

Wednesday, 16th November, 1932

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(OFFICIAL REPORT)

VOLUME VI, 1932

(7th November to 28th November, 1932)

FOURTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY,

1932



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Legislative Assembly.

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

CONTENTS.

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

	PAGES.
MONDAY, 7TH NOVEMBER, 1932—	
Members Sworn	1677
Questions and Answers	1677—1718
Short Notice Question and Answer	1719—22
Death of Sir Ali Imam	1722—26
Governor General's Assent to Bills	1726
Statements laid on the Table	1727—31
The Criminal Law Amendment Bill—Presentation of the Report • of the Select Committee	1731
Resolution <i>re</i> Trade Agreement signed at Ottawa—Discussion not concluded	1731—62
TUESDAY, 8TH NOVEMBER, 1932—	
Questions and Answers	1763—1803
Resolution <i>re</i> Trade Agreement signed at Ottawa—Discussion not concluded	1803—45
WEDNESDAY, 9TH NOVEMBER, 1932—	
Member Sworn	1847
Questions and Answers	1847—89
Statements laid on the Table	1890—96
Resolution <i>re</i> Trade Agreement signed at Ottawa—Discussion not concluded	1896—1938
THURSDAY, 10TH NOVEMBER, 1932—	
Resolution <i>re</i> Trade Agreement signed at Ottawa—Discussion postponed	1939—70
Statement of Business	1970
MONDAY, 14TH NOVEMBER, 1932—	
Questions and Answers	1971—2020
Unstarred Questions and Answers	2020—29
Statements laid on the Table	2029—33
The Indian Merchant Shipping (Amendment) Bill—Presenta- tion of the Report of the Select Committee	2033
The Bengal Suppression of Terrorist Outrages (Supplementary) Bill—Discussion on the motion to consider adjourned	2033—48
Appendix	2049

TUESDAY, 15TH NOVEMBER, 1932—

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

WEDNESDAY, 16TH NOVEMBER, 1932—

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

MONDAY, 21ST NOVEMBER, 1932—

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

TUESDAY, 22ND NOVEMBER, 1932—

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

WEDNESDAY, 23RD NOVEMBER, 1932—

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

THURSDAY, 24TH NOVEMBER, 1932—

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

MONDAY, 28TH NOVEMBER, 1932—

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

LEGISLATIVE ASSEMBLY.

Wednesday, 16th November, 1932.

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

QUESTIONS AND ANSWERS.

APPOINTMENT OF INDIAN TRADE COMMISSIONERS.

1227. ***Mr. B. Sitaramaraju:** (a) Will Government be pleased to state how far the scheme for the appointment of Indian Trade Commissioners has progressed?

(b) Do Government intend opening the office of the Indian Trade Commissioner at Milan and in East Africa? If so, when?

(c) Are Government aware that the services of such officers are more useful in times of depression than boom and that with the world competition becoming keener every day, further postponement of these appointments will prove detrimental to the interest of Indian trade?

The Honourable Sir Joseph Bhore: The attention of the Honourable Member is invited to the reply given to parts (a) and (c) of starred question No. 980 on the 30th September, 1932.

Mr. S. G. Jog: Will Government please state whether it is the policy of the Government to appoint I. C. S. officers to these posts?

The Honourable Sir Joseph Bhore: I would not state the policy of the Government in any such definite form.

Mr. S. G. Jog: How many I. C. S. officers are holding the posts of Trade Commissioners at present?

The Honourable Sir Joseph Bhore: My Honourable friend will realise that I am somewhat new to this Department and I would not like to give him incorrect information. If he would kindly allow me to make enquiries, I will give him the information he wants later on.

Dr. Ziauddin Ahmad: Are I. C. S. officers supposed to be experts in trade also?

The Honourable Sir Joseph Bhore: Not necessarily, Sir. They might be.

SUBJECT-MATTERS OF INVESTIGATION BY THE TARIFF BOARD.

1228. *Mr. Nabakumar Sing Dudhoria: Will Government be pleased to state:

- (a) the subjects or matters that have been investigated by the Tariff Board since its establishment;
- (b) the subjects or matters that are yet proposed to be investigated by that Board;
- (c) the person or body or institution or department of the Government that prescribes from time to time the subjects or matters that should form the subject-matters of that Board's investigation; and
- (d) what sort of commercial bodies and associations are consulted in prescribing the subject-matters of investigation by the Board?

The Honourable Sir Joseph Bhore: (a) A statement giving the required information is laid on the table.

(b) The Board is at present engaged in an enquiry into the question of protection to the Cotton Textile Industry. It is not possible to say what other applications for protection will be referred to the Board thereafter.

(c) and (d). The Honourable Member is referred to the Resolution of the Government of India, Department of Commerce, No. 3748, dated the 10th July, 1923, which was published in the Gazette of India of the 14th July, 1923, a copy of which is in the Library.

Tariff Board's Reports.

Subject of Tariff Board's Reports

- Grant of protection to the Steel Industry (1924).
- Removal of the Import duty on sulphur (1924).
- Increase of duties on Steel (1924).
- Grant of protection to the Magnesium Chloride Industry (1925).
- Grant of protection to the Printers' Ink Industry (1925).
- Grant of protection to the Cement Industry (1925).
- Grant of protection to the Paper and Paper Pulp Industries (1925).
- Grant of Supplementary protection to the Steel Industry (1925).
- Removal of the duty on Spelter and enhancement of the duty on imported galvanised hardware (1926).
- Grant of protection to the Wire and Wire Nail Industry (1926).
- Grant of protection to the Coal Industry (1926).
- Grant of protection to the Ship-building Industry (1926).
- Continuance of protection to the Steel Industry (1927).
- Changes in the tariff entries relating to Printing Paper (1927).
- Grant of protection to the Cotton Mill Industry (1927).
- Tariff equality in respect of the manufacture of Camel hair, cotton and canvas ply belting (1927).
- Grant of protection to the Plywood and Tea Chest Industry (1927).

Grant of protection to the manufacture of Railway wagons and under frames, Component parts thereof, and Wire and Wire Nails (1927).

Grant of protection to the Match Industry (1928).

Grant of protection to the Oil Industry (1928).

Tariff equality in respect of the manufacture of electric wires and cables (1926).

Tariff equality in respect of the manufacture of Printing Type (1929).

Tariff equality in respect of the manufacture of Manila rope (1929).

Salt Industry 1930.

Sugar Industry 1931.

Additional protection for Galvanised Sheets (1930).

Gold Thread Industry (1930).

Certain Railway Materials made of Steel (1930).

Steel Rails (1931).

Removal of the Revenue Duty on Pig Iron (1930).

Heavy Chemical Industry (1929).

Magnesium Chloride Industry (1929).*

Paper and Paper Pulp Industries (1931).

Wire and Wire Nail Industry (1931).

Manufacture of Electric Wires and Cables (1931).

Additional protection to the Cotton Textile Industry (1932).

Protection to the Glass Industry.

GOVERNMENT OF INDIA BILL.

1229. *Mr. Nabakumar Sing Dudhoria: Will Government be pleased to state:

- (a) whether their attention has been drawn to the item of news that appeared in a recent issue of the *Mussalman* which says that the Government of India Bill, that is to be introduced by His Majesty's Government in Parliament next year, was drafted early in May or June, 1931, long before the Second Round Table Conference was held in London;
- (b) if the answer to part (a) be in the affirmative and the news be untrue,
 - (i) what steps they have taken to deny the news; and
 - (ii) whether they are aware that similar rumour has gained currency everywhere in the country even long before the report in the *Mussalman* was published;
- (c) if the answer to part (b) (ii) be in the affirmative, whether they propose to issue a *communiqué* forthwith denying such report and also enlighten the House with a true statement of facts bearing on the subject?

The Honourable Sir Brojendra Mitter: (a) and (b). Government have seen statements to the effect referred to by the Honourable Member. I can assure him that there is no foundation whatsoever for them. The procedure which His Majesty's Government proposed to adopt has been explained in His Excellency's address to the Legislative Assembly on the 5th September last. I would also invite the Honourable Member's attention to the report contained in a *Reuter's* message of the 8th November of a statement made by the Secretary of State in answer to a question

in Parliament that the whole purpose of the procedure of the Joint Select Committee is to obtain full observations and criticisms of Government proposals put forward in the form not of a Bill but of a White Paper by Parliamentary and Indian representatives before the Government of India Bill is introduced in Parliament.

(c) The statement I have just made should be sufficient to dispel any doubts, which may exist in the public mind and the Government do not propose to issue a communiqué in the matter.

Mr. Gays Prasad Singh: Do I understand that the forthcoming Round Table Conference is the last edition of this costly farce, or is there going to be another edition of it?

Mr. B. V. Jadhav: It all depends upon circumstances.

(No answer.)

POWER-HOUSES OWNED BY THE EAST INDIAN RAILWAY.

1230. ***Mr. Nabakumar Sing Dudhoria:** Will Government be pleased to state:

- (a) the number of Power-Houses that the East Indian Railway system owns;
- (b) the names of places where there are such Power-Houses;
- (c) the names of Resident and Assistant Engineers at each such Power-House;
- (d) the qualifications in detail of every such Resident and Assistant Engineer; and
- (e) the pay and emoluments enjoyed by each of such Resident and Assistant Engineer?

Mr. P. E. Rao: I have called for certain information and will lay a reply on the table, in due course.

RETRENCHMENT OF A NUMBER OF INCOME-TAX OFFICERS IN THE UNITED PROVINCES.

1231. ***Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla):
(a) Are Government aware that the services of a number of Income-tax Officers in the United Provinces were recently terminated abruptly by the Income-tax Commissioner for the United Provinces and the Central Provinces?

(b) If the reply to part (a) be in the affirmative, will Government please state the reasons for the same?

(c) Will Government please state the principle followed in respect of the retrenchment of these officers?

(d) Is it a fact that the Income-tax Department in the United Provinces is under re-organisation?

(e) Will Government please state if the services of the above officers have been cut short under the new re-organisation scheme?

The Honourable Sir Alan Parsons: (a) Five Income-tax Officers have been retrenched. They were given more than 2 months' notice.

(b) and (c). The officers were selected in accordance with the principles laid down by the Government to govern retrenchment.

(d) Yes. In view of the prevailing financial stringency it was decided to reduce the cost of the United Provinces Income-tax establishment by the concurrent expedients of retrenchment and re-organisation on the system already adopted elsewhere.

(e) This is answered by what I have just said.

Mr. S. G. Jog: Has the amalgamation of the Central Provinces Income-tax Office with the United Provinces Income-tax Commissioner's office resulted in any economy?

The Honourable Sir Alan Parsons: I imagine so, Sir, but the amalgamation took place before I came in as Finance Member and this question has not come before me. I should have to look up the papers before I could give a definite answer.

Mr. S. G. Jog: Will the Honourable Member kindly make enquiries and give a reply sometime later on?

The Honourable Sir Alan Parsons: I will certainly lay a statement on the table giving the information required by my Honourable friend.

Mr. S. G. Jog: Is the arrangement final or is it only in the experimental stage?

The Honourable Sir Alan Parsons: As I just now informed my Honourable friend, I did not myself deal with this case and I cannot, therefore, answer immediately a question which does not directly arise out of the question put to me by the original questioner.

Dr. Ziauddin Ahmad: Will the principle laid down by the Government about retrenchment be followed in this case also, that is, in the case of officers of the Income-tax Department?

The Honourable Sir Alan Parsons: Yes, Sir.

Mr. F. E. James: Can the Honourable Member inform the House whether the gratuities, paid to these officers who have been retrenched, are subject to income-tax and, if so, whether that is the case with regard to all Government servants who are retrenched?

The Honourable Sir Alan Parsons: No, Sir. I cannot inform the House without looking up the point.

Dr. Ziauddin Ahmad: May I ask whether these persons who are already retrenched are eligible for lower appointments for which fresh appointments are now being made? I do not know whether I have made myself clear. In the United Provinces, in the Income-tax Department, certain Inspectors on lower grade have been recruited. Are these men, who have already been retrenched in higher grades, eligible for appointments in the lower grade?

The Honourable Sir Alan Parsons: I will certainly enquire. I see no reason why they should not be offered these appointments of Inspectors if their knowledge is such as would render them eligible for appointments as Inspectors.

Dr. Ziauddin Ahmad: My point is, whether, instead of being retrenched, they can be demoted? I do not know whether my Honourable friend has understood my intention.

The Honourable Sir Alan Parsons: I quite understand my Honourable friend's intention. I will certainly look into the matter.

RE-ORGANISATION OF THE INCOME-TAX DEPARTMENT IN THE UNITED PROVINCES.

1232. ***Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla):
(a) Is it a fact that a re-organisation scheme of the Income-tax Department, similar to the one being at present applied in the United Provinces, has already been worked out in the Punjab, Central Provinces and Bengal?

(b) Does the re-organisation scheme taken up in the Punjab, Central Provinces and Bengal differ from that taken up in the United Provinces?

(c) If so, will Government please clearly explain all the points of difference, and state the reasons why they did not attempt the same scheme of re-organisation in the United Provinces, which they worked out in the Punjab, Central Provinces and Bengal?

The Honourable Sir Alan Parsons: (a) The system that is now being introduced into the United Provinces prevails in every other Province in India.

(b) and (c). In Bengal there was no concurrent emergency retrenchment, but the system introduced was the same. In the Punjab and the Central Provinces the system in question has been in force since the Department was formed.

RETRENCHMENT OF INCOME-TAX OFFICERS IN THE UNITED PROVINCES.

1233. ***Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla):
(a) Will Government please state if the services of all or any of the said Income-tax officers in the United Provinces have been dispensed with in consequence of the recommendation of the Retrenchment Committee?

(b) In case the reply to part (a) be in the affirmative, will Government please state if, in discharging these officers, care has been taken to select only such officers for retrenchment as were entitled to the minimum of compensation and pension as provided in Article 426 of the C. S. R.?

(c) If so, were regular notices, as required by Article 436 of the C. S. R., served on them?

(d) Will Government please state the Article of the C. S. R. under which the cases of these officers fall?

The Honourable Sir Alan Parsons: (a) to (d). Five officers have been retrenched, but not directly in pursuance of any specific recommendation of the Retrenchment Committee. They have been selected, and given due notice and other terms, in accordance with the general orders on the subject.

RE-ORGANISATION OF THE INCOME-TAX DEPARTMENT IN THE UNITED PROVINCES.

1284. ***Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla):
(a) Will Government please state the number of Income-tax officers whose services were dispensed with at the time of the introduction of the re-organisation scheme in the Punjab, Central Provinces and Bengal?

(b) Is it a fact that it was on the initiative of the Central Board of Revenue that the re-organisation scheme was taken up in the Punjab, Central Provinces and Bengal?

(c) Will Government please state if the object of the Government in introducing the new scheme in Bengal, etc., was to effect economy in the administration of the department?

(d) Will Government please state their object in introducing the scheme in the United Provinces? Has that object been attained?

(e) Is it a fact that some years back the abovesaid scheme was also proposed to Mr. W. Gaskell, the then Commissioner of the United Provinces, for adoption?

(f) Will Government please place on the table the full correspondence that passed between Mr. W. Gaskell and the Central Board of Revenue on the proposal regarding the introduction of the re-organisation scheme in the United Provinces?

(g) Will Government please state the reasons why the new scheme was not taken up in the time when Mr. W. Gaskell was the Income-tax Commissioner in the United Provinces?

The Honourable Sir Alan Parsons: (a) There has been no such re-organisation in the Punjab or the Central Provinces. When the Bengal staff was re-organised there was no concurrent emergency retrenchment.

(b) Yes, in Bengal.

(c) Yes.

(d) Both economy and efficiency. The ultimate result will be to effect economy, and I hope to increase revenue also.

(e) No.

(f) Does not arise.

(g) Because there was not then the same urgent necessity for economy.

RE-ORGANISATION OF THE INCOME-TAX DEPARTMENT IN THE UNITED PROVINCES.

1285. ***Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla):
(a) Is it a fact that the Income-tax Department re-organisation scheme, which is now being worked out in the United Provinces, was also referred to the late Income-tax Commissioner of the United Provinces, Mr. Muir, for his opinion?

(b) Is it a fact that Mr. Muir vehemently opposed the scheme as recently as March, 1932?

(c) Will Government please state if the new Income-tax Commissioner for the United Provinces and the Central Provinces was consulted on the desirability of introducing the new scheme in the United Provinces? If so, when?

(d) Will Government please state if the new Income-tax Commissioner for the United Provinces and the Central Provinces favoured the scheme?

(e) Did Government instruct him to consult the Assistant Income-tax Commissioners and other senior officers of the Department?

(f) Did the Income-tax Commissioner consult any of the officers of the Department in the United Provinces with regard to the scheme? If so, whom?

(g) What view of the scheme was taken by these officers?

(h) Is it a fact that the Central Board of Revenue, finding that no officer of the Department in the United Provinces was agreeable to the scheme, abolished the post of the Income-tax Commissioner of the United Provinces and put the province in the hands of the Income-tax Commissioner of the neighbouring province, *viz.*, Central Provinces?

(i) Is it a fact that the Association of the Assistant Commissioners and Income-tax Officers sent a representation to the Central Board of Revenue, protesting against the scheme?

(j) Is it a fact that the said Association also sought permission to wait on the Central Board of Revenue?

(k) Was their request granted? If not, why not?

(l) Will Government please state if they fully considered the question as to whether the efficiency of the Income-tax Department in the United Provinces will in any way suffer under the new scheme?

The Honourable Sir Alan Parsons: (a) to (g). I regret that I am not prepared to disclose what departmental discussions took place before the re-organisation was decided upon, or what views on it were held by various officers subordinate to the Central Board of Revenue.

(h) No.

(i) and (j). Yes.

(k) A member of the Central Board of Revenue agreed to receive a deputation while he was at Lucknow, but the Association said they had no time to arrange for one on the day fixed by him.

(l) Of course; otherwise they would not have introduced it.

RE-ORGANISATION OF THE INCOME-TAX DEPARTMENT IN THE UNITED PROVINCES.

1236. ***Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla):

(a) Is it a fact that the expenditure of the Income-tax Department in the

Central Provinces and Punjab after re-organisation is about 12 and 9 per cent., respectively, of the income of the department?

(b) Is it a fact that the expenditure of the Income-tax Department in the United Provinces before re-organisation has been only about eight per cent. of its income?

(c) If the replies to parts (a) and (b) be in the affirmative, will Government please state why the retrenchment has not yet been effected in the Punjab and the Central Provinces where the percentage of expenditure is higher?

The Honourable Sir Alan Parsons: (a) The expenditure in the Central Provinces is about 8 per cent. of the revenue and in the Punjab about the same. There has been no re-organisation of the departments in these Provinces since they were first formed.

(b) The expenditure in the United Provinces is between 5 per cent. and 6 per cent. of the revenue.

(c) Because it was not considered that there was any scope for such retrenchment in those Provinces.

Dr. Ziauddin Ahmad: Has the expenditure in the United Provinces diminished on account of this re-organisation?

The Honourable Sir Alan Parsons: Yes, Sir. About Rs. 15,000 per annum.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state if retrenchment has taken place in other provinces in the Income-tax Department?

The Honourable Sir Alan Parsons: Not in the same way.

Mr. Lalchand Navalrai: May I now in what way?

The Honourable Sir Alan Parsons: The organisation which is now being introduced in the United Provinces was in force in the other provinces before and is a cheaper organisation. All that was done in this case was to introduce in the United Provinces the cheaper organisation which had been in force in Bengal and other provinces and which had proved to be very efficient there.

Mr. Lalchand Navalrai: What is the way of making retrenchments in the Bombay Presidency?

The Honourable Sir Alan Parsons: I am afraid the Honourable Member must give me notice of a question of that kind. I am only dealing here with the re-organisation of the Income-tax Department in the United Provinces.

Mr. S. G. Jog: Is it not a fact that the Income-tax Officer who has been brought into the Central Provinces is senior to the United Provinces man?

The Honourable Sir Alan Parsons: I have not the least idea.

RE-ORGANISATION OF THE INCOME-TAX DEPARTMENT IN THE UNITED PROVINCES.

1237. *Mr. Bhuput Sing (on behalf of Lala Rameshwar Prasad Bagla): (a) Will Government please state the reasons for introducing the re-organisation scheme in the Income-tax Department of the United Provinces, against the well-considered opinion of successive Commissioners and the Association of the Assistant Commissioners and Income-tax Officers of the United Provinces?

(b) Do Government expect any appreciable savings by the introduction of the scheme? If so, will Government please place on the table a comparative statement showing the total amount of expenditure anticipated by the Department under the new scheme as well as the expenditure actually made under the old system, taking into consideration the gratuities, allowances and pensions payable to the officers axed under the new scheme?

(c) Is it a fact that in the notices served on these retrenched officers it was stated that their services were being terminated under the re-organisation scheme and that they would be given the benefit of the retrenchment rules?

(d) Is it a fact that in the place of the five officers retrenched with effect from the 31st October, 1932, 12 new officers have been appointed from the 1st November, 1932? If so, are these cases of retrenched officers covered by the retrenchment rules offered to them?

(e) In case the removal of these officers was necessary to effect economy in the administration, will Government please state why 12 new appointments have been made?

The Honourable Sir Alan Parsons: (a) To secure efficiency and economy.

(b) Yes, substantial savings. But the full scheme can only be introduced gradually as was done in Bengal. The information asked for by the Honourable Member cannot, therefore, yet be furnished, because a complete final scheme has not been introduced. What has been introduced is a small instalment of the final scheme.

(c) and (d). The officers in question were given the usual retrenchment terms. 12 Inspectors have been appointed in their place.

(e) The twelve Inspectors are a first instalment of the cheaper agency employed in all other provinces which the scheme provides, to do some of the work done in the United Provinces by the more expensive agency of Income-tax Officers.

MOTOR COMPETITION WITH RAILWAYS.

1238. *Mr. Bhuput Sing: (a) Will Government be pleased to state whether their attention has been drawn to the problem of the increasing growth of motor competition with the Railways which has assumed such serious dimensions in recent years?

(b) If so, have they directed any special inquiry into this extremely complex problem? What has been the result of such enquiry, if any?

(c) What is the approximate estimated loss of earnings to the Railways through motor competition during the last year?

(d) Are Government aware that there is enough scope in India for the improvement of feeder and local roads for the development of local communications which are still awaiting construction?

(e) What is the considered policy of Government on this matter?

The Honourable Sir Frank Noyce: (a) The problem has been receiving the attention of Government for some time past.

(b) and (c). The Government of India have instituted an enquiry by a small committee of two officers whose report is awaited.

(d) and (e). Upon receipt of the report on the enquiry above referred to, the Government of India propose to convene a conference of representatives of Local Governments, Railways and other interests to discuss the whole matter with a view to establishing a co-ordinated policy.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state if there is any idea of reducing the fares in order to compete with the motor traffic?

Mr. P. B. Rau: There are no proposals under consideration at present for any general reduction of railway fares.

Mr. Lalchand Navalrai: Are Government prepared to consider whether fares should not be reduced in order to meet this competition.

Mr. P. B. Rau: Till the Committee's report is received, they are not in a position to consider any suggestions of that sort.

Mr. Lalchand Navalrai: May I take it that the matter will be considered when the report is taken into consideration?

Mr. P. B. Rau: The question of how to meet the motor competition in the best interests of Railways is always under consideration.

Dr. Zaidulla Ahmad: Will the Honourable Member instruct the officers on duty to consider this fact whether the bad connections on junctions are also responsible for the diversion of traffic from railways to roads, and these bad junctions are regulated by the vendors who are allowed very high rates?

Mr. P. B. Rau: I will send a copy of the Honourable Member's question to the members of the Committee.

INTRODUCTION OF LOWER GRADE INCOME-TAX ASSESSMENTS.

1239. ***Mr. Bhuput Singh:** (a) Will Government be pleased to state the total income from lower grade assessments in India up to October, 1932, showing the incomes from different provinces separately? What is the total number of such cases?

(b) What is the total increased expenditure of Government on account of the introduction of this new form of assessment in India?

(c) Do Government propose to continue this form of assessment or do they contemplate discontinuing it?

The Honourable Sir Alan Parsons: (a) A statement showing the amount of tax on lower-incomes assessed and collected in each Province up to September, 1932, is laid on the table. The total number of persons assessed could only be ascertained by a special compilation in all Income-tax Offices which I am not prepared to direct.

(b) The expenditure on this account cannot be stated at present. The provision of Rs. 12,35,000 in the Budget is not likely to be exhausted

(c) I cannot foretell the provisions of the next Finance Bill.

Serial No.	Province.	Amount fallen due.		Collections.	
		Arrears.	Current.	Arrears.	Current.
		Rs.	Rs.	Rs.	Rs.
1	Madras	12,296	2,60,192	11,539	2,42,645
2	Bombay	23,989	8,12,027	26,002	5,84,507
3	Bengal	14,341	2,35,324	12,583	1,59,163
4	United Provinces .	13,457	1,85,447	9,983	1,16,264
5	Punjab	24,986	2,05,424	23,065	1,99,861
6	Burma	9,622	1,45,676	8,200	1,36,241
7	Bihar and Orissa . .	9,732	1,50,328	8,236	81,596
8	C. P. and Berar . .	4,558	97,276	4,432	84,449
9	Assam	1,005	60,800	839	47,486
10	N. W. F. Province . .	3,609	23,408	2,707	19,393
11	Delhi	3,157	23,740	2,608	11,753
	Total	1,25,752	21,99,642	1,10,194	16,83,358
			23,25,894		17,93,552

Mr. Lalchand Navalrai: Is it in contemplation that this assessment will be discontinued?

The Honourable Sir Alan Parsons: I must repeat what I said in reply to part (c), that I cannot foretell the provisions of the next Finance Bill.

Dr. Ziauddin Ahmad: Is the Honourable Member contemplating that in the next Finance Bill he will alter the rates under Customs also?

The Honourable Sir Alan Parsons: I am just as unable to prophesy what will be done in the next Finance Bill with regard to Customs rates.

Dr. Ziauddin Ahmad: Are we to understand that in the next Bill changes of the Customs Duties Act will again be altered in the month of March?

The Honourable Sir Alan Parsons: I should not advise my Honourable friend to understand anything of the sort at present.

INCOMES FROM HIGHER GRADE ASSESSMENTS AND APPEALS AND REFERENCES BEFORE THE ASSISTANT COMMISSIONER AND COMMISSIONER OF INCOME-TAX.

1240. ***Mr. Bhuput Sing:** (a) Will Government be pleased to state whether there has been any drop in incomes from higher grade assessments as compared with the previous years? If so, how much is the drop in each province in India?

(b) Are Government aware that appeals and references before the Assistant Commissioner and Commissioner of Income-tax remain pending for about a year and are not even then disposed of? If so, what are the reasons for these inordinate delays in giving justice?

(c) What steps are being proposed to be taken to prevent such delays and to secure the speedy disposal of appeals and references in future?

(d) Is it a fact that in all cases of references under section 66 of the Indian Income-tax Act, instructions have got to be taken by the Commissioners from the Central Board of Revenue as to the effect the acceptance may have on the fiscal and other aspects of the question?

(e) Do the Commissioners consult Government Advocates and Legal Remembrancers on the points of law raised, before giving their final decisions?

The Honourable Sir Alan Parsons: (a) A statement is placed on the table showing the number of assessee in each grade in each Province in the 3 years 1929-30 to 1931-32.

(b) and (c). No. If any specific cases of inordinate delay are brought to the notice of the Central Board of Revenue they will investigate the cause of the delays and take steps to prevent such delays recurring if possible

(d) All draft references to the High Court are submitted to the Central Board of Revenue who advise the Commissioners on the legal points involved and the manner of their presentation.

