

LEGISLATIVE ASSEMBLY DEBATES

FRIDAY, 2nd DECEMBER, 1932

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OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Friday, 2nd December, 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.

STATEMENT OF BUSINESS.

The Honourable Sir Brojendra Mitter (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable future course of Government business. It is our intention, Sir, to resume on Monday, the 5th December, discussion of the Ottawa Resolution and that intention is, I believe, in accordance with the wishes of the House generally. That being so, Sir, it is in our opinion of the utmost importance that the proceedings on the Criminal Law Bill on which the House is at present engaged should be concluded this week. For that purpose, Sir, if those proceedings are not concluded today, we shall request you, when you adjourn the House this evening, to direct that it shall meet again at 11 o'clock tomorrow morning.

Our programme for the Ottawa business is to conclude the discussion of the Resolution and thereafter, if the Resolution is passed, forthwith to introduce the Bill, which has already been published in the Gazette and circulated to Members, and to move that it be referred to Select Committee. It is hoped that this motion will be passed in sufficient time to allow of a direction being inserted in it to the effect that the report should be presented on Monday, the 12th December. We trust, Sir, that you will make a direction that, in addition to sitting on Monday, Tuesday, Wednesday and Thursday of next week, the House shall also sit on Friday, the 9th, and Saturday, the 10th, if the discussion on the reference to Select Committee of the Ottawa Bill is not completed on Thursday. Should the reference to Select Committee of the Ottawa Bill be concluded earlier than is expected, Government will proceed with the other legislative business which has already been announced. This consists of:

- (1) The motion to take into consideration the Bill to supplement the Bengal Terrorist Outrages Act.
- (2) The motion to take into consideration the Bill to amend the Merchant Shipping Act in connection with the Haj Pilgrimage, as reported by the Select Committee.
- (8) The motion to take into consideration the Bill to prevent the pledging of Child Labour, as reported by the Select Committee.
- (4) The motion to take into consideration the Murshidabad Bill; and
- (5) The introduction of two Bills, namely, a Bill to amend the Merchant Shipping Act for certain purposes and a Bill to amend the Auxiliary Forces Act for certain purposes. It is not proposed to proceed further with these two Bills in this Session.

THE CRIMINAL LAW AMENDMENT BILL—contd.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair takes it that it is the general wish of the House that the consideration of the Ordinance Bill should be concluded during this week. There are two alternatives by which that can be done. One is to sit a little late this evening and finish the Ordinance Bill, so that we may not have to sit tomorrow and the House may adjourn to Monday. The other alternative is to adjourn it today at about the usual time and sit tomorrow. These two alternatives I want Honourable Members to consider and let the Chair know what their wishes are after Lunch interval today.

Order, order. The question is:

"That clause 14 do stand part of the Bill."

Mr. S. O. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I move for the deletion of clause 14.

Clauses 15 and 16 also deal with the same matter, that is, the suppression of the Press. Because I have tabled a motion for the deletion of clause 16, so incidentally I also move for the deletion of clause 14. Under this clause, in the long title and preamble of the Indian Press (Emergency Powers) Act, 1931, for the words "against the publication of matter inciting to or encouraging murder or violence," the words "for the better control of the Press" is to be substituted. If the intention of the Government as regards the Press laws is to be adequately expressed, then, instead of calling it for the better control of the Press I think it should be called, for the suppression of the Indian Press. This will be the proper phraseology. The whole Bill is intended, as I understand the Government standpoint, as an emergency measure for putting down civil disobedience. If the Government desire to stick to their desire, then if they put in the preamble some such words as restricting the operation of clause 16 only to matters connected with the civil disobedience movement, that will certainly be an improvement, but the phrase "for the better control of the Press" is simply a misnomer. Sir, I move my amendment.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): One must admit that the Press, and especially the Indian Vernacular Press in India, has done a great deal to create public opinion and interest in political affairs among the masses in this country. During the last 15 or 16 years, specially since the Great War, the Vernacular Press has played an important part in forming public opinion in India. But one will also have to admit that a very great part of our troubles and the mischief that have been committed in this country is due to the vagaries of the Press and particularly the Vernacular Press. Sir, I do not wish to condemn the Press wholesale in this country for what they have done. There are newspapers in this country which advocate very sound and wholesome opinions, and which are doing very good work in civilising the country, but I am sorry to say that a very large number of Vernacular papers is responsible for the conditions which we see prevailing in this unfortunate land today. Communal bias, Hindu-Moslem riots, hatred between communities and communities—which unfortunately cannot be denied—they are all due mostly to the Vernacular Press. An incident that happens in a small village comes in the Press in a very

exaggerated form and it spreads from one corner of the country to another like wild fire. You will find that in villages and small towns as well as in big cities Vernacular papers are purchased by shopkeepers and 20 or 30 people assemble at the shop. One man reads out the paper and everybody else is hearing, and anything that appears in the Press, according to the man in the street, is considered as a gospel truth. However strong the arguments that one may have to contradict the rumours published in those papers, the masses will not believe them. So, Sir, I say that a great deal of harm is being done on account of the Press not being kept in proper control. I will not make a very long speech on this point, but will recite only one passage from a paper which has come to my notice. This is the limit of the vagaries of the Press and the way in which they publish defamatory matter and the way in which they create hatred among the different sections of the public in this country.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): What is the paper.

Sir Muhammad Yakub: I will not name the paper nor will I give the date of it. Honourable gentlemen who read newspapers can find that out very easily. The heading is "Unhappy Sir Fazl-i-Hussain. Prospect of Assembly Leadership". Then it says:

"Sir Fazl-i-Hussain, the father of communalism in its present form, is reported to be unhappy at the fact that a Hindu Member of the Executive Council should have been appointed to be the Leader of the House in the Assembly a second time, and at the prospect of an Indian Christian following him in that important office. Sir Fazli's efforts to canvass Muslim votes for the Government on the question of Ottawa and the Ordinance Bill, as already reported by me, are, therefore, said to be not without their object, that object being to suggest to His Excellency the Viceroy that his (Sir Fazli's) influence is likely to prove much more useful to the Government than that of Sir Joseph Bhore, though the fact that Sir Joseph has been successful in causing a split in Opposition ranks over the Ottawa Pact (*and here I would like to congratulate my Honourable friend, Sir Joseph Bhore, on his success*) is stated to have upset Sir Fazli's hopes not a little. In fact, the feeling among some of the Hindu Members of the Opposition is so strong on the subject that they would rather earn discredit with their constituents by voting for the ratification of the Ottawa Pact than have Sir Fazli in the Lower House in preference to Sir Joseph."

Sir, this shows in what reckless manner hatred is being created by these newspapers in the country. Now, thousands of copies of this paper have been distributed in India today and the man in the street who will read it will take it as gospel truth. My Honourable friend, Mr. Ranga Iyer, is also a journalist. He may try his best to refute the arguments in this newspaper. I suppose all of them are not alike. There are journalists and journalists. My friend, Mr. Ranga Iyer, whom I wish to congratulate on his re-election as Deputy President of his noble party, whatever he may do, the remarks which have been made will instil poison into the minds of the Hindu public against Sir Fazl-i-Hussain. It is very good to maintain the freedom of the Press. I admit that the Press is extremely necessary for civilising a country. The power of the Press is extremely necessary if you want to run a constitutional Government in India, but a Press like this ought to be crushed and the sooner it is crushed the better it would be for the country and the people of this country. Now, Sir, that is not all. You will find how hatred is being created against the Members of this House by this Press. Here is an article by their

[Sir Muhammad Yakub.]

Staff Correspondent. The heading is "What Price Glory". Then it says:

"The Government is not likely to make up its mind with regard to M. L. As. to be nominated as dummy members of the Joint Parliamentary Committee of the Round Table Conference to consider the Government of India Bill till the Ottawa and the Ordinance legislation is safely through the Legislature.

But so keen is reported to be the race for seats on the Parliamentary Committee that some members of the Central Committee that toured with the Simon Commission are reported to have sought the authority of the utterances of the Prime Minister, Sir John Simon and Lord Irwin to press their claims.

One of them is reported to have sought an interview even with His Excellency the Viceroy to press his claims.

No wonder that the Government consider themselves safe on the Ottawa and the Ordinance Bills."

I strongly repudiate, on the floor of the House, the insinuations which have been made against the Honourable Members of this House in this note and I submit that it is not enough that the Press should be controlled only in the matter of violence and murder. To have a better control of the Press is extremely necessary to avoid the publication of such news as I have read out. You may have any number of Unity Conferences. You may have any number of talks among your leaders, but if things like this appear in papers, it is impossible to attain unity among the communities in this country, and, therefore, I support this clause and I oppose the amendment.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Ordinarily I should not have spoken on this amendment for the very simple reason that the Mover of that amendment has spoken on it and if I rise to speak it is first, to thank my friend who comes from the same constituency as I do for congratulating me on my re-election to my office on this side of the House. Even though the Honourable Member from Moradabad read out two cuttings, I do not believe under the Press Act, as it stands, or, for that matter, under the Ordinances the references he has read out could be stopped from—or punished for—publication in the newspaper Press. I say as a working journalist that unless you suppress all the newspapers in this country, you cannot suppress the publication of news, however inconvenient, however unsatisfactory or however ill-balanced or unfounded that news may be. I admire Sir Muhammad Yakub's loyalty to Sir Fazl-i-Hussain and I also like some of the fine sentiments that he has uttered about that distinguished Member of the Viceroy's Executive Council about whose many-sided talents all of us have such real esteem; but how can you prevent newspapers in this country from publishing views of that kind, and is the prevention of the publication of such news to the good of public life or journalism in this country?

I remember, while in London, when the great controversy raged against Mr. Baldwin and Lord Irwin, how the *Daily Mail* came out with flaming streamer head lines stating how Lord Irwin had secured the previous consent of the then Leader of the Opposition, Mr. Baldwin, for the declaration of a policy on Dominion Status for which His Majesty's Government was responsible.

The *Hindustan Times* which is ably edited by my friend, Mr. Joseph, a very reputed journalist, has not got a hundredth of the circulation of the *Daily Mail* whose circulation runs into two millions or perhaps six millions. No Indian newspaper has that circulation, and the news that appeared in the *Daily Mail* was wired out to America and it was wired out to Europe, and Mr. Baldwin was bitterly attacked in the Rothermere Press.

Sir Muhammad Yakub: No paper in England would publish communal hatred. This is the difference between the public opinion of the two countries. In India such Press publishes communal hatred and creates communal hatred.

Mr. C. S. Ranga Iyer: I bow to my Honourable friend from Moradabad, and if he brings forward a Bill declaring communal hatred as sedition and designed to suppress the communal Press, I shall vote for such a Bill. (Hear, hear.) But I was saying how the suppression of false news is impossible so long as the news is not considered to be false. The proper duty for the Government, when their Executive Councillors are attacked,—if they feel the attack and it is untrue—is to make use of their Publicity Department and issue communiqués and contradictions immediately. If the news read out by the Honourable Member who just spoke is so flagrantly untrue, the Government's duty was to issue a communiqué and to say it was untrue. It is no use coming to this House and saying that because such things are published, therefore the Press should be suppressed. Unfortunately there is communalism in the country: and as long as Honourable Members on that side stand for separate electorates and we on this side stand for joint electorates, and there is no amicable settlement, communalism will flare up

Sir Muhammad Yakub: Ask my friend, the Sardar Sahib,—who wants a separate electorate in the Punjab.

Mr. C. S. Ranga Iyer: I know my Honourable friend wants it, because others want it, and I do not blame him for wanting it, because this is a communal country. I am not attacking those who advocate separate electorates. I am only pointing out that they create communalism, and communalism is a pond that breeds reptiles. (Cheers.) Those reptiles find expression in the manner in which they are finding expression in the Press of this country.

Sir Muhammad Yakub: Read today's proceedings of the Round Table Conference and you will find who are the communalists.

Mr. C. S. Ranga Iyer: Sir, if you read the proceedings of the Round Table Conference, you will find that everyone who represents a community from a communal point of view is a communalist. I have no quarrel with communalists. If my Honourable friend and I had been at the Round Table Conference, we would have measured swords over communalism. If I had been advocating general electorates and he had been advocating separate electorates, we should have measured swords. If communalism is healthily conducted as my friend, Bhai Parma Nand, conducts it in the Punjab or my friend, Sir Muhammad Yakub, conducts

[Mr. C. S. Ranga Iyer.]

it in the United Provinces, we cannot take exception, because they are entitled to their opinions, but I was referring to the publication of false news or incorrect news so far as the *Daily Mail* of London was concerned on a historic occasion; and, then, Mr. Baldwin, in the course of his speech in the House of Commons, had to repudiate the *Daily Mail's* suggestion. He said that every statement and every implication of that fact was untrue. If in an educated country, the most educated country in the world, where the Press is supposed to be restrained, questions involving the destiny of the Empire and personalities associated with the making of that destiny could be misrepresented in the manner in which the *Daily Mail* represented them, and if freedom could nevertheless be enjoyed by the Press in that country, then I do not see why the same freedom should not be extended to the Press of this country. (Applause.)

Sardar Sant Singh (West Punjab: Sikh): Sir, I stand to support the amendment of my Honourable friend, Mr. Mitra. It is unfortunate that in the discussion of this relatively innocent clause, communal heat should have been introduced by no less a communalist than my friend, Sir Muhammad Yakub, the Knight from Moradabad. The stand that he has taken up against communalism is also most welcome, particularly to the Sikh community. I am voicing the feeling of my community without fear of any contradiction from any quarter when I assert that the Sikh community will welcome the day when the curse of communalism disappears from this country. I have nothing to say against the person of the Honourable Sir Fazl-i-Hussain, and I am not supporting the truth or otherwise of what has appeared in the Press about his alleged activities but, coming from the Punjab as I do, I will be giving expression to the general feeling of non-Muslims of the Punjab, when I say that Sir Fazl-i-Hussain did introduce the poison of communalism in its acute form in the Punjab which, later on, found its repercussions in India. (Voices: "Question, question", "Shame, shame.").

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. We are drifting too much into the communal aspect,—which may only be referred to in passing. The Honourable Member appears to be concentrating on that issue, and the Chair considers that to be very undesirable on the present issue.

Sardar Sant Singh: I bow to your ruling, Sir, but the question before the House is whether the Press should be permitted or should not be permitted to give vent to the communal feelings to whose tastes they cater. My friend has taken his stand on the argument that because the Press advocates communalism, therefore it should be suppressed. I would have welcomed the suggestion if the Press alone had been the sinner in this respect. But the reality is that the policy of the whole administration, and it is the policy which is advocated and probably sponsored more by my friend, Sir Muhammad Yakub, than any other Honourable Member of this House, fosters and encourages rivalries and bickerings amongst the various communities in India.

Sir Muhammad Yakub: Even a rank communalist like Yakub is beaten hollow by the Sikhs

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Honourable Member, when he was addressing the House on a recent occasion, very strongly objected to being interrupted,—and now he is himself indulging in frequent interruptions.

