

THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume I, 1946

(*21st January to 11th February, 1946*)

FIRST SESSION OF THE SIXTH LEGISLATIVE ASSEMBLY, 1946



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LEGISLATIVE ASSEMBLY

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Deputy President :

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Panel of Chairmen :

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MR. S. DAS.

Marshal ;

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SYED GHULAM BHIK NAIRANG, M.L.A.

MR. SRI PRAKASA, M.L.A.

MR. T. CHAPMAN-MORTIMER, M.L.A.

SARDAR MANGAL SINGH, M.L.A.

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LEGISLATIVE ASSEMBLY

Wednesday, 23rd January, 1946

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Chairman (Sir Cowasjee Jehangir) in the Chair.

MEMBERS SWORN:

Nawab Siddique Ali Khan, M.L.A. (Central Provinces and Berar: Muhammadan);
Mr. T. Chapman-Mortimer, M.L.A. (Nominated Non-Official);
Seth Yusuf Abdoola Haroon, M.L.A. (Sind: Muhammadan Rural).

STATEMENT LAID ON THE TABLE

OBJECTS ON WHICH AVIATION SHARE OF PETROL TAX FUND WAS EXPENDED

Sir Gurunath Bewoor (Secretary, Posts and Air Department): Sir, I lay on the table a statement showing the objects on which the Aviation share of the Petrol Tax Fund was expended during 1944-45:

<i>Statement</i>	
OBJECTS	EXPENDITURE (Rupees)
(i) CLUBS	
Grants-in-aid to Flying Clubs in India	77,059
Financial Assistance to Indian Gliding Association	3,000
(ii) EXPERIMENTAL	
<i>Aircraft</i>	
Operation and maintenance of the Wind Tunnel at the Indian Institute of Science, Bangalore for carrying on certain tests on aircraft	4,775
<i>Miscellaneous Items</i>	217
Total	<u>85,051</u>

MOTIONS FOR ADJOURNMENT

Mr. Chairman: Now we come to adjournment motions again. There is a motion in the name of Sardar Mangal Singh about the Bretton Woods Agreement, which is barred.

EXPENDITURE ON BRITISH PARLIAMENTARY DELEGATION TO INDIA

Mr. Chairman: The next one also comes from Sardar Mangal Singh about the "willingness of the Government of India to foot the bill of the British Parliamentary Delegation to India".

What are the facts? Will any Honourable Member of the Government tell us the facts?

The Honourable Sir Archibald Rowlands (Finance Member): The answer to that is that it is incorrect. His Majesty's Government are paying all the expenses of the Delegation. All that the Government of India is doing is providing them with some office facilities and an officer to conduct them on their tours.

Mr. Chairman: As the facts are incorrect I rule it out of order.

Mr. Chairman: Then there is one about Bretton Woods again, from Mr. Manu Subedar. It is out of order—it is covered by previous rulings.

INACTION, *re* DELETION OF SECTIONS 111 TO 121 OF GOVERNMENT OF INDIA ACT

Mr. Chairman: Then we come to Mr. Manu Subedar's adjournment motion to censure "the failure of Government to make any progress in regard to the deletion from the Government of India Act of sections 111 to 121 (both inclusive) in spite of the overwhelming opinion in all sections of the population on this subject passed by the House on 4th April 1945".

This involves legislation which cannot take place in this House and therefore under the rules cannot be discussed, as stated in ruling No. 43 of the Selection of Rulings. (Mr. Manu Subedar rose to speak.) I am not giving a ruling till I hear the Honourable Member. The ruling says that the Government of India is not competent to legislate; under the rules therefore it cannot be discussed on an adjournment motion. Again there cannot be any urgency as defined by rulings, when this Honourable House discussed this question at great length, and the Honourable Member, Mr. Manu Subedar, took a very prominent part in that discussion in the last session of this Assembly. Under these circumstances I cannot see how it is in order, but I am quite prepared to hear the Honourable Member, Mr. Manu Subedar, if he can put forward anything else.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, when this resolution was introduced in the last session, it was held in order. All that we were making was a recommendation to the Government of India to take steps to get these sections deleted. I agree that these sections could not be deleted and no legislation on the subject can be passed, by this House: the legislation on this subject can only come from Parliament; but it is for this Government to take such steps, within their limited scope, as they can; and the Government of India accepted the resolution and promised to take certain steps and the further promised that they will report what steps they have taken, what conversations took place with His Majesty's Government, what progress was made. No such reports have been given to us. It is a year now. I do not know how much time you would give me, otherwise I would read out all the undertakings given by them and their breach. Many undertakings were given, I have got them verbatim from Sir Ardeshir Dalal and from Sir Edward Benthall. These undertakings were given; and the last word on the subject comes from the mouth of His Excellency the Viceroy—the words must have been put there by some unwise councillor of his—that nothing can be done with regard to these sections till a treaty is formulated between the two countries. In other words, the entire undertaking, as it was given to us in this House, has been foiled and nullified. The urgency of this motion arises in this way, that this is the first occasion when we meet when I can bring up this matter before the House; and I therefore submit that this Assembly should be permitted to censure this Government for not having effected what they promised to effect, for not having carried out the undertakings which they gave and for not having reported progress: no paper has been circulated to us as to what the mission of Sir Ardeshir Dalal did and what the special officer did under him in the person of Sir Jeremy Raisman. No particulars have been given to the House and it is therefore in disregard of the powers and privileges of this House and therefore we want to censure this Government.

Mr. Sasanka Sekhar Sanyal (Presidency Division: Non-Muhammadan Rural): This subject was discussed in April 1945 and while on this question of urgency, will it not be more correct to say that this House is different from the House of 1945 and that January 1946 is different from April 1945?