(e) I am not sure to what "final decisions" the Honourable gentleman refers. So far as I am aware, Commissioners do not consult their legal advisers before disposing of Revision petitions. They usually, perhaps invariably, consult their legal advisers in regard to the drafting of references to the High Courts.

QUESTIONS AND ANSWERS.

2247

1930-31.

1. 2,000 to 2,499	6,601	17,891	7,456	5,340	5,206	5,249	12,373	3,205	988	669	1,772	10,784	67,539
2. 2,500 to 2,999	5,178	8,594	4,698	3,165	3,273	3,562	1,492	1,903	504	484	1,001	5,727	39,551
3. 3,000 to 3,499	4,397	6,756	4,048	2,714	2,747	3,053	1,404	1,596	468	407	915	4,220	32,715
4. 3,500 to 4,999	7,853	12,199	7,419	4,394	4,417	4,248	2,498	2,728	950	639	1,420	7,949	55,804
5. 5,000 to 7,499	6,590	9,660	6,772	3,392	3,786	3,207	2,378	2,149	897	456	932	5,692	45,861
6. 7,500 to 9,999	3,427	4,566	4,006	1,568	1,813	1,962	1,171	1,051	518	222	460	2,044	22,808
7. 10,000 to 12,499	1,838	3,014	2,174	813	936	1,237	714	492	320	154	306	1,077	13,665
8. 12,500 to 14,999	1,115	1,606	1,197	532	473	744	339	275	170	91	167	898	7,607
9. 15,000 to 19,999	1,254	1,902	1,492	559	549	890	406	318	194	87	166	1,101	8,847
10. 20,000 to 24,999	711	970	748	248	310	478	221	153	109	48	145	508	4,641
11. 25,000 to 29,999	429	575	414	156	150	276	121	84	40	31	92	241	2,809
12. 30,000 to 39,999	413	625	432	152	126	269	148	93	37	16	107	180	2,588
13. 40,000 to 49,999	223	390	209	87	63	141	62	29	16	6	63	15	1,304
14. 50,000 and over	237	675	537	110	92	244	100	54	15	19	57	14	2,154
15. Unclassified	724	1,305	4,876	1,184	327	491	661	162	113	4	294	496	10,567
Total	40,990	70,728	46,472	24,254	24,218	29,071	14,047	14,291	5,319	3,331	7,897	40,513	3,18,240

1951-52.

Grades.	Madras.	Bombay.	Bengal.	U. P.	Punjab.	Burma.	Bihar and Orissa.	C. P.	Assam, N.-W. F. P.	Delhi.	India Central and other Minor Administrations.	Total.
1. 2,000 to 2,499	6,718	16,782	7,998	5,095	5,764	5,631	2,640	2,994	1,000	786	1,851	66,976
2. 2,500 to 2,999	5,233	8,009	4,787	2,916	3,271	3,023	1,634	1,568	439	519	1,091	38,118
3. 3,000 to 3,499	4,137	6,168	3,434	2,254	2,423	2,254	1,271	1,273	390	483	912	29,003
4. 3,500 to 4,999	7,512	11,324	6,653	4,044	4,085	3,929	2,623	2,250	841	419	1,381	51,769
5. 5,000 to 7,499	5,755	8,214	5,626	2,900	3,156	3,206	2,147	1,753	700	380	868	39,680
6. 7,500 to 9,999	2,843	4,026	3,334	1,432	1,481	1,604	1,084	693	419	183	445	19,398
7. 10,000 to 12,499	1,466	2,222	1,562	689	780	957	593	386	267	112	305	10,651
8. 12,500 to 14,999	828	1,338	1,004	392	531	590	304	214	145	52	191	6,651
9. 15,000 to 19,999	1,027	1,615	1,162	447	578	783	371	217	154	73	188	7,657
10. 20,000 to 24,999	473	794	552	225	303	421	168	97	74	33	139	3,782
11. 25,000 to 29,999	295	498	338	112	160	162	113	61	38	18	144	2,176
12. 30,000 to 39,999	283	500	346	132	124	208	104	65	31	9	103	2,019
13. 40,000 to 49,999	118	260	174	56	51	114	44	21	10	11	91	967
14. 50,000 to 99,999	134	401	248	69	69	151	59	29	8	12	57	1,243
15. 1,00,000 and over	37	179	123	24	5	28	16	11	..	6	3	436
16. Unclassified	865	1,207	7,021	1,614	391	471	632	155	76	3	119	14,786
Total	37,714	62,637	45,157	22,401	23,162	23,532	13,753	11,779	4,700	3,099	7,919	2,96,322

**DETENTION OF PACKAGES OF COPIES OF DIWAN CHAMAN LAL'S BOOK
COOLIE AT THE ROYAL ALBERT DOCKS, LONDON.**

1241. *Mr. Bhuput Sing: (a) Will Government be pleased to state whether they are aware that the packages of copies of Diwan Chaman Lal's book *Coolie* which had been held by the Customs officials in docks, was delivered to the consignee after three weeks' detention since its arrival at Royal Albert Docks on September 9th, 1932?

(b) Did the Customs officials in India examine these books before accepting these for transport to London? If so, what was the necessity of a further test in London?

(c) Has there been any correspondence between the Indian and British Governments over the detention of the packages at the docks? Are Government aware that the packages were soiled and the consignee had to suffer serious losses? What reply, if any, has been received from the British Government?

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

(b) Since there is no export duty or prohibition applicable to the export of books, it is unlikely that the books were examined by the Customs Department in India at the time of exportation.

**MEMORIAL TO THE ASSEMBLY OF THE LEAGUE OF NATIONS ON BEHALF
OF THE INTERNATIONAL COMMITTEE FOR INDIA RE THE POLITICAL
SITUATION IN INDIA.**

1242. *Mr. Bhuput Sing: (a) Will Government be pleased to state whether any memorial signed by the leading international workers of most of the European national workers including M. Lievens of Belgium, Dr. Winternitz of Czechoslovakia, M. Georges Hoog and Madame Morin of France, Mrs. Marguerite Cousins of Ireland, Mr. Wilfred Wellock, and Mrs. Pethwick Lawrence of England, M. Bokkeb Lesson of Norway, and Madame Gertrude Baer of Germany outlining the conditions prevailing in India and expressing that the Ordinances should be repealed and political prisoners released, has been submitted to the Assembly of the League of Nations on behalf of the International Committee for India?

(b) Has the memorial appealed to the delegates of the Assembly to take any possible action for promoting better relationship between Great Britain and India and has it emphasised that the problem of India involves world peace?

(c) Has the memorial been accepted by the League of Nations and what steps, if any, have the delegates taken upon it?

(d) Was the memorial submitted through the Indian Delegates or directly to the League?

The Honourable Sir Brojendra Mitter: (a) to (d). Government have seen a newspaper report on the subject but have no further information.

APPLICATIONS SUBMITTED BY INDIAN FIRMS AND INDUSTRIES BEFORE
THE RAILWAY RATES ADVISORY COMMITTEE AGAINST VARIOUS
RAILWAYS CHARGING UNFAIR RATES.

1243. *Mr. Bhuput Sing: (a) Will Government be pleased to state whether applications have been submitted by several Indian firms and industries before the Railway Rates Advisory Committee against various Railways charging unfair rates which hamper their growth and prosperity to a great extent?

(b) Has there been any complaint by the salt merchants of the Sambhur Lake that lower freights are quoted by the East Indian and Bengal and North-Western Railways for imported salt from Howrah to certain sections on the latter Railway while the same Railway as well as the Bombay, Baroda and Central India Railway charge heavy rates on traffic from Sambhur?

(c) Is it a fact that the Central Provinces and Berar Mining Association have complained against the Bengal Nagpur Railway that the rates they are charging on manganese ore meant for export have led to the capture of a great part of their continental market by Russian products?

(d) If the answers to parts (a), (b) and (c) be in the affirmative, what steps, if any, have been taken to remove the grievances?

(e) Do Government contemplate forming a separate Ministry of Transport and Communications to adjudicate the conflicting interests of different markets and trades and so to inform the Railways as to secure a co-ordination of rates? If not, why not?

(f) What provision is proposed to be made for this department in the new constitution shortly to be introduced in this country?

Mr. P. B. Rau: (a) and (b). Yes.

(c) The Central Provinces and Berar Mining Association have complained against the rates charged by the Bengal Nagpur Railway for manganese ore traffic booked to Bombay.

(d) The complaints have been, or are being, investigated and reported upon by the Railway Rates Advisory Committee. In some cases the complaints were withdrawn; in others a compromise was arrived at; in still others the Government of India have passed or will pass orders on the reports submitted by the Railway Rates Advisory Committee.

(e) and (f). No such proposal is at present under active consideration but this suggestion will I daresay be among those that will be examined along with other details of the new constitution.

Dr. Ziauddin Ahmad: In view of the fact that the Railway Department at present is a step-child of the Commerce Member, is it not desirable to bring this fact to the notice of the Round Table Conference for a discussion of this question?

The Honourable Sir Joseph Bhoras I do not think, Sir, this question calls for any answer from me.

SPEECH BY SIR RUSTOM VAKIL, MINISTER OF LOCAL SELF-GOVERNMENT, BOMBAY, AT THE ALL-INDIA INDUSTRIAL EXHIBITION, IN REGARD TO THE "BUY BRITISH" AND "BUY INDIAN" MOVEMENTS.

1244. ***Mr. Bhuput Sing:** (a) Will Government be pleased to state whether their attention has been drawn to the speech of Sir Rustom Vakil, Minister of Local Self-Government, Bombay, at the All-India Industrial Exhibition in the course of which he contrasted the "Buy British" and "Buy Indian" movements and insinuated against the "Buy Indian" campaign?

(b) Has the attention of Government been drawn to the Indian merchants' press note in this connection which concludes "It would be most serious if the *Swadeshi* movement is going to be condemned by the Government directly or indirectly, merely because more advanced political views and elements in India also advocate it. Do the Government put it forward as a test of good citizenship that a man should import foreign goods and use them even when similar goods are produced in India?"

(c) Has there been any correspondence between the Government of India and the Bombay Government on the subject? If so, what?

The Honourable Mr. H. G. Haig: (a) I have seen a Press report of the speech which does not seem to me to bear out the description given by the Honourable Member.

(b) I have seen the Press note.

(c) The Government of India addressed all Local Governments calling their attention to the letter dated 11th April, 1932, from the Private Secretary to His Excellency the Viceroy to the Western India National Liberal Association, Bombay.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state what is the view of the Government of India with regard to this "Buy Indian" movement?

The Honourable Mr. H. G. Haig: The Honourable Member has already addressed a number of questions to me on this subject and received a number of answers. I have nothing to add to the answers I have previously given to him.

Mr. Lalchand Navalrai: So far as I remember, I never put any question with regard to this "Buy Indian".

The Honourable Mr. H. G. Haig: I may be doing my Honourable friend an injustice, but certainly I have answered within the last two months a large number of questions on this subject.

Mr. Lalchand Navalrai: Do the Government of India agree with the statement made by the Honourable the Minister of Bombay?

The Honourable Mr. H. G. Haig: I should be glad if my Honourable friend will quote the precise statement which he has in mind.

Mr. Lalchand Navalrai: It is stated in the question that the Honourable the Minister contrasted the "Buy British" and the "Buy Indian" movements and insinuated against the "Buy Indian" movement. What I want to know is, if these are not the facts, what are the exact facts? What exactly did he say and what was the effect of it?

The Honourable Mr. H. G. Haig: I must refer the Honourable Member to the report of the speech itself. But, as I said in my original reply, the description of the speech given in the question did not seem to me to be a fair description of it.

LETTER FROM A GROUP OF SCOTTISH MISSIONARIES TO THE SCOTTISH MEMBERS OF THE PARLIAMENT IN REGARD TO THE ORDINANCES.

1245. *Mr. Bhuput Sing: (a) Will Government be pleased to state whether they are aware that a group of Scottish Missionaries connected with India have addressed a letter to the Scottish Members of the Parliament saying that the rule by Ordinances has created bitter resentment amongst all classes of people in India and among many of those who were previously consistently friendly in their attitude towards Government?

(b) If so, has a copy been forwarded to the Government of India and what reply, if any, has been sent to it?

The Honourable Mr. H. G. Haig: (a) and (b). I have seen a Press report of the letter referred to by the Honourable Member; no copy has been sent to the Government of India, and the question of a reply does not arise.

DELAY IN DELIVERING AN INSURED LETTER SENT BY ONE MR. SRI PRAKASH FROM THE KABIR CHOURA POST OFFICE OF BENARES TO SRI HARI SHANKAR BIDYARTHI, EDITOR OF *DAINIK PRATAP*.

1246. *Mr. Bhuput Sing: (a) Will Government be pleased to state whether their attention has been drawn to a message from Cawnpore, dated the 6th October, 1932, published in the '*Dainik Pratap*' of 8th October, 1932, under the heading '*Post Bibhag ka Suprabandh*'?

(b) If so, is the allegation contained therein correct that an insured letter sent by Mr. Sri Prakash, from Kabir Choura Post Office of Benares, on the 29th March, 1932, addressed to Sri Hari Shankar Bidyarthi, Editor of '*Dainik Pratap*' reached him on the 6th October, 1932, after six months and eight days?

(c) If the answer to part (b) be in the affirmative, what is the reason for the inordinate delay and who is responsible for it?

(d) What steps have been taken to prevent such delays in future?

Mr. T. Ryan: (a) Government have now seen the message.

(b) to (d). The matter is being investigated and a reply will be placed on the table in due course.

RUNNING OF A THROUGH TRAIN VIA LOOP LINE.

1247. *Mr. Bhuput Sing: (a) Will Government be pleased to state, with reference to the proposal made in the meeting of the East Indian Railway Advisory Committee held in Calcutta on the 27th February, 1932

(*vis.*, that Nos. 41 up and 42 down trains be extended up to Dinapore as before for the convenience of passengers to and from Bhagalpur and Patna, which was rejected on the ground that the traffic offering did not justify the proposed extension) whether they have considered the question of extending the service to Delhi to meet the administrative difficulty?

(b) Will Government be pleased to state whether they are aware that the running of a through train *via* the Loop Line is the demand of all sections of people residing in that part of the country for more than a quarter of a century?

(c) Do Government propose to appoint an expert committee of inquiry to report whether it is possible at all to give effect to this scheme and what are the difficulties in the way, if the scheme be totally impracticable?

Mr. P. R. Bau: (a) I have sent a copy of the question to the Agent, East Indian Railway, for consideration.

(b) Government are aware that there have been frequent requests for the running of such a through train.

(c) No.

DECISION ON THE OTTAWA AGREEMENTS BY THE VOTE OF THE NON-OFFICIAL MEMBERS OF THE LEGISLATIVE ASSEMBLY.

1248. **Mr. B. Sitaramaraju:** Will Government be pleased to state whether the decision on the Ottawa Agreements will be left to the vote of the non-official Members of the Assembly?

The Honourable Sir Brojendra Mitter: The reply is in the negative.

DEPORTATION OF FEMALE CONVICTS TO THE ANDAMANS.

1249. ***Mr. Goswami M. R. Puri** (on behalf of Rai Bahadur Sukhraj Roy): (a) Will Government be pleased to state whether Srimati Bina Das, B.A., accused in the Governor shooting case, and some other female prisoners are shortly going to be transferred to the Andamans?

(b) If so, what are the grounds for the said transfer and on whose recommendations has the proposal for the transfer emanated?

(c) Was the attention of Government drawn to the recommendations of the Jails Committee presided over by Sir Alexander Cardew regarding the transfer of prisoners to the Andamans, as given in 826 Vol. 1 "that the deportation to the Andamans of all female convicts should be put an end to as soon as possible"?

(d) Have the general health and moral conditions in the Andamans changed in any respect since the above recommendations were made? If so, in what respects and how?

(e) Are Government aware of the strong public resentment prevailing in the country against such transfers?

The Honourable Mr. H. G. Halg: (a) and (b). As indicated in my reply to Mr. S. C. Mitra's starred question No. 511 on the 20th September last, the principle has been accepted of sending female terrorist convicts to the Andamans should it be considered desirable to do so. At the moment it is not proposed to take any action.

(a) The Honourable Member will find an answer to his question in the reply which I gave to Mr. S. C. Mitra's starred question No. 511 on the 20th September last.

(d) I would refer the Honourable Member to my reply to Mr. S. C. Mitra's starred questions Nos. 511, 514, 515 and 517 on the same date.

(e) Government are not aware of the feeling described by the Honourable Member.

ROUND TABLE CONFERENCE.

1250. *Mr. Goswami M. R. Puri (on behalf of Rai Bahadur Sukhraj Roy): (a) Will Government be pleased to state whether the delegates to the Round Table Conference were invited by the Prime Minister on his own initiative or on the recommendations of the Government of India?

(b) In what cases were these recommendations accepted and in what cases were they not accepted by the Prime Minister?

(c) What is the total amount of money proposed to be spent in connection with the Round Table Conference and the proportion in which it is to be borne by the Indian and British Governments?

The Honourable Sir B. L. Mitter: (a) The Honourable Member no doubt realises that these matters are not the concern of the Governor General in Council. Invitations are issued by His Majesty's Government.

(b) Does not arise.

(c) The expenditure from Indian Revenues is estimated to amount to about Rs. 1.9 lakhs. In addition about Rs. 70,000 are expected to be incurred in England on account of compensatory allowance to delegates. It is anticipated that His Majesty's Government will bear this expenditure as well as that connected with the Conference proper including a proportion of the cost of the Secretariat, Social Secretary, etc.

GOVERNMENT OF INDIA BILL.

1251. *Rai Bahadur Sukhraj Roy: (a) Will Government be pleased to state whether their attention has been drawn to the news given currency to by *The Mussalman* that the Government of India Bill that is to be introduced by His Majesty's Government next year was drafted or was being drafted as early as May or June, 1931, that is, long before the Second Round Table Conference which the Congress was prevailed upon to attend?

(b) If so, is there any truth in the news?

(c) Is it a fact that the Third Round Table Conference will not be allowed to stray beyond the White Paper?

(d) What is the exact time by which the new India Bill is proposed to be introduced in the British Parliament and the date by which the new constitution will begin to work in India?

The Honourable Sir B. L. Mitter: (a) and (b). The Honourable Member is referred to the reply given to Mr. Nabakumar Sing Dudhoria's question No. 1229 today.

(c) The Honourable Member is referred to the speech delivered to this House by His Excellency the Viceroy on the 5th September, 1932.

(d) The Honourable Member is referred to the reply given to part (a), of starred question No. 100 on the 7th September last.

REMOVAL OR REDUCTION OF IMPORT DUTIES ON FOREIGN WHEAT.

1252. *Rai Bahadur Sukhraj Roy: Will Government be pleased to state:

- (a) whether their attention has been drawn to the strong and persistent rumour current in the wheat market that the Government of India, in implementing the secret Agreements arrived at in the last Ottawa Conference, will remove or at any rate reduce the existing import duty of Rs. 2-8-0 per cwt. on foreign wheat entering the Indian ports, and that in consequence, Australian wheat will enter the Indian ports at no distant date;
- (b) if so, whether or not the existing import duties on foreign wheat entering India are proposed to be removed or reduced; if to be reduced, to what extent; and
- (c) what the likely date is when such removal or reduction is expected to come into operation?

The Honourable Sir Joseph Bhore: (a) The Government of India have heard of such rumours but as the Honourable Member is now doubtless aware there is nothing in the Trade Agreement made at Ottawa affecting the Indian import duty on wheat.

(b) and (c). The Government of India are at present unable to indicate the future course of the wheat import duty which, under existing legislation, is in force till the 31st March, 1935, but whatever the course, it will be solely dictated by the interests of this country.

RELEASE OF MAHATMA GANDHI.

1253. *Rai Bahadur Sukhraj Roy: (a) Will Government be pleased to state with reference to the recent exchange of correspondence between His Excellency the Viceroy and Maulana Shaukat Ali, regarding the release of Mahatma Gandhi for the Unity Conference, what were the objections in releasing him only to enable him to take part in the Conference or at least in allowing the Maulana free interviews with the Mahatma in jail?

(b) Was the sudden stoppage of interviews with the Mahatma by political leaders after the Poona Pact ordered by the Bombay Government on their own initiative or upon instructions from the India Government or His Majesty's Government?

(c) Are Government aware that these measures have brought about a lurking suspicion in the minds of many Indians that the Government having become nervous over the Poona Pact are trying to prevent the different communities of India from coming to a settlement among themselves, as part of their *Divide et Impera* policy?

(d) If so, what steps have been taken by them to allay these suspicions?

The Honourable Mr. H. G. Haig: (a), (c) and (d). I have nothing to add to the replies I gave on the 7th November, 1932, to the short notice question by Mr. B. Das and on the 14th November to the question by Mr. Lalchand Navalrai and the various supplementary questions.

(b) The action taken was in accordance with the policy of the Government as a whole.

GENERAL POLICY OF THE POSTAL DEPARTMENT IN REGARD TO THE TRANSMISSION OF PRESS MESSAGES.

1254. ***Rai Bahadur Sukhraj Roy:** Will Government be pleased to state:

- (a) if their attention has been drawn to the statement made in newspapers regarding the press message sent by Maulvi Muhammad Yasin, Chairman of the Burdwan Municipality, regarding his wholehearted support of Hindu-Muslim-Sikh-Unity pourparlers, which was handed over to the Postmaster, Thakurgaon, in the Dinajpur District, but which the latter refused to transmit;
- (b) if so, why and, on what grounds, the refusal was made;
- (c) whether it was done with the approval of the authorities or on his own initiative; and
- (d) what the general policy of the Postal Department is regarding the transmission of press messages?

Mr. T. Ryan: (a) No; but as the result of enquiries now made, it is understood that the press message to which the Honourable Member refers was one addressed by Maulvi Muhammad Yasin to the Associated Press, Calcutta, on the 14th October, 1932.

(b) and (c). The message was considered objectionable by the civil authority and the telegraph office was, therefore, advised to intercept it.

(d) The attention of the Honourable Member is invited to section 5 of the Indian Telegraph Act, and to Rules 15 and 180 of the Indian Telegraph Rules, 1932.

PRACTICE OF MILITANT USURY PREVAILING IN INDIA.

1255. ***Rai Bahadur Sukhraj Roy:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the practice of militant usury prevailing in India under which industrial workers suffer untold misery and harassment at the hands of creditors;
- (b) what recommendations have been made by the Whitley Commission and the Banking Committee in this respect; and
- (c) whether any speedy action is being contemplated to be taken to afford relief to the long suffering mass of primary workers?

The Honourable Sir Frank Noyce: (a) Government are aware that industrial workers are sometimes subjected to harassment and intimidation by creditors.

(b) The recommendations of the Whitley Commission are contained in Chapter XIII of their Report, a copy of which is in the Library of the House. The Central Banking Committee made no recommendations especially applicable to industrial workers.

(c) I am sorry that I am not in a position to promise rapid action in respect of most of the Whitley Commission's recommendations relating to indebtedness as they raise issues of importance which require careful examination. But Government have reached provisional conclusions on some of them and I hope next session to present to this House a Bill which will include provisions designed to prevent delays in the payment of wages.

Mr. K. Ahmed: Are Government aware that wages of workers are not attachable as recommended by the Royal Commission on Labour?

The Honourable Sir Frank Noyce: The Honourable Member is a greater authority on the recommendations of the Royal Commission than I am.

Dr. Ziauddin Ahmad: Will the Honourable gentleman consider that the labourers in agricultural fields should also get the benefit of this Bill he is contemplating?

The Honourable Sir Frank Noyce: Their case will certainly be considered, but I can make no promise of the kind suggested by my Honourable friend.

Dr. Ziauddin Ahmad: I thought that the condition of these workers in agricultural fields was more pitiable than the workers in urban areas?

The Honourable Sir Frank Noyce: That may be so, but the conditions of agricultural employment are very different from those of industrial employment.

APPALLING CONDITION OF IMMIGRANTS RETURNING FROM EAST AFRICA AND OTHER FOREIGN COUNTRIES.

1256. ***Rai Bahadur Sukhraj Roy:** (a) Will Government be pleased to state whether their attention has been drawn to the appalling condition of immigrants who have returned from East Africa and other foreign countries under compulsion?

(b) Are Government aware that many thousands of them paraded the streets of Calcutta the other day to seek shelter and food?

(c) What steps do Government propose to take to give redress to these helpless people?

(d) Is there any proposal for constructing new works to provide employment for these people and to obtain cheap labour?

(e) Are any steps being proposed to be taken to prevent the incoming, in such large numbers, of immigrants at a time, by making necessary arrangements with the Governments of the countries concerned?

(f) Do the Agents on behalf of India in the different countries help in this matter? If not, why not?

Mr. G. S. Bajpai: As the subject matter of the Honourable Member's question has roused a certain amount of public interest recently, I hope, Sir, that you will permit me to explain it in some detail.

The immigrants referred to by the Honourable Member have not returned under compulsion either from East Africa, or any other foreign country, nor do they number several thousands. So far as the Government of India are aware, their number does not exceed 850. The

majority of them hail from British Guiana, Trinidad and Surinam. All of them came back of their own free will, with the help of passages to which they were entitled under the terms of the contracts under which they originally migrated to the colonies. Nor are many of them recent arrivals. At least, a considerable number would appear to have been settled at Matiabruz for several years. The Government of India have, at intervals, received petitions that they should be sent back at Government expense either to the colonies from which they came or to some other colony. Government have not found it possible to accede to such requests. Since 1921, nearly 70,000 emigrants have returned to this country from the colonies, excluding Malaya, Ceylon and East Africa. There is no reason to assume that economically and socially India has treated them differently from the small group who have congregated at Matiabruz. If financial assistance were given to these latter to re-emigrate, on the ground that they find conditions in India uncongenial, it would be impossible to refuse similar assistance to the much larger number who have settled elsewhere in India, or who might hereafter return from the colonies, and the drain thus imposed on Government resources would be continuous and incalculable. Attempts were made in 1926 and 1928 to persuade the Governments of British Guiana and Fiji to take back, at their own expense, some of the emigrants who had returned from these colonies, and 350 and 173 respectively were thus sent back. Efforts were also made to find an outlet for some of the Matiabruz colony in Malaya, but without success. The prevailing economic depression rules out all prospect of successful negotiation with the Governments of the Colonies from which they came to take them back, for the tendency all over the world now is to discourage fresh immigration while the depression lasts. The only course, therefore, open to the Government of India is to endeavour to persuade these people to go back to those places in the interior of India to which they originally returned from the colonies, and to find work for them there suited to their capacities and aptitudes. Considering that the vast majority of those who have returned from the colonies appear to have been absorbed in the mass of the population, there is no reason why the small proportion now at Matiabruz should not be similarly accommodated, provided that they are willing to adapt themselves to Indian conditions in the same spirit in which other returned emigrants have done. The Government of India can think of no other satisfactory solution. Meanwhile, on the recommendation of the Government of Bengal, they have sanctioned a grant of Rs. 2,000 for the immediate relief of physical distress which is said to prevail among these returned emigrants.

Mr. K. Ahmed: In view of the fact that the Honourable Member's statement does not contain, it seems, why, and what are the reasons that, these people, so many, and in thousands, are coming back and repatriated to this country ?

Mr. G. S. Bajpai: My Honourable friend, Sir, did not specify what my statement does not contain. Presumably I am expected to answer the latter part of his question, namely, whether thousands of emigrants are coming back to India. The reply is in the negative.

Mr. K. Ahmed: In view of the fact that the Honourable Member has admitted himself that so many are stranded at Matiabruz and some at Calcutta and so many are still coming from Malaya and other places, such as South Africa, Trinidad, etc.—and if he will exercise his

mathematical experience, he will find that the number will not in any way be below thousands,—or even if that is not admitted by him that he is not a mathematician, perhaps my friend, Dr. Ziauddin Ahmad, will enlighten him on that point,—what I am asking is, why, all of a sudden, a good many people have made up their minds and have come away from South Africa, Trinidad, etc.,

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. Would it not be more convenient if the Honourable Member put a direct supplementary question, one at a time?