Sardar Sant Singh: Now, Sir, referring to communalism, I cannot deny, Sir, that it had its birth in the Punjab and the Punjab Press did take it up. The reason was that first of all communalism found its place in the appointment to, and discharge of persons from, the public services by a particular Minister. The greater part of the Press did publish those news and commented upon such appointments and discharges on communal grounds in inflammatory language. The start was given from the Punjab and was very readily taken up by the United Provinces, with the result that when we came to occupy our places here in the Assembly, as elected Members for the Sikh community, we were forced in sheer self-defence to defend our claims to our share of the public services. May I ask my friend how many questions he has put in the Assembly relating to communal matters? Does he or does he not like that his activities in this respect should be published by the Press? Probably my friend is in chastened mood and hence I will invite him to come and join hands with me. I am quite willing and am ready to enter into a pact on behalf of the Sikh community with him to the declaring effect that in future our respective communities would not permit its representatives to ask any communal questions in any Council, and would refrain from asking the Government to make appointments to the public services on communal considerations. Such a declaration I shall at once welcome and can assure him that the Sikh community will be the first to welcome it.

Last time, Sir, when the Press Act was on the anvil during the September Session, this very preamble was changed from "for the better control of the Press" to its present title—The Indian Press (Emergency Powers) Act, 1931. That Press Act is still in force. The Ordinance has been now in force for the last one year. May I ask, why it has not been able to control the Press sufficiently so much so that my Honourable friend now wants to control it by enacting these provisions for another three years? If the Ordinance cannot prevent the *Hindustan Times* from publishing such a news, certainly it will not be able to prevent it from publishing news of this character even by enacting this measure. The liberty of the Press is always healthy. It always provides a safety valve for the grievances of the public and, once the safety valve is closed, the danger is more to the society and to the administration than to the Press itself. I, therefore, support this amendment.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I did not intend to intervene in this debate, but I feel constrained to do so on account of the extremely provocative speech which Sir Muhammad Yakub has delivered this morning.

Sir Muhammad Yakub: Not at all.

Sir Hari Singh Gour: Unfortunately he has suffered from a confusion of thoughts and ideas which must be his excuse for delivering that speech.

Sir Muhammad Yakub: I have borrowed it from the Leader of the Nationalist Party.

Sir Hari Singh Gour: But in spite of all that might be said in favour of my friend, Maulvi Sir Muhammad Yakub, there remains a residuum which we on this side of the House must indignantly repel. My Honourable friend, oblivious of the issue before him, first launched an attack upon the Vernacular Press of this country

Sir Muhammad Yakub: Not the whole of it.

Sir Hari Singh Gour: and then indulged in gratuitous diatribe against creating communal spirit in this country. Finally, he wound up by an appeal to the House that the Press in India, not necessarily the Vernacular Press, but all Press in India, should be muzzled, because it gives vent to views and publishes views which may be or may not be true or correct. Sir, the Honourable Maulvi will find that during the last few days I have been the central target of attack by that very paper to which reference has been made by the Honourable gentleman, but that does not prevent me from standing here and doing my duty uninfluenced by all that has been written by that paper against me personally and against persons who represent my views upon a momentous question upon which this House will be called upon to decide in a few days. As regards the news that has been given expression to by the paper to which the Honourable Maulvi referred, let me assure the Honourable gentleman that so far as we on this side of the House are concerned, we pay very little attention to news which seems especially to interest him. We are more concerned with the ventilation of grievances which affect the public and for that purpose we desire that the Press in India should be absolutely free and unfettered by the trammels of emergency or other legislation. Sir, so far as the tightening up of the Press Act is concerned, let me assure the Honourable Maulvi that only last year we examined the whole question of the Press Act and it is true that ultimately the Preamble was changed, restricting the Act to the publication of matters inciting to or encouraging murder or violence, but Honourable Members of this House should not be unaware of the fact that when the Bill was introduced in this House, it had a wider scope and it was in the Select Committee that the Preamble was altered. If Honourable Members will refer to that Act, they will find that the provisions were intended to deal with all cases of emergency, not necessarily an emergency of the character described in the Preamble. Sir, at the present moment we are dealing with one short question, the question how to cope with the civil disobedience menace and I cannot understand what bearing Sir Muhammad Yakub's remarks have on the question of civil disobedience. We are here concerned with one short, narrow issue—are we justified in gagging the Press so as to prevent it from disseminating news and giving expression to views conducive to the growth of a civil disobedience movement. That is a short question, but my friend never said a word about it. He launched a diatribe against the Vernacular Press, against communalism and referred to a certain correspondent's views on the subject of the leadership of this House. Sir, for the last 12 years, I, standing as a leader of several parties, have been impressing upon the Government that the Law Member should be the Leader of this House, because all important legislation is initiated here and we cannot allow a subordinate of a Law Member to take his place as the chief and responsible spokesman in this popular Chamber. That is a fact which my friend cannot deny and I am very glad that once, at any rate, we

have a man who is a custodian of the law and, let us hope, justice of the Government of India. (Laughter.) He is able to speak with that unique authority as the law giver of that part of the House

Sir Muhammad Yakub: But you do not accept his exposition of law.

Sir Hari Singh Gour: on matters of day-to-day business and legislation. My friend on the other side has raised the wind and he will not be surprised if he and his friends stay to reap the whirlwind. Communalism is not a cry on this side of the House at all and let us dismiss for the time being all questions of communalism and think of the civil disobedience movement and the question of the Press with that movement. In that narrow light I wish to ask the Honourable the occupants of the Treasury Benches that so far as the Press of this country is concerned, we have sufficiently muzzled it under the Act of 1931.

I remember, Sir, what the Honourable the Home Member said the other day that the Act of 1931 passed in October last year was designed to deal with a special political malady and that it had no reference to the civil disobedience movement. Granting that, I wish to know what provisions of that Act would not equally apply to the political disturbance of which the Honourable the Home Member complains and whether the general law coupled with the emergency law which we have placed on the Statute-book should not be resorted to for the purpose of dealing with this new political movement which the Honourable the Home Member wishes to suppress. After we have explored the possibilities of using the present law and found it wanting, then and then only should the Honourable the Home Member come before this House and say: "We have tried this weapon that you gave us. It is not sufficiently effective, and, therefore, we want another and a stronger weapon to cope with the civil disobedience movement which is going on in the country". But, as it is, I find that this Bill would not only muzzle the Press, but it would prevent the Press from giving the news which every man in this country would like to know; and the Honourable the Home Member could not be unaware of the fact that the more you muzzle the Press, the more you set a premium upon the dissemination of false news and rumour from mouth to mouth. It is far more dangerous to let the people gossip about what is taking place than to have a Press which publishes news which Government can contradict and the value of which the people can judge for themselves. There is one chapter in the Statutory Commission's report drawn up by that trusted journalist of the English Press, Lord Burnham; and he points out that if you really wish to bring the policy of Government and the problems confronting them to the notice of the public, you have yourself to develop your publicity department. Merely asking this House that the Press shall not speak is not enough, because, with the growth of education and knowledge, the public of India are anxious to get news: and the Press of India is in its infancy. I have known countries where the daily press has circulation by the million. My friend, Mr. Ranga Iyer, has referred to the *Daily Mail*. I know some papers in the Far East, the daily circulation of which averages 2½ million copies and every man, woman and child, from the highest to the lowest, is a reader of the newspaper. The newspaper is the poor man's university; and if you really wish to encourage mass education, as it is the wish of Government that it should be encouraged.

[Sir Hari Singh Gour.]

you must encourage the Press in India. It is the cheapest form of mass education. You cannot have a Press which simply publishes items from the Court circular and Government news, that Mr. So and So was transferred from one place to another. It must take an interest in the live issues of the day, issues in politics, religion and society; and all these are factors in which the public are most interested. The recent examples of the oppressive nature of the Ordinances in Bombay and Calcutta dealing with the indigenous Press has made us fear that this will again be an engine of oppression to the growing Press in this country, and it is for that reason that we are extremely anxious that while Government should be given every possible help, we must call a pause to the legislative activity of this House when it wishes to snip out of existence the indigenous Press which will not long survive the attack that this Bill is intended to make upon it. It is for that reason that we on this side of the House will strenuously oppose, unsuccessfully though it may be, the muzzling of the Press. I know that during the last few days, Government, assured of their majority, have dealt with all amendments, however reasonable, in a cavalier spirit. I also know that we are not able to bring up our reinforcements to give Government battle on equal terms. But we were assured the other day by His Excellency the Viceroy that this is a Chamber and a country where persuasion counts. May I remind the Honourable the Home Member of that magic word, persuasion.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I have got great regard for my old and esteemed friend, Sir Hari Singh Gour, with whom I sat for three years in the same Party in the first Assembly, and I congratulate him on the moderation of his speech and the spirit in which he delivered it. He avoided all the heat which had been created in the House, but by his moderate speech he brought down the atmosphere to great coolness. I, however, do not agree with the points which he made, and I do not hold any brief for my Honourable friend, Sir Muhammad Yakub, when I say that what he wanted to urge before the House was not communalism which he was condemning, but he only gave some instances of the irresponsible manner in which certain papers are conducted. What he meant was that this kind of Press is doing the greatest disservice to the country and he intended to say that that sort of Press is not a patriotic Press though they distribute news in the name of patriotism, but in reality promote communal hatred. He was the first to condemn communalism and the Press which promotes it between the people. What my Honourable friend, Sir Muhammad Yakub, wanted to urge was this that all the trouble in India which is impeding the progress of the country is communalism which is created and engendered in the minds of the people by the irresponsible Press which unfortunately we find today in India.

Sir Hari Singh Gour: And the irresponsible people as well.

Mr. Muhammad Yamin Khan: Quite right. Irresponsible people when their minds are affected by the irresponsible dissemination of news create these troubles. Irresponsible people would not be affected if there was nothing to feed their sentiments from the Press. This is the feeder which is pushing them up and creating these disturbances in the country.

But, Sir, coming to the point, what I want to urge is this, that my Honourable and learned friend says that the Press should not be muzzled. I certainly would be the last person to ask that a responsible Press which might help the creation of good feelings in the country and the achievement of progress in the country should be in any way touched. But what Press has been touched here? No responsible pressman will ever be affected by this law, but that kind of Press which makes martyrs of people who have committed all kinds of atrocities and tried to take away not only the liberties, but the lives of people. These people are made into martyrs by a certain section of the Press, and that Press gives some people, when they commit atrocities, titles of heroes, and they are extolled as martyrs, and that leads the other young people who cannot pay any attention to the harm it brings and they go up and commit the same atrocities in the country which have been the greatest drawback in our progress. I can assure my Honourable friend if he sees coolly—I know he does not agree with those kinds of activities, if he did agree, he would not be in his seat here today, but let him judge coolly whether they have not put the hands of the clock back. Have these misguided patriotic youths not have made the country's progress retard. Let him judge coolly and he will find that you are losing all your public opinion on account of these few misguided youths. Their actions are responsible for this drawback in your public life and who has made them do this? This irresponsible Press. This irresponsible Press has taught them to do certain kinds of acts which had impeded the progress of your country and if this kind of propaganda is stopped by this measure, I think the greatest service will be done to the country. Two things you will require—peaceful progress in the country, best understanding between the two communities. If you gain these two objects, you will march slowly but surely on the path of your freedom for this country. Without this you can never gain. I assure my friend that this Bill is not intended in any way to hinder or to take away the liberty of that class of Press which stands or which makes the propaganda for the progress of the country. With these few words, I oppose the amendment.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadian Rural): Sir, self-complacency is a virtue and it leads one to admire one's own opinions and to condemn those who are preaching against those opinions. That has been the general practice all over the world. In England also the yellow Press is condemned by the more moderate opinion, because the moderates think that their opinions are the best and for the good of the country, while the opinions of the yellow Press are misleading and are leading people to their ruin. In the same way, in India, we find some persons condemning the Press and some persons extolling it. The Press has no doubt contributed much to the uplift of India as a whole. Without the Press education will not spread; and if we are to say that only the pernicious part of the Press should be suppressed and the others encouraged, I may point out that that will be almost impossible. It is very difficult to draw a line between the pernicious and the non-pernicious. Broad principles might be laid down and something in that way might be tried; but we have to be careful that we do not kill the best with the worst.

The Vernacular Press has always been under suspicion for a very long time. If I take myself back to about half a century, we shall find that in Lord Lytton's days there were the repressive measures for controlling

[Mr. B. V. Jadhav.]

the Vernacular Press. The Vernacular Press had always been the eye-sore of the governing section of the community. But now-a-days it is not only the Vernacular Press, but also the papers which are published in the English language which are found to be very objectionable and various devices are utilised to put them down. This Bill is an attempt in the same direction. It is not merely intended to suppress the Vernacular Press which is charged with misleading the people. The Press which is now wanted to be brought under control is the English Press, that is the papers that are published in the English language; and my friend, Sir Muhammad Yakub, gave expression to his feelings by quoting passages from an English daily paper published in Delhi. I need not say anything about the subject matter of those quotations. We all know and we all feel how we admire the Honourable Sir Fazl-i-Husain. He has been a very fine man and a very fine officer and he has been doing his duty very conscientiously. At the same time, persons in authority will come in limelight and attract some attention from the members of the Press to face criticism. It is, I shall say, the penalty for being great. If my friend, the Honourable the Law Member, or the Member for Commerce or any other Member, is criticised in the Press, it ought to be taken as a compliment and one need not be very much angry with those criticisms. The Vernacular Press mostly has got a very poor circulation and they find it very difficult to make both ends meet. There are very few Vernacular papers whose circulation goes over three or four thousands: and many of them do not come to even 200 or 300. They are eking out an existence, and I think they ought not to be troubled at all. Their views reach a very few people and, as a matter of fact, the editors of those papers have not got the intelligence or the means to displease a powerful Government. But some of the English papers are very bold enough and many a time one might, if one is very critical, point out articles which are objectionable. But as they are published by big English syndicates, the Government will not pay any attention to them and we, on our side too, read them and simply laugh at them, because we know that they can do us no harm. It pleases the English side of the Press and it does India no harm

Mr. S. C. Mitra: It does great harm.

Mr. B. V. Jadhav: The claim has been made here that the Press is the ventilator of the grievances of the public and the gagging of the Press is ultimately to the loss of the Government themselves. I support that view and urge on this House that the passing of any repressive measure, especially gagging the Press, is not a very good thing, and I, therefore, support this amendment.

Mr. B. N. Misra (Orissa Division: Non-Muhammadan): Sir, the saying goes "Everybody for himself". Probably every community speaks for itself, and perhaps extols its past and thinks of its deplorable present condition; but I think the Press is for us all; the Press is not for this man or that man or for this community or that community or of this society or that society. The Press, if you feel offended today, I think it will come to your defence and will defend you in so many words and so many articles; and when we feel offended one day, I think the Press will come for us if we have been offended in so many ways and the Press will defend us also. So also officials; if they see

some day that an unreasonable and unnecessary attack is made against them, the Press will come for them and will defend them and will extol their goodness, glories, and so on. So to talk of the Press as communalist, or this side or that side, I think we are entirely mistaken, to either press, oppress or repress the Press (Laughter) on that ground. Some Press will take the Congress view and some will take the Government view.

