

12th April 1929

# LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume III

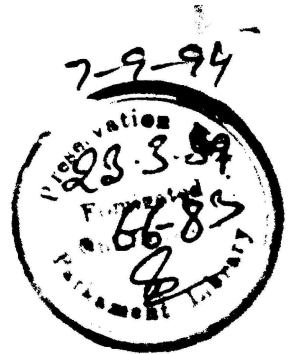
(21st March to 12th April, 1929)

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FOURTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1929



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# LEGISLATIVE ASSEMBLY.

Friday, 12th April, 1929.

## ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

**H. E. the Viceroy:** Gentlemen, I have exercised my privilege of requiring the attendance of the Members of both Chambers of the Indian Legislature this morning for two purposes. The first is that I might have the opportunity of associating myself, by what is at once the most personal and the most formal means open to me, with what I know will have been their immediate and universal feeling of resentment at the outrage which, four days ago, was perpetrated in this building.

It is not necessary for me to dwell upon the actual events which took place before the eyes of many here. We must thank the merciful protection of an overruling Providence that the designs of wicked men should have been, as it seems, so unaccountably and miraculously frustrated, while to Sir Bomanji Dalal, we tender our sincere sympathy, mingled as it may happily be with gratitude, that he and others were spared even graver injury. With the acts committed the law can be left to deal; but there are certain general reflections that may perhaps rightly find expression at such a time as this. Throughout history, men have been tempted to seek the promotion of political purposes by resort to crime. Though they may result in the destruction of a few individual lives, such efforts are foredoomed to failure, because there is a fundamental and instinctive reason, which leads ordinary men, everywhere, to revolt against such attempted terrorism. For they realise that society itself depends upon the quality of protection that it can guarantee to the humblest of its constituent members, and that, if this guarantee were to be lightly violated and trodden under foot, society would rapidly revert to the order of the jungle, where strength and stealth are the only abiding sources of security.

And if this be true of attempts to challenge the sanctity of individual life, of how much more grave import is not an attempt, such as that which is in all our minds, directed against a body which, with its sister Chamber, is not only a collection of individuals, but stands in a collective capacity for something more significant and comprehensive than even the sum of all the interests represented in it? Here we come face to face with a naked conflict of two contradictory philosophies. This Assembly exists as an outward symbol of that supremacy of reason, argument and persuasion which man, through the ages, has been, and is still, concerned to establish over the elemental passions of his kind. The bomb stands as a cruel and hideous expression of the gospel of physical violence which, repudiating reason, would recoil from no atrocity in the achievement of its sinister designs. It is indeed partly because, through the corporate person of this Assembly, a direct threat has thus been levelled at the whole constitutional life of India, and everything which that life includes, that I have thought fit to summon the two Houses together here today.

[H. E. the Viceroy.]

On more than one occasion, it has been the duty of Government to call public attention to the subversive and revolutionary schemes, of which India is in certain quarters the professed objective. I have never concealed my view of the gravity of the danger which, if vigilance were for a moment relaxed, would menace Indian society, and I would urge Honourable Members to ponder long and seriously upon what lies behind the recent incident. Deeds of violence, such as that of which this Chamber has recently been the scene, can never be completely disentangled from the setting in which the idea behind them has been nurtured. In such matters some men have thought and spoken, before other men resort to the extremity of action. And dangerous words, written or spoken by one man, are only too frequently the poisonous seed falling upon the soil of another man's perverted imagination. From such root, in due course, springs the impulse which drives human beings to ruthless and shameless crime, and invests it with the false halo of self-sacrifice. And so, to go no further back than the last few months, India is disgraced by the murder in Lahore of that young and most promising Police Officer, Mr. Saunders, and the gallant head constable, Chanan Singh, still more recently of a highly respected Indian Police Officer in Barisal, and lastly, by the outrage here which many Honourable Members were compelled to witness.