Mr. K. Ahmed: Just to save the time of the House, Sir, and to enable the Honourable Member in charge to answer the whole question, I am putting the question this way. (Laughter.) However, I bow to your ruling, and I will put him the question—is that so or not? (Loud Laughter.)

Mr. G. S. Bajpai: I confess, Sir, that this somewhat entangled jumble of bad mathematics and wrong inferences is completely unintelligible to me.

Dr. Ziauddin Ahmad: May I understand that Government would have no objection to send these people back to the Colonies from which they came if their expenses are paid for?

Mr. G. S. Bajpai: No, Sir; Government would have no objection whatsoever to send these people back to the Colonies if their expenses are paid for, and the Governments of the Colonies concerned are also prepared to take them back.

Dr. Ziauddin Ahmad: That is a different issue altogether. I understood that the Government had no objection to send these people back, and there was no difficulty on the other side, I mean in the Colonies?

Mr. G. S. Bajpai: Sir, it is perfectly true that I did state that Government would have no objection to sending these people back, but I purposely added the qualification about the readiness of the other Governments, because, as the Honourable Member is aware, investigations have been made in the past in regard to outlets for the surplus of India's population in Mauritius and British Guiana, and we have been told that it might be unwise to permit such further emigration, because it might have an adverse effect upon the standard of living on the people living there.

Dr. Ziauddin Ahmad: So it is not true that the Colonies are not prepared to take them back?

Mr. G. S. Bajpai: No, Sir, that is not true. I have stated in my answer that in 1926 British Guiana had agreed to take 350. . . .

Dr. Ziauddin Ahmad: Now?

Mr. G. S. Bajpai: Now, I cannot say, it is very unlikely.

Dr. Ziauddin Ahmad: Will the Honourable Member kindly make inquiries from these Colonies whether they are prepared to take these people back if their expenses are paid for?

Mr. G. S. Bajpai: I have no objection to make inquiries from the Colonial Governments concerned, but such information, as is available to Government, does not encourage the hope that they will be prepared to take back these people at present.

Mr. K. Ahmed: What is the number that has been repatriated and why they are stranded at Matiabruz and at Calcutta? What is the number?

Mr. G. S. Bajpai: I have stated the number. I have said that there are not more than 850 of these emigrants at Matiabruz, and I would like to inform my friend that I did not say that they came back suddenly. On the contrary, I said they have been dribbling in for a period of years.

Mr. F. E. James: Will the Honourable Member explain to the House whether the Government of India have invited the co-operation of the district authorities in re-settling these emigrants who return in the districts from which they originally came?

Mr. G. S. Bajpai: In the past, Sir, I am sorry to say, that such co-operation has not been invited, but, in the communication which has recently been addressed to the Government of Bengal, asking them to persuade these people to go back to the districts, it has been indicated that such co-operation would be invited if they are agreeable to go back.

Mr. Muhammad Yamin Khan: May I know whether, if these people want to go back to the Colonies, they will be treated as fresh emigrants or they will be able to enjoy all the rights and privileges which they enjoyed before?

Mr. G. S. Bajpai: No, Sir; there is no limitation as regards that. If a person has been settled in a Colony for a period of five years or more, he and his wife and child can always go back to that Colony.

Mr. Muhammad Yamin Khan: I understood, when the Honourable Member stated that the Colonies would not be prepared at present to take them back, that these people would be treated as fresh emigrants and that they would lose all their rights which they enjoyed before?

Mr. G. S. Bajpai: No, Sir; I did not wish to suggest that at all. What I wished to convey to the House was that, because of the prevailing economic depression at the present moment, there might be reluctance on the part of the Colonies to have fresh addition to their population. That is what I had in mind.

Mr. Muhammad Yamin Khan: That is exactly what I am asking. Will these people be treated as fresh additions or as old settlers?

Mr. G. S. Bajpai: I wish to explain the position again. There is no question of anybody retaining a lien in a Colony. The great majority of the Colonies, from which these people came back, have no restrictions on the immigration of Indians. Therefore, it does not matter how long they have been away. Further, they can go back any time they like. The point I wished to emphasise was that, as in India and in other countries,

so in the Colonies, there is economic depression at the present moment, and, therefore, the Governments concerned may not be willing or may not be agreeable to these people going back. That was my point.

Mr. Gaya Prasad Singh: May I know from what part of the country the bulk of the emigrants, who are settled at Matiabruz, originally came?

Mr. G. S. Bajpai: Does the Honourable Member mean the part of India from which they went?

Mr. Gaya Prasad Singh: Yes.

Mr. G. S. Bajpai: I should say about 15 per cent. from Bihar, and the rest from the United Provinces, but this is merely a rough guess.

Mr. Gaya Prasad Singh: May I know what steps have the Government of India taken, in consultation with the district authorities or the Local Governments concerned, in regard to any scheme for re-settling these people in the villages from which they originally came?

Mr. G. S. Bajpai: I have said, Sir, in reply to my friend, Mr. James, that in the past no such steps were taken, but Government are prepared to take such steps now.

Mr. Gaya Prasad Singh: I am referring to those who are now settled in Matiabruz. I want to know if the Government of India have taken any steps in order to re-settle them in parts of the country from which they originally came.

Mr. G. S. Bajpai: That is a point which is under consideration now. The Government of Bengal have been asked to persuade these people to go back to their original destinations, and then, when these people go back, the Government of India would endeavour to settle them there.

Mr. Gaya Prasad Singh: Since how long the bulk of these people in Matiabruz have been there?

Mr. G. S. Bajpai: For quite a number of years; five or six years it may be.

Mr. Gaya Prasad Singh: Do I understand that the Government of India have taken no steps during the last five or six years to communicate with the Local Governments concerned to get them re-settled in their respective places?

Mr. G. S. Bajpai: No, Sir. My Honourable friend need not understand anything of the kind. The Government of India have had frequent reminders of the presence of these people in Calcutta and each time a request has been made to the Local Government to try and persuade them to do something—either go back or get work locally,—but the reports, which we have had from the Protector of Emigrants, show that they have been unwilling to accept the work which was offered to them.

Mr. Gaya Prasad Singh: What have these people in Matiabruz been doing? How are they earning their livelihood?

Mr. G. S. Bajpai: I think most of them have had casual employment of some kind or other. But now-a-days, because of the depression they find it difficult to find employment in Calcutta or elsewhere.

Mr. Gaya Prasad Singh: Do I take it that the Government of India are now prepared to communicate with the Local Governments concerned, and ask them to evolve some scheme by which these people may be persuaded to go back to their villages from which they came?

Mr. G. S. Bajpai: I have already answered that question in the affirmative.

Bhai Parma Nand: If it is found on enquiry that the Colonial Governments are prepared to take them back, would the Government of India be ready to send them back free of cost?

Mr. G. S. Bajpai: I have already explained that the Government of India will not be in a position to incur any expense themselves on sending them back to the Colonies, but if they are willing to go back to the Colonies and somebody, whether the Colonial Government or private enterprise, undertakes the expense, and if the Colonial Governments are willing to take them back, of course, there will be no objection to their going back.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state if the communication of the Bengal Government indicates any terms on which these people will be taken back?

Mr. G. S. Bajpai: The first thing that the Government of India have to make sure of is that these people would really want to go back, because efforts made in the past to induce them to find some work in this country have not been very successful. As soon as the Government of India hear from the Government of Bengal that there is a prospect of inducing these people to go back, the necessary arrangements will be made.

MONOPOLY BY NON-LOCAL EMPLOYEES IN THE GOVERNMENT DEPARTMENTS OF BALUCHISTAN.

1257. ***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state whether it is a fact that almost all Government Departments of Baluchistan are monopolised by the non-local employees?

(b) Is it a fact that no locals are employed either in the executive or in the ministerial staffs of the following departments:

1. Political Department,
2. Intelligence Bureau,
3. Irrigation Department,
4. Excise Department,
5. Military Engineering Service, and
6. Quetta Municipality?

(c) Will Government be pleased to place on the table a statement, showing separately, the total number of officers of all grades and clerks in each of the above Departments and how many of them belong to Baluchistan and how many are aliens?

(d) Will Government be pleased to state whether it is a fact that in the railways, there are only two locals working as assistant guards, while in the ministerial branch of the same department, there is only one local clerk?

Mr. H. A. F. Metcalfe: With your permission, Sir, I propose to answer questions Nos. 1257 and 1259 to 1262 together. The information is being collected and will be given to the House in due course.

OFFICERS AND CLERKS WORKING IN THE POSTS AND TELEGRAPHS
DEPARTMENT OF BALUCHISTAN.

1258. ***Seth Haji Abdoola Haroon:** Will Government be pleased to state the total number of officers of all grades and clerks working in the Posts and Telegraphs Department of Baluchistan?

The Honourable Sir Frank Noyce: 180 of whom 159 are clerks.

STAFF WORKING IN THE CIVIL DEPARTMENTS OF BALUCHISTAN.

† 1259. ***Seth Haji Abdoola Haroon:** Will Government be pleased to state the total number of:

- (a) Naib Tahsildars,
- (b) Tahsildars,
- (c) Extra Assistant Commissioners,
- (d) Junior Assistants,
- (e) Senior Assistants,
- (f) Head Clerks, and
- (g) Office Superintendents,

working in the Civil Departments of Baluchistan and show how many of each of these belong to Baluchistan and how many are aliens?

SUPERIOR POSTS IN THE GOVERNMENT DEPARTMENTS OF BALUCHISTAN.

†1260. ***Seth Haji Abdoola Haroon:** Are Government aware that all superior posts are held by foreigners in the Government Departments of Baluchistan and that no chance is made available to local men when there is a vacancy of a superior post?

UNPAID OR TEMPORARILY PAID LOCAL CANDIDATES IN THE REVENUE
COMMISSIONER'S AND SUBORDINATE OFFICES IN BALUCHISTAN.

†1261. ***Seth Haji Abdoola Haroon:** Are Government aware that in the Revenue Commissioner's and subordinate offices in Baluchistan, there are several local youths who are unpaid or temporarily paid candidates in some cases for the last seven or eight years, but have not yet been taken up permanently?

† For answer to this question, see answer to question No. 1257.

**ADEQUATE REPRESENTATION OF LOCAL PEOPLE IN THE VARIOUS
GOVERNMENT DEPARTMENTS OF BALUCHISTAN.**

†1262. *Seth Haji Abdoola Haroon: (a) Are Government aware that though orders have been issued by local authorities in Baluchistan with regard to the encouragement to be given to locals, yet the same are not being carried out by the officers in charge? If so, why?

(b) Are Government aware that several appeals have since been made to the authorities concerned with regard to this state of affairs, but in vain?

(c) Do Government realise the necessity of an adequate representation of locals in the various Government Departments of Baluchistan? If so, what specific action do they propose to take to safeguard the interests of Baluchistan men, so that their strength in Government Departments might be increased adequately?

MEMBERS OF THE QUETTA MUNICIPALITY.

1263. *Seth Haji Abdoola Haroon: (a) Will Government be pleased to state whether it is a fact that the Quetta Municipality is not an elected body and members thereof are nominated by the Local Government?

(b) Is it a fact that the number of locals in it is insignificant?

(c) Will Government be pleased to state the total number of members of the Quetta Municipality, showing separately the number of those belonging to Baluchistan, and of aliens?

Mr. H. A. F. Metcalfe: With your permission, Sir, I will answer questions Nos. 1263, 1264 and 1265 together. Information is being obtained from the local administration and will be given to the House when it is received.

**FEASIBILITY OF PROMOTING THE QUETTA MUNICIPALITY TO AN ELECTED
BODY.**

†1264. *Seth Haji Abdoola Haroon: (a) Is it a fact that the Political Agent, Quetta, recommends confidentially the names of members of the Quetta Municipality to the Honourable the Agent to the Governor General, who accepts the names?

(b) Are Government prepared to consider the feasibility of promoting the Quetta Municipality to an elected body so that the people of the soil might be adequately represented?

**APPOINTMENT OF LOCAL PEOPLE IN THE STAFF OF THE QUETTA
MUNICIPALITY.**

†1265. *Seth Haji Abdoola Haroon: Are Government aware that in the staff of the Quetta Municipality there is no local employee? If so, are Government prepared to issue orders to the authorities concerned at Quetta to the effect that in future any post that falls vacant may be reserved for locals, so as to raise their number to an adequate level?

†For answer to this question, see answer to question No. 1257.

†For answer to this question, see answer to question No. 1263.

NOMINATION OF LOCAL PEOPLE TO THE CANTONMENT BOARD, QUETTA.

1266. *Seth Haji Abdoola Haroon: (a) Is it a fact that there are no locals nominated to the Cantonment Board, Quetta?

(b) If so, do Government propose to nominate locals to safeguard the interests of the people of Baluchistan?

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

(b) The matter is one for the Local Government to whom a copy of the question is being sent.

Dr. Ziauddin Ahmad: May I ask what is the Local Government in this case?

Mr. G. R. F. Tottenham: The Agent to the Governor General, Baluchistan.

DETAILS OF ALL GRADES OF OFFICERS AND CLERKS WORKING IN THE POSTAL DEPARTMENT, MULTAN DIVISION.

1267. *Seth Haji Abdoola Haroon: (a) Has the attention of Government been drawn to an article under the heading "Serious grievances of Muslim Employees", which was published in the *Eastern Times* of Lahore on the 27th October, 1932?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether the contents thereof are correct? If not, will they please lay on the table a statement showing the correct details of all grades of officers and clerks working in the Postal Department, Multan Division, and the correct numbers of the employees belonging to each of the following communities:—(i) Hindus, (ii) Muslims and (iii) Christians?

(c) Are Government aware that the existing proportion of Muslims in the above department is inadequate? If so, what action do they propose to take to remove the communal inequality and to safeguard the rights of Mussalmans?

The Honourable Sir Frank Noyce: (a) Government have seen the article.

(b) Government have not enquired into the allegations. Even if it be the case that Muslims are only slightly represented in a particular division it does not follow that any mistake has been made, since, as I stated in reply to a supplementary question on the 14th instant, postings are not made as a rule with reference to communal considerations. No "correct numbers" as asked for by the Honourable Member can therefore be specified.

(c) The Honourable Member is aware of the regulations regarding recruitment of members of the minority communities which Government are making every effort to enforce.

I would add that a copy of the Honourable Member's question is being sent to the Postmaster-General.

COLLECTION OF LOCAL CESS FROM ZAMINDARS IN BRITISH BALUCHISTAN.

1268. ***Seth Haji Abdoola Haroon**: (a) Will Government be pleased to state whether the system of collection of local cess from Zamindars is prevailing in British Baluchistan?

(b) If so, what is the approximate annual revenue from that source?

Mr. G. S. Bajpai: (a) and (b). Enquiries have been made from the Local Administration, and a reply will be laid on the table of the House in due course.

ADVISABILITY OF ESTABLISHING LOCAL BOARDS IN BRITISH BALUCHISTAN.

1269. ***Seth Haji Abdoola Haroon**: (a) Will Government be pleased to state whether there are District Local Boards in British Baluchistan?

(b) If not, are Government prepared to consider the advisability of establishing local boards in British Baluchistan in order to introduce local self-government? If not, why not?

Mr. H. A. F. Metcalfe: (a) There are no District Local Boards in British Baluchistan.

(b) It is not considered advisable to establish Local Boards in British Baluchistan. The system is not regarded as being suitable to Baluchistan which is a country of immense distances sparsely populated by a nomadic people mainly pastoral in occupation.

Mr. Lalchand Navalrai: Will the Honourable Member kindly say what the public opinion there is with regard to District Boards and Local Boards?

Mr. H. A. F. Metcalfe: My information comes from the Local Administration which is presumably in touch with local opinion.

EXPENSES ON THE OTTAWA DELEGATION.

1270. ***Mr. Nabakumar Sing Dudhoria**: Will Government be pleased to state:

- (a) the respective amounts drawn by way of (1) monthly allowance, (2) daily hotel allowance, (3) outfit and voyage expenses, by each of the Indian members of the Delegation to the Ottawa Conference;
- (b) the respective amounts drawn by way of (1) monthly allowance, (2) daily hotel allowance, (3) outfit and voyage allowance, by each of the British members of the Delegation to the Ottawa Conference;
- (c) the date from which and the date up to which each member of the Indian Delegation was allowed those allowances;
- (d) how much was expended on the Secretariat staff; and
- (e) whether there was any Indian on the Secretariat staff?

The Honourable Sir Joseph Bhoré: A statement giving the information, as far as it is available at present, is laid on the table.

Statement showing allowances of members of the Indian Delegation to the Imperial Economic Conference, Ottawa, and expenditure connected with the Secretariat Staff.

(i) *Monthly allowance.*

Non-officials.—(Personal compensatory allowance at the rate of £100 a month)—

	£	s.	d.
Sir Padamji Ginwala, from 9th May, 1932 to 19th September, 1932.	437	10	6
Mr. R. K. Shanmukham Chetty, from 4th May, 1932 to 31st August, 1932.	453	13	1
Seth Haji Abdool Happa, from 1st June, 1932 to 31st August, 1932.	363	6	8
Sahibzada Abdus Samad Khan, from 15th June, 1932 to 19th September, 1932.	316	13	4

Officials.—(Pay)—

Sir George Rainy (Pay at 3-4ths of Rs. 4,000 less 10 per cent.) from 17th May, 1932 to 22nd September, 1932.	853	19	8
Sir George Schuster (Pay at 3-4ths of Rs. 6,666-10-8 less 15 per cent.) from 18th June, 1932 to 19th August, 1932.	719	14	9

(ii) *Daily Hotel allowance and voyage expenses.*

Information as to the actual amounts drawn by each Member as daily hotel allowance and voyage allowance and the periods for which these were drawn is not yet known as payments were made by the High Commissioner for India in London but the rates, admissible to all Members alike except where otherwise stated, were as follows :—

Compensatory daily allowance of 25 shillings to each Member, except Sir George Schuster whose allowance was fixed at 16s. 8d., for days spent on duty in London;

First class return passages and a voyage allowance of 15 shillings a day for the voyages from London to Canada and back; and

An allowance of 2½ dollars a night in Canada.

First class return passages were also granted to such members as travelled from India to London and back.

(iii) *Outfit allowance.*

An outfit allowance of £37-10-0 was paid to Mr. R. K. Shanmukham Chetty.

(iv) *Expenditure on the Secretariat Staff.*

Exclusive of the pay and allowances of the Secretary and Expert Advisers, the total expenditure on the Secretariat staff was £1,069-18-4. There was no Indian on the Secretariat Staff as in order to save passage and other expenses from and to India no staff was taken from this country.

PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Alan Parsons (Finance Member): I present the second part of the Report of the Public Accounts Committee dealing with the Railway Accounts of 1930-31.

Report of the Public Accounts Committee on the Accounts of 1930-31.

PART II.—RAILWAY ACCOUNTS.

Position as regards estimating.

1. The following table compares the original estimates made before the beginning of the year, the revised estimates prepared near its end, and the actual results :—

	(Lakhs of Rs.)		
	Budget.	Revised.	Actuals.
(1) Traffic receipts (less refunds)	107,75	95,00	95,10
(2) Miscellaneous receipts	1,75	1,78	1,73
(3) Working expenses	70,18	67,30	67,46
(4) Miscellaneous expenditure	62	69	68
(5) Surplus profits	1,22	1,15	1,16
(6) Interest charges	31,40	32,76	32,72
(7) Surplus (+) or deficit (—)	6,08	—5,12	—5,19
(8) Contribution to general revenues	5,74	5,74	5,74
(9) Payment to (+) withdrawal from (—) Reserve	34	—10,86	—10,93

2. The large differences between the Budget estimates on the one hand and the Revised estimates and final actuals on the other are due to the fact that the former were based on hopes of normal conditions with a moderate increase in both passenger and goods traffic, hopes which were completely falsified as a result of the continuance of the economic depression. Compared with the revised estimates, the actual receipts were only Rs. 5 lakhs more and the actual expenditure Rs. 12 lakhs more with the result that the deficit on the working of railways during the year was more by only Rs. 7 lakhs. But as pointed out by the Director of Railway Audit, this favourable result has been brought about by two counterbalancing divergencies referred to in paragraphs 46 and 47 of his Report. On the whole we share the feeling of the Director that there has generally been no improvement in the position in 1930-31 over that in 1929-30.

Position as regards control of expenditure.

3. The following table compares the final voted grants with the expenditure against those grants :—

	(Lakhs of Rs.)				
	Original grant.	Supplementary grant.	Final grant.	Actual expenditure.	Excess + Saving —.
<i>Expenditure charged to revenue.</i>					
1. Railway Board	12.90	.15	13.05	13.39	+ .34
2. Inspection	2.50	..	2.50	2.37	— .13
3. Audit	17.75	..	17.75	16.24	—1.51
4. Working expenses, Administration.	13,88.50	..	13,88.50	14,07.20	+18.70
5. Repairs, Maintenance and Operation	41,10.25	..	41,10.25	38,22.12	—2,88.13
6. Payment of surplus profits	1,22.00	..	1,22.00	1,16.30	—5.70
9. Appropriation to Depreciation Fund	13,25.00	..	13,25.00	13,06.53	—18.47
11. Miscellaneous expenditure	17.30	..	17.30	17.45	+ .15
12. Appropriation to Reserve Fund	33.95	..	33.95	..	—33.95
14. Strategic lines	1,63.75	7.95	1,71.70	1,73.37	+1.67
<i>Expenditure charged to capital and Depreciation and Reserve Funds.</i>					
7. New construction	4,98.00	..	4,98.00	4,23.24	—74.76
9. Open line works	11,49.00	..	11,49.00	8,74.03	—2,74.97
10. Appropriation from Depreciation Fund	8,50.00	50.00	9,00.00	11,39.59	+2,39.59
13. Appropriation from Reserve Fund	10,85.99	10,85.99	10,92.35	+6.36
15. Strategic lines—Capital	25.00	..	25.00	20.51	—4.49

4. The non-voted appropriations sanctioned by the Government of India and the expenditure against those appropriations are given below :

	(Lakhs of Rs.)				
	Original appropriation.	Supplementary appropriation.	Final appropriation.	Actual expenditure.	Excess + Saving —.
<i>Expenditure charged to revenue.</i>					
1. Railway Board	3.20	.41	3.61	3.57	— .04
2. Inspection	2.00	.06	2.06	1.96	— .10
3. Audit	1.95	— .18	1.77	1.63	— .14
4. Working expenses, Administration	43.50	—1.10	42.40	43.60	+1.20
5. Repairs, Maintenance	1.50	— .46	1.04	.97	— .07
11. Miscellaneous expenditure	4.20	7.77	11.97	11.29	— .68
14. Strategic lines	3.85	.17	4.02	3.85	— .17

[Sir Alan Parsons.]

	(Lakhs of Rs.)				
	Original appropriation.	Supple- mentary appropriation.	Final appropriation.	Actual expendi- ture.	Excess + Saving —.
<i>Expenditure charged to capital.</i>					
7. New construction	2.00	— .03	1.97	2.00	+ .03
8. Open line works	1.00	— .48	.52	1.14	+ .62
15. Strategic lines	— .05	— .05	— .05	..
Interest on Debt	30,04.06	1,84.89	31,88.45	31,33.96	— 4.49
Interest on Capital contributed by companies	1,36.12	1.42	1,37.54	1,37.59	+ .05

5. We give in paragraph 7 below the reasons for the excesses over voted grants which require the vote of the Legislative Assembly. The number of excesses, which was six in the year under report, compares unfavourably with the numbers in 1929-30 and in 1928-29 which were four and three respectively. The excesses over non-voted appropriations numbered four in 1930-31 against five in 1929-30 and two in 1928-29. The percentage of individual excesses, votable and non-votable, varied from .03 per cent. to 2.83 per cent. under heads of expenditure charged to revenue and from .58 per cent. to 118.70 per cent. under capital heads.

As regards savings, they varied from .14 per cent. to 23.93 per cent. under individual heads the biggest savings occurring under the Capital grants, 7, 8 and 15. Taking the total railway expenditure, both voted and non-voted, there was a saving of Rs. 2,98 lakhs or 2.83 per cent. under expenditure charged to revenue and a saving of Rs. 1,14 lakhs or 4.39 per cent. under Capital expenditure. The position in this respect compares as follows with the last two years :

Expenditure charged to revenue.

(excluding appropriations to and from the Reserve Fund.)

(Lakhs of Rs.)

Year.	Final grant and appropriation.	Savings.	Percentage of Col. (3) to Col. (2).
(1)	(2)	(3)	(4)
1928-29	98.67	—44	.45
1929-30	101.55	—66	.64
1930-31	1,05.11	—2.98	2.83

Expenditure charged to capital.

(including expenditure met from the Depreciation Fund.)

1928-29	39,50	—55	1.39
1929-30	45,03	—3,08	6.84
1930-31	25,74	—1,14	4.39

We have no doubt that the financial stringency which manifested itself during the year and which has not yet disappeared has forced on the railway administrations a much more rigid control of expenditure than might otherwise have been exercised. If, as we are assured, this control is maintained without relaxation, the stress and strain of the present period will at least have had the result of raising the general standard of financial control on all railways. We shall deal in later paragraphs with certain handicaps under which the present system of control of expenditure works and the remedial measures proposed.

Excess over voted grants.

β. We now proceed to deal briefly with the excesses over voted grants, which require regularisation by excess votes of the Legislative Assembly. The excesses are as follows :—

Item No.	No. of grant.	Grant.	Amount voted	Excess.
			by the Assembly.	
			Rs.	Rs.
1	1	Railway Board	13,05,000	34,327
2	4	Working expenses, Administration	13,88,50,000	18,70,248
3	10	Appropriation from Depreciation Fund	9,00,00,000	2,39,58,961
4	11	Miscellaneous	17,30,000	14,960
5	13	Appropriation from Reserve Fund	10,85,99,000	6,36,160
6	14	Strategic lines	1,71,70,000	1,67,449

7. The individual items of excess are explained below :—

Item 1.—The excess was mainly due to higher printing charges than were contemplated when the revised estimate was framed.

Item 2.—The excess, which occurred mainly under contribution to the Provident Fund and gratuities, was due to the extension of the benefits of the Provident Fund to workshop staff and to the payment of extra gratuities on retrenchment.

Item 3.—More than two-thirds of the excess is attributed to unexpected adjustments in rectification of transactions incorrectly accounted for in previous years and the balance was due to exceptionally heavy carry-forwards from the previous year.

Item 4.—The excess was the result of a number of small variations in a miscellaneous collection of sub-heads.

Item 5.—The excess reflects the extent of the variation of the financial results of the year from anticipations.

Item 6.—Heavier freight charges for fuel purchased at the end of the year to replenish stock chiefly accounted for the excess.

8. We recommend that the Assembly should assent to the excess grants detailed in paragraph 6 above.

Reappropriation not made in accordance with prescribed rules.

9. Under rule 52 (2) (ii) of the Indian Legislative Rules we are required to bring to the notice of the Legislative Assembly every reappropriation within a grant which is not made in accordance with such rules as may be prescribed by the Finance Department. We give below with our comments the cases brought to our notice by the Director of Railway Audit.

(i) *Distribution of allotments after the close of the year.*—Such distribution is reported to have been made on the South Indian and the North Western Railways. The Financial Commissioner has rightly taken no cognizance in his Appropriation Accounts of the orders of reappropriation which were sanctioned after the close of the year. There are, however, some cases where the sanctions to reappropriation were actually accorded before the close of the

[Sir Alan Parsons.]

year but communicated to subordinate authorities only after the year. Although effect has been given to such reappropriation in the Appropriation Accounts, the Financial Commissioner informed us that the Railway Department realised that postponement of reappropriation till towards the end of the year was not conducive to sound financial control and that general instructions had been issued emphasising the importance and necessity of making reappropriations as and when they were required during the course of the year instead of at the end of the year. We do not think that any further action is called for.

