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THE
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OF THE

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1935



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Legislative Assembly.

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MR. N. M. JOSHI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Friday, 29th March, 1935.

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

QUESTIONS AND ANSWERS.

CERTAIN PARTICULARS OF THE WORKERS IN THE GLASS BANGLE FACTORY AT FIROZABAD.

1183. *Pandit Govind Ballabh Pant: (a) Will Government lay on the table a statement showing the following particulars of the workers in the glass bangle factory at Firozabad:

- (i) their age and sex;
- (ii) income per labourer per day or per month; and
- (iii) their education and health?

(b) Is it a fact that there are about 15,000 workers employed as ordinary wage earning labourers in Firozabad?

The Honourable Sir Frank Noyce: (a) I do not know which of the factories at Firozabad the Honourable Member has in mind, but, in any case, I cannot undertake to ask the Local Government to conduct a census of the kind suggested.

(b) I regret that I am unable to say whether the Honourable Member's estimate is correct as separate occupational figures are given in the Census only for the larger cities, of which Firozabad is not one.

SHAREHOLDERS OF THE BENGAL AND NORTH WESTERN RAILWAY.

1184. *Mr. Satya Narayan Sinha: Will the Honourable Member in charge of the Railways please place on the table a statement showing the names of the shareholders of the Bengal and North Western Railway Company?

Mr. P. E. Rau: Government have no information.

MEDICAL FACILITIES FOR THE INDIAN RAILWAY STAFF.

1185. *Mr. Ram Narayan Singh: (a) Are Government aware of the fact that the Tundla Railway Station being the Headquarters of one of the Railway districts, there is a great demand for an Assistant Surgeon there, and also that there is a great need for midwives in all Railway Hospitals to attend to Indian ladies in emergency cases?

(b) Is it a fact that European nurses in Railway Hospitals do not attend to Indian patients even during serious troubles, and that ward coolies alone serve the purposes of nurses in these cases?

(c) Is it a fact that Indian women are not attended to by European nurses even during maternity?

Mr. P. E. Rau: The Agent, East Indian Railway, reports as follows:

“(a) A District Medical Officer is stationed at Tundla. Accordingly there is no need for an Assistant Surgeon. The question of the employment of midwives in all the railway hospitals, including the hospital at Tundla, is under consideration.

(b) No.

(c) In all circumstances where facilities exist, Indian ladies, when admitted to hospitals, are attended to, when necessary, by nurses employed by the railway administration, irrespective of the race of the nurse.”

GRADATION OF TRAIN CLERKS.

1136. ***Mr. Ram Narayan Singh:** (a) Has the attention of Government been drawn to the article “Gradation of Trains Clerks” published in the *Masdoor* of the 16th June, 1984?

(b) Are the grievances enumerated in the said article true, and if so, what are the steps Government have hitherto taken to remove them?

Mr. P. E. Rau: (a) Government have not seen the article referred to.

(b) Does not arise.

SEVENTY-ONE HOURS DUTY PROGRAMME ENFORCED ON THE TRAVELLING TICKET EXAMINERS IN THE DINAPORE DIVISION.

1187. ***Mr. Ram Narayan Singh:** (a) Is it a fact that on the 26th October, 1984, the Secretary of the East Indian Railway Union, Dinapore, sent a telegram to the Labour Supervisor, Railway Board, Delhi, protesting against the 71 hours duty programme per week enforced on the Travelling Ticket Examiners of the Dinapore Division?

(b) Was any enquiry held in the matter, and if so, by whom, when and with what result?

Mr. P. E. Rau: (a) Yes.

(b) The matter was enquired into by the Supervisor of Railway Labour early in December, 1984, and it was found that the East Indian Railway administration had themselves set the matter right by arranging for the staff concerned to work to a weekly limit of 56 hours with effect from the 1st November, 1984.

RAILWAY CONCESSIONS FOR MILITARY TRAFFIC.

1138. ***Mr. Mohan Lal Saksena:** Will Government be pleased to state if it is a fact that the Railways have to allow concessions for military traffic, both goods and passenger? If so, will Government be pleased to state what these concessions are, and the total amount of loss suffered by the railways on this account during the last five years?

Mr. P. E. Rau: Railways have, for a long time, charged special rates for the carriage of military traffic. For goods traffic, other than coal, kerosine oil, liquid fuel and explosives, which are charged at the same rates, as for public traffic, the rates per four-wheeled vehicle per mile are 0-5-0 on the broad gauge and 0-3-6 on other than the broad gauge. For consignments, not in wagon loads, the rate is 0-38 pie per maund per mile. For carriage by passenger train, the rates per four-wheeled vehicle per mile are 0-5-6 on the broad gauge and 0-4-0 on other than the broad gauge. For small bodies of troops, not occupying a carriage exclusively, second class fares are charged for first class accommodation and third class fares are charged for accommodation in any class other than the first. I presume by the term "loss" the Honourable Member is referring to the difference between the total charges recovered at these rates and what they would have been if the ordinary public tariff rates had been applied. This figure has been estimated by the Railway Department as being in the neighbourhood of a crore of rupees per annum, but any such estimate must necessarily be only approximate as the question of how far the traffic would tend to be diverted to other competitive means of transport must necessarily be a matter of conjecture.

RETRENCHMENT RECOMMENDED BY THE RETRENCHMENT COMMITTEE FOR THE ARMY DEPARTMENT.

1139. ***Mr. Mohan Lal Saksena:** Will Government be pleased to state the total amount of retrenchment recommended by the Retrenchment Committee for the Army Department, as well as the total amount of economy effected during the last three years?

Mr. G. E. F. Tottenham: The Army Sub-Committee of the Central Retrenchment Committee made no recommendation as to the total amount of savings to be obtained. They made specific recommendations, amounting to about Rs. 2½ crores and also indicated certain directions in which further economy might be secured. Since 1932, the reduction due directly to retrenchment measures has been about Rs. 5 crores.

GOLD EXPORTED FROM INDIA TO ENGLAND.

1140. ***Mr. Mohan Lal Saksena:** Will Government be pleased to state how much of the total quantity of gold exported from India, was imported by England?

The Honourable Sir James Grigg: I would invite the attention of the Honourable Member to section V in the monthly Accounts relating to the Sea-borne Trade and Navigation of British India.

RELEASE OF PRISONERS IN HONOUR OF THE KING'S SILVER JUBILEE CELEBRATIONS.

1141. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that the Government of India are contemplating releasing prisoners in honour of the King's Silver Jubilee Celebrations? If so, will Government be pleased to state the basis on which the prisoners will be selected for release?

(b) Do Government propose to consider the feasibility of releasing, on this occasion all martial law prisoners, First and Second Lahore Conspiracy, Kakori Conspiracy and other Political Conspiracy Case prisoners, who have served more than half their sentence?

The Honourable Sir Henry Craik: (a) Government have decided that grant of clemency to prisoners in the form of releases and remissions of sentences should not form part of the celebrations in connection with the forthcoming Silver Jubilee of His Majesty the King Emperor.

(b) Does not arise.

INTERVIEWS BY THEIR RELATIVES WITH PRISONERS CONFINED IN THE ANDAMANS

1142. ***Mr. Mohan Lal Saksena:** (a) Will Government be pleased to state the total number of prisoners confined in the Andamans, the number of interviews which a prisoner is entitled to have under the rules, and the total number of interviews which these prisoners had during the last ten months?

(b) Are Government aware that the relations and friends who go to interview the prisoners, are subjected to great hardship and inconvenience?

(c) Are Government prepared to give greater facilities to the persons who go for interview, by making satisfactory arrangements for their stay in the Andamans and by modifying the rules for interviews in such a way as to enable persons going from such a long distance to have more than one interview during their stay?

The Honourable Sir Henry Craik: (a) The total number of prisoners in the Andamans on March 7, 1935, was 5,604. The great majority of these prisoners are at large in Port Blair, and, therefore, no rules to regulate interviews are necessary. The terrorist prisoners, who are kept in the Cellular Jail, number 219. They are allowed one interview in three months. The total number of interviews, during the last ten months, has been 62—ordinary convicts 59 and terrorists three.

(b) Government have received no complaints to this effect.

(c) No.

FACILITIES FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY WHO GO TO THE ANDAMANS TO STUDY THE CONDITIONS THERE.

1143. ***Mr. Mohan Lal Saksena:** Will Government be pleased to state if they give any facilities to Members of the Legislative Assembly who go to the Andamans to study the conditions there for themselves? If none, do they propose to give any?

The Honourable Sir Henry Craik: It is not clear what kind of facilities the Honourable Member has in mind. If any particular Honourable Member desires to visit the Islands, I suggest that he should write or speak to me on the subject.

UPKEEP OF SERVICE AGREEMENTS, SERVICE RECORDS AND CORRESPONDENCE IN RESPECT OF MATTERS CONCERNING THE STAFF ON STATE RAILWAYS.

1144. ***Mr. Muhammad Azhar Ali:** Will Government please state who is responsible for the upkeep of service agreements, service records and correspondence in respect of matters concerning personnel of the staff on State Railways,—an employee or administrative office?

Mr. P. E. Rau: The heads of the offices concerned are responsible for the safe custody of all official documents with which they are concerned including service agreements, service records and correspondence.

†1145*.

PROSECUTIONS LAUNCHED UNDER CERTAIN SECTIONS OF THE PUNJAB MUNICIPAL ACT IN THE DELHI CITY.

1146. ***Mr. Sham Lal:** (a) Will Government please state the number of prosecutions launched under each of the following sections of the Punjab Municipal Act, 1911, in the Delhi city during the year 1934?

Sections 114—115, 115-A, 116, 125, 126, 142, 143, 144, bye-laws under section 118 (d), 155, 156, 157, 159.

(b) Will Government please state the numbers of cases which took more than a month for disposal?

(c) Are Government prepared to direct the District Magistrate of Delhi to arrange for the early disposal of prosecutions under the Municipal Act?

The Honourable Sir Henry Craik: (a) I lay on the table a statement containing the information required.

(b) None.

(c) Government do not consider that any such direction is necessary.

Statement.

Section of the Punjab Municipal Act, 1911.	Number of prosecutions launched.
114	Nil.
115	Nil.
115-A	22.
116	139.
125	47.
126	106.
142	Nil.
143	Nil.
144	Nil.
118-D	There is no such section.
155	31.
156	364.
157	70.
159	Nil.

†The answer to this question has been postponed to Tuesday, the 2nd April, 1935.

TRIAL OF PETTY OFFENCES BY STIPENDIARY FIRST CLASS MAGISTRATES IN DELHI.

1147. *Mr. Sham Lal: (a) Are Government aware that even cases of petty offences are being tried by stipendiary first class Magistrates of Delhi?

(b) Will Government please state the number of such cases tried by stipendiary first class Magistrates in Delhi?

(c) Are Government aware that stipendiary Magistrates try these cases in order to increase their out-turn?

(d) Do Government propose to direct the District Magistrate to have these cases tried by Magistrate second or third class?

The Honourable Sir Henry Craik: (a) Yes.

(b) Stipendiary magistrates of the first class tried altogether 463 petty cases in 1984. The majority of these cases were building cases which, owing to their importance, it is desirable should be tried by first class magistrates. Details are as follows:

Additional District Magistrate	9 cases,
City Magistrate	142 "
Resident Magistrate	312 "

(c) No.

(d) Government do not propose to interfere with the discretion of the District Magistrate.

INSANITARY CONDITION OF THE DELHI CITY AND LACK OF SUPERVISION BY THE HEALTH OFFICER.

1148. *Mr. Sham Lal: (a) Has the attention of Government been drawn to the proceedings of the Delhi Municipality published in the *Hindustan Times*, dated the 27th January, 1985, in which most of the members complained about the insanitary condition of Delhi city and lack of supervision by the Health Officer?

(b) Do Government propose to take early steps to remove this state of things?

Mr. G. S. Bajpai: (a) Yes.

(b) Government will give careful consideration to any specific proposals to improve conditions which may be placed before them by the local authorities.

RAISING OF THE STATUS OF THE JUDICIAL COMMISSIONER'S COURT IN SIND TO THAT OF A HIGH COURT.

1149. *Mr. Lalchand Navalrai: (a) Will Government be pleased to state if they are aware that the Sind Administrative Committee recommended that the Court of the Judicial Commissioner in Sind be raised to the status of a High Court?

(b) Is it a fact that the Bar Association, Karachi, and the Bar Council of Sind are of the same opinion?

(c) Do Government propose to raise the status of the highest Judicial tribunal in Sind to that of a High Court?

(d) If not, why not, and do they propose any change?

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) I am willing to take it from the Honourable Member that this is a fact.

(c) and (d). The matter is under consideration and no decision has yet been reached.

RECRUITMENT OF STAFF FOR THE RESERVE BANK OF INDIA.

1150. ***Mr. Lalchand Navalrai:** (a) With reference to the supplementary questions to starred question No. 292, answered on the 18th February, 1935, will Government be pleased to state whether over and above the Currency Offices and the Imperial Bank of India's employees to be transferred to the Reserve Bank of India, any fresh recruitment will take place?

(b) If so, when, by whom and in what manner will the recruitment be made?

The Honourable Sir James Grigg: (a) and (b). Fresh recruitment will clearly have to be made, in due course, both to replace wastage due to retirement and so on, and also to meet any expansion of work which the Central Board of the Bank may consider desirable. The Central Board is responsible for the time, extent and manner of such recruitment.

PLATFORMS ON THE METRE GAUGE SECTION STATIONS FROM MADRAS TO TRIVANDRUM.

1151. ***Mr. O. N. Muthuranga Mudaliar:** (a) Will Government be pleased to state how many stations on the South Indian Railway have open platforms, partially covered platforms (without taking into account the third class waiting sheds) and fully covered platforms, on the metre gauge section main line from Madras to Trivandrum?

(b) Will Government state if they have received at any time any memorials or representations to have fully covered platforms to protect third class passengers from the burning sun during the day? If so, will Government state in how many cases they have taken action?

(c) Is it not a fact that at many of the important stations, if not in the majority of cases, the platforms are open to the sky and are Government aware that in the majority of cases where an over-bridge is provided, such bridges are open and cause a great deal of inconvenience and suffering to third class passengers?

(d) Do Government propose to take steps to see that at all important stations and junctions the main platforms, at least, are fully covered in the interests of the health and convenience of the third class passengers?

Mr. P. R. Rau: (a) Government regret the information is not readily available.

(b) There have been petitions received occasionally in the past. They have either been forwarded to the railway administrations for consideration or the petitioner asked to take up the matter through the Local Railway Advisory Committee:

(c) Government are aware that many stations have uncovered platforms and overbridges, but they cannot say how many of these are important.

(d) The provision of covered platforms is only one, and not always, or necessarily, the most important of the various possible avenues of amenities to passengers. The decision with regard to any station and any railway has to be made on the merits of each case, and it is entirely a question of how the available resources should be distributed in the best manner possible. The Railway Board have asked the Agents of Railways to consider the possibility of drawing up a definite programme for expenditure on amenities to passengers. The general lines of any such programme that they may be able to draw up will be discussed with the Central Advisory Council as early as possible.

Prof. N. G. Banga: Will Government consider the desirability of consulting the Agent of the M. and S. M. Railway in regard to this particular matter?

Mr. P. E. Rau: The M. and S. M. Railway has been included in the railways which have been asked to consider the possibility of drawing up a definite programme.

CLOSING OF VEGETABLE SHOPS IN THE JULLUNDUR CANTONMENT.

1152. ***Mr. Fakir Chand:** (a) Are Government aware that the vegetable sellers in the Jullundur Cantonment have closed their shops since 23rd February, 1935, as a protest against the order of the Cantonment Board, Jullundur, prohibiting them under section 212 of the Cantonment Act from selling vegetables within the Sadar Bazar Area?

(b) Are Government aware that the public at large has been put to great inconvenience and trouble?

(c) Is it a fact that the above order under section 212 was issued because vegetable sellers refused to occupy stalls in a market built by the Cantonment Board?

(d) Is it a fact that the Cantonment Board, Jullundur, have built this vegetable market in spite of protests from the residents?

(e) Is it a fact that the Northern Command warned the Cantonment Board, Jullundur, that the vegetable market had been a failure at several places and they should not embark upon it without mature consideration?

(f) Is it a fact that a vegetable market was built previous to this and proved a failure?

(g) Is it a fact that a note of dissent was given by some elected members against the erection of this market?

(h) Is it a fact that the Cantonment Board, Jullundur, had to dismantle this vegetable market [referred in part (f) above] and the public money was thus wasted?

(i) Do Government propose to take necessary steps to see that the public is not put to inconvenience and trouble?

Mr. G. E. F. Tottenham: (a) The vegetable sellers closed their shops, not as a protest, but in compliance with the orders of the Cantonment Board prohibiting them, under section 212 of the Cantonments Act, from selling vegetables and fruit in the Sadar Bazar and asking them to occupy stalls in the new vegetable market which has recently been constructed quite close to the Sadar Bazar.

(b) The reply is in the negative. When the vegetable shops were closed in the bazar, two stalls were immediately opened for the sale of vegetables and fruit in the new market.

(c) Yes.

(d) Protests were received from the vegetable sellers themselves. A protest was also received from certain Hindus against the situation of the new vegetable market near the cantonment mutton market, but not against the construction of the market itself.

(e) Yes, but the proposal was thoroughly considered by the Board and it was finally decided, in the interests of public health, that the market should be built.

(f) The main reason why the previous vegetable market was a failure was that the Cantonment Authority at the same time permitted the vegetable sellers to open shops in the Sadar Bazar.

(g) A note of dissent was given by a single elected member who represented the vegetable sellers. I may add that the resolution to build a vegetable market was passed by the non-official members. The official members did not take part in the voting.

(h) Yes, but most of the material of the old market was utilized in the construction of the new market and other Cantonment Fund buildings.

(i) All the old vegetable shopkeepers of the Sadar Bazar have since occupied stalls in the new vegetable market and there is no inconvenience or trouble of any kind to the public. In fact, the new market adds considerably to the convenience of the public.

CHARGE OF COMBINED POST AND TELEGRAPH OFFICES IN THE PUNJAB POSTAL CIRCLE.

1153. ***Mr. Fakir Chand:** (a) Is it a fact that in the Punjab Postal Circle under some orders issued from the Circle Office, purely postal hands have been replaced in the matter of independent charge of combined offices by junior signallers?

(b) If the reply to part (a) be in the affirmative, is it not a fact that senior men have to work in a subordinate capacity and juniors as in charge of the offices?

(c) Is it also a fact that in leave vacancies of combined hand Sub-Postmasters, non-combined hands are made to hold charge of offices?

(d) If the reply to part (c) be in the affirmative, do Government propose to issue orders to the effect that it is not essential that in-charge of combined offices should be officials qualified in signalling?

Mr. G. V. Bewoor: Government have no information. The matter is one with which the Postmaster-General, Punjab and North-West Frontier Circle, to whom a copy of the question is being sent, is fully competent to deal.

HOT WEATHER CHARGES FOR SUB-POST OFFICES IN THE PUNJAB POSTAL CIRCLE.

1154. ***Mr. Fakir Chand:** (a) Is it a fact that in the case of most of the Sub-Post Offices in the Punjab and the North-West Frontier Circle, no hot weather charges are sanctioned?

(b) If the reply to part (a) be in the affirmative, are Government prepared to see their way to sanction the said charges?

Mr. G. V. Bewoor: (a) and (b). Government have no information. The matter referred to by the Honourable Member is within the competence of the Postmaster-General, Punjab and North-West Frontier Circle, to whom a copy of the question is being sent.

FUNDS FOR THE MANAGEMENT OF EAST INDIAN RAILWAY SCHOOLS.

1155. ***Mr. P. S. Kumaraswami Raju:** (a) Is it a fact that the East Indian Railway Schools are maintained from either the Railway revenues, or the Provincial Government grants, or fees from parents? If so, are they not Government schools in every respect, owned and run by the East Indian Railway for the education of the children of its employees in places where no such facilities by the Provincial Governments exist?

(b) Are these schools managed by local managing committees? If so, who are the members of these committees?

(c) Are they severally or jointly responsible for finding any funds for the institutions they manage? If so, what portion?

Mr. P. R. Rau: (a) The reply to the first part is in the affirmative except that, in certain cases, expenditure is partly met from the interest on endowments. As regards the second part, in so far as the schools referred to are the property of the East Indian Railway they are Government schools.

(b) The reply to the first part is in the affirmative. As regards the second part, under the rules and regulations for the management of the East Indian Railway Schools, the members consist of the principal resident servants of the railway who may be willing to serve, and such other residents in the neighbourhood as it may be desirable to have thereon and who may be willing to take an interest in the working of the school.

(c) The reply to the first part is in the negative and the latter part does not arise.

Dr. Ziauddin Ahmad: Will Government consider the desirability of appointing Members of the Legislative Assembly belonging to that particular constituency where the school is situated on the governing body, so that Members may have first hand information and know what is happening?

Mr. P. R. Rau: Government do not see any reason to do that.

Maulvi Muhammad Shafi Daudi: Is it not desirable in the interest of the tax-payers?

Mr. P. R. Rau: That is a matter of opinion.

Mr. Lalchand Navalrai: What is the difficulty, I ask?

Mr. P. R. Rau: The difficulty is that Government do not see any necessity for it.

Mr. Lalchand Navalrai: Why?

Mr. P. R. Rau: Because they do not consider it desirable.

Mr. Lalchand Navalrai: The desirability is so clear that I want to know why Government do not consider it desirable?

Mr. P. R. Rau: It is a matter of opinion. What is desirable from the Honourable Member's point of view may not be desirable from the point of view of Government.

Dr. Ziauddin Ahmad: Is it not a fact that in one particular school, I will mention the name, if necessary, they have brought a man out from the Lunatic Asylum and appointed him as headmaster, and it is to prevent incidents of that kind that we want Members of the Assembly there?

Mr. P. R. Rau: If the Honourable Member will give me the name of the school, I will make inquiries?

Dr. Ziauddin Ahmad: It is the Tundla School. The man was actually in the Lunatic Asylum and the action which he has done up to now nobody will do except a lunatic. In order to cover up such cases, you don't want Members of the Legislature there?

HEAD MASTERS OF THE EAST INDIAN RAILWAY SCHOOLS.

1156. ***Mr. P. S. Kumaraswami Raju:** (a) Are Headmasters of the East Indian Railway Schools, East Indian Railway servants and as such Government servants?

(b) Is it a fact that all the existing Headmasters of East Indian Railway High Schools for Indians draw salaries of the scales and grades fixed for Headmasters of the Provincial Governments concerned? Are the latter all Government gazetted officers?

(c) Is it a fact that the Headmasters of the East Indian Railway Schools have no security of tenure and are removable at any time at the instance of officials, or committees composed of Railway subordinates and outsiders drawing much smaller salaries than the Headmasters?

(d) Will Government please state in detail the changes that have occurred in the Headmasterships of the East Indian Railway High Schools during the last 15 years at (i) Onkgrove, (ii) Jamalpur, (iii) Dinapore, (iv) Sahabganj and (v) Mughalsarai?

(e) What were the causes which led to the change in each case?

(f) In which cases did the Agent give the Headmasters concerned an opportunity of direct representation or made personal investigations, and with what results?

Mr. P. E. Rau: (a) Yes.

(b) The pay of all teachers in Railway Schools on the East Indian Railway was assimilated to the pay of teachers in Government schools from the 1st April, 1929. As regards the latter part of the question, from the Civil List of Provincial Governments it appears that there are some Headmasters whose posts are not gazetted.

(c) Under the present arrangements, the control, of each school is in the hands of a Committee, the President of which is a senior railway officer. All matters relating to the management of the schools are recorded at meetings of these Committees and require the confirmation of the Superintendent of the Schools who is the Secretary to the Agent.

(d) to (f). The information is not readily available and Government do not consider that the labour involved in collecting it will be justified.

Prof. N. G. Ranga: With regard to the answer to clause (c) of the question, is it or is it not a fact that the headmasters of the E. I. R. schools have no security of tenure and are removable at any time at the instance of officials or committees composed of railway subordinates?

Mr. P. E. Rau: I am not aware that their position is worse than that of any other class of officials.

Dr. Ziauddin Ahmad: May I ask whether the Governing Body or the Managing Committees are only advisory bodies, or their decisions are final?

Mr. P. E. Rau: The Managing Committees' decisions require the confirmation of the Superintendent of Schools?

Dr. Ziauddin Ahmad: Who is the Superintendent?

Mr. P. E. Rau: He is the Secretary to the Agent of the East Indian Railway.

Prof. N. G. Ranga: Are we to understand that the other officers of this particular railway have also no security of tenure, and are removable at any time?

Mr. P. E. Rau: No, Sir.

Prof. N. G. Ranga: Then, what is the meaning of the Honourable Member's reply that their position is no worse than that of other officers of the railway?

Mr. P. E. Rau: That there is security of tenure for all.

Dr. Ziauddin Ahmad: May I inquire if this requires the permission of any Government authority?

Mr. P. E. Rau: The Secretary to the Agent of the East Indian Railway.

Dr. Ziauddin Ahmad: Not the Agent?

Mr. P. B. Rau: Appeals lie to the Agent.

Prof. N. G. Ranga: For what periods are they employed? For what term are they engaged?

Mr. P. B. Rau: I have no information on that point, but I have no information to justify the assumption that they are engaged for a definite term.

Prof. N. G. Ranga: Will you collect the information?

Mr. P. B. Rau: In respect of what?

Prof. N. G. Ranga: The East Indian Railway schools.

Mr. P. B. Rau: For all the schools?

Prof. N. G. Ranga: For as many as possible.

Mr. P. B. Rau: No, Sir, I do not consider that it will be any use collecting that information.

Maulvi Muhamamd Shafi Daudi: Will Government inquire into the state of affairs of the Dinapore railway school?

Mr. P. B. Rau: If my Honourable friend will let me know what the particular grievance is that he thinks that the teachers of the Dinapore railway school are suffering under, I will consider whether any examination of the position is necessary.

EAST INDIAN RAILWAY SCHOOLS.

1157. ***Mr. P. S. Kumaraswami Raju:** (a) Is it a fact that the managing committees of Indian Railway Schools are composed mainly of Railway subordinates and outsiders? Have they any administrative or educational experience?

(b) Is it a fact that they have full powers to appoint, punish, discharge and dismiss Headmasters drawing salaries ranging from Rs. 300 to 600 or more a month?

(c) Are there any other departments of the Railway or Government in which similar local committees are permitted to disburse huge Government funds and appoint, dismiss and discharge Government servants or Railway servants? If not, why have the Indian schools been so singled out?

(d) Is not the East Indian Railway High School at Oakgrove free from such continual changes?

(e) Are Government prepared to remove the long-standing grievances of the teachers of the East Indian Railway Schools and come to some definite decision on the several questions which have been a subject of continuous interpellations in this House during the last six or seven years?

(f) Are Government prepared to treat the Headmasters of Indian High Schools either as gazetted officers, like the Headmasters of the Provincial Government Schools, or the Principal and Headmaster of the East Indian Railway, Oakgrove School for Anglo-Indians?

(g) If Government cannot gazette them as officers, are they prepared to grant the Headmasters with full powers directly to communicate with the Secretary to the Agent and the Superintendent, East Indian Railway Schools, whenever necessary and appointable and punishable only by the Agent who, if he considers it wise and proper, may consult the Director of Public Instruction concerned as well, the relations of the Headmasters of the East Indian Railway Schools with their committees being exactly the same as those of the Headmasters of Local Government schools with their school committees?

