

8th September, 1933

THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

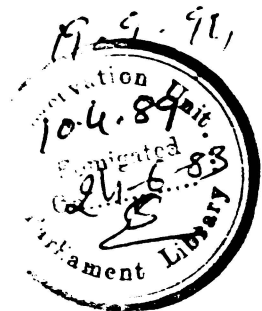
Volume VI, 1933

(5th September to 14th September, 1933)

SIXTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY,
1933



NEW DELHI
GOVERNMENT OF INDIA PRESS
1934

Legislative Assembly.

President :

THE HONOURABLE SIR SHANMUKHAM CHETTY, K.C.I.E.

Deputy President :

MR. ABDUL MATIN CHAUDHURY, M.L.A.

Panel of Chairmen :

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MR. K. C. NEOGY, M.L.A.

SIR LESLIE HUDSON, KT., M.L.A.

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

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

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

Committee on Public Petitions :

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SIR LESLIE HUDSON, KT., M.L.A.

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

MR. GAYA PRASAD SINGH, M.L.A.

KUNWAR HAJEE ISMAIL ALI KHAN, O.B.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Friday, 8th September, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I lay on the table the information promised in reply to part (b) of starred question No. 373 asked by Mr. Gaya Prasad Singh on the 1st September, 1933.

STORES PURCHASE POLICY OF THE CALCUTTA PORT TRUST.

*373. (b) The Government of India understand that the policy of the Calcutta Port Commissioners as regards the purchase of their stores is to buy them on the most favourable terms obtainable, regardless of the country of origin.

The following is a comparative statement showing the value of stores purchased in and out of India by the Port Commissioners during the last five years :

		Value of stores purchased in India (*).	Value of stores purchased out of India (†).	Total.	Remarks.
		Rs.	Rs.	Rs.	
1928-29	..	37,90,792	10,57,989	48,48,781	(*) Excluding the value of stores and equipment purchased in India by the Engineering Department of the Port Commissioners, of which the figures are not available. (†) The stores purchased outside India during the last few years consisted entirely of plant and materials not obtainable in India and of spare parts or renewals for machinery manufactured abroad.
1929-30	..	34,46,164	6,17,504	40,63,668	
1930-31	..	25,74,721	1,70,160	27,44,881	
1931-32	..	15,79,538	1,55,054	17,34,592	
1932-33	..	13,78,897	94,714	14,73,611	

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table the information promised in reply to starred questions Nos. 309 to 314 asked by Mr. Muhammad Muazzam Sahib Bahadur on the 9th February, 1933.

INADEQUACY OF THE SPACE FOR THE STAFF IN THE MADRAS GENERAL POST OFFICE.

*309. (a) A starred question No. 189, put by Rao Bahadur P. T. Kumaraswami Chettiyar on the 16th July, 1930, referred to the adequacy of accommodation for the staff in the Madras General Post Office ; in reply it was stated that there was enough accommodation in the General Post Office for the entire staff.

(1171)

(b) No. The Madras Postal Co-operative Credit Society and the Postal and R. M. S. Co-operative Benefit Fund vacated the accommodation in the General Post Office because of the high rent and not for the reason suggested.

(c) The Bag office has been removed to the General Post Office building but it is not correct to say that it has been located in a very inadequate place.

(d) The window delivery post boxes were removed as stated but the delivery department did not consequently become, and is not in fact, ill-ventilated and very congested.

(e) The Foreign Money Order Department is now properly located in the Money Order Department and the accommodation provided for it is not congested.

(f) The tiffin rooms hitherto occupied by Hindu staff were close to the latrine and have therefore been shifted to better rooms to which the accommodation provided is larger by 102 square feet in area than that formerly occupied. The tiffin rooms formerly in use will be utilised for official purposes when required.

(g) 429.

(h) The information is given in the statement attached.

Statement.

Names of Departments.	Maximum staff working at a time.			Accommodation required.	Space available.	Excess.	Short.
	Selection grade.	Time scale.	Menial.				
				Sq. ft.	Sq. ft.	Sq. ft.	Sq. ft.
Money Order Department	2	27	3	1,610	1,360	..	250
Registration Department	3	21	3	1,410	1,581	171	..
Delivery Department ..	2	18	37	2,290	2,050	..	240
	(including 1 A.P.P.M.)						
Treasury .. ..	..	8	1	620	576	..	44
Sub-Accounts .. ..	..	4	1	220	168	..	52
Accounts	1	6	1	570	1,139	569	..
Correspondence Department (excluding portion allotted for records).	1	31	6	1,770	2,200	430	..
Accommodation in Correspondence Department reserved for records.			..	740	740	..	..
Savings Bank	2	8	1	820	1,086	266	..
V. P. Claims	1	18	1	1,470	1,116	..	354
Customs Examination ..	1	8	4	1,280	2,112	832	..
	3 (appraisers Customs)	4 (clerks Customs)					
Inland Parcel	1	7	6	920	2,156	1,236	..
Foreign Parcel	1	14	8	1,410	4,234	2,824	..
Bag Department .. ..	..	9	5	775	1,321	546	..
Mails Department .. ..	..	5	6	495	814	319	..
Deposit Department .. ..	..	4	1	320	312	..	8
Sorting Department .. ..	..	6	4	380	792	412	..
Stores Department .. ..	..	2	1	170	1,196	1,026	..
Inspectors	3	..	..	300	1,246	946	..
Counter space .. ..	..	15	..	300	733	433	..
	21	215	89	17,870	26,932	10,010	948
Space for the public in front of the post box range.	..	..	..	200	200	..	..
				18,070	27,132	9,062	..

INADEQUACY OF THE SPACE FOR THE STAFF IN THE MADRAS GENERAL POST OFFICE.

- *310. (a) 200 sq. ft. for a Postmaster, or
 100 sq. ft. for a Deputy or Assistant Postmaster,
 50 sq. ft. for a clerk, where a separate record room is provided,
 75 sq. ft. for a clerk where no separate record room is provided,
 20 sq. ft. for a clerk working at the counter where a standard counter is provided,
 20 sq. ft. for a postman or a member of the lower grade staff.

(b) Government consider that the scales of accommodation provided for the staff are reasonable and that they allow for the necessary working conditions. They would however be prepared to consider the special circumstances of any case brought forward by the Postmaster-General.

(c) If the question refers to the Madras General Post Office the conditions referred to in the question do not exist.

(d) The space occupied by the money order department is 1,360 square feet which is 250 sq. ft. less than that ordinarily admissible for the maximum number of staff working at one time in a day.

The maximum number of staff in the money order department is required to be on duty for one hour in a day and as the staff working during other times is below the maximum strength, the accommodation required for it varies from 1,350 sq. ft. to 1,400 sq. ft. The space now available does not therefore fall seriously below the normal standard.

INADEQUACY OF THE SPACE FOR THE STAFF IN THE MADRAS GENERAL POST OFFICE.

*311. (a) Yes

(b) No. There is still left a space of 430 sq. ft. in excess of what is admissible according to standard.

INADEQUACY OF THE SPACE FOR THE STAFF IN THE MADRAS GENERAL POST OFFICE.

*312. Fans are stopped in certain departments following the example of the offices of the Local Government during October to March except on close and hot days when the weather conditions justify this. The hardship implied by the Honourable Member does not exist, as there is no congestion or serious obstruction to the free passage of air and light.

STRUCTURE OF THE MADRAS GENERAL POST OFFICE BUILDING.

*313. (a) Between May, 1881 and April, 1884.

(b) Government are assured that the building is spacious and cool and the accommodation is considered adequate.

(c) If the Honourable Member refers to the space skirting the main hall between the railings dividing certain departments and the wall, this is approximately five feet.

(d) The space is ample to allow of the passage of the officials who have to work on this floor.

WANT OF PROPER LAVATORY ARRANGEMENT IN THE MADRAS GENERAL POST OFFICE BUILDING.

*314. (a) The latrine accommodation in the General Post Office is reserved for the supervisory staff. The clerical, delivery and inferior staff use an eight seated latrine situated about 80 paces away from the main building. The numbers of the establishment using it are somewhat overstated in the Honourable Member's question.

(b) Representations on the subject of the provision of extended accommodation in tiffin rooms and latrines have been received, and the conditions in respect of the tiffin rooms have already been remedied. Arrangements for enlarging the latrines are in progress. The space occupied by most departments is in excess of requirements and in six of them it is slightly inadequate.

Mr. B. J. Glancy (Political Secretary) : Sir, I lay on the table the information promised in reply to starred question No. 64 asked by Mr. Gaya Prasad Singh on the 22nd August, 1933.

PRESENT POLITICAL AND ADMINISTRATIVE POSITION OF GILGIT.

*64. Gilgit proper is a part of Kashmir State and administered by them. The Government of India maintain a Political Agent at Gilgit, and also contribute towards the cost of maintenance of Kashmir State troops in the Gilgit Agency. The annual expenditure incurred by the Government of India is approximate seven lakhs (rupees 7,00,000). Out of this amount a sum of about Rs. 30,000 is recovered from the Kashmir State.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table the information promised in reply to starred question No. 1652 asked by Mr. Goswami M. R. Puri on the 12th December, 1932.

RETRENCHMENT OF RAILWAY EMPLOYEES.

*1652.

Officers.	State- managed Railways.	Company- managed Railways.
Number of posts abolished or held in abeyance from 1st March, 1931	134	53
Number of officers retrenched or reduced from 1st March, 1931	55	19
<i>Inspectors.</i>		
Number of posts abolished or held in abeyance from 1st March, 1931	262	90
Number of Inspectors retrenched or reduced from 1st March, 1931	136	52

The difference between the number of posts abolished or held in abeyance and the number of officers retrenched or reduced on State and Company-managed railways is due to :

- (i) sanctioned posts being left unfilled in the interest of economy prior to the issue of orders in March, 1931 ;
- (ii) posts falling vacant subsequent to 1st March, 1931, due to transfer of their substantive incumbents not being filled ; and
- (iii) posts falling vacant on account of death, retirement, resignation, etc., not being filled.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following message has been received from the Council of State :

“ I am directed to inform you that the Council of State has, at its meeting held on the 7th September, 1933, agreed, without any amendments, to the following Bills which were passed by the Legislative Assembly at its meeting held on the 1st September, 1933, namely :

- (a) A Bill further to amend the Indian Income-tax Act, 1922, for certain purposes ;
- (b) A Bill to regulate the possession of Wireless Telegraphy apparatus ;
- (c) A Bill further to amend the Land Acquisition Act, 1894, for certain purposes ; and
- (d) A Bill further to amend the Indian Railways Act, 1890, for a certain purpose.”

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhole (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 11th September. You, Sir, have already directed that in that week the House shall sit for Government business on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday. Should our business for the current Session not be concluded on the last day of the week, it is probable that we shall ask you, Sir, to direct that the House shall sit on Monday, the 18th, Wednesday, the 20th, Thursday, the 21st and Friday, the 22nd September, 1933. Our reason for making the request, Sir, will be that it is most desirable that we should not carry over any appreciable amount of business to the November Session.

On Monday, the 11th, a motion will be moved for the election of Members to fill certain vacancies in the Salt Industry Committee of the Assembly. Thereafter, leave will be asked to introduce the following Bills :

- 1. A Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, and
- 2. A Bill to amend the Indian Lac Cess Act, 1930, for certain purposes.

This will be followed by a motion to commit to a Joint Committee of both Chambers the Reserve Bank of India Bill.

On Tuesday and Wednesday the business before the House will be the continuation of the discussion of the motion to refer the Reserve Bank of India Bill to a Joint Committee. On the conclusion of this business the consideration of any Legislative business entered in the lists of business for the present week and not concluded will be taken up.

The business for Thursday, Friday and Saturday will comprise :

- 1. Continuation, if not already concluded, of the motion for reference to a Joint Committee of the Reserve Bank of India Bill.

2. Motion for reference to a Joint Committee of the Imperial Bank of India (Amendment) Bill which it is proposed to introduce on Monday next.

3. Continuation of the motion, if not already concluded, to refer to a Select Committee the Indian States (Protection) Bill.

4. Motions to take into consideration and pass the following Bills :

- (1) the Indian Medical Council Bill, if not already passed ;
- (2) The Murshidabad Estate Administration Bill, as reported by the Select Committee ;
- (3) The Indian Merchant Shipping (Second Amendment) Bill, as reported by the Select Committee ; and
- (4) The Indian Tea Control Bill.

5. Motion to refer to a Select Committee the Factories Bill.

6. Motion to re-commit to a Select Committee the Hedjaz Pilgrims (Muallims) Bill, as reported by the first Select Committee.

7. Motions to take into consideration and pass three short Bills which were introduced and passed in the other Chamber. These are :

- (1) The Negotiable Instruments (Amendment) Bill,
- (2) The Indian Arbitration (Amendment) Bill, and
- (3) The Cantonments (House-Accommodation Amendment) Bill.

8. Motions to take into consideration and pass the Dangerous Drugs (Amendment) Bill.

9. Business other than Legislative business which has appeared in this week's list and has not been disposed of. This includes :

- (1) Motion relating to the future administration of Aden,
- (2) Supplementary and Excess Demands for Grants, and
- (3) Motion in connection with the levy of dues in respect of lighthouses and buoys.

THE RESERVE BANK OF INDIA BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : Before calling upon the Honourable the Finance Member to make the motion which stands in his name, the Chair desires to make just one observation. It is usual, according to the convention established in this House, at this stage of asking for leave to introduce any Bill, for the Mover to make only a very short statement. But in view of the special importance of the Reserve Bank of India Bill, the Chair proposes in this case to depart from that convention and permit the Honourable the Finance Member to make a longer statement than is usually allowed in such circumstances.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, you have been pleased to suggest that the Honourable the Finance Member should make a long speech. When the Reserve Bank Bill was introduced last time, Sir Basil Blackett introduced the Bill first and afterwards he made his motion for circulation and made a long speech. I cannot understand why there should be a departure today.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member will understand it now.

The Honourable Sir George Schuster (Finance Member) : Sir, I move for leave to introduce a Bill to constitute a Reserve Bank of India.

I am most grateful to you, Sir, for having allowed me a certain latitude in this matter recognising, as you have done, that it is a very special occasion. But I trust that this House has not been unduly alarmed by what you have said, because I certainly do not intend to make a very long speech. I only felt that there were certain things which ought to be said on the mere introduction of this Bill. In the first place, I wish to say by way of preface that I am impressed on this occasion by a very full sense of my responsibility in making what is perhaps the most important motion which it has fallen to my lot to move during my tenure of office as Finance Member. I use these words advisedly, because, in framing and passing this Bill, we shall be doing some thing to shape the destinies of the new India of the future to which we are all looking forward. In view of this, may I express a hope that the Members of this Legislature, in taking part in the coming deliberations, will set aside personal and party considerations and will act as members of a body which is united in one common purpose—the purpose of devising a measure which will promote the security and stability of Indian finance in the future.

I now turn to the special things that I wanted to say. In the first place, I want to say something about our time table and the occasion which we have chosen for bringing forward this measure. I have seen in certain Press articles a disposition to criticise us for unduly rushing this measure—for attempting unwisely in a few weeks to push through a measure on which the country should have a long time to ruminate and deliberate. I can only say that the Government of India are not usually accused of acting with undue haste, and it is not our disposition to do so. So far as we are concerned, we should have welcomed a little more time, and undoubtedly the time has been very short at least for the preparation of this Bill. Honourable Members will recognise that it had to be ready to go to the press within about a week of my own return to India. Nevertheless, when we take into account the time which will be available for the public to consider this measure before even the Committee stage is reached, and when we consider the time that will be available for the Committee stage and for the subsequent deliberations, and when we also take into account the fact that this measure or something very like it has been before the country for a very long time and has been fully discussed, I do not really think that there is any danger that

[Sir George Schuster.]

we shall be unduly rushed in arriving at our conclusions. On the other hand, if we had not moved now, there would have been very considerable delay : and, in choosing our time table, we have really been guided entirely by what we regarded to be our duty to the country. Let me ask the House just to consider the position. It is quite clear that in the normal Delhi Session, with a Railway Budget and General Budget which must in any case be got through, there is not sufficient time to give that full and continuous consideration which is necessary to a measure of this kind. Therefore, if we had not brought forward this Bill now and started on what we intend to be our programme now, it would have been necessary to postpone this measure either until the next autumn Session in Simla or until a Special Session to be held next summer, say in May or June ; but even the latter alternative would have meant seven or eight months' delay, and plans made so far ahead are always uncertain. We did not think it fair to risk that delay and that uncertainty in getting through the legislation which is necessary before we should initiate the practical steps for setting up the new Bank. We felt it necessary to put Government at least in the position to take those steps as early as possible. The steps themselves are bound to take a considerable time, and it is important that they should be taken as far in advance as possible of the inauguration of the new Constitution, for it would certainly be most undesirable that the very drastic changes involved in transferring the control of currency and credit to a Reserve Bank should coincide or be telescoped together with the actual constitutional changes. Moreover, as Honourable Members are aware, the setting up of the Reserve Bank has a very definite place in the whole of the constitutional programme and we in the Government of India were anxious to give a practical demonstration that we are determined to do everything that lies in our power to make the new Constitution a reality as early as possible.