(ii) *Reduction of a voted grant.*—The Railway Board issued orders in March 1931 reducing the grant under the head "Appropriation to the Reserve Fund" to "nil", when it became clear that the net results of the year would necessitate a withdrawal from the Reserve Fund. A grant once voted by the Legislative Assembly cannot be withdrawn or reduced and the Financial Commissioner has rightly taken no cognizance of the orders of the Railway Board in his Appropriation Accounts. The position is now correctly understood by all concerned and we have no further observations to make.

(iii) *Utilization of unanticipated credits.*—More than one instance has been given by the Director of Railway Audit where unanticipated credits have been utilized to increase the supply at the disposal of spending authorities. We have already made a recommendation on this subject in the First Part of our Report which we desire to reiterate. No controlling officer should be permitted to utilize, in order to increase his spending power, any unanticipated credits. The Director of Railway Audit has made certain proposals in paragraph 49 of his Report for carrying out this recommendation and the Financial Commissioner has in paragraph 89 of his Review brought out certain intricate points which require settlement in this connection. Subject to the observance of the general principle which we have enunciated, we are content to leave these detailed questions to be settled by the Railway Department in consultation with the Auditor General.

Comments on matters outstanding from previous reports.

10. *Form of the Appropriation Accounts.*—The Public Accounts Committee of last year suggested certain improvements in the form and presentation of Railway Appropriation Accounts of which the most important were that the appropriation accounts should be accompanied by a general picture of the financial results of the year, a general survey of the state of the financial administration as disclosed by the accounts and an analysis of the results of the scrutiny conducted by the Railway accounts department as part of the internal check of Railway accounts. It was intended that the material compiled in this fuller form should be available to the Director of Railway Audit before he wrote his report, which was thus to be complementary to and based on the material supplied by the Financial Commissioner. In pursuance of these recommendations we have been furnished with a Review of the Appropriation Accounts prepared by the Financial Commissioner and a Summary of the working results of all Railways prepared by the Chief Commissioner of Railways and the Financial Commissioner. We are satisfied that, subject to what is stated below, our requirements in regard to the information as regards railway receipts and expenditure and the facilities for financial control have been fully complied with.

11. Owing to the fact that the Public Accounts Committee held its session unusually late last year and the Appropriation Accounts had reached an

advanced stage of preparation by the time the Committee's recommendations were actually made, it has been found possible to furnish the two reviews referred to in the previous paragraph only after the publication of the Appropriation Accounts in the old form and after the Director of Railway Audit had issued his report. The result has been that, as pointed out by the Auditor General, the Director's Report has on the present occasion not taken into account all the material furnished by the Financial Commissioner and therefore lacks the full value it should possess. Another incidental disadvantage has been a certain amount of duplication in the presentation of the results. We realize that the summary of the working results of railways cannot be made available earlier than September each year but we do not see any reason why the Financial Commissioner's review of the financial administration as disclosed by the Appropriation Accounts should not be prepared in time for use by the Director of Railway Audit. It is only a question of the convenient adjustment of the dates and we are glad that the Financial Commissioner has at our instance undertaken to endeavour to send his appropriation accounts with his review to the Director by the middle of April so as to enable the latter to submit his report to the Auditor General by the middle of May. We thus hope that in future years it will be possible to eliminate the minor defects in procedure noticed in the current year and that the report of the Director will as a result be greatly simplified.

12. The Public Accounts Committee of last year commented on the absence in the Railway Appropriation Accounts of an analysis of the results of the audit scrutiny conducted by the Railway accounts department as part of its internal check of railway accounts. A somewhat similar observation was made in respect of the presentation of the results of the audit scrutiny of military works expenditure carried out by the Military accounts department. We were informed both by the Financial Adviser, Military Finance, and by the Financial Commissioner of Railways that the discovery of irregularities was only a small part of the duties of the separated accounts department, that their more important duties lay in preventing, rather than in discovering, irregularities and overpayments, and that if the analysis was intended to be an estimate of the efficiency or otherwise of the internal check conducted by the accounts department, material for this could most easily be found in the results of the independent check conducted by the test audit staff which are presented in the reports of the respective Directors. We agree in this view which is also shared by the Auditor General and we recommend that the present practice, under which the scrutiny of irregularities and the selection and presentation of those deemed sufficiently important to be published is placed in the hands of an independent audit authority, should be continued. What is required is a pooling of the discoveries of the two agencies, the accounts department and the test audit staff, and a scrutiny of the material so collected to see, for instance, whether it indicates any general tendency which should be checked or any defect in rules or procedure which should be corrected. We consider it essential that the accounts departments both on the Railway and Army sides should place at the disposal of the test audit staff all material in its possession showing its activities connected with internal audit scrutiny and that, in particular, it should communicate to the test audit staff all irregularities at an early stage of their detection, so that the latter may be enabled to perform its functions satisfactorily and to present to us and to the legislature as accurate a picture as possible of the state of the financial administration of the two largest departments of the Central Government.

13. *Form of the Director's Report.*—Our predecessors also suggested some improvements in the form of the report of the Director of Railway Audit.

[Sir Alan Parsons.]

Agreeing with these suggestions the Auditor General instructed Mr. Badenoch to investigate along with the possibilities of retrenchment in the Railway Audit Department the directions in which test audit could be more usefully directed and how the form of presentation of the results of the test audit could be improved. We have been furnished with a copy of Mr. Badenoch's report. We discussed the proposals made therein with the Auditor General and we may state our conclusions under three broad headings:—

(i) *Proposals regarding the extent and the direction of test audit of railway accounts.*—We considered these proposals from the point of view of financial control by the legislature and we were assured by the Auditor General that except for the fact that the Director's report prepared under the proposed plan would be somewhat less broadly based than at present, there would be no appreciable diminution in the information and the facilities now supplied to the Committee for the purpose of its scrutiny of the railway accounts. We were also anxious to know whether the proposed limited audit was sufficient to perform satisfactorily the true functions of test audit, that is to say, whether it would secure that the accounts of railways were sufficiently checked by the Auditor General's staff so as to discover if there was anything seriously wrong with the financial administration of railways. We were informed by Mr. Badenoch that one of the principles underlying this proposal was that the whole field of railway transactions must be covered by the test audit but that after a careful examination of all classes of transactions he had proposed different percentages of test audit for different transactions, keeping in view the necessity of fixing the percentages so as to allow the audit department to judge fairly well the efficiency of the financial administration of railways as a whole. We express our general agreement with Mr. Badenoch's proposals subject to a definite limitation that if at any time the Auditor General considers that the amount of check applied by the test audit staff to any particular class of transactions is insufficient, the fact that we have now agreed to the reduction of the scope of test audit should in no way debar him from immediately coming up for increasing its scope and if necessary, increasing the staff for this purpose.

(ii) *Proposals as regards the method of presentation of the results of test audit.*—In effect these proposals would, in the opinion of the Auditor General, enable the Director to present to the Committee the same type of report as it has received this year, probably with certain improvements consequent on the changes which have already been agreed to in regard to the presentation of the appropriation accounts by the Financial Commissioner and further improvements which would result from the adoption of certain other proposals mentioned in the next section of our report. We accept the general proposals made by Mr. Badenoch without, however, desiring to bind the Director exactly to the details given in his report.

(iii) *Proposals for retrenchment.*—We do not wish to express any opinion on the individual proposals made by Mr. Badenoch. While leaving them to be dealt with in the ordinary way, we have asked to be furnished in due course with a statement of the actual action taken on these proposals. We, however, desire to emphasise that in our view the scope for retrenchment in Railway Audit is limited and in view of the volume and complexity of Railway transactions any drastic attempt at retrenchment may involve risks, which can not be lightly undertaken.

14. *Railway electrification schemes.*—The Public Accounts Committee last year desired that the financial effects of electrification on various railways should be scientifically studied by the Railway Board. The Director of

Railway Audit has made a laudable attempt to get at the results of working of the Bombay electrification schemes. The Railway Board has also furnished us with a valuable memorandum on the subject. So far as the Chola Power House is concerned, both the Railway Board and the Director agree that the Power House is actually working economically and efficiently and that the increase in the cost per unit is due to the fall in traffic consequent on the present exceptional depression. So far as the main line electrification schemes are concerned, unlike the Power House separate capital and revenue accounts have not yet been prepared and there is no clear-cut division of the transactions between the electrified schemes and the steam-driven part of the undertaking. Feeling that it is important that some comparison of results with estimates should be made as soon as possible and should be included in the report even if only approximate accuracy is attained, the Director has made his own assumptions in regard to the allocation of receipts and expenditure between the two systems and has put them forward for consideration by the Committee and the Railway Department with a view to arriving at some conclusion regarding the best method of apportionment of the figures. We have not had the time to examine the bases of the various assumptions which could be satisfactorily settled only after thorough discussion between the Railway Department and the Auditor General. The real value of the enquiry is to enable a comparison to be made of the present cost of working of the electrified system with what it would have cost in a normal year if there had been no electrification and steam had been employed, and the real question is whether the assumptions to be made are sufficiently accurate and are not too numerous to make any comparison of practical value. Having made this clear, we have left it to the Railway Department and the Director of Railway Audit to discuss the bases of the various assumptions and to furnish to the Committee a joint note next year as to the possibility of reaching some general agreement regarding the methods of calculation and the desirability of pursuing further the line of enquiry adopted by the Director in his report on the accounts of 1930-31.

15. *Other outstanding recommendations.*—We have considered the explanations furnished and the action taken in regard to the various outstanding recommendations from previous years and enclose as Annexure to our report a statement showing the items whose final disposal has to be watched through the quarterly list of outstandings prepared by the Finance Department of the Government of India.

Comments on matters arising out of the accounts for 1930-31.

16. *Certain handicaps in the existing system in regard to control of expenditure.*—

(a) *Form of Demands and Expenditure Abstracts.*—Our examination of the accounts has revealed certain serious defects in the existing system of railway accounts which make it difficult for the administrative authorities to keep the expenditure within the scope and limit of the individual demands voted by the Legislature. The classification of expenditure represented by the Demands for Grants does not follow the classification of expenditure in the initial working accounts, on which current control by the administrative and executive authorities is presumably based. The difficulties inherent in the present system are lucidly set forth in paragraph 23 of the Director's Report and Mr. Badenoch has suggested that probably the ideal arrangement would be to frame a separate grant for working expenses for each railway. We have examined this question very carefully and we do not recommend any alteration in the structure of the main demands for grants against which

[Sir Alan Parsons.]

the Controller of Railway Accounts conducts at present his appropriation audit for all railways taken together, as in our view this arrangement is suitable for purposes of discussion in the Legislative Assembly. We, however, entirely agree with the Director of Railway Audit that it is imperatively necessary that the arrangement of the working accounts and the sub-divisions of the Demands should correspond so that administrative and executive authorities may have no difficulty in carrying out the wishes of the legislature. Having laid down the principle, we leave the details to be worked out in mutual consultation by the Railway Department and the audit authorities and reported to the Committee in due course.

17. (b) *Separate demands for strategic lines.*—Another difficulty which has been referred to by the Director of Railway Audit relates to the presentation of two separate demands for revenue expenditure for strategic railways and for the Railway system of which they form part. Expenditure on the whole system is booked in one set of accounts and only a small portion of it is capable of direct allocation to strategic lines. The rest of the expenditure is distributed between strategic railways and the main system according to certain formulæ. We were informed that the major part of the control of expenditure on strategic railways could only be exercised through the general measures of control over the main system and that the expenditure against the existing separate demand for strategic railways is not really controllable. It is admitted that as under the present convention the loss on strategic railways is chargeable to general revenues, there should be a separate account prepared of the transactions of these railways. We think the legislature will be satisfied if this information about the working results of strategic lines is given in a separate appendix to the Demands for Grants and, subject to this being done, we recommend that the separate demand for grant for strategic lines be done away with.

18. (c) *Control of capital expenditure on open line works and expenditure from depreciation fund.*—The Director of Railway Audit has also suggested that it would be more satisfactory from all points of view if the two Grants, Nos. 8 and 10, relating to capital expenditure on open line works and expenditure from the depreciation fund, respectively, were combined in one grant. In the words of the Financial Commissioner of Railways “the present division is utterly futile for the purpose of control of expenditure, for once a work is started it is only the total amount of expenditure that can be controlled; it is not possible to control the depreciation fund expenditure separately because the total amount chargeable to the fund is a fixed amount and not subject to any control by any authority whatsoever, being the original cost of the work; nor can the expenditure in a particular year be controlled because while the total expenditure is susceptible of increase or reduction by a variation in the rate of progress of the work, the distribution of this expenditure between capital and depreciation fund cannot: it is fixed according to the allocation in the estimate. Finally, while the works programme shown in the Pink Books shows the distribution between capital and depreciation fund under each item of work, the total expenditure under Demand No. 10 is distributed under the various sub-heads corresponding to Demand No. 9—Appropriation to the Depreciation Fund, that is, the various classes of railway assets. One result of having separate grants for expenditure from capital and expenditure from the Depreciation Fund is that in many railways it has often happened that necessary adjustments between capital and Depreciation Fund have been postponed, because the administration fear that the grant under depreciation may be exceeded if the necessary adjustment

was made. For the purpose of control of expenditure, the total expenditure on the work is even now the main criterion, but the two demands have been kept separate because of the different sources from which funds are provided." We agree entirely with this criticism and recommend that the two Demands be combined into one with effect from next year.

19. We do not think that it will be possible to give effect to the recommendations in paragraphs 16 and 17 in the accounts and estimates of next year. We have therefore suggested that we should be supplied next year with skeleton forms of Demands for Grants, Appropriation Accounts and Working accounts prepared on the basis of our proposals and that we should be given a final opportunity of expressing our views on those forms before they are actually introduced in 1934-35.

20. *Further simplification of the form of the appropriation accounts.*—We have also considered in this connection certain suggestions made by the Financial Commissioner for simplifying the present form of his Appropriation Accounts. Taking the accounts of 1930-31, they begin with a synopsis of the causes of variations in regard to each sub-head and continue to explain in separate addenda to the appropriation accounts the details in regard to individual railways. These addenda cover considerably more than half of the publication and are reported to have involved a considerable amount of labour. The Financial Commissioner has proposed that in future each railway administration should prepare its own appropriation accounts which would be placed before the Public Accounts Committee as addenda to the main Appropriation Accounts and that the compilation of the Financial Commissioner of Railways would only furnish the summary explanations for all railways taken together under the respective sub-heads. As pointed out by the Auditor General, the pink books of Demands presented to the Assembly have no counterpart in the appropriation accounts and the suggested arrangement, while conforming to orthodox doctrine on the subject, should prove economical as regards labour and probably cost. We have, therefore, no hesitation in accepting these proposals, especially as they mean no reduction in the information given to the Assembly.

21. *Efficiency of internal check conducted by the Railway Accounts Department.*—Subject to our comments below, we agree with the Director of Railway Audit that the work of the internal check authorities has been generally satisfactory. The fact that numerous irregularities are brought to notice year by year in the Director's report does not necessarily indicate weakness in internal check but rather illustrates its vigilance.

22. *Chief accounts officers and their use as financial advisers.*—The Director of Railway Audit has observed that there is room for improvement in the relations between the accounts and executive authorities and although we were assured that this was the main objective of the scheme of a separated accounts department on railways and that this objective was being gradually attained, we found both in regard to control of expenditure and the various cases of frauds and irregularities noticed in the Director's report that sufficient use had not been made of the chief accounts officer as the principal financial adviser of the railway administration, and that this lack of complete liaison between accounts and executive offices was particularly felt in connection with relaxations of agreements with contractors which were permitted by engineering officers. We are glad to note that the Railway Department has issued instructions to all railway administrations emphasising the necessity for close co-operation between accounts and executive officers and of scrutinising most carefully in consultation with the financial adviser of the administration, viz.;

[Sir Alan Parsons.]

the Chief Accounts Officer, all payments to contractors not admissible on a strict interpretation of the terms of the contract.

23. *Inspections of railway offices by the accounts department.*—According to the Report of the Director of Railway Audit several account offices found it difficult during the year to work up to their programme of inspections. We were informed that this was due to lack of requisite staff but that a combined effort was being made as an *interim* arrangement during the current year by the accounts and audit offices to cover the ground as far as funds permitted. We think that it is highly desirable that arrangements should be made for the inspection of all railway offices by the officers of the accounts department at reasonable intervals. The advantages of periodical inspection, particularly an occasional surprise inspection, have been impressed by the Railway Department on both accounts and administrative offices.

24. *Maintenance of capital and revenue accounts of buildings on railways.*—One important defect noticed by the Director of Railway Audit in his Report relates to the want of reliable and complete capital and revenue accounts of residential buildings and the difficulty in their absence of railway administrations giving effect to the declared policy of Government in regard to the provision of quarters on State Railways. We were informed by the Financial Commissioner that instructions have already been issued (in March 1931) that except on two Railways, the Burma and the Great Indian Peninsula Railways, capital and revenue accounts of residential buildings should be prepared and maintained by classes of buildings (*viz.*, those in which rents are pooled) with effect from 1931-32. The Burma and the Great Indian Peninsula Railways had been permitted to postpone the introduction of these accounts for one year. As regards the East Indian Railway where the state of the registers was reported to be very unsatisfactory, we understand that the position has since considerably improved and that the preparation of the rent schedules has been completed and that these schedules are being checked by the Chief Accounts Officer.

25. *Contracts—(a) Call for tenders.*—We are grateful to the Director for bringing to our notice the fact that there is a most marked divergency between railways in regard to calls for tenders before works are given out on contract and that the system is practically non-existent on several important railways. The fundamental principles in regard to this matter were enunciated by the Government of India in the Finance Department as long ago as August 1929 in a Resolution issued in pursuance of certain recommendations made by the Public Accounts Committee. Copies of this Resolution were endorsed to the Railway administrations by the Railway Board in September 1929 and detailed instructions on the subject were promised at the same time. We understand that these instructions are now ready for issue and in fact we were given by the Financial Commissioner an opportunity of looking into and criticising the draft rule dealing with the system of calling for tenders. We recommend that the general rule should provide that tenders shall be called for in all cases where works are given out on contract except where, for reasons which shall be recorded and communicated to the Chief Accounts Officer, the Agent decides that it is not practicable or advantageous to call for a tender.

26. *(b) Relaxation of agreements.*—A number of cases of such relaxation have been brought to our notice by the Director of Railway Audit. We must confess that we do not see eye to eye with the railway administration in regard to the equity of certain payments mentioned in the Report and made outside the terms of the original contracts. For example, the higher payment in one

case has been sought to be justified on the ground that the contractor who accepted the original rate in the contract had had no previous experience of the work, that the higher payment had been claimed immediately after the commencement of the work when the difficulties were realised and that even the higher rate, according to the Chief Engineer of the particular railway, would not have left to the contractor any margin of profit. We do not think that the railway is concerned with the profit or loss to the contractor who should be left to take the risks as well as the expected profits. In our opinion departures from the strict letter of the agreement could normally be justified only in those instances where, for example, strict insistence on the terms of the contract would lead to the contractor resiling from his contract and the result would involve large expenditure to Government in the long run. Each case would require expert financial advice. We are glad to note that definite instructions have now been issued that the higher administrative authorities on each railway should judge impartially each case of departure from the original terms of the contract and not agree to any proposal to vary the terms of a contract resulting in additional expenditure without consulting the Chief Accounts Officer of the railway as their financial adviser.

27. (c) *Proper form of contract.*—A fruitful source of overpayment is the absence of written agreements for contracts, both originally and in regard to subsequent modifications. Verbal contracts are still common in spite of numerous instances of nugatory expenditure to Government entailed thereby and brought to notice in the report of the Director of Railway Audit from year to year. We note that the Railway department have now issued strict instructions emphasising the necessity—

- (i) of settling, before a work actually let out on contract is commenced, the terms on which it is let, and of expressing these in the form of a contract drawn up where necessary on legal advice ; and
- (ii) if and when necessity arises to modify such terms, of reducing these modifications to writing in proper form.

28. *Over-capitalisation on railways.*—The Director of Railway Audit has touched on some aspects of over-capitalisation on railways in paragraphs 208 to 213 of his Report and has made a few suggestions for counteracting this tendency, the feasibility of which the Financial Commissioner has undertaken to examine. The Auditor General has drawn our particular attention to the very wide questions of general principle raised in the following sentence in paragraph 213 of the Director's Report :—

“ the growth of railway capital under a system by which all differences between replacement cost and original cost and all betterments are charged to capital, while the increasing total of the capital account is not checked through any scheme of amortisation, would seem to render advisable an early re-examination of the separation convention.”

He has added that it is a matter of immediate importance that Government should take steps to reach a decision about the rules which should govern in the future the allocation between revenue and capital, expenditure on renewals and betterments, amortisation of railway debt, and so forth. We agree with the Auditor General that an early settlement of the permanent basis on which Works expenditure should be charged to Capital, to the Depreciation Fund and to Revenue is desirable ; for it seems to us that, whatever

[Sir Alan Parsons.]

the future arrangements for the administration of Railways may be, this question will have to be settled before the financial effect of the new arrangements can be ascertained. We recommend, therefore, that it should be taken up immediately.

29. *Regularisation of expenditure on a 'new service'*.—Before we conclude we should refer to an important question relating to the regularisation of expenditure on "a new service", classified as 'new service' by the Public Accounts Committee *ex post facto* long after the expenditure had been actually incurred. The procedure that was originally proposed to be adopted by Government is explained in the orders quoted below *in extenso* :

"During the currency of the year, expenditure upon a new service not contemplated in the budget of that year, has to be covered by a specific vote from the Legislative Assembly. This vote has to be for the full amount of the expenditure if no savings exist to meet it, *vide* rule 50 (1) (ii) of the Indian Legislative Rules. When funds to meet the expenditure can be made available by re-appropriation, a demand for the grant of a token sum only may be submitted to the vote of the Assembly under proviso to the same rule.

"After the close of the year, rule 49 of the Indian Legislative Rules provides for the presentation of demands for excess grants. This rule is expressed to apply 'when money has been spent on any service.....in excess of the amount granted for that service'. These words clearly postulate that some amount has been granted for the service on which excess expenditure is incurred and consequently have the effect of excluding the case of expenditure on a new service from the operation of that rule. It is clear, however, on a comparison of rule 49 with sub-rule (1) of rule 50, that the omission to provide in rule 49 for the case of expenditure on a new service is in the nature of a lacuna. As it is not considered worth while to propound an amendment of the rule at this juncture, it has been decided to treat rule 49 as applicable in the case of expenditure on a new service and to apply the rule in such cases as though it contained a proviso corresponding with the proviso to sub-rule (1) of rule 50 of the Indian Legislative Rules."

At our instance the proper procedure to be followed in such cases was discussed by our Chairman with the Hon'ble the President of the Legislative Assembly. We agree with their conclusion that under the Government of India Act the action must be regularised by obtaining the formal approval of the Legislative Assembly to the whole expenditure and that in future, if there be any case of new service in the appropriation accounts of a year, the usual form of the Resolution for taking the report of the Public Accounts Committee into consideration should be expanded so as to include "and that the Assembly do approve the expenditure of Rs.....on.....".

30. We append to our report minutes of the proceedings which we consider should be considered as part of the report. We assume that in accordance with the established practice action will be taken by the Department as necessary on the observations and recommendations contained in those paragraphs.

31. We wish to express our appreciation of the valuable services rendered to us by our Secretary, Mr. Aravamudha Ayangar, both during our sittings and particularly in the preparation of the minutes of our proceedings and of this Report.

A. A. L. PARSONS.

B. DAS.

ABDUL MATIN CHAUDHURY.

M. A. AZIM.

M. C. RAJAH.

ISMAIEL ALIKHAN.

S. C. MITRA.

MOHAMMAD YAKUB.

J. RAMSAY SCOTT.

R. D. DALAL.

V. K. ARAVAMUDHA AYANGAR,
(Secretary.)

[Sir Alan Parsons.]

32. The non-official members of the Committee desire to record their appreciation of the ability, energy and tact with which the Chairman conducted its deliberations. His wide and intimate knowledge of different branches of financial administration has been of valuable assistance in expediting the work of the Committee.

B. DAS.

ABDUL MATIN CHAUDHURY.

M. A. AZIM.

M. C. RAJAH.

ISMAIEL ALIKHAN.

S. C. MITRA.

MOHAMMAD YAKUB.

J. RAMSAY SCOTT.

R. D. DALAL.

Dated the 15th November, 1932.

ANNEXURE.

(Referred to in paragraph 15 of the Report.)

(A) *Recommendations outstanding from previous years.*

(1) Issue of rules regulating the custody and relinquishment of railway lands and buildings (Item 77 of Appendix I).

(2) Continuance of the special rates and concessions for Military traffic obtained by the Military Department from the Railways (Item 80, *ibid*).

(B) *Our Recommendations in the current Report.*

(1) Submission of a statement of the actual action taken on the proposals for retrenchment made by Mr. Badencch in his report dated 26th April 1932 [Paragraph 13 (iii) of the Report].

(2) Submission of a joint note by the Railway Board and the Director of Railway Audit as to the possibility of reaching some general agreement regarding the methods of calculation and the desirability of pursuing further the line of enquiry regarding the financial results of Railway electrification schemes adopted by the Director in his Report on the accounts of 1930-31 (Paragraph 14, *ibid*).

(3) Report of the detailed action taken in pursuance of the principle laid down by the Committee regarding correspondence between the arrangement of the working accounts abstracts and the sub-divisions of the Demands (Paragraph 16, *ibid*).

(4) Supply to the Committee of skeleton forms of Demands for Grants, Appropriation Accounts and Working accounts prepared on the basis of Committee's proposals (Paragraph 19, *ibid*).

(5) Settlement of the question of the permanent basis on which Works expenditure should be charged to Capital, to the Depreciation Fund and to Revenue (Paragraph 28, *ibid*).

(6) Supply of certain information regarding railway advertisements given to newspapers (Paragraph 3, Proceedings).

(7) Necessity of laying down some procedure as soon as possible calculated to obviate the present delays in the apportionment of joint station expenses between railways (Paragraph 46, Proceedings).

(8) Submission of a report on the extent to which it is found feasible to adopt the various suggestions of the Director of Railway Audit made in paragraph 28 of his Appropriation Report for 1930-31 with a view to expediting the submission of monthly accounts (Paragraph 63, Proceedings).

THE CRIMINAL LAW AMENDMENT BILL.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Further consideration of the motion that the Bill to supplement the Criminal Law, as reported by the Select Committee, be taken into consideration, and the amendments moved thereon.

Diwan Bahadur T. Rangachariar (South Arcot *cum* Chingleput; Non-Muhammadan Rural): Sir, I have given the subject of this Bill my most anxious consideration, and I may say at once that I fully appreciate the point of view of the Honourable the ~~Home Member~~ in putting forward this Bill for the acceptance of this House.

This is the first time that this House is called upon to endorse the principles underlying a Bill of this sort. It is, therefore, up to us to examine the principles with care and anxiety before we commit ourselves to the Bill, because the declared object of this Bill is to suppress the civil disobedience started by the Congress.

So far as I recollect, the civil disobedience began with the Congress on account of the introduction of the reforms under which we are now working. Diarchy was condemned by them and they refused to have anything to do with it; that is how the non-co-operation movement began, and following that, civil disobedience came in its wake.

We must take care that we do not commit the same blunders—when I say “we”, I am also speaking on behalf of the Government, I consider myself a part of the Government in this country—we must take care that we do not commit the same blunders as we did in forcing down the throats of the people the diarchical system. Now, Sir, nobody comes forward to support the diarchical system of Government, and they all recognise that it was a great blunder which was made. They are, therefore, busy making a new form of Government, and I hope it will be satisfactory to the people. At a time like this, we have to examine the situation carefully. When you are going to introduce, I hope, a popular form of Government which will be liked by the people and which will be worked by the people, it is up to us not to irritate the people. You must create an atmosphere, if it is not impossible, in order that they may be in a position to receive the reforms heartily and work them willingly.