Mr. Chairman: There is a difference between a Resolution and an adjournment motion. The arguments of the Honourable Member were for a Resolution. I have got to rule on an adjournment motion. While having the fullest sympathy with the Honourable Member in the cause he is pleading, I have got to give a ruling according to the previous rulings but I would like to hear the Honourable Member of Government as to what he has to say on the points raised by Mr. Manu Subedar with regard to urgency.

The Honourable Sir Ardeshir Dalal (Member for Planning and Development): I have no desire to minimise the importance of this question. You have very correctly pointed out that this involves legislation in another sphere and therefore it cannot be admitted under the clause regarding urgency. The points raised by Mr. Manu Subedar refer to the merits of the question which can easily be discussed in a Resolution or in any other manner that the Honourable Member desires. It is not that Government have not taken any action on the Resolution that was passed in the Assembly last April. Action has been taken. As a matter of fact, action has still further been taken and if the Honourable Member desires further information on the subject as to what is being done, he can put down a Resolution or discuss it in any other manner and we will be very pleased to give him information. I think it is due to the House that the information should be given.

Mr. M. Asaf Ali (Delhi: General): I shall deal with the question of urgency. It is admitted that a Resolution was passed in this House to the effect that certain provisions of the Government of India Act ought to be repealed by Parliament and this Government would take steps to see that that was done. Whatever Sir Ardeshir Dalal has said today seems to point to some action having been taken. Sir Ardeshir has not said a word to enlighten us as to what is the nature of that action. All that we know about it is that whatever action was taken by the Government has resulted in the resignation of Sir Ardeshir Dalal. If that is all that has been done by the Government and if that is the result of the steps that have been taken by the Government, I think we are perfectly within our rights in saying that a contingency has arisen when we should censure the Government for not having taken those steps which should have gone to the implementation of that Resolution. So, the urgency is there. The Honourable Member has had to resign. Is there no urgency about it? Are we not aware of the fact that he has actually tendered his resignation after having taken certain steps. It is obvious that those steps have fallen flat. Has the Government ever offered any explanation to us? They have not. I think therefore we are perfectly within our rights to censure the Government for not taking effective steps to implement the Resolution which was passed by this House and today we are not prepared to hear any lame excuses about it.

Mr. Chairman: I think the Honourable Member for Government remarked that there is no urgency about this. Besides that, according to the rules, an adjournment motion cannot be moved where it involves legislation which is not within the competence of this House. I must, I am afraid, rule this out of order.

Diwan Chaman Lal (West Punjab: Non-Muhammadan): Mr. Chairman, I have heard every word of the discussion. If you have not taken the final plunge in ruling this out of order, may I say a word in regard to this matter. What is it that we want to discuss? There was a certain undertaking given by the Government in regard to this matter. We are now not asking the House to implement the passing of any legislation which we are not competent to pass. All that we are saying is this—that an undertaking was given. The Viceroy's speech puts an end to that undertaking. This is the first time that we come before the House to draw the attention of the House to a breach of that undertaking. That undertaking is serious enough. The breach is much more serious than the undertaking itself and surely what other occasion could we have had to bring this matter before this House, which is of such an urgent nature where an undertaking given by the Government is broken. Surely this is a matter serious enough.

Mr. Chairman: We have had enough discussion on this matter.

Mr. Manu Subedar: May I read out the undertaking of Sir Ardeshir Dalal and Sir Edward Benthall? They have broken this undertaken.

Mr. Chairman: I have got to give a ruling according to previous rulings about adjournment motions. All your arguments are quite valid about the Resolution but no adjournment motion can be moved on a question which

[Mr. Chairman]

involves legislation which is not within the competence of this House. That is one of the reasons for ruling out this adjournment motion. It is quite clearly laid down and therefore I very much regret that I have to rule it out of order. I rule it out of order.

RUSSIAN AGGRESSION AGAINST PERSIA

Mr. Chairman: The next one is from Mr. Ahmed E. H. Jaffer. He wishes to discuss:

(a) The recent action of a military nature on the part of the Government of U.S.S.R. against the sovereignty, integrity and independence of a neighbouring and friendly state of Persia, whereby the very existence of that State is in a deadly peril,

(b) the amazing ineptitude of the Government of India displayed by its amazing failure to take any action of any kind with regard to the want on and unprovoked aggression against the neighbouring and friendly state, and

(c) by this failure to take any action against the Government of U.S.S.R., the present Government of India has completely lost the confidence of this Assembly and the people of India in general and the 100 million Mussalmans of India in particular.

The Governor General has withheld his consent to this motion. The motion cannot be moved.

Mr. Ahmed Ebrahim Haroon Jaffer (Bombay Southern Division: Muhamadan Rural): It is a matter of regret

Mr. Chairman: You cannot argue this. The motion has been disallowed by the Governor General. I have no further power in regard to the motion, nor the House.

Mr. Chairman: The next one is No. 17 from Diwan Chaman Lall, about the use of Indian troops in Indonesia. This has already been discussed.

Diwan Chaman Lall: Would the Government desire to have a second discussion on this matter?

Mr. Chairman: Even if the Government desire it, I could not allow it.

DEATHS OF I.N.A. MEN IN MONTGOMERY JAIL

Mr. Chairman: I come now to No. 18. This is also from Diwan Chaman Lall. He wishes to discuss the death of three I.N.A. men in Montgomery Jail as a result of assaults upon them by the Jail authorities while they were in custody under orders of the Central Government.

A definite allegation has been made by Mr. Chaman Lall that three I.N.A. men were assaulted by the jail authorities. I would like to have some information on this from the Government.