That brings me to another point on which I wish to say something—the significance of a Reserve Bank in the constitutional plan. I have seen it said on many occasions that this idea was sprung upon the Indian public as something quite new at the end of the Third Round Table Conference, and Indians have asked “ Why is this new condition proposed ? Why is it necessary to have a Reserve Bank before financial responsibility can be transferred ? ” This questioning or criticism does not do justice to the motives of the British Government in this matter. The case is really quite simple. It has generally been agreed in all the constitutional discussions, and the experience of all other countries bears this out, that when the direction of public finance is in the hands of a ministry responsible to a popularly elected Legislature, a ministry which would for that reason be liable to frequent change with the changing political situation, it is desirable that the control of currency and credit in the country should be in the hands of an independent authority which can act with continuity. I do not think that I need enlarge upon that. Further, the experience of all countries is again united in leading to the conclusion that the best and indeed the only practical device for securing

this independence and continuity is to set up a Central Bank, independent of political influence. Those who were considering the constitutional proposals on behalf of His Majesty's Government exercised much thought in examining the possibilities of other devices for securing this object and they were always and inevitably brought back to the conclusion that there was no other satisfactory way except to set up an independent Reserve Bank. Therefore, as according to their declared purpose His Majesty's Government intended to transfer financial responsibility in the new Constitution, they determined that the only satisfactory way to frame the White Paper proposals was to do so on the assumption that an independent Reserve Bank would be in being when the time came for setting up the new Constitution; and, this conclusion having been reached, it became the determined purpose both of His Majesty's Government and of the Government of India to do everything in their power to see that a Reserve Bank should actually be set up in time for this; and it is, in pursuit of that purpose, that we are taking our present action.

That, then, explains our position in this matter; and now, I want to say just a few things about the Bill which is now being presented. In its preparation we have had two things to work on: the former Reserve Bank Bill of 1928 with which the country is already familiar, and the Report of the London Committee, on which Indians in general and the Indian Legislature in particular were so well represented. The Committee's report did two things: working itself, on the basis of the 1928 Bill, it first proposed certain definite changes in that Bill, and, secondly, recommended that several important points, on which it was unable to reach final conclusions should receive further consideration in India. As regards the definite proposals, we have endeavoured to incorporate these as exactly as we could interpret them in the Bill which I am now presenting; and, as regards the points which were to receive further consideration—and these include some points which are not subjects for legislation in the Bill, but which will have to be dealt with in separate agreements—we have not had time since my return to give them the full consideration which they deserve, and, moreover, we desired to consider them in consultation with the representatives of the Indian Legislature before we committed ourselves finally to definite proposals. For that purpose discussion in Joint Committee which we intend to propose will afford the suitable opportunity. In taking this line, I do not intend to suggest that the Government desire to shirk this responsibility in these matters. When the time comes for the Joint Committee discussions, we shall be ready to assist the Committee with definite proposals which we, as a Government, are of course best qualified to work out, but we do not desire to commit ourselves at this stage by incorporating definite proposals in the Bill.

In the papers which I am presenting with the Bill will be found Explanatory Notes on various clauses, and in these Notes various points are especially mentioned as being left for further discussion in the Committee stage. Though we have called special attention to those points, it is of course, clear that all the clauses including those clauses where we

[Sir George Schuster.]

have had to interpret the definite recommendations of the London Committee, will be equally open for discussion in the Committee stage. I should only like to express the hope that all Members will enter the discussions with a strong disposition to accept the recommendations reached, after prolonged, careful and representative discussion in London.

That, Sir, I think, explains the nature of the Bill which we are now presenting, and I would ask Honourable Members to read the Bill in the light of that explanation.

There is one other point to which I wish to refer, and that is in regard to the significance of this Bill. I said in opening my remarks that, in handling this Bill, this Assembly would be doing something to shape the destinies of India under the new Constitution. Strictly speaking, of course we here can only legislate for India under the present Constitution, and the wording of the Bill has had to be made appropriate to that. But the Secretary of State and his representatives at the London Conference made it clear that they were desirous that the present legislation should be so framed as to be appropriate with the minimum change for the conditions which will prevail under the new Constitution. That point is clearly made in the Committee's Report, and I would ask Honourable Members to bear it in mind when they are considering the provisions of the Bill in detail. That, Sir, is, I think, all that I need say at the present stage.

I would, however, like to conclude by referring again to the importance of this measure and the sense of responsibility with which it should be handled. I want particularly to appeal to the un-official parties of this House that when the time comes for electing Members to the Joint Committee, if they approve that course, they should help us and help India by supporting the election of those of their members who are best qualified to give valuable counsel. This matter is one which is attracting wide attention outside India, and the eyes of many countries will be on these proceedings. As one who is proud to be a Member of this Legislature, I would appeal to my fellow Members to demonstrate once again how the Indian Legislature can rise to its responsibilities.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That leave be granted to introduce a Bill to constitute a Reserve Bank for India."

The motion was adopted.

The Honourable Sir George Schuster : Sir, I introduce the Bill.

THE FACTORIES BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move for leave to introduce a Bill to consolidate and amend the law regulating labour in factories.

Sir, in view of the importance of this measure and of the comparatively late stage in the Session in which it has been introduced, I feel it

is due to the House that I should indicate very briefly the procedure which, if this motion is carried, I would ask the House to be good enough to adopt.

As the House is aware, the Bill is the result of prolonged and detailed examination. The important changes in the law which it contains are nearly all based on the recommendations of the Royal Commission on Labour. After these recommendations had been before the public for about a year, we published a consolidating Bill which embodied them together with a few other desirable amendments. As the result of the circulation of the Bill, we received an immense mass of detailed and, on the whole, very valuable criticisms. The House will get some impression of the exhaustive analysis to which the proposals have been subjected when I say that the opinions in their printed form amount to some 360 foolscap pages and are, therefore, in volume longer than the Report of the Royal Commission itself. The Bill now before the House,—thanks to the labour and skill of the draftsman,—differs considerably in form from the Bill as circulated, but if Honourable Members care to compare the two Bills, they will find that there have been comparatively few changes of substance. I do not, therefore, propose to ask the House to circulate the proposals again, but intend to move, if possible, as I hope it will be, during the course of this Session for the reference of the Bill to a Select Committee. But as I fully recognise the desirability of giving the public adequate opportunities of examining the measure as now introduced in detail, I would suggest that the Select Committee should not meet before January, 1934. In the meantime, I hope to supply the members of the Committee and any other Members of the House who would care to have them with sets of the opinions and if the Local Governments, or members of the public offer further opinions in the interval, these will also be supplied. I propose also to try to arrange that the Select Committee should have the assistance of one or two experienced Chief Inspectors of Factories to whom they can refer during its sittings if they desire to do so. I trust, Sir, that this procedure will commend itself to the House. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That leave be granted to introduce a Bill to consolidate and amend the law regulating labour in factories.”

The motion was adopted.

The Honourable Sir Frank Noyce : Sir, I introduce the Bill.

THE INDIAN TEA CONTROL BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I move for leave to introduce a Bill to provide for the control of the export of tea from India and for the control of the extension of cultivation of tea in British India.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That leave be granted to introduce a Bill to provide for the control of the export of tea from India and for the control of the extension of cultivation of tea in British India.”

The motion was adopted.

Mr. G. S. Bajpai : Sir, I introduce the Bill.

THE INDIAN STATES (PROTECTION) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the motion moved by the Honourable Sir Harry Haig :

“ That the Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, be referred to a Select Committee.”

Mr. B. Das will now resume his speech.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, in moving my motion the other day, the remarks that I made would have led the House to conclude that I am opposed to the principle of the Bill and that no useful purpose would be served by this House in considering this Bill. I was discussing the particular hardship that would be caused to the Indian Press which is already suffering from the rigours of the Press Act by which various presses under the slightest pretext are called upon to deposit heavy sums of money, and these deposits are forfeited without any consideration as has happened in the case of the Free Press of India recently. Sir, I also quoted the views of the *Amrita Bazar Patrika* which is a strong nationalist paper without any leanings towards extremism which my Honourable friend, the Home Member, might speak of other papers.

Apart from the hardship that will be caused to the Indian Press which will be a serious disaster for the expression of the strong public views of India, there is another aspect which has to be considered, namely, whether the rights and privileges of the people of British India would not be affected if the Bill, as introduced, would be passed into law. Sir, as a representative of the British Indian people, I do not concede the right to the States to be the allies of His Majesty the King Emperor. I do feel that the Government of India and, through the Government of India, we, the British Indian people, have certain control over these Indian States. The British Indian Press and the Indian public have all along criticised the misdoings of some of these States. If this Bill is enacted into law, as I said the other day, no British Indian can make any observations about the maladministration of these States, because he will be hauled up before a Court and be punished. Sir, I have seen in my own experience from the contact that I had with 26 petty States on the borderline of Orissa province, where the British Indian people are at times ill-treated, because these States, barring a few noble exceptions, live in a state of absolute barbarism. Before 1900, these Orissa States were treated as almost Zamindaries or tributary

mahals. They had no power ; they used to come to Calcutta High Court to defend their cases. But the Butler Committee came to their rescue, and today some of these petty States, which control only a few or a few hundred square miles, expect themselves to be treated as the allies of His Majesty the King Emperor and they feel that they will not allow themselves to be subjected to the criticism of the British Indian public. Yet, British Indians have at times been ill-treated in these States for which they have no remedy unless the Indian Press ventilates the mal-administration of these States.

Then, there is another thing to be remembered. These Indian States, along with British India, are entitled to be represented in International gatherings like the League of Nations, the International Labour Conferences. And what do we find there ? Any humanising legislation, any convention that is introduced by the International Labour Conference or any mandate that the League of Nations may issue, is not binding on these Indian States although it is binding on the Government of India and binding on us. I will give an instance. Sir, in the year 1929, when I accompanied you to the League of Nations International Labour Conference, we took part in the forced labour Convention. That forced labour Convention had been ratified by this House with some modification, because some of the subsequent Indian delegates made certain mistakes and it has to be accepted in the way the House accepted it. It was moved by my Honourable friend's predecessor, Sir James Crerar, on the floor of this House. But what do we find ? Forced labour is the usual thing in most of the Indian States. How can they be allies to His Majesty the King Emperor, not to speak of their being British subjects, when they are not amenable to the laws and Conventions which the British Government and the Government of India accept. Sir, forced labour is prevalent in almost every State. Among the Orissan States more than half the States have this forced labour. While I was on the Forced Labour Committee at Geneva, the representative of the South African Colonies stated that as the natives of those territories could not pay taxes, the Government took from every adult 40 days of forced labour. 40 days labour is the maximum forced labour that is taken from the adult population in Africa, but what do we find in Indian States ? The subjects of these Indian States pay an equal tax, almost the same tax, sometimes even more, as we, the British Indians, pay to the Government or to the landholders, who obliged us yesterday with their views on the floor of the House. The subjects of the Indian States pay equal tax, yet I know that in certain States the people at times work 40 to 50 days a year of *begar* (forced labour) for the Princes of those States.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhamadan, Rural) : Without payment ?

Mr. B. Das : Yes, when it is forced labour, it means no payment and at times these poor people have to bring their own food and stay weeks and weeks to carry out the behests, not only of the Ruler himself, but of his satellites.

Dr. Ziauddin Ahmad : Is it a fact that you are saying ?

Mr. B. Das : My Honourable friend, Dr. Ziauddin, ought to read the forced labour Convention and other literature that my Honourable

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friend, Mr. Clow, can supply him. Mr. Clow can supply him with volumes of books as to the prevalence of forced labour in the Indian States, and when my Honourable friend, Mr. Joshi, will speak about the prevalence of forced labour, my friend, Dr. Ziauddin, will know things which he could not have known when he was absorbed in his work at the University of Aligarh. Sir, there was a time when these Indian Rulers were amenable to the public opinion prevailing in those States. As I mentioned already, they are today protected by the mighty British arm and they have learnt the so-called civilized ways of the British Rulers. They must have their *shikárs*; they must have their elephant *Kheddas*; and the British officers or Indian officers from British India, including the mighty Political Agents and their Assistants, must visit these States, and *Kheddas* and *shikárs* must be organised for their entertainment. Did these Political Agents, when they did go and took part in these shooting parties, ever inquire of these poor beaters, thousands of them, who had been there for days and days, as to how they were fed? I know in certain States the elephant *Kheddas* usually take place in the month of November and December when the harvest season is on and when every adult man is forced to be made a beater.

The Honourable Sir Harry Haig (Home Member) : May I interrupt the Honourable Member and ask him whether he claims the right to organise *jathas* in order to remedy the conditions which he alleges or in what other way these are relevant to the provisions of the Bill?

Dr. Ziauddin Ahmad : May I ask whether the Honourable Member can suggest any method by which these wrongs could be redressed, besides the *jatha* organisation?

The Honourable Sir Harry Haig : They can always be represented, and this Bill does not in any way affect such representation.

Mr. B. Das : Sir, I am not alluding to the *jathas* at present. I am referring to the maladministration of these States and this Bill aims at stoppage of all criticism against the maladministration of these States. We, British Indians, live almost as close neighbours to the subjects of these Indian States, but we cannot but criticise their maladministration. I was also saying how these States could not become our equals in the Federation, if they perpetuated their present barbaric rule. They claim equality with us in the League of Nations and in International Conferences. The representatives of the Government of India and the British Government always denounce them privately, though not publicly. That is one illustration of how the States are mismanaged. Sir, the Government of India, in spite of their being today sovereign of these States, cannot enforce humanizing administration in those States. If this Bill was not going to take away all right of public criticism from the hands of the British Indians and Indian States people gathered in British India, I would not go into such detail, but my Honourable friend, the Home Member, and my Honourable friend, the Political Secretary, know it, that this Bill will take away all rights of criticism. In spite of that, my Honourable friend, the Home Member, said the other day that the right of criticism of the maladministration of the States was not being taken away. We know how differently the law is administered once

it goes through this House. While I am on this subject, I will just read one sentence from the *National Call* which reviewed the speech of my Honourable friend, Sir Harry Haig, in this morning's issue :

“ If a newspaper in British India expresses ‘ disapprobation ’ of the actions of the Ruler of an Indian State or of the policy followed by his Government, it will not be penalised. But the hounds of the law will be on its track and the moment its comments bring the Ruler of a State into contempt or excites disaffection among his subjects. The dividing line as drawn by Sir Harry Haig is clear enough. But a little thought is enough to show that in actual practice it will be an almost impossible task to distinguish where disapprobation ends and disaffection begins. Even the mildest disapprobation expressed by a newspaper in the most general terms may conceivably be considered to excite disaffection among some section of the population of the State concerned. Indeed, the condition of some of the States is so bad that there is enough disaffection going round to last them a good long while even without any prompting from the British Indian Press.”

Sir, I would not myself discuss the relationship of the Indian States people with the Government of India or of His Majesty's Government, had not my Honourable friend, the Home Member, brought in the word “ Federation ” in the future Constitution in his Statement of Objects and Reasons. The Government of India thought it fit to send representatives of the Indian States people to the First and Second Round Table Conferences. They omitted them in the Third Round Table Conference. No States people are represented at the Joint Select Committee. Naturally, the States people are very apprehensive. The Princes are very clever. They know that the British Government and the Government of India are very anxious to get their holy or unholy alliance over the Federation. I wish to draw the attention of my Honourable friend, Sir Harry Haig, to the Resolutions that were passed under the Presidency of our old friend, Mr. N. C. Kelkar. The States people's objective is contained in the speech of Lord Irwin which he delivered to the Chamber of Princes in 1931 and which the Indian States People's Association have embodied in a statement to the nations of the world. I will read the extract from Lord Irwin's speech. This is the advice he gave to the Princes, mighty and small :

“ There must be a reign of law and order, based either expressly or tacitly on the broad goodwill of the community. Individual liberty and rights must be protected ; and the equality of all the members of the State before the law be recognised. To secure this, an efficiently organised police force must be maintained and a strong and competent judiciary secure from arbitrary interference by the Executive and irremovable so long as they do their duty. Taxation should be light as circumstances permit, easy of collection and certain and proportionate to the means of the tax-payer to pay. The personal expenditure of the ruler should be as moderate as will suffice to maintain his position and dignity, so that as large a proportion as possible of the State revenues may be available for the development of the community, such as communications, education, health and social services, agriculture, housing and other kindred matters. There should be some effective means of ascertaining the needs and desires of the subjects and of keeping close touch between the Government and the governed.”

