

Tuesday, 15th November, 1932

# THE LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT)

VOLUME VI, 1932

*(7th November to 28th November, 1932)*

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## FOURTH SESSION OF THE FOURTH LEGISLATIVE ASSEMBLY, 1932



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*Est. B. N. H.*

# Legislative Assembly.

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MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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RAI BAHADUR D. DUTT.

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CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

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MR. G. MORGAN, C.I.E., M.L.A.

MR. C. S. RANGA IYER, M.L.A.

SIR ABDULLA-AL-MAMUN SUHRAWARDY, KT., M.L.A.

MR. B. SITARAMARAJU, M.L.A.

# CONTENTS.

VOLUME VI.—7th November to 28th November, 1932.

PAGES.

## MONDAY, 7TH NOVEMBER, 1932—

Members Sworn .. .. .	1677
Questions and Answers .. .. .	1677—1718
Short Notice Question and Answer .. .. .	1719—22
Death of Sir Ali Imam .. .. .	1722—26
Governor General's Assent to Bills .. .. .	1726
Statements laid on the Table .. .. .	1727—31
The Criminal Law Amendment Bill—Presentation of the Report • of the Select Committee .. .. .	1731
Resolution <i>re</i> Trade Agreement signed at Ottawa—Discussion not concluded .. .. .	1731—62

## TUESDAY, 8TH NOVEMBER, 1932—

Questions and Answers .. .. .	1763—1803
Resolution <i>re</i> Trade Agreement signed at Ottawa—Discussion not concluded .. .. .	1803—45

## WEDNESDAY, 9TH NOVEMBER, 1932—

Member Sworn .. .. .	1847
Questions and Answers .. .. .	1847—89
Statements laid on the Table .. .. .	1890—96
Resolution <i>re</i> Trade Agreement signed at Ottawa—Discussion not concluded .. .. .	1896—1938

## THURSDAY, 10TH NOVEMBER, 1932—

Resolution <i>re</i> Trade Agreement signed at Ottawa—Discussion postponed .. .. .	1939—70
Statement of Business .. .. .	1970

## MONDAY, 14TH NOVEMBER, 1932—

Questions and Answers .. .. .	1971—2020
Unstarred Questions and Answers .. .. .	2020—29
Statements laid on the Table .. .. .	2029—33
The Indian Merchant Shipping (Amendment) Bill—Presenta- tion of the Report of the Select Committee .. .. .	2033
The Bengal Suppression of Terrorist Outrages (Supplementary) Bill—Discussion on the motion to consider adjourned .. .. .	2033—48
Appendix .. .. .	2049

**TUESDAY, 15TH NOVEMBER, 1932—**

Questions and Answers .. .. .	2051—87
The Bengal Suppression of Terrorist Outrages (Supplementary) Bill—Consideration postponed .. .	2087—90
The Criminal Law Amendment Bill— <i>Continued</i> .. .	2090—2101, 2102—32
Resolution <i>re</i> Trade Agreement signed at Ottawa .. .	2101—02

**WEDNESDAY, 16TH NOVEMBER, 1932—**

Questions and Answers .. .. .	2133—67
Presentation of the Report of the Public Accounts Committee .. .	2167—83
The Criminal Law Amendment Bill— <i>Continued</i> .. .	2184—99, 2200—30
Resolution <i>re</i> Trade Agreement signed at Ottawa .. .	2200

**MONDAY, 21ST NOVEMBER, 1932—**

Members Sworn .. .. .	2231
Questions and Answers .. .. .	2231—74
Unstarred Questions and Answers .. .. .	2275—82
Statements laid on the Table .. .. .	2282—85
Resolution <i>re</i> Trade Agreement signed at Ottawa—Time for submission of Report extended .. .. .	2286
The Criminal Law Amendment Bill—Motion to consider adopted .. .. .	2286—2321
Appendix .. .. .	2322

**TUESDAY, 22ND NOVEMBER, 1932—**

Questions and Answers .. .. .	2323—53
Short Notice Questions and Answers .. .. .	2353—59
The Criminal Law Amendment Bill— <i>Continued</i> .. .	2359—2401

**WEDNESDAY, 23RD NOVEMBER, 1932—**

Questions and Answers .. .. .	2403—12
The Criminal Law Amendment Bill— <i>Continued</i> .. .	2412—62
Committee on Petitions .. .. .	2432

**THURSDAY, 24TH NOVEMBER, 1932—**

Short Notice Question and Answer .. .. .	2463—68
Statements laid on the Table .. .. .	2468—77
The Criminal Law Amendment Bill— <i>Continued</i> .. .	2478—2528

**MONDAY, 28TH NOVEMBER, 1932—**

Member Sworn .. .. .	2529
Questions and Answers .. .. .	2529—64
Unstarred Questions and Answers .. .. .	2564—66
Statements laid on the Table .. .. .	2566—67
The Criminal Law Amendment Bill— <i>Continued</i> .. .	2568—2610
Resolution <i>re</i> Trade Agreement signed at Ottawa—Presenta- tion of the Report of the Special Committee .. .	2610

# LEGISLATIVE ASSEMBLY.

*Tuesday, 15th November, 1932.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

## QUESTIONS AND ANSWERS.

### JAMALPUR TECHNICAL SCHOOL.

1181. **\*Mr. M. Maswood Ahmad:** Is it a fact that the Jamalpur institution (the technical school of the Railways) is not attached to any University?

**Mr. P. R. Rau:** Yes.

### APPRENTICES ADMITTED ANNUALLY IN THE JAMALPUR INSTITUTION.

1182. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that only 50 per cent. of the apprentices admitted annually in the Jamalpur institution are guaranteed jobs and are sent to England for further training?

(b) What is the academic qualification for admission to the Jamalpur institution?

(c) Will Government be pleased to state what are the jobs open for the apprentices who, after spending three or four years, are not selected for further training in England?

(d) Is it a fact that these selections for admission are first made in the provinces and then by the Public Service Commission on an all-India basis?

(e) Do Government propose to admit in future only such a number of apprentices as there are vacancies?

**Mr. P. R. Rau:** (a) The guarantee is up to half the number recruited but, as a matter of fact, a larger number has been sent to England both last year and this year.

(b) The qualifications required include the intermediate examination in Arts, Science, Agriculture or Engineering of University or Board approved by the Governor General in Council, the Cambridge Higher School Certificate Examination, and the Higher Diploma Examination of the Mayo College, Ajmer.

(c) No posts are guaranteed to apprentices not selected for training in England, but they will be considered for vacancies in the subordinate establishments for which they may be qualified.

(d) Yes.

(e) The question is under consideration.

## GOVERNMENT ORDER ON MR. K. M. HASSAN'S REPORT.

1183. \***Mr. M. Maswood Ahmad:** (a) Has the Home Department passed any resolution or order on Mr. K. M. Hassan's report?

(b) If the reply be in the negative, will Government be pleased to inform by what time they propose to pass any such order or resolution on that report?

**Mr. P. R. Rau:** (a) No.

(b) The Report is still under the consideration of the Government of India and, I regret, it is not possible to say at present how soon a decision will be arrived at.

**Mr. D. K. Lahiri Chaudhury:** Will the Honourable Member be pleased to lay on the table the result of the negotiations that have so far been started or of the inquiry that has been made?

**Mr. P. R. Rau:** Which inquiry, may I know? The question is with regard to the orders passed on Mr. Hassan's report.

**Dr. Ziauddin Ahmad:** May I know what is your estimation about the time which the Home Department is likely to take?

**Mr. P. R. Rau:** I am afraid I cannot give an answer to that question.

**Mr. M. Maswood Ahmad:** Cannot the Home Department reply as to what time they propose to take in passing a resolution or issuing an order on Mr. Hassan's report?

**The Honourable Mr. H. G. Haig:** I do not think that the matter is in the charge of the Home Department, but it is a matter to which we, at the present moment, are giving special attention and, subject to the exigencies of business in this House, we shall certainly hope, as far as we are concerned, to reach conclusions as rapidly as possible.

**Mr. M. Maswood Ahmad:** Will the Railway Department be pleased to lay on the table the recommendations which have been made to the Home Department?

**Mr. P. R. Rau:** No, Sir.

APPOINTMENT OF A MUSLIM WATERMAN FOR THE MUSLIM STAFF IN THE OFFICE OF THE CHIEF AUDITOR, RAILWAY CLEARING ACCOUNTS, DELHI.

**Mr. M. Maswood Ahmad:** About this question 1184, I want to say that there is an omission—that after the word "other" in part (b) the word "than" has been omitted by mistake; I have informed Sir Alan Parsons of this and I hope my Honourable friend will reply to the question in the amended form.

1184. \***Mr. M. Maswood Ahmad:** (a) Are Government aware of the fact that annually during the summer season one Hindu water-man is employed departmentally to supply drinking water to Hindu clerks whereas no such arrangement is made for the Muslim staff in the Chief Auditor, Railway Clearing Accounts Office, Delhi?

(b) Are Government aware that the Shia section of Muslims do not eat or drink any article touched by other Muslims and that their religion does not allow them to eat or drink any thing touched by non-Muslims?

**The Honourable Sir Alan Parsons:** (a) and (b). In the past a Hindu waterman was engaged during the summer months; as the number of Muslim clerks was small, no special arrangement was made for them. Over three months ago, a new arrangement has been introduced and small allowances are now paid to some menials, including a Shia Muslim menial for supplying drinking water to the staff (Hindu and Muslim) throughout the year.

**INTRODUCTION OF ANNUAL CONFIDENTIAL REPORTS ON THE CLERKS OF THE OFFICE OF THE CHIEF AUDITOR, RAILWAY CLEARING ACCOUNTS, DELHI.**

1185. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware of the fact that Mr. S. D. Gupta, Chief Auditor, Railway Clearing Accounts, Delhi, has recently introduced an annual confidential report on the clerks of the Military Department in his own office and the same was circulated amongst the clerks for information?

(b) Will Government be pleased to state whether the introduction of this military procedure in the Chief Auditor's office was made after previously consulting the Director of Railway Audit and final approval by the Auditor-General, Central Revenues?

(c) Will Government be pleased to state, in this connection, whether this military procedure has also been introduced in other Audit offices under the control of the Director of Railway Audit?

(d) If the reply to part (c) be in the negative, will Government be pleased to state why this novel procedure has, at all, been introduced only in the Chief Auditor's office?

(e) Are Government aware of the fact that the remarks offered by the immediate superiors in connection with a number of questions and queries, contained in the confidential report, are not communicated to the clerk concerned and that he is not in a position to submit any explanation or correct any incorrect remark?

(f) Are Government aware that by this means the personal files of all the clerks are at the mercy of the immediate officers?

(g) Will Government be pleased to state the percentage of different communities in that department?

**The Honourable Sir Alan Parsons:** (a) Yes.

(b) No military procedure has been introduced. This is a matter in which some discretion is left to the Chief Auditor.

(c) Does not arise.

(d) The procedure of recording confidential reports on clerks is not novel. The new form has been introduced to make reports more informative.

(e) If there are any adverse remarks on any clerk, such remarks are as a matter of course communicated to the clerk concerned.

(f) Does not arise in view of the reply to part (e).

(g) The percentages of different communities in the clerical establishment of the office of the Chief Auditor, Railway Clearing Accounts, on 1st November, 1932, were:

Hindus ..	..	84.5 per cent.
Muslims ..	..	8.6 per cent.
Sikhs ..	..	5.2 per cent.
Anglo-Indians	..	1.7 per cent.

**Mr. M. Maswood Ahmad:** Will this confidential report be sent to the employee for an explanation?

**The Honourable Sir Alan Parsons:** As I explained in my answer, if there are adverse comments, they will be communicated to the clerk concerned.

#### REDUCTION OF THE PERCENTAGE OF MUSLIM EMPLOYEES IN THE OFFICE OF THE CHIEF AUDITOR, RAILWAY CLEARING ACCOUNTS, DELHI.

1186. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the percentage of Muslim employees in the Chief Auditor, Railway Clearing Accounts Office, Delhi (including clerks, dufftries, and peons), has been reduced?

(b) If the reply to part (a) be in the affirmative, will Government state what percentage it has been reduced by?

(c) If the reply to part (a) be in the negative, will Government state what was the Muslim percentage in that department in February, 1931, and what it was on 31st August, 1932?

**The Honourable Sir Alan Parsons:** (a) The percentage of Muslim staff (Clerks, Dufftries and Peons) in the permanent establishment of the office of the Chief Auditor, Railway Clearing Accounts, was reduced on 31st August, 1931, owing to the death of a Muslim clerk. The vacancy has not been filled on account of retrenchment.

(b) The reduction has been to the extent of 1.25 per cent.

(c) Does not arise.

**Dr. Ziauddin Ahmad:** Is the Honourable gentleman satisfied that the orders of the Railway Board are carried out?

**The Honourable Sir Alan Parsons:** In this particular case I am answering on behalf of the Finance Department who have this establishment under their control. I am satisfied in regard to that that these orders are being carried out.

**Dr. Ziauddin Ahmad:** Was it not the function of the Financial Commissioner, Railways, to reply to this question and not the Finance Department?

**The Honourable Sir Alan Parsons:** No; in this case we are dealing with statutory audit and not with the railway accounts service which is under the Financial Commissioner, Railways.



**DISCHARGE OF SIX PROVINCIAL FOREST SERVICE OFFICERS BY THE PUNJAB GOVERNMENT ON COMPENSATION PENSION.**

1187. \***Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): (a) Are the Government of India aware that the Punjab Government (*vide* their order of the 10th September, 1931) discharged six Provincial Forest Service Officers of more than 25 years' service on compensation pension and also about eight officers with lesser service and that, with the exception of one, all these officers were in the Provincial Service on the 9th March, 1926?

(b) Did the Punjab Government obtain the *previous* sanction of the Governor General in Council for the discharge of these five officers as required by paragraph 40 of Notification No. F.-74—30, dated the 18th June, 1930, issued by the Secretary of State for India?

(c) If the Punjab Government have not obtained the necessary sanction, are Government prepared to call upon the Local Government to explain as to why the protection afforded by the above notification to these old servants of Government was not extended to them? Do Government propose to direct the Punjab Government to recall these officers to duty at once, treating the periods of their absence from active duty as leave on average pay?

(d) How do the Government of India propose to safeguard the interests of such officers? Will Government please state if such a sanction can be granted by the Government of India *after* the actual discharge of the officers with retrospective effect? If so, will Government please state the authority under which they can do so?

**Mr. G. S. Bajpai:** Certain information in regard to the question asked by the Honourable Member has been called for from the Local Government and an answer will be laid on the table of the House in due course.

**REPAIRS TO THE FURNITURE OF THE LEGISLATIVE ASSEMBLY BUILDING AT SIMLA AND THE ASSEMBLY SECTOR AT NEW DELHI.**

1188. \***Sir Muhammad Yakub:** (a) Will Government be pleased to state what is the total annual cost separately of repairing the furniture of the Legislative Assembly Building at Simla and the Assembly Sector at New Delhi?

(b) Who is responsible for the upkeep of the furniture, whether it is the Public Works Department or the Legislative Assembly Department?

(c) Who carried out the repairs to the furniture in the Assembly Sector, Council House, New Delhi, in 1931, and what was the actual cost?

(d) Was the expenditure incurred from the Legislative Assembly Department budget or from the Public Works Department budget?

(e) How, and by whom, are the repairs to be carried out this year and at what cost?

(f) Do Government propose to make it a rule that the repairs to the furniture of the Assembly Buildings at Simla and New Delhi should be carried out by the Legislative Assembly Department and not by the Public Works Department?

**The Honourable Sir Frank Noyce:** (a) The total annual cost of repairing the furniture supplied by the Central Public Works Department is as follows:

Legislative Assembly building at Simla—Varies from Rs. 1,260 to Rs. 1,500.

Legislative Assembly Sector at Delhi—About Rs. 1,650.

(b) The Central Public Works Department.

(c) Only essential repairs were carried out by the Legislative Assembly Department at a cost of Rs. 775.

(d) The expenditure was incurred out of the Legislative Assembly Department's budget.

(e) The repairs this year have been carried out by the Central Public Works Department. The cost is estimated at Rs. 1,610.

(f) I am prepared to consider the suggestion in consultation with the Legislative Assembly Department.

#### RECOGNITION OF THE BRITISH MEDICAL REGISTER IN THE DRAFT MEDICAL COUNCIL BILL.

1189. \***Mr. M. Maswood Ahmad** (on behalf of Mr. Lalchand Navalrai):

(a) Is it a fact that in the draft Indian Medical Council Bill the British Medical Register has been recognized?

(b) Have Government made any provision in return that the Indian Medical Register will be recognized by the British Medical Council or has any such guarantee been obtained from the British Medical Council?

(c) If not, what are the reasons which have led Government to recognize the British Medical Register in India?

**Mr. G. S. Bajpai:** (a) The Honourable Member's attention is invited to Schedule 2 to the Indian Medical Council Bill.

(b) Provision has been made in the Bill for schemes of reciprocity with authorities outside British India and for the withdrawal of recognition from any of the prescribed medical qualifications, if necessary.

(c) Government, after very carefully considering what qualifications should be recognised at the start, came to the conclusion that the only feasible course was to recognise those qualifications whether Indian, British or foreign, which, in the opinion of a well established organisation, indicated the attainment of an adequate standard.

**Mr. Lalchand Navalrai:** Has any provision been made for including licentates?

**Mr. G. S. Bajpai:** No.

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

**Mr. G. S. Bajpai:** Because if my Honourable friend would turn to the Statement of Objects and Reasons, he would find that the Bill limits itself to the regulation of graduate qualifications.

**Mr. Lalchand Navalrai:** Why has it been done so?

**Mr. G. S. Bajpai:** I think that is perhaps a question which the Government would be in a position to answer when the Bill is read a second time in the House.

**Mr. M. Maswood Ahmad:** Does the word "graduate" appear in the preamble?

**Mr. G. S. Bajpai:** I think so.

**Mr. M. Maswood Ahmad:** No; it does not. The word is "higher", which is a comparative term.

**ALLEGED CIRCULATION OF A SECRET DOCUMENT BY A MUHAMMADAN MEMBER OF GOVERNMENT.**

1190. \***Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): Has the attention of Government been drawn to the issue of the *Tribune*, dated the 22nd October, 1932, publishing on page 3 'a secret document', of a distinguished Muhammadan leader who is said to be also a Member of Government? If so, will Government kindly state whether this document was circulated with the permission or knowledge of the Government of India?

**The Honourable Mr. H. G. Haig:** I have seen a newspaper report to the effect mentioned. The answer to the second part of the question is in the negative.

**NUMBER OF ARRESTS AND CONVICTIONS UNDER THE CONSOLIDATED ORDINANCE.**

1191. \***Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): Will Government kindly state the number of arrests and the number of convictions under the provisions of the Consolidated Ordinance since its promulgation from the end of June, 1932, to 1st November, 1932?

**The Honourable Mr. H. G. Haig:** I lay on the table a statement giving the information in my possession up to the end of September. I will lay a further statement on the table, in due course, giving figures for October, 1932.

*Statement showing (a) number of persons convicted not necessarily imprisoned under the Consolidated Ordinance of 1932 for offences connected with the Civil Disobedience Movement and (b) number of persons arrested under Section 3 of Special Powers Ordinance.*

Province.	Number of persons convicted not necessarily imprisoned under the Consolidated Ordinance for offences connected with the Civil Disobedience Movement from 1st July to the end of September, 1932.	Number of persons arrested under section 3 of Special Powers Ordinance from 1st July to the end of September, 1932.
Madras	47	..
Bombay	422	287
Bengal	94	93
U. P.	348	..
Punjab	43	4
B. & O.	618	..
C. P.	18	..
Assam	..	..
N.-W. F. P.	..	13
Delhi	88	21
Ajmer-Merwara	2	..
Total	1,680	398

## IMPORT OF WHEAT INTO INDIA.

1192. \***Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): (a) Will Government kindly state the quantity of wheat that had been imported into India during the years 1931 and 1932?

(b) What is the amount of duty collected on the same and at what rate?

(c) Is it a fact that surcharge levied on all duties by the Supplementary Finance Act of 1931 has not been charged on the import of wheat? If so, by what authority was wheat excluded from the surcharge?

**The Honourable Sir Alan Parsons:** (a) 1931, 245,115 tons.  
1932, January to September, Nil.

(b) 1931, Rs. 4.6 lakhs, collected at Rs. 2 per cwt.  
1932, January to September, Nil.

(c) There were no imports after the Finance (Supplementary and Extending) Act, came into force, up to the end of September, 1932. Had there been any imports, the surcharge would not have been applicable. Section 4 of the Act mentioned did not impose any surcharge on articles mentioned in Part I of Schedule II to the Indian Tariff Act.

## RULES GOVERNING THE GRANT OR CANCELLATION OF PASSPORTS.

1193. \***Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): Will Government kindly state under what statutory authorities the passports for various travellers are issued and refused? If there be no statutory authority, will Government kindly state which authority had framed the rules governing the grant or cancellation of passports? Is it a fact that under the rules no person can be denied a passport on account of his political views and activities?

**Mr. H. A. F. Metcalfe:** There are no statutory rules or orders governing the issue of passports and it is not compulsory for persons proceeding out of India to be in possession of such documents. But as passports are demanded of travellers by the authorities of foreign countries these are issued according to rules framed by the Government of India for the guidance of passport issuing authorities. These rules provide for the refusal of passports on political grounds.

## HORSE BREEDING IN JHELUM CANAL COLONIES.

1194. \***Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): With reference to the supplementary question asked by Mr. B. R. Puri to question No. 169 of the 12th September, 1932, about the orders, issued by the Zilledar of Mangwana Zail on 7th March, 1930, to the Lambardars of the various villages to produce their mares in horse show fairs and in rest, are Government prepared to make an official enquiry into the matter and state what actions they have taken against the Zilledar?

**Mr. G. R. F. Tottenham:** Enquiries have already been made. I am assured that the letter in question was not intended as an order or understood as such by the majority of its recipients. On the other hand, the wording of the order was certainly open to a different interpretation; and

instructions are therefore being issued to all Zilladars to the effect that notices about fairs and races should be so expressed in future that they cannot be interpreted as orders. I trust that the Honourable Member will agree that this action is sufficient.

# PRICE OF BURMAH OIL COMPANY'S PETROL.

1195. **\*Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): (a) With reference to the answer to question No. 159 on the 8th September, 1932, will Government be pleased to state if it is not a fact that B. O. C. petrol is sold at a cheaper rate at London than at Calcutta? If so, what are the reasons for such different rates between Indian prices and prices in England?

(b) Have Government inquired into the matter that the price of petrol is controlled in India by a combination or ring of importers?

(c) Has the attention of the Government of India been drawn to the lowering of the prices in Bombay and Poona during the last few months on account of the import of petrol from Russia? If so, are Government prepared to provide facilities for the import of Russian petrol in the other towns of British India as well?

**The Honourable Sir Joseph Bhoré:** (a) B. O. C. petrol, i.e., petrol derived from oil-fields in India and Burma under the control of the Burmah Oil Company is not sold in London. No comparison of Indian and London prices is, therefore, possible.

(b) The matter is still under investigation

(c) The Government of India have seen certain press reports regarding the reduction of the price of petrol in Bombay. There is nothing, as far as I know, to prevent the sale of the petrol referred to by the Honourable Member in any town in India and I am not aware that any special facilities can be given by Government to any one in this matter.

**Mr. K. Ahmed:** Is it a fact that the property on which this Petrol Company is carrying on business is lease-hold property under the Government, and, if that is so, have not Government got any control over it while granting fresh leases or are there any special clauses or conditions which can be enforced with a view to compelling the Company to reduce their prices besides the other methods of compelling them to bring down their rate?

**The Honourable Sir Joseph Bhoré:** I am not aware of the terms under which the Burmah Oil Company holds land.

**Dr. Ziauddin Ahmad:** Am I correct in assuming from the answer to part (a) that the export of petroleum from India to United Kingdom is zero or is absolutely nothing?

**The Honourable Sir Joseph Bhoré:** My Honourable friend must give me notice of that question.

**Dr. Ziauddin Ahmad:** I understood that the Honourable Member said that since nothing was exported, therefore the comparison of the prices does not arise.

**The Honourable Sir Joseph Bhow:** I referred to B. O. C. petrol.

**Dr. Ziauddin Ahmad:** Is there anything else like shell, etc., which is also produced in India?

**The Honourable Sir Joseph Bhow:** The question referred definitely to B. O. C. petrol and a comparison of the prices of that petrol in England and in India, and my reply was directed to that one specific question.

