points of view.

The motion before the House is for the consideration of the Bill to amend the Criminal Law Amendment Act. The motion evidently is intended to bring permanently on the Statute-book a law which has been detested and condemned all along from the time of its inception to the present day. I have not heard anybody, not now but since the time when the Act came into being, saying a good word for this, but it was then justified on grounds of emergency and so on. We thought the word " emergency " always meant some temporary aberration when normal conditions are not in existence, and when normal conditions are not in existence, probably such penal legislation may be justified. We were not here. Nor were we free outside to express our opinion on the basic principles of this legislation that was brought forward for the consideration of the House then, but I am prepared to admit this fact that the conditions in the country at the time when this legislation was brought forward were abnormal and probably that could be construed as an emergency for the Government to take these extraordinary powers. The real point is this. I thought that the present Executive Council had sufficient common sense in itself to appreciate the present position. What the Government has to see is whether there is any such thing as an emergency now to justify this extraordinary legislation at all. It is admitted that the emergency which existed in the year 1932 does not exist today. That fact is tacitly

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conceded by the Honourable Member in charge of this Bill. He has made that statement in the Statement of Objects and Reasons and he also claims that he has taken that fact into consideration. He has also conceded that the conditions which existed when this temporary legislation was brought into force do not exist today, and, therefore, the present Bill which he has brought forward is not exactly a renewal of the old Act but it is an attenuated form of that Act. Certain provisions are repealed and certain provisions are retained. He says that sections 2, 3, 4, 6 and 8 have been repealed. Some other provisions which are more or less of a procedural nature are also repealed because they related mainly to conditions which were a special feature of the Civil Disobedience Movement against which the first law was directed. I do not know whether the Honourable Member in charge of the Bill has really studied the conditions under which the Civil Disobedience Movement itself was run and whether he is aware that the conditions under which the Civil Disobedience Movement was run had anything to do with the clauses which he is now repealing. Clauses 2, 3, 4, 6 and 8 relate to certain conditions which no doubt are within the scope of what is known as a complete non-co-operation programme that was published in 1920 and which contained many things including the making of efforts to stop the enrolment to the army. I admit that fact, but the Civil Disobedience Movement of 1930 was run on special conditions which were laid down. It was for the breach of certain specific laws and for preventing the sales of foreign cloth and similar activity. It had nothing to do with dissuading people from joining the army. That was not the programme of the Civil Disobedience Movement of 1930 and you will find that the boycott of public servants or dissuading people from joining the army and the police had nothing to do with the Civil Disobedience Movement which we ran in 1930 and which continued up to the year 1933. All those sections which related to this were practically obsolete during the very period for which the law was intended. I do not think there was any occasion for the Government of India or for any Provincial Government to make use of any one of those sections which are now being omitted. They were obsolete even then. In drafting the Bill then, they probably took the copy of the programme which was described as the non-co-operation programme, found out what it contained and those provisions have been inserted in the form of several clauses of the Bill. But in doing so they did not only provide against the emergency that actually then existed but an emergency, which they imagined, might arise and develop out of the Civil Disobedience Movement. It never took that form and those provisions were never used and so they were obsolete. And the provisions which were even then exclusively intended for the suppression of the Civil Disobedience Movement have been retained in the present Bill also and, therefore, I do not want to give credit to the Honourable Member in charge of the Bill that he has taken note of the fact that the Civil Disobedience Movement is in abeyance and, therefore, certain provisions have been repealed, and only such provisions have been retained as have got nothing to do with the Civil Disobedience Movement. That is a wrong statement of fact in my opinion.

Now, I want to know what was the justification for this measure ?

3 P.M. Who required these powers. In a big speech and a very good speech, the Honourable Member in charge of

the Bill has made out his case in support of this motion. He has stated

that in 1932 various Provincial Governments expressed the urgent need of having some such extraordinary powers. He has quoted extensive extracts from the reports made by the Government of the Punjab and also by the Government of Bengal in 1932. But I am surprised to find that he has not quoted the opinions of any single Provincial Government urgently asking the Government of India to retain this law, so far as the present Bill is concerned, permanently on the Statute-book in one form or another. There must have been many Provincial Governments, I imagine, who would have said, perhaps, that as no such conditions exist today as they had existed previously, the continuance of these provisions was not called for, perhaps in their entirety, as a permanent measure. Then I would like to take up the third point in this connection, namely, this. This law is justified by him on the existence of certain conditions today,—that, though the Civil Disobedience Movement is in abeyance, according to him, he wanted to counteract certain other forces, such as Communism, communalism, terrorism, and so on. Well, Sir, I would like to say one thing, that I am perfectly sure that the sources which bring about Communism or even communalism are of a nature altogether different from the one which a Bill like this will ever be able to counteract. My Honourable friends have already successfully shown how and why and under what conditions these Communists can grow and become numerous in this country. And what are the reasons? Sir, unless the Government is prepared to analyse and find out the root causes and try to uproot those root causes, it will be difficult for them to combat Communism or any other "ism". Sir, so long as the root cause remains, I say all these are and will prove to be but superficial remedies. They may give ample powers to create an undesirable situation, a reign of terror in this country, but below that reign of terror, Sir, Communism, I say, or even communalism will grow and be fostered. And you ignore that! If, the executive creates a reign of terror in this country by the indiscriminate use of the extraordinary powers, as they have been doing, I am sure, they are creating the very conditions under which the disruptive forces like Communism and terrorism can thrive and prosper. (Hear, hear.) This is no cure for the remedy. On the other hand, it may aggravate the disease in such a manner that you will be bound to regard it as hopeless and beyond the scope of any remedy soon afterwards. Wait and see.

Sir, one of the reasons which the Honourable the Home Member has given to make this Bill permanent is a psychological one. He has said that one reason why they want to make the Bill a permanent one is that temporary measures are likely to create a feeling in the minds of those who dabble in these movements that very soon the restraints will be over and they are thus likely to cherish the hope that some day or other they may be enabled again to resume their reactionary activities. Sir, here I believe he has not correctly understood the psychology of these terrorists. Sir the terrorists and for the matter of that even the civil resisters are not like ordinary people; they are men who are made of sterner stuff than what my Honourable friend imagines. They have developed within themselves a certain mentality which has grown on account of certain forces that exist in this country. The point is this. Unless you give a fair chance to these persons—who are either law-breakers or terrorists or revolutionaries to engage in pursuits where they can utilize their talents

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honourably and usefully and in which their desire for public service can be gratified, unless some such opportunities are created for them, no change of heart in them can be possible. I am sure my Honourable friend, in seeking to make this law permanent and to deprive the press of the opportunities under which they cherish the hope of carrying on their propaganda, is going to defeat his own professed object, if he really wants to bring about a change of heart in these young men. I want the Government to understand that they have to create the conditions under which these young men will be engaged in a more honourable way and in which their natural desire for public service will be gratified. So long as you do not create proper avenues and channels for them, and so long as you treat them merely as suspects in this land, so long as you continue to harass them like that, I say, Sir, terrorism, instead of being crushed, will be driven underground. This is the very position which you are creating. Sir, this is all that my Honourable friend, Pandit Krishna Kant Malaviya, was trying in his speech the other day to explain to this House. He did not want to express his sympathy with murders. That is quite a wrong impression. What he wanted was this, that, if you want to deal with these terrorists, these misguided youths, then open your hearts frankly to respectable citizens in this country in whom they can trust, let there be a sincere understanding between the leaders in this country and the officials; there is no possibility of really tackling this problem effectively in any other way. My Honourable friend, Mr. James, who is always cautious in making his observations, missed the real purpose of the observations which my Honourable friend, Pandit Krishna Kant Malaviya, had to make on that point. This is all that he said. (Hear, hear.)

Sir, there was another point made by my Honourable friend, Pandit Govind Ballabh Pant, namely, where is the need of this law if you find that, after having these powers for so many years, the object of the previous legislation has not been served; and then what is the use of having a fresh law? Sir, the Honourable Member for Commerce, in his own way, tried to give a bit of an ingenious reply. He is a good lawyer, there is no question about that, but it was a special pleading; he looked to me like a lawyer arguing and advocating a hopeless cause for which he was briefed. It looked to me like this. He said, in all seriousness, well, if because of this law or in spite of this law, terrorism or such like things are not stifled, but on the other hand have been growing, if that is the reason advanced by you for the repeal of this law, well, why then don't you do away with the Indian Penal Code and the Criminal Procedure Code? Sir, that was the serious observation made by my Honourable friend, the Member in charge of the portfolio of Commerce. Sir, the Indian Penal Code and the Criminal Procedure Code are Acts which have nothing to do with the detection of crime. Figures were quoted to show that so many thousands of murders were committed and so few were detected, but what has the Indian Penal Code or the Criminal Procedure Code got to do with detection? If there is anybody who is to be blamed for that, it is the staff in charge of this work of detection. Sir, my Honourable friend should have understood the importance of the insinuation, the indictment that was contained in the statement made by my Honourable friend, Mr. Asaf Ali, and he failed to perceive the gravity of

the observation that was made that the Government allowed so many thousands of murders to go undetected. Serious offences like that go on undetected and it is a charge against the Governmental agency and not against the Indian Penal Code or the Criminal Procedure Code. The Honourable the Commerce Member should have certainly seen that point very clearly. Sir, what I want to say is this that there is no need for a law like this. The reason why I do not want to have this law is that it will defeat its own object and I have said this so often. Government should see whether by pursuing a policy of this nature they are likely to reconcile public opinion and to help to establish those conditions under which peaceful progress of this country can be ensured.

Now, what are you doing ? The most powerful party in the country has come and sat in this House and conditions under which certain emergency measures were passed have undoubtedly disappeared. What is your reply to the change of programme which the most powerful party in the country has deliberately made ? It is made with a view to see the *bona fides* of your professions which you have made times without number on the floor of this House that if certain conditions are created, Government will be willing to co-operate and withdraw all repression. Now, members of the Congress have come here and are prepared to offer their hand of co-operation and are ready to give you every kind of help in establishing conditions for the peaceful progress of this country. But if you continue to ask for measures like this, you will be creating obstacles in their way and making their co-operation with you absolutely impossible. Is this a statesmanlike attitude to take ? I must tell you that you are doing this in defiance of public opinion and that is a point which you must take into consideration. During the last Budget Session I had the privilege of moving a cut motion to protest against this repressive policy and that motion was carried by an overwhelming majority of this House. That motion said that all persons who have been detained in jails under these repressive laws should be set at liberty and all repressive measures that have been in existence should be withdrawn. The House recorded a clear and unequivocal verdict on that motion. Now, what is the way in which you have been treating that verdict ? You say that, though it was the verdict of this House, you must proceed in your own way because you are responsible for the peace and order of this country. And you feel in your supreme wisdom that the conditions of this country require that one more reactionary weapon be added to your armoury. Sir, the Statute-book of this Government is already blackened by the existence of so many repressive laws and I am sure the addition of this law will make it almost abominable if you keep it permanently.

Sir, when I got up to make my speech, I made up my mind to confine my remarks to a few points only and I also agreed to take up only a short time of the House. I want to keep to my promise and, if you, Sir, think that I have exceeded that limit, you are at liberty to point that fact to me and I shall sit down. Now, Sir, it is said that this measure is not only for the benefit of all of us today but it will make the position of those who will be in charge of this Government later more safe and secure. Sir, we know what that Government will be under the new Government of India Act. I am sure no man will shed a tear if that Act is altogether dropped today. I have to

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make one suggestion to the Government. You are only heaping one reactionary law upon the other for the sake of perpetuating the regime of prospective reactionary rule. Why don't you drop that law and this measure as well? (Applause from the Congress Party Benches.) It is in the hands of the Government of India even now before the new Act is actually put into operation to make a suggestion to the Secretary of State to save this country from this domination of the new law and all the other laws that are to come in its train for the sake of making it workable. If such measures are necessary to make that law workable, you will never succeed in giving any kind of self-government to this country. We are not fools to believe you when you say that such powers are necessary in order to enable the future Ministers to do their work successfully. I regard that the Government of India are like Manthara,—the maid in attendance on the Queen who gave advice to the Queen of Ayodhya, Kaikai, and the foolish lady out of a sense of selfish interest imposed conditions upon the old Raja Dasharatha. Those conditions were that Rama was to be exiled for 12 years and her own son Bharat was to become the crowned king. Her son came back only to rebuke his mother instead of accepting the crown. Dasharath was dead and ultimately she found that she was a widow and nowhere. That is going to be your position. (Laughter.) Rama, the real aspirant to the throne of Ayodhya, gloriously returned after exile and occupied the throne of Ayodhya. Indian people like Rama will get their Swaraj and come back to their own today or tomorrow, and you will have to share the unenviable fate of Manthara and Kaikai.

This being the case, I want to give one piece of advice. Even now it is not too late for you to retrace your steps and be convinced that you are treading a wrong path. But if you think that nothing in this world can teach you wisdom, you are at liberty to do what you like and be prepared for the worst. With these words, Sir, I thank you once more for giving me an opportunity to speak and also the House for giving me a patient hearing for these few minutes that I had at my disposal. I wished to take up many other points and if I have not been able to take them up it was because I had a very short time at my command. However, I hope that other Honourable Members were able to convince the House that the old law was misused and there is no doubt that this Government will also abuse the powers which it is now asking us to give. I want to say, in conclusion, that these powers have not only been misused in Bengal and other parts of India, but also in my part of the country, the Central Provinces and Maharashtra. Sir, I oppose the measure. (Loud Applause from Congress Party Benches.)

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir, in taking part in this debate, which, I presume, is at its concluding stage, I do not propose to start by raising any contentions or advancing any arguments, but I wish to lay before this House certain facts to enable it to judge as to what were the consequences when, on each of the three previous occasions, the experiment was tried of repealing press legislation. My Honourable friend, Mr. Abdul Matin Chaudhury, said that he was giving a cold narration of facts, but somehow or other my experience has been that cold facts generate in certain quarter more heat than angry declamations.

Now, coming to the point at once, the first Press Act, i.e., of 1878, gave certain powers of forfeiture of press to the executive. Under that Act, there was not even a semblance of recourse to Courts for challenging the action of the executive. That is what is referred to by Sir Lawrence Jenkins in the portion of his judgment which was read out to the House by my Honourable colleague, the Commerce Member.

Now, Sir, that Act came to be repealed. Later on, when the situation required that some more powers should be taken, nothing was done in the shape of press legislation, but the Government thought that the situation would be sufficiently met by tinkering with the Indian Penal Code, and the result of that was that in 1898, two new sections were introduced. The one was section 124-A which relates to sedition, and the second was section 153-A which relates to exciting class hatred.

Therefore, Sir, in 1898, the position was that there was no press legislation, although the Indian Penal Code had been strengthened by the addition of these two sections.

Let us see, Sir, what was happening between the years 1903 and 1910 or rather 1908 when there was no press legislation of any kind whatsoever. I think I need hardly remind this House that the terrorist movement in Bengal had practically no history or a negligible history before the days of the partition of Bengal. (Hear, hear.) Under cover of the partition agitation, at a time when there was no question of any repression, due to other causes into which I need not digress just now, there was any amount of terrorist activity. What was then happening to the press?

As soon as this agitation started, a number of papers came out, and those, who have come from Bengal or those who have studied the history of Bengal, cannot forget the name of the *Yugantar*, the *Sandhya*, the *Sarathi* and others. There was open incitement to assassination and murder as a political weapon. In those days, the camouflage of profession of non-violence was not known. They were inciting the people to violence. They said, that is the only way in which the country could be liberated. What was the effect of these papers? I need not give them in my own words, but I shall give you reference to cases where it has been found—by Court that those papers were allies in the campaign of conspiracy and murder. Before the Press Act came into operation, these newspapers, particularly the *Yugantar* and the *Sandhya*, were responsible for dissemination, on a very large scale, of incitement to violence. Sir, as I said, I will give you one or two instances from the judgments of Courts. In what is known as the Manicktola Conspiracy case....

An Honourable Member : Oh ! You are beginning from there.

The Honourable Sir Nripendra Sircar : My Honourable friends will kindly make note of this fact, that I do not desire to give way either to casual interruptors or to habitual interruptors like my Honourable friend, Prof. Ranga, on the other side.