Sir, I am reminded of a saying in Sanskrit "*tramelakam nindati komaletsu*". The meaning of that is the goat always blames the camel on the ground that it takes the big twigs and trees and does not take the soft green grass like the goat. Now, the Government blames the Congress or one community blames the other, and so on, but each has its own justification; but the Press at any rate should be kept above and beyond all these communal or other quarrels. We have got the man power, the wealth power, or power of intellect, and so on, but the Press is a power above all these powers, because the Press will one day blame the Government if they do anything wrong, it will blame a particular community or body or association another day if it goes wrong; similarly it will praise the Government one day if they do any good to the people. Therefore, the Press should be regarded as above all and beyond all politics. The Press writes one paragraph for the Congress today and it writes another paragraph for another community tomorrow or sometimes it also writes against a community or the Government if they go wrong. Therefore, we should not make any attempt to gag the Press simply because it is a Vernacular Press or it is a Congress Press. We all take a particular view about certain questions, according to our training, our liking or disliking, some take a communal view, while others take a broader view, and so it is quite clear that if communalism itself did not come out of us, how could the Press come out with that news this morning, to which allusion was made here. Therefore, the Press should not be blamed on the ground that it is always taking the Congress view. If the Congress does something wrong, then that very Press will condemn the Congress instead of praising it. Why should the Press be gagged? Sir, in India the Press has got very small powers, though in all the other civilized countries the Press has got immense power. Therefore, no attempt should be made to suppress the Press by this Bill, and the amendment that is brought before the House is really commendable, and everybody should lend his support to it. If at any time the Press goes wrong on any particular question, then that matter can be considered and judged on its own merits, but why should the Press be gagged as a whole? Sir, I support this amendment.

The Honourable Mr. H. G. Haig (Home Member): Sir, the Honourable the Mover of this amendment very justly pointed out that his proposal was merely incidental. If in fact clause 16 of this Bill is passed, it becomes necessary as a matter of drafting to alter the preamble of the existing Press Emergency Powers Act in the manner proposed in this clause. It is, therefore, really a matter of drafting. As Honourable Members are aware, the Press Emergency Powers Act was passed with a very limited intention. It was intended only to control the Press against inciting to or encouraging murder or violence, and we propose now to extend that control over a much wider field. My Honourable friend, the Leader of the Nationalist Party, who has a peculiar affection for that Act, in the passing of which, I understand, he took a prominent part, has asked

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us not for the first time why we are not content with that, why we have not tried to see whether we can proceed with those powers alone. Sir, the answer is that we have tried it in the past. Before the issue of the first Press Ordinance in 1930 at the beginning of the first civil disobedience movement, we found that the Press activities in connection with the civil disobedience movement were completely beyond our control under the ordinary law. Again, Sir, when that first Ordinance expired at the end of six months, we did, in fact, do precisely what my Honourable friend, Sir Hari Singh Gour, suggests. We observed for a period of one or two months, and the results, I am afraid, were precisely those that might have been anticipated. The situation deteriorated very rapidly, and, after this interval of observation of one or two months, it was necessary to issue a second Ordinance. I do not think, Sir, we can justly be expected to try another period of observation.

Now, Sir, this debate has provided one interesting incident in that my Honourable friend, Mr. Ranga Iyer, has promised in one respect at any rate to support clause 16 of this Bill, for, he said, that if any proposal were put forward which would have the effect of controlling the communal Press, he for one would vote for it. Well, Sir, I would invite his attention to sub-clause (h) of clause 16. and I confidently expect his support to that sub-clause at any rate.

My friend, Sir Hari Singh Gour, suggested that we were not duly receptive of the arguments addressed to us from the other side of the House and he begged us to have some regard to the virtues of persuasion. Sir, I think we have listened very attentively to the arguments which have been addressed to us during these many days when the Bill has been before the House, and I would ask Honourable Members opposite to remember that we have not made these proposals lightly, that we had thought over them very carefully before they were introduced and that we have reviewed them very carefully during the Select Committee procedure, and I would ask them to think that possibly if we do not allow ourselves to be persuaded by the arguments that are addressed to us, it may not be that we are obstinate in the wrong, but that we are firm in the right. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The question which I have to put is:

"That clause 14 be omitted."

The motion was negatived.

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

"That clause 14 do stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

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

"That clause 15 do stand part of the Bill."

Mr. C. S. Ranga Iyer: Sir, I move:

"That clause 15 of the Bill be omitted and the remaining clauses be re-numbered accordingly."

Sir, my only reason for moving this amendment is that I belong to the Press, and this is one of the two amendments out of a list of 100 that I happened to give, but I do not propose to take much time of the House, for I am convinced that the Honourable the Home Member is obstinately stiff and persists in his wrong belief. Sir, I would only draw his attention to the statement made by his distinguished predecessor with whom we had a very good discussion in the Select Committee on the Press Bill. Sir James Crerar said that "Government had already gone a long way in reducing the period from three years to two years, and if we went beyond that", he added "we should be failing in our duty". His distinguished successor has gone beyond that in the opposite direction (Laughter) and obviously he is performing his duty. But my duty to the House and the Press compels me to oppose his attempt to extend the period of operation of the Press Law because all its detrimental effects will be upon the Press for the extended period.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatnam: Non-Muhammadan Rural): I would like to add only just a word. Government seem to have no justification at all for extending the period of these provisions. The Press was already penalised under the old Act, and as my Honourable friend has just now read a passage, it was a definite undertaking given to this House that its operation would come to an end at a particular period. We have been alienating the sympathies of the Press already. I would like to ask the Government whether this is an occasion to further alienate the sympathies of the Press at a time when, according to them, constitutional experiments are to be made in this country. With these few words, I support the amendment.

The Honourable Mr. H. G. Halg: With reference to the remarks made by my Honourable friend, Mr. Ranga Iyer, in regard to the duration of the Indian Press (Emergency Powers) Act, I would merely refer him to the fact that we are here dealing with totally different conditions and considerations to those which applied in the case of that Act. As he will remember, that Act was passed in order to deal specifically with the terrorist movement. It was passed at a time when the civil disobedience movement was not in operation, when, in the words of the Congress, it was suspended and there was some reasonable expectation that it would not be renewed. Those conditions unfortunately do not prevail at the present time. The question of the duration of the Bill generally will come under consideration in connection with the amendments that are proposed on clause 1, and I, therefore, do not propose to enter into those considerations now.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The question which I have now to put is;

"That clause 15 of the Bill be omitted and the remaining clauses be re-numbered accordingly."

The motion was negatived.

Clause 15 was added to the Bill.

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

"That clause 16 do stand part of the Bill."

Mr. S. O. Mitra: Sir, I move:

"That clause 16 of the Bill be omitted."

As I have already observed in connection with my previous amendment, an attempt has been made in this clause not only to widen the scope of the Press-controlling-legislation, but to widen it too much so as to bar even legitimate criticism. It is not better controlling the Press, but really suppressing the whole of the Indian Press. On referring to the old Press Law of 1910, I find that some of these clauses excepting sub-clause (k) and sub-clause (i) were also in it and when it was repealed in 1922, there was no necessity for the next ten years to have these repressive laws. In the Ordinances, they were all incorporated, but in October, 1981, when Act XXIII of 1981, the Press Emergency Act, was enacted, only the clauses relating to violence and murder were enacted and the other portions were left out. The Honourable the Home Member said that the experience of the two or three months, when there was no such legislation in force, as is being contemplated now, was that the freedom of the Press was abused. He has not cited any evidence, nor are we in a position to say whether there was a necessity during the regime of the Press Ordinance for application of these clauses. The clauses are so wide as to include almost any kind of criticism. It begins with—"anything that tends directly or indirectly"—the word 'indirectly' extends the scope of the clause to any extent. Then the clauses deal with "seduction of soldiers", or "hatred or bringing into contempt the British justice in India". The persons who are guilty of these offences as also other people coming under the newly created offences may be punished by proceeding against them in a court of law, but if such wide powers are given to the Executive to proceed against the Press, they are sure to be abused.

It is known to Members of the House that not only on one occasion but on many an occasion, after the passing of these Ordinances, security was demanded from newspapers on the very day that the Ordinances were promulgated. In the case of the *Hindustan Times* of Delhi, if I remember aright, security was demanded on the very day the Press Ordinance was promulgated. There was nothing to prove that they had infringed any of the sections of the Ordinance, because the security was demanded the very day on which the Ordinance came into force. That shows that the Government or the magistracy are not inclined to exercise their power discreetly. Any opinion that is not to their liking, or is found to be hostile, is immediately punished with some demand for security from the paper. Before widening a legislation which is already too wide we should see that public opinion in this country is not altogether stifled. As Sir Muhammad Yakub rightly admitted, the Press has an educating effect on the masses. If anything and everything that appears in print is believed by the villagers, the fault is not of the newspaper publishers or editors. The education that the villagers have got during the last 150 or 160 years of the British rule have not helped them to discriminate between what is wrong and what is right and it is no use putting the guilt at the door of the newspaper editors. As regards the communal feelings it is the duty of the Press to give expression to the real feelings that are in the nation. The papers

are as much helpful to the Government as to the public for they give expression to the inner thoughts of the nation. If Indians are communal, I do not see why the Press should not rightly interpret that feeling and give expression to it. I have no quarrel with people who sincerely believe that there should be communalism, but I regret the intolerance of the communalist when he finds that his communalism is replied to by the other communalist. Let us be fair to both sides. If we were to enact laws against manifestation of communalism which is often evidenced in some of the interpellations in this House, I think we should begin with ourselves in this House. Sir, I do not see why the papers should not publish what is true. It may not be palatable and relishing, and for a despotic Government like the present bureaucratic Government, which are not responsible to anybody, I think it is to their best interest to encourage honest and public criticism of their action. Instead of having a legislation gagging the entire Press, Government should see that the feelings of the people may be properly ventilated. If there is wrong information, if there is misleading news in the Press, certainly other courses are open. There is not only one Press which is controlled by the Congress. In this House it is always claimed that the Congress influence is not great, that they do not represent the majority or the masses or even the cultured classes. Why should not other non-Congress people start their own newspapers? In all countries, as Mr. Ranga Iyer pointed out, advantage is taken not only by politicians, but by other classes to ventilate their views and sometimes it is really very difficult to say what is the correct opinion because judgment is always biased by inclination and interest of the particular individual, even unconsciously. By this measure even legitimate criticism will be stopped. Just now I got a letter from the Editor of one of the Vernacular papers in Bengal that has the widest circulation in Bengal. He writes to me to say that under the pretext of attaching paddy for realisation of punitive taxes, all the village riff raffs go with the police and plunder the paddy that has been gathered in the granaries of the villagers in Nandigram village of Tamluk sub-division in the District of Midnapur. He says, they have got authenticated reports from several persons, but they dare not publish it in the papers, because that will come under some of these clauses as saying something against the police as a class. This is not an imaginary case. Every day journalists are feeling that they are failing in their duty to the public in not drawing attention to these grievances and events that are happening in India almost every day in the name of dealing with civil resisters. If this clause is to be strictly construed, Government will be found to be guilty in more cases than one, for setting up class against class. I find in my constituency of Chittagong, Government have ordered the realisation of punitive taxes from Hindus alone. They have treated the whole Hindu community as presumably guilty of revolutionary crime. There are number of instances in which attempts are made to set class against class and, if this clause is to be strictly applied, Government officers will be found guilty. There may be some idea among my Muslim friends that this lawlessness will not affect their fellow brethren. I have got in my hand a telegram from Mr. Abdul Maabud, President of a meeting in Chittagong. He wires ;

"Grossly insulting searches of about 150 respectable Moslem houses of Alkaran in the town made Wednesday 16th instant on meagre information regarding absconders indignities caused to *pardanashin* ladies some inside the house and some dragged to considerable distance and exposed in public street after removing male members under arrest to another place some *pardanashin* ladies roughly handled and rudely treated in

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the name of searches and Moslem males beaten and some grossly insulted. *Mosallies* stopped from going to mosque. *Mosazzen* of Alkaran mosque threatened with bayonet and revolver to prevent *Azan* of afternoon prayer. In view of these facts learn great consternation causing bitter resentment and indignation in the Moslem community. This large mass meeting assembled at Jamah Mosque premises on Friday 18th instant at 2 P.M., after Juma prayer under the presidency of Jamah Mosque Imam severely condemns such outrageous deed on innocent peaceful Moslem citizens of town and urges on His Excellency for an immediate inquiry by an impartial commission of officials and non-officials and for proper and adequate redress."

Even such a report of a meeting will not be published in any newspaper in Bengal, because it will come under the present Press Law. So, I say, that in this question there cannot be any difference between communities and individuals. When there is oppression, everybody in the country will suffer from it. We are not quoting imaginary cases in which this law will be rigorously enforced. Now, Government also claim that the civil disobedience movement has been controlled, let there be no more drastic legislation, at least as regards the Press, by which alone Government will be in a position to know the sentiments prevailing among the masses. Sir, I move for the deletion of this clause.

Mr. C. S. Ranga Iyer: Sir, I, on behalf of the Indian Press and in my capacity as the President of the Upper India Journalistic Association, beg of the Honourable the Home Member not to drive the lid down the seething cauldron. Sir, the Press is the safety-valve, and I would ask him not to sit on the safety-valve. Sir, it is unnecessary for me here today at this late stage, and especially in view of certain considerations that you, Mr. President, urged, and with which I am fully in agreement, to prolong the agony, for it is agony to me, of this futile debate. I know that the Honourable the Home Member has had for every "why" emanating from this side of the House, a "wherefore", all his own, but as a working journalist I would ask him to consider and reconsider his position, because he is not taking action or contemplating the sanctioning of taking action under this measure against the offending editor, but against the newspaper Press. If he persists, as he has been persisting, Sir, in the evil course, I would only beg of him once again to consider one or two things. The operation of this law will be in the hands of those who will be the victims of the attacks in the Press. It is they who would like to set up the criterion of journalistic goodness. I would beg of the Honourable the Home Member to consider whether,—if he should persist,—if he would not at least inform the district officers concerned through the Local Governments and if he would not give an assurance on the floor of this House, that not one warning but two or three warnings would be given to the Press before any action is taken. If he does not propose to grant this simple request, there will be no other alternative but—if my Party agree and if my colleagues agree—to press this motion to a division.