Mr. P. E. Rau: (a) and (b). I would refer the Honourable Member to the reply which I have just given to part (b) of his question No. 1155 and part (c) of question No. 1156.

(c) All the schools on the East Indian Railway are managed by committees. I am not aware of similar arrangements in other Departments.

(d) I am afraid I do not follow what continual changes are referred to.

(e) to (g). Certain questions connected with the management of railway schools are at present under consideration by Government. It is hoped that final orders on those subjects will be issued shortly.

(f) No.

Dr. Ziauddin Ahmad: May I ask if it is not a fact that the schools maintained by the Government in all the Departments are under managing committees which are only advisory to the Government, and that Government have in this case the final control, for example, the School of Mines at Dhanbad, the Schools at Dehra Dun, etc.?

Mr. P. E. Rau: I do not know anything about schools elsewhere, but this is not the case with railway schools.

Prof. N. G. Ranga: How are the railway committees constituted?

Mr. P. E. Rau: I have just replied to that.

Mr. S. Satyamurti: With regard to clause (b) of the question, may I know the reasons why Government are not prepared to place the headmasters of the Indian schools on the same footing as the headmaster of the Oakgrove School for Anglo-Indians?

Mr. P. E. Rau: The pay of the headmasters of the Indian high schools have been assimilated to that of headmasters of similar schools in the provinces, and the practice with regard to headmasters of provincial schools is not uniform; some of them are gazetted, and some are not.

Mr. S. Satyamurti: I am asking the reasons as to why they are not to be placed on the same footing as the headmaster of the Anglo-Indian School—I am particularly asking about the security of tenure.

Mr. P. E. Rau: I am not aware that there is any difference with regard to the security of tenure between the headmasters of the Indian high schools and the Oakgrove high school for Anglo-Indians.

Mr. S. Satyamurti: Is it a permanent tenure? What is the nature of tenure of the headmasters of the Indian high schools? Are they liable to dismissal for only approved misconduct, or removable merely because the managing committee chooses to do so?

Mr. P. E. Rau: I do not think that any of these headmasters are liable to dismissal at the whim of the managing committee.

Mr. S. Satyamurti: May I ask the Honourable Member to be good enough to ascertain information as to the tenure of these headmasters of Indian high schools of the East Indian Railway, in view of the serious allegations made in this series of questions?

Mr. P. E. Rau: Sir, these allegations are not supported by any facts, so far as I can see. No facts are given in any of the questions, but I shall be quite prepared to ask the Agent of the East Indian Railway to let me know whether there is any restriction as regards the tenure of these headmasters.

Dr. Ziauddin Ahmad: Can the Honourable gentleman give me an example of any school in which the managing committee, which does not provide funds for the maintenance of the school, is given such large powers as are given to these managing committees of railway schools?

Mr. P. E. Rau: No, Sir. I am not aware of any such example.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

LEAVE RULES IN FORCE IN THE OAKGROVE SCHOOL AND THE EAST INDIAN RAILWAY SCHOOLS FOR INDIANS.

1158. ***Mr. P. S. Kumaraswami Raju:** (a) Will Government please lay on the table a copy of the leave rules in force in the (i) East Indian Railway Oakgrove School for Anglo-Indians and Europeans and (ii) the East Indian Railway Schools for Indians?

(b) Are the leave rules uniform for all, or do they differ from school to school and in cases, from person to person, and if so, on what grounds?

(c) Is any differentiation made on the ground of nationality as well? If so, why and how long is it to continue in such matters as leave, etc.?

(d) Is it a fact that eight months' leave on full pay and in the same continuation about six months' leave on half-pay was granted in 1931-32 to B. Haridas Goswamy, Headmaster of the Asansole Railway High School? If so, under what rules?

(e) Is it a fact that sick leave on full pay was not allowed to another headmaster in the same year, even though he was senior to Mr. Goswamy in service? If so, why?

(f) Is it a fact that four months' leave on full average pay was allowed, prior to retirement, to the Sanskrit teacher of the Asansole school in 1932-33? If so, under what rules?

(g) Is it a fact that leave prior to retirement was altogether refused to the Hindi teacher of the Tundla school who retired in 1933? If so, on what grounds?

(h) Is it a fact that for some time the teachers of the East Indian Railway School at Mughalsarai cannot get leave even for one day on full pay? If so, why and under what rules?

(i) Are there any other departments of the Railway, in which differentiation is so made in this matter from station to station and from person to person? If not, why has the school department been singled out for this peculiar treatment?

(j) Are Government aware that this discrimination in the East Indian Railway Schools in the matter of leave pay is a cause of serious dissatisfaction? If so, how long do Government contemplate permitting it to continue?

(k) Is it a fact that the question of getting uniform leave rules for all schools belonging to the East Indian Railway has been urged by the members of this House for several years?

(l) Is it a fact that the Honourable Mr. P. R. Rau definitely promised to see that uniform leave rules shall be made and enforced in March 1934?

(m) Is it a fact that he again promised Mr. Ayudhya Das, an ex-Member of this Legislative Assembly, in November 1934, to see the leave rules definitely prescribed during the ensuing two or three months? If so, have the rules been promulgated, and have they been enforced?

(n) Are they uniform and applicable to all?

(o) Have leave registers of all teachers been prepared and are they acted upon? If not, when will Government be pleased to take action?

Mr. P. R. Rau: (a), (b), (j), (k), (n) and (o). Teachers in East Indian Railway schools have not hitherto been governed by any definite rules, each leave application being dealt with by the Managing Committee of the school on its merits. Draft rules have been framed and are at present under consideration in consultation with the Agents of State-managed Railways. Government hope to issue orders early.

(c) I am not aware that any racial discrimination exists in this matter.

(d) to (i). Government have no information. These are matters entirely for the Agent of the East Indian Railway, but I am sending a copy of this question for any action that may be considered necessary.

(l) I am not aware to what promise my Honourable friend is referring. All that I remember is a statement made in January, 1934, that the question of framing leave rules is under consideration, and that steps will be taken to issue them as soon as possible.

(m) No, Sir. I believe I told Mr. Das, in conversation, that I would try to have the drafting of the rules expedited, but I do not remember to have mentioned any limit of time.

Mr. S. Satyamurti: With reference to the answer to clause (b) of the question, may I know whether the leave rules are or are not uniform for all?

Mr. P. R. Rau: Till now, there have been no definite rules, the applications being dealt with by the managing committees of these schools. Government recognised that this was not a desirable state of affairs, and they, therefore, decided to frame uniform rules.

Mr. S. Satyamurti: Have the rules been laid down now?

Mr. P. R. Rau: They are under preparation.

Mr. S. Satyamurti: When will they be laid down?

Mr. P. R. Rau: As I mentioned in my reply to this question, draft rules have been framed and they have been sent to the Agents of the State-managed Railways for their remarks. As soon as they are received, Government hope to issue these rules.

Mr. S. Satyamurti: Are those rules uniform for all employees—Indian, European and Anglo-Indian?

Mr. P. R. Rau: I must ask for notice of that question. I do not remember to have seen the draft rules.

Mr. M. S. Aney: For the purposes of management of these schools, is it not desirable that the management should be left to the Education Department of the different provinces?

Mr. P. R. Rau: Sir, nobody would be better pleased than I if the Local Governments would take over these railway schools but there is no possibility of their doing so.

Mr. M. S. Aney: Are the Government of India prepared to consider this suggestion that while the Railway Board should finance them, they should be managed by the different Local Governments and their educational authorities?

Mr. P. R. Rau: Sir, if I am to pay the piper, I prefer to call the tune.

Mr. M. S. Aney: That is the point! Do you mean to say that the Railway Board contain sufficient educational experts for the purposes of such management?

Mr. P. R. Rau: That is a matter of opinion, Sir.

NON-RECRUITMENT OF APPRENTICES TRAINED IN THE LILLOOAH WORKSHOPS.

1159. ***Mr. P. S. Kumaraswami Raju:** (a) Is it a fact that the East Indian Railway recruit a certain number of first grade apprentices every year for training for five years in the Lillooah Carriage and Wagon Workshops? If so, how many young men have completed their training during the last ten years and how many of them have been provided with suitable jobs in the shops at the end of their training?

(b) Is it a fact that during the last five years not even one Indian apprentice has been provided with a suitable job?

(c) When there are no vacancies, why are fresh men recruited every year?

(d) Do Government propose to stop future recruitment till all those who have already qualified or are under training have been provided with suitable jobs?

(e) How many vacancies have actually occurred in the Carriage and Wagon Shops of the East Indian Railway?

(f) Have any outsiders been recruited as chargemen in preference to the shop-trained first grade apprentices? If so, why?

(g) Are Government aware of the impression that the present Deputy Chief Mechanical Engineer, in charge of the Lillooah Shops, does not like Indians to be placed in charge of works in his shops? If so, what steps do Government contemplate taking in the matter?

(h) Are Government aware of the terrible hardship caused by the refusal of the Railway authorities to engage the young men they have trained, and do they propose to take immediate steps to remedy this wrong?

Mr. P. E. Rau: (a) The reply to the first part of the question is in the affirmative. As regards the second part, 105 apprentices completed their training, during the period referred to, and 41 of them have been appointed in the shops.

(b) No.

(c) Recruitment of the apprentices is made to meet conditions which may prevail five years hence though it is impossible to foresee exactly what those conditions will be either as regards vacancies or the number available to fill them. If no recruitment is made, the flow of apprentices through the shops, and particularly through the Training schools, would cease altogether, and which is obviously undesirable. Recruitment has, therefore, been continued on a minimum basis; two apprentices per year being recruited against a normal recruitment of six fixed in 1980.

(d) No.

(e) 19 in the past five years.

(f) Two during the last five years. One to fill the vacancy of the Saw Mill Foreman, as no suitable man was available for this important post. The second was transferred from the Forest Department for Kiln Seasoning Supervision, as he was a specialist, trained at Dehra Dun in his work, of which no one at Lillooah had any experience.

(g) The Agent has assured Government that its policy as regards the recruitment of Indians in Railway services is being carried out on the East Indian Railway.

(h) Government do not consider it necessary to take any special measures in the matter.

Mr. S. Satyamurti: With reference to answer to clause (b) of the question, may I ask how many Indian apprentices have been provided with suitable jobs during the last five years?

Mr. P. R. Rau: I am afraid I have not got the exact number here, but if my Honourable friend wants it, he can put down a question on the paper.

Mr. S. Satyamurti: With reference to answer to clause (d), may I know the reason why Government do not propose to stop future recruitment with a view to recruiting those who are already qualified and who have had training?

Mr. P. R. Rau: I have already explained that. Briefly, the point is that a regular flow of recruitment is necessary in order to see that the promotion is uniform.

Mr. S. Satyamurti: Why should not the recruitment be confined to those who have already been trained and who are available?

Mr. P. R. Rau: If we stop recruitment for four or five years, there will be a block afterwards.

Mr. S. Satyamurti: What about the provisions for these 54 people, who have been trained and who are not yet employed?

Mr. P. R. Rau: We have reduced the recruitment, the usual recruitment being six and we are now recruiting only two a year.

Mr. S. Satyamurti: But cannot those two also be recruited from these people?

Mr. P. R. Rau: Then, it would mean that boys who are just of an age to be trained for these jobs will be absolutely prevented from getting any employment.

PROMOTION OF UNQUALIFIED CLERKS IN THE REFORMS OFFICE.

1160. ***Khan Sahib Nawab Siddique Ali Khan** (on behalf of Mr. A. K. Fuzlul Hug): With reference to the answer given to starred question No. 452, dated the 28rd February, 1935, regarding the promotion of unqualified clerks to the Second Division in the Reforms Office, will Government please state:

- (i) the name of the community to which the clerks so promoted belong;
- (ii) if there is any other Department or Office in the Government of India Secretariat in which under similar circumstances such promotions have been allowed even temporarily; and if not, why not;

- (iii) whether the Public Service Commission or the Home Department were consulted at the time of making these promotions, and if not, why not;
- (iv) whether the work of a Second Division clerk is considered superior to that of a Third Division clerk;
- (v) whether these promotions will be considered as a precedent applicable to other Departments also, and if not, why not; and
- (vi) whether they propose to rectify this mistake by replacing those clerks by qualified candidates or by reverting them to the Third Division?

The Honourable Sir Henry Craik: (i) One of the clerks is a Hindu and the other an Indian Christian.

(ii) Similar circumstances do not obtain in other Departments or Offices of the Government of India.

(iii) No. As stated by me in reply to question No. 450, the Reforms Office is a temporary organization, renewed from year to year, and recruitment to its staff is not made through the Public Service Commission or the Home Department. The question of consulting that body or the Home Department does not, therefore, arise.

(iv) The reply is in the affirmative.

(v) No, because the conditions of the Reforms Office are different from those of other Departments.

(vi) No.

APPLICABILITY OF THE HOME DEPARTMENT RESOLUTION FIXING THE PROPORTION OF VARIOUS COMMUNITIES IN SERVICES TO THE REFORMS OFFICE.

1161. ***Khan Sahib Nawab Siddique Ali Khan** (on behalf of Mr. A. K. Fuzlul Huq): Will Government please state whether the orders contained in the Home Department Resolution fixing the proportion of various communities in services are applicable to the Reforms Office?

The Honourable Sir Henry Craik: Yes, as already stated in my reply to Mr. Anwar-ul-Azim's question No. 451 on the 22nd February, 1935.

ADDITIONAL APPOINTMENTS SANCTIONED FOR THE REFORMS OFFICE.

1162. ***Khan Sahib Nawab Siddique Ali Khan** (on behalf of Mr. A. K. Fuzlul Huq): (a) Is it a fact that certain additional appointments in different grades were sanctioned in October, 1934, for the Reforms Office?

(b) Is it a fact that the recruitment of the staff in that Office is not made through the Public Service Commission, and will Government be pleased to state whether the posts referred to above were advertised in all provincial papers? If so, how many graduates applied for and were taken in those posts?

The Honourable Sir Henry Craik: (a) Yes.

(b) Recruitment in this office is not made through the Public Service Commission and the posts were not advertised. I may, however, add for the information of the Honourable Member that of the vacancies filled in October last the posts of one Superintendent and three second division clerks were filled by promotion in office. The posts of Assistants were filled by recruitment of permanent Assistants or permanent clerks qualified for the first division from other Departments. Those of stenographers and third division clerks were filled as the result of a departmental test held by the Deputy Secretary from among candidates already holding temporary appointments in other Departments.

Dr. Ziauddin Ahmad: May I ask whether these appointments were made by transfer and promotion in order to avoid the rule of the Home Department that 25 per cent. should be Muhammadans?

The Honourable Sir Henry Craik: No, not with that object. It was a matter of administrative convenience.

Sir Muhammad Yakub: Did it result in that object?

The Honourable Sir Henry Craik: No, Sir, I do not think it did.

Sir Muhammad Yakub: How many of these appointments were given to the Mussalmans?

The Honourable Sir Henry Craik: The Mussalmans got a little more than their share; about 33 per cent.

Mr. D. K. Lahiri Chaudhury: How many of them are Shias and how many of them are Sunnis?

(No answer was given.)

STRENGTH OF THE MINISTERIAL STAFF IN THE REFORMS OFFICE.

1163. ***Khan Sahib Nawab Siddique Ali Khan** (on behalf of Mr. A. K. Fuzlul Huq): (a) Will Government be pleased to state the total sanctioned strength of the Reforms Office of Assistants, Second and Third Division clerks and stenographers for the year 1934-35, including the additional staff sanctioned in October, 1934?

(b) How many Muslims and non-Muslims were employed as Assistants, Second and Third Division clerks and stenographers on the 15th February, 1935?

(c) Will Government be pleased to state whether any efforts were made by the Reforms Office to recruit a Muslim stenographer in place of the one who is at present on foreign service? If not, why not?

The Honourable Sir Henry Craik: (a) and (b). A statement is laid on the table. I may also say, that as regards recruitment in the Reforms Office, full effect has been given to the orders contained in the Home Department Resolution No. F.-14/17-B./33, dated the 4th July, 1934. I

would invite the Honourable Member's attention to the statement I laid on the table on the 22nd February last in reply to starred question No. 449.

(c) The vacancy has been left unfilled and will be filled by a Muslim when necessity arises.

Statement.

	Sanctioned strength.	Actual number employed.	Community to which they belong.
Assistants	14	9	6-Hindus 1-Muslim 1-Sikh 1-Anglo-Indian
Second Division Clerks	7	7	4-Hindus 2-Muslims 1-Indian Christian
Third Division Clerks	7	6	4-Hindus 2-Muslims
Stenographers	4	4	3-Hindus 1-Muslim*

* On foreign service.

ARRANGEMENT OF ACCOMMODATION FOR DETENUS IN THE DEOLI CAMP.

1164. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government be pleased to state the arrangement of accommodation for the detenus in the Deoli Camp?

(b) Is it a fact that the detenus are kept in groups in cells at Deoli Camp? If so, will Government be pleased to state why this practice has been resorted to?

The Honourable Sir Henry Crank: (a) and (b). There are five separate camps in the Deoli Jail each of which has accommodation for 100 detenus. The detenus are not kept in cells. They are housed in large rooms in each of which several detenus live together.

ALLOWANCE GIVEN TO THE DETENUS IN THE DEOLI CAMP.

1165. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government be pleased to state what sum is given as allowance to the detenus (i) for personal, and (ii) for fooding in Deoli Camp?

(b) Is it a fact that the personal allowance has been reduced? If so, why?

(c) Is it a fact that the allowance which was given for purchasing newspapers, books and some other daily necessary requisites has been stopped now? If so, are Government aware of their difficulties due to this curtailment? If so, will Government be pleased to state the reason why this action has been taken?

The Honourable Sir Henry Craik: (a) Rs. 11 a month personal allowance and Re. 1 per day diet allowance, with an addition of three annas a day for the three days each week on which fish is supplied.

(b) and (c). The personal allowance was reduced from Rs. 16 a month to Rs. 11 a month with effect from the 1st August, 1934, following a similar reduction in the case of detenus detained in Bengal. This allowance is intended to meet the detenus' incidental expenditure, but they have always been allowed to purchase newspapers, periodicals and books out of it, and have never had any separate allowance for this latter purpose.

Mr. Muhammad Azhar Ali: In reply to part (b), the Honourable Member has not said why the personal allowance is reduced.

The Honourable Sir Henry Craik: I have said that the reduction was made from the 1st August, 1934, following a similar reduction in the case of detenus detained in Bengal.

Prof. N. G. Ranga: Why was that reduction made in Bengal?

The Honourable Sir Henry Craik: Because the Government of Bengal considered the allowance of Rs. 16 to be excessive.

STOPPAGE OF THE SUPPLY OF STAMPED ENVELOPES TO DETENUS IN THE DEOLI CAMP.

1166. ***Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to state if it is a fact that the stamped postage envelopes supplied to the detenus in the Deoli Camp per week is going to be stopped from the next month and even the detenus will have to meet the expenses of stamps for their petition made for their grievances to Government from their allowance? If so, are Government aware that by enforcing this order the detenus will suffer inconveniences and thereby will be forced to stop writing letters to their relations, causing anxiety to them?

The Honourable Sir Henry Craik: The concession of free postage on letters and petitions was withdrawn from detenus in Bengal in November, 1933, and will be withdrawn from those in the Deoli Camp Jail with effect from the 1st April, 1935. Government consider that expenditure on postage is a legitimate charge on the personal allowances of detenus and they see no reason why the new arrangement should interfere with correspondence with their relatives.

Mr. S. Satyamurti: Have Government considered the effect of reducing the allowance first from Rs. 16 to Rs. 11 a month, and then withdrawing the concession of stamped letters? Do they consider that they will not affect the facilities of these detained persons in respect of correspondence?

The Honourable Sir Henry Craik: I have just replied that Government see no reason why the new arrangement should interfere with the correspondence with their relatives.

Mr. S. Satyamurti: Will a penny become a tuppence in spite of reducing the allowance from Rs. 16 to Rs. 11, and then withdrawing postal concessions from these people?

(No answer was given.)

Pandit Lakshmi Kanta Maitra: If the detenus have to send petitions for redress of grievances, why should they be called upon to pay postage from their own pockets?

The Honourable Sir Henry Craik: Petitions for redress of grievances can be handed over to the Superintendent. It is not necessary to post them at all.

ARRANGEMENTS FOR SUPPLYING FOOD TO THE BENGAL DETENUS IN THE DEOLI CAMP.

1167. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government be pleased to state the arrangements of supplying food to the detenus in Deoli Camp who are all Bengalis?

(b) Are Government aware that Bengal diet is not available at cheap rate there, and the contractor charges exorbitantly for it?

(c) Is it a fact that the contractors in Deoli Camp charge more than the contractors in Bengal Jails and Camps for supplying rations?

(d) If so, are Government aware of the difficulties and discomforts due to this for the detenus in Deoli Camp? If so, what steps have been taken by Government?

The Honourable Sir Henry Craik: (a), (b) and (c). Care is taken to ensure that, as far as possible, the detenus get the diet to which they are accustomed in Bengal. Arrangements are made for a supply of fish and of such vegetables and fruits as are procurable. The scale of the diet is not rigid and the wishes of the detenus are taken into account provided the cost is within the daily allowance. The rates charged by contractors for food supplies are fixed by the Superintendent every quarter with reference to the prevailing local rates.

(d) My information is that there is very little complaint in regard to food.

Prof. N. G. Ranga: Is this food that is sold available for sale at the Deoli Camp at the same price as it is in Bengal?

The Honourable Sir Henry Craik: I cannot say.

Mr. Amarendra Nath Chattopadhyaya: If it is not sold in Deoli, then how can the Honourable Member say that it is sold at rates exactly equivalent to that in Bengal?

The Honourable Sir Henry Craik: The question is a hypothetical one. Did I understand the Honourable Member to say that if it is not sold, how can the rates be equivalent?

Mr. Amarendra Nath Chattopadhyaya: How can the diet rates be in accordance with the rates in Bengal?

The Honourable Sir Henry Craik: These people get special diet allowance.

HOME INTERNMENT OF THE DETENUS FOR WHOM THEIR GUARDIANS STAND SECURITY.

1168. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government be pleased to state if it is a fact that they have under contemplation the question of home-internment of the detenus for whom their guardians stand security? If so, do Government propose to announce this, so that the guardians may know?

(b) If the reply to part (a) be in the affirmative, will Government please state whether this consideration will be applied to all? If not, what is the reason of such discrimination?

The Honourable Sir Henry Craik: (a) and (b). The question of the treatment of detenus under the Bengal Criminal Law Amendment Act rests with the Government of Bengal who, for sometime past, have reviewed their cases and granted such relaxations as may be possible consistent with security. I understand that the Government of Bengal are considering the question of release on security in suitable cases as one of the methods of relaxing restraints but there is no question of any general release of detenus. This policy has the full approval of the Government of India.

QUANTITY OF SUGAR PASSED THROUGH VIRAMGAM CUSTOMS CORDON.

1169. ***Seth Haji Abdoola Haroon:** Will Government please state what quantity of sugar passed through Viramgam customs cordon from 1st April, 1934 to 1st January, 1935?

The Honourable Sir Joseph Bhoré: The information asked for, as far as available, is contained in the Kathiawar Trade Statistics published monthly, copies of which are in the Library of the Legislature.

FORMATION OF A CENTRAL COMMITTEE FOR OIL-SEEDS.

1170. ***Prof. N. G. Ranga:** Will Government be pleased to state:

- (i) what action has so far been taken in the direction of forming a Central Committee for oil-seeds;
- (ii) and if and when such a committee is organised, whether Government are prepared to consider the advisability of seeing that the representatives of peasants' organisations are also represented on it?

Mr. G. S. Bajpai: (i) The matter is still under consideration.

(ii) Government recognise the importance of securing representation on the proposed committee of growers of oil-seeds

ACTION TAKEN ON THE RECOMMENDATIONS OF THE FERTILISERS COMMITTEE.

1171. ***Prof. N. G. Ranga:** Will Government be pleased to state what action has so far been taken on the recommendations of the Fertilisers Committee?

Mr. G. S. Bajpai: A statement showing the recommendations of the Fertilisers' Committee and the action taken thereon is available in the Library of the House.

VIEWS EXPRESSED BY LOCAL GOVERNMENTS ON THE PROPOSALS OF THE INDIAN OIL-CRUSHING INDUSTRY COMMITTEE.

1172. *Prof. N. G. Ranga: Will Government be pleased to state (i) what is the nature of the views expressed by Local Governments on the proposal of the Indian Oil-crushing Industry Committee to fix standard for soaps and to insist upon a stamp of the guarantee of the requisite fatty acid content and (ii) what, and (iii) when the proposed action is likely to be taken?

Mr. G. S. Bajpai: The recommendations of the Committee are still under consideration and Local Governments have not yet been addressed.

Prof. N. G. Ranga: When do Government expect to finish this examination and address Local Governments.

Mr. G. S. Bajpai: I believe, Sir, that the Standing Committee of the Imperial Council of Agricultural Research has completed and the Industries and Labour Department were consulted and they have also given their views. The Local Governments will be addressed shortly.

NEGOTIATIONS WITH THE OIL-SEEDS ASSOCIATION OF THE UNITED KINGDOM.

1173. *Prof. N. G. Ranga: Will Government be pleased to state whether they have succeeded in their negotiations with the Inc. Oil-seeds Association of the United Kingdom to see that the Indian linseed is treated in the same way as the Argentine linseed, and if so, what is the present position of Indian linseed *vis-a-vis* the Argentine linseed?

The Honourable Sir Joseph Bhore: The Government of India are not aware of any negotiations of the kind mentioned. The present position of Indian linseed *vis-a-vis* Argentine linseed, in the United Kingdom, is that the former is duty free while the latter is subject to a duty of 10 per cent. *ad valorem*. In the case, however, of certain specified exported goods in the manufacture of which duty-paid linseed is used, a drawback of duty is allowed at the rate of 18 sh. per ton of linseed used.

STANDARDISATION OF THE QUALITY AND PACKING OF OIL-SEEDS.

1174. *Prof. N. G. Ranga: Will Government be pleased to state whether they are aware that due to undue wetting, mixing and bad packing practised by some people, the price obtained for Indian oil-seeds tends generally to fall and if so, what legislative and other action is proposed to be taken to standardise the quality and packing of oil-seeds and thus raise their price?

Mr. G. S. Bajpai: Generally speaking, Indian oil-seeds are well packed. Indian linseed regularly obtains a small premium for quality over Argentine linseed. Groundnuts from certain areas in South India, however, obtain a lower price due to wetting or wet-shelling. A leaflet was published in August, 1983, by the Madras department of agriculture, explaining the loss which resulted from this practice. The question of grade standards and improved packing for the principal oil-seeds will receive attention during the marketing surveys now in progress.

Prof. N. G. Ranga: Do Government propose to take any legislative steps to prevent any such wetting?

Mr. G. S. Bajpai: Government will naturally have to wait until the result of the enquiries which the marketing officers will make become available.

CONCESSIONAL RAILWAY RATES GRANTED FOR THE CONVEYANCE OF BONE-MEAL.

1175. *Prof. N. G. Ranga: Will Government be pleased to state in what provinces and to what extent concessional railway rates are granted for the conveyance of bone-meal?