This measure, which is before the House, is bound to produce irritation in the minds of the people. Unless, therefore, a case of absolute necessity is made out, I do not think that this House will be justified in sanctioning such a measure. It will be unwise from many points of view to do that. Undoubtedly the Ordinances were enacted by His Excellency at a time when there was emergency. I think it is admitted on the part of Government that the movement has been brought under control, if not extinguished already. I think the Government may well congratulate themselves on the results achieved so far. What they have to satisfy us about now is, whether the same necessity exists now for this measure as existed in the beginning of this year. I think the Government are not advancing any such argument in support of this measure. They consider it will be wise precaution to keep this weapon in their hands in case the civil disobedience movement shows signs of revival or rather intensive activity in the future. It all depends upon what form of Government we are going to get. If the form of Government is going to be satisfactory to the people and we want the co-operation of the people very much, it is far

better not to have this weapon in our hands and threaten them by saying "Either you like the reforms we are going to give you, or we have this weapon to suppress you". That is how I read the object of this measure. That ought not to be the attitude of a wise Government. You cannot continue to govern the people against their will. You may do so for a time. You cannot be guarding your houses with police constables in front and behind as Honourable Members opposite are obliged to do. You cannot shut the public roads in order to enable His Excellency the Viceroy to move about freely. That is an unhappy state of things which we must do everything in our power to remove. His Excellency is obliged to travel by air in order to avoid the expense of having police guards every half a furlong. Why should that be so? Is statesmanship wanting? How long are you going to continue this state of affairs? That is the question I ask the Government to put themselves. I do not deny there is some justification for some, at any rate, of the provisions contained in this Bill. Justification is one thing, but the necessity for the same is quite different. There is, on the part of Government, unfortunately, a growing distrust or rather irreverence for the rule of the law. We are brought up in the rule of the law, and what does it indicate—security of person and property, equality in the eyes of the law of all persons and resort to ordinary laws and ordinary procedure. All that is sought to be done away with by this measure now before the House. You want Special Magistrates, special procedure without liability to account for excesses on their part. That is the sort of weapon which the Government want to arm themselves with. I have heard a good deal about oriental despotism and continental methods of administration, but we want British institutions, not continental administration or oriental despotism. The measure now before the House smells of both. They have borrowed their weapon from the continent. They have imbibed their spirit from oriental despotism from their association with the East. What is it that they are doing now? You are demoralising yourself, you are demoralising the people, and you are demoralising your officers. A thirst is being created for extraordinary arbitrary power. It is just like drink evil or any other thing which you may indulge in. Once the taste is created, it is difficult to eradicate that. It is far better that we do not begin to indulge in such things. Has the ordinary law been honestly tried? The terrorist movement is quite a different thing. I have heard some Honourable Members refer to the terrorist movement in this connection. That is dealt with separately. This Bill does not touch it. There is another fact which we have to remember. So far as direct action is concerned, I find the Local Governments are taking steps to arm themselves with special measures to deal with local conditions. I see that has been done in various provinces, in Bengal, in Bombay, in the United Provinces, and also in the Punjab and the Frontier also, I am told. Local evils, such as they are, are being combated by measures which are passed in the local Councils. Here we are asked to clothe the Central Government and other Local Governments with reserve powers.

There are certain provisions to which one need not take exception, for instance, the attempt to dissuade the people from entering the military or the police service. My only objection to it is that it is unnecessary and uncalled for. I do not think the evil is so great, but, however, Government may be in possession of facts; but the other clauses of the Bill are pernicious, vicious in principle, they are mischievous enactments.

[Diwan Bahadur T. Rangachariar.]

That is how I view the question. Although the Ordinances were not intended to suppress the ordinary political life in this country, the way in which they have been worked in various parts of India has really suppressed even legitimate national movements. It is very difficult to get up meetings. The so-called moderates and liberals are afraid to come out and even to speak about local grievances. The depression in the political atmosphere is unprecedented. I remember the anti-partition agitation days. I remember the Tilak days. I never found the political depression so intense as it is today. It is hardly possible to get up meetings. People are afraid to give expression to their views. You want frank expression of our views. It would not do to live in Delhi or in the heights of Simla and say everything is all right and smooth. Yes, things appear calm on the surface. You have got what Lord Irwin called the calm of the desert. Is that what you want? Don't you want your people to be self-reliant, to be manly, self-respecting, so that they may take and enjoy the new reform movement. I want the Government to consider this aspect of the case.

These weapons that you are going to give to your officers will be used not so much by the Civil Service, as by the policeman. The policeman in this country is not an ideal person. Notwithstanding all the encomiums which unfortunately my friends on the opposite

12 Noon. Benches are obliged to shower upon the police in season and out of season, it is one of the misfortunes they are labouring under: they have to praise the police and they have to praise the military, because they depend upon them for their very existence. Sir, is that the way a Government is to be carried on—to be at the mercy of the police, and to have to commend them in season and out of season? It is all very well to say: "Oh, yes, you have got your right of complaint against excesses". Sir, the remedy, whatever it is, is tardy, unwilling and quite out of proportion to the offences committed. You have not Thompsons such as we got in Madras to take speedy and swift notice of all errors on the part of the magistracy or the police. Sir, this remedy is a very tardy recognition of the grievances of the people against the police. You cannot have a remedy in the Courts against excesses, and the departmental remedy is meaningless, absolutely ineffective. It takes months and months before they investigate, and, after all, what is the investigation? Behind the back of the complainant, the District Magistrate or the District Collector makes an inquiry and makes a report and the Home Member stands in his place in the local Council and tries to defend them as much as he can. That is the real state of things. We, who live with the people, know it. You are not in a position at all to know what is going on. Sir, the spirit is being killed, the national spirit is being killed. We see it with our eyes open, day by day, day in and day out. It is all very easy for my Honourable friends of the European Group to say what they like. They are lovers of liberty, lovers of liberty of the person, of security for property and of freedom of talk and of freedom of the press. These are all their birth rights. These are not guaranteed to you by any constitution. It is there in your very blood and you carry it with you wherever you go, and any attempt on the part of any Government to trifle with it will be resented by you. I daresay, those of you, who follow the Indian press carefully, cannot help noticing how they avoid free criticism on all controversial topics; they are not able even to report proceedings of

meetings, as, if they do so, their action is construed into an attempt to support the civil disobedience movement. Sir, the leading Indian papers in Madras, which have got a vast influence, when troublesome subjects crop up, what do they do? They write articles on Timbuctoo or Batavian oranges or something of that sort. (Laughter.) They avoid the subjects which intimately concern the people: they are afraid to write! That, Sir, is the spirit that has been instilled into the press. Sir, is that a welcome state of things, I ask?

I do not deny there is some tyranny on the part of the Congress, but I refuse to associate them with any murders or any violent campaign, or things happening in Bengal which your inefficient police is unable to trace. Sir, that is going on in Bengal for years and years, and they have tried all these means. Have they succeeded in unearthing these plots? They come from somewhere, nobody knows from where and they go on merrily. I do not blame the Indian Executive. The Executives all over the world are naturally desirous of power, arbitrary power. They are anxious to use their power, thinking that, by that means, they will be able to kill the movement, but that is a mistake. Statesmen recognise it, they recognise that it is always a mistake. Sir, I consider this measure vicious in principle, uncalled-for in certain respects and—what I dread most from past experience,—most mischievous in its effects. Well, it may do some good possibly to protect my Honourable friends who spoke in support of the measure against the tyranny of the Congress, but it will create another tyranny. Do my Honourable friends recognise that another tyranny, a more powerful tyranny, more extensive in its effects and more intensive in the mischief it can cause, will thus be brought into being? Government have to recognise these facts. Sir, why not try another course? The Congressman is in a chastened mood, and the acting President, Mr. Rajagopalachariar, is out for the last three or four months, is going about the country. Other people are out; no doubt some people are in; but, on the whole, do not my Honourable friends recognise a change in the mood and in the tone they are adopting in their public activities? Why not give them a chance? Then we shall also do our little bit. But you cripple us in our capacity for inducing them to take a less objectionable course. Now, if we endorse this Bill, what happens? We play into your hands and we give them more material; and when I go and talk to my friend, Mr. Rajagopalachariar, he says: "What is the good of your talking, you are powerless to induce your Government to change their manners. What is the good of your talking to us and asking us to change our manners?" Well, how do you help us to do that, I ask in all seriousness? Is this the way to treat movements of this sort? Sir, it is not. Look at the way property is seized! I know in Madras there was an Exhibition going on under the auspices of the Madras Mahajan Sabha for local exhibits. One fine morning, the police come and take possession of the building—an exhibition in which Indian goods were being exhibited! They confiscated the property. Now, the Government say that the Congress has not been declared unlawful, but the Congress Committees have been declared unlawful. What a fine distinction, I cannot understand. In that way, they seize property, and what is the remedy given even under the Bill modified, as it is, by the Select Committee? No efficacious remedy at all. What is there to show to the District Magistrate or the District Collector who seize

[Diwan Bahadur T. Rangachariar.]

the property that it is not liable to seizure,—how is the man concerned to show that? A committee is declared an unlawful association behind the back of the people, by a Government, a Member sitting in his chambers acting on the report of the District Magistrate, who again acts on the report of the District Superintendent of Police and who again acts on the report of the Deputy Superintendent or the Inspector of Police for the time being. What is the safeguard? Won't you call it robbery if I or you did unfortunately take hold of other people's property without a trial? Is that the sort of security that we are going to enjoy? It is said, the duration of the Bill will be only for three years. Sir, I would not tolerate such a situation for three minutes. Sir, I am so anxious to secure the credit of this country. Sir, we have enjoyed the liberties of the British citizen for so long, and we want to continue to enjoy them and not to have them endangered in the way in which this Bill tries to do. I do not think, Sir, that the situation in the country is so grave as to call for this measure at the present day, whatever may have been the state of things some time ago.

Sir, on these grounds I will ask the House to reject this measure. Let us get on with our ordinary laws. There is no danger in front of us and we are running no risk. We have survived the Congress and we will survive the Congress movement for many a year to come. Let us get into the smooth and peaceful atmosphere. Let us try to win over the co-operation of the people. How are you going to get the co-operation of the people if you irritate them by passing measures of this sort? You will not get it. On the other hand, you will alienate them more and more. That aspect of the question, Sir, I hope, will appeal to the Treasury Benches. They will consider twice, thrice, nay ten times, before they ask this House to accept this measure. Such a measure and such a weapon should not be used. If you once have it in your hands, the temptation will be so great that it will be difficult to resist the resort to it. It is not the six Honourable Members who sit here who will have the control of these things. It is the local deputies; the Deputy Superintendents of Police and the Inspectors of Police who will be in charge of these things. I can appeal to the experience of my Honourable friends, especially the Indian Members in the Executive Council, how these things can be used, abused and ill-used. Excesses, Sir, in the name of law have been many indeed. Will you be surprised to hear, Sir, when I say that the first intimation I had of my having to take part in a meeting was by a notice served on me by the Commissioner of Police, Madras? Myself and Sir C. P. Ramaswami Aiyar, who had just then retired from the Home Membership of the Government of Madras, were in our chambers doing our work quietly and we were told that we were going to take part in a meeting that evening of which we had not the remotest inclination. Sir, that is the way the police work. There is no wonder if people distrust them. Let us do our little bit. I do not mean to say that the Government are not anxious about this measure. They are naturally anxious to help the people, but that is not the way to help them. Sometimes remedies are far worse than the diseases themselves. They want to cure. As I said, just a few minutes ago, you are demoralising yourself and also demoralising your officers who are now guided in their administration of justice by the Criminal Procedure Code. You want them to ignore the provisions of the Criminal Procedure Code. They forget that they are

under the rule of the law. They have now begun to think that they are above the law. That is the spirit which you are engendering in the minds of your executive officers. All this is a source of danger; the risk is too great; the result will be too small. So, considering the matter from every point of view, I will press upon this House, especially the elected Members, not to vote for this Bill. I will press upon the European Group, especially my Honourable friend, Mr. James, who, I know, can go as safely in the heart of the black town as any Indian brethren, not to vote for this Bill. We have often gone together in the streets of Madras without any fear. It all depends upon the situation we create and upon the atmosphere we create. Let Mr. James and his colleagues in the European Group speak as he did on the Nilgiris, only, I think, two weeks ago.

Mr. F. E. James (Madras: European): May I remind my Honourable friend that I was stoned by the civil disobedience mob in 1930?

Diwan Bahadur T. Rangachariar: Then perhaps you were not the same Mr. James as you are now. That is how I read it. You were then new from Calcutta and they misunderstood you. Now, Sir, I do want to impress this aspect upon the House. This Bill is uncalled for, unnecessary and untimely and I consider it most inopportune just on the eve when you are sending people at a great expense to the Third Session of the Round Table Conference. What is it that they are going to bring and for whom they are bringing it? Is it for the police or is it for the District Magistrates or is it for the people of the country? Do the people of the country count at all or not in your eyes? Are you going to govern them with their sanction, will and co-operation, or are you going to govern them with the will of the police and the Military? That is the direct question I put to the Government. Sir, I consider this measure as vicious, uncalled for and untimely and I would beg of the House to reject it altogether and not resort to the dilatory motion of circulation or a Select Committee. (Applause from Non-Official Benches.)

Sir Leslie Hudson (Bombay: European): Sir, I rise to oppose both the amendments which have been moved and so eloquently supported by my Honourable friends to my right. It seemed to me, Sir, that the course of the discussion wandered somewhat from the particular essence of the amendments, namely, firstly, that the Bill should be circulated for opinion and, secondly, that it be sent back to the Select Committee for further consideration. The debate wandered sufficiently for my friend, Mr. B. Das, to deliver most of the speech which he had evidently prepared for the short notice question which he was unable to deliver a day or two ago.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): The Honourable Member ought to know that he was speaking on the main motion.

Sir Leslie Hudson: And other Honourable Members drifted, if I may be allowed to say so, some little distance from the wording of the amendments.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Chair does not wish to interrupt the Honourable Member when he is making his maiden speech; but the Chair would like to point

[Mr. President.]

out that the discussion which was now proceeding was not only on the amendments, but also on the original motion and the whole subject was before the House.

Sir Leslie Hudson I beg your pardon, Sir. Now, Sir, the Mover of the first amendment and several of those who followed him stated with great emphasis that by the Ordinances, only a few of which are embodied in this Bill, Government were terrorising and punishing ignorant people. That is not the fact as Honourable Members are fully aware. The Honourable the Diwan Bahadur has said that Congress are not behind terrorism; the Congress do not stand for murder and violence. The Honourable the Diwan Bahadur must have read the Congress bulletins which have been showered over the land full of incitement to bloodshed, to murder, full of vilifications of the British Government, the British people and not only them, but those innocent people of this land who are crushed under the yoke of the Congress and are afraid to raise their voices. No innocent law-abiding person has any reason to fear the effect of these Ordinances or of this Bill. It is only those misguided folk who have suffered themselves to be carried away by the specious and lying utterances of the Congress, that party which has declared war on the Government of this country and which has preached defiance of its laws in its advocacy of civil disobedience. Well, Sir, war entails the use of weapons by both sides and, against the weapons of disorder and anarchy, it is surely the duty of the other side to arm itself with such weapons of offence as shall secure some measure at least of victory and which shall allow the law-abiding folk the liberties they are entitled to. One of the measures in any kind of warfare is to dispossess the enemy, so far as may be possible, of the sinews of war.

I cannot see that any person or the Editor of any newspaper, who may be guilty of action liable to bring the Government of this country into contempt, can complain when Government take the necessary powers to enable them to make a counter-attack. We have heard, Sir, vehement oratory in defence of boycotting and picketing, both weapons, it has been admitted on the floor of the House, initiated by that party which has declared war on the Government of India. The Congress, I maintain, are equally behind boycotting, picketing and terrorism, and Government are right in taking powers to combat those methods of coercion. My Honourable friend, Mr. Das, raised before the House a picture of so-called patriotic young men and women who have taken part in these acts of coercion and violence. He did not mention the fact that most of the casualties in this campaign have been young persons paid by the Congress party to commit acts which have inevitably led to bloodshed and imprisonment.

The Honourable the Mover of the first amendment and others made the statement that Government, by this legislation, were forcing a measure on the Federal Assembly that is to be, which that body would be unable to repeal owing to the fact that, firstly, the Federal Council of State would be sitting in revision over the new Assembly and would throw out any such repeal, and, secondly, that, so he assumed, the Governor General would exercise his veto. I would suggest that the Honourable Member apply himself to the study of the reports of the two Round Table Conferences which should correct his pessimism in this regard.

Another point made by several Members has been that Government should relinquish the weapon they have in this, so-called, repressive legislation and should settle the war by conciliation. Sir, conciliation has already been tried, and with what effect? In the Presidency of Bombay, it has proved only an incentive to further encroachment by the Congress on the liberties of the subject with a result to the trade of the City from which I come which he who runs may read.

My Honourable friend, Mr. Ranga Iyer, who, as one of my friends said yesterday, had evidently modelled his trenchant oratory on that of Mr. Winston Churchill, or was it that of the late Lord Birkenhead, Mr. Ranga Iyer in the course of his speech stated that he stood for an attitude of goodwill. That most excellent standpoint was, however, somewhat stultified by his statement a little later that the vernacular press of this country was debarred, by the terms of the Bill, from the right which he claimed for it, of stirring up the people. Sir, this stirring up of the people by false rumours and glaring misrepresentation is one of the chief weapons which the Congress Party use to prevent the carrying out by the Government of that law and order which is necessary for the preservation of the lives and liberties of His Majesty's subjects from the highest to the lowest. And the latter, the illiterate and largely non-vocal tillers of the soil and the backbone of the country, are, it will be admitted, the chief objects for the present Government's concern.

Sir, the object of this Bill is to strengthen the ordinary law so as to prevent activities in support of subversive movements which do not come within the letter of the existing Criminal Law. It has been said in this House, on a previous occasion, that the civil disobedience movement in its main activities is the result of a lawyer's study of the defects in the existing law. This Bill goes a certain way, I am not prepared to say all the way, to stop loopholes in the present law of the land. In my opinion, its provisions are not so much repressive as deterrent and are a warning to the misguided section of the public, misguided by the Congress into breaking the law, of what will happen if they persist in endeavouring to make the carrying out of law and order impossible. The history of the vernacular press in the last 25 or 30 years is well known to you, Sir, and to this House and I will not burden you with repetition. I do not propose to give instances, of which there are legion, of objectionable writings by which it has been the object of the Congress to spread disaffection. I will merely say that the existing law is inadequate to deal with the consequences of the decadence of the tone of that press which has come about since the repeal of the Press Act.

One of the worst forms of spreading disaffection—a term which has been described by a well-known Chief Justice as “a feeling contrary to affection, in other words, dislike or hatred”—has been the dissemination by the Congress of false rumours with the object of undermining the loyalty of the army. Soldiers, who are, in the main, simple folk, have been unable to understand the immunity enjoyed by agitators who spent their time preaching against the Government, and by the press whose columns were filled with misrepresentation and false statements calculated to undermine the loyalty of the troops.

Sir, I see no reason for the circulation of the Bill, for its terms are well-known throughout the land and so are the reasons and the necessity of bringing these powers on the Statute-book. My Honourable friend,

[Sir Leslie Hudson.]

Mr. Lalchand Navalrai, has stated, with approval be it noted, that the amendments are merely dilatory motions intended by my Honourable friends opposite to inconvenience the Government as far as possible.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I did not admit that.

Sir Leslie Hudson: I think the Honourable Member stated so.

Mr. Lalchand Navalrai: I only said they were dilatory; I did not say they were meant to inconvenience the Government.

Sir Leslie Hudson: The Honourable the Home Member has already pointed out to the House that objections raised in the Select Committee were given full scope for discussion and these were met by sweet reasonableness by Government, as can be seen by the Bill as it now appears before the House. With regard to the Select Committee, further than to say that I fully support the declaration made yesterday by the Leader of the House, I will not refer to the unfortunate incident which occurred in that Committee. As regards the amendment of the Honourable Member, Mr. Thampan, I think my Honourable friend, Mr. Sen, has dealt with that quite effectually and I hope that the House will throw out both these delaying amendments without further waste of the time of the House. (Applause.)

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Before I go on to deal with the amendments or the main motion which is before the House, I should like to give the House certain facts about which a great deal of misapprehension has been created in the minds of Honourable Members by the Note of Dissent which has been appended to the Report of the Select Committee. I do not want to go into the details of the proceedings of the Select Committee

An Honourable Member: Why not?

Mr. Muhammad Yamin Khan: But as regards one incident which refers to me personally, I wish to make a personal explanation. I think it was not fair and proper on the part of some Honourable Members to have said something of the nature of half-truths. If they wanted to say anything at all, they ought to have told the whole truth and nothing but the truth.

Mr. A. Hoon (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): On a point of order, Sir. Is it or is it not a fact that you were pleased to rule yesterday that whatever transpired in the Select Committee should not be discussed on the floor of this House.

Mr. President (The Honourable, Sir Ibrahim Rahimtoola): That is the convention and it has to be respected by the House. But as so much has

already been said in regard to what happened in the Select Committee, the Chair desires to take this opportunity of explaining what the position of the Select Committee is. The procedure laid down in regard to legislation requires that the Bill should come to the House in the first instance. If the House agrees to the principle embodied in the Bill, they may refer it to a Select Committee for the purpose of saving the time of the House and facilitating consideration at a later stage. The Select Committee tries to reconcile the differences of opinion which may have prevailed at the time the Bill was under consideration of the House at the initial stage, and help to expedite public business. But it is only a reporting committee to assist the House in dealing with legislation. The supreme authority in regard to all these matters is the House itself, and if any differences of opinion remain unadjusted in Select Committee, Honourable Members can make minutes of dissent and appeal to the House for final adjudication. If these points are borne in mind, that differences of opinion in the Select Committee are not material so far as the passage of legislation is concerned, that the supreme authority in all such cases is the House itself, and that the House, when appealed to, will give careful consideration to every thing which may be brought to its notice before giving its final decision, much of the feeling that seems to exist and much of the discussion which has taken place can be avoided.

Mr. Muhammad Yamin Khan: Sir, I saw the secrets of the Select Committee as they appeared in the press from time to time with great regret, and it was pointed out even in the Select Committee that anything that took place in the Committee should never get out, because it was a confidence reposed in the members which should be respected. But, unfortunately, that trust was betrayed and, somehow or other, certain proceedings of that Committee were reported in the press. It should not have been done, specially because they were not full reports and all members would not have agreed to them. It was sheer propaganda of some members to get cheap popularity among the public. And the whole Committee agreed, at a certain stage, that no report should appear in the press, and if any report did appear, your protection would be sought against the paper which published these reports. As far as the press was concerned, I would have taken no notice of it, because it was a matter between the public and the whole House. But the House is possessed of a note of dissent which gives a totally different colour to the thing as to how the proceedings of the Committee were conducted and, it is only fair that the House should know the other side also. I will confine myself only to what concerns myself and leave aside the other incidents. On the 24th October, when the Committee met for the first time, I made a personal request that there should be no meetings on the afternoon of the 25th and 27th, because I had to go to Meerut to decide a communal question which vitally affected that city and which was left to my decision. Some members were of the opinion that there should be no afternoon meetings at all. This request of mine was accepted unanimously, and, on the 25th, there was no meeting in the afternoon. But there was an anxiety on the part of the Chairman of the Committee that the business should be finished within the time given by the House. On the 26th, I again requested that there should be no meeting on the afternoon of the 27th and a suggestion was made to me that as there

[Mr. Muhammad Yamin Khan.]

was a likelihood of a division on a particular clause which I was anxious to retain in the Bill and there was opposition from the other side

An Honourable Member: What do you mean by "other side"?

Mr. Muhammad Yamin Khan: I will explain to the walk-out Members if they will listen to me.

It was suggested to me that there was an Honourable Member who was anxious to go on account of a festival, and, as there was a different point of view, I made an offer that if he was willing not to vote on a particular clause on Thursday afternoon, I would not vote the whole day on Friday on which he wanted to be absent. When he was not willing, there was an Honourable Member who told me that he was willing to see that there was no voting on Thursday afternoon at all. When I came up on the 27th in the morning, that very Honourable Member, who had given me a guarantee that there would be no voting on the afternoon of the 27th, backed out and said that he thought I was referring to the next week, that is, November. That gentleman having backed out, I again made my request to the Chairman. I stuck to the request which I had made in the beginning and to which he had acceded. And the Chairman, in deference to that, as he had given—and it was also pointed out that other members of the Committee also wanted to go on some business, that was postponed; and it was not only conceded to me it was conceded to others also which the Honourable Members have not put it down that it was only in deference to Mr. S. C. Mitra's wish alone that he did not want to sit on Friday, while all other members were willing that the Committee did not sit on that day

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): I did not want any postponement. I did not expect any consideration for this.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Is it desirable to go in such minute detail into what happened in the Select Committee? The Honourable Member may, if he wishes to offer a personal explanation, make a brief reference to it; the Chair has listened to the Honourable Member on the subject for a considerable time and trusts that in view of the position explained by the Chair he will not be so elaborate.

Mr. Muhammad Yamin Khan: I only made this point, Sir, that whatever consideration was shown was not shown to particular members—it was shown to other members also; and to put it down that it was shown to any particular member, it is not fair and proper. Another point which has been made and which, I would like to show, is that it has been suggested that the Committee was so divided that there was a Government party and there was a non-Government party. I protest very strongly against the insinuations which have been made in this note; they are very malicious

An Honourable Member: You are protesting too much.

Mr. Muhammad Yamin Khan: . . . and they should not have come from any member who wanted to be fair and who wanted to

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I rise to a point of order. I have listened with very great patience to the very elaborate explanation which has fallen from the Honourable Member. If the Honourable Member persists, I think it will be your duty, Sir, to appoint a Committee of this House to inquire into the allegations made by my Honourable friend and traversed by the Honourable gentlemen on the opposite side, so that this House may be in possession of all the facts and in the meantime the business which we have got to do from day to day should be suspended.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair fails to see what the point of order is.

Sir Hari Singh Gour: The point of order is, if the Chair would allow a long and elaborate explanation on the part of Mr. Yamin Khan, would the Chair also allow an elaborate counter explanation on behalf of the gentlemen who wish to traverse any one of his statements?

Mr. S. C. Mitra: Certainly.

Sir Hari Singh Gour: In order to give the House all the facts, will you, Sir, appoint a Committee to go into the facts stated by one side and controverted by the other, so that that Committee may report as to which side is telling the truth and, in the meantime, the main business we have before this House be suspended?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member has still failed to satisfy the Chair that he has raised a point of order. The Honourable Member has made a suggestion which cannot be construed as a point of order. The Honourable Member is aware that when the Chair felt that the Honourable Member in possession of the House was a little too elaborate in his explanation, the Chair asked him not to go so elaborately into that aspect of the question. That was done only a couple of minutes before the Honourable Member thought fit to rise to the point of order. I have again to point out to the Honourable Member that it is desirable that the happenings of the Select Committee should not be dealt with so elaborately by any Honourable Member and that the motion and the amendments now before the House should now be discussed if he wishes to do so.