Mr. P. Mason (Government of India: Nominated Official): I am afraid that the motion is based on information which is incorrect. I myself was very puzzled when I first saw the motion, because I have heard nothing of this incident nor had any one in Delhi. I have made inquiries and I find that no such case has occurred. There has been no case of three I.N.A. men dying in Montgomery Jail. I believe I do know the incident to which the Honourable Member has referred but I can assure him that it was a purely provincial matter. It has nothing whatever to do with the I.N.A. or the Central Government.

Mr. Chairman: I want this to be made perfectly clear. Is your statement to the effect that the I.N.A. men were not concerned in any affair in Montgomery jail which resulted in their deaths?

Mr. P. Mason: Yes, Sir.

Diwan Chaman Lall: May I say one word in regard to this matter? I am indeed very surprised that my Honourable friend should say that he was puzzled when he got notice of this adjournment motion and that he had not heard about it nor had anybody else in Delhi. It is apparent that my Honourable friend or his department do not read the newspapers. It is quite apparent that

they are unaware of the facts connected with these matters which appear not only in the provincial press but, I believe, in the Delhi press also. A report was published in the press giving the names of the three I.N.A. men who, amongst others, had been assaulted in the Montgomery jail on the 19th of October 1945. Thereupon, after the elections, I gave notice of an adjournment motion. The news that appeared in the press was not contradicted by anybody. It is only after the news had appeared in the press and I had given notice of an adjournment motion regarding this matter, and it was days afterwards, that the Provincial Government issued a rejoinder to the effect that press report is not correct. But to this day the Government of India have not issued any statement on the subject. . . .

Mr. Chairman: Has the Provincial Government issued a rejoinder that that is incorrect?

Diwan Chaman Lall: Yes; they said that they made an inquiry and they found that it was not correct. But I am challenging all that. Before my motion is ruled out of order, I want my Honourable friend to tell this House what is the source of his information; what are the inquiries that he has made; how has he satisfied himself that these are not the three I.N.A. men and that their deaths did not take place on the 19th October in Montgomery jail?

Mr. P. Mason: I have information regarding the I.N.A. men and no I.N.A. man died in the Montgomery jail. I did, however, go a step further and inquired from the Provincial Government whether any incident had taken place. They explained to me that an incident had taken place but it had nothing to do with the I.N.A. men. Any further question on the matter should be addressed to the Provincial Government.

Diwan Chaman Lall: May I ask my Honourable friend whether it is a fact that there were I.N.A. men detained in the Montgomery jail on the 19th October? Is it a fact that an assault did take place on the detenues on the 19th October? Is not his information only the false and lying information which might have been given by the Provincial Government or has he any independent information regarding this matter?

Mr. Chairman: I take it that the Honourable Member (Mr. Mason) makes a definite statement that no I.N.A. men were concerned in any assault in Montgomery jail.

Mr. P. Mason: That is correct.

Mr. Chairman: Then, I must rule it out of order on the definite statement made by the representative of the Department.

Diwan Chaman Lall: What is that definite statement?

Mr. Chairman: I have repeated the definite statement three times to make things certain. I do not want to do anything uncertain. I want to be as fair as I can.

Diwan Chaman Lall: Do I take it that his denial is that all his information consists of this, that he has made an inquiry from the Provincial Government. Has he any independent source of information?

Mr. Chairman: He takes full responsibility for the statement he makes in this House. I must accept his statement.

SCALING DOWN OF GREAT BRITAIN'S STERLING DEBT TO INDIA

Mr. Chairman: The next adjournment motion also stands in the name of Diwan Chaman Lall. It runs thus: "The announcement that the grant of a loan by America to Great Britain is likely to lead to a scaling down of the sterling debt being owed by Great Britain to India."

Where is this official statement that the sterling debt is being scaled down?

Diwan Chaman Lall: You will find generally in the press that statements have been made to this effect. I believe there is a clause also that the British Government will undertake to come to some sort of terms regarding the reduction of the sterling debts.

Mr. Chairman: You must be definite in your statement. What is the definite statement you are making?

Diwan Chaman Lall: The definite statement is this that it is part and parcel of the loan agreement.

The Honourable Sir Archibald Rowlands: I do not think Diwan Chaman Lall is correct. In the first place, I want to point out that this is an agreement between the United Kingdom and the United States of America. India was not a party to it and is not bound in any way by it. There is nothing in the agreement which says that it is a condition of the loan that the sterling debt owed by Great Britain to India should be scaled down, and we have made it perfectly clear to His Majesty's Government that we are not in any way bound by any arrangements.

Mr. Chairman: This motion is based on rumours.

Diwan Chaman Lall: May I draw your attention to a statement? Here is a statement which must have come to my Honourable friend's notice which was issued by Sir Chunilal B. Mehta immediately this announcement was made.

Mr. Chairman: But he is not a member of this House.

Diwan Chaman Lall: I am coming to the point itself. He says:

"The total debt of Britain is taken at 14,000 million dollars including that of Canada. According to the scheme the sterling area countries and Canada would have to write off their dues from Britain from 14,000 million dollars to 7,500 million dollars and would have to further provide 3,000 million dollars in their own currencies to finance Britain for imports from them during the next five years."

I take it that my Honourable friend does not challenge that statement. Is it or is it not a fact that the 14,000 million dollars being owed by Great Britain would have to be scaled down to a sum of 7,500 million dollars?

The Honourable Sir Archibald Rowlands: Nothing of the sort.

Diwan Chaman Lall: India would have to bear a part of this reduction.