Mr. P. R. Rau: The maximum authorised rate for bone-meal is 0.42 pie per maund per mile at railway risk and 0.88 per maund per mile at owner's risk. On the Bengal Nagpur, Eastern Bengal, Madras and Southern Mahratta, North Western and South Indian Railways, a rate of one-tenth pie per maund per mile is charged for consignments in wagon loads, on production of certificate from a gazetted officer of the Agricultural Department to the effect that the consignments are intended for the purpose of manure only. The rates charged, in cases in which this certificate is not produced, are detailed in the statement I am placing on the table.

Statement showing the basis of rates for bone-meal: These are telescopic and apply at owner's risk:

Bengal Nagpur Railway :—

Miles.	Pie per maund per mile.
1—75 . . . . .	. 333
76—150 . . . . .	. 200
151—300 . . . . .	. 170
301—400 . . . . .	. 125
Over 400 . . . . .	. 100

Eastern Bengal Railway :—

1—150 . . . . .	. 140
Over 150 . . . . .	. 100

North Western Railway :—Charge being made on the carrying capacity of the wagon used.

Miles.	Pie per maund per mile.
1—100 . . . . .	. 200
101—200 . . . . .	. 170
201—500 . . . . .	. 140
Over 500 . . . . .	. 100

South Indian Railway :—For distances of not less than 51 miles. Charge being made on the carrying capacity of the wagon used.

Miles.	Pie per maund per mile.
1—75 . . . . .	. 380
76—300 . . . . .	. 200
Over 300 . . . . .	. 100

ORGANISATION OF OPEN MARKETS AND REGULATION OF FORWARD CONTRACT SALES FOR COTTON.

1176. *Prof. N. G. Ranga: Will Government be pleased to state (i) what action has so far been taken in various provinces on the recommendation of the Indian Cotton Committee, that open markets ought to be organised and forward contract sales of cotton to be regulated; (ii) whether any open markets are organised, and (iii) if so, in what provinces and in how many places?

Mr. G. S. Bajpai: (i) As regards the establishment of open cotton markets, the Government of Bombay, the Government of the Central Provinces and the Government of Madras have enacted the necessary legislation. Forward contract sales are regulated at Bombay and Karachi by the Bye-laws of the East Indian Cotton Association and the Karachi Cotton Association, Ltd., respectively.

(ii) and (iii). Yes. In two places in the Bombay Presidency and in one place in the Central Provinces.

Prof. N. G. Ranga: Is the Honourable Member aware that very generally forward contract sales prevail in Madras and no action has so far been taken by the Government of Madras?

Mr. G. S. Bajpai: I have informed the Honourable Member that the Government of Madras have passed the necessary legislation, and my information is that the rules and regulations that have to be framed under the Act have not yet been passed.

ORGANISATION OF OPEN MARKETS FOR THE MARKETING OF AGRICULTURAL PRODUCE.

1177. *Prof. N. G. Ranga: Will Government be pleased to state whether any steps, legislative or otherwise, have been taken to organise open markets for the marketing of agricultural produce; and if so, what steps have so far been taken in different provinces?

Mr. G. S. Bajpai: As regards open cotton markets the Honourable Member's attention is invited to the reply given to his question No. 1176. The question of the establishment and development of regulated markets will be included in the investigation of marketing problems generally for which a scheme has recently been sanctioned by Government.

INCONVENIENCES TO PASSENGERS AT THE PALMERGANJ RAILWAY STATION ON THE EAST INDIAN RAILWAY.

1178. *Mr. Anugrah Narayan Sinha: (a) Is it a fact that a large number of pilgrims get down at Palmerganj Railway Station to perform certain religious rites on the bank of the river Poonpun closely?

(b) Are Government aware that the trains stop at the bank of the Poonpun river on Gaya-Mogalsarai section near the Palmerganj Railway Station to enable pilgrims to get down, but they are not permitted to enter there?

(c) Are Government aware that these pilgrims have to travel all the way from the bank of the river to Palmerganj Railway Station—a distance of over a mile—to catch trains?

(d) Is it a fact that there is no road or track wide enough for carriages or motor-cars to pass between the river bank and the railway station and passengers of all classes and condition of life have got to walk the whole distance to reach the station?

(e) Are Government prepared to sanction the construction of a road by the side of the railway line, or in its close vicinity, to avoid the great inconvenience which is being felt by pilgrims in walking back to station?

(f) Is it a fact that there is no shed on the down platform of the Palmerganj Railway Station and passengers are therefore exposed to rains during rainy season and are therefore greatly inconvenienced?

(g) Is it also a fact that very large number of passengers are booked at this station because of its being the nearest and most conveniently situated station for Aurangabad, the Sub-divisional headquarters of the district?

(h) Is it a fact that there is no train during the best part of the day between Palmerganj and Gaya and passengers are being largely diverted by motor busses to Gaya causing loss to the railway of revenue?

(i) Are Government aware that there is a shuttle train between Moghalserai and Sone-east bank and have Government considered that if this is extended to Gaya, there is a chance of passengers going by train in preference to motor busses?

(j) Are Government prepared to consider the advisability of extending the shuttle train to Gaya and thereby removing the great hardship caused to travelling public for want of a day train on Moghalserai-Gaya section of East Indian Railway?

Mr. P. R. Rau: (a) Yes, during the Pitripukh Mela.

(b) Yes. The matter is now being considered.

(c) Yes.

(d) Yes, a footpath eight feet wide from the pilgrim platform to Palmerganj station has been provided by the Railway.

(e) The construction of a road is a matter for the Local Government to consider.

(f) There is a passenger shed on the south side of the line where passengers can obtain shelter till it is time for them to entrain.

(g) The number of passengers booked from Palmerganj station during the year ending 31st March, 1933, was 74,267, and arriving at Palmerganj 81,113.

(h) Passenger trains from Gaya arrive at Palmerganj at 6-37, 7-40 and 19-53 hours and leave Palmerganj for Gaya at 8-48, 18-39 and 21-53 hours. Government have no information as regards the exact extent to which motor bus competition is affecting traffic.

(i) and (j). I am conveying the Honourable Member's suggestion to the Agent, East Indian Railway, for consideration.

PROTECTION TO THE SUGAR-CANE PRODUCERS.

1179. *Prof. N. G. Ranga: In view of the reply of Government on the 27th February, 1935 to a supplementary question to question No. 618, that the cane is competing for demand instead of factories competing for cane, as was anticipated by the Tariff Board, will Government be pleased to state, (i) if they are aware that as a result of such competition among peasants, the ryots are losing the benefit of that proposed additional anna; and (ii) whether Government are prepared to consider the advisability of re-examining the whole position so as to give the necessary protection to the concerned peasants?

Mr. G. S. Bajpai: The fixing of cane prices is primarily a matter for the Local Governments. The Government of India have no reason to think that the minimum prices fixed by Local Governments are not fair and equitable to all concerned. The Government of the United Provinces have already announced their intention of reviewing the position, after the completion of the present working season in the light of the experience gained.

Prof. N. G. Ranga: Have the Government of India any information in regard to the other Provinces where the minimum prices have been fixed?

Mr. G. S. Bajpai: Only two provinces, so far as I am aware, have fixed minimum prices. They are Bihar and Orissa and the United Provinces, and from no province have Government received any information that the prices fixed are inequitable.

Prof. N. G. Ranga: What about Madras?

Mr. G. S. Bajpai: As far as I know, Local Governments have taken no action under the Act.

Prof. N. G. Ranga: Will Government of India address Local Governments to see that minimum prices are fixed as soon as possible?

Mr. G. S. Bajpai: We framed the Act definitely on the basis that the initiative in this matter must rest with the Local Governments. If cane growers in the Madras Presidency feel that the minimum price ought to be fixed, they have the ordinary constitutional channels open to them to bring pressure to bear on the Government of Madras.

Prof. N. G. Ranga: What is the constitutional remedy available if, on the application of the peasants, the Local Government fail to fix this minimum price?

Mr. G. S. Bajpai: I hope, Sir, that Honourable Members in the Madras Legislative Council, at least some, are as keen, regarding the interests of agriculturists, as my Honourable friend opposite.

Prof. N. G. Ranga: If the Provincial Government fail to do it in spite of their protests, can the Government of India try to influence them?

Mr. President (The Honourable Sir Abdur Rahim): That is a hypothetical question.

SUGAR MANUFACTURING FACTORIES.

1180. ***Prof. N. G. Ranga**: Will Government be pleased to state:

- (i) the number of sugar-manufacturing factories; and
- (ii) the number of the co-operative sugar-manufacturing factories?

Mr. G. S. Bajpai: (i) 142 manufacturing sugar from cane direct.

(ii) Six employing modern machinery.

Mr. T. S. Avinashilingam Chettiar: Will Government consider the proposition which was made in the Council of State the other day to free the co-operative sugar manufacturing concerns of the excise duty?

Mr. G. S. Bajpai: That question does not arise out of this.

RECOMMENDATIONS OF THE CAPITATION TRIBUNAL.

1181. ***Mr. T. S. Avinashilingam Chettiar**: Will Government state:

- (a) what are the recommendations of the Capitation Tribunal;
- (b) whether the recommendations of the Tribunal have been accepted by the Governments of India and England, if not, which recommendations were not accepted and by whom;
- (c) what are the recommendations that were accepted; and
- (d) what is the result of the acceptance of those recommendations?

Mr. G. R. F. Tottenham: (a) to (d). I would refer the Honourable Member to the Report of the Tribunal and the other papers issued at the time of its publication which are in the Library of the House.

MEAT SHOP NEAR THE MINTO ROAD AND PRESS QUARTERS IN NEW DELHI.

1182. ***Maulvi Syed Murtuza Sahib Bahadur**: (a) Is it a fact that there is only one meat shop at Minto Road quarters and Press quarters, New Delhi? If so, will Government please state:

- (i) whether they are aware that one shop is not considered by tenants enough to supply sufficient meat;
 - (ii) whether selling of meat in an exposed and open place is not detrimental to the health of the Government employees living in those quarters;
 - (iii) whether the Health Department have approved of selling meat in a shop devoid of sanitary fittings, etc.;
- (b) If the reply to part (a) (ii) be in the affirmative, do Government propose to take immediate steps to build a proper market with sanitary fittings? If not, why not?

Mr. G. S. Bajpai: There is at present only one meat shop serving the Minto Road quarters and the Press quarters. This shop has been established as a purely temporary expedient for the convenience of the residents.

of the area until shops of a permanent nature can be provided, and is operating with the full cognisance of the Municipal Health Officer who is also the Assistant Director of Public Health of the Delhi Province. The meat is not being sold under conditions which are detrimental to public health. The Municipal Committee have already approved proposals for the construction of properly equipped permanent shops, and detailed plans and estimates are in the course of preparation.

***ORDERS FOR RAILS AND METALLIC SLEEPERS PLACED ABROAD AND PROTECTION TO STEEL INDUSTRY.**

1183 ***Mr. S. Satyamurti** (on behalf of Pandit Nilakantha Das): (a) Will Government be pleased to state whether they are aware that protection to steel industry depends upon the orders for rails by Government?

(b) Have Government any reason to believe that Indian firms manufacturing rails and metallic sleepers are unable to manufacture any kind of those articles?

(c) Have Government any reason to believe that any fittings to rails or metallic sleepers cannot be manufactured by Indian firms?

(d) Will Government state if during the last seven years the Indian manufacturers of rails and metallic sleepers got orders to their full capacity?

(e) Will Government explain why orders for rails and metallic sleepers were placed abroad during the last seven years?

Mr. P. E. Rau: (a) Government are aware that a sufficient demand for rails is an important factor in the schemes for protection to steel.

(b) No.

(c) At present certain fittings are not manufactured in India but there is no reason to believe that arrangements could not be made for their manufacture by Indian firms.

(d) No; requirements for Railways during the recent period of depression has been considerably below the capacity of Indian manufacturers.

(e) I place on the table a statement showing the value of purchases of imported and indigenous rails and metal sleepers, made by Class I railways each year from 1927-28 to 1933-34.

The reason for the comparatively large importation of rails and metal sleepers in 1927-28 and 1928-29 was mainly the strike at the works of the Tata Iron and Steel Company, and further, in the case of metal sleepers, to large discrepancies in prices between quotations for Indian and foreign manufacture.

It will be noted that the value and percentage to total orders of rails and metal sleepers ordered abroad during years subsequent to 1928-29 is very low.

During these later years the purchases of rails and metal sleepers (and fittings for the same) from abroad have been generally restricted to non-standard sections and qualities, not rolled or hitherto manufactured in India.

Statement showing the value of rails and metal sleepers (imported and indigenous) during the years 1927-28 to 1933-34.

(Figures in thousands of rupees.)

—	Rails.				Metal Sleepers.			
	Im- port- ed.	In- digen- ous.	Total.	Perce- ntage of 1 to 3.	Im- port- ed.	In- digen- ous.	Total.	Perce- ntage 5 to 7.
	1	2	3	4	5	6	7	8
1927-28 .	1,19,34	1,76,72	2,96,06	40.3	1,72,40	87,29	2,59,69	66.3
1928-29 .	39,78	98,60	3,38,38	28.7	1,38,48	63,63	2,02,11	68.5
1929-30 .	5,04	1,44,11	1,49,15	3.3	34,45	90,57	1,05,02	13.8
1930-31 .	96	1,49,80	1,50,76	.6	1,80	32,19	33,99	5.3
1931-32 .	9,01	97,23	1,06,24	8.4	5,89	57,58	63,47	9.3
1932-33 .	4,47	38,13	42,60	10.5	4	11,72	11,76	.3
1933-34 .	2,38	46,37	48,75	4.9	1,62	20,29	21,91	7.4

Mr. S. Satyamurti: What is the position today? May I know whether, today, as far as the Honourable Member can throw light on the matter, orders for rails and metal sleepers are placed with the Indian companies to the maximum of their capacity?

Mr. P. R. Rau: No, Sir, it is not to the maximum of their capacity, but practically it is the maximum of the requirements of railways.

Mr. S. Satyamurti: May I take it, therefore, that no orders for rails or metal sleepers are placed outside India now?

Mr. P. R. Rau: That I have already explained. I have said that purchases from abroad have been generally restricted to non-standard sections and qualities, not rolled or hitherto manufactured in India.

Mr. S. Satyamurti: Will Government consider the advisability of asking these companies to manufacture these kinds of goods, in order that they may supply them to the Indian railway concerns?

Mr. P. R. Rau: I think there is no reason to believe that manufacturers are ignorant of the requirements of Indian railways in this matter.

Mr. S. Satyamurti: Do Government accept the policy of buying these goods, as far as possible, in India, and will they, therefore, take steps to bring to the notice of these companies their requirements, so that they may increase their producing capacity?

Mr. P. R. Rau: That policy has been accepted by Government for some considerable time, and the specifications regarding these particular articles have been issued and are available to every manufacturer.

Mr. S. Satyamurti: Do Government take any direct and effective steps to see that all these supplies are produced in India?

Mr. P. R. Rau: That is not in the hands of Government; it is in the hands of manufacturers. What Government can do is to publish specifications in order that manufacturers may be able to manufacture them and sell them to the railways.

Mr. S. Satyamurti: Are these manufacturers put in possession of these requirements by Government from time to time?

Mr. P. R. Rau: I think all these are ordered after tenders have been called for.

Mr. S. Satyamurti: Are the requirements of Governments brought to the notice of these Indian manufacturing firms from time to time?

Mr. P. R. Rau: When tenders are called for, they are advertised.

Prof. N. G. Ranga: Are Government manufacturing any of these rails and metal sleepers in any of their workshops?

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

Prof. N. G. Ranga: Will Government consider the advisability of manufacturing them?

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

Prof. N. G. Ranga: Why?

Mr. P. R. Rau: Because there are private manufacturers doing it, and there is no reason why Government should interfere with private enterprise.

MANUFACTURE AND FABRICATION BY INDIAN FIRMS OF MATERIALS FOR BRIDGE WORK.

1184. ***Pandit Nilakantha Das:** Will Government be pleased to state:

- (a) whether materials for bridge work are manufactured and fabricated by Indian firms; if so, whether the manufacturers and fabricators of bridge material have been getting orders to their full capacity during the last seven years; and
- (b) whether orders for bridge materials were being placed abroad, and if so, why?

Mr. P. R. Rau: (a) and (b). Materials for bridge work are manufactured and fabricated by Indian firms. During the past seven years all orders for bridge girders required by State-managed Railways have been placed with Indian manufacturers. The requirements, however, during the recent period of depression, have been considerably below the combined capacity of Indian firms.

WOOD SLEEPERS FOR RAILWAYS.

1185. ***Pandit Nilakantha Das:** (a) Will Government be pleased to state whether all wood-sleepers for Railways can be had in India?

(b) Are the creosoting plants and operations set up in India enough for our Railway requirements?

Mr. P. R. Rau: (a) All the wooden sleepers required by the Indian Railways can be supplied in India.

(b) The existing creosoting plants are adequate for railway requirements. The low price of naturally durable *sal* in recent years has checked the creosoting of perishable timbers in certain areas.

DEPRECIATION IN RAILWAY MATERIALS.

1186. ***Pandit Nilakantha Das:** Will Government be pleased to state whether they are prepared to lay a statement on the table showing the difference between the actual calculated depreciation in our railway materials and the quota fixed for depreciation fund, that is one-sixtieth of the capital at charge, year after year, from the date from which the depreciation quota was fixed?

Mr. P. R. Rau: The information regarding the years 1924-25 to 1933-34 is contained in page 48 of Volume XII, No. 1, of the Proceedings of the Standing Finance Committee. For 1934-35, the figures are 18.78 crores under the old arrangements and 13.25 crores under the new arrangements.

LOSS IN SURPLUS AND OBSOLETE RAILWAY MATERIALS.

1187. ***Pandit Nilakantha Das:** (a) Will Government please state the reasons, with details, why rupees three lakhs were lost in surplus and obsolete materials?

(b) What are those materials?

(c) Were those materials scrapped or used in any other way?

(d) When were those materials purchased and for what purpose?

(e) How did they become obsolete?

(f) Was this amount of rupees three lakhs included in the reduction of stores balance?

(g) Have there been other cases like this during the last ten years?

(h) If so, what are they? Will Government please state the amount of loss in each case, with details as indicated above?

Mr. P. R. Rau: (a) I presume the Honourable Member refers to certain permanent way material on the Bengal Nagpur Railway which is being disposed of. The difference between the book and scrap value of the material in question is Rs. 2,66,000 and the reasons for its disposal are that it is obsolete or surplus to requirements.

(b) Rails, points and crossings components, sleepers fittings, bolts and nuts, distance blocks, points lever boxes and bridge girder erecting plant.

(c) With the exception of a number of 90 and 85 lb. rails which will be used for other purposes, the materials will be sold.

(d) Except in the case of rails on which the date of manufacture is branded, the information is not available.

(e) Due to replacement by more modern equipment.

(f) Yes.

(g) Yes.

(h) It is the procedure on all Railways to write down the book value of stores which have become obsolete, and Government are of opinion that the work entailed in preparing the information called for would be incommensurate with the value of the information obtained. Certain information is, however, contained in the annual appropriation accounts of Railways.

ARTICLES OR SPECIFICATIONS STANDARDISED BY THE RAILWAY STANDARDISATION DEPARTMENT.

1188. *Pandit Nilakantha Das: (a) Will Government be pleased to state whether any articles or specifications have been standardised by our Standardisation Department, which articles and specifications are not available in India?

(b) Are there any patents in our articles and specifications standardised? If so, will Government please enumerate them, with particulars regarding the patents?

(c) Are Government officers, specially those connected with the Railways or its Standardisation Department, entitled to have patents of their own?

(d) Has Mr. Wrench the present Head of the Standardisation Department, any patents of his own?

(e) Had he any even when he was in the Railway Board?

(f) Have Government made any rule in the matter after the exposure in connection with Hayman and Mahendra? If not, will Government state reasons for not having done so?

The Honourable Sir Joseph Bhore: (a) Of the many specifications which have been prepared laying down standards to which articles required for Railways have to comply there are none not available in India.

(b) No specifications which have been standardised restrict supply to articles covered by patents, but articles which are covered by patents are acceptable, provided they satisfy the requirements of the relevant specifications.

I place on the table a list of proprietary articles which are accepted as satisfying the standard specifications. Many of these are or were covered by patents, but Government are not aware of the particular feature of the articles for which a patent has been granted.

(c) The present rule runs as follows:

"A railway servant shall not, save with the permission of the Governor General in Council and in accordance with such conditions as that authority may impose, apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention, made by such a railway servant, which is connected directly or indirectly with his official duties."

(d) and (e). Mr. Wrench is the inventor of certain mechanical features, protected by patents which were granted to him before his appointment as Chief Controller of Standardisation, but he has, with the permission of the Government, assigned all rights in the patents to the manufacturers on condition that Indian Railways would continue to be entitled to manufacture their requirements free of royalty. He has no financial interest of any kind in the patents in question. I may add that during the periods Mr. Wrench has been Chief Controller of Standardisation, he has, during the course of his work, evolved various mechanical designs which could have been patented, but he has, in no case, applied for a patent.

(f) I am not clear what exactly the Honourable Member means by exposure since the case was dealt with according to the rules in force at the time which allowed Government either to grant an honorarium or to allow the holder of a patent to draw a royalty on account of the invention in question. As a result of the revision of the Indian Patents and Designs Act of 1930, it became necessary to consider the promulgation of fresh rules and instructions for regulating the grant of permission for the taking out of patents by Government servants. A copy of the instructions applicable to railway servants is laid on the table of the House.

List of proprietary articles incorporated in standard drawings or approved as permissible alternatives.

(1) Permanent way fittings.

Mills spring steel movable jaw for pressed steel sleepers (permissible alternative).

Mills Reinforced holes for pressed steel sleepers (permissible alternative).

(2) Structural fittings.

Robertsons Protected metal and asbestos cement sheets (permissible alternative).

(3) Locomotive fittings.

Alemite grease lubrication fittings

Tealamite grease lubrication fittings

Wakefield grease lubrication fittings

Speedee grease lubrication fittings

} permissible alternatives.

Longstand water space stays (permissible alternative).

Flannery flexible boiler stays.

Nicholson thermic syphons (permissible alternative).

Keepbrite firehole door

Keepbright firehole door

O. H. R. A. firehole door

Vickro firehole door

Staybrite firehole door

Era firehole door

Krupps H. R. A. firehole door

} permissible alternatives.

Franklin steam operated firedoor

} permissible alternatives.

Ajax steam operated firedoor

North British Mechanical stoker

} permissible alternatives.

Standard Mechanical stoker

M. L. C. multiple Valve regulator

Owen regulator

Joco regulator

Stirling superheater header.

} permissible alternative.

Forged return superheater elements.

- Acfi feed water heater (permissible alternative).
 Filtrator water softener (permissible alternative).
- Everitt blow off cock } (permissible alternatives).
 Everlasting blow off cock }
 Perry steam soot blower } permissible alternatives.
 Clyde steam soot blower }
 Diamond steam soot blower }
 Wakefield sight feed lubricator } permissible alternatives.
 Vacuum sight feed lubricator }
 Capretti poppet valve gear } permissible alternatives.
 Lent R. C. poppet valve gear }
 Franklin axlebox lubricator } permissible alternatives.
 Ajax axlebox lubricator }
 Timken roller bearings } permissible alternatives.
 Shefko roller bearings }
 M. L. S. Piston valve (permissible alternative).
 Hasler speedometer (permissible alternative).
 Superdreadnought vacuum ejector.
 A. A. C. firebricks
 Killinger water gauge (permissible alternative).
 Britallic metallic packing } permissible alternatives.
 Paxton & Mitchell metallic packing }
 Hendric By Pass Valve (permissible alternative).
 Lamber sending gear.
 Pyle electric generator and head light } permissible alternatives.
 Sunbeam electric generator and head light }
 Stones electric generator and head light }
 A. E. C. electric generator and head light }
- (4) Coaching underframe and wagon fittings.
- Shakeproof lock washers } permissible alternatives.
 Amron lock washers }
 Grover lock washers }
 Vibro lock washers } permissible alternatives.
 Superlock lock washers }
 Griplock lock washers }
 Davis cast steel wheel (permissible alternative). }
- M. C. A. P. H. centre buffer coupler } permissible alternatives.
 M. C. A. No-shock centre buffer coupler }
 S. and P. rotary oil pump (permissible alternative).
- Levick commode flushing cistern } permissible alternatives.
 Acme commode flushing cistern }
 Armco iron panels (permissible alternative). }
- (5) Electric train lighting equipment.
- Stones electric generators and switch gear } permissible alternatives.
 Mather and Platt's electric generators and }
 switch gear. }
- Kent inter vehicle coupler } permissible alternatives.
 Acme inter vehicle coupler }

LETTER FROM THE GOVERNMENT OF INDIA, RAILWAY DEPARTMENT, (RAILWAY BOARD), No. 34/572/S., DATED NEW DELHI, THE 14TH MARCH 1935, TO THE AGENTS, BURMA, EASTERN BENGAL, EAST INDIAN, GREAT INDIAN PENINSULA AND NORTH WESTERN RAILWAYS.

General instructions for regulating the grant of permission for the taking out of patents by railway servants.

I am directed to invite attention to this Department, Notification No. E-35-F-U-2, dated 18th February, 1935, introducing Fundamental Rules 48-A and 48-B applicable to railway servants. The Government of India have now formulated the general instructions contained in the annexure to this letter which will regulate the grant of permission for the taking out of patents by railway servants under their control.

D.A.—General instructions referred to.

No. 34/572/S., DATED 14TH MARCH, 1935.

Copy forwarded to the Senior Government Inspectors of Railways, Circles Nos. 1, 4, 5 and 7 and Government Inspectors of Railways, Circles Nos. 2 and 2-A, Chief Mining Engineer, Railway Board, Chief Controller of Standardisation and Central Publicity Officer, Indian State Railways, for information and guidance.

No. 34/572/S., DATED 14TH MARCH, 1935.

Copy forwarded to the Agents, Assam Bengal, Bengal and North Western, Bengal Nagpur, Bombay, Baroda and Central India, H. E. H. the Nizam's State, Madras and Southern Mahratta, Rohilkund and Kumaon and South Indian Railways, the Manager, Jodhpur Railway and the General Secretary, Indian Railway Conference Association, for information.

No. 34/572/S., DATED 14TH MARCH, 1935.

Copy forwarded to the Chief Accounts Officers, North Western, Eastern Bengal, East Indian, Great Indian Peninsula and Burma Railways and Director of Railway Audit (with 14 spare copies).

ANNEXURE TO RAILWAY BOARD'S LETTER No. 34/572/S., DATED THE 14TH MARCH, 1935.

General instructions for regulating the grant of permission for the taking out of patents by Railway servants.

1. Application for permission under Rule 48-A of the Fundamental Rules should be made by the railway servants making an invention to the head of his department or if he is himself the head of the department to the Railway Board.
2. The head of the department should deal with the application confidentially and with expedition so that the inventor may not be prejudiced by delay in making his application at the Patent Office, and should forward it with his recommendations to the Railway Board.
3. Permission will be granted to the applicant without any restriction if the invention has no connection with the railway servant's official duties and has not resulted from facilities provided at government expense.

4. If the invention is made in the course of the railway servant's official duties or has resulted from facilities provided at government expense, then :

- (a) if the invention is of such general interest and utility that the public interest will be best served by allowing the public a free use of the invention, the application for taking out a patent should be refused and the invention should be published. An *ex-gratia* payment should ordinarily be made to the inventor as a reward in all such cases;
- (b) if the invention is not of the kind mentioned in (a) but is of sufficient public utility as is likely to make its commercial exploitation profitable the inventor should be directed to take out a patent and to assign his rights under the patent to the Secretary of State for India in Council. In all such cases, the inventor should be rewarded either by a suitable lump sum payment or by a liberal percentage of the profits made by government in connection with the invention;
- (c) in other cases, the inventor should be allowed to take out a patent for his own benefit subject to his undertaking to permit government the use of the invention either without payment or on such terms as they may consider reasonable.