Mr. Muhammad Yamin Khan: Sir, one point which I wish to draw the attention of the House is this, that when it is suggested that this Bill be recommitted to Select Committee, it is a futile suggestion, because the Select Committee went through this very carefully and the Bill has been so much modified, according to the desire of the House, that there is no necessity of recommitting it to any other or the same Select Committee. It has not been so much modified that it should go back for circulation because the public opinion can be reflected here by the Honourable Members who are themselves the representatives of the

[Mr. Muhammad Yamin Khan.]

public; and they are in full possession of the facts and of the criticisms which have been levelled against this Bill. This is obvious by the very report and by the very changes which have been made in the Bill and which any Member can see by one glance, that all this matter which has been printed in italics, these are the changes which have been made in the Select Committee. Now, what are these changes? The foremost and the greatest objection to the Bill, as it has been originally introduced, was this that it sought to make a permanent law and sought to put on the Statute-book. No lawyer Member of the House was willing that any modification of the Indian Penal Code and of the Criminal Procedure Code which is the permanent law of the country should be allowed in the shape of the Bill as it was introduced at Simla. Now a glance at the Bill will show that it has been modified very carefully, that these provisions of this Bill are going to be no longer a part of the Indian Penal Code or of the Criminal Procedure Code. That was the Government's desire; and there was another desire on the Opposition side that these provisions should not form part even of the temporary law. As is quite clear from one passage in the note of dissent of certain members, their point of view was—they say:

"It may also be noted here that since those words were uttered, there has been no such material change in the situation that the ordinary criminal law of the land has not been able to meet it."

Further on, they say:

"The civil disobedience movement is only a means to an end. The object is to attain self-government rapidly."

Now, there was a difference, a fundamental difference in the opinions and the guiding principles of the two sides of the House. One side thinking that there was no necessity of any future legislation to meet a situation as has been created in the country; and the Government thinking that there was a necessity to meet these circumstances in such a way that it was not only desirable to place on the Statute-book temporarily, but the permanent law should be changed in order to meet this situation whenever it arises in the future. If these two irreconcilable principles were present in the minds of Honourable Members and if no party had agreed to yield, then there would have been two reports here. But what do we find? A *via media* has been adopted. These provisions do not find a place in the Statute-book permanently, nor have they been left out altogether. It was clear from the debate at Simla that the House was willing to concede those powers to the Government to meet the abnormal situation, because it was admitted that abnormal powers were needed to meet an abnormal situation, and those powers have been retained only to meet the abnormal conditions, and as it was thought that these abnormal conditions would remain till the new reformed constitution came, it was considered necessary to fix this period of three years. There are certain Members in the House who think that even three years is a very short period and the situation is likely to remain unchanged for at least five years. On the other hand, there are others who think that one year or even six months would be more than enough, but it was decided that three years should be fixed. This is a very important amendment which has been

made by the Select Committee, and it has been made only in accordance with the views expressed by certain Members at Simla. One fact, however, cannot be denied, and it is this, that the House had adopted the principle of this measure by a huge majority, the like of which never happened before in the life of this Assembly,—the majority was 64 as opposed to 32. Now, when that was the wish of the House, it can never be ignored, and it has to be carried out; they accepted the principle of the Bill.

Then there are other important changes which have been made and to which the Honourable the Home Member has already alluded, and I need not allude to them again. A reduction has been made in the sentences, as suggested by some Members, there has been a material change in regard to imprisonment for non-payment of fine, payment of son's fine, and so on. Another important change is about the protection sought to be given to Indian princes, which has been taken out by the Select Committee. There are many other changes made in the Bill, and I do not propose to go into all of them.

Now, coming to the question whether there is any necessity or not for this measure or whether this Bill should be absolutely thrown out as has been suggested by my friend, Diwan Bahadur Rangachariar, unfortunately my friend was not present at Simla when the debate took place on this measure

Diwan Bahadur T. Rangachariar: I have read the whole of it.

Mr. Muhammad Yamin Khan: If he had been present, he would have been convinced about the necessity of this Bill. I do not know what are the circumstances that exist in the distant part of the country of Madras from which he comes here. It is far far away from the turmoil which is rampant in the North

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): It is the benighted Presidency.

Mr. Muhammad Yamin Khan: I do not know whether the Congress movement is so strong there. (*An Honourable Member:* "There is plenty of it there.") I do not know if the civil disobedience movement exists there in such great intensity as it exists in the north. I do not know if he is aware of the calamities that have been caused to thousands of people who have been murdered in Cawnpore. I do not know whether my friend is in touch with the incidents that took place in Bombay. I do not know whether he knew about the murders of zamindars that took place in Allahabad district as a result of the civil disobedience movement, and creation of class hatred, and also in the districts of Aligarh and other places. I do not know whether he is aware of all these incidents or whether he merely wants to shut his eyes to all these incidents—I am not sure about it,—but if my friend had lived in places, where these things are almost a daily occurrence, where the life of the people, who do not see eye to eye with the Congress people, is never safe, if my friend had lived in these parts, I am sure, he would have changed his views absolutely.

Mr. Gya Prasad Singh (Muzaffarpur, cum Champaran Non-Muhammadan): Take him to that place.

Mr. Muhammad Yamin Khan: If he had come to these places where words quarrels lead to bloodshed, he would certainly have changed his views. He comes unfortunately from a country where it would take an immense effort to excite the people to come to blows. (Laughter.) Therefore, he cannot see or realise the gravity of the situation in these parts. There are places where murder is committed merely to acquire the name of a martyr; there are places in India where mere excitement leads not only to verbal quarrels but which mean ruin to thousands of families as happened in Cawnpore recently. My friend says that peaceful picketing and peaceful persuasion should not be prohibited. May I ask, whether it was peaceful picketing or peaceful persuasion at Cawnpore that led to the ruin of thousands of people, or was it violent non-co-operation?

Diwan Bahadur T. Rangachariar: Is there no law to prevent all that?

Mr. Muhammad Yamin Khan: If there is somebody to set fire to the house and nobody at hand to quench the fire, what can be done? What my friend wants to do is, he wants to set fire to another person's house and he says—has the Municipality not got a fire alarm or a fire brigade? Is that the position you take? You want to set fire to the House and you want to blame the Government, because they come a little late to extinguish the fire. Is that the position that my friend wants to take? He says, it was peaceful picketing and peaceful persuasion. For his information I might say that it was peaceful picketing and peaceful persuasion on account of Bhagat Singh day, on which day, as a protest, my friend walked out from this House that led to all this disaster in Cawnpore. It was the so-called peaceful picketing that led to all these calamities that so many have been killed in the streets of Bombay, and so many have been murdered from day to day.

Diwan Bahadur T. Rangachariar: Does my friend know what is meant by confusion of ideas?

Mr. Muhammad Yamin Khan: If my friend has any idea about conditions in the North, I am sure, he will realise the situation. No man, who has any regard for the good of his country or the progress of his country, can shut his eyes to all these happenings; these things are hardly creditable to any country, and they will never be a credit to India. These are the things which hamper the progress of this country. These are the things

which are the real cause of bringing forward this Bill. My
1 P.M. Honourable friend said that he had a talk with the Congress leaders, and that he was blamed by them, because he could not persuade the Government to come to some agreement. The Honourable Member ought to have made this reply that it was their deeds, it was their behaviour in the country, that was making him not to have any voice in the Government, and it was they who were responsible for this Bill. This is a present given to them simply on account of those deeds. If they had left the people to follow their own ways, if they had not tried to impose their will on people who did not share their opinions, then there

would have been no necessity at all for such a measure as this, and there would be no support for such a Bill if the Government brought it forward in this House. (Cheers from Government Benches.) Government are getting support, because people are not left alone to have their own way. I ask, has picketing ever been peaceful? Can you show me any example where there has been peaceful picketing in this country? I have never heard of such a thing as peaceful picketing. Although it may have started as peaceful picketing, it never ended as peaceful picketing. I may be strong in my language, but I do not want to mind matters. I still hold that there can be no peaceful picketing, and if any kind of so-called peaceful picketing is allowed by Government, Government only will be blamed by thousands and thousands and millions and millions of people in this country. My Honourable friends may think in one way, but there are other people who may think in a different way. My Honourable friends may be advocates of one class of people, but there are people who differ from them. We may have advocates of different communities, different ideas, different classes of people, and they have got to see that they are left alone. If everybody is left alone, there will hardly be any gentleman who will get up and say that he wants to support this Bill. If my Honourable friend will take the message of this House to the President of the Congress that he should mend his ways and stop all this nonsense, then this Bill will become a dead letter, it will die a natural death.

Diwan Bahadur T. Rangachariar: I will take the message if you give it, and drop this Bill.

Mr. Muhammad Yamin Khan: This Bill has been dealt with exhaustively in Simla and there is no further necessity of going into the same question. After all, my Honourable friend was the only man who took up a new position, and he started the same old theory after knowing full well that the House had accepted the Bill, and it is only the amendments which we have to consider in this House, and there can be no question as to whether it should be rejected or not. Although there can be a voting, the House has declared its views and those views remain there.

Mr. B. V. Jadhav: Is the House debarred now?

Mr. Muhammad Yamin Khan: My Honourable friend can give his opinion three times, if he wants to, I have got no dispute with him. But my Honourable friend should not have any dispute with me either. My views are these. I think there is a necessity that this Bill should be passed. It should be taken into consideration and should be passed as it has emerged from the Select Committee.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The House will now adjourn till a quarter past two.

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

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

RESOLUTION *RE* TRADE AGREEMENT SIGNED AT OTTAWA.

Sir Hari Singh Gour: Mr. B. Das, one of the Members who were appointed by this House to serve on the Ottawa Agreement Committee has tendered his resignation as he is going away. I beg to substitute the name of Diwan Bahadur Harbilas Sarda.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair understands that the Honourable Member wishes to ask the permission of the House to substitute the name of Diwan Bahadur Harbilas Sarda in place of Mr. Das resigned.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): I think the resignation should be tendered to the Chairman of the Committee. I have received no resignation.

(At this stage the Secretary of the Assembly handed over the letter of resignation to Sir Joseph Bhore.)

The Honourable Sir Joseph Bhore: Personally I have no objection.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): I take it that no one objects. The change is allowed.

THE CRIMINAL LAW AMENDMENT BILL—*contd.*

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, the justification of the Bill, from his point of view, was very candidly put by the Honourable Member, Sir Leslie Hudson, who said that there was a state of war and, therefore, it was justifiable on the part of Government to ask for and utilise any weapon it chooses in order to wage war against the Congress. I only wish, if this be war, that the civilised European nations had learnt to wage war on these principles instead of killing millions of people and wasting the energies and the resources of the whole world. If they confined themselves to peaceful efforts or civil efforts, in order to dissuade each other or any particularly refractory nation from carrying out its policy, it would have been a better position for the whole world.

Let us examine this position from that point of view, for that is the point of view, I take it, of the Government. The Government say that the Congress is the only powerful political organisation in this country, that they alone can deliver the goods and, so long as they do not give up certain items of their policy, Government are entitled to enact any laws, however wide their general application and however oppressive they may be to the ordinary citizen. Sir, many of us on this side of the House do not belong to the Congress and do not subscribe to their policy or to many of their methods. Our standpoint is this, that we should not have any sort of law which is calculated to suppress the liberty of the people generally and, I submit, there is nothing in the circumstances of the country which entitles the Government to bring in a measure of this sweeping character. I do recognise that some improvements have been effected in the original Bill.

but the Bill in substance remains the same and the Honourable Member in charge of it made it very clear at the outset, when he moved for the appointment of a Select Committee, that he would not accept any amendment in the Committee which would reduce the Bill to a pale shadow of its original self, as he put it, and deprive the Government of the substantial powers which they wanted to secure by this measure. Mr. Haig said that the original Bill, as drafted, was a wise measure, but he says now that the Bill, as it has emerged from the Select Committee, is a reasonable measure. I hope he will enlighten the House as to the distinction between the two. Does he want to convey that what is wise is not reasonable and what is reasonable is not wise? I say that there is really no real distinction between the original draft and the present Bill. The two are identical in all substantial respects. Then the question is, whether the Honourable Member, who knows, none better, how to put forward his case, has made out a case for the acceptance of the measure by this House. Our fundamental objection has been that the present law is sufficient to meet any movement or manifestation of any movement, as the Honourable the Home Member would call it, civil disobedience or terrorism. I may pause here and point out that, manifestation of a movement as an evil to be remedied by penal legislation is a new phraseology. I have not seen it hitherto in any law. Perhaps the Honourable the Law Member will be pleased to enlighten us whether the word "Manifestation" occurs in any law. We are familiar with the phrase "overt act". We are familiar with the word "attempt" with the word "intention", but "manifestation" is too sweeping a word to define the scope of penal statute. The point I made, when I opposed the motion for Select Committee, was that we have got in the Criminal Procedure Code and in the Penal Code and other enactments now in force, for instance, the Police Act and the Emergency Press Act, all that is needed to meet such unlawful and undesirable activities of the Congress or any other body or person which you want to check. I listened with attention to everything that was said by the Honourable the Home Member in justification of this measure, but I failed to notice anything in his speech which showed or which attempted to show that the present law is insufficient to meet any evil which they wanted to combat. That was the point we tried to make and hitherto it has not been answered by anybody.

What do Government want? Take, for instance, the Congress. As I have said, many of us do not belong to that organisation at all. And, certainly, I have no sympathy with many of its activities. They want to suppress not only certain activities, but almost the entire Congress organisation. By what means? I take it, by shutting up members of the Congress in jail. Now, I venture to point out that Government do not want any special law for that purpose. The ordinary laws are quite sufficient. It is the very propaganda of the Congress to fill the jails, as much as possible, to create public opinion against this Government by showing to the world that, in order to suppress the political liberties and activities of the people, the Government have locked up so many citizens of India and so many persons who are keenly interested in the political advancement of India. That has been their programme throughout. It is their professed programme. Then, why do Government want this Bill? It cannot be, I say, to suppress the Congress or to suppress any of the activities of the Congress. It must be for some other ulterior purpose. What is that ulterior purpose? Sir, the Honourable the Home Member has told us that he has

[Sir Abdur Rahim.]

consented to a very great improvement of the Bill by limiting its operation to a period of three years. No doubt to that extent the Bill has been improved. Then, he says: "We are going to hand over the reins of Government". I do not know, I did not quite catch, to whom? But, I suppose that, at any rate, he meant to convey "to the representatives of the people". Otherwise there would be no force in that suggestion. Now, if that is going to happen, if that is going to result from the labours of the Third Round Table Conference, and if that is going to be embodied in an enactment of the British Parliament, then I ask, what would prevent the Congress from coming in at once and repealing this measure? Supposing the new constitution comes into force in the course of a year—which, the papers say, is possible. Then, in that case, in the course of a year, the Congress may come in and repeal the entire measure. Is there any satisfaction to be derived by the Government from a proposal of this character? I ask the Government, why stultify yourselves? Supposing the Congress does not choose to come in, other men may come in who are condemning this Bill. If we are going to have responsible government, then they will also act in a similar way like those who are opposing this Bill now. They are not going to change their attitude. Then, what do Government gain by it? I ask the Honourable the Home Member to give me an answer to this question in his reply. "What is the gain?" Sir, we put this question. If he told us what really was at the back of the minds of the Government, we would have considered it far more seriously than we are at present inclined to do. The position, therefore, is this. We find that Indian public opinion is opposed to this measure, and that is the admission of the Honourable the Law Member himself. I mean the Home Member.

The Honourable Sir Brojendra Mitter (Law Member): If by "public opinion" the Honourable Member means "Congress opinion", certainly that is opposed to it. But public opinion is not confined to the Congress.

Sir Abdur Rahim: Sir, I am not inclined to accept the claim that the Honourable the Law Member or his colleagues on the Treasury Benches are the exponents of public opinion (Hear, hear), or even my friend, Sir Leslie Hudson. Do they claim that,—that they are the exponents of public opinion? Then, why do they contemplate any change of Government? (Laughter.) Sir, the whole position taken up is inconsistent and untenable,—unless Government are so excited by the activities of the Congress and so angry at what they are doing or what they threaten to do that they really do not know what they are aiming at. Sir, I have very great respect amounting almost to awe for the shrewdness and foresight of the British diplomats in India and I do not think that they would bring in a futile measure. I do not think they would have brought in this measure if really their intention was to hand over the government to a responsible Legislature, to the representatives of the people. Sir, the policy embodied in the Bill is perfectly plain. They want, for instance, British trade to be protected by prohibiting any sort of activity which may be considered to lead to a boycott. That is one object. Then, the other is to strengthen the hands of the executive, to place the executive above the operation of law, to give the executive a discretion which, under the ordinary law, is only given to the judiciary. They want really to substitute the discretion of the executive authority—not only of the Government but

also of public servants—in place of law. That is the whole purport of this Bill, the chief object of the Bill. If that is so, then I do not accept for one moment the suggestion that they really want to arm the executive of the future, if it is going to be responsible to the people themselves, with powers of this character, which they themselves did not possess all these 150 years. Sir, it is impossible for any one who really goes deeply into the matter to accept the proposition of the Government at its face value. We have to analyse the position carefully before we can place a Bill of this character on the Statute-book even for three years or even for one year. I do not propose to go through all the provisions of the Bill, but I will satisfy myself with referring only to some of its leading provisions, but, before I do that, let me put one question to my Honourable friend, Mr. Yamin Khan. Sir, he can only see the Congress before his eyes and nothing else. That is his misfortune. If he took a wider view, if he turned his attention

Mr. Muhammad Yamin Khan: No, Sir. I see Chittagong and the attack on Sir Alfred Watson and other activities also.

Sir Abdur Rahim: Then I want to ask him to answer categorically this one question: does he want the Ahrar movement to be treated in this way? Does he want the Jamiat-ul-Ulema to be suppressed? Does he want the Red Shirts of the North-West Frontier Province to be suppressed? Does he want them all to be treated, as they have been treated under the Ordinances or the Frontier Regulations.

Mr. Muhammad Yamin Khan: Anything, Sir, which hinders the progress of the country.

Sir Abdur Rahim: Does he want the Jamiat-ul-Ulema, the Ahrar movement and movements of that character to be suppressed? That is my question. I know he cannot answer this straight question. Sir, when the motion was before the House for the reference of this Bill to the Select Committee, I ventured to inquire of the Government whether they had any statistics, figures or information to give us as regards the number of men who had been actually dissuaded from joining the army or the police force or the air force or any other force maintained for purposes of defence. Sir, I have inquired of some of the Members of the Select Committee and I find that even in the Select Committee no such figures and no such information was forthcoming. I grant that some members of the Congress, and perhaps some Ahrars, and perhaps some Red Shirts, and perhaps some members of the Jamiat-ul-Ulema have tried to persuade people not to join the present army.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): The Red Shirt movement is the Congress movement and a similar legislation has been passed in my province by the majority of elected members.

Sir Abdur Rahim: My friend comes from the Frontier and I am sure he will answer to the Red Shirts when the occasion arises. Sir, no such information has been supplied. Many people have their own views and they may persuade others to accept their views. Do Government mean to say that that is enough justification for them to enact provisions of

[Sir Abdur Rahim.]

this character? In that case, people will not be allowed to talk at all. Now, that disposes of, in my opinion, this part of the Bill, unless the Honourable the Home Member can supply information to this House as to how many men have deserted the army or the police force and how many men have been dissuaded from joining those forces. Has the strength of the army or the police at all been diminished in consequence of it? If not, then, I submit, there is no justification

Major Nawab Ahmad Nawas Khan: The Garhwal Rifle was intimidated in the Frontier Province.

Sir Abdur Rahim: Now, I come to the next clause which relates to boycotting of public servants. Well, Sir, of all classes of people, it seems to me that the public servants, those Indians who have the good fortune or honour to be public servants, are in a more comfortable position than the rest of the people. I put this forward as a general proposition and I believe no one will challenge it. Boycotting of public servants has really no significance. There may be isolated cases. Some individuals, who are public servants, might have been put to inconvenience, because some landlords did not want to let their houses to them or because certain persons who were asked to supply them provisions would not do so. Public servants alone are not liable to be put to occasional inconvenience like that. Many of us who are not public servants have been put to inconvenience of that character. We cannot get whatever we want. And then look at the nature of the weapon placed in their hands. It was pointed out by Member after Member in this House on the previous occasion that it is a weapon which, in the hands of all sorts of public servants, is liable to gross abuses and, who does not know how grossly powers like these are liable to be abused? We have to look a measure of this character from all points of view, from its probable consequences and not merely the mere words. You have got to look to the machinery and to the actual men who will have to work this law. If we do that, then I say that a provision of this character, however carefully worded, is liable and is certain to be grossly abused. The inconvenience, which it is sought to save, is really infinitesimal compared to the abuse to which it is liable. It may become the engine of extortion and blackmail by a certain class of unscrupulous public servants and, I would submit, that there is nothing in this Bill which effectually safeguards the public against such abuses.

I now come to the next clause relating to the dissemination of contents of proscribed documents. Now, supposing a man cites a certain passage at a public meeting from a proscribed book in order to condemn it, the language is so wide that he may be brought in under its operation. While I do not deny that the Select Committee did their best to improve the Bill, yet the Honourable Member in charge of it wants all these drastic provisions, provisions which are much too sweeping and which are likely to hit the ordinary peaceful citizens.

Then, Sir, I come to peaceful picketing as it is called. The word "picketing" is not used here. The language is wide enough to cover not only picketing, but any other acts which have nothing whatever to do with picketing. Is not that so? The language is wide enough to cover acts which do not amount to picketing. Sir, as regards peaceful picketing, there may be differences of opinion, but there can be no

difference of opinion as regards a clause of this character which hits at persons who are not picketing at all. It is perfectly true that no one wants to be molested in any way. If, for instance, some one is loitering about my house to molest me, I would not like it. But, is it possible even for a Government like the Government of India to see that no one is molested in any way? It happens every day, but you cannot prevent it. Then, what is the good of having a provision of this character? Either it will be useless for practical purposes or it will give a handle to persons who have a grudge against a particular person to wreak their vengeance on him.

Then, I come to clause 8 which gives power to order a parent or guardian to pay fine imposed on young persons. I am not sure that there are not principles of law which might justify a parent being fined or rather having to pay compensation for any act done by minors in their charge. But the point as regards this clause is that Government are not really making the parent or the guardian liable for civil damages, but to a fine imposed by the criminal Courts. Therefore, I think this clause also goes beyond the ordinary principles of law.

Now, I come to a very important provision, namely, clause 11. The Governor General in Council is given power to declare any association unlawful. Once he declares any association unlawful, the consequences set out in the succeeding clause follow. Is not that taking away, by one clause of this Bill, the liberty of the people to associate among themselves for public purposes? What will be the check on the Governor General in Council against abusing this power? There can be no check. The Governor General in Council must exercise his powers upon information received from the Government Departments. I do not say that they always get wrong information. But that is not the point. It may be that in many cases the police get hold of criminals, men who have actually committed a crime, but they cannot find evidence and these criminals have to go scot-free. It may be also that the executive have information which is perfectly true and perfectly well-founded, but the question is not that. The question is, whether a person or a body of persons, who are to be declared to be an unlawful body, should have a proper trial or not. You cannot convict an individual of any offence under the Penal Code, say, even for simple abuse or for anything of that character, without giving him a proper trial and a proper hearing. Are Government going to give any hearing to the association they want to declare as unlawful? No. Will the members constituting that association be tried by any one? No. The mere order of the Governor General in Council passed in the Council Chamber is sufficient to doom an association, however lawful its object may actually be. Government need not even say what is the unlawful character of this association. They need not take the public into their confidence. They need not publish their reasons. It is quite sufficient if they declare an association to be unlawful. Then once an association is declared unlawful, the Local Government, by a notification in the local Gazette, may seize its property, may seize the house of the association where it holds its meetings and anything found therein is made liable to forfeiture. These are very serious consequences. Then the consideration arises. If the Congress alone is the enemy of the present Government, why have this general law? Or do Government think that other political bodies also are like the Congress? Why not declare the Congress unlawful? Why trench upon the liberty

[Sir Abdur Rahim.]

of the ordinary citizen? That is the gist of my complaints against this Bill. I know the Government have been applauding the Congress as the only powerfully organised body, that can deliver the goods and that Government need take notice of them alone, but the members of the Congress must be put into jail, because what they say is unpalatable. As regards the rest they are of no account. Even the legislatures are of no account. The legislatures have been created by Government's own statutes. Hundreds of people have become Members of the Legislatures sacrificing their time, their money and their labours. The Government do not recognise them at all except to the extent that they are compelled to do so by Statute. (Hear, hear.) What remains then? The Congress, of course, take themselves seriously. They say, "Yes, we are the only body to be recognised in this country". The British diplomats say, "Yes, we accept that position and, therefore, we put you in jail, you shall not speak. We do not care for the others". The others may be raising the same shout constitutionally without infringing the law, but they are not to be taken into account.

Sir, I started by saying that this Bill was not really aimed merely at the activities, the undesirable activities of the Congress. This Bill is really aimed at the liberty of the people generally and I take it, Sir, that the future Government, if they are not like the present Government, if they are a Government responsible to the people, cannot be expected to accept this law. Therefore, all the time that we have been spending here is futile. It is to be remembered, Sir, that the Government wanted originally that this measure should be a permanent feature of the Penal Code, the Criminal Procedure Code and the general law of the land. They were, however, persuaded by those, on whose votes they have got to rely, to limit the duration of this measure to three years. But, that does not make any substantial difference, unless we really know what it is they really intend. Do they want this measure to go out of the Statute-book at the end of three years? Do they expect that? Then, why have this measure even for three years? Is the mentality of the people, not merely of the Congress, but of all others who are constitutionally inclined though pursuing ideals similar to those of the Congress, are they going to suffer a law of this nature to remain on the Statute-book? Supposing the Honourable the Home Member and his English colleagues are no longer on the Treasury Benches after the new constitution has become law, then, in that case, will those, who will take their place, desire to keep this Statute going. I am afraid, they are not in a position to answer that question. Sir, I submit, that unless there is something really much deeper behind this Bill than we can fathom on the face of it, the Bill is a measure which lacks justification altogether. We know, as a matter of fact, that the Provincial Governments have passed enactments of a very drastic character to meet the local situation. In Bengal, we have the Terrorist Suppression Act, or whatever it is called. In the United Provinces, the Government have, I believe, passed a similar measure. The Punjab Government have passed another measure and, I believe, the Bombay Government also have under consideration a Bill of this kind, and we may take it that the Bombay Government will pass it into law.

Mr. Muhammad Yamin Khan: What does that show? Is it not that public opinion is reflected by those who are in support of the Bill?

Sir Abdur Rahim: My Honourable friend, Mr. Yamin Khan, is confusing matters altogether. My argument is, if he will care to follow it, that the provinces have their own remedy for the situation which has arisen there. But why punish the ordinary citizen of entire India? Sir, I do not think the Honourable the Home Member, who is in charge of this Bill, gave that explanation.

The Honourable Mr. H. G. Haig. (Home Member): Sir, I made it plain in my opening speech that this Bill, which this House is being invited to pass, was the foundation on which the local Bills were being framed, and if this Bill were not there, the local Bills would have been framed in an altogether different manner.

Sir Abdur Rahim: Sir, when they passed these Bills in the local Councils, this Bill might have been introduced here or might have been contemplated by the Government of India, but it was not passed and has not yet been passed. Then, how could it be the foundation? If the Honourable Member had pointed out any provisions in the local Acts which depend upon these provisions, then certainly his argument would have been sound. But it could not be, because we are now debating this Bill and the Provincial Governments have already passed their Acts. This sort of foundation is very difficult for one to appreciate. Sir, I am not concerned with the Congress and I protest against every one being dealt with as if he were a member of the Congress, unless the Honourable the Home Member is prepared to admit, on the floor of this House, that the Congress represents the entire political opinion of India. Is he prepared to admit that? I am sure, he is not. He will probably admit that whatever political opinion there is in the country is against this measure, barring people like my Honourable friend, Mr. Yamin Khan, and a few others who support Government. If any one reads the press as expressing the Indian opinion, what is said at public meetings, and consider the attitude of the majority of elected Members of this House, then, I say, there can be no doubt about public opinion.