The Honourable Sir Archibald Rowlands: India is entirely free to take whatever line it likes *vis-a-vis* the United Kingdom and I have made this perfectly clear to His Majesty's Government.

Mr. Manu Subedar: His Majesty's Government has given an undertaking that they will reduce their sterling liabilities. It is part of the specific terms which the United Kingdom Government have agreed to, and the apprehension is

Mr. Chairman: That is the apprehension in India, I admit; but the Honourable the Finance Member has denied it.

Mr. Manu Subedar: So, we need not apprehend that there will be any scaling down.

Mr. Chairman: He did not say that.

YARN SCARCITY FOR MADRAS PRESIDENCY HANDLOOM WEAVERS

Mr. Chairman: The next adjournment motion is in the name of Prof. Ranga and runs thus: "The artificial creation and intensification of unemployment and under-employment of weavers due to yarn scarcity for handloom weavers of Madras Presidency, caused by Government's action in increasing the export of yarn from Madras Presidency".

Will the Honourable Member tell me when the Madras Government increased the export of yarn?

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): It was increased in September 1945, but I speak subject to correction. It is open to the Honourable Member there to tell us when it happened. The consequences are there.

Mr. Chairman: I see that notice of a Resolution has been given and it has drawn the first place on the 31st January. The resolution stands in the name of Syed Ghulam Bhik Nairang and it runs thus:

"This Assembly recommends to the Governor General in Council to pass emergency ordinance compelling cotton textile mills to release at least one-third of the yarn manufactured by them for the use of handlooms."

There is some connection between the two; but I am not prepared to say that it completely covers it. I have read it for the first time. Now, I take your adjournment motion, as it stands, and where is the urgency?

Prof. N. G. Ranga: The urgency is in the creation of unemployment.

Mr. Chairman: That is not urgent. Unemployment has been there for a long time.

Prof. N. G. Ranga: It has been artificially created in the Province of Madras by the measures taken by Government in exporting yarn out of Madras presidency and this has created acute short supply of yarn for the weavers who are already there. Thus unemployment has been specially created now.

Mr. Chairman: Your point, I take it, is that due to this export of yarn, the position has become much worse. It was bad enough, but it has become much worse now and you want to censure the Government for having exported yarn out of Madras presidency. Is that the point?

Prof. N. G. Ranga: Yes, Sir.

The Honourable Dr. Sir M. Azizul Huque (Commerce Member): Exported whereto? Out of India from Madras Presidency?

The Honourable Mr. A. A. Waugh (Member for Industries and Supplies): As you have pointed out, Sir, the whole question of allocation of yarn from cotton mills to handlooms in the various provinces in India, including the Madras presidency, is likely to come up for discussion on the Resolution which occupies the first place on 31st January. Our information is that there is no decrease in employment in Madras presidency from previous years. Figures and full details will be given to the House in the debate on that Resolution.

The Chairman: The whole matter will be discussed on 31st January.

Prof. N. G. Ranga: My submission is this. We are not in full possession of the facts in regard to that Resolution. It is open to my Honourable friend to get up and say that even as it is the Indian mills are able to supply over 33½ per cent. and even more of the total yarn produced by them to handloom weavers and therefore this question does not arise at all. Unless we know the full facts in regard to the Resolution tabled by my Honourable friend Syed Ghulam Bhik Nairang, it is not possible for us to be satisfied.

Mr. Chairman: Is the Honourable Member Syed Ghulam Bhik Nairang prepared to give an undertaking that he will move his Resolution?

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): I will certainly move it.

Mr. Chairman: Then I rule this adjournment motion out of order.

Prof. N. G. Ranga: But that does not cover the subject matter of my motion.

Mr. Chairman: I have already given you, Prof. Ranga, a good deal of latitude. Let me proceed to the next motion.

Prof. N. G. Ranga: I have not been heard at all. Where is the latitude?

Mr. Chairman: On the 31st January you will have your full say.

Prof. N. G. Ranga: But on something else.

Mr. Chairman: On this very thing. That Resolution gives you much wider scope to have your full say.

Mr. Chairman: The next motion relating to Bretton Woods Conference is barred.

FOOD FAMINE IN SOUTH INDIA DISTRICTS

Mr. Chairman: The next motion is in the name of Prof. Ranga. This relates to the "failure of Government to prevent the growing extreme scarcity of foodgrains and the consequent widespread black-marketing and the spread of food famine in the districts of Chittoor, Anantapur, Cuddappah and parts of Kurnool and Nellore of Rayalaseema".

I presume you want to draw the attention of the House to the very serious conditions prevailing in this part of India with regard to food problems.

Prof. N. G. Ranga: Yes, Sir.

Mr. M. R. Masani (Bombay City: Non-Muhammadan Urban): Sir, before you call upon the Honourable Member in charge of this subject to deal with this matter, may I draw your attention to a similar motion standing in my name lower down in the list, No. 36 or 37, I think. That deals with the same situation created both in the districts referred to in this motion of Prof. Ranga as well as the entire southern and western parts of India. I believe, Sir, that if that motion were admitted, my Honourable friend Prof. Ranga would not mind incorporating his motion in that. Both of them might stand together.

Mr. Chairman: If this is admitted, then you will have to have your say on this.

Mr. M. R. Masani: What I am submitting is, Sir, that since my proposition is much wider, subject to my Honourable friend Prof. Ranga's consent, perhaps my motion can take the place of his.

Mr. Chairman: We have not yet reached your motion.

Mr. M. R. Masani: That is why I am drawing your attention to it. If Prof. Ranga does not press his adjournment motion, then we can deal with it now.

Mr. Chairman: I can give no undertaking.