5. When the invention has been assigned to the Secretary of State for India in Council under paragraph 4 (b) above, the Railway Department of the Government of India may exploit the patent themselves, or

- (a) advertise the patent and grant licenses on payment to manufacturers, or
- (b) sell the rights under the patent to a firm or to a private person.

6. In order to secure for government the full benefits of inventions, the Controller of Patents and Designs will ordinarily be consulted before any awards are made under clauses (a), (b) and (c) of paragraph 4 above or steps are taken for the exploitation of the patents under paragraph 5 above.

STRENGTH OF THE OFFICES OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES, AND AUDIT OFFICER, INDIAN STORES DEPARTMENT.

1189. *Mr. Umar Aly Shah: (a) Will Government please state, separately for each office, the total strength of the offices of the Accountant General, Central Revenues, and the Audit Office, Indian Stores Department, separately for gazetted, accountants and clerical staff as represented by each province and community?

(b) Is it a fact that the Audit Office, Indian Stores Department, was created at New Delhi some time in 1929, and that the majority of the staff recruited belongs to one community? If so, will Government please state:

- (i) the reasons for such preponderance of the men of one province only;
- (ii) whether this fact was ever brought to the notice of Government before and, if so, what action was taken by them in that behalf; and
- (iii) if any orders were issued to check further recruitment from that particular province?

(c) Will Government please state the number of men belonging to that province taken after the issue of those orders?

(d) If they belonged to any other province to which provinces they belonged?

(e) Will Government please state whether the posts of the Assistant Accounts Officers in the Civil Audit Department are transferable from one Accounts Office to another? If so, are Government prepared to consider the advisability of transferring one or more Assistant Accounts Officers from the office of the Accountant General, Central Revenues, and the Audit Office, Indian Stores Department, with a view to safeguarding the interests of the members belonging to other provinces? If not, why not?

The Honourable Sir James Grigg: (a) A statement is laid on the table.

(b) Yes.

(i) The office of the Audit Officer, Indian Stores Department, was formed by recruitment mainly from the offices of the Accountants-General, Bihar and Orissa and Punjab. The Bihar and Orissa office was staffed mainly by Bengali Hindus transferred from the late office of the Accountant-General, Eastern Bengal and Assam. This office had a large number of clerks qualified for posts of Accountant, who volunteered for transfer to the Audit Office to better their own prospects.

(ii) Yes. No special action was considered necessary.

(iii) General instructions have been issued, on other grounds, that current recruitment should ordinarily be made from the Punjab, the United Provinces and the Delhi Province.

(c) Seven, of whom four are retrenched Government servants re-employed, one is an Indian Christian, one has special technical qualifications and one is the son of a Government servant employed in Delhi.

(d) The following are the numbers of men recruited from the other provinces:

Delhi—11.

United Provinces—9.

Punjab—4.

Madras—1.

Bihar and Orissa—1.

(e) The answer to the first question in this part is "no". The remaining questions, therefore, do not arise.

Statement of the total strength of the Offices of the Accountant-General, Central Revenues and Audit Officer, Indian Stores Department, separately for Gazetted, Accountants and Clerical staff as represented by each Province and community.

Rank and office.	By Community.						By Provinces.								REMARKS.
	Hindu.	Muslim.	Sikh.	European.	Anglo-Indian.	Irish Christian.	Bengal.	Madras.	U.P.	Punjab.	Bihar and Orissa.	Assam.	C.P.	Madhya Pradesh.		Delhi.
1. Gazetted Officers—12	8	..	1	2 (a)	1 (a)	..	6	1	..	2	..	..	..	..	..
2. Accountants—54	47	4	2	..	1 (a)	..	15	2	7	17	..	..	1	..	11
3. Clerks—296	255	23	12	..	5 (a)	1	129	2	36	69	..	..	..	..	55
<i>Audit Officer, Indian Stores Department.</i>															
Gazetted Officers—5	5	..	..	..	..	..	5	..	..	..	..	..	..	..	..
Accountants—13	12	1	..	..	..	..	10	..	..	1	..	..	..	..	1
Clerks—120	85	25	6	..	1	3	51	9	13	20	4	..	..	..	22

(a) Distribution by Provinces not available.

SYSTEM OF RECRUITMENT IN THE OFFICES OF THE ACCOUNTANT GENERAL, CENTRAL REVENUE AND AUDIT OFFICER, INDIAN STORES DEPARTMENT.

1190. *Mr. Umar Aly Shah: (a) Will Government please state separately for each office:

- (i) the system of recruitment to the clerical staff in the offices of the Accountant General, Central Revenues and the Audit Officer, Indian Stores Department;
- (ii) the names of men, together with the province and the community to which each of them belonged, recruited out of the retrenched personnel in the above offices; and
- (iii) the offices from which the men so recruited in both the offices were retrenched?

(b) Will Government please state whether there were any orders to the effect that no further recruitment in the offices of the Accountant General, Central Revenues and the Audit Officer, Indian Stores Department, should be made out of the province which already greatly preponderated? If so, were those orders observed in recruiting men after the issue of those orders from outside, and also out of the retrenched personnel? If so, will Government please state the names of men recruited since 1930 and the province to which each one of them belongs?

The Honourable Sir James Grigg: (a) (i) Recruitment to the clerical staff in the office of the Audit Officer, Indian Stores Department, is made by selection by the head of the office on the recommendation of a Selection Board. In the office of the Accountant General, Central Revenues, it is made partly by selection and partly by a recruitment examination, subject to the general orders regarding the maintenance of communal proportions. Preference is given to retrenched men.

(ii) 33 such men have been recruited. Of these 30 are Hindus, two are Muhammadans and one is a Sikh. Their provinces are as follows:

Bengal—10.

Punjab—9.

United Provinces—7.

Delhi—7.

(iii) Accountant-General, Central Revenues; Audit Officer, Indian Stores Department; Pay and Accounts Offices, Delhi; Central Accounts Office, Public Works Department, Delhi; and Pay and Accounts Office, United Provinces.

(b) I have nothing to add to the information which I have already given in answer to the immediately preceding question.

DISCONTENT AMONG CERTAIN CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

1191. *Mr. Umar Aly Shah: (a) Are Government aware that great discontent is prevailing in the office of the Accountant General, Central Revenues on account of the most inequitable and unjust treatment meted out specially to the S. A. S. passed clerks?

(b) Will Government please state what action they propose to take against the officer responsible for this?

The Honourable Sir James Grigg: (a) No.

(b) Does not arise.

***CERTAIN PARTICULARS ABOUT CERTAIN POSTS IN THE CENTRAL STATIONERY OFFICE.**

1192. *Khan Sahib Nawab Siddique Ali Khan (on behalf of Mr. A. K. Fuzul Huq): (a) Will Government be pleased to state:

(i) the scales of pay of the following posts in the Central Stationery Office of the Government of India stationed at Calcutta;

(ii) the total number of Hindus in each post;

(iii) the total number of Muslims in each post (noting temporary occupants, if any); and

(iv) the number of Christians in each post;

as things stood on the 28th February, 1935:

Deputy Controller, Assistant Controller, Stores Examiner, Superintendent, H. A. Class I, H. A. Class II, Cashier, Assistant Chemist, Assistants, Clerks, T. W. Mechanic, Typist, Jetty Sarkar, Junior Clerks, Stores Receiver, Record Supplier, Peons, Store Keeper (Stores Department), Deputy Store Keeper (Store Department), Assistant (Stores Department), Clerks (Stores Department), Junior Clerks (Stores), H. A. Class I and II (Clearing and Shipping Section), Clerks (Clearing and Shipping), Peons (Clearing and Shipping), H. A. Class I and II (Reserve Stamp Depot), Clerks (Reserve Stamp), Peons (Reserve Stamp)?

(b) Will Government be pleased to state how many of the Hindus in all the posts are Bengalis?

The Honourable Sir Frank Noyce: (a) and (b). The scales of pay of the Deputy Controller, Assistant Controller and Store Examiner in the Central Stationery Office are as follows:

	Old rates of pay.	Revised rates of pay.
	Rs.	Rs.
Deputy Controller	1,000—50—1,250	900
Assistant Controller	550—30—700	500—20—600
Store Examiner	400—25—600	300—20—600

These posts are at present held by Bengali Hindus. As regards the other posts Government do not propose to collect the information as its collection would involve an amount of time and labour disproportionate to the result. The Controller of Printing and Stationery will, however, be glad to show such details, as are available in his office, to any Honourable Member who wishes to see them.

INSTRUCTIONS ISSUED BY GOVERNMENT TO THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI, REGARDING FILLING UP OF PERMANENT VACANCIES.

1193. *Khan Bahadur Makhdum Syed Rajan Baksh Shah: (a) Is it a fact that Government issued instructions to the Manager, Government of India Press, New Delhi, to the effect that future permanent vacancies should be filled up by promotion of temporary hands by strict seniority?

(b) If so, are Government aware that in the permanent vacancies of bindery and warehousemen in the above press the senior temporary men are being superseded by junior men by applying the principle laid down in Home Department Resolution of July 1934? Is it not a fact that this circular was meant for fresh recruitment of outsiders and not for grade to grade promotion from temporary to the permanent establishment?

(c) If the reply to parts (a) and (b) be in the affirmative, what steps do Government propose to take to remove the grievances?

The Honourable Sir Frank Noyce: (a) Yes, but those instructions are subject to the general orders in the matter of communal representation.

(b) Some senior temporary men in the Bindery and Warehouse Branch of the Government of India Press, New Delhi, have unavoidably been superseded as transfers from the temporary to the permanent establishment are not treated as departmental promotion and the rules laid down in the Home Department Resolution of the 4th July, 1934, on the subject of communal representation apply to such transfers.

(c) Government orders on the subject are being observed and no further action is required.

REFUSAL OF COMPENSATION LEAVE OR COMPENSATORY ALLOWANCE TO THE STAFF OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI, FOR WORKING ON COMMUNAL HOLIDAYS.

1194. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah:** Is it a fact that the staff of the Government of India Press, New Delhi, booked on their communal holidays are given neither day compensation leave in lieu thereof, nor any compensatory allowance? If so, why?

The Honourable Sir Frank Noyce: 23 days, which include the more important festivals, are treated as closed holidays and a right to payment in respect of attendance on those days or to compensatory holiday in respect of attendance on the weekly holiday is conceded to the industrial staff. This leaves only about 293 working days in the year and Government are not prepared to grant special compensation for work done on these.

PAY OF BINDERS AND WAREHOUSEMEN OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1195. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah:** Is it a fact that binders and warehousemen of the Government of India Press, New Delhi, are on fixed pay and no time scales of pay are sanctioned for their grade, unlike other posts in all Government Departments?

The Honourable Sir Frank Noyce: Apart from certain men on piece-rates the binders and warehousemen are on fixed pay.

NON-CONFIRMATION OF CERTAIN MEN IN THE BINDERY AND WAREHOUSE DEPARTMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1196. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah:** With reference to Sir Frank Noyce's reply to unstarred question No. 848, dated the 14th April, 1934, regarding non-confirmation of certain men in the Bindery

and Warehouse Department of the Government of India Press, New Delhi, will Government be pleased to state what further steps have been taken to expedite the matter?

The Honourable Sir Frank Noyce: Owing to financial stringency the case had to be kept in abeyance but it will now be reconsidered.

INDIANS GRANTED KING'S COMMISSIONS SINCE 1917.

1197. ***Mr. T. S. Avinashilingam Chettiar:** (a) How many Indians have been given King's Commissions since 1917?

(b) How many of them have been promoted to the rank of major?

(c) Is it a fact that many of them are retired, when they have a chance of becoming major?

Mr. G. E. F. Tottenham: (a) 248.

(b) One, but I would remind the Honourable Member that the first regular batch of Indians received the King's Commission only towards the end of 1919. They have not yet got 18 years' service and thus, like British officers who were commissioned in the same year, they are not yet eligible for promotion to Major under the time-scale.

(c) No.

Mr. Lalchand Navalrai: May I know whether these Indians are medical men?

Mr. G. E. F. Tottenham: No: these are not medical men.

Mr. T. S. Avinashilingam Chettiar: Am I to understand that, even in the case of Europeans, not even one European, who has not had 18 years' service, has been promoted to the rank of Major?

Mr. G. E. F. Tottenham: That is correct: no officer with less than 18 years' service is promoted to the rank of Major.

PERCENTAGE OF THE INDIAN COASTAL TRADE BORNE BY INDIAN VESSELS AND BRITISH VESSELS.

1198. ***Mr. T. S. Avinashilingam Chettiar:** (a) What is the percentage of the Indian coastal trade that is borne by (i) Indian vessels, and (ii) by British vessels?

(b) Has any attempt been made to encourage Indian shipping? If so, what are those attempts?

(c) What is the settlement that the Commerce Member has made to the great benefit of Indian Shipping, to which he referred in reply to a supplementary question to question No. 632 by Mr. Gadgil on the 27th February, 1935?

The Honourable Sir Joseph Bore: (a) Statistics are not available.

(b) Yes. I would refer the Honourable Member to the answers given by me on the 27th February last to the supplementary questions asked in connection with question No. 632 by Mr. Gadgil.

(c) The settlement referred to was undertaken and made by me at the request of all the Indian and British shipping companies engaged in the trade on the West Coast of India and covered the various points of controversy which had arisen between them.

Mr. T. S. Avinashlingam Oshettiar: What is that settlement?

The Honourable Sir Joseph Blore: The settlement is a somewhat lengthy document; and if my Honourable friend wants to know the contents of it, I shall be very glad to allow him to see a copy of that document.

Prof. N. G. Ranga: Can it be placed on the table of the House?

The Honourable Sir Joseph Blore: I do not think it is a suitable document to lay on the table of the House; but I should be very glad to let any Honourable Member, who desires to have information, to see the document.

Mr. Ahmed Ebrahim Haroon Jaffer: Why can it not be placed on the table of the House?

The Honourable Sir Joseph Blore: That is a matter of opinion, and I have expressed my opinion on the point.

72.

SHIPPING COMPANIES ENGAGED IN THE COASTAL TRADE OF INDIA AND BURMA.

1199. ***Mr. S. Satyamurti:** Will Government be pleased to state the number of shipping companies engaged in the coastal trade of India and Burma, together with the number and tonnage of the steamers of these shipping companies engaged in these coastal waters?

The Honourable Sir Joseph Blore: The information is being collected and a statement furnishing it will be laid on the table in due course.

SUBSIDIES GIVEN TO THE SHIPPING COMPANIES FOR THE CARRIAGE OF MAILS.

1200. ***Mr. S. Satyamurti:** Will Government be pleased to state the amount of the subsidies given by them every year for the carriage of mails, giving separate particulars as follows:

- (a) the names of the routes for which the subsidies are given;
- (b) the amount of subsidy given for each route; and
- (c) the name of the shipping company to which the subsidies are given for each of the above routes?

Mr. G. V. Bewoor: (a), (b) and (c). The Honourable Member's attention is invited to the statement showing particulars of the steamer services and the subsidies given on pages 68—72 of the Annual Report on the Indian Posts and Telegraphs Department for the year 1933-34, a copy of which has been placed in the Library of the House.

Mr. S. Satyamurti: What is the subsidy paid to European companies, and what is the subsidy paid to Indian companies?

Mr. G. V. Bewoor: I supplied a copy of this report to every Member of this House and the Honourable Member will find full information on pages 68 to 72 of the Report.

Mr. S. Satyamurti: What is the reason for the subsidy to the Indian companies being so much smaller, compared to the subsidy given to the non-Indian companies?

Mr. G. V. Bewoor: That depends on the service they have to give.

Mr. S. Satyamurti: Do Government accept or not accept the policy that, being an Indian Department, they ought to use the Indian tax-payer's money for the purpose of encouraging Indian companies?

Mr. G. V. Bewoor: That does not arise out of this question: this question asks for information, and I have given the information.

Mr. S. Satyamurti: I am asking the reasons why. . . .

Mr. President (The Honourable Sir Abdur Rahim): That is a general question of policy.

Mr. S. Satyamurti: I want to know why Indian companies get so much less than the European companies

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already answered that it depends on the amount of service that is rendered.

Mr. S. Satyamurti: I want further elucidation whether apart from the service, Government do or do not accept the policy of encouraging Indian companies?

The Honourable Sir Frank Noyce: These contracts are open to tender.

Mr. S. Satyamurti: May I take it, therefore, that the Honourable the Industries Member tells this House that, if European companies for the time being are able to quote better terms, they should be encouraged, whatever may happen to the Indian companies?

The Honourable Sir Frank Noyce: I am not prepared to discuss this very large question of policy in reply to supplementary questions.

Mr. T. S. Avinashilingam Chettiar: Are these services which the British companies are giving such that the Indian companies cannot do?

Mr. G. V. Bewoor: It is open to the Indian companies to tender when tenders are called for next.

Prof. N. G. Ranga: Did any of the Indian companies tender?

The Honourable Sir Frank Noyce: If my Honourable friend will look at the information to which he has been referred, he will find that Indian companies are doing this work.

Mr. S. Satyamurti: How much part of this work are they doing?

The Honourable Sir Frank Noyce: I can only once again refer my Honourable friend to the information which has been supplied and which he can study for himself.

Mr. S. Satyamurti: It is very small: I want to know why such a small part is entrusted to Indian companies?

The Honourable Sir Frank Noyce: Because either they did not tender, or, if they did tender, their tenders were not the lowest or most suitable tenders received.

Mr. S. Satyamurti: In all cases, were the lowest tenders accepted?

The Honourable Sir Frank Noyce: I must ask for notice of that question.

Mr. T. S. Avinashlingam Chettiar: Is the lowest tender the only consideration in giving these subsidies?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. There has been a sufficient number of questions.

TRAINING AND EMPLOYMENT OF INDIANS ON THE STEAMERS OF SHIPPING COMPANIES GETTING SUBSIDIES FOR THE CARRIAGE OF MAILS.

1201. *Mr. S. Satyamurti: (a) Will Government be pleased to state if they have attached any conditions as regards the training and employment of Indians as apprentices and officers on board the steamers of the company to whom they have been giving annual subsidies for the carriage of mails?

(b) If the answer to part (a) be in the negative, will Government be pleased to state whether they propose to attach such conditions as regards training and employment of Indians hereafter as officers on board the steamers of the companies which are granted such mail subsidies?

The Honourable Sir Frank Noyce: (a) No.

(b) Up till now no serious difficulty has been experienced in securing employment for suitably qualified Indian apprentices and officers. Should necessity arise, the suggestion contained in the question will no doubt be considered.

Mr. S. Satyamurti: May I know the reasons why Government have not attached any conditions as stated in clause (a) of my question?

The Honourable Sir Frank Noyce: For the reason stated in my reply to part (b) of the question.

Mr. S. Satyamurti: Does not the Honourable Member consider that suitable facilities should be provided for training more Indians, by attaching this condition?

The Honourable Sir Frank Noyce: I have nothing to add to the reply I have given.

Mr. S. Satyamurti: May I know if all Indians who have been trained have secured suitable employment already?

The Honourable Sir Frank Noyce: I have told my Honourable friend that up till now no serious difficulty has been experienced in securing employment for suitably qualified Indian apprentices and officers. I have nothing to add.

Mr. S. Satyamurti: What about their training? Why do not Government accept it as their primary duty to provide for training of these Indians in the ships of those companies which get encouragement from the Government?

The Honourable Sir Frank Noyce: Because Government have provided opportunities for training.

Mr. S. Satyamurti: I am asking with regard to clause (a) of this question: why do not Government attach a condition that these companies, which get these contracts from Government, should provide training for a minimum number of Indians?

The Honourable Sir Frank Noyce: I can only state that the necessity for so doing has not yet arisen.

Mr. S. Satyamurti: May I know why? Are there no Indians qualified who are willing to be trained or come forward to be trained as officers, or as apprentices on board these steamers?

The Honourable Sir Joseph Bhoré: I have already explained, in reply to a question put in this House, that, as stated by my Honourable colleague, no difficulty has yet been experienced in finding opportunities for training for any of the categories of the officers mentioned by my Honourable friend.

Mr. S. Satyamurti: May I take it, therefore, that all Indians who came forward to be so trained have been given suitable facilities for training?

The Honourable Sir Joseph Bhoré: To the best of my knowledge, I think that that is the situation up to the present.

Mr. S. Satyamurti: Will Government kindly make inquiries and find out if all Indians who are suitable and have offered themselves for training have had suitable opportunities provided?

The Honourable Sir Joseph Bhoré: I can only refer to cadets, who have passed out of the "Dufferin", and, so far as the "Dufferin" Cadets are concerned, I think I can quite definitely say that no difficulty has been experienced up to date.

RECRUITMENT TO THE OFFICE OF THE DIRECTOR OF PUBLIC INFORMATION.

1202. *Sardar Sant Singh: (a) With reference to the reply given to the starred question No. 31 on the 5th February, 1935, will Government please state whether the recruitment to the Office of the Director of Public Information, is made through the Public Service Commission? If so, for which posts?

(b) Has the Office of the Director of Public Information removed any of the posts from the clerical cadre under the Home Department Office Memorandum No. 94/30-Estt., dated the 18th February, 1931, which have been considered as special or technical?

The Honourable Sir Henry Craik: (a) The Public Service Commission recruit for the clerical posts in the Public Information Bureau.

(b) No, but there are certain posts in the Bureau for which special qualifications are considered necessary.

†1208*.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, may I make a request to you before you proceed with the regular Legislative Business? In this Session, we were given only three days for non-official business. I find that in 1933, Government had allotted four days for non-official Bills. There were also four or five days allotted last year for non-official business. So I want to make a request to you, and, through you, to the Honourable the Leader of the House, to meet our requirements and to kindly allow us some time tomorrow to introduce some of these non-official Bills. You can meet our request in one or two ways. Either you have to modify the Standing Orders, or if you are not prepared to do that, then, for the day which has been taken away, so to say, from us for the conduct of non-official Bills, the Honourable the Leader of the House should give us about 20 minutes or half an hour tomorrow, so that these Bills may be formally introduced and they may not lapse.

Mr. President (The Honourable Sir Abdur Rahim): So far as the matter lies in its power, the Chair is bound by the Standing Orders. The Chair considered the representation that was made to it on this point, but it found that the Standing Orders were so clear that it could not comply with the request made in that representation. As regards the suggestion that more time should be allowed so far as Bills to be introduced are concerned, that is for the Governor General to decide, and perhaps the Honourable the Leader of the House might like to say something on it.

The Honourable Sir Nripendra Sircar (Leader of the House): As I told you this morning, Sir, I really want to look into the matter to find out how many more days can be given from next Sessions, and what used to be done in previous years. I have not considered the matter, but I undertake to consider it and see if any more days can be given.

†This question was withdrawn by the questioner.

THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I move:

"That the Bill to repeal the Indian Criminal Law Amendment Act, 1908, be taken into consideration."

In a House which is full of so many eminent lawyers, so many ex-Advocates General and eminent Congress Leaders, who have suffered through the instrumentality of this very Act, I have to make these observations as a layman. Though I remained outside the jail, then, I felt I was really in a living prison, after having witnessed those harrowing and distressing days when the Congress organisations were one by one declared unlawful and hushed up by the wrong application of this Act. Sir, before I speak on the Bill, I must mention on the floor of this House that that great constitutionalist, the late Mr. A. Rangaswami Iyengar, was the draftsman of this Bill. Before he decided to join the Second Round Table Conference, he, as a staunch Congressman, was very much distressed and pained to see the way in which the Government were misinterpreting and misapplying the laws in respect of the Congress organisations, and he himself drafted this Bill, and the Statement of Objects and Reasons attached to the Bill was also the draft of Mr. Iyengar, whose untimely death we all mourned and still mourn, and who, even after drafting this Bill, had so much faith in the British Government, that he went to contribute his knowledge and experience to the deliberations of the Joint Parliamentary Committee in England. Sometimes I feel that if Mr. Rangaswami Iyengar had been alive today to see what was manufactured in that Select Committee, his heart would have broken.

I must take back the House to the pre-Minto-Morley Reform days when the then Government of India were contemplating the declaration of the Morley-Minto Reforms, and it has been the practice of the successive Governments of India always to have legislated more intimidating laws, before they announced any dose of Reforms. This was stated by the then Viceroy, Lord Minto, while the Bill was passed in 1908 in the Imperial Legislative Council. The Viceroy, as President of the then Imperial Legislative Council, stated this:

"There are other reasons too for which I have been anxious that the Bill, which we are about to pass, should immediately become law. We are on the eve of the announcement by the Secretary of State of Reforms which have long been foreshadowed and I should be sorry to see that that announcement immediately followed by exceptional criminal legislation such as that with which we have today been dealing."

This was not the only instance we found. Similar repressive laws and similar exceptional criminal laws were brought into being on the eve of the Montagu-Chelmsford Reforms, and we know that the bureaucrats got so afraid of the new Reforms that were to be introduced after 1930, that they promulgated a series of Ordinances in 1931, which have been embodied in the Criminal Law Amendment Act of 1932. So, whenever there has been a popular demand to get greater rights of self-determination, those in power inside the Government forged new instruments whereby the executive is armed with greater powers of repression and oppression. Sir, that Imperial Legislative Council of 1907-08 was full of Nominated Members, but I was very pleased to see, after going through the speeches

of the late Maharaja of Darbhanga and Dr. Rash Behari Ghosh (afterwards Sir Rash Behari Ghosh), that they had lodged very vehement protests on behalf of the people of India. Sir, those of us, who had the pleasure of knowing the late Maharaja of Darbhanga, knew him to be a sober, moderate and conscientious supporter of the British régime in India. But it was a very pleasant surprise to me to find this expression of opinion in his speech criticising the Indian Criminal Law Amendment Bill of 1908. He said:

"Here I may put in a word on behalf of a much maligned class in connection with the recent events of an anarchical order, I mean the students of our colleges."

All this had reference to students of colleges in Bengal, and this Act was particularly aimed at suppressing anarchical and unlawful movements in Bengal and Eastern Bengal:

"Because a few misguided young men, acting on bad advice, have been guilty of grave offences against religion and law, it has been assumed in certain quarters that the students as a class are on the side of anarchy and sedition. There never was a fouler calumny."

I say there never was a fouler calumny than that perpetrated by the bureaucratic Government in India in legislating so many penalising laws. The Leader of the House comes from the province which gave birth to the great jurist, Dr. Rash Behari Ghosh, and he emphatically condemned this measure—a moderate at that time, of course, we in this age reckon those leaders as moderates. They might have been great lawyers, eminent jurists, but in our eyes they were moderates. They had not got the spirit to speak out boldly, of course there were exceptions in those times too, such as the late Mr. Surendra Nath Banerjea and Mr. (afterwards Sir) Pheroze Shah Mehta; before they were knighted, they were great patriots. Just let me quote one passage from the speech of Dr. Rash Behari Ghosh. I particularly quote it for the enlightenment of my Honourable friend, the Home Member, who is very fond of giving out to the House that there are three public enemies. There is the terrorist and the anarchist, Public Enemy No. 1, Communists are Public Enemy No. 2; and the other day, I think he was going to condemn the Socialists, as Public Enemy No. 3.

The Honourable Sir Henry Craik (Home Member): No. I never went beyond two.