If I had not quoted the name of Lord Irwin, the Honourable the Home Member might say that I was reading an extract from a speech of Pandit Jawaharlal Nehru or a note by Mahatma Gandhi, but it is a former Viceroy of India, Lord Irwin, who said this. The people of the States only demand what is contained in this speech of Lord Irwin. Today the citizens of the Indian States, of almost all the States, have not even the elementary right of citizenship. They have no right to their property, to their home and, I am ashamed to say, even to their

[Mr. B. Das.]

wives and daughters. That is the condition in some of the States. I am not going to read out the resolutions which were passed at the last States People's Conference, because their views are contained in the short extract which I read out from Lord Irwin's speech. The Indian States' people claim only a few fundamental rights, not so much as my Honourable friend, the Political Secretary, possesses in his own country or in British India, not so much even as I possess, in spite of my limited political rights in British India. They claim only certain fundamental rights :

- (a) they claim the right to possess personal property ;
- (b) they claim the right to use one's own form of worship ;
- (c) the right to freedom of speech, opinion and association ;
- (d) the right to be tried by open trial by proper judicial authority ;
and
- (e) the right to use their mother tongue.

There is not one in this demand which is a new one to the points enunciated by Lord Irwin in his eloquent address to the mighty potentates.

I ask, why is my Honourable friend, the Home Member, so anxious to have this legislation now ? He himself said that he was not in a hurry. He said : " Let the Select Committee consider, and then we can legislate in the Winter Session of 1934 " . Then, why not circulate the Bill ? Although I am opposed to the principle of the Bill, still I have suggested circulation, because, when all these opinions are collected and placed before the Home Member, in spite of his pre-occupation over political prisoners and detenus, when he will read them, he will be overwhelmed with the argument that he was wrongly advised to introduce such a piece of legislation in this House. And after all, who are concerned ? These States. It is understood—I do not know if it will happen—that when the Federal Assembly comes into existence, we will have here 125 stalwart representatives from the States. They may not be the Princes themselves ; they will be their *diwans* or the representatives of their peoples. Let them come here, and let the British Indian representatives and the Indian States' representatives meet one another. Let each other know their respective views on this matter, and then let legislation be introduced and passed in the Federal Assembly. There is no necessity of my Honourable friend being in a hurry to bring forward this piece of legislation, unless it be that the Government of India feel that, in spite of the enormity of mismanagement and enormity of miscarriage of justice in Indian States, they should raise these petty States into sovereign States, as if they will ever be sovereign States. They are raising petty Chiefs of States to the status of a Governor of a British Indian Province. It may be that my Honourable friend, Sir Harry Haig, may not be in India then, but I can picture the reserved Councillors of the Governor General who will find themselves in a hornet's nest when there will be only 11 Governors of Provinces, barring Burma, and if Burma is not separated, 12 Governors—12 Governors and there will be 560 States each claiming the status of a Governor ! And my Honourable

friend, Sardar Harbans Singh Brar, reminds me that they are claiming the status of a King, the status of internal sovereignty. Where is this internal sovereignty? Does it exist now? I know of Indian States' Princes carrying the lap dogs of a Political Agent, when that Political Agent went on an elephant. And these claim internal sovereignty in their States! I want to make an appeal to the Government of India. I know things have gone wrong. I know that what we people claim, what we people aspire to,—responsible Government, Dominion Status,—all have gone wrong. We are not going to get Dominion Status not even in 50 years.

An Honourable Member : The Viceroy said you will get it soon.

Mr. B. Das : I am not supposed to discuss His Excellency the Viceroy's speech, because we cannot discuss it on the floor of the House. But, Sir, as you remarked elsewhere, even "Dominion Status in action" is not going to come in 50 years. I warn the Britishers, who today constitute the Government of India, not to commit the error, not to raise these petty Princes to the status of kings or sovereigns, not to raise them to the status of Governors of British Indian provinces, and not to turn their heads by high sounding words of paramountcy and sovereignty and make them perpetuate their misrule or perpetuate the wailings of millions of their subjects. Their subjects never have peace; they never have contentment; never have the right of British justice. I have lost my faith in many characteristics of the Britishers, but if today the Britisher is respected, it is for his administration of justice. I challenge my Honourable friend, Mr. Glancy, to say that there is any vestige of administration of justice in these States, of course barring a few noble

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exceptions. There is no administration of justice there. My Honourable friend himself was a member of an enquiry committee in Kashmir. There is a hushed up report, the Fitz-Patrick Committee Report about Patiala, and there are dozens of such reports. If only a few reports have been published, there ought to have been thousands of such enquiries in every State for their mal-administration. Today there is no justice and, if I have still faith in British justice, I appeal to the Honourable the Home Member not to deny justice to the people of the Indian States, and it will amount to denying justice if this piece of legislation is forced through this House, as I very much fear, some day it will be forced through, knowing the weakness of the Members of this House. My Honourable friend, the Home Member, will render injustice to one-third of the people of India who are groaning under great sufferings by the misrule of these Princes. One thing more, why is it that the Government of India and the Political Department is so chary as to deny justice to these people of the Indian States. If I have understood rightly the framing of the White Paper, the British Government and the Government of India are afraid that they will not be able to run the administration, and that is why they have introduced so many safeguards. I do not find any safeguard provided to the States people against their rulers. Autocracy is good, but, as I said the other day, the Princes are practising Hitlerism *minus* the spirit of democracy that controls Hitler. But is there a benevolent autocracy today in any Indian State? Personal rule is good if it is according to oriental tradition, but today these Princes have no oriental tradition.

[Mr. B. Das.]

Educated in half-westernised Princes' schools and colleges, living in hotels like the Hotel Cecil and the Maidens Hotel, forgetting their ancestral tradition.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Where does the Honourable Member live ?

Mr. B. Das : In Hotel Cecil, Sir ! Forgetting their ancestral tradition and their ancestral religion and the long usage and practice of wise Government which in India was known as *Ramrajya*, forgetting all these, they try to imitate the petty British officers whom they meet in their night carousals in their night clubs in Simla or Delhi or London.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Do you want *Ramrajya* again ?

Mr. B. Das : I am not a learned scholar like my Honourable friend, Mr. Jadhav, but, I am sure, when, later on, he takes part in the debate, I know we will hear from him the ethics as to how *Ramrajya* should be administered. I appeal to the Government to introduce such safeguards so that the fundamental rights of citizenship will not be denied to the States people. Apart from this safeguard being introduced in the White Paper proposals, before any piece of legislation can be considered by this House in giving further autocratic powers to these autocratic rulers of these Indian States, the Government of India, as Britishers and as representatives of the British Parliament and British democratic institutions here, should see that the elementary rights of citizenship are not denied to the Indian States people. With these few observations, I commend my motion for the acceptance of the House that the Bill be circulated for eliciting opinion thereon.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 7th of January, 1934.”

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : May I know whether the point of order that was raised, I mean the legal point, whether that will be taken up now or at some other later stage ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair said the other day that it proposed to give a ruling on that point at a later stage. The Chair's intention is to give a ruling whether clause 3 is *ultra vires* or not when actually the discussion on clause 3 takes place ; but it proposes not to give a ruling on the point now, because it has already stated that, even though one particular clause of a Bill may be *ultra vires* of the Legislature that does not make the whole Bill *ultra vires*. The Chair would draw the attention of the Honourable Member to section 84 of the Government of India Act, which says :

“ A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of that repugnancy, but not otherwise, be void.”

That is the provision of the Government of India Act, and when actually the time comes to discuss clause 3 and, before putting clause 3 to the vote of the House, the Chair will give a decision whether clause 3 is *ultra vires* of this Legislature.

Mr. Gaya Parasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan Rural) : Clause 3 will not be under consideration till the Bill comes back from the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Bill will go to the Select Committee as it is at present framed, and when the Bill comes back from the Select Committee, the Chair will then consider whether the clause is *ultra vires* of this Legislature.

Mr. C. S. Ranga Iyer (Rohilkhand and Kumaon Division : Non-Muhammadan Rural) : In view of the speculations in the newspapers, may we request the Chair that, before we disperse today or before the Assembly Session closes, it will enlighten this House as to what is the opinion of the Chair in regard to that particular clause, because this Select Committee motion, even if it is adopted, as I believe it will be, will bar taking up the Bill clause by clause. The discussion of the Bill, clause by clause, will come up only in the January Session. In the meantime, there will be a good deal of Press criticism and also speculations. Therefore, in these circumstances, I will request the Chair to give a ruling before we leave Simla.

Mr. Lalchand Navalrai : With regard to this objection, if it is kept in abeyance, and if this Bill goes to the Select Committee, the Select Committee will have to consider this clause 3 also and, if, subsequently, it comes up before the House, and it is decided by the Chair that clause 3 is *ultra vires*, then I think the whole labour of the Select Committee would be absolutely lost. To avoid that, I would request the Chair to consider this legal point, for it is of vital importance and it should be considered and a decision arrived at before we refer the Bill to the Select Committee.

Dr. Ziauddin Ahmad : Clause 3 is rather an important part of the Bill and, if that clause is taken out of discussion, then half the Bill disappears.

Mr. President (The Honourable Sir Shanmukham Chetty) : If it is the general desire of the House that the House would like to have a decision on the point even before the Bill is referred to the Select Committee, the Chair will have no objection and it will certainly see, if it is possible, to give a ruling before actually this question is put to the vote. Even if that is not feasible, the Chair will certainly adopt the suggestion of Mr. Ranga Iyer and give a ruling as early as possible before we disperse.

Mr. C. S. Ranga Iyer : Sir, I must confess I have not given to the Bill before this House the same attention and the same consideration that I would have liked to give. I admit it is a very complicated piece of legislation, complicated in this sense that we here are faced with something in the nature of a trial. We were almost placed on the horns of a dilemma, especially when the Honourable the Home Member concluded his speech with a reference to the Federation, and I was very much embarrassed as to what attitude I should take in this matter. That embarrassment continues and that is one of the very reasons why I refused to prepare myself for this debate. I thought the act of speaking would set the mind thinking and I merely propose to place my views before this House with absolute detachment and speaking purely

[Mr. C. S. Ranga Iyer.]

for myself and not for my party as it happens to be. And, in the meantime, I propose to seek light from Honourable gentlemen like the new Leader of the Democratic Party, Mr. Neogy, who has had experience both of constitution-making in England along with the Federationists and association with Indian States which, I am certain, he represented with great ability and for which he worked with great devotion as he always does when he takes up a case. I should very much like to know also from other Leaders of Parties whom I miss, Sir Cowasji Jehangir, as to what he thinks, specially with his great knowledge of constitution-making in England and his association as a Member of the Executive Council of Bombay and as a prominent public man with the States and their representatives. When he was a Member of the Executive Council of the Government of Bombay, probably the Bombay Government had something to do with Indian States and he came into intimate contact with the States representatives in his recent consultations and confabulations for the last three years in England. Not having had those opportunities, I feel very much embarrassed as to what I should or should not say on this occasion. Sir, I am a believer in Federation and I am prepared to pay the price that Federation requires. It may be a heavy price, but I am prepared to pay that price. I am not a believer in Federation at any cost or at any price, but I believe in Federation under reasonable circumstances and at a fairly reasonable price. If the Princes are to come into the picture of the Federation,—as I believe they have got to come, otherwise there can be no Federation,—then you must place before the Princes a sufficient inducement to come into the picture ; and there is a great deal of panic created by what they deem to be a sort of unholy propaganda by the Congress newspapers and the Congress leaders in the minds of the Princes.

Mr. B. B. Puri (West Punjab : Non-Muhammadan) : Oh !

Mr. C. S. Ranga Iyer : I am very glad to find that my Honourable friend from Lahore, Mr. Puri, exclaims, “ Oh ”, and when he makes his speech, he will make me understand with all the ability that he undoubtedly has as the leading lawyer in the Punjab as to the implications and complications which he sums up in the word “ Oh ”. (Laughter.) In the meantime, let me proceed with my speech, and my view is this. My friend, my old friend, Pandit Jawaharlal Nehru, in one of his important statements published in the *Tribune* of Lahore, gave expression to the view that the future of Indian politics was going to take two directions,—the agrarian plan directing an attack on the zamindars and the present capitalistic system, and the democratic plan directing all the current and energy of the Congress to bring down the autocracies of the States. I, therefore, believe, at any rate I am able to visualise, the sort of attack that is going to be levelled against the States to bring down the autocracies. It is for me to decide here and now what position I propose to take in regard to the future : whether I propose to take my stand on the side of constitutionalism, fight with the force of constitutionalism, with my back to the wall and either fall in so doing or succeed in speeding up evolution and achieving my democratic goal as a constitutionist,—or whether I am going to join hands with the unconstitutional forces in a red revolu-

tion, sweeping the Princes and the zamindars out of existence. That is the issue, Sir, that is going to be raised in the country.

Mr. N. M. Joshi (Nominated Non-Official) : But that is not the issue in this Bill.

Mr. C. S. Ranga Iyer : That is the issue in this Bill also. If you only carefully read the Bill, specially where it deals with the *jathas* and if you read the Bill in the light of the speech of the Honourable the Home Member about Federation, you will find that that is the issue in this Bill. Let there be no mistake about it that this Bill is aiming at putting down people marching to the States, people collecting themselves into large bodies in British India and attacking the States in group processions of *jathas*. The prevention of the beginning of a new Civil Disobedience Movement against the Indian States is contemplated in this Bill. There is no use saying it is not in this Bill. I want to know whether we, who support the Federation,—and Mr. Joshi also is probably a supporter of Federation,—want to encourage forces in British India of an unconstitutional kind directed against the Indian States, “the autocrats of the Indian States” as some of them call it and some have stated in this House ; or whether we are going to encourage the growth of a healthy public opinion controlled and legitimately controlled as it ought to be. For what is it that we are asked to do ? We are asked in this Bill to treat the Princes fairly and squarely and not to encourage forces of disruption emanating from British India. We know what happened in regard to Kashmir when *jathas* proceeded from British India. Had this Bill been in existence, instead of the poor Maharaja of Kashmir incurring the odium of putting them in prison, the British Government would have legitimately taken the responsibility on their shoulders and stopped these people proceeding to the State. They were arrested after crossing the borders. The example of Kashmir is before me : I personally feel that I should not go into the details in regard to a particular State. But, Sir, I am within my province when I say that I do not want the mischievous, the wicked and the unpardonable kind of propaganda that was carried on in a certain section of the Punjab Press against a Hindu Maharaja. I do not want mischievous forces to be organised in British India to proceed in batches to bring down the prestige and the power of the ruler of a State as they did in the case of Kashmir.

Mr. Lalchand Navalrai : Even when the rulers misbehave ?

Mr. C. S. Ranga Iyer : The champion of the Hindu cause in Sind says that “the rulers misbehave”. As regards the ruler of Kashmir, I should like to know from Mr. Glancy, who was inquiring into the matter, whether the ruler has not been behaving in a manner consistent with the dignity of the house of Kashmir. I believe the ruler, apart from the administration, has been behaving consistently with the prestige of the great house of Kashmir.

Mr. Lalchand Navalrai : What about Bahawalpur State ?

Dr. Ziauddin Ahmad : What about Mr. A. ?