Prof. N. G. Ranga: I do not mind if you keep it in suspense until you find it possible, Sir, to admit the other one. Then I need not move mine.

Mr. Chairman: I cannot give any undertaking. Either discuss this adjournment motion straightaway or you will withdraw it. We will do our best when Mr. Masani's motion is reached and see if it is in order to be admitted.

Sri T. A. Ramalingam Chettiar (Madras: Indian Commerce): It can come in as an amendment to this.

Mr. Chairman: That cannot be done.

Mr. M. R. Masani: In that case, may I take it that even if Prof. Ranga's motion is admitted, mine will not be debarred.

Mr. Chairman: It will be precluded. If it deals with the same subject, you cannot deal with it again. If Prof. Ranga withdraws his and let yours come on, then you can discuss it. But let us hear what the Government Member has got to say.

Mr. B. R. Sen (Government of India: Nominated Official): There are several adjournment motions on the subject of food. The suggestion has been made and discussed whether instead of having these various adjournment motions dealing with various aspects of food problem, it will not be better to have a full dress food debate dealing with the food situation in India as a whole. If this suggestion should be put forward, I believe the Honourable the Leader of the House will be able to set apart days for its discussion.

Mr. Chairman: Is this an undertaking on the part of the Government to set aside days for food debate?

The Honourable Sir Edward Benthall (Leader of the House): If it is the desire of the House, the Government will be pleased to set aside two days for discussion of the food situation.

Mr. Chairman: In view of this, I suggest that all these adjournment motions relating to food should be withdrawn.

Mr. M. R. Masani: A two days debate would be much more satisfactory. But before you call on us to withdraw our motions, would it not be proper to have definite dates suggested for discussion of this subject, in view of the extreme urgency of the problem?

The Honourable Sir Edward Benthall: I make this definite suggestion. It is hoped that the Bretton Woods debate will conclude on 29th January. If that is so, then it would be possible to hold the food debate on Wednesday, the 30th January and Friday, the 1st February. On the 31st January, there will be non-official Resolutions. But if the House wishes to discuss the food question for two consecutive days, 30th and 31st January, it would be possible to move the Governor General to alter the Resolution day from the 31st January to 1st February. But I think it would be quite convenient to have the food debate on Wednesday, the 30th January and Friday, the 1st February.

Syed Ghulam Bhik Nairang: Before any decision is taken on the points suggested by the Honourable the Leader of the House, allow me to point out that it will be most inconvenient for me to have my Resolution which is already set down for 31st January shifted to 1st February as suggested by the Honourable the Leader of the House.

The Honourable Sir Edward Benthall: I suggest then that the debate should take place on 30th January and 1st February.

Mr. M. R. Masani: What would happen in case the Bretton Woods debate extends longer than one day?

The Honourable Sir Edward Benthall: I think we should be able to cover this food subject in two full days.

Mr. Chairman: The undertaking is very satisfactory. I take it that Honourable Members having accepted this undertaking will withdraw their adjournment motions with regard to this important subject of food.

Prof. N. G. Ranga: I withdraw.

Mr. M. Asaf Ali: Sir, can adjournment motions be withdrawn like this without the sanction of the House?

Mr. Chairman: I ruled them out of order but, if it is so desired, I shall ask the House whether the Honourable Members have leave to withdraw them.

The Honourable Dr. Sir M. Azizul Huque: Sir, that will be setting up a new precedent. This motion of adjournment has not been moved and so the House is not in possession of it. An adjournment motion is not in order until you rule it in order and then the Mover moves it; and it is only then that the House is in possession of it and can give leave for its being withdrawn. I hope my Honourable friend Mr. Mavalankar will support me in this.

Sri M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Twenty-five persons have to signify their assent first.

Mr. Chairman: I see there is a rule here and I am not prepared to interpret that rule immediately. I will take the advice of Honourable Members here and will leave it as it is until the next occasion arises and the President decides the point.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I think it is rather an important matter and a precedent should not be created which will perhaps recoil on us later on. You trying to ascertain from the Mover and the Leader of the House or Government whether this motion should be admitted by you or not, and you have not yet given your ruling that this motion has been admitted by you and no question of withdrawal therefore arises. If you had given your ruling and the motion then had been moved, this question might have arisen. But you have not yet admitted the motion.

Mr. Chairman: We will come to a compromise before admitting the motion. So there it stands. No sanction of the House is required.

Mr. Chairman: The next motion stands in the name of Shri Mohan Lal Saksena who wants "to discuss and censure the Government for the treatment meted out to the I. N. A. men in detention camps".

I think the Honourable Member should be a little more definite. What are these detention camps and what is this treatment complained of?

Shri Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): Sir, you may have read reports in the papers that there have been complaints about ill-treatment in all I. N. A. camps,—Nilganj, Bahadurgarh, Jubbulpore, and all the rest of them.

Mr. Chairman: The Bahadurgarh camp matter is coming up very soon; it is on the agenda.

Shri Mohan Lal Saksena: I did not know it was coming. When I sent in my notice there had been complaints from all camps.

Mr. Chairman: It is indefinite.

Shri Mohan Lal Saksena: No, Sir, it is quite definite, I submit.

Mr. Chairman: Diwan Chaman Lall has a motion on the agenda about the Bahadurgarh camp, and this is definite. If the Honourable Member Mr. Saksena can give me one or two camps I can ask the Honourable Member for Government to reply.

Shri Mohan Lal Saksena: I can give an instance from Lucknow itself. The whole question is about the policy of Government, the instructions given by Government and how far they are carried out. Yesterday I read a report that certain I. N. A. men have been brought to a camp in Bengal and they had no food for days together.