**Dr. Ziauddin Ahmad:** The main issue in this particular question is that the petrol produced in India is sold cheaper in the London market than it is sold in Rangoon or Calcutta. That is really the question.

**The Honourable Sir Joseph Bhow:** That is quite a different question. If I remember rightly, I gave a reply to that on the last occasion. I gave my Honourable friend information regarding the various prices.

**Dr. Ziauddin Ahmad:** That was the thing I had in mind.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member must remember that this question has been specifically asked to elicit information about a particular point, and, therefore, supplementary questions on the general aspect of the question cannot arise.

**Mr. B. Das:** Is it not a fact that the difference in the excise and import duty of nine pies on kerosine oil enables the Burmah Oil Company to lower the prices of petrol for the British market?

**The Honourable Sir Joseph Bhow:** I am afraid I do not carry details in regard to kerosine oil in my head.

**Mr. B. Das:** Is it not a fact that kerosine oil has got nine pies difference between the import duty and the excise duty, and, therefore, the Burmah Oil Company gets the advantage?

**The Honourable Sir Joseph Bhow:** I shall be happy to supply the information to my Honourable friend about kerosine oil if he will put a question down on the paper.

**Mr. K. Ahmed:** In view of the fact that there is a general complaint throughout the length and breadth of India that the price of petrol is unusually high,—and the grievance has been ventilated to Government Departments again and again during the last few years,—do Government propose, since the Honourable the Commerce Member said that he has had not got the terms and conditions, etc., to send for them and see their way to expedite the matter of bringing down the price of petrol, because there is a general clamour in the country?

**The Honourable Sir Joseph Bhoré:** I do not know to what conditions my Honourable friend is referring.

**Mr. K. Ahmed:** The conditions referred to by the Honourable the Commerce Member himself when he said that he did not know the terms and conditions in the agreement of lease? Has the Honourable Member caught my point or I shall have to explain it again? (Laughter.)

**The Honourable Sir Joseph Bhoré:** I shall be glad if the Honourable Member will explain the point.

**Mr. K. Ahmed:** The Honourable the Commerce Member said that he was not aware of the conditions set out in the agreement of lease while answering my supplementary question just a minute ago. Will he be good enough to send for copies of those leases or agreements in which the conditions, etc., are set out and see whether there is any way by which his department can compel these people to reduce the price of petrol since there is a general clamour in the country?

**The Honourable Sir Joseph Bhoré:** My Honourable friend must realise that the conditions under which these companies hold leases must vary from place to place and from locality to locality and from province to province, and it would be an impossible task for me, Sir, to conduct an investigation into all these matters.

**Mr. K. Ahmed:** My Honourable friend may take it for granted that it will neither take a long time nor involve a great expense, except probably five pice for Service Stamps, all the information is already collected and he will not have to incur any extra expense or labour, because it is a very easy thing and simple thing also; one line to the Local Government will fetch him the information which he himself is not aware of, and it is absolutely necessary that he must have that information for his own benefit.

(There was no answer for a few seconds.)

**Mr. K. Ahmed:** If there is no answer, Sir, what is the use?

**The Honourable Sir Joseph Bhoré:** I am not quite sure what information he refers to, but if my Honourable friend has this information at his command, I shall be very grateful if he will supply it to me.

**Mr. M. Maswood Ahmad:** Do Government realise that there is a strong feeling that the price of B. O. C. and other petrol is very high and that now-a-days it is almost a daily necessity instead of a luxury?

**The Honourable Sir Joseph Bhoré:** I think my friend is quite right in suggesting that, I think there is a feeling like that.

**Mr. S. C. Mitra:** Arising out of the answer given to my friend, Mr. B. Das, are we to understand that the Honourable the Commerce Member is not aware of the fact that there is a difference of nine pies between the excise duty on kerosine oil and the import duty?

**The Honourable Sir Joseph Bhoré:** I believe there is such a difference, but if my friend wants accurate information, I suggest that he should put a question on the paper, and I shall be able to supply him the information on the point.

### APPRENTICE PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

1196. \*Sirdar Sohan Singh (on behalf of Sardar Sant Singh): (a) Is it a fact that Apprentice Permanent Way Inspectors were accepted on the North Western Railway in the year 1926? Is it also a fact that on appointment as Apprentice Permanent Way Inspector, a printed book was supplied to each employee containing the prescribed course of training for Permanent Way Inspector with dates for undergoing the training? Is it also a fact that the persons taken did fulfil all the conditions of the standing rules laid down in that book?

(b) Is it a fact that in that printed book it was laid down that in case the apprentice shows special ability and is recommended as duly qualified, he may, if vacancies exist, be appointed to inspectorship after four years?

(c) If so, is it also a fact that vacancies did occur and that the employees did fulfil all the conditions and were duly qualified and recommended and yet they were not appointed to inspectorship on the due date?

(d) Is it a fact that after the due date the vacancies occurred and yet they were not filled in by the Apprentice Permanent Way Inspectors, but were filled in by the sub-permanent and sub-way inspectors? How many of such Apprentice Permanent Way Inspectors are there who have duly qualified themselves and who still remain to be provided?

(e) Do Government propose to address the Agent, North Western Railway, asking him to try to fulfil the engagements with these apprentices, who still remain unprovided? If not, why not?

(f) Is it a fact that their position in the final examination is not kept in view when the appointments are offered? If not, why not?

Mr. P. R. Rau: (a) to (d) and (f). Government have no information.

(e) I am sending a copy of the question to the Agent, North Western Railway, for any action he may think it necessary to take in order to see that any engagements that may have been entered into are kept.

### NUMBER OF SIKHS ARRESTED IN THE CENTRAL PROVINCES AND IN THE UNITED PROVINCES OF AGRA AND OUDH FOR WEARING KIRPANS.

1197. \*Sirdar Sohan Singh (on behalf of Sardar Sant Singh): (a) Will Government kindly state the number of Sikhs arrested in the Central Provinces and in the United Provinces of Agra and Oudh for wearing kirpans in the year 1932? If so, why?

(b) How many of them are undergoing or have undergone imprisonment for wearing kirpan during this period?

(c) What was the length of kirpan possessed by each at the time of arrest?

(d) Is it a fact that sword is exempted from the operations of the Arms Act in both these Provinces? If so, are Government aware that sword and kirpan are the synonymous terms as given in the judgment of the High Court of Judicature at Lahore, dated 18th March, 1924 (5 Lahore, page 308)? If so, what were the grounds for taking action against Sikhs wearing kirpans?

The Honourable Mr. H. G. Haig: (a) to (d). I have made enquiries from the Local Governments concerned and will furnish a reply in due course.



**EXEMPTION OF THE WEARING OF KIRPANS BY SIKHS FROM THE OPERATIONS OF THE ARMS ACT.**

1198. \***Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): Is it a fact that by Notification No. 242, dated 11th May, 1917, the Government of India, in exercise of the powers conferred by section 27 of the Indian Arms Act, exempted from the operations of the Arms Act *kirpans* possessed or carried by Sikhs throughout India? If so, was this Notification modified by the Government of India later on? If so, when? If not, then under what statutory authority the Local Governments of Bombay, Central Provinces and United Provinces have modified the Notification issued by the Government of India?

**The Honourable Mr. H. G. Haig:** The scope of Notification No. 242, dated the 11th May, 1917, was as stated by the Honourable Member. Under Schedule II of the Indian Arms Rules, 1920, published under notification No. 1 of 1st January, 1920, all arms except firearms were excluded from the operation of all prohibitions and directions contained in the Act, but Local Governments were authorised to retain all or any of such prohibitions and directions in respect of arms in the case of any class of persons or of any specified area. It is by virtue of this authority which was retained in the Arms Rules of 1924 that certain restrictions in the case of *kirpans* have been imposed by some Local Governments.

**RESOLUTIONS OF THE SHIROMANI GURDWARA PARBANDHAK COMMITTEE, AMRITSAR, PROTESTING AGAINST THE RESTRICTIONS PLACED ON THE POSSESSION AND CARRYING OF KIRPANS BY SIKHS IN THE PROVINCES OUTSIDE THE PUNJAB.**

1199. \***Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): (a) Is it a fact that the Shiromani Gurdwara Parbandhak Committee, Amritsar, sent a resolution protesting against the restrictions placed on the possession and carrying of *kirpans* by Sikhs in the provinces outside the Punjab on the 9th July, 1932, to the Government of India? If so, will Government kindly place that resolution on the table of the House?

(b) Was any reply sent to the Shiromani Gurdwara Parbandhak Committee, Amritsar? If so, when? Will Government kindly lay a copy of the reply on the table?

**The Honourable Mr. H. G. Haig:** (a) The Honourable Member's information is correct, Government do not consider it necessary to place a copy of the resolution on the table.

(b) As the Committee had forwarded copies of the resolution to all Local Governments and to the press and as the matter was one for the consideration of certain Local Governments only, the Government of India did not find it necessary to take any action.

**Mr. Lalchand Navalrai:** Is the resolution a confidential paper so that it cannot be placed on the table?

**The Honourable Mr. H. G. Haig:** I did not quite understand the Honourable Member's question.

**Mr. Lalchand Navalrai:** The Honourable Member said that this resolution will not be placed on the table. I ask, has it the character of being a confidential document?

**The Honourable Mr. H. G. Haig:** No. The reason is precisely the reverse. It is because the resolution has already been published in the press that it seems superfluous to place it on the table of the House.

#### IMPORT OF *COPRA* FROM CEYLON.

1200. **Mr. K. P. Thampan:** Will Government be pleased to state what is the total quantity of *copra* imported from Ceylon into this country during the latest quarter or period for which statistics are available, and the total quantity for the corresponding period for the previous two years?

**The Honourable Sir Joseph Bhore:** The information asked for is available for the whole year only and the Honourable Member is referred to Volume I of the Annual Statement of the Sea-borne Trade of British India for the fiscal year ending 31st March, 1931, a copy of which is in the Library.

**Mr. K. P. Thampan:** May I know whether the Government are aware that there has been a considerable increase in the import of *copra* from Ceylon to India within the last few months?

**The Honourable Sir Joseph Bhore:** I think my Honourable friend is right in saying that there has been an increase.

#### DUMPING OF CEYLON *COPRA* INTO INDIA.

1201. **Mr. K. P. Thampan:** Will Government be pleased to state:

(a) whether they are aware that the Trade Commissioner of Ceylon recently toured in this country to open up trade facilities for Ceylon produce and, as a result of his activities, Ceylon *copra* is now largely imported into this country and is being used in place of local products in some of the mills on the West Coast; and

(b) whether Government propose to take any action to stop the dumping of Ceylon *copra* into this country?

**The Honourable Sir Joseph Bhore:** (a) and (b). The Government of India were informed that the Government of Ceylon had considered a proposal for the appointment of a Ceylon trade representative in India with a view to developing the trade in Ceylon produce between India and Ceylon and that in order to gauge the possibilities of the trade, it had been decided to carry out preliminary investigations in India. For this purpose an officer was appointed by the Government of Ceylon for a period of 3 months, as a tentative measure, from the 27th of June, 1932. They are not, however, able to say without making detailed local enquiries what have been the results on trade, and they have no evidence that Ceylon *copra* is being dumped into India.

**Mr. K. P. Thampan:** May I know whether Government are aware that even in inland towns like Delhi, Allahabad, Lucknow, etc., Ceylon *copra* is placed on the market?

**The Honourable Sir Joseph Bhore:** I have no information in regard to that, but I will make enquiries.

**Mr. K. P. Thampan:** Are Government aware that there has been considerable agitation among the planters and merchants on the West Coast on account of this keen competition?

**The Honourable Sir Joseph Bhore:** As far as I remember, the Government of India have not received any representations on that point.

**Mr. K. P. Thampan:** Have they not received any representation from the Chambers of Commerce on the West Coast,—at Cochin, Calicut or Mangalore?

**The Honourable Sir Joseph Bhore:** I should not like to commit myself, but I shall verify the point.

**Mr. K. P. Thampan:** May I know whether Government cannot enhance the duty on *copra* by executive orders without coming to the Legislative Assembly, if they are satisfied that there has been large dumping of Ceylon *copra* to the prejudice of the indigenous product, and will Government be pleased to consider the advisability of doing so?

**The Honourable Sir Joseph Bhore:** The matter is not so easy, because Government have, if I remember aright, received representations that as far as possible the duty at present imposed on *copra* should be removed so as to give the oil expressing industry of the country a stimulus.

**Mr. K. P. Thampan:** In view of the fact that the mills in Cochin are at present working with Ceylon *copra*, and the local supplies are unlimited, can not the Government do something to protect the interests of the planters and people of the West Coast whose welfare depends on this industry?

**The Honourable Sir Joseph Bhore:** As I have said to my Honourable friend, I am not aware that any representations have been received from the cocoanut growers on the West Coast, but I am aware of representations which have been received from the oil expressing industry on the West Coast asking that the restrictions on Ceylon *copra* into India should be removed, but I will make an enquiry into the matter.

**MUTUAL AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE PORTUGUESE AND FRENCH GOVERNMENTS IN REGARD TO THE RECIPROCAL TRANSMISSION OF INLAND POSTAL ARTICLES.**

1202. **\*Mr. K. P. Thampan:** Will Government be pleased to state:

- (a) whether it is a fact that a quarter anna Portuguese post card or half anna cover posted in Goa or any other Portuguese territory in India is transmitted freely to any part in British India;
- (b) whether Government suggested to the Portuguese authorities in India to increase their rates so as to have a uniform rate in both territories;
- (c) whether the same inequality in rates exists in the French territories also;

- (d) whether there are mutual agreements between the Government of India and the Portuguese and French Governments in regard to the reciprocal transmission of inland postal articles; if so, when were the agreements entered into and what are their main features; and
- (e) whether any statistics are taken of such postal articles transmitted from Portuguese and French territories in British India; if so, what is their number in the last official year?

**Mr. T. Ryan:** (a) The postage on a postcard sent from Portuguese India to British India is 3 *reis* and the minimum postage on a letter is 6 *reis*. I understand that these rates are equivalent to a quarter anna and half an anna, respectively. Postcards and letters posted in Portuguese India for any place in British India are carried by the Indian Posts and Telegraphs Department.

(b) No. The Indian Government have no right, or reason, to make any such suggestion. As the postage is retained by the sending country, it is immaterial to India whether the Portuguese charge is high or low.

(c) No.

(d) There is no formal agreement for the exchange of correspondence between British India and Portuguese India. The arrangements were arrived at by an exchange of letters in 1878 when it was settled that the rate of postage on postcards and letters from British India to Portuguese India should be the same as the British Indian inland rates. In the reverse direction the charges notified were as I have just stated. A Convention was concluded in 1931 between the Government of India and the Government of the French Settlements in India by which it was agreed that postal communication between British India and the French Settlements in India should be carried on through British Indian Post Offices situated in those Settlements, and British Indian inland rates of postage are charged on such correspondence.

(e) The reply to the first part is in the negative. The second part does not arise.

#### ORDERS PLACED WITH PROVINCIAL JAILS BY THE INDIAN STORES DEPARTMENT FOR REQUIREMENTS OF THE CENTRAL GOVERNMENT.

1203. **\*Mr. J. Ramsay Scott:** (a) Will Government please state whether, when Government drew up their resolution of December 23rd, 1922, it was anticipated that jail competition with private enterprise would be only provincial? Did Government anticipate that jails would compete for orders placed by the Central Government?

(b) Will Government please state how many times jails have tendered to the Indian Stores Department in the last 18 months?

(c) Will Government please state how many orders have been placed with Provincial Jails by the Indian Stores Department for requirements of the Central Government in the last 18 months and, for what articles, and, at what rates?

**The Honourable Mr. H. G. Haig:** (a) It was intended that jail industries would, subject to certain conditions, be permitted to supply

consuming Departments of Government, and no distinction was drawn between Provincial and Central Departments.

(b) Forty-six times.

(c) A statement is laid on the table giving the information required.

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STATEMENT.

Eighteen orders were placed for the following articles at the rates shown against each :

Barrack blankets at Rs. 3-9-3, 3-12-0, 3-13-6, and Rs. 4 each.

Dungry cloth at Re. 0-3-3 and 0-3-6 per yard.

Dusters at Rs. 1-14-0, 2-1-0, 2-3-0, 2-7-0, 2-9-0, 3-8-0 and Rs. 4-5-0 per dozen.

Dosuty at Re. 0-4-9 and 0-5-0 per yard.

Towels at Rs. 2-13-0, and 3-3-0 a dozen.

Cash bags of cotton net at Re. 0-12-0 and Rs. 1-4-0 each.

Durrie at Rs. 32.

Cane trays at Rs. 2 each.

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ORDERS PLACED WITH PROVINCIAL JAILS BY THE INDIAN STORES DEPARTMENT FOR REQUIREMENTS OF THE CENTRAL GOVERNMENT.

1204. \*Mr. J. Ramsay Scott: (a) Has the Indian Stores Department instructions to buy in the cheapest market?

(b) When orders are placed with jails, may it be presumed that it is because their rates are lower than those of the trade?

(c) Are Government aware that in reply to my starred question No. 919 of March 24th, 1932, they stated that as a rule jail prices were slightly higher than market prices? If so, will Government please explain why orders are placed with jails at higher rates?

The Honourable Mr. H. G. Haig: (a) and (b). I would refer the Honourable Member to the answer given by my Honourable Colleague the Member for Industries and Labour to Mr. S. C. Mitra's starred question No. 433 on the 19th September last.

(c) The answer quoted by the Honourable Member was of a general character, and did not affirm that in all cases prices of jail manufactures were above the market rate.

PROCEDURE FOR THE FIXING OF JAIL PRODUCE RATES.

1205. \*Mr. J. Ramsay Scott: (a) In reply to my starred question No. 918 of March 24th, 1932, part 2, Government stated that they understood that the procedure for the fixing of jail produce rates was carried out. Are Government prepared to see that this procedure is carried out?

(b) Will Government please state what steps have been taken to see that this procedure has been carried out?

(c) Are Government prepared to give an undertaking that this procedure is strictly carried out in future?

The Honourable Mr. H. G. Haig: (a), (b) and (c). Enquiry was made in 1930 as to the procedure for fixing the prices of jail made articles and

the replies received from the Local Governments indicate that the procedure laid down in the resolution of 1922 is being generally carried out.

**Mr. J. Ramsay Scott:** Is the Honourable Member prepared to make a similar enquiry for 1931?

**The Honourable Mr. H. G. Haig:** I do not think it is necessary to repeat this enquiry every year.

#### JAIL COMPETITION WITH PRIVATE ENTERPRISE.

1206. **\*Mr. J. Ramsay Scott:** (a) Have Government seen the leader in the *Madras Mail* of 17th March, 1932?

(b) Are Government aware that the outturn of the Madras jails in 1931 was valued at 12 lakhs?

(c) Have Government considered whether such competition affects the free labour market and increases unemployment?

(d) What steps do Government propose to take to redress this grievance?

**The Honourable Mr. H. G. Haig:** (a) Yes.

(b) The outturn for 1930 was 12 lakhs. For 1931 it was 10 lakhs and 86 thousands.

(c) and (d). I have no reason to suppose that the Government of Madras are not alive to the considerations stated by the Honourable Member. The policy of the Government of Madras in this matter is stated in paragraph 12 of their review dated the 6th September, 1926 on the Jail Administration Report for the year 1925.

**Mr. B. Das:** Is it not a fact that the object of the jail industry is to train up the convicts in certain industries so that when they come out of jail, they can start those industries themselves?

**The Honourable Mr. H. G. Haig:** That is certainly the case.

**Mr. B. S. Sarma:** Will Government be pleased to state whether the provisions of the Indian Factories Act are applicable to jail industries, or whether these industries are exempt from the operation of the provisions of that Act?

**The Honourable Sir Frank Noyce:** I am afraid I must ask for notice of that question. My impression is that the provisions of the Factories Act do apply to certain jail industries, but I cannot say definitely without making enquiries.

**Mr. F. E. James:** The Honourable Member stated that he was aware that the purpose of employing convicts in these mills was to train them for work after they had left the prison. Is he also aware that Provincial Governments generally keep no statistics as to what happens to convicts after they have left the jail, and, therefore, are not in a position to say whether this policy is successful or not?

**The Honourable Mr. H. G. Haig:** That may be so. I have no information on the point.

**Mr. J. Ramsay Scott:** Is the Honourable Member aware that the United Provinces Government state that less than half or one per cent. of the number take to the industry after leaving jail?

**The Honourable Mr. H. G. Haig:** I am not aware of that, but I am perfectly prepared to take it from my Honourable friend.

**Mr. Lalchand Navat:** Will the Honourable Member be pleased to state if, as a matter of fact, training is given to these prisoners to such an extent that when they come out they work independently in these avocations?

**The Honourable Mr. H. G. Haig:** I cannot say to what extent this policy has any practical result. I have merely said that one of the reasons for employing prisoners in industries of this type was that they might receive some training which would be useful to them after they had been released from jail.

#### JAIL COMPETITION WITH PRIVATE ENTERPRISE.

1207. **\*Mr. J. Ramsay Scott:** (a) Is it a fact that in June 1931, orders for 15,000 blankets were placed with the Bhagalpur Jail by the Indian Stores Department at a price of Rs. 3-8-0 while the market rate, at which the balance of the order was placed, was Rs. 4-8-0 each?

(b) Was the jail quota only limited by the output of the jail?

(c) Are Government aware that in June, 1932, the jail was given an order for 25,000 blankets at Rs. 4-0-0 each?

(d) Is it the policy of the Government to extend jail competition with private enterprise?

**The Honourable Mr. H. G. Haig:** (a) No order for blankets was placed with the Bhagalpur Jail in June, 1931. An order for 15,000 blankets was, however, placed with the jail in August, 1931, at Rs. 3-12-0 per blanket against a demand for 96,300 blankets. The balance of the order was placed with other suppliers at Rs. 4-8-0 and at Rs. 4-10-0 per blanket.

(b) No. The Bhagalpur Jail quoted for 40,000 blankets.

(c) No.

(d) No. The keynote of Government's policy in this matter is that there should be as little interference as possible with private enterprise.

#### JAIL COMPETITION WITH PRIVATE ENTERPRISE.

1208. **\*Mr. J. Ramsay Scott:** (a) Are Government aware of the great amount of unemployment at the present moment?

(b) Are Government aware that a large amount of machinery is standing idle, because the trade for which it was purchased has become a jail monopoly?

(c) Is it the policy of the Government to assist Indian industries? If so, have Government considered whether jail competition does or does not assist the Indian manufacturer?

**The Honourable Mr. H. G. Haig:** (a) Yes.

(b) No.

(c) While Government are anxious to encourage Indian industries, they consider it legitimate that jail manufactures should be used in the limited conditions laid down in the Government resolution of 1922.

#### JAIL COMPETITION WITH PRIVATE ENTERPRISE.

**1209. \*Mr. J. Ramsay Scott:** (a) Is it a fact that the United Provinces Government on June 15th in reply to question No. 68 stated that they had reduced their percentage of profit?

(b) Are Government aware that a resolution on jail competition was ballotted for in the Punjab Council last Session?

(c) Is it a fact that the Associated Chambers of Commerce brought this matter up last year and that the Councils of Madras, Punjab and United Provinces are interested in jail competition? Are Government prepared to reconsider the question?

**The Honourable Mr. H. G. Haig:** (a) I understand that the position is as stated by the Honourable Member.

(b) The Government of India have no information.

(c) The Government of India addressed all Local Governments in 1930 and do not consider that any further reference to them is necessary at present, but I am prepared to forward to Local Governments copies of these questions and answers.

#### RE-INTRODUCTION OF A THROUGH CARRIAGE BETWEEN LUCKNOW AND BOMBAY.

**1210. \*Mr. J. Ramsay Scott:** (a) In reply to my starred question No. 995 of 29th March, 1932 (regarding the re-introduction of a through carriage between Lucknow and Bombay) Government stated that the Agent, Great Indian Peninsula Railway, had been asked to re-examine the matter. Will Government kindly intimate what has been the result of the re-examination?

(b) Will Government please state the number of first and second class tickets from Lucknow to Bombay and from Cawnpore to Bombay purchased on each day of the last fiscal year 1931-32?

(c) Will Government please also give the numbers of first and second class tickets from Bombay to Cawnpore and Lucknow purchased during the same period?

**Mr. P. R. Rau:** (a) The Agent of the Great Indian Peninsula Railway reports that two censuses were taken at Jhansi for a period of 14 days each from the 28th December, 1931, to the 10th January, 1932, and from the 14th to the 27th April, 1932, of the through first and second class passengers who travelled between Bombay and Cawnpore or Lucknow. At these censuses it was found that the daily average total number of passengers between the abovementioned stations in the two mail trains up and down which pass Jhansi daily to which through carriages are not now regularly attached was 2½ first class and 5 second class on both occasions. The Agent does not consider that these figures justify



attaching an additional through coach to the mail as a permanent measure, but arrangements are in force to attach a through coach to mail trains between Cawnpore and Bombay when a sufficient number of passengers between Cawnpore or Lucknow and Bombay offer?