Mr. C. S. Ranga Iyer : I am not going to be drawn into particular States and personalities. I propose to generalise. Here is an Honourable gentleman, my friend, Dr. Ziauddin Ahmad, who may have had con-

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nection with some of the State rulers, specially the Muslim ones, and, when he stands up, probably he will enlighten us on the matter instead of trying to drag me again, in the shape of an intriguing or an uninteresting question, into the Kashmir controversy. I was merely illustrating, Sir, my point by reference to a particular circumstance, a particular episode in the history of the relations between the Indian public in British India and the ruler or the administration of an Indian State. I think it is a most unhealthy way of bringing a State administration down by encouraging unconstitutional forces from British India to proceed and disturb the subjects of Indian States. I say it is an unhealthy way even to encourage British residents in British India to go and create trouble in a constitutional way in the Indian States. I would rather adopt the old motto of the Indian National Congress when it was founded and which was observed by men like Sir Surendra Nath Banerjea, Gokhale and others. What was their motto and what was their policy? Their policy was non-interference in the administration of Indian States by British Indian politicians; and we would rather continue that policy instead of encouraging forces of destruction from British India. That is one of the healthy features of this Bill. I do not know how far it will or will not meet the situation. It requires careful examination in the Select Committee, and, if I agreed to serve on the Select Committee, it was because I was attracted by this feature of the Bill.

Now, I come to another feature of the Bill and that relates to the Press. Wherever the Honourable the Home Member wants to interfere with the rights and liberties of the Press, I at any rate will approach him with a certain amount, if I may say so, of suspicion.....

Mr. B. Das : President of the Upper India Journalist Association.

Mr. C. S. Ranga Iyer : My friend, Mr. B. Das, says "President of the Upper India Journalist Association". I am not speaking in the capacity of a President. I am speaking in the capacity of one who entered this profession of journalism, attracted not so much by what it could give in the shape of the goods of the world, but the glamour and the greatness of the profession. I concede criticisms in a certain section of the newspapers have been of a blackmailing kind: I concede that Princes have been made targets for attack in this irresponsible Press: I admit that a section of the Press requires a good deal of watching and a good bit of control, for we do not want that an irresponsible section of the Press should condemn the entire Indian Press. Therefore, whenever a suggestion comes that we should put a certain amount of restraint on a section of the Indian Press which criticises the Indian Princes, I am prepared to admit that the case requires examination; but must you apply it to the newspapers edited in English, or must you not confine it to the purely Vernacular Press; for I do not believe that the English edited newspapers, newspapers conducted in the English language, have been so flagrantly guilty of attacking personally the Princes. This is a matter which requires examination.....

Mr. Gyan Prasad Singh : The *Statesman* attacked the Maharaja of Kashmir very violently.

Mr. C. S. Ranga Iyer : My friend, Mr. Gaya Prasad Singh, is perfectly right if he says that the *Statesman* wrote most vehemently on the Kashmir administration.

Mr. B. R. Puri : Is there a difference of opinion between the Deputy Leader of the Nationalist Party and his Secretary ?

Mr. C. S. Ranga Iyer : My friend, Mr. Puri, has had the opportunity of crushing, if he could, my humble party : it has not yet been annihilated by him behind our back.....

Mr. B. R. Puri : It will be after this speech of yours. (Laughter.)

Mr. C. S. Ranga Iyer : I ask my friend to carry out his threat. It is a pity that he has not succeeded all these months in undermining the party. I have given him adequate opportunity in the past ; and, if he has failed, I can only pity him for his incapacity to carry out his noble object. I am told that he was in Lahore in those days ; that is the unhappy part of the business.....

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Is discussion of party politics relevant to this debate ?

Mr. C. S. Ranga Iyer : Who introduced the discussion of party politics ? Let him first ask his own Deputy Leader about it. (Interruption.) Are the Democratic Party ashamed of announcing the fact that they have formed a party ? Are they ashamed of accepting the fact that they have got a leader in this House ? I spoke with great respect about the Democratic Leader and his devotion to his cause. I accepted the inevitable circumstance that there is a Democratic Party in this House. I did not cast any slur upon that Party ; but here is an Honourable gentleman, the Deputy Leader of that Party, who has the audacity to stand up and say that the Secretary of the Nationalist Party is interfering with the Deputy Leader of that Party. Not at all. He was making an important point when he said : " Was not the *Statesman* of Calcutta criticising rather vehemently the Kashmir administration ? " Probably the reply of the Government will be that " even the *Statesman* requires restraint ; we are not discriminating as between the *Statesman* and the Indian newspapers in this particular legislation ". That perhaps will be their answer and their justification for saying that the Press should be controlled. But that is not my justification. That does not satisfy me. I say the *Statesman* is entitled to criticise as strongly as it can any State administration ; even so every Indian newspaper must be entitled to criticise the administration of any Indian State ; and that for this reason : the States have no responsible government, not even parliamentary government in the sense in which we are having dyarchy in the provinces and the sort of government through legislation that we have now in the centre. Therefore, the States have got to be criticised, very strongly, very persistently and very insistently, in the Indian Press. There are States in which there is no liberty of criticism, where there is no newspaper ; there are States in which personal rule still persists ; and even though they are going to be Federation units for the future, they have shown no tendency to approximate their position to that of the provincial units in British India. I, as a strong supporter of Federation, expect the States to rise from within without external assistance in the way of direct provocation or action to the same position as units in British

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India. If you want Federation to work, you cannot put democracy and autocracy together without autocracy trying to come up to the same level as democracy in British India. Therefore, I am anxious that no restraint should be put upon reasonable criticism in British India, because it is only in British India that you have the educative Press which goes into the States, even though some of these newspapers, when they happen to be unpleasant, are proscribed in those States : there the rulers have autocratic power. Therefore, we have to allow the forces that are legitimate in British India to play on the forces that are reactionary in the Indian States to lift the Indian States to the same position and status as provinces in British India. Therefore, I will have to approach with a good deal of hostility, until I am convinced to the contrary, in the Select Committee the provisions relating to the Press. It may be argued that you have put upon the Press so much restraint under the Ordinance Bill which amended the Press Act. Why not apply the same provisions to Indian India ? Why not allow the same courtesy to Indian India which British Indian administration enjoys ? I have already answered that. Even though I may, in ordinary circumstances, be tempted to do so, I cannot forget the fact that the Government in British India is subject to criticism of a kind to which Governments in the Indian States are not. Therefore, the British Indian Press will not like to be gagged to the same extent as it has been gagged in spite of our opposition from this side of the House in its criticisms of the States. From this side of the House we have opposed the restrictions on the rights of the Press to condemn what is wrong in regard to British Indian administration. Restraining the Press unduly, in regard to criticism of the States is equally wrong. We have not submitted to these Press provisions. The Bill was carried into law in spite of our opposition, and, therefore, opposition on that point must continue, and, so far as I am concerned, will continue. I cannot, Sir, agree to restraining the rights and liberties of the Press in the manner in which the rights and liberties have been restrained under the Ordinance Bill which amended the Press Law. All that I am prepared to agree to is, I am prepared to go only to the extent that I was prepared to go in the Select Committee on the Press Bill in which my friend, Mr. Puri, with all his ability and knowledge of the law took a very important part. Beyond that, in this particular Bill I will not be prepared to go unless I am convinced to the contrary by the Honourable the Home Member and the Honourable the Political Secretary whose names I note are included in the list of Members of the Select Committee. If they convince me that we must put this restraint on the Press, I am their man, but nothing that has been said by the Honourable the Home Member has convinced me that there is necessity to put those restrictions on the Press. While I am willing to give every encouragement to the Princes to come into the Federation, I would ask the Princes at the same to give every facility to the newspaper press in British India to bring them up politically, administratively, and constitutionally to the same position as the provinces in British India. These two points that I have referred to are adequate for my purpose. I will agree to a Select Committee motion, but I support circulation if circulation can be completed before January. If circulation can be completed before January,—because the Honourable the Home Member has told us that he is not in a hurry, at any rate he is not in haste, and he is quite prepared to wait till January,—if a hurried circula-

tion is possible within that period, it will be worth knowing the opinion of the important bodies in this country on this point, because the Bill is a complicated one. Then the Select Committee would be in a better position to judge. Such a Bill was never presented to us before. We ought to know the opinions of important legal and other bodies on this matter, and, therefore, circulation will not be too bad. His object is to carry this legislation through in the January Session, the other Session being a special one, and I think if he only circulates from now and instructs the bodies consulted to be quick in giving their opinions, it will be possible for us to know the opinion of all the important bodies concerned on this very complicated measure. It is original in the sense that we have not been faced within the life of this Legislature with such a piece of legislation as the one presented to us. I want to approach it with all fairness. I am prepared to take courage in both hands and say pass this legislation if it will promote Federation and induce the Princes to come into the picture, but I would at the same time reserve to myself the right of criticism in Select Committee and of modifying the Bill wherever necessary. I admit that the Honourable the Home Member is more or less animated by a desire to make liberty restrained, for liberty must restrain itself in wholesome proportion to lack of what I may call licence. Some one described—the passage escapes me—liberty as being in proportion to wholesome restraint. That, I believe, is what the Honourable the Home Member is aiming at, but for myself when the Honourable the Home Member applies restraint when democracy thunders and strides on, I will say that the Executive must not be unduly at any rate very hastily trusted with new powers until they are carefully examined and until public opinion is consulted. (Applause.)

Mr. N. M. Joshi : Sir, this Bill comes in the natural order in which our Government seek to bestow protection on the different classes of people in this country. Yesterday, we discussed a measure by which protection was sought to be obtained for one class of people. Today, we are discussing a measure by which Government seek to give protection to another class of people. Mr. President, it seems to me that this is one of a series of measures of protection which, though intended apparently for the protection of the classes which are sought to be protected expressly in those measures, still really are intended for the protection of the British Government in this country. I would like first to deal with the general aspect of this measure. I have an instinctive abhorrence or dislike for measures which try to restrict the freedom of the citizens of any country. When I try to find out the reason for my instinctive dislike, I find there are two. One of the reasons is that when you try to pile up measure after measure of this kind, a general atmosphere of fear is created round every public man. This is not a solitary measure which is trying to restrict the freedom of the people of this country. One Bill after another has been introduced and passed, with the result that the most loyal subject, the most constitutional public worker in this country, feels a kind of nervousness, he feels a kind of hesitancy in undertaking public work.

Sir, I am not against any kind of penal legislation. Penal legislation is absolutely necessary for anti-social and anti-moral acts, but when penal legislation is proposed for acts which in their nature are not anti-social, but which are considered to be anti-social by Government, when they transgress the limits of reasonableness, surely we must accept such measures with a greater caution than was shown by the Deputy Leader

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of the Nationalist Party. Sir, it is true that there are some acts which do become anti-social when they are carried beyond a certain limit. At the same time we must remember that the apprehension felt by even the most loyal citizens, when such measures are passed, is also a natural one, because our safety depends upon the whims and caprices of the Magistrates and Judges. The border line between an act which is legal and an act which is illegal is so thin that no man feels safe to conduct his public work in this country.

There is another reason why I have an instinctive abhorrence for such measures. Whatever may be the professed object of passing these measures, their application goes much beyond what appears on the surface. I shall give you only two instances. Some years ago, this Legislature passed an Act in order to put a check to the communal hatred that was feared to grow between the Hindu and Muslim communities—I think that was section 153, I do not remember the section exactly. That Bill was passed. Last year one of the provincial Governments launched a prosecution against a man who stated publicly that the capitalists exploited their workers, on the ground that it created hatred between two classes. I will give you another instance. Last year, the Legislature passed what is called the Ordinance Legislation. It was stated that the measure was intended against the acts of those people who resorted to civil disobedience. I have seen a prosecution launched under that measure against a person who resorted to picketing purely in an industrial dispute. Sir, after having got this experience, is it unnatural that people like myself, who have to take part in agitations, should feel a kind of fear when such measures are proposed ?

Dealing with the legislation before the House, let us see what grounds the Home Member has put forward in support of it. The Home Member first stated that India was one country although it was divided between British India and 500 Indian States. I agree with that statement. India is one and indivisible, but the question is not whether we agree to that statement ; the question is whether the Rulers of States agree to that statement or not. We on our part are anxious that India should be regarded not only as one social unit, but that it should be regarded as one political unit and that there should be a strong Central Government in the whole of India and not only in British India. (*Mr. B. Das* : “ Hear, hear.”)

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member will resume his speech after Lunch.

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 Shanmukham Chetty) in the Chair.

Mr. N. M. Joshi : When the House adjourned for Lunch, I was dealing with the point made by the Honourable the Home Member that India, being one country, the Governments that exist within the borders of this country should have the same protection which the Government of

British India have. I stated that we, the citizens of British India, are anxious that not only India should be one socially and ethnologically, but India should have one strong Central Government. That is our ambition. Unfortunately the rulers of Indian States are equally anxious that the Government of British India should have as little to do with the Government of Indian States and, it is on account of that fact, in spite of our desire that there should be a common Government for the whole of India, we are obliged to treat some Governments within the borders of India as being foreign to ourselves. Let us examine the present Constitution itself. Under the present Constitution, it is true that the Governor General in Council has not only control over British India, but he has also some control over the Governments of Indian States. That control is strictly limited. I am sure, even the Honourable the Home Member will admit that the control which is exercised by the Governor General in Council, on account of the power of paramountcy, is limited to grave maladministration of Indian States. The Governor General in Council has no control over the day to day affairs of Indian States. If there is an act of injustice in an Indian State, the Governor General in Council has no control. If the acts of injustice go on multiplying and if the extreme limit is reached and the Government of India find that there is grave maladministration, then alone the Government of India can exercise their powers of paramountcy. Whatever may be the opinion of the Government of India and the Political Department in this matter, the rulers of Indian States are not going to admit that the Government of India have got power to interfere in day to day administration. Mr. President, you have been a Member of this Legislature for a long time and, may I ask you, on how many occasions could we discuss in this Legislature the question of injustice done in Indian States to British Indian subjects? We have discussed the questions of injustice done to British Indians in South Africa. We have asked hundreds of questions on this subject. We have asked questions of injustice done to British Indian subjects in the United States of America. May I ask you to bring to mind, Mr. President, whether any questions were admitted at any time in this Legislature regarding the injustice done to British subjects in Indian States? How many times have we been allowed to discuss injustice done to British Indian subjects in Indian States? We are not allowed to discuss these questions in this Legislature, although we are allowed to discuss the injustice done to British Indian subjects in foreign countries like the United States of America and the dominion of South Africa. This is the present Constitution.

Now, let us examine the future Constitution which is proposed to be established. If there is really little connection between the Government of British India and the Governments of Indian States, the connection between the Government of British India and their own Governments will be much less in the future Constitution. The Princes are claiming that in the future Constitution the powers of paramountcy will not be exercised by the head of the Federal Government, but they will be exercised by another entity, called the Viceroy of India. That shows the desire of rulers of Indian States that the connection between British India and their own States in the matters with which we are concerned in this Bill should be as little as possible. The rulers of Indian States, after a few years, may even go further and claim that the same person should not be the Governor General of India and the Viceroy and thus they may complete the separation that already exists between British India and the Indian States. I can understand the Government of a country wishing for protection against

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conspiracies of its own citizens when the citizens of a country have got constitutional rights to get their grievances redressed. That is the justification for any Government of a country seeking protection against conspiracies of its citizens, but why should a Government which has nothing to do with our Government, which is as foreign to the Government of ours as the Government of the United States, if it is not more foreign as I have shown in this matter, claim this right? There are very few countries besides India which try to protect the Rulers of other States in a vicarious manner. The Government protects itself against conspiracies, but it does not undertake the vicarious duty of protecting the Rulers of other States and I do not know why our Government, when the Rulers of Indian States themselves are anxious that their Government should be kept separate in the matter of law and order, should undertake this duty. Moreover, I can understand the Government, which is constitutional, expecting its citizens to be constitutional, but what is the Constitution which the Rulers of Indian States have given to their subjects and what is the constitutional remedy which British Indians have against injustice done by the Rulers of Indian States. I, therefore, think that when our Government insist that when we want our grievances to be redressed against the Rulers of Indian States, we must adopt only constitutional methods. I want the Government to tell us what is the constitutional method open against injustice done in Indian States. I have shown that there is very little constitutional method open. If constitutional method is open, by all means insist upon only constitutional methods being employed or at least see that the Governments of Indian States first become constitutional and then expect either the subjects of Indian States or subjects of British India to be constitutional.

Mr. President, the second argument used by the Honourable the Home Member in support of this measure was that there must be reciprocity in this connection. He told us a historical fact that the Rulers of Indian States had helped our Government in putting down the agitation in British India. I am aware of that fact. I remember very well an *ex-Member* of this Assembly, a well-known man in India, Mr. Muhammad Ali Jinnah, being sent out bag and baggage from an Indian State. I remember a man like Mr. Srinivasa Shastri being forbidden to speak in another Indian State.

Mr. B. Das : Shame.