I do not doubt that all right-thinking persons, with such an objectlesson fresh in their memory, will be of one mind and speak with one voice in reprobation of such conduct. But if there be reprobation, let it be unqualified. To condemn a crime in one breath, and in the next to seek excuse for it, by laying blame on those against whom it is directed, is no true condemnation.

Speaking here as head of the Government of India, it behoves me to make it abundantly plain that my Government will not be deterred by any such futile and insensate acts from the discharge of its evident duty, to take whatever measures may seem to it right and necessary for the protection of law-abiding citizens. In one respect, and it is vital, the task of Government and of the Legislature is the same. That task is to secure the conditions under which alone the things that make for India's welfare and happiness may grow. Apart from all other considerations, such an event as that of last Monday cannot possibly accelerate, any more than it should be allowed to retard, the development of Indian institutions and the orderly pursuit of Indian aspirations, which the true friends of India desire.

It is not by resort to force or by belief in force that the future can be assured, and those who inspire and take part in such outrages are indeed the greatest enemies of India's progress. For let no man stand aside and delude himself with the belief that the State's security is not the affair of the individual citizen. Once the gospel of force is admitted as a suitable means for the attempted coercion of Government, there is no conflict of interest, religious, racial, or economic, which it may not be sought to resolve by appeal to the same tribunal.

The second reason for which I have required your attendance this morning was to acquaint Honourable Members with the decisions reached by my Government in view of the situation created by the ruling given yesterday by the President of the Legislative Assembly. The result of that ruling, which it is not my purpose here to discuss, is twofold. In the first

place, it propounds an interpretation of the rules, which I am satisfied is not in conformity with their original intention.

In the second place, the practical effect of the President's ruling, as it stands, is to debar Government from asking the Legislature to give it the additional powers of which it conceives itself to stand in need, and to make it impossible for either Chamber of the Legislature to record any decision upon Government's proposals, or to form its own judgment upon the question whether or not it could usefully conduct its debates on these proposals within the rules of order.

I desire to state clearly the position of myself and my Government on both these issues. Entertaining, as it does, no doubt as to the intention of the rules in question, my Government is nonetheless constrained to recognise that the only appropriate person to interpret, within either House of the Legislature, the rules under which it works is the President of the House himself. If, therefore, the interpretation of the rules by the President of either House gives rise, as now, to a situation in which Government, for grave reasons, is unable to acquiesce, the only effective remedy is that early measures should be taken to secure, by due authority, such amendment of the rules, as may be necessary to prevent any recurrence in future of a similar interruption in the normal legislative procedure. That course we propose to follow without delay, and in order that there may be no misunderstanding, I will add that the broad purpose of the amendment in the rules, which we propose to seek, will be to secure that the progress of legislation, which it is within the power of the Indian Legislature to pass, shall not be prevented by the President of either House, except in virtue of express powers to do so conferred upon him by the Rules and Standing Orders.

Meanwhile, and pending the possibility of further action in the Legislature, the primary responsibility for protecting the foundations of the ordered State rests and must rest upon the Executive Government, of which I am head. Neither I nor my Government can neglect that responsibility, even though the technical difficulty created by the ruling to which I have already referred has made it impossible to share it with the Legislature. We cannot ignore the fact that the men behind the revolutionary movements, against which the Bill is directed, will not stay their hands, because the enactment by the Indian Legislature of preventive legislation is postponed. With this danger in view, and speaking with a full knowledge of much that can necessarily not now be publicly disclosed, I conceive that it has become imperative for Government to obtain the powers proposed in the Public Safety Bill without further delay. I have accordingly decided, after careful review of all the facts, to avail myself of the authority conferred upon the Governor General under section 72 of the Government of India Act, in order to issue an Ordinance, giving to the Governor General in Council, the powers in question. The purpose of those powers, as the Legislature is aware, is preventive, they will affect none who are content to employ their liberty in this country for legitimate ends by legitimate means; and the conditions under which they will be exercised have been the subject of very full and careful consideration.

