

# LEGISLATIVE ASSEMBLY DEBATES

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MONDAY, 23rd JULY, 1934.

Vol. VI—No. 5

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## OFFICIAL REPORT



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# LEGISLATIVE ASSEMBLY.

Monday, 23rd July, 1934.

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

## QUESTIONS AND ANSWERS.

### CHANGE IN THE OFFICE HOURS OF THE RAILWAY BOARD.

153. **\*Mr. Uppi Saheb Bahadur** : Will Government be pleased to state if the office hours of the Railway Board have been changed from 10-30 A.M. to 4-30 to 9 A.M. to 6 P.M. ? If so, will Government be pleased to state the reasons which led to this change ?

**Mr. P. R. Rau** : The office hours have not been changed, but the clerks in one of the branches, where the work has fallen into arrears, were asked to work somewhat longer hours as a temporary measure.

### FINDINGS OF THE POPE COMMITTEE IN THE RAILWAY BOARD'S OFFICE.

154. **\*Mr. Uppi Saheb Bahadur** : (a) Is it a fact that the investigations of Mr. Pope in the Railway Board's office revealed many irregularities and condemned a large list of the present ministerial staff ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what action, if any, has been taken in the case of :—

- (i) those who were sent in for medical examination ;
- (ii) those who were declared unfit for upper division ;
- (iii) those who were reported very badly by their branch officers ;  
and
- (iv) those who were found habituated to taking narcotic drugs like opium, etc., during office hours ?

(c) Will Government be pleased to lay a copy of the findings of the Pope Committee in Railway Board's office on the table of this House ?

**Mr. P. R. Rau** : (a) Mr. Pope and Mr. Case examined the procedure in the Railway Board's office and made certain suggestions in regard to improvement which are at present under the consideration of the Board. Incidentally Mr. Case tested the work of some members of the staff and reported unfavourably on a few of them.

(b) Government are unable to identify the cases referred to by the Honourable Member, and cannot get any assistance in this direction from Mr. Case's report.

(c) No. The report is a purely departmental document and not intended for publication.

## METHOD OF PROMOTIONS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

155. \*Mr. Uppi Sahab Bahadur : (a) Will Government be pleased to state the objects of maintaining seniority lists in all the Departments ?

(b) How are promotions from one grade to another made in the case of (i) branch vacancies and (ii) general vacancies in the Departments of the Government of India ?

(c) How are transfers arranged from the routine branch to the regular branches of the Government of India Secretariat ? Are the men in the lower division promoted, if they are considered fit to perform the necessary duties, by seniority, or is it left to the establishment section to nominate anybody, even though he may be junior-most, to be promoted in the vacancies that occur ?

The Honourable Sir Harry Haig : (a) The object of maintaining seniority lists is to find out readily the relative positions of the employees in a Department when necessary.

(b) All vacancies to be filled by promotion are treated as vacancies in the Department as a whole and filled on the basis of merit combined with seniority from the general list of the establishment. In the case of short vacancies, however, particularly in the grade of Superintendent, it is open to Departments to make such arrangements as may be most convenient from the point of view of departmental work.

As regards the Railway Department, I invite attention to the reply given to clause (a) of Mr. T. N. Ramakrishna Reddi's question No. 1004 on the 28th March, 1933.

(c) Promotions are made by the officer in charge of the establishment, or other competent officer, who takes into consideration all the relevant factors such as exigencies of work, merit, seniority, qualifications and individual suitability for the particular work to be performed.

## TEMPORARY INFERIOR ESTABLISHMENT IN THE GOVERNMENT OF INDIA SECRETARIAT.

156. \*Mr. Uppi Sahab Bahadur : (a) Will Government be pleased to state if certain temporary establishment is charged to contingencies in the various Departments of the Government of India Secretariat ? If so, how long have these men been in service and what are their duties ?

(b) What are the duties of watermen ? Do their duties include those of a peon ?

The Honourable Sir Harry Haig : (a) In the Government of India Secretariat, *chaukidars*, *farashes* (who see to the dusting and cleaning of officers' and office rooms), *bhishties* and sweepers are paid from contingencies. In some cases temporary peons are also paid from contingencies. I regret I cannot give particulars of the length of service of each of these individuals.

(b) The duties of watermen are to supply water and do not include those of a peon. In the Railway Department, however, whole-time watermen are employed and they are occasionally called upon to perform the duties of a peon when not otherwise engaged.

BUSINESS CARRIED ON BY THE MINISTERIAL STAFF OF THE GOVERNMENT OF INDIA.

157. \*Mr. Uppi Sahab Bahadur : (a) Will Government be pleased to state if enquiries were made by the Accountant General, Central Revenues, regarding the receipt of fees, honoraria, bounties, etc., by the ministerial staff of the offices of the Government of India under the following classifications :

- (i) amateur doctors, mostly homœopathic, receiving fees ;
- (ii) working after office hours as coach in schools, athletic associations, and other institutions, and receiving remuneration for that ;
- (iii) working as contractors during the time of move of the Government of India for the carriage of records ; and
- (iv) carrying on business of insurance or money-lending in the names of their minor sons, wives or other relatives ?

And if so, what action, if any, was taken ?

(b) Are these incomes shown in the annual income-tax returns, and is income-tax paid on them ?

The Honourable Sir James Grigg : (a) No.

(b) Section 54 of the Income-tax Act debars me from giving this information.

ACCEPTANCE OF PRESENTS FROM SUBORDINATES IN THE RAILWAY BOARD'S OFFICE.

158. \*Mr. Uppi Sahab Bahadur : (a) Is it a fact that it is customary in the Railway Board's office to accept presents from their subordinates ?

(b) Did Government receive any letter to this effect ?

(c) If the reply to part (b) be in the affirmative, what action, if any, was taken by Government to crush this evil ?

Mr. P. B. Rau : (a) So far as Government are aware, the reply is emphatically in the negative.

(b) No.

(c) If they are furnished with evidence in support of the allegation, Government will take suitable action.

PURCHASE BY THE INDIAN RAILWAYS OF *Poppet Valves* BY MR. F. A. POPE.

159. \*Mr. Uppi Sahab Bahadur : (a) Is it a fact that a valve has been patented as *Poppet Valve* by Mr. F. A. Pope who recently conducted an investigation on Indian Railways, jointly with the makers of this valve ?

(b) How many of these valves have been ordered by Indian Railways for their use ?

(c) What is the total amount spent by Indian Railways on these valves during the last three years ?

**Mr. P. B. Rau :** (a) No. I am afraid, my Honourable friend has been misled by the name.

(b) There are at present about 200 locomotives fitted with *Poppet valves*.

(c) The information is not readily available.

#### IMPORT DUTY ON SUGAR.

160. **\*Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state whether it is a fact that this Assembly have passed Sugar Industry (Protection) Act, 1932, Act No. XIII of 1932, which gives power to the Governor General in Council to increase the duty imposed by section 2, as under :

“ If the Governor General in Council is satisfied, after such enquiry as he thinks fit, that sugar not manufactured in India is being imported into British India at such a price as is likely to render insufficient the benefits intended to be conferred upon the sugar industries by the duties imposed by Section 2, he may, by notification in the Gazette of India, increase such duty to such extent as he thinks fit.”

(b) If the answer to part (a) above be in the affirmative, has the attention of Government been drawn to the fact that sugar not manufactured in India is at present being imported into British India at such a price as renders insufficient the benefits intended to be conferred upon the sugar industries by the duties imposed by section 2 ?

(c) If the answer to part (b) above be in the affirmative, have Government set up any committee to enquire into the matter, and if not, when do they propose to do so ?

(d) Are Government aware that according to the Tariff Board's recommendations, least protection necessary for the sugar industry, as soon as the price of foreign sugar dropped to below Rs. 4 per maund *c. i. f.* Calcutta, was Rs. 7-4-0 *plus* Annas 8, total Rs. 7-12-0 per cwt. ?

(e) Are Government aware that the present prices for foreign sugar have dropped to considerably below Rs. 4 per maund *c. i. f.* Calcutta level, and rule around Rs. 2-13-0 or Rs. 2-14-0 per maund, reduction below Rs. 4 amounting to Rs. 1-2-0 to Rs. 1-3-0 per maund ?

(f) Are Government aware that in view of the above further reduction in the prices of foreign sugar below Rs. 4 per maund *c. i. f.* Calcutta the protection of Rs. 7-12-0 per cwt. referred to in part (d) above does not render sufficient the benefits intended to be conferred upon the sugar industry by the duties imposed by section 2 ?

(g) If the answer to part (f) above be in the affirmative, do Government propose to give relief to the sugar industry, and if so, how and when ?

(h) If the answer to part (f) above be in the affirmative, do Government propose to increase the protection by raising the rate of present duty on imports of foreign sugar ?

(i) If the answer to part (h) above be in the affirmative, do Government propose to announce their intention early ?

**The Honourable Sir Joseph Bhoré :** (a) Yes.

(b) and (f). Government are not satisfied that the position is as stated.

(c) Does not arise.

(d) Yes.

(e) The present price of Java sugar at the ports works out at Rs. 3-3-6 per maund *ex-duty*.

(g), (h) and (i). Do not arise.

**CADETS UNDERGOING TRAINING IN THE INDIAN MILITARY ACADEMY,  
DEHRA DUN.**

161. **\*Mr. Jagan Nath Aggarwal :** (a) Will Government be pleased to state if the full quota of cadets is undergoing training in the Indian Military Academy at Dehra Dun? If not, since when has the number been less than the quota agreed upon?

(b) Will Government be pleased to state if the number of cadets actually undergoing training at the Royal Indian Military Academy, Dehra Dun, is not short of the quota, agreed upon, by three cadets? If so, do Government propose to fill up the said vacancies before the next term of the Academy and thus man the Academy with the full strength?

**Lieut.-Colonel A. F. R. Lumby :** (a) and (b). At the end of the last term, on the 9th June, the Academy contained its full proportionate quota, that is 120, of cadets under training for commissions in the Indian Army; it will only reach its full authorised strength of 150 when it re-opens next month. All vacancies which occur during the course of a term are filled up not later than the beginning of the following term.

The Indian States Forces Cadets have been under strength owing to lack of qualified candidates since August, 1933, and the deficiency last term reached 15 in an authorised strength of 40.

**ALLEGED RACIAL DISCRIMINATION IN THE MATTER OF RECRUITMENT AND PROMOTIONS OF INDIAN GUARDS IN THE HOWRAH DIVISION, EAST INDIAN RAILWAY.**

162. **\*Mr. Nabakumar Sing Dudhuria :** (a) Will Government be pleased to state if it is a fact that the Indian Guards on the East Indian Railway under the Divisional Superintendent, Howrah, appealed to the Railway Board complaining against racial discrimination in the matter of their recruitment and promotions?

(b) If the reply to part (a) be in the affirmative, what action has been taken by the Railway Board on that appeal?

**Mr. P. B. Rau :** (a) No such appeal has so far been received by the Railway Board.

(b) Does not arise.

**GUNNER GUARDS IN THE HOWRAH DIVISION, EAST INDIAN RAILWAY.**

163. **\*Mr. Nabakumar Sing Dudhuria :** Will Government be pleased to state :

(a) the total strength of Gunner Guards under the Divisional Superintendent, Howrah ;

- (b) the percentage of posts held by Anglo-Indians and Indians in the cadre of Guards ;
- (c) the scale of pay of the Gunner Guards ;
- (d) whether the Gunner Guards are supposed to work trains on the main line ;
- (e) the number of Indians who are drawing the maximum of Grade II and the number in Grade I ; and
- (f) the total number of Guards in Grade I and in Grade II, respectively ?

**Mr. P. R. Rau :** (a) to (f). I would invite the Honourable Member's attention to pages 94 to 96 of Volume III of Mr. K. M. Hassan's " Report on the representation of Muslims and other minority communities in the subordinate railway services " which contains the information in the possession of Government regarding the staff referred to.

#### PASSES FOR GUARDS ON THE EAST INDIAN RAILWAY.

164. **\*Mr. Nabakumar Sing Dudhuria :** (a) Will Government be pleased to state if it is a fact that the Guards on the Eastern Bengal Railway are entitled to second class passes when their pay and mileage allowances exceed Rs. 125 a month ?

(b) If the reply to part (a) be in the affirmative, why are not the Guards of the East Indian Railway given second class passes, when their pay and mileage allowances exceed Rs. 116 ?

**Mr. P. R. Rau :** (a) Yes.

(b) The rules for the issue of passes over the East Indian Railway are not identical with those over the Eastern Bengal Railway. The question of having uniformity in the pass rules over the State-managed Railways is under consideration.

#### REDUCTION IN THE NUMBER OF PASSES ON THE EAST INDIAN RAILWAY.

165. **\*Mr. Nabakumar Sing Dudhuria :** (a) Will Government be pleased to state if it is a fact that on the East Indian Railway employees drawing pay of Rs. 116 and above are entitled to four return or eight single journey passes, whereas employees drawing pay of Rs. 75 to Rs. 115 are entitled to three return or six single journey intermediate class passes and those drawing pay of Rs. 74 and under are entitled to three return or six single journey third class passes ?

(b) If the answer to part (a) be in the affirmative, what is the reason for reduced number of passes for those receiving lower scales of pay ?

(c) Is it a fact that no question of pay is taken into consideration in the case of officers who are entitled to first class passes ? If so, why is there consideration of pay for the subordinate staff in the matter of granting them passes ?

**Mr. P. R. Rau :** (a) Yes, except that employees having not less than 20 years' service are entitled in addition to one return or two single journey passes.

(b) and (c). Certain arbitrary limits have to be fixed in order to determine the class of accommodation an employee should be allowed. In view of the large number of employees in subordinate ranks, pay limits are the only possible criteria. The number of passes admissible in a year is limited according to the class of pass, as it is obviously necessary for administrative reasons to set some limit to the grant of this privilege.

**TEST OF STAFF ATTACHED TO TRANSPORTATION WORK ON RAILWAYS.**

166. \*Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state if the Railway Board propose to examine the question and issue a uniform rule for all Railways in the matter of testing the staff attached to transportation working as is in existence on the Eastern Bengal Railway ? (On the Eastern Bengal Railway Officers and Inspecting Officers, when visiting a station on inspection, take oral examination of staff attached to Transportation working.)

Mr. P. R. Rau : Presumably the Honourable Member refers to some oral tests to which transportation staff may be put by Inspecting officials to see that they are conversant with general and subsidiary rules. The question of what tests are desirable in the case of staff of the different Departments of a Railway is one which lies within the competence of Agents of Railways and Government are not prepared to prescribe a uniform rule or procedure.

**APPOINTMENT OF TRANSPORTATION INSPECTORS, COMMERCIAL, ON THE EAST INDIAN RAILWAY.**

167. \*Mr. Nabakumar Sing Dudhoria : (a) Will Government be pleased to state if it is a fact that recently sanction has been accorded to the appointment of seven Transportation Inspectors, Commercial, in the various divisions on the East Indian Railway and that for the purpose of filling up the appointments the Chief Operating Superintendent has invited recommendations from the Divisional Superintendent and the Chief Commercial Manager ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what the percentage is of the appointments that are held by the Anglo-Indians and Europeans and by Indians respectively, in the cadre of Transportation Inspectors, Commercial ?

(c) Is it a fact that the recommendations made by the Divisional Superintendent for the new appointments of Transportation Inspectors are all in favour of Anglo-Indians and Europeans and none for Indians ?

Mr. P. R. Rau : Government have no information. The creation and filling of these posts is within the competence of the Agent. Government are confident that the selection for these posts will be made on grounds of merit and not on communal considerations.

**ANTI-INDIAN LEGISLATION IN ZANZIBAR.**

168. \*Mr. B. Das : (a) Has the attention of Government been drawn to the Press report that the Zanzibar Government are legislating (or have already legislated) whereby Indians in Zanzibar will lose their



right to acquire land and further Indians will be restricted in their trading rights ?

(b) Are Government aware of the feeling of perturbation and anxiety created all over India on account of this restriction of rights of Indians who have been settled for long in Zanzibar ?

(c) Will Government be pleased to state what latest information they have in their possession and whether those four Bills are already placed on the Statute-book ?

(d) What steps have Government taken so far to protect the accruing rights of Indians in Zanzibar ?

**Mr. G. S. Bajpai :** With your permission, Sir, I will answer questions Nos. 168, 169 and 170 together. The attention of the Honourable Member is invited to the reply given by me to Mr. Gaya Prasad Singh's question No. 148 on the 19th instant and to connected supplementary questions.

**Mr. B. Das :** Will Government kindly state why is it that the Colonial Secretary did not inform the Secretary of State for India in time that such an anti-Indian legislation was being introduced in the Zanzibar Council ?

**Mr. G. S. Bajpai :** I am afraid I cannot say why the Secretary of State for the Colonies did not inform the Secretary of State for India.

**Mr. B. Das :** Did the Secretary of State possess any earlier information than the information which was given to him by the Government of India ?

**Mr. G. S. Bajpai :** I am sure he did not possess any earlier information, because in that case he would have consulted the Government of India.

**Mr. B. Das :** Has the attention of the Honourable Member been drawn to the speech of the *ex*-Attorney-General of Zanzibar, Mr. Wiggins, who stated that the policy of the Zanzibar Government for the last three years has been entirely anti-Indian ?

**Mr. G. S. Bajpai :** I have perused that speech, Sir.

**Mr. B. Das :** Does the Honourable Member agree with that view ?

**Mr. G. S. Bajpai :** That, Sir, is asking for an expression of opinion.

**Dr. Ziauddin Ahmad :** May I ask whether the Government of India received a copy of the Land Alienation Restriction Bill mentioned in question No. 169 (a) ?

**Mr. G. S. Bajpai :** We have got in the normal course a copy of the Zanzibar Official Gazette in which the Bill was published.

**Dr. Ziauddin Ahmad :** Is it possible for the Honourable Member to lay it on the table ?

**Mr. G. S. Bajpai :** I have only one copy and I am afraid I cannot spare it at the present moment as I need it for my own personal use, but I have asked for another copy. If my Honourable friend would like to have a look at my copy, I can lend it to him temporarily, with pleasure.

**Mr. Lalchand Navalrai :** Is it not a fact that the Zanzibar Government wants to force out Indians by these indirect methods ?

**Mr. G. S. Bajpai :** I am not prepared to subscribe to that inference of my Honourable friend.

**Mr. Lalchand Navalrai :** What is the difficulty in giving me that reply ?

**Mr. G. S. Bajpai :** The difficulty is that I do not entirely agree with my Honourable friend, that is all.

DISQUALIFICATION OF INDIANS TO POSSESS LAND IN ZANZIBAR.

†169. **\*Mr. B. Das :** (a) With reference to the cablegram received by the Imperial Indian Citizenship Association (Bombay), from the Indian National Association, Zanzibar, and as published in the *Sun* of the 4th July, 1934, will Government be pleased to state if the Land Alienation Restriction Bill does not specifically aim at disqualification of Indians to possess land in Zanzibar ?

(b) Is it not a fact that the formation of Clove Growers Association by Decree No. 2 is aimed at keeping Indians from taking part in clove growing business or trading in cloves ?

(c) Is it not a fact that Decrees Nos. 3 and 4 are aimed at destroying Indian business in Zanzibar ?

SECURITY FOR THE INVESTMENTS MADE BY INDIANS IN ZANZIBAR.

†170. **\*Mr. B. Das :** (a) Are Government aware that the Indians in Zanzibar have invested 80 lakhs of rupees in business and mortgage of the Arabs' and natives' properties ?

(b) If the Land Alienation Restriction Bill, as contained in Decree No. 1 comes into operation, what security will the Zanzibar Indians have for all this large sum of money invested there ?

(c) Is it not a fact that the connection of India with Zanzibar is much older than the Christian era ?

DEPUTATION OF SIR LANCELOT GRAHAM TO LONDON.

171. **\*Mr. B. Das :** (a) Will Government be pleased to state if Sir Lancelot Graham has been sent on deputation to London to help in the draft of the New Constitution Bill ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the date from which Sir Lancelot Graham is placed on his deputation work ?

**The Honourable Sir Joseph Bhore :** (a) and (b). Sir Lancelot Graham has been deputed to the India Office for work generally in connection with Indian Constitutional Reform. He was placed on deputation with effect from the afternoon of the 14th June, 1934.

**Mr. K. C. Neogy :** Is it not a fact that we have another officer already there in the person of Sir James Dunnett, doing somewhat similar work ?

**The Honourable Sir Joseph Bhore :** That is quite true, Sir.

† For answer to this question, see answer to question No. 168.

**Mr. K. C. Neogy :** What additional duties will Sir Lancelot Graham have to perform there ?

**The Honourable Sir Joseph Bhoré :** I shall be replying in the next question as to the duties that Sir Lancelot Graham may possibly be entrusted with. I may anticipate to this extent that it is a matter entirely for the Secretary of State and we cannot say on what matters Sir Lancelot Graham will be employed.

#### DEPUTATION OF SIR LANCELOT GRAHAM TO LONDON.

172. **Mr. B. Das :** (a) Has the attention of Government been drawn to the Press report that the Joint Committee will report on the Indian Constitution some time in mid November this year ?

(b) Is that Press report true, and if so, will Government be pleased to state if Sir Lancelot Graham will assist in the preparation of the New Constitution Bill prior to the presentation of the Joint Committee Report to the Houses of Parliament ?

(c) What is the special nature of work in which Sir Lancelot Graham will be required to help the Parliamentary draftsman ?

(d) Is it a fact that Government contemplate deputing a few ex-Round Tablers to assist in the drafting of the New Constitution Bill ?

**The Honourable Sir Joseph Bhoré :** (a) Yes.

(b) and (c). Government have no information other than has appeared in the Press regarding the probable date of the presentation of the Joint Committee's report to Parliament. The nature of the work on which Sir Lancelot Graham will be employed is a matter entirely within the discretion of the Secretary of State. On this point reference is invited to the answer given to the Honourable Member's immediately preceding question.

(d) So far as I am aware there is no such intention.

**Mr. K. C. Neogy :** In view of the fact that Sir Lancelot Graham will be assisting the Secretary of State and the India Office, do I take it that the cost of his deputation will be borne by His Majesty's Government and not by the Indian Government ?

**The Honourable Sir Joseph Bhoré :** I am not prepared to make any declaration on this point without notice.

**Mr. S. C. Mitra :** May I take it that Sir Lancelot Graham has been sent to London on the requisition of the Secretary of State and not on the initiative of the Government of India ?

**The Honourable Sir Joseph Bhoré :** The Government of India were undoubtedly consulted by the Secretary of State.

**Mr. S. C. Mitra :** Who took the initiative ? Was it at the suggestion of the Secretary of State or was it the Government of India who sent him there in addition to Sir James Dunnett ?

**The Honourable Sir Joseph Bhoré :** I am not prepared to be precise on that point without specific notice.

**Mr. S. C. Mitra :** Will the Honourable Member kindly inquire about this matter and inform the House ?

**The Honourable Sir Joseph Bhore :** If my Honourable friend will put a question down, I will see.

**Mr. S. C. Mitra :** Will the Honourable Member kindly take this as a notice ?

**Mr. B. Das :** Are Government prepared to ask the Secretary of State to ask the British Government to bear the cost of Sir Lancelot Graham's deputation ?

**The Honourable Sir Joseph Bhore :** I am not prepared to give my Honourable friend an immediate answer to this question.

**Dr. Ziauddin Ahmad :** May I ask whether the question, as to who should pay the deputation allowance, was ever discussed by the Government of India with the Secretary of State ?

**The Honourable Sir Joseph Bhore :** I am not aware, Sir, whether that question was specifically considered.

**Dr. Ziauddin Ahmad :** If it was not discussed and he was asked by the Secretary of State, then naturally he should be paid by the British Government.

**The Honourable Sir Joseph Bhore :** That is my Honourable friend's inference.

**Dr. Ziauddin Ahmad :** I am asking the Government of India whether it is not a fact that he ought to be paid by the British Government.

**The Honourable Sir Joseph Bhore :** That is also a matter of opinion.

**Mr. Gaya Prasad Singh :** Has not India got the prescriptive right to foot such little bills ? (Laughter.)

#### RESEARCH CONDUCTED UNDER THE LAC CESS COMMITTEE.

173. **\*Mr. B. Das :** (a) Has the attention of Government been drawn to the articles in the *Searchlight* of Patna of the 13th May, regarding the Lac Cess Committee ?

(b) Is it a fact that research under the Lac Cess Committee is mostly concerned with Applied Chemical, Physio-Chemical and Electrical Research ?

(c) Is it a fact that there are no Industrial Chemists, Physicists or Electrical experts on the Lac Cess Committee ?

(d) Is it a fact that there is a Research Sub-Committee of the Lac Cess Committee ? What is the personnel of the Sub-Committee, and what are the qualifications of each member for expert knowledge and research ?

(e) Will Government be pleased to state the personnel of corresponding research sub-committees in England and the United States of America, and the qualifications of their members in research work ?