Mr. N. M. Joshi : It may be true that these Rulers of Indian States have helped our Government in putting down political agitators in this country, but is it right that those Rulers, who do not want to have any connection with us, should be protected on the ground of reciprocity? The only matter in which they are willing to have reciprocity is to tighten the ropes round the necks of Indian citizens? Do they really want reciprocity with us in all matters? If they want it, we, in British India, also want reciprocity with the Rulers of Indian States and with the subjects of Indian States. Let us examine how far they are willing to have reciprocity with British India? Examine the White Paper. The representatives of Indian States, according to the proposals of the White Paper, will have a right to discuss purely British Indian affairs. They will have a right to vote purely on British Indian matters, and even on a legislation like this which will not be applicable to Indian States. But, Sir, will the States, on the ground of reciprocity, agree that legislation of this kind applied in their own States could be discussed in the Federal Legislature and will the

Federal Legislature be allowed to discuss and vote on criminal law as will be applicable to Indian States ? They will not agree to such a reciprocity ; they do not desire such reciprocity. I will give you one more example. The White Paper proposes that all subjects of Indian States and perhaps the Rulers of Indian States will have the rights of citizenship, franchise and the right to stand as candidates in British India. During the examination of the Secretary of State before the Joint Parliamentary Committee, I asked the Secretary of State a question. I asked him : Will he, on the ground of reciprocity, secure similar rights to British Indian subjects in Indian States ? His reply was an emphatic " No ". Why ? Because the Secretary of State knows that the Rulers of Indian States are not willing to have reciprocity with British India. When the Rulers of Indian States are not willing to have reciprocity in these matters, why should our Government go out of their way to have reciprocity in this matter before us ?

There was another argument used in favour of this Bill. It was said that there is going to be a Federation and, therefore, all the units of the Federal Government should be protected even in these matters. If there had been a Federation, whose authority in the matter of criminal law or penal law had been acceptable to the Rulers of Indian States, I would certainly have granted the protection which is asked for to all the units of the Indian States. But, Sir, we are not going to have a Federation where the Federal authority will have any power in matters of criminal law in Indian States. Under those circumstances, why should we make the proposals for a Federation as the ground for giving protection to the Rulers of Indian States when they are not willing to accept the authority of the Federal Government in a matter with which this Bill is concerned.

Then, Sir, I wish to speak a few words about the position of subjects of the Indian States. Sir, the subjects of Indian States are at least for practical purposes the subjects of the British Crown and these poor people deserve some consideration at the hands of the British Government. What is their condition ? My friend, Mr. B. Das, has described those conditions in detail. He has told us that the subjects of most of the Indian States have not got even ordinary elementary rights, leave aside the constitutional rights of having a Legislature and discussing matters in that Legislature. They cannot hold a meeting to ventilate their grievances ; they cannot hold a Conference to ventilate their grievances. If they are treated with injustice, there is no power which can save them. You may know that when our future Constitution was discussed in London, there was a Round Table Conference. Every interest was represented at that Conference. We sent representatives of British India. On the other side, the people of Great Britain were represented including the representatives of the Government of Great Britain, of the Liberal Party in Great Britain ; when the Labour Government was in power, of the Conservative Party ; when National Government is in power, the Labour Party was represented. Were the subjects of Indian States represented at that Conference ? Not only were they not represented at that Conference by delegates, but when the subjects of Indian States wanted to appear before the Joint Parliamentary Committee to give evidence, even their witnesses were not accepted. Now, Sir, where are these subjects of Indian States to go for redress ? How are they to seek redress ? What business have our Government to tell them that they must follow only constitutional methods and not unconstitutional methods. Give them

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protection and then insist on their following the constitutional methods. Considering from all points of view, then, the Bill which is before this Legislature is undesirable. It is a Bill which seeks to support the States and their maladministration and their autocracy. The Honourable the Home Member admitted very frankly that even where there will be maladministration, you cannot resort to unconstitutional methods; you cannot create hatred for maladministration. That is the clause in the Bill.

Now, if we are not to create hatred, if we are not to create contempt for maladministration, I want to know what we are going to create for maladministration? Are you going to create respect and admiration for maladministration? Therefore, before our Government try to penalise the creation of hatred or conspiracies against Rulers from whom no redress is possible by constitutional method, let them see that the Rulers of the Indian States become constitutional rulers. At the beginning of my speech, I stated, although the professed object of the Bill was to protect the Princes, if you asked my opinion frankly, perhaps bluntly I might say that the Bill was equally intended to protect the British Government in British India. When we were discussing yesterday the question of protecting the proprietary rights of the zamindars, the representative of the European Group, who spoke on that Resolution in an unguarded moment, let out a confidential secret. He knew the secret, being a British subject, and there was no difficulty for him to know the warlike plans of Government. We Indians are not admitted even to the Cypher Bureau, but he being a good Briton knew the confidential plans. He said that the protection of proprietary rights in land were the first line of defence. Of course he did not say that these lines were the first line of defence for the British Government. He did not like to tell us the whole truth, but he just gave us a glimpse of what the truth was. Now, the Government of India, at the request of our zamindars, are creating that line of defence. Unfortunately that line of defence is not quite reliable. You know the shape of that line of defence and, if the artillery tries to hit the target, it might hit one of its own men. Not only it sometimes may do this by accident, but the artillery, not being homogeneous but heterogeneous, one section of the artillery sometimes hits at another section of its own line. Some of the gunmen are very erratic. Sometimes the gunmen, represented by my Honourable friend, Mr. Maswood Ahnada, may open fire on another section represented by my Honourable friend, Bhai Parma Nand. That line of defence is found to be not reliable. It is a defective line of defence. This information about lines of defence was given to us yesterday by one of the representatives of the European Group. Many years ago I had heard from a man well known in my part of the country as being a very wise man. I had heard that he had also discovered these lines of defence. Sir, you may have heard about Mr. Ranade. He was a social reformer and was also regarded as a political leader by large sections of people in the Deccan. I have heard that Mr. Ranade used to tell those people who used to gather round him that in the Indian situation there were factors which would always be used by the British Government as lines of defence for the maintenance of their authority in this country during our struggle for freedom. We, in India, have got several such factors each one of which affords to our Government a very strong line of defence. The Hindu community is full of injustices. We have the evil of the caste system, the evil of untouchability, and the

evil of Brahmin, non-Brahmin quarrels. I am not suggesting for a moment that the British Government have created these injustices. We have to thank ourselves for these injustices in our social system. But there is absolutely no doubt in the fact that these injustices serve as bulwarks for the support of the British authority. I shall not tire out the House with instances. But I shall give you, Sir, one more. Take the religious intolerance amongst our own people. The Hindu-Muslim feuds. I am not suggesting for a moment that it is the British Government who created these feuds. We have to thank ourselves for their existence. But can any one deny the fact that these feuds amongst ourselves, between the Hindus and Muslims, have not served as a bulwark for the support of the British authority in this country? But these bulwarks have now begun to totter from their foundations. The Brahmin—non-Brahmin quarrel has practically ended, the leaders of the untouchables have begun to co-operate with the touchables in the struggle for freedom. In this House itself there are parties where the Hindus and Muslims co-operate. Therefore, it is natural that our Government should seek for other fortifications, other lines of defence. There are new lines of defence arising, one line of defence consists of the orthodoxy among the Hindus, as represented by my Honourable friends, Pandit Satyendra Nath Sen and Mr. M. K. Acharya, another line of defence we discussed only yesterday, and this Bill represents the line of defence which is the strongest of all. This Bill is intended, whatever may be the professed object of this Bill, to strengthen this line of defence and to strengthen this fortification. I wish to make an appeal, Mr. President, to our Government which is a British Government. I make this appeal as a loyal citizen. Whatever my amiable friends may have said yesterday about me, I still claim that I am a loyal citizen. I claim also that I am one of the most firm believers in the use of constitutional methods and I say, Sir, that I am not only a loyal citizen, I am not only a firm follower of constitutional methods, but I am an admirer of British history, not only of British history, but I am an admirer of British character and Britishers as a whole and, in that capacity, I make an appeal to our Government that measures of this kind are not in accordance with the traditions of British history. They are against their traditions. Instead of depending upon the forces of reaction, the forces of autocracy, let them depend upon the goodwill of the progressive sections in this country. They may say that they may show goodwill towards the progressive sections but that the progressive sections may not respond. Even then I say that the British Government should stick to their tradition of freedom. If they fail on account of our not responding, even their failure will be glorious. But, Sir, if the British Government insist upon staying in our country as unwanted guests with the support of all forces of reaction and autocracy, it will be an eternal disgrace to their tradition and history.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I remember the occasion as vividly as if it was only yesterday when, eleven years ago, in this very hall, the Legislative Assembly refused leave to Government for the introduction of the Princes Protection Bill which subsequently became the first certified legislation under the new Constitution. It may interest my Honourable friend, Mr. Ranga Iyer, to know that it was the Democratic Party which had taken the lead in the matter on that occasion. Sir, much water has flown down the Jumna Bridge at Delhi since that day, and I am free to confess that there has been a good deal of change in the atmosphere of the Indian States. My Honourable friend, Mr. Ranga

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Iyer, has referred to my brief association with the Princes in London, and I may tell him that I do not allow my professional engagements to interfere with my personal opinions on questions of public importance.

Mr. C. S. Ranga Iyer : Sir, I neither suggested nor insinuated that Mr. Neogy's professional engagements had anything to do with his private or public opinion. All that I suggested was that his experience as a Member of this House and his association with Indian States will enable us to get from him an enlightened lead in this matter.

Mr. K. C. Neogy : I never said that my Honourable friend made any uncharitable suggestion about me. But I wanted to tell this House that it was a watching brief that I had in London on behalf of a section of the Indian States which may very appropriately be described as the untouchables among the princely order ; and, if in that capacity I had occasion to see more of the game than those who were actually engaged in it and if it is that experience which my Honourable friend, Mr. Ranga Iyer, wants me to relate on this occasion, I can tell him that it was a great education to me to find that on that historic occasion the Princes and the people of India fought shoulder to shoulder for getting recognition of the just rights and privileges of their common motherland. Sir, much as I learnt to appreciate and honour some of the distinguished members of the order of Princes, I do not mind telling this House that I found very few of them yet prepared to make any substantial concessions of a constitutional character in favour of their people.

Now, Sir, my Honourable friend, the Home Member, has referred to the Federal Constitution which is looming large on the political horizon. My Honourable friend, Mr. Ranga Iyer, also made his confession of faith in that form of Government. May I also add that I was an enthusiastic supporter of that very ideal till the publication of the White Paper ? Sir, I cannot but recognise that if India wants to have self-government of the real type, if India wants to control her defence and foreign policy, we cannot ignore the Princes. The Princes must come into the Constitution if we expect to control the foreign and the defence policy of the country as a whole ; and it was in the hope that we were going to get real self-government that I, in my own humble way, tried to promote the idea of a Federal Government. Now, Sir, what have we got in the White Paper ? A mongrel Constitution to which I for one am not prepared to pledge my support. Sir, I remember very well the consternation that was created among the diehards in England and in India when it was found that the Princes had joined the British Indian leaders in demanding self-government on the basis of Federation, because they had counted upon the Princes to oppose the grant of self-government to British India, and they did not think that their patriotism would in the end even transcend their sense of expediency in having perhaps to go against the secret wishes of the powers that be. But when I find, as I find on the present occasion, Members of the Government of India giving their enthusiastic support to the federal ideal, when I find my Honourable friend, the Home Member, introducing measure after measure calculated to make India " safe " for Federation, then I begin to suspect. Now, Sir, I will not be partial to the Honourable the Home Member ; I will begin from that end of the official Benches. The Honourable the Leader of the House appropriately enough has taken the lead in this matter. He expects to secure the independence of the Railways,

independence or control of the future Federal Legislature, and he is trying to bring about that happy consummation which was described so graphically yesterday by the Honourable Member from Sind, when Mr. P. K. Rau would be riding on the back of the future Transport Minister. Coming to my Honourable friend, the Member for Industries and Labour, not being so bold as his other colleagues, he is just nibbling at the road system of India, it is said on behalf of an undisclosed principal, namely, the Army Department, in the name of co-ordination which will have the effect of curtailing the control of the Provincial Ministers over the road policy, for the benefit of the army, mechanised as it has been. My Honourable friend, the Law Member, not having an administrative portfolio of his own, has to content himself with aiding and abetting his Honourable colleagues in the pursuit of their common object. May I now come to the future Councillors under the White Paper? I do not know whether my Honourable friend, the Army Secretary, has inherited the qualities of his predecessor in office; if he has, he will perhaps find it possible to devote more attention to the Simla A. D. C. than to the future Federal Assembly. (Laughter.) And my Honourable friend, Mr. Glancy, when he introduces the Murshidabad Bill in future, will word it in cypher of the secret code, because it will be an Act of the Governor General. Sir, is this a picture of the Federal Constitution over which any one can enthuse?

An Honourable Member : What about the Finance Member?

Mr. K. C. Neogy : I am very glad my Honourable friend has reminded me of him, because I did not find him in his seat. The Honourable the Finance Member is engaged in lightening the labours of the future Finance Minister so that he could devote his undivided attention to the important task of raising taxation for the benefit of the Governor General and the reserved departments. Now, Sir, is it any wonder that the average British Indian, in which term I include myself, has no more use for the Federation? The attitude of the average British Indian may be summed up in these words "*Bhik nahi mangta : tumara kuttha bula lao*". That is the attitude of the average British Indian towards the Federal Constitution as adumbrated in the White Paper.

An Honourable Member : What is the meaning of that?

Mr. K. C. Neogy : My Honourable friend, the Home Member, in his Statement of Objects and Reasons of this Bill is yet undecided as to whether this measure is needed to satisfy the spontaneous promptings of the Paramountcy conscience or whether it is essential as a concomitant of the Federal Constitution that seems to be inevitable. If it is a matter of paramountcy, as has been pointed out by my Honourable friend, Mr. Joshi, how is it that we are discussing the measure here? It is no doubt true that the Governor General in Council is at the present moment, constitutionally speaking, the agent of that paramount power; but I ask my Honourable friend, Mr. Glancy, to tell this House as to whether the Princes relish the idea of the British Indian Legislature having anything to do with regard to the paramountcy obligations of the Crown. I do not think that the Princes would support the idea of this measure being considered at all by the British Indian Legislature. As has been pointed out by my Honourable friend, Mr. Joshi, in the future Constitution such a measure would relate entirely to the special responsibility of the Governor General. That has been secured by strenuous efforts on the part of the Princes. They do not want that British Indians should have anything to do in regard to

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such paramountcy matters. If it was on the other hand, a matter arising out of the Federal Constitution, how is it that this is not being postponed so as to enable the future Federal Legislature to afford the necessary protection to all the federal units, irrespective of the fact as to whether they belong to the category of British Indian provinces or the Indian States? Is the Honourable the Home Member sure that the States would support the idea of the future Federal Legislature having anything to do with legislation of this character? No, Sir. They have made it abundantly clear that, although the Federal Government and the Federal Legislature may be vitally concerned in maintaining the Federation unimpaired and, in preventing the disintegration of the Federation, they do not want these matters of common concern, as they are certainly matters of common concern, to be decided by the Federal Legislature of the future. So far as protection of States' interests are concerned, they have made it abundantly clear that they look to the Crown and to the Crown alone and to the Governor General as its agent, and not to the Governor General in Council, to afford them the necessary protection in the matter. I, therefore, do not think that the Honourable Member was quite right when he said that the Princes want such a measure. It may be that the Princes want many other things besides. But is the Honourable Member quite sure that the Princes want the British Indian Legislature to afford them protection?....

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Rural) :

3 P.M.

May I just interrupt my Honourable friend?

Does he mean to say that, in the future Constitution, any legislation that may be required by a reserved department will not come before the Legislature?

Mr. K. C. Neogy : It will perhaps have to be ultimately enacted as a Governor General's Act, as far as I can see.

Sir Cowasji Jehangir : I do not want to interrupt my Honourable friend; but I want to put him right. I do not think that is quite so.

Mr. K. C. Neogy : If the Honourable Member will read the White Paper carefully, he will find that, so far as the Princes are concerned, they look to the Governor General and not to anybody else.

Sir Cowasji Jehangir : If I may interrupt the Honourable Member for a minute : I think he is confusing the issues. The question of legislation with regard to reserved departments, whether it be the Army or Foreign Affairs or Indian States, will have to come before the Legislature in future.

Mr. K. C. Neogy : I was dealing with the attitude of the Princes in regard to this matter.