Now, Sir, in the Manicktola Conspiracy case—I am giving it from the judgment—the Court found that the accused employed newspapers in furtherance of the objects of the conspiracy, namely, assassination, on a large scale. It found—(I am quoting the words)—the *Yugantar* was a limb of the conspiracy and that even young boys in remote parts of the country were corrupted by this newspaper.

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Now, Sir, I will give you one more. In the Nagla Conspiracy case, one of the documents exhibited was a little volume called "The Mukti Kône Pathê"—which means "In which way is the liberation"—and the judgment finds that this book consisted of reproductions of articles originally published in the *Yugantar*. These articles in the *Yugantar* point out that revolution has to be prepared in two stages, firstly, by the formation of public opinion, and, secondly, by brute force and collection of arms. "Mukti Kône Pathê" recommends publication of newspapers, and acknowledges the great service done to the revolutionaries by newspapers.

These newspapers, according to the findings of Courts, and what is common knowledge in Bengal, were the most potent allies in the cause of terrorism and they were the most useful agency for dissemination of these ideas of violence and murder as a political creed throughout the length and breadth of Bengal. This was the most powerful weapon in their hands. As it can be easily realised, the method of the terrorists by reason of the nature of their work must be to act in secret. It is not easy for them to get into touch with a large masses of men, but that difficulty was more than compensated by the publication of all these newspapers. The cult of murder was daily brought home to thousands, through the agency of the press.

Now, Sir, as I said, there was no press legislation at this time. The inevitable consequence of this class of writing came to be felt very soon, and, if I may remind this House, without going into unnecessary details, that the campaign of murder really started with the murder of Miss and Mrs. Kennedy in 1908, and a party to the conspiracy for this murder was Kanai Lal Dutt who murdered in jail a friend of his, who was another conspirator.

When things had come to that pass and when assassinations were taking place in the country, Government moved, and although this Government is described as greedy and credited with insatiable lust for power, as a matter of fact nothing was done in 1908 beyond passing the Act which was called the Newspapers (Incitement to Offences) Act of 1908. It is not surprising, but though it was not expected then, we know now, the Act of 1908 had very little effect in checking this dangerous propaganda with which the country had been over-run.

It is all very well to ask, after all how many papers were there of the kind of *Yugantar*. Sir, whether there were ten or whether there were 20 or 50, as I have shown from judgments of the highest Court in the land that the influence and the poisonous effect of these papers was incalculable and I agree with my Honourable friend, Dr. Deshmukh, if he is not asleep....

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : I am listening to you very attentively.

The Honourable Sir Nripendra Sircar :that statistics should not be taken in too dry and scientific a manner. He reminded us that when emotion comes, logic goes to the wall. I agree again. And here these poisonous papers were playing upon the emotion of the youths of the country, and logic was giving way, leading to disastrous results.

I have told the House that the situation could not be controlled by the Act of 1908, and I would like to place before the House four or five lines from the findings of the Rowlatt Committee :

" Though the *Yugantar* disappeared, other newspapers sprang up, and we are convinced that these publications produced ever a new succession of instruments of murder and outrage, and to this source, altogether independent of other causes, is largely due the continuation and extension of conspiracy."

It was then, Sir, that the Act of 1910, about which so much has been said,—and I do not want to go into its provisions—which may shortly be described as a far more comprehensive Act, was passed. What was the effect? The morality of the tone,—that has been our experience,—changes with the existence or repeal of press laws. When the press law of 1910 came into existence, there was certainly an improvement, if not at once, but gradual and steady.

I will not tire you with a long history, year by year, but, as you have been informed, in 1921, there was a Press Law Committee which recommended the repeal of the Act of 1910. At any rate, from April, 1922, there was no Press Act; and, therefore, this is the second interregnum. From 1922, right up to 1930, when Ordinances and other press legislation was started, the period may be described as the second interregnum.

We have seen what happened during the years when there was no press law, on the first occasion, and how in the period 1903 to 1908, a section of the press was directly responsible for incitement to murder and violence. From 1922, there was no press law till we come to 1930.

In 1922, when the press law was abolished, the Press Law Committee considered it desirable,—I am giving from summary of their findings,—that the demand for repeal should be met, though they said that a weighty case had been made out by some Local Governments for retention. That is to say, the position was this, that although a strong case, according to the Committee, had been made out by some of the Governments for not repealing the law, yet they thought some risk should be taken and the popular demand should be met. In introducing the Bill for the repeal of the Act of 1910, Sir William Vincent, said :

" In moving this Bill, I am conscious I am taking risk at the present juncture."

And the risk was taken. This Government which is a bloodthirsty Government, anxious to have as much power as possible to crush down the people by all possible means, deliberately took the risk in 1922, in spite of the warnings given by the Local Governments, and the Act was repealed.

Now, let us see what was happening between 1922 and 1929. In 1922, as this House has been already reminded by one, if not two, of the speakers, there was the non-co-operation movement, a movement started with the deliberate object of paralysing and ultimately destroying Government by breaking its laws.

Now, Sir, it has been known that on occasions, and I should say, in many instances, contrary to the direction given by the founder of this movement, crowds or mobs of Civil Disobedients have broken into violence. The point that I want to stress is, that even where they have not been guilty of any acts of violence, the studied contempt of law and order and of the authorities, who have got to maintain law and order, created a

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violent mentality and created an atmosphere in which the young and unbalanced mind was predisposed to fall a victim to the inspirations of the terrorists. Now, Sir, as I said, by 1922, the Act was repealed. We have then the Chittagong Conference which met in 1922 shortly after the repeal of the Act of 1922. At this Conference, they decided,—and I say it deliberately, without actually quoting the language of the Resolutions and speeches which were made,—(i) not to have any objection to violence and to resume violence if possible, and (ii) what is more important for the precise point, I am pressing before this House, to use the press. The result was that, as soon as the Act was repealed in 1922, the *Yugantar* re-appeared, and, if I may say so, a brood of vipers appeared. Their names are too many; the more well-known are the *Sarathi*, the *Shankha* and the *Yugantar*. They all appeared within a short time of the repeal of the press law of 1910.

They had previously disappeared,—why? Was there no legitimate scope for newspapers? We have heard of newspapers being absolutely necessary for passing the torch of knowledge from hand to hand for propagation and exchange of ideas, for criticism, and the giving of information to the public. But this class of newspapers have no vocation left, they cannot meet the expenses for one week, if they are asked not to publish articles of dangerous nature, inciting people to violence. That is why they disappeared and why they re-appeared practically simultaneously with the repeal of Press Legislation in 1922. One fact is very significant. Not only in many cases the names of the newspapers were the same, but the management, the persons in charge of the papers, were the men who had been conducting these papers in the period 1904–1907. It may rightly be said that what disappeared as a result of press legislation,—the *Yugantar* and its tribe,—re-appeared simultaneously with the repeal of the law in 1922.

Now, Sir, what was happening in this period, 1922–29? My friend, Prof. Ranga, reminded me that, on the last occasion, I gave them 56 cases; he has not thanked me for not making it 86 or more as it could easily have been done. (*An Honourable Member*: “There is still time.”) I will not go into that aspect of the matter at all on this occasion, nor shall I give instances of glorification of murder or things of the kind which I dealt with on the last occasion.

We have been told that newspapers are required for spreading knowledge and increasing human happiness. Leaving alone the aspect of terrorism, and incitement to violence, let us have some idea of the actualities of the situation as to what a section of the gutter press was capable of doing in connection with fanning communal passions into flame.

Sir, I believe, many people, particularly those who come from Bengal, are aware of the name of the *Ananda Bazar Patrika*, which claims to have a larger number of subscribers than the *Statesman*; and, without entering into journalistic rivalries, one may say that it has a very large circulation. From the voluminous material available, I am giving instances from three districts and leave the House to judge as to what the effect of these writings would be on the masses.

In an article published in July, shortly I should say during the time of what is known as the Pabna riots of 1926, this paper asserted—and I have taken care to quote almost the exact words, so that it may not be said I am paraphrasing it :

"The Hindu public think that there is truth in the rumour circulated by Maulvis that Government have permitted the Mussalmans to loot Hindu houses for a week. Muslims in bodies are going in villages helping their co-religionists."

In another article, in the same paper, after referring to the fiendish attack of, and the terrible oppression committed by, Moslems on Hindus, it deliberately excites the Hindus by ridiculing them as to why they are not retaliating—is it for fear of life ?

A sample of the untruth and of the exaggeration which was indulged in, in connection with the communal trouble then existing, is given by the following quotation from another newspaper :

"Many villages in Pabna have today been converted into a cremation ground. People are fleeing from villages through fear. Their wealth and property have been looted : the images of their gods have been broken. The barbarians in broad daylight, without fear, are freely looting Hindu villagers, and the Hindus with their mothers and sisters are taking shelter in jungles with tigers and bears. The ruffians, with Satanic exaltation, have forced the Hindus to read the *Kalys* and tried to convert them to Islam. Are they Moslems or are they demons ?"

Another paper, the *Bishwamitra*, had this writing :

"They have been unable to suppress the *goondas*, although numberless Hindu women have been dishonoured."

This was the grossest exaggeration. I am sorry I have to make a reference to our Honourable President—but the paper goes on to say :

"One curious fact is that, in spite of all this bloodshed in Pabna, Haji Ghumanvi (not our Honourable friend here) and Sir Abdur Rahim have not thought fit to raise their fingers in protest."

More than one paper insinuated or stated that Sir Abdur Rahim was party to a Machiavellian policy—he was an ally of the "third party" which had been exciting Muslims against Hindus, and why ? For forming a Muslim bloc in the Bengal Council.

The *Sakti*, another paper, in a long venomous article under the caption "The Age of Nadir Shah" wrote :

"From the barbarous oppression and persecution that have been committed in Palma, the question arises, whether Muslim religion means fiendishness."

The *Hindustan* of Calcutta, writing on the situation, says :

"The Moslem plunderers come and loot houses, Hindu women hide themselves in jungles like dogs and jackals, seeing that their honour is in danger. The Moslems, who are fond of rioting, are wandering about in Pabna like mad beasts eager to destroy the property and honour of Hindus."

The *Jaganan*, another paper, puts it in this language :

"We have heard that Mollas preach to illiterate Moslems that the Scriptures say that it is sin to remain a widow. For this reason one acquires profound virtue according to Islam by outraging by fraud, force or artifice, the honour of Hindus, particularly Hindu widows."

A typical example of the glib platitude about the third party—the fighting communities having nothing to do with it—is shown by an article in the *Forward*—it is a long article :

"Possibly Sir Hugh Stephenson is not yet fully assured if the present communal tension is sufficient for Sir Abdur Rahim's scheme of forming a Moslem bloc the want of which was clearly felt when a clergyman was killed in Bengal by Deshabandhu Das."

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Our Honourable President was part and parcel of the third party which was following a Machiavellian policy of making the brothers quarrel among themselves.

The *Servant* in an article said :

"The cumulative effect of this campaign of Hindu hatred, the desecration of temples and images, defilement of houses, abduction of girls, has been that the Hindus living in villages have become panic-stricken, their women do not dare go out of the houses for fear of dishonour, and the men themselves live in constant fear of their Muhammadan neighbours."

Sir, in connection with this trouble in Pabna, I claim to know something about it, because, at that time, I was counsel in one of the cases that came to Court. This was a small matter, and, like any other ordinary squabble in a village, it would have died down in 48 hours : but it took months to subside and the trouble increased out of all proportion as a result of writings of this kind of which I have given you a few samples.

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : Did you condemn these writings then ?

The Honourable Sir Nripendra Sircar : I did. If you had been allowed to make that inquiry which you were prevented from making, you might have discovered the part played by the Press, had that been the object of your enquiry. Sir, that was done by the Government of Bengal under the special Act which my Honourable friend, Mr. Fuzlul Huq, helped in passing. (Laughter.)

Mr. Fuzlul Huq (Bakargunj *cum* Faridpur : Muhammadan Rural) : It was a hireling vote !

The Honourable Sir Nripendra Sircar : I am sorry, I could not hear that interruption ; but if you search the proceedings of the Legislative Council in Bengal, it will be found that he did support the Bengal Criminal Law Amendment Bill, although he decried it on the floor of the House. I have got the volumes here : in proper time I shall show that my friend is suffering from a curious lapse of memory. (Interruptions.) If I am allowed to go on without interruption, I may be able to carry out the gentlemen's agreement which I have arrived at with the Honourable the Leader of the Opposition ; but if this interruption goes on, my friend will surely understand that I am not bound by the bargain, on account of these half audible attempted interruptions.

Then, Sir, coming to another district, Hughli, the *Pallivasi*, writing under the caption "Orgy of Crime", stated :

"The news of repeated breaking of temples and images is making the blood grow warm in the veins of moribund Hindus. Not content with breaking temples and obstructing marriage processions, the miscreants are making *Cow-korbanis*. What Hindu is there, whose heart is not filled with hatred towards beastly Moslems. Lustful Moslems in batches are committing oppression on Hindu women."

Sir, I have given you samples from three districts, and not confined to one year. What, then,

Bhai Parma Nand (West Punjab : Non-Muhammadan) : You have discovered these after nine years ? You are speaking of things that occurred in 1926.

The Honourable Sir Nripendra Sircar : No, Sir ; if my Honourable friend will hold his soul in patience, he will know what I am going to

say presently. This communal matter is rather unpleasant to my friend, Bhai Parma Nand. This is not confined to one year, nor was it discovered only today. As a matter of fact, I was going to tell the House that many of these papers were prosecuted, but, as has been stated by the Honourable the Home Member, the prosecution of dummy editors had no effect whatsoever. The infamous *Yugantar* was prosecuted five times between 1907 and 1908, and every time a man of straw was put forward.....

Bhai Parma Nand : I am not talking of the *Yugantar*.....

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member wishes to address the House, he must rise in his seat.

The Honourable Sir Nripendra Sircar : As I said, Sir, cold facts have heating effect in some quarters.

The situation, during the second interregnum, may be shortly summarised as follows : Throughout this period, a section of the press was flooding the country with articles urging people to break laws. Secondly, during this period, 1922 to 1929,—I purposely refrain from giving examples, because I dealt with this matter on the last occasion,—but this is the period when the glorification of murderers took an intensive form. One has got to turn to the pages of some of these papers only to see that column after column, day after day, there was nothing but canonisation of murderers: worshipping them, calling them saints and liberators, holding them as glorious examples to be followed by others.

Then, the third thing, that was going on, was the fanning of this communal bitterness. I presume, Sir, if any press law had been in existence, if any of these poisonous papers had been proceeded against by the authorities, we would have been told that the Satanic Government was crushing the spirit of Nationalism, that this torch of knowledge could no longer pass from hand to hand, that we could no longer have free discussion or free exchange of ideas which is so necessary for human advancement, as was pointed out by my friend, Pandit Govind Ballabh Pant.....

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : You dispute your principle ?

The Honourable Sir Nripendra Sircar : I don't dispute it at all, so far as legitimate and permissible functions of the press is concerned. But these papers were not prevented from carrying the torch of knowledge, but they were prevented from emitting poison gas, which was the sole duty which they had taken upon themselves to discharge. ("Hear, hear" from Official Benches.)

I come now, Sir, to the third interregnum. The press legislation of 4 P.M. 1930 ceased to have any effect from March to end of October, 1930.

I need hardly remind the House that at this time the Press Ordinances were issued.

When the press law had been in operation, the situation had vastly improved, and this Government, greedy for power, once more took the risk in 1930 of repealing the press law.

Let us see, Sir, what happened within these six or seven months. We had, as was to be expected, because history had repeated itself twice and it

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was repeating itself for a third time,—the immediate appearance of articles, poems and stories,—poems and stories being the special feature of Bombay,—in glorification of murderers, of incitement to violence, unrestrained praise of persons like Bhagat Singh, Dinesh Gupta, Kanai Lal Dutt. This was the daily feature of numerous papers in most of the Provinces, as soon as the press law was repealed in 1930. One has only to read the articles to see the trend of them, and the object of most of them was in praise of murderers, and to indulge in outrageous and fulsome flattery of assassins. Any young person who, not having the subtlety of my friend, Pandit Malaviya, would at once be led to the conclusion that, after all, this is one of the noblest achievements possible for him, and that murder would earn for him the gratitude of a section of the press and the public. Then, the third, as I said, was the incitement to break all laws, because they are laws of a foreign Government. Then, fourthly, the articles like "Bravo Chittagong", somewhat on the lines of "Bravo Azad" of Pandit Malaviya, the "Martyrdom of Dinesh Gupta", published daily and in the most prominent fashion, would reasonably be expected to lead to the inevitable consequences of such writings, and you will find, Sir, that this period of six or seven months is crowded with terrorist outrages.