Mr. B. Das: I am very glad to have this assurance from my Honourable friend, Sir Henry Craik, that he has no evil intention against Socialists and against those who hold Socialist views in this country:

"We condemn anarchism, because its spread would end in the dissolution of all that holds society together. And we condemn anarchism most, because it is opposed to the laws of God as well as of man."

The Honourable Sir Henry Craik: What are you quoting from?

Mr. B. Das: I am quoting Dr. Rash Behari Ghosh. Shall I quote from Mahatma Gandhi? What I mean to say is this, that the views expressed by eminent lawyers, great leaders in those days, like Dr. Rash Behari Ghosh, have the entire approval of mine, and this is not the first

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time that I have condemned anarchism and terrorist crimes on the floor of this House. But what I condemn most is the action of the first Legislative Assembly of 1922 in not repealing Part II of this Criminal Law Amendment Act. It was only intended to apply against anarchical and revolutionary organisations that were at that time (1907-08) alleged to be prevalent in Bengal. I was then a student. I do not think there were any such organisations—some of us used to read newspapers, and one used to see that 99 per cent. of it all was manufactured, and one per cent. true. There are many Bengal leaders here, there is my Honourable friend, Mr. Amarendra Nath Chattopadhyaya, who suffered through this legislation, through the police troubles at the time, during 1907 and afterwards—prominent public leaders who worked for the regeneration of India and demanded freedom for India, not in the sense that we do demand freedom, but in the way they conceived it in those times of 1907 and 1908.

And my Honourable friend, Mr. Amarendra Nath Chattopadhyaya has suffered terribly. He was sentenced to death I believe

An Honourable Member: No.

Mr. B. Das: Probably he was sentenced like my Honourable friend, Bhai Parma Nand, to transportation for life. But these laws were misapplied. When the new Assembly was constituted under the Montford reforms, the Repressive Laws Committee was appointed, the effect of which was that in 1922, Sir William Vincent repealed the first part of the Act of 1908. But the Repressive Laws Committee consisted, in those days, mostly of moderates, Sir Tej Bahadur Sapru was the Chairman, and I find Sir P. S. Sivaswami Aiyer was a member, Mr. J. Chaudhuri, Mr. Bhurgri, Mr. Samarth, Dr. Sir Hari Singh Gour, and Mr. Shahabuddin. Of course, the two officials were Sir William Vincent and Mr. Hammond. These gentlemen wrote:

"We regret that we cannot at this juncture recommend the immediate repeal of Part II. There are too evident indications that its application might be necessary to prevent the formation of secret societies."

That was the suspicion. They further say in another place:

"It is generally accepted that Part I of this Act has failed to achieve in Bengal the purpose for which it was designed. As regards Part II, the conspiracy sections of the Indian Penal Code might meet the case if, but only if, evidence were forthcoming. It was in no measure the impossibility of obtaining evidence owing to the intimidation of witnesses that led to this enactment."

At the same time, while observing this, they said, Part II of the Act was sparingly applied.

The Honourable Sir Nripendra Sircar (Law Member): Will you kindly read the next six lines?

Mr. B. Das: I think the Law Member should read what suits his part of the argument. I have read the whole, but I am only giving passages supporting my part of the argument. But I hope the Law Member will agree with me that the Committee felt that Part II was sparingly applied. Being moderates, these gentlemen said: "For the present, it should be deferred". I believe that if any of those gentlemen were here today, they would bear me out that it was their intention that after two or three years it should be repealed.

The Honourable Sir Henry Craik: No, no. I cannot accept it.

Mr. B. Das: All right. My Honourable friend has probably some secret or confidential report of these gentlemen which he can read out to the House, and the eminent legal talents of the House will listen to it most attentively. As far as my impression goes, subject to correction, —I am not a lawyer, I do not dabble in law cases and volumes of law reports that are to be found in the library of every lawyer—it was very sparingly applied till 1930. Then came the Civil Disobedience Movement and the Congress Volunteer Organisations which were based on the highest principles of the Congress, namely, *non-violence and truth*, but, as usual, the bureaucracy misread the situation. They saw terrorist movements in certain parts of Bengal, and they felt that the whole Congress organisations, throughout the length and breadth of this vast continent, were to be condemned as anarchical organisations. Many of my friends who are sitting on this side of the House have suffered through the wrong application of this Act. Sometimes in the evening some associations were declared unlawful in most of the provinces and the gentlemen who constituted the members of those associations were found arrested the next morning owing to the misapplication of this law. I am not a lawyer and I cannot understand the legal and judicial mentality. I am an engineer. I have got a scientific mind. In our profession, when we enunciate scientific principles, we adhere to those principles. Science has no prevarication, and, in my association with public life and with eminent lawyers on the floor of this House, I find law bears prevarication. Law can be interpreted and misinterpreted according to the peculiar genius of the eminent lawyer who is trying to interpret it. As a public man, I deplore this most. This is not the only law that has been misinterpreted. The other day, there was a question on the floor of the House whether the Foreigners' Act has not been applied wrongly to prohibit Indian States people in British India. It has been applied by most of the Provincial Governments, particularly the Government of Bombay, in deporting the valued co-workers of many of us from British India. 275 gentlemen have been deported and some of them have done yeoman service for Mother India. Is not the Honourable Sir Nripendra Nath Sircar, another member of the legal profession, eminent as Dr. Rash Behari Ghosh, whose name is so very well-known in the eastern part of India? Why does not my friend, the Leader of the House, sit down one day and find out which laws are archaic, which laws are misapplied and do not bear the test of truth? Why does he not bring out new laws? If Government have the power to apply section 144, section 124-A and the Criminal Law Amendment Act of 1908, what was the necessity of the panicky condition of the Government of India in 1930 and 1931 which led them to promulgate so many Ordinances? Terrorist and anarchical crimes were in their brain all the time and this misinterpretation of the law can only be possible when an alien bureaucracy sits tight over our heads, without being amenable to reason or to public criticism. The reason trotted out every time is the maintenance of law and order. "Maintenance of law and order" is a catch phrase which is held sacrosanct by every alien Government which is ruling over another country. Japan is today applying that phrase in Manchuria and Korea. Great Britain has gone on applying that phrase in India, and today the English people stand condemned before the civilised nations of the world as barbarians who misinterpret the chastity of language

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and chaste interpretation of words in order to subjugate people whom they cannot righteously and virtuously subjugate.

Sir, I do not wish to take any more time of the House. I should like to listen to the experiences of my friends sitting on this side of the House who have suffered by the wrong application of this Act. I should also like to hear from the Home Member why, after passing so many Ordinances and incorporating them into the Criminal Law Amendment Act of 1932 and the Bengal and Assam Criminal Law Amendment Acts and legislating so many other penalising Acts, the Government still think that they will perpetuate this wrong measure? Why should the Home Member, an Englishman, do this wrong to his own language, to the chastity of his own language by misinterpreting the Act which was meant for anarchical and revolutionary organisations and applying it to non-violent and peaceful organisations like the Congress? However much you may suppress the Congress today, it shall continue to remain, because it reflects the soul of India. It reflects the people's ambition which no fetters and no jail can subjugate. It will continue to burn in the heart of the people of India till they are free, and I, therefore, ask every part of the House, barring the Government bloc. . . .

An Honourable Member: Why do you bar them?

Mr. B. Das: . . . because they have to obey their Master's Voice. I do not know what the Master's Voice will be today. I appeal to my friends, Rao Bahadur M. C. Rajah and Mr. Sarma, at one time connected with the *Bengalee* which was founded by the late Sir Surendra Nath Banerjea. I appeal to every Nominated Member and every legal luminary on the other side.

An Honourable Member: What about the Nawab Sahib!

Mr. B. Das: I appeal to every one not to allow this Government to do wrong by allowing this particular Act to continue in the Statute-book. They have misinterpreted it and they have done wrong and injustice to the people. Sir, I think they have enough Acts in their armoury for such emergencies. If they really want such an Act, let them bring out such a measure, after forming a Select Committee composed of eminent lawyers,—and, Sir, they know what their fate will be. With these remarks, I move for consideration of the Bill. (Loud Applause.)

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

“That the Bill to repeal the Indian Criminal Law Amendment Act, 1908, be taken into consideration.”

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I do not propose to go into high philosophy and high politics. I do not propose to deal with the larger question as to whether repression was the remedy for the alleged violence. The real issue before us is not whether the Act of 1908 was justified by the circumstances at the time. We all know that, in justification for that repressive legislation, it was said that there were many assassinations,

murders and other offences of various kinds which were committed on the eve of that legislation. I do not, however, propose to go into that question at all. It is quite unnecessary to discuss the question as to whether that legislation was necessary or justifiable at that time. Now, twenty-seven years have gone by since that legislation was enacted. The question is, whether it should still be retained on the Statute-book. That is the precise issue before us.

Now, Sir, I am reminded by my friend from behind, Mr. Asaf Ali, that this Act first consisted in 1908 of two very distinct parts. Part I was repealed in 1922. Part No. II, with which we are now concerned, was not repealed, and, with regard to it, the Repressive Laws Committee said this in 1921:

"Subject, however, to the reservations temporarily made in favour of the Seditious Meetings Act and Part II of the Criminal Law Amendment Act, which cannot be abandoned until the present tension created by the non-co-operation has been relieved by the action of its leading promoters, they would emphasise the importance of removing from the Statute-book, as far as possible, all special laws of this character."

That was the recommendation about which there was some controversy a few minutes before between Mr. Das and the Honourable the Home Member. It was said that they hoped that that necessity would be soon gone and thereafter the second part would also be repealed. The non-co-operation movement is gone, but Part II still remains unrepealed. Then, Sir, after the non-co-operation movement subsided, even those political prisoners who, according to the Government version, were anarchists and revolutionaries, were also set at liberty. But, all the same, this Part II of the Act of 1908 remained. Then came the Civil Disobedience Movement. That movement came, and that movement has also gone, but Part II still remains unrepealed. Now, Sir, it appears to me that although the "Civil Disobedience Movement" has gone, the "Criminal Investigation Department" still remains. That is the position. Now, after the withdrawal of the Civil Disobedience Movement, the situation certainly changed—and, therefore, the question arose again as to whether the notification declaring some associations unlawful—for example, those connected with the Civil Disobedience Movement—the question arose as to whether the notifications under the Act should be withdrawn or not. Now, we have got the Government communiqué of June last on this question. Sir, there was a quibbling the other day as to whether my Leader, Mr. Aney, was right when he was speaking on the repressive policy and when he used the words—"the Civil Disobedience Movement has been withdrawn". There was at once a protest from the Honourable the Home Member, who said that the movement had not been withdrawn, but had been only suspended.

Mr. M. S. Aney (Berar Representative): "In abeyance".

Mr. Akhil Chandra Datta: Now, Sir, we find that in this communiqué of June last, it was distinctly admitted by the Government that the Patna Resolution of the All-India Congress Committee accepted the recommendation made in Mahatma Gandhi's statement of 7th April, withdrawing civil disobedience. The communiqué goes on:

"That statement was admittedly open to more than one interpretation, but it was regarded by public opinion generally as indicating a genuine intention to withdraw civil disobedience as the policy of the Congress. The All-India Congress Committee have, moreover, decided by another resolution to put forward candidates for election to the Legislatures on behalf of the Congress, a course which is inconsistent with the continuance of the unconstitutional methods of civil disobedience."

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Then follows an important point:

"In view of the fact that civil disobedience has formally been discontinued, and that as a practical policy under present conditions it may be regarded as having already ceased to exist."

and so on.

That was the position taken up by the Government in June last. But there seems to be a tendency—it might be an unconscious tendency—all the same it is perfectly clear that there is a tendency on the part of the Honourable the Home Member to go back a little upon that position. He would not admit that the movement has been withdrawn or has ceased to exist. We found, however, Sir, that the Honourable the Leader of the House, being a lawyer, at once saw the difficulty, and said:

"I am making no point whether the movement has been abandoned or withdrawn or suspended."

However, the position is that, after the Civil Disobedience Movement was withdrawn, a new situation arose, and, in consequence of that new situation, this particular action was taken by the Government, *viz.*, declaration of policy for the withdrawal of the notification about associations. But, Sir, what is the real fact? In spite of this communiqué, we find that, even at the present moment, so far as my province of Bengal is concerned—and I wish to speak of that province only—I must confess I did not study the question very carefully with regard to the other provinces—I shall confine my observations to Bengal—we find, Sir, that in spite of that notification, as many as 205 Associations which were declared unlawful in 1932-33, that is, during the Civil Disobedience Movement—as many as 205 Associations are still under the ban. It must be admitted that all these Associations were declared unlawful presumably because of their activities in connection with the Civil Disobedience Movement. Now, the time when they were so declared is very significant, namely after December, 1931. Now, Sir, one of those Associations from which the ban has not yet been lifted is a remarkable institution known as the Abhay Ashram of Comilla. It is a well-known name and is known, not only throughout the province of Bengal, but also throughout the whole continent of India. Now, Sir, can it be said that this is an organisation which is anarchist or revolutionary? In this connection, I would like to draw the attention of the House to a few facts. One fact is that this is a very old institution; it must be about 15 to 20 years old. It is a very well-known institution, and, at its head, are a band of gentlemen who are self-less patriots and who have dedicated their whole life to the work of the country. They are all wedded to non-violence. If Mahatma Gandhi has really got any true followers with regard to the non-violent creed, it is the people of this Abhay Ashram of Comilla. Now, who are these people? There are three or four of them who, if they had cared to remain in Government service, would have been earning by this time Rs. 2,000 to Rs. 3,000 a month. Take, for instance, persons like Dr. Prafulla Chandra Ghosh, Dr. Suresh Chandra Banerjee, Dr. Nripendra Chandra Bose and others who have dedicated their whole life to the service of the country. Now, can it be suggested that these are the people who are guilty of violence? I shall

not allow any speculation on that point, because the stern fact is that this is a very old institution and is known throughout the whole country and the authorities never thought of declaring this organisation as an unlawful body. Are we to believe, the Government knew that this was an anarchist association and yet they did not declare it unlawful for such a long time? It certainly joined the Civil Disobedience Movement; there is no doubt about that. But it was not declared unlawful even after the Civil Disobedience Movement of 1930. It was allowed to function regularly and normally. My Honourable friend over there, Mr. Mukerje, gave us the other day the story of a certain incident. There was a procession in the course of which a murder was committed. Mr. Mukerje's insinuation was that the murder was committed by the Abhay Ashram people. But it is very important to note that, even after that incident of murder, this Association was not declared unlawful by the Government.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Who committed the murder?

Mr. Akhil Chandra Datta: That is a question which has not been decided. There was a case instituted, and it went on for a long time, but ultimately it was not proceeded with. There is no evidence as to who committed the murder. This is conclusive from the fact that an important case of murder was not proceeded with by the Government. I cannot, therefore, answer the question of Dr. Banerjee as to who the murderer was.

The Honourable Sir Henry Craik: Somebody must know who did it.

Mr. Akhil Chandra Datta: We do not know who committed the murder. All that is known to the people is that a murder was committed. I do not know if the Honourable the Home Member knows who the murderer was. The murder was not committed within the precincts of the Ashram. It was committed in a procession out on the street. There can be no presumption against any member of the Ashram. . . .

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday, the House will adjourn early.

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

The Assembly re-assembled after Lunch at Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. Akhil Chandra Datta: Sir, I was dealing with the story of murder given by my Honourable friend, Mr. Mukerje. I want to say that it is quite unfair of my Honourable friend to associate the Abhay Ashram people with this murder. As I already said, there was no trial and no finding that the murder was committed by anybody connected with the Ashram. The procession was not the procession of the Abhay Ashram people. All the inhabitants of the town and of the locality joined that procession. I wonder what possible justification had Mr. Mukerje to associate, to suggest, to insinuate that the Abhay Ashram people were

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responsible for that murder. But supposing for the sake of argument—I hope I shall not be misunderstood if I say so—a Hindu committed the murder, or, for the matter of that, a Member of the Abhay Ashram committed that murder, does it necessarily follow that the Abhay Ashram is an organisation of violence. Supposing in a police party one man commits a murder, do you disband the whole police party on that account? Supposing one soldier in a regiment commits an act of violence, do you disband the whole troops on that account? It is taking a very superficial view of the thing. Because there was a procession in which the Abhay Ashram people joined, you cannot at once jump to the conclusion that the murder was committed by the Abhay Ashram people. It is neither fair, nor good judgment. It must be remembered that, even after that murder, the Abhay Ashram was not declared unlawful by the Government. You must remember that this Abhay Ashram had its office and headquarters in the centre of the town, rather, I should like to say, it is a mile from the town. The very fact that there was no notification like that by the Government is conclusive proof to show that at least the Government never thought it to be an organisation which encouraged violence or much less revolutionary activities. May I invite the attention of the House to the activities of this organisation? They have got a khaddar department well known all over the country, they have got a free school, they have got a dispensary where medicine is distributed free. There is also a medical school there, and whenever there is famine or flood, it is the Abhay Ashram people that at once rush to the place to give relief, sometimes independently and sometimes in concert with the Government and the local authorities. After this, he must be a very bold man who will assert that the Abhay Ashram is a revolutionary organisation.

Before I proceed further, I want to make my position absolutely clear with respect to the Act of 1908. I said in the beginning that the real issue before the House is as to whether this Act should remain on the Statute-book permanently. I say that it is unprofitable to discuss, after 27 years, as to whether it was justified by the circumstances of the time. What I mean to say is this, that I was examining the position from the point of view of Government. I know that much water has flowed down the Ganges and the Jumna during these 27 years, and, therefore, even from the point of view of Government, what was necessary in 1908, it does not follow that it is necessary in the year of grace 1935. That was the point of view from which I was discussing the matter. But I should like to make my position clear. My real position is that this sort of legislation is fundamentally wrong, wrong in principle, for this reason that it deprives the citizen of his primary right, the right of free speech and the right of association. These are the inalienable birthrights and the primary rights of people, and no Legislature has any right to deprive the citizens of these primary rights. Therefore, it is a lawless law. We object to it fundamentally on that ground—not only on that ground, but also on the procedure laid down. There is no enquiry, no trial either of the man or the Association. You do not declare one isolated member of the Association, but you declare the entire Association unlawful, in other words, what does it come to? You declare by one stroke of the pen without any enquiry or trial, that about 100 or 200 people belonging to a certain organisation are unlawful. Whether it is the Local Government or the District Magistrate, they have got to rely on the evidence of some police officers and police informers,

and so on. After all is said and done, these notifications, issued under the Act of 1908, are based upon reports of police officers and informers. As I said already, I shall not discuss here whether repression is the proper remedy for the evil. I shall not discuss verdict of history, the lesson of history on this question, *viz.*, that repression is not the proper remedy. I do not like to discuss this old question. It is no good discussing that on the floor of this House. I was examining the position from the standpoint of the Government. That position is that when the Civil Disobedience Movement was in full swing, the Associations were declared unlawful. The Government were saying: "Look here, there is the Civil Disobedience Movement, and so we cannot repeal this repressive law. We cannot withdraw these notifications." My point is this: because there is the Civil Disobedience Movement, it does not follow that you are entitled to declare these associations unlawful. But I am examining the position from the point of view of the Government themselves. Now that the Civil Disobedience Movement has been withdrawn, the question is, what is the justification for as many as 205 being still under the ban? That is the number of associations. Coming now to the number of people, who are being detained even after the withdrawal of the Civil Disobedience Movement, so far as my province is concerned, the number is this. Under Regulation III of 1818, there are 18 people now. There were 21 in all, but two were released and one died. Then:

Interned under the Ordinance and other Acts	1,653
Externed	48
Detained in jail in the province	179
Detained in detention camps in the province	974
Detained in jails and detention camps outside Bengal	500

Altogether the number is 3,372. These are the people who have been detained since April, 1932. I have not got the figures about people still under detention, people who were interned or externed or detained before April, 1932. So, Sir, from the fact that these people were detained since April, 1932, I feel justified in inferring that these detentions are for activities in connection with the Civil Disobedience Movement; and that is why I say that although the "C. D." Movement is gone, the "C. I. D." remains. I shall only examine the position from the point of view of Government.

What is the present position? Admittedly there is no riot, no murder, no campaign of no-tax movement, no boycott of men, no social boycott, either of Government servants or of supporters of Government, no boycott of Courts, no boycott of liquor shops, no picketing, no interference with the administration of law and the law Courts, no intimidation. I am sure, it will be admitted that, after the withdrawal of the Civil Disobedience Movement, there has been nothing like any of these. I should again be careful in my language, and I do not wish to be misunderstood. Nothing is further from my intention than to say or to admit that these things were there during the course of the Civil Disobedience Movement,—nothing of the sort. But I am examining the Government's standpoint, and I say that admittedly these things are not there now, and, therefore, I say there is no justification at all events at the present moment for the continuance of the notifications under this Act of 1908. But, Sir, as the Civil Disobedience Movement has admittedly been withdrawn, it is now suggested by

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way of justification that there are some organisations which are revolutionary and there are revolutionary activities in the provinces, and that is why they cannot withdraw the notifications. If that is the argument, let us examine the position from that point of view.

We find that, in Bengal, in 1932, the number of terrorist crimes was 99,—taking, of course, the Government version; whether they were really terrorist crimes or not is another matter. In 1933, there were 42 crimes, in 1934, there were 14 crimes; and, in 1935, not a single terrorist crime. As a matter of fact, it was admitted by the Honourable the Home Member the other day, in answer to a supplementary question of mine, that, during the last 11 or 12 months, there has not been a single terrorist crime in Bengal. It may not be absolutely 12 months, but we may take it that, in the course of nearly one year, there was no terrorist crime; and yet we find Government still as unbending and unrelenting as before. So that, that position does not stand any examination, namely, that although the Civil Disobedience Movement is gone, there are these revolutionary activities.

Then, Sir, apart from the number of people and the number of organisations condemned even now, let us see what is the state of things even now in that unlucky province. So far as the middle class *bhadraloks* are concerned, we have got two problems there. One is the problem of unemployment, and the other and still more acute problem, so far as the young *bhadralok* people are concerned, is,—I do not know how to describe it,—how to save them from the clutches of the police. In Bengal, Sir, the real position is this. The other day, the Honourable the Home Member told us that these young men of Bengal are Public Enemy No. 1. I wonder if the Honourable the Home Member knows that, as a matter of fact, the feeling in that province is that these police officers are Public Enemy No. 1 of the people. I am not here to argue whether that feeling is right or wrong. It may be some exaggeration, and it may not be absolutely justifiable, but that is the feeling there, and the very existence of a feeling like this proves conclusively that there must be something wrong somewhere in the administration of the repressive laws, because I do not believe for one moment that the whole nation can be perverse. In Bengal, Sir, so far as our young people are concerned, Government and the police proceed on the theory that the presumption is that a young educated *bhadralok* must be a revolutionary until the contrary is proved.

Mr. M. S. Aney: How to prove the contrary?

Mr. Akhil Chandra Datta: The contrary cannot be proved, nor are you given an opportunity to prove it, and, therefore, you are condemned unheard. One can prove a positive fact, but it is very difficult to prove a negative fact. Now, Sir, the result is indiscriminate arrest on the slightest suspicion; nobody cares to examine whether that suspicion is well founded or ill founded. We are aware of many cases in which Government had to admit later on that their arrests of people were absolutely unjustified. Some years ago, there was one typical case of two women being arrested, two women of the name of Sindhubala in the district of Bankura. What happened was this. In the course of search of a suspect, a scrap of paper was found in which that name "Sindhubala" was written, and the moment this wonderful discovery was made, at once a warrant was issued from Calcutta for the arrest of this woman of Bankura district with the name of Sindhubala.

Mr. M. S. Aney: All women of the name of "Sindhubala"?

Mr. Akhil Chandra Datta: One "Sindhubala": unfortunately the police officer there was in this difficulty, because he found that in that locality there were two women of this name: and do you know what happened? He cut the Gordian knot in this way: he arrested both of them

Mr. M. S. Aney: He erred on the safer side.

Mr. Akhil Chandra Datta: One was in the family way and the other had a little child, and both these ladies were made to walk from their home in the village to the zamindar's *kutcheri* and, then, again, from the railway station to the Court-house. Later on, it was found that neither the one nor the other had anything to do with any revolutionary activities, and, after detention for fourteen or fifteen days, they were both let off; and the Government had to admit that the whole arrest was unjustifiable. I discussed this matter in the Bengal Legislative Council, and I told the House that it reminded me of an interesting story of Ramayana when the devoted Hanuman, being asked to bring a medicinal plant, and unable to find out that plant, carried the entire mountain and produced it: it is something like that

Mr. M. S. Aney: But he took it back.

Mr. Akhil Chandra Datta: This is one typical instance. My Leader, Mr. Aney, asked me how to disprove or rebut a presumption. It is not always possible to rebut that presumption. In this particular case, there was a lot of sensation, and the mere fact that two women were arrested helped us a little: but, I say, this is a typical instance to show how, on very insufficient material, on mere suspicion, people are arrested: I have already told you, Sir, the evidence on which these women were arrested—how preposterous and outrageous is this, simply because on a piece of paper, found in the possession of a man, a man's name or a woman's name appears, and at once, without further inquiry, you issue a warrant for arrest. The result is—this might be somewhat exaggerated language, but this is what I said in the Bengal Legislative Council on a certain occasion—that this procedure leads to the "massacre of innocents". I am complaining that there is no trial and no inquiry; but in those cases in which there is inquiry, in which there is evidence taken, what happens? After a protracted trial, a man is acquitted: the moment he is acquitted, he is re-arrested. What happens in these cases? The police officer knows that the judgment will be pronounced: he knows that there is absolutely no evidence and the case will fail and the man will be acquitted by the magistrate: here is the magistrate inside the Court-room with his judicial verdict of not guilty, and there is the police officer waiting outside ready with a warrant; and the moment the man comes out after acquittal, he is re-arrested. That is what is happening every day in our province, and I do not know if the same thing is happening in other provinces.

As regards the application of these lawless laws, we all know what unrelenting repression is going on, was going on when the movement was going on, and is going on even now. We know how the police officers used to commit brutal assaults and merciless beating upon unarmed people, upon unresisting people. These are not isolated instances: it was the order of the day. When this Civil Disobedience Movement of non-violence

[Mr. Akhil Chandra Datta.]

came, I for one could not believe that such a thing could happen, namely, that you receive the beating, and young able bodied people will offer no resistance. I could not believe this: I thought this programme of Mahatma Gandhi about non-violence was bound to fail; but I found later that I was a very bad prophet, because, as a matter of fact, it must be admitted that all the time that these brutal attacks of the police upon unarmed people were going on, there was no violence on the side of the people

The Honourable Sir Henry Craik: Masses of violence.

Mr. Akhil Chandra Datta: The facts may be different in other provinces—I do not venture to speak of other provinces. I do not know what is the information of the Honourable the Home Member based upon police reports

The Honourable Sir Henry Craik: I have seen it with my own eyes on many occasions.

Mr. Akhil Chandra Datta: Is it suggested that resistance used to be offered when the police officers committed assaults upon processions and processionists, and so on?

The Honourable Sir Henry Craik: I have seen with my own eyes a Congress crowd using violence on frequent occasions.

Dr. P. N. Banerjee: You have never been in Bengal.

Mr. Akhil Chandra Datta: I do not know: I have said times without number—I want to be absolutely accurate, I am not in a position to speak with confidence and from personal knowledge as to what happened in other provinces: but, speaking of Bengal, and particularly of my own district, I have seen with my own eyes peaceful processionists—their only offence was the singing of "Bande Mataram"—no other offence, no disorder at all—but peaceful orderly processionists being assaulted by police officers most brutally

An Honourable Member: The same thing happened in the Punjab.