I am fully conscious of the serious character of the personal decision which I have thought it right to take, but though the responsibility in this particular matter rests upon the Governor General alone, I have no fear that my action will not command the approval of that vast majority of India's people, who have faith in India's future, and whose first desire is to see their country prosperous, contented and secure.

The Assembly met in the Assembly Chamber of the Council House at Half Past Eleven of the Clock, Mr. President in the Chair.

SHORT NOTICE QUESTION AND ANSWER,

WITHHOLDING OF DELIVERY OF PARCELS OF THE BOOK "BHARAT MEN ANGREZI RAJ" BY THE ALLAHABAD AND OTHER POST OFFICES.

**Mr. Mukhtar Singh:** (a) Will Government be pleased to state the date when the Allahabad Post Office and other Post Offices got the information for withholding the delivery of value payable book parcels of the book "Bharat men Angrezi Raj"?

(b) Will Government be pleased to state the date when the above-mentioned book was received for despatch to different consignees in the country and till when the said book did not leave the Post Office at Allahabad? Why and how were the books detained from despatch from the Allahabad Post Office?

(c) Will Government be pleased to state the amount of postage that they received for the despatch of the aforesaid book? How much of that amount has been paid back to the consignors?

(d) Will Government be pleased to state on whose initiative the despatch and delivery of the aforesaid book were stopped?

(e) Will Government be pleased to place on the table a copy of the correspondence that took place between the Government of India and the Local Government on the one hand and the Postmaster of Allahabad on the other for detaining the despatch and delivery of the aforesaid book?

**The Honourable Sir Bhupendra Nath Mitra:** (a), (b) and (d). Copies of the book were received for despatch from the 18th to the 20th March. On the 20th March it was brought to the attention of the Postmaster by an officer of the Local Government that the books were believed to contain seditious matter, and accordingly, under section 27-B of the Indian Post Office Act, they were detained.

(c) Rs. 225-11-0. No refund has been made to the consignor.

(e) The Government are not prepared to admit the implication in the question, nor to publish any correspondence relating to the case.

**Mr. Gaya Prasad Singh:** Is it a fact that the order of proscription is dated the 22nd March, while the books were actually received in the Post Office on the 18th? May I know if the Post Office authorities anticipated the order of proscription?

**The Honourable Sir Bhupendra Nath Mitra:** If the Honourable Member had kindly listened to my reply, he would have realised the authority under which the Post Office acted.

**Mr. Gaya Prasad Singh:** I have listened to it.

**Mr. Mukhtar Singh:** Were the books sent out on the 18th or 19th from Allahabad?



**The Honourable Sir Bhupendra Nath Mitra:** I have no information on that point, Sir. Indeed, I have no information beyond what I have placed before this House.

**Mr. Mukhtar Singh:** Is it a fact or not, that the books were detained on the 18th and 19th as well?

**The Honourable Sir Bhupendra Nath Mitra:** They must have been; but whether at Allahabad or at the place of delivery, I cannot say.

**Mr. Gaya Prasad Singh:** My question was this: the books were received in the Post Office on the 18th. Why were they not despatched on the same day, although there was no information about the proscription in the Post Office on that day?

**The Honourable Sir Bhupendra Nath Mitra:** It is quite possible that there was a normal delay in despatch between the 18th and 19th; but I have not sufficient information before me to be able to answer that question fully. As it is, I had to obtain the information from Allahabad in order to answer this question at short notice; and if any Honourable Member is not satisfied with my reply, I would ask him to put down a question.

**Mr. Gaya Prasad Singh:** For the Simla session!

**Mr. M. S. Aney:** May I ask whether postmasters have a right to detain books without an order from the Government to do so, under any Act?

**The Honourable Sir Bhupendra Nath Mitra:** As I have said, any delay that might have taken place must have taken place in the normal course of business.

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#### MESSAGE FROM THE COUNCIL OF STATE.

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

"I am directed to inform you that the Council of State have, at their meeting held on the 11th April, 1929, agreed, without any amendments, to the Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes, which was passed by the Legislative Assembly on the 8th April, 1929."

The Assembly then adjourned *sine die*.