Can you give me, Sir, just a few minutes to tell you as to what happened within these six months?

I will just remind the House of the items without going into details. We have five cases, and I think I ought to take the precaution of saying that these remarks are confined to happenings in Bengal,—I do not intend these to apply to other provinces so far as this part of the argument is concerned. We had five cases of bomb throwing on police stations. The cases were tried in Court, and the accused were convicted.

In April, 1931, Mr. Peddie was murdered, and one has only to compare the writings in a certain section of the press in April, 1931, when there was no press law, with the writing which appeared on the death of Mr. Burge in 1934, when many of these papers had attained morality as the result of press legislation.

Then, Sir, we had the murder of Mr. Garlick, Sessions Judge, the attempt on Mr. Cassels, the murder of Mr. Ahsanulla, the police inspector of Chittagong, attempt on Mr. Dunro, the attempt on Mr. Villiers,—he was not killed, but was severely wounded,—and, during this third interregnum,—thanks to the spirit of lawlessness and of defiance of the constituted authorities created by Civil Disobedience or the law-breaking movement,—very intensive results were obtained within six months. The two movements were natural allies, having the same object, viz., paralysing and destroying the Government. That was the situation from April to November, 1930, when, for the third time, the press law had been repealed. History had shown the folly of repealing press laws for even six months. You will also notice from the dates, the periods during which this Government patiently waited before taking such a drastic step as the press legislation. On the first occasion, they waited from 1904, if not from the end of 1903. The first mild step was taken in 1906, and a real step was taken in 1910, a period of five to six years, and repeated periods of lawlessness and

When the second press law was repealed, the Government waited for full seven years, relied on ordinary law and carried on prosecutions under section 153A and all other sections of the Indian Penal Code, and it was found to be ineffective.

The arguments for discontinuance shortly are these. First, it is said that terrorism is now negligible. Now, Sir, again I have no desire to go into facts and figures on this occasion, but my Honourable friend, Mr. Akhil Chandra Datta, either in his speech this time, or on the last occasion, or probably both, pointed out that there were a far less number of terrorist outrages in 1934 as compared with 1931-32. That is admitted. The number of outrages in 1934 were less. Probably, my Honourable friend has not taken notice of the fact that, in 1934, there were 49 cases in which arms, bombs, revolvers, had been found on searches. I am not referring to the discovery of arms, connected with those who were tried in Court and were convicted of specific acts of terrorism, but to cases of arms, found in illicit possession. These were 49 in number, and five cases are reported where no trace could be found of lost or stolen arms.

I think it is also a significant fact that, during these searches,—I do not remember the number—in some cases the police discovered country-made revolvers, one of them was exhibited in one case showing apparently that, in some part of the country, whether in Bengal or out of Bengal, I have no information, revolvers were being made.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Some revolvers are made by the informers themselves. That has been the finding of the Courts.

The Honourable Sir Nripendra Sircar : No, that is not the finding of the Court. I shall stand corrected if the Honourable Member will show me any judgment. The two cases which my Honourable friend thinks of and another case to which my Honourable friend did not refer—in those cases it was not that the revolvers were manufactured by the informers, nothing of the kind.

Mr. Akhil Chandra Datta : That is the finding.

The Honourable Sir Nripendra Sircar : That is not the finding in the cases I have in mind or he referred to. Once more, if I may make a short digression, those two cases which were cited by my Honourable friend go to show that the informers on these two occasions planted revolvers or bombs and laid a false charge against certain people.

Mr. Akhil Chandra Datta : Not only planted, but made.

The Honourable Sir Nripendra Sircar : No, Sir. I deny that. There is no use contradicting a thing more than thrice.

Mr. Akhil Chandra Datta : Anyway, there is the finding.

The Honourable Sir Nripendra Sircar : I said there is no finding. I have denied four times, and let us stop after four times.

In these cases, it was the wretched Government which started prosecution of these informers. In one case, the sentence was considered low, and it was again this wretched Government which went up in appeal for an enhancement of the sentence. (Interruption by Mr. Akhil Chandra Datta.) I think my Honourable friend is too dangerously near other interrupters and is getting their habit.

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Let me try to remember where I digressed from. As I have said, I have no desire once more to go into facts relating to terrorism, but I would like to place before this House one and one document only.

I should explain what this document is. This is a letter, rather long, which purports to be written by a gentleman of the name of Krishnadas Singh Roy. Mr. Krishnadas Singh Roy is not a police informer. He lived at Sabarmati for some time. He is the author of a book which is called, "Seven Months with Gandhi"—"Mahatma" has been omitted by him, and not by me. He came to Bengal early in 1930 to launch the Civil Disobedience Movement. Early in April, 1930, he addressed meetings in Calcutta, full accounts of which will be found in the *Forward*, *Advance* and other papers. The meetings were organised by the North Calcutta District Congress Committee, and, two days later, after his first speech, Mr. Krishnadas was introduced to the audience in another meeting by Mr. Sen-Gupta. Rightly or wrongly, Mr. Krishnadas Singh Roy described himself as Secretary of Mahatma Gandhi. In his earlier speech, Mr. Krishnadas explained the various stages of complete independence, namely, (1) Petition, (2) Non-Co-Operation, (3) Civil Disobedience, and (4) Anarchy.

In December, 1930, he started what is well-known to my Bengal friends, I am sure, the "Bengal Council of Action". Mr. Krishnadas Singh Roy, according to a statement in the press, the correctness of which we cannot vouch for, and which statement appeared on the 15th December, 1934, was appointed office Secretary of the All-India Congress Committee.

This gentleman was extensively touring in Bengal, and, fortunately, he had much better luck than my Honourable friend, Mr. Saksena. He was extensively touring in Bengal, and, as he was having interviews with persons who were suspected to be terrorists, Government took the precaution,—a precaution which Mr. Saksena says has also been taken in his case, but about which I know nothing—Government took the precaution of intercepting the letters which he was writing. From aboard "Masuda" at Chandpur—he was touring in East Bengal—he wrote a letter addressed to Mahatma Gandhi which never reached Mahatma Gandhi, because it was intercepted.

Mr. M. S. Aney : By another Mahatma !

The Honourable Sir Nripendra Sircar : By another person acting under Statutory authority, and not the way in which you get hold of Hallett's circulars.

In February, 1931, this letter, written from aboard "Masuda", was intercepted. May I read some extracts from this letter ? I am only keeping back two names, I, for obvious reasons, do not want to disclose those two names. I will refer to them as Mr. A. and Mr. B.

The writer is talking of the Congress Party in Bengal :

"I interviewed Mr. 'A' on the 7th evening. What I gathered from him is that he appreciated your position on the subject of release of prisoners."

I may just make one digression to remind the House that, as Honourable Members may know from the correspondence and from what I said on the 29th March, violent pressure was being put upon Mahatma

Gandhi to intercede with the Viceroy for the release, not only of Civil Disobedience prisoners, but of terrorists, to which pressure Mahatma Gandhi would not yield :

" I interviewed Mr. ' A ' on the 7th evening. What I gathered from him is that he appreciated your position on the subject of release of prisoners, but he pleaded and will plead before you that the situation in Bengal required that the group of revolutionaries in Bengal, if possible, be satisfied. I think, Babu (*that is meant for Gandhi*),—I think, Babu, I have correctly represented my talk with Mr. ' A '. I am in a fix. When I came out of jail in October last, I realised, and Panditji agreed with me when I sought his advice in the matter, that it was not possible to revive the movement in Bengal and make the Congress felt unless all our resources were combined. That was what led me to approach him to join hands with us which led to the Council of Action. But this much I know, that, judged from the standpoint of non-violence, there is not much to choose between Mr. ' A ' and Mr. ' B '."

The writer then proceeds to say :

" Mr. ' B 's ' party consists of :

- (1) Anushilan group of revolutionaries,
- (2) Yatish Babu's group of revolutionaries, also pledged to violence,
- (3) Communists pledged to violence and terrorism, fundamentally opposed to non-violence. A small group, but very devoted.

Mr. ' A 's ' party consists of :

- (1) *Yugantar* group of revolutionaries—policy guided from Calcutta and Ranchi, but the organisation has ramifications throughout Bengal. The present B. P. C. C. is under control of this group of men pledged to the cult of violence, but not opposed to mass movements of non-violent kind, it being the opinion of this group that such movement is most helpful towards preparing the ground for greater revolution which was bound to be based on violence.

Hence this group did not oppose but participated in the movement of 1921 as also of this present movement and is mainstay of Mr. ' A '.

Bengal politics is nothing but struggle for power (whether in the B. P. C. C. or in the Calcutta Corporation) between this group and the Anushilan group. Mr. ' A ' and Mr. ' B ' are pawns in the game.

- (2) Bepin Ganguli's group of revolutionaries, originally belonging to Mr. ' B 's ' party, but has now gone over to Mr. ' A 's ' party.

My own impression is that Mr. ' A ' has got a compact party, with some amount of discipline, whereas Mr. ' B 's ' party is a more or less ramshackle one, with elements which are bound together only by their common opposition to the present executive of the B. P. C. C."

The authorities in Bengal are in no way indebted to Mr. Krishna Das for his statements, because this was also their inevitable conclusion, not merely from people who are called police informers, but from cases tried in Court and from other sources. From the 56 cases, cited by me, any one with a little patience will find out from the number of documents which have been exhibited in these cases that the conclusions of Mr. Krishnadas are wholly justified. From these and numerous other materials, the Government of Bengal were perfectly well aware that the Congress in Bengal cannot go on without the sympathy and help of the terrorists. They knew perfectly well that all this fight between two groups in Bengal is really a fight between Anushilan group and the *Yugantar* group, the two well-known parties of terrorists, one under the guidance of one party in Bengal Congress, and the other under the guidance of another party.

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A few, who are ignorant of the facts, may complain of the light grounds on which Government come to conclusions, but I can assure the House that the common belief, that, as soon as an informer comes and says that Mr. 'A' or Mr. 'B' has done something, Government proceed to take action, is entirely wrong. Government know that it is a tainted source, and, therefore, wholly unreliable, and no responsible high official will take any action only upon the information given by a common informer unless that is corroborated by other incidents or other evidence. (*An Honourable Member* : "Question.") The question cannot be put by anyone who knows the facts. I have now dealt with the argument that terrorism has disappeared, as concisely as time permits.

Now, I come to the next argument that the Civil Disobedience Movement has been suspended. Sir, we acknowledge, and, I think, Mr. Datta, referred to the circular of June, 1934, in which it was stated that Civil Disobedience has been suspended, but, Sir, is it not also a fact that the leaders of the movement, ever since the date of that circular, have gone on giving us warning after warning that we are labouring under a delusion, that the mentality has not changed, that the ideal has not been diluted, and that the movement may be started as soon as the retired forces get a suitable opportunity.

Now, as I said, it is the leaders of the non-co-operation movement who have been warning us of one delusion in thinking that we can proceed on the footing that this movement is dead.

I think one of the Honourable Members, Dr. Khare, said in a speech in this House "For immediate effects, I am not ashamed to admit that the Civil Disobedience Movement has failed. That does not mean our mentality has changed". Of course, not. We had warnings in this House too. I am coming to that in a minute.

Dr. Sitaramayya said that the "Congress cannot be expected to die because of its non-co-operation ideal". We have had it from Babu Rajendra Prasad the other day that this movement has been only suspended and not given up. We have been assured in this House that this movement is a kind of birthright. It cannot be given up. It cannot be suppressed and it is idle to legislate against it.

Prof. N. G. Ranga : Consult the Finance Member !

The Honourable Sir Nripendra Sircar : I can assure my friend, Mr. Ranga, that I am taking no offence at his interruption. I know it is something like an involuntary and automatic action.

Now, Sir, as regards "birthright", I presume it is the "birthright" of the Gond to offer human sacrifice. I believe it is the birthright and the belief of some orthodox Hindus to obstruct the Harijan using the King's highway, and it is also the sincere and religious belief and birthright of some fanatics to assassinate people who, they think, are non-believers. With their beliefs or with their sincerity or the amount of delusion, under which they are suffering, we are not concerned. There is no punishment for ideas : but, if, in pursuance of those ideas, overt acts are committed which are unlawful, then the Government must be prepared to do one of two things. It ought either to say : "We abdicate, come, my brethren, my non-violent brethren, and break one

another's heads" (Laughter), or it ought to pay no regard to what has been claimed as a birthright.

My Honourable friend, Dr. Deshmukh, in his very breezy speech, said: "Civil Disobedience is an idea". Well, Sir, in so far as it is an idea, it is not punishable, and nobody has said or even suggested that from this side. In preaching an idea, there is no offence, unless you are setting up people to commit violence or things of that kind. There is no harm if a man gets the idea and publishes anywhere that the best thing which can happen is to take over the properties of all propertied men without compensation; that we should nationalise all the means of production, and, after all, it has been said that women are the means of production (*Cries of "Order, order" from the Opposition Benches*).....(*An Honourable Member*: "It is unworthy of you.").....

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): On a point of order, Sir, I submit, there is such a thing as a rule of decency which all Honourable Members, even those on the Government Front Benches, should observe. I submit, Sir, it is indecent to say that women are the means of production, I submit there are rules of decorum, and I do ask your ruling, Sir.

The Honourable Sir Nripendra Sircar: Sir, before you give your ruling, I should like to state that some men may preach this; this has actually been preached; I can give my Honourable friend books in which that has been preached. (*An Honourable Member*: "Never in India.") I have not said or suggested "in this country". What I am trying to show—if my Honourable friend will only not purposely misunderstand and restrain himself—I have not suggested that this has been done or can be done by any Indian; but I am taking an extreme case to show that, even if one preaches such filthy ideas, which undoubtedly are abhorrent to all of us here, it is no crime, it is an idea, it is like "Civil Disobedience" an idea, and we have no quarrel with ideas, so long as you do not give effect to them by unlawful means.

Sir, about the breaking of laws being a birthright, I think it would be impossible to carry on any system of civilized Government if people are allowed to do that. (*Interruption.*) My interrupting friend can have his own opinion; he can keep it to himself.

No civilised Government can go on if anyone and everyone can come forward and pick out and choose laws and say that "this is the law which I am going to break". Sir, may I put it to the House in the very terse manner in which it was put by my Honourable friend, Mr. Satyamurti, in his speech in Bengal.

Mr. S. Satyamurti: You read it before?

The Honourable Sir Nripendra Sircar: Not this portion.

Mr. S. Satyamurti: Read the whole of it.

The Honourable Sir Nripendra Sircar: That will take a very long time. My Honourable friend, Mr. Satyamurti, said in his speech at Calcutta:

"Satyagraha and non-payment of taxes and disobedience of laws are all very well, when we are fighting a foreign bureaucracy. But I dread to think of the future Swaraj Government, if it has continually to fight among its own citizens,—Satyagrahis,

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passive resisters and law-breakers. There is a dangerous doctrine today that Satyagraha is a more potent weapon than the ballot-box. It may be or it may not be, but no civilised Government can exist, if every citizen thereof claims the right to decide for himself whether a tax should be paid or not, or whether a law should be obeyed or not."

Sir, those are exactly our views : I have no doubt that when these unworthy people walk out from this side (*An Honourable Member* : "Driven out")—yes, or are driven out from this side, if then my Honourable friend (Mr. Satyamurti) is in charge of the affairs, in some province perhaps he will give a short shrift to the Justicites.....

Mr. S. Satyamurti : We shall be prosecuting them in "Courts of law".

The Honourable Sir Nripendra Sircar : Yes, under this Act. The strongest argument in support of this Bill is to be gathered from what has happened on the floor of this House. I have referred to the assertion of right to start the Civil Disobedience Movement again, and I have no desire to refer to it again. We have been told that it is not going to be given up. Very well, let us proceed on the assumption that the army has only retreated, and is only biding its time, and is waiting to attack us till it is sufficiently strong again. May I refer to what my Honourable friend, Mr. Aney, said :

"This is not what Pandit Krishna Kant Malaviya said. What he meant was this, etc."