Another Honourable Member: And in other provinces also.

Mr. Akhil Chandra Datta: and I do not think the Honourable the Home Member is in a position to contradict my statement. Of course, he can disbelieve me if it suits his purpose to do so; that is quite another matter. But there it is. I say from my own personal knowledge that this is what has happened in Bengal. There are many other things, acts of repression, how respectable ladies used to be molested.

There was a procession of a few ladies in my town of Comilla—nothing disorderly, not even the shouting of "Bande Mataram" they were arrested and they were taken to jail and there—can it be believed?—these respectable ladies were abused by the police officers in most filthy language.

I know of one case: a little girl of about 15 or 16 was arrested under the impression that she must be connected with some crime, because her friends were accused in that case. She was arrested and taken to a certain place, not a police station; there she was surrounded by half a dozen police officers: the police officers placed about five or six revolvers on the table and asked her to try and fire, she said: "I have no knowledge of a revolver: I do not know how to fire." Then she was told: "If you do not do it, we shall thrust pins into your nails." She became so terrified that she became unconscious. When she became unconscious, these police officers found that matters had taken a serious turn, and then her relations were sent for and she was released.

I know of another instance. There was a retired C. I. D. Inspector,— I don't know if he was still alive—whose son was connected with the Civil Disobedience Movement. It was known to everybody. What did the police do? He was living in a remote village, the police went there, arrested two ladies of the family and also the son of the C. I. D. Inspector, and all these people were made to walk from that village to the Brahmanbaria town, a distance of 15 or 20 miles. That story of repression is interminable, and I shall not dilate on it.

Sir, people had been arrested, youngmen, full of promise and courage and education, were arrested on mere suspicion. I don't say here that all people who were arrested were arrested without reasonable suspicion, but I am speaking of only a few isolated cases within my own knowledge. For instance, there is a youngman, called Chaudhuri, who was working in the Labour House at Comilla. The police version is that he was connected with the revolutionary movement before. I am not in a position to say from my personal knowledge whether that allegation is right or wrong; but I know, when he was arrested six years ago, he was leading a quiet life, he was married, had a large family to support, and he was doing some business, and he was arrested on mere suspicion.

Now, I want to ask one question—is it the case of Government that once a suspect, always a suspect? Conceding for argument's sake that a man was connected with the revolutionary movement in whatever remote a degree it may be, does it follow that he continues to be a revolutionary all his life? Do you want to keep alive the revolutionary movement or you want to extinguish it? Merely because a man was suspected of being a revolutionary some time ago, to suspect him and arrest him and detain him for half a dozen years, whenever any trouble arises in his neighbourhood, is most ridiculous. Sir, things have happened like this in my province. Eminent lawyers were externed from the districts. I shall tell you of one remarkable instance. A gentleman by name Mr. Manmatha Nath Das, who had a large practice in Midnapore, had been externed from Midnapore. Those who were at home were externed and those who were abroad were home interned.

Mr. M. S. Aney: The population remains the same.

Mr. Akhil Chandra Datta: I want to say this that I cannot admit for a moment the Government case that the Congress workers had offered violence. On the contrary, my countercharge against the police is that it is they who are guilty of violence. When that Act was passed in 1908, the Government case was that there was a reign of terror established in Bengal and East Bengal by these revolutionaries. I feel, Sir,

[Mr. Akhil Chandra Datta.]

I am perfectly justified in stating without any exaggeration that there is a veritable reign of terror established in the province of Bengal now by the police. (Shame, shame.) If you will examine the position from one end of the country to the other, if you will take the opinions of people of all classes, moderates, extremists, loyalists and people of all shades of political opinion in this country, you will find that the population is paralysed by the fear of the police, there is a feeling of absolute helplessness and despondency, and I wonder if Government can find even a single man who will support their present policy in view of the oppressive and repressive methods employed in putting down and crushing the people, because it is supposed by Government that every educated Hindu youth must be a revolutionary. Therefore, I say, take courage in both hands and repeal these repressive laws and release the people who are in custody under these repressive laws. I say, repeal and release.

I shall conclude my observations in the language of the Government of Bihar and Orissa:

"Subject, however, to the reservations temporarily made in favour of the Seditious Meetings Act and Part II of the Criminal Law Amendment Act, which cannot be abandoned until the present tension created by the non-co-operation movement has been relieved by the action of its leading promoters, His Excellency the Governor in Council desires again to emphasise the importance of removing from the Statute-book, as far as possible, all special laws of this character, so that the Government of India, under the Reformed Constitution, may proceed with a clean slate."

That is my appeal to the Government—repeal and release.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Ghansham Singh Gupta has given notice of an amendment. Does he wish to move it?

Mr. Ghansham Singh Gupta (Central Provinces Hindi Divisions: Non-Muhammadan): Yes, Sir.

The Honourable Sir Henry Craik: On a point of order, Sir? He cannot move his amendment now. We are now discussing the motion for consideration.

Mr. President (The Honourable Sir Abdur Rahim): It was really an omission on the part of the Chair. The notice was there, the Chair did not see it.

The Honourable Sir Henry Craik: He cannot move his amendment now. He can move it at the next stage. We are now considering the motion for the consideration of the Bill. Surely he cannot move the amendment till the House has decided to take the Bill into consideration.

Mr. President (The Honourable Sir Abdur Rahim): That is so, the Honourable Member cannot move his amendment now.

Mr. Ghansham Singh Gupta: When can I move it, Sir?

Mr. President (The Honourable Sir Abdur Rahim): When the House considers the Bill clause by clause.

Seth Govind Das (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, though I have stood up to support the motion for the consideration of this Bill, yet I look upon these repressive laws from another point of view. Sir, I am not very much against these repressive laws and against this repression, because, in my opinion, the movement for freedom can never be crushed by any repressive laws or by any repression. The Honourable the Mover of the Bill said in his speech that it has been the policy of the Government to enact these repressive laws whenever any question of reforms is considered. That may be a fact, but my submission is that these repressive laws are generally enacted whenever any popular movement for freedom, for the time being, comes to an end or is in existence. This Act, which the Honourable Mr. Das wants to get repealed, was enacted when the boycott movement of Bengal had ended. Now, Sir, let us see whether any useful purpose, even from the point of view of the Government, has been served by this Act. We find that both the mass movements, after the boycott movement of 1907, I mean, the non-cooperation movement of 1920 and 1921 and the Civil Disobedience Movement of 1930 and 1932, came and went on with greater strength than the movement of 1907, in spite of this Act and so many other repressive Acts. I am not very fond of relating stories in my speeches, but today I am rather tempted to relate a story which will put my point of view as far as these repressive laws are concerned. At the end of the Age, *Dwapara*, when this *Kaliyuga* was beginning, there was one Raja by name Kansa reigning in Muttra. He was as good or as bad a king, and his administration was as good or as bad as the Government and their present administration are. It became necessary, Sir, for Lord Vishnu to take incarnation for changing that administration. Now, Sir, when the sister of that king, Devaki, was being married to Vasudeva, there was an *Akashvani*, proclamation from heavens, that the eighth son of Devaki would destroy the king. That king perhaps thought of living for ever, as this Government think that they are going to reign for ever in this country, and he immediately wanted to murder his sister, but Vasudeva came forward and said that he would give him every issue which would be born. On that assurance, the life of Devaki was saved. When Vasudeva got his first son, he took him to the king Kansa, but the king said: "The eighth son is going to kill me, so I do not bother about this baby. You can take it back." Rishi Narada then came to the king and the explained to him: "Well, the *maya* of these gods is wonderful, and the first son may be the eighth if you count the number from the reverse side, and, therefore, you must kill him." In this way, all the seven sons of Vasudeva were killed. Of course, the eighth was Lord Krishna. He could not be killed and he destroyed the king.

Mr. M. S. Aney: But a girl was killed. Don't forget to mention that.

Seth Govind Das: Yes, and my Honourable friend, Mr. Aney, has mentioned that for me. Now, the reason why Rishi Narada went and asked king Kansa to kill all the seven sons was that he thought the greater the atrocities of the king the sooner would come his end, and, therefore, I say, from my point of view. . . .

Mr. M. S. Aney: Like Narada! (Laughter.)

Seth Govind Das: repressive laws and this repression are in the interests of the movement for freedom. ("Hear, hear" from the Congress Party Benches.)

As far as the use or misuse of this Act is concerned, I think it is not in one province or in one district or in one city that this Act has been misused. In the year 1920, under this very Act, peaceful volunteers' organisations in the United Provinces, in the Punjab, in Bengal. . . .

An Honourable Member: In Assam.

Seth Govind Das: and in other provinces were declared unlawful. In 1930 and 1932, the same thing was done. As far as my province, the Central Provinces, is concerned, I think the Honourable the Home Member cannot say that there has been any terrorist movement in that province, and, in spite of that, this Act was used in that province. All the Provincial Congress Committees there—the *Maha Koshal* Provincial Congress Committee, the Berar Provincial Congress Committee, and the Central Provinces Marathi Provincial Congress Committee—the Honourable the Home Member cannot say that any of these Committees have done anything which can be called violent, and still, all these three Committees—were declared illegal. Many district Congress Committees were declared illegal, and many people were arrested and peaceful meetings and peaceful processions were dispersed by *lathi* blows. Here I shall give only one of the numerous instances of my own city Jubbulpore. After the arrest of Mahatma Gandhi on the 3rd January, 1932, we wanted to hold a public meeting to congratulate Gandhiji. That meeting was perfectly peaceful. I was presiding over that meeting, being the President of the Provincial Congress Committee, and nobody can say that I had any connection with violence whatsoever. Then the crowd, which numbered 20 or 25 thousand, was absolutely peaceful. We were sitting there. As soon as the meeting commenced, the police—special police, mounted police, all sorts of police—came there and the official on behalf of Government came to me and told me that "as soon as you begin speeches, the meeting shall be dispersed". I asked him: "We are only holding a meeting for congratulating Gandhiji on his arrest, and the whole crowd is peaceful. Where is the question of dispersing the meeting or doing anything of that sort?" When he did not pay any attention to what I said, we sat there without making speeches for four days and four nights, mind it, in the bitter cold of January. On the fifth day, in spite of our not doing anything and sitting there peacefully for four days and four nights, that meeting was dispersed with *lathi* blows, and I, with my two comrades, Pandit Dwarka Prasad Mishra and Thakur Laxmushingh were arrested and sentenced (*Cries of "Shame."*)

An Honourable Member: Did you receive a blow?

Seth Govind Das: Yes, I also received a blow in my back and there was a swelling, and, if the Honourable the Home Member will ask the jail authorities of Jubbulpore, they will say that it is a fact.

Mr. M. S. Aney: Did you retaliate?

Seth Govind Das: No. How we, non-violent people, can retaliate? This has happened, Sir, not only in Jubbulpore. This has happened everywhere. The dispersal of peaceful meetings and peaceful processions was

the order of the day. People having no concern with violence whatsoever were arrested, jailed and fined. I ask the Honourable the Home Member, whether the use of this Act in this way is a right use? If using it in the way in which it has been used cannot be called misuse, I do not know what on earth can be called misuse.

An Honourable Member: It is not misuse. It is abuse.

Seth Govind Das: As I have said in the beginning, though I am not very much opposed to these repressive laws and repression, yet, because there is so much talk of co-operation here, and we always hear from the opposite Benches that we are not co-operating, we want to see whether the Treasury Benches want to co-operate with us. This is one of the ways to show that there is some change of heart as far as they are concerned.

An Honourable Member: They have no heart.

Seth Govind Das: I entirely agree with my friend, but I have rather the mentality of Gandhiji. I always hope to see the change of heart in my opponents.

I have nothing more to say except this that I am absolutely certain that freedom's battle can never be suppressed by this repression or these repressive laws. As has been said by a famous English poet:

"Freedom's battle once begun,
Bequeathed from bleeding sire to son,
Though baffled oft, is ever won."

I have great faith in this saying. Yet, in the present circumstances, as they are, I do support the motion moved by my Honourable friend, Mr. B. Das.

The Honourable Sir Nripendra Sircar: The question which is at issue before this Honourable House is whether this Act of 1908 should be repealed. Is there any justification for its continuance? My Honourable friend, Mr. Akhil Chandra Datta, said that we need not inquire as to whether this Act was justified in 1908 or not. Let us start with that. Let us start with the fact that this Act was passed in 1908, and the sole question now is, whether, in 1935, this Act should be repealed or allowed to continue. Some of the Honourable friends here began from 1905 and 1906, and so on. I do not propose to do that, but to answer the question as to whether there is any necessity for this Act continuing on the Statute-book, it would be enough for my purpose if I recapitulate before you the history of the last 12 or 14 years.

If I confine myself to Bengal more than to any other province, I do not intend to convey thereby that other provinces are not equally interested in this Act. People who are concerned with Burma may be able to tell this House something about the state of Burma, the Burma rebellion and the secret societies there, but I am confining myself to Bengal, because, first of all, so far as the speeches here today are concerned, they mainly deal with Bengal, and because, comparatively speaking, I know of Bengal more than of other provinces.

[Sir Nripendra Sircar.]

I shall start with certain propositions, indicating the conclusions to be derived from the facts which I shall place before this Honourable House. I shall not, at the outset, ask this House either to accept or to reject those conclusions. I shall state my conclusions, and then I shall give you the facts, leaving you to judge whether those conclusions are justified or not, and, I may assure this House that I shall start with what I call facts, not gossips and not the line which has been followed by Honourable Members here—somebody in some village saying something and then some policeman doing something to somebody. I shall take my facts from the records of judicial tribunals. . . .

An Honourable Member: Judicial or executive?

The Honourable Sir Nripendra Sircar: . . . judicial cases tried in the Courts before Sessions Judges, or the High Court or Special Tribunals, where the accused had the right of cross-examining witnesses, the right of leading evidence to explain or to rebut the evidence used against him, and so on. I shall not start with asking this House to act on anything which I allege is in my possession on some information taken from the police. When I rely on evidence not tested in Court, I shall make that position perfectly clear. Now, Sir, some of the conclusions which I shall, at the end of my speech, ask this House to accept I may shortly summarise as follows.

These terrorist Associations in the olden days of, say, 1906 or 1907, were very small Associations, comparatively speaking. Whatever they did they did secretly, they burrowed underground and they had not then any such help as the subsequent terrorists got by making use, or rather I should say making misuse of the large number of volunteers and other people who were probably originally intended to be employed to do work of quite a different kind.

Now, Sir, as I said, it would take me too long, and it is unnecessary, to describe what was happening in 1905 and 1906. Those who are interested in it will find that there are at least two or three cases, including an appeal before Mr. Justice Mukherji and his learned brothers, known as the Dacca Conspiracy Case, the Barisal Conspiracy Case, etc., where evidence was led, witnesses were examined and cross-examined, documents were proved, including rules and regulations of the secret societies, their method of recruitment, their correspondence, and so on, but, as I said, I do not propose to go into that ancient history.

I shall start with the launching of the non-co-operation movement. (*Ironical cry of "Hear, hear,"*) Yes, Sir, I am "hearing". (Laughter.) And, with the launching of the non-co-operation movement, boys and youths began to leave school. I shall take you subsequently to judicial proceedings to show what the boys were actually doing, although they originally started with a different idea.

It is possible, they did not start with the idea of taking part in any phase of the non-co-operation movement which would lead to violence or murder or dacoity or things of that kind. I shall show that, after this period, Youth Associations, Physical Culture Clubs, Volunteer Clubs, etc., were started at very many places all over Bengal. I repeat the word "Bengal", because I do not intend that my assertions should be taken as going beyond the province of Bengal, unless I specifically say so.

Now, Sir, as I said, I do not suggest that, in their origin, these Associations were necessarily anything but innocent, and, it is possible, that they had no idea of violence, dacoity, murder or bloodshed. Now, gradually, when the spirit of defiance of constituted authority and the spirit of lawlessness were engendered in these hundreds of boys from schools and colleges, as also other persons, this led to a change of mentality which, whatever might be the case in other provinces, in Bengal resulted in a deliberate departure from the path of non-violence which was being insisted on by Mahatma Gandhi and for which he has always himself sincerely and strenuously fought.

Now, Sir, we come to the year 1921 and I shall be very brief over this portion. We have got to remember that Mahatma Gandhi's rules and his principles were the same for the whole of India and he did not lay down any special rule for Bengal, yet you cannot forget the historical fact that, in Bengal, there was, unfortunately—I say "unfortunately" and not with pride—and I make this sorry admission, that, in Bengal, there was this background of violence which had started long before, this non-co-operation movement—which was sometimes appearing in acute form, and sometimes lying quiescent. The spirit of defiance of authorities assumed far more dangerous aspect from November, 1921, when the All-India Congress Committee authorised Civil Disobedience.

Now, Sir, from 1921—to proceed very rapidly, from 1921 to 1924, as I said this process was operating, namely, idle and excited boys in hundreds of schools and colleges were giving up studies, joining processions, forcing their will on other persons often by intimidation, and, they were, practising and enjoining upon others the defiance of law. All this steadily deteriorated the situation. As hostility to law and order was rapidly increasing and non-violence was losing its hold over the youths of Bengal—if indeed at any time there was any firm faith in non-violence.

We come, Sir, now to a very crucial stage in 1924.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): Was it Governmental violence?

The Honourable Sir Nripendra Sircar: Well, if my Honourable friend will let me go on—if there is any point of order, my Honourable friend can rise. I am sure, these things are, by reason of their truth, rather unpleasant to some Honourable Members opposite, but I am not going beyond what I believe to be absolutely true and for which I hope to produce evidence before this Honourable House.

Now, Sir, in 1924, there was a very important event which has been referred to by Mahatma Gandhi himself in his speeches as well as in his writings. That was, what is called, the Gopi Nath Saha Resolution at Berajunj. Honourable Members may remember that a person of the name of Mr. Day was murdered in broad daylight by a man called Gopi Nath Saha. The accused was tried by the High Court, he was sentenced to death. He confessed that he had intended to murder Sir Charles Tegart, the Commissioner of Police, Calcutta, but, by mistake, he had murdered Mr. Day in the belief that Mr. Day was really Sir Charles Tegart. However, that happened in January, 1924.

[Sir Nripendra Sircar.]

In the Bengal Provincial Conference meeting at Serajgunj, which took place some months later, a resolution was proposed to be passed in which it was intended to record a sense of admiration for the patriotism and the sacrifice of this assassin. We know from the writings of Mahatma Gandhi that this was a kind of thing which he did not approve of. Well, as a matter of fact, in one particularly illuminating article, written by him under the caption "Defeated", he goes into the subject at great length. He explains that people supporting similar resolutions are untrue to the principles of non-violence, and have "Murder as part of their political philosophy".

In 1924, this resolution was passed. Those who passed the resolution contended that they had done nothing to encourage or admire murder, because, in the opening part of the resolution, they had re-affirmed their faith in non-violence. They contended that they had only admired the bravery and the patriotism and the spirit of sacrifice of this assassin: and that they admired the spirit and not the deed itself. This specious argument has been rightly characterised by Mahatma Gandhi as self-deception. It is obvious that you may offer a lip homage to non-violence, you may say: "I believe in non-violence and I ask you to desist from murders", but, at the same time, by admiring the patriotism and self-sacrifice of assassins, the inevitable effect on the minds of young men would be most dangerous. They would tend to the glorification and eulogy of the murderers themselves. The sum total wipes out the affirmation of non-violence with which such resolutions start. Indeed the inevitable effect of such resolutions or statements was to incite young men to murder. But, Sir, I need not depend on the use of my own language, and I shall rely on the exact language which was used by Mahatma Gandhi himself.

Now, I proceed to 1928, because, that is a very important year. After 1924, Honourable gentlemen may remember, some action was taken by the Government of India under Part II of this Act and a number of people, particularly of East Bengal, were dealt with under the provisions of Part II of this Act.

We had the Ordinance No. I of 1924 passed in the year 1924. The result of that was that a large number of suspects—I am using the word "suspects", because they were not tried in a Court—were dealt with by the Ordinance and kept under detention. By 1928, it was known that the Ordinance was about to expire and it was not going to be renewed and there was a general amnesty, because the Government then thought—it appeared later on that they thought erroneously—that because there had been quiescence for four years, there was no necessity for keeping men in detention without trial. The result was that in September, 1928, most of these detenus were let off.

Sir, what I am going to tell you now is about the Chittagong armoury raid, and every word that I shall state has been proved in Court, and I have got the records here. To put it very briefly, the position was this. In 1928, six of the people who have been described in the judgment as the six detenus, including their leader, Surjya Kumar Sen, who has throughout been recognised as the brain of this conspiracy, came out and captured the Congress at Chittagong. Surjya Kumar Sen became the Secretary, and five other detenus became the members of the Congress Committee at

Chittagong. Having captured the Congress machinery, there was an intensive preparation between their release in December, 1928, and April, 1930, when the raid actually took place. The evidence was scrutinised by the Judges. It was very voluminous and the documents cover, I believe, five or six volumes running into hundreds of pages, and the Judges came to the conclusion that the different Associations, which had been started by these people, were really revolutionary societies and they were recruiting young men and school boys with the idea of having an army of violence. The clubs and gymnasiums were cloaks for misleading the authorities. That is the finding of the Court.

The intensive preparation, as I said, lasted from the end of 1928 up to April, 1930. During this period, as the evidence discloses, preparations were made on a very large scale. Boys were supplied with military uniforms, a general officer commanding was appointed, and some persons were appointed majors, others captains and lieutenants, and so on. Their names appear in the records which I have got here. Now, Sir, what was the position? The position was that the Ordinance had expired and the people who were detained without trial had come out. They were making extensive preparations. They were making full use of the mistaken relaxation of pressure. As a matter of fact, the record shows that reports were coming from persons who were called police watchers and who were getting more and more anxious. In fact, a day or two before this occurrence, these watchers were extremely anxious that something was going to happen. Mr. Sen, the Secretary of the Congress Committee, who has been found to be the leader of this conspiracy and who was a very clever man, was actually putting up in the Congress office, and a party of raiders started from the Congress office for the raid. I am not going into the details of the raid. Honourable gentlemen will remember that it was not a small raid, but rather a small battle. Several places were simultaneously attacked and a very large number of revolvers and guns were looted and some persons were killed. Now, Sir, before anything could be done—and there was no Ordinance,—these people were going on making huge preparations, and, although the suspicion had been excited in the minds of the authorities, before they could actually do anything, the raid had taken place on the 18th April, 1930.

Sir, I would ask Members of this House to realise the fact that this apparent quiescence for four years did not mean that, if pressure were relaxed, there was not going to be any further trouble. In this trial, letters written by or to some of these six detenus or six leaders, whatever one might like to call them, were exhibited, from which it appears that one was actually writing to the others that now that the Ordinance has dropped and we are not being watched by the police, this is the time for us to prepare. About the authenticity of these documents, there is not the slightest doubt. The accused were defended by their experienced counsel; most of the documents were admitted, and, as regards some, they took up rather a curious attitude. They said we are not going to admit these documents, nor do we deny these documents, but we ask the prosecution to prove those documents. Upon that, these documents were proved and certain witnesses were called, but, they were not seriously cross-examined. So, about the authenticity of these documents, there can be no question.

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The writings of Sen and other terrorists give us a fairly good idea of their success in recruiting terrorists. I ask this House to conclude that it is clear that when pressure was removed, the detenus thought that that was just the time for starting their preparations. They knew very well, as everyone having any experience knows, that it is not easy to cope with such situations under the ordinary law.

Now, Sir, I have told you that this raid took place in 1930, and I do not propose to go into further details about this raid or of the subsequent orgy of murders which took place before the leading terrorists were rounded up—a process which took nearly two years. There were various incidents connected with it which may be very interesting as showing the various activities of these terrorists and demonstrating the fact, that generally out of fear, and sometimes from motive of sympathy, people were unwilling to give information against them. I have been dealing with the year 1930, and I have shown that a large organisation had been started. Documents were put in and proved which included mobilization lists. In one of these lists, the number of names was 125, and, in another list, the number was slightly more. In connection with other conspiracy cases in Bengal, similar lists have also been proved. It appears to have been their habit to keep a sort of register showing the names of the persons who belong to their party.

An Honourable Member: Is it for the benefit of the police?

The Honourable Sir Nripendra Sircar: It is for their own benefit, for having their own records, of those who had joined their party. I believe just as in the military department they keep a record of their soldiers, so also these persons kept a register of their soldiers. These terrorists declared that they were at war with Government and they were an army of revolution. But I hope my Honourable friend will not make me digress in this matter. Leaflets were circulated under the heading "Long live Revolution" and one of them ended with the statement that if any person brought an Englishman or an Englishwoman or child, dead or alive, a reward will be paid to him. They declared that they were at war. They had their own general officer commanding. They had Major Sen and Captain Chatterji. They had their own military equipment and they even ordered water bottles of military pattern. [Interruption.]

I hope my Honourable friend will not interrupt me. I am quite sure, it is very unpleasant to him. The greater the truth, the greater is the flutter in a section of this House. He will let me go on in my own way.

Now, Sir, I shall just show you how things are progressing now from 1928 onwards. My Honourable friend, Mr. Akhil Chandra Datta, made a most emphatic statement that Congress people have never taken part in acts of violence.

Mr. Akhil Chandra Datta: I never said that. I was speaking of my own province and particularly of my own district.

The Honourable Sir Nripendra Sircar: I have already said that I refer to my province; unless I go out of my way to say that I am referring to any other province, all my remarks about acts of violence, by responsible Congressmen, are confined to Bengal. Others will deal with other provinces.

Now, Sir, I quite realise that my Honourable friend's argument is perfectly sound, if I may say so with respect, that if there is a large following, for instance, in a particular place, there is a Congress organisation with 200 or 300 followers, the mere fact that two or even six of them secretly had been throwing bombs or committing acts of violence, does not necessarily lead to any inference against the association. In each case, all relevant facts require consideration. Wherever there is a large association, there must be black sheep, there must be persons who are doing things which may or may not be known to the generality of the members of the association. But, Sir, I have not the slightest intention to rely merely on such instances. But, if we find, again from the judgments of Courts, that the accused in those cases of murders, attempted murders, robbery and dacoity were not merely stray volunteers, but they were office-bearers of the association, they were the Secretaries or Assistant Secretaries or members of the executive committee, then, Sir, I submit that this Honourable House will come to a different conclusion from that of my Honourable friend, Mr. Datta. (Interruption.) I find one of my Honourable friends interrupting, I do not mind that at all. If any interruption, however, must be made, it should be at least audible. I would rather not have these interruptions.

Now, I shall rapidly give you, Sir, a review of the cases which have been tried in Courts. As I said in this part of my submission before this House, I do not want to move one inch beyond the records of Courts. Where I come to matters which are not proved in Courts, I shall make that position perfectly clear.

I have started with the Day murder case, and here I want to remove one misapprehension that, in referring to cases, I do not suggest that everything was done by members of the Congress. I shall tell the House what exactly was found by the Courts. It is not my case that the non-Congress people are all non-violent and that they had nothing to do with these crimes of murder which were happening in Bengal. The point is not of Congress *versus* non-Congress, but the point is this. These unlawful associations, these organisations went on multiplying rapidly as I shall show shortly, after I have given you the cases, mainly due to public speeches and public writings in which admiration was freely expressed for these murders. As Mahatma Gandhi himself pointed out, the deeds of violence were not condemned sufficiently unequivocally in the proper way. The letter of condemnation was adopted, but the spirit was lacking.