(f) Are Government satisfied that the three sub-committees in India, England and America are at par in personnel and expert knowledge ?

(g) Are Government prepared to put in a few suitable scientists in the Lac Cess Committee and amend the Lac Cess Act accordingly ?

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

(b) The branches of research referred to by the Honourable Member have recently assumed great importance.

(c) One member of the Committee is a qualified industrial chemist.

(d) and (e). A statement showing the composition of the Sub-Committee of the Indian Lac Cess Committee and of the Lac Research Sub-Committees in England and in the United States is placed on the table.

(f) The three Committees are complementary to one another.

(g) The question is under consideration.

*Statement showing the composition of the Research Sub-Committee of the Indian Lac Cess Committee and of the Lac Research Sub-Committees in England and in the United States.*

(a) *India—Sub-Committee of the Lac Cess Committee.*—1. The Director of the Lac Research Institute. Is a Chemist with 11 years' experience of Lac Research.

2. A member nominated by the Bihar and Orissa Government. At present the Commissioner of the Chota Nagpur Division.

3. The Conservator of Forests, Bihar and Orissa. Has knowledge of Lac production in forest areas and specialist knowledge of the trees which are the hosts of the Lac insect.

4. Mr. W. F. Dines. An Industrial Chemist with experience and knowledge of both the manufacture and utilisation of Lac.

5. Mr. T. C. Mukerji, representing the Shellac Manufacturing Industry. Has commercial knowledge and experience of the different qualities of Lac and of the trade in Lac.

6. The Imperial Entomologist. Has Research experience in applied entomology. At the first meeting of the Sub-Committee Dr. Aldis, Physical Chemist at the Lac Research Institute, was co-opted to it.

(b) *England—Advisory Committee on Lac Research.*—1. The High Commissioner for India.

2. The Indian Trade Commissioner.

3. Mr. W. Duval, Chairman of the London Shellac Trade Association.

4. Dr. L. A. Jordan, Director of the Paint and Varnish Research Station, Teddington.

5. Mr. W. Bayley-Parker, Chief Chemist to the British Thomson Houston Company, Research Laboratories, Rugby.

6. Mr. A. Nutton of Messrs. Angelo Bros. Shellac Manufacturers.

7. Mr. A. J. Gibson, Special Lac Officer.

(c) *United States—The American Lac Research Bureau maintained by the United States Shellac Importers' Association.*—1. Director. Dr. Gardner—Research Chemist.

2. Consultant. Dr. Olsen.

3. Consultant. Dr. Whitmore.

(The Board of Directors of the Association is also advised in matters of research policy by a Chemists' Committee comprising four Chemists employed by four manufacturing firms who are members of the Association.)

**Mr. K. O. Neogy :** With reference to the answer to clause (a) if this question, will the Honourable Member be pleased to state whether any action is being taken by Government with regard to the various criticisms that have appeared in the *Searchlight* ?

**Mr. G. S. Bajpai :** I would invite my Honourable friend's attention to the answer which I gave to part (g), that the question is under consideration.

**Mr. K. C. Neogy :** Was that the sole point involved in that article ? I thought there were several other points.

**Mr. G. S. Bajpai :** All the points, which were raised by my Honourable friend, during the November Session of the Assembly in Delhi and in regard to which I gave an undertaking that they would be considered by Government, are receiving consideration.

**Mr. K. C. Neogy :** Will the Honourable Member be pleased to state whether he proposes to lay a statement on the table showing the result of the consideration of this question by Government ?

**Mr. G. S. Bajpai :** Certainly, Sir, I shall lay a statement on the table, but in due course ; that is to say, when the results of the consideration become available.

**Mr. B. Das :** With reference to the reply to part (d), does not the statement show that the Committees in England and America are all composed of experts, while, in the Indian Committee, the personnel, barring one, is all composed of laymen ?

**Mr. G. S. Bajpai :** I would not go so far as to say that they are all laymen. There is one layman on it.

**Dr. Ziauddin Ahmad :** May I ask whether the statement will be laid before this Assembly, as otherwise the whole question will lapse and the Honourable Member would not be bound to lay it on the table before the next Assembly ?

**Mr. G. S. Bajpai :** My Honourable friend does not surely imply that the next Assembly will be less interested in this subject than the present ?

**Mr. S. C. Mitra :** May I ask whether Government have considered the question of putting on the Committee in its future reconstruction more chemists who are adepts in this particular line of expert work ?

**Mr. G. S. Bajpai :** The position is that the whole structure of this Committee is under consideration by Government at the present moment.

**Dr. Ziauddin Ahmad :** On a point of order. May I ask whether, after this Assembly has been dissolved, the Honourable Member will lay a statement without any fresh question being asked or whether a fresh question would be necessary.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : There is no point of order in that.

#### LEGISLATION ON THE PROTECTION OF STEEL INDUSTRY.

174. **\*Mr. B. Das :** Will Government be pleased to state whether they are bringing any legislation on the protection of steel industry in the current Session of this House ?

**The Honourable Sir Joseph Bore :** The Honourable Member is referred to the Government of India, Commerce Department, Press Communiqué, dated the 12th July, 1934.

**Mr. B. Das :** May I know when the Bill is likely to be introduced ? I am sorry I have not seen the Communiqué.

**The Honourable Sir Joseph Bhoré :** I hope that it will be possible for me to introduce the Bill on some day this week.

#### DISPOSAL OF SURPLUS SILVER.

**175. \*Mr. B. Das :** (a) Will Government be pleased to state whether they are giving an early day in this House for ascertaining the view of the Legislature regarding disposal of surplus silver ?

(b) What effect, if any, has occurred on prices of silver on account of the Roosevelt policy of conservation of silver in America ?

(c) What is the present policy of Government regarding conservation of silver for India ?

**The Honourable Sir James Grigg :** (a) I would refer the Honourable Member to the reply which my predecessor gave to Sir Cowasji Jehangir's question No. 125, on the 13th February, 1934. In accordance with the undertaking then given, the matter was placed before the Standing Finance Committee on the 12th and 20th of March, 1934, and the Committee expressed a general approval of the arrangements proposed by Government for the disposal of the surplus silver to be retained by Government when the Reserve Bank is created, on the understanding that this would not debar them from criticising the Government's policy with regard to the sale of silver. These conclusions of the Committee have been made known to Honourable Members by the circulation of their proceedings, and no member of the Committee has suggested that a discussion in the House is necessary.

(b) The price of silver per ounce in the London market on the 12th March was 20½d. ; on the 12th April, 20½d. ; on the 12th May, 19½d. ; on the 12th June, 19½d. ; and, on the 12th July, it was back at the price (20½d.) which ruled on the 12th March. I must leave the Honourable Member himself to draw from these quotations any conclusion he can as to the effect of Mr. Roosevelt's action on the prices of silver.

(c) Our policy has been explained in Sir George Schuster's speech, proposing the ratification of the Silver Agreement, on the 21st November, 1933, and in Mr. Taylor's speech, in the Council of State, on the 14th December, 1933. I would refer the Honourable Member to these speeches.

**Mr. B. Das :** With reference to part (a) of the question, did not the predecessor of the Honourable the Finance Member give an assurance on the floor of the House that the House would be given a day for the consideration of the question of the disposal of surplus silver ?

**The Honourable Sir James Grigg :** My reading of his assurance was that if there was a general desire for a discussion, a day would be given, but my understanding of the position is that no such general desire has manifested itself.

**Mr. B. Das :** May I tell the Honourable Member that there is a general desire on this side of the House to have a discussion ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** Whenever the Government undertake to give a day for the discussion of a particular subject in case there is a general desire on the part of the

House, then it is up to the Leaders of Parties to get into touch with the Leader of the House and arrange for a discussion. The proceedings of the House cannot go on smoothly if every individual member of a Party gets up and says, on his own responsibility, that there is a general desire.

**Mr. B. Das :** With reference to part (b) of the question, apart from my own inferences about the Roosevelt policy, is it not the present policy in America to conserve their resources of silver ?

**The Honourable Sir James Grigg :** That is a question very difficult to answer in the short space customarily allowed to answers to parliamentary questions. I shall be glad to discuss it with my Honourable friend in private : I think it will take too long to do it here.

#### ESTABLISHMENT OF THE RESERVE BANK OF INDIA.

176. **\*Mr. B. Das :** (a) Will Government be pleased to state what action has so far been taken to constitute the Reserve Bank of India since the Reserve Bank Act was placed on the Statute-book ?

(b) What is the probable date when shares of the Reserve Bank will be placed on the market ?

(c) Have Government so far incurred any expenditure on the Reserve Bank, and, if so, to what extent ?

**The Honourable Sir James Grigg :** (a) The detailed arrangements for setting up the bank have been under active investigation and are now in a fairly advanced stage of preparation. A senior officer is shortly to be placed on special duty to see to their completion, so far as that is possible before the Central Board is actually constituted.

(b) After the supplementary questions that my Honourable friend has put, he will not be surprised to hear that I am not yet in a position to make any announcement.

(c) No, except in so far as expenditure is being incurred on working out the detailed arrangements I have mentioned under (a).

**Mr. B. Das :** Is it not a fact that the Honourable Member's predecessor announced that Mr. Darling of the Punjab will be placed on special work in connection with the work on rural credit facilities ?

**The Honourable Sir James Grigg :** That is only one side of the preparatory work for the Bank ; it is a very important side ; but, if my Honourable friend, will allow me to say so, it is not the main purpose of the Reserve Bank and the other preparations are even more important.

**Mr. B. Das :** Have not Mr. Darling's services so far been requisitioned by the Government of India ?

**The Honourable Sir James Grigg :** I understand that Mr. Darling will very shortly land in India.

**Dr. Ziauddin Ahmad :** May I ask whether the Finance Member will lay the matter before the Standing Finance Committee for the confirmation of expenditure in this connection ?



**The Honourable Sir James Grigg :** I do not think the Honourable Member can have heard properly my reply to part (c) of the question. The question was :

“ Have Government so far incurred any expenditure on the Reserve Bank, and, if so, to what extent ? ”

The answer to it was :

“ No, except in so far as expenditure is being incurred on working out the detailed arrangements I have mentioned under (a) ”.

The main expenditure is the placing on special duty of a senior officer and that has not yet occurred. Most of the preparations have been done in the ordinary course of the Finance Department's work.

**Dr. Ziauddin Ahmad :** My question was, will the matter be laid before the Standing Finance Committee before the expenditure has actually been incurred ?

**The Honourable Sir James Grigg :** I can give no such pledge, because the main purport of the questions addressed to me from the other side of the House has been that we were being too slow in preparing for the setting up of the Reserve Bank. As then there is a certain amount of urgency about it, I can give no sort of pledge that we would obtain the approval of the Standing Finance Committee before incurring any expenditure at all.

**Mr. B. Das :** Has the attention of the Honourable Member been drawn to the Press report that Mr. Shankar Rau is being placed on special duty in connection with the Reserve Bank ?

**The Honourable Sir James Grigg :** I have said that a senior officer is shortly to be placed on special duty to see to the completion of the arrangements.

**Maulvi Muhammad Shafee Daoodi :** Should not the House be in possession of the probable date when the shares of the Reserve Bank will be placed on the market ?

**The Honourable Sir James Grigg :** No, Sir.

**Maulvi Muhammad Shafee Daoodi :** Why not ?

**The Honourable Sir James Grigg :** I should have thought the answer to that was obvious.

**Mr. K. C. Neogy :** Is the Honourable Member's disinclination to place the matter before the Standing Finance Committee due to shortness of time or is it based on grounds of policy ?

**The Honourable Sir James Grigg :** It is based on an unwillingness to commit myself to doing something which it may be quite impossible to do in any case.

**Mr. K. C. Neogy :** Why does the Honourable Member think at this time of the year that it will not be possible for him to summon the Standing Finance Committee to do the work ?

**The Honourable Sir James Grigg :** Because practically no expenditure has yet been incurred.

**Mr. K. C. Neogy :** Supposing the expenditure has to be incurred and supposing this House is still in being, does the Honourable Member

still think that it will not be right on his part or feasible to summon the Standing Finance Committee to be consulted ?

**The Honourable Sir James Grigg :** It is the universal rule, I think, in every parliamentary institution in the world that Members in charge of Departments are exempt from answering hypothetical questions. I must plead the same privilege.

**Mr. Gaya Prasad Singh :** Did the Honourable Member just now say that some expenditure with regard to the details in the setting up of the Reserve Bank has already been incurred ?

**The Honourable Sir James Grigg :** The answer is no, except in so far as expenditure is being incurred in the near future, and that expenditure is simply the placing on special duty of a senior officer.

**Mr. K. C. Neogy :** Why was not this particular item of expenditure, namely, that involved in the placing of an officer on special duty, placed before the Standing Finance Committee ?

**The Honourable Sir James Grigg :** Because it has not yet been incurred.

**Mr. K. C. Neogy :** The Honourable Member, I take it, has decided to incur it without consulting the Standing Finance Committee ?

**The Honourable Sir James Grigg :** The business of Government must be carried on.

**Mr. K. C. Neogy :** Has the Honourable Member come to the conclusion that the business of the Government cannot be carried on if the Standing Finance Committee is consulted ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** There appears to be a great deal of misunderstanding in the questions and answers with regard to this point. Definite rules have been laid down as to what are the items of expenditure which ought to be placed before the Standing Finance Committee, and the Chair takes it that the Government in the usual course will comply with this rule.

**The Honourable Sir James Grigg :** Certainly, Sir ; but I have just been reminded that in this particular case the whole of the expenditure which has been incurred, which is negligible, and that which will be incurred by the placing of a senior officer on special duty is non-voted, and, therefore, there is no obligation to bring it before the Standing Finance Committee.

**Mr. Gaya Prasad Singh :** May I know, Sir, if the expenditure, which is being incurred or which is likely to be incurred in connection with the placing of an officer on special duty, is all non-voted or there are some votable items also in that connection ?

**The Honourable Sir James Grigg :** My information is, it is all non-voted.

**Mr. D. K. Lahiri Chaudhuri :** Is it not a fact, Sir, that cases of non-voted items of expenditure also should be placed before the Standing Finance Committee for approval ?

**The Honourable Sir James Grigg :** Speaking off-hand,—I have had no experience of these matters,—I understand there is no necessity to

bring items relating to non-voted expenditure before the Standing Finance Committee.

**Mr. Gaya Prasad Singh :** Is it not a fact that non-voted items come before the Standing Finance Committee for approval when expenditure relating to new services has to be incurred ?

**The Honourable Sir James Grigg :** Only if they are presented in connection with new services involving voted expenditure.

**Sir Abdur Rahim :** Will the Honourable Member comply with the rules and practices that have hitherto been observed in this matter ?

**The Honourable Sir James Grigg :** Certainly, whatever they are.

**Mr. Gaya Prasad Singh :** May I know approximately the amount of expenditure which is likely to be incurred in connection with the placing of that senior officer on this particular work ?

**The Honourable Sir James Grigg :** I will look into that.

**Mr. Lalchand Navalrai :** May I know if any rules have been made or any policy laid down in regard to recruitment for the establishment of the Reserve Bank ?

**The Honourable Sir James Grigg :** That is precisely why a senior officer is being placed on special duty—to investigate some of those matters.

**Mr. Lalchand Navalrai :** May I know if the recruitment will be made through the Public Service Commission, or, if it is not so, how will it be made ?

**The Honourable Sir James Grigg :** I cannot possibly make any statement about that just now.

**Mr. Lalchand Navalrai :** Will the Honourable Member make some statement about it some day when he can ?

**The Honourable Sir James Grigg :** When I can, but not before.

**Dr. Ziauddin Ahmad :** Is it not a fact, Sir, that the Honourable Member, in his capacity as Chairman of the Standing Finance Committee, is himself the custodian of the rights and duties of that Committee ?

**The Honourable Sir James Grigg :** Yes, and those privileges and duties will be fully safeguarded.

**Dr. Ziauddin Ahmad :** Will he be pleased, as Chairman of the Standing Finance Committee, to ask the Finance Member of the Government of India to see that the privileges and duties of that Committee are fully carried out and that no departure is made from the practice hitherto followed ?

**The Honourable Sir James Grigg :** I will certainly ask myself that question, and I hope that I shall give myself a sensible answer.

**Mr. B. Das :** May I know, Sir, if this non-voted officer is not being assisted by a *chaprasi* and stenographer, so that part of the expenditure is still votable ?

**The Honourable Sir James Grigg :** I must have notice of that, Sir.

**Sirdar Harbans Singh Brar :** Is it not a fact, Sir, that in previous years, cases of officers placed on special duty, whose salaries were non-voted, were placed before the Standing Finance Committee for approval as in the case of the Honourable Sir Harry Haig who was placed on special duty twice or thrice before he was appointed Home Member, and sanction was always obtained of the Standing Finance Committee ?

**Mr. Gaya Prasad Singh :** I hope the Honourable the Finance Member is not departing from the rights and privileges which have hitherto been followed by the Standing Finance Committee ?

**The Honourable Sir James Grigg :** No.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair does not think it was the intention of the Honourable the Finance Member to announce any departure from the recognised policy of the Government in placing matters before the Standing Finance Committee.

**The Honourable Sir James Grigg :** That is quite so. What I refused to give was any undertaking that no expenditure should be incurred or no action taken until the Standing Finance Committee had actually approved. I understand that the rules of procedure in this country provide for the Government taking action in cases of urgency in advance of the approval of the Standing Finance Committee. I am quite unwilling to waive those rules.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : In any case, it is not the intention of the Honourable the Finance Member to vary the practice that has so far been followed with regard to the placing of such matters before the Standing Finance Committee ?

**The Honourable Sir James Grigg :** Not at all, Sir.

#### REPORT OF THE INDIAN COLONIZATION ENQUIRY COMMITTEE OF SOUTH AFRICA.

177. **\*Mr. B. Das :** (a) Will Government be pleased to state if they consented to the preliminary investigation report of the Indian Colonization Enquiry Committee by the Government of South Africa ?

(b) At the time of giving such consent, did Government of India agree to the point that this alien Committee should recommend as to how and where India should provide a colony for her surplus population ?

(c) Will Government be pleased to lay on the table of this House all relevant correspondence that passed between them and the South African Government ?

**Mr. G. S. Bajpai :** (a) and (b). The attention of the Honourable Member is invited to the replies given by me to the supplementary questions asked by him on the 18th instant, in connection with Mr. Ranga Iyer's short notice question on the subject of the Report.

(c) Government regret that they are unable to lay a copy of the correspondence on the table of the House.

#### APPOINTMENT OF A JOINT COMMISSION TO EXPLORE COLONIZATION SCHEMES FOR SOUTH AFRICAN INDIANS.

178. **\*Mr. B. Das :** (a) Will Government be pleased to state the reasons which prevented the appointment of the Joint Commission as was agreed at the 1932 Round Table Conference ?

(b) Will Government be pleased to state if the 1932 Agreement regarding appointment of a Joint Commission to explore colonization schemes for South African Indians still holds good, and if so, when will such a Joint Commission materialise ?

**Mr. G. S. Bajpai :** (a) and (b). The initiative in this matter rested with the Union Government who decided to appoint a preliminary Committee in South Africa first.

#### REPORT OF THE INDIAN COLONIZATION ENQUIRY COMMITTEE OF SOUTH AFRICA.

179. **Mr. B. Das :** What correspondence have the Government of India sent to the Government of South Africa on the advice of the Committee over colonization of India ? Will Government kindly lay on the table all letters and cables that have passed between them since the publication of the report ?

**Mr. G. S. Bajpai :** I would invite the Honourable Member's attention to the answer I gave to Mr. Ranga Iyer's short notice question on the 18th instant. Government have not yet formed or communicated their views on the recommendations of the Committee to the Union Government.

**Mr. B. Das :** Has the Union Government addressed any letter or cable to the Government of India on the matter ?

**Mr. G. S. Bajpai :** Merely a communication, Sir, inquiring as to whether the Government of India will be agreeable to the publication of the Report on a certain date.

#### TOTAL CAPITAL EXPENDITURE ON ROLLING STOCK.

180. **Mr. K. P. Thampan :** Will Government be pleased to state :

- (a) the total capital expenditure on rolling stock—stating figures separately for locomotive engines and wagons—for the years 1919 to 1934 ;
- (b) how much of it was spent in India, Great Britain and foreign countries ; and
- (c) what steps they are taking to make this country self-contained in respect of the requirements of its Railways ?

**Mr. P. B. Rau :** (a) The total expenditure on locomotive engines and wagons, during the 15 years referred to, amounted to 30,49 and 41,86 lakhs, respectively.

(b) The detailed information is not available, but I would inform the Honourable Member that locomotives are only manufactured in India at the Bombay, Baroda and Central India Railway Workshops at Ajmer. During the last few years an average of 15 Metre Gauge locomotives per annum have been built at Ajmer at a cost of approximately Rs. 62,000 each.

Wagons complete, with the exception of certain components such as wheels and axles, buffers, etc., are manufactured in India and railways' requirements of I. R. S. wagons are ordered from Indian builders.

(c) The attention of the Honourable Member is invited to the Government of India, Industries and Labour Department Resolution No. S-217, dated the 12th December, 1929 [printed as Appendix I (A) in the State Railway Code (Revised)], a copy of which is in the Library of

the House. The Railway Board are actively following the policy therein enunciated, for encouraging indigenous industries. The subject of constructing locomotives in India is now under consideration.

**CLERKS WORKING AS DESPATCHERS AND DIARISTS IN THE GOVERNMENT OF INDIA DEPARTMENTS.**

181. **\*Mr. K. P. Thampan :** (a) Will Government be pleased to state whether there are some clerks in certain departments drawing more than Rs. 200 per month, who do only despatching work or work as diarists ?

(b) If the answer to part (a) be in the affirmative, how many such clerks are there and in which departments ?

(c) What is the highest salary now drawn by such a clerk ?

(d) Have Government considered whether they cannot in the interests of economy be put on some more responsible work elsewhere, or retrenched ?

**The Honourable Sir Harry Haig :** I lay on the table a statement containing the information required by the Honourable Member.

*Statement showing the number of clerks in the Government of India Secretariat who are drawing pay of more than Rs. 200 a month, and who are doing work as diarist or despatcher.*

Name of Department.	No. of clerks.	Pay.	Remarks.
Education, Health and Lands.	1 (Despatcher) ..	Rs. 300 (substantive) Rs. 325 (on probation).	There is only one post of despatcher in the Department, and as the work is very heavy at all times and at times of a confidential nature it is necessary to employ a senior and trustworthy clerk. The existing incumbent is nearing the age of superannuation.
Finance ..	2 { 1 Despatcher .. 1 Diarist ..	268 236	It is not considered desirable to transfer them to other work or to retrench them, as the despatcher is nearing the age of superannuation and the diarist's work is considered to be as responsible as most of the other duties which can be entrusted to a clerk of his pay and status.
Foreign and Political.	1 (Despatcher) ..	350	He is the senior despatcher. The special nature of work in the Foreign and Political Department makes it necessary to have senior man to do the despatching of secret and confidential work.

## LIBRARIANS ATTACHED TO THE GOVERNMENT OF INDIA DEPARTMENTS.

182. \*Mr. K. P. Thampan : (a) Will Government please state whether there are separate librarians attached to every department ? If so, how many ?

(b) What is the grade of their salary and the amount actually drawn by each at present ?

The Honourable Sir Harry Haig : I lay on the table a statement containing the information required by the Honourable Member.

*Statement showing the number of Librarians attached to the Departments of the Government of India, together with their pays and grades.*

Name of Department.	No. of Librarians.	Grade.	Pay.	Remarks.
1	2	3	4	5
Military Finance ..		Rs.	Rs.	
Army .. ..	..	..	..	
Railway ..	1*	100—5—200	..	* The post has been held in abeyance since 1st March 1932 as a measure of economy.
Legislative ..	1	200—15—500 (E. B. at 365).	410	
Commerce	1 Librarian.	100—8—300	253†	† Inclusive of Rs. 25 Special pay.
	1 Assistant Librarian.	(II Division.)	180	
Imperial Council of Agricultural Research.	1	200—15—365 E. B. 380—15—500.	365	
Foreign and Political	1	200—15—500	475	
Finance ..	1‡	100—8—300—25—350 (II Division).	325	‡ There is no separate post of librarian. A second division clerk performs the duties in addition to other work.
Industries and Labour.	1	124—8—300	212	
Legislative Assembly	1§	200—15—365 (E.B. 380—15—500) (First Division).	320	§ In charge of the Library of the Indian Legislature.
Education Health and Lands.	4	200—15—365—E. B. 380—15—500 (First Division). 100—8—300—25—350 (Second Division).	260	All these men are working in the Imperial Secretariat Library which is under the administrative control of the Education Health and Lands Department.
Home .. ..	..	60—2—80—3—95— E. B. 3—125. (New scale of the Routine Division).	64	
Reforms ..	..	..	..	