(b) and (c). From the figures given in reply to the first part of the question it appears that the collection of more detailed information is hardly necessary.

**PURCHASE OF TWO OLD SHIPS FOR SINKING TO ACT AS A BREAKWATER.**

1211. **\*Mr. J. Ramsay Scott:** (a) Is it a fact that two old ships have been purchased for sinking to act as a breakwater?

(b) Was the first ship purchased in England, and what did it cost?

(c) Was the second purchased in India, and what did it cost?

(d) Who was responsible for these purchases? If both ships had been bought in India, what would the saving have been?

(e) How many such ships were available in India?

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

(b) and (c). One ship was purchased in England at a cost of £8,500 and another in India at a cost of £3,000. The difference in cost is due to the expense involved in the navigation of the first from England to Vizagapatam, while the second was lying at Calcutta and the cost of delivery at Vizagapatam was comparatively small.

(d) and (e). The High Commissioner purchased these ships at the request of the Government of India. The desirability of obtaining in India, if possible, hulls for the required purpose was borne in mind by the Government of India, and before the scheme was finally approved enquiries had been made in India by the Engineer-in-Chief of the Harbour Construction without success. Later it came to the notice of the Railway Board that certain ships were available in Calcutta and the High Commissioner was advised accordingly. The High Commissioner reports that boats of the particular type required by the Engineer-in-Chief were very few in number and the two selected were the only vessels that could be obtained except at exorbitant prices.

**FOREIGN MAILS OF LUCKNOW AND CAWNPORE MISSING CONNECTION OWING TO A DERAILMENT.**

1212. **\*Mr. J. Ramsay Scott:** (a) Is it a fact that the foreign mails of the 27th August, 1931, from Lucknow and Cawnpore missed connection owing to a derailment?

(b) Did the Postmaster General, Bombay, communicate this information to the Postmaster General, United Provinces? If so, when?

(c) Is it a fact that the Postmaster General, United Provinces, first heard of the missed connection on October 13th?

(d) Did any business firm in Cawnpore make any complaint, and how long was it when they received any reply?

(e) Did the Director General of Posts and Telegraphs call for a report from the Postmaster General, United Provinces?

(f) Was the request for particulars lost or mislaid in the office of the Postmaster General, United Provinces?

(g) Is it a fact that nearly five months elapsed before the Cawnpore firm was notified of the facts of the case?

(h) Have any steps been taken to speed up replies to the public? What is the normal period within which letters of complaint are replied to?

**Mr. T. Ryan:** (a), (e) and (f). Yes.

(b) The reply to the first part is in the negative. The second part does not arise.

(c) The report of the misconnection was first received on the 13th October, 1931, by the Postmaster, Cawnpore.

(d) Yes. The National Bank of India, Cawnpore, complained to the Postmaster, Cawnpore, on the 15th September, 1931, and received a reply at once; it was not, however, until the 13th October that the Postmaster was in a position to explain exactly what had caused the delay; he advised the National Bank on that date.

(g) No; as I have just stated, the firm was informed of the facts of the case on the 13th October.

(h) Does not appear to arise on this case; but I may say that every effort is made to ensure that public complaints are promptly attended to and answered as soon as possible. No uniform period can be specified for replies as some cases, such as the present one, involve investigation and correspondence with many different offices, while others can be dealt with much more summarily.

#### JUMA MOSQUE, DELHI.

1213. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to state in connection with the Juma Mosque, Delhi:

(a) whether there was any amount paid to Government in connection with the Juma Mosque, Delhi, by the Managers or by the Muslim public;

(b) whether the ten Managers who signed the agreement on the 24th November, 1862, were representatives of Mussalmans;

(c) how those ten Managers were selected to represent the Muslim community;

(d) whether the present Managers of the Juma Mosque had brought to the notice of the Deputy Commissioner, under clause 3 of the agreement, any such thing which was beyond their control and which might tend to show contempt or disloyalty to Government;

(e) whether anything has been done or any act committed contrary to the wishes of the Government for the last ten years contrary to the terms of the agreement; if so, whether Government will submit a statement; and

(f) whether Government claim the rights mentioned in clauses 3 and 6 of the agreement?

**The Honourable Mr. H. G. Haig:** (a) No.

(b) and (c). It is hardly possible to say exactly what was the status of the signatories to the agreement 70 years ago, but undoubtedly they were considered to be leading and representative Muslims of Delhi.

(d), (e) and (f). I would refer the Honourable Member to the Press Communiqué issued by the Chief Commissioner on the 31st August last.

**Mr. K. Ahmed:** Will Government be pleased to state whether the land situated on the eastern side of the Jumma Mosque and intervening between the mosque and the park adjoining the public thoroughfare in King's high way situated between the Delhi Fort and the mosque was generally occupied by the public in the matter of prayer, particularly on Fridays, which takes place a week before the Id-ul-Fitr, that is to say, fasting prayer and lakhs and lakhs of people used to gather there in congregation larger than what it is now and these people are subjected to great harassment and inconvenience when they say their prayer and is it a fact that this land has been used for prayer from time immemorial, for seventy years, since the transfer of the Government from the East India Company to the British Administration and what do the Government . . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Will the Honourable Member content himself by putting one question at a time?

**The Honourable Mr. H. G. Haig:** I have no information on the point raised by the Honourable Member.

**Mr. K. Ahmed:** Are Government aware that lakhs and lakhs of people come there just a week before this fasting prayer, Id-ul-Fitr, and they do not get sufficient room while saying prayer. Many Members of the Assembly, particularly Muslims, find difficulty and if the answer be in the affirmative, do Government propose to remove this great anomaly and the grievance of the community?

**The Honourable Mr. H. G. Haig:** I should be glad if my Honourable friend would put down a question on the subject.

#### JUMA MOSQUE, DELHI.

1214. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to lay on the table a copy of all the correspondence which up till now has passed between the Chief Commissioner and the Juma Mosque managing committees in the months of July, August, September, October and November, 1932, in connection with the Juma Mosque, Delhi?

**The Honourable Mr. H. G. Haig:** There has been no correspondence between the Chief Commissioner and the Managing Committee of the Juma Masjid. The Deputy Commissioner, it is understood, addressed the Committee, but I am not prepared to lay the correspondence on the table.

**Mr. M. Maswood Ahmad:** Is this correspondence confidential?

**The Honourable Mr. H. G. Haig:** I think it might be described as confidential.

**Mr. M. Maswood Ahmad:** Is it a fact that the initiative was taken by the Managing Committee?

**The Honourable Mr. H. G. Haig:** No, Sir. The Press Communiqué to which I have just referred stated that the Deputy Commissioner had brought certain matters to the notice of the Committee.

**Mr. M. Maswood Ahmad:** I was neither dealing with the Press Communiqué nor the circular to which my Honourable friend has referred. I wanted to know the facts,—as to whether some initiative was taken by the Managing Committee and on that initiative the Deputy Commissioner issued that warning letter or circular whatever you call it.

**The Honourable Mr. H. G. Haig:** No, Sir. That was not the case. The initiative such as it was appears to have been taken by the district authorities.

**Mr. M. Maswood Ahmad:** Is the Honourable Member sure of it?

**The Honourable Mr. H. G. Haig:** That, Sir, is the information given to me by the Chief Commissioner.

#### PRIVILEGE OF FILING APPEALS TO THE RAILWAY BOARD AGAINST THE DECISIONS OF THE AGENT, NORTH WESTERN RAILWAY.

1215. **\*Mr. Lalchand Navairai:** (a) Will Government be pleased to state what powers have been given to the Agent, North Western Railway, for which he is the final authority?

(b) What is the remedy left to the persons aggrieved in regard to such final orders of the Agent?

(c) Does not the Railway Board exist for correction and supervision in such matters and what are the functions which the Railway Board in practice exercise in remedying such of these wrongs brought to their notice by the parties concerned by way of revision, appeal or otherwise?

(d) Will Government be pleased to state how many such cases were brought to the notice of the Railway Board during the last two years and were they all disposed of by a stereotyped reply that the Agent was the sole deciding authority? If not, in how many cases did the Railway Board use their inherent powers?

**Mr. P. B. Rau:** (a) I would refer the Honourable Member to Part II of the Book of Financial Powers in Railway matters, copies of which are available in the Library of the House.

(b) and (c). I would invite the attention of the Honourable Member to the Railway Services (Classification, Control and Appeal) Rules, rules regulating discharge and dismissal of State Railway non-gazetted Government servants and instructions regarding the submission of petition to the Governor General in Council, copies of which are in the Library of the House.

(d) I regret it is not possible to give definite information as to the number of cases received by the Railway Board within the last two years without undue expenditure of labour and time; but I understand that in all, except three or four, such cases the memorialists were informed that no appeal lay to the Railway Board. Enquiries were made by the Board in three or four cases as they appeared to present special features.

**MEDICAL OFFICERS OF SUPERIOR AND SUBORDINATE GRADES ON THE NORTH WESTERN RAILWAY.**

1216. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state how many medical officers of superior and subordinate grades are in service on the North Western Railway now?

(b) At what places on the North Western Railway are the superior medical officers stationed and what denominations do they belong to?

(c) How many superior medical officers are working on the Sind and Baluchistan sections of the North Western Railway and what denomination they belong to?

(d) Are any Sindhis amongst the superior medical officers on the Sind and Baluchistan sections?

(e) If so, how many, and where are they posted?

(f) If not, are Government prepared to appoint some Sindhis instead of importing outsiders?

**Mr. P. R. Rau:** (a) There are four Superior State Railway Medical Officers employed on the North Western Railway. The number of medical subordinates shown in the Classified List of subordinate staff corrected up to 30th September, 1931, is 14 Military Assistant Surgeons and eight Railway Assistant Surgeons.

(b) Of the superior officers, one is the Chief Medical and Health Officer stationed at Lahore, and three are Medical Officers stationed at Delhi, Multan and Rawalpindi.

(c) None.

(d) and (e). So far as I can say from the names of the officers concerned there are no Sindhis among the superior Medical Officers.

(f) I am afraid it is not possible to select members of the State Railway Medical Service on the basis of representing all the provinces or parts of provinces through which a railway passes.

**Mr. Lalchand Navalrai:** Is it the policy of the Railway to appoint people of the section in preference to others, if they have got the same qualifications or not?

**Mr. P. R. Rau:** Not in connection with the superior medical staff, because these are recruited on an all-India basis.

**Mr. Lalchand Navalrai:** I did not fully catch the reply to part (b) of the question as to what denominations these officers belong to.

**Mr. P. R. Rau:** I was not quite sure what exactly my Honourable friend meant by "denominations". Does he mean "religious denominations"?

**Mr. Lalchand Navalrai:** The communities to which they belong.

**Mr. P. R. Rau:** Of the four officers, I understand one is a European, one is a Hindu, one is a Muslim and one a Sikh.

**BRITISH AND CANADIAN ALUMINIUM FACTORIES IN INDIA.**

1217. **\*Mr. Lalchand Navarai:** (a) Will Government be pleased to state if there are British and Canadian aluminium factories in India? If so, how many and where?

(b) Are these British and Canadian factory owners also producers of aluminium metal outside India and importers of it in India or are they interested in the producers and importers of the metal in India?

(c) Are Government aware of any competition between such British and Canadian factory owners and the Indian factories?

(d) Is it a fact that the former are able to sell their pots at low rates in relation to the cost of the metal owing to their being manufacturers of the metal and also factory owners in India?

(e) Is it a fact that formerly Indians controlled nearly 85 per cent of the utensils-manufacturing trade of India whereas now they have barely 15 per cent?

(f) If not, what is their present percentage?

(g) Are there any foreign importers other than British and Canadian foreign importers of aluminium metal in India?

(h) Do Government propose to ask the Indian Legislative Assembly to give fiscal preference to the import of British and Canadian aluminium metal?

(i) Has it been represented to Government that such preference will injuriously affect the already suffering Indian factories of aluminium materials?

**The Honourable Sir Joseph Bore:** (a) It is understood that there are British factories in India manufacturing aluminium-ware, but the Government of India are not yet in possession of complete information as to the number and locality of such factories.

(b) The Government of India have no information regarding the relationship, if any, existing between these British manufacturing interests, on the one hand, and the producers of aluminium metal outside India and importers of the metal into India, on the other hand.

(c) Presumably there is competition between all aluminium-ware factories manufacturing the same classes of goods.

(d) The Government of India have received representations from the owners of certain aluminium-ware factories in India which contain a statement to that effect.

(e) The representation to which I have referred contains a statement to that effect, but the Government of India are not as yet in a position to say whether it is correct.

(f) The Government of India have no information.

(g) Yes.

(h) The Honourable Member is referred to Schedule F of the Trade Agreement made at Ottawa from which he will observe that preference on aluminium circles, aluminium sheets and other aluminium manufactures (except unwrought ingots, blocks and bars) of United Kingdom origin is included in that Agreement.

(i) Yes, in the representation to which I have already referred.

**Mr. Lalchand Navalrai:** Have the Government of India given any reply to the representations of these manufacturers?

**The Honourable Sir Joseph Bhoré:** No, Sir. Representations were, to the best of my knowledge, only recently received.

**Mr. Lalchand Navalrai:** Are the Government of India inquiring into the matter with a view to giving them a reply?

**The Honourable Sir Joseph Bhoré:** They will most certainly inquire into it.

**Mr. S. G. Jog:** Is it not a fact that now-a-days there is a tendency among these foreign works to establish their industries in India either with a view to avoiding or to evading the increased tariff?

**The Honourable Sir Joseph Bhoré:** Sir, it is difficult for me to say what the tendency is.

**Mr. S. G. Jog:** Have not the Government of India noticed that Japanese industries are trying to establish themselves in India?

**The Honourable Sir Joseph Bhoré:** I am afraid I cannot give my Honourable friend any definite information on that point.

**Mr. S. G. Jog:** In view of the menace threatening India's interests, will Government make inquiries and take timely steps?

**The Honourable Sir Joseph Bhoré:** What steps does my Honourable friend suggest that the Government of India should take?

**Mr. S. G. Jog:** All steps necessary to check the growing evil, if it is an evil, affecting Indian industries.

**Mr. B. Das:** Do the Government of India at present possess any machinery whereby they can discriminate between British and empire capital, on the one hand, and Indian capital invested in Indian industries?

**The Honourable Sir Joseph Bhoré:** Not that I am aware of.

**Mr. B. Das:** Is not that the purport of the representation that the Government of India have received from certain firms in Bombay?

**The Honourable Sir Joseph Bhoré:** I think that is what it would amount to in effect.

**Mr. B. Das:** Is not that a subject-matter which particularly concerns the Round Table Conference?

**The Honourable Sir Joseph Bhoré:** I have no doubt that that is one of the matters which may be discussed at the Round Table Conference.

**Dr. Ziauddin Ahmad:** Will Government be pleased to inquire whether Japanese or other Governments are establishing their factories in India, and, if so, is it not a fact that the whole question of the Ottawa Agreement and of the preferences given there becomes a farce?

**The Honourable Sir Joseph Bhore:** May I suggest, Sir, that that question does not arise out of this question.

**Mr. S. C. Mitra:** May I ask whether the Ministers in charge of industries in the provinces were consulted in this matter—in regard to aluminium?

**The Honourable Sir Joseph Bhore:** I have promised my Honourable friend that we shall make inquiries in regard to this matter of aluminium.

**BRITISH AND CANADIAN FACTORIES IN INDIA MANUFACTURING UTENSILS  
MADE OF COPPER, BRASS, GERMAN SILVER, ETC.**

1218. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if there are any British and Canadian factories in India manufacturing utensils made of copper, brass, German silver, etc.? If so, how many, and where?

(b) Do Government propose to ask for Imperial preference to the aforesaid metals or utensils imported into India?

**The Honourable Sir Joseph Bhore:** (a) Enquiries are being made but full information is not yet available to the Government of India.

(b) No, Sir. But the Honourable Member will observe from Schedule F of the Trade Agreement made at Ottawa that these metals and manufactures of some of them are included in the list of articles on which under that Agreement preference is to be given to the United Kingdom.

**CANTEEN CONTRACTORS' SYNDICATE AT KARACHI.**

1219. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if a Canteen Contractors' Syndicate was started at Karachi as a temporary post-war measure?

(b) Since how long has it been in existence and for what purposes?

(c) Are Government aware that the said Contractors' Syndicate are forbidding all the Contractors from purchasing goods from the Bazar dealers even if they do not carry the goods with the result that the Contractors cannot supply the goods to the soldiers and, at the same time, the Indian merchant also loses the business?

(d) Are Government aware that the Canteen Contractors' Syndicate are threatening and coercing different manufacturers and merchants to give them special terms, otherwise they would strike them off their list and thus make them lose the soldiers' trade?

**Mr. G. R. F. Tottenham:** (a) A syndicate was formed with headquarters at Karachi, but not as a temporary post-war measure.

(b) The Canteen Contractors' Syndicate was formed in January, 1928. Its main objects are to ensure that articles sold in canteens are of good quality, and to provide, in peace, an organization which can be relied upon to maintain an efficient canteen service in war.

(c) One of the rules of the Syndicate, to which all unit contractors belong, and of which they hold all the shares, is that members must purchase certain specified goods from the Syndicate alone.

(d) No, Sir.



**Mr. F. E. James:** May I ask the Honourable Member as to whether Government do not consider that the terms of the agreement entered into by the Syndicate with its members are in restraint of trade?

**Mr. G. R. F. Tottenham:** That, Sir, is a matter of opinion. But these terms are not a matter in which Government are primarily concerned. They are chiefly for the Syndicate themselves.

**Mr. F. E. James:** May I ask one more supplementary question? Is there any connection, direct or indirect, between the Honourable Member's Department and this particular Syndicate, or has there ever been any such connection?

**Mr. G. R. F. Tottenham:** If the Honourable Member will wait for the answer to the next question, I shall explain what connection there is between the Army Department and the Syndicate.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if the agreement with this Syndicate stipulates that this Syndicate has to remain permanently?

**Mr. G. R. F. Tottenham:** I would like notice of that question.

**Mr. Lalchand Navalrai:** The Honourable Member said that it is not temporary and, therefore, the Honourable Member must be in possession of the very terms of it?

**Mr. G. R. F. Tottenham:** The Syndicate is not a temporary arrangement. But whether the existing terms are due to be revised after a particular period, I do not know, and I should like to have a notice of that. The idea is that the organisation itself should be permanent.

#### CANTEEN CONTRACTORS' SYNDICATE AT KARACHI.

1220. **\*Mr. Lalchand Navalrai:** (a) Are Government aware that the Canteen Contractors' Syndicate, Karachi, have written to different makers not to give agencies to Indian merchants but only to European houses?

(b) If not, have Government devised any means to safeguard the interests of Indian merchants? If so, what?

(c) Which is the Government controlling authority over the aforesaid Contractors' Syndicate?

(d) Do Government propose to issue instructions to the controlling authority to take measures to safeguard the interests of the Indian merchants and to remove their aforesaid grievances?

**Mr. G. R. F. Tottenham:** (a) No, Sir.

(b), (c) and (d). Government have nothing to do with the management of the business of the Syndicate and can only interfere in the event of a serious disagreement between the Managing Director and the Board of

Directors on a matter affecting the welfare of the troops or the interests of Government. Apart from the Managing Director, who is nominated and paid by Government the Board consists of a Chairman and 18 Directors, all of whom are Indians. Government have no reason to believe that any measures are necessary to safeguard the interests of any merchants who may be desirous of doing business with the Syndicate.

**Mr. Lalchand Navalrai:** Do not Government consider that it is important to inquire into a complaint like the one shown here in part (a) of the question?

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

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

**Mr. G. R. F. Tottenham:** Because Government could take no action on the inquiries when they had been made.

**Mr. Lalchand Navalrai:** Even though they write to the different makers not to give agencies to Indian merchants, Government think that it is not their duty to interfere.

**Mr. G. R. F. Tottenham:** I am speaking, Sir, from the point of view of the Army. As long as the Army are not affected and as long as Government are not affected, they are not concerned. The Syndicate is a business concern run by Indians and if they choose to issue such orders, Government cannot interfere in the matter.

**Mr. Lalchand Navalrai:** Do not Government feel that it is necessary and is but fair to the public that such matters should be under the superintendence of a Government officer who has got to deal with them?

**Mr. G. R. F. Tottenham:** No, Sir, not necessarily. I think the existing arrangement is a fair one.

**Mr. F. E. James:** In view of the fact that the Managing Director is nominated and paid by Government, will the Honourable Member make inquiries as to whether the terms of the agreement between the Syndicate and its members are not in effect a restraint on the ordinary trade?

**Mr. G. R. F. Tottenham:** I will certainly make inquiries from the Managing Director if the Honourable Member so wishes. I will send a copy of these questions and answers to him for his opinion.

**Diwan Bahadur T. Rangachariar:** Do I understand the Honourable Member to say, with reference to the answer to clause (a) of the question, that Government do not consider it expedient that they should interfere when Indian merchants are being boycotted?

**Mr. G. R. F. Tottenham:** No, Sir, that is not my point. The question was:

"Are Government aware that the Canteen Contractors' Syndicate, Karachi, have written to different makers not to give agencies to Indian merchants but only to European houses?"

I answered that in the negative, i.e., I was not aware of it. The Honourable Mr. Lalchand Navalrai asked me whether I would make inquiries and I said that I did not think it necessary, because, even if we did make inquiries, under the terms of the agreement, we could take no action on them. The matter is left entirely to the Syndicate and its members.

**Diwan Bahadur T. Rangachariar:** Am I to understand that Government do not consider it necessary to inquire whether it is a statement of facts or not? They do not consider it their duty to do so?

**Mr. G. R. F. Tottenham:** Not from the point of view of the Army, Sir.

**Diwan Bahadur T. Rangachariar:** Army is part of the Government as a whole and I wish to know what the Government policy is in the matter?

**Mr. G. R. F. Tottenham:** The Government policy is to leave the management of this Syndicate to the members of the Syndicate themselves.

**Diwan Bahadur T. Rangachariar:** Does the Honourable Member think that the Indians in this case who gave such an order must have been induced to do so by other authorities?

**Mr. G. R. F. Tottenham:** I see no reason whatever to believe that, considering, as I have said, that the Board of Directors consists of 19 members, of whom 18 are Indians.

**Diwan Bahadur T. Rangachariar:** There are Indians and Indians. Will Government consider it necessary now to make this inquiry to find out whether it is a fact?

**Mr. G. R. F. Tottenham:** I have already told my Honourable friend, Mr. James, that I am prepared to send a copy of these questions and answers to the Managing Director.

**Mr. Lalchand Navalrai:** Will it be with a view to giving information to the Army officers only or with a view to giving an answer to us?

**Mr. G. R. F. Tottenham:** A copy of the questions and answers will be sent to the Managing Director for any action that he may think fit.

**Mr. Lalchand Navalrai:** The point is that, if the Army Department is not going to interfere in this, the Government of India might be asked to do so and it will be the Army Department through which these inquiries will have to be made in order to afford facilities for the particulars to reach the Government of India. Will the Honourable Member do it from that point of view or treat the question in a military style?

**Mr. G. R. F. Tottenham:** I can do no more than send a copy of the questions and answers to the Managing Director and ask for his views on the whole matter. Whether it may be necessary for Government to take any action will depend on his answer.

# **RESUMPTION OF BUNGALOWS IN THE CANTONMENTS OF PESHAWAR AND KOHAT.**

1221. **\*Mr. B. R. Puri:** (a) Will Government be pleased to state whether any notices have been issued for resumption of bungalows in the Cantonments of Peshawar and Kohat?

(b) If so, will Government be further pleased to lay a statement showing:

- (i) the number of bungalows proposed to be so acquired;
- (ii) the names of the owners;
- (iii) the present rent of those bungalows;
- (iv) the value offered to the owners; and
- (v) whether the occupant of the bungalow is a military officer, other Government officer, or a private individual, and, if the last mentioned, whether he is the owner himself?

(c) If any such notices have been issued, will Government be pleased to state the reasons which impelled them to take this course?

♦ (d) Are Government aware that the step taken has caused a great consternation amongst the house-owners?

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

(b) (i), (ii), (iv) and (v). I lay on the table a statement giving the information desired.

(iii) The information has been called for.