Sir Cowasji Jehangir : The attitude of the Princes is perhaps rightly explained by the Honourable Member; but the confusion comes in where he says that legislation with regard to the reserved departments will be done by Ordinance or by a Governor General's Act : that is not correct.

Mr. K. C. Neogy : It is undoubtedly true that legislation initially would come up before the Legislature; but my point was that the Honourable Member could not have put the case of the Princes correctly if he meant that the Princes wanted protection from this Legislature by way of this particular enactment; and what I wanted to convey was that, even

under the proposals of the White Paper, the Princes look to the Governor General to afford them protection in such matters, and not to the Governor General in Council. It may be that, as a matter of procedure, legislation may have to be initiated in the Federal Legislature ; but what I wanted to know was as to whether the Princes approved of this particular procedure.

I will now try to examine some of the salient features of this particular Bill. Coming to the proposal to amend section 121A of the Indian Penal Code, I desire to point out that there is a fundamental principle underlying the present section 121A which is being infringed by this proposed amendment. Section 121 deals with waging war against the King ; and if my Honourable friend will read the history of the enactment of section 121A, which was incorporated into the Statute in the year 1870 by an amending Bill introduced by Sir James FitzJames Stephen, an honoured name among British jurists who ever came out to India, if my Honourable friend will study the history of that enactment, he will find that this particular section was passed as being merely ancillary in character and supplementary to section 121. Section 121 dealt with waging war against the King ; and it was found that there was a defect in the law, because there was no provision with regard to conspiracy to wage war against the King, which, but for the enactment of a specific provision, would have to be dealt with as abetment of waging war. If my Honourable friend will refer to the speech that was made by Sir James FitzJames Stephen, while introducing that Bill, he will see that this section 121A was merely a paraphrase of a provision of what is known as the Treason Felony Act, which was enacted in the year 1848, if I am not much mistaken. It was felt in England that but for a provision of this character, the prosecution of conspiracies, which might not achieve their object, would lead to considerable difficulty ; and as this particular point was dealt with by the Treason Felony Act, Sir James FitzJames Stephen introduced section 121A for the purpose of serving the very same object.

Now, Sir, my point is this. Section 121 deals with treason. Treason goes with allegiance. There can be no treason if there is no obligation of allegiance, and section 121A deals with treason felony, and, there again, unless there is an obligation of allegiance, there cannot be any treason felony. Sir, I hope it will not be contended by the Honourable the Home Member that we, British Indian subjects, owe any allegiance to the 500 and odd Indian princes.....

The Honourable Sir Harry Haig : Will the Honourable Member explain what is the justification for section 125 of the Indian Penal Code ?

Mr. K. C. Neogy : Section 125 was deliberately enacted for the protection of certain Asiatic powers which were in alliance with the Queen. My friend can take it that if his distinguished predecessors of those days had found it feasible, they would have enacted a similar specific provision in the interests of the Indian States.

The Honourable Sir Harry Haig : My friend does not suggest that British subjects owe any allegiance to the Asiatic powers ?

Mr. K. C. Neogy : What I mean is this. You cannot amend section 121A in the way that you are seeking to do. I am not concerned with section 125, which creates a distinct offence, allegiance or no allegiance.

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In seeking to amend a particular section which deals exclusively with treason felony, you have no business to tamper with the underlying principle of that section, because, as I say, treason and treason felony go only with allegiance. It is only in the case of a breach of that allegiance which we all owe to the King Emperor that a charge under 121 or 121A could be sustainable. Legislation is not mere patch work, it is not mere scissors and paste work. There are fundamental principles which were perhaps better understood by our predecessors in those days.

I now come to the provision relating to the Press. My Honourable friend, in his speech, referred to the fact that this was originally contained in the Criminal Law Amendment Bill, which was passed into law against the teeth of popular opposition in November last. My Honourable friend said that although one of the clauses contained the provision which is now sought to be enacted with reference to the press in this particular Bill, that was dropped by the Select Committee. I could not quite catch what he said later, but I gathered the impression that the Select Committee thought that this particular provision could be re-enacted later....

The Honourable Sir Harry Haig : Considered. I think, I said, Sir, that in the Select Committee we thought that, if this proposal were to be pursued, it should be put up separately.

Mr. K. C. Neogy : Now, Sir, I have in my hand the Report of the Select Committee, and I naturally expected that if the Select Committee had offered a particular reason as stated by the Honourable the Home Member for omitting for the time being, this particular provision, they would have given us some indication of their attitude in the matter. But this is what the Report says : " We have omitted the references to Indian Princes and Chiefs ". That is all. Now, Sir, my Honourable friend, along with two other Members of the Government, had a minute of dissent appended to that Report. No mention do I find even there as to the intention of Government in regard to this particular provision. What is more,—our amiable friend, Mr. Anklesaria, whom by the way I want to congratulate on his C.I.E....

An Honourable Member : And his pleasure trip to England !

Mr. K. C. Neogy : Even our Honourable friend, Mr. Anklesaria, had appended a minute of dissent. He was not satisfied with this particular omission. This is what he says : " The position in respect of Indian Chiefs and Princes will not tend to advance the object of the Bill ", and so on. Then, later on, he says : " I would, therefore, keep sub-clause.....as it stood originally in the Bill ".

It cannot be said that this was dropped as a result of absent-mindedness or that the reason why it was omitted from this Bill was not inserted in the Report of the Select Committee out of sheer absent-mindedness. Here was Mr. Anklesaria to remind the Government of their duty....

Mr. S. G. Jog (Berar Representative) : Was an amendment given by Mr. Anklesaria ?

Mr. K. C. Neogy : I do not find any trace of any amendment in the discussions.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : He had given notice of it, but he did not move it.

Mr. K. C. Neogy : What is this emergency provision which is sought to be introduced ? The idea is that the provisions of the Indian Press (Emergency Powers) Act, as amended by the Criminal Law Amendment Act, shall include cases in which any writings "tended directly or indirectly to bring into hatred or contempt or to excite disaffection towards the administration established in any State in India". Now, Sir, "tended directly or indirectly to bring into hatred or contempt",—what does this mean ? If the facts that have been related this morning by my friend, Mr. B. Das, and by my friend, Mr. Joshi, were printed, as they will be in the official proceedings of this debate, I am very much afraid, even that would come within this description, because the very bare narration of the facts as they exist in the Indian States may have the effect of bringing any administration into hatred or contempt, in spite of anything that anybody might do to prevent such a result. As to whether a particular publication does tend directly or indirectly to bring any administration into hatred or contempt, would depend upon the character of the facts which are disclosed, and not upon any motive or intention on the part of the writer to create any disaffection.

Sir, again, speaking as a result of my experience of the Indian Princes, I say that there are very honourable exceptions among their order,—but can it be said, even by my friend, Mr. Glancy, that there are not States in which things continually go on, for the bare publication of which, however truthful, a publicist may be hauled up on the ground that it would tend directly or indirectly to bring into hatred or contempt, very well-deserved hatred or contempt, the administration of those States,—and penalised for it ?

Sir, my friend, Mr. B. Das, read out an extract from a speech delivered by Lord Irwin at a meeting of the Chamber of Princes in March, 1931. That speech merely summarised a note which Lord Irwin had circulated on the 14th June, 1927, among all the Indian States, in which he laid down certain minimum requirements of good administration which he expected the States to satisfy. Now, Sir, my Honourable friend, the Political Secretary, when he gets up to speak, will perhaps oblige this House by telling us as to what effect that particular note has produced, how many Princes, for instance, have conformed to the requirements as laid down by Lord Irwin himself, and not by any irresponsible newspaper man. On this particular point I find, the Butler Committee, reporting in 1931, said that 30 Princes have established Legislative Councils most of which are at present of a consultative nature only ; 40 have constituted High Courts, and so on. It gives us the numbers of Princes who have taken certain steps in liberalising their administration. But then it added :

"Some of these reforms are still no doubt inchoate or on paper, and some of the States are still backward ; but a sense of responsibility to their people is spreading among the States and growing from year to year."

That was about three years ago. Will my Honourable friend, the Political Secretary, tell us as to what the progress has been in this matter ? Speaking at a meeting of the Chamber of Princes in March, 1931, Lord Irwin had to give a few bits of advice to the Princes. That

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was the last speech that he delivered at the Chamber of Princes. My Honourable friend, Mr. B. Das, has already quoted a portion from it, but there are some more observations in it which have some bearing on this particular measure.

This is what Lord Irwin said :

“ There is no use in disguising from ourselves that the new order of things and the irresistible logic of events are lifting the veil from much that has hitherto been considered of private concern, and more and more factors are tending to bring your affairs into publicity (*meaning the Princes*). Where there is criticism of any of your administrations, be it based on reasonable grounds or scurrilous and misinformed.....”

I want to draw the attention of the House to these words :

“be it based on reasonable grounds or scurrilous and misinformed ; the best answer on the part of those who have nothing to hide is the issue of full and regular administration reports from which the public may learn how your Government is carried on.”

Lord Irwin did not think of a legislation of this character as the remedy ! Then he went on to observe :

“ But let us not forget that, as you acquire a share in the control of common subjects, and as your internal affairs become of increasing interest to public opinion in India, there will come to you more and more responsibility for bringing your administrations to the level demanded of all modern Governments. I acknowledge gratefully that there are many States that have nothing to fear, where within the compass of their resources all that is possible is done for the welfare and progress of their subjects. But there are still others to which this description cannot apply ; where personal extravagance has injured the financial stability on which sound administration must rest, and where too little is spent on the welfare and advancement of the people. Where such conditions exist, they cannot fail to be a danger to the whole body of your Order, and I appeal to Your Highnesses to use all your influence, as the Viceroy must use his, to secure improvement.”

I very much expect the Political Secretary to tell us as to what effect this admonition had upon those other Princes to whom his Lordship referred,—how many of them have established Legislative Councils, for instance, which he had advocated, though not in so many words, how many have conceded the most elementary rights of citizenship to their subjects, how many States permit public meetings to be held in their States without any permission.

Now, Sir, my Honourable friend, the Home Member, justified this Bill on grounds of reciprocity. I should like to know in how many States there is an independent press, because I take it, when he meant reciprocity, he meant reciprocity in regard to the different provisions of this Bill. I should like to know from the Political Secretary how many States have got an independent press, which would enable us to judge of the value of the reciprocal protection which we enjoy in regard to press criticisms of British Indian affairs.

Now, my Honourable friend has said : “ You cannot expect a dead level of similarity in regard to the forms of administration that prevail throughout this country.” I entirely agree with him there, and I do not think that it is any impediment to our having a Federal Constitution if, for instance, the States have a different system of administration from our own. But that does not mean that, whatever forms of Government may obtain in the States, the people themselves should have absolutely no voice in the affairs of the Governments of their own.

Now, Sir, I do not know what the present policy of the Government of India in this matter is ; perhaps, they think they have no right to dictate to the Princes as to what form of administration they should set up in their States. But may I draw the attention of the Political Secretary to what was stated by Lord Lytton on the occasion of the rendition of Mysore. This is what he said :

“ The British Government now undertakes the duty of protecting all Native States in India from external enemies and of preserving internal order by measures necessary for securing the people from misgovernment and for supporting the lawful authority of the Ruler. So also the powers of the British Government to prescribe the forms of administration (Cheers) and to insist that its advice be adopted are the necessary correlatives of the admitted responsibilities of the British Government for the internal peace of the whole Empire and general welfare of the people.”

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Sir Abdulla-al-Māmūn Suhrawardy, one of the Panel of Chairmen.]

I should like to know whether there has been any departure from this declaration of policy in regard to the Indian States. If the Honourable gentleman says that that was merely an expression of opinion on the part of an individual Viceroy, then I want him to tell us as to what effect has been given to the wishes of the last Viceroy of India who left our shores not very long ago. And may I take it that Lord Irwin's admonition in this matter represents the British policy in regard to the Indian States ? If that be so, my Honourable friend should have no difficulty in satisfying this House that substantial effect has been given to this piece of advice tendered by Lord Irwin, if he wants this House to support this particular measure.

Sir, my Honourable friend, the Home Member, said towards the conclusion of his speech, that Federation could not be built upon a basis of distrust. I entirely agree with him. But my conception of Federation is not a collection of units in a state of armed neutrality either. There must be perfect understanding and goodwill and community of interests among all the units of the Federation. That alone can make for a stable Government, whether of the federal type or of any other type. Now, Sir, my Honourable friend, in seeking to promote a legislation of this character at this particular moment, is only seeking to increase distrust where distrust was vanishing, thanks to the noble part which the Princes played in London in fighting the common battle of our common motherland. For all these reasons, Sir, I cannot give my support to this measure.

Mr. S. G. Jog : Just about an hour ago, a very influential man in the Government Benches made a remark that I was silent since the opening of this Session. I gave him the explanation that the Simla climate was more suited for silence than for any activity. However, I have great pleasure in breaking that silence and expressing my views on the measure that is before the House, which has got a gravity of its own.

I am glad to find that the Honourable the Home Member has realised and has also explained to the House the gravity of this measure. He also explained that he is in no hurry to rush this Bill, but at the same time he has made a motion for the Select Committee. The question is of still greater importance, because it has been associated with the question of Federation. People in India are getting more and more impatient as regards this Federation idea and everybody is anxious that, in whatever

[Mr. S. G. Jog.]

form it may be, the new Government should start functioning,—the sooner the better. The more it is delayed, people are getting more and more anxious about the coming Federation. The question of granting protection to the Princes is of great importance as I have just now said. Probably many Members of this House have no idea of the number of States in India and their population. The area covered in the Indian States is 675,267 square miles with a population of seventy millions. The Indian States embrace the widest variety of country and jurisdiction. They vary in size from petty States like Lawa, in Rajputana, with an area of 19 square miles, and the Simla Hill States, which are little more than small holdings, to States like Hyderabad, as large as Italy, with a population of thirteen millions. They include the inhospitable regions of Western Rajputana, Baroda, part of the Garden of India, Mysore, rich in agricultural wealth, and Kashmir, one of the most favoured spots on the face of the globe. This is the area and this is the number of States that will be affected by this legislation. Although the legislation is a very small one, its implications are of grave consequences. This is the first time the House gets an opportunity of discussing the political affairs of Indian States and it is for the first time that the Honourable the Political Secretary has come to the House and is anxiously listening to the debates. Though the measure has been introduced by the Home Department, it is no doubt at the dictation of the Political Department. It is no doubt true that the relations between the States and British India are of an extremely delicate nature. How far the Political Department will be justified in interfering in the internal affairs of the State is a very difficult question. They interfere when they like and, when they do not want to interfere, they give the reason that they are not authorised to interfere with the affairs of the State. I am glad to find that the Political Department is coming more and more into the discussions of this House and I think this itself is an indication of the political progress in the States. The question of the protection of the Princes came prominently before this House in 1922 and this measure has a notoriety of its own. It was introduced by the then Home Member, the Honourable Sir William Vincent. I would like to tell the House with what scant courtesy this measure was treated by the House then. Even breaking the convention of the House, it was thrown out at the first introduction of the measure. It was for the first time that the Viceroy exercised his power of certification. The Bill went before the Council of State. As to what happened there, the Assembly debates give us no guide. One speech was made by the Honourable Sir William Vincent and one speech was made by Munshi Iswar Saran and the motion was negatived by 48 votes to 41. That is the only record of the debate we have got and the whole measure was summarily rejected by the House. Then, the matter was taken up by the Council of State and there the matter was not thoroughly discussed and, without much discussion, it became the law under the certification power of the Viceroy. This is the history of this legislation. Soon after the inauguration of the reforms, the Viceroy had to use his power of certification, and, as such, this measure has got a notoriety of its own. The Honourable the Home Member then made out his case on three grounds. He said that the British Government was under a pledge bound to respect the privileges and dignity of the Princes. There were several attacks made in the press and elsewhere of which he had given instances, but I do not wish to tire out the House by reading all

those. The Government then thought that it was their bounden duty to protect the Princes. Whatever may be the effect of that legislation, we have a sort of legislation which has been able to protect them so far and the question before this House now is, whether there is any necessity of amplifying that legislation or introducing a new measure. The Honourable the Home Member, in his Statement of Object and Reasons, has stated :

“ Experience in recent years has shown that the ordinary law is not adequate to afford States in India the protection they may reasonably expect against activities which may be carried on in British India.”

I presume that by the ordinary law he refers to this measure which has been passed already, for I do not know if there is any other ordinary law.

The Honourable Sir Harry Haig : I meant the whole body of law existing in British India.

Mr. S. G. Jog : May I know if there is any other law which protects the Princes ?