Sir Muhammad Yakub: Sir, far be it from me to advocate the stopping or the crushing of the Press in India. When I made my speech early this morning in opposing the motion for the deletion of clause 14, I made it quite clear that I appreciated the services of the Press in the country and that I recognised the work which it is doing in educating the masses. What I said, in that speech, was that there is a section of the Press which is creating trouble in this country, which is fanning the civil disobedience movement and which is giving encouragement to lawlessness,

and I submitted that it was that section of the Press whose activities ought to be brought under control. I hold that better control of such Press was needed than is the case today. Sir, in the present clause, an effort has been made to enumerate the undesirable activities of the Press and this clause aims at stopping those activities. Now, can anybody deny that there is a certain section of the Press in this country which lives only upon disseminating false and exaggerated news? Can anybody deny that there is a section of the Press which lives upon creating hatred between communities and communities? Can anybody deny that there is a section of the Press which lives upon extortion and blackmailing? Sir, it is this section of the Press whose activities ought to be curtailed, but it does not follow therefrom that I condemn the Press in this country wholesale. I submit that the objectionable activities of the Press enumerated from (a) to the end of the clause are such as should not be tolerated in any civilized country, and especially on the present occasion when we find that the constitution of our country is on the anvil and we find that a very suspicious atmosphere is being created, it must be the duty of every well-wisher of the country to help in creating a wholesome, a moderate and a peaceful atmosphere at the present time. After all, as has been so often said, this Bill is not going to be a permanent measure on the Statute-book. It has so often been said that an emergency has been created by the present conditions and, therefore, we have got to take some drastic measures. So long as the present conditions prevail in the country, it is extremely necessary that such activities of the Press should be curbed or, at any rate, stopped for a short time. With these remarks, Sir, I oppose the amendment.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhamadan): Sir, I rise to support the amendment which has been moved, and I wish to do so in just a very few words. Sir, the fetters which are tied round the neck of the Indian Press are already too stifling, and the proposal embodied in this clause is of far too sweeping a nature to allow us to give our accord to it. Under the Press Act, a newspaper is called upon to deposit a security. This power has been misused in many cases in the past, and I shall just mention one instance to show that the way in which the control is exercised on the Press is so stringent that the position is intolerable. Sir, there is a paper which is proposed to be published in this City of Delhi under the name of *The National Call*, and Mr. Sahani, who was the editor of the *Hindustan Times*, is going to be the editor of this paper. Now, before this paper has been even called into being, it has been called upon to deposit a security of Rs. 2,000—the maximum security under the law. Now, I ask, why has the security been demanded? The paper is still in the womb of futurity. Mr. Sahani had previously been editor for about seven years of the *Hindustan Times*, and it would seem that because of his connection with that paper this security has now been demanded. During his editorship of that paper, it was called upon only once to deposit a security; that was in 1930. The matter went up to the High Court, and the High Court declared that the demand of security was illegal. But, under the Press Act, the High Court had no power to order refund of the money, or to cancel the executive order. This security which was demanded of Mr. Sahani was confiscated a few months later at a time when Mr. Sahani was in jail—about three months after Mr. Sahani had been in jail. In 1932, security was again demanded from the *Hindustan Times* in connection with certain

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articles which appeared in the paper subsequent to his resignation of the editorship of that paper. So it can hardly be said that Mr. Sahani's antecedents justified the demanding of a security from the *National Call* in any way, and no reason has been assigned in the order.

This, Sir, is the way in which security is being demanded without any compunction, and without any regard for the provisions of the law, and this has happened in the case of an Administration which is under the direct control of the Central Government. What are we to expect in the case of those papers which have to depend for their existence on the mercies of petty officials under different Local Governments? In my own province of Bihar and Orissa, there was a newspaper called the *Searchlight*. Security after security was demanded from that paper for small infringements of the law, sometimes more fancied than real; and the result was that that paper has ceased to exist and it has stopped publication for many months. As a matter of fact, we have no paper in our province. These are the vagaries of the executive officials, and the provisions of the clause which is sought to be enacted are of such a Draconic nature that I am unable to give my support to them. I will just refer only to one instance. In clause (h), it is stated to be an offence to promote feelings of enmity or hatred between different classes of His Majesty's subjects. That is a very laudable object, but is not the present law sufficient to cope with these situations? The Indian Penal Code was amended only a few years back, and the offence which is sought to be penalised under the provisions of this clause has also been provided for in the existing law. Therefore, I strongly object to any stringent provisions being enacted in this Bill to make the existence of the nationally-inclined papers more precarious than at present.

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

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

Mr. S. O. Sen (Bengal National Chamber of Commerce: Indian Commerce): Sir, I oppose the motion that clause 16 should form part of the Bill and I support the motion for its deletion from the Bill. Sir, it is admitted by the Honourable the Home Member that the provisions of the Bill are irksome and might hurt many respectable newspapers in this country. I do not know whether any distinction can be made about respectable papers so far as the Indian-owned Press is concerned. In his recent utterance, Sir Alfred Watson in England mentioned that all the Indian-owned papers in this country were against the Government and it must be admitted that Sir Alfred Watson knows more about the Press of this country than anybody else does. His opinion, therefore, should carry weight. According to him, Sir, there is no question of any respectable Indian-owned paper, because all the papers are brushed with the same paint. Under these circumstances, the hopes which were entertained by Sir Muhammad Yakub and others that this legislation will not affect the respectable section of the Press falls to the ground.

Now, first let us understand what is the necessity of this all-embracing legislation. So far as I remember, and I may be corrected if I am wrong, the Honourable the Home Member did not make out any serious case for the promulgation of such an all-embracing, repressing and, according to him, irksome legislation. In 1931, the Emergency Press Act was enacted and at that time the predecessor of the Honourable the Home Member said that the Act had not gone an inch beyond the necessities of the time. It may not be necessary for me to read any passage from his speech when he was introducing that Bill. I may, however, quote a sentence or two. This is what he said:

"The second point which I wish to emphasise is that this Bill is very narrow and restricted in its range. The Government have not sought to go one inch beyond the actual necessities of the case. Though the emergency is great, we have deliberately sought to restrict ourselves to the minimum requirements of the case."

I wish the Honourable the Home Member in the present case had followed his predecessor's steps and restricted the Bill to the absolute necessity of the present situation. This he has not done. He has brought in a legislation which will hurt anybody and everybody and will especially gag the Press for a considerable time. Now, Sir, as regards the provisions. Most of the provisions are to be found in the old Act of 1910 with the exception of the *Explanation* contained in section 153A of the Indian Penal Code. These provisions were the subject of a judicial decision in the Calcutta High Court and I may be permitted to refer to the judgment of Sir Lawrence Jenkins in the case which has already been cited three times in this House during these debates. On page 478 of the Indian Law Reports, 41 Calcutta, he says:

"The provisions of section 4 (*that is the section to which we are adding all these provisions*) are very comprehensive, and its language is as wide as human ingenuity could make it. Indeed, it appears to me to embrace the whole range of varying degrees of assurance from certainty on the one side to the very limits of impossibility on the other.

It is difficult to see to what lengths the operation of this section might not plausibly be extended by an ingenious mind. They would certainly extend to writings that may even command approval.

An attack on that degraded section of the public which lives on the misery and shame of others would come within this *wide* spread net: the praise of a class might not be free from risk. Much that is regarded as standard literature might undoubtedly be caught."

Sir, that is not the language of an Indian journalist, but it is the language of one of the greatest Judges who have come out to this country to administer justice and whom at a difficult time Lord Morley chose to send out to Bengal for the purpose of restoring confidence in the minds of the public. If that is the language used by such an eminent Judge, I ask the Honourable the Home Member whether, in the light of that decision, he ought not to have restricted the operation of this clause and of the clauses which are being added to same so that it could be understood by an ordinary man and which would not gag the whole Indian section of the Press. I appeal to him to see whether he cannot delete the whole clause or such portions thereof as he considers to be not necessary in the exigencies of the time and thus restrict the operation of these portions within reasonable bounds. We know how this Press Act and the provisions contained in the Ordinances are operated on. I can say how they are acted upon so far as Bengal is concerned. Even the proceedings of the Legislative Council there are not allowed to be published if they contain anything against Government. Sir, no news can be given

[Mr. S. C. Sen.]

in the papers and I know that practically every day newspapers get a sort of typed form saying that their articles do not come up to the proper standard. That being the case, how can the Press which is considered to be the fourth State function properly and use its influence even in educating the public opinion regarding the things which are coming on under the new Constitution. Sir, the object, I am constrained to say, is to gag the Press and to keep it under control so that it might not criticise the inadequacy or otherwise of the reforms which are shortly to be introduced. That is the charge which I make and I trust the Honourable the Home Member will even now find it possible to see that some of the very wide provisions are not resorted to. With these words, I support the amendment.

Mr. B. V. Jadhav: Sir, the Honourable Member who just sat down has shown how section 4 of the old Press Act, the Emergency Powers Act of 1981, is sufficient for the purposes of Government, how wide it is in its scope and how wide in its operation also it is; and I shall point out that there is no necessity of the amendments that are proposed in the new clause 16. But, before that, I should like to point out how the present provision in the Indian Press Emergency Powers Act is being worked. I shall take a typical case. In Bombay, there is a village in the district of Satara called Masur and there is a religious man who has got a press there. He generally goes all over the country and teaches a number of boys and is doing religious work. The principal work he has done so far is bringing back into the Hindu fold such persons as have gone out of it generations ago. His energies for a number of years have been confined to the territory of Goa where a number of Hindus were converted in previous generations to Christianity; but the people do not like that form of conversion and they were half-Christians and half-Hindus; and this Bawa of Masur has been proselytising and bringing them back into the Hindu fold and, up to this time has succeeded to the extent of some three or four thousands. This man keeps a press in that village wherefrom he publishes religious books, generally reprints of old books of Ramdas, and so on. In spite of all this, he was taken into custody under the Ordinance and his press has been attached, although, as far as my information goes, I do not think that anything but religious literature was published by it; and the Government of Bombay one day issued an order of forfeiture of the press and offered the press for sale

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Since how long has he started the paper and this propaganda?

Mr. B. V. Jadhav: Five years ago.

Mr. K. Ahmed: Ah. The cat is out of the bag! (Laughter.)

Mr. B. V. Jadhav: There is no cat in it and the bag is almost empty. (Laughter.) And although many attempts have been made to get justice for this man, the Government are so hard-hearted that they are not going to budge an inch and we now see in this House the attitude of Government towards this Bill. Clause 16 reads:

".....(c) to seduce any officer, soldier, sailor, or airman in the Military, Naval or Air Forces of His Majesty or any police officer from his allegiance or his duty."

I do not think there is any necessity of this sub-clause (c). If any individual commits that offence, ample provision has been made in one of the previous clauses of this Bill to haul him before a Court of law and, I do not think that if any newspaper is foolish enough to print such matter, it will have any effect. The editor will be liable to be hauled up before a Court of law, and, as a matter of fact, the Military authorities do take precious care of their soldiers and they do not allow any newspapers to be read by the soldiers, at all events the Indian soldiers. As the Indian soldiers are prevented from reading any Indian newspaper, so it does not matter what is published therein, and there is no necessity of providing such a sub-clause for protecting Indian soldiers; and, as the newspapers in the vernaculars are not read by Indian soldiers, I do not think there is any danger of their being seduced to give up His Majesty's service. Then clause (d) says:

"to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India . . ."

I do not think there is any necessity of such a sub-clause, because, under the Indian Penal Code, Government are sufficiently protected and many newspapers have been hauled up and punished under the regular law of the land. And, then, it goes on to say:

"or any class or section of His Majesty's subjects in British India or to excite disaffection towards His Majesty or the said Government."

I think section 153A is sufficient protection and sufficient provision against offences coming under this part of the clause. Coming to sub-clause (e), where it says:

"to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do," this offence is usually done by an individual or by a number of men; and it is provided for in one of the earlier clauses of this Bill. But if a newspaper tries to commit this offence by publishing an article in a paper, his intentions will be simply futile. There cannot be any effect and, as I have pointed out just now that if any individual or if any editor or printer or publisher of a paper commits this offence, he will be liable under the previous clause. If a paper tries to do it, it will simply be useless, because we need not fear any result. Of course, in the newspapers there are sometimes advertisements in my part of the country wherein the wife gives notice to the husband that unless he pays something like 150 or 200 rupees to her for money expended by her when he had deserted her, she will marry some other man and will sue him for damages or recover from him the arrears of maintenance, and so on. That will be construed as a threat to deliver some property and that perhaps may give some work for this sub-clause. But, in other cases, I submit, the clause will be quite useless. In the same way, sub-clause (f) is of not much use. It is intended to protect Government revenues; but I do not know whether the revenue of the landlord is protected thereby. So far as I can see, the wording is confined only to the land revenue which goes into the Government coffers. There is a reference to "or any rent of agricultural land or anything recoverable as arrears of or along with such rent". I do not think that will protect a landlord against the no-rent campaign or a talukdar or a jagirdar. No provision has been made here in that respect

The Honourable Mr. H. G. Haig: Why not? Surely it will give protection against a no-rent campaign.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): If the Honourable Member wishes to yield, he must resume his seat.

Mr. B. V. Jadhav: Yes, Sir, I yield. Has the Honourable the Home Member got to say anything?

The Honourable Mr. H. G. Haig: I say, why does the Honourable Member suppose that this provision does not cover a no-rent campaign?

Mr. B. V. Jadhav: I think my reading of the sub-clause leads me to that conclusion:

"To encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order,"—

of course, that refers to Government alone, and a landlord does not come in here at all,—

"or to commit any offence or to refuse or defer payment of any land-revenue, tax, rate, cess or other due or amount payable to Government". . .

The Honourable Mr. H. G. Haig: Then go on.

Mr. B. V. Jadhav:

"or to any local authority, or any rent of agricultural land."

So I take it that this sub-clause protects the Government revenue alone and the landlord does not come in. Government also own lands and when such lands are given on rent, it is rent and not land revenue. Land revenue is assessment; land revenue is one thing and rent is a different thing. When land belonging to Government is given to a tenant at twice or thrice the amount of the land revenue, the amount equal to the land revenue will be revenue, and the other portion will be rent paid to Government and not to any private individual.

Mr. K. Ahmed: Then what is the meaning of cess?

Mr. B. V. Jadhav: That is local revenue, municipal revenue. That is my reading of the sub-clause. I may be wrong.

The Honourable Sir Brojendra Mitter (Law Member): That is misreading.

Mr. B. V. Jadhav: Now, with regard to sub-clause (g), my remarks are almost the same as those that I made with regard to the other sub-clauses. "To induce a public servant", and so on, that is a clause about picketing, and I do not think that any provision is needed here, because the public will be sufficiently protected under the previous clauses and any article in a newspaper will not be of much use.

Then, Sir, with regard to (h), I have got a particular objection to it, because the fear entertained is sufficiently covered by section 153-A of the Indian Penal Code.

With regard to (i), I need not stress the point, because my remarks are almost the same.

Therefore, it will be seen that the provisions of this clause are not at all necessary. They are superfluous, and, as has been pointed out, the inclusion of these sections will only give a handle to the subordinate authorities to attach presses and to recover heavy fines or to ask for heavy deposits and to forfeit them. In this way the whole Press will be disorganised; it will be demoralised, and the clause will stand in the way of the right kind of political education of the people. Government may desire to suppress the Press altogether, but they should also realise at the same time that in these days it is not possible to gag the Press at all, and any such attempt at gagging the Press will simply rebound and perhaps it may injure Government the most. People ought to be properly educated through the Press and then alone discontent will subside. If this is stopped, then discontent may boil and burst the vessel. With these few words, I support the amendment.

Mr. P. Macqueen (Madras: Nominated Official): Sir, in rising to oppose this motion, I should like to make plain my own personal position with regard to Press legislation. As an Englishman, I dislike Press legislation very strongly, and I dislike section 16 of this Bill, but, at the same time, as a practical man, I realise that we are not living in a terrestrial paradise and we have very often to do things which we may dislike.