(c) The reasons, as briefly as possible, are that the housing situation for military officers in Peshawar and Kohat has seriously deteriorated of recent years. Military officers are required to live in Cantonments; but at present there is a definite shortage of sites and of houses, while many of the bungalows themselves are in a bad state of repair. Repeated efforts have been made by negotiations with the house-owners during the last five years to induce them to improve the position; but these efforts have proved fruitless and Government have therefore decided, in the interests of the Army, and also I may add of the general taxpayer, to exercise the rights which they possess under the Old Cantonment Regulations by resuming the sites and paying full compensation for the buildings standing upon them.

(d) Most of the house-owners have protested but others have agreed to accept the prices offered to them by the Government.

*Statement showing the information in regard to the bungalows proposed to be acquired.*

Number of bungalows.	Names of owners.	Price offered.	Present occupier.
<i>Kohat Cantonment.</i>		Rs.	
Bungalow No. 6 .	Kushinand Ram Lal. .	15,500	Owner.
Bungalow No. 8 .	Mithra Das Punjabi (mortgaged).	21,000	Mortgagee.
Bungalow No. 9 .	R. B. Mukan Singh .	27,200	Owner.
Bungalow No. 21 .	R. B. Mukan Singh . .	14,000	Military officer.
Bungalow No. 18 .	R. B. Mukan Singh and Lachhmi Das Bhagwan Das.	6,000	Do.
Bungalow No. 34 .	Raizada Dewan Narindar Nath (minor). Diwan Gurditta Mall (Guardian).	12,000	Do.
<i>Peshawar Cantonment.</i>			
19 Tho Mall . .	Jaggat Singh . . .	4,800	Vacant.
8 Jheel Road . .	Sujan Singh . . .	4,100	Military officer.
8A Jheel Road. .	Sujan Singh . . .	4,000	Private individual.
1 Warburton Road .	Successor to the late Mr. F. Transom.	6,000	Vacant when notice was issued. A private individual occupied subsequently.
3 Do. .	Hari Chand Mehr . .	3,500	Military officer.
5 Do. .	Guran Ditta . . .	4,400	Do.
6 Do. .	Guran Ditta . . .	4,600	Do.
2 Rooskeppel Lane .	Guardian Qazi Mir Ahmad	11,000	Children of late owner.
5 Fort Road . .	Hari Chand Mehra . .	17,000	Owner.
51 The Mall . .	Khan of Hoti . . .	8,000	Military officer.
6 Michni Road . .	Successor to the late Mr. F. Transom.	1,000	Vacant (Bungalow burnt down).
21 The Mall . .	Ditto. . .	10,000	Vacant.
9 Willcocks Road .	Hari Chand Mehra . .	10,150	Military mess.
66 The Mall . .	Lala Ganga Bishan Talwar	Not known, will be intimated later.	In possession of R. A. F. authorities.

**RECOMMENDATION OF THE WHITLEY COMMISSION IN REGARD TO THE DISCHARGE OF RAILWAY EMPLOYEES CONSIDERED MEDICALLY UNFIT FOR ONE CLASS OR GROUP AT A PERIODICAL EXAMINATION.**

**1222. \*Mr. K. P. Thampan:** Will Government be pleased to state:

- (a) whether they are aware of the fact that the Whitley Commission have expressed the view that Railway employees, considered medically unfit for one class or group at a periodical examination, should be found work of some other character suitable for them without being discharged; and
- (b) whether the Railway Board have accepted that principle and have issued instructions to Company Railways to give effect to that principle; if not, why not?

**Mr. P. R. Rau:** (a) The Royal Commission on Labour have recommended that if a worker is considered medically unfit for the post held by him at the time of the periodical medical examination every effort should be made to find him other work of which he may still be capable.

(b) The principle of this recommendation is in conformity with orders already in force. Government propose to instruct State-managed Railways, and invite Company-managed Railways, to continue to follow that principle.

**RULES FOR THE POSTING OF RAILWAY EMPLOYEES TO MALARIAL AND OTHER SICKLY STATIONS.**

**1223. \*Mr. K. P. Thampan:** Will Government be pleased to state:

- (a) whether there is any definite set of rules for the posting of railway employees to malarial and other sickly stations; and
- (b) whether Government are prepared to issue instructions to the effect that a man who has done his turn at a malarial station ought not to be posted again to another sickly place?

**Mr. P. R. Rau:** (a) Government have no information.

(b) Government do not consider the issue of general instructions of this kind necessary.

**CASE OF ONE MR. B. N. SARMA, AN EMPLOYEE IN THE CATERING DEPARTMENT OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.**

**1224. \*Mr. K. P. Thampan:** Will Government be pleased to state:

- (a) if it is a fact that one B. N. Sarma, an employee in the catering department of the Madras and Southern Mahratta Railway, who was discharged, put in an appeal and was restored to his appointment and promised the "first vacancy" in the catering department;
- (b) whether it is a fact that although he was promised to be taken back to service in November, 1930, he has not yet been re-appointed;
- (c) whether it is not a fact that all the retrenched hands of the catering department were provided with appointments in other departments;
- (d) why this employee was not put along with the retrenched men and taken in turn; and

- (e) whether it is a fact that recently four new outsiders were recruited to the rank or post of ticket inspectors in Hubli district, while old promises still remained unredeemed?

**Mr. P. B. Rau:** Government have no information. The matter is one with which the Railway Administration is competent to deal. A copy of the question and reply will be sent to the Agent of the Madras and Southern Mahratta Railway.

**ORDERS ISSUED BY THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS FOR THE CONFIRMATION OF PERMANENT OFFICIALS IN POSTS APPOINTED TO OFFICIATE PRIOR TO THE 24TH SEPTEMBER, 1931.**

1225. **\*Mr. S. G. Jog** (on behalf of Sardar G. N. Mujumdar): Will Government be pleased to state:

- (a) whether, as stated on the 29th March, 1932, in reply to starred question No. 968, any orders were issued by the Director General, Posts and Telegraphs, for the confirmation of permanent officials in posts in which they were appointed to officiate prior to the 24th September, 1931;
- (b) if the reply to the above be in the affirmative, whether a copy of the said orders will be laid on the table; and
- (c) if the reply to part (a) be in the negative, whether steps are proposed to be taken to issue the orders immediately?

**Mr. T. Ryan:** As stated in the reply to part (b) of Mr. N. M. Joshi's starred question No. 968, action has been taken in respect of the confirmation of officers in posts not affected by retrenchment, but as it was found that the appointing authority to all such posts was either the Government of India or the Director-General, Posts and Telegraphs, no formal orders on the subject were necessary. As regards posts which the Heads of Circles are competent to fill, it cannot be said that any of these are not liable to be affected by retrenchment until all retrenchment measures have been completed and no orders removing the ban on permanent appointment to such posts have, therefore, been issued by the Director-General to the Heads of Circles. In this connection the attention of the Honourable Member is invited to the reply given on the 19th September, 1932, to part (d) of Mr. N. M. Joshi's starred question No. 398.

**APPEALS AND REPRESENTATIONS PENDING DECISION IN THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.**

1226. **\*Mr. S. G. Jog** (on behalf of Sardar G. N. Mujumdar): Will Government be pleased to state:

- (a) the number of appeals and representations pending decision in the office of the Director General, Posts and Telegraphs, Delhi, delayed over six months and over one year;
- (b) whether the representation for the fixation of grade position of the Town Inspectors in Bombay is pending decision over a year;
- (c) whether the Town Inspectors in Calcutta were given grade position as if they were promoted on the 1st September, 1927, ignoring their temporary reversion; and

- (d) whether Government are aware that the reversion was unjustified, that it was due to wrong interpretation of the orders of the Postmasters General, and that they are prepared now to issue instructions for restoring the Town Inspectors to their grade position which they would have held, had the reversion not taken place?

**Mr. T. Ryan:** (a) Over 6 months but not over a year old—9.  
Over a year old—18.

These include a set of 13 identical appeals on a subject which could not be dealt with until some difficult general issues had been settled, and four others, though of a different nature, could not be settled for similar reasons.

(b) No.

(c) Yes, owing to a misinterpretation of Government instructions, but orders have since been issued for the refixation of their positions according to the dates of their actual promotion after the 1st September, 1927, to posts of Town Inspectors.

(d) A copy of the orders communicating the instructions of the Government of India to the Director-General, Posts and Telegraphs, as regards the reversions referred to is laid on the table. Government are not prepared to go beyond the concessions which these orders allow.

No. 14-P. T. E.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR,

POSTS AND TELEGRAPHS BRANCH.

*Simla, the 2nd October 1928.*

From

T. Ryan, Esqr., C.I.E.,  
Joint Secretary to the Government of India.

To

The Director General of Posts and Telegraphs.

SUBJECT :—*Appointments to the posts of Inspectors of Post Offices.*

SIR,

I am directed to inform you that the Government of India have given their careful consideration to representations, submitted by you for their orders, from the All-India (including Burma) Postal and Railway Mail Service Union, from the Association of

Letter 11-PTE, dated the 5th August, 1927, from the Department of Industries and Labour, to the Director General, Posts and Telegraphs.

Letter 11-PTE, dated the 15th September, 1927, from the Department of Industries and Labour, to the Director General, Posts and Telegraphs.

Memorandum No. E. A. 279/28, dated the 11th February, 1928, from the Director General, Posts and Telegraphs, to heads of Postal Circles.

All-India Postal Town Inspectors and from individual Town Inspectors, in regard to the application of the orders quoted in the margin; and I am to communicate the following observations for your information and for communication to the parties concerned.



2. The Government observe with regret that the orders issued on this subject have been differently interpreted in different postal circles with the result that in some of these the existing incumbents of the posts of Town Inspectors were displaced to an extent considerably in excess of what was contemplated. Although it cannot be admitted that the then incumbents had an absolute claim to be retained in the posts, and while the Government of India do not see their way to a complete reversal of decisions already taken and made effective, they are of opinion that some measure of special consideration is called for in favour of the displaced officials, on the occurrence of vacancies; and that a concession should be made to officials with a reasonable length of approved service in regard to exemption from the selection grade examination before confirmation. The following instructions should accordingly be given effect.

3. Previous incumbents of the posts of Town Inspectors who have not been displaced in consequence of the orders contained in Industries and Labour Department letter No. 11 P. T. E., dated the 15th September 1927 or your letter of the 11th February 1928 and who still continue in those posts, should be regarded as being on probation in the posts until such date as they pass the new selection grade examination and have been ruled by the head of the Circle concerned to be in all respects suitable for confirmation as Town Inspectors. In the case of failure to qualify for confirmation within a period of two years from the date of this letter they should be reverted to the clerical grade. As an exception to the foregoing however those Town Inspectors who have already rendered three years satisfactory service in that capacity may be confirmed in their posts at your discretion without examination; and all Town Inspectors who have already passed the examination for appointment as Sub-Divisional Inspectors and Divisional Head Clerks should also be exempted from passing the new selection grade examination.

4. As regards those incumbents of the posts of Town Inspectors who, under the operation of the orders cited above, have ceased to hold those appointments, special consideration should be paid by you, on recommendations of Heads of Circles, to the cases of these displaced officials whenever a permanent vacancy of a Town Inspectorship of a first class Post Office has to be filled in future in a Circle in which they are employed. On promotion to be Town Inspectors these officials should be considered as on probation subject to the conditions and exceptions prescribed in paragraph 3 of this letter, the period of two years mentioned therein being counted from the date of promotion.

5. The orders contained in paragraph 4 relate only to promotion in permanent vacancies amongst Town Inspectors and are not to be interpreted as imposing any restrictions on the appointment of any of these displaced officials to officiate in temporary vacancies amongst Town Inspectors or in other vacancies, permanent or otherwise, in the selection grade, provided they are suitably qualified.

I have, etc.,

T. RYAN,

*Joint Secy. to the Govt. of India.*

## THE BENGAL SUPPRESSION OF TERRORIST OUTRAGES (SUPPLEMENTARY) BILL.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Further consideration of the motion:

"That the Bill to supplement the Bengal Suppression of Terrorist Outrages Act, 1932, be taken into consideration."

**The Honourable Sir Brojendra Mitter** (Leader of the House): Sir, may I make a submission? In view of the ruling which you were pleased to give yesterday, I have been considering how best to express our undoubted intention that clause 5 does not trench upon the provisions of the Government of India Act and we have been considering whether to change the wording or to add an explanation to give effect to our intention. In these circumstances, I request you, Sir, to let the first item on the order paper stand over and pass on to the second item.

12 Noon.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable the Leader of the House makes a suggestion that in view of the ruling given yesterday, Government should be given some time to consider in what form they wish to bring forward clause 5 as amended. I think the request is a reasonable one.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muham-madan): I understand that the suggestion of the Honourable the Leader of the House is that the further debate on the motion of the Honourable the Home Member do stand adjourned. If that is the intention, the Honourable the Leader of the House should formally move that motion.

**The Honourable Sir Brojendra Mitter**: This is a matter entirely for you, Sir, to decide. There are two items on the order paper and, for the sake of convenience, I am suggesting that the debate which was initiated yesterday to stand over and we pass on to the second item on the order paper. No motion is necessary for this purpose.

**Sir Hari Singh Gour**: The Honourable the Leader of the House has been long enough in this House to understand the procedure of the House. It is not within your jurisdiction, but the question is whether this House will permit the Honourable the Leader of the House or the Honourable the Home Member to adjourn the debate for which a formal motion must be placed before this House. Is he prepared to do that or not?

**Mr. Gaya Prasad Singh**: (Muzaffarpur *cum* Champaran: Non-Muham-madan): The debate should be adjourned with the consent of the House.

**The Honourable Sir Brojendra Mitter**: The debate has not yet commenced. Before the actual commencement of the debate, I am asking you to consider in what order you will take the business of the House which is on the order paper for the day.

**Sir Hari Singh Gour**: Can't my Honourable friend understand what I mean? A motion was made by the Honourable the Home Member that the Bill to supplement the Bengal Suppression of Terrorist Outrages Act, 1932, be taken into consideration. After that motion an objection was taken and that objection was upheld by you, Sir. Now, the next course for the Honourable the Leader of the House or for the Honourable the Home Member is to ask leave of this House for the adjournment of that debate. Otherwise the debate will take its course. There must be a formal motion before the House that the further debate on that motion be adjourned.

**The Honourable Mr. H. G. Haig** (Home Member): May I ask whether the Honourable Member, the Leader of the Nationalist Party, suggests that when once a Government motion has been taken up in the House, it has got to proceed *de die in diem* until it is finished?

**Mr. B. C. Mitra** (Chittagong and Raishahi Divisions: Non-Muham-madan Rural): May I bring to your notice one practical difficulty? The next stage in the debate will be my motion that the Bill be circulated

for the purpose of eliciting opinion of the various High Courts, and that has special reference to clause 5. Now, if the whole Bill is changed by any further amendment, how can I move my motion at this stage, not knowing what the amendment will be regarding clause 5 of the Bill?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): All the amendments, of which notice has been previously given, must be regulated in terms of any ruling which the Chair may give. Having regard to the ruling which the Chair gave yesterday, Government desire to have some time to enable them to consider what their attitude will be, having regard to any amendment or alteration that they may decide to make in clause 5 of the Bill. I think the request made by the Honourable the Leader of the House is a very reasonable one and I do not see that the House can object to giving Government time to consider their position.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara: General): That request can only come in the form of a motion for adjournment. There must be a specific motion for adjournment. The Government cannot say at their sweet will and pleasure when to proceed with a motion and when not to proceed with a motion. They must ask the leave of the House to adjourn the debate and the House must give its consent.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): No unanimity is required.

**Sir Hari Singh Gour**: At any rate the Government must move a motion for adjournment.

**Sir Lancelot Graham** (Secretary, Legislative Department): This Bill has not yet been taken into consideration.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The actual position on which I should like to hear some Honourable Members is this: A motion was moved and the Chair put it before the House. After the Chair put the motion before the House, a point of order was raised. Technically the motion is before the House.

**Sir Lancelot Graham**: We may change our programme from day to day.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Government have not yet done so.

**Mr. S. O. Mitra**: That is the mistake the Government committed. This item is the first on the agenda.

**Mr. H. P. Mody** (Bombay Millowners Association: Indian Commerce): Sir, the point may be quite trivial and of a technical character, but the position is that the agenda paper lays down the order in which the business shall be taken up. Now that order is proposed to be changed and one item, which figures first on the agenda, is proposed to be transferred to the end of the agenda or, at any rate, after the second item is

[Mr. H. P. Mody.]

taken up and finished. Surely that cannot be done without a formal motion having been made before the House. It is not suggested that my Honourable friends on the non-official Benches are going to oppose such a motion. If I understand them aright, all that they have in mind is that the procedure requires that a regular motion for adjournment should be before the House. There is no intention of thwarting the Government's intention or to side-track the Bill by the device of refusing leave.

**The Honourable Sir Brojendra Mitter:** If it be necessary formally to move, then, I move, Sir, that you be pleased to take up item 2 on the order paper today, and not go on with item No. 1 today.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): It would be better if you move that the consideration of item No. 1 on the agenda paper be postponed. Then the Government can bring it on whenever they like.

**The Honourable Sir Brojendra Mitter:** I am quite prepared to do that. I formally move that the consideration of item No. 1 on the agenda paper be postponed.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That the consideration of item No. 1 be postponed."

The motion was adopted.

## THE CRIMINAL LAW AMENDMENT BILL.

**The Honourable Mr. H. G. Haig** (Home Member): Sir, I rise to move:

"That the Bill to supplement the Criminal Law, as reported by the Select Committee, be taken into consideration."

Sir, the proceedings of the Select Committee have attained a certain artificial notoriety. From the very beginning, the Press took a very special interest in what are ordinarily regarded as confidential proceedings and published from day to day accounts, more or less ill-informed, of how our proceedings were going. Later on, as all Honourable Members are aware, certain Honourable Members of the Select Committee decided that they would take no further part. I do not propose, Sir, to discuss the personal matters which have unfortunately been imported into this question, though, if they are raised subsequently in the debate by Honourable Members, we have our answer and a very convincing answer and we shall not hesitate to give it.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): You will have it.

**The Honourable Mr. H. G. Haig:** Let me remind the House of the proceedings which led up to the appointment of the Select Committee. After a prolonged debate in Simla, the House, by a very large majority,

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

Now, Sir, I said plainly in my final speech, before the House took its vote on referring this Bill to Select Committee, that:

"I must make it clear that Government would not be prepared to accept, as fulfilling the object of this Bill, any pale shadow of the provisions which we have inserted. We must be satisfied that the efficacy of the essential powers is not impaired. Within that limitation if we can be shown that certain powers have been too widely or mistakenly drafted, we are perfectly prepared to argue that matter out in Select Committee and, I hope, reach a satisfactory agreement."

Sir, I think that we have very fully met that obligation. We have discussed elaborately, patiently, and, I hope, I may even claim, sympathetically, with Honourable Members who in many matters differed from us on points of principle and on points of expediency. We have discussed the difficulties and suggestions very fully in the Select Committee. And there is one point that I should like to make clear and that is that the objections raised and the points discussed did not all originate with those Members who might be regarded as almost definitely pledged to oppose our proposals, but were raised by various Members from all sides of the Committee. As an instance of the temper in which we examined the Bill, I should like to mention that we made some of the most important changes in deference to the arguments of those Members of the Opposition who believe that a cause is best served not by walking out, but by staying and seeing it through. It is suggested that after the four Members had left our Committee, the remainder of the proceedings was perfunctory and unreal. That is essentially not the case. We discussed with great care and elaboration the remaining provisions of the Bill and, as I have said, some of the most important changes which we have introduced into the Bill were made subsequent to the walk-out.

Now, Sir, I should like to mention very briefly, for I do not think this is the occasion for a long speech, some of the main changes that have been introduced into the Bill by the Select Committee. In the first place, possibly the most important of all, we have placed on the Bill a time-limit. As Honourable Members are aware, the Bill was introduced without any time-limit, and the view of Government was that it was reasonable that the new Governments should find themselves in possession of powers which they might require to deal with similar movements, and that, if they did not, in fact, require those powers, there was no difficulty at all in repealing them. We were pressed, however, very strongly from many quarters to impose a time-limit on these provisions which are admittedly exceptional provisions, admittedly drastic provisions; and, in deference to those views, we have agreed to put a time-limit of three years on the

[Mr. H. G. Haig.]

Bill. We may hope that, by the end of that time, the futility, the waste of effort, the injury to the country, both moral and economic, caused by civil disobedience, will have been fully appreciated, and the negative, destructive and non-co-operating mentality which, under the influence of success or supposed success, has been flourishing so long, will have been finally discredited; and when it has been discredited, then, Sir, let this Bill lapse. In any case within three years we hope that the decision as to the continuance or discontinuance of these provisions will lie in other hands than ours.

Coming to the specific provisions of the Bill, we made extensive changes in the definition of boycotting. In the debates in Simla, considerable objection was taken to the wide wording of the definition of boycott, and when we went into the matter in Committee, we felt that there was much force in those objections. One of the main points of criticism was the use of the words "any person in whom such public servant is interested"; I think Honourable Members will remember the point. Well, Sir, we have removed those offending words, and made more clear and definite precisely what our meaning is. In various other ways too we have defined much more clearly and closely the provisions of this boycotting section.

I come now to the next of the vital provisions of the Bill, namely, molestation or, in popular language, picketing. Here, again, we made certain changes in the drafting. But we were definitely not prepared to go so far as those who wish to give a licence to peaceful picketing. I can understand the position of those who say that picketing is a weapon on which the Congress rely and that picketing is a matter with which we should not interfere; but there is little use in agreeing to the principle of penalising and preventing picketing if, at the same time, we permit the picketers to practise those very methods which are, in fact, the most effective and the most usual. The picketer certainly in places like Bombay does not go out armed with a *lathi*; the picketer relies on very much more subtle methods and the evil that we are striking at is essentially one that is practised by means of peaceful picketing. I wish to make the position of Government in this respect perfectly clear. I quite appreciate the argument that, on the face of it, if a man merely loiters about, it is a drastic provision that he should render himself liable to punishment; but the essence of the offence is the intention; and, if that intention is established—the intention to cause any person to abstain from doing or to do any act which such a person has a right to do or to abstain from doing—our view is that the particular action by which he secures the fulfilment of that purpose is a matter of comparative indifference. The point is that we want to prevent him, by whatever methods, coercing his fellow citizens. The next point on which we had very long discussion was, what I may call the children's section, the power to order a parent or guardian to pay a fine imposed on the child . . . . .

**An Honourable Member:** Most reasonable.

**The Honourable Mr. H. G. Haig:** We were able to convince the members of the Select Committee that these provisions were not in fact so unusual and unprecedented as had been suggested in the course of our

debates in this House and that, in fact, very similar provisions existed in certain provinces already in the form of Children's Acts. But we did make certain substantial modifications in that section in deference to the arguments placed before us. In the first place, we made it clear that a parent or guardian could show in his defence that he had not conduced to the commission of the offence by neglecting the control of the offender . . .

**Mr. B. R. Puri** (West Punjab: Non-Muhammadan): That is, he has to prove the negative.

**The Honourable Mr. H. G. Haig**: That is, in fact, a provision which is already contained in the Children's Acts to which I have just referred. In the second place—and this is a point to which I think Honourable Members in the debates in Simla attached considerable importance—we have eliminated the provisions which authorised a Court to sentence the parent or guardian to imprisonment in default of fine. Therefore, the liability of the parent or guardian is merely to pay a fine and he cannot, in default of payment, be sent to jail. Then, it was again argued, I think the point was made by the Honourable the Leader of the Nationalist Party, that we were laying down a number of offences some of which would require to be dealt with by experienced Courts, because difficult points of interpretation would arise and that we were allowing them to be tried by third class Magistrates, Honorary Magistrates—any Magistrate. We have met that point by providing that all the offences under this Bill should be triable only by first class Magistrates or Presidency Magistrates. We have also agreed to make a number of offences which we had proposed should be non-bailable, to make them bailable. Then we have made very extensive changes in the provisions relating to forfeiture of movable property of unlawful associations and forfeiture of funds. It was argued that it was an arbitrary procedure to forfeit property and funds merely on the order of the executive authority and to allow the aggrieved party no opportunity of proving before a Court that in fact the property or the funds were not liable to forfeiture. We have met that by providing that any aggrieved party should be allowed to make a claim that the property or funds were not liable to forfeiture and that such claim would be adjudicated upon by the District Judge and that his decision should be binding on the executive authority. Those are, I think, the main substantial alterations that we have made in the Bill, though a number of other changes have also been made. I can assure the House that we went into this Bill in a very thorough and careful manner, that both parties in the Committee discussed the provisions with great care and elaboration, and I feel myself that though we have changed a number of the provisions, which Government originally thought it wise to put into the Bill, I feel on the whole that the Bill, as it has emerged, is a more reasonable measure than it was when it went into the Select Committee; and I feel that it is one which we can confidently commend in these very special circumstances, admitting that it is a measure for exceptional conditions arising out of exceptional conditions, that it is a measure with drastic provisions—bearing all that in mind—that it is a measure which we can confidently command to the acceptance of the House. Sir, I move.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Motion moved:

"That the Bill to supplement the criminal law, as reported by the Select Committee, be taken into consideration."