The Honourable Sir Harry Haig : The Honourable Member will understand that this Bill seeks to amend the Indian Penal Code which in certain respects is inadequate for giving that protection which we consider to be reasonable.

Mr. S. G. Jog : I quite see the point. But the ordinary law today is the Indian States Protection Act, of which section 3 runs as follows :

“ Whoever edits, prints or publishes or is the author of any newspaper or other document which brings or is intended to bring into hatred or contempt or excites or is intended to excite disaffection towards the Prince or the Chief of the State or the Government and Administration established in such a State shall be punished with imprisonment which may extend to five years, or with fine, or with both.”

This is the existing provision which we have got, and what we have got to see is, whether the existing provision is sufficient or not to meet the requirements of the present times. If we find that the present law is quite enough to meet the case, then I, for one, do not see the necessity of the present measure that is before the House. Another constitutional question which has been raised in the House today is whether we are bound to have this legislation so long as the administration of the Native States does not come up to a particular standard. My friend, Mr. Neogy, has already read out some speeches of Lord Irwin and I will read out to the House the speech which Lord Minto made in the year 1909 :

“ Our policy with rare exceptions is of non-interference in the internal affairs of the Native States. But in guaranteeing their internal affairs and in undertaking their protection against external aggression, it naturally follows that the Imperial Government has assumed a certain degree of responsibility on the general soundness of their administration and would not consent to incur the reproach of being an indirect instrument of misrule.”

I would appeal to the Political Department and to the Home Member before an action is being taken for giving this protection, which may amount to a passport, whether it is not necessary for the Political Department and the Home Government to find out as to what steps have been taken by the Native States themselves to bring their administration

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in a line with the other approved forms. I have no quarrel with the form of administration, but, at any rate, it must be a good administration. A bad administration can, in no sense of the term, be called any administration. Whatever the form of administration may be, it must be a good government. When the Princes want protection, they have also to discharge certain obligations to their State and to their State people. In this connection I would like to read a passage :

“ In the historic Proclamation of Queen Victoria, it was set out that we desire no extension of the present territorial possessions and will permit no aggression on our Dominions and the rights We shall allow no encroachment of others. We shall respect the rights of the Princes as our own and we desire that they, as well as our own subjects, should enjoy that authority and that social advancement which can only be secured by internal peace and good government.”

I again earnestly bring to the notice of the Government that the obligations of the Political Department, as well as of the British Government, are to see that good government exists in all these Native States.

The House will find that I have given notice of an amendment that the present Bill should be circulated among the Princes in India as well as their subjects. What I mean to say is this. I have no means of knowing how far the Princes themselves have moved in the matter and have asked the Political Department to move the Government of India machinery to have a legislation of this kind or whether it is the Political Department itself which has moved this motion on its own initiative. I must tell this House that the Princes of the year 1922 and the Princes of the year 1932 are quite different. I am not prepared to say that the administration of all the States is bad. I am glad to find that many States are progressive. In many States they have introduced legislation and reforms. In many States many of the British laws are administered and the government is being carried on on progressive lines. I still think that if the question is referred to the Princes and they are asked whether they would like to have this sort of protection from this House, it will be making a confession of weakness on the part of the Princes if they will approach this Government and this House for a measure of this kind. I still believe that, out of the 600 Princes, I do not think many will come forward and ask for this protective measure. I am glad to find that, since the Round Table Conference, the Princes and their representatives are coming more and more in close contact with the British Government. There is no doubt that the angle of vision has considerably changed, although it may not be up to the expectations of some of us. But I do find that they are progressing in the right direction. It may take some time to come up to our standard, but that cannot be helped. Last time, in 1910, when this measure was to be introduced and when the press was abolished, the members of the Committee saved the difficulty. At that time, when the Committee met, they said they had not sufficient materials from the Princes to say whether they wanted any protection and that they were extremely handicapped for want of this information. Another point I have to make is that in India there are so many States and there are so many different organisations. Many of these associations in the Indian States, for various reasons, find it easy and more convenient to have their

grievances ventilated in British India and they will be seriously affected by this measure. Therefore, I move this amendment :

“ That the Bill be circulated amongst all the State Subjects' Associations throughout India for the purpose of eliciting opinion thereon.”

I want this Bill to be circulated to all States Associations, called Prajamandals, and we should be in a position to know the views of these Associations. After having said so much, I do not want to detain the House any longer. We will have to find out the means whereby we can pave the way for the future Federation. If the Princes demand, as a condition precedent to their joining the Federation, the granting of more powers to them, I think it is our duty to examine the case very critically and very carefully and we must try to do a thing which may not stand in the way of Federation. I find from the reports of the Round Table Conference that almost all the British Indian delegates have come to the conclusion that Federation is the only form of Government that India should have and that it is only the hope of getting a Federation that still keeps all the delegates together. I find from the proceedings of the Federal Structure Committee the following :

“ A further examination of the problem has confirmed them in the belief that by no other line of development can the ideal in view be fully realised. For this purpose it is essential that the ‘ India ’ of the future should include, along with British India, that ‘ Indian India ’ which, if Burma is excluded, embraces nearly half of the area and nearly one-fourth of the population of the country—an area and population, moreover, which are not self-contained and apart geographically or racially, but are part and parcel of the country’s fabric ; ”

In the British Indian fabric we have to make use of the Indian States. My Honourable friend, Mr. Joshi, has given out that that particular fabric may not for the time be equal to the fabric which we have in our administration. But, in course of time, this coarse fabric may be improved and may be made to fit in with the British Indian administration. We have to know as regards this measure whether the initiative has come from all the Princes or from a few of the Princes or whether the initiative has been taken by the Political Department to fortify themselves in the new Constitution or whether the Home Member has taken the initiative for strengthening the new Constitution. Whatever they may be, I should like to put in a word to the Princes, that all these artificial protections will avail nothing to them. The real protection for them is the progress that they will make in their own States. The contentment of their subjects and the conceding of more and more powers to their subjects would be the real protection for them and, after all, these artificial protections will prove fruitless. Sir, as I have said, I strongly recommend that the measure should be circulated amongst the Princes as well as amongst the Indian States subjects whose views will be available to us and, after getting the views from those bodies and from those Princes, we will be in a better position to see what sort of protection is necessary. After all, even taking the newspapers, some of them might be exploiting the Princes for their own ends. They might be utilising the Princes for some ulterior object. There may be cases like that and, in that case, it may be necessary to have some measure of protection to the Princes. If the House is satisfied that some measure of protection is necessary, the House will willingly do so. But, before we do that, we must have some material to go upon and to give us satisfaction. Sir, I move.

Mr. Chairman (Sir Ab-dulla-al-Mámūn Suhrawardy) : Amendment moved :

“ That the Bill be circulated amongst all the State Subjects' Associations throughout India for the purpose of eliciting opinion thereon.”

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : Mr. Chairman, I am extremely grateful to you for this opportunity afforded to me to speak on this important measure. I should, at the very outset, like to reserve to myself my considered opinion whether it is desirable at this stage of the advancement of India that we should have Federation with the Indian Princes. I should first start with the subject matter of this Bill. It seems, Mr. Chairman, that the previous speakers have overlooked altogether the purport of this small Bill of seven clauses which has been brought up. I do not say for one moment that measures of this kind adumbrated here in these clauses are normally necessary and I am certain and I am convinced in my belief that perhaps the Government of India had materials at their disposal to come forward before this Assembly with a measure for the protection of the princely order. It is certainly true that the Indian States, just like the seeds in a cake, are scattered in almost all the centres of this big continent. I think it is only fair that people, living beyond their jurisdiction, should not take upon themselves the liberty of saying how best these Princes should administer their States. After all, as I have said at the very beginning, I should not like to go into that complicated subject of Federation. But it seems to me, personally speaking, that perhaps there is a great force in what the previous speakers said, namely, that you keep a very untidy and careless sort of administration, in between, this big continent, and perhaps the contagion from that side may catch fire here in the British territory also. I think there is a great force in that contention of my Honourable friends. But, so far as I am concerned here today, I have heard from the Honourable the Home Member that the sole purport of this Bill is to amend certain sections of the Indian Penal Code and thereby to empower district officers to prevent *jathas* entering into the Indian States with a view to creating trouble there. My idea is this. If you continue to start *jathas* and if you are not going to stop these inroads into the Indian State territories, I am certain, every one will admit that the condition of India will be reduced to that of Russia or, for the matter of that, the condition of the territories beyond the Frontier is sure to be repeated here in this country. Mr. Chairman, the previous speakers have of course taken side issues and have not faced the Bill. They have put this question to the Government of India whether as a responsible organisation in this country it is right for them as a Government to offer this protection to a class of people who, in the words of Mr. Neogy, are in various stages of development. As I said at the beginning, I do not like to go into matters of that description. My idea is this. I think things are only taking shape just now and if these things are over-threshed here on the floor of the Assembly, perhaps our ideals in certain directions may not be realised. That is why I say that I should not like to go deeper into that aspect of the case. In this connection, Mr. Jog has pertinently put one question whether the Government of India, as a responsible organisation, are not free to tell this Assembly that they had

this representation from the "Narendra Mandal" which is the organisation of the Princes; for, I am certain, that unless they had received it, they would not have come forward with this piece of legislation. There is certainly great force also in the view when the Government of India have got authority over these Princes, they, as a suzerain power, should have first tried to make them come up to a certain level of civilisation in matters of up-to-date governance, so to speak. If they could bring their administration even to the level of the District Boards and Municipalities of India and offered some semblance of self-government, perhaps Government would not have found so much criticism over this measure. But I think there is, really speaking, a great force in that contention of my friends. As the Government of India have started to take this parental interest in the affairs of the Indian States, I think, if I had any say in the matter, by way of advice, I would have told the Princely order to so adjust and arrange their houses that there may not be any criticism whatsoever in the way of allowing them to come into the Federation.

Sir, I do not think it is at all necessary for me to reply *seriatim* to what has fallen from my friends, Messrs. Das, Neogy, Ranga Iyer and Joshi. I am sure, they are entitled to their own opinions, but I think if they had placed themselves in the position of the Government of India and had experience of the last three years as to the events at Alwar, Kashmir and other States, they would not have been so very critical about the actions of Government. If I could give any advice to my friends on my right, I would tell them that they would have utilised their influence and experience much better if they had tried to stop these troubles getting into the Indian States. I am greatly convinced that perhaps the troubles of the last two or three years have been responsible for bringing in this Bill. This is a small protective measure and the maximum punishment prescribed here is six months, and of course the infliction of that punishment is in the hands of Indian magistrates who are all brothers and relations of my friends to my right.

Mr. Neogy, at the beginning of his speech, made one very important point that any statement about the working of the

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Indian States might bring one within the mischief of this law. But I may humbly tell him that there are safeguards here, and why should he not trust his kinsmen and his friends and relations who are the judiciary in this country? They are not foreigners; as a matter of fact, there is so much Indianisation from the Hindukush to Assam that I do not think anybody need be afraid on that score. It is not such a terribly bad measure that it should evoke so much opposition from my friends on my right.

Mr. Chairman, mention has been made of previous Viceroys' after-dinner talks or talks of that kind at times. Viceroys, of course, make statements on their own responsibility, but here we are only concerned with the facts contained in this piece of legislation. If any Viceroy gave any assurance about the Indian States, he must have given it on his own responsibility; and, it may be, that, because those desires or instructions of previous Viceroys have not been consummated, that has actuated the present Government of India to bring forward this measure. My esteemed friend, Mr. Joshi, said that this was one other item of protection which Government were introducing for their own advantage. I

[Mr. Muhammad Anwar-ul-Azim.]

do not know how far he is right or wrong, but here the Government of India, as a responsible body, have got a duty to discharge and, if they have brought in this piece of legislation, I am sure, they have not brought it too early. With these few words, I support the principle that it be referred to the Select Committee.

Sir Cowasji Jehangir : Sir, I do not propose, when I rise to address this Honourable House on this Bill, to survey the whole constitutional position as it faces us today, as I do not think it advisable to follow my Honourable friend, Mr. Neogy, in what I consider a really clever speech, but which may not have been quite relevant in some parts although, on the whole, most interesting. I propose to confine myself entirely to the Bill that is before us.

Mr. K. C. Neogy : Why did not the Honourable Member take the same exception to the Honourable the Home Member's speech, because it was he who first referred to the constitutional aspect and went into details with regard to the Federation ?

Sir Cowasji Jehangir : I regret that I have forgotten the Home Member's speech. I will first refer to clause 3 of this Bill which will amend section 121A of the Indian Penal Code. Personally, I really do not see any strong objection to that amendment, specially when one comes to consider section 125 of the Code. Section 125 of the Code gives the same protection to an Asiatic power in alliance or at peace with the Queen. Well, I do not see why an Indian State should not be placed on the same level with an Asiatic State in alliance and peace with the Queen ; and, so far as I can understand this amendment, it goes no further than placing an Indian State in the same position as an Oriental State....

Mr. K. C. Neogy : Not at all : if I may interrupt the Honourable Member, he will realise that the proposed amendment is not to section 125, but to section 121A, which places the Rulers of States exactly in the same position as His Majesty the King-Emperor.

Sir Cowasji Jehangir : No : I do not agree with the Honourable Member. That is not the position. The position is this : that in 121A the words are :

“Whoever—(meaning any British Indian subject)—within or without British India conspires to commit any of the offences punishable under section 121 or to deprive the Queen of the sovereignty of British India or of any part thereof or conspires to overawe by means of criminal force or a show of criminal force the Government of India or any local government”

and here is the insertion—“or the administration of any State in India”. Therefore, it places an Indian State in the same position as section 125 places an oriental State in alliance or peace with Her Majesty the Queen. That is my reading of the amendment. I may be wrong....

Mr. K. C. Neogy : You are.

The Honourable Sir Harry Haig : In view of the assertion of my Honourable friend, Mr. Neogy, I would point out that he does not seem to have read the section which is being amended, when he says that in effect this puts the administration of an Indian State in exactly the same position as His Majesty the King. It is not so. Section 121A says :

“Whoever, within or without British India, conspires to commit any of the offences punishable by section 121—very serious offences against the Crown—or to deprive the Queen of the sovereignty of British India.....”

None of that applies to Indian States. The only effect of this amendment of section 121A is to prohibit a conspiracy to overawe by means of criminal force or the show of criminal force the administration of a State in India.

Mr. K. C. Neogy : My point was that the whole of section 121A was a paraphrase of a provision of the Treason Felony Act, which was an ancillary provision to the provision regarding treason.

The Honourable Sir Harry Haig : My point is that this amendment affects only a portion of section 121A, and not the whole of it.

Mr. K. C. Neogy : But that portion, again, is part of the Treason Felony Act.

Sir Cowasji Jehangir : That is my humble opinion, whether I be right or whether I be wrong. But when we come to clause 4 of the Bill, I must state that I begin to get rather doubtful. We cannot compare British India with an Indian State. We are proud to be able to say that in British India we do not hear of some of the scandals that we do hear of in Indian States.

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

I believe the Foreign Secretary cannot contradict me nor can the Home Member. It is a fact and, on the floor of this House, we have got to face facts. It is no use hiding them and closing our eyes to the facts. Things do occur in Indian States which cannot possibly occur in British India ; and when you come to amend the Press Act and to put an Indian State exactly on the same level as British India, you may be going a little bit further than you intended to go. I will try and explain what I mean. You are inserting in the Indian Press Act the following words :

“ to bring into hatred or contempt or to excite disaffection towards the Administration established in a State in India.”

We know what the Courts have held about the words “ which would excite disaffection ”. Now, there are cases in the Administration of Indian States, the facts of which, if related correctly on the strongest of evidence, would be held by Courts to excite disaffection. Is it intended that, by this Act, no one in the press in India can expose the ill-treatment of an Indian British citizen in an Indian State or even of the citizen of an Indian State ? If you relate facts, I contend you are bound to excite disaffection. You cannot help it. Your safeguards do not go far enough. The *Explanations* to that section do not go far enough. Take *Explanation 2* :

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

In British India this is a protection. Would it be a protection in connection with an Indian State ? I contend with pride that few acts of the Government of India in India, if related correctly, could be held to excite disaffection ; but I am not so sure that acts of some of the Indian States, correctly related in an Indian paper in India, would not create disaffection against those States. Therefore, your *Explanation 2* does not protect the press with regard to Indian States, while it might protect them with regard to British India. I think I have made my point fairly clear. I do not want to make it clearer. I could, but I may be guilty of an offence.