Mr. Chairman: This is rather wide; I wish you could confine it to particular camps so that we could discuss the matter properly. This may be considered favourably when we come to the motion on Bahadurgarh camp; but the Honourable Member must give one or two camps for the Member of Government to give an answer.

Shri Mohan Lal Saksena: There are so many camps and we cannot bring all of them into an adjournment motion. It is a question of policy of Government in regard to the treatment of these men.

Mr. P. Mason: Sir, the policy—if that is the intention of the Honourable Member—is that I. N. A. men are in exactly the same position as members of the Indian army who are in detention until their cases are inquired into. They are treated while in detention in exactly the same way as other sepoys or other ranks or officers of the Indian army who are in detention. That means that from the point of view of food, clothing, accommodation and all other externals of life, except freedom of movement, they are treated in the same way as serving ranks of the same rank as their own. If there are specific instances which the Honourable Member wishes to bring that is a different matter; but that is the general policy. And I should like to mention the fact that there have been a very large number of rumours which have appeared in the press. I have seen several—and I think we have contradicted all that we have seen—which are entirely without foundation; so that it is very difficult to answer these unless the Honourable Member is a little more specific.

Mr. Chairman: I think the Honourable Member should be more specific in an adjournment motion, and this is rather vague. There is one motion coming up which pins the discussion down to a certain camp and there is nothing to stop Honourable Members from bringing in other camps. But I cannot allow a motion which is so vague because it will not lead to a proper discussion.

Mr. M. Asaf Ali: Sir, I regret I was not listening to what my Honourable friend Mr. Mason was saying. There are altogether three or four camps about

which complaints have been received and the press has taken this matter up. Leaving aside all other camps I am at the moment concerned with the Bahadurgarh camp.

Mr. Chairman: That is coming up.

Mr. M. Asaf Ali: In so far as that camp is concerned, Government invited certain press reporters to go and visit it and these press reporters had facilities of interviewing these prisoners. They received certain complaints which were ventilated in the press and they are before every one. Similarly take the Nilganj camp. The Honourable Member himself admitted the other day that there was shooting there and the facts of that case are tragic. I know a certain inquiry has taken place there and certain results have been reached, but they are most unsatisfactory. Similarly complaints have been received about other camps. When the motion refers to this ill-treatment it naturally refers to the ill-treatment in these different camps. It is not a roving inquiry. All that we wish to say is that the treatment meted out in these three or four camps is such that in our opinion Government ought to be censured. It is a definite and a specific matter.

Mr. Chairman: I think it will meet the purpose of the Honourable Member if we get to the adjournment motion to be moved by Diwan Chaman Lal in which he mentions a specific camp, and I am sure the Chair then will not disallow a reference to other camps to illustrate what is meant. That will be a much more satisfactory method of doing it.

NON-RELEASE OF DETENUS UNDER ORDINANCE No. 3 OF 1944.

Mr. Chairman: The next motion also stands in the name of Shri Mohan Lal Saksena who wishes "to censure Government for not releasing the detenus detained under Ordinance No. 3 of 1944".

Where is the urgency of this when they have been detained for a long time?

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): There is detention every day and every day it is urgent.

Shri Mohan Lal Saksena: Sir, as you know, in England immediately the war was over detenus were released. We were told that this Ordinance was framed on the model of the English Ordinance. We hoped that immediately on the termination of the war these detenus in India would be released or in any case that the orders would not be renewed. But in January they were due to be released and they have still not been released; and it appears that fresh orders have been issued for their detention. My submission is that Government should be censured for that; there is no emergency now and they should not be detained.

The Honourable Sir John Thorne (Home Member): I have a preliminary point to make. If you, Sir, do not accept that, perhaps you will give me an opportunity to make a further submission. My preliminary point is that this is a matter which is covered by a Resolution which appears on the paper as No. 1 for the 4th February next, and if I correctly understood your ruling of yesterday on a similar point, this adjournment motion is out of order.

Mr. Chairman: What is your point?

The Honourable Sir John Thorne: My point is that included in the Resolution, which appears on the paper as No. 1 for February the 4th, is a recommendation to release immediately all other political prisoners under detention or in imprisonment. That clearly includes the prisoners who are under detention under Ordinance III.

Mr. M. Asaf Ali: Mr. Chairman. The two points are entirely different. I do not understand how Sir John Thorne can say that one point is covered by the other. Here we seek to censure the Government for not releasing the detenus, and every day that passes and certain persons continue to be detained, the urgency increases. The other Resolution deals with a positive matter; in that we ask the Government to release all the political prisoners. The two things are entirely different: one is negative and the other is positive.

Sri M. Ananthasayanam Ayyangar: May I know when notice of the adjournment motion was given, for under Rule 12, sub-clause (iv), it is stated definitely that an adjournment motion is barred only if a previous notice of motion has been given.

Mr. Chairman: It is previous to the adjournment motion being considered in the House; I know that. What other point have you got to make?

The Honourable Sir John Thorne: I wish to make it quite clear that I have not the slightest desire to evade any discussion on the detenus held under Ordinance 3 and if I had any such desire, I am quite sure that desire would be very successfully frustrated.

The point which I was proposing to make, if your ruling on my preliminary point is that the motion is in order, is this: The censure motion is for not releasing the detenus detained under Ordinance 3. I can speak only for the detenus who are held under orders of the Central Government or under orders of an administration which is subordinate to the Central Government. We have released the greater number of prisoners who fall within those categories. At the present moment there are only three prisoners held under orders of the Central Government and only one prisoner held under orders of a subordinate administration. My point is that while, as I say, I have neither the desire nor the hope of evading any discussion of the cases of these four persons,—there are only four persons; we have released the greater number of other prisoners—the question of their continued detention is a matter to which I devote my attention not only once in six months, as we are required to do, but daily, and I may say almost hourly when it is brought to my notice by Members of the House. But I do suggest that to hold a discussion which may range over two hours over the case of these four people, the circumstances of which will certainly come under frequent discussion at later stages, would be rather an abuse of the procedure of an adjournment motion.