**Shaikh Sadiq Hasan** (East Central Punjab: Muhammadan): Sir, I beg to move:

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon."

Sir, after the overwhelming defeat which we received at Simla on this very issue, I suppose the Government and some of my colleagues would be thinking that it would be a waste of breath to fight on the same point again, but I think the question is of such a momentous character that it is the duty of every patriot to fight every inch of ground and not to yield to the bureaucracy in this matter. ("Hear, hear" from the *Nationalist Benches*.) Indian opinion is naturally very strong against this measure as we see it expressed in the press and if there are no demonstrations at the present moment, it is not on account of lack of will on the part of the people, but on account of the lack of leadership, because most of the leaders are in jail now.

Sir, I would also like to point out one thing more. During the last Session, Government secured a big majority, and they also secured the votes of a number of elected Members. I am sure, Sir, that if the Swaraj Party had not made the foolish mistake of remaining out of the Assembly, the result would have been quite different. (*An Honourable Member from the Nationalist Benches*: "It is quite true.") Sir, I stand for the suppression of violence, and I am sure that nobody in this House likes to see India plunged into anarchy. We have read a good deal about anarchy in China where, in certain provinces, neither human life nor property nor woman's honour is safe. We do not want such conditions to be produced here, and, in opposing this Bill, certainly we must not be regarded that we want to encourage or propagate that sort of anarchy. Our only object is to save the liberty of thousands of people who are bound to rot in jails. I think a drastic measure like this, which we consider to be a very dangerous measure, because it wrecks the lives of thousands of innocent people, should be circulated before it becomes a piece of legislation.

Sir, I have got three reasons for asking the Government to circulate this measure, and I shall be really glad if any one were to convince me otherwise. My first reason why this Bill should be circulated is this, that even in ordinary matters public opinion is consulted, and this matter is not an ordinary matter. It is a very very important matter, and so why should not public opinion be consulted on such a momentous question as this? The Government are not infallible. They have themselves made several alterations in this Bill, and in certain clauses quite extensive alterations too. If such is the case, is it not possible that more alterations might be made if the public opinion, the Local Governments and the High Courts are also consulted? The Opposition believes that some great changes are required before this Bill becomes acceptable to the country. At the present moment I consider that it is of such a type that it simply strangles the liberties of the people.



Now, Sir, as regards consultations, there are generally three bodies which are consulted, namely, the Local Governments, the public bodies and the High Courts. As regards the Local Governments, perhaps the Government may say that they already know the point of view of the Local Governments, and that they also hold a similar opinion as held by the Government of India. As regards public bodies, perhaps Government might also say that they know that their opinion is against this Bill, that they will oppose it, but certainly the Government of India do not know what amendments the public bodies will suggest. If the public bodies are against this Bill, at least it will show that public opinion is definitely against this Bill, and, if some of the public bodies are in favour of this Bill, then, certainly, it would strengthen the case of Government. Therefore, Government need not be in the least apprehensive to elicit public opinion.

Then, there remains that august body, the High Court, which is to administer the law. After all, it would not harm the Government if they were to consult the High Court also in this matter.

Then, the second point which, I consider, is not of less importance, is that people should be fully informed as to what this measure is. If this Bill is circulated, it will be discussed threadbare in the papers, both English and vernacular; it will be sent to the Municipalities where also it will be discussed before the public, and thus the public will be fully informed of this Bill. There is an axiom of law that every one is expected to know the law, and, in this case, that axiom also applies, and if this Bill ever becomes law, without the people knowing it thoroughly, I am afraid that many people will be punished without knowing what the Bill is. Certainly, it should not be the object of Government to terrorise the people or to punish the people who are ignorant of the law. It may be urged on behalf of the Government that by the time the Bill is circulated, the time of the Ordinance would lapse and then there would be lawlessness and perhaps anarchy in the country. Although the movement is on the decline, I do not believe even for a minute that in a month's time after the expiry of Ordinances, anarchy would set in the country, but assuming such a thing happens, which is not at all likely, Government have got the power of issuing these Ordinances again, or they can extend the life of these Ordinances, for another couple of months.

Then, there is a third point. Is it fair on the part of this Government to force this measure on the new Assembly? The Honourable the Home Member said that he was going to make a present of it. I am afraid it is not a noble present, but quite an ignoble present. We have been told that the new Assembly will be elected under a new constitution and it will be more responsible in that it will have more powers. Well, if they are going to have larger powers, if the new Assembly is going to be more representative in character and the Government nominated element is going to be very small . . . . .

**An Honourable Member:** They will be eliminated altogether.

**Shaikh Sadiq Hasan:** .....then I am sure the new Assembly would like to cancel this piece of legislation, but it would not be such an easy thing for that Legislative Assembly to cancel it, because they will have to come into conflict with the Council of Elders who are bound to be as conservative

[Shaikh Sadiq Hasan.]

as they are in all the countries of the world. I do not think that it is really fair that this Government should present the new Assembly with a measure which they would like to cancel, and they would not be able to do so, because of the conservatism of the Council of State. Then there is His Excellency the Governor General who would always have the right of vetoing, and, I submit, he may exercise it on that occasion.

Finally, I would like to make an appeal, not to the Government, because they have definitely made up their mind, but to the elected Members who represent the people, not to harden their hearts against their own countrymen and try to strangle the liberties of the people of their own country. (Cheers.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Amendment proposed :

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon."

**Mr. B. Das** (Orissa Division: Non-Muhammadan): I rise to support the motion moved by my Honourable friend, Shaikh Sadiq Hasan, and I congratulate him on the admirable restraint with which he spoke. That should have convinced my Honourable friend, the Home Member, how sincere is the feeling on this side. If one compares the Select Committee report that has been circulated to us with the original Bill, as introduced by my Honourable friend, one does not see any similarity between the two, and the very fact that four of my colleagues had to run away, because they were so ill-treated and not able to do their duty by this country, shows that the report of the Select Committee contains something so drastic that it must be circulated to the country and we must have opinions thereon from the people of this country before we can legislate a measure of this character. I do not wish to comment on the press controversy that has arisen over the walk-out of my Honourable friends. I myself think that they were justified in walking out, but on one point I do not agree with them, where they say that the Chairman could have been more impartial. Sir, in a Select Committee where the Law Member, who is a representative of the Cabinet, presides, is anybody so gullible as to expect that the Law Member would not say, "My vote is with the Government", and I should have liked that portion not written at all!

I am grateful to the Honourable the Home Member to hear again today his considered views on the civil disobedience movement. My Honourable friend said that it is the negative, non-co-operating destructive mentality that is causing all the trouble. Most of us have been trying to advise the Government that there is a way to end the civil disobedience movement. The other day we asked, in a short notice question, why Maulana Shaukat Ali was not allowed to see Mahatma Gandhi. Had he been allowed, probably the civil disobedience movement would have existed on paper, and it would not have existed today in practice. Sir, I gave notice of a short notice question to my Honourable friend, the Home Member, but he could not see his way to accept it, and it will be replied to in due course. What was the effect of Lord Sankey's statement that was published in the *News-Letter* in London? Everybody expects that if the Government of India bring themselves into a co-operating mentality, if

they could find ways and means of making Mahatma Gandhi to co-operate in the bigger political issues—not in smaller issues such as identifying the interests of caste Hindus with depressed classes, wherein I must thank the Government for the little help they gave to Mahatma Gandhi to bring the Hindu community to an understanding—if they bring themselves into that frame of mind and allow Mahatma Gandhi to help us—I may add that at the Allahabad Conference, if press reports are true, they have already come to certain definite agreements between the two great communities that live in India, the Hindus and Muslims. But where is that prince of unity, Mahatma Gandhi? Why is he not out today from the Yeravda prison, so that he can advise, counsel, and bring about the best relations between the two great communities that live in India? I avail of this opportunity, Sir, to quote what Lord Sankey said. He wants Mahatma Gandhi to co-operate, and his principle of co-operation is this:

“Co-operation cannot mean that a man gets immediately all he wants, but it means that he gets infinitely more than he could from a fight to the finish.”

Sir, that spirit of co-operation has made me to remain a Member of this House when I did not join Mahatma Gandhi at the end of 1930 in the civil disobedience movement. I am here to co-operate with my Honourable friends on the Treasury Benches to get whatever little I can get by friendship and co-operation with them. Why does not my Honourable friend, the Home Member, who, I think, respects Lord Sankey, accept that principle of co-operation, and allow Mahatma Gandhi to co-operate with the British Government? And when Mahatma Gandhi co-operates, civil disobedience would vanish and there will be a spirit of reconciliation and co-operation all over. In view of the fact that Lord Sankey is a member of the British Cabinet and also a member of the Third Round Table Conference, I shall quote one or two more sentences from his letter:

“Gandhi has power to change the situation and can do much to restore peace . . . I believe that if Gandhi made a great gesture and dropped the weapon of civil disobedience and, with his followers, offered to co-operate with the British Government, the whole situation would be transformed.”

I do think that Mahatma Gandhi will make this gesture. When noble-hearted leaders like Maulana Shaukat Ali asked for permission to go and confer with Mahatma Gandhi, my Honourable friend would not permit them. I make an offer. Will the Honourable the Home Member depute two or three of us to go to the Yeravda prison to negotiate with Mahatma Gandhi to end the civil disobedience movement? But if my Honourable friend means that Mahatmajis should come on bended knees and say: “I made a mistake. Civil disobedience is wrong”, then Mahatma Gandhi will never do that. No honourable man will ever do that. Let this Government and the British Government accept his intentions, and let them know that an honourable promise given by that great man, the greatest man of the world, will be fulfilled by him if he is allowed to come out of the Yeravda prison to negotiate with the Government.

Sir, this Bill aims at legislating for four things. One is the suppression of terrorist crime. I have often expressed my views about terrorist crimes and I entirely agree with what my friend, Mr. Sadiq Hasan, said about the suppression of terrorist crimes. My friend would have been well advised to divide his Bill into four parts and bring only a Bill for the

[Mr. B. Das.]

suppression of terrorist crimes, as he has done in the case of the Bengal Terrorist Bill which had to be postponed this morning, because Government did not see the implications of their bad drafting. By all means being out a Bill for the suppression of terrorist outrages and I will be the first from this side to support that measure; but if Government, in the name of terrorist crimes, try to condemn civil disobedience movement and suppress peaceful picketing as part of terrorist crimes, and suppress the Indian Press, no honest man, no Indian can support any measure of that kind.

**Mr. R. S. Sarma** (Nominated Non-Official): Why do you support circulation? Oppose it.

**Mr. B. Das:** My friend, Mr. Sarma seems to think that in supporting circulation I accept the principle of the Bill. Certainly not. By circulation the eyes of the Government will be opened and they will realise the intensity of feeling in the country and the mistake they have made in bringing out this measure.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): In the meantime Mr. Das will come back from London. (Laughter.)

**Mr. B. Das:** I would advise my friend, the Home Member, to note the significance of statements issued from time to time by great Congress leaders, by Mr. C. Rajagopalachariar, the Acting President of the Congress. I belong to the right wing of the Congress and I would like to repeat here what Mr. Rajagopalachariar wrote on this particular legislation. I think it may gladden the heart of my friends. Mr. Rajagopalachariar says:

"It would be rash to prophesy how long the struggle would last, for the Congress is an extensive organisation commanding sympathy even outside its own ranks' said the Viceroy, but he did not care to consider the secret of Congress strength or of the sympathy it commands or why it is so obstinate in its policy of resistance in spite of such great suffering. If he did, he would have stumbled on the essential justice of the Congress cause and perhaps also on the futility of coercion on Government's part. Failure of its policy of coercion, though tried through two successive periods, being admitted, the height of statesmanship to which the Government could rise is a third renewal. (*If the House sanctions it, it will be for three years and not six months.*) The shame of this is sought to be covered by a generous offer to the coming Swaraj Government to make it a permanent feature of the law."

I cannot understand this solicitude of the bureaucratic Government for the coming democratic Government. Whatever the future Government may be, whether it is a Nationalist Government or a Swaraj Government or a Congress Government, I can assure my Honourable friend that it will not be a terrorist Government. Why does my Honourable friend doubt our acumen, that we would not legislate such a measure when the occasion arose for it? Why does he kill at one stroke the spirit of nationalism in the country, the spirit of patriotism in the country in the name of suppressing terrorist crimes and that great Congress movement which my friend, Mr. Ranga Iyer, referred to the other day as occurring in Lord Irwin's speech in this House. I do not want to read the full text of the press interview given by Mr. Rajagopalachariar, but he indicated:

"That Congress is willing to give co-operation if the right feeling is seen on the part of the British Government and the Government of India."

The Government of India and the British Government must come forward to show that they mean co-operation. Sir, Mahatma Gandhi has settled the great thorny problem between the high class Hindus and the Depressed Classes and, if he comes out, he may settle not only the problems between all the communities in India, but he may extend the hand of friendship to the British Government and he may devise a constitution whereby there will be friendship assured to England for all time, so that India may remain in the British Empire, a member of the British Commonwealth of Nations. It is no use laughing at Mahatma Gandhi. I wish to refer to the opinion of an American Missionary published in an American paper. He says:

"Mahatma Gandhi is by all odds the outstanding political genius of our day. Even as there arose in Nazareth, in the first century, a spiritual star of the first magnitude, so in that same East, in our own day, there has come forth a saint and a seer to guide the world, if we will but listen, to teach co-operative living. His way of love and courtesy in all actions, his constant practising of what he preaches and his transparent sincerity have no parallel in other lives of the great all over the world."

Sir, Mahatma Gandhi's life is an emblem of co-operative living. I do hope that Government will invite Mahatma Gandhi to co-operate and not devote their heads to devise means to suppress the civil disobedience movement.

My friend, the Home Member, talks of the new word that he has coined for peaceful picketing, "molestation". My Honourable  
1 P.M. friend, Sir C. P. Ramaswami Aiyar, on the last day he was in the House made a speech and he was unusually hard on the Congress. He said that the Congress incited women and ordered them to go and lay themselves before motor-cars and so they did picketing in that way and so on, and he began to blame the Congress. Sir, I am sorry he is not here, but in public interest I must avail myself of the present opportunity to reply to my Honourable friend, Sir C. P. Ramaswami Aiyar. Sir, the youth movement today is in evidence all over the globe. If young men or young women above fifteen or eighteen years of age or even of 30 or 40 years join the picketing movement or the civil disobedience movement, they are as good patriots as the Honourable Sir C. P. Ramaswami Aiyar. Sir, Sir C. P. Ramaswami Aiyar's statement that women are dictated by the Congress to throw themselves before motor-cars is not at all based on facts: and if Sir C. P. Ramaswami Aiyar was reflecting the viewpoint of the Government here, then I must say that the Government have misunderstood the patriotism and patriotic sacrifices of our young men and young women that are engaged today in peaceful picketing, in order not only to expand the Swadeshi movement in the country, but to make India self-supporting, and even if they do a certain amount of picketing for their political principles, none of it is done by order of a Congress leader, but it is done spontaneously by the force of sheer patriotism.

Sir, I would ask my Honourable friend to copy a chapter from the American legislative practice. My friend just now said that the parents of the offending boys or girls are only liable to pay a fine and they will not go to jail. But why fine the parents at all? Why not have a civilised piece of legislation and have juvenile Courts in India? Let juvenile Courts try these offenders—and surely they will not judge these offenders

[Mr. B. Das.]

in the same way, in the same hard-hearted manner of our old Judges, because, Sir, as we grow older, we are lost to all sense of humanity, all sense of softness that mellows our outlook. (Hear, hear.) Sir, we are all old, except our Honourable President, and I think we all lose our youthful spirits, our sense of humanity, and our sense of justice becomes dull and hardened: and, Sir, I do suggest that if Great Britain wishes to be a civilised Government and desires to legislate in order to punish parents for the youthful exuberance of little boys and girls, let her copy the practice in vogue in America and have juvenile Courts and let these youthful picketers abide by the decisions of such Courts.

Sir, the most drastic action, if this piece of legislation be passed, will be taken against the Indian Press because the liberty of the Indian Press will be suppressed. We passed the Press Act in 1931 and we thought that Government would not seek the further help of this House. Now, again, it seeks to strengthen its hands by legislation of a rigorous nature. Now, this piece of legislation wants to control the liberty of the Press. Sir, we know how mild and how weak are the comments of the Indian Press under the Ordinances. They are not free to express their honest views, and those, who try to judge the articles of the Press, misinterpret the articles. They see wild terror in everything. Every line that is meant for honest patriotism is interpreted as inciting to terrorist crime. Sir, that is not so, and what do we find? Recently my friend, Mr. Sadanand, the Editor of the *Free Press Journal*, was asked to pay a deposit of Rs. 20,000—Rs. 10,000 as printer and Rs. 10,000 as Editor of the paper. Sir, I would like my Honourable friend, the Home Member, when he replies, to tell me whether anywhere in the world any Government asks the Editor or keeper of a press to pay such heavy fines. Sir, it is, of course, quite natural that a foreign bureaucratic Government will try to suppress the liberty of the Press, and I do not blame my Honourable friend, the Home Member. Sir, if tomorrow I become the Governor of England, probably I shall suppress the articles in the *London Times* and I shall probably close the *London Times* and sell away its printing press as the Government are doing here. (An Honourable Member: "And also the *Statesman* in India.") Sir, my Honourable friend, Mr. Mitra, reminds me to tell the House how Mr. Sadanand was punished. Sir, he was punished, because he reproduced an article on Untouchability. Sir, even articles on Untouchability are supposed to excite terrorist crimes in India!

**The Honourable Mr. H. G. Haig:** Sir, I am sorry to interrupt the Honourable Member. But I must point out that the action taken by the Bombay Government has nothing to do with the question of Untouchability.

**Mr. B. Das:** Sir, I am glad to know the facts, but that is the common impression and I wish the Publicity Department of the Bombay Government had circulated a Press Communiqué explaining why Mr. Sadanand was punished. Sir, I would again advise the Government to split up the Bill into four parts. Sir, I very much feel on any attempted encroachment on the liberty of the Press, and I was grateful to my Honourable

friend, Mr. Ranga Iyer, the other day for alluding to the little hit at my back that I got as Editor of a nationalist weekly, called *The Young Utkal*, from the Bihar and Orissa Government for writing an article which my friend, Mr. Jagan Nath Aggarwal, quoted in *extenso* last January Session, and where I said that the Government made the wrong move and I advised His Excellency the Governor General to adopt the policy of silken tie of friendship with Mahatma Gandhi so that Mahatma Gandhi could co-operate to bring about peace in India, but I got a warning from the Government of Bihar and Orissa for that piece of advice that my article comes under the suspicion of infringing a certain section of the Ordinance. Sir, those of us who are looking forward to attaining, three or six months hence, full Dominion Status and full liberty for India shall oppose tooth and nail any encroachment on the liberties of the Press.

Sir, lastly, I would advise the Government—and I am a peaceful man—to bring about peace, honourable peace between India and England, even at this eleventh hour. Sir, I am sorry for my Honourable friend, the Home Member. My friend has become the Home Member for the second time, but the number of repressive measures that he has brought forward on the floor of the House must be taxing his ingenuity to the full, and I often wonder at the cherubic smile on his face! Sir, this is not the proper way to bring about honourable peace. Other methods must be explored to bring it and, fortunately, there are other methods. This is what we want. Sir, I must end my speech by referring just to one sentence from a great British statesman's speech. This is what he said :

"Peace implies reconciliation; and where there has been a material dispute, reconciliation does, in a manner, always imply concession on the one part or on the other. The superior power may offer peace with honour and with safety. Such an offer from such a power will be attributed to magnanimity."

This quotation is from Burke. Will the Honourable the Home Member and the Treasury Benches press the British Government to show MAGNANIMITY and, if they do so, there will be peace in India and there will be no occasion for the Honourable the Home Member to bring to the House legislative measures like the present one or any similar measures.

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

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The Assembly re-assembled after Lunch at Twenty-Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

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#### RESOLUTION *RE* TRADE AGREEMENT SIGNED AT OTTAWA.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, with your permission, may I be permitted to ask the

[Sir Hari Singh Gour.]

House to accept two slight verbal amendments to my motion moved the other day for the appointment of a Committee of this House to scrutinise and report on the Ottawa Agreement. I find that the motion\* is put down in the following words:

"That for the original Resolution, the following be substituted . . .".

But, what I intended to convey and which I did convey in my speech to the House was, that my amendment was an amendment to Dr. Ziauddin's amendment, and that being my view, these lines might be omitted.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair has noticed that the amendment as proposed, and which appears to have been drafted in a hurry, was contradictory and the attention of some Honourable Members was drawn to it. The explanation which the Honourable the Mover of the amendment has given just now does not fit in, because, Dr. Ziauddin's amendment also had these words and, besides, you could not amend an amendment without moving a fresh amendment to the original Resolution. The plain fact of the matter is that through oversight, the amendment, which the Honourable the Leader of the Nationalist Party moved, was framed in such a way that the first part was inconsistent with the latter part and the Chair understands that he now desires the permission of the House to put it right. I take it that the House is agreeable to allowing that amendment to be put in the form which the Honourable Member has just pointed out. I take it that there is no one who wishes to dissent.

(No Honourable Member dissented.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Permission is granted.

## THE CRIMINAL LAW AMENDMENT BILL.

**Mr. Goswami M. R. Puri** (Central Provinces: Landholders): Sir, I beg to move:

"That the Bill, as reported by the Select Committee, be recommitted to the same Select Committee with instructions to report on or before the 24th November, 1932."

Sir, the amendment which I have just now moved is not intended to delay the passing of this Bill. At the outset, I wish to make my position clear when I say that I have given notice of the motion not with the idea of putting forward a dilatory proposal for gaining time or shelving the question, but with the idea of giving the representatives of this House, consisting of both the Treasury Benches as well as of the Opposition, to put their heads together once more to find out a *via media* and a common meeting ground. Sir, everybody is aware of the circumstances under which the report of the Select Committee has

\*Vide p. 1968 of L. A. Debates, dated 10th November, 1932.



been presented to this House. It is probably the first report of a Select Committee on a Bill where practically every Member has put in a Minute of Dissent, including the Government Members. In this report, the question of a majority or a minority report does not arise. The report, as presented before the House, is practically a report of the two Honourable and learned Members who have put their signatures to it without presenting any Minute of Dissent and these two are my Honourable friends, Sir Muhammad Yakub and Mr. Muhammad Yamin Khan. Now, Sir, the circumstances, under which certain Members of the Opposition walked out as a protest against the procedure adopted by the Chairman in putting the question to the vote of the Committee, are widely known. I take the words of the Chairman as quoted in page 3 of the Minute of Dissent signed by Messrs. Jadhav, Jog, Muhammad Azhar Ali, Gaya Prasad Singh and Mitra and the words are as follows:

"Of course, my vote is with the Government."

Sir, to my mind, if the Chairman did utter these words, it clearly shows that he was always predisposed and biased to put his casting vote on the side of the Government and, in the absence of any contradiction from the Chairman to the contrary, I take it that the statement as quoted above is correct.

**The Honourable Sir Brojendra Mitter:** I may tell the House that that statement is absolutely untrue.

**Mr. S. C. Mitra:** We protest. The statement of the Leader of the House is not correct.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhamadan): What the Honourable Leader of the House says is wrong.

**Mr. B. R. Puri:** The Honourable the Leader of the House makes a belated statement.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I do not know whether this controversy need be pursued.

**Mr. S. C. Mitra:** Is it fair for the Honourable the Leader of the House to express his views in this way?

**Mr. B. R. Puri:** And at the eleventh hour.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question of what happened in the Select Committee is outside the scope of this discussion. Reference may, however, be made to certain special points, as the Honourable the Mover has himself referred to certain aspects of the proceedings of the Select Committee. That will be allowed, but in all

[Mr. President.]

such cases where a charge of this kind is made against an Honourable Member and he contradicts it, the House usually accepts the contradiction. (Applause.)