Now, in approaching the subject of these Press clauses, it appears to me that Honourable Members on the other side of the House have put forward two main arguments. The first is that there is no real necessity, on the facts of the case, to legislate at all, and the second is that even if there is necessity, the clauses of the Bill are excessive or abnormal and are unduly repressive, and I do not think that any Member on this side of the House has as yet taken up the challenge that was thrown out by my Honourable friend, Mr. S. C. Mitra, that there was a lack of evidence to justify any drastic action on the part of this House. Therefore, Sir, with the permission of the House, I should like to read a few extracts from vernacular newspapers that have been published in the Presidency from which I come, namely, the Madras Presidency, and perhaps the argument will be re-inforced when Honourable Members realise that the Madras Presidency always has been and is now much less touched by political agitation than probably other provinces in India, and if this sort of thing can be published with impunity in Madras, one can imagine what kind of material will be found in the papers published in other provinces. Now, the first extract that I should like to read to the House is an article that appeared in the *Krishna Patrika* of Masulipatam published on the 28th March, 1931. It is an instructive article, because it exhibits more than one kind of material which Government cannot possibly permit to appear in the public Press. It begins with a sort of vague general appeal to the religious passions of Hindus, and, towards the end of that article, it holds up to admiration those persons who were convicted and sentenced for murder in the Lahore trial.

Mr. B. Sitaramaraju: May I interrupt the Honourable Member and ask him whether that article was not written in Telugu? The Honourable Member is reading an English translation? Whose translation is that?

Mr. P. Macqueen: Yes, Sir; the extracts which I am going to read are translations which, as I have said, are from the vernacular papers.

Mr. B. Sitaramaraju: Translation made by Government, is it not?

Mr. P. Macqueen: Translation made by Government, certainly.

The article opens in this way:

"Darkness thickens before it is dawn. Where is the wonder that conditions are becoming more and more critical in the country? Believe that the chariot of the Sun-God is coming piercing through the veil of darkness. See how the flames from the funeral pyre that began blazing at the cremation ground on the banks of the Sutlej with streaks of blood have been enveloping the whole country like a huge conflagration! Are the seven lakhs of villages going to fall a prey to that world-destroying fire? Will this darkness accompanied by flames, like the Goodness Kali dancing on the body of Siva forgetting herself in the madness of her death-dance, devour that embodiment of peace, too?"

The reference in the last sentence is probably to Mahatma Gandhi.

Mr. B. V. Jadhav: May I interrupt the Honourable Member and ask him under what clause of the new Bill that will be punished?

Mr. P. Macqueen: I take it that that would be punishable under the Indian Penal Code.

Mr. S. C. Mitra: That is it.

Mr. B. V. Jadhav: Not under the provisions of this clause.

Mr. P. Macqueen: I am sorry I cannot answer that question off-hand. What is objectionable in this passage, apart from the application of the law, is the fact that it would inflame passions and is likely to arouse in the minds of the people, who read it, hatred and contempt towards the Government as established by law. Towards the end of the article we find this:

"Why should Lord Irwin cause the Lahore heroes to climb the gallows and plunge the country in such a state of fury without showing any mercy to them?"

Here persons convicted and sentenced to be hanged for murder are described as heroes! This is an infringement of the Press (Emergency Powers) Act, 1931,—sub-clause (b) of section 4 (1). Here is an article which appeared on the 11th January last in a newspaper called the *Satyagrahi* at Nellore. I will just read one or two sentences from this to give Honourable Members an idea of its general tenor:

"The demon of authority is now making its dance of death in our country in the most wonderful and horrid manner. . . Truth has no place. . . As for the authorities, they make no distinction between young or old, man or woman, literate or illiterate, and their business is to humiliate innocent people calling them foul names and beating them with lathis and to open fire on them and kill them."

What is likely to be the state of mind of people reading and believing such statements as this about the Government? I do not want to weary the House with too many of these extracts, but perhaps the next one would be of special interest, because it deals with a debate that was held in this Honourable House in the Simla Session:

"No civilised government....."

—This is from *Mathurbumi* of the 17th September, 1932—

"No civilised government will adopt a policy of cruel treatment towards persons after they are put in prison, however grave their offences might have been. But such moral principles will not affect our Government. . . . Though Mr. Lahiri Chaudhury's adjournment motion in the Legislative Assembly in connection with this matter was finally withdrawn, it abundantly reveals the cruel mentality of the Government towards political prisoners."

Then, Sir, one of the activities which it is the intention of clause 16 to prevent is the incitement of persons to refuse payment of taxes. There has been recently the introduction of re-settlement in the districts of Kistna and Godavari in the Madras Presidency, and a newspaper, called *Ryot Patrika*, published an article on the 17th July, 1931, which finishes with these words:

"Ryots must take a vow to fight even unto death, unless the enhanced settlement rates are withdrawn. They must carry out the constructive programme laid down by the Congress, organise ryots' associations, acquire national spirit and strength and be prepared to try to withhold the payment of the enhanced rates imposed by the Government."

That comes under sub-clause (f) of clause 16. I do not think, in the short time at my disposal, I need read any further extracts. I should like to just touch upon one point, namely, the effect which such publications are likely to have on the people who read them. There seems to be a tendency to visualise the ordinary newspaper reading public as an honourable and cultured Member of this Assembly sitting up in bed in the Western Hostel, sipping his morning tea and languidly turning over the pages of the *Statesman*. That may be one part of the newspaper reading public, but we have to remember the semi-literate working men of our great towns or the almost entirely illiterate cultivators in villages, perhaps 20 or 30 miles away from the nearest railway station or telegraph office, who gather round the village *mantapam* in the evening and listen while the little Brahmin schoolmaster reads out extracts from a vernacular newspaper. Now, supposing they hear continual attacks upon Government, imputations of evil motives, incitements to refuse payment of taxes, and so on,—and they have, we know, an exaggerated reverence for the printed or written word,—what is likely to be the effect of having uncontradicted statements of that sort poured into their ears?

Now, Sir, my Honourable friend, Mr. Jadhav, made a slight excursion into the history of Press control in this country, and, if I understood him correctly, he said that somewhere about the eighties of the last century the policy of the Government was to keep the Press free from control, and today that policy has changed in the opposite direction. I entirely deny the accuracy of that statement of the history of Press control in this country. The fact is that from the year 1835, that is to say, for the best part of a century, the consistent policy of the Government has been to maintain the Indian Press as free from control as possible, but not once, nor twice, but three times, circumstances have compelled them to impose or re-impose executive control. The first occasion was, as Mr. Jadhav referred us to, in 1878, when the Vernacular Press Act was passed, and it was then repealed four years later. The second occasion was in 1908 and 1910 when the Indian Press Act was passed. Then, 10 years later, or 12 years later, Government again decided that they would remove the restrictions on the Press; that was in 1922. Unfortunately, the anticipations of the Press Laws Committee and the Government which accepted

[Mr. P. Macqueen.]

the recommendations of that Committee in 1922 have not been justified by subsequent events.

Now, Sir, some guidance can perhaps be had in considering the matter in all its aspects if we look at the Press laws of other countries. I have heard it said several times in this House that such and such an item of legislation is all very well for a self-governing country, but will not do for India, and I have heard the argument put round the other way. But what do other countries do in the matter of Press control? Practically every civilised country in the world possesses a detailed Press Law, but they vary in the extent of powers which are given to the executive. With the exception of England, every country of any importance in the world has a Press Law. In Italy, for example, a country in which—like India—the sentiment of national unity is recent and more than ordinarily self-conscious, the Press Law practically hands over the control of the Press to the Prefect of the province who is analogous to the Collector or Deputy Commissioner in an Indian district. Without his permission, no newspaper can start publication. He can issue a formal warning and, if this formal warning is ignored on more than two occasions, he can suppress the paper altogether. There is an appeal certainly. The appeal is to the Minister of the Interior. Or take the other great Asiatic countries. In China, the Press is subject to a rigid and unblushing censorship controlled by the police. What do they do in Japan? In Japan, every newspaper is bound to furnish security, whether it is a newly started publication or one of long standing and there is a censorship or executive control in all matters concerning Military, Naval and Foreign Affairs. I do not want to weary the House by quoting the kind of matter which is defined in these Press Laws as objectionable, but I can assure Honourable Members that if they care to look into books on this subject, they will find that it is extremely comprehensive and, by contrast with foreign definitions, our own definitions appear almost timid and meticulous.

Now, Sir, I shall not go into detail with regard to clause 16. I would just like to look at it from the broader point of view. Clause 16 contains seven sub-clauses and, at first sight, they may appear to be particularly drastic, but actually these clauses contain very little that is new. The old Press Act of 1910, which was repealed in 1922, contained six definitions in section 4 and these have been repeated with very little change in the present clause. There are other additions which come almost directly from the Indian Penal Code, well-known sections like 124A and 153A and all that is really new consists in three items, first the provision adding Airmen and Police to officers of the Army and Navy in the first sub-clause and then the provisions relating to interference with recruitment for the Police which appears in sub-clause (i) and which is more or less consequential on clauses 2 and 3 of the Bill and, thirdly, the provision with regard to the incitement to refuse payment of taxes. This last provision, Sir, does not seem to require very much special justification. Civilised States are based upon a triple foundation, first, the armed forces of the Crown, secondly, the Courts of law and, thirdly, and this is the essential condition of the other two, taxation and finance. The classical method of attempting to overthrow Government has so far been an attempt to debauch or destroy the Army and Navy or an attempt to paralyse the action of the Courts and it has remained for the protagonists of the civil disobedience movement to attempt by severing the fiduciary tap-root, to bring the tree of Government to the ground.

Sir, I have attempted to show by quotations and extracts from actual newspapers that there does exist an urgent necessity for some control of the Press and I have referred, briefly I hope, to the history of the Press control in this country and to the Press Law in certain foreign countries, to show that there is nothing in the provisions of clause 16 which is unduly oppressive or which is in any way abnormal. Sir, the liberty to print attacks on Government, to impute evil motives to Government, to incite to refusal to pay or to acts of violence—this liberty is not the true freedom of the Press and I would earnestly appeal to all Honourable Members, in considering this question, to set aside sentiment, not to approach it in the manner of cross-examining pleaders trying to demolish the opponent's case nor yet of hide bound doctrinaires, but to approach it as practical men who are faced with a problem that calls urgently for solution.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly; Non-Muhammadian Rural): Sir, at this time of the day, with a debate that has been dragging on for so many days, I shall try my best to finish as early as possible, so that the agony may be over. Clause 16 is so worded that if I want to I can go on speaking for hours and hours, but I shall take only two or three sub-clauses. Mr. Macqueen said that this was only a repetition of various Acts. I would invite the attention of the House to three sub-clauses and ask the Government to delete them and, if they do not agree, then to reject the entire clause. Now, sub-clause (d) says:

"to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration or justice in British India or any class or section of His Majesty's subjects in British India or to excite disaffection towards His Majesty or the said Government."

Now, Sir, this clause has been the subject of judicial decision from the time when the late Mr. Tilak was prosecuted in Bombay for his alleged first act of sedition. This was one important clause that was the subject matter of discussion then. There were other clauses, but the most important is the one which I have read out. That clause is to bring into hatred or contempt the Government established by law in British India. Now, I should like to know when is a person supposed to do that. Supposing I do something which brings into hatred a policeman in the corner of the street. Is it bringing the Government established by law into contempt? I am not drawing on my imagination. This very point was put before Mr. Justice Strachey in the Bombay High Court seriously in the Tilak trial. Then the words in this clause (d) are:

"to excite disaffection towards His Majesty or the said Government."

Now, what is meant by "disaffection"? Is it absence of affection, or what? Where is it defined? When is a man supposed to have

3 P.M. created disaffection? That, Sir, is the difficulty with which one is faced, but the difficulty is in no way lessened by the two *Explanations* that have been added to the clause:

"*Explanation 2.*—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section."

Now, the difficulty is this. A man disapproves of a measure and that man comments on it according to his temperament, strongly or in somewhat less strong and mild language, and once he does that, he comes very dangerously near the provision—that he creates or attempts to create hatred,

[Raja Bahadur G. Krishnamachariar.]

contempt or disaffection. Because a man must create a sort of contempt as against the person whose acts he exposes as being against the fundamental principles of justice, else how on earth is he going to disapprove of the measure in a way that does not involve to a certain extent his crossing the border? Directly he does that, he is pounced upon by the criminal Courts and sentenced. Another *Explanation* to the same clause says:

"Comments expressing disapprobation of the administrative or other action of the Government without exciting hatred, contempt or disaffection. . ."

Now, that is a rather very important *Explanation*. But what that means, no one knows. Perhaps the Government know. Perhaps the Courts will say that when the man is prosecuted. Now, I am laying so much stress upon this, because the point is important.

Mr. Macqueen was referring to the re-settlement in certain districts of the Madras Presidency. There are certain irrigation projects also in the Madras Presidency and one of them is the Mettur project. Now, so far as this settlement of the Godavari and Kistna districts is concerned, there is a rather interesting episode which my friend, Mr. Macqueen, has not, I hope, forgotten and that is that the people did the very thing that this Act wants that they should not do, namely, they declined to pay the enhanced tax. The uproar was so great and so much trouble was apprehended that the Government appointed a committee, to go into the whole thing and the latter found that the people really could not afford to pay this enhanced rate. Now, if the people had not threatened the Government that they would not pay the enhanced rate, Government would never have come forward to reconsider the settlement, as the committee, in spite of the trouble they took in order to find out favourable facts from the evidence, if any, and in spite of the action of the settlement officer, was compelled to report that the people were not able to pay the enhanced rate. There is another episode and a more instructive one and one which I think gave the lead to this sub-section is the story of Bardoli. That is a long story. There is a book as thick as that in which is related the entire story, but I can sum up the history of it in three sentences. In this book, it was not printed by Government nor was it the authority of Government, there is a very instructive paper which shows that the gentleman who had been appointed settlement officer took into consideration everything that had been settled at the previous settlement and all the facts and considerations which had been urged in support of enhancing the settlement at that time. In enforcing the enhanced settlement rate, old women were turned out of their cottages, the people's buffaloes were attached, as also the very vessels used for cooking food. Then there was such a great trouble, and the non-co-operation in connection with the payment of taxes went so far that either from compulsion from the Government of India or on the initiative of the Local Government, a committee was appointed. That committee was presided over by an Englishman. Now, here the true spirit of the Englishman came out. The result was that a report, which cannot be more damaging than if it was written by one of the so-called Congress agitators, was produced. Every aspect of the action taken by the settlement officer was condemned, not by an agitator, not by Gandhiji, but by an English official—who, I believe, was occupying the position of a Commissioner of a Division. The point of my remarks is that all these things

would not have come into existence, if the people had not agitated and threatened that they would not pay this tax, these measures would not have been taken.