Mr. M. Asaf Ali: This again, if I may say a word, is an entirely inconsistent statement. The Honourable Member seems to think that we are thinking only of the four persons who are detained by subordinate governments or by the order of the Central Government. But that is not the point. Who declared war emergency in India? The Governor General; your Government; the Central Government. It was in connection with that emergency that all the other detenus have been detained by Provincial Governments. Therefore it is for you now to say when this emergency has ceased to exist that all these detenus should be released.

There is another point? Who initiated the first step? The initial step was taken by the orders of the Central Government and of the Governor General and if these people are being detained elsewhere on account of this emergency, it is your duty to see that all of them are released, and if you don't discharge your duty, it is our duty to censure you.

Diwan Chaman Lal: May I take up the point regarding these four men? As a detenu detained under orders of my Honourable friend, I have some knowledge of this matter and of my Honourable friend trying to pass the baby on to the Provincial Government and the Provincial Government trying to pass the baby on to him the legitimacy of the baby is seriously in question. It has not been admitted yet by any Provincial Government, particularly the Punjab Government, that it was their duty and not the duty of the Honourable the Home Member in detaining these men. We do not know. Every time we have asked the Provincial Government the reply is that the detention is actually under orders of the Government of India. But apart from that what happens to detenus detained by Section 93 Governments. Are they subordinates to my Honourable friend or are they not subordinate to my Honourable friend.

The Honourable Sir John Thorne: No, Sir.

Diwan Ohaman Lall: Constitutionally it is true that they may still claim to be autonomous Provincial Governments, but is it not a fact that orders emanated originally from Delhi in regard to these matters? Is it not a fact that in almost every case the files come up to my Honourable friend? Does he or does he not deal with them? Has he in the past not dealt with them? My Honourable friend has dealt with the case of every detenu, and he knows it

Mr. Chairman: It is not the point. I do not want to go into the question on merits. We are now going into the question of emergency.

Diwan Ohaman Lall: I am coming to that. I went into the merits because my Honourable friend did so first.

I submit the war is over. There was a particular Ordinance issued. When that emergency no longer exists, I submit there is no necessity now for him to go on detaining people who had been detained under that Ordinance. Not only that. I think it is an extraordinary proposition to place before this House that an emergency does not exist. Every single second that a man is being detained, the emergency is there. The honour of this country is involved. What happened to my Honourable friend's own country? What did they do there? Did they keep them in detention? They withdrew Regulation 18B. Did they or did they not withdraw it? What happens here? These subordinate individuals, who are subordinate to their own Home Government, they are a little more loyal than the Home Government. They did not withdraw this. The emergency continues. Action is being taken daily and there is no matter more important than this from the urgency point of view than to censure this Government for continuing to use powers which they should be ashamed to use, putting men in jail, detaining them without trial—merely because a gentleman like Sir John Thorne thinks they should be detained.

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadian Rural): He is a thorn in our side!

Mr. Chairman: What is your answer to the resolution to be moved by Pandit Govind Malaviya?

Seth Govind Das (Central Provinces Hindi Divisions: Non-Muhammadian): These are two different things.

Mr. Chairman: Under the rules if it is covered by a resolution of which previous notice is given it cannot be allowed.

Diwan Ohaman Lall: Which is the resolution? Will you read it?

Mr. Chairman: Pandit Govind Malaviya has drawn first place in the ballot for the 4th February, 1946. He will move that:

"In view of the universal expression of public opinion throughout the country in the matter, this Assembly recommends to the Governor General in Council to give up the trials of the officers of the Indian National Army and to release immediately all men and officers of the Indian National Army as well as all other political prisoners under detention or imprisonment."

I must be consistent in the rulings.

Shri Mohan Lal Saksena: The Governor General has passed an Ordinance and that Ordinance is there and so long as it is there these persons can be detained and the moment that Ordinance is withdrawn they will be released automatically. We censure the Government for not withdrawing the Ordinance although the emergency does not exist now.

Mr. Chairman: But you cannot move an adjournment motion on a matter of which notice has been given by a previous resolution.

Shri Sarat Chandra Bose (Calcutta: Non-Muhammadian Urban): May I know which rule you are referring to?

Mr. Chairman: Page 19, Rule 48(iv):

"The motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given;"

Shri Sarat Chandra Bose: May I draw attention to the words "previously appointed for consideration"? I submit plain English words have plain English meanings. We would like to know what is the meaning you attach to the words "previously appointed for consideration".

Mr. Chairman: It is this. If any notice is given before the adjournment motion is brought before this House by the President, i.e., on the very day it is received, then this rule applies.

Shri Sarat Chandra Bose: I am sorry to press the matter again. But I would draw your attention again to the words "a matter which has been previously appointed for consideration".

Mr. Chairman: I can only go on rulings previously given by Presidents and it has been so held. I do not want to weary the House by reading out a large number of rulings but here they are and this is the way in which it has been interpreted up till now, viz., if a notice has been previously received previous to the day on which the adjournment motion is considered in this House.

My honourable friend must remember that under ordinary circumstances adjournment motions are considered on the very day they are received. It happens that this is the very first Session and the adjournment motions have been received sometime ago. Generally they are received on the same day and the President considers them in the House and they are discussed on the very same day.