**WAIVING OF THE DISQUALIFICATION OF CONGRESS CANDIDATES CONVICTED FOR OFFENCES IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.**

**183. \*Mr. Abdul Matin Chaudhury :** (a) Will Government be pleased to state if they propose to waive the disqualification under rule 5, sub-rule (2) of the Legislative Assembly Electoral Rules and Regulations, in the case of Congress candidates convicted of any of the offences under any of the Ordinances, or the Indian Penal Code, in connection with the Civil Disobedience Movement ?

(b) If the reply to part (a) be in the affirmative, do Government propose to (i) issue a communique stating their general policy in regard to such cases, or (ii) deal with each individual case ?

(c) If the reply to part (ii) of part (b) above be in the affirmative, will it be left to Local Governments to deal with such cases ?

**The Honourable Sir Harry Haig :** (a), (b) and (c). Provision is made in the Electoral Rules that on application made by a person disqualified under Rule 5, sub-rule (2), and with the previous approval of the Governor General in Council the Local Government may remove the disqualification. There is no intention of departing from the procedure laid down in the Rules. Any person who wishes his disqualification removed will have to apply to the Local Government. The Government of India are at present in correspondence with Local Governments in regard to the treatment of such applications.

**Mr. Lalchand Navalrai :** Are there any Rules for such exemption ?

**The Honourable Sir Harry Haig :** The Rule is that to which I have just referred,—Rule 5, sub-rule (2).

**Mr. K. C. Neogy :** Do I take it then that the Government have decided not to issue any general orders waiving the disqualifications in the case of Civil Disobedience prisoners ?

**The Honourable Sir Harry Haig :** They have decided not to make any amendment in the existing Rule ; but, as I have said, they are in correspondence at the present moment with the Local Governments in regard to the application of those Rules.

**Mr. D. K. Lahiri Chaudhury :** Have Government received any applications till now ?

**The Honourable Sir Harry Haig :** No applications have reached the Government of India so far.

**Mr. Abdul Matin Chaudhury :** Will the result of their correspondence with the Local Governments be communicated to the public by means of a communique ?

**The Honourable Sir Harry Haig :** No, Sir ; that is not our intention.

**Mr. K. C. Neogy :** Is it a fact, Sir, that, so far as the Bengal Government are concerned, while the Executive Councillors are in favour of removing the disqualifications, the "popular" Ministers are all opposed to such removal of the disqualifications ?

**The Honourable Sir Harry Haig :** I do not think I can.....

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Honourable Member need not answer that question.



### AERIAL BOMBARDMENT ON THE SOUTHERN WAZIRISTAN IN THE TRANS-FRONTIER AREA.

184. \*Mr. M. Maswood Ahmad : (a) Has the attention of Government been drawn to the article *Sarhad par Gola bari shroo ho gai*, published on page 5 of the *Khilafat*, Bombay, dated the 14th June, 1934 ?

(b) Will Government be pleased to state whether the news, as published, is correct and if it is correct, what were the reasons which led to the aerial bombardment on Southern Waziristan in the trans-frontier area ?

(c) Will Government be pleased to state (i) on which villages the bombs were actually dropped, (ii) how many bombs were dropped on each village, and (iii) what were the estimated losses of each village ?

(d) Do Government propose to change the policy of aerial bombardment on the population of the trans-frontier area ?

Mr. H. A. F. Metcalfe : (a) Yes.

(b) The report is entirely without foundation and an official contradiction was published on the 13th June, 1934, when the report first appeared in the Press.

(c) and (d). Do not arise.

### INTRODUCTION OF CREW SYSTEM AND MOODY-WARD SYSTEM OF TICKET CHECKING ON THE EAST INDIAN RAILWAY.

185. \*Khan Bahadur Haji Wajihuddin : (a) Did the Agent, East Indian Railway, ever report to the Railway Board that the old system of checking tickets (when it operated) was not efficacious ?

(b) Did the Agent, East Indian Railway, desire the introduction of Crew system and Moody-Ward system on his Railway of his own initiative or did he simply approve of their introduction when a suggestion was made to him from different quarters ?

Mr. P. R. Rau : (a) and (b). I cannot trace any such report, but the Agent, East Indian Railway, was a member of the Committee which recommended in 1926 the introduction, as an experimental measure, of the crew system as a means primarily of preventing passengers from entraining without tickets. In 1927, he recommended its extension over the entire East Indian Railway system. As regards the system recommended by the Moody-Ward Committee, the Agent, East Indian Railway, agreed with the view that the crew system should be abolished and the arrangement recommended by the Moody-Ward Committee adopted.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member, who is also the Financial Commissioner for Railways, inform this House what approximately is the cost of maintaining the crew system on the East Indian Railway, as compared with the gain accruing from the traffic of passengers travelling without tickets and excess fares ?

Mr. P. R. Rau : I think, Sir, I must ask for notice of that question.

Lieut.-Colonel Sir Henry Gidney : Is it not a fact that the Audit Department has not up to date been able to obtain this information ?

**Mr. P. B. Rau :** It is a difficult matter to ascertain what would have been the earnings if the crew system had not been introduced.

**Lieut.-Colonel Sir Henry Gidney :** Is it not a fact that various Agents of various Railways have condemned the crew system and have gone back to the old ticket collecting system, for instance, on the Bengal Nagpur Railway and the E. B. Railway, and that none of the Company-managed Railways have the crew system in force ?

**Mr. P. B. Rau :** I believe, Sir, the crew system is not at present in existence except in isolated sections of certain Railways.

**Lieut.-Colonel Sir Henry Gidney :** Is it not a fact that the crew system has been foisted on State Railways by the Railway Board ?

**Mr. P. B. Rau :** I have just replied to that question.

**Mr. Lalchand Navalrai :** Is the Honourable Member in a position to make a statement with regard to the complaints which have been lying with the Honourable Member regarding the revision of their allowances ?

**Mr. P. B. Rau :** I think, Sir, that does not arise out of this question, but it arises out of a later question.

**Dr. Ziauddin Ahmad :** I did not quite follow the Honourable Member's reply to part (a). Did the Honourable gentleman say that the Agent definitely said that the old system was not efficacious ?

**Mr. P. B. Rau :** I said I could not trace any such report.

**Dr. Ziauddin Ahmad :** Is it not a fact that the Agent expressed no opinion, but the Railway Board took the entire initiative to change the system ?

**Mr. P. B. Rau :** As I have already informed the House, the Agent of the E. I. Railway was a member of the Committee which recommended the crew system.

**Mr. Abdul Matin Chaudhury :** Is it not a fact that the value of the crew system lies in the deterrent effect which it has on people travelling without tickets and it cannot be measured in terms of money ?

**Mr. P. B. Rau :** That was its object.

#### ILLICIT TRAVELLING ON RAILWAYS.

186. **\*Khan Bahadur Haji Wajihuddin :** (a) Are Government aware that the Agent, East Indian Railway, in reply to part (c) of question No. 155 (reply laid on the table of this House on the 9th April, 1934), states that now the Travelling Ticket Examiners perform *other services to the public* and will Government be pleased to enquire and state whether the performance of these "other services" is incumbent on them in view of the fact that their "main duty is detection" [as admitted by the Agent in part (b) of the question] ?

(b) Where are these other duties tabled and announced to the employees ?

(c) What are those various other services ?

(d) Were such services not performed under the old system by the Travelling Ticket Inspectors controlled by Accounts ? If not, why not ?

**Mr. P. B. Rau :** With your permission, Sir, I propose to reply to questions Nos. 186, 190 and 191 together.

I have called for certain information from the Agent, East Indian Railway, and will lay a reply on the table in due course.

**Mr. Lalchand Navalrai :** Now the Honourable Member can reply to my question. Has any consideration been given to the complaints of these ticket examiners with regard to their allowances ?

**Mr. P. B. Rau :** I am afraid I must ask my Honourable friend to wait a little bit more. That arises under question No. 193.

#### ILLICIT TRAVELLING ON RAILWAYS.

187. \***Khan Bahadur Haji Wajihuddin :** (a) Are Government aware that the Agent, East Indian Railway, says "The only test of efficiency is the prevention of illicit travelling", and in this connection, will Government be pleased to state if it is not a fact that it has lately been admitted that the efficiency of a Travelling Ticket Examiner is judged from his earnings ?

(b) Is it a fact that the efficiency of the system depends on prevention of illicit travelling, which means no earnings by the Travelling Ticket Examiners ?

**Mr. P. B. Rau :** (a) The reply to the first part is in the affirmative. As regards the second part, I shall be glad if the Honourable Member will tell me by whom and when such an admission was made.

(b) If the ideal can be attained and no passenger travels without a ticket, Travelling Ticket Examiners will obviously have no earnings to credit to the Administration.

#### EMPLOYMENTS OF TWO SQUADS OF SPECIAL TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

188. \***Khan Bahadur Haji Wajihuddin :** (a) With reference to the reply given to starred question No. 553 (a), (b) and (c), as laid on the table of this House on the 7th April, 1934, will Government be pleased to state if it is a fact that the men utilised belonged to Workshops, etc., and drew much less pay than what was offered to them for this ticket checking work ?

(b) What was the pay of each individual in his former capacity ?

(c) Why were they given higher rate of pay ?

(d) On what considerations was it thought necessary to have this auxiliary check by Watch and Ward conducted by purely Anglo-Indian and European boys ?

(e) On what considerations was it thought necessary to have this auxiliary check in addition to the existing number of 650 Travelling Ticket Examiners ?

(f) Was any such auxiliary force ever thought expedient when the Travelling Ticket Inspectors worked under the Accounts control and were about 150 in all as against 650 (Travelling Ticket Examiners) employed now ?

**Mr. P. B. Rau :** (a) The men were employed in Locomotive Running Sheds under the control of the Chief Operating Superintendent. The reply to the second part of the Honourable Member's question is in the affirmative.

(b) The emoluments of various individuals varied from about Rs. 12 to about Rs. 30 per mensem.

(c) The pay given approximated to that drawn by Travelling Ticket Examiners, as the nature of their work and the conditions under which it had to be performed were similar to those of Travelling Ticket Examiners.

(d) and (e). The Agent, East Indian Railway, considered it desirable to institute an intensive auxiliary check as he was satisfied that this had become necessary. The men were selected from amongst those who were temporarily surplus to requirements and who had no possible connection with staff then employed as Travelling Ticket Examiners or Ticket Collectors.

(f) I regret it is not possible to say at this distant date what auxiliary checks were previously exercised.

**Dr. Ziauddin Ahmad :** May I ask whether this Watch and Ward is also to look after the work of the railway servants ?

**Mr. P. B. Rau :** The Watch and Ward Department's function is different, but there is nothing to prevent its being used for this purpose as well.

**Dr. Ziauddin Ahmad :** Will they employ the Watch and Ward to look after the work of the officers also ?

**Mr. P. B. Rau :** I have not heard any proposal to that effect.

#### FORMATION OF SQUADS FOR TICKET CHECKING ON THE EAST INDIAN RAILWAY.

189. \***Khan Bahadur Haji Wajihuddin :** (a) With reference to starred question No. 835, parts (a) and (b), reply to which was laid in this House on the 7th April, 1934, will Government be pleased to state, why the choice of such auxiliary check was made in respect of Watch and Ward department ?

(b) Is it a fact that dealing with excess fare matters is purely a commercial or audit concern and is not the function of the Watch and Ward ?

(c) Is it a fact that the Anglo-Indian and European boys who were utilised for the purpose had no previous experience in ticket checking work ?

(d) Is it a fact that they never passed any qualifying test ?

(e) Why was no Indian utilised for this auxiliary work and on what definite considerations was it exclusively monopolised by Anglo-Indian and European community ?

(f) Were these men surplus for requirements, and why was extra and higher pay given to these men ?

(g) Why was this extra expenditure incurred during these days of depression when cut on the pay of employees still continues ?

(h) Was this auxiliary force set up as a "special experimental scheme", and was any special report submitted by the Watch and Ward authorities on the experience gained by them? If not, why not?

(i) Has this experiment been successful?

(j) What conclusions were drawn by the Railway Board on the results of the check by these squads under Watch and Ward and independent of Operating control?

**Mr P. R. Rau :** (a) and (b). The Agent, East Indian Railway, reports that it was considered desirable that the check should be carried out under the control of a Department, independent of the Department normally responsible for the check and collection of tickets. The Watch and Ward Department was considered suitable for this purpose, as it was an organisation operating over the entire system and had staff who could be utilised to close exits at unfenced stations while the gangs were working on trains.

(c) and (d). The staff utilised had no previous experience, but were given a course of instruction in the duties required of them and qualified in this respect.

(e) Government understand from the Agent, East Indian Railway, that the Administration were anxious to ensure that none of the staff employed on this auxiliary work was in any way connected with the ticket examining and collecting staff at stations.

(f) Government understand that these men were temporarily surplus and that the pay given approximated to that ordinarily given for this class of work.

(g) The Agent reports that the position as regards illicit travelling necessitated an intensive check with a view to ascertaining whether any change in the existing arrangements was called for.

(h), (i) and (j). This was an auxiliary check arranged by the East Indian Railway Administration on their own initiative and without a reference to the Railway Board, the matter being within the Agent's own competence. The Agent has reported that there is ample evidence to show that the action of the Divisional Superintendents, along with the appointment of these gangs, has brought about a very great improvement in the working of the ticket examining staff.

**Dr. Ziauddin Ahmad :** Was the fact brought to the notice of the Railway Board that the Watch and Ward passed a railway ticket at Aligarh Station, while the ticket was only for a small station about ten miles away from Gaya, under the impression that this station was between Delhi and Aligarh?

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

**Dr. Ziauddin Ahmad :** Will the Honourable Member kindly make enquiries from the Divisional Superintendent, Allahabad, about this case?

**Mr. P. R. Rau :** If my Honourable friend will give me particulars of this case, I shall look into it.

**Mr. S. C. Mitra :** From these questions it appears as if this Watch and Ward is manned only by Anglo-Indians. Is that so?

**Mr. P. R. Rau :** The Watch and Ward Department is not entirely manned by Anglo-Indians.

**Mr. S. C. Mitra :** I am asking about this particular Watch and Ward.

**Mr. P. R. Rau :** These are men who were employed in the locomotive running sheds under the control of the Chief Operating Superintendent.

GETTING INTO RUNNING TRAINS BY TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†190. **\*Khan Bahadur Haji Wajihuddin :** (a) With reference to the reply to starred question No. 816 (a) and (b), given in this House on the 21st April, 1934, that it is against orders for a Travelling Ticket Examiner to get into the moving train, will Government be pleased to state if it is a fact that this action of these people is being tolerated by the administration ? If so, why ?

(b) Will Government be pleased to lay on the table a copy of these orders (prohibiting the Travelling Ticket Examiners from getting into moving train) ?

(c) Has any Travelling Ticket Examiner ever been punished for the disobedience of these orders, specially ever since the introduction of Moody-Ward system ?

(d) If a Travelling Ticket Examiner is dealing with some case on the platform and before he has finished with it the train starts, then is it essential for him to attempt to board the train or should he remain back and miss the train ?

(e) Will Government be pleased to state what is the size of the satchel and whether the Salter's spring balance can be put into it ?

(f) Will Government be pleased to state what is the length of the spring balance (Salter's) without hook and ring and with hook and ring ? Will Government be pleased to exhibit it and the satchel in this House ?

SPRING BALANCES CARRIED BY THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†191. **\*Khan Bahadur Haji Wajihuddin :** (a) With reference to the reply to starred question No. 815 (e), given in this House on the 21st April, 1934, will Government be pleased to state whether Travelling Ticket Examiners are expected to weigh passengers' luggage with their own hands ?

(b) Is it a fact that Travelling Ticket Inspectors under Accounts Department were provided with peons who carried the scale and weighed the luggage ?

(c) If it is necessary to weigh luggage in trains, then why are the scale peons not provided now ?

(d) Is it anywhere mentioned in the Moody-Ward Report that the Travelling Ticket Examiners in this scheme will, on amalgamation of

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† For answer to this question, see answer to question No. 186.

peous and Travelling Ticket Inspectors, perform combined function of detection, prevention and weighment ?

(e) Is it a fact that in order to fix up a suit case or a box in the hook of the spring balance it is necessary to turn the articles over and then raise for weighment ?

(f) Is it expected of a Travelling Ticket Examiner to pull out luggage from under the berths or bring down from upper berths ?

(g) If a Travelling Ticket Examiner is unable to do so, is he expected to ask for passenger's help in this direction ?

(h) Are Government prepared to look into the matter ?

(i) Is it a fact that on account of the jerks caused by a moving train no correct reading can be ensured, which might lead to overcharge ?

#### MOODY-WARD REPORT ON THE TICKET CHECKING SYSTEM ON THE EAST INDIAN RAILWAY.

192. \*Khan Bahadur Haji Wajihuddin : (a) With reference to the reply to starred question No. 817 (c), dated the 21st April, 1934, in this House, will Government be pleased to state whether the Director of Finance was consulted before giving effect to Moody-Ward recommendations in respect of pay and allowances and in respect of Operating control of Travelling Ticket Examiners ? If so, did he agree to the recommendations ?

(b) Is it a fact that the Moody-Ward recommendations have been made public, and the remarks of the dealing authorities kept confidential ? If so, why ?

(c) Was the opinion of Mr. Scott, inventor of the Crew system, solicited on the Moody-Ward recommendations and did he agree to them ?

Mr. P. R. Rau : (a), (b) and (c). Copies of the Moody-Ward Committee's report were placed in the Library of the House. Government regret they cannot state which of their officers were consulted before orders were issued on the recommendations contained in this report, and they consider it undesirable in the public interests to publish the opinions of such officers as may have been consulted.

#### MILEAGE ALLOWANCE AND GRADE PROMOTION TO THE OLD TRAVELLING TICKET INSPECTORS OF THE ACCOUNTS DEPARTMENT.

193. \*Khan Bahadur Haji Wajihuddin : (a) Has the attention of Government been drawn to an article headed " a suggestion to the Railway Board ", published in the *Railway Times*, Bombay, dated the 23rd June, 1934 ? If so, what action do Government propose to take on these suggestions ?

(b) Is it a fact that the question about mileage allowance and grade promotion of the old Travelling Ticket Inspectors of the Accounts Department is still under the consideration of the Railway Board ?

(c) Is the complaint contained in paragraph 6 of the said article regarding seniority true ? If so, has it by now been redressed ? If not, why not ?

(d) What action do Government propose to take on the suggestion made in the concluding paragraph of the said article ?

**Mr. P. B. Rau :** (a) The reply to the first part is in the affirmative. As regards the second part Government do not consider that any action is called for.

(b) Memorials from the travelling ticket examining staff of the North Western Railway, and from the ticket examining staff of the East Indian Railway are under the consideration of the Railway Board in consultation with the Agents of the Railways.

(c) Government have no information. The question is within the competence of the Agent to decide.

(d) Government do not propose to make any change in the organization of this department at present.

**Lieut.-Colonel Sir Henry Gidney :** With reference to the Honourable Member's reply to part (d) of the question, will he kindly inform the House why the Government do not propose to take any action ?

**Mr. P. B. Rau :** Is it with regard to (d) ?

**Lieut. Colonel Sir Henry Gidney :** In regard to part (d) of the question.

**Mr. P. B. Rau :** Government do not propose to take any action, because they do not consider that any change is necessary.

**Lieut.-Colonel Sir Henry Gidney :** Will the Honourable Member kindly repeat his answer ? I cannot hear a word.

**Mr. P. B. Rau :** It is mutual, I am afraid. (Laughter.) Government do not propose to make any change in the organisation of the Department at present, because they do not consider that any change is required.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member, now that my question is pertinent, how long it will take for the Agent to come to a conclusion on this point ?

**Mr. P. B. Rau :** The Railway Board is in communication with the Agents. I think a reply has not been received from one Agent, and, as soon as his reply is received, the matter will, I hope, be settled.

**Mr. Lalchand Navalrai :** Does the Honourable Member know that in the meantime some injustice is being done to these Ticket Examiners and that, owing to their incessant complaints, they are being transferred from their section to distant parts as a punishment ? Is it or is it not a fact ?

**Mr. P. B. Rau :** I am not in a position to reply to that question without notice.

**Mr. Lalchand Navalrai :** Will the Honourable Member tell the Agent not to pursue this policy ?

(No answer.)



# **HILL ALLOWANCE TO TRAVELLING TICKET EXAMINERS POSTED AT HARDWAR.**

194. \*Khan Bahadur Haji Wajihuddin : (a) With reference to the reply to starred question No. 135 (a) and (d), laid on the table on the 12th April, 1934, will Government be pleased to state if it is a fact that when the list of staff eligible for hill allowance was compiled, the Travelling Ticket Examiners were under the Accounts control and so their names did not appear ?

(b) Is it a fact that with the introduction of the Moody-Ward system the posts of the Travelling Ticket Examiners and the Ticket Collectors have been amalgamated ?

(c) Is it a fact that the Travelling Ticket Examiners posted at Hardwar during *melas* are utilised not as Travelling Ticket Examiners, but as Ticket Collectors ? If so, why are they not held eligible for hill allowance allowed to the Ticket Collectors ?

(d) On what considerations is the hill allowance sanctioned to certain employees stationed at Hardwar and to others it is not ?

(e) How many Travelling Ticket Examiners were utilised in all at Hardwar and other stations in connection with Adh Kumbh mela in other than their legitimate duties and what duties were allotted to them ?

Mr. P. R. Rau : With your permission, Sir, I shall reply to questions Nos. 194 and 195 together. The information is being obtained and will be laid on the table in due course.

# **PERCENTAGE ALLOTTED TO EUROPEANS AND ANGLO-INDIANS OF THE CONTROL STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

†195. \*Khan Bahadur Haji Wajihuddin : (a) Is it a fact that the strength of the Control Staff is maintained at 50 per cent. Europeans and Anglo-Indians, and 50 per cent. Indians, on Metre Gauge System over the Bombay, Baroda and Central India Railway ? If so, why is such a high percentage allotted to Europeans and Anglo-Indians ?

(b) Has any Indian Controller been promoted to Station Master's Branch, like European and Anglo-Indian Controllers, Messrs. Bickers and Garlings ? If not, why not ?

(c) Is it a fact that Messrs. Hemmer and Lamas are over and above the percentage and have been given Rs. 50 promotion from Rs. 70 to Rs. 120 as probationary Controllers ? If so, why ?

(d) Is there any Indian trained (probationary) Controller being given any such promotion ? If not, why not ?

(e) Is it a fact that European and Anglo-Indian probationary Controllers, after having their extraordinary lifts, changed their designations to Guard ? If so, why ? Is any Indian trained Controller treated in this manner ? If not, why not ?

(f) Is it a fact that the staff in general get some promotion after qualifying themselves for some higher grade and Indian trained Controllers are debarred the privilege ? If so, why ?

(g) Is the Agent, Bombay, Baroda and Central India Railway, ready to remove the racial discrimination from Metre Gauge and to accord equal treatment to the Indian trained Controllers with due consideration of their arduous duties, and to grant some promotions ?

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†For answer to this question, see answer to question No. 194.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

196. \*Mr. C. S. Ranga Iyer : (a) Will Government be pleased to state their position in regard to the anti-Indian legislation in Zanzibar and place on the table of this House relevant correspondence on the subject which passed between the Government of India and that of Zanzibar ?

(b) Will Government be pleased to furnish to this House all the information in their possession on the subject ?

Mr. G. S. Bajpai : (a) and (b). The attention of the Honourable Member is invited to the reply given by me to Mr. B. Das's questions Nos. 168—170. Correspondence in regard to this matter is still in progress and Government therefore regret that they cannot lay a copy on the table.

EXEMPTION OF SAMPLES FROM CUSTOMS DUTY.

197. \*Lala Rameshwar Prasad Bagla : (a) Have Government received any representation from the public regarding the exemption of *bona fide* samples from Custom duty ? If so, when and from whom ?

(b) In view of the existing trade depression, are Government prepared to consider the desirability of so amending the Indian Tariff Act as to provide for the exemption of *bona fide* samples ?

The Honourable Sir Joseph Bhore : (a) Yes, Sir, a representation on the subject was recently received from the United Provinces Chamber of Commerce.

(b) Under existing orders, import duty is not collected on samples, if they are practically valueless, in that they are unfit for consumption or for any other use than as samples for inspection, or if the quantity of a consignment is not in excess of the quantity ordinarily sent as a sample to an individual customer or potential customer. Government see no reason for extending the scope of the exemption, especially as Indian Customs practice in this respect is substantially in accord with the recommendations made by a body of experts to the Economic Committee of the League of Nations in connection with the International Convention for the simplification of Customs formalities.

ENCOURAGEMENT OF THE "BUY INDIAN" PROPAGANDA.

198. \*Lala Rameshwar Prasad Bagla : (a) Are Government aware that the British and American Governments are considerably contributing towards the "Buy British" and "Buy American" propaganda, respectively ?

(b) Did Government receive any representation on the question of encouraging "Buy Indian" propaganda from any person or any public body ? If so, when and from whom ?

(c) Will Government please state what steps, if any, they have so far taken in the matter ?