But we know what my Honourable friend, Pandit Krishna Kant Malaviya, said. We have got his words before us. But before I quote only three or four of his sentences, may I tell the House as to who was this Mr. Azad, for whom this poignant grief was expressed ? Sir, in his speech, my Honourable friend, Pandit Malaviya, said :

"He was a great organiser, a gentleman to the core of his bones. Not one shot of Azad's missed the mark, who can help admiring this young man",—

and he admitted that Azad was a terrorist, otherwise there is no sense in the sentence used by him that "some people were trying to make Azad give up terrorism". Then, my friend said that he was a great organizer. Organizer of what ? Does my Honourable friend suggest in his speech that Azad had any activities other than terrorism ? Was he an organizer of nursing homes and hospitals ? Or was he a great organizer of terrorists ?

Now, Sir, that is Mr. Azad. And, further, Pandit Malaviya said :

"I never met him, I do not know him, but, of course, he must be a good man." (Laughter.)

Sir, this Mr. Azad, in the years 1924 and 1925, committed a series of ruthless dacoities, with murder, which culminated in the notorious train dacoity at Kakori near Lucknow and in which a van was looted and an innocent Indian passenger was shot to death. His complicity in the crimes was proved beyond doubt by other witnesses who were examined in his absence, but he would not face trial to challenge the mass of evidence produced against him. He became "a proclaimed and absconding offender" with a reward of Rs. 5,000 for his arrest.

While absconding in the Kakori Conspiracy case, he joined Bhagat Singh and others. There was strong evidence to prove that he covered Bhagat Singh and Rajguru when they murdered Mr. Saunders on the 17th December, 1928. He shot constable Chanan Singh dead when he was pursued. He thus again became an accused in the Lahore Conspiracy Case of 1930, in which he became a "proclaimed and absconding offender" with a further reward of Rs. 5,000 for his arrest. But he would not come and appear in Court! He would have been tried by the judiciary and not detained by the executive!

Mr. Azad, the admittedly successful organizer of terrorism, then joined the group of the accused in the Delhi Conspiracy Case. They not only committed dacoity on the Gadodia Stores, but they were manufacturing explosives in a house which, when searched, yielded explosives sufficient for the preparation of 6,000 bombs. Referring to this gentleman.....

Mr. S. Satyamurti : May I know from my Honourable friend what he is reading from? If he is reading from any document, I suggest that it should be placed on the table of the House.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member may inform the House what he is reading from.

The Honourable Sir Nripendra Sircar : Sir, when my Honourable friends say that on a certain occasion five persons were arrested and assaulted in Midnapore by the police, do they produce any documents in support of their statements? What I am reading is the purport extracted from three heavy paper books and these paper books are available to anybody.

Referring to Azad, Pandit Malaviya stated :

"He was a great organiser, a gentleman to the core of his bones. Not one shot of Azad's missed the mark, who can help admiring this youngman? I say, Sir, we Indians could have slept soundly without caring for the defence of our country, by making him our Commander-in-Chief. We could have placed him in charge of the Army."

Sir, my Honourable friend, Pandit Malaviya, an exponent of the creed of non-violence, a follower of the Civil Disobedience Movement, has nothing, I regret to say, but unstinted praise and admiration for the murderers, and, whatever the inner state of his feelings may be, this kind of speech read by the young and the unbalanced can lead to one conclusion, the conclusion to which I have already referred. (Applause from Official Benches and Official Box.)

Mr. S. Satyamurti : I rise on a point of order. I see cheers from the Official Box. They have no right to cheer from there. They are mere visitors and they ought to be called to order.

Mr. President (The Honourable Sir Abdur Rahim) : The occupants of the Official Box should not cheer.

The Honourable Sir Nripendra Sircar : The cheers, I believe, are from the official Benches. Sir, my Honourable friend, Pandit Malaviya, is equally a violent admirer of Kanai Lal Dutt. Why? Because he was one of the men who was responsible for the murder of two defenceless innocent women, Mrs. and Miss Kennedy, and who has also at his credit the additional fact of murdering.....

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammedan Rural) : I said that the editor of the *Pioneer* admired him.

The Honourable Sir Nripendra Sircar : I am not giving way. If there is any personal explanation which the Honourable Member wants to make, he should take the Chair's permission. I am quoting from his speech as it was taken down.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not giving way, and if the Honourable Member (Pandit Krishna Kant Malaviya) has any personal explanation to offer, he can do that at the end of his speech.

The Honourable Sir Nripendra Sircar : I know this much that my Honourable friend had taken the precaution—rather an unusual one—of taking away the manuscript for correcting it twice instead of the usual process of correcting it once.

Mr. M. S. Aney : Whence did the Honourable Member get that information ?

The Honourable Sir Nripendra Sircar : If my Honourable friend is thinking that I got hold of it as my friend got of the Hallett Circular, he is wrong. That is not the way I got it. I got it by perfectly legitimate means.

Pandit Krishna Kant Malaviya : On a point of personal explanation. When I was talking about Kanai Lal Dutt, the Honourable the Home Member inquired from me as to who was the editor of the *Pioneer*. I said that I do not remember the name. It was about 1908, perhaps the editor was Mr. Chasney. But I was not sure about it. This being the case, my Honourable friend, the Law Member, should remember it.

The Honourable Sir Nripendra Sircar : That is altogether irrelevant, because I had not referred to that incident at all. But, as a matter of fact, it is incorrect to say that the *Pioneer* had glorified the deeds (which are the words used by my Honourable friend) of Kanai Lal Dutt.

Pandit Krishna Kant Malaviya : My exact words are "He paid a tribute to that man".

The Honourable Sir Nripendra Sircar : If this is the evidence before the House, then it is clear that the Civil Disobedience is suspended only for a time (whatever the reasons may be), and it may come on at any time. Judging by the applause with which the part of the speech of my Honourable friend, Pandit Malaviya, which I have quoted, was received, can we not infer that he is not shining in solitary glory. If that is the evidence before this House, is this House going to be told that all causes for the continuance of this Act have disappeared ? Reasons for continuance are as great as they were before.

Sir, Sardar Sant Singh gave us a warning. He said that the Government will have to pay a very heavy price if they do not learn by the lessons of history. Sir, we have learnt by the lessons of history. We tried the repeal of press laws three times, and every time the history has shown that repeal is followed by the springing

up of a number of papers which indulge mainly in the glorification of murder, incitement to violence, breaking of laws and fanning into flame of communal passions. That is what history has taught us and as it is the executive on whom, at the present moment, falls the duty of maintaining law and order, they will be failing in their duty if they would not ask this House to continue this Act instead of repealing it.

Sir, one word I must say about my Honourable friend, Mr. Asaf Ali, with regard to the threat which he held over Members. He said, if you vote in support of the consideration of the Bill, then there is no chance of your coming next time. Now, Sir, those to whom this remark is addressed may either think that the motion ought to be supported on its merits or their conclusions may be otherwise. If you think that it ought not to be supported, then you do not require the bogey of the disaster which will meet you at the next election. If you think on the merits that it ought to be supported, then are you going to be told that whatever your honest conviction may be, please do not vote for it, because, in the opinion of my Honourable friend, Mr. Asaf Ali, you will not come back.

Mr. S. Satyamurti : Where are your friends of last year ? They are all gone.

The Honourable Sir Nripendra Sircar : I am glad that you are coming back to form by interrupting. May I remind the House that Mr. Gaya Prasad Singh, Mr. Bhuput Singh, Mr. S. C. Mitra, Sir Hari Singh Gour, Mr. Amar Nath Dutt, Mr. Jog, all those who violently resisted the reference to the Select Committee have not been returned by a grateful country. (Official Applause.) I hope my Honourable friend, the Leader of the Opposition, will not mind if I take a little more time than I wanted to.

Mr. Bhulabhai J. Desai : The Honourable Member has exceeded his time.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can go on.

The Honourable Sir Nripendra Sircar : I hope, Sir, you will give me some rebate for the interruptions.

Now, Sir, may I have a passing word about my Honourable friend, Mr. Fuzul Huq, who boldly asserted that, if you look to the proceedings of the Legislative Council in Bengal, you will find that he never supported the Criminal Law Amendment Bill. Sir, I have got the proceedings of what happened in the Bengal Council before me. The Bill was moved and asked to be taken into consideration on the 21st August, 1930, in the Bengal Council by the Honourable Mr. Prentice. Sir, on that date the House sat till 7 P.M. or a little later than 7 P.M. There were six divisions, and, if the records are right, there was no voting on that occasion by Mr. Fuzul Huq at all. He can very well say that he did not support on that date that Bill, as we might also say, he did not oppose the Bill on that date.

But, Sir, the next day, that is on the 22nd August, in the first division, there was no voting by Mr. Huq ; the second division was occasioned by Mr. Satish Chandra Roy having moved an amendment, which was to this effect. As Honourable Members are aware, under

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this Act, men suspected by the executive can on executive suspicion be detained in jail. I am giving this in colloquial language. Mr. Satish Chandra Roy moved an amendment that they should at least be told in writing as to what the charges are. What did my Honourable friend, Mr. Huq, do? Did he support the Government? Yes, he did.

Then, there are two more divisions. I won't tire the House with details as to the occasions on which he supported the Government, in passing the Criminal Law Amendment Bill—a Bill which, as he has been stated by one of the Honourable Members here, with which statement I am in entire agreement, a Bill which gives hundred times more power to the executive than the Bill we are discussing—that is the Bill which my Honourable friend supported, and when he was informed of this by my Honourable friend, Sir Abdul Halim Ghuznavi, my Honourable friend, Mr. Fuzlul Huq, got up and said: "If you look into the records, you will find that I have not supported even on a single occasion". That is the position.

Sir, the Honourable the Commerce Member referred to the speech of my Honourable friend, Mr. Satyamurti, who said that when we get Swaraj—Swaraj is the panacea for all the ills including failure of monsoon—rains will fall from heaven. My Honourable friend, Mr. Satyamurti, contradicted and said: "What I meant was that in our time, when rain does fall, we shall not allow it to waste". There was tremendous applause from his friends. Let us see what is the report as given in the press, because, after all, we have to proceed on published reports, and they are not contradicted by my Honourable friend. I am quoting from the *Madras Mail*.

Mr. S. Satyamurti: My enemy.

The Honourable Sir Nripendra Sircar: What he said was this: we will bring water from the heavens—and, so far as the text of his speech is concerned, they are the same in all the newspapers, and the *Madras Mail*—the enemy of my Honourable friend,—may have twisted the headlines. Now, let me read from the extract of his speech:

"There are many rivers in this country, but no water. Whom are we to blame, God, the Government or our enemies, the Justice party. At no time, in the hoary history of India, has India experienced such a dearth of water and poverty. But in the days of swaraj we will bring water from the heavens as Bhagiratha did in the days of the epic and make it flow in all the rivers."

Mr. S. Satyamurti: On a point of personal explanation. I was speaking in my mother tongue, i.e., Tamil. I was speaking colloquially as I always do in my part of the country, and I can do so now; however, it is no good for this House. What I did say and what I meant was that, as in the epic days, Bhagiratha did bring water from the heavens and as he dug canals—that is a well-known story in our epic—we must also conserve our water and make them flow into all the rivers. I do say that when we get Swaraj, we shall construct more irrigation works than this Government has done.

The Honourable Sir Nripendra Sircar: Sir, I am glad that I do not know that language, Tamil. It is such a dangerous language that my Honourable friend had often recourse to the defences, namely, that he spoke in Tamil.

Before I resume my seat, I may be permitted to summarise my position concisely. I say we have tried the experiment of repeal of Press Laws three times, and every time with disastrous results. I say, Sir, that the Press Act has not suppressed the Press.

My Honourable friend, Pandit Govind Ballabh Pant's figures do not bear out the conclusion arrived at by him. In fact, Sir, the progressive increase has not only been maintained, but it has been much greater after the Press Act was introduced for the last time in 1930. That is what the figures show. What my Honourable friend did was that he lumped up the figures for seven years. We must always remember that the newspaper reading public is increasing and that newspapers are increasing. Have I made a mistake in summing up what my Honourable friend said.

Pandit Govind Ballabh Pant : Where am I wrong ? That is the explanation I want. They are increasing ; but the facts are there that they increased between 1922 and 1930 in much greater proportion than between 1910 and 1922. I stand on the statistics which are published in Government publications. I would place the statistics before the Finance Member and ask him to decide as an umpire.

The Honourable Sir Nripendra Sircar : I took some trouble to work out the statistics from year to year. I find in 1920-21 it has increased by 26, next there was an increase of 77. I have got all the figures. Then there was an unexpected reduction in 1925 and 1926 by 23 which of course was the time when there was no press legislation. However, that is not relevant. I find from the figures for 1930 to 1934 that the increase in 1931, was 61, in 1932, it was 84, in 1933, it was 85 and in 1934, it was 335, and so on. Sir, one has only to read the papers in the morning which we receive and to see what criticism has been stopped by this legislation. Criticism reasonable, and unreasonable, and partly reasonable and partly unreasonable, criticisms bitter and severe—I am making no point or grievance about it, all these are quite entitled to appear and are appearing in the papers now. Criticisms most severe and sometimes extremely bitter have come out now in the daily columns of the newspapers every morning. What has been stopped ? The grievance is that what has been stopped is that you cannot incite people to murder, and the other matters which the Honourable the Home Member has mentioned.

Pandit Govind Ballabh Pant : Do not these papers come within the purview of the scope of the present Act ? If you wanted it, why did you not stop it ?

The Honourable Sir Nripendra Sircar : If I take my friend's assumption to be right that we could stop them.....

Pandit Govind Ballabh Pant : I do not want you to take my assumption, but to answer it as an expert whether it is so or not.

The Honourable Sir Nripendra Sircar : Either I can stop it and I am not stopping it. That would be charging Government with a generosity which has never been done before. But surely I cannot answer a question whether a paper comes within it or not. There may be a particular article which comes within it. I have no special paper in mind, but if it is my friend's reading that some of these papers do urge things which come within this Act and we have not prosecuted them, if I am right in the assumption.....

Pandit Govind Ballabh Pant : I am putting this to the Honourable the Law Member. My suggestion is that the Act as it stands today with its comprehensive scope is such that every single paper can be roped in only if Government wanted to do so. I want to know whether that impression of mine is correct or not, and I seek your expert advice ; I am not putting it as an argument at all.

The Honourable Sir Nripendra Sircar : My advice is that all papers cannot be roped in, and, even where they can be roped in, no action is taken, unless they are so objectionable that they should be roped in, in public interest.

Sir, I am afraid I have come to the limit of my time. I have put the points which I desired to make about the continuance of the Act as shortly as I could. I have no desire to go into any of the sections except that I may be allowed, before I resume my seat, to point out that certain matters in connection with law which fell from my Honourable friend, Mr. Satyamurti, do not seem to be correct. They are not very important, but I may refer for instance to this. I find from his speech a statement that in England you cannot convict for sedition unless there is an overt act. If he has said that, it is not correct. I have looked up the English law of sedition and find that an overt act is not necessary. But after all it is a minute point.

Then, Sir, either my Honourable friend or somebody else said that what is called peaceful picketing is no offence in England. I beg to differ from him and I will refer my Honourable friend to Archbold's Criminal Practice. He will find there reference to Statutes which enact that inducement by what is called peaceful picketing has been made punishable. But I do not think I should tire the House with small matters like these. I submit, Sir, the present position of the House has to be remembered. We are having legislation discussed in this House. I know that the legislation is being done by at least one section who have admiration not for law but for breaking the law. And I mean no offence, but law-breakers are now the law-makers, and that applies to a large section of this House. One has got to remember what was so clearly stated by the Leader of the Opposition in the clearest language when he delivered his short speech of six lines on the Silver Jubilee grant. He said : " You cannot expect us to directly or indirectly help in any measure which will help this present rule ". I am not giving his exact words though I have got them here. That is to say, the test to apply in connection with any measure is whether that measure is going directly or indirectly to help this Government ; if it helps them to maintain law and order, if it enables them to smoothly carry on the administration, they must vote against it.