The Honourable Mr. H. G. Haig: What about the local Councils?

Sir Abdur Rahim: Even if they take the last division which was on a narrower issue, Government will find that the majority of the elected Members voted against the Bill.

Mr. B. R. Puri. (West Punjab: Non-Muhammadan): Sir, I had the good fortune or the misfortune to be one of the Members who took part in the deliberations of the Select Committee. I had also the good fortune or the misfortune to form one of the batch of four Members who walked out from the Select Committee. Sir, so far as the incidents connected with that matter are concerned, I have got no desire to go into details. I know that the repetition of those incidents would be a source of embarrassment and discomfort to my Honourable friends across the floor of this House; and I do not want to add anything to the pain which this incident must have caused to them as well as to us. Sir, while I am not going into this matter over again, I must make it perfectly clear that I and my three other colleagues, who walked out from the Select Committee, stand by every word of the statement which we issued to the press and we are not prepared to take back one word or syllable from that statement. We stand by the absolute accuracy of that statement in spite

[Mr. B. R. Puri.]

of any Knight or prospective Knight who may now think of coming forward and contradicting us. Sir, I only regret that, owing to some misunderstanding, three members, who always voted with us, did not or could not see their way to express their resentment of the way in which the proceedings of the Committee were conducted to the same extent, as we did. As a matter of fact, and, I am afraid, I must now go into some details, because it would not be fair to the House if only a partial version or one-sided version of the incident were placed before the House through my Honourable friend, Mr. Yamin Khan. I, therefore, crave the indulgence of the Chair to be allowed to dwell upon those matters, briefly though I promise to do so. And, in this connection, I would like to inform the House that although nominally only four members walked out, for all practical purposes it should be considered as if all the seven of us walked out of the Select Committee.

An Honourable Member: How is that?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Need the Honourable Member go into such details? The Chair permitted a certain amount of discussion on that issue, and, in doing so, appealed to Honourable Members, for reasons already stated, that a brief reference may be made to the subject by way of personal explanation.

Mr. B. R. Puri: I am only endeavouring to meet the version which was placed before the House by my Honourable friend, Mr. Yamin Khan, and by the time I come to the conclusion the Chair will be able to perceive the justification of my going over that ground.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Provided it is brief.

Mr. B. R. Puri: I have not gone into that matter to such an extent as my Honourable friend, Mr. Yamin Khan, did. But I will endeavour to be quite brief and I will try to stick to the promise that I have given to the Chair.

Now, Sir, I was submitting that for all practical purposes, not only we four, but all the seven of us were throughout the proceedings unanimously of one opinion, and, at the time we walked out, my Honourable friend, Mr. Sen, was actually packing up his papers, and I do not know whether a timely wink prevented his exit from the Select Committee room. I fully believed that while we four came out at one door, he must have come out by the other. But I must confess that I was disappointed, because, throughout, he held the same views as we did. However, Sir, that is a matter which it may be for Mr. Sen to explain or perhaps leave it unexplained if it so suits him. So far as the attitude of Government in the Select Committee was concerned, I for one was under no delusion. The only difference that that incident has made with me is that whereas, formerly, I had a feeling of admiration for certain Honourable Members, that feeling of admiration has now been converted into a feeling of sympathy. I realise that some times, on account of exigencies of the occasion, people are placed in such a false and unenviable position that they

are compelled to play a part which normally they would not do. That, I submit, is all that I would like to say with regard to the attitude of those who were entrusted on the Government side with the deliberations of the Select Committee.

So far as the actual Bill is concerned, I expected that after yesterday's rout of the Government and the amendment which they promised to put in in order to cover their retreat, but which amendment never saw the light of day, the Government, profiting by that experience, would have the candidness to come forward and themselves ask the permission of the House to allow them to withdraw some of the most palpably objectionable provisions which form part of this Bill. Sir, there are clauses in this Bill which are open to more or less allied criticism and objection which was so successfully levelled against the Government yesterday; I am referring to clauses 10, 11 and 13. Clause 10 empowers the Local Government, by Notification in the local official Gazette, to declare that any offence punishable under sections 186, 188, etc., of the Indian Penal Code, when committed in any area specified in the Notification shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, be cognizable. This is followed by sub-clause (2) under which the Local Government may, in like manner and subject to the like conditions, and with the like effect, declare that an offence punishable under section 188 or section 506 of the Indian Penal Code shall be non-bailable. I was expecting the Honourable the Home Member to throw some light upon this particular provision; but he very discreetly said not a word about it. Indeed he was very reticent so far as the main and controversial items in this Bill are concerned. No doubt he adopted this course, because he wanted to expose the least possible surface for an attack. With regard to this clause, all that I need put before the House is, that here is a power which is being given to an executive agency who are given practically a blank cheque signed by this Legislature to proceed, according to their fancy, to repeal an Act passed by this Legislature, in any particular area whenever they choose to do so. They are allowed to convert a non-cognizable offence into a cognizable offence and a bailable offence into a non-bailable offence in complete violation and in utter repudiation of a solemn legislative enactment passed by this House. You will appreciate the grotesqueness of this provision if, instead of a Local Government, I were to substitute the name of a private individual. The provision would then read that Mr. whenever he chooses—let him be, no doubt, a very desirable person, a very honest man, a very considerate man, a man who possesses a good head and knows all about worldly affairs, a very estimable man—I am substituting the name of a private individual in order that the House may be in a position to appreciate what a grotesque and ludicrous thing this provision would become if we, as a legislative body, were to lay down that our legislative enactment would be alterable at the discretion of a private individual, no matter how high he may be, how well qualified he may be. I do not think for a moment that it would be seriously disputed that that provision would become absolutely undefendable. What difference, may I ask, would it make if, instead of a private individual, you substitute the name of an executive agency? The personality would not make any difference. You will be substituting an executive agency to legislate on your behalf and surrendering our legislative functions in favour of that particular agency. This is what is called bureaucratic legislative encroachment. It has been censured, it has been criticised by no less an authority than the present Lord Chief Justice of England, Lord Hewart. His book, the

[Mr. B. B. Puri] "New Despotism" is replete with passages on almost every page; he has taken pains to show to the British people the extreme danger and peril of any Parliamentary or legislative body surrendering its functions, consciously or unconsciously, to the executive agencies piecemeal and in bits. He has cited instances from various enactments where the British Parliament has done so; but the position is not identical in this country. The British Parliament, as somebody remarked, if they were to lay down that a man is a woman and a woman is a man, the Courts cannot go behind that: they must obey it. But the position in India is not the same. We are a subordinate legislative body; they are a sovereign body; it is from that sovereign body that we have received our powers and we are here by virtue of the powers which have been conferred upon this Legislature by an Act of Parliament. If that Act of Parliament permits us to delegate those powers in favour of any outside agency, we would be within our rights. If, on the other hand, the powers of legislation are conferred upon us and upon us alone, to the exclusion of every other agency or every other person or individual, then we have no power to pass such laws authorising Local Government to enact laws as our agent.

Sir, the Government, it appears, in their zeal for repressive measures, have lost their heads. They have actually gone the length of commending to us to pass laws, the samples of which are to be found in clause 10. I contend that clause 10 offends against the Act of the British Parliament which should be our sole guide. Our powers are defined in section 35 of the Government of India Act, which says that "the Indian Legislature shall have the power to make laws for all classes of people and for all places in this country". I would particularly invite the attention of the House to the territorial extent of our powers. There is no part of the country which is outside our jurisdiction. Any attempt, therefore, on our part to allow any one to make laws in any part of this country, in violation of that Act of Parliament, would be a piece of gross *legislative impertinence*. Nothing short of it.

I now come, Sir, to clause 11 which is more or less of the same type as clause 10; but with this difference, that instead of "the Local Government", we have got in clause 11 "the Governor General in Council" substituted; but that makes no difference so far as the principle involved is concerned.

We now come to clause 13, which is the most mischievous clause. Under this clause the Local Government is empowered to declare the "notified places". Sir, if it was mere "notifying" such places, perhaps it didn't matter; but our unfortunate part comes that the moment the Local Government declares a place to be a notified place, then a series of results follow. After such notification, comes the District Magistrate, and says: "I take possession of this notified place"—and either he or any one of his nominees takes possession of that place. That is followed by the forfeiture of everything that is found on the premises, moveable or immovable, it makes no difference. Even the cash and money which has been used or is likely to be used for objectionable purposes can be taken possession of, so that the person in possession of the premises can be dunned of his last penny. The provision, therefore, is of a very very far-reaching character, and it starts by an illegal act of the Local Government, namely, of "notifying" of the place which the Legislature cannot in law empower the Local Government to do. I submit, this is a most

indefensible position. The Honourable the Home Member fully knows this legal aspect of the question. It was urged in the Select Committee, and after yesterday's incident I was fully hoping that the Government would themselves withdraw these provisions. I must confess I have been disappointed.

Now, Sir, I will ask the House to consider another clause of this Bill, namely, clause 5. This clause relates to the dissemination of contents of proscribed documents. My object in referring to this clause is to show the utter childish character of the provision. If a particular publication is proscribed, the consequence is that it is forfeited to Government. But if after such publication is forfeited, any party proceeds to circulate or publish any portion out of that proscribed book, he is liable to six months' imprisonment and fine. In the first instance, I would ask the House to consider this point. The original offender is merely penalised to the extent of being dispossessed of his publication; but if another person culls out a passage from that book, even if that passage is not objectionable, he is liable to a much greater penalty and punishment than the original offender. That is the first aspect which should strike any one. But the most objectionable part is the second clause which says that no Court shall take cognisance of an offence punishable under this section unless the Local Government has certified that the passage published, circulated or repeated, contains, in the opinion of the Local Government, seditious or other matter of the nature referred to, etc., etc. It really comes to this, that the prosecution in such a case is permitted to put in a sort of a certificate from the Local Government to the effect that here is 3/4ths of our case already proved, and this is the letter certifying that fact from the head of the Local Government. What is the poor Magistrate to do under these circumstances except to pass a sentence upon the accused? I say that any communication, any recommendation, emanating from the executive authorities intended to influence the judicial discretion of a Magistrate, is to be censured in most clear terms. It is a position which cannot be tolerated. It is common knowledge that in acquittal appeals, which are argued before the High Courts, any reference to the opinion of the Government is strongly put down and never allowed to be made as it amounts to an attempt to influence the judgment of the Court. I will ask you to profit by this practice of the High Courts. If such a thing would not be tolerated in a High Court, how can you justify this clause under which the police or the party in charge of the prosecution can come armed with a certificate from the Local Government saying: "We consider this passage to be objectionable and we call upon you to pronounce against the accused your sentence?" Is it not a most diabolical provision? Is it not a provision which offends against the most elementary principles upon which the administration of criminal justice is founded?

So far as the life of the Bill is concerned, I submit that the period of three years has no justification. After all, the period is to be fixed on some principle. In urging that this Bill should not go beyond six months, we claim we have followed a certain principle. We have been told often and often by the Government that this is an emergency measure. And we have adopted the principle which underlies section 72 of the Government of India Act, which says that an Ordinance, as being an emergency measure, shall have its life not beyond six months. Therefore, following

[Mr. B. R. Puri.]

that principle we urged that this being an emergency measure, its life should not be prolonged beyond six months. On the contrary, we know that originally the Government's intention was to have this Bill passed for an unlimited period. Then they came down to five years, and, later on, they climbed down to three years. I maintain that all these periods are arbitrary, there is no principle involved in their fixing it at five years any more than there is in fixing it at three years. All that we are told is that by the end of three years the new constitutional changes shall have been introduced and that it is desirable that this Bill should remain in force till after those changes are introduced. In order to read the real mind of the Government, in order to understand whether this plea of the Government is a genuine and sincere plea,—may I ask what their argument was when they originally advocated that the Bill should be in force for an unlimited period? And what again was their justification for urging that the Bill should remain in force for five years? And now that it has come down to three years, what is the point in making this Bill to remain in force until after those changes have been introduced? The very fact that some reforms are needed connotes that there are some evils that have to be remedied. And how can we get any reforms unless we are able to urge what those evils are, what the nature of those evils is, what the extent of those evils is? And, for that, we should have the liberty of speech, the liberty of the press. After all, it is not for the boot maker, but for the man who wears the shoe, to say where the shoe pinches. Therefore, if we are not permitted to express what our grievances are, what those evils are which we want to be replaced by reforms, how can we achieve anything worth having? Suppose one of the evils be that your police is corrupt. Can I afford to say so in the face of such laws which you propose to make? I cannot institute a declaratory suit that the police in this country are corrupt. I can only do it either on the platform or in the press. But if, under your boycott law, a private individual's shadow falls upon a police officer, he will be guilty, if, as the Honourable the Home Member says, you invite every other person in the town and you do not invite the local police officer, you are boycotting him, how can you move in the matter at all?

The Honourable Mr. H. G. Haig: Did I say that?

Mr. B. R. Puri: You are practically saying that. I do not say that you said so in so many words. But boycott means this, one form of it is if you exclude him from all social functions. I say that you are shutting out the very channels by which we can ventilate our grievances and explain our real difficulties. But with your present laws you are gagging us. You are crippling us, so that we shall be utterly helpless to say what we want. Under those conditions, I submit, that this is a measure which cannot be tolerated even for a moment so far as the people's view point is concerned, however convenient and helpful it may be to Government.

With regard to clauses 2 and 14, I would only say one or two words. This is a clause with regard to dissuasion. The Bill provides two exceptions and my submission is that however beautifully those two exceptions may have been worded, they are only exceptions after all. They place the burden of proof on an accused person and I submit that that is opposed

to the fundamental principles of jurisprudence. If it was an act *per se* objectionable, you can certainly place the burden of proof on the accused person, but an act which might or might not be bad according to the circumstances, why should a presumption be made in favour of the prosecution. If a presumption is to be made at all, it should be made in favour of the accused. With regard to this particular clause, there is one important observation I want to make. My Honourable friend, Sir Abdur Rahim, referred to it and it is this. In the Select Committee we asked the Honourable the Home Member if there was any data available which would justify the creation of this new offence, and we were told that there was no data on that point.

The Honourable Mr. H. G. Haig: I think I said I had no information available at the moment.

Mr. B. B. Puri: I am speaking of that particular moment. I am not in a position to know if since then any information has come in.

The Honourable Mr. H. G. Haig: I hope at a later stage to place certain information before the House.

Mr. B. B. Puri: We are at the moment considering what was the justification for creating this new offence at a time when there was no information available before the Government.

The Honourable Mr. H. G. Haig: It was not that there was no information available to Government. I did not happen to have it with me at the moment.

Mr. B. B. Puri: The position then taken was that there was no information and no data available at that time to justify the creation of an offence of that kind and I would take my stand on that assurance. You cannot create and make laws which can be held *in terrorem* upon the people, because you think that some day they might possibly misbehave themselves. That is not the spirit and that is not the theory upon which legislation ought to proceed. I, therefore, oppose this Bill *in toto*, although I am speaking on the circulation motion. Without multiplying instances, I have placed before the House a few material facts in order to convince the House that it is a most pernicious measure which would not be tolerated in any country.

The Honourable Sir Brojendra Mitter: I shall not take up the time of the House for long, because, in the course of the debate, only two points have emerged which require an answer from me. One point was made by Mr. Puri with regard to clauses 10, 11 and 13, that under the Bill power is given to the Local Government to declare a particular area. The point is that this is delegation of legislative power and is, therefore, *ultra vires*. Probably the Honourable Member forgot the recent judgment of a Special Bench of the Bombay High Court, delivered on the 20th July this year, in which the Chief Justice dealt with a similar clause in the Ordinance. For this purpose it makes no difference whether the law making authority is the Governor General or the Legislature. The point was taken there that the Governor General might have had power of

[Sir Brojendra Mitter.]

legislation, but he had no power to delegate his legislative function to a local authority. This is what the learned Chief Justice says:

"Sub-section (2) of section 1 provides that that section and section 63 extend to the whole of British India, and the remaining provisions of the Ordinance are to extend only to such provinces or parts of the provinces as the Governor General in Council may, by notification in the Gazette of India, specify and sub-section (3) provides that that section and section 63 shall come into force at once and that the Local Government may, by notification in the local official Gazette, direct that any or all of the remaining provisions shall come into force in any area to which they have been extended on such date as may be appointed in the notification. It is not disputed by the applicant that the Governor General in Council has, by notification in the Gazette of India, extended the Ordinance to the province of Bombay, and that the Local Government have, by notification, directed that it shall come into force in the area in question, that is, the area of Sholapur. But it is said that the Governor General had no power to delegate to the Governor General in Council or to the Local Government the power of saying to what particular area and at what particular time the Ordinance was to operate. (*The point which has been taken here.*) It is said that the effect of the Ordinance, as promulgated by the Governor General, is that it is left to an outside authority to promulgate the rest of the Ordinance. I think the argument really confuses the power to make a law, and the power to administer the law when made. It is no doubt for the Governor General, and the Governor General alone (*as it is for the Legislature*) to promulgate an Ordinance which is a form of emergency legislation, but I see no reason why, in the law which he promulgates, he should not provide that it is to come into operation at such time, or in such areas as may be determined by a third party."

Sir Hari Singh Gour: Does the Honourable the Law Member say that this is the case here?

The Honourable Sir Brojendra Mitter: It is precisely the case here. It goes on:

"It seems to me that by so doing he is not delegating the right to make a law. He is merely providing how the law which he makes is to be administered. I think authority for that view is to be found in the case relied on by the Advocate General, *Empress v. Bural*. I feel, therefore, no doubt that this Ordinance has been properly and regularly promulgated in Bombay."

That is an enough answer to the question.

Mr. B. E. Puri: Does the Honourable Member think that clause 10 can be defended like that? Does he seriously maintain that?

The Honourable Sir Brojendra Mitter: That conclusively disposes of that objection. The next point to which I think an answer is called for is the one made by Sir Abdur Rahim. He said that the ordinary law provided for all the illegal manifestations of the civil disobedience movement and, therefore, no further legislation was necessary. Sir, my short answer is this, that the ordinary law does not cover many of the illegal activities of the Congress, and I shall give only two instances. The ordinary law has no remedy for picketing, and the ordinary law provides no remedy for boycott. Therefore—I am not, Sir, arguing whether the measures which we are proposing are adequate or necessary in the circumstances of the country at the present moment—all I am saying is that these particular manifestations of the civil disobedience movement are not covered by the ordinary law of the land as it now stands.

Mr. A. Bhow (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Mr. President, I came to this House as a staunch co-operator with

the Government and an inveterate believer in the British connection. My function inside this House, as a Member, is always to give the best advice according to my conscience on any question that arises in the House. It would be idle to deny that there is a spirit of flouting a particular kind of law rampant in the country at this time and it would also be futile to deny that something must be done to check that spirit, as, otherwise, the consequences would be of a very far-reaching nature. Under these circumstances, I consider that it is the bounden duty of the Government to devise means by which this trouble can be checked as well as the bounden duty of every Member of this House, either inside or outside the House, to do his bit to see that this state of affairs is brought to an end in a satisfactory way. Sir, with this idea of my duty and with a full sense of responsibility as a Member of the Indian House of Commons, I shall place before the Honourable Members certain aspects of the question which strike me as being very essential and which, I consider, have not been dealt with yet. Now, with all the emphasis at my command, I say that in order to be true to myself, to my country and to my sovereign, I shall, in putting forth my views, remain open to conviction and if, by the time this debate is concluded, the Honourable the Home Member's arguments or those of my friends on this side convince me of the propriety and soundness of their views, I shall cast my vote for that party, accordingly.

The question before this House is, how to put down what is generally known as the civil disobedience movement. There is no doubt that from the time this movement has taken root in this country, due to various repressive measures, which, promulgated as they were in a form which would always be liable to corruption and abuse by the authorities, the administration of justice by the subordinate magistracy in this country is reduced more or less to a farce. One often asks oneself this question— who is the greater offender in trampling under the feet the sanctity of law,—the khaddar-clad men or the liveried representatives of the Government who arrest them or the magistrates who are supposed to hold their trial according to the best traditions of British jurisprudence? Well, Sir, this was a mere digression. Coming back to the point again, I say, the question is, how are we to provide means to do away with or to suppress or finish, once for all, this trouble which is now arising in the country? I must say that from this side of the House—I may be mistaken and I am always open to correction—no constructive proposals have been put forward as to how we can tackle this problem. As far as I understand, it was suggested by one of the Honourable Members on this side,—I do not know whether he seriously pressed that point,—that once Mahatma Gandhi is released, this trouble will be over. I, Sir, who claim to be second to none in my respect for Mahatma Gandhi, have got my own opinion on this point. Truthful and honest as he always is, I do not think that if this question is put to him, he will himself say that “if I come out, this movement will come to an end”. If that is the case, I am afraid the only constructive proposal which has come from this side of the House should really not deserve any serious consideration by any Member of the House. There is no doubt in the soundness of the contention brought forward by my Honourable friend, Mr. Anwar-ul-Azim, that since he pays heavy taxes, he has a right to expect the Government to look after his personal security and the security of his property. Sir, I feel, that way myself, and I also hold that the Government are responsible for maintaining law and order

[Mr. A. Hoon.]

in the country. Now that there is this kind of trouble in the country, Government want the Members of the Legislature in this House to give them their opinion as to how to eradicate it. Are we going to be carried away by what we hear only from the side of the Government, or are we bound to give them our honest, independent opinion and not to care as to what opinion is liked by them? Sir, there are three proposals before this House. The original Bill has been before this House for some time and it has been referred to a Select Committee by a majority of the Members of this House. Later on, we found there were two amendments to the original motion—one amendment from my friend, Mr. Sadiq Hasan, that the Bill be sent for circulation and for eliciting public opinion, and there is the other amendment that the Bill be sent back to the same Committee again for further consideration. Sir, with due deference to the opinion of those who have suggested the second amendment, I for myself would say that I should not be a party to this arrangement unless all the members of the Committee gave personal recognizances in Rs. 20,000 each not to walk out but also to be present on every occasion. (Applause and Laughter.) This, I am afraid, Sir, will not be done, and if this cannot be done, it is no use our sending the Bill back to the same Committee for any further consideration. If the second amendment is dropped, then all that is left before us for consideration is the original motion itself and the amendment of Mr. Sadiq Hasan. Now, I shall not take up the time of the House by going through the details of the various provisions, because I frankly confess that the details have been discussed on the floor of this House by much better brains than mine. I look at this Bill from a different point of view altogether. While I sympathise and agree with the Government that it is their duty to do something to put an end to this trouble, I ask this question,—is the Bill going to accomplish your object? Sir, this Bill is called a repressive measure and I for one am not afraid of that word “repressive”, because if repression can bring forth the desired effect, I would be the last person to ask the House not to have recourse to it. But the position in our country in connection with the movement of civil disobedience is particularly complicated and it is my own independent opinion—I again say that I stand for correction every time—that the repressive measures or the enactment which the Government propose to pass will not only not improve matters, but will aggravate the malady for which it is supposed to be a cure. The position is this. The Congress travelling agent—I have not met one, but I believe there are many—who goes from town to town, asks one of his friends in one town: “What are you doing my friend these days?” He says: “We are shouting ‘Mahatma Gandhi *ki jai*’ every day; we carry the flag every day; but nobody comes and arrests us”. The agent is extremely disappointed. He says: “There must be something very wrong in your methods of work. If you will not get arrested, I shall have to report that your district is not doing any national work”. Then he goes to the other town and asks one of his friends: “What is going on here?” That man speaks with great gusto and says: “Within a fortnight 60 arrests have been made, out of whom 20 were women and 10 children and also one rich and influential zamindar has been arrested”. The agent is overjoyed. He pats him on his back and says: “You will win Swaraj very shortly”. He is triumphant on the results achieved. But there is another side of this picture. The District Magistrate sends his fortnightly D. O. to his Commissioner. He says: “We have done splendid

work in this fortnight. We have arrested 60 people, including 20 women and 10 children and we have also arrested a very influential and rich zamindar". Now, Sir, with all humility that I possess, I ask my Honourable friend, the Home Member: "When and where will this war end and who will be victorious at the end, when on the achievement of the same results both the parties consider themselves triumphant?" This is, Sir, one phase of the question that has been worrying me always and I have not been able to find any solution or answer to it. Sir, if that is the state of affairs as far as the proposed enactment is concerned, I submit that surely with all earnestness we should ask the Home Member to devise some other means and not this particular means which, as I have shown to the House, would be nothing but futile from beginning to the end.

Sir, the Home Member laid great stress on the point that the Bill, as it has emerged from the Select Committee, is a more reasonable and sympathetic one. Further, he tried to make a point which he has been endeavouring to make from the very beginning that within a very short time the Government are going to hand over power to other people and that it would be a bad legacy if he left any handicaps and obstructions in the way of the future Government. I submit to my friend, the Home Member, that if you are sure of the strength of your case, and if you are sure that you are going to leave a really good legacy,—not a cup of poison, but really the milk of life,—why are you afraid to accept Mr. Sadiq Hasan's amendment which will only give you an opportunity to strengthen your hands by having the opinion of the country solicited widely? Well, Sir, if my friend's position is really sound and if my friend's plans are really for accomplishing what he wants to accomplish, I do not see why the amendment for further circulation should not be accepted. As the Home Member is very anxious that he should not leave a bad legacy to his successors, he should be really cautious to see that the posterity do not curse him for putting the country in their hands in a condition worse than it might have been in without the Ordinance Bill.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, after the principle of this Bill was accepted by 4 P.M. a very large majority of this House at Simla, it was reasonably expected that at this stage Honourable Members would avoid repeating the same general, and what I might call, sentimental arguments which were urged on the second reading of this Bill. But, after listening to most of the speeches that were delivered on the floor of this House yesterday and this morning, one must be extremely disappointed at the lack of sober criticism and sound discussion. And it is a matter of great satisfaction to me that certain speeches which were delivered this afternoon were intended to criticise the provisions of the Bill as they ought to have been criticised.

Sir, there can be no doubt that the Bill is a drastic measure. There can be no doubt that the provisions of this Bill will play hard with certain sections of the public, but, as was made amply clear on the occasion when this Bill was placed before the House, what was intended by promulgating this emergency measure was the greatest good of the greatest number. If this Bill curtails, to a certain extent, the liberty of speech and action of a small number of people in this country, it is in order to safeguard the liberty of action and speech of a very very large population of the country. In fact, all the laws and enactments, that are on the Statute-book of a country, curtail the liberty of the people. If I want to kill a

[Sir Muhammad Yakub.]

man and it is my intention that I should kill him and if anybody stops me from doing so or makes a law which prevents me from committing that murder, he curtails the liberty of my action. If a woman wants to marry four husbands, why is she stopped from doing so? So, I say, that all the laws that are in force in a country do place certain restraint on the liberty of the people. But we have got to see whether that curtailment of liberty is for the good of the country or otherwise. Now, it was made abundantly clear on the previous occasion that the emergency measure, which is intended to be placed on the Statute-book, is for the good of the country. Much stress has been laid upon public opinion and it has been said that we ought to take the public opinion before we bring any such measure on the Statute-book. Sir, if you go into the bazaar, if you go into a village, if you meet an ordinary man on the street, who has got no newspaper to ventilate his views, the man who has got no organisation to tell you his grievances, you will find that at least 70 per cent. of the population of this country are tired of the Congress movement. Look at the state of the poor tradesman who earns about eight or ten annas a day with which to feed his family consisting of six or eight persons. For three days out of a week, the Congress proclaims a *hartal*, because one man is sent to jail or another man has started his fast. It is all very good for the holiday making boys and volunteers, because they get Rs. 1-4-0 a day from the Congress funds, but what about that poor merchant whose income has been lost and whose children will have to starve the whole day. The opinion of the country is so clear on this point that it is futile and simply foolish to say that opinions of the country have not been obtained. Let us now see the provisions of the Bill. As I have already stated, drastic measures they are and drastic measures they will remain, but they are intended to meet a more drastic and a more pernicious movement and, therefore, some hardship will have to be allowed. But anybody, who would carefully go through the report of the Select Committee, would find that the rigour of the measure has been very much softened and the corners of the Bill have been rubbed so much as was possible for a measure like this. The improvement which this Bill has undergone through the Select Committee can be judged by the very fact that even the official members were obliged to add a minute of dissent. This clearly shows to what extent the Bill has been modified by the Select Committee and to what extent it has been improved. Now, Sir, my Honourable and learned friend, the *ex-Chief Justice of the Madras High Court* and the President and Leader of the Independent Party, in criticising clause 2 said that the wording of clause 2 was very wide and that it would entail great hardship upon the public. Probably he forgot to read the exception which has been added by the Select Committee and which was not in the original Bill. This exception says:

"This provision does not extend to comments on or criticisms of the policy of Government in connection with the military, naval, air or police service made in good faith and without any intention to dissuade from enlistment."