(d) If the reply to part (c) be in the negative, will Government be pleased to state if it is not a part of their duty to carry on the "Buy Indian" campaign like other Governments ?

(c) Are Government now prepared to adopt the same measures to encourage the "Buy Indian" propaganda as are being taken by the British and American Governments?

**The Honourable Sir Frank Noyce :** (a) Government are aware of the "Buy British" campaign, but not of the extent, if any, to which the British Government are assisting it. They have no information of its American counterpart.

(b) Yes : from the Federation of Indian Chambers of Commerce and Industry in April last.

(c) The Post Office have used the motto "Support Indian Industries" for some years past. Government have also supported exhibitions of Indian products and one object of the creation of the proposed Industrial Intelligence and Research Bureau is to develop this line of propaganda. Government, however, place more confidence on the practical assistance they are giving to Indian industries than on propaganda.

(d) and (e). Government will be very glad to examine any suggestion as to the lines on which such propaganda may usefully be developed.

**Mr. B. Das :** May I inquire if the activities of the Industries Research Bureau of the Department, which the Honourable Member is creating, will not come under the Ordinances of his colleague on his left?

**Mr. B. V. Jadhav :** May I know from the Honourable Member what industries are contemplated to be taken under the new Department?

**The Honourable Sir Frank Noyce :** All industries that can usefully take advantage of the facilities that it will afford.

#### INDIA'S MEMBERSHIP OF THE LEAGUE OF NATIONS.

199. **\*Lala Rameshwar Prasad Bagla :** (a) Will Government please state the amount they pay as annual subscription to the League of Nations?

(b) Will Government please state the number of Indians at present in the service of the League of Nations?

(c) Will Government be pleased to place on the table for the information of this House a statement showing the amount of subscription paid to the League of Nations by each of its member States and the representation given to each in regard to the employment of its people in its Secretariat?

(d) Did Government receive any representation from the public to the effect that India should resign the membership of the League? If so, when and from whom?

(e) Is it not a fact that, in spite of the numerous protests from the public, it was considered desirable by Government to continue the membership of the League? If so, why?

(f) Are Government prepared to consider the question of resigning the membership of the League now?

**The Honourable Sir Nripendra Sircar :** (a) The amount is not fixed but is arrived at in each year by calculating the proportion of the total

estimated expenditure for that year which is payable by India under the system of allocation for the time being in force. The amount for 1934 is one million, seven hundred and four thousand, two hundred and two decimal gold francs which is equivalent to fourteen lakhs, ninety thousand and thirteen rupees.

(b) Six Indians are at present permanently employed in the Secretariat of the League of Nations including the International Labour Office. It is believed that there are also three temporary Indian employees.

(c) The Honourable Member is referred to pages 1258 to 1293 of the League of Nations Official Journal, 14th year, No. 10, Part II, a copy of which is in the Library.

(d) No.

(e) Government have received no protests and have never contemplated resignation from the League, a step which in their opinion would represent at once an abandonment of an international duty and an abdication of international status.

(f) No.

**Mr. B. Das :** Is it not a fact that the representatives of the Government of India at the League of Nations and also the delegates to the I. L. O. have always insisted that the League of Nations and the I. L. O. should employ more Indians than at present ?

**The Honourable Sir Nripendra Sircar :** That is my impression.

**Mr. B. Das :** Have the Government of India addressed any letter to the Director of the League of Nations that they should give effect to the recommendations which the representatives of the Government of India have addressed to the Government of India ?

**The Honourable Sir Nripendra Sircar :** I am not exactly aware of what happened before my time, but in my time I have done it.

**Dr. Ziauddin Ahmad :** What is the proportion of Indians in the Secretariat of the League of Nations, and what is the proportion of our contributions to the funds of the League of Nations ?

**The Honourable Sir Nripendra Sircar :** The answer to part (c) of the question refers to a journal in which all the details are given, and that is available in the Library.

**Mr. K. C. Neogy :** But the proportions are not worked out there ?

**The Honourable Sir Nripendra Sircar :** No one can do it better mathematically than my friend over there.

**Dr. Ziauddin Ahmad :** May I ask whether the Honourable gentleman can find out for his own benefit whether the proportion of the service is equivalent to the proportion of our contribution ?

**The Honourable Sir Nripendra Sircar :** I would accept even Dr. Ziauddin's mathematical calculations.

**Mr. K. C. Neogy :** Even !

**Sir Abdur Rahim :** Is it not a fact that Lord Lytton, when he was in one of the delegations, protested against the amount which was levied from India as contribution to the League of Nations ?

**The Honourable Sir Nripendra Sircar :** I should have been glad to answer that question if I had the information before me. I have not got it before me. If required, I can inquire into it. I require notice.

**Sir Abdur Rahim :** Are the Government of India considering whether it is not desirable to ask the League of Nations to substantially reduce the contribution from India ?

**The Honourable Sir Nripendra Sircar :** I am not prepared to answer that question just now, but speaking offhand, I would say that it is desirable.

**Mr. D. K. Lahiri Chaudhury :** The Princes are taking part in the delegation. Who is to meet the cost of the Princes ?

**The Honourable Sir Nripendra Sircar :** I do not think that the Princes are charged any costs, beyond a fixed payment.

**Mr. D. K. Lahiri Chaudhury :** They are represented also in the League of Nations and what is the Government of India's contribution to the Princes, when they go there, towards their expenses ?

**The Honourable Sir Nripendra Sircar :** A fixed sum is paid to the Prince, who may be a member of the Indian delegation.

**Dr. Ziauddin Ahmad :** May I ask whether the Government of India bear the entire cost of the delegation irrespective of the fact whether the members belong to the Indian States or British India ?

**The Honourable Sir Nripendra Sircar :** My information is that a fixed sum is spent for the Prince.

**Mr. S. C. Mitra :** Is it not a fact that this contribution bears a certain percentage to the revenue of a particular State and its population, and that it cannot be fixed from other considerations ?

**The Honourable Sir Nripendra Sircar :** To the best of my information, no.

**Mr. Gaya Prasad Singh :** Does the representation of India in the League of Nations mean the representation of British India only or British India *plus* Indian India.

**The Honourable Sir Nripendra Sircar :** It means India as a whole.

**Mr. Gaya Prasad Singh :** Should not the Indian Princes also be asked to contribute their share towards the expenses incurred on account of the League of Nations ?

**The Honourable Sir Nripendra Sircar :** I want notice, because I have no information with me just now.

**Mr. B. Das :** Is it not a sad commentary on Government's financial policy that, before linking the rupee to the sterling, we paid nine lakhs of rupees and now we pay 14 lakhs ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** It is not asking for information.

**Mr. B. Das :** Is it not a fact that, before the rupee was linked to sterling, we paid Rs. 9 lakhs and now we are paying 14 lakhs through the wrong financial policy of the Government of India ?

**The Honourable Sir Nripendra Sircar :** What was paid in each year is a question of fact which can be ascertained from documents. I express no further opinion on that.

**Mr. H. P. Mody :** Is the Honourable Member in a position to inform the House whether the Government of India contemplate making a representation with regard to the reduction of the contribution ?

**The Honourable Sir Nripendra Sircar :** I think I have answered that question. I cannot answer that definitely now. The question was by Sir Abdur Rahim. I want notice.

**Mr. H. P. Mody :** Sir Abdur Rahim's question was, whether Government considered it desirable to make a representation. I want to know whether the Government of India actually contemplate making any representation.

**The Honourable Sir Nripendra Sircar :** I am not prepared to answer that question just now without notice.

**Dr. Ziauddin Ahmad :** Are the Government of India contemplating making the best use of our contributions by giving effect to the recommendations of the delegation which they themselves send from time to time ?

**The Honourable Sir Nripendra Sircar :** I do not think it arises, but the Government of India always contemplate doing the best for India.

**Sir Abdur Rahim :** If it is a fact that India is an original member of the League of Nations—and I believe that is so—then, is the Honourable Member prepared to explain to us what is the meaning of "original member" ? Has India a voice in the League of Nations independent of that of Great Britain ?

**The Honourable Sir Nripendra Sircar :** To answer that question, I require notice, because I have not come prepared to answer that as arising legitimately out of these questions.

**Mr. Gaya Prasad Singh :** Will Government seriously consider the question of asking the Indian States to make a contribution towards the expenditure of the League of Nations in view of the fact that the expenditure incurred by India in respect of the League of Nations represents, not only that appertaining to British India, but the Indian States as well ?

**The Honourable Sir Nripendra Sircar :** I want notice. But I can answer now only one portion of the question, viz., whether they will seriously consider the question. Sir, if they consider it at all, they will do so seriously and not in a light-hearted manner. (Laughter.)

**Mr. Gaya Prasad Singh :** As usual !

**Dr. Ziauddin Ahmad :** Did the Government of India ever ask that India should have a permanent membership in the Council of League of Nations ?

**The Honourable Sir Nripendra Sircar :** I want notice ; I have not come prepared to answer all these questions.

## ESTABLISHMENT OF MUSLIM CHAMBERS OF COMMERCE

200. **Lala Rameshwar Prasad Bagla :** (a) Are Government aware that a Muslim Chamber of Commerce has recently been established in Bihar and Orissa and that similar Muslim Chambers of Commerce are being opened in other Provinces ?

(b) Will Government please state if they have recognised the Muslim Chamber of Commerce in Bihar and Orissa ?

(c) Are Government prepared to consider the desirability of instructing the Provincial Governments to adopt in future such measures as may be deemed necessary to keep the two communities—particularly the commercial section—united ?

**The Honourable Sir Joseph Blore :** (a) The Government of India are aware of the establishment of the Bihar and Orissa Muslim Chamber of Commerce and also of the Muslim Chamber of Commerce, Calcutta, but have no information regarding the formation of Muslim Chambers of Commerce in other provinces.

(b) Yes.

(c) This is a matter for the communities and not for Government.

**Mr. B. Das :** Are Government aware that there is no communal colouring in trade and commerce ? Is the Honourable Member aware that there is no communal colour in the sphere of trade and commerce all over the world ?

**The Honourable Sir Joseph Blore :** I am not aware that trade and commerce have any colour at all, Sir.

**ARTICLE HEADED "COMMUNALISM IN JUDICIAL DEPARTMENT" IN THE *Sind Observer*.**

201. **\*Mr. Lalchand Navalrai :** (a) Has Government's attention been drawn to an article which appeared in the *Sind Observer*, dated the 5th June, 1934, under the caption "Communalism in Judicial Department" ?

(b) How long do Government propose to continue their policy of recruitment in the Judiciary on a communal basis ?

(c) Is it a fact that in certain provinces, like the Punjab, it has now been definitely made a rule that judicial appointments at least be filled on merit alone by open competitive examinations ?

**The Honourable Sir Harry Haig :** (a) Yes.

(b) I presume the Honourable Member is referring to recruitment to the provincial judicial services which, as he is no doubt aware, is a matter the responsibility for which rests with the Provincial Governments.

(c) I understand that the Government of the Punjab have made rules regarding recruitment to the subordinate judiciary which aim at redressing communal inequalities. Candidates are selected by the High Court after considering the results of a qualifying examination, not a competitive examination.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether the point raised in clause (c) of the question has been or will

be referred to the Bombay Government and other Governments in order to ascertain their reply ?

**The Honourable Sir Harry Haig :** No, Sir, I do not think that is the concern of the Government of India.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether it is not the duty of the Government of India to see that justice is properly given and that judicial recruitment is nicely made ?

**The Honourable Sir Harry Haig :** The responsibility, Sir, for the administration of justice is laid primarily on the Provincial Governments.

**Mr. Lalchand Navalrai :** Is there no responsibility laid on the Government of India also in the matter if they come to know that the judiciary is deteriorating in the Provinces ?

**The Honourable Sir Harry Haig :** I am not prepared to accept the assumption of my Honourable friend that the system of recruitment of the subordinate judiciary in the Provinces leads to any deterioration of the administration of justice.

**Mr. Lalchand Navalrai :** May I know—as I put this question and I also gave the testimony of a paper which says that it is deteriorating—whether the Government of India are prepared to see that the Local Governments are alive to the point ?

**The Honourable Sir Harry Haig :** No, Sir. The Government of India propose to leave the matter to the Local Governments.

**Mr. Lalchand Navalrai :** May I take it from the Government of India that the Government of India are not prepared to take any action so as to correct any such impression in India ?

**The Honourable Sir Harry Haig :** No, Sir. The Government of India are not prepared to accept the estimate of the Honourable Member.

**Mr. Lalchand Navalrai :** May I, therefore, ask if the Honourable Member is prepared to verify this fact to find out if there is any truth in it and, if so, to ask the Provincial Government to behave better—if there is any truth in the allegation ?

**The Honourable Sir Harry Haig :** No, Sir. I do not think that the facts disclose any cause for an inquiry by the Government of India.

**Mr. Lalchand Navalrai :** I am very sorry.

#### IMPOSITION OF IMPORT DUTY ON INDIAN SUGAR BY THE KASHMIR STATE.

202. **\*Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state whether it is a fact that the Kashmir Government have imposed a duty of Rs. 2 per maund on imports of Indian sugar into their territory ?

(b) If the answer to part (a) above be in the affirmative, how is it that the Government of India allowed them to do so when they are not charging any duty on imports of fruits, food-stuffs, etc., from that territory into British India ?

(c) Have the Government of India, in view of the above step of the Government of Kashmir, decided to charge duty on imports into British



India of fruits, food-stuffs, etc., from Kashmir as in the case of foreign articles ?

**The Honourable Sir James Grigg :** (a) The duty levied by the Kashmir Government on Indian factory sugar imported into Kashmir is at the rate of Rs. 1-12-0 per maund.

(b) In accordance with the treaty concluded with Kashmir in 1870, the Kashmir Government are within their rights in levying this duty.

(c) The answer is in the negative.

### SHORT NOTICE QUESTIONS AND ANSWERS.

#### ALTERATIONS IN THE TERMS OF THE INDO-JAPANESE AGREEMENT.

**Mr. Bhuput Singh :** (a) Will Government be pleased to state whether there has been any alteration in the terms of the Indo-Japanese Agreement, recently signed in London, from those previously agreed upon in India between the Honourable Sir Joseph Bhore and His Excellency Mr. Setsuzo Swada ? If so, what are those alterations ?

(b) Are Government prepared to issue a communiqué in the matter to allay public apprehension ?

(c) When is the full text of the Agreement expected to be published ?

**The Honourable Sir Joseph Bhore :** (a) No alteration has been made in the terms of the Agreement and Protocol agreed upon in India though a few verbal and punctuative changes have been made at the instance of the Government of Japan and with the concurrence of the Government of India.

(b) In these circumstances Government do not consider it necessary to publish a Press Communiqué.

(c) A copy of the Convention with the Protocol will be laid upon the table today.

**Mr. Muhammad Azhar Ali :** Are such agreements outside the purview of this Legislature ?

**The Honourable Sir Joseph Bhore :** I heard my Honourable friend, but I did not quite understand the meaning of his question.

**Mr. Muhammad Azhar Ali :** Are such agreements outside the purview of this Legislature ? Do they not require the sanction of this Legislature ?

**The Honourable Sir Joseph Bhore :** No, Sir. So far as the agreements themselves are concerned, this House has had the most ample opportunity of discussing them.

**Mr. Muhammad Azhar Ali :** Will Government please place the renewed agreement on the table of this House ?

**The Honourable Sir Joseph Bhore :** It will be placed today.

## FLOODS IN ASSAM.

**Mr. Abdul Matin Chaudhury :** (a) Will Government be pleased to make a statement with regard to the devastation caused in Assam by the recent floods ?

(b) Are Government aware that the resources of the deficit Government of Assam are too meagre to cope with this unprecedented havoc, and do they propose to render any financial assistance to Assam and, if so, in what way and to what extent ?

**Mr. G. S. Bajpai :** (a) A statement giving such information as the Local Government have furnished is laid on the table.

(b) The Assam Government have asked for a grant of Rs. 1½ lakhs from the Indian People's Famine Trust. The Governor General in Council has notified to the Board of Management of the Trust the existence of general and severe privation over a considerable area in the Nowgong and Sylhet districts. The request of the Local Government will be considered by the Board. No application has been received for financial assistance by the Government of India.

*Statement summarising the information on recent floods in Assam as furnished by the Local Government.*

From the 13th to the 22nd June, there was almost incessant rainfall in these hills and the raingauge at Cherrapunji which overlooks the plains of Sylhet registered during the last three days of the deluge a rainfall of over 21, 25 and 36 inches, respectively.

Both in Nowgong and in the north of Sylhet, the floods attained an unprecedented level. The areas affected are poor in communications. With the havoc caused by the floods communication has become extremely difficult. District officers have inspected the areas which were accessible and responsible officers have been deputed to survey the less accessible areas. It will take some time before final reports are received from the latter. Meanwhile it is possible to imagine conditions in the interior from the reports relating to areas visited by local officers.

In Nowgong, the whole area between the hills and the Kopili was for the most part submerged and cut off from the rest of the district. The Assam-Bengal Railway line running through this portion is breached and through communication is not likely to be resumed for the next two months. There are breaches in the Chaparmukh-Silghat line and in the few public roads that served the affected area. The rise in the water was so rapid that the utmost that the people could do was to save their lives. Not many persons are reported to have been drowned, but the number of cattle carried away by the floods must be considerable. The total number of families who have nothing to live on is estimated to be about 12,000 to 15,000. Gratuitous relief will be needed in most of these cases for at least two months : it will be required longer in the case of those who live in parts which are very lowlying. In Sylhet the effects of the flood were serious though not so disastrous as in Nowgong.

The Government of Assam are meeting the situation as best as they can. Apart from placing the relief work on a satisfactory basis, the efforts of local officers are concentrated on procuring cattle and seed so that as soon as the water subsides the people may be enabled to resow as extensive an area as possible. The Deputy Commissioners have been authorised to incur such expenditure as may be necessary for the immediate relief of distress. They have also sanctioned a sum of one lakh of rupees for agricultural loans in Nowgong and are awaiting an estimate of the amount needed for this purpose in Sylhet. They will in due course consider proposals of suspension and remission of Government dues. Facilities are being afforded to the people to take timber free from Government forests for the reconstruction of houses. Relief Committees have been formed locally but in view of the financially depressed condition of the people it is feared that the response will be poor. His Excellency the Governor has placed at the disposal of each of the Deputy Commissioners concerned Rs. 10,000 out of the balance of the 1929 Cachar Flood Relief Fund.

The area affected is wide and the losses will run into lakhs. Without including the heavy expenditure which the Government must incur later in replacing cattle and seed grain, the minimum estimated requirements for gratuitous relief alone are a lakh and a half.

**Mr. Abdul Matin Chaudhury :** Will the Honourable Member give us any approximate date by which the meeting of the Board will be held ?

**Mr. G. S. Bajpai :** Sir, the Board is really independent of the Government of India, but I have no doubt that as soon as the Secretary, who is away on tour, returns to headquarters, a meeting will be convened.

**Mr. B. Das :** Are Government prepared to consider any representation that will be made by the Government of Assam for any subsidy from the Government of India towards the floods ?

**Mr. G. S. Bajpai :** That seems to be a hypothetical question, Sir.

**Mr. B. Das :** Did not the Honourable Member say that no representation had been received from the Government of Assam for a grant from the Government of India ?

**Mr. G. S. Bajpai :** That was a statement of fact.

**Mr. B. Das :** Are Government prepared to grant any subvention to Assam if an application for a subvention is made by that Government ?

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

## CONVENTION AND PROTOCOL *RE* COMMERCIAL RELATIONS BETWEEN INDIA AND JAPAN.

**The Honourable Sir Joseph Bhoré (Member for Commerce and Railways) :** Sir, I lay on the table the Convention and Protocol regarding commercial relations between India and Japan. (Applause.)

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of Japan, desiring to facilitate trade and commerce between India and Japan, have decided to conclude a Convention for this purpose and have accordingly appointed as their Plenipotentiaries :—

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India :

For India :

The Right Honourable Sir John Allsebrook Simon, G.C.S.I., K.C.V.O.,  
M.P., His Principal Secretary of State for Foreign Affairs ;

The Right Honourable Sir Samuel John Garvey Hoare, Bt., G.C.S.I.,  
G.B.E., C.M.G., M.P., His Secretary of State for India ;

His Majesty the Emperor of Japan :

His Excellency Mr. Tameo Matsudaira, His Imperial Majesty's  
Ambassador Extraordinary and Plenipotentiary at the Court of  
St. James.

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

#### ARTICLE 1.

The territories to which the present Convention applies are, on the part of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, British India, together with States in India which, by treaty with His Majesty the King or otherwise, may be entitled to be placed with regard to the stipulations of the present Convention on the same footing as British India (such territories being hereinafter referred to as India); and on the part of His Majesty the Emperor of Japan, all the territories and possessions belonging to or administered by His Majesty the Emperor (such territories being hereinafter referred to as Japan).

#### ARTICLE 2.

Articles produced or manufactured in the territories of one of the High Contracting Parties, on importation into the territories of the other, from whatever place arriving, shall not be subjected to duties or charges other or higher than those imposed on like articles produced or manufactured in any other foreign country.

#### ARTICLE 3.

Notwithstanding anything contained in the present Convention, the Government of India shall have the right of imposing or modifying from time to time special customs duties on the importation into India of articles produced or manufactured in Japan, other or higher than those imposed on like articles produced or manufactured in any other foreign country, at such rates as the Government of India may consider to be necessary to correct the effects of any variation of the exchange value of the yen relative to the rupee subsequent to the 31st day of December, 1933; provided that no modification in any such rate shall be made until it has been in force for at least five weeks.

In imposing or modifying or on being requested by the Government of Japan to modify such special customs duties, the Government of India shall give full consideration to all relevant factors which tend to raise the export prices of articles produced or manufactured in Japan, and shall limit the rates of such duties to what is necessary to correct the effects of any variation of the exchange value of the yen relative to the rupee on the duty-paid value of articles produced or manufactured in Japan and imported into India.

Reciprocally, the Government of Japan shall have the right of imposing or modifying from time to time special customs duties on the importation into Japan of articles produced or manufactured in India, other or higher than those imposed on like articles produced or manufactured in any other foreign country, at such rates as the Government of Japan may consider to be necessary to correct the effects of any variation of the exchange value of the rupee relative to the yen; provided that such right shall not accrue to the Government of Japan so long as the exchange value of the rupee relative to the yen is not below the value of 0.732 yen, and that no modification of any such rate shall be made until it has been in force for at least five weeks.

In imposing or modifying or on being requested by the Government of India to modify such special customs duties, the Government of Japan shall give full consideration to all relevant factors which tend to raise the export prices of articles produced or manufactured in India, and shall limit the rates of such duties to what is necessary to correct the effects of any variation of the exchange value of the rupee below 0.732 yen on the duty-paid value of articles produced or manufactured in India and imported into Japan.

#### ARTICLE 4.

While reserving to the Government of India and to the Government of Japan the right to make such changes in their customs tariffs as may be necessary for the protection of their own interests, the High Contracting Parties agree that when any modification of its customs tariff by either country results in the trade interests of the other being adversely affected in any appreciable measure, the Governments of the two countries shall, upon the request of the Government of the country adversely affected, forthwith enter into negotiations with the object of reconciling as far as possible the interests of the two countries.

## ARTICLE 5.

The present Convention shall be ratified. The instruments of ratification shall be exchanged in London as soon as possible. The date on which the instrument of ratification of each the High Contracting Parties has been completed will be communicated to the other through diplomatic channels, and the present Convention shall enter into force, in advance of the exchange of the instruments of ratification, as from the date on which the later of the two communications required under the present Article shall have been made.

## ARTICLE 6.

The present Convention shall remain in force until the 31st day of March, 1937.

In case neither of the High Contracting Parties shall have given notice to the other six months before the said date of his intention to terminate the Convention, it shall continue operative until the expiration of six months from the date on which either of the High Contracting Parties shall have given notice of termination to the other.

In witness whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at London, in duplicate, this twelfth day of the seventh month of the 9th year of Showa, corresponding to the twelfth day of July, 1934.

For India :

L. S.

John Simon.

L. S.

Samuel Hoare.

For Japan :

L. S.

T. Matsudaira.

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 PROTOCOL.

At the moment of proceeding this day to the signature of the Convention regarding the Commercial Relations between India and Japan, the undersigned Plenipotentiaries, being duly authorized to that effect, have agreed as follows regarding the importation of Japanese cotton piece-goods into India :—

## ARTICLE 1.

For the purposes of the present Protocol :—

the expression " cotton year " means a year beginning on the 1st day of January ;

the expression " cotton piece-goods year " means a year beginning on the 1st day of April ;

a cotton piece-goods year and the cotton year in which that cotton piece-goods year begins are referred to as " corresponding " ; and

the expression " yard " means a linear yard.

## ARTICLE 2.

The customs duties to be imposed on importation into India of cotton piece-goods manufactured in Japan shall not exceed the following rates :—

(a) plain greys—50 per centum *ad valorem* or 5½ annas per pound, whichever is higher ;

(b) others—50 per centum *ad valorem*.