[Sir Cowasji Jehangir.]

Mr. President, I would again draw the attention of the Government Benches that it is paying no compliment to themselves when they place British India and Indian States on the same level, and they cannot amend an Act which applies to British India, so as to make it applicable to Indian States. The circumstances are so different. There are Indian States and Indian States....

The Honourable Sir Harry Haig : The Honourable Member must remember that exactly the same provisions applied from 1910 to 1922 both to British India and in Indian States.

Sir Cowasji Jehangir : You may have made mistakes in the past, but as we have been told, much water has flowed under the bridge since then, and much water will flow under the bridge before we get Federation. By that time circumstances may change considerably,—they have already changed to such an extent that you cannot amend these Acts in this way to suit the circumstances prevailing in British India and in Indian States. Sir, I am a strong advocate of Federation, and I have openly, both on the floor of this House and in other places, candidly and willingly acknowledged the assistance given to the Indian delegation at the Round Table Conference by the Indian Princes and by their representatives, and I would be the last to go out of my way, whether it be on the floor of this House or elsewhere, to expose what must be admitted to be maladministration in some of these Indian States. No one knows better than the Honourable Members, sitting on the opposite Benches, of this maladministration, and it is no use,—I repeat,—closing their own eyes or asking us to close ours. That is not going to help Federation. Therefore, Sir, I am distinctly doubtful about the amendments proposed in clause 3. I believe that it may be doing,—I don't say it will be,—I am not sure,—I want further opinions, I want further light thrown on this question,—I say it may be doing an injustice to the press, and it may be doing a greater injustice to the Indian States to prevent exposure. After all, it is criticism, it is exposure, that opens the eyes of both Indian States and Government. If there was no criticism, if there was no exposure, there would be no remedies to this maladministration either on the part of the Indian Princes themselves or of the Indian Government, and, therefore, to protect the Indian Princes to the extent that it might be illegal to publish facts and figures which may not be creditable to the Indian States, would be going too far. Sir, under those circumstances, my Party have decided to support the amendment for circulation. We would like to have more light thrown on this Bill in the interests of all parties, and we earnestly desire that there should be no hush hush policy adopted with regard to Indian States. Sir, I am not going further into these clauses, because, if this Bill goes for circulation, we shall have a considerable amount of material before us to be able to judge how far these amendments go. I might, in passing, say that clause 5 of the Bill seems to be a protection given to Indian States which they may legitimately claim. I think there would be a justifiable grievance if, in British India, the Government allow organizations or associations to combine together to march into an Indian State with the deliberate intention of defying law and order in that State. I was surprised to know that that was impossible today, but evidently it is possible if Government find it necessary to bring in legislation to prevent it. I was rather surprised....

The Honourable Sir Harry Haig : We had to have an Ordinance.

Sir Cowasji Jehangir : Under those circumstances, I would be quite prepared to accept an Ordinance. I think any Indian State would have a legitimate grievance against British India, and, therefore, in passing, I say that I do think that clause 5 is justifiable. But, on the whole, we have decided,—I would repeat,—to support the amendment for circulation, and to save time, I may appeal to Government to accept that amendment. We are all out to save time, and, if Government are half inclined now, well, it will be just as well to make up their mind immediately and close the debate, for if Government agree to accept the amendment for circulation, this side of the House will be prepared to allow the debate to be closed (*Several Honourable Members from the Nationalist Benches :* “ Yes, yes.”), and we can go on with the next business.

I have nothing further to say, Mr. President. I think Government will be well advised to accept this amendment to allow the Bill to go for circulation.

The Honourable Sir Harry Haig : I am afraid, Sir, I cannot on the spur of the moment give an answer to my Honourable friend opposite, because, though we have not the slightest objection—in fact we are anxious that this Bill should be thoroughly discussed and considered,—we are equally anxious that there should be nothing to prevent our taking it up effectively at the beginning of January. Now, Sir, I am not sure which the amendment is that my friend is supporting. I think it is an amendment for the circulation of the Bill by the beginning of January, but even that would mean that, at the beginning of the January Session, we should have to resume this debate on the question of setting up a Select Committee. That might take several days. Then the Select Committee will have to sit,—a matter of some difficulty during that Session, and by that time we should be in the budget discussions. Therefore, I am afraid I must ask my Honourable friend to allow the Government to consider his suggestion and not give an answer till tomorrow.

Sir Cowasji Jehangir : There is no desperate hurry in getting this Bill through as long as the Honourable Member has the assurance that this House is prepared to consider the Bill carefully. What is the desperate hurry ? He has done without this Bill so long and he can go on without this Bill for a few months more.

The Honourable Sir Harry Haig : It is not a question of doing without the Bill for a few months. If we fail to pass it in the January Session, we should not be able to proceed with it until this time next year, and that Government are not prepared to do.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) : As a resident of a neighbouring district of the important State of Kashmir which was recently the victim of a calamitous misfortune, and as an eye-witness to the dire and dreadful consequences of the recent disturbances within and outside the territories of the Kashmir State, I rise to make a few observations on the Bill under discussion.

Sir, there cannot be the slightest shred of doubt that the present Bill will provoke considerable irresponsible criticism from a certain dubious section of public opinion in India. Indeed, it has already generated in this House a great deal of unnecessary heat and temper. My Honourable friend, Mr. Neogy, in his brilliant speech, spent a lot of time in draw-

[Captain Sher Muhammad Khan Gakhar.]

ing a picture of the Government Benches. The thing in which I do not agree with him is his description that the Army Secretary will be sitting in the Simla A. D. C. My Honourable friend, Mr. Joshi, said that he was loyal and, at the same time, he said that the British Government were an unwanted guest....

Mr. N. M. Joshi : I never said that. What I said was that the British Government should not remain here as unwanted guest with the support of the autocratic and reactionary forces. They can stay here with our support.

Captain Sher Muhammad Khan Gakhar : I am sorry I have misunderstood the Honourable Member. As I said, it has already generated in this House a great deal of unnecessary heat and temper. With due deference to my Honourable friends, I would contend that all these criticisms are entirely unwarranted and unjustified.

Sir, there appears to be a large element of truth in the well known statement that human memory is very short, at least some of my Honourable friends would appear to substantiate the truth of the same. But, as His Excellency the Viceroy rightly pointed out in his recent address, the Indian States are entitled to claim that effective measures should be adopted by the British Indian Government against the serious and sinister agitation which is now being carried on in British India by interested persons. Sir, we cannot forget the important fact that the Indian States have as a body stood by British India in all times of stress and storm ; we cannot ignore the long chapter in the annals of our country which deals with the struggles of the Indian States on behalf of British India. We cannot legitimately brush aside the contributions which the Indian States have made to the cultural and political development of India as a whole. Indeed, those who participated in the deliberations of the first Round Table Conference will remember that the constitutional reforms envisaged in the White Paper proposals would not have been within the range of practical politics if the Princes as a body had not decided to throw in their lot with us. I would, therefore, make bold to say that responsibility at the Centre, for which British India is clamouring today, would have been a chimera, an unachieved and unachievable ideal, an empty and fruitless dream, but for the ready response and co-operation on the part of the Indian States. Is it not then our bounden duty to render every assistance to the States which are today being menaced and threatened by malicious agitation outside their territories where the arms of their law cannot reach the offenders ? Is it not then our duty to reciprocate the feeling which the Princes have always evinced with regard to the welfare and progress of British India ? If we seriously think what is the object of this Bill, as the Honourable the Home Member has stated in his speech, its object is to prevent unconstitutional agitation or mischievous propaganda against the States. I have no doubt whatever that all reasonable and fair-minded Members of this House will agree with me that we would be failing in our duty if we did not appreciate the difficulties which the Indian States were experiencing today, and did not come to their rescue by adopting such effective measures, as have been incorporated in the present Bill, against the serious agitation in British India which has become a menace to the well ordered progress and development of the States. In this connection, I trust my friends on the opposite Benches

will not fail to remember that we do not live in hermetically sealed compartments, and that disorder and disturbances within the territories of the Indian States must necessarily transcend the frontiers and affect the masses in British India.

Sir, I have no high pretensions ; I am only a mere soldier. I would, therefore, leave the first four sections of the present Bill to the brilliant legal luminaries on the opposite Benches and confine my observations to the last three sections. Sir, those amongst us who have had the sad experience of the last disturbances in Kashmir and other parts of India, those amongst us who have seen the misery and hardships which these disturbances had brought in their train, those amongst us who have seen men, women and children without any food and shelter, suffering from terrible hunger and privation, will undoubtedly lend their fullest support to these provisions of the Bill. I remember the day when about 2,000 persons crossed the Jhelum river and poured into the town of Jhelum from the Mirpur district of Kashmir, suffering from starvation and other hardships which the disturbances in Kashmir had inflicted on them.

Now, Sir, I am sure all these unfortunate disturbances, all this misery and suffering, all these hardships and privations could have been easily averted if a measure of the character of the present Bill had been placed on the Statute-book.

For these reasons I support the motion that the Bill be referred to a Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Honourable Members have been at some difficulty as to the exact scope of clause 3 of the Bill, and the Chair undertook to give a ruling, if possible, before the question was actually put to the vote. The Chair has now carefully considered the point and it has to give the following ruling.

The point of order that has been raised is, whether clause 3 of the Bill is *ultra vires* of this Legislature. This doubt arose by reason of the facts that it was supposed that the new offence committed by a subject of an Indian State within the territory of an Indian State was sought to be made punishable under the Indian Penal Code. If this is the effect of clause 3, it would certainly be *ultra vires* of this Legislature, for this Legislature has no power to punish offences committed by non-British Indian subjects outside the territory of British India. To decide whether clause 3 is *ultra vires* or *intra vires* from this point of view, reference will have to be made to various sections of the Indian Penal Code. Clause 3 of the Bill seeks to create a new offence, under the Indian Penal Code, the new offence being conspiracy against the administration of any State in India. Beyond creating this new offence, the clause does not widen either the personal or the territorial jurisdiction as defined in the Indian Penal Code. For determining the personal and territorial jurisdiction coming within the jurisdiction of British Indian Courts, reference must be made to sections 2 and 4 of the Indian Penal Code. Section 2 deals with the intra-territorial operation of the Code. It makes the Code universal in its application to all parts of British India. In other words, an offence committed within British India by any person of whatever nationality, rank, caste or creed, becomes punishable under the Code. This territorial

[Mr. President.]

jurisdiction is covered by section 65 of the Government of India Act. Section 4 of the Indian Penal Code provides for extra-territorial offences, that is to say, offences committed outside British India. By virtue of this section 4, an offence committed outside British India by any Indian subject of His Majesty is punishable under the Code. The section also makes punishable an offence committed by any other British subject within the territories of any Indian Prince or Chief in India and offences committed by any servant of the Queen, whether a British subject or not, within the territories of any Indian Prince or Chief in India. All these provisions are *intra vires* of this Legislature by virtue of the provisions of section 65 of the Government of India Act. Since clause 3 of the Bill confines its operation, both personal and territorial, to the above cases provided by the Indian Penal Code, and since those cases are within the competence and jurisdiction of this Legislature, the Chair holds that clause 3 is not *ultra vires* of this Legislature.

The Chair would, however, draw the attention of the House to one other aspect of the matter. In the course of a reply to the questions asked by the Honourable Member, Mr. Mody, and the Chair, the Honourable the Home Member said that it was the intention of the Bill to punish the committing of the new offence only if it was committed within British India. The whole scheme of the Indian Penal Code makes all offences under the Code punishable if they are committed by Indian subjects of His Majesty in any part of the world and not necessarily within the territory of British India alone. Whether the restriction of the new punishment for this new offence will create an anomaly or confusion or any legal difficulty, it is for the legal advisers of the Government of India to decide. It is for the Select Committee and for the Government to examine this position further and to see how this can be rectified. So far as the *intra vires* character of clause 3 is concerned, the Chair has held that this clause is in order.

Sirdar Harbans Singh Brar : This Bill has been brought before the House for the purpose of protecting the Indian States from disaffection and otherwise. This function of protecting the Indian States is primarily the concern of the paramount power and this Legislature as such has no connection with Indian States and their affairs. We, as a British Indian Legislature, can neither ask questions nor pass laws about them. So, the paramount power has in this matter asked us to share the responsibility of paramountcy by protecting the States from aggression from outside, but it has not asked us to share the responsibility in the other matter of protecting the subjects of Indian States also from oppression in those States. If the paramountcy wants British Indian elected representatives to share the burden of responsibility for the protection of Indian States from the Press and otherwise in British India, it must also ask us to share in the other matter. They cannot ask us to share only in the evil and not in the good. We must also be asked to share what little good we can do for the subjects residing in the Indian States. But, no. They say that the Indian States view is that all thine is mine and all mine is, of course, mine and that we will stick to that principle. They say : " You have

nothing to do with the internal affairs of the States. The responsibility of protecting the subjects living in those States must rest with paramountcy for ever." I do not consider that that is a very charitable and generous treatment towards us. We will be blamed by all sides in British India as well as in Indian States that, as the representatives of the subjects and not of the Government, it is our duty to look towards the benefit of the subjects all round and not only to join with the Government when the question of protecting the Indian States is concerned. The Governments of International States have been criticised in other parts of the world and an asylum has been provided to political offenders and agitators in different parts of the world and, if they claim to enjoy international sovereignty and thus be on a par in the international world as international entities, why do they not allow British India that right of asylum which the United States provided for the Irish agitator, which England provided for the Italian agitator and all the European countries have provided for the White Russian against the Red Russian at the present day. Have not the Jews carried on an intensive agitation against the Hitler Government in different parts of the world and, similarly, why not allow the subjects of Indian States to carry on in the press their legitimate grievances. As has been pointed out by Sir Cowasji Jehangir and others, even the mention of the ordinary facts of administration of these States will be covered as an offence by the provisions of this Bill. I do not think the question of the States coming into the Federation justifies this course of action. It cannot be denied that grievances exist in most of the States. There are a good many States which can be honourable exceptions and which have got very good Governments prevailing in their territories, but that cannot be said of all the States. The Home Member has taken up the line that the paramount power could be memorialised by the subjects of the States to redress their grievances through the good offices of the Political Department or otherwise. Am I not entitled to ask the Political Secretary or the Honourable the Home Member in how many cases these memorials were taken notice of and action of a redressing nature taken by the Political Department on memorials alone? Even the mother does not give milk to the child without weeping, nor does the father part with his power during his life time even to his own blood, his sons. So, mere memorials sent by post cannot be said to have any effect on the administration, I mean, the Paramount Power, to take action for the redress of the grievances of the Indian States. I, therefore, think that the provisions of this Bill are rather too wide. They do not allow even the legitimate mention of the ordinary facts of administration in the Indian States as has been mentioned by the previous speakers. Before I proceed further, because I may take a good bit of time, I would like to make a suggestion to the Honourable the Home Member.....

Mr. President (The Honourable Sir Shanmukham Chetty) : How long will the Honourable Member take ?

Sirdar Harbans Singh Brar : I want to make a suggestion about the consideration of Sir Cowasji Jehangir's suggestion. I want you, Sir, to permit me to speak for a minute only and then I will sit down. Before I proceed regarding other matters, I would like to make an appeal regarding Sir Cowasji Jehangir's suggestion to the Home

[Sirdar Harbans Singh Brar.]

Member. If the Home Member finds it difficult to accept the motion for circulation, he may agree to circulate it either by executive order or otherwise. I think it will be far better from the point of view of the Legislature if the Select Committee examines witnesses as we have done in other Select Committees either on behalf of the Chamber of Princes or other bodies and the Select Committee can have the views of the public put before them.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : We cannot accept the principle of the Bill and, therefore, cannot agree to its reference to the Select Committee.

Sirdar Harbans Singh Brar : Mr. President, I am not personally against the consideration of the Bill. I certainly want it to be examined. There are good many necessities for proceeding with it, but, in that case, I will take time. I leave it to you, Sir, to allow me to proceed with my speech tomorrow or to continue it today.

Mr. President (The Honourable Sir Shanmukham Chetty) : Government want time to consider the suggestion of Sir Cowasji Jehangir and they said that they would give an answer to it tomorrow. If the Honourable Member, in the light of the answer given by Government, is not still satisfied, he can continue his speech tomorrow.

The request has been made to the Chair that, in view of the state of public business, the Chair should direct that the House should sit tomorrow also. The Chair has accordingly directed that the House will sit tomorrow, but that it shall adjourn tomorrow at quarter past one and will not meet in the afternoon.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 9th September, 1933.