Comments of this description are not to be considered an offence under this clause. After this exception has been inserted in the Bill, the objections which were raised by the Honourable the Leader of the Independent Party do not hold any ground. Then, again, exception II still further modifies this provision. It says:

"This provision does not extend to the case in which advice is given in good faith for the benefit of the individual to whom it is given or for the benefit of any member of his family or of any of his dependents."

Now, this exception has been extended so much that if an advice is given not only for the benefit of that person, but also for the benefit of any of the members of his family and his dependants also, it does not come, under the category of offences enumerated in the Bill. I submit, therefore, that the rigour which was contained in clause 2 has been taken away by the exceptions which I have just read out to the House. As regards boycott of public servants, I am very sorry that the Honourable the Leader of the Independent Party has dealt with the subject in a very light-hearted manner. If he were still holding the position of the Chief Justice, which he held for many years, or if he were still a Member of the Executive Council and if in a town in which he happens to go, the washermen had refused to wash his clothes, the scavenger had refused to clean his bathroom, the barbers had refused to shave him or his servants, I do not think he would talk about this clause so lightly as he did this afternoon, and I do not think he would have said, "We all have to undergo such inconveniences".

Then, consider the case of a petty Government official who is posted in a small town, there is only one mid-wife or one lady doctor and she is threatened or she is forced by the Congress volunteers not to serve or attend upon the wife of that Government official who is on the verge of confinement. To treat this matter so lightly and to say that such inconveniences we have often to bear is a thing which seems to me unthinkable and I am really sorry that an experienced man like him, who has been for such a long time in the public life, should treat such a state of affairs so lightly as the Honourable the Leader of the Independent Party has done

Mr. B. V. Jadhav: Is that contingency provided for in the amended Bill?

Sir Muhammad Yakub: I cannot understand what the Honourable Member says. He was also in the Select Committee.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Please go on.

Sir Muhammad Yakub: We have made certain amendments in the body of clause 4 also. We have added the words, "usually let for hire" in the case of houses, and also in the case of land, "not being cultivated land" and in the case of medical attendance, the words "withholds from such person or his family such medical services as he would ordinarily render", and, I submit, that by adding these words, we have restricted the scope of the clause and the clause has been improved as much as could be expected. Of course everybody admits, even the Secretary of State for India admits, that these are very drastic measures and nobody likes these measures. It has been said by some Honourable Members, why have this measure for three years. I say to them, it is in your hands. Even today if you can make Mr. Gandhi declare that civil disobedience is withdrawn, that the Congress activities are suspended, there is nothing to prevent us from coming to the House tomorrow and getting this Bill repealed with the consent of everybody in the House. It is the men who commit the offences who are responsible for having a measure like this and not those who have got to maintain law and order in the land and who have got to safeguard the liberty of the poor villager and the poor merchant.

[Sir Muhammad Yakub.]

Then, Sir, sub-clause (2) of clause 4 makes this still more lenient. It says:

"No Court shall take cognisance of an offence punishable under this section unless upon complaint made by order of or under authority from the Local Government or some officer empowered by the Local Government in this behalf."

It has been said that this clause might be abused by some petty Government official. It is, in order to safeguard against such abuse of power, that sub-clause 2 has been added. Then, again, Sir, is there any law in this country which cannot be abused? The Indian Penal Code is abused. The Criminal Procedure Code is abused. I do not say that the Government officials, who sit on the benches, are saints. They do sometimes abuse the laws which they have to administer.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): This measure is also of that kind.

Sir Muhammad Yakub: But on the ground that there is a possibility of any law being abused, will you repeal that law and will you remove all such laws from the Statute-book? It is absurd to make an assertion like that.

Then, Sir, objection was taken to clause 5, and it was pointed out that when the whole book is proscribed, no punishment is given to the author, but if a man only repeats an extract from it, he is liable to punishment. The answer to that is quite clear. It was the first offence while this is a repetition of the offence. Before the book was proscribed, its publication was no offence, but if, knowing that a thing is proscribed, a man proceeds to repeat it, he not only repeats the offence, but he shows a disregard to the law of the country and, therefore, this offence is rightly made more serious than the first offence.

As regards the other provisions of the Bill, an objection was taken to clause 8, which deals with the liability of the parents to pay fines on behalf of the children. Here, too, Honourable Members will find that this is not a novel provision. This provision has found a place on the Statute-book of the country for many years, even before this contingency had arisen, and no objection was taken to it.

Mr. M. Maswood Ahmad: Will the Honourable Member please quote the Acts?

Sir Muhammad Yakub: The Honourable Member must learn some law.

Mr. M. Maswood Ahmad: I know more than you do.

Sir Muhammad Yakub: The Children's Act of Bombay is one and there are many other Acts of this kind under which parents are made liable to pay fines for the children.

Mr. Gaya Prasad Singh: Why not get a list from the Home Department?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Honourable Member should be allowed to go on.

Sir Muhammad Yakub: I will not be bullied by buffoons like you.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Honourable Member cannot call a Member of this House a buffoon.

Sir Muhammad Yakub: I withdraw that word, Sir, but I crave your protection. Whenever we rise to make speeches, there are certain Members on those Benches who make it their business to interject and try to stop us from going on with our speeches.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member knows that, before he got excited, the Chair did call Honourable Members to order when they were interrupting him so frequently.

Sir Muhammad Yakub: I am thankful to the Chair.

Then, Sir, it is not only the parents who are made liable to pay fines under this section. Honourable Members, if they will carefully go through the section, will find that the explanation to the clause which has been added by the Select Committee says that:

"In this section the word 'guardian' includes any person who, in the opinion of the Court, has for the time being the charge of, or control over, the offender."

What happens is this, that certain adult Congress volunteers take charge of small urchins and pay them two annas or four annas a day. Some of these children have no parents; as regards others, their parents know nothing as to what these urchins are being made to do. And, therefore, if a parent is not responsible for the act of the child, he will not be held responsible for paying the fine at all; and it is really the man who has charge of the child at the time the offence is committed who will have to pay the fine. Therefore, any inconvenience, which would have been caused to a parent who is not responsible for the act of the child, has been taken away or removed.

As regards the declaration of unlawful associations and confiscation of property, Honourable Members will find that in clause 13, section 17 of the Indian Criminal Law Amendment Act has been redrafted altogether, and in order to take away the rigour of the clauses, provisions have been provided that people who are aggrieved by such orders may go to the judicial Court and get their claims established.

My Honourable friend, Mr. Puri, has raised objection, and, in his opinion, a serious objection, about clauses 10 and 11. But I am really surprised that an eminent lawyer like Mr. Puri should raise such an objection. A close perusal of the Bill will show that the power of legislation has not been delegated to any local authority. The power of legislation has been reserved by this Legislature, and the Legislature itself has made certain amendments. It is only the application of certain provisions of the Bill which has been left to the discretion of the Local Governments and that is not a delegation of the authority of legislation to which objection was raised.

Sir Hari Singh Gour: You have given the Local Government power to amend the Criminal Procedure Code.

Sir Muhammad Yakub: The power to amend the Criminal Procedure Code is not left to the Local Governments. They cannot, at their own sweet will, amend the provisions of any section they like. But what is meant is that as regards certain sections the power has been given by this Legislature to the Local Governments to declare them non-bailable or cognisable and things like that. So this is not really a delegation of the legislative power about which objection was raised by the Honourable Mr. Puri

Diwan Bahadur T. Rangachariar: Will my Honourable friend read the last clause in section 10?

Sir Hari Singh Gour: If the Honourable the Home Member is going to support you on the last point, you should be satisfied.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Let there be no interruptions, please.

Sir Muhammad Yakub: Do you mean sub-clause (1) or (2)?

Diwan Bahadur T. Rangachariar: The last clause in sub-clause (1).

Sir Muhammad Yakub:

"and, thereupon, the Code of Criminal Procedure, 1898, shall, while such notification remains in force, be deemed to be amended accordingly."

Of course the amendment has been made by this Legislature. It is this House which is now making the amendment. The function of bringing that amendment into force is left to the Local Government and that is not delegating the legislation altogether. There are no other particular clauses to which objections have been raised. My esteemed friend, Mr. Rangachariar, this morning contended that a measure like this is intended to curtail legitimate political movements and legitimate rights of the people. I would ask my Honourable friend that during the time when the Ordinances were in force—and of course the Ordinances were more rigorous than this measure—how many meetings did he himself call in Madras and how many meetings did he preside over and was he ever stopped from holding any meeting?

Diwan Bahadur T. Rangachariar: I may mention that the Chief Presidency Magistrate issues notification after notification prohibiting public meetings.

Sir Muhammad Yakub: Quite right. That is not under the provisions of this Bill. That was under section 144 of the Criminal Procedure Code which is a very old enactment: when there is a danger to the peace in a certain place, the District Magistrate can do so, but not under the Ordinances or under this Bill. Then, it was only the other day, that the Liberals were holding their Conference at Bombay. So, I say, that legitimate political movements can never be stopped by this enactment.

Of course this enactment is intended to meet an emergency and, for that purpose, it has got to be a bit harder than usual

Diwan Bahadur T. Rangachariar: If my Honourable friend will extend to me the courtesy of allowing me to put him a question, may I ask him, does he think he is at liberty today to call a meeting, if he thinks the police have committed excesses in his district, to condemn those excesses?

Sir Muhammad Yakub: Most certainly, meetings may be called in which excesses by the police may be condemned. Not only that; if my Honourable friend has read the newspaper reports of Delhi, he will find that complaints have been filed against the excesses of police officers and that those complaints are being investigated by the Government even today

Sir Hari Singh Gour: Are complaints public meetings?

Sir Muhammad Yakub: Therefore, for these reasons I commend this Bill, as it has emerged from the Select Committee, for the consideration of the House. I do not think that any legitimate purpose would be served by re-circulating this Bill or by re-committing the Bill to the Select Committee. The Select Committee has done what it could have done; and, before I conclude, I will only remark that the proceedings of the Select Committee were carried on in a very honest and straightforward manner. There were no two parties in the Select Committee. Had it not been for the conciliatory spirit of the official members in the Select Committee, we would not have been able to carry those amendments, and important amendments, which were carried after the walk out of some Honourable Members on the other side

Mr. S. C. Mitra: There were only two official members.

Sir Muhammad Yakub: And those official members had to put in a note of dissent. With these remarks, I support the motion that the Bill be taken into consideration.

Some Honourable Members: The question may now be put.

Mr. Gaya Prasad Singh: As a member of the Select Committee, and as one of those who deemed it their duty to cease to participate in the deliberations of the Committee at a certain stage, I should like to offer a few observations on the Bill. Before doing so, I must acknowledge with thanks the very studied restraint, the suavity of manner, and the unflinching smile which lends to disarm criticism, of my Honourable friend, the Home Member, with which he referred to that unfortunate episode in the Select Committee which led some of us to leave the meeting. My Honourable friend said that if at any stage of the discussions on the Bill personal references are made, he will be prepared to meet them. I for my part give him the assurance that so far as I am concerned, I am not going to rake up the unpleasant episode but if any official Member or any satellite of theirs rakes up anything, I shall be prepared to meet the charges that may be levelled against us. My Honourable friends, Mr. Yamin Khan

[Mr. Gaya Prasad Singh.]

and Sir Muhammad Yakub, have indulged in the sort of speech which is quite habitual with them. My Honourable friend, Mr. Yamin Khan, first came into this House as a Nominated Member.

Mr. Muhammad Yamin Khan: I came to this House, long before you came, as an Elected Member.

Mr. Gaya Prasad Singh: My Honourable friend was for some time a Nominated Member of this House; now he has become an Elected Member; but this change of status has not apparently brought about a change in his mental outlook on political questions. So far as my Honourable friend, Sir Muhammad Yakub, is concerned, he has indulged in an epithet

Mr. President (The Honourable Sir Ibrahim Rahimtoola): He has withdrawn it.

Mr. Gaya Prasad Singh: which is very regrettable, and there I leave the matter. They have contended that this Bill, as it has emerged from the Select Committee, is a distinct improvement and very material changes have been made in it which makes it now acceptable to this House. I will only draw the attention of the House to the concluding portion of the Select Committee's report in which they themselves have said this:

"We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended."

This admission of theirs clearly shows that the Bill has not been as materially altered as they claim it to have been. It has been stated by Honourable Members on the Treasury Benches and their henchmen on this side of the House that this Bill has been introduced for the purpose of suppressing the civil disobedience movement

Mr. Muhammad Yamin Khan: May I ask whether the expression "henchmen" is a very suitable word?

Mr. Gaya Prasad Singh: I hold that the word is not unparliamentary, but if my Honourable friend is so fastidious, I will save habitual supporters of the Government. It has been stated that this Bill is being enacted for the purpose of suppressing the civil disobedience movement. I am free to confess in this House that the civil disobedience movement has not been held to be an illegal movement, and under certain circumstances, even justifiable. I will quote an authority, a very high authority, which will satisfy some of my Honourable friends who may have any doubt in the matter. I quote from page 41 (8th edition) of the Law of the Constitution by Mr. Dicey. This is what he says:

"Within the last thirty years, however, there has grown up in England and, indeed, in many other civilised countries, a new doctrine as to lawlessness. This novel phenomenon, which perplexes moralists and statesmen, is that large classes of otherwise respectable persons now hold the belief and act on the conviction that it is not only allowable, but even highly praiseworthy, to break the law of the land if the law breaker is pursuing some end which to him or to her seems to be just and desirable.

This view is not confined to any one class. Many of the English clergy (*a class of men well entitled to respect*), have themselves shown no great hesitation in thwarting and breaking laws which they held to be opposed to the law of the Church. Passive

resisters do not scruple to resist taxes imposed for some object which they condemn. Conscientious objectors are doing a good deal to render ineffective the vaccination law. The militant suffragists glorify lawlessness, the nobleness of their aim justifies in their eyes the hopeless and perverse illegality of the means by which they hope to obtain votes for women."

An Honourable Member: What is the conclusion?

Mr. Gaya Prasad Singh: I go further and say that, under certain circumstances, even armed revolt against the tyrannies of the Government has been held to be morally justifiable. I am here merely referring to a psychological phenomenon which is evident not only in England but in many other civilised countries of the world, and India is no exception. Sir, at page 431, this is what Dicey says:

"No sensible man can refuse to admit",—*this is his opinion*,—"that crisis occasionally, though very rarely, arise, when armed rebellion against unjust and oppressive laws may be morally justifiable."

Sir, in this view, those of our countrymen, who have taken to the civil disobedience movement, are doing nothing which is morally unjustifiable. There is not an element of moral turpitude in it. I may or may not agree with them, I may or may not hold the same views which they hold, but it is dishonest on the part of any Honourable Member to ascribe dishonest motives to those who are resorting to them. Patriotism, after all, is not the monopoly of a particular class. Sir, I may differ from the Congress in many respects; I may differ in many respects from those who are attempting to bring about by that means a change in the system of Government; but one thing must be said to their credit that their patriotism has been tested on the touchstone of sincerity and self-sacrifice. Many of us, who come into this House at the fag end of our other business only to make a few speeches and to go away, are not fit even to untie the shoelaces of those great patriots whose life is a sermon in self-sacrifice and suffering like Mahatma Gandhi and many others. (Applause from the Nationalist Benches.)

It is claimed, Sir, that the provisions of the law, as it exists, is not sufficient to cope with the situation. If this be so, I must in the first place congratulate the Indian National Congress for their success in compelling the Government to bring a drastic legislation of this kind. Either the Congress represents a microscopic minority of the population, as it was said, on a historic occasion, by one of the great Viceroys of India, or it represents the will of the bulk of the people of this country. If it represents only a microscopic minority of the population, this drastic legislation is unnecessary and should not be resorted to at all. If, on the other hand, it is conceded by the Government and by their habitual supporters that the Congress mentality is the mentality of the people at large, that the spirit of the Congress pervades the masses of the people, then, I say, that these drastic provisions will not succeed in killing the rising self-consciousness of the people, or to meet the situation which it is intended to meet.

Now, Sir, I should like to say a few words with regard to some of the provisions of the Bill, and whether actions taken under some of the Ordinances have been justifiable or not. There is one provision in the Bill which empowers the authorities to declare certain associations as

[Mr. Gaya Prasad Singh.]

illegal. Let us for a moment consider whether this power has been properly exercised in the past by the local authorities concerned or not. I have before me a list of Associations which were declared unlawful in Bombay only. This list includes such associations as the following:

Labour Welfare Centre,
Foreign Cloth Boycott and Swadeshi Committee,
Anti-Untouchability Committee,
Prohibition Committee,
Municipal Sub-Committee,
Swadeshi Pracharak Mandal,
Women's Association,
Nationalist Muslim Party,
Nationalist Christian Party.

These are some of the Associations which were declared illegal. (*An Honourable Member from the Nationalist Benches: "Shame."*)

The Honourable Mr. H. G. Haig: Can you judge them by their names?

Mr. Gaya Prasad Singh: I challenge my friend to produce evidence in support of his contention that, under the garb of these names, they have been doing things which can be regarded as unlawful or illegal. I shall be very happy to revise my opinion if my Honourable friend gets materials from the Bombay Government of the activities of these associations and places them on the floor of the House at a later stage, and then I shall be quite willing to withdraw whatever observations I may have made wrong in this connection. Hartals have been declared illegal.

Then it is stated that the liberty of the people is being interfered with by the Congress people. Now, I ask, are not the shopkeepers at liberty to close their shops on a particular day if they so desire? If it is open to one man to close his shop, it should be open to quite a number of men to close their shops voluntarily on a particular occasion. If these people have been molested or tyrannised over by the Congress men, then certainly action can be taken against them, and they must be punished. In my own province, in Dinapore town, a number of persons closed their shops in celebration of what is known as the Peshawar Victims Day, and the matter was brought before the Magistrate. The accused were handcuffed, they were tied with ropes, and they were refused bail. (*An Honourable Member: "Shame."*) That was in February last, and the Magistrate of Dinapore writes on his Order-Sheet, dated 1st February, 1952, as follows:

"This is a typical piece of civil disobedience, and it follows that all shopkeepers who closed their shops and observed Hartal on that day were assisting the operations of the unlawful Congress association and are guilty under section 17 (1) of the Criminal Law (Amendment) Act."

An Honourable Member: Absurd.

Mr. Gaya Prasad Singh: Newspapers have actually been asked to refrain from criticising the actions of the police or of the Government or of its officials. Fathers or guardians have been actually sentenced to

imprisonment, or fine, for not paying the fine imposed upon their sons or wards. District Magistrates have sometimes called upon dealers of foreign cloth and have actually asked them or rather encouraged them to sell foreign cloth under Government protection. If they are being molested or interfered with by the Congress volunteers or anybody else, it is a crime which ought to be punished under the law. Under the provisions of one of these Ordinances which has been enshrined in this Bill, a Magistrate in Bengal actually issued a notice upon a vegetable seller forcing him to sell vegetables for one month in that town. I brought this fact to the notice of my Honourable friend, the Home Member, and he was pleased to promise to write to the Bengal Government on the subject. If I remember aright, that was the gist of his reply. Sir, in Calcutta, notice under the Emergency Powers Ordinance was served on such an eminent lady as Shrimati Urmila Devi, sister of the late Deshbandhu Das, restraining her movements within a limited area surrounding her residence. If I remember aright, that was the text of the notice itself. The Deputy Commissioner of North Calcutta in a meeting of the shopkeepers said that he was empowered under the Ordinance to seal the shops in case they closed them in connection with any hartal. I am giving just a few examples at random to show how the Ordinances, which were enacted in the past, have been actually working in different provinces.

The Honourable Mr. H. G. Haig: Are those powers all reproduced in the Bill as it is before the House?

Mr. Gaya Prasad Singh: My contention is that judging from the way in which your officials have administered the Ordinances, which were promulgated by His Excellency the Governor General, your officials are not fit to exercise that amount of power which you are proposing to give under this Bill. Sir, this is an incident which happened in Gopalganj, Bengal. Srijuts Sudhir Chandra Roy Chaudhury, B.Sc., B.L., and Bhuban Mohan Saha, M.A., B.L., pleaders, were served with notices in February last, under the Emergency Powers Ordinance, directing them not to leave the Gopalganj Town area and take part in any political activities, and to report themselves, in person to the officer in charge, local police station, daily, for a period of one month. Similar notices were served on six other local gentlemen. My Honourable friend, Sir Muhammad Yakub, said that political activities have not been prohibited under the law. The text of the notice itself shows that these respectable persons, educated gentlemen, holding some position in local society, were debarred from participating in any legitimate political activities and their movements were restricted for a considerable time. And then insult was added to injury by asking them to report themselves to the police daily. If they committed any offence, the arm of the law is long enough to catch them and to deal properly with them.

"The District Magistrate of Comilla"

—I am reading out from the *Hindustan Times* dated the 21st January, 1932—

"The District Magistrate here has decided to address meetings of students every evening. To make sure of his audience, the Magistrate has caused notices to be served on the heads of all educational institutions, including the local college, to co-operate with the police for two hours every evening, by sending two representatives of each institution every evening to the police station, for the purpose of identifying the students present at the meetings to be addressed by the Magistrate."

[Mr. Gaya Prasad Singh.]

This is trying to manufacture loyalty by coercion! In Lahore, two notices were served under the Emergency Powers Ordinance on two sisters, Miss Manmohini Zutshi, M.A., ex-President of the Students' Union, and Miss Shyam Zutshi, B.A., asking them not to participate in any procession and meeting, and not to go beyond the limits of the Lahore Municipal area for one month.

This happened in February last.

Then, Sir, another incident which happened in the Bengal Presidency was this:

"A Naldanga report says that notices were served on Mr. Surendra Lahiri, a well-known zamindar of the locality, and two other persons, directing them to be present at the station on November 17, when a contingent of soldiers will arrive, and to make all necessary arrangements including arrangements for supply of food for the contingent."

This is from the *Hindustan Times*, dated the 16th November, 1932, that is, today. This is what happened in a college at Lucknow in January last: Students of the Lucknow Christian College went on strike as a protest against a notice served on a professor asking him not to attend classes with khaddar dress.

I do not know whether the authority concerned scented sedition under the folds of khaddar.

In January last, the authorities served a notice on the All-India Spinners' Lucknow Branch Khaddar Depot, under the Emergency Powers Ordinance, not to allow Congressmen to visit the *Bhandar*.

Another incident which happened in Lucknow in February last was this; and this I take from the *Hindustan Times* of the 14th February:

"Various merchants, including Messrs. Ramrattan Gurprasad Kapoor, Buddhalal Lalimal, Rattansingh and Govardhan Khanna have been called upon to show cause under the Emergency Powers Ordinance why they should not leave Cawnpore or live five miles away within four days."

These are some of the specimens of orders served under the Ordinances which have been promulgated from time to time. In Lucknow what happened in March last was this:

"The Manager of the Charkha Sangha and the Khaddar Bhandar received notices from the District Magistrate to the effect that these institutions should not sell Congress flags to anybody. On representation, the District Magistrate issued another order to the Manager granting him permission to continue selling national flags for the purpose of display in private homes and shops only. But the order further runs:

'You are warned that in case any flag sold by you is used for aggressive demonstrations, there will be a strong presumption that you had your support for such demonstration and that you had laid yourself open to consequent penalty.'

I may take some more time, Sir.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): How many instances is the Honourable Member going to give? The Honourable Member should direct his attention to the Bill. His whole speech has been one of instances, without connecting them with the Bill that is now

before the House. He may quote occasionally an instance or two illustrating what is likely to happen if certain provisions of the Bill are accepted by the House. The Honourable Member cannot quote instances which have no bearing on the subject-matter now under consideration of the House.

Mr. Gaya Prasad Singh: If you say, Sir, that instances from the past are not relevant to the present issue, I shall bow to your ruling.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order, The Chair has never said that. The Chair will allow the Honourable Member to quote instances relevant to the provisions embodied in the Bill, pointing out that if the House enacts the measure in its present form, it is liable to such evils as may have happened in the past. In dealing with the different clauses of the Bill, he may quote instances relevant to them. Reading out a series of instances, without in any way attempting to connect them with the Bill, cannot be allowed.

Mr. Gaya Prasad Singh: Then I shall have to enter in some detail into the provisions of the Bill.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): That is the only way in which he can make them relevant.

Mr. Gaya Prasad Singh: Now, Sir, clause 4 of the Bill runs as follows. I will read out the clause and then give instances.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): By all means, but the instances must have a bearing on the provisions of the Bill.

Mr. Gaya Prasad Singh: If there are no instances, I will offer my own comments.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Certainly, you are welcome to do so.

Mr. Gaya Prasad Singh: Clause 4 runs as follows:

"Whoever, with intent to harass any public servant in the discharge of his duties, or to cause him to terminate his services or fail in his duty, refuses to deal with or to let on reasonable rent a house usually let for hire or land not being cultivated land to, or to render any customary service to such public servant or any member of his family on the terms on which such things would be done in the ordinary course or withholds from such person or his family such medical service . . . shall be punished with imprisonment, etc. etc."

My first comment in connection with this clause is that it is too wide and liable to abuse in many cases. The clause says "whoever, with intent to harass any public servant." The word "harass" has not been defined in the first place. In legal phraseology such terms ought to be clearly defined, and the scope of the mischief ought to be limited as far as possible. Then it says "fail in his duty." That is also a wide and comprehensive expression and liable to abuse in more ways than one. Then again "refuses to deal with or to let on reasonable rent a house usually let for hire." Take for instance, the case of a money lender. He

[Mr. Gaya Prasad Singh.]

refuses to lend money to a public servant. Then this clause, as it is worded, will compel the *mahajan* to lend money to a Government servant; Will any of my Honourable friends seriously say whether the mischief, which I contemplate, is not inherent in the wording of this clause? Then "house usually let for hire." There may be good reasons why a house usually let for hire is refused to a particular tenant. The tenant may be of a quarrelsome nature, of a boisterous temperament or he may be a bad paymaster. Then, Sir, there are certain sections of the community, for instance the Jains, who would not let out their house to a man who takes animal food, and so on. There might be other considerations which might weigh with a man in refusing to let out a house to a Government servant. Then "land not being cultivated land." You are forcing a man not only to let his house to a public servant, but also compelling him to provide an orchard for vegetables to be grown on it. Surely he does not want this land for the purpose of discharging his official duties. Then "to render any customary service." What is this customary service? If a barber refuses to shave, is he punishable under the provisions of this law?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): How long does the Honourable Member expect to take?

Mr. Gaya Prasad Singh: I will take some considerable time.

Mr. President: The Honourable Sir Brojendra Mitter.

The Honourable Sir Brojendra Mitter (Leader of the House): As regards the business for next week, I propose that we go on with this matter. If there be anything new which I have to mention to the House, you will permit me to state it on Monday.

The Assembly then adjourned till Eleven of the Clock on Monday, the 21st November, 1932.