If hereafter the Government of India should decide to impose a specific duty on cotton piece-goods other than plain greys, it will not impose on such piece-goods, being the manufacture of Japan, a specific duty exceeding 5½ annas per pound.

ARTICLE 3.

(1) If in any cotton year 1 million bales of raw cotton are exported from India to Japan, the quantity of cotton piece-goods which may be exported from Japan to India in the corresponding cotton piece-goods year shall be a basic allotment of 325 million yards.

(2) If the exports of raw cotton from India to Japan in any cotton year are less than 1 million bales, the allotment of cotton piece-goods for the corresponding cotton piece-goods year shall be the basic allotment diminished by 2 million yards for every 10,000 bales of the deficit or for any residual quantity thereof exceeding 5,000 bales.

(3) If the exports of raw cotton from India to Japan in any cotton year exceed 1 million bales, the allotment of cotton piece-goods for the corresponding cotton piece-goods year shall be the basic allotment increased by  $1\frac{1}{2}$  million yards for every 10,000 bales of the excess or for any residual quantity thereof exceeding 5,000 bales ;

Provided that the allotment of cotton piece-goods shall not in any case exceed 400 million yards for any cotton piece-goods year.

(4) If the exports of raw cotton from India to Japan in any cotton year exceed  $1\frac{1}{2}$  million bales, the excess shall be added to the quantity of raw cotton exported from India to Japan in the following cotton year for the purpose of determining the allotment of cotton piece-goods for the cotton piece-goods year corresponding to such following cotton year.

(5) For the purposes of the calculations under the present Article and under Articles 4, 5, 6 and 7, any raw cotton or cotton piece-goods which have been imported and then re-exported shall be excluded.

ARTICLE 4.

(1) The allotment of cotton piece-goods which may be exported from Japan to India during the first half of any cotton piece-goods year shall be 200 million yards ;

Provided that, if in the first half of any cotton piece-goods year the exports of cotton piece-goods from Japan to India exceed the allotment for the whole of that cotton piece-goods year, the allotment for the first half of the following cotton piece-goods year shall be 200 million yards less such excess.

(2) The allotment of cotton piece-goods which may be exported from Japan to India during the second half of any cotton piece-goods year shall be the annual allotment for that year less 200 million yards ;

Provided that, if the quantity exported from Japan to India in the first half of any cotton piece-goods year is less than 200 million yards, as increased or diminished under Article 5, the allotment for the second half of that cotton piece-goods year shall include the quantity of the deficit up to a quantity not exceeding 20 million yards.

ARTICLE 5.

Notwithstanding anything hereinbefore contained,

(a) If less than the allotment for any cotton piece-goods year is exported from Japan to India in that year, the quantity of the deficit up to a quantity not exceeding 20 million yards may be exported in the first half of the following cotton piece-goods year in addition to the allotment for that half-year ; and

(b) A quantity not exceeding 20 million yards of cotton piece-goods may be exported from Japan to India in any cotton piece-goods year, other than the cotton piece-goods year in which the present Protocol terminates, in addition to the allotment for that year ; but such excess shall be deducted from the allotment for the first half of the following cotton piece-goods year.

ARTICLE 6.

If the present Protocol should come into effect at any time other than the beginning of a cotton piece-goods year, the first cotton year shall, for the purposes of the Protocol, be deemed to begin on the 1st day of January, 1934, and the first cotton piece-goods year on the 1st day of April, 1934.

## ARTICLE 7.

(1) For the purposes of the present Protocol cotton piece-goods shall be divided into the four categories of :—

- (a) Plain greys,
- (b) Bordered greys,
- (c) Bleached (white) goods, and
- (d) Coloured (printed, dyed or woven) goods ;

and the allotment for any cotton piece-goods year shall be divided into sub-allotments among these four categories, consisting of portions of the allotment as follows :—

Plain greys	..	..	..	45 per centum,
Bordered greys	..	..	..	18 per centum,
Bleached (white) goods	..	..	..	8 per centum,
Coloured (printed, dyed or woven) goods	..	..	..	84 per centum,

and, save as provided in paragraph (2), the export of cotton piece-goods in each category in any cotton piece-goods year shall be restricted to the said portions.

(2) Transfers may be made from one sub-allotment to another, subject to the following conditions :—

- (a) The allotment for any cotton piece-goods year shall not thereby be increased ;
- (b) The amount transferred from a sub-allotment for bordered greys or from a sub-allotment for bleached (white) goods shall not exceed 29 per centum of the amount of such sub-allotment, and the amount transferred from any other sub-allotment shall not exceed 10 per centum of the amount of such sub-allotment ; and
- (c) A sub-allotment for bordered greys or a sub-allotment for bleached (white) goods shall not be increased by more than 20 per centum of the amount of such sub-allotment, and any other sub-allotment shall not be increased by more than 10 per centum of the amount of such sub-allotment.

(3) The principles of the present Article shall apply also to quantities of cotton piece-goods exported from Japan to India under Article 5 in excess of the yearly allotments, as if such quantities were yearly allotments.

## ARTICLE 8.

Nothing contained in the present Protocol shall be deemed to affect the rights of either High Contracting Party under Article 2 or Article 3 of the Convention regarding the Commercial Relations between India and Japan of this day's date.

## ARTICLE 9.

The present Protocol shall come into force simultaneously with the Convention regarding the Commercial Relations between India and Japan of this day's date and shall remain in force until the 31st day of March, 1937.

Done at London, in duplicate, this twelfth day of the seventh month of the 9th year of Showa, corresponding to the twelfth day of July, 1934.

For India :

L. S.

John Simon.

L. S.

Samuel Hoare.

For Japan :

L. S.

T. Matsudaira.

## **THE MECHANICAL LIGHTERS (EXCISE DUTY) BILL.**

### **PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.**

**The Honourable Sir James Grigg** (Finance Member) : Sir, I beg to present the Report of the Select Committee on the Bill to provide for the imposition and collection of an excise duty on mechanical lighters.

## **THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.**

**The Honourable Sir Harry Haig** (Home Member) : Sir, I move (Applause) :

“ That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, be taken into consideration.”

There have been alarming rumours of portentous speeches under preparation over the week-end. I trust, Sir, that those rumours are not, in fact, well-founded. I do not propose myself to occupy the time of the House very long, for I claim that the issues raised by this Bill are simple and, on the whole, are very familiar to the House. But I would make this preface. As I rise to initiate this debate, I am reminded of another debate in this Chamber two years ago. The occasion was a motion for the adjournment of the House arising out of the second murderous attack that had just been made on Sir Alfred Watson following very closely on an attempt at indiscriminate massacre of a harmless social gathering of Europeans and Anglo-Indians at the Railway Institute at Pahartali near Chittagong. The House, Sir, on that occasion was, I think I may say, deeply moved with feelings of horror and shame. I remember the then Leader of the House, Sir C. P. Ramaswami Aiyar, saying that he felt ashamed that an Indian should have done this and he urged everyone in the country to come together and get rid of this terror. That was the general feeling of the House. The question that everyone was asking was—how can we help? I would like to refer, if I may, to words spoken on that occasion by the Honourable the Leader of the Opposition, words with which I personally was in full agreement. He said :

“ If it were in the power of any one of us or any group of this House, whether on this side or on the other side, to suppress this movement, we would have done it. It is a subterranean movement; it is a secret conspiracy. We do not know how it works, and if it is the business of any one to find out, it is the business of those who have got power at their command, who have got the means and the resources of finding out what is wrong.”

And, a little later, he said :

“ No one has been able to suggest what men like ourselves can do to help the administration. It is primarily for them to find out the remedies.”

Well, Sir, I agree with those words. It is for the Government to devise the remedies, but I do urge that it is for this House to give us the powers. Here is an opportunity for the House to give the Government the help it needs. It is true that our feelings this morning are not so moved as they were during that debate two years ago. It is natural that people feel very deeply immediately after an outrage of that kind, but I would ask the House not to allow its feelings to cool too much and not to require any continuous stimulus of actual outrages in order to maintain their serious anxieties in this very acute problem.



[Sir Harry Haig.]

Now, Sir, with that preface, I come to the Bill. The nature of the Bill is very simple. In 1932, this House passed a Bill, known as Act No. VIII of 1932, to supplement the Bengal Criminal Law Amendment Act of 1930, and it provided that this Supplementary Act should remain in force for a period not exceeding three years. The proposal of our Bill is simply this, that that time-limit should be removed. The necessity for the Bill arises out of the action that has been taken in Bengal. The powers under the Bengal Criminal Law Amendment Act of 1930, to which our Act was supplementary, have now, by a recent Act of the Bengal Legislative Council, been made permanent. At the time that this time-limit was inserted in our Act, the Bengal Criminal Law Amendment Act was due to expire in 1935, and, therefore, our Supplementary Act with its three-year time-limit more or less covered the period still remaining for the Bengal Criminal Law Amendment Act as it then stood. Now it does not, and that is the immediate occasion for our introducing this Bill. I understand that it has been made a matter of some comment that we have introduced the Bill in this Session and have not waited until the next Session of the Assembly. I think the answer to that is very simple. Our existing Act expires in April, 1935. If we did not dispose of this Bill in the present Session, we could not take it up till February or March, 1935.

**Mr. Gaya Prasad Singh** (Muzaffarpur *et* Champaran : Non-Muhamadan) : Why not earlier than that ?

**The Honourable Sir Harry Haig** : How much earlier would the Honourable Member suggest ?

**Mr. Gaya Prasad Singh** : In the January Session, for instance.

**The Honourable Sir Harry Haig** : Will the Honourable Member undertake to dispose of the matter before the end of January ? I know very well that the Honourable Member can give no such undertaking. But even so, that would be a quite unsatisfactory solution. I would ask Honourable Members to remember that we have under detention at Deoli something like 500 persons. The accommodation for 500 persons is very extensive. The preparation of that accommodation takes a very considerable time as we ourselves experienced when we were preparing these buildings at Deoli. The Government of Bengal have no accommodation for 500 additional detenus. It would be quite impossible for us to leave the Government of Bengal in doubt and ourselves in doubt up to within a month or two of the expiry of these powers whether they are to be extended or not.

Now, Sir, I come to the provisions of the Bill which we desire to extend. The main provision is a power to detain detenus outside Bengal. I would remind the House that this Bill does not give a power of detention which does not already exist. The power to hold these people in detention is a power that has been given by the Bengal Act. It is not given by this Act. Our Act is merely concerned not with the fact of the detention, but with the place of detention. The principle, that power should exist to detain detenus outside Bengal, was accepted by the House in 1932 at a time when, I should say, the implications and the menace of terrorism were hardly as fully appreciated in the country as they are now. The reason for detaining these men outside Bengal are briefly that the Bengal

Government finds it a matter of the greatest difficulty at the same time to wage its campaign against terrorism and to keep in effective segregation such large numbers of dangerous men living in surroundings with which they are thoroughly familiar and among people with whom they have close relations. Experience showed that they used to communicate with friends outside and they actually were able to hatch conspiracies and the Bengal Government felt very strongly that they could not cope with the measures required for dealing with this menace unless they could be relieved to a certain extent of this obligation, and the worst or what they considered to be the most dangerous of these detenus were removed to an isolated locality where conditions, such as those prevailing in Bengal, would not exist. I would just remind the House of a few figures. The total number of detenus in jails and special camps is, I think, something between 1,500 and 1,600, and the number that we have at Deoli is approximately 500. The House will, therefore, recognise what a very large element in the problem this camp at Deoli is. When this matter was debated in 1932, some criticism was made of the Bengal Government that they ought to be able to make efficient arrangements to look after these men. I think those criticisms did not do full justice to the very grave difficulties that are inherent in the problem. But I would like to mention that even in the remote Province of Madras, which had, I think, eight of what we considered the most dangerous Bengali State Prisoners, it has been found as a result of a trial that it was not possible even in Madras to prevent these men associating with other revolutionaries and in fact hatching conspiracies. I have here a rider by the jury in a recent conspiracy case in Madras. They said :

"We believe the evidence before us in relation to the lack of discipline in Trichinopoly jail and wish to record our surprise that violent revolutionaries were allowed to influence certain of the accused to inaugurate this conspiracy."

I merely mention that point in order to illustrate the fact that it is very difficult under normal conditions to prevent these men from communicating with others outside or in the jails. Now, Sir, I think a further advantage that we have from this power to detain the detenus outside Bengal is that it is in accordance with the elastic system which is at the root of the Bengal Criminal Law Amendment Act. The Government of Bengal do not desire that every one, whose liberty they feel it necessary to restrict, should be treated in exactly the same way. They realise that there are degrees, that there are great differences between these young men, that some of them are only at the beginning and that others are very deeply involved in the conspiracy. They have a system of what is called home domicile for those who are the least dangerous. These young men are merely directed to live in their own homes. Then, there is the system of what they call village domicile in which they are directed to live in a village, not their own, but otherwise their liberty is not restrained. Then the next grade are those who are in special camps or in jails in Bengal. Those who are regarded as the most dangerous are sent outside Bengal to Deoli. So much for the power of detention outside the province.

Now, the second power given by the Act, which we propose to continue, is the barring of the *Habeas Corpus* powers of the High Court. That has always been considered an essential complement of legislation of the type contained in the Bengal Criminal Law Amendment Act. It is a matter which has been discussed, I will not say threadbare, for I think it is one

[Sir Harry Haig.]

of those subjects in which lawyers find always something fresh to say, but at any rate it has been discussed repeatedly. With regard to the technical points, I hope that if Honourable Members opposite raise any question, my Honourable friend, the Law Member, will be able to answer them; but, put in untechnical language, the justification is simply this. The Bengal Criminal Law Amendment Act says in effect that, owing to the nature of this secret conspiracy, we are not in a position to put into Court the evidence we have against these men. We must have the power to detain them without putting the matter before a Court. Well, if that is once accepted, it is obvious that we cannot allow the High Court to question the action taken, because the High Court can only question it by asking the executive, what is the evidence on which you have put these men under detention and that *ex hypothesi* is exactly what cannot be produced. That briefly is the case for barring the *Habeas Corpus* provisions of the Criminal Procedure Code.

Now, Sir, I may reasonably be asked what are the general conditions that have necessitated the removal of the time-limit from the Bengal Act. That is really the justification for the measure I am inviting the House to pass. This involves some review of the situation. I think it is fair to say that we have, during the last 18 months, by unrelenting pressure, been gradually getting control over the movement. First of all, it could hardly be said that we were doing more than holding it. Latterly it would seem that we have been making some impression on it. But with much that was encouraging, the Government of Bengal, at the beginning of this year, felt that there was still much to be done. Recruitment was still going on. The spirit of the conspiracy was still alive and active. Moreover, in spite of a definite improvement, it is clear to every one that we still have a long way to go. I need hardly remind the House that only this year we have had two attempted outrages for which we have to thank Providence that there was no actual loss of life, but the escapes in both cases were very providential. The first was at Chittagong when a party of four young men attacked a gathering of Europeans,—men, women and children, who had been looking on at a cricket match. They attacked them with bombs with the intention of massacring them indiscriminately. Fortunately, none of the intended victims were killed. And then it is only within the last few months that there was that deplorable attack on the life of the Governor of Bengal. When the Government of Bengal earlier in this year introduced their new Bill, one of the most important points in that Bill was the making of their existing powers permanent. Time after time the temporary nature of the provisions has encouraged the terrorists to hope that they only had to hold out for a limited time and they would again get their chance. I wonder if we remember that this conspiracy has been going on for nearly 30 years. Each time, when the conspiracy has been brought under control, the powers have been surrendered and the organisation has started working again. It is easy to be wise after the event, but looking back it may seem that this has been a fundamental mistake in the policy of Government in the past, a mistake into which they have been led by precisely those arguments of optimism and confining our action to the very minimum required, which we shall no doubt hear in this debate. I have said it is easy to be wise after the event, and, therefore, a heavy responsibility rests on those who, even after the event, refuse to be wise, who misunderstand and reject the teachings of experience. The

Bengal Legislative Council accepted the arguments which the Government of Bengal put before them on this issue. The motion for rejecting the proposal to make the powers permanent was thrown out in the Bengal Legislative Council by 63 votes to 12 ; and amendments for a merely temporary extension were lost without a division.

We have never held, Sir, that these measures, which are often described as repressive measures, would alone bring the movement to an end, though we have held and still hold that they are the essential foundation in the fight against terrorism. Something more is needed, and I am glad to say that, within the last few months, there seem to be definite indications that that is beginning to materialise. It is not the first time I have said in this House that what is wanted is the development of an active and vigorous public opinion in Bengal which will destroy any deliberate or merely sentimental sympathy with those who are not only criminals, but I would hold, are evidently enemies to their own country and indeed to their own families on whom they bring sorrow and disgrace. The Government of Bengal are very fully alive to these considerations. They are working actively to encourage that public opinion which perhaps was called forth first unmistakably by the senseless outrage on His Excellency the Governor, Sir John Anderson, a man who it was felt had worked ceaselessly and whole-heartedly for the good of the people of the Province, who had analysed and understood the root causes of their discontent and was devoting his remarkable energies to devising a remedy. But while the House may rest assured that the Government of Bengal are fully alive to all the advantages that can be derived from the awakening of public opinion, I would ask them to remember that the Government of Bengal also regard it as essential to continue, without a time-limit, the powers they possess for dealing with this movement, and, in pursuit of that policy, they require and ask for our assistance. I feel convinced that this House will not deny them the help they need.

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

“ That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, be taken into consideration.”

**Mr. H. P. Mody** (Bombay Millowners' Association : Indian Commerce) : Sir, I want to ask a question of the Honourable the Home Member. The Honourable Member has made no reference in his speech to the conditions of detention at Deoli. He realises there have been innumerable questions on the floor of this House with regard to these conditions. Will the Honourable Member make a statement as to the steps Government have taken to remove all reasonable complaints with regard to the mode of treatment of the detenus ?

**The Honourable Sir Harry Haig** : I thought, Sir, that the answers that I have given to the very numerous questions had proved satisfactory to the House. They certainly appeared to be satisfactory to Government. But, if, in the course of the debate, these allegations and complaints are revived, I shall, of course, deal with them when closing the debate.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Sir, I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1934.”

[Mr. S. C. Mitra.]

Sir, in making this motion, I stand on the constitutional right of trying to obstruct the passing of any obnoxious and repressive measure which, I consider, is detrimental to the best interests of the country, both for the Government and the governed. I shall presently show that there are reasons why I move that even by circulation for a short period Government may be better advised not to proceed with such a measure. Before I go into the merits of this motion, I would like to draw your special attention to the fact that when this kind of Bill is brought before this House, we on this side are supplied with a mere sheet of paper like this—it may be called a one clause Bill—actually there are only two clauses, one is the short title and the other merely says that a certain sub-section in the original Act shall be omitted. The Members are not supplied with a copy of the Act to which this is a mere amendment. In some cases, particularly in connection with this Bill, I can maintain that the mere supply of the Bill is not sufficient, because the Act also, on which this is based, was a substantive Act covering 15 sections and two Schedules, and, therefore, the Members of the House are not in a position to deal satisfactorily with the Bill which is now presented, unless they are supplied with copies of these two Acts also. I remember, on one occasion, the attention of the Honourable the President was drawn, and the Legislative Department agreed that on such occasions Members would be supplied with the necessary copies of the original Act also and of the Act to which this is supplementary. I make a special grievance—it is not a mere formal grievance—I have heard from Members that they tried to get copies from the Library of the House—I myself could not come earlier, because I was ill and even today I am ill—but when I came and asked on Saturday for a copy, I was told by the Librarian that the two or three copies that were available had been sent out. It is impossible, therefore, to do justice to such an important measure if the House is treated in this way, by whom I do not know or whose responsibility it is,—the Legislative Department or the Home Department—but I appeal to you, Sir, that this House is not in a position to deal with this Bill if they are to be treated with this scant respect. I challenge most Members in the Opposition here to tell me what are the provisions in this Bill or of the Act of 1932.....

**Mr. K. O. Neogy** (Dacca Division : Non-Muhammadan Rural) : We have only our recollection to fall back upon.

**Mr. S. C. Mitra** : That may be enough for Mr. Neogy who knows something about these matters, but I challenge many others who do not understand even the A. B. C. of what is now going to be discussed.

**Mr. Gaya Prasad Singh** : Why do you challenge us ? We are with you.

**Mr. S. C. Mitra** : It is not your fault as I say ; and I appeal to the Honourable the President, as the custodian of the rights and privileges of the House, that the House should not be deprived of doing justice to a Bill like this if they are not provided with copies of the Original Acts or Bills.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Of course the Chair understands the purport of the complaint of the Honourable Member ; but does he mean to suggest that whenever an amending Bill,

is introduced, then copies of the original Bill, of which this is an amendment, should be supplied to all Honourable Members ? If that is what he means, that has never been the practice of the House, at least during the last eleven years that I have been here.

**Mr. S. C. Mitra** : If sufficient copies are available in the Library, I shall be the last man to complain ; but I say this is something special. Several of my friends, I am certain, do not know what are the provisions of the Acts—only this morning through the kindness of my friend, Mr. Amar Nath Dutt, I could get a copy—I myself did not know what are the provisions which I should have to deal with ; in the Assembly Library itself copies of the Acts are not available.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : That is quite a legitimate point, and if that is the complaint that sufficient number of copies of these original Acts are not available in the Library, then the Chair will see that sufficient number of copies are made available in the Library.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : I made a similar request last time in connection with some other Bill, that copies of the original Acts are not available and there is a race for books from the Library, because there are only two or three copies ; and it is an injustice to us, and it is not correct that we should be asked to give our opinions when the original Acts, of which the amendments are before us, are not available.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I remember, on at least two previous occasions, when Supplementary Bills were introduced to supplement Acts passed by the Bengal Council, that the original Acts of the Bengal Council were supplied to us. For instance, at the time when the Supplementary Bill regarding the Bengal (Suppression of Terrorist Outrages) Act was introduced in this House, at my request Sir Lancelot Graham supplied a copy each to all the Members, and, subsequently, on another occasion also, a similar provision was made.

**Mr. S. C. Mitra** : Now, proceeding to the merits of this Bill, I shall read for those who care to understand this Bill the provisions therein : They run thus :

“ The second paragraph of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, shall be omitted.”

If anybody has not been enlightened, it is not my fault. That is the whole clause. I shall now read section 1 of the Act of 1932. That Act says :

“ This Act may be called the Bengal Criminal Law Amendment Act of 1932 : it shall remain in force for a period not exceeding three years.”

That is all. Does it enlighten any Member about the scope and functions of the Bill under contemplation ? The second clause says that power is given to order custody in jail outside Bengal. Another section, as the Honourable the Home Member said, deals with the *Habeas Corpus* provisions allied to section 491 of the Criminal Procedure Code. This Act VIII of 1932 in its Preamble says :

“ Whereas it is expedient to supplement the Bengal Criminal Law Amendment Act, 1930 ; it is hereby enacted as follows :”

[Mr. S. C. Mitra.]

So, to do justice to this Bill, one must understand the provisions of the Bengal Act, VI of 1930, which primarily deals with the question of political suspects connected with terrorism. At the very beginning, I must disabuse the minds of the Honourable Members, at least on this side of the House, that the whole series of Acts deal not with any person who is convicted for any offence, not even by a special tribunal, but for mere suspects. Government admitted, times without number, that they are not in a position to say that 100 per cent. of these suspects are really guilty or that a conviction could be had in a Court of law if proper evidence could be given against them. The highest that the Government can put their case at, is that they are suspects only. That is one point which, at the very outset, I would like to make clear to the House.

Then, I would like to make my own position clear. The Honourable the Home Member, at the very beginning wanted to prejudice this House by telling a series of murders by terrorists and anarchists in the Province of Bengal. I admit, and I have asserted more than once, and it is for the Government to believe or not, that there is no difference between the Government Benches and the Opposition on this fundamental point, that if there is abnormal crime, crimes of anarchism or revolutionary crime, certainly any Government, civilised or uncivilised, should have power to deal with it. There is no question on that point. Why is this question raised every time, with a view to prejudicing the House? We have no sympathy with terrorists. I have said on the floor of this House,—have any enactment passed, get any law you like passed and try to eradicate this evil. My fundamental difference with my friend, Sir Harry Haig, was that this would not really tackle the main question. I appealed to him, times without number, that you might exhaust your means, you are now intoxicated with power; you can do anything you like; you have a free hand. Neither the Bengal Government, nor the non-officials in Bengal, nor the non-officials in this House ever stood in your way. You had, to your satisfaction, all laws passed, repressive or oppressive, that you thought proper. We agree with you that if by any means by passing this sort of legislation you can successfully tackle this evil, then get this measure passed. But I appeal to my Honourable friend, on the eve of his retirement as Home Member, and taking up a higher place, to consider if, by passing such measures, he will be able to put an end to this evil. Even after the drastic Act of 1934 was passed, he told the House that there were two more outrages. Sir, we condemn these outrages as much as he does. As a matter of fact, we feel, more than the Honourable the Home Member does, for our country, because it is we who will have to deal with our people in future. We do want constitutional Government, and, as I said before, he will be inimical to the best interests of India if he persists only in passing these legislations instead of dealing with the real causes that give rise to these evils. Sir, who does not agree that when there are symptoms, these unhealthy exhibitions in the body-politic, drastic measures must be taken recourse to? Who is the man with any responsibility who will say that drastic measures should not be adopted? We say, do adopt all possible measures to check this evil; but, at the same time, we do ask you to go into the real causes of these anarchical crimes. Where are the laws or legislations which can keep a man away from committing a murder?