**Mr. Goswami M. R. Puri:** I think the House will agree with me that the best course will be to refer the Bill again to the same Select Committee giving the Members and the Chairman another chance to adjust their views and feelings in the light of the Minutes of Dissent and the press statements appearing in the names of the different members of the said Select Committee. I think, now, that the Government know the feelings of the members of the Opposition, and they will make an earnest effort to find out ways and means by which the same circumstances may not recur in the Select Committee if my motion is adopted. In view of the facts appearing in the press from time to time in regard to the proceedings of the Select Committee, this House has been put in a very awkward position, either to vote for or against the whole Bill. I feel that when all the clauses of the Bill have been retained only on the casting vote of the Chairman, it is practically a one-man made law which has emerged from the Select Committee, and as such the report of the Select Committee cannot be accepted as a valid report at all but may be taken as an Ordinance, not by His Excellency the Governor General but only by a Member of the Executive Council of His Excellency the Governor General.

In conclusion, I say, that this House would have taken up the consideration of the clauses if the Bill had not been referred to any Select Committee at all, but, now, after the regrettable incidents which have occurred in the Select Committee, I would appeal to my colleagues and friends to accept my motion that the Bill be recommitted to the same Select Committee.

**Mr. K. P. Thampan** (West Coast and Nilgiris: Non-Muhammadian Rural): Sir, having given notice of a similar amendment I wish to support this motion, and, in doing so, I shall be as brief as possible. Constituted as the Select Committee was, we find, most of the questions were decided by the casting vote of the Chairman. Sir, I have nothing to say against the Chairman, the esteemed Leader of the House; anybody else in his position would have done the same thing. The casting vote is vested in the Chairman to be exercised in such emergencies, and it is only natural he should have done so. But it is a sad thing that it was with the help of his casting vote many important questions were decided. There are other matters with which I am not satisfied, for instance, the amendment on peaceful picketing. Mr. Anklesaria's amendment was over-ruled. Then, Sir, four of the Members of the Committee walked out; of course it is up to them to justify their attitude before this Assembly. I am sure they will make a full statement now. But on account of their walk out, the voting strength of one party was substantially reduced from seven to three, with the result that practically the decisions of the Select Committee have been,—I will not say one-man's decisions, as my friend, Mr. Puri, said,—More or less one-sided. That was certainly very undesirable. Sir, to say the least, I feel, as many others on this side feel, that the Select Committee has not been able to bestow that careful and adequate consideration which the Assembly expected them to do. I

have, therefore, great pleasure in supporting this motion for recommitment of the Bill to the Select Committee.

**Pandit Satyendra Nath Sen** (Presidency Division: Non-Muhammadan Rural): Sir, I rise to support the motion for circulation moved by my Honourable friend, Mr. Sadiq Hasan. Sir, I am induced to speak a few words on this Bill, because it is a Bill which makes even a dead man open his lips; and, at the same time, I am induced not to open my lips on this Bill, because I know that **wasted are words that are sure not to be listened to.** Sir, it is a common practice that whenever a Bill is placed before this House, it is usually sent out for circulation. That is true even in the case of innocent and petty Bills and I do not see why there should have been any departure in the present case from that practice. This is a Bill which seeks to enact extraordinary laws and it ought to have been sent out for circulation. Sir, I think we will not be late in sending it out even at this stage, because we have been told by the Honourable the Home Member that some essential changes have been introduced and improvements have been made. So it would have been sheer waste of time and energy if the House had sent for circulation the original rubbish. Sir, if I may be permitted to speak out, I should say that Ordinance or no Ordinance, Government cannot go on in this way. Sir, a Government which is itself guilty of lawlessness as is being perpetrated in Bengal and in many other provinces, a Government which is guilty of terrorism as has been committed in Chittagong and some portions of the Midnapore district, a Government which does not even preserve the honour of women is sure to be paralysed. Sir, I will state only one instance mentioned by an American lady:

"Miss Erea Penner, first American woman missionary in India, in the course of a visit to some villages in the Lucknow district, issued the following statement to the press after visiting Narouna, a village in Lucknow Tahsil:

'An outrage against womanhood, showing an utter disregard for age and lack of respect for motherhood, was perpetrated last Tuesday at Narouna, when Moola, the mother of Daya Ram, was assaulted by the police. It seems that the police were searching for Daya Ram, who is sympathetic with the present civil disobedience movement. Not finding him in his home, they disregarded his mother's claim that he was not there, forcibly entered the home and broke open the wall to the grain store-room.

Not finding the son, they most indecently beat the mother with the butt-ends of their rifles. Such an outrage against an aged mother, whose one fault was mother-love, is a sad commentary upon those forces which are supposed to stand for the insurance of protection of person and property. Surely such an outrage against defenceless womanhood can indicate nothing less than authority run amok and power without sane control'."—*Hindustan Times*, Feb. 1, 1932.

**The Honourable Mr. H. G. Haig:** Sir, will the Honourable Member kindly tell us whether any complaint was made to the Local Government about that?

**Pandit Satyendra Nath Sen:** I am not aware of that.

**The Honourable Mr. H. G. Haig:** This is the first time I have heard of the incident at all.

**Pandit Satyendra Nath Sen:** But it has not yet been contradicted by anybody.

[Pandit Satyendra Nath Sen.]

Sir, the clauses of the Bill, as they stand, do not sound very harsh, but this is the way in which they are to be worked by the police under the guidance of the Superintendent who is the *de facto* District Officer. And let me assure you, Sir, that atrocities, ten times more serious, are being perpetrated every day in some parts of Bengal. We have heard and heard from the Britishers of the tyranny of Muhammadan rulers; but could any tyranny surpass the tyranny that is being perpetrated at the present day by our Government in the name of law and order? The only difference is this; the past autocrat used to say "Look here; I say this. My word is law". The present autocrats say "Look here; we say this; let some elected Members bark; we are sure of our majority in the House". This is the only difference between the two autocracies . . .

**Sir Abdulla-al-Mámūn Suhrawardy** (Burdwan and Presidency Divisions: Muhammadan Rural): Would you like to have a return to Muslim rule?

**Mr. S. C. Mitra**: Yes; we prefer Muslim rule; at least they are Indians.

**Pandit Satyendra Nath Sen**: Government admit that the civil disobedience movement is on the wane. If that is so, I should advise them to try a transition period, not to press the Bill for some time to come. Let them see how they go on without this Bill; and, as the Honourable the Home Member told us this morning, the reformed legislature is within sight. If that is so, why should they defile the Statute-book with this black Bill for this short period? I, therefore, implore the Government to take to conciliatory methods. This revengeful spirit cannot succeed. I would conclude my speech with the following lines said by Lord Macaulay:

"A people whose education and habits are such that, in every quarter of the world, they rise above the mass of those with whom they mix, as surely as oil rises to the top of water, a people of such temper and self-government that the wildest popular excesses recorded in their history partake of the gravity of judicial proceedings, and of the solemnity of religious rites, a people whose national pride and mutual attachment have passed into a proverb, a people whose high and fierce spirit, so forcibly described in the haughty motto which encircles their thistle, preserved their independence, during a struggle of centuries, from the encroachments of wealthier and more powerful neighbours, such a people cannot be long oppressed. Any Government, however constituted, must respect their wishes and tremble at their discontents."

These are words pregnant with palpable foresight and tangible truth and I would ask the Government to ponder over this side of the question and then to make up their minds.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I rise to support these two amendments in the alternative. I am for circulation; but, if it fails, I would support the second amendment that the Bill should be recommitted to Select Committee. This is no doubt a dilatory motion—rather both are dilatory motions; but it is not always wise to throw away dilatory motions in order to hurry up a Bill. It is necessary in a Bill like this, which is of paramount importance and affects the country so much that to delay its passing, with moderation, or in a particular manner as is satisfactory to the country,—nothing will be lost, but everything gained.

So far as the second amendment is concerned, there is a glaring ground of which no one can get out and it is that this Bill has not been considered

by all the members of the Select Committee. I do not want to enter into the controversy which might create bitterness in this House with regard to this question that four members of the Select Committee and, prominent members I should say, came out of the Select Committee and did not take part in it. It is claimed by the Honourable the Home Member that even after they walked out they considered the Bill all right. Is that a ground for saying that the Bill was really given full consideration when the views of these four members were no longer before the Committee? Therefore, I will not take more time with regard to the second amendment. It is only just and right that this Bill should be considered by all the members of the Select Committee. No Bill has ever been passed in which members of the Committee found it forced on them not to take part. Here we know that there was a difference of opinion on a very vital point, namely, whether peaceful picketing should be allowed or not. Peaceful persuasion was the term used then, but I use the words "peaceful picketing".

Now, Sir, as far as the first amendment is concerned, it asks for circulation. I think it will be only discreet and fair on the part of the Government to consider at what stage we are now and what is the situation and what is the atmosphere in the country. I may sum it up in one word. The time has come for conciliation rather than bringing about the end of this civil disobedience movement or, whatever of it remains now, by coercive methods. At a time when we have seen that a knotty question, a question which, at times, was considered almost impossible of solution, namely, the question of the Depressed Classes and the caste Hindus, has been patched up, and at a time when Government—I must give them credit for this—have been allowing interviews to Mahatma Gandhi in respect of that question in order to see that the question of temple entry is also amicably solved—the attitude that the Government have taken, as disclosed in certain answers to questions put in this House this Session, shows that the Government are taking a wrong attitude. The Home Member began answering—if he will excuse me the expression—in an autocratic manner by saying that because there is the civil disobedience movement, no opportunities will be allowed to Mahatma Gandhi to bring about reconciliation between Hindus and Muslims. Therefore, I submit that now is the time to take the opportunity by the forelock and Government should come forward to make easy for the civil disobedience movement being removed not by coercive measures but by conciliation and compromise. The country is ready for it and, therefore, I would submit that this is an occasion on which this Bill should not be hurried, because it is a coercive measure. On the contrary, this Bill and Bills like this will be putting up the back of those who have entered upon the civil disobedience movement and will also take away the sympathy of those people who have not launched on it and who are out to see that this movement is brought to a close. We know and it cannot be denied that the civil disobedience movement is affecting also those people and causing injury to those people who are not involved in it. Therefore, it is now incumbent on the part of the Government to cry halt and facilitate such measures as would bring about a reconciliation.

The second ground on which I would urge for the circulation of this Bill is this. It is being claimed that it will do no good to receive opinions on this Bill. That view, I submit, is perfectly wrong. In the first

[Mr. Lalchand Navalrai.]

place, the opinions that might have been asked from the Law Officers or High Court Judges and other officials are *ex parte*, at any rate we do not know what those opinions are; but they must have given their opinion at a time when the Ordinances were working ruthlessly against the people or perhaps in the very inception of the Bill that has now been brought forward here. But, since then, circumstances have changed. The assurance of Government that this Bill would be modified in Select Committee was very satisfactory, and since then certain amendments have been made, but the question is, are those amendments quite satisfactory to this side of the House? The reply to that lies in the number of amendments that are now before the House. Therefore, it is in the interest of Government themselves that they should seek further opinion from their Law Officers and Judges as to what they think in view of these further amendments.

Passing then to the question of securing public opinion, it might be said that the public opinion is already against such Bills as this, that they regard such Bills as suicidal and so on and so forth, but it will not be so, because this Bill is not in the exact form in which the Ordinances were. The Ordinances were very harsh and they were being worked very harshly, and, therefore, the public opinion was rightly against those Ordinances. Now, this Bill has been amended to a certain extent. Why should the Government think that the people are so unreasonable as to say that these amendments are not required and the Bill should not be passed wholesale at all. Because public opinion was once against these measures, it should not be anticipated that the public will not be in a mood to consider it. If the Bill is properly modified, as suggested by this side of the House, it will mean a great support to Government. The whole country is not non-co-operating. There are still co-operators who disliked the Ordinances, and if those people now advise them, it would be prudent for Government to accept their advice.

I do not want to enter into the merits of the various amendments that have been made, but I shall do so at the proper time, I shall confine myself for the present to these two amendments and say that these amendments are such that Government should accept them.

Before I sit down,—I do not think the Honourable the Home Member 3 P.M. requires any advice from anybody, he is able in himself,—he is wise too,—and I hope he will remember what his predecessor in office said with regard to the principle and usefulness of circulation of Bills. Sir James Crerar said in 1927; I am reading from L. A. Debates of 1927, Vol. V, page 4417:

"I think that before the House proceeds to consider this Bill in greater detail, it ought to pass the motion which I move for further eliciting opinion."

It was not the first motion; but it was made for a second time circulation.

**An Honourable Member:** What Bill is that?

**Mr. Lalchand Navalrai:** The Sarda Bill. (Laughter.)

There should be no laughter, because that was also an important Bill. Besides, the then Home Member has laid down a general principle which

I am reading, and Honourable Members should have patience to allow me to read it to them. This is what he says:

"Legislation which is passed without due consideration may have consequences very remote from those which are intended. I am not opposed to the main principle of the Honourable Member's Bill on merits, but I do appeal to the House to show that spirit of caution which is enjoined by Sir Purshotamdas Thakurdas, and I ask the House to accept the motion."

Sir, I again say that Government may have to pass coercive measures for combating with or for putting down terrorism, but that is certainly different from the passive resistance movement to combat which Government should not exercise their powers to pass similar repressive laws. There is a difference between the two movements, and, bearing that fact in mind, I submit that Government will be acting in the right direction if they were to accept one of these two amendments.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce: Indian Commerce): Sir, I oppose the motion for re-committal of the Bill to the same Select Committee. Those who served in the Select Committee, as I did, know to what extent Government are willing to yield. In his speech at Simla, the Honourable the Home Member enunciated the proposition that he would not allow amendments which will make the provisions of the Bill any pale shadow thereof. That principle was strictly observed in the Select Committee, so far as the main principles of the Bill are concerned. We tried to make amendments in the Bill which are sometimes vital, but although the Honourable the Law Member and the Home Member were courteous and reasonable enough to accept some of our amendments, the Honourable the Home Member did not accept many other amendments. Under these circumstances, to send the Bill to the Select Committee again, is, in my opinion, fruitless and futile.

**Mr. Lalchand Navalrai:** You are against the same Select Committee.

**Mr. S. C. Sen:** Whether it is the same Select Committee or any other Committee, the result is going to be the same. The provisions of the Bill have been thoroughly examined in the Select Committee. The Bill is a very drastic one and a very repressive one also. If we cannot get the provisions changed here, we would ask the Government and require them to work the Bill in a very sympathetic way and with great caution, and although, as I have said, the Bill is a very drastic one, and this is admitted, we could not make the Honourable the Home Member see eye to eye with us regarding the changes suggested. Take the case of picketing over which the greatest amount of discussion took place. We wanted that swadeshim should be allowed to be preached freely provided it was done in a peaceful manner. From the very beginning the Honourable the Home Member suggested that he was not against swadeshim, but against picketing in any form, whether peaceful or otherwise, in the name of swadeshi. So, Sir, there was a deadlock, and we tried to improve the position, but we did not succeed. A clause was subsequently added . . .

**Mr. S. C. Mitra:** Which means nothing.

**Mr. S. C. Sen:** This is what was added—Explanation clause 7. The Explanation is:

“Encouragement of indigenous industries or advocacy of temperance, without the commission of any of the acts prohibited by this section is not an offence under this section.”

I do not understand what is the object of putting in that clause. Is it intended to be said that although a man does not commit any of the ingredients of the offence under section 7, still he shall be liable, because he was preaching swadeshi or trying to encourage the sale of indigenous goods or advocate temperance? Is it suggested, or was it in the mind of the Honourable the Home Member that any such attempt on the part of the people to encourage the sale of products of indigenous industries or advocate temperance is liable, and, therefore, he has put in this clause as a provision against that?

**The Honourable Mr. H. G. Haig:** The clause, Sir, did not originate with me.

**Mr. S. C. Sen:** Although the identical clause did not emanate from the Honourable the Home Member, something like it was proposed by the Honourable the Law Member and Government accepted this proposal, it practically emanated from the Government side. And what is the object of putting in that clause? If I do not come within the purview of the provisions of section 7, no power on earth, even if it be the Home Member of the Government of India, can put me in jail under this section or under any other section that I know of.

**Mr. Gaya Prasad Singh:** That was trying to throw dust into our eyes.

**Mr. S. C. Sen:** Why should we shut our eyes and allow others to put dust into ours? We did this with our eyes open, and the Honourable the Home Member was candid enough to say that he would not allow any picketing, however peaceful it may be, in the name of swadeshi or otherwise. Having regard to the attitude of Government, which was expressed in the debates at Simla and which was continued in the discussions in the Select Committee, I do not see what object we will gain by referring the matter again to the Select Committee.

As regards circulation of the Bill to the public, although I do not think that any good will come out of it,—people know the provisions of this Bill, they have knowledge of this Bill, they know the provisions thereof in the Ordinances, and all criticisms against those provisions were made at the time the Ordinances were made, but still as some of the provisions have been changed, the Bill may be circulated though I doubt whether any good will come out of it. There are certain amendments notice of which has been given and which, I think, are vital in the interests of the public. If we are strong enough in this House, we can carry those amendments. But circulation cannot bend the opinion of the Government to our side. They know what the opinions of the people are and that was also explained by the Honourable the Home Member in the Simla debate. I must say that some concessions have been made—some very material concessions—both by the Honourable the Law Member and the Honourable the Home Member at the Select Committee, especially the amendments in regard to the press law. There have been cases



where the press law, as enunciated in the Ordinances, being different from the press law, as enunciated in the Penal Code, some newspapers have been mulcted in fines, and the Honourable the Home Member has been kind enough to make the law the same both as regards the Penal Code and as regards this Bill in respect of sedition. The other additions to the press law are very drastic, but we found it impossible to make any changes there. There are other sections which, I think, have already been dealt with by some of the Local Governments, and although the Honourable the Home Member has agreed to their modification in the Select Committee. I do not know what is going to happen to them as the Acts, that have been passed by the local Councils, do not contain any of those modifications. I hope the Honourable the Home Member will direct the Local Governments to amend their law in the light of the amendments which he has accepted in the Select Committee. There is one omission which has been made, and that is, we do not know whether the offences created by this Bill are appealable or not. It was first provided that they should form part of the Penal Code and, as such, they were liable to appeal or otherwise by virtue of the provisions of the Criminal Procedure Code. I am not very well acquainted with the Criminal Procedure Code, but I should think that the Honourable the Home Member will kindly amend that part of the Bill so that the same right of appeal may remain to the accused, as if the provisions had been incorporated in the Penal Code as was originally intended.

**Mr. N. R. Gunjal** (Bombay Central Division: Non-Muhammadian Rural): (The Honourable Member spoke in the vernacular a translation of which will appear in a later issue of these debates.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): No Honourable Member has got up to speak. Mr. Ranga Iyer.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Sir, I was almost despairing when you said that no Honourable Member got up, because I was certain then that the Honourable the Home Member would be rising to answer us. Sir, I thought I should have been in a proper position to address this House after hearing certain members of the Select Committee, but having indulged in one form of protest or another, they have observed today, rather curiously, the silence of the Sphinx. Therefore, we have to address ourselves on this subject as it lies before us without the wisdom of the members of the Select Committee.

**Mr. Gaya Prasad Singh**: It is enshrined in that document.

**Mr. C. S. Ranga Iyer**: One of the Members sitting behind me has been pleased to say that it is embalmed in that document. (Laughter.) I would rather not go into what has happened in the Select Committee. I would rather deal with the Bill that has been presented to us by the Honourable the Home Member and it was a very short speech, a very clever speech, because it is short, that he delivered. The Honourable the Home Member was short, because obviously he did not want a prolonged discussion. He did not offer himself for attack this time as he did on a previous occasion.

**Mr. F. E. James** (Madras: European): Are you going to be clever too?

**Mr. C. S. Ranga Iyer:** My friend from the European Group, Mr. James, says, "Are you going to be clever too?". If you cannot be clever, you can at least be good (Laughter), and I propose to be good and the only way in which the Opposition can be good is to stand by the rights and liberties of the people which are threatened today by this measure even as the economic life of this country is threatened under the Ottawa Agreement, which makes this Session a very important one, because we are neither to have economic freedom to choose what we should prefer or reject, nor are we to have political freedom nor even the rights and liberties of the Press. Sir, the Honourable the Home Member did not speak much on the attack that he has been levelling and proposes to level against the Press.

We all know the history of the attack that the Home Department has been launching against the press of India. I was a member of the Select Committee which considered the Press Bill and the Honourable Sir James Craik, the predecessor of the Home Member, at the time helped by the Acting Law Member, Sir C. P. Ramaswami Aiyar, tried to meet us if not half way, at any rate a quarter of the way. We gave and we took and we also had, where we did not agree with them, a note of dissent. They agreed to many concessions, but, as soon as we went home, either to face our constituencies or on our business, an Ordinance was promulgated behind the back of this House and what was agreed to in the Select Committee by the Government themselves was practically negated by the Ordinance and those objectional provisions are to be incorporated in the new measure that is presented to us. The Government want more and more power to control the press. The Press Act under the aggravated form is also to have an extended period of three years. For three years the Honourable the Home Member must have the press of this country under the mercy of the Government and of the officers of Government whose activities the press of this country has got to criticise in season and out of season. Imagine the seriousness of such a position! In some district or the capital of a province, there happens to be a district officer. That district officer mismanages either the political or the communal situation. That district officer has to be denounced and the newspaper editor, who denounces that district officer, runs the risk of having his press suppressed under this piece of legislation. The Honourable the Home Member has made the tentacles of that octopus, called the Ordinance Bill, wide enough to capture the offending press. He says "to bring into hatred or contempt His Majesty's Government established by law in British India or the administration of justice in British India" will be one of those offences. It reads very good on paper, but surely a newspaper editor who offends the Government, under that particular section, can ordinarily be proceeded against under the ordinary law of the land. But it is not the newspaper editor that they want to proceed against. They want to proceed against the newspaper press. They want to suppress the offending press. They do not want newspaper activities in this country unless those activities are pleasant to the Government—and a Government extremely foreign in character, as the Government themselves have admitted at the Round Table Conference through the speeches of their Prime Minister, and to shed whose foreign character our countrymen

are consulting across the seas with their representatives. Sir, such a Government have got to be criticised, especially when the opponents of Indian aspirations are free to say what they like in their own country. There is Mr. Winston Churchill—a man who has occupied every office open under every party in the British Government. (Laughter.)

**Mr. F. E. James:** Excepting the post of the Secretary of State for India. (Laughter.)

**Mr. C. S. Ranga Iyer:** Except, unfortunately, the post of the Secretary of State for India—a position which he may yet occupy (*A Voice*: “No, no.”) if Mr. Winston Churchill’s party comes into power,—unless he becomes the Prime Minister himself—a position, Sir, which has the non-official blessing of the official organ of the Tory Party, namely, the *Morning Post*. If only my Honourable friend, Mr. James, reads the last article that the *Morning Post* wrote on the last speech that Mr. Winston Churchill delivered on India, he will find that the *Morning Post*, which is the official organ of the Tory Party, warned Mr. Baldwin, even though loyal to him, that the present Government would fall, as the Coalition Government fell, if the present Government were to bungle on the Indian issue, as the Coalition Government bungled on the Irish issue. By “bungling” I imagine Mr. Churchill and the *Morning Post* mean reconciling themselves to the present situation and transferring power to the Indian people. Therefore, Sir, I am not prepared to take such a cheerful view of things as my friend, Mr. James. Both Mr. James and myself know as much about what is happening in Mr. James’s own country through the newspapers of his own country and the speeches of their politicians in and outside Parliament. There is Mr. Winston Churchill, as I was saying, free to say what he likes in his own country, but if any newspaper in this country were to denounce Mr. Churchill and his countrymen who sympathise with him, it would come under one section or another,.....

**Mr. B. R. Puri:** Under all.

**Mr. C. S. Ranga Iyer:**..... as my Honourable friend, Mr. Puri, says, under all the sections. He has served on the Select Committee and he ought to know, and, as a criminal lawyer, he knows that his hands will be full if only newspapers do not bow to this new mandate to be issued by the Government of India. Sir, the object of this measure is to intimidate the Congress press. The object of this measure is to suppress the Congress press. They say there can be only one set of newspapers in the country—the constitutional newspapers, and by “constitutional newspapers” they mean newspapers carrying on constitutional propaganda. The Congress people maintain, on the other hand, that by constitutional propaganda they are entitled to uproot the existing constitution and to substitute therefor a constitution which will be acceptable to the people. The Congress people say that there can be no constitution which is the right constitution without the sanction of the people; and, for that, they are carrying on a particular kind of propaganda in the country. Under this measure, the Congress newspapers either will have to abandon their propaganda or to cease publication. The most honourable and correct attitude for the Government of India would be to proceed against the Congress editors who violate any section of their law, new or old, instead of trying to suppress the Congress presses themselves.