If the Criminal Law Amendment Act helps this Government, which is a Government which according to them has got to be extinguished and paralysed, if this Bill helps this Government, then they must oppose it. No measure must directly or indirectly help this Government ; that is the test to be applied. I submit, Sir, those who, however much they may be dissatisfied with the present Constitution, are not willing to see that the Government should succumb to subversive methods, should support this Bill. Sir, I support the motion.

Mr. Bhulabhai J. Desai : Sir, I wish to amend the last statement
5 P.M. that the Honourable the Leader of the House quoted from what I am stated to have said in connection with

the Silver Jubilee celebrations. I have always held, and I still hold, that I will not support this Government or any Government for the matter of that, contrary to the interests of my own country and contrary to my own convictions. If that is any satisfaction to those who, for the last one hour and a half, have been treating this House to an *argumentum ad hominem*, never going anywhere even approximately near to the subject under discussion, they can have it. They ought to have realised that it was not their business to get up and merely carry on and take man by man and contradiction by contradiction of single individual acts or sentences and feel that they have proved their case. If they think so, I leave that flattering unction to be laid to their soul by themselves. I expect a somewhat higher level, indeed a much higher level, of debate, argument, persuasion and conviction than the one with which we have been entertained. I say that, and the more so, because of the respect that I personally have for the Leader of the House as he well knows. But, none the less, he had to deflect the argument; he had to get out of the argument; he had to get at a tangent; he had to entertain some of his friends who felt a little low during the course of this discussion; and I am very glad that they have been very much entertained indeed.

Sir, I stand before this House confessedly a man who at one time broke what was called "law" in the sense in which it is used by Government in the definition of Austin, the great jurist. But, from that, even for a lawyer of the eminence of the Law Member to get up and say that the line that divides us two is the law-breaker and the law-maker is indeed a logic which my mind fails to fathom altogether. Undoubtedly there are many on the other side, I hope and trust, who, as and when their conscience requires, their national interest demands, would not be wanting in courage as not to break the law. I make a present to them of the argument which was advanced that I was one of those people,—and I particularly accept the title,—who dared break what was called law which I shall presently describe. During the time that I have allotted to myself, I will say that I will not indulge in that type of argument of a personal nature, though I could very well do so. I have got a long line of speakers on the other side, and I know how to deal with every single one of them, either personally or in their statements. But it is not a dignified thing to do: and, lawbreaker that I am, I wish to set a better example, if I may. We oppose this Bill forgetting all the past: we oppose this Bill on the grounds, which I shall presently state, of the well being of the State, which my friends are at present trying to govern and carry on, and we also oppose the Bill for the very nature of the provisions which are contained in the proposed enactment. When it comes to law, let me remind my Honourable friends on the other side that it is easy to cheer a very cheap observation, but I may remind them that law, in the sense in which Austin gave it, means the expression of the will of the sovereign power to do or to omit to do a particular act ordained to any of the citizens with a sanction behind it: in that sense, what was then promulgated was law. But, before a State could expect obedience to law, it has also got to see that what they give as law is not what supports their supreme absolute tyrannical authority, but a law which accords with the well being of society and which it becomes the duty of every citizen to support in the interests of the common good: The law which they promulgated did not accord either with justice or the well-being or progress of my country; and that was the law I have broken, and I am not in the least ashamed of having

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done so. Indeed I am one of those who are fully familiar with how the provisions which are sought to be retained now have been worked ; and it will be my duty, without wearying the House and within the limits of my time, to tell them exactly what they have done of which they cannot be very proud. To the extent to which they will make laws and propose laws of the type they are doing today, they must be prepared for Civil Disobedience. I am not one of those who are afraid to meet the argument when you are told " Oh, but we are told that Civil Disobedience will come some day, and, therefore, we must arm ourselves ". Let them arm themselves all the time ; but if they arm themselves all the time more and more by the type of what is called law, restricting the liberty of the subject as we apprehend it, I am not at all afraid to tell you that if that is the ground on which you want this law, at all events, so far as we are concerned, you will not have it, not in your interest, not in our interest, but in those very interests which you profess to protect. You profess that you wish to govern the State, as Mr. Griffiths said, founded on the will of the people ; and indeed you may defy the will of the people ; but you cannot shut your eyes to the existence of the will of the people ; and if you think that you have entrenched yourself by means of measures of this character, so that, in your own unstinted absolute authority, you will find it easier to govern, you may carry on with the course that you have set to yourselves.

I fully remember the somewhat animated address of my friend, Mr. James, yesterday. He told us—and I want him to believe that I appreciate it—that we shall get the liberty of the press that we deserve, and we shall get the kind of government that we deserve. It is for that, it is in defence of those very desserts that I stand before you this evening. I wish to assure him that we shall deserve the freedom of the press by the rejection of this Bill (*Opposition cries of " Hear, hear "*) if there is any nationalism in us, if there is any self-respect, if there is any intelligence in any part of the House. For we shall undoubtedly deserve this measure of freedom from the restrictions of the proposed Bill, if only our will will prevail ; because, at one time, we broke the law, we have not become unfit to think, we have not become unfit to judge : perhaps we are all the more rendered stronger and better fit to judge what the elements of the law ought to be and not merely every freakish will and expression of the Sovereign Power, because it happens to have sanction behind it. We shall not bow our heads, however strong that sanction may be ; and after the insult which was hurled at us that it was a camouflage—this non-violence—I wish they would not quote Mahatma Gandhi again ; in one breath they call him as an apostle of non-violence,—and when it suits them, they turn round and laugh or think they raise a laugh—but they do not realise that they raise a laugh at their own expense, at their own timidity, at their own pusillanimity, at their own want of patriotism. Sir, we on this side stand for non-violence and truth, and will ever do so, God willing ; and no amount of ridicule, no amount of contempt, no amount of insinuation will ever swerve us from that straight path, and we hope we shall tread it to the honour of our country and perhaps to the glory of the civilized world. (*Opposition Cheers.*) It is no use indulging in this pettyfogging manner of indirect thrusts which for a time calls a few cheers and thumpings. That is not the way to judge of us. If you expect us to think that you are honourable men, that we should treat you as

such, then you must realise that there are certainly as honourable, if not much more honourable, men on this side of the House ; and why do you make this a personal question ? Sir Muhammad Zafullah or Sir Nripendra Nath should not treat this as a mere personal issue as if it was a question between us and them, or between Mahatma Gandhi and the Government of the country. It is a sorry plight, the way in which the issues have been presented on this Bill during the course of this discussion. It has got nothing to do with errors of Mr. Satyamurti or the mistakes of Mr. Asaf Ali or even the lapse of memory, as it is called, of any individual. That is not the way to judge of measures of this kind.

But I realised one thing during the course of this debate, and it makes me sorry for it ; and that is that those on the other side do not believe that freedom or liberty has got any good influence : They do not also believe that, so far as inculcation of knowledge by the press is concerned, it is any good. It is doing good only if their will is to prevail, if their qualifications are to be given effect to and their restrictions are there. I am one of those on the other hand who is a realist. Some of you may call yourself realists : for you realism is nothing more than that we should acquiesce in what you want us to do. That is a realism which I have not yet learnt. I am a realist in the sense that I fully appreciate the indirect and the direct consequences of every measure that you bring before this House, the effect it will have in the long run on the minds and the education of the people at large ; and that your professions if they accord with your convictions, you ought not to have brought this Bill. We, therefore, believe that you have begun at the wrong end : you are administrators, pure and simple, and it is an unfortunate part that the administrator and the legislator should ever get together in one person. For indeed the executive cannot approach these issues from the larger and broader point of view, except what serves them and assists them, and except what they think will make their work and their task comfortable and easy. It is a matter of no consequence whatever to them what deleterious and deteriorating influence it will have either on the growth of the public mind or men. To them all that matters is a comfortable easy Government. Well, that being their state of mind, of course they say : " Did I not tell you that, during the course of these years, so many articles were written, and have I not shown that there are so many poisonous articles ? " And, therefore, what ? Therefore, according to them, the logical result is that they want a measure of this kind to prevent any articles being written. In fact, if I am not doing an injustice to Sir Muhammad Zafullah, he said : " If you do not like this, then the logical conclusion is to repeal the whole of the Penal Code." In other words, if you will not have a restriction on the press, you might as well have no restriction on anything at all, not even theft and murder. If that is the state of mind of the administrator, in which he has placed himself, I agree that there is little in common, that there can be little in common between those who ask this law and those who refuse it : for the way they look at and read history is " What does it matter ? Some newspapers do this sort of thing, and this is the logical consequence : what does it matter if they are three or five or ten ? " But do they realise and do they understand how many—and it is a thing which cannot be proved—may have grown but for the baneful influence of your repression ? (Opposition Cheers.)

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I am almost reminded on this occasion, after hearing the speeches that I have done, of the saying that the times are out of joint and men have lost their reason ("Hear, hear" from Congress Party Benches), and I have not the slightest doubt that, if they had not been mere administrators, if they had not been in the position in which they are, I may have appealed to them with better effect, but whether I do that or not, I owe it to them, to say that because the Government require a measure, therefore a gift must be made to them. To such men, with all the high education they have, with the positions they have filled, with the honourable life they have led, it could not be that their honour, rooted in dishonour, stands, because they would vote for the Bill, because they must.

The position, Sir, is this. I am one of those who believe that the matter is not to be tested in the way in which the administrator tests this matter. "I find it difficult to carry on the administration comfortably in my province, there was a little trouble, if you give me a little more power, I hope there will be none". That is not the approach by any decent Government of any kind according to our conception, and I have been assured, and I take that assurance without any cynicism or without feeling that, within a reasonable period of time, we have no chance of so working the Government as to be ever responsible. I take it as a compliment that if the conditions of Government are those which are laid down by Honourable Members on the other side, if the objects of the Government are those which are laid down by Members on the other side, I quite agree, it is not a Government we would care to touch at all. We will certainly carry on and remain under subjection until, whether by means of Satyagraha or any other form of struggle founded on truth and non-violence, we see to it that the Government is what it ought to be, until it becomes in our view fit, to take charge of it and willing to take charge of it to the extent to which we can. After all, who are those who speak of power? They are of us. They might easily have been on this side of the House, and it is a matter of complete despondency to me that we talk as if we have no points in common, as if the one side must look at us with suspicion and the only thing we deserve is suppression, repression, if not extinction. If that is your motive, I am going to make a present of all these motives to you to carry on that Government. We have been under it for 150 years, and we shall remain under it longer, but we shall not touch or assist that type of Government, an expression which again I repeat,—so long as it does not serve the interests of my country, and, in so far as it is against the interests of my country. ("Hear, hear" from Congress Party Benches.) It is, Sir, with these feelings that I rise to oppose this motion. Of course, it is easy to say, "Oh, what have you got to do? You are not administrators, you can refuse this to us, but you want a vote next time". I do not want to mention the name of the learned gentleman who said it, but I know who said it,—“What is wrong in a vote?”—this is what he said. By your very sentences you entirely give away your case. If my countrymen are going to give me a vote, because I vote against this Bill, what is the conclusion it leads to? The conclusion is that my countrymen think that I was right in opposing this measure. ("Hear,

hear " from Congress Party Benches.) Therefore, what is there so insidious, what is there so base, what is there so wrong, when it was said : " Yes, you will have to face your constituency ". In fact, when that was said, we give an acid test of what the country thinks, feels and requires. If the country is behind us, and if you think that the country will return us, because we oppose this measure, you entirely destroy your own case. In these little personal supposed repartees, the implications for the moment are not perceived. But I welcome the suggestion that if we wish to face our constituency, if we wish to get a vote, we must oppose this measure. Why not ? It is an actual test of what the country requires and demands, not in the comfortable situation of my friend, Mr. James, who can say, you cannot have this, you cannot have that. He is neither the Government, nor one of us (Laughter). and yet how could he say that you cannot have this and you cannot have that. That exactly accords with what I have read in Mr. Ramsay Macdonald's Book. The position of the European in India and the position of the Anglo-Indian press in India is, to the extent to which it subserves their interests, to support the Government, and for the rest of the time to preach to us (Loud Laughter), and I hope and trust that, whenever there is a better purpose in the Government, I would regard them, as I wish they would regard themselves, as members of the same Indian community. (Hear, hear.) And if they do regard themselves as such, I hope and trust, they will not talk in the manner in which they do talk in a very comprehensive term : " Oh, these Congressmen ". That is about all that we get (Laughter) by way of admiration, respect, or understanding from our friends on the other side. Well, Sir, all I can say is this, that before we can proceed to a real discussion of the actual measure which is before the House, we must fully understand the premises from which we start. I am one of those who would ask the House to start from two premises. When a quotation was read out from Sheridan's book, I suppose they all thought,—now it has become a common place,—liberty of the press, liberty of man,—“ Oh,—they are common place. they are no use to us, they are very elementary things, they are all right in schools, to us grown up men, administrators, liberty of the subject is only a secondary matter—restricted as to make our positions comfortable ”. If that is the approach, then, I say, it is entirely wrong. You must start from the premises, as civilized men, if you have any intelligence, you must start with the premises that the liberty of man and the liberty of the press are the first fundamentals with which you ought to start before we begin to legislate (Hear, hear), and if you want to legislate in the sense in which you mean, there is nothing in common between us. I am not at all afraid of telling you that if you make your laws worse and worse still, we may some day resort to Satyagraha, and if you stand for that creed, principally of force, of non-recognition of liberty of men and liberty of press, let this House have a present from those who believe in those uncivilized doctrines. I have nothing in common with them, and I do not venture to ask for their vote, and I do not want their vote, and I won't ask for it. Therefore, it is, Sir, that we must start in matters of this kind with great fundamentals. Now, only one sentence was quoted from Sheridan and it was said : " Oh, Sheridan called the press a great engine, but great engines are very powerful engines, and very powerful engines are very undesirable engines, and very undesirable engines are

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very dangerous engines". If I may return that compliment, I may say that engine there (the Government of India today) which moves with all the oil, with all the fuel, with the blood that my countrymen provide, should not be an engine of tyranny. At all events, the engine of press cannot be so tyrannical, but the engine of an autocratic Government can be worse, and we see the plight of this country today. Therefore, we are one of those who stand for two broad principles from different standpoints, and to the extent to which the liberty of the subject and the liberty of the press is to be restricted for subserving the higher interests and the more common interests of society. But when the object is "Oh, you will start the struggle again, you will perhaps expect us to change our form of Government". That is the argument that is presented from the opposite Benches. "You, Congressmen, are going to have a Satyagraha struggle, and then we must beware". And why? "Not because of any bad reason or good reason, but because we do not want to improve, we want to remain, where you are". My Honourable friends may call it birthright or not, I do not wish to use that expression, but I hope and trust that there is something in human mind, some noble quality or character that makes man man, and if that quality is some day raised in us, we hope and trust that we shall struggle,—we shall struggle all the time notwithstanding this Press Act or fifty other Press Acts. (Hear, hear.) Therefore, if you are going to forge instruments, in order that you may destroy the moral power of the Congress, I think you are coming to the wrong house to ask for the passing of this Bill. Whether we get power or not, we certainly shall have the satisfaction of approaching every piece of legislation of this kind from the right angle and the right point of view. All right minded men, be they administrators, or not, will recognise the two principles.