Where are the laws that can keep a man away from committing even the most brutal crime ? Where is the law which can stop a man who is determined to kill or take away even the most precious life, like that of our Governor, who is loved by every man in Bengal,—where is the law which can stop a man who is determined to take away another human life with a pistol in one hand to shoot his enemy and with poison in another hand to kill himself ? Are you honest in saying that by all your repressive measures you have succeeded in stopping the spread of this evil in the country ? Do you think that by passing all these oppressive and repressive measures you show greater sincerity for the good government and peace of the country, that you are more concerned with the country's interests ? I know it was said that when the last attempt was made on the Governor's life at Darjeeling, the police was not efficient. It may be argued that there should be collective fines imposed on the police just as they are imposed on the people of Chittagong, because, with all these wide powers, they could not check this attempt. That is a reasonable attitude, but I do not agree with it. With all the efficiency of the police, with all their determination to stop such crimes, the police could not stop the attempts of the mad man who was determined to murder his opponent with a pistol in one hand and not to spare himself by taking poison in another hand. It is not a question for a day-to-day statesman to deal with ; it is a psychological question and it is also an economic question. You pass some laws and you put some people in jail, and you think by that means you will be able to solve the whole problem. Now, there are people in jail numbering in all about 2,000 or so for the last two or three years. You had no evidence whatever against any one of them ; there was only some whisper of suspicion from some police spy, and so you have kept them in prison. Is it not time,—I appeal to you, Sir Harry Haig, before you leave your office that you should now try different methods ? I have appealed to you several times before and said that anarchism in Bengal can be stopped, but who will care to hear me ? I know that when you exhaust all your measures, the time will come when you will change your methods. I have approached you in private,—I put it before the House now,—there are ways by which this anarchism can be stopped in Bengal.....

**The Honourable Sir Harry Haig :** The Honourable Member seems to be entirely ignoring one important part of my speech in which I made it clear that it was not the whole policy of the Government to carry out these measures ; that this was the essential foundation, but that other measures were required and that the Government of Bengal were actively interesting themselves in the matter.

**Mr. S. C. Mitra :** I wanted to hear all these details, but for an emergency you are now proposing permanent measures which will insult the Statute law of India for all time. You have put before the House that capital punishment.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member should address the Chair.

**Mr. S. C. Mitra :** I beg your pardon, Sir. In 1934, an Act has been passed providing for capital punishment for possession of fire arms, for putting heavy fines on guardians and parents, whether they are responsible or conscious of the acts of their wards or children or



[Mr. S. C. Mitra.]

not. There are also provisions in this Act to arrest a person without warrant, to search a house, and there is a provision in it which says that no suit, civil or criminal, can be instituted against any officials for any of the actions that they may take. Sir, very extensive powers have been given to District Magistrates to occupy any place, and penalty has been provided for possession of what is considered by Government as undesirable literature. Now, all these provisions have been made, but what I maintain is that these measures can only be supported as temporary measures. They can never be tolerated as permanent measures, because they will be an insult to the whole nation. When all these measures have proved futile in the past, is it not time for the Government to take the people into their confidence and see how this evil can be eradicated, which is a point on which there can be no two opinions either in Bengal or anywhere else in India? Sir, we in this House today are asked particularly to deal with those prisoners who are sent out of Bengal to other Provinces. The Honourable the Home Member has referred in this connection to my past criticism. If it is a reflection on anybody, it is a reflection on the inefficiency of the jail authorities and the police of Bengal. How is it that when a civilized Government like ours has taken all powers that one can contemplate, they cannot put a stop to having communication by these few suspects with outsiders? Is it not a ludicrous thing to contemplate that when this Government have absolute powers like the powers of the Czars of Russia, they feel helpless to make adequate provision even in their jails, to prevent the few suspects in the jails from communicating with other people either inside or outside the jails? That is the burden of the argument of the Honourable the Home Member for externing these political suspects from Bengal. What is Bengal after all? Is Bengal a little town like the city of Simla? Is it not a big Province, bigger than many of the continental countries in Europe who are original members of the League of Nations? Is not Bengal such a country that contains many hills and detached places near about, where you could certainly provide detention camps, as you have at Deoli? Why don't you have detention camps for these people in Bengal itself? Why do you use these merely flippant and unreasonable arguments to support your case and say that the Bengal Government has failed to make provisions to prevent these few suspects from having communication with others, either inside or outside the jails? When the Government have spent lakhs of rupees in erecting jails at Deoli and Hijli, when they have spent thousands of rupees for the travelling expenses of these suspects, why can't they spend some amount for building jails in Bengal itself like those at Hijli and Deoli? Is it the argument that in a vast Province like Bengal there is not a locality round which for 10 or 15 miles there is no habitation? Why is it necessary that the boys must be transferred to an uncongenial climate in Rajputana, in Ajmer or in the Punjab and Central Provinces? I shall later on give details of some of these cases, but, as regards the fundamental point, I hope the House will try to get from the Honourable the Home Member more conclusive arguments to convince them to vote for such a foolish measure when the Bengal Government is now invested with very large and absolute powers. Whatever the law they wanted, they got it passed by the Local Legislature and the Central Legislature, and why could they not

control these few people communicating with people inside and outside the jail ? Then the Government had to admit that the detenus were doing the same thing in Madras and other Provinces. They do it in Bengal, and if, as the Home Member says, the detenus do the same mischief in Madras, I do not find why they are transferred at all.....

**The Honourable Sir Harry Haig :** It is a question of fact. We have, in fact, found that these communications are not made in Deoli.

**Mr. S. C. Mitra :** The only safe place in the whole of India is Deoli where no communication is possible, and in other places it is not safe ! My Honourable friend says that he had no information about any communication with outside people from Deoli, but I shall be divulging no secret when I say that a very high official of Bengal, who is likely to know as much as the Honourable the Home Member, has said that he has heard of communications with outside people from Deoli, from these detenus as well, and, therefore, they must be kept permanently under detention. This information I derived from a personal talk I had with some big officials who are interested in these matters. They are complaining that they must continue to keep these boys for 20 years and more and crush their spirit, and that there is no other way out of it.

**An Honourable Member :** Is it an official ?

**Mr. S. C. Mitra :** A high Government official who is likely to know as much as or even more than Sir Harry Haig. So, the main argument about transferring the detenus outside their Province, as I have said on the last occasion, is not convincing. The present condition is entirely ruining the health and the future prospects of these suspects. The Home Member knows full well that they are now in Deoli jail for more than three or four years. What are the prospects, what is the future career, what will be the condition of their health when they will be released—these are serious considerations to which times without number I have tried to draw the attention of the Home Member. I repeat those prayers and supplications again. Don't keep a class of men, very brilliant,—they are self-sacrificing, they are misguided if the allegations of Government are correct, but they are mere suspects. I hold that many of them are certainly innocent and some may be guilty, but Sir Harry Haig thinks that most of them are guilty and very few are innocent. Till they are judged by a competent Court of law as guilty, I as an honourable man should be the last person to consider even a single one of them as guilty.

What are the real remedies by which Government intend to combat this malady, this disease in the body-politic in this country ? As an emergency measure, we are for the passing of such legislation. But has it not failed after the detention for years together of every suspect, and should it not convince the Home Member and his Government that unless the disease is rooted out and a true diagnosis is made—we have always offered our co-operation, we are always willing to help Government, because it is more to our interest or as much to our interest as of the Government to get rid of this evil ? I will give a few cases to this House in order to enable it to understand what happens to these poor fellows. Only the other day, I got news of a lady who was being treated for cancer by Dr. Bidhan Chandra Roy, one of our eminent physicians. Her only son is a detenu at Deoli ; I think his is the only case of a detenu who has been allowed to go out for a fortnight or a week

[Mr. S. C. Mitra.]

to see his mother. He is the only son of his mother and has got no brothers or sisters or uncles, or any other relation in life, except his poor mother. She is suffering from cancer and the doctors declared that death was sure, it was only a question of days. Government were kind enough in that one peculiar case to grant permission to see the mother. The poor boy went to see his mother; he saw that she was approaching her end, but fortunately or unfortunately the mother could not reach her end within the date of leave the benign Government was pleased to extend to the boy. The poor boy implored, appealed to the Government, and said that with or without restrictions as they pleased they might keep him in Bengal so that he could see his dying mother breathing her last. But that prayer has not been heeded to. (An Honourable Member: "Shame!") His name is Ashutosh Das-Gupta. I can give many other cases. I remember I once told Sir Harry Haig, when he was Joint Secretary or Secretary in the Home Department,—he must have forgotten—I know from my experience that long detention in jail for years together in the same environment, in the same cell, makes even a normal, sound man, abnormal to some extent. The detenu becomes unreasonable. It is only sympathetic Jail Superintendents who are also medical men—unfortunately they are not all medical men in Bengal—who can appreciate this fact. I may cite a case from Hijli. One young man—I shall quote my Honourable friend, Mr. Ghuznavi, as my witness, because it was through his "kind and sympathetic intercession that he got some privilege—I am speaking of detenu Debendra Nath Bose, he is a relation of mine. It is a typical case, and from that the Honourable Sir Harry Haig can realise the condition of these detenues. This young man was convicted in the civil disobedience days in April, 1930, when Mr. Subhash Chandra Bose was carrying on a procession. He was convicted for nine months. At the expiry of this period, when he was about to come back to his House, he was served with a notice under the Bengal Criminal Law Amendment Act for detention. Here is the section :

"Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person—

- (i) has acted, is acting or is about to act in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908 ; or
- (ii) has committed, is committing or is about to commit any offence specified in the First Schedule (a number of sections are given) ; or
- (iii) has acted, is acting or is about to act with a view to interfere by violence or by threat of violence with the administration of justice ;

the Local Government, if it is satisfied that such person is a member, or is being controlled or instigated by a member, of any association of which the objects or methods include the doing of any of such acts or the commission of any of such offences, may, by order in writing, give all or any of the following directions, namely, that....."

The direction is that he shall be committed to custody in jail. No period is given and nobody knows when he will be released.

1 P.M. There is my friend, Mr. Sen, who says that period is given. The period is given as one year in the first instance, and then the Government of Bengal can continue it for any number of years. It may be 20 years as one responsible officer of the Government said. Now, Mr. President, you will easily realise the plight of these men who are

put for years in jail. What happens is this. In this case I am telling you about, Debendra Nath Bose has been in jail from April, 1930, up to this time, which is more than four years. I appeal to you, Mr. President, to hear the details of this case. It is typical case. I want to tell you what happens when the same prisoner is put in the same jail for weeks, months and years without any change of environment. Even an ordinary prisoner is sometimes transferred from one jail to another, but these prisoners are confined mostly in one place. This thing works on their nerves and they generally get out of reason. What happened in this particular case was that this boy was losing his power of reasoning. He became very irritable. The jail authorities at once punished him and this made him more provocative in jail.

**Mr. A. H. Ghuznavi** (Dacca *cum* Mymensingh : Muhammadan Rural) : No jail punishment was given.

**Mr. S. C. Mitra** : You don't know. He was in Hijli. Anyhow, let me put my case. He was failing in sanity. They instituted a case against him and he was put as an under-trial prisoner and sent to Midnapore jail. He was put in a cell there and the Magistrate put him under observation. For the last six months, his relations, in spite of repeated petitions, were being denied facilities to interview him. They became suspicious. There is no help or any remedy for these things. I have repeated similar instances in this House times without number. I myself could not secure an interview with my nephew at Deoli in spite of repeated applications for the last three years. You know at Deoli there are police officers in whose presence alone you are to communicate with your detenu relatives. The police are present there and they can stop any talk and still they do not permit these interviews. There are barriers between the detenu and his interviewer and yet interviews are often refused. So reasonable this Government are !

They may make their laws permanent, but nothing is permanent in this world. To resume the story about Debendra Nath Bose, I understand the police officers came and informed the relations of this boy that he had become insane. His younger brother and sister are students and are wholly dependent on him, and they are absolutely helpless. They were simply stunned to hear this. They informed me, and I rang up my good friend, Mr. Ghuznavi, of whose liberal heart and generous sentiments I wish to make a public acknowledgment. He really helped these poor fellows to have an interview with this boy. The relations went there. The boy was confined in a small room. There was water scattered all over the floor. His feet were swollen. There was no furniture in the room. He had to stay day and night in that small place. He has to pass his urine there and also answer the calls of nature. Things were in a terrible condition when his relatives saw him there. This is a typical case. We prayed that he might be given a chance to live with his relations for a day so that the change of environment might help in the restoration of his reasoning. The first reply was that it was impossible, because he was an under-trial prisoner and it was only the Magistrate who could release him. But, subsequently, the Political Department was pleased to grant the prayer and the order of his detention was temporarily suspended, and he was set at liberty, I again repeat, through the kindness of Mr. Ghuznavi. Bose was violent and was absolutely mad. I am mentioning these facts in order to impress on you and the House, and,

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if possible, the Honourable the Home Member whom God has blessed with power. Let him not forget others in distress. In jail, even the most ordinary convict can claim some change of environment and transfer from one place to another. All these are denied to these poor suspects who have not been convicted by any Court of law. If they are convicted, there is a fixed period for which they have to serve after which they can hope to get their release. Some of these people have continued to stay in jail for five and more years and Government say they should remain in confinement for even 20 years. Is that the spirit of a civilised Government? By all means eradicate this evil, but according to your present method you are only embittering feelings and doing injustice to yourselves being members of a race, which has a great reputation for fighting for liberty and freedom. Even in these days the British people do not follow other countries, and we are proud to have the British connection.

Do not try to prejudice the issues by raising all false questions. Who tells you not to pass legislation to put a stop to terrorism? But do it decently. Give the suspects a chance to clear the charges against them. The High Court in Calcutta refused to go through these records when they were sent to them. That is the provision under the old Regulation III, that the records should be sent to two Judges of the status of the High Court Judges. I know one Chief Justice, who adorned the Calcutta High Court in those days, refused to go through these records unless they were also given the power to sift evidence and call witnesses and test them by cross-examination. Here you are going to take powers to detain these men for an indefinite period. It means an externment from their own Province out of their environment, and just now I have received a telegram saying that there is a hunger-strike in the Andamans for the last fifteen days. Nobody knows what has occurred. The telegram says :

“ Andamans prisoners hunger-strike about fortnight, short notice question solicited.”

Sir, while I was on my sick-bed recently, several relations of detenus at Deoli approached me and said that for the last one and a half months they were not getting any communications from any of their relations. It is most likely that there is another hunger-strike at Deoli also. Now, Government seem to take pride in that. Sir, what they will gain by this God alone knows, but what the country and the people have found out is that, in spite of these measures, the Government have not succeeded in the object they are aiming at. I think I can make bold to assert again that, if only the Government will enlist our co-operation, there will be no anarchism in Bengal. I am in a position to say, you can thus do away with it, but, alas, I know that, as long as the Government are intoxicated with power, they will only try in their own way to eradicate this evil, but if they do not succeed by themselves, I pray, Sir, even at the last moment that we may be asked to be of any service to them. Sir, I say this in no spirit of boast, but most humbly we say that this is in our own interest and that it is quite possible to achieve it. We have only to see and appreciate the root causes of this anarchism. Sir, why are these boys going to lay down their lives? My Honourable friend, Mr. Ghuznavi, once remarked that he was very angry at some of these dastardly outrages. Sir, I am more aggrieved than angry. Get any Act passed, but the difficulty will

remain the same. Sir, when the circumstances are such that the young people go out with potassium cyanide in their pockets to put an end to their lives, how will you put a stop to their activities by simply passing repressive measures without caring to find out and remedying the root causes? Sir, I can say that I have come in close connection with young men in Bengal, and I can say with confidence that they are not as bad as the Government of India make them out to be. Sir, fortunately for ourselves, our present Governor does not think in that manner. He is a really practical man in whom we have great confidence. Unfortunately, these anarchists attempted the life of the very man whose life was most precious, particularly for the Hindus of Bengal, as I can say with confidence. How can you stop it in this way? These boys are inspired with a high ideal, they are reasonable people, it is not for some personal gain or comfort, in order to get some more emoluments and some titles and other advantages, that these boys go about to commit these outrages. They will not be deterred by the mere fear of deterrent punishment, but certainly a civilized Government like the British Government can appeal to the better sense of these young people and there are ways of bringing them round and there is a proper method of proceeding with the business. I have always done my best to suggest what I have thought to be the best course, and I believe and I sincerely believe that it is possible to put a stop to terrorism. As I have said, the time will come when the Government, of their own accord, will see the futility of all these repressive legislations. In the meantime, I say, Sir, that the present Bill is of such a nature that it will frustrate the purpose for which the Government are going to enact this Bill. (Applause.)

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

This Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Mr. S. C. Mitra :** Mr. President, I now propose to deal with some of the specific grievances of these externees and also with some of the individual cases. But, before I deal with that point, I would like to appeal to the Honourable the Home Member to try to be once with us. Sir, in a very feeling language he referred to the events when some murderous attempts were made or even murders were committed on Europeans and officials. I know that the feeling is very sincere and also strong, not only amongst the Europeans, but on this side also. But I appeal to him also to think of the other side. I mean the hundreds of cases of Indians who are being confined to the jail for years together, which is sometimes even worse than death. Then, there are deaths also in these prisons. Inhuman and brutal torture is inflicted on these suspects. I appeal to him to consider that if one case so much appeals to hundreds of Europeans, there is no wonder that the cases of hundreds of Indians' death and torture alienate the sympathies of thousands of families from the Government. They may be helpless; they may not be in a position to express their strong feelings, but it is for the Government to see and try to feel with the Indians as well. We always try to look to both sides, the official and the Indian side. I appeal to Government not to be dictated only from their sense of feeling for the official victims alone, but

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also feel for the inevitable victims of such harsh laws that are being enforced from day to day in this poor and unfortunate country. Sir, it may be perfectly true that all the methods of oppressions and tortures that are employed by the underlings may not be known to the highest officials. But it is a fact that the tortures are going on. These tortures are not only confined to individual cases, but I have systematically inquired from the political sufferers as to what kind of tortures they are put to. These suspects are put to third degree measures ; and all sorts of tortures are inflicted on them in order to extract confessions out of them. Many have been put into water tubs during cold winter nights. Although many persons have nothing to confess, yet they have got to undergo all these barbarous measures. This is one aspect of the case.

I know that Government also sometimes think that this method alone would not cure the country of youngmen thinking in violent ways if they become hopeless of the future. But, may I ask the Government, what steps they have taken during all these years in that connection ? Can the talk of reconciliation and this oppression go hand in hand ? Is it not far more true that they exercise much more of their time and energy in suppressing not only terrorism, but also all ideas of liberty and freedom and even free thinking ? Even the ideas of Swadeshi and the Swaraj, which Government themselves have declared as very legitimate objects, are suppressed.

As regards the individual cases that were discussed by means of recent questions, I remember the case of suicide by Mrinal Kanti Ray Chaudhri on the 15th of January, 1932. That was the first case of suicide which a poor unfortunate detenu at Deoli committed under circumstances which everybody regrets, but which, I for one, think should not have been possible had he been in a Bengal jail.

**An Honourable Member :** Give us the details of that case.

**Mr. S. C. Mitra :** Some questions were asked on the floor of this House about him and the matter was discussed threadbare. It is known to the House. He was segregated from other detenues and put in a solitary cell. In broad day light, at about 4—25, he committed suicide by hanging himself with a rope which he put on the ceiling. Then, Sailesh Chatterjee's death occurred on the 23rd October under circumstances which we on this side consider could have been prevented if proper medical treatment had been administered in time. He had high fever for three or four days, he was brought to the segregation ward. There his fever ceased at 6 in the morning, and at 10 o'clock an injection was administered on him. There was no doctor to watch the after effects of an injection, and, within half an hour, he died. Those are the facts which are known to everybody. But we think that if he had been anywhere in a Bengal jail, where proper medical aid could be had, his life could be saved.

Then, Sir, we had cases of the type of Mr. Hem Chandra Ghosh, who was not permitted to perform the *Shradh* ceremony of his father. To a Hindu, that is the last duty that a dutiful son should perform in remembrance of his parents. One can just imagine their feelings when these suspects are deprived of these elementary rights of performing their religious duties. There are cases of some people who developed leprosy at Deoli although they never had any history of leprosy in their family

before. To such persons, it was not possible to give proper medical treatment in a segregated place like Deoli. Naturally, these externees must suffer from all these inconveniences inevitable under such circumstances.

I have drawn the attention of the House times without number to the special difficulties which even the best attention of the Government cannot remedy from which the externees must suffer. For example, the articles of food. It is well-known that Bengalees are fond of fish. At Deoli it is not possible to provide fish. I do not complain against the Government, but I only say that it is not possible to provide the food that they are accustomed to and the manner of cooking food. There is also the difficulty about interviews from relations who have to come all the way from Bengal. It is well-known that for long periods the detenus are cut away from their relations, and it would be a source of contentment to the unfortunate female relatives if they are allowed to have interviews with the detenus who are deprived of companionship of their relatives. Deoli is about 70 miles from Ajmer, and there is no regular hotel or place of residence where the relatives of the detenus could stay when they come for interview. I have heard from female relations how difficult it is to go to that place and have an interview, because the rules are stringently enforced. All these difficulties could be avoided if the detenus are not camped in Deoli.

As regards jail visitors, my Honourable friend, Mr. Lahiri Chaudhury, reminds me that even the jail visitors go to this detention camp at intervals of three or four months. There is one jail visitor who is a Government contractor and he may possibly be a title holder. I know from reliable sources that such kind of persons are not expected to do justice to the grievances of the detenus. My Honourable friend, Diwan Bahadur Harbilas Sarda, after much protest from this side of the House, was taken as a jail visitor ; but, owing to ill health, he has not been able to visit this camp for many months together.

On these grounds it is necessary to put an end to this system of externment, for the harsh treatment embitters the feelings of detenus. I shall not repeat what I said already. I also know that Government feel that unless some future career is chalked out for these unfortunate suspects, who have not been convicted by any Court, you cannot reconcile these detenus. It may be news to the House that no lawyers are allowed to plead the case of these suspects and they are not permitted to appear before these two so-called Judges to explain the charges that are brought against the suspects. There are circumstances which apparently may prove almost conclusive ; but, if an opportunity is given to an accused person, he may probably convince the authorities of his innocence. In spite of our protest, the Government are now trying to make the emergency measure a permanent one and no attempt is being made to give an opportunity to these suspects to clear their character about the allegations that are made behind their back on the untested evidence of low-class police spies.

In this connection, I should, with some hesitation, refer to *agent provocateurs*. I find there is a strange coincidence that, at the opportune moment, when there is a lull in terrorism for a long period, and perhaps when Government are also thinking of taking some remedial measures, then, all of a sudden, something happens which affects the whole policy. My suspicion is this and I put forward this with some hesitation before



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you, Sir, for the consideration of Government, and I ask them if they are absolutely certain that there is no hand of the *agent provocateur* in these matters. Only the other day, I was reading in a book by the Secretary of State, Sir Samuel Hoare, how these *agent provocateurs* were working in Russia, and in Chapter VI of that book about "Dark force" he says how these *agent provocateurs* carried on their nefarious propaganda. In another Chapter, he also speaks of Indian spies. This is also a matter that Government should consider before thinking of repressive legislation. Young men are sensitive all the world over. It is well-known that there is no prospect for the younger people in Bengal or elsewhere in India. With the economic distress, the future for the people of this country is very dark. In these hard times of unemployment, it is easy for police spies and *agent provocateurs* to play on the sentiments of the young people. Should they not be guarded against these spies and *agent provocateurs*? They should not, on mere suspicion, be put in jail. They should be given a chance to be influenced by their relations and friends to come to the right path. These are the different aspects of this question. Though, as regards the main question of putting an end to terrorism, there is no difference between ourselves and Government, yet I strongly object to the palliatives which the Honourable Sir Harry Haig wants to administer as the panacea for all the troubles in this unfortunate land. I say that higher statesmanship is necessary. Our rulers should rise to the occasion and should not apply these palliatives times without number. These emergency occasions should not be made the excuse for making these repressive measures permanent. On these grounds, I strongly appeal to Government to stay their hand and see how things develop and consult the people who are in a position to give them advice and see whether it is still necessary to go on with these repressive measures and pollute the Statute-book by making them permanent. Sir, I move.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1934."