Shri Sarat Chandra Bose: Was the motion for the adjournment of the House received in the usual course previous to the resolution to which you are referring?

Mr. Chairman: That I cannot tell you. Yes, it is so. The date of the adjournment motion is 3rd January and the notice of the resolution was received here on the 19th January.

Shri Sarat Chandra Bose: The date you have just mentioned, viz., 3rd January, is the date on which the notice of the adjournment of the House was received. Therefore on the date the notice of the adjournment motion was received, it did not anticipate "a matter which had been previously appointed for consideration".

Mr. Chairman: That is the point which was raised the last time.

The Honourable Sir Asoka Roy (Law Member): I should like to point out to you that if you look at Rule 48 on page 19, you will see that the opening words are: "The right to move an adjournment for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions", i.e., the right to move is subject to the following restrictions. Sub-clause (iv), which gives you some of the restrictions, says "the motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given".

Mr. Chairman: Previous to what?

The Honourable Sir Asoka Roy: Previous to the right to move an adjournment of the House. That will be consistent with the previous rulings.

Mr. Chairman: I assure the Honourable House that these rulings have been given before and I cannot upset a ruling.

Prof. N. G. Ranga: You cannot upset a ruling. But it is to be interpreted.

Mr. M. Asaf Ali: I am not concerned with what your ruling may be with the particular interpretation of the rule. You may hold it one way or the other. I am concerned with the substance of the two motions. What is the substance? The substance of the adjournment motion is the censure of the Government for continuing to detain these people. The substance of the other motion is to call upon the Government to release them. The two things are entirely different. In one case we say you should never have done it. In the other case we say you should do it. Cannot you see that these things are so different that you

have to deal with them differently. We are dealing with the negative side by a censure motion and with the positive side by a resolution.

Shri Sarat Chandra Bose: On the point of order which I raised, I desire to reply to the Honourable the Law Member. It is true that the opening words are: "The right to move an adjournment for the purpose of discussing" but that right is subject to restrictions and clause (iv) relates to the period of time when the motion is given and refers also to the other matter which has been previously appointed. My interpretation of the words "previously appointed for consideration" is supported by the words that follow, *viz.*, "or with reference to which a notice of motion has been previously given". "Previously given" does not mean the same thing as "previously appointed for consideration". So I again stress the point of order which I made: "The motion must not anticipate a matter which has been previously appointed for consideration." If I have understood you rightly, you are relying on the words "a matter which has been previously appointed". But if you take the whole of the sentence, the words "previously appointed for consideration", obviously mean something very different from the words "previously given". Having regard to the dates given to you by the Secretary the notice of the adjournment motion was received long before the resolution was received by the office.

The Honourable Sir Asoka Roy: I can only say that you have got to decide the question with reference to the time when you have to consider whether the gentleman who intends to move an adjournment of the House has the right to move the adjournment motion or not. I think the interpretation is quite clear and is consistent with the previous rulings on the subject.

Shri Sarat Chandra Bose: I have heard it several times this morning that there were certain previous rulings. We have not heard which ruling is referred to either by the Honourable the Law Member or by you, Mr. Chairman.

Pandit Govind Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, the resolution which stands in my name calls upon the Government to release these prisoners. If that were to be an accomplished fact, the basis for this adjournment motion would collapse. But, as we stand now, this adjournment motion seeks to discuss a matter of definite urgent public importance, namely the detention of these men in the camps. My resolution asks for another thing, the release of these men. So long as the release does not take place, no question of time or of previous notice, etc., can have any relevancy. Even if my resolution were timed for this very day, I would submit, Sir, that the release of these men is a different matter, which is meant to set right a wrong which is now existing. That wrong, until the men are actually released would continue. I submit, even if the resolution were moved and discussed, and passed, that wrong would still continue till they were actually released. And therefore I submit that this motion is meant to discuss that specific question of urgent importance, namely the detention of so many people in the jails of this country without trial. The resolution has nothing to do with the adjournment motion and whether that resolution is moved or whether it is not reached that day owing to the previous day's resolution being still before the House, is irrelevant to the consideration as to whether this motion should be taken up or not.

Mr. Chairman: I see your point. The resolution is totally different from the adjournment motion; that is your point. I am inclined to hold this motion in order and we will appoint a time for its discussion. It is quarter past twelve now. Will 2-30 P.M. today suit the convenience of the Honourable Member?

The Honourable Sir John Thorne: Yes, Sir.

Mr. Chairman: Then 2-30 P.M. today, as it suits the convenience of the Honourable Member.

Mr. Abdur Rahman Siddiqi (Calcutta and Suburbs: Muhammadan Urban): May I request the Department through you to circulate a copy of the actual wording of the motion which will be moved separately to every member?

Mr. Chairman: It has not been the practice of this Honourable House to circulate adjournment motions to Members.

Mr. Abdur Rahman Siddiqi: It is difficult to understand on what points a certain speaker is speaking unless you know what he is talking about. As to the procedure of this House

Mr. Chairman: When an adjournment motion is received on a certain day, it comes before the President the same day. He reads it out. There is no time to circulate it. That is the procedure. I have much sympathy with the Honourable Member, having been an Honourable Member of this House for a very long time myself and I know that we do suffer certain inconveniences not knowing the exact wording of these adjournment motions.

Pandit Govind Malaviya: Between 2-30 P.M. and 4-30 P.M. there is plenty of time.

Mr. Chairman: The discussion will be limited to two hours as usual and the time allowed for each Honourable Member will be fifteen minutes.

ELECTION OF MEMBERS TO STANDING COMMITTEE FOR LEGISLATIVE DEPARTMENT

The Honourable Sir Asoka Roy (