I now come to one or two other matters on which this Bill is sought to be justified. I say that this is sought to be justified on the ground that there is a possibility, even a probability, of a Satyagraha struggle in future. We are here to caution you that you, by your own act, are forging the instruments, the very danger which you wish to avert. If you go on making laws suppressing men,—men, if they are men, will struggle, and no amount of administrative authority will prevent the possibility and the growth of that struggle. Then, it is said that there is terrorism, that there is Communism, that there is communalism. I am not one of those who flinch from the fact: "On your own confession you have only suspended the Civil Disobedience Movement, you have not abandoned it, and, therefore, we should have an Act." I make a present of that argument. I do not wish to make the smallest secret of the fact that if you restrain, and unduly restrain the liberty of men, if you do not improve the constitution of the Government as it exists, you must be prepared for a Satyagraha struggle. It is those who are afraid of that confession—my Honourable friend almost gloried in the idea that they had extracted an admission, what they thought an unwary admission from my Honourable friend, Mr. Satyamurti. There is nothing unwary about it, no, nothing of the kind, nothing that we are ashamed of, nothing that we do not believe, nothing that we desire to conceal. But, none the less, we are here to tell you, don't do things in order only to accentuate the situation, so that this struggle may be rendered necessary. There-

fore, please don't bring forward the argument ; " Because there may be a possibility "—yes you do not like Satyagraha, of course you don't. How would you like it ? You do not want to change, you want to retain all the power, you want to retain all the exploitation, and I do not expect you will like it. I am not one of those who is under a delusion that you are ever going to like it, but, at the same time, I want you to know that we shall resort to it in the teeth of any laws that you frame which make it necessary for us to do so. The blame, the responsibility is entirely yours, and not ours, and, therefore, if this Bill is asked for on the ground that if it is made law, it shall put an end, to what ? Not to the exercise of the right of Satyagraha, but to the abolition from human mind of the principle of Satyagraha. Even Sir Harry Haig had a better sense of humour and a better sense of justice than his successor. He said : " We cannot expect,—we can only expect by the word ' suspension ', that you won't exercise the right that you possess, but we do not expect that you will forswear your creed." But his successor goes further. Once people are clothed with authority of any kind, absolute and unquestioned, they have always a habit of mind in which they say, you shall surrender and surrender in the most abject manner. If we are not given the Government that we desire, and, I hope, in the language of Mr. James, that we deserve, as early as we can,—Satyagraha is the only means left to man other than force. It is not merely a question of foreign Government and foreign citizen. Wherever there is an undue concentration of power, whether in their own country of England or elsewhere, the struggle by the man to shake off the tyranny of the superior is the rule of life and shall remain the rule of life, and that we shall not forswear our faith in Satyagraha. Therefore, we come back to the two grounds which were stated,—terrorism and Communism.

As regards terrorism, the first point that I wish to make is this. My Honourable friend, Sir Muhammad Zafrullah Khan, read out a few extracts from the speech of Sir Harry Haig at the end of the debate last time in which he did refer to terrorism and Communism. I have again made myself sure, and I do not wish to go over the ground once again,—I have made myself thoroughly sure, the words that he has used are : " The object of the Bill, the purpose of the Bill can be described in two or three words, Civil Disobedience Movement." Not only that, but I think those on the other side, clever administrators as they are, cleverer lawyers as they are,—I am sure, they will understand the implication. If these were the evils which pre-existed before the Civil Disobedience, which were intended to be dealt with by the Act, there could be no meaning or purpose or sense in limiting it to three years. With such logic as I possess, and I commend this view to the rest of the House, it is impossible to believe that those permanent evils as they are called, if they were to be met by means of this legislation, there could have been any question of limiting to a period of years. Therefore, it is beyond all doubt and beyond all question that it was intended for the purpose of meeting only the Civil Disobedience Movement. It only illustrates the fact that, once power is enjoyed, it is difficult to give it up. I remember reading all these questions and answers in my solitude at Nasik. Sir Harry Haig went on enlarging the formula from time to time. First he said, the moment the Civil Disobedience is suspended, the extraordinary laws will all cease to operate. After a little time, he became a little more alert and vigilant. He said, but not for a period of six months, it may be—

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in the language of my Honourable friend, it has become a little fashionable,—a camouflage, and, therefore, we must wait for a period of six months after the suspension to see that it is genuine. If it is genuine in the sense that for all time you will have absolute Government and we shall be subject citizens, then you are satisfied. But if you mean that this suspension is *bonâ fide* in the sense in which such struggles and cessations of them are *bonâ fide*, you must take it from us that it is a *bonâ fide* suspension, and, therefore, that period of six months and more has gone. And, yet, when the vision of the next December comes, these laws would not be there, the *Yugantars* will rise.

The picture that my Honourable friend painted is all right as an advocate. It is all right for an advocate, but if, out of 1,600 newspapers circulating in the country with millions and millions of copies, if you take the 365 days of the year, and these things are printed and circulated by the millions, if you can only pick up this yellow pamphlet and the one-and-a-half hours' speech of my Honourable friend, that has proved our case. I venture to say that it is impossible that, out of 1,600 papers, multiplied by 365, omitting Sundays we should have 313 days,—that you should be able to pick up a dozen or 100 articles during a period of one year, the very exception proves the rule by the very confession of those who seemed to think that they have made out a case from labours and pains to which they had to go in order to print a pamphlet with translations and a few more cases, as my Honourable friend, Mr. Govind Ballabh Pant, said, if it were brought up to date. But, with all your resources, all your powers, all your Secretaries, all your C. I. D.'s, if you can only produce instances of the abuse of the power to the extent and in the manner it exists today, then, I say, you stand self-condemned. That is to say, you have not made out a case for the purpose of renewing the powers that you want. I will not repeat the arguments that were addressed to the House as to the manner and the effect of this legislation or the other argument that the number of convictions bear such an infinitesimal proportion to the number of publications. I put it to you as ordinary normal men, if, out of thousands and thousands of daily publications, you can pick up only a hundred or two, leading to violence or incitement to violence, you can please yourself and say "how nice, how good, how spicy". But the fact remains that the number of articles which the Government have been able to produce as the best specimens of those which have been the subject of their research from the year 1922 to the year 1935, and the number of prosecutions that they have produced prove the contrary. You may turn round and tell me "You must remember that there were periods when the press law was not in existence". I am going to read to you with your forbearance a short statement from a journalist whose probity, whose integrity and whose moderation, a favourite word with you, is beyond all question. This is what he said at the last Journalists' Conference which was an altogether representative gathering, if you look at the number of editors and pressmen who were present. Mr. Ramananda Chatterjee said this :

"Friends, I wish to remind you that, though capital punishment has either been removed from the Statute-book or fallen into abeyance in very many civilized countries it not only exists in India, but may be has been inflicted on newspapers without any trial, without a trial by even a court martial. Securities are demanded again and again, and finally there may come the extinction of the paper concerned and even the confiscation of its press. It is often a long-drawn affair, which ordinary executions

are not. I have no doubt this subject of capital punishment by instalments, inflicted on newspapers, will receive your attention."

You are very fond of indulging in the phrase "A Government must govern". I dare say, it must; but I hope there are those on the other side who also realise that there is another side to this case. If they say that the Government must govern, I hope the citizens will turn round and say: "Yes, only so long as you properly govern". They seem to think that there is no second side to this question. They seem to think all the time "We know what is good for you. You don't know what is good for you". They seem to think that these few articles are responsible for creating the terrorist activity. I should like to believe that that type of mind is honest. Imagine asking us, on the basis of these few articles, to believe that the newspapers are responsible for bringing about this terrorist activity. We are not such credulous fools. There may be others who are prepared to believe it, but none on this side at all events. You want us to believe that because a few articles are written, therefore springs up a terrorist at the other end of the psychological factory. I ask you not to be under any such delusion. I understand, the Honourable Member, who comes from the Midnapore district, is a man of great erudition, great education. I ask him to read the history of the world. There has never been a revolution in this world which has not had, as its immediate and proximate cause, the tyrannical abuse of powers by those who govern. Of that you may be quite certain. Therefore, it is not the newspaper which creates the terrorist. It is the state of the country's subjection that creates it. I am here to say what is the root cause which is responsible for bringing the terrorist into existence. The French Revolution was not created by Voltaire or Rousseau. It was created by the grinding condition of the peasantry at that time. You may, therefore, take it from me that we are not such children as to be taught by you that terrorists are produced by the *Yugantar* or some other paper raising its head. We are not going to accept that proposition. I admit, it is undoubtedly an evil. We are of those who do not stand for these methods. We condemn these ways, but how can we, as human beings, deny that those misguided fellows laid down their lives for something in which they did believe. You may deny it if you like. You may call him a criminal, but you cannot deny, that however wrong and misguided the man and however atrocious the crime, that there was at the back of it all a noble motive which impelled him to lay down his life. You cannot ask me to dismiss it altogether. I am going to condemn him. I am going to tell you that you have rightly killed him, but I am going to tell you at the same time that you created the soil which made it possible for that sentiment to grow and but for which he would have been a better and an innocent man. After all, I shall ask you: "why does he do it?" Is it out of mere frolic? No, because he believes, wrongly I admit, that, by doing the act that he does, he is going to achieve the freedom of his country. What is wrong in making that statement? I am not feeling so abashed or downhearted at being heckled by anybody else as my friend Pandit Krishna Kant Malaviya. (*Pandit Krishna Kant Malaviya*: "I am not abashed.") I mean you can easily exaggerate these things. Have some sense of proportion in the words of my friend, Sir Muhammad Zafrullah. Have some sense of justice. Have some sense of propriety. Don't expect me to render my allegiance to you under all circumstances. That you will not have. That you will never have and that you do not deserve in the

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words of my friend, Mr. James. Therefore, you must not look at these matters from the way in which they are looked. The revolutionary commits crimes, and, yet, when it is a successful revolution, it becomes the Government established by law in the eye of constitutional law. So let us not go into hysterics over these things. I cannot deny that it is an evil which must be met in the best way you can. You may not accept our view, but we believe the proper method is to eradicate the cause. You believe that the proper method is to suppress it for the time being. Well, whether you succeed in suppressing it or not, it is your own business. I know you will tell me : "you are not there to govern, you don't know the business". Sir, thank God, during the public life I look forward to, I won't have to handle the heritage of this type of Government.

I now come very briefly to section 5, and seeing that I only have a quarter of an hour, I shall go over each section very briefly, without dilating upon it.

The Honourable Sir Henry Craik (Home Member) : Take as long as you can.

Mr. Bhulabhai J. Desai : If you prefer it, certainly. Sir, I am one of those who believe that, if I am likely to convince you—I should present you my case, and I want you to take it not merely as a case placed in the way which it has been sometimes placed ; I want you to believe that we start with some accepted principles of human life, conduct and construction of society ; and if I start with these principles, if you believe them in your own land, do not think that we are so low, we are so depraved, we are so degenerate that there are different principles to be applied in our country. Thank God, we at all events, during the last few years, have come to think and believe that we shall be men enough to observe the application of the same principles which are applied in most civilised societies anywhere else : and, if you think we deserve a lower treatment, at all events I appeal to my friends on the other side who think with me : "Don't, for your own honour, associate with them." (Hear, hear.)

Sir, I come now to section 5. There is only one observation I have got to make on that section 5. There was a certain amount of confusion—whether it was a misunderstanding or not, I cannot say ; but I think my Honourable friend, Sir Zafrullah Khan, will not deny that section 5 makes punishable that which, by an act of the executive, has been regarded as unpublishable, so that you begin with that assumption. Then, what it makes punishable is its circulation or repetition : and it makes it punishable if the Local Government has certified that the passage published contains, in the opinion of the Local Government, seditious or other matter referred to in section 4A, and so on. I, therefore, say, Sir, that is *par excellence* executive upon executive ! There is first the executive order of proscription, there is the second executive order of certification that it is seditious,—and, on that, well, what has the devil of a magistrate got to do ? All he has got to do is this. He asks : "Is this article proscribed ?" The police-man says : "Yes." Then he asks : "Is this the writing certified ?" The police-man says : "Yes." Then he says : "Sentenced to six months." (Laughter.) You seek to clothe certain things with forms of law, because you yourself are afraid that naked autoeracy will expose you to a certain amount of disgrace. What

happened during the last Civil Disobedience Movement? Take my own case. I was arrested one fine morning and taken to Nasik on the allegation that I was disturbing the peace of the land. I was detained there for two months. I am going to show you, Sir, what this "law and order" is of which you are so proud, and what "law" is of which you are so proud. Sir, if this is "law", you must be prepared for its disobedience. (Hear, hear.) Then, a very suave Secretary to Government comes round and says: "I have got an order for you, because you are going out tomorrow. You will remain within the precincts of Nasik in which you have got no house, no food, no water. If you get out of that place, you have committed an offence". Imagine the word "offence". Having done that, the magistrate comes on to me after two or three days. I happened to remain in the city, because I wanted to meet my children; and, at the end of three days, the magistrate comes round and says: "It is very inconvenient, Mr. Desai, you can neither practise your profession nor do anything else. What is the good of that? Why don't you do this? If you drive past my Bungalow (*that is, a furlong outside*), you thereby commit an offence. Then, your car will be boarded by my Deputy Inspector of Police. Then, you will come to my house; you do not want to embarrass us by a trial Court which is sure to attract large crowds. Then, I will punish you. And, then, I will send you to jail". (Laughter.) Sir, this is what you call "law", "justice", trial"! Instead of that, it would have been much more honest, much more straightforward, during the course of that movement, to say: "I suspect A. B. I sentence him to five years without any trial on the mere order of the executive Government that he be imprisoned for a period of five years". But they realise, shrewd as they are, that they must make it appear to the people that a magistrate has tried me for an offence: and, therefore, it is with a view to creating a false, deceptive effect upon the mind that you resort to these mere forms. (Hear, hear.) I would, rather, that the executive had the power to confine in jail a man who they did not like. Therefore, you are at pains to invent "forms",—and we, Sir, are here to make them "naked" and make them out to be atrocious which they are. (Loud Applause.) What you want to do is to put in a section under which a man will be taken to a magistrate, then a certificate will be presented and everything else leading to a conviction. That is what happened to me. "Imprisonment for two years, and Rs. 10,000 fine"—for what? "You went out of Nasik". Is that an offence? Sir, I never knew travelling in India was an offence,—but that is your executive law, those are the "laws" you expect us to obey, and, if we do not obey it, you say it is a breach of law and order! You create the "law breakers" by the very hypocrisy of your ways. (*Cries of "Shame, shame."*)

Then, take section 8: picketing. My friend, the Law Member, said he had looked up some law, and, well, I also have looked up some law, but the question is not if either of us have looked up the law, but what is the section? My friend, Mr. Satyamurti, pointed out that if a man uses any force during the course of the prosecution of his aim to picket, he is punishable and I hope it is correct. I hope it is also correct that there is such a section as section 504 which makes insult also an offence. Therefore, if you use force, if you use insult as part of your propaganda of picketing, you are within the mischief of the law, and, therefore, you will be punished. But what you want is something more. Even though

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a person may not use force, even though he may not insult, you want to prevent him from peacefully telling a man what he owes to his country, and that you call "interference with the freedom of contract". Sir, is there no such thing as public opinion? Freedom of contract, to do what? To starve my children and feed the foreigner? Sir, that is a freedom of contract which my countrymen do not want. (Hear, hear.) That is the mischief which I am up against. It is no use telling me what a few boys did at a cinema; because a particular instrument may be debased, therefore its use cannot be made punishable. The fact remains, what you don't want is, what you don't like is that my countrymen should have freedom, and I have had some experience of picketing—I claim it with some measure of pride—in the year 1932, from the 4th January to the 25th July. I have been a witness to a young woman standing with her hands folded as a mere indication that people going to buy foreign articles do the wrong to their country. You cannot take the bread out of your children and feed outsiders. If it is wrong, I think we must be allowed to do the wrong. If you make that punishable, we cannot help seeing the sinister motive behind it, and the assistance that you give for any legislation of this kind is an assistance which is fraught with danger to my country. We wish to preserve the land. Who daresay that picketing is unlawful in England? I know myself of a case, and, I am sure, many of you must have read about it. There was a foreign woman who had the misfortune to own a milliner's shop in Bond Street and ladies in the highest society in England caused it to be shut down in a period of four days. I wonder which Government would have regarded this act as punishable. Therefore, it is no use saying that if you promote Swadeshi, it is not punishable. If you do that without resort to picketing it is like tying a man's legs and then asking him to run. You have to say that we can encourage Swadeshi, because you have to pay lip respect to accepted nationalist principles, and you have to pay respect to things which even out of decency you cannot deny. Therefore, you must say: Practise Swadeshi. How can you say that you want to prevent Swadeshi? You won't be able to see your own face. Therefore, you have got to say: Promote Swadeshi, but do not peacefully persuade your countrymen that it is in the interests of your own countrymen that they should buy your goods and not foreign goods. It is a piece of nationalism; it is a piece of national right, and it is a piece of national duty which, whether it was an offence or not, we shall continue to do. Sir, I am only trying to point out to you that every section of this Act is aimed at the destruction of national spirit, national life, national movement and national regeneration. It can very easily be said that there is terrorism, there is Communism or some other "ism" and, therefore, this law is needed. I hope my Honourable friend, Mr. Yamin Khan, won't say that there is communalism in it.