The amendment and the original proposition will now be under discussion.

**Pandit Satyendra Nath Sen** (Presidency Division : Non-Muhamadan Rural) : Sir, when I stood up to speak this morning before Mr. Mitra, I did so for the purpose of opposing the Bill. I now find that Mr. Mitra has made out an excellent case in support of circulation, but the arguments that have been advanced by him throughout his speech clearly and abundantly support opposition. And, speaking for myself, I have made up my mind, when the Bill will come again before this House after circulation, if circulation is allowed, to oppose the Bill straightaway. I should like, therefore, to follow the more straightforward course. Sir, I oppose the Bill not because I deny the existence of terrorism in my Province, not because I have any sympathy with terrorism, but because I hold that the prescription proposed by the Honourable the Home Member is unsound and perhaps wrong. Sir, oppression is no remedy for terrorism. It may have some effect upon one who has got a less hardened calibre, but a terrorist will be the last person to be cowed down by oppression. It may check the symptoms for the time being, but

not the disease, and I am sure the disease will try to rear its head whenever there is an opportunity for it ; and it is for this reason that the disease refuses to go away in spite of the continued application of this form of treatment for years together,—at least for ten years, as far as I can see. I should, therefore, like a typical and orthodox *Vaid*, advise Government to follow a more sympathetic and humane treatment. I would request Government to follow the following prescription. Change the whole educational policy of the country by making some religious education compulsory, so that the young people may be God-fearing citizens ; give the young people some employment ; find some means to give them at least a bare subsistence ; encourage timely marriage of young people,—young men as well as young women (Loud Laughter) ; and set apart a substantial sum of money to be given to the unprovided young people, so that they may settle in life and become plain-living householders. And, last but not the least, carry on the administration with even-handed justice without any communal bias. I would remind the House of the atrocities perpetrated by Government at Dacca, Midnapore, Chittagong and many other places. Sir, I submit that this prescription will prove more beneficial than the short-cut one prescribed by the Honourable the Home Member.

Sir, this short Bill, which is composed of practically only one paragraph, is pregnant with serious implications. In short, this extending Bill seeks to perpetuate Deoli with all its objectionable features, namely, want of facilities for interviews, want of facilities for treatment of patients, want of facilities for living, and everything else. Sir, we would not perhaps have uttered a single word of protest if these unfortunate young people were found guilty in open trial ; but when Government cannot prove them to be guilty in open Court, they should not run into extremes. Sir, what is the object of transferring these young people from their own native Province ? It has been said by the Honourable the Home Member that one of the reasons is that there is hardly any accommodation in Bengal for these detenus. I submit, Sir, that the Civil Disobedience Movement having been called off, jails like Dum Dum and other jails have been vacated by the prisoners and these jails may accommodate these detenus. Sir, when Government cannot prove them to be guilty openly, is there any justification for sending them away to a place which is about a thousand miles distant from their native Province and where the temperature and climate are widely different from those in their native place ? And is there any justification for Government in trying to make this black Act permanent on the Statute-book ? Sir, this Act does a two-fold injustice ; it does injustice to Bengal as well as to the Province to which these detenus are to be sent. Some very unpleasant associations will always hang over that Province, and it is for this reason that the idea will not be very much liked by those Provincial Governments even.

Sir, this is the long and short of my arguments against this Bill. I am sorry I cannot develop my points as I am hard pressed for time and have to leave for Calcutta just now on receipt of a telegram from there. Sir, I appeal to Government from the humanitarian point of view. I do not know much of law, and I am sure no amount of legal knowledge will help us, because all the law is in the pockets of Government, and it is no use harping on that point. Sir, I oppose the Bill.

**Mr. B. Sitaramaraju** (*Ganjam cum Vizagapatam* : Non-Muhamadan Rural) : Sir, two Honourable Members from Bengal have already

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spoken on this Bill, but as the two provisions of this Bill are, (i) for the transfer of detenues from the Province of Bengal to other Provinces, and (ii) for overriding the powers of the High Court, I consider, though coming as I do from distant Madras, that this is a measure in which we are more interested than even Members from Bengal.

Sir, at the very outset, I may observe that the terrorist movement in this country is a live movement. Of late we find that the terrorist movement is not only devoting itself to high officials of Government, but also to nationalist workers. It was only the other day that we heard that Mr. Gandhi was bombed. Sir, terrorism is foreign to Indian character and it is against the very traditions of India ; there can be no gainsaying that. We are, therefore, as anxious as the Government to see that terrorism is eradicated from this country. My Honourable friend, the Home Member, is anxious to protect the Government of today. I am anxious that not only the Government of today should be protected, but also that the Government of tomorrow, which I hope will be our Government, should likewise be protected. We want that the machinery of the Government should not in any way be damaged when it is handed over to us, that it must be in smooth running order, and, therefore, we welcome any measures that the Government may think of taking to eradicate this evil. At the same time, I must point out to the Honourable the Home Member that this particular measure is not really so strong a foundation as he thinks for the building of that edifice.

Before I deal with the more important provision regarding High  
3 P.M. Courts, let me first take up the question of the transfer of detenues. This morning, the Honourable the Home Member gave us an incident in Madras. I can understand his taking one view of it. He interpreted that to show how dangerous these detenues were and how capable they were of communicating their dangerous doctrines to the people outside. But I hope the Honourable the Home Member will permit me to draw another conclusion, or rather, to present the other side of the picture. I come from Madras and it was to us that the Home Member was pointing out this morning how these dangerous thoughts were responsible for some of the terrorist activities in a Province so placid as Madras is. Coming as I do from the Andhra country particularly, which is admittedly more emotional than the other parts of the Madras Presidency, I do consider that if these people are really so dangerous as the Home Member makes them out to be, he should see that they are not sent to our Province, at any rate, because our northern districts are admittedly very emotional and that is why they are sometimes called the South India Bengal. I am anxious that our Province, particularly Andhra Desh, should not be permitted to have these people if they are really so dangerous. ....

**The Honourable Sir Harry Haig :** We have no intention of sending any more to Madras.

**Mr. D. Sitaramaraju :** Thank you.

The other question is a question of law. As a student of law, I am very much interested in this overriding of the powers of the High Courts. On the last occasion, when this Bill was before us, we had the benefit of receiving the opinions expressed on this measure from the Local Governments, from the Advocates General and other lawyers who are likely to

know the implications of this provision better. On that occasion, one of our most distinguished lawyers of Madras, Sir Alladi Krishnaswami Iyer, expressed an opinion with regard to the overriding of powers of the High Courts. He said that on principle he was opposed to a provision like clause 4 which affects the only remedy available to a subject of questioning the acts of the Executive. If the conditions of the Statute are satisfied, the detention is lawful, and the High Court will not exercise the jurisdiction under section 491. If, on the other hand, the detention is unlawful, because the conditions of the Statute are not complied with, or an order has been passed by the proper authority, there is no reason why the subject should be deprived of his remedy under section 491, and the principle obtaining in every part of the British Empire, namely, that a person has a right to be protected from illegal imprisonment, should be departed from in this country.

On the last occasion, when I was sitting in Select Committee on this Bill, I drew the particular attention of Government to the opinion expressed by Sir Alladi Krishnaswami Iyer. Subsequently, when I had the honour of addressing this House again, I asked the then Law Member whether he would consider from his legal knowledge that we have the power to override the powers of the High Court. Have we the power to override the powers of the High Courts given under their Letters Patent? That was a point that was then engaging the best legal minds and they were of opinion that the point was not free from doubt whether this Legislature could, under the provisions of the Government of India Act, override the powers given to the High Courts under Letters Patent. In the opinion expressed by Sir Alladi Krishnaswami Iyer, he referred to certain decisions of the High Courts of Bombay and Madras; whereas, if I remember aright, the opinion of the Calcutta High Court was against that view. I hope that our present Law Member will enlighten us on that point whether we have the power to override the High Courts' powers. Assuming for the moment that we have the power, I would like to bring once more prominently to the notice of the House whether such overriding is just and proper. What does section 491 of the Criminal Procedure Code provide? It provides that when a person is illegally or improperly detained, the power of the High Court would come into operation. We are not now asking that no strong measures should be taken against the terrorists; we are not now asking the Government not to take any strong view of the matter; we are not asking the Government not to take enough powers into their hands to deal with this terrorism; but what we are asking is this: supposing you have got a law like this, drastic as it is, supposing that law is not complied with by your officials, that your subordinate officials behave illegally and do not comply with the provisions of the very law that you have passed, where is the remedy? The only remedy that is provided is section 491 of the Criminal Procedure Code under which you can go before a High Court and say: "Here is a law, drastic as it is, which is not obeyed by the officials: there is no remedy for us; give us that." That was the interpretation of the powers under section 491 and Honourable Members are fully aware that the High Court will not question your law. But when your law is not even obeyed, then they will say "What right have you to deprive the ordinary citizen of the fundamental right of protection against abuses of the laws of your own creation?" A lawless law is no remedy against lawlessness. Therefore, I venture to say under the circumstances that no reasonable

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Member of this House, on this side at any rate, can even for a moment consent that the powers of the High Courts should be so ruthlessly over-ridden. On the last occasion, there was Mr. Jinnah and there was Mr. Rangachariar who were both speaking as leaders of distinct groups. They condemned such a procedure in very strong terms. Sir, why should the Government feel shy of the very Judges that they have appointed? We in this country have great respect for the law administered by those Judges whom the Government have appointed. Those Judges of the House who have administered the law in this country have in our estimation fully justified their selection and the high positions which they occupy on the Bench. Can't you, I ask the Government, put in your Judges the same confidence and the same respect which we, the people of this country, put in them? Sir, with these few remarks, I feel, I must oppose the motion.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I am quite familiar with this Bill, and the law which has been enacted before in this House, and I feel I must say something on this measure, of course consistent with what I have said before.

Now, the first issue that arises out of this measure is, whether Act VIII of 1932 should be made a permanent one. When the discussion was going on in 1932, I was a party to the debate, and several legal questions arose then, and there was a full dress debate, and we came to the conclusion, of course by a majority, that the Bill should be passed, but that the measure should remain in force for only three years. Now, today, we are asked to put this measure permanently on the Statute-book, and what we have to consider is, whether the arguments advanced by Government in support of their demand to put this measure permanently on the Statute-book are such as would appeal to this side of the House and whether those arguments are sound. Now, what does this Act VIII of 1932 provide for? It provides that the Government will have power to transfer detenus from Bengal to places outside Bengal, and the main reason given then was—the same reason is advanced today also,—that the terrorist movement was going strong. Of course, I may say that the terrorist movement was really strong then.....

**Mr. A. H. Ghuznavi** : It is still strong.

**Mr. Lalchand Navalrai** : You come from Bengal and you say it is still going strong, but I hope those Members on this side who come from Bengal will not agree with what you say.

**Mr. A. H. Ghuznavi** : Of course they will.

**Mr. Lalchand Navalrai** : Sir, the other day I put a question to the Honourable the Home Member whether terrorism was on the decline or not. I did not get any direct reply, but what I would submit is that the real vigour and strength of the terrorist movement is not now in existence. I am, of course, speaking subject to correction on that point, because I do not myself belong to Bengal, and I have no personal knowledge or evidence to the effect that the terrorist movement is still going so strong as to demand the enactment of this measure, and that the detenus should be removed to places outside Bengal. Sir, we have listened this morning to the various difficulties which these suspects, who are now in jail, are facing and Mr.

S. C. Mitra has very eloquently placed them before this House. Sir, I am not in favour of terrorism, and I agree that, if terrorism really exists in this country, in any shape or form, it must be put a stop to by Government, and measures should be adopted to remove the evil from this country. We all know how terrorism took its roots in this country; it is well-known to everybody, and so I shall not dilate on that aspect of the question, but, speaking briefly, the people of India want to govern themselves. On that point constitutional questions arise, and I need not go into them, but up to this time no conclusion has been come to as to whether India's demands, India's legitimate aspirations are going to be fulfilled or not. That is the pivot on which numerous questions have arisen, and a few youths got into such a mood and said that they would get self-Government by resort to terrorism. Therefore, I say that the remedies which you propose are not the remedies which would eradicate the evil of terrorism; measures such as you propose to keep permanently on the Statute-book will not and cannot check terrorism; measures such as these will merely increase the harassment of these few suspects and enrage the feelings of these people against the Government. You will not gain the desired object. The proper and real remedy to kill terrorism in this country is not to delay the constitutional reforms. Sir, these constitutional reforms have been delayed beyond measure. Even the instalment, as it has been called, which had to be given after ten years, has not come and it has now been further delayed by five or six years more. Therefore, unless the best constitutional reforms are granted to this country, I do not think measures like these will succeed in killing terrorism. You had these measures for the last three years, and I learn from the Honourable Member that terrorism has not even declined. Then, why are you enacting these measures? Why not take conciliatory measures? Be conciliatory, try and meet the wishes of the people of the country, and in that way your Government can be laid on a sure foundation.

Now, there are two things to be considered in connection with this Bill. The first thing is, whether we should agree to putting this measure permanently on the Statute-book. What is the reason, I ask, for putting it on the Statute-book permanently? One reason advanced is that there are no places in Bengal where these suspects could be lodged. I really do not think that that can be the real reason. Sir, Bengal is a big Province; there are so many places there where you can make temporary jails and keep these people. Therefore, the reason advanced that there are no suitable places to keep these people in Bengal is not a sound one. If you keep these people outside Bengal in places like Ajmer, if you remove them from Bengal and deprive them of their proper food, if you keep them in uncongenial surroundings, I am afraid you will be merely enraging them, you will not be improving them; you will not be reclaiming them. Even for criminals, the jails are for punishment and not places for improving them. Therefore, if you enrage these terrorists, how can you hope them to improve themselves? Will the improvement come about by making the already rigid measures still more rigid? A little while ago, I heard from my friend, Mr. S. C. Mitra,—of course it was in the Lobby,—that if some of these detenus are released now, they are in a mood to improve. That means that if you don't keep them where they are, some of them really are in such a mood as to go in agreement with

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the Government, and say that they will not carry on the terrorist movement provided certain conditions are complied with.

**Mr. A. H. Ghuznavi :** What are the conditions ?

**Mr. Lalchand Navalrai :** Give us all that India wants. You are a Round Tabler, and what have you done.....

**Mr. A. H. Ghuznavi :** Are you aware that the terrorists do not want an ordered Government ?

**Mr. Lalchand Navalrai :** How do you know that ?

**Mr. A. H. Ghuznavi :** Pamphlets will show that. I have not got them here today. If you want them, I shall have them brought from Calcutta, and I shall place them before the House next week.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Is it very difficult to manufacture such pamphlets ?

**Mr. Lalchand Navalrai :** I am not unaccustomed to such assertions on the part of my Honourable friend, Mr. Ghuznavi. I have been in this House for the last six or seven years, and I have heard such things from the Honourable Member. The point is that there is no unanimity. On this side you have opinions, and why should they not be respected ? I have nothing to say about the honesty of purpose on the part of my Honourable friend, but, I ask, what the Round Tablers have done for us when they went to England ? They merely succumbed instead of putting up a brave fight.....

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I do not know when the Federation is going to come and how much of it.....

(At this stage, Mr. A. H. Ghuznavi rose in his seat.)

I am not going to give way. What I say is this, that the Federation that is going to come is not yet to be seen even on the horizon. It may or it may not come. As for Provincial Autonomy and Central Responsibility, what have we got up till now ? You are not going to get Central Responsibility for a long time to come. Otherwise, why should you have another election to this Assembly under the present Constitution ? It is evident even to a layman, the man in the street, that the Central Government is not going to get what the people want it to get. As for Provincial Autonomy, anybody, who is familiar with what is happening in England and reads the newspapers, will know what sort of autonomy it is. Law and order will be in the hands of a special officer who will be primarily responsible for it—he will be something like the C. I. D. I need not elaborate these things, nor are they relevant on this occasion. The question is, what is the remedy ? Is the passing of this Bill the remedy, or is the remedy in the meeting of the wishes and legitimate demands of the people of India ? Now, coming to making the Act permanent, I say, the Central Government are running a race with the Local Government without applying their own heads and their own brains. The argument is because the Act of 1930 has been put on the Statute-book permanently by the

Local Government, therefore we must also make our Act permanent. Such an argument should not come from the highest Government in India. The Local Government may pass the measure according to the environments there ; they can extend it for a long period or they may even make it permanent. I personally do not know how that Act came to be permanent. I have experience of the Councils and the Assembly now, and I know that the mere passing of a Bill does not mean that the opinion is really what the Bill contains. If Government want to fight out the people and show their power, then measures like this are reasonable. If you want to make the thing permanent, you would appear as if you want that there should be terrorism. If we are contemplating measures to see how this terrorist movement can be brought round to sense and, in the meantime, if you want to transfer these detenus for a year or so, you may have this Bill. But to ask the Assembly to be a party to a measure that the detenus shall always go out, is not reasonable. In the last debate, we heard about the hardships of these Bengal detenus with regard to food and clothing in a hot climate like that of Ajmer, and from that point of view it would be cruel to make this Bill a permanent measure on the Statute-book. Since we passed the Act of 1932, there have been many complaints from Honourable Members and others about the treatment which is being meted out in the jails at Ajmer, and also the difficulties which the relatives of the detenus have in meeting them. I do realise that Government may be honestly making some arrangements to remove those difficulties. Take, for instance, an English detenu who is made to live in the hot Indian plains, what would be his feeling ? I would ask the Home Member whose heart I know is tender, though he is stern sometimes, to realise how difficult it would be for an Englishman to be locked up here in the hot plains, and in like manner how difficult it would be for a Bengali detenu to be locked up in a hot country like Ajmer. Mr. Mitra has put forward these difficulties in a sincere manner evoking the pity of all of us and the instances that he has given are such as must enlist our sympathy. What would have been lost if the Home Member had come today not for a measure to make this Act permanent on the ground that because the Bengal Government has passed the Bill of 1930 to be a permanent measure.....

**Mr. A. H. Ghuznavi :** Not the Bengal Government, but the elected Members of the Bengal Council.

**Mr. Latchand Navalrai :** I know what the Bengal Council is, what we are, and what you are. I know the Legislature of Bengal and how the elected Members have succumbed by being disunited among themselves. Therefore, do not tell me that because the Legislative Council of Bengal has made this a permanent measure, therefore the Government of India should do the same.

(Interruption by Mr. Ghuznavi.)

I am not going to give way to any interruptions. I know my ground very well.

To continue my point. To keep these people away for a longer term must be decided always by the circumstances of a particular time. There must be some evidence brought forward that these people must remain forever away from their home. What I mean to say is that this move to



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give the men transfer must remain open. My friend, sitting opposite, may say when the time comes when there will be no necessity for this Bill, it will be cancelled, but I say, why go to the extent of getting the Bill passed when there is a feeling on this side that there is absolutely no necessity for it being made permanent? Do not tease these men. On the contrary, tell them that if they behave better, we are not going to make this a permanent measure. I personally do not know whether there is any necessity any more for transfer hereafter. However, I will depend upon what the Honourable Members on this side and what the Honourable Members on the other side say and then come to a conclusion whether this Bill should be made permanent. I am not convinced that it should be made a permanent measure. Even in spite of what I know in connection with questions that have been put in this House, even not giving any credence to them, I say that there ought to be some imminent requirement that this Bill should be passed into law permanently. If the facts are placed before us, I shall be in favour of extending the Bill for two or three years. There are amendments to that effect. We should not blindly follow the Bengal Government. If the Government of India are not going to do that, then I will be with the Government. I shall not detain the House any more on this aspect of the question. The more pertinent question which is within my element is the legal question. That is a question on which we had a strong debate and we were just crossing arguments with the then Law Member. When I told him that he had lost his case, he was persistent and said that he did not so easily lose his case. I said it was obstinacy, because he was quoting a High Court ruling to which he was a party as Advocate General. I showed him other rulings of the Madras and Bombay High Courts against him, but this is by the by. I know the present Law Member, who is now sitting for the first time, but by reading a certain book which has been written by one Mr. Roy regarding him, I know him better. What I mean to say is that I want an honest, clear and distinct opinion on this law. I want to know whether he also agrees with his predecessor. I will make my point very clear if the Honourable the Law Member has not read the previous debates. My point is that a portion of this Bill of 1932 is *ultra vires*. This House has no jurisdiction to pass it. The provision contained in it militates against the common law that every man should have liberty and freedom. I would take the first point. We have at present two kinds of rights to the people to get their freedom. One is the *Habeas Corpus* by which the meanest of men should have the right of calling in question their detention. When any person is detained, the *Habeas Corpus* says that the High Court has got power to call that man before them and to decide the question whether that man has been rightly or wrongly detained in jail and then to give him relief if the High Court comes to the conclusion that the man has been wrongly detained. This is the first point. The second method is that the Legislature of this country has passed an Act, which is called the Criminal Procedure Code, and in that Criminal Procedure Code a section has been inserted, which is section 491. Now, that section 491 gives similar powers to the people to seek their liberty through the High Court. But that section has been hedged in by certain exceptions. The question, therefore, as I was saying, arises also whether those restrictions can be put on the Criminal Procedure Code by this Legislature, and, therefore, likewise in the Act of 1932, for, in the Act of 1932, we find a

clause where it is said that, under the Criminal Law Amendment Act of Bengal, if any man is detained under that Act, he shall have no power to go to the High Court. His detention and the taking away of his liberty will not be questioned and he shall have no right to go to the High Court to have his remedy. I, therefore, submit that on that first question my own opinion is what I said before ; and I think, instead of giving that opinion now, I may read a portion of the view put forward then by me, and, in this connection, Sir, I would refer the Honourable the Law Member to the debates of 1932, page 2537.....

**The Honourable Sir Nripendra Sircar** (Law Member) : May I assure my Honourable friend that I have read the whole of the debate of 1932—part of which was very painful to me when I read it ! (Laughter.)

**Mr. Lalchand Navalrai** : I do not think my friend, by saying that part of that debate was painful to him, was giving us a hint that he will be painful to us. (Laughter.) Sir, I expect differently. Sir, it all depends upon the reasonable construction which we put on the question and the way in which that is viewed by the House. Now, if my Honourable friend has read that debate—and I do not think we need an assurance that he has read it, because a matter like this has come before the House twice or thrice and the Honourable Member, being a new Member of the House, must have come quite prepared—what I was going to say was this. The first point is—is the Habeas Corpus Act under the common law when applicable to India independent of section 491 or not ? I may tell the Honourable the Law Member that the former Law Member conceded that that stands apart. That means that the common law is applicable to the people of India and the High Court have got powers under that. I hope that is quite clear from the debate ; and I would, therefore, ask the Honourable Member when he gets up to give me his view—is it so or not that the common law remedy of every person is existing in India or not, and independent of the provisions of section 491 of the Criminal Procedure Code ? Sir, it may have been quite unnecessary to make it quite plain to the Indian people that the common law right does exist, as the former Law Member conceded, and I think some of the High Court's have also decided that. Therefore, what I meant to say was this—that the common law remains intact in India. That means that we have a remedy at all times to the High Court. Then the question arises whether the Honourable the Law Member will also say that that remedy does remain, but we have enacted a certain Statute in which we can make reservations and certain restrictions, and so forth. That is the second question that arose then and arises today also. Sir, if it is conceded as it was conceded before, that there is a right of *Habeas Corpus* which gives a right to the person detained and the person who is put in jail under any law, be it the Bengal special law or any extraordinary law, the High Court has got the power of investigation. If it be so, then I would ask a simple question. Why is it that section 491, which has got a similar provision, is going to create a bar, namely, that it will not apply to the Bengal Criminal Law Amendment Act of 1930 ? Now, I say there are two things—either that the law we are making is redundant, or the second is that it is unnecessary. I think certain rulings of certain High Courts are necessary to be presented to the Honourable the Law Member. He knows that one authority of the Calcutta High Court has decided that the High Court can be debarred in this manner from exercising their power by an Indian Statute. Well, with all respect to the High Court,

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they have not directly given us a ruling to say that the *Habeas Corpus* Act also can be suspended. If it is so, however, this opinion, as I have said in a former debate, this ruling, is doubtful. But, on the other side, we have got the Bombay High Court and the Madras High Court saying that the *Habeas Corpus* Act remains and it is *ultra vires* of an Indian Legislature to bar the provisions of section 491. Sir, I submit that one broad point which is in favour of this view is that the *Habeas Corpus* Act is existing and that the *Habeas Corpus* Act provisions have not been swept away. It cannot be maintained that the British Government or rather those who have made the Government of India Act and given certain powers to the High Court did not mean to supersede the common law of every man having his liberty. So I submit that the point arises whether that *Habeas Corpus* Act is suspended. To use the words previously used by the Honourable the Home Member, the second question is the barring of the *Habeas Corpus* Act provisions—those were the words used. Now I do not think that the Honourable the Law Member will go to that extent and say that we are barring the *Habeas Corpus* Act.