Sir, in the Tanjore district of the Madras Presidency, we are supposed to be going to be benefited by a huge project, called the Mettur project, which started with an estimate of two crores and, as usual, developed into seven crores and I should not be surprised if it would go up in the end to thirteen crores. I do not by the way know why these estimates always go up so high from their original figure. People always try to find out the reason, but fail. One reason put forward was that there being the depression in trade, the execution of the orders could not be secured in time. However, that is a minor point. The fact of the matter is that the settlement rule is, that for 30 years they cannot enhance the rates of assessment, once they fix the rate of assessment at the time of settlement. The rate is high enough, but that is another story, I won't trouble this House with it now. Sir, the settlement operations have bled the people practically white in connection with the land revenue and I feel very strongly upon it. However, we have got to pay, and we do pay. Now, meanwhile this Mettur project comes into existence. We were promised water in July, 1932. Now, July, 1932, has gone, but water has not come—that is also another story. (Laughter.) I cannot help telling you these stories. I am surrounded by stories created for the edification of this House by the Government themselves. (Laughter.) What can I do? They have now fixed extra assessment under cover of this cess or other. Sir, this assessment rate comes into existence, almost immediately and what is it that we are told? We would be compelled to pay, from next year, from the date of collection of the taxes from January, we will have to pay the enhanced revenue, although the original period of 30 years has not expired. There have been meetings held all over the Tanjore district and what shall we do except to say that we won't pay the extra rate? Government say—not of course in the regular way of declaring that the rate has been enhanced, but by a crooked way, but you have got to pay all the same, and which really comes to the same thing. Sir, the passing of this Bill would prevent us from stating that I would not pay this money. Now this is how the question of "incitement" comes. I am a large landholder and I preside over a meeting and I say, for instance, "I am not going to pay this sum". Now, everybody knows that I say that and so he also says he won't pay, and this is how the "incitement" comes in effect. If this clause had appeared as clause 1, I would have been able to give very many instances to show that this clause should be completely rejected. I will stop here for it is already time. Sir, I oppose this clause very strongly.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I just wish to say a few words regarding this clause 16. The most mischievous words in this clause are as anyone can see "which tend directly or indirectly to seduce, to bring into hatred, and to put any person in fear" and then a whole list of that sort is given. Now, I have had some experience of the difficulty which these words "tend directly or indirectly" can create and I defy anyone to say that it is possible for any Court to come to a proper conclusion as to whether a certain writing tends directly or indirectly to do a certain thing or not. Throughout the Indian Penal Code or any other Criminal Law which has not come into existence within

[Sir Abdur Rahim.]

the last few months or years, this phrase does not occur. It is the indefiniteness and the extremely comprehensive character of these words that give special point to the mischief which a clause like this is likely to create. Now, what will the Courts have before them? They will have certain writings of a newspaper. How can any Court come to any conclusion whether those writings do or do not tend directly or indirectly to produce a certain effect. The Court is habituated to construing words according to their ordinary meaning. Now, so far as the construction of ordinary words in their ordinary sense is concerned, that is undoubtedly the function of the Court and the Court has to discharge that duty every day. But when it comes to asking the Court to say whether certain words tend directly or indirectly to produce a certain effect or not, I say it is an impossible task to saddle the Court with. The Court, under those circumstances, must accept the judgment of the executive. It has no option at all. Sir, let us take an instance. Supposing a newspaper which is not favourably looked upon by the Executive Government happens to praise the conduct of a certain police force by saying that that force is extremely loyal to the Government, it is quite possible for a person to say that by suggesting that the Indian police force is loyal to the present Government, it indirectly reflects upon the character of that force. Is not that possible? That is the sort of danger which a law ought to guard against. On the other hand, if this is to be enacted into law, we are really giving power to the executive to say whether they approve of certain writings or not in the sense whether they tend directly or indirectly to produce a certain result. And then the Court is absolutely powerless to say: No, the executive authorities are wrong. You can produce a certain number of other writings of that newspaper, but how can other writings throw any light upon the writing in question. It is impossible, and if you ask any reader of a newspaper to say whether, in his opinion, it does not tend directly or indirectly to produce a certain result, then, if he is an honest man, it will be impossible for him to say whether it does or does not. Sir, by enacting a provision of this character, I submit, that the executive are not really forwarding the cause of justice or protecting the interests of law and order. It will be really holding out a threat to the entire Press of the country. If they happen to write unfavourably of certain measures of Government or of the conduct of the Government as a whole, then there is that sword hanging over their heads and they are liable to be penalised. That can be the only effect and, I submit, that this is not the way of controlling the activities of the Press and directing it in the right channels. You are simply paralysing the Press and if that is the policy, the Government are perfectly entitled to enact a measure of this sort. But if the policy be to prevent the propagation of certain ideas which lead really to incitement of certain classes of crime, then that policy cannot be achieved by a measure of this kind. If the Government really think that the Press in this country is so outrageous and it does so much harm to the country that it must be muzzled or controlled in the way they like, then the only remedy from their point of view is to establish censorship. Censorship would be indeed better, because before a writing goes to the public it will be criticised by Government who will go through it beforehand. Government officials will then say how much of it is objectionable and how much is not. But how can a newspaper foresee whether a certain article will be liked by Government or not. It will be impossible for any man to foresee that. Besides it is not the

responsible editor of the newspaper that writes everything in a newspaper. There are so many correspondents who contribute articles to it. It will be impossible for any newspaper editor to carry out his duties honestly if we have a clause like this and it will lead to any number of prosecutions if the Government so chose. It will also prevent all frank and honest criticism of the actions of Government. I doubt if the Government think that we ought to have as little criticism of public measures as possible. If that is not their object, then I submit very respectfully to the Government and to the House that they ought not to put on the Statute-book a law of this indefinite and dangerous character. I use the word "dangerous" advisedly, because it has a tendency to suppress the entire liberty of the Press and I do say that in the circumstances of any civilised country at the present day it is not a desirable thing to achieve.

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce):

Sir, I will address myself very briefly to the general aspect of this question. My Honourable friend, Mr. Macqueen, who just spoke and to whom I have listened with great pleasure told us about the control which exists in various countries over the activities of the Press. I agree with a great deal of what he said in that connection, but I must draw two distinctions which he has apparently ignored. In the first place, the profession of journalism in this country is harder, more unremunerative and dangerous than probably anywhere else. In the second place, the safeguards which exist in other countries which prevent the straining of the law and miscarriage of justice do not exist to the same extent in this country. Therefore, it would be idle to draw any analogies from the control which is exercised over the Press in other parts of the world.

Sir, so far as the Press in India is concerned, everybody recognises that there is a certain section which indulges in a license which ought never to be permitted. But if I have to choose between permitting a little license to an unbridled section of the Press and the total elimination of all expression of honest opinion, then I would certainly plump for the former. It is idle to say that penal laws affect only the guilty, and that the honest man, the man who pursues his profession in a straightforward way has nothing to fear. I say, it would be idle to pretend that in view of the fact that in the past few years many innocent persons have been drawn into the net along with the guilty. After all, the most effective way of controlling the license of the Press is not by imposing more and more rigid restrictions. You can do it up to a point, but you cannot carry it to the point of practically extinguishing all honest expression of opinion. Why do not Government organise their publicity department in a more rational and better way? The sort of publicity which Government give to their acts and policies would not impress even a fourth form schoolboy. Let Government, if they want that a gullible public should not be misled by the vapourings of the irresponsible section of the Press, put a couple of live journalists in charge of the publicity department both at headquarters and in every provincial Government. As a matter of fact, when one contemplates the all-embracing comprehensiveness of the activity of Government in this country, activities which range over the whole of our acts and omissions, one is appalled at the inadequacy and inefficiency of the publicity which Government give to their actions and their policies even in matters of the most vital importance. Take the Ottawa Pact, the most

[Mr. H. P. Mody.]

recent example. Government leave the public to form its own judgment on insufficient materials, and you cannot find fault with the public if it forms its judgment by what it sees in the papers. If I repeat, Government have only to depend on more and more rigid control of the Press in order to suppress the mischievous activities of a section, it would be a dangerous and a one-sided policy which will neither pay them nor will it be effective. The only cure is the growing healthiness of public opinion, and in many directions those healthy influences are at work. Our provincial Legislatures are in Session for many months of the year. The officers of Government have various opportunities of meeting people and explaining to them the exact import of various Government policies; and in several other directions the public has got sources of education and information which were denied to us in the past. These forces being at work, it is, I think, an absolutely retrograde step to think of imposing the sort of drastic control which this clause proposes to introduce. It is all very well to say that you are aiming at the guilty, but the honest journalist has a right to be allowed to pursue his avocation fearlessly, and I want to know if, with such all-embracing provisions, the honest journalist can ply his profession without constant fear of the law. I, therefore, feel that while up to a point control of the Press is essential, and that it is a recognised form of Government activity in all civilised countries, you cannot go beyond certain recognised limits, and if Government find that control of the Press has proved ineffective, there are other ways in which they can make it effective than by continually tightening up the reins of the law and punishing both the innocent and the guilty.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Sir, I also support the amendment for deletion of this clause. The clause seeks to add more than half a dozen sub-clauses to section 4 of Act 23 of 1931. Sir, I think the power which we gave to Government by the Act of 1931 was more than what was necessary, but after having that power they want to have more powers. There is a proverb in Bengali which says that the more you feed a boy the more he wants. So is the case here with Government. In spite of our objection and in spite of our protests, they had the Act of 1931 passed in this House which was against the freedom of the Press. Now, seeing that they have got certain powers, they want to add to those powers. With respect to this, I think the legal aspect of the difficulty of administering the law, as worded here, has been given out by one whose authority here about the difficulties of administering the law will not be challenged by anybody,—namely, the *ex-Chief Justice* of the Madras High Court who had to administer the law as it stood. I will not waste the time of the House by dilating on these points, but what I want to submit is that in their own interest they ought not to try to have such powers as these; and I can do no better than quote the words of a great statesman with respect to the Press Law in India which will convince them at once that what they are attempting to do now is not to their own interests. This is what Mr. Gladstone said in the House of Commons with regard to the views of the Duke of Buckingham, a former Governor of Madras:

"He thinks that by this fidgetty attempt to bolster up power by a law of an arbitrary character, the Government of India were not gaining strength, but were bringing upon themselves weakness."

These words would apply with greater force at the present moment to the action of Government in trying to muzzle the Press, the fourth estate. Then again certain allegations have been made against the Vernacular Press of the country. With respect to that, Sir, we must admit that the Press has become far better than what it was in those days, and the language in which Mr. Gladstone characterised the Vernacular Press of those times will bear repetition here. He says:

"In many cases it might be . . . folly and levity of the things written, but in which indications might be found of intelligence and right-mindedness. I hold the Vernacular Press to be a useful indication of the under-currents which may be running through the mass of Indian population. But if any serious spirit of disaffection or hostility is increasing among the people, indications will float to the surface among the Vernacular papers as surely as the dross is thrown to the surface of molten metal. Systematic attempts to excite hostility or sedition I would prosecute"—*that is what the Duke of Buckingham says*—"but for this the present law provides in the Penal Code and to my mind sufficiently; and in an emergency, should any such arise, there is the same power of the State to restrain a man who writes as a man who speaks it."

That being so, I submit that to deal with all these offences there are ample powers if you want them save and except powers which should not be vested in the executive such as "to encourage or incite any person to interfere with the administration of the law". We do not know what is meant by administration of law in this country. Even lathi charges and destroying properties and temples also are considered probably part of the administration of law. That being so, I submit, the clause is so wide that we should not allow it to be inserted in an already too much rigorous law which is being attempted to be enacted. With these words, I support the deletion of the clause.

The Honourable Mr. H. G. Haig: Sir, we have heard a varied attack on the provisions of this clause and the principle of it. Now I should like to address myself in the first place to the question of why these powers are necessary and the answer is very simple: the proved ineffectiveness of the existing law. Under the existing law—and by existing law I do not refer to the powers we have taken by the Ordinances, but to the ordinary law—a paper can only be proceeded against by a prosecution of the editor and the publisher. For many years the Government, who take no pleasure in exercising this control over the Press, endeavoured to deal with the Press by a system of instituting prosecutions in the most extreme and outrageous cases, but that system demonstrably broke down in the years during which this agitation which culminated in the civil disobedience movement was gathering strength. There are two main reasons why the ordinary law was ineffective. In the first place, prosecution for sedition is a very elaborate proceeding as Honourable Members well know. It takes a long time; it involves considerable expenditure, and all that time there is nothing to prevent the newspaper going on day after day producing articles of a similar character. In the second place, when a conviction is obtained, in very many cases it is obtained against a man of straw. A newspaper which deliberately sets itself the task of stirring up hatred and contempt against the Government frequently and in some provinces almost invariably provides itself with a dummy or jail editor. A man is paid a small sum of money and is made to pose as the editor for the purposes of going to jail when a conviction is obtained, and the man who is really inspiring the policy of the paper and writing the articles sits safely in the background. By those methods

[Mr. H. G. Haig.]

one cannot really control a press which is determined to pursue a policy of stirring up hatred and contempt against the Government. Under different conditions these powers for which we now ask may not be required. I hope and trust that after some years they will not be required. If this country will settle down to a new constitution and work it in a constitutional way, these powers will not be required. But, at the present moment, in the conditions through which we are going, they are most essentially needed.

Now, we have heard in the very admirable maiden speech of Mr. Macqueen, on which I should like to congratulate him—we have heard a practical story of how these charges against the Government, these false rumours, affect people, the impression that they create in the villages and among the less educated population. My Honourable friend, Mr. Mody, attacked us vigorously for not meeting these charges, these false rumours, by the issue of communiqués. I am accustomed to hearing attacks on our publicity department. Everybody is ready with their criticisms, with their suggestions, except those who have to deal with the problem in a practical way and they realise the difficulties. In the first place, it is difficult to get into a deliberately hostile Press the point of view of the Government. It is an exceedingly difficult task. The House must remember that we are not dealing with what one might call an impartial Press, as one sees it perhaps in a country like England, where you have one side and the other side, and there is not the slightest difficulty in getting into the Press effective representation of any reasonable view. But when the great bulk of the Press is ranged—as we must admit it is ranged—against the Government it is very difficult to get effective publicity for the Government point of view; and, in the second place, surely it is a commonplace that it is exceedingly difficult to overtake a lie. Government can publish a contradiction in a communiqué, but the mischief is already done by the original false statement or insinuation

Mr. H. P. Mody: Why are you not first in the field?

The Honourable Mr. H. G. Haig: Because it is quite impossible for us to anticipate the various misrepresentations of our action that a very fertile Press pours out. We are not afraid of the truth; we are not afraid of honest criticism; the Government of India and all the Local Governments are by this time very fairly inured to criticism; but we are afraid of falsehoods, we are afraid of dishonest and malicious criticism; for in this country it does an infinity of harm. I do not think that the Press need be seriously alarmed; that is to say, the honest and well conducted Press, and I do not suggest for a moment that there are not a large number of admirably conducted newspapers in this country.

My Honourable friend, the Leader of the Independent Party, accused us of drafting this clause in very wide terms and referred in particular to the words "directly or indirectly". I think in the Select Committee we did a good deal to meet that criticism. It is no doubt true that if the words stand entirely unmodified, "directly or indirectly bring into

hatred or contempt" (which is perhaps the most important of the sub-clause), they may be difficult to interpret. But realising the force of that criticism, we inserted certain *Explanations*, and those *Explanations* make it quite clear that certain comments do not in fact come within the terms of sub-clause (d). Those are *Explanations* which are taken from the existing law of sedition and will not, I think, as my friend, Raja Bahadur Krishnamachariar, suggested, present insoluble problems to the High Courts, for they have in fact formed the subject of numerous and elaborate rulings already.

It has also been said that by enacting this clause we shall be sitting on the safety valve. That is the last thing we want to do, and if the passing of this clause really closed the safety valve, I should not be proposing it. We are doing what we really consider necessary in order to check most dangerous incitements to violence, revolution, disobedience of the law and all kinds of feeling of hatred and contempt of the Government. But, Sir, that is not or should not be the normal material that is put forth by the Press. There is nothing to prevent the Press expressing their views frankly and vigorously, as they do at present, on all the main topics of the day, on the constitutional issues, on the untouchability question, on the failures of the Government, on the proceedings of this House, on the release of Mr. Gandhi, and many other such topics. We have the advantage of the views of the Press on all matters that really concern the country. Therefore, I submit that we are very far from sitting on the safety valve. The safety valve is working in full blast, shall I say.