I have told you, Sir, about the Gopi Nath Saha case. Nothing was proved in the evidence against him except that he had joined the non-co-operation movement and that he had left the college on account of the non-co-operation movement. Beyond that we know nothing, and I make no suggestion which is not borne out by the records. But I draw the attention of the House to the fact that a person who begins with non-co-operation movement, as I shall show through other cases, very often ends his activities by becoming violent. Defiance of law, and contempt of authorities lead but too often to the spirit of hampering the

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authorities by deeds of violence. It is not the case, that because a man has joined the non-co-operation movement, he necessarily becomes violent, or contemplates acts of violence. Nothing of the kind. I shall presume every man who declares himself to be non-violent to be so until the contrary is proved, but, unfortunately, the contrary has been proved, in too many cases.

I need not refer to the atrocities which had previously taken place at Chauri-Chaura or many other places, and I come to the Mechua Bazar Bomb case. In this case, 27 persons were accused and they were arrested. They were found with bombs, bomb shells, chemicals, formulas for preparing bombs, documents, and so on. It was a very lengthy trial which took place at Alipore. Of these persons, Satish Chandra Pakrashi of Dacca was a member of the executive committee of the Bengal Provincial Congress Committee. The accused, Niranjan Sen-Gupta, was a member of the Berhampore Congress Committee. About some of the others we know nothing beyond this that they had joined the non-co-operation movement when that movement was launched. Beyond that we know nothing further, and not knowing anything, I do not suggest that they had anything to do with the executive committee.

Mr. Mohan Lai Saksena: A number of persons who began as non-co-operators have become Home Members and Ministers of the Government.

The Honourable Sir Nripendra Sircar: They did not become terrorists, and my Honourable friend surely has his right of speech after me and there is no need to interrupt me now.

Then, Sir, I come to the next case, that is the Dalhousie Square Bomb Case of the 25th August, 1930

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): What is the date?

The Honourable Sir Nripendra Sircar: I said 25th August, 1930. I can assure my Honourable friend that I have got the dates as also the dates of appeals to High Courts, and so on. If I cannot give it to him just now, I can do it in ten minutes if he wants to have them.

Mr. Akhil Chandra Datta: As regards the Mechua Bazaar Bomb Case, was it not the finding of the Court that the police evidence was manufactured?

The Honourable Sir Nripendra Sircar: Will my Honourable friend kindly explain why then 27 persons were sentenced to long terms of imprisonment?

Mr. Akhil Chandra Datta: I want that as a piece of information. I distinctly remember that, in one of the cases, it was found by the High Court that the police evidence was manufactured.

The Honourable Sir Nripendra Sircar: As my Honourable friend knows, the Mechua Bazaar Bomb Case was a horrible case. Something might have happened in some other cases in which the Court might have found that some police evidence was manufactured. But it has

nothing to do with this case. (Interruption.) I do not know why my Honourable friend should start inaudible interruptions. I started by saying that in a large association there must be some who are black sheep. It is not for me to say that there may not be such cases. (Interruption.)

Mr. President (The Honourable Sir Abdur Rahim): Is it not possible for Honourable Members on that side to listen patiently?

The Honourable Sir Nripendra Sircar: No, Sir, they cannot like to listen patiently to ugly facts.

This was organised, as the Court found, by Dr. Narayan Chandra Roy. Who was he, Sir? He was a Councillor of the Calcutta Corporation. He made a very interesting confession which was put in Court, not a confession before the police. He was a member of what was called the Congress Group in the Calcutta Corporation. He was found by the High Court to be a man who had entered into a conspiracy with terrorists and that he was making explosives and supplying bombs. As I have already said, this was done by Narayan Chandra Roy who was one of the originators of the conspiracy.

Then, Sir, I come to the Dalhousie Square Bomb outrage on Sir Charles Tegart. One of the assailants, who died practically on the spot, was found to be Anuja Sen. He was a member of the Khulna Congress Committee and he had attended Rajshahi as their representative in the Bengal Provincial Congress Committee. The other assailant was Dinesh who will figure later on after his escape in another crime. All that we know of him is that he escaped from Midnapur jail and he was arrested with his friend and associate, a man called Jagadananda Mukerjee, in the house of the latter, the latter being one of the members of the Majilpore Congress Committee, and what is more, he was probably one of the most prominent workers of the Congress Committee at Majilpore which is in the Twenty-Four Parganas.

Then, I come to No. 4, the Jorabagan Bomb Conspiracy, and that again was in August, 1930. This was started after some bomb-throwing had been done at one of the police stations. Eight persons were arrested with arms, bombs, bombshells and explosives. In this trial, Dr. Narayan Chandra Roy was figuring as one of the accused. Of the eight accused, who were all convicted, I will give you only the confession of Dr. Narayan Chandra Roy as showing how these associations were worked. I will read an extract from the judicial confession in Court of Dr. Narayan Chandra Roy:

"In December, 1928, I attended the Indian National Congress at Park Circus, Calcutta. The speeches of the Bengal extremists"—(*I will not read their names*)—"the leaders of the Bengal Provincial Congress Committee impressed me very much. In November, 1929, I decided to contribute explosives which I might prepare in secret. In December, 1929, I began to make experiments which were successful. In the last week of December, 1929, I went to the Lahore Congress as a delegate."

Then, he says:

"I knew Rasik from before, having met him in the National Congress held in Calcutta in 1928. I knew him to be an active member of the revolutionary party. I saw Manoranjan in the Lahore Congress, 1929. The arrangement made was that he would give me shells, and I would prepare other ingredients; and thus I began to make bombs," etc.

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I may also inform the House that, of the other accused persons, Manoranjan, Arun and Bhupendra may be described as leaders of the Bengal Provincial Congress Committee; at any rate, they were very prominent members of the Bengal Provincial Congress Committee.

Then, Sir, we come to the Writers' Building outrage in which Colonel Simpson, the Inspector General, was killed, and the Judicial Secretary, Mr. Nelson, was not killed, but injured. One of the assailants was Dinesh Das Gupta. What was proved in Court was that he was Lieutenant Adjutant of Staff, No. 569, Bengal Volunteers, which was started as a Congress organisation by their leader,—I again suppress the name although that came out in the Court.

Then, we have the Shambazar Post Office case in June, 1931. The Congress camp was searched at a place called Ramkrishna Lane and certain persons were arrested. These were seven volunteers who were in charge of the camp there. Shells, chemicals and a certain amount of revolutionary literature was discovered. I think all these men, with the exception of one, were convicted. The accused Aswini made a confession in Court and the others admitted that they were Congress members. Some of them made bravado of the fact that they were revolutionaries.

Then, I come to the Maniktalla Armed Robbery, No. 7. The assailants were arrested after some chase, and I will tell you the result. This case created a great sensation, because the car in which they were found belonged to a very well-known lady of the name of Bimal Protiva. Accused Dhiren was convicted. He was a very well-known worker and member of the South Calcutta Congress. In connection with this case, I may remind Honourable Members of one interesting incident that the principal witness in the case was a man called Asutosh Neogy. Within a few days of the trial, this Neogy was called outside one evening by two young men. He came out and was shot and killed then and there, and the two assailants were never arrested. That has some bearing on a question which may have to be discussed at some stage or the other, namely, whether it is always possible to get witnesses who would volunteer to give evidence against terrorists.

Then, we come to the Senate Hall outrage, that is, on Sir Stanley Jackson, and this was on the 9th January, 1932. The accused was a young girl of the name of Bina Das. She belonged to the Nari Satyagraha Samiti which was one of the Congress organisations started by the lady. I have already named, Bimal Protiva, under the auspices of the South Calcutta Congress Committee. She was sentenced to some term of imprisonment, because Sir Stanley Jackson was not actually killed; it was only an attempt to murder.

Then, we come to the Fordyce Lane case on the 15th April, 1932. The man Amarendra was arrested with bombshells and revolvers while passing in a taxi. On a search of his house, papers were found, apart from certain harmless flags, which showed that he was a member of the Khulna District Congress organisation.

Now, Sir, Nos. 10 and 11, if I may lump them together in two sentences, were the desperate attempts which were made on the life of Sir Alfred Watson, the Editor of the *Statesman*. The man who, in the first case, had fired at very close range at the Editor was a boy called Atul Sen. What

appeared in the evidence was that he had left the Jadavpur College where he was being educated, when the non-co-operation movement was started. That is all that is known of him. He was originally a non-co-operator and he ended with this attempt at Sir Alfred Watson. In Assam, he used to do work for the Congress, and he attended the Delhi Congress as a member. For the second attack, the person we are concerned with is one Sunil Chandra Chatterji who was transported for life. He was an open worker and admittedly belonged to the Joynagar Congress Committee, which again is in the 24-Perganas.

Then, Sir, to proceed rapidly over these cases, we come to the Beadon Street Arms Act case on the 19th August, 1932. This was a case of a person being arrested with a Mauser auto-pistol and some cartridges; on house search, more explosives were found. The accused was a member of the Entally Congress Committee and he was a brother of one of the dictators for the time being, Phanindra Nath Kundu. He was a dictator of the Bengal Provincial Congress Committee.

No. 13,—we come to the Nimtolla Lane case on the 31st August, 1933. In the house search, conducted by the police, 177 sticks of dynamite, 118 live detonators and various other explosives were found. We find that Jogendra, who was convicted, had, like many others, left his studies on account of the non-co-operation movement. He became a Congress member and he was actually putting up at the Congress office at Purulia. He started his career by picketing liquor and foreign cloth shops, but later busied himself in secretly collecting explosives.

Next we come to the Sealdah Arms Act case on the 20th September, 1932. The three accused who were sentenced in this connection and who had been carrying revolvers, cartridges and chemicals, were—it came out in the evidence—members of the volunteer corps of the Bengal Provincial Congress Committee.

Then, No. 15—the Explosives Act case against a man called Satya Chakravarty on the 30th May, 1934. He was arrested with three bomb-shells, cartridges and other articles and he was a prominent Congress worker in the Nadia District; and like many others he started with civil disobedience.

Then, No. 16—the case of Dhiren Das, 10th July, 1934. He was found with 88 live cartridges: he admitted having been recruited by Manoranjan Banerjee who was convicted in the Lebong Outrage Case and belonged to the Bengal Volunteer Group.

Then, about the Chittagong Armoury Raid case, I have already described. The subsidiary outrages, while some raiders were at large, I am omitting.

Then we come to two cases in Midnapore which are particularly horrible cases: they are known as the Chechua Hat murder case: both are dated June, 1930. In the first incident, two sub-inspectors were killed: they were dragged out of the houses where they had taken shelter. The finding of the Court was that the attack was by Congress volunteers; 15 persons were convicted and the Captain of the local Congress volunteers was transported for life.

In the second Chechua Hat case, a mob of 3,000 or 4,000 surrounded the magistrate and the police who had gone there to inquire into the previous case. They were the Congress picketers of the first day. Several members carried guns. Ten men were convicted.

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Now, I come to No. 20, which is known as the Gangail dacoity case in November, 1930. Both accused were convicted: they belonged to the Young Comrades League. I want to point out one thing which came out in the evidence. This Young Comrades League had their creed also, and this creed was non-violence. Just as the people who had been sentenced in the previous cases had their creed of non-violence avowedly, they used to come under the Congress flag, the leader of which believed in non-violence: yet the mere avowal of non-violence is not inconsistent with violent crimes, although that has got to be proved. The Young Comrades League claimed that by their constitution they were part of the Congress.

Then, No. 21—we come to the Sealdah dacoity case in November, 1930. To put it very briefly, six persons were convicted; they were all members of Congress Committees—some of the Mymensingh Congress Committee and the others of the Sherpur Congress Committee.

Then, No. 22—Jamalpur Arms Act case of 1932—possession of explosives and attempted murder. The accused convicted was Bidhu Sen: he was a member of the Mymensingh District Congress Committee. Honourable Members will notice that most of them are from East Bengal, barring Midnapore and the 24-Parganas which are in West Bengal.

Then, we come to another case which is also known as the Jamalpur Arms Act case which had happened much earlier. Three persons were convicted: the leader, Sudhindra Roy, was Secretary of the Bengal Provincial Students Association. This association also had its creed: it had its regulations: its creed was non-violence. As in the case of the Congress, their pledge was of non-violence and they purported to have adopted the Congress creed by their constitution. Another accused was Nagendra who was a member of the Mymensingh Congress Committee.

The next is No. 24—attempted murder of Mr. Cassells in August, 1931: the three persons who were convicted for attempted murder were all members of the Tangail Congress Committee.

No. 25 is the Atharabari Mail Robbery in September, 1931. The three persons convicted, Gopala Acharya and two others, were members of the Volunteer Corps, working under the Mymensingh Congress Committee: they appeared in the photographs of the Congress volunteers taken on the Independence Day.

No. 26 is the Katiadi police case, late in 1931, which is rather interesting for this fact: four persons were convicted for possession of revolvers, bombs and cartridges: they were members of what? Of the Sanatan Saagha: what an innocent name! Whoever could ever connect bombs and revolvers with Sanatan Sanghas; they had also got their creed: They had their regulations and they professed the Congress creed of non-violence. The presumption of innocence with such harmless names as Sanatan Sanghas, and physical culture clubs or village associations, has but too often been rebutted, and they have been found by Courts to have been used for recruiting terrorists.

No. 27 refers to Aranyapasha Arms Find case in October, 1931; I do not know the exact number, but Jagat Bose, Dharani and several others were convicted. One was a member of the Ishwarganj Congress Committee and the others were members, either of Netrakona or Manohardi Congress Committee.

No. 28 is the Swarikanda dacoity case in January, 1932. Govinda Kar, Manmatha and ten others were convicted. Govinda Kar was the organiser of the Sarachar Congress Committee. The other accused were members of the same committee or the committee of the Netrakona Congress Committee.

Then, we come to the Charpara dacoity case—four were convicted, including Sashi Bhattacharya. There was an approver in that case, called Naresh. He was a member of the Tangail Congress Committee and a man called Birendra, who was killed on the spot, was a member of the Bagabaid-Jamalpur Congress Committee, and the accused Sashi and Kali were members of the Mymensingh Congress Committee.

Then, No. 30—we come to the Betal Arms Find case: a man called Sachindra and five others were convicted. Sachindra was a member of the Mejrú Congress Committee and he was organiser of the Ishwarganj and Netrakona Congress Committees.

Then, we come to a conspiracy to murder Mr. Graham, the Commissioner: that was in December, 1932. Six persons were convicted—Sitangsu, Sachindra and four others. They were Congress people attached to the Katiadi or Netrakona, and Sitangsu was a member of the Katiadi Congress Committee.

No. 82—we come to Pakundia case of October, 1932: this was a case of robbery on a large scale: twelve persons were convicted. The leader was a person of the name of Annada Pal. I again draw the attention of the House to the society to which he belonged. What an innocent name! The leader, Annada Pal, was the organiser of the Palli Mangal Samiti, a village welfare society. These Samitis claimed, again, by their rules, to be part of the Congress organisation and professed the creed of non-violence.

Then, No. 33—Gangail dacoity case in July, 1932. In this case, Nibaran Chakravarty and nine others were convicted, and all the ten were members of the Kishorganj Congress Committee.

Then, No. 34—Kamalpur dacoity case in May, 1932, in which Manindra and 14 others were convicted. Of the accused, Indu Das was Assistant Secretary, Bajitpur Congress Committee, Manindra was a member of the Kasba Congress Committee, and Satyendra, the approver, was a member of the Mymensingh Congress Committee.

Then, No. 35—what is known as the Kunihati dacoity case in June, 1932. In this case, Sarat Das was convicted. Sarat was a member of Asujia Congress Committee, and Ambika Das, who was an approver in this case, was merely a Congress volunteer.

No. 36—Mymensingh Arms conspiracy case in December, 1933. In this case, the person convicted was Shankar Neogy, who was a prominent member of the Mymensingh Congress Committee.

No. 37—this is known as the Govindapur (Faridpur) case. In this case, Jiban, an officer of Govindapur Congress Committee was arrested in the Congress office in possession of bombs, and he was sentenced to three years' rigorous imprisonment.

Then, I come to No. 38—this was one of the few cases in which I had unfortunately to appear in appeal. This is known as the Charmuguria case. It started with a dacoity at the point of the revolver in a

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post office, but, unfortunately, when the retiring Hindu youths were chased by the villagers, a number of Muhammadan peasants, who were armed with nothing but clods of earth, some of the villagers were shot down. Now, Sir, these two accused, Manoranjan and Surendra Kar, not only belonged to the Madaripur Congress Committee, but they were well-known members of that Committee.

No. 39—May, 1932. Two of the accused (Jnaneswar and Anukul) were members of the Madaripur *Ain Amanyā Samiti* (Society for disobedience of laws) which claimed to be a branch of the Madaripur Congress Committee. This was a serious case, and transportation for life and ten years' rigorous imprisonment were inflicted on the accused. It was a case of Mail Robbery.

Then, we come to No. 40—Kaneswar Mail Robbery case, May, 1932. In this case, the two accused, Madan and Ramani, were members of the Chittaranjan Smriti Samiti. It claimed to be a branch of Gosairhat Congress organisation. I once more draw the attention of this House to the fact that all these organisations professed to be part of the Congress organisation and had avowedly non-violence as their creed.

No. 41—Faridpur Kotwali case, in December, 1932. This was a case in which Rabindra, the accused, was a well-known member of the Faridpur Congress Committee, and Sachindra, another member of the *Ain Amanyā Parishad*, was a member of the Faridpur Congress Committee, and Hirday Kumar was a member of the Faridpur *Chhatra Samity* which was called a Students' Association. These organisations professed the creed of non-violence.

Then, I come to No. 42—this was a case in which an attempt was made to derail the special train which was carrying His Excellency Sir John Anderson in July, 1933. The accused, in this case, was a young person of the name of Sukumar who was an important member of the Ratandia Congress Committee.

After this monotony, I come to a rather interesting case which created a great sensation in Bengal, and that is known as the Naldanga dacoity case. The accused, in this case, had succeeded in getting a loot of about Rs. 8,000, but no one was fortunately killed. . . .

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): That is in East Bengal, and not in North Bengal.

The Honourable Sir Nripendra Sircar: I hope it is not near your house.

Mr. D. K. Lahiri Chaudhury: I am satisfied.

The Honourable Sir Nripendra Sircar: However, I may be wrong; it may be East Bengal, or North Bengal; I am really making no distinction between the two. I am speaking generally of both East and West Bengal. Now, Sir, there was this loot of about Rs. 8,000,—and fortunately no one was killed. Some of the culprits went away with a part of the booty. A very large number of persons were tried. They were defended by learned lawyers, and some of the accused were convicted. I shall give the House a description of some of the men who were actually convicted. Hem Chandra was Assistant Secretary of the

Gaibandha Congress Committee. Sarashi was Assistant Secretary of the Naldanga Congress Committee. Abdul Rashid,—I find my friend, Dr. Ziauddin, is rather unhappy,—Abdul Rashid was Secretary of the Naldanga Congress Committee. . . .

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): He was not from the United Provinces?

The Honourable Sir Nripendra Sircar: Not from the United Provinces.

Then, Haridas was a member of the Gaibandha Congress Committee. Phanindra was a member of the Gaibandha Congress Committee. Jnan Govinda and Satis Chandra were members of the Gaibandha Congress Committee. Now, these persons, including the Assistant Secretaries, were members of the Congress Committees who had joined in this loot, and, as Honourable Members may remember, the avowed object of many of these loots was not personal gain, but acquisition of money to buy arms and ammunitions for liberating the country.

No. 44—Bala dacoity case in July, 1934. In this case, six persons were convicted. Three of them, Nanigopal, Samarendra and Gamir had previous convictions for civil disobedience activities. They were Congress workers and volunteers. Samarendra made a confession in which he stated that he and Gamir were enlisted in the Yugantar Party, while Nanigopal was a member of the Anushilan Party.

Then, we come to Shanti Ghose case, one of the most pitiable cases. Two young girls had murdered Mr. Stevens, the Magistrate at Comilla. I am not going into the details of this case. One of the girls was in her fifteenth year, and the other was slightly younger. This is one of the few cases which was tried in the Calcutta High Court by three High Court Judges, and, unfortunately, I had to see these two girls in the dock. I remember one of the Honourable Members saying,—I shall come to that later. . . .

An Honourable Member: Later on?

The Honourable Sir Nripendra Sircar: Yes, very much later on. One Honourable Member, when he was talking about repression on Mr. Aney's cut motion, mentioned,—I believe he was talking of the crown of martyrdom, and he asked the Leader of the House, who is the unfortunate self who is now speaking: "Let him go and ask the brave girls of Bengal as to why they have committed these deeds?" I give you some idea of these brave girls. I am not discussing the bravery of girls, but here were two girls, one was of fifteen years of age and the other slightly younger. . . . (Interruption by Mr. D. K. Lahiri Chaudhury). . . . I find there is interruption, and there is quasi-interruption. I would rather prefer no interruption.

Mr. A. K. Fuzlul Huq (Bakargunj *cum* Faridpur: Muhammadan *& P.M.* Rural): Is there any time limit for speeches or not, Sir?

Some Honourable Members: Order, order.

The Honourable Sir Nripendra Sircar: Is it a point of order?

An Honourable Member: Point of propriety.

The Honourable Sir Nripendra Sircar: It is not improper to place important facts before you. My Honourable friends here may get impatient. They may in a light-hearted manner say, get rid of this wretched law. My Honourable friend, Mr. Akhil Chandra Datta, has told this House of the atrocities committed. . . .

Mr. Akhil Chandra Datta: We want to repeal the Act of 1908. All these things took place in spite of this Act.

[At this stage, Mr. Asaf Ali rose in his place.]

The Honourable Sir Nripendra Sircar: I am not going to give way. Any point of order?

Mr. M. Asaf Ali (Delhi: General): I should like to know the object with which this long recital of 45 cases is made, and God alone knows, how many more are coming.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member cannot understand the relevancy of this recital, other Honourable Members do.

The Honourable Sir Nripendra Sircar: I do not know of all these societies. I am saying that there are different Congress Committees scattered all over Eastern Bengal. I am showing that unlawful associations were continually increasing in number and activity. The young girls, when I was interrupted, I was going to tell the House, were one in her fifteenth year and the other a little younger,—they were convicted and sentenced, I believe, to transportation for life for killing Mr. Stevens. The way in which they were behaving in Court was, to say the least, so disgusting that their own Counsel, Mr. B. C. Chatterjee, had to intercede very often with them for behaving properly. From the evidence in the case, it was fairly clear that they were mere tools in the hands of another older and more experienced woman and a man whose name I do not think it necessary to disclose. These girls at Comilla had been lectured to. Later on, photographs of Bhagat Singh and others had been handed to them. Other instructions had to be given to them, and they were mere tools in the hands of other designing persons. They were too young to realise as to what they were doing. They were completely led away by eulogy of murderers, and were too young to be able to think for themselves.

No. 46—we come to Luke outrage case. The man convicted was Bhola Karmakar, and it was on the 1st February, 1933.

An Honourable Member: What is your last number?

The Honourable Sir Nripendra Sircar: No. 46. He began also like others with the Civil Disobedience Movement, then joined the Congress. First of all, he joined the Congress volunteers, then became a Congress worker, and he was convicted to a long term of imprisonment for attempting to murder Mr. Luke.

Then, we come to the Hili dacoity case, I only give two names (date, 27th February, 1934), in connection with this not very ancient history,—Lalu Pandey and Bejoy Chakravarti. They were Congress workers, and they were convicted to some terms of imprisonment.

No. 48—we come to the North Bengal Conspiracy Case. The date is 21st July, 1933. The accused was a Congress worker, who had started his career by joining in civil disobedience.

No. 49—we come to the Mail Robbery case in which Mrityunjaya was convicted in April, 1934. He was a member of the Vishnupur Congress Committee.

I come to No. 50—Prabhakar Biruni. He was an important member of the Mahara Congress Committee. He was found in possession of a number of pistols and was convicted on the 22nd December, 1934.

Then, we come to the Parasuram dacoity case, No. 51—Jatindra Kumar Biswas and Nagarbashi Roy, who were convicted in that case in July, 1933. The District Magistrate, who tried the case, found, on evidence as recorded in his judgment, that both the accused began their career as members of the Fulgai Congress Committee. There was a split in the Congress camp, Both branches advocated violence. One party linked itself to the Yugantar Party and the other to the Anushilan Party.

No. 52—the Pahartali Outrage—this was on the 24th September, 1932. Some European gentlemen and ladies were having a whist drive at the Pahartali Institute. Bombs were thrown on them, and a lady of the name of Mrs. Sullivan was killed and eleven other persons were injured. This was directed by Surjya Sen, the brain of the Chittagong Armoury Raid, whom I have already described as Secretary of the Chittagong Congress Committee,—this was one of the crimes directed by him. According to the Court's finding the executive of the Congress at Chittagong were responsible for this outrage.

Then, we come to the Chandpur Shooting case—No. 53—the shooting dead of Inspector Tarini Mukherjee. The Inspector General escaped, but Inspector Tarini Mukherjee was shot at the railway station. In this case also, the Court found that this was due to the activities of the six detenus whom I have already described, and who were the *de facto* rulers of the Congress organisation at Chittagong.

No. 54—the shooting of Inspector Sasanka Bhattacharji on the 16th March, 1931, at Tarakeswar. The accused was a lieutenant of Surjya Sen whom I have already described to this House as having, with his terrorist associates, captured the Congress Committee at Chittagong.

No. 55—conspiracy for blowing off the Chittagong jail. In June, 1931—this again is taken from the records of the case—there was a conspiracy for blowing off the Chittagong jail, because some of the accused, suspected in the Chittagong raid, were being lodged in that jail. A fairly large quantity of explosives, arms and ammunitions were discovered inside the jail. The Court found that the guiding spirit and leader was a girl by name Miss Kalpana Dutt, who had been trained by, and was living for a fairly considerable time, with Surjya Sen and the six detenus. The shooting at Gairala had taken place in February, 1933, when Sen was surrounded by the military and shots were exchanged. This is item No. 56.

[Sir Nripendra Sircar.]

My Honourable friend, Mr. Fuzlul Huq, is disgusted because so much time has been taken. I can assure him that, in choosing these 56 cases, I have not tried to make the list exhaustive at all. I have been unable to find here the records of the Burge murder case, the Peddie murder case, the Douglas or Garlick murder case, or of attempts on the Magistrate of Dacca or at Lebong, etc. As I know that statements are repeatedly made that persons who profess non-violence, who have taken the oath of non-violence, whose creed is non-violence, cannot possibly take part in these murders and dacoities, I have thought it fit, instead of indulging in vague and general statements, which are so often indulged in, when charges of what is called counter-terrorism are levelled against the authorities—I thought it desirable that I should refer to evidence which can now be found in records of Court by any Member if he is so interested. I am purposely giving this House the very long time of five months to discover mistakes if I have made any, because there is no probability that this Bill will be passed in another forty minutes' time.

Mr. Ghanshiam Singh Gupta: What is the percentage of these cases to the total number of Congressmen in Bengal in those particular years?

The Honourable Sir Nripendra Sircar: My belief is that the number of men actually convicted in Court is very small.

Mr. Ghanshiam Singh Gupta: What is that?