**Mr. Gya Prasad Singh :** “Hideous” ?

**Mr. Lalchand Navalrai :** Sir, you may call it “hideous”—because it is hideous to those who want that our rights should be taken away; only those will call it hideous—not you and me.

Sir, what we find in Act VIII of 1932 is that the power given under section 491 to the High Court calling for the records under the Bengal Criminal Law Amendment Act should be taken away from them. On this point an argument is always placed before us, and it is this. They say that this very Legislature at one time enacted an exception to section 491 and in it also some other special laws relating to Bengal and Madras were enacted. They say that they do not wish to have the general power under the *Habeas Corpus* Act. What they say is this : Well, your Legislature at one time passed these measures and made exceptions. Why not put in a provision giving one more exception ? Sir, excuse me when I say that those times and the present times are quite different even having regard to the particular matter which is now under discussion. At that time, when such a law was made, it may be that points, such as we have now put forward, were not before the House. I believe at that time the general question of the common law of *Habeas Corpus* was not before the House. However, what I am trying to emphasise is that this House is not infallible and it has passed once an *ultra vires* Act. Why should the argument be placed before us that because once this Legislature made a mistake, we should also repeat the same mistake ? We are not prepared to do that.

Then, there is another reason why I am against this Bill. If the extension of this Act was asked for for a year or so, then I might have said that as this Legislature has by a majority already, rightly or wrongly, come to the conclusion that a provision like this should be made and placed on the Statute-book for some time, therefore, let it be extended for some time more. Sir, my firm conviction is that the House had then in its mind that it was going to have his law for a short time. It was making the law under certain very special conditions and for a short time. If, on the other hand, the House had been told that it was not going to

be a temporary measure, the House would not have agreed to its being passed and thus deprive the people of their very fundamental right of *Habeas Corpus*.

**An Honourable Member :** Who gave the House the faith ?

**Mr. Lalchand Navaikrai :** The House itself gave the faith or rather the Treasury Benches gave that faith. At no time was it said that this was going to be a measure for more than three years. Sir, many a time we are persuaded and induced to pass a measure, because it is not going to be placed permanently on the Statute-book, but will remain in force only for a short time. Several enactments have been passed on that understanding. The main question now before us is whether we are really going to pass an Act which will keep the Bengal people always out, and are we also going to take away the very fundamental right of *Habeas Corpus* from them ? These are the two questions which ought to be considered. I do not propose, Sir, to lengthen my arguments. My points have already been very plainly, and if you will allow me to say so, very distinctly placed before the House. It is for those who consider it hideous or heavenly to answer them. I think I have made it clear to the House that there is no necessity for making this a permanent measure, nor has any necessity been shown at this time that this fundamental right of *Habeas Corpus* should be taken away from the people of Bengal. Sir, if we allow such measures to be made permanent, there is a great danger. We will then be encouraging the Government to bring similar measures, however unreasonable they may be, to be promulgated in other parts of India. I would, therefore, submit that a full consideration should be given to the question whether this Act of 1932 should be made a permanent measure. If my arguments do not appeal to the Honourable the Home Member, I am sure the appeals of those Honourable Members, who occupy much bigger position than I do, will appeal to him. I submit that it will be wiser on the part of the Home Member, as well as the Law Member, not to press for the permanency of this measure. If there is a danger, let this measure be in operation for three or four years, because, after all, the remedy always is in the hands of this House. It is always in the hands of the Government to ask this House to increase its life. But why should we make it a permanent measure now ? Is there any fear ? The other day I put a question and said that many Bills were being rushed through this House and we were being detained here against our own interests, when we ought to be with our constituents and canvass them. The reply was that the Government had got to get through these measures. I have already said that the Government have got a lurking suspicion that they might not be so successful with the next Assembly, and, therefore, they wish to pass all such measures in this Assembly. I think that should not be the mentality of the Government. The Honourable the Home Member said that the anxiety of Government was to finish the work. I know that. But I must again request the Treasury Benches not to make this Act a permanent measure. You can tell the Bengal Government that if they have made the Act of 1930 a permanent one, let it remain so unless and until the Legislature there gets stronger and cancels it. But, so far as this higher House is concerned, it should exercise more responsibility than the Local Government. You can also tell the Local Government that we do not want to proceed whole hog in this matter, but that we will make a provision for the transfer of the detenus and also for the deprivation of their right of

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*Habeas Corpus* for some time more, and I hope the Local Government will also be sensible enough to accept it. Sir, with these remarks, I bring my speech to a close.

**Mr. A. H. Ghuznavi :** Mr. Deputy President, let us not introduce any heat into this discussion. Let us consider dispassionately the Bill that is before us. The first duty of a Government, whether it is the British Government or a national Government or a Swaraj Government, must be to maintain law and order. In maintaining law and order, if any measure is necessary, I feel that every law-abiding citizen should give his hearty support to it. What is the Bill before us? I am not a lawyer, but as far as I understand the Bill which is before the House, it is really a logical corollary to the Bengal Criminal Law Amendment Act of 1930 as altered by the Bengal Criminal Law Amendment Act of 1934. This Bill makes the life of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, co-terminous with the Bengal Criminal Law Amendment Act of 1934. It is of the nature of a consequential amendment. Let us see what happened in the Bengal Legislative Council with regard to the Criminal Law Amendment Act of 1930 in 1934. There was an overwhelming support for this measure from the Members of the Bengal Council. There is no question that the provisions of that Bill received overwhelming support from the elected Members. Sir, it is admitted on all hands that the terrorist movement still exists and it is at its height. Only the other day what did we notice? Even Mr. Gandhi was the victim of a terrorist who threw a bomb.

**Mr. Lalchand Navalrai :** That was not done by a terrorist, but by a Sanatanist.

**Mr. A. H. Ghuznavi :** Certainly it was a terrorist and not a Sanatanist. What do we see even now? Look at the precaution that the Bengal Government had to take against the terrorists in Bengal to see that Mr. Gandhi was safe in his tour through Bengal. A number of C. I. D. detectives had to follow Mr. Gandhi wherever he went, because the terrorists were determined to aim at the life of Mr. Gandhi.

**Mr. S. C. Sen :** That is not the view of the Bengal Government.

**Mr. A. H. Ghuznavi :** That is the view of every sensible person in Bengal.

**Mr. S. C. Sen :** If you look at the communiqué issued by the Bengal Government, you will know the reason.

**Mr. S. C. Mitra :** They are not sensible.

**Mr. A. H. Ghuznavi :** I am afraid my Honourable friend must have read a wrong issue and not the correct issue of the communiqué. The point is whether this segregation should be in or outside Bengal, and for what period. If segregation outside Bengal was supported three years ago by this very House, what has happened since then to end it now? Again, Sir, if the substantive provisions have been made permanent in Bengal, why not the consequential provision regarding segregation outside Bengal? If it was advisable three years ago to deal effectively with the terrorist movement, it is nonetheless desirable

today when the terrorist movement is still showing signs of great vitality. If you agree to the one, you should not refuse the other. Then, Sir, there is one other thing that I have to say and that is, if Honourable Members think that there are defects in the administration of detention camps, whether within or outside Bengal, let them be brought to the notice of the authorities concerned, and I am sure they would take due notice of those defects and remedy them. We have heard many speakers and particularly the most telling speech of my Honourable friend, Mr. Mitra. I must say that we have to face facts really. The terrorist movement is existing and segregation outside Bengal has become an absolute necessity. If you want to cope with the terrorist movement, you must have this weapon and you must have it not for only a fixed period. Let the terrorists understand that this measure will stand permanently on the Statute-book, so that they will not be encouraged in future, after the period of three or six years, to continue their terrorist activities. That is one point that was raised in Bengal that every time this Criminal Law Amendment Act was legislated, a fixed period encouraged the terrorists to begin their activities afresh after that fixed period came to an end, and that was the reason why the Bengal Government was forced to ask the Bengal Council to place the measure permanently on the Statute-book. That is also the reason why this House should also make the provision in this Bill permanent on the Statute-book. If, in course of time, it is found that terrorism has died down, certainly it will be time enough for Members to come to this House to repeal this Act as well as for Members of the Bengal Council to go before that Council to repeal that Act. Sir, with these words, I oppose the motion for circulation.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division : Muhammadan) : Sir, on several occasions during the course of this year, I had to read in the papers rules and regulations promulgated by Bengal Government to restrict the activities of the inhabitants of certain towns, I think they are Chittagong, Midnapur, Dacca, and others.

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

My conscience prompted me at that time to write a letter to the Honourable the Home Member who is always very reasonable and to ask him whether he thought in his cooler and calmer moments that these restrictive measures were going to deal successfully with the terrorist movement in Bengal. Now, here, I have been given opportunity by the Home Member to express my feeling on some of the points in connection with this Bill. It is high time that we should express ourselves in unequivocal terms as to where we are being led by what is happening in the country. The Honourable the Home Member has rightly observed that this terrorist movement is not a temporary one. It has been going on for the last 30 years. It has become a chronic disease and that not only a small number of men are involved in it, but, as he has said, about 1,500 or 1,600 young men are involved in this movement so far as Government know them. About 500 of them have been segregated outside Bengal. We see the enormity of the movement from the figures which have been quoted this morning. I should rather say that the speech of the Home Member has given me some impetus to rise today and speak

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out my mind on this question. It is no doubt true that this movement has raised its head many a time and has gone down also on several occasions. There is here food for us to think why it raised its head, how long it remained in that condition and when it was that it went down. The Honourable the Home Member has again himself given us a very sober proposition to think of. He said that it was not repressive measures alone that were being enacted in Bengal; it was the cultivation of public opinion against the movement that had been aimed at,—I believe he said, of recent years. I think any man in his senses would at once agree with him that a movement of this description can be checked only by cultivating public opinion against it. Nothing else can bring the movement under control, except public opinion in the locality where the movement is on foot. But when I weigh these things together, I find that public opinion in Bengal, so far as my reading of the situation goes, is stiffening; and I feel that if drastic repressive measures of the kind promulgated by the Bengal Government, during the course of the year, in those cities were promulgated in my Province, I would have also revolted against them and protested to my utmost, both for the sake of the people as well as for Government. I do not think Government have taken this side into their consideration. They are relying, as far as I can see, on the powers that they have been endowed with by the Bengal Council as well as by this House. But that is not going to solve the problem. All attention should have been concentrated on cultivating public opinion in favour of eradicating this movement from Bengal, but I am afraid that the way in which things are being done in Bengal is not the way to cultivate public opinion. I can picture to myself, after reading those rules and regulations, how far they would be palatable to a reasonable and independent man who has a soft corner in his heart both for the country as well as for Government. I find that in the name of law and order things are enacted in Bengal which are a slur on the name of a civilised Government. I find accounts of police actions as disclosed in the newspapers,—I read the *Statesman* as well as the *Patrika*,—from which we can very well judge that the measures which have been taken in those towns which I have named are not such as to reconcile any sane man. One has to think whether life is worth living in those conditions, and although I have not been to Bengal during the last two years, I can imagine what would be the feeling of the people of Bengal. Therefore, what I submit to the Honourable the Home Member and the Treasury Benches is that it is high time that stock should be taken as to what has been done by the executive authorities who are entrusted with the task of controlling the movement, and by the terrorists themselves.

**Mr. A. H. Ghusnavi :** But what about the present Bill? We are discussing the present Bill.

**Maulvi Muhammad Shafee Daoodi :** If you look to the words alone which are contained in the present Bill, you are mistaken. Behind them is a great principle and we are giving expression to our views on those principles. It is not the words which rule the country, but the policy and principle behind them. Therefore, as I said in the beginning, I take this opportunity to warn Government of what is happening in Bengal. On the one hand, they are trying to control the terrorists and

their friends and sympathisers,—so far so good. But on the other hand, they ought to control the actions of the authorities, the police, the C. I. D., the executive and the magistrates. I find they conduct themselves in such a way as if they were not subject to any law. In the name of law and order, things are being done which no loyal citizen can reconcile himself to. That is why I feel very strongly, and unless the Government of Bengal are going to deal even-handed justice both to the terrorists as well as to the authorities who are endowed with these extraordinary powers, there will be no peace and no end to the movement. The very object for which these measures are taken will be frustrated, and, for that reason, I submit that my humble submissions should be taken into consideration by Government.

**Hony. Captain Rao Bahadur Ohaudhri Lal Chand** (Nominated Non-Official) : Sir, I confess I do not possess a first-hand knowledge of the conditions prevailing in Bengal, and, therefore, my remarks will be of a general nature and consequently brief.

Both Mr. Mitra and Pandit Sen, who have spoken from amongst the Bengal Members in the opposition, have cut short this discussion inasmuch as they admitted that the terrorist movement does exist in Bengal, and, therefore, some remedy should be found to check that movement. So, about the disease there is no difference of opinion between the two wings of this House. It is only on the prescription that there is difference of opinion. As has been so ably pointed out by my friend on my left, the primary duty of the Government is to give safety of person and property to the people under their charge ; and, as a corollary to this principle, it is also the primary duty of this Legislature or of any Legislature for the matter of that, to arm the executive with necessary weapons to discharge that duty. If we, as Members of the Legislature, fail to arm the executive with necessary powers, what will be the result ? The result will be that the executive will have to hand over the country to another agency which does not care for written laws and which goes by common sense—I mean the martial law.

The Bill in itself is a very simple one. The question which has to be decided here is, whether we will agree to these detenus being kept in a certain place outside Bengal or not. Supposing we throw it out, what will be the result ? The detenus have been detained ; they will be detained in some place in Bengal. That is the only principle that is underlying this Bill. Several prescriptions have been proposed. Pandit Sen made an attempt to place a prescription before this House, but Honourable Members will remember that, when he was speaking and putting his prescription before the House, he was laughing all the time : he did not believe in his own medicine, and so I need not take any notice of it especially as he is not in his seat now.

**Mr. Lalchand Navalrai** : But you have said it all the same !

**Hony. Captain Rao Bahadur Ohaudhri Lal Chand** : My friend, Mr. Lalchand Navalrai, has dwelt at length on his prescription and has tried to persuade this House to believe that all this agitation and this terrorist movement is due to the fact that reforms are not being expedited. May I put one simple question to him ? Is this an All-India question or is this question confined to Bengal ? If that had been the



[Captain Rao Bahadur Chaudhri Lal Chand.]

reason for this terrorist movement, there would have been terrorist movement in Karachi also from where my friend hails.....

**Mr. Lalchand Navalrai :** Will you allow me to answer your question ? I can give you an effective reply.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand :** There will be several amendments later on and you can then have an opportunity of speaking. So, Sir, if my friend's argument is pursued to its logical conclusion, it will mean that the reforms are needed only in Bengal and not in any other part of the country.....

**Mr. Lalchand Navalrai :** Not at all : that is not logic.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand :** Speaking generally, the so-called repressive laws, that have been passed during the course of the two years, have given the present peace of which all of us boast here. I hope Government will not resort to the old policy of drift and hide and seek, and will have the courage to meet the situation and thus guarantee peace and safety of life and property, and thus discharge their primary function to which reference has been made by me.

**Mr. K. C. Neogy :** As was done at Jallianwalla Bagh !

**Hony. Captain Rao Bahadur Chaudhri Lal Chand :** My friend, Mr. Navalrai, used a very good argument when he said that nobody should be punished without being placed before a Court and without a charge being framed against him, and that nobody should be sent to jail without being told as to the period for which he is being sent there. I quite agree with him there. But he has ignored another principle of criminal law and that is the preventive portion of it. Just as a good surgeon would perform an operation on one part of the body and deprive a person of a diseased limb in order to save his life, similarly the liberty of individuals can be sacrificed in order to ensure liberty to the society at large ; and it is on that principle that this Criminal Law Amendment Act has been passed.

Sir, several prescriptions have been proposed, and I do venture to suggest a prescription, not in place of what has been proposed by the Honourable the Home Member, but in addition to it.....

**An Honourable Member :** You dare not. (Laughter.)

**Hony. Captain Rao Bahadur Chaudhri Lal Chand :** We all know and there is no difference of opinion that the terrorist movement is generally confined to the educated classes, and these educated classes have a monopoly of Government services. Now, if you trace the pedigree of these terrorists, you will find that most of them are related to Government servants and depend upon these Government servants for the maintenance of their families and kith and kin while they are being detained or when they are taken away. Now, it is up to Government to see that money taken from Government treasuries is not utilised to keep a movement like this going by allowing their servants to stand as guarantee for the kith and kin of those who sacrifice themselves or who commit these terrorist acts. I was very pleased when I read the other day in the papers a certain instance where a son or relative of a Government servant misbehaved and the father was punished. I wish Government will take courage in their hands and extend this principle further

and make such amendments in their service rules as to ensure that Government servants at least use all their influence to check this movement, directly or indirectly. With these few words, I support this motion.

**Sirdar Harbans Singh Brar** (East Punjab : Sikh) : Mr. President, that none on this side of the House and no responsible individual outside have any love or sympathy with either the terrorists or with terrorism is beyond the least doubt : all of us, one and all, deplore that terrorism should exist and that terrorists should exist and flourish in this land of ours. Where the difference comes is whether by these half-hearted remedies the disease itself can be or would be checked. We deal with terrorists and not with terrorism ; and dealing with terrorists alone would not stop terrorism, but will only bring it underground and make it more complicated. By cutting the branches or plucking the flowers, we do not stop the growth of the tree. We must deal with the causes of terrorism and the roots which bring terrorism into existence. The continuance of it is much more dangerous and harmful to the progress and advance of this country than of any other country, and, therefore, we feel, more than anybody else, that this terrorism should be checked or completely eradicated as quickly as possible.

Sir, the manner in which the various penal laws have been administered has given rise to misunderstanding and discontent in this country, and my friend, Mr. S. C. Mitra, has given us some food for thought this morning and to consider whether the time has not arrived for amending the existing laws dealing with terrorists. By merely confining these terrorists in jails or other places, whether within or outside Bengal, you will not be able to change the mentality of these people. The treatment meted out to these people, the manner in which they are deprived of their liberties make other young men of their class sympathise more and more with the terrorists and make them terrorists themselves who otherwise might not care to join their ranks. Therefore, I think that the Government ought, in fairness to their duties towards this country and its people, to thoroughly go into the matter and find out the real causes as to why these youngmen, after spending so much money of their parents, after spending so much time and energy in colleges for attaining academic distinctions, instead of applying their cultured minds to beneficent activities, turn their attention to nefarious activities which only bring ruin, not only on themselves and their families, but on the country at large. Therefore, it is obvious that there must be some strong reason. Psychological experts and others should be called in to give Government useful advice regarding the causes which create these terrorists. My Honourable friend, the Home Member, said that the movement is going on unchecked, and, therefore, he asked for the continuance of the measure. For how long have the Government had this measure in existence, and for how long have they been administering it, according to them, in the most sympathetic manner ? And yet have Government been able to check the spread of this evil or to kill the spirit of terrorism ? No, they have not. Therefore, I think it is time that they should, before deciding to continue these measures for an indefinite period, consider whether these measures have not failed in their objective to check the movement, and that something quite different should be had

[Sirdar Harbans Singh Brar.]

resort to, before the Legislature is asked to put this measure on the Statute-book permanently.

Sir, some years ago, in this very Chamber, I talked on this subject. When the Press Act was under discussion in this august Chamber, I happened to take the view that it was not the press which was wholly responsible for bringing terrorism into being or the terrorists into creation, that the causes were deeper to seek, that it was education which the young men received in schools and colleges which made them feel that their ambitions, that the fruits of their labours have been lost practically, and that their desire to have a proper place in the service of their motherland has remained unmaterialised ; when they have spent all the resources of their parents and when they had spent the best part of their lives in fitting themselves for the service of their country, the Government of the country are not giving them enough scope or field, that the Government are not alive to the needs, development and progress of the country, that all their education has become an absolute waste because of the apathy of the Government, as these youngmen are not allowed to take a proper share in the administration of the country. Therefore, Sir, unless Government care to create an atmosphere of trust and confidence in the people, unless they create an atmosphere where these youngmen will feel that the country is theirs, and it is they who have to look after its interests; and that the Government will do all in their power to help them to achieve their desire, these kinds of half-hearted measures will not bring in any good either to the people or to the Government. If terrorism is confined merely to Bengal and if you keep these terrorists within the boundaries of Bengal, then terrorism will spread and flourish in Bengal and it will prove dangerous to that Province, but why should my friend, Diwan Bahadur Harbilas Sarda's Province be infected by taking these terrorists into his Province, namely, the Ajmer-Merwara ? Why should the people of that small administration be infected with this disease of terrorism ? We should try to confine these people within the limits of Bengal only, so that those people, who are responsible for producing terrorists and terrorism, may alone suffer by this evil. But cannot the Government consider some other scheme of colonising and sending these people outside India ? Cannot the Government request His Britannic Majesty's Government to hand over to the Government of India that troublesome territory in the Mediterranean known as Malta for the settlement of these Bengalees in that bracing climate and far and further away from India, so that terrorism may be removed from the borders of India and yet these detenus may continue in some occupation which will help them to improve themselves ? If a suitable settlement is founded outside India for settling these people, their lives will become more useful, and after a time we might be able to reclaim them as faithful and loyal citizens of this land of ours, instead of ruining their lives either in Bengal or in the Andamans or in the Deoli camp. I think when the Government are considering other schemes of settlement for the repatriated Indians from South Africa and other places, they may also consider that, instead of locking up these people in the cells somewhere here and there, they may find some good land and some good area outside India where they may be able to settle and use their knowledge and experience and their energies to fruitful conclusions. If they have to be kept in cells, it is immaterial whether they are in Bengal or elsewhere. I personally consider that it does not matter much.

If you do not allow them intercourse with other people, if you are not going to permit them to go out of the jails, then it is immaterial whether you send them to the Andamans or to Deoli or keep them in Bengal. In that case the Administration will have to consider which is the best place from the point of view of administrative convenience. My appeal to the Home Member will again be that he should try to consider and deal with the causes of terrorism rather than with the terrorists individually.

**Shaikh Sadiq Hasan** (East Central Punjab : Muhammadan) : I had no desire to speak on this Bill, but the moving speech of Mr. Mitra has compelled me to extend my sympathy to these poor detenus of Bengal. I condemn the terrorists, but I do not agree with those Members who say that this is a new movement. Individual terrorism may be new, but I may say that those who know the history of India know very well that terrorism has always raged for ages and ages.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : All over the world.

**Shaikh Sadiq Hasan** : Sir, I have no sympathy with those people who are terrorists, and once they are convicted their punishment should be heavy, and if a deterrent punishment is given to them I have no objection. But the question is of these suspects,—suspects who are given no chance before law Courts, against whom police spies bring very often false charges and then are sent to detention camps. I do think that if these people had been convicted of offences, they might be sent anywhere outside their own Province, because they had committed crimes and they must suffer for the consequences. But those people who have not committed any crimes,—simply because they are suspects, if they are sent outside their own Province and kept in environments where their health suffers, I think it is a great hardship. There was one case specially which I brought to the notice of the Home Member. He showed his great sympathy in that matter and released the person. The case was similar to the one that Mr. Mitra related. It was a case of a man living in Amritsar. He was considered to be Bolshevik or something of the sort, and the police involved him and he was put in jail in Lahore. For years he rotted there without any hope and naturally his reason began to give way. He was becoming a demented sort of person. He wrote me a letter containing a letter for the Home Member. It was written over there, “My Honourable friend in power”, and later on, he had also written this thing, “If anything happens to him, the entire responsibility will be on the Government of India and they will have to suffer for the consequences”. When I showed this letter to Sir Harry Haig, I told him how a man of that type was not capable of doing any harm to the Government. He saw the papers and generously released him. What I do say is this, that many of these papers cannot be brought to the notice of the Home Member. There are two thousand people who are rotting in jails. I sincerely believe that many of them are not culprits, but only involved by the police. I do admit that there may be a number of them who may be guilty, but a good number are innocent. If you take away these people from their environments, from their Province and put them somewhere in Gwalior or some other place far from their relatives and without any hope of their release, their reason would suffer, and unless the Government intend to keep them for ever in jail, the result would be that, when they come out, they would come with very embittered feelings and there

[Shaikh Sadiq Hasan.]

would be the greatest hatred for the Government and they would like this Government to be turned out of this country. I think it is really a great hardship, and naturally their reason would suffer if these people were given no opportunity to see their relatives. I agree with the Home Member that from an ordinary jail they would be able to send messages to all sorts of people outside and their friends, but if there is a detention camp in Bengal, say, at a place where there is not much of population,—I dare say there must be some such places,—and if these people like prisoners of war are put over there, it would remove all the dangers of which the Home Member is afraid, namely, the fostering of the movement. On the other hand, it will give these men facilities to see their relatives and they will not become so desperate as otherwise they would. If these people are going to be kept permanently in jail, then the best thing is for them to be sent to Deoli or trans-frontier, or anywhere that Government like. But if Government think that they are to be released after some time or other, then I submit that their feelings should not be made so bitter that they might become desperate enemies of Government and try always to injure.

The Assembly then adjourned till Eleven of the Clock, on Tuesday, the 24th July, 1934.