Well, Sir, I do not think I need add much more. My Honourable friend, the Leader of the Independent Party, disliking our provisions suggested that he would prefer a censorship. I do not believe, however much editors of the newspaper press of India may dislike the provisions of this Bill, I do not think they would ask for a censorship. If they are in any doubt as to whether particular matters might come within the provisions of this clause, it is always open to them to seek advice and they will always receive it. But, Sir, that is coming rather near a censorship, and for that very reason my information is that they do not often seek that advice. Therefore, I suggest that the alternative suggestion of my Honourable friend, Sir Abdur Rahim, would not be welcomed by the editors of the Indian Press.

My friend, Raja Bahadur Krishnamachariar, took special exception to sub-clause (f), in that it prohibited the preaching of a no-rent or no-revenue campaign, and he cited the case of Bardoli. Well, Sir, the Bardoli question was one of great controversy and complication, and I do not myself accept his account of it as giving a complete narrative or explanation of what happened. But, Sir, I would ask him to reflect on the moral of Bardoli. The cultivators in Bardoli, after conducting an agitation which, I admit, did go beyond constitutional limits and did include refusal to pay revenue, eventually convinced the Government that there were grounds for modifying their assessment. And what happened after that? The cultivators, I am afraid, misunderstood the position of Government, and thought that they had obtained this concession not by convincing the Government that their case was a good one, but by threatening the Government and by adopting a policy of refusing to pay their revenue; and the result was that two or three years later, for no

[Mr. H. G. Haig.]

reason at all, they tried once more to refuse to pay their land revenue and thought once more by following these same means they would secure the same results. And did they secure the same results, or did they secure for themselves extreme suffering, useless suffering, and, in the end, utter failure? No, Sir, we cannot accept as a legitimate method of agitation organized refusal to pay Government dues. I do not think, Sir, it is necessary to add anything more. I oppose the amendment.

Sir Abdur Rahim: May I say one word?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Is it a personal explanation?

Sir Abdur Rahim: Yes, Sir. I never suggested for one moment that the Government should institute censorship. I should be the last person to make a suggestion of that character. I said all that in order to show how far this Bill went, that it would be much better to go further and have censorship if they wanted to suppress the liberty of the Press.

The Honourable Mr. H. G. Haig: I am sorry I misunderstood the Honourable Member. It was merely his method of expressing his extreme repugnance to this Bill.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The question I have to put is:

"That clause 16 of the Bill be omitted."

The Assembly divided:

AYES—38.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bhuput Sing, Mr.
Chandi Mal Gola, Bhagat.
Chetty, Mr. R. K. Shanmukham.
Chinoy, Mr. Rahimtoola M.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Jadhav, Mr. B. V.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lalchand Navalarai, Mr.
Maswood Ahmad, Mr. M.
Miara, Mr. B. N.
Mitra, Mr. S. C.

Mody, Mr. H. P.
Nihal Singh, Sardar.
Pandian, Mr. B. Rajaram.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Roy, Rai Bahadur Sukhraj.
Sant Singh, Sardar.
Sarda, Diwan Bahadur Harbilas.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Ziauddin Ahmad, Dr.

NOES—55.

Abdul Hye, Khan Bahadur Abul
 Hasnat Muhammad.
 Acott, Mr. A. S. V.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Amir Hussain, Khan Bahadur Saiyid.
 Anklesaria, Mr. N. N.
 Anwar-ul-Azim, Mr. Muhammad.
 Bajpai, Mr. G. S.
 Bhore, The Honourable Sir Joseph.
 Bower, Mr. E. H. M.
 Burt, Mr. B. C.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Dudhoria, Mr. Nabakumar Sing.
 Dunn, Mr. C. W.
 Dutt, Mr. G. S.
 Fazal Haq Piracha, Shaikh.
 Fox, Mr. H. B.
 Graham, Sir Lancelot.
 Greenfield, Mr. H. C.
 Gwynne, Mr. C. W.
 Haig, The Honourable Mr. H. G.
 Hezlett, Mr. J.
 Hudson, Sir Leslie.
 Ibrahim Ali Khan, Lt. Nawab
 Muhammad.
 Ishwarsingji, Nawab Naharsingji.
 Ismail Khan, Haji Chaudhury
 Muhammad.
 James, Mr. F. E.

Jawahar Singh, Sardar Bahadur
 Sardar.
 Lal Chand, Hony. Captain Rao
 Bahadur Chaudhri.
 Mackenzie, Mr. R. T. H.
 Macqueen, Mr. P.
 Meek, Dr. D. B.
 Metcalfe, Mr. H. A. F.
 Mitter, The Honourable Sir
 Brojendra.
 Moore, Mr. Arthur.
 Morgan, Mr. G.
 Mukherjee, Rai Bahadur S. C.
 Nayudu, Rao Bahadur B. V. Sri Hari
 Rao.
 Rafuddin Ahmad, Khan Bahadur
 Maulvi.
 Rajah, Rao Bahadur M. C.
 Rau, Mr. P. R.
 Ryan, Mr. T.
 Sarma, Mr. R. S.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan Gakhar,
 Captain.
 Singh, Mr. Pradyumna Prashad.
 Smith, Mr. R.
 Sorley, Mr. H. T.
 Suhrawardy, Sir Abdulla-al-Māmūn.
 Tottenham, Mr. G. R. F.
 Yakub, Sir Muhammad.
 Yamin Khan, Mr. Muhammad.
 Zulfiqar Ali Khan, Sir.

The motion was negatived.

Mr. R. S. Sarma (Nominated Non-Official): Sir, I move:

"That after *Explanation 4* to clause 16 of the Bill, the following Proviso be inserted:

'Provided that no action be taken against any newspaper without at least two consecutive warnings being given and disregarded'."

I do not think any speech is necessary to commend my amendment to the acceptance of the House. If any newspaper publishes
 4 P.M. indecent or objectionable matter, it is only due to it to give it one or two warnings to restrain it from publishing it and then to take action if the warnings are disregarded. Sir, I move.

Mr. S. C. Mitra: I support the amendment of my friend, Mr. Sarma. It is a very reasonable amendment. Being long in the journalistic line, Mr. Sarma has tabled it and as he is a Nominated Member, Government may be inclined to accept it. It is very difficult for the journalist to know what Government are taking exception to. In his last speech, the Honourable the Home Member said that in the provinces where there were officers charged with the duty of censoring, if they were consulted they were always agreeable to give opinion. I know personally that that is not a fact in Bengal. Some of the journalists and Press agencies complained to us that when they receive news from the mufassil they want to consult the Deputy Secretary to the Political Department as to what things are objectionable and, not infrequently, the gentleman in

[Mr. S. C. Mitra.]

charge refuses to make himself responsible by giving any opinion. When there is a European officer, he is free in giving advice but when it is the lot of an Indian I. C. S. officer, he is probably afraid of the C. I. D. and he refuses to say whether it will be considered objectionable or not by the Government. I shall be very glad if the Honourable the Home Member gives an assurance in this House that it will be binding on the officers in the provinces who are charged with this function to say definitely what they consider objectionable. That will help a good deal; but in any case the amendment of Mr. Sarma is very reasonable. Before forfeiture or any drastic step is taken, the editors should be warned. It is known that editors are not generally the proprietors. The provision in this clause is so drastic that it is the proprietor or the joint stock company of shareholders that suffer. They should get a chance before Government take action under this law. So I support this amendment.

Mr. N. B. Gunjal (Bombay Central Division: Non-Muhammadan Rural): (Speaking in the Vernacular, the Honourable Member supported the amendment.)

The Honourable Mr. H. G. Haig: Sir, the normal practice in the administration of these Press provisions, I think I am correct in saying, is that warnings are given to newspapers before action is taken against them. But, Sir, I cannot agree to a Statutory provision that there should be one or more warnings before any action can be taken. The warning in the majority of cases may be useful and effective, but there are certain cases where the offence is deliberate and is known to be deliberate, where the warning would be entirely thrown away, and it is necessary in my opinion that the discretion of the executive should be retained to give warning in suitable cases, but in other cases to proceed to take action at once if the circumstances appear to warrant it.

Now, Sir, we have had some difference of opinion between two Honourable Members from Bengal as to what actually happens in that province. My Honourable friend, Mr. Mitra, said that though there was an officer whose duty it was to keep in touch with the Press, he was reluctant to give advice when asked for it. On the other hand, as far as I understood him, Mr. Sen, earlier in the debate, made it a matter of complaint that editors in Bengal were continually receiving warnings from, apparently, the same officer. I must leave it to the two Honourable Members to reconcile their statements.

Mr. S. C. Mitra: We are ready to reconcile it. It is not contradictory.

The Honourable Mr. H. G. Haig: When the Press Ordinance was introduced in 1930, I was present at a conference which Lord Irwin held with several well-known editors of Indian newspapers, and the difficulties that might arise in the administration of the Press Ordinance were fully discussed at that time. As a result of that discussion, we addressed a letter to Local Governments asking them to observe due care in the administration of the Ordinance. If it is any satisfaction to Honourable Members I should be glad to call the attention of Local Governments again, when this Act is passed, to the suggestions we made to them in 1930.

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

"That after *Explanation 4* to clause 16 of the Bill, the following Proviso be inserted:

'Provided that no action be taken against any newspaper without at least two consecutive warnings being given and disregarded'."

The Assembly divided:

AYES—33.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Anklesaria, Mr. N. N.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bhuput Sing, Mr.
Chandi Mal Gola, Bhagat.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Ismail Khan, Haji Chaudhury
Muhammad.
Jadhav, Mr. B. V.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Miera, Mr. B. N.
Mitra, Mr. S. C.

Nihal Singh, Sardar.
Pandian, Mr. B. Rajaram.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Diwan Bahadur Harbilas.
Sarma, Mr. R. S.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Suhrawardy, Sir Abdulla-al-Mámün.
Thampan, Mr. K. P.
Uppi Sahab Bahadur, Mr.

NOES—50.

Abdul Hye, Khan Bahadur Abul
Hasant Muhammad.
Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Amir Hussain, Khan Bahadur Saiyid.
Anwar-ul-Azim, Mr. Muhammad.
Bajpai, Mr. G. S.
Bhore, The Honourable Sir Joseph.
Bower, Mr. E. H. M.
Burt, Mr. B. C.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dudhoria, Mr. Nabakumar Sing.
Lunn, Mr. C. W.
Dutt, Mr. G. S.
Fox, Mr. H. B.
Graham, Sir Lancelot.
Greenfield, Mr. H. C.
Gwynne, Mr. C. W.
Haig, The Honourable Mr. H. G.
Hezlett, Mr. J.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur
Sardar.
Lal Chand, Hony. Captain Rao
Bahadur Chaudhri.

Mackenzie, Mr. R. T. H.
Macqueen, Mr. P.
Maswood Ahmad, Mr. M.
Meek, Dr. D. B.
Metcalf, Mr. H. A. F.
Mitter, The Honourable Sir
Brojendra.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mukherjee, Rai Bahadur S. O.
Nayudu, Rao Bahadur B. V. Sri Hari
Rao.
Rafiuddin Ahmad, Khan Bahadur
Maulvi.
Rajah, Rao Bahadur M. C.
Rastogi, Mr. Badri Lal.
Rau, Mr. P. R.
Ryan, Mr. T.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar,
Captain.
Singh, Mr. Pradyumna Prashad.
Smith, Mr. R.
Sorley, Mr. H. T.
Tottenham, Mr. G. R. F.
Yamin Khan, Mr. Muhammad.
Zulfiqar Ali Khan, Sir.

The motion was negatived.

Clause 16 was added to the Bill.

Clauses 17 to 20 were added to the Bill.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I move:

"That after clause 20 of the Bill, the following new clause be added :

'21. That all the convictions made and sentences passed under this Act shall be subject to appeal to the Court to which appeals ordinarily lie and shall be open to revision by the High Court'."

Sir, we have come to the tag end of these amendments and it must be a gratification to the Honourable the Home Member that he will soon stand congratulated that by his tenacity, I won't say obstinacy, he has shown that he has succeeded in all the amendments being rejected except perhaps the one with regard to the sentence in one case having been maintained to three months. Sir, I must confess that in putting forward this amendment, my main reason is to get certain doubts removed in connection with the right of appeal and right of revision with regard to the offences and the orders that are incorporated in this Bill. Sir, it is quite plain that the Bill, as it stands, does not provide for any appeals against the convictions and the sentences which are governed by the clauses of this Bill commencing from clause 2 to clause 8, and also it is quite plain with regard to the orders to be passed under this Bill which are covered by clause 13, that no right of appeal or of revision has been provided by this Bill. Sir, I am conscious of this and it will be a question for the Honourable the Law Member to answer in clear and definite terms whether, under the Criminal Procedure Code, or under any other law, there is a right of an appeal and a right of revision with regard to these offences and orders contained in this Bill. Sir, it is known to the House that, in the beginning, the original Bill intended that these offences should be incorporated and made part of the Penal Code. Of course, if they had been made part of the Penal Code, I do not think any difficulty would have arisen or there would have been any doubt with regard to the appeal against such orders and there would have been power of appeal under the Criminal Procedure Code. But it was not the will or the wish of this House that such drastic measures, which are of a temporary nature, should be put on a permanent Statute-book like the Indian Penal Code. Therefore, it was wise on the part of the Select Committee to have made this a separate Bill for consideration. But it should be made clear that on account of these clauses being incorporated in this Bill, the right of appeal and the right of revision do not go away. I said that it was mainly with a view to removing those doubts that I had moved this amendment and it would very much depend upon the reply that I get from the Honourable the Law Member whether I should withdraw my amendment or let it remain as it was.

Sir, it will be seen that clauses 2 to 8 provide convictions and punishment. Now, with regard to clause 8, while it was being debated yesterday, a question arose whether an appeal would lie under clause 8, and the reply given by the Honourable the Law Member was that it would lie. But I would like the Honourable the Law Member to say with regard to clauses 2 to 7 whether they also are similarly appealable. Also I would like to know whether they are such as could be revised by the High Court either under section 107 of the Government of India Act or section 439 of the Criminal Procedure Code. Sir, I myself am conscious of a provision in the Criminal Procedure Code which is contained in section 408 and which reads thus:

"Any person convicted on a trial held by an Assistant Sessions Judge, a District Magistrate or other Magistrate of the first class or any person sentenced under section

439 or in respect of whom an order has been made or sentence has been passed under section 318 by a Magistrate of the first class may appeal in the Court of Session."

Now, according to this section it is quite plain that an appeal would lie, because, in these clauses, you will find that there will be a trial made before a First Class Magistrate, who, after the trial has gone on in its usual way, will come to a decision. Then, according to this section, unless it is restricted by any other section, an appeal would lie. Now, in section 404 of the Criminal Procedure Code, it is said:

"No appeal shall lie from any judgment or order of a criminal Court except as provided for by this Code or by any other law for the time being in force."