[Mr. C. S. Ranga Iyer.]

Sir, after all it is useless for the Government to contemplate introducing responsible government in the country if they think that the press of the country generally is not sufficiently responsible. The most honest position for the Government of India is to take their stand by the side of Mr. Winston Churchill and say: "You are not an educated people, your newspapers are not rightly educating the people, your newspapers are misleading the people, and, therefore, you are unfit for political education or responsible government. Therefore, we withdraw the reforms; we shut up the Legislatures; we put down the press; and we propose to carry on the government with the help of the Ordinances".

Now, why, I ask, did the Honourable the Home Member go through the formality of a Select Committee? It is a formality pure and simple—for the greatest concession that has been given to us is a three years duration for this Bill. We do not want three years duration. It has been said that the Honourable gentlemen who walked out and who walked in, both of them, agreed that there should be only six months' duration,—not that they would have agreed to it, but they were testing whether the Government were agreeable to a compromise in which case they would have agreed to it (Hear, hear), but the Government did not want to restrict the duration of this measure to the same period to which an Ordinance would have been restricted. They want the help of this Legislature to perpetuate their Ordinance administration for three years, and see, Sir, how they have treated this Legislature. The Honourable the Home Member is not responsible personally for it, but he has inherited the responsibility from a Government which has treated this Legislature as an "untouchable", which did not consult this House when the crisis arose in this country, and which passed Ordinance after Ordinance,—ruined Ordinances all over the country: now, Sir, when these Ordinances have discredited the Administration, when the people have begun to feel disgusted with the Government, they come to us and say: "Please give us your blessings, let us have prolonged Ordinances for three years with your consent". Sir, if the Government were fair, if the Government respected this House—and, I venture to say, that they have condescended to respect it only at the fag end of their regime when their reputation is in the ditch—if they had originally respected this House, they would not have amended the Press Bill with an Ordinance as soon as we went away home. They would have held a special Session. They might have issued an Ordinance, but they would not have issued a second Ordinance, and they would have held a special Session and placed the Ordinance Bill before us—not now, but after the first Ordinance. No, Sir. They did not care a brass farthing for the opinion of this side of the House and they treated us shabbily, as they treated our political opponents out in the country, namely, the Congressmen, who boycotted "the Legislatures set up by foreigners" and who denounced us as being "co-operators with a foreign Government which deserved to be banished from this country with the help of civil disobedience". The Government tarred us with the same brush. Today when we are discredited in the country, when, if a general election were held tomorrow, not one Member on this side would be returned as against the Congress, when our reputation in the country has suffered, when we have been thrown to the wolves by this Government, they come to us and they tell us: "Please endorse this measure and sign your own political death warrant". (*Cries of "Shame."*) I cannot

understand, Sir, the attitude of the Government. Indeed we feel most intensely about the amazing manner in which the Government have treated the gentlemen who came to this Legislature with the olive branch of co-operation. We gave a proof of that in the Press Select Committee. My friend and Leader, Sir Hari Singh Gour, did a good deal of co-operation on that Committee. My friend, Mr. Bhagat Ram Puri, a great name among the criminal lawyers of the Punjab, co-operated more than I had expected he would co-operate on that Press Select Committee—though, for reasons, with which I will not say whether I am in agreement or disagreement, like my friend, Mr. Das, and which, I hope, will not be discussed across the floor of this House, he walked out of this Ordinance Bill Select Committee, not, I venture to say, in protest personally against the Leader of the House, but, because, he thought his patience had been exhausted and there was no hope of getting this particular pernicious piece of legislation drastically amended. Sir, that co-operation of ours on the Press Select Committee was of no use to the Government. The wisdom of Mr. Emerson, who co-operated with us on that Committee, the wisdom of their own Law Member, who subsequently became the Leader of this House, on that Committee, the wisdom of Sir James Crerar who was then the Home Member, on that Committee, all that wisdom was of no use to them; they were waiting for us to go home and then to amend the Press Act with the help of an Ordinance and then rope in the Congress newspapers.

My friend, Mr. B. Das, was referring to a newspaper edited by an enterprising journalist in Bombay who was once associated with me in his younger years in a newspaper of which I was the editor. Sir, *The Free Press Journal* reproduced an article about which the Honourable the Home Member was not willing to give more information when he rose to interrupt Mr. B. Das. But I am quite willing to give the Honourable the Home Member and this House information as to the manner in which the newspaper in Bombay with a very large circulation was about to be suppressed. If it had not produced Rs. 20,000—and it is a big sum even for the Government in these days of depression (Laughter), it is a much bigger sum for us—if it had not produced that sum, *The Free Press Journal* would have ceased publication. And what was its offence? It reproduced an article written by Mahatma Gandhi in his paper *Young India*. That article was printed, published, circulated, widely reproduced all over the country by newspapers with impunity, and that article related to the subject on which the Government have been pleased to permit the Mahatma to do propaganda from behind the bars. For small mercies we are grateful and Mahatmaji himself has expressed his gratitude. Sir, at a time when the Government are sincerely anxious to avoid any misunderstanding as to their attitude in regard to the question of untouchability, here is a newspaper which reproduced Mahatma Gandhi's article on anti-untouchability. The article, I believe, was entitled "Surat Satyagraha". The Government throughout have maintained that the Ordinance Bill is directed to suppress the civil disobedience campaign which is directed against the Government. Surat Satyagraha was not directed against the Government. I admit, there was Satyagraha; I admit it was a form of civil disobedience. I do not know—the Honourable the Home Member will be able to enlighten us—whether the Surat Satyagraha activity was very strong at the time and whether it was directed against

[Mr. C. S. Ranga Iyer.]

the Government or against those who resisted the right of the untouchables to be admitted to the presence of their God. Here is a Bill apparently meant to suppress the political civil disobedience movement, but even though this Bill has not yet become law, the Ordinance is directed against a newspaper in Bombay for merely reproducing an unoffending article, an article that has not been declared unlawful by the Government, an article that has not been removed from the premises of the *Young India* office in Ahmedabad, and an article which does not come under the category of proscribed literature. (Hear, hear.) That article was reprinted in the hope that the anti-untouchability campaign could be vigorously pursued; that article was reprinted in the hope that the Government themselves would not mind it; but the Government wanted Rs. 20,000 for the reproduction of that article! Sir, the Honourable the Home Member cannot convince this side of the House that the object of the Government is not to suppress inconvenient newspaper presses. I admit *The Free Press Journal* is an inconvenient press. I admit its sympathies are with the National Congress, though it has not been preaching a no-tax campaign. All Congress newspapers are afraid of the Ordinances and are afraid of losing their property, but they are not afraid of losing the freedom of their editors. Afraid of losing their property, they are anxious to carry on their propaganda within the limits prescribed by the present lawless regime of the Ordinances. When they are quiet and in a moderate, a most temperate mood, the Government come forward and punish them as they punished *The Free Press Journal* for reproducing what is certainly an unoffending article especially in the circumstances in which we and *The Free Press Journal* live, when every effort should be made to put down untouchability. The Honourable the Home Member may say: "Well, this Bill is directed and the present Ordinances are directed against Satyagraha". Even if satyagraha is directed toward the removal of untouchability, Satyagraha must be punished. In that case he should have definitely said so while his Government issued the Ordinances. We were given to understand at the time that political anti-British attitude would be punished, but even anti-untouchability attitude is going to be punished.

**The Honourable Mr. H. G. Haig:** I explained, Sir, in answer to Mr. B. Das that the action taken by the Bombay Government had nothing to do with the question of untouchability. It is no doubt true that the article dealt with untouchability, but it was not in respect of the passages which had any reference to untouchability that the Government of Bombay took that action.

**Mr. C. S. Ranga Iyer:** Was it not in connection with the article on "Surat Satyagraha"?

**The Honourable Mr. H. G. Haig:** I am not aware of the name of the article, but no doubt the article dealt with untouchability. My point is that the action taken had no reference to the untouchability campaign or any portion of that article which dealt with untouchability.

**Mr. C. S. Ranga Iyer:** But did it have anything to do with Surat Satyagraha which was conducted with a view to abolishing untouchability?

**The Honourable Mr. H. G. Haig:** That, Sir, I am afraid, I cannot answer. I will deal with the point in my reply.

**Mr. C. S. Ranga Iyer:** Was it not one of those articles which the Mahatma was permitted to publish with impunity?

**The Honourable Mr. H. G. Haig:** I do not know that he was permitted to publish it with impunity. It was published, I think, in 1930 before there were any provisions of this sort restricting the press.

**Mr. C. S. Ranga Iyer:** Well, Sir, the Honourable the Home Member has given his whole case away. He wants to deal with the press in a manner which is different to that which obtained in 1930. He wants to deny the press the freedom that it enjoyed in 1930. Sir, I would rather have the days of 1930 revived than the days of present repression continued. I want to create an atmosphere of goodwill. I do not want that the newspapers of this country should be crippled especially in view of the coming days of reforms and larger freedom. I do not want that our freedom should be taken away. I refuse to give the Government more power than they enjoyed in 1930 and I want that the Indian press should have more liberty. At any rate, the Indian press must not be denied the liberty that it enjoyed in 1930. Sir, when their countrymen, as I said, enjoy that freedom in England and when we have the right of reproducing the articles of Mr. Winston Churchill in this country, we must also have the right of denouncing Mr. Winston Churchill's countrymen who call us an illiterate, primitive, uncivilised race. Supposing I denounce the English people who call us all that in the same language, suppose I pay them back in the same coin, suppose any newspaper does so, we are punished. Sir, it is said of England:

"It is the land that freemen till  
That sober-suited freedom chose.  
A land where girt with friend or foe  
A man may talk the thing he will."

Sir, this is also the land that sober-suited freedom likes to choose. I do not want what is not sober, namely, this Bill. According to the Honourable the Home Member, it is not sober why then pollute the Statute-book with this Bill? The Honourable the Home Member himself admitted that it was not sober. He said, it was "exceptional". He said, these provisions were "drastic". Therefore, we do not want this piece of legislation to pollute the Statute-book. Now, so much for the rights and liberties of the Press which are assailed by this measure.

Not only is the Press assailed, but also the platform. We cannot hold a meeting in this country without satisfying the district officer that our meeting has nothing to do with the Congress propaganda. We cannot deliver a speech in this country condemning the outrageous speeches delivered against us in England and condemning the drastic action taken against us in India, protesting against the action taken by the Government against the people of this country. We cannot condemn some of the sufferings of our prisoners in the jail and I know that they do suffer. We cannot condemn many other things that are happening under

[Mr. C. S. Ranga Iyer.]

the Ordinances. If we do so, this piece of legislation will be directed against us for the next three years. Sir, "chain the platform, curb the Press, suppress the rights and liberties of the people to express themselves in a manner not pleasing to the Government",—this is the purpose of this pernicious piece of legislation. We are here to resist that purpose, we will resist it at every stage, for surely our political freedom is very important to us. The Honourable the Home Member cannot take it away for three years under the pretext that, three years hence, "I am going to hand over this piece of legislation to my successor". I am afraid, Sir, the Honourable the Home Member has a very poor opinion about his successor. (Laughter.) His successors will be quite competent to look after themselves after three years. Forsooth! they are going to hand over their present legacy to their successors and . . . .

**Mr. K. Ahmed:** Within which period, not after.

**Mr. C. S. Ranga Iyer:** Yes, *within* three years. I am very thankful to my Honourable friend, Mr. Kabeer-ud-Din Ahmed, for correcting me. I stand corrected. The Honourable the Home Member is apparently optimistic, or at any rate wants us to take a cheerful view of the future and believe that he is going to hand over power within three years. Sir, this measure will prevent the handing over of power within three years, for without agitation in the country, without the newspapers having the right to write strongly against Mr. Arthur Moore's paper, more strongly than he writes, without that power, how can we keep alive the public life in this country? Mr. Arthur Moore writes with caution, he writes with restraint. He can afford to write like that. But the people who are agitating for their rights and liberties, they cannot write with that sobriety, because they have to stir up public opinion in the country, especially when public opinion is put down by Ordinances of this kind placed on the Statute-book. If this piece of measure is placed on the Statute-book, then good-bye to any hope of transfer of power within three years.

**Mr. B. R. Puri:** Three decades.

**Mr. C. S. Ranga Iyer:** My Honourable friend, Mr. Puri, says, three decades. I hope public opinion will conquer Government within less than that period. I do not agree with the pessimistic view taken up by my Honourable friend from Lahore. I think even the most faint-hearted amongst us will be astonished at the rapidity with which we are going to conquer power, and it is because we are out for a conquest, we do not want that obstacles, handicaps, Himalayases should be put in our way. This piece of legislation will be the mighty Himalayas in the way of India's conquest and quest for power. That being so, we cannot agree to these three years of Ordinance régime and, that too, with the help of this Legislature. How can the Opposition go to the country after placing this Ordinance Bill on the Statute-book?

The Honourable the Home Member said when he asked us to permit him to take the Bill into the Select Committee with certain gentlemen from this side of the House, he said that he had an idea of not rendering the measure very pale, but, at the same time, he thought he had an idea



of preparing the ground for people who will succeed him. He repeats the same argument today. After three years, everything will be all right and it is open to his successors to keep this measure or leave it. We do not agree to give him three years of Ordinance era with our consent. He, again, said, if he opposed the motion for circulation, he opposed it, because Honourable Members, seated on this side of the House, knew the opinion of their constituencies and the Honourable the Home Member knew the opinion for which his Government stood. Therefore, he asked, why circulate it for public opinion. I agree. He knows his opinion. We know our opinion, and that is why I say, bury this legislation here and now, on the floor of this House. I hope Honourable Members on this side will not press any of their dilatory motions. I trust they will oppose the Bill straightaway and vote for the burial of this motion on the floor of the House. (Applause.) (A Voice: "That is the most straightforward course.") My Honourable friend, Diwan Bahadur Rangachariar, whispers that that is the most straightforward course. It is a straight course and it is a forward course and, therefore, a straightforward course.

Coming now to molestation and the right of peaceful picketing, I ask, why should the right of peaceful picketing be taken away from us. This right was not taken away from us in the past. Mr. Gokhale, an honoured name in this country, a name honoured by the Government and the people alike, said that we had the right of peaceful picketing. If the Honourable the Law Member were to speak as a lawyer, he will admit that peaceful picketing is a legal right and there will not be any necessity for this piece of legislation, except to take away what has been a legal right. Why should the legal right of the people be taken away and, that too, when you are presenting the Ottawa pistol at our head. Under the Ottawa Agreement, we are to agree to certain form of preferences. But we have no tariff policy which we can control. We have no control over the finances and, if foreign goods are dumped into this country, have we not got the right of telling the people: 'Do not purchase these foreign goods'. That first gentleman of the Empire, the Prince of Wales, has been going about and telling his countrymen: "Buy Swadeshi, buy British". I admit he also says: "Buy Empire". Sir, have we not got the right, until we are given the same position in the Empire as the Dominions which the Honourable the Home Member promises within three years, have we not got the right of pursuing the policy of peaceful picketing? It may be that we may picket Japanese goods in Bombay. The Japanese goods are dumped on our markets. We do not want sufficient help from this Government in that direction, because if it suits them to prohibit the dumping of Japanese goods, they will say: "Do not picket Japanese market or those who deal in Japanese goods, because we will give you a piece of legislation which will put an end to Japanese dumping". But, supposing we want to picket British goods, supposing we do not want our people to prefer British goods to our own, supposing we want our countrymen to purchase swadeshi, as that patriotic Englishman, Lord Irwin, himself said and I read his quotation the other day, supposing we want our people to buy our own goods, as every patriotic Englishman would purchase the goods of his own country, have we not got the right to go and stand before these shops, have we not got the right to tell every Indian: "Do not enter this shop, because foreign goods are stocked in this shop, go to the other shop where your own

[Mr. C. S. Ranga Iyer.]

countryman stocks swadeshi goods"? Have we not got that right, and why should the Government take away the right? If we were a self-governing Colony, if we were a self-governing nation, and if I were on the Opposition Benches, perhaps I would agree—but I doubt it—I would perhaps agree to their granting a limited permission for picketing. But when we have no tariff control, the only weapon in our hands is peaceful picketing. Government are certainly justified in putting lawless picketers in prison. Their laws are long enough and strong enough to attack any one who happens to be lawless and to attack those who molest illegally those who buy things. But how, on earth, I ask, can, we on this side, honestly and conscientiously vote for a piece of legislation which takes away our legal right of picketing? I do not agree to that. I do not believe that a single Member on this side of the House will agree that the right of peaceful picketing should be described—it is rather a curious phrase—as “molestation”. (Laughter.)

Then comes the question of the definition of “boycott”. One form of boycotting will be picketing itself and we do not want that this peaceful right should be taken away from us. Sir, it is unnecessary for me to go at length into this curious piece of legislation directed against the freedom of our people, the freedom of the press, the freedom of the platform. We, who believe in the freedom of our country, cannot under any circumstances agree to the Government thwarting those rights and thwarting those liberties. We know that it will be impossible for people who are not Congressmen, but who are strong Swadeshists, to carry on and organise a propaganda in this country, the moment we put this Bill in the hands of Government. And there is a danger that this Bill will be abused more than the Ordinance itself, because they will tell the country that this is a Bill which had the support of their own people. For these reasons I hope that this measure will be buried on the floor of this House. (Applause.)

**Mr. N. N. Anklesaria** (Bombay Northern Division: Non-Muhammadan Rural): Sir, my Honourable friend, the Deputy Leader of the Nationalist Party, wanted some members of the Select Committee to speak on the present motion. I can well understand his desire to hear some members of the Select Committee on the topic which has acquired so much prominence in the newspapers. But, Sir, unless and until I have got your permission to disclose what happened in the Select Committee, I am not going to say anything further except what would explain my own personal conduct on the proceedings. My Honourable friend, the Deputy Leader of the Nationalist Party, in his long introduction said something about the Select Committee proceedings, and I gather from the speech which he made that in his long and warm introduction he was simply gathering momentum for defending his own profession of journalism. Sir, this is not the stage at which I can say anything about the clauses relating to the press. I will, therefore, address myself to matters relevant to the present motion, and, in the first instance, I propose to deal with the motion of my Honourable friend, Mr. Sadiq Hasan. My Honourable friend appealed and appealed warmly to the elected Members of this House not to harden their hearts against their countrymen. Sir, I am an elected Member of the House and I appeal to him to harden his heart and to help Government in protecting our countrymen and countrywomen against the worst tyranny which this country has ever known, I mean the Congress tyranny.

I cannot understand my Honourable friend forgetting so very soon and so very easily the number of riots, murders, arsons, raids and assaults on defenceless men, women and children which have blackened the annals of this country for the last two or three years. I cannot understand how my Honourable friend can forget so soon and so very easily Cawnpore and Calcutta, Bombay and Madras and other towns where these crimes have been perpetrated. Sir, when I spoke in this House in the Simla Session, I described the misdeeds of the Congress.

**Mr. B. Das:** You are slandering the Congress.

**Mr. N. N. Anklesaria:** My Honourable friend, Mr. Das, in his usual gentle voice, which I could not hear, interjected that I was  
4 P.M. slandering the Congress. Had I heard that interjection, I would have replied that by countenancing and defending the misdeeds of the Congress he was aiding and abetting the large catalogue of crimes which I have enumerated and which my Honourable friend, Sir Muhammad Yakub, described.

**Mr. B. Das:** I challenge you again: there is no truth in your statements.

**Mr. N. N. Anklesaria:** He again challenges me, but I am not going to waste the time of the House by reading to him the two or three pages of the long list of misdeeds of the Congress which my Honourable friend, Sir Muhammad Yakub, enumerated so very eloquently and so very efficiently, and which will be found in the debates of this House during the last Simla Session.

Sir, I submit that this motion for circulation is not at all a genuine motion for circulation. In the first place . . . .

**Mr. D. K. Lahiri Chaudhury** (Bengal: Landholders): Did you not yourself move for circulation in the Simla Session?

**Mr. N. N. Anklesaria:** In the first place it mentions no date by which the opinions are to be elicited.

**Mr. D. K. Lahiri Chaudhury:** What is the general improvement you find which changed your views?

**Mr. N. N. Anklesaria:** I will show the frivolous character of the three grounds which my Honourable friend, Mr. Sadiq Hasan, gave in support of his amendment. He began by saying that he stood for the suppression of violence. I ask him, how is he going to suppress violence,—by merely stating his opinion about the advisability of suppressing violence without taking some concrete action towards that end? He gave out, as his first reason for circulation, that in ordinary matters we circulate a Bill. I respectfully demur from that opinion of my Honourable friend. In ordinary matters it is not usual for us to circulate a Bill. It is only in important matters or in unusual matters that we circulate a Bill to elicit public opinion.

**Mr. D. K. Lahiri Chaudhury:** This is an important matter and why should it not be circulated?

**Mr. N. N. Anklesaria:** For once I will answer this interruption. Mr. Sadiq Hasan stated that in ordinary matters we circulate Bills. I say I demur from that opinion, because, in ordinary matters, we do not circulate Bills. In the second place, what does my Honourable friend want by circulation? As I said at the last Simla Session, the law which has been sought to be embodied in this Bill has been before the public, in some instances for the last twenty-three years. The Ordinances have been before the public for at least one whole year. This law has been seen actually in operation and has been actually administered; and if the public has, up to this time, not come to some definite decision about this matter and have not chosen to inform Government as regards their views, whose fault is it?

Sir, my Honourable friend's second ground is too frivolous for me to dilate upon, because, if I tried to explain his meaning in stating that ground, I think I would be insulting the common-sense of this House. My Honourable friend's third ground was, how can we bind the new Federal Assembly by passing this Bill?

**Shaikh Sadiq Hasan:** I never said so.

**Mr. N. N. Anklesaria:** Something to that effect. He said, the new Assembly would be constituted soon and the new Assembly had better be given a chance of dealing with this matter. So far as I remember, he said something of that sort. I say, if this argument had got any validity at all, then I think we should all pack up and leave and wait till the new Assembly is constituted. It seems all legislation must stop, because the new Assembly is going to be constituted very soon and this House cannot bind by its legislation the new Assembly. I say the absurdity of the argument is too patent to be any further dilated upon. My Honourable friend has stated that this is a Bill to strangle public liberties. I say, this is a Bill which ensures the bare right of existence to millions of my fellow countrymen and countrywomen; and had the Government waited any further before taking up this measure, they would have been guilty of a very serious dereliction of their duties. I would have concluded but for one point. I do not recollect who was the Honourable Member—I think it was Mr. Das who stated something about the conduct of the proceedings in the Select Committee—I mean the conduct of the Chairman of the Select Committee. . . .

**Mr. B. Das:** I did not say that; but if you want to drag it, somebody will reply to you.

**Mr. N. N. Anklesaria:** He said that the Honourable the Law Member was not impartial. I would . . .

**Mr. B. Das:** I did not say that,

**Mr. N. N. Anklesaria:** Somebody, I do not remember: I think it was Mr. Das. . . .

**Mr. President (The Honourable Sir Ibrahim Rahimtulla):** The Honourable Member ought to accept the contradiction.

**Mr. N. N. Anklesaria:** Then I will say nothing more about it. But somebody said something about the walk out. I was in the Select Committee and I think it would be fair to all concerned if I state as my humble opinion that the walk out was absolutely unjustified. . . .

**An Honourable Member:** You were half inclined to agree with us then. . . .

**Mr. N. N. Anklesaria:** I was the most aggrieved party and it was for me to have walked out, had I not believed that in giving his ruling the Honourable the Chairman was acting perfectly according to his conviction; and nobody has any right to attribute any motives to any Honourable Member of this House. As I could not attribute any motives to the Honourable the Chairman and as the Honourable the Chairman was perfectly within his rights in ruling out my amendment, I did not walk out; and, I say, it is a matter of regret to me that my Honourable colleagues walked out, because the previous day—I hope I am not disclosing any confidences— . . . . .