Mr. Muhammad Yamin Khan: Picketing.

Mr. Bhulabhai J. Desai: Is picketing communalism? Well, Sir, I will pass on. I have no time, and, therefore, I will not deal with the question of cognizable and non-cognizable, and so on. My friend said: We must make it cognizable, because the poor devil of a shopkeeper may not complain.

Now, I come to the press section. So far as the press section is concerned, nobody has ever attempted to read it, and, it is taken for granted that it is such a nice piece of legislation that it will bring about the great

millennium which the learned Leader of the House talks about. He has not even cared to look at the section. That section is this :

" In sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, after the clause.....[I shall only read (1) because that has been the subject, at all events, of a well-known prosecution.] (1) which tend directly or indirectly to bring into hatred or contempt His Majesty or the Government established by law, or to encourage, or incite any person to interfere with the administration of law."

Now, Sir, I wish to present to the House the views that have been held by the three High Courts in India, not so much because they are the views which cannot be otherwise expressed, but because of the great respect that you have, and when you have seen the exposition of what this section means and involves, I trust you will appreciate it. The first judgment to which I wish to call your attention has already been referred to, namely, the judgment of Sir Lawrence Jenkins. My Honourable friend, Sir Muhammad Zafrullah Khan, interrupted the reader and said : " Oh, you have read only the first portion : what was the rest ? " I will tell you what the rest of it was. Take that very case, and do you know what he said ? He said :

" I have read the article. It is an honourable article ; it is a proper article. But the whole process of the law (in the language of your judgment in Madras, Sir) is reversed."

If you are called upon to show cause why you are not within the section. That is the first objection. The second objection is that the Judges have in all the three cases held :

" In our opinion, all these are perfectly innocent writings."

The first of these articles was by my late lamented friend, Mr. Mohamed Ali, the second was by Dr. Annie Besant, and the third was by Pothan Joseph, the editor of the *Bombay Chronicle*. In all these cases, be it said to the credit of the judiciary, they all said :

" We are helpless ; we are the minions of the law ; and we cannot help them."

This is the law you now ask us to pass. Therefore, be careful that you do not lay down any such rules. Sir Lawrence Jenkins, in agreement with Sir Abdur Rahim, held in this case :

" There is no article on earth, however innocent, which does not come within the clutches of this law."

That was the reason why my friend, Pandit Govind Ballabh Pant, dared ask that question to the Leader of the House, but he evaded it, because there was no other way of getting out of it. Dr. Annie Besant wrote about Home Rule, and His Lordship was obliged to say :

" Who can say that it may not tend indirectly to do something of that kind."

Now, with regard to contempt. You must earn respect, you must deserve respect, you cannot enforce respect. Therefore, I say that the matter of contempt is a matter of mutual accommodation of conduct on your part with a reaction on our part. If, therefore, you are going to make contempt punishable, because, forsooth, by any act of his, your officer may make himself worthy of that contempt, then you should not make that punishable in the manner you have done. No justice loving man, no man who loves the liberty of the press will ever stand or vote for this measure. It was assumed throughout the course of the argument, but nobody ever approached the question from the point of view of the all-embracing

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nature of the section. Sir Lawrence Jenkins pointed out that even a standard work of literature can easily come under this Act. I am quoting his actual words. Supposing I say liberty is good and we must struggle for it, I am quite certain that you will say that it tends indirectly to bring the present Government into contempt, and we are trying to get something out of you. Sir, there are so many ways of getting at us by means of this law, and it is so comprehensive, that I must, at all events, give a few words which I cannot help reading out to you. I have always seen that when laws are passed purely on broad grounds without consideration of the language which it is intended to hit, it proves a most powerful and potent instrument of mischief in the hands of the administrator. I will give you a modest instance that has occurred. In the year 1908, by creating a scare which perhaps might or might not have been justifiable, the Criminal Law Amendment Act was passed. Every Member on the other side who got up—I have read their speeches—said that there was so much murder in the land and also looting and other forms of offence that it was necessary to put it down. Therefore, they must have the Act. And the section ran like this : Whereas, etc., etc., an association which is likely to be carried by violence may be declared unlawful, and also any other association which, in the opinion of the Government, is likely to cause breach of peace. I am one of those who, in the first Civil Disobedience Movement argued numerous cases before the High Court of Bombay, and I put it to their Lordships of the High Court : “ Do you really mean that an association which is, we shall say, a praying association—all that the Government have to do is to say that a Congressman is in charge of it and so declare it an illegal association, and, as soon as it is declared illegal, that association comes under the operations of section 17—should be called an unlawful assembly ”. I did my best to ask him to say, for at least heaven’s sake read the words ‘ assisting illegal operations of an illegal association ’, but the Judge said : “ No, if you assist the operation of any association, whatever it may be, you must be declared unlawful ” ! That is how the Statutes have always been abused. Therefore, I never rely on any statement of any assurance given at the time (Hear, hear.) Instances have occurred in the past where assurances have been given. In fact, two instances have been given. If a man on this side of this House gets up and says something, on the other side gets up my Honourable friend, Mr. Griffiths, and says : “ How mild these provisions are. I have never seen more mild provisions ”. May I ask him, when some one of us is prosecuted and when somebody else is the Judge, Mr. Griffiths will not come and help us, and yet he says this is the law by which an unconscious and unvigilant and stupid people are scared away and they want to oppose such a simple and mild law. Now, I will read a passage from that judgment of Sir Lawrence Jenkins. Sir, this is what the Judge says :

“ The Advocate General has admitted, and, I think, very properly, that the pamphlet is not seditious and does not offend against any provision of the Criminal Law of India. But he has contended and rightly in my opinion that the provisions of the Press Act extend far beyond the Criminal law ; and he has argued that the burden of proof is cast on the applicant so that however meritorious the pamphlet may be, still if the applicant cannot establish the negative the Act requires his application must fail.”

That is precisely what happened to us. We have once had a law which was assumed by many of the Members opposite including my

Honourable friend, Sir Zafrullah Khan, and that law was the Criminal Law Amendment Act, and, as that law is there, the present Bill is its logic. I have not dealt with these two sections of forfeiture, because I do not wish to exceed my time limit. If there was logic, how did it escape them in 1908 ? There is no logic in this sense that you want to cast your fangs or net much wider or longer in order only to suppress us. I say, we will not be suppressed. It is in that way, therefore, there is no logic. You have got to the point of declaring an association unlawful, and yet you may not carry all the provisions that you have hitherto given, because, if you were logical men, if your draftsmen were not stupid, I am sure, they would have known how to draft this Bill in 1908. But they did not then do so ? With reference to what ? With reference to associations professedly committed to violence and murder, and yet they did not think it right to add those provisions about forfeiture.

“ If the applicant cannot establish the negative, the Act requires his application must fail. And what is the negative ? ”

Please hear the negative. It will throw some light, it will have some little open windows which please do not shut them out :

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“ It is not enough for the applicant to show that the words of the pamphlet are likely to bring into hatred or contempt any class or section of His Majesty's subjects in British India or that they have not a tendency in fact to bring about that result. But he must go further and show that it is impossible for them to have that tendency either directly or indirectly and whether by way of inference, suggestion, allusion, metaphor or implication. Nor is that all, for we find that the legislature has added to this the all-embracing phrase ‘ or otherwise ’.”

What I wish to point out to my Honourable friends is this. The language of the section is such that none of us know in what way a man may be caught. It is all very well to say, do not read the section, leave it. It is all very well to speak about some *Yugantar* or *Sandhya*, there is no ratiocination, there is no logic. It is all very well to have the *Yugantar* at one end and the terrorist at the other end and squeeze all the rest in between for argument. This is the way this case has been argued by the other side, and, I, therefore, do beg of every Member of the House, after he has known the wide implications, I would appeal even to my Honourable friend, Mr. James, that he will not stand for a piece of legislation that enables the Government to forfeit the security and ultimately the Press, with the aid of that all embracing section which, in the wisdom or unwisdom of Government, it is possible to make an order against and the negative cannot be proved.

Sir, I have done. I shall summarise my points in a few sentences. I say, Sir, it is perfectly useless to state in a legislature : “ This Bill will not affect you. It is a very innocent law. You will not be hurt ; only the wicked press will be hurt ”. These are the kind of arguments that no responsible man, no sensible legislator, no people who have the power and the initiative of legislation of a big land consisting of one-fifth of the human race will take seriously. They must take their task very seriously and very earnestly and not in this flippant way. They seem to think : “ It is enough for us to say, Oh ! it will not affect us, it does not work hardship to us ; the laws are made and they are given by the Government in their beneficence and not to create any hardship ”. That is not the test to look at the law introduced in the Legislature. The test of a good law is the necessity of it, its propriety, its subservience for the good of

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the society ; there is no other test and we stand by that test. We say that no man may curtail the liberty of another man or the liberty of the Press unless it is required to subserve the important purpose that we may hold dear, and, starting from that premise, I have examined each section and each point of view, and, for the reasons I have given, I oppose the measure. (Loud Cheers.)

Mr. M. Asaf Ali : Sir, I move that the question be now put.

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

“ That the question be now put.”

The motion was adopted.

The Honourable Sir Henry Craik : Sir, I am glad that we have come to a point in this debate on which the entire House is in agreement, that is that the debate should now end. There is no one who is more heartily in agreement with that than myself. In approaching my task of winding up the debate, I would most seriously ask for the forbearance and the indulgence of the House. In the first place, the House will agree that a mere administrator like myself, in the Honourable Mr. Desai's opinion almost the lowest of human beings, is handicapped by having to follow two extremely eminent lawyers ; and secondly, I am handicapped by the fact that a strong sense of duty has kept me in this House during the six days of the debate. I think I can honestly say that I have not missed, almost literally, one word of what has been said, and while my Honourable friends on each side of me and my Honourable friends opposite were free to slip out and enjoy cigarette or a cup of tea or whatever form of solace they prefer, I have sat here. “ The boy on the burning deck ” was not in it ! Thirdly, I am the only person taking part in this debate twice, the only person who is privileged, or rather I should say who is under an obligation, to speak twice. I can tell the House in all honesty that if there is one thing in this world that I dislike more than listening to speeches it is making them. I am profoundly bored, as I have no doubt a great many in the House are, with my own speeches. I have the deepest sympathy with that eminent statesman, the late Duke of Devonshire, who is credibly reported to have fallen asleep when addressing the House of Lords. I am in danger of doing that myself. I will do my best to be brief as I know the House is weary and wants “ to cut the cackle and come to the ‘ osses ’.” But, before I come to my two main points, there are one or two small things which, if the House will allow me, I should like to clear up. The first is in regard to section 5 of the present Act, which the Leader of the Opposition referred to in tones of some indignation. I do not think it is generally understood that when Government proscribes a document, book or newspaper, that action in my experience,—and my experience is fairly wide,—is in at least three cases out of five taken on the complaint of the person who feels himself insulted or aggrieved by the document. And speed is of the essence of the matter. If a document is to be proscribed, if it is a really harmful document that grossly insults some other person in his religious beliefs,—and that is the commonest case in which the section is used,—proscription is useless unless it is done at once. And if that action could only be taken after a court had come to a finding that the document was

sedition or offensive to the religious beliefs of other persons, then that action would be perfectly useless. I can give an instance of that which will be within the recollection of many Honourable Members. Some years ago, I think it was in 1926 or 1927, a book was published called "Rangila Rasul" which was taken by all Muslims as a gross insult to their Prophet. Feeling after the publication of that book ran extremely high, so high that if Government had not taken prompt steps to proscribe it and to seize all available copies, there undoubtedly would have been communal rioting on a large scale in many places in the Punjab. As it was, the author of that work was subsequently murdered by some one who took the insult to heart. That, Sir, is the sort of thing with which the ordinary law does not profess to deal, and my point is that action of that kind, if it is to be effective, must be taken at once without the delay involved in a reference to the Courts.

The second point that I should like to take up is the one made by my Honourable friend, the Leader of the Opposition, in regard to picketing. He repudiated with great scorn the argument that picketing is an interference with the freedom of contract. "Nonsense" he said; "The only sort of contract it interferes with is the contract that I shall starve my children in order that the foreigner shall benefit". That is a two-edged argument, because picketing may be carried out not in the interest of the whole community, not even in the interests of that part of the community which is represented by the Congress, but in the interests of one section to the detriment of another. Oddly enough I have here an article which has appeared in the last few days in a newspaper called the *Milap* of Lahore, a Hindu organ of the strongly nationalist type. It reproduces an article from a Hindu paper of Peshawar, the *Frontier Advocate*, also I understand a nationalist paper. This article complains bitterly of picketing going on at present at Nowshera Kalan, picketing by Muslims of Muslims who go and buy things in Hindu shops. "Buy Muslim" is the latest cry, and possibly,—I do not deny it,—a very legitimate cry. But some Muslims are picketing in order to prevent other Muslims from visiting Hindu shops, and indeed the article alleges that if the picketers catch one doing so they blacken his face, and the Hindu shopkeepers are not unnaturally protesting. My Honourable friend, the Leader of the Opposition, was a little premature in denying altogether that there can be anything communal about picketing. Here is an instance of picketing on communal lines that is going on at this moment.

Another point that has been taken by both the Leader of the Opposition and the Deputy Leader is this yellow pamphlet of 25 pages. The line they have taken is: "Is this all that you can show of undesirable writings in the press? Here you are with your great Secretariat at your disposal and all that you can produce is this little thin pamphlet of 25 pages." I admit, Sir, that this pamphlet might have been made a great deal more effective, but as I said in my opening speech, I have in dealing with the press such an enormous mass of material that my difficulty is where to select. Here is my mass of material, 429 foolscap pages of extracts of seditious or inflammatory or communal writings in the press; in the case of one province there are 53 pages alone of extracts between the expiry of the first press Ordinance and the promulgation of the second one, a period of less than six months. Any Honourable Member who cares to wade through this mass of sedition, incitement to murder,

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obscenity and vulgarity is welcome to do so ; but I warn Honourable Members that it takes a strong stomach to get through more than a few pages at a time. There is, therefore, no force in the argument that this yellow pamphlet is all that we can produce.

I should like to go back, if I may very briefly, to the argument put forward, notably by Mr. Satyamurti, that the ordinary law is sufficient to deal with the worst sections of the press, because that argument led him to make in the course of what I thought at the time an excellent and well-reasoned speech a somewhat personal attack on myself. The Honourable Member was arguing that the ordinary Penal Code is sufficient for punishing offences committed by the press and he was dealing with my argument that it is not so because of the common device of the dummy editor, and the impossibility of securing the conviction of the man really responsible. He said that if there are people who go on abetting these dummy editors why don't we get hold of them. I said we cannot prove it. The Honourable Member then entirely shifted his ground and said : " Therefore, you punish innocent people against whom you cannot prove the guilt. That is the greatest confession you can make against this Bill ; you cannot prove a thing and yet you must punish him." I said that we know it, that is who is really responsible. And then the Honourable Member said something which I know he did not mean and which he would not have said if he had not been carried away by excitement. He said I knew nothing. I think the Honourable Member has not really appreciated the position. What happens is that a newspaper is registered with a dummy as editor. The dummy is usually, as I have said, an *ex-convict* for whom the jail has no terrors. He has no legitimate duties to perform though possibly he may be used to lick stamps or post letters ; but his job is, when there is a conviction, to go to jail. I quoted the case of two newspapers within my knowledge which had been prosecuted, I forget now how often, but certainly six or seven times in one year, and in each case the dummy editor went to jail. The Honourable Member wants to know why I cannot get the man who is really responsible. In each case, I know perfectly well who the person is ; everybody knows it and he himself glories in it ; he is the proprietor and of course the real editor. But how can I get him ? The only way would be if I could find in the press a manuscript in his handwriting. But they are too astute for that. Directly a manuscript is set up in type, it is torn up, and there is no possibility of proving the authorship. We have tried again and again. The device is like so many of the ingenious tricks thought out by the man who starts to get round the law. There is no flaw in it and indeed the device of the dummy editor goes on even under the present law. But my point is that the Honourable Member was wrong in thinking that the ordinary law is sufficient to catch these people ; and moreover there is this about the ordinary law, and this argument has not been met by a single speaker on the other side of the House. The ordinary law may in certain cases, if it can be applied, punish the evil doer ; but the mischief is done. What we aim at is not to punish the evil doer but to prevent the mischief being done ; and that applies with peculiar force to the case of publications in the press. It is little or no use punishing a man who publishes an article inciting to communal hatred or to murder, because before you can punish him the mischief is done. The whole virtue of this

law is that it is preventive and not punitive. As I say that is an argument which no speaker on the other side has even attempted to meet.