Unless it is said that section 408 applies, the appeal would not lie. Therefore, there is some doubt about it and it is because of that doubt that I wish to make it quite clear and plain for laymen if not for lawyers and I would like to have a definite statement from the Honourable the Law Member.

Now, with regard to the revision. Section 439 of the Criminal Procedure Code allows the High Court as a Court of revision to send for the proceedings and pass orders as if it were a Court of appeal. In my humble opinion, all sections to which I have referred would allow the High Court to call for the records of these proceedings and to pass orders. Sir, the word "proceeding" is a very wide word and the powers of the High Court are wide enough. There is also section 107 of the Government of India Act which allows the High Court to exercise its powers of superintendence. Now, Sir, this much with regard to the sections to which I have referred. But, as I have also put in another amendment with regard to the orders, I would request the Honourable the Law Member to answer points covered by that amendment also, because it will relieve me from moving it separately. Now, these orders come under sections 11, 12 and 13. One can see that an order under section 11 is to be made by the Governor General in Council. "If he is satisfied to the like effect, he may, by notification, declare an association to be an unlawful association." Similarly, in clause 13 also, "The Local Government may, by notification in the local official Gazette, notify any place which, in its opinion, is used for the purpose of an unlawful association". Now, these two are no doubt executive orders. Coming to clause 2 of sub-section 17A, we find that the order has to be made by the District Magistrate or, in a Presidency-town, by the Commissioner of Police or any officer authorised in this behalf. This clause refers to taking possession of the notified place and evicting therefrom any person found therein. Then, Sir, there is clause 17B where also the District Magistrate makes an order taking possession of a notified place and also of moveable property found therein. Now, these are orders of Magistrates which, according to my humble submission, should be either appealable or subject to revision.

It might be contended that there is some remedy allowed with regard to orders made under section 17B when possession of moveable property has been taken and forfeiture has been made. It is only after the forfeiture has been made that a remedy has been provided that that man can apply to the District Judge to give his own decision thereon, but it is provided that the order of the District Judge shall be final. It is, therefore, necessary to provide that such an order should be liable to an appeal. With regard to that order, there also should be a power of revision, because, if there is an appeal under the Criminal Procedure Code,

[Mr. Lalchand Navalrai.]

there is also the further power under section 439 of the Criminal Procedure Code. Such orders as to forfeiture, etc., should not remain final so far as not to even allow the powers of superintendence of the High Court. These powers are given under section 107 of the Government of India Act. Therefore, I submit that this should be open to appeal as well as revision. To make such drastic laws and not to provide for appeals or revision is extremely unnatural. Therefore, without taking any more time, I should like to hear what the Honourable the Law Member's opinion is with regard to this.

The Honourable Sir Brojendra Mitter: Sir, I hope I shall be able to remove the doubts of my Honourable friend, Mr. Navalrai, and that after hearing me he will see his way to withdraw the amendment. I draw the attention of the House to sub-clause (1) of clause 9 of the Bill, which says that no Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act. Therefore, whenever any prosecution is started, it must be started in the Court of a Presidency Magistrate or a Magistrate of the first class. The Presidency Magistrate and Magistrate of the first class are creatures of the Criminal Procedure Code; and you have to look to the Criminal Procedure Code for their powers and for the ultimate destination of the orders that they make. Section 408 provides that any person convicted on a trial held by a Magistrate of the first class may appeal to the Court of Session. Here then is the right of appeal from a conviction made by a Magistrate of the first class. Then, section 411 says that any person, convicted on a trial held by a Presidency Magistrate, may appeal to the High Court.

Mr. K. Ahmed: Only when the conviction is for more than six months and the fine exceeds Rs. 200.

The Honourable Sir Brojendra Mitter: Yes, when the conviction exceeds six months and the fine exceeds two hundred rupees. In these cases an appeal lies to the High Court. What about other cases, that is to say, cases in which the Presidency Magistrate sentences a person to imprisonment for a term less than six months or to a fine less than Rs. 200? In such a case there would be no appeal to the High Court, but there come in the powers of the Court under sections 435 and 439 apart from the powers under section 107 of the Government of India Act. Section 435 says that the High Court or any Sessions Judge or District Magistrate or any sub-divisional Magistrate, empowered by the Local Government in this behalf, may call for and examine the record of any proceeding before any inferior criminal Court situate within the local limits of its or his jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order. Therefore under this section a revision would lie from the order of a Presidency Magistrate or from the order of a Magistrate of the first class. Where there is no appeal, then the Sessions Judge or District Magistrate may revise. The powers under section 435 cover a number of cases. Then we come to section 439 which is the High Court's power over all Courts. That says that in the case of any proceeding the record of which has been called for by itself or which has been reported for orders or which otherwise comes to its knowledge, the

High Court may in its discretion exercise the powers conferred on a Court of appeal. All these powers come into play, because the trial will have to be held by a Magistrate under the Criminal Procedure Code, that is, a Presidency Magistrate or a Magistrate of the first class. Sir, I hope that will satisfy my Honourable friend, Mr. Lalchand Navalrai.

Mr. Lalchand Navalrai: Only about sentences and convictions.

The Honourable Sir Brojendra Mitter: Yes, that is so far as convictions, sentences and orders are concerned.

Mr. Lalchand Navalrai: Will these include an order under the proposed section 17A (2) in clause 18?

The Honourable Sir Brojendra Mitter: These are executive acts and they do not come in. It is only judicial orders which come under the appellate or revisional sections of the Criminal Procedure Code. Here the District Magistrate or, in a Presidency-town, the Commissioner of Police, may take possession. That is not a case of order or conviction,—it is only taking possession.

Then I come to the order which is mentioned in clause 17B, sub-section (7). That is an order of the District Judge or Chief Judge of the Small Cause Court, and it is provided that the order shall be final. The effect of that is that appeals are barred. But that does not take away such powers as the High Court may have under section 107 of the Government of India Act. We cannot touch the Government of India Act, because it is a Parliamentary Act. Whatever powers the High Court may have under the Government of India Act are left unimpaired. I think that is all need say and I hope my learned friend will now withdraw his amendment.

Mr. Lalchand Navalrai: Sir, I feel after hearing the Honourable the Law Member that I am satisfied by what he has said and I would, therefore, ask for leave to withdraw my amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Is it the pleasure of the House to give leave to the Honourable Member to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

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

“That clause 1 stand part of the Bill.”

The Honourable Sir Brojendra Mitter: Sir, I move:

“That after sub-clause (1) of clause 1 of the Bill, the following new sub-clause be inserted and sub-clauses (2) and (3) be re-numbered as sub-clauses (3) and (4), respectively:

“(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.”

I ought to explain why this amendment is necessary. When the Bill was introduced, it was intended to amend the Indian Penal Code and,

[Sir Brojendra Mitter.]

therefore, no extension clause was necessary; but in the Select Committee the Penal Code was left alone and it became a self-contained Bill. We omitted then to notice that in the Bill there was no extent clause; it would not have been necessary if we were amending the Indian Penal Code. Now it is a separate Bill; but there is no extent clause. That is why it is necessary to have this amendment. I move.

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

"That after sub-clause (1) of clause 1 of the Bill, the following new sub-clause be inserted and sub-clauses (2) and (3) be re-numbered as sub-clauses (3) and (4), respectively:

'(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas'."

Mr. Amar Nath Dutt: Sir, I would like to know from the Honourable the Law Member if this clause is not inserted to what countries will the Criminal Law Amendment Bill apply. Are we entitled to legislate for Timbuctoo or Honolulu? I do not know. We are only entitled to legislate for British India. If that be so, I think the insertion of this extension clause is not at all necessary. If it is thought necessary by Government, then we shall see whether we shall or shall not support it.

The Honourable Sir Brojendra Mitter: Sir, if there is no extent clause, then you cannot say whether it applies to the whole of British India or to any part of British India or where it applies. The whole thing is in the air. You must have the extent clause.

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

"That after sub-clause (1) of clause 1 of the Bill, the following new sub-clause be inserted and sub-clauses (2) and (3) be re-numbered as sub-clauses (3) and (4), respectively:

'(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas'."

The motion was adopted.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadian Rural): Sir, I beg to move:

"That for sub-clause (3) of clause 1 of the Bill, the following be substituted:

'(3) It shall remain in force for one year; but the Governor General in Council may, by a notification in the Gazette of India, extend it to a further period of one more year'."

You will find that the Bill, as drafted, provides for a duration of three years. You will find also lower down in the agenda there are proposals for restricting the life of this Bill to six months, to nine months and two years, and like that. This is by way of a compromise. I propose that it should last only for one year, but have also provided that the Governor General in Council may, by notification in the Gazette of India, if he thinks it necessary, extend it for another year. This is practically an Ordinance Bill and as Ordinances are generally in force only for six months, it is but proper that this Bill has a duration of only six months. I have, however, considering the extraordinary conditions prevailing provided for one year with powers to the Governor General in Council to

extend it for another year. I believe that the present conditions in India will attain normal state by the time two years expire. The new constitutional Reforms will also come into force by that time. It is sufficient, therefore, if the Bill has a duration of two years as I propose. Generally, it is these repressive laws that beget revolution and it is highly necessary that in the interests of the country this should have life only for the shortest minimum period possible. With these words, I move.

Mr. C. S. Ranga Iyer: Sir, I rise to associate myself with the observations made by my Honourable friend from Malabar. It is not necessary to make a long speech on this subject. There is a precedent and I would ask the Honourable the Home Member to go to his predecessor and see the precedent. In the Press Bill, it was provided that sufficient unto the year would be the evil thereof and I would suggest not to anticipate the calamitous campaign of civil disobedience for three years; but to be armed with legislation for one year and, if need be, to proceed for another year as suggested by the amendment. The Honourable gentleman has been unwilling to accommodate some suggestions from this side of the House and I do not know if he proposes to persist in making his Bill scarlet.

The Honourable Mr. H. G. Haig: Sir, I am well aware of the precedent that my Honourable friend, Mr. Ranga Iyer, refers me to. That is a matter of procedure. But this amendment proposes that the total period of three years which, after very careful consideration in Select Committee, we considered to be essential for the provisions of this Bill should be reduced in the aggregate to two years. That is a proposal which I am afraid the Government cannot accept.

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

"That for sub-clause (3) of clause 1 of the Bill, the following be substituted:

'(3) It shall remain in force for one year; but the Governor General in Council may, by a notification in the Gazette of India, extend it to a further period of one more year'."

The motion was negatived.

Sir Hari Singh Gour: Sir, I move:

"That for sub-clause (3) of clause 1 of the Bill, the following be substituted:

'(3) It shall remain in force for two years only, but the Governor General in Council may, by notification in the Gazette of India, direct that it shall remain in force for a further period of one year'."

From the superstructural Acts or Bills passed in Bombay and in the United Provinces, I should have been disposed to give this Bill the life of one year in the first instance with an additional life of two years in case the Governor General in Council so decided on representations made by the Local Governments affected by this Bill. But as it is, Sir, we feel that the Government might accept at least this amendment and give us a crumb of comfort, because, if it is pressed to a division, I know how it will result. Sir, I move.

Mr. C. S. Ranga Iyer: Sir, I rise to oppose this motion. (Applause from the Nationalist Benches.) I am, Sir, after hearing the speech delivered by the Honourable the Home Member in reply to the very modest request

[Mr. C. S. Ranga Iyer.]

of my friend, Mr. Thampan, unwilling to humiliate myself and friends of my way of thinking by going with a beggar's bowl to the Treasury Benches and asking them for "a crumb", a phrase which my friend and Leader used. My party fortunately have not examined this position. I am not a beggar screaming for alms at the doors of the Government. Again and again they have turned down our amendments. We are quite willing to face the music and the operation of this law in the manner in which it may operate. Sir, we do not want this mendicant amendment. (Applause.)

Mr. S. O. Mitra: Sir, I support my friend, Mr. Ranga Iyer. It is a mere eye-wash, and I do not see how it is an improvement on the clause introduced by the Government. That is the attitude of our Party also, and, therefore, we oppose this amendment.

Raja Bahadur G. Krishnamachariar: Sir, I oppose this amendment. I do it for a reason which would be quite new. I was recently reading a book called the "New Despotism" written by the present Lord Chief Justice of England. In that book it has been stated that the tendency more and more has been to pass Parliamentary Statutes but to give the executive power to supplement them by rules. Now, for the last ten days I hope my friends have been quite sincere in their opposition to this Bill upon the principal ground that they cannot rely upon the Government and their good intentions. Now, at the end of the discussion, they say—"It does not matter if we give the Governor General in Council power to extend this Act for another year or two," it would look ridiculous. That is exactly what we have all been objecting to all these days. That will be a very inconsistent position to take. If you want to give power to the Governor General in Council, give him power for three years, or if you do not want to give him that power, then stop him from exercising that power after that period. Let him again come before this House and ask that these powers should be conferred again on him. Let the whole question be considered on the conditions then existing, and if you find it necessary to make this law, then make it for 30 years, or 300 years. But to say that you do not want this Bill at all for all these ten days, and now on the eleventh day to ask the Government to give it only two years' life if it chose is a position which can only be described as absurd. It is a position which the present Chief Justice of England declared to be absolutely unconstitutional, and it is upon that ground that I oppose this amendment.

The Honourable Mr. H. G. Haig: Sir, I find myself placed in some difficulty looking to the course of the discussion on this amendment. I think my friend, Mr. Ranga Iyer, must have seen a gleam of benevolence in my eye when his Honourable Leader was proposing this amendment, and, therefore, following the tactics which have been observed by the Opposition throughout these discussions, he was determined not to accept anything that we might be prepared to offer, and thereby he would be able to secure the credit or rather the advantage of declaring that the Government had been absolutely unbending and had not been prepared to meet the Opposition in any way. Well, Sir, this is a matter of procedure, a

procedure which was highly commended by my friend, Mr. Ranga Iyer, on the previous amendment, but when he comes to this amendment, his enthusiasm for that procedure has evaporated. The position of Government is this. If it is any satisfaction to the Opposition, Government are prepared to accept this amendment. On the other hand, if my friends opposite prefer the Bill as it is, we do not wish to force this amendment down their throats.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The question which I have to put is:

"That for sub-clause (3) of clause 1 of the Bill, the following be substituted:

'(3) It shall remain in force for two years only, but the Governor General in Council may, by notification in the Gazette of India, direct that it shall remain in force for a further period not exceeding one year'."

(After the Division Bell.)

Sir Hari Singh Gour: As my friends do not want this concession, I beg leave to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): As it is 5 P.M. 5 o'clock, the Chair desires to ascertain what the wishes of the

House are in regard to the suggestion it threw out at the commencement of the proceedings this morning. Is it the pleasure of the House to sit till a late hour today and dispose of all amendments and the third reading, or to sit tomorrow and finish off this Bill? The Chair has tried to ascertain the general feeling of the House and the bulk of opinion appears to be in favour of sitting tomorrow instead of to a late hour today. The Chair has been informed that there is a fairly large number of Honourable Members who wish to speak on the third reading. It is a very important Bill and the Chair wishes to provide opportunity for full discussion on the occasion of this last stage of the Bill. (Cheers.) The Chair, therefore, proposes to adjourn till 11 o'clock tomorrow morning. The House will now adjourn till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 3rd December, 1932.