**Mr. B. R. Puri:** You are. (Laughter.)

**Mr. N. N. Anklesaria:** Then, that is all I have to say on the present motion.

**Mr. B. N. Misra** (Orissa Division: Non-Muhammadan): Sir, I was not willing to intervene in this debate but for the neighbour on my left side. The Bill, as it has emerged from the Select Committee, has, as its object, to stop the civil disobedience movement. If that is so, I would like to put some questions to the Honourable the Home Member. This movement is not one of one day and it is not only in India; probably this has been thought of for generations by people who are armless and helpless. Such people have always used this. In India we have such a thing as sitting *dhurna* or praying to God or some such means of peaceful persuasion. These are the only methods followed by peaceful and armless people. Of course we have no arms and no other means; and this movement now is not so small a movement. I think the Honourable the Home Member and the Treasury Benches realise that this is a great movement. So I shall ask him some questions for which I do not think he will require six or ten days' notice or any notice at all: neither will he have to search for any departmental files. He can give a reply if he so chooses from his own common sense and from his own knowledge. He and the other occupants of the Treasury Benches are probably thinking that they are going to stop this movement. I think all of us know more or less that Jesus Christ was crucified. He preached and went on preaching; but, with his crucifixion, did Christianity die? I ask the Home Member to answer that question. Christianity never died: on the other hand, it spread and from that little country it has gone out all over the world. So this movement will never die. I want the Honourable the Home Member to answer me whether Christianity died or if any other movement has died in this way as a result of persecution against it. Mahatma Gandhi is in prison today; Pundit Jawaharlal Nehru or Mr. Subhas Chandra Bose or any other man may be put in jail and persecuted; but will all these persecutions stop the movement? That is what I am asking. No sooner Mahatma Gandhi came from London last year from the Round Table Conference than he was

[Mr. B. N. Misra.]

arrested and imprisoned. Perhaps Mr. Sen-Gupta was arrested on board the steamer. Whatever that may be, has this movement died during this whole year? That is the question I want to ask. Sometime or other it was given out in the papers that the movement was dead; but still we read in the papers every day of so many arrests and imprisonments. I say, this movement will never die, because this is a righteous movement and the people believe in it; they may be right or they may be wrong, but still they believe in it. There is a saying in Sanskrit "*No-Vishnu preethibee patec*" which means this. It has two meanings which I shall explain. One is that our king or our sovereign power is our God. We shall respect the sovereign power as our God. Sir, there is another meaning, that is to say, one who is *A-Vishnu* or who is not God-like, protector-like, preserver-like, is not our sovereign. But as we have to respect the sovereign power, it should be such in purity and sympathy that it should command the respect of the subjects. That is the whole essence. But, what do we find in India? The sovereign power is most unsympathetic to the people of India, they do not care for the poverty-ridden people; that is why the people are against the Government, that is why the civil disobedience movement has started.

The British administration began in this country about 150 years ago. When the Great and Good Queen Victoria assumed charge, I think she declared in the preamble that she assumed charge "For the Better Government of India". If she had known then that the power would be so mercilessly abused as is done in India today, perhaps she would not have lent her name, which was a household word, to be abused in this manner. Such a good name should not be abused in this manner. The Britishers today are no longer God-like and they do not deserve our respect. They have now become *A-Vishnu*. Vishnu is the God. He is the preserver or protector. Our British people do not care to protect our interests. Those Honourable Members who sit on the Treasury Benches are there merely to protect the British peoples' interests and not to protect India's interests. We had the Ottawa Agreement, and still it is being discussed. Our interests are never identical; our interests are never protected by the British Government; the British Government want to protect the interests of their own people. That is why the people of this country are so much against the Government today. It is said that by means of these Ordinances and Bills you will kill the civil disobedience movement or any similar movement. I say, you will not be able to kill it. You may imprison some 33,000 people or perhaps three times more that number. India is not such a small country like the British Isles. India has got several crores of population. Sir, I am asking this question very seriously—do the Government really think that by this Bill they can kill terrorism or kill the civil disobedience movement?

Now, coming to the Bill itself, it is really a very repugnant measure. In the first or second clause, it is stated that its life will only be for three years. I was always thinking that very likely this Third Round Table Conference will perhaps decide matters in such a way as to bring about conciliation in all quarters and there will be no necessity for such measures as these, there will be no place for such obnoxious measures like this. I think the Honourable the Home Member or the Law Member, whoever is responsible for it, has, I must say, committed a great blunder in trying to fix the life of the Bill at three years. They could have put 3,333 or

any number of three's in the Bill if they thought that there would be no conciliation or satisfactory result from the Third Round Table Conference. Let them put any number of three's, and they can be multiplied, and we shall be constantly living like this; the country will not be happy and nobody will be happy. I would, therefore, appeal to the Treasury Benches to adopt the conciliatory method. They are the advisers to His Excellency the Viceroy, whatever His Excellency might like to do,—I do not think I can blame His Excellency the Viceroy, but I should mostly blame his advisers if they do not give the best piece of advice to His Excellency, to adopt a conciliatory policy in this matter. You may put, as I said before, 30,000 people in jail; there are already a large number in jails; they do not care for your laws; they have no respect for your laws, because they do not plead guilty, and you may be sure of it that, by passing not only this Bill, but hundreds of such Bills, nothing will daunt the people. Nobody will be afraid of this or any other similar measure. If we are all alive, we shall see that, with the spread of this movement, all the jails will still be full, and nobody will be afraid of your jails. Now, what will bring about peace and happiness or contentment in the country? Goodwill alone will satisfy the people. Be a preserver-like, be God-like, and protect the interests of Indians. No sooner you begin to protect the interests of Indians, without showing any bias against Indians, you will yourself feel the change. Sir, this movement will never stop; it will go on.

Now, a word about the punishment of parents for the faults of their boys. I think Honourable Members opposite, who have drafted this provision, have children. I think the Honourable the Law Member has boys—I do not know. Supposing his son, who may be studying in Calcutta or elsewhere, does something or joins the Congresswallas, is the Law Member who is sitting here to be punished or fined? (Laughter.) Sir, I am asking this question in all seriousness, and I am appealing to him to consider the unreasonableness of the provision. If my son goes as a Congresswalla, how can you fine me for it? I am sitting here. My son might go with some Congresswalla. I cannot keep him in a box. (Laughter.) Am I to be punished for it? It is really silly that parents should be punished for the faults of their sons. If you think that parents encourage their boys to join the movement and if there is *prima facie* evidence against the parents, then, by all means, punish them; but to fine the parents merely for the faults of their boys is, I must say, lawless law. How can you punish the parents for the faults of their boys? I think one can go on condemning this provision for any length of time, but I do not want to prolong the debate. (Several Honourable Members: "Please go on.") Sir, the whole Bill is defective from top to bottom. It looks as if the whole Bill has been drafted without a conscience, it looks as if there was not even a grain of common sense left anywhere. I am sorry to find that the Honourable Sir Brojendra Mitter, who is drawing only Rs. 6,000 a month and is earning so little, should have lent his name to this Bill. He was earning much more in Calcutta, and I do not know why he should put himself in this awkward position by subscribing his name to this Bill for the paltry sum of Rs. 6,000. (Laughter.) The whole Bill should be condemned from every quarter. It does not deserve any support. For my part, I would like that it should be circulated again, and I support my friend, Shaikh Sadiq Hasan.

**Mr. Muhammad Anwar-ul-Azim** (Chittagong Division: Muhammadan Rural): Mr. President, I had not the least desire to speak on the motion

[Mr. Muhammad Anwar-ul-Azim.]

of my esteemed and learned friend, Shaikh Sadiq Hasan, but I think it would be useful if I indicated a few points with regard to both the amendments. I do not know if any useful purpose is likely to be served if, at this stage, after a lapse of more than one month, since the introduction of this Bill at Simla, anybody were to say that the public opinion in this country has not been sufficiently apprised of its contents or the purpose for which this Bill has been introduced by the Government. Mr. Hasan wants recirculation, for reasons which do not appeal to me at all. His idea is that the country at large have not known what this Bill wants. The Bill, in short, wants to check the growth of civil disobedience movement, in all its bearings. It wants to protect the peaceful citizens from the tyranny of the Congress activities. It will make illegal the creation of race or class hatred of all kinds. In short, in the words of the Honourable the Home Member, it is likely to harken the minds of the peaceful and lawabiding citizens, and consequently will give impetus to Trade and Commerce.

It is very difficult for a non-official and elected Member like myself to speak boldly, because the feelings in my mind are so strong and so very high that, lest I should forget the thread of my arguments, I do not feel justified to go to that length of expression. But if my learned friend, who is a member of my profession, Mr. Sadiq Hasan, tried to be consistent with regard to the subject which he has asked the Assembly to consider, I should have surely expected him to take this attitude—what will be the gain if this very same Committee, consisting of the very same people and the very same number, were to consider it over again, they were not likely to put in any new ideas or new orientations into the merits of this Bill. At this stage I do not think I shall be justified in going into the details of the various clauses, but one thing must be said in passing. I do not think that this Bill has been introduced too early, for the area from which I come, and the constituency, which I have the great honour to represent here for the last six years, do feel that perhaps the Government have been late, rather too slow and over-cautious in certain matters and that the delay on their part was not justified and has given momentum to the civil disobedience movements. Sir, I am not against the best interests of my countrymen. They must have what they legally can. I am a zamindar, and I am also a professional lawyer, but if I find that I am not free, having responsibilities and stakes in the country, to do things in the best way I like, I shall certainly be right to accuse Government if they do not come to my rescue. My grievance would be, on the one hand they are taking income-tax to a large tune from me, they have been taking revenues from me as a zamindar, and they are taking in a hundred and one other ways quite a lot of my income, and, in return, if they are not in a position to give me sufficient help and protection for bringing in this income, I am certainly, as a well-wisher of this country, sure to grumble. (Cheers from the United India Party Benches.) Why this clapping? (Mr. B. Darr: "Because the Punjab does not pay any punitive taxes, they are clapping.") I had not the privilege of being able to take part in this debate in Simla, but what I could gather, as a careful listener of debates in this House, perhaps this Bill was intended to meet the menace of civil disobedience. There is a saying in this part of the world, that "the cat should have been killed on the first night." Well, Sir, I should accuse the Government for not taking time by the forelock and not giving their



right mind at the proper time in a momentous question of this kind. If they thought that the Delhi Pact of Lord Irwin and Mr. Gandhi would bring in the millennium, of course, they were entitled to have that opinion, but the subsequent events which have happened, and the way the Government of India have tackled them, show that perhaps they were over-cautious, and, at times, timid.

Now, let me say one or two words, in passing, with regard to the various clauses of the Bill. My Honourable friend, the Deputy Leader of the Nationalist Party, has taken very serious objection with regard to certain provisions embodied here, which are likely to curb the proclivities of the platform speakers and the license which has been taken by the press. I am a presswala myself, and I run a paper. But if anybody has got any respect for history, he knows that things like "DORA" and its sister laws were passed even by civilised countries like England. They have certainly in European countries what is called the supremacy of the law, or the supremacy of the common law. But there are occasions, even in those civilised countries, when they have taken exceptional measures to meet exceptional emergencies. I feel, as a peaceful citizen who wishes the ordered progress of his country, that an emergency has occurred. The facts are so patent all round that it will be futile to deny that the emergency has not come, and we do require legislation of a certain type to be able to live freely, to talk freely or even to breathe freely.

Certain objections have been taken by some of my friends that if this Bill is passed, it will stifle what is called the free movement of Swadeshi articles. I have very great doubts about that matter, because, after all, what is the issue? You must decide one way or the other.—whether you like the continuance of the British connection, or whether you do not. These are the only two issues which it seems to me the Assembly has to decide. If the Assembly decides that we should sever connection with England, of course it is welcome to do so. But I do not think that that should be so, because I feel that for some time to come we require to be under the tutelage of the Government of England till we have reached the strength of adolescence.

**Mr. S. C. Mitra:** Will you ever remain a minor?

**Mr. Muhammad Anwar-ul-Azim:** My friend asks, whether we shall remain minors for all time. No. I remember, Mr. President, once a friend of mine, who wishes me very well, asked me whether it will be possible for a certain class of people to supply a certain kind of material for a certain administration. I had to say that we have to put A in five places and B in 101 places if you have an efficient administration and I think it will be sufficient answer for my friend, Mr. Mitra. (*Sir Abdulla-al-Mamin Suhrawardy:* "Mr. Mitra will have to be in 101 places.") My friend, Sir Abdulla, says that Mr. Mitra will have to be present in 101 places. How can one seriously think of severing the British connection at this stage. I do not think I can usefully take up more time of the House. I am very sorry that my learned friend, Mr. Sadiq Husan, has put forward this dilatory motion. In his own area things are in a surcharged condition and one match is sufficient to ignite the whole area. With these words, I oppose motions Nos. 1, 2 and 3.

**Mr. R. S. Sarma:** In complimenting the Home Member on the brevity of his speech, the Deputy Leader of the Nationalist Party observed that it had one advantage, namely, that a brief speech was not open to much attack. Sir, I am going to be much briefer than the Home Member and I hope that my speech also will have that advantage and not lend itself to much attack. I oppose this motion for circulation, because, to my mind, it is a foolish amendment. We have heard the whole of this day many speeches in favour of that amendment and I wonder, Sir, whether any of those speeches has the least relevancy with regard to the amendment before the House.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member could have risen to a point of order.

**Mr. R. S. Sarma:** I am not referring to the technical or legal relevancy on which your ruling is supreme, but I am talking about the moral and the commonsense relevancy of the speeches about which we, who have been sitting and listening to, are the sole judges. Sir, while the generosity of the Raja of Palakimedi or the Raja of Kallikote have enabled us to congratulate Mr. Das on the opportunity he has got for establishing personal contact with Lord Sankey in London . . .

**Mr. B. Das:** On a point of order. Can an Honourable Member discuss private affairs on the floor of this House?

**Mr. R. S. Sarma:** It is, I take it, for a high public purpose that the Honourable Member is going.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): What relevancy has that to the present motion? The Honourable Member was very eloquent about relevancy and the Chair wishes to ask him, what relevancy that has to the present motion before the House.

**Mr. R. S. Sarma:** If you, Mr. President, do not think it is relevant, I withdraw it. Even if it is not relevant, it is at any rate amusing in a dull House. To my mind the position is very clear. Either this House wants this Ordinance Bill or it does not. With an eloquence and warmth of feeling which has not helped to strengthen his case, but which would be very helpful to him in the next election contest, the Honourable Mr. Ranga Iyer asked, why this Government should have the unfairness to come and ask for their co-operation to a retrograde and reactionary legislaion? My answer is this. I am not saying anything at this stage in favour of the Bill or against it. I am only placing this general observation for the consideration of this House. There is the civil disobedience movement and, last year, or the year before, Government had to promulgate some Ordinances and, in the debate that we had on the motion for adjournment to consider the question of the Ordinances, it was pointed out by speaker after speaker that they realised there was lawlessness in the country and that if Government came forward with a reasonable measure to put it down, they would not find the Assembly wanting and they said: "Why are you promulgating the Ordinances when the Assembly is sitting." Now, the answer is provided by the Government. Now that the Assembly is sitting, they are not promulgating an Ordinance, but

responding to the call of the Opposition and they are placing before them a proposition for their consideration. If the measures are drastic, it is for the Opposition to suggest amendments as each clause is taken up, but to say "bury this or send this for circulation" is, to my mind, a little dishonest, after the protest that they made on the last occasion asking Government to place their measures before this House. On the other hand, if they think that the whole of this measure is too drastic and too reactionary, and encroaches upon the liberties of the people, they can quite well come up and say: "Look here. We are elected Members. We do not want to face an angry constituency. We are not going to co-operate with you." That will be more honest, but to make this dilatory motion and move for circulation is, to my mind, childish and dishonest.

**Mr. D. K. Lahiri Chaudhury:** However eloquent and however relevant Mr. Sarma may be on this question, opinion differs. I rise wholeheartedly to support the motion that has been ably moved by Mr. Sadiq Hasan. My friend, Mr. Sarma, took up the side of the Government and, considering the constituency he represents, his view was proper and reasonable, but my constituency is quite different. I represent the Landholders' constituency. We, Members in this House, not only represent our constituencies on a motion like this, but the interests of the whole of India.

The Honourable the Home Member, when he made his inaugural address in Simla, mentioned three points on which it was necessary for the Government to expedite this Bill. Firstly the civil disobedience movement, secondly, communism and, thirdly, terrorism. It is for these three reasons that the Government want to pilot this Bill in this House. It is really for the first time in the annals of the present constitution that we have been faced with such a drastic legislation. It is really a pity that we do not have here our Swarajist friends on this occasion, but that is no reason why we should not give a tough and strong fight to the Government. Sir, the Honourable the Home Member brought forward the argument that the Government did their level best to bring round Mahatma Gandhi. Their idea was to get Mahatma Gandhi to stop the civil disobedience movement and to co-operate with the Government. Here I have got in my hand the volume called "The Indian Annual Register, 1931", which, I think, is as authentic a book as any, and, with your permission, I should like to read out a few extracts from the Gandhi-Willingdon correspondence which will clearly show how much Gandhiji was eager to co-operate with the Government and how far Government refused that co-operation. Now, with your permission, I shall read out a few extracts . . .

**The Honourable Mr. H. G. Halg:** Sir, on a point of order, is this relevant to the motion before the House?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I was waiting to hear what the Honourable Member wanted to read. What is the point that the Honourable Member wishes to make?

**Mr. D. K. Lahiri Chaudhury:** I want to make it clear that this Bill is not at all necessary at this stage to be piloted on the floor of the House; and I am going to oppose the arguments advanced by the Honourable

[Mr. D. K. Lahiri Chaudhury.]

the Home Member at the last Simla Session in saying that the Government tried their level best to persuade Mahatma Gandhi to co-operate with the Government and that, in consequence of failure only, he was piloting this Bill. I am going to show that the correspondence bears testimony on the point as to how far the Government were justified in embarking on this legislation or how far Mahatma Gandhi felt eager to come to a settlement. In this connection I want to read out a few extracts.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair will wait to hear what extracts the Honourable Member is going to read. The Honourable Member, however, must remember that the present stage is a different stage to the one at which it would be in order for the Honourable Member to draw pointed attention to the points he wishes to bring out. The Chair will raise no objection to his reference to those incidents, but any elaborate quotation would not be apposite to the discussion at the stage which this debate has now reached.

**Mr. D. K. Lahiri Chaudhury**: Sir, it was stated that in connection with this legislation three incidents weighed with the Government. (1) the United Provinces disturbances, (2) the North-West Frontier disturbances, and (3) the press offences. As regards the United Provinces question, I should like to read out only a few extracts from the letter which Mahatma Gandhi wrote to His Excellency the Viceroy and which will convince my friends, the landholder Members of this House, including my friend, Mr. Anwar-ul-Azim, as to how far this legislation is or is not justified. Now, it was said by the Home Member in his speech at Simla that there was a regular no-rent campaign and that a peaceful mob was excited and that it was necessary on the part of the Government to pass a special measure to stop that campaign.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): "To issue an Ordinance."

**Mr. D. K. Lahiri Chaudhury**: Thank you, Sir. Now, regarding the United Provinces disturbances, Mahatma Gandhi wrote to His Excellency the Viceroy thus on the 31st December, 1931:

"Regarding the United Provinces, His Excellency is surely misinformed."

—I may note that it may generally be taken that Mahatma Gandhi, by virtue of his personality and position, cannot say anything unless he knows it definitely and cannot make false statements and use false arguments. He goes on to say—

"because there was no no-rent campaign authorised by the Congress, but whilst negotiations were proceeding between the Government and the Congress representatives, the time for the collection of rents actually arrived and rents began to be demanded. Congressmen were, therefore, obliged to advise the tenants to suspend payment pending the result of the negotiations and Mr. T. A. K. Sherwani had offered, on behalf of the Congress, to withdraw this advice if the authorities on their own initiative suspended collections pending negotiations."

But before any settlement could be reached, Government took the law into their own hands. It did not wait for the decision of the

Congress. As regards his genuine anxiety to bring about a settlement, I shall quote a few extracts from an account of his interviews with some Englishmen on the 28th of December, 1931:

"May I tell you", said *Gandhiji*, "that I tried thrice last year to visit the Frontier Province and failed? After the truce, I asked Lord Irwin if I might do so. I wanted to co-operate fully and so I would not only have his permission, I thought, but encouragement. But he said, "No." Then I pleaded with Lord Willingdon twice, but again failed. Lord Irwin felt that my presence there would create a ferment. Lord Willingdon felt very much the same. If you like I shall try it a fourth time, but if any of you have the ear of Government, I would ask them to be my attorneys and obtain Government's permission, for I do not like to commit civil disobedience if I am ordered not to go. (*Hear, hear.*) For I do not want to start civil disobedience at the wrong end. I would start it at the right end and put Government in the wrong." (*Hear, hear.*)

He was then asked:

"But how would you deal with seditious organisations subversive of Law and Order?"

He replied:

"Sedition is an elastic term, but even if you mean by 'subversive' organisations wanting to usurp the power of Government, they should not be dealt with under Ordinances. Do you know the Government is fast estranging even its supporters by these Ordinances . . . I landed"—he said *concluding the speech at about midnight*—"in the hope that I shall find out ways and means of tendering co-operation, but when I find that at every step there is a huge boulder, what am I to do? I am dying to find those ways and means, but see not a ray of hope." (*Hear, hear.*)

Now, any Englishman, any Scotchman, any Indian who has got a little knowledge of English can easily understand how, how far Mahatma Gandhi was anxious for peace,—and still the Home Member says: "the Congress was not prepared to co-operate with the Government." In his eloquent speech, my friend, Mr. Sarma, wanted the Government to bring forward their measure in the form of legislation, and now, the Home Member says that it has come, and you must all co-operate with the Government. Now, his idea of co-operation was actually shown in the Select Committee. It has been proved by my friend, Mr. Ranga Iyer, and my friend, Mr. B. Das, as to how far Government were justified in discussing the matters in the Committee. Several esteemed members who were present at the Committee walked out, because they felt it impossible to work with the Government. They felt it seriously, and so they walked out. Now, the Honourable the Home Member comes to this House and says that so long as there continues the civil disobedience movement, Government do not want any vague thing, but wants a clear thing. May I ask the Honourable the Home Member as to how peaceful picketing can be construed into molestation? May I ask, whether it is not the case that, in scores and scores of instances, children of five years and seven years have been ruthlessly beaten in the name of so-called law and order, and that the Government adopted this hush-hush policy and then gagged the press, and I may say, my friend, Mr. Neogy, who is not now here, himself witnessed many such incidents and that he submitted a report which, however, was not published by the press because of the Press Ordinance. And, under these Ordinances, you are proceeding in such a way that every nationalist spirit and every idea of patriotism will be curbed by this piece of legislation. I ask the Government, with the utmost sincerity and frankness; that at the present time, when India is passing through a psychological moment in the history of the world, and

[Mr. D. K. Lahiri Chaudhury.]

when the Third Round Table Conference is sitting in England, and when our leaders are in jail, and when everybody is feeling the pinch of this obnoxious legislation and police terrorism, is it fair and justifiable on the part of the Government to bring this measure on the floor of this House? It is much better for the Government to have public opinion on this Bill and circulate it. If they say that there is no time for doing that, then they can certainly resort to some special legislation. They can pass some more Ordinances. At this juncture, when the Third Round Table Conference is sitting in England, let them show co-operation and sympathy. Let them again try to release the Mahatma so that he may do his best to stop the civil disobedience moment and evolve a solution of the Indian problems. The other day my friend, Mr. B. Das, asked Government to release Mahatma Gandhi so that he may be able to negotiate with Muhammadans and Hindus about the unity conference. But the Honourable the Home Member said that he was a State Prisoner and, therefore, could not be released. May I ask the Honourable the Home Member, with what conscience he allowed him to solve the question of the Depressed Classes? With what conscience did he allow that this State Prisoner should be permitted to carry on correspondence? It has also been stated, times without number, that the question of the Depressed Classes was mainly a social and a religious one. Can he, at the same time, deny the fact that it carried also the political sense? Is it not a fact that the question involved was whether the Communal Award should be retained or not on that particular issue? Is not the Communal Award a political issue? Then, again, with regard to the question of the unity between the Hindus and the Muhammadans, the Honourable the Home Member says that it is a political issue.

**The Honourable Mr. H. G. Haig:** I should be very glad to respond to my Honourable friend's invitation and give him an answer if I understood what it had to do with the question we are discussing.

**Mr. D. K. Lahiri Chaudhury:** The Honourable Member does not understand. It is very difficult to awake a man who feigns to be sleeping. Now, the question is that the Honourable the Home Member has tabled this motion for consideration and has said that it is absolutely necessary in the best interests of this country that this Bill should be passed. I ask the Honourable the Home Member just to wait only for two months. Release all the civil disobedience prisoners; withdraw all the restrictions over the press; allow them to express free opinion; let there be freedom of speeches in public places regarding this Bill; then, after judging the public opinion, you bring such measure. We will see what can be done in January. During these two months, I am sure, Government will be able to govern the country with all the powers that they at present possess. After two months, when we meet again in January, this Bill should be discussed again. I really do not understand why Government should oppose the motion for the circulation of the Bill. I, therefore, support the motion of my friend, Mr. Sadiq Hasan.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 16th November, 1932.