Another point that has been taken is that this law has been used with such severity that 400 or 500 newspapers or presses that had applied for permission to start had not in fact been started. The retort to that is, is it after all so very serious a thing that the country should be deprived of 400 or 500 newspapers which were intended to be run by men of so little substance and so little responsibility that they could not get a backer to pay up 500 rupees or a thousand rupees as guarantee of their responsibility? Some Honourable Member, I forget who but I think it was Mr. Joshi, rebutted that argument by saying that it was most unfair that these poor men should not have an opportunity of making their livelihood as journalists. I do not know if that argument is put forward seriously, but really when you consider the character of the mushroom class of Indian newspapers it is, I think, very difficult to say seriously that the country is the poorer because there are 500 fewer of them than there might have been. Really is journalism, either the editing of newspapers or writing for newspapers, a profession that ought to be taken up by a man who is entirely penniless himself and of so little repute or so friendless that nobody will even put up a few hundred rupees to guarantee his responsibility? In that connection the House may be interested to hear that some years ago a very respected and very eminent journalist told me quite seriously that at that time—it was when the Press Act was not in force—if you put up Rs. 50 you could find someone to start a newspaper. This was in fact constantly done. It might only run for a day or two: its sole object would be blackmail or something like that; but there were dozens of people prepared to come forward and declare themselves as editors of a newspaper which they knew had only Rs. 50 behind it and whose sole object was to attack or blackmail some individual; and, mind you, it is very often a paying proposition. If one man pays you Rs. 50 to start this newspaper, the odds are that the victim would be quite ready to pay Rs. 100 to stop it, and there you are in a vicious circle. My friend told me this quite seriously; it was no exaggeration: he knew perfectly well what he was talking about: he is dead now but he had been a working journalist all his life.

I am afraid I have taken longer than I had intended over what are really preliminary points and of comparatively minor importance. I come now to what is certainly the part of the Bill that has attracted most of the criticism—I mean those sections which continue the existing Emergency Press Act. I think it is important that the House should bear in mind that while the press is, I quite agree, a potential engine of the greatest value to the country, it is also a potential engine of the greatest evil. There is no medium or no machinery which can be used to the harm of the country so easily as the Press, and I am not exaggerating when I say that in India there is a certain section of the press—I hope not a large section—which is constantly so used. This section of the press owes allegiance to no principles and to no party. It is run entirely for personal profit and generally run for the personal profit of a single individual. Such a newspaper to gain its profit must be right in the swim. If sedition is the fashion, it must be as seditious as possible. If communal unrest is in the air it must seek out and publish causes of unrest and give currency to rumours likely to fan that unrest. It is journalism of that

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kind and presses that feed that journalism that this Act attacks ; but not newspapers with a proper sense of responsibility and balance.

Now, I am afraid this argument has been used before, but it is so essential that I will repeat it very briefly : the experience of the three periods within which press legislation was suspended has shown, I think, conclusively that directly that legislation is suspended the deterioration in the tone of a certain section of the press is serious and immediate. It seems to me as certain as that the day follows the night that if we again relax those provisions, exactly the same effect will be produced ; and if any one does not believe that, they have only to turn to the speech made by the Honourable Member, Mr. Krishna Kant Malaviya, who claims to be a working journalist. If anything said in this debate has been a strong argument in favour of this Bill, that speech was, because, even now, when this legislation is in force, the Honourable Member comes forward in open praise of murderers. It seems to me idle to assert that the same result will not be produced again if we take the same action as we took on those three occasions and relax this law. While on that subject, I would like with great respect to refer very briefly to what Mr. Bhulabhai Desai said in summing up his opinions about that speech. I cannot quarrel with the views he takes, that is his own affair, but I think that though he put his point of view extremely shrewdly and extremely cleverly, I must, I fear, differ from him at least in this, that even if he feels like that, it is a pity that he says so publicly. He is perfectly entitled,—I do not deny for a moment,—he is perfectly entitled to think of these people as brave and misguided youths. Personally, I do not share that view at all. If I have formed any views about them, I would look on them rather as mad dogs, as dangerous animals ; but even if he holds that view, I must say it does seem to me unfortunate that he should give expression to that view in public, not of course that it is likely to have any effect on sensible men of mature years, but I do think that when a leader of his eminence publishes such a view, it is exactly the kind of thing which does have or is likely to have an effect on immature minds.

Now, Sir, I have done with the press sections, and I have no doubt everybody will be relieved at hearing it. The main argument of a good many, but not all, of the speakers on the other side against the whole scheme of this legislation seemed to me to be based on a denial that the dangers which I apprehend existed at all. They took the view that these dangers existed only in my prolific imagination, that as a matter of fact there is no terrorism, that communal unrest does not really exist, and that communism is a figment of my brain and nothing else. Of course, it is useless to dispute with people like that, because I do not know what their sources of information may be and they do not know what my sources of information are. I will only say this, that if there can be any efficient part of such a universally condemned machine as the Government of India, it seems to me that it is its intelligence system, which is extraordinarily wide, extremely prompt and is, in my opinion,—possibly other Honourable Members will not agree,—very shrewdly drawn up. And my information,—I happen to be more or less at the centre of this system,—definitely is what I stated to the House, namely that terrorism, although there has been some slight diminution in Bengal, is by no means dead. Within the last five months we have had, I think, 25 terrorist incidents.

Three of them were murders, one a very determined, but fortunately not successful attempted murder, and the rest of them dacoities, robberies, the discovery of arms, the discovery of bombs and so on. Now, by no means all these incidents were confined to Bengal. Eight, I think, were in the United Provinces, one, the attempted murder to which I referred, was in Ajmer, two were in Assam, and I think one or two in Bihar and the Punjab. These are all incidents that have occurred since the 1st of April last. In the face of that, it is idle to assert that terrorism is a mere bug-bear, and that as a movement it is dead.

As regards communal unrest, all I can say is that every Local Government informs me of incidents that are portentous and threatening, and the whole country knows that since we last met, there has been bloodshed at Ferozabad, at Champaran, at Lahore, and only the other day at Secunderabad, that is to say, in the United Provinces, in the Punjab, in the South of India, and in Bihar. There again, it seems to me that you are merely behaving like the ostrich and burying your head in the sand if you say that danger exists.

As regards Communism, much less is known about it, because as I said before it is a movement that works secretly and underground, but I suppose I am in a better position than any one else in this House to know what there is to be known of its methods. I do not assert that Communism is a movement which is likely to come to the top in India for some years to come, but undoubtedly it is a dangerous movement and one which is likely to raise its head when it finds a favourable opportunity, and when it does so we must have weapons to deal with it.

The denial of the existence of all dangers was not, however, the view, as I have said, taken by all speakers on the other side, and notably, I think, it was not the view of the Honourable Member from Madras. I don't think he denied for a moment the existence of the dangers which I foreshadowed, but he took the line : " Oh, yes, those dangers may be there, but we can deal with them perfectly well under the ordinary law, and as for future Governments, they can deal with them perfectly well without special laws ". Well, now, I sometimes wonder whether optimism so complete as that of my friend deserves our admiration, or whether we should weep at its pathetic side. The Honourable Member has cast himself for the rôle of Chief Minister under the new form of Government and I sincerely trust that he may live to realise that ambition ; but let him remember that most of his friends, at any rate all of them who know that they themselves have no possible chance of ever securing office, are likely to be trying to wreck his Government. How is he going to deal with these efforts of his friends if he has only the ordinary law as a weapon for dealing with such dangers ? Let me assure him, speaking from experience of a good many years of trying to cope with Civil Disobedience, that it is not a matter that can be dealt with under the ordinary law. If it had been possible, we should have been only too glad to do so. It was only with the help of special measures that we were able to suppress it. I am afraid if that is the hope in which the Honourable Member is going to accept office, his period of office will be comparatively a brief one. (Laughter from Government Party Benches.) I really do not see how any Minister of the future, even so able and versatile a gentleman as the Honourable Member from Madras, can hope to resist the subversive movements and forces that will criticise and attack his ministry without

[Sir Henry Craik.]

the special powers which we have found necessary. Remember, he will have an uncontrolled press, a great part of it run by his political opponents, he will have no power of declaring any association illegal, in fact it seems to me he will be perfectly helpless and will inevitably be driven out of office in a week or two.

Sir, I have noticed all through this debate a repetition of such phrases,—and I have no doubt these phrases enshrine very great principles,—such phrases as the freedom of the individual, freedom of the press, liberty of speech, liberty of association and so on. Those are of course very fine principles, but the mere repetition of fine principles does not, to my mind, carry any great measure of conviction. In fact, their constant repetition seems to me to rub the gilt off and reduce these principles into tedious “cliches”. I think two frequent iteration of such principles is a little bit inclined to make speakers lose their sense of proportion. After all, whose freedom is it we are attacking by this Bill? Against whose liberty is the Bill designed? Against the revolutionary, against the sedition-monger, against the terrorist, against the communist, but not surely against the average peaceful citizen who is none of those four things. How is the average citizen affected by the Bill? Let the House consider. Has any lawyer been affected, any merchant, any shop-keeper, any artisan, any landlord, any tenant? Certainly not. It is only, as I have said, those four classes against whom the Bill is directed. And what have those classes done to deserve it? Surely they have interfered most seriously with the liberty of other people. Take the victims of the terrorists. Can there be a more serious interference, a more drastic interference with liberty than murdering a man? Again who have been the victims of the Civil Disobedience Movement? The man who has been picketed, the merchant who sees his trade steadily declining, the shop-keeper who sees his clients scared or frightened away, the lawyer who is prevented from going to court, the student who is prevented from carrying on his studies, the Government servant who is restrained by the boycott from enjoying the ordinary conveniences of life. Is that not interference with liberty, is that not trespassing on the freedom of the individual? Surely, that is a far worse infringement of liberty than anything that is proposed by this Bill. Those are the people whom any Government is bound to protect in the pursuit their lawful occupations, and any Government that failed to give them that elementary form of protection from movements, all of which are in essence unlawful, would be failing grossly in its duty. That, Sir, seems to me to be the issue before this House. Naturally the Congress are bitterly opposed to this Bill. The main plank of their political programme is the repeal of all repressive laws, and the one they desire most to repeal is this law which brought about the end and collapse of the Civil Disobedience Movement. They make no secret of the fact that the movement will be revived, and revived whenever it suits their convenience. We should be fools in such a situation to deprive ourselves of this weapon which has been successful in the past, and to start all over again meeting such a movement, as the Congress always wish us to meet their attacks, with one hand tied behind our back? Why should we?

I regret that I have been so long. The time has now come when the issue must be put to the test. The Honourable Member from Delhi gives

a Nazi salute and waves his hand in agreement. He exhorted the elected Members of the House to remember that every one who votes in favour of this Bill will be bound to lose his seat. To put that at its highest, it is surely the merest opportunism. I do not ask Members to vote on such a ground. I ask them to follow the dictates of their conscience. Honourable Members opposite came to this House a year ago pledged in advance to do their utmost to repeal this Bill. I am not appealing to them, I know it would be useless, but to those Honourable Members who have come here with an open mind. I would ask them not to think what the result will be in their constituency, but to vote honestly according to their conscience. Let them bear in mind what are the real issues before the House. Are we going to give the new form of Government a chance of developing in moderately peaceful conditions? Are we going to give them some means of grappling with the antagonistic forces which are certain to encompass and attack them? Or are we, in our inveterate desire to destroy and discredit the present administration,—are we going to let loose on the country again those forces of chaos and anarchy which produced such misery and such economic loss in 1931 and 1932? (Loud and Continued Applause.)

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

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

The Assembly divided :

AYES—61.

Abdoola Haroon, Seth Haji.
Abdul Aziz, Khan Bahadur Mian.
Acheson, Mr. J. G.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan
Bahadur Nawab Malik.
Anwar-ul-Azim, Mr. Muhammad.
Ayyar, Diwan Bahadur R. V. Krishna.
Ayyar, Rao Bahadur A. A. Venkatarama.
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Bhat, Mr. Madhusudan Damodar.
Bhutto, Mr. Nabi Bakh Illahi Baksh.
Blackwell, Mr. J. H.
Bower, Mr. E. H. M.
Boyle, Mr. J. D.
Chapman-Mortimer, Mr. T.
Chatarji, Mr. J. M.
Clow, Mr. A. G.
Craig, The Honourable Sir Henry.
Dahil, Dr. R. D.
Desai, Mr. S. P.
DeSouza, Dr. F. X.
Fazl-i-Haq Piracha, Khan Sahib Shaikh.
Gajapatiraj, Maharaj Kumar Vijaya
Ananda.
Ghiasuddin, Mr. M.
Ghuznavi, Sir Abdul Halim.
Graham, Sir Lancelot.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hinds, Mr. A. S.
Hidayatallah, Sir Ghulam Hussain.
Hockenbuhl, Mr. F. W.
Hossack, Mr. W. B.

James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Lal Chand, Captain Rao Bahadur
Chaudhri.
Lee, Mr. D. J. N.
Lister, Mr. T.
Lloyd, Mr. A. H.
MacLachlan, Mr. D.
Mehr Shah, Nawab Sahibzada Sir Sayad
Muhammad.
Milligan, Mr. J. A.
Mitchell, The Honourable Mr. D. G.
Morgan, Mr. G.
Muhammad Nauman, Mr.
Mukherjee, Rai Bahadur Sir Satya
Charan.
Owen, Mr. L.
Rajah, Rao Bahadur M. C.
Rau, Mr. P. E.
Row, Mr. K. Sanjiva.
Sarma, Mr. R. S.
Scott, Mr. J. Ramaay.
Sher Muhammad Khan, Captain Sardar.
Singh, Mr. Pradyumna Prashad.
Sinha, Raja Bahadur Harihar Prasad
Narayan.
Sircar, The Honourable Sir Nripendra.
Tottenham, Mr. G. E. F.
Yakub, Sir Muhammad.
Yamin Khan, Mr. Muhammad.
Zafullah Khan, The Honourable Sir
Muhammad.
Ziauddin Ahmad, Dr.

NOES—71.

Aaron, Mr. Samuel.
 Abdul Matin Chaudhury, Mr.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Ba Si, U.
 Badi-uz-Zaman, Maulvi.
 Badrul Hasan, Maulvi.
 Banerjee, Dr. P. N.
 Baqui, Mr. M. A.
 Bardaloi, Srijut N. C.
 Bhagavan Das, Dr.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sumi Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Mr. Basanta Kumar.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Essak Sait, Mr. H. A. Sathar H.
 Fuzlul Huq, Mr. A. K.
 Gadgil, Mr. N. V.
 Gauba, Mr. K. L.
 Ghulam Bhik Nairang, Syed.
 Giri, Mr. V. V.
 Govind Das, Seth.
 Gupta, Mr. Ghanashyam Singh.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Khan Sahib, Dr.

Khare, Dr. N. B.
 Lalchand Navalrai, Mr.
 Laljee, Mr. Hussabhai Abdullabhai.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kasmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Nageswara Rao, Mr. K.
 Paliwal, Pandit Sri Krishna Dutta.
 Pant, Pandit Govind Ballabh.
 Parmar Nand, Bhai.
 Raghuraj Narayan Singh, Choudhri.
 Rajan, Dr. T. S. S.
 Raju, Mr. P. S. Kumaraswami.
 Ranga, Prof. N. G.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Shaikat Ali, Maulana.
 Sheodass Daga, Seth.
 Siddique Ali Khan, Khan Sahib Nawab.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Anugrah Narayan.
 Sinha, Mr. Satya Narayan.
 Sinha, Mr. Shri Krishna.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Thein Maung, Dr.
 Thein Maung, U.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Vissanji, Mr. Mathuradas.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 13th September, 1935.