The Honourable Sir Nripendra Sircar: I have got to employ a census officer for doing that. Nor is it possible to accurately find out the number of Congressmen in Bengal. The percentage is very small. The percentage in no way reflects the reality of the situation. In East Bengal, speaking generally, and in some parts of West Bengal, though the Congress people who believe in non-violence were very probably very much larger than the party who believes in violence, yet the machinery had been got hold of and was being run by the party of violence. The docile and inactive believers in non-violence were completely in the background. I may have a great deal to say on that. The men who believed in non-violence might have been more, but it is the men, who belonged to the party of violence, who really mattered. Back Benchers naturally follow the path of their Leaders. I am not speaking in any sense of disrespect. The party of violence may be much smaller than the party which believes in non-violence, but I cannot possibly find out the percentage of that. I am assuming in favour of my Honourable friend that it was small, but what did it matter, if the smaller percentage took charge of affairs? In the Chittagong case, you find that there were six detenus as leaders. The mobilisation lists showed about 200 or 250 persons only. It is not for one moment suggested by me that whoever belongs to the Congress belongs to the violent party or that the majority do not abhor violence as much as anybody on this side. They could, and, in fact, did nothing to check the party of violence. . . .

Mr. Ghanshiam Singh Gupta: How many persons went to jail on offences of non-violence during the non-co-operation and the Civil Disobedience Movement? How many of them have taken part in violence? That number is known to the Honourable the Law Member.

The Honourable Sir Nripendra Sircar: I am afraid I cannot follow.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better wait till the Honourable the Law Member has finished.

The Honourable Sir Nripendra Sircar: The main issue, in this year of grace, 1935, is whether there is any necessity for this Act remaining on the Statute-book. The cases show that there were various unlawful organisations and associations in Bengal, and it does not matter to me as to whether they were Congress or non-Congress. If Congress looms so large, it is only because, as a matter of fact, they had a much larger number of organisations than other people, but I have not suggested that because a person belongs to the Congress, therefore a kind of presumption has got to be made that he belonged to a party of violence. What is the reason that these associations flourish so much in Bengal? It is not possible, all of a sudden, to change the mentality of the violent party in my unfortunate province. (Interruption.) In spite of the inaudible interruptions, I maintain that the main cause of their success is due to the laudation which they were persistently getting from a large section of the press and from many public speeches. That is undoubtedly the main cause why the secret societies of 1905 and 1906, which had always remained underground, had never received any applause or encouragement, did not multiply like the persons who, during the last ten or twelve years, were being praised to the skies for murders and robberies as patriotic self-sacrifice.

Now, I propose to place before Honourable Members of this House facts showing what the Leader of the Non-Violence Movement himself said with regard to these laudations and speeches.

An Honourable Member: You are quoting the scriptures now!

The Honourable Sir Nripendra Sircar: Not scriptures, but statements. These so-called resolutions and editorials start with an affirmation of non-violence and often say that "we dissociate ourselves with murderers" or "we condemn violence", and then proceed to eulogise murders. The meagre recital of non-violence is completely masked by glowing praise of murders, and condemnation of the Government. Mahatma Gandhi pointed out that these have a most deleterious effect on the young men and that it was leading more men to commit acts of violence and said: "don't bring in the question of oppression by Government in these resolutions and leave it alone". The familiar method of supporting these resolutions is well known. You start by saying that No. 1, the principle of non-violence, is hereby upheld, No. 2, that we dissociate ourselves with murderers, and then comes No. 3, a long paragraph, which talks of the patriotic self-sacrifice of these young men, and so on. The net result of all this is to create an impression in the minds of the young people that the men who had committed the murder had done something which was being applauded.

That is what happened in the Karachi resolution which I shall read out to you. In the rather troubled times of 1931, the matter of dealing with Bhagat Singh's memory came up before the Karachi Congress. I am reading from the Indian Register, 1931, Vol. I, January to June, on page 267. Now, the resolution, which was moved (I need not mention names), was this:

"This Congress, while dissociating itself from and disapproving of political violence in any shape or form, places on record its admiration of the bravery and sacrifice of the late Sardar Bhagat Singh and his comrades, Sukdev and Rajguru, and inouras with the bereaved families the loss of these lives."

[Sir Nripendra Sircar.]

Pandit Jawahar Lal Nehru, in moving the resolution (I will not read the whole speech), frankly told the audience that he was not ashamed of the cult of violence, but he felt that the cult for the present could not be practised in the best interest of the country, and there was a fear of indulging in communal strife. He won't use this sword now. That is to say, not that on principle the political murder is bad; it is not a thing of which one need be ashamed, but it is not expedient to use it because communal flares will arise. "They did not know"—this is also part of his speech—"they did not know how many Bhagat Singhs they might yet have to sacrifice before India was free—the lesson they should take from Bhagat Singh was to die in a manly and bold manner so that the country might live". Now, let us see how Mahatma Gandhi regarded this resolution. . . .

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Are Government prepared to allow Mahatma Gandhi to tour in East Bengal?

The Honourable Sir Nripendra Sircar: Sir, I am reading from page 290 of the *Young India* of the 13th August, 1931. It says at the top that this is a condensed summary of Mahatma Gandhi's speech in moving the resolution deploring the recent outrages, etc. Now, I may read a few lines:

"When, in the past, we have condemned acts of violence, we have expressed admiration for the courage and sacrifice of the young men. In my opinion the limit was reached when we passed the Bhagat Singh resolution at Karachi."

I shall give you instances of resolutions which were passed in Bengal which were very much beyond the limit of the Karachi resolution, where eulogy of murder was far more emphatic. However, even with regard to the Karachi resolution, the Mahatma says:

"In my opinion, the limit was reached when we passed the Bhagat Singh resolution at Karachi. I now feel that it was a mistake."

Now, Sir, this was in August, 1931, and, in spite of his declaration that this was a mistake, Honourable Members will find that the mistake was not rectified. Again, of course, I am speaking of Bengal; I do not know what happened in other provinces. In Bengal, they were passing resolution after resolution at which large assemblages of persons solemnly stood up in honour of this sacrifice, this patriotism and the glorification of people who were caught red-handed as murderers. Mahatma Gandhi commented thus:

"In my opinion the limit was reached when we passed the Bhagat Singh resolution at Karachi. I now feel that it was a mistake. I find that the qualifications of the resolution have been forgotten, and the praises have been exploited. I now see clearly, that, however worthy the motive was, the way in which the resolution was worded was a mistake, and we have avoided it this time."

As Honourable Members will remember on account of this Karachi mistake, he wanted the All-India Congress Committee to pass a resolution clearly condemning the murderers, without the "ifs" and "buts" and without the glorification of the murderer, or without referring to the oppression of the Government. The All-India Congress Committee did pass such

a resolution, but it had not the slightest effect in Bengal. In fact, after the passing of the resolution, we had, for the next six months, or longer, the worst period in Bengal—one murder following another. Mahatma Gandhi said:

"I now see clearly that, however worthy the motive was, the way in which the resolution was worded was a mistake, and we have avoided it this time. I am asked, 'if you condemn the deeds of your young men, why not simultaneously condemn those of Government too?'—I was referring to this, when I heard murmurs, 'Government is responsible', and murmurs of 'Government', 'Government'—I was hearing then half a dozen voices.—I am asked—'if you condemn the deeds of your young men, why not simultaneously condemn the deeds of Government too?' Those who argue like this do not know the Congress. To recite the wrongs of the Government at the time of condemning political murders is to confuse the issue and to mislead the hot-blooded youth."

I may be pardoned, Sir, if I read that over again:

"To recite the wrongs of Government at the time of condemning political murders is to confuse the issue and to mislead the hot-blooded youth. We must tell them in the clearest possible language that they must cease the murders, no matter how grave may be the provocation."

This advice was hardly ever followed, the issue not only remained confused, but in speeches, writings and resolutions, eulogy of murder continued to be prominent. I will read four more lines and I have done with this paper. It is in the same article:

"And now a word to the nationalist newspapers. They can help a great deal, if they will. One often sees glaring head lines in them, suggestive of approval of political murders."

I ask, Sir, did the glaring headlines stop. No, Sir. Some of the worst continued to be published even in 1932 and possibly later. Mahatma Gandhi was putting it in very mild language when he said:

"Suggestive of approval of political murder". "Let them, therefore, beware of the slightest suggestion of encouragement."

Now, what was happening in Bengal? Even in this admonition, and long before it. . . .

Mr. Satya Narayan Sinha (Darbhanga *cum* Saran: Non-Muhammadan): How did you treat this apostle of non-violence whom you are now quoting at length?

The Honourable Sir Nripendra Sircar: With the greatest respect, but if my Honourable friend will not interrupt me, I should be glad; if you want information, I shall give you. Is it my friend's desire that I should digress from the line of argument which I am advancing in answering these questions?

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member had better go on.

The Honourable Sir Nripendra Sircar: Now, Sir, before I proceed further, I would like to say one word more to my Honourable friend, the interrupter, who asked: "how did the Government treat this apostle of non-violence?" May I ask: "how did these followers of Congress, those

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who were swearing by his name, those whose creed was non-violence, how did they treat him?' Those who committed political dacoities and robberies, did they have really any respect for him? (Interruptions.) Sir, the amount of attempted and half-hearted interruptions give me some idea of how the truth of my remarks is going home. (Laughter.) (Hear, hear.) Sir, I treat those interruptions—as I have been asked by the Honourable the President to take no notice of them—I treat those interruptions by taking no notice of them. Now, I think as my Honourable friend, Mr. Satyamurti, is here: . . .

Mr. S. Satyamurti: Yes, I am here. (Laughter.)

The Honourable Sir Nripendra Sircar: May I remind my Honourable friend of the great honour which was done to him on the 3rd October, 1931, when he presided at a meeting of the Students' Association—for, unless it be some other "Satyamurti", I do not know—Mr. S. Satyamurti was the President of the Bengal Students' Conference.

Mr. S. Satyamurti: Yes—I was presiding.

The Honourable Sir Nripendra Sircar: Let me remind my Honourable friend that there was a procession of 150 volunteers, some on horse-back, some with drums, some with bugles, the band playing, drums beating, and the body-guard marching (Hear, hear), who came to receive him in right, royal fashion at the Howrah Station then. On the 3rd October, 1931, although the speech was delivered by Mr. Satyamurti in Calcutta on the 3rd October, it was published in the *Hindu* of the 3rd October. I am making no point of that: it is probable my Honourable friend had given them an advance copy, i.e., to the *Hindu*, with a direction to publish it on the day on which the speech was actually delivered.

Mr. S. Satyamurti: It is always done. Does not my Honourable friend know that?

The Honourable Sir Nripendra Sircar: I am not making any grievance of it. I am only stating that it was a copy supplied by my friend. Now, Sir, it will probably come back to my Honourable friend's mind as to what were the kind of speeches which were made at the meeting at which he presided. If it does not, may I give some refreshers to his memory. I wonder if my Honourable friend's recollection will agree with the accounts he received of the speeches which were delivered.

Mr. S. Satyamurti: From whom did you receive the report?

The Honourable Sir Nripendra Sircar: If it agrees with my Honourable friend's recollection, then I need not disclose the source, but if it disagrees with his recollection, then we will investigate the matter further. Probably it will come back to my Honourable friend's mind that Mr. Subhash Chandra Bose delivered a speech in which he attacked Mahatma Gandhi very bitterly. My Honourable friend is nodding his acquiescence. Mr. Bose attacked Mahatma Gandhi bitterly for neglecting the cause of the Bengal terrorists. As we know, there is a good deal of literature on this subject, and Mahatma Gandhi was taken to task severely, and, I may say,

most unreasonably, by many influential people in Bengal, for not intervening with His Excellency Lord Irwin in favour of the terrorists of Bengal, which he steadfastly declined to do. He was not going to help the terrorists in any way.

Mr. D. K. Lahiri Chaudhury: They were not terrorists, but detenus.

The Honourable Sir Nripendra Sircar: They were terrorists.

Mr. S. Satyamurti: How do you know?

The Honourable Sir Nripendra Sircar: I know it from Mr. Sen-Gupta's description of them in his speech of the 8th March, 1931. He referred to them as "violent prisoners". I may have to read that to the House. Mr. Bose's speech was followed, if it comes back to my friend's mind, by a speech by a gentleman of the name of Jnanen Majumdar, and he quoted what he alleged was Pandit Jawahar Lal Nehru's motto. I do not vouch for the truth of his statement, but he alleged that his motto was: "To live dangerously, to think dangerously and be dangerous to the British Government." Having quoted that, probably he said in his speech—my friend will correct me if I am wrong—that Bengal youths knew how to mount the gallows. These were the kind of speeches that were being delivered, and probably a resolution was also passed in honour of some of the patriotic youths who had sacrificed their lives.

Mr. S. Satyamurti: No such resolution was passed.

The Honourable Sir Nripendra Sircar: I accept that fully and unreservedly. In so far as there has been no contradiction, I take those statements to be correct.

Mr. S. Satyamurti: It is very unfair.

The Honourable Sir Nripendra Sircar: Why? Let us see if this assembly, to which my Honourable friend had been taken with all befitting pomp and grandeur. . . .

Mr. S. Satyamurti: On a point of personal explanation. I do not think it is right for my Honourable friend to get up and say that probably a resolution was passed, and that if I say "No, it was not passed", then he will accept my statement. He must at least say that, to the best of his knowledge, it was not passed.

The Honourable Sir Nripendra Sircar: To the best of my instructions, a resolution was passed, but if my Honourable friend says, it was not passed, I will accept his statement.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member's recollection is not what the Honourable the Law Member says, then he can deny it.

Mr. S. Satyamurti: It is for the Government, with all their resources, to say that. I may not be able to say "yes" or "no". Is it a fair way of arguing?

The Honourable Sir Nripendra Sircar: I really do not know what this excitement is about. Is it unfair to accept the testimony of my Honourable friend? Now, Sir, I read my friend's speech from the *Hindu*. The Government's resources have enabled me to get a copy of the *Hindu*, dated the 3rd October, 1931. This is what it says:

"The fashion in India today for some people is to think always and to talk sometimes of Bengal as the hot-bed of violence. It is a libel on the fair name of Bengal. Her sons and daughters are so recklessly patriotic that some of them resort to deeds which are violent."

This is exactly the thing which Mahatma Gandhi had condemned and which every sensible man will condemn. This is glorifying these murders as recklessly patriotic deeds. Then, the Honourable the speaker goes on to say—of course, I am judging by the newspaper report:

"I am not a philosopher. Therefore, I will not indulge in the ethics or the non-ethics of violence as opposed to non-violence. That is too profound a subject for me (*I am glad to find that there is something which is too profound to my friend*), nor is it possible for me (*I draw particular attention of the House to this illuminating passage*) to say that violence has always been ineffective. (*In other words, he says, don't you worry, boys, sometimes violence succeeds*), and non-violence alone is effective."

You have got to remember that non-violence may also succeed.

Mr. S. Satyamurti: That is the history of the world.

The Honourable Sir Nripendra Sircar: Yes, you come to the history at once and you say that the history of mankind illustrates this. I am looking at it from the point of view of the assembled youth. What would be the effect of his speech on their mind? The question does not arise as to what was the effect on my mind or on my Honourable friend's mind. He is asking them not to follow the path of non-violence and what are his reasons? Not that he has any objection to violence as violence, or that he thinks that political murder is morally wrong, but he gives two specific grounds which I shall immediately place before the House in his exact words.

I may remind the House that talking of the resolutions which were passed in laudation of murderers, Mahatma Gandhi said that it is self-deception to think that there is no distinction between the resolution which was passed at Serajgunj and the resolution which he was thinking about. Those who supported the Serajgunj resolution (I am quoting the exact words of Mahatma Gandhi) "have murder as part of their political philosophy."

If that test is applied, then the other resolutions, which were passed by different Congress Committees in Bengal, were ten times worse than the resolutions passed at Serajgunj or at Karachi. Then, my Honourable friend proceeds to give them the reasons as to why they should not follow the path of violence:

"While other nations may take their own time to learn their lesson, India has made her choice, in my opinion rightly, under the leadership of Mahatma Gandhi, to use the only weapon of non-violence in any struggle for freedom."

Therefore, his point is that we need not discuss as to whether this is in itself bad or good, but you will follow it, because Mahatma Gandhi has accepted this principle.

Mr. S. Satyamurti: India has chosen.

The Honourable Sir Nripendra Sircar: "Because India has chosen the only weapon in a struggle for freedom." Therefore, he says, you follow it, and, I do not discuss whether it is morally wrong. It may be morally good or bad to murder people with whom you do not agree, but as we have accepted a certain line, let us proceed on that line. Then, he talks of communal differences and also of something which I am afraid very few of the boys of 18 and 20, who were blowing the bugle and beating the drums, could understand:

"She is pledged to non-violence for her own security. Fortunately or unfortunately, India today is a land of different creeds and castes."

That is the same idea. That is to say, we are not discussing as to whether it is morally wrong, but as to whether it is expedient. Once you start terrorism, there will be communal clashes, there will be, as indeed there was, reprisals by Muhammadans at Dacca, Chittagong and other places. Therefore, he says:

"Do not start this, it is not wise, it is not expedient. Communal violence is the worst form of violence and once it is allowed to spread, the prospects of nationhood will recede rapidly into the background. Those of us, therefore, who desire that violence should disappear in this country, at the earliest possible moment, must pray and work for an honourable and peaceful settlement being arrived at between Great Britain and India at the Round Table conference. That will be a radical cure for violence."

Mr. S. Satyamurti: What is wrong with it?

The Honourable Sir Nripendra Sircar: What is right with it? I am stressing not merely on what was said, but what was not said. I ask this House to visualise the situation. Here is my Honourable friend garlanded, bugled and drummed talking to an association of students. . . .

Mr. S. Satyamurti: I appreciate my Honourable friend's jealousy.

The Honourable Sir Nripendra Sircar: Indeed and really I am jealous. I cannot imagine that I shall ever attain that height of fame that there would be buglers and drummers in my honour. . . .

Mr. S. Satyamurti: I am very sorry.

The Honourable Sir Nripendra Sircar: So am I, and so, there is no issue between us. I want this House to realise the position. There was this large crowd of students of the Bengal Provincial Students' Association—by the by nobody knew at that time that it had as its Secretary a person convicted for possessing arms. Here was a crowd of young persons before whom exciting speeches were made about mounting the gallows, and these speeches were extremely violent.

Mr. S. Satyamurti: No, Sir.

The Honourable Sir Nripendra Sircar: That is the portion which has hardly not been contradicted, namely, as to what was said about mounting gallows, etc. The only portion which does not agree with my Honourable friend's recollection is that the resolution was passed. A speaker referred to living dangerously, and being dangerous to British Government to a crowd of students.

Now, Sir, we all know that my Honourable friend, Mr. Satyamurti, is not lacking in vehemence of language when he wants to denounce anything. Why this milk and water business when denouncing terrorism? Was there any denunciation of terrorism as such here? Were the boys who were collected there told that it was wrong to have murders as part of their political philosophy? The question whether it was expedient or inexpedient and of India having chosen non-violence were undoubtedly pointed out.

Mr. President (The Honourable Sir Abdur Rahim): The Chair suggests that the Honourable Member is discussing one episode a little too much in detail.

Mr. S. Satyamurti: If I was addressing an audience of murderers, then I would have used such vehement language. I was addressing an audience of students who were all honourable and whom I wanted to train as patriotic limbs of the nation following the creed of non-violence. The Honourable Member need not teach me how to address my countrymen. I know it much better.

The Honourable Sir Nripendra Sircar: Exactly, because you know how to address the youth, I am making these remarks. They were not murderers, but youngmen before whom mounting to the gallows had been eulogised. For six years, these associations have grown in strength, because of eulogy of violence, expressly and by implication.

Mr. S. Satyamurti: That is not correct, Sir.

The Honourable Sir Nripendra Sircar: It is because in newspapers as well as in public speeches and in resolutions there has not been an unequivocal condemnation, but condemnation couched in language which prominently brought out the laudation of murders.

An Honourable Member: What was the Law Member doing then? Why did he not condemn then?

The Honourable Sir Nripendra Sircar: I did. I shall give you only some typical examples of the resolution which were passed. I am reading one resolution of the Howrah Congress Workers. It was attended by many eminent people, Mr. Sen-Gupta, Pandit Jawhar Lal Nehru, Mr. Amarendra Nath Chattopadhyaya and others, and the following resolution was passed:

"This Conference pays homage to Bhagat Singh, B. K. Dutt and others who have instilled a new life in the struggle of Indian independence."

The next one is the Bengal Provincial Conference:

"This Conference congratulates Bhagat Singh, Bepin Ganguli and others for their arrest and for their service to the motherland."

Service through what? Through bomb and explosives!

The Bankura District Political Conference in April, 1930, passed the following resolution:

"This Conference offers respect to Bhagat Singh, Benoy Bose....."

The Hughli District Conference in May, 1931, under the presidentship of my Honourable friend, Mr. Amarendra Nath Chattopadhyaya, the whole audience standing, passed the following resolution:

"This Conference expresses sorrow at the death of Bhagat Singh, Raj Guru, Benoy Bose and others and admires their patriotism."

In the Faridpur District Conference, in April, 1931, attended by many eminent leaders, a resolution was passed in this language:

"It highly praises the self-sacrifice and patriotism of Benoy Bose, Sudhir Gupta, Anuja Sen, etc....."

The Youth Conference at Faridpur in April, 1931, passed a resolution condemning the action of the Government in hanging three selfless youths of India, Bhagat Singh, Raj Guru and Benoy Bose in utter disregard of public opinion in India.

I will not read all the resolutions that were passed in the Jessore Political Conference in 1931; at the Berhampore Political Conference, in 1931, and also at the various other Political Conferences.

As regards the writings in the press, we are but too painfully aware that for at least five or six years, there was hardly a week in which the papers—again I am talking of Bengal, I do not know about other provinces—did not have, in the words of Mahatma Gandhi, glaring head lines for murderers. Before you come to abolish this Act, one has got to think what has been the cumulative effect of things which were happening in Bengal, during all this period up to, and including, 1930.

In 1921, before the Civil Disobedience Movement had been launched, the Committee to which my Honourable friend, Mr. Das, referred, in dealing with this part of the Bill which is now going to be abolished, said:

"It was generally accepted that Part I of the Act,"

—I think that provides for speedier trial,—

"That Part I of the Act has failed to achieve, in Bengal, the purpose for which it was designed. As regards Part II, the conspiracy sections of the Indian Penal Code it might meet the case but only if evidence were forthcoming. It was in no small measure, the impossibility of obtaining evidence owing to intimidation of witnesses that led to the enactment. As we have already seen there is definite evidence of certain organisations encouraging acts of violence or resorting to intimidation recently and it has been necessary to declare certain associations of volunteers unlawful under section 16 of the Act. We have carefully examined the circumstances which led to this action. The volunteer movement began with social service, but the adherents soon developed a definite tendency to interfere with the duties of the police and the liberty of the public. They have begun to intimidate and terrorise the general body of the population. There was a tendency towards hooliganism. It has been proved that some of these associations resorted to violence, that their behaviour at the railway stations and public meetings were objectionable and rowdy. They obstructed the funeral of honourable citizens and held the most undesirable demonstrations in the house of another. They actively interfered with the elections by threats and picketing. There was every reason to believe that their activities, if left unchecked, would lead to serious disorder. The conclusion we have arrived at is that

[Sir Nripendra Sircar.]

some of these volunteers' associations in Delhi were seditious organisations formed for the purpose of intimidating loyal citizens and interfering illegally with the administration of this province. The result of the action taken by Government has been, we are told, to destroy the worst features of volunteer activity in so far as it was synonymous with rowdysiam at Delhi."

Therefore, they were unable to recommend the repeal of Part II. If that was the position of affairs on the 2nd September, 1921, as to the strength of the volunteer organisation, before mass civil disobedience was started in November, what is the evidence we have now got of what the volunteer organisations are capable of and had been doing during all this period to which I have drawn the attention of this House? I submit, Sir, that if, on the 2nd September, 1921, before the mass Civil Disobedience Movement was started in November, 1921, if that was their opinion, surely, at this point of time, it is unthinkable that this section should be abolished.

Mr. M. S. Aney: That seems to be a printed book; is it available in the Library?

The Honourable Sir Nripendra Sircar: It is not a printed book that I have got, but I can lend it to my Honourable friend at the end of the day. I have secured one copy with great difficulty. Mr. Das has also got it. It is the report of the Repressive Laws Committee, the Sapru Committee.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadian Rural): Is the evidence printed and available?

The Honourable Sir Nripendra Sircar: I could not get it, but I can make further inquiries. I have not got it.

Mr. Bhulabhai J. Desai: I shall be grateful for the evidence if I can get it.

The Honourable Sir Nripendra Sircar: Now, Sir, we have a good deal of discussion here as to whether the Civil Disobedience Movement has been suspended or whether it has been abandoned. As I said on a previous occasion, I say, again, that I make no point about suspension or abandonment. Let us say that it has been announced that it has been abandoned, though that is not the fact. But the question is, is the possibility of renewal of mass action so improbable that we should remove this weapon from our armoury? That our fears are not absolutely groundless is, to some extent, corroborated by what I find my Honourable friend, Seth Govind Das, is reported to have said on the 8th February, 1935. I do not vouch for its correctness. It appeared in the *National Call* of Delhi, dated the 8th February, 1935. I am reading this extract:

"I am a very optimistic man; I never give up hope. I am hoping another agitation will be raked up about which you have no idea at present."

If Government Members had suggested this, they would have been charged with a very suspicious mind.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadian): Sir, I rise to a point of order. I draw your attention to Standing Order 29 at page 109, which says:

"The matter of every speech shall be strictly relevant to the matter before the Assembly."

A member while speaking shall not :

(vi) use his right of speech for the purpose of wilfully and persistently obstructing the business of the Assembly." (Laughter.)

The Honourable Sir Nripendra Sircar: My Honourable friend has not succeeded in obstructing me successfully for more than two minutes by this point of order.

Now, Sir, what I want to be considered whether it is impossible or highly improbable that this mass movement will again be revived when one of the Honourable gentlemen of this House, and a prominent Member, says: "You do not know what is going to happen. A great agitation is coming. I have great hopes that these hopes will be realised." On our part, we have great fear in that it may be realised.

Mr. D. K. Lahiri Chaudhury: Is it folly on their part?

The Honourable Sir Nripendra Sircar: I think it is folly on the part of my Honourable friend to try to interrupt me.

Now, Sir, I do not know how long you will sit, and, in view of the fact that I will take at least another 40 minutes to close my speech, I think you might adjourn the House now, and this business may be taken up in the cooler atmosphere of Simla.

Mr. Bhulabhai J. Desai: There will be only one non-official day, so that really we will take it up on our return to Delhi next year.

The Honourable Sir Nripendra Sircar: There were three non-official days last Simla Session,—speaking subject to correction, of course, as I have no clear idea.

Mr. Bhulabhai J. Desai: I am also subject to correction.

Mr. S. Satyamurti: Sir, on that point, I submit that that is an issue on which every Honourable Member on the non-official Benches feels you can help them. The Government have given us three days for Bills and three days for Resolutions, the smallest number of days. We begged them to give us one day more, but they would not. I know your powers are limited, but I appeal to you to co-operate with us in pushing forward some of these Bills.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is sure, the Honourable the Leader of the House will consider this matter.

The Honourable Sir Nripendra Sircar: I think my Honourable friend was not here when this matter was discussed. What I said was that there is no possibility of giving another non-official day this Session when we are very much pressed for time. But I am going to look into this matter and find out whether it is possible to give more days in future. I shall certainly pay attention to this matter very carefully.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 30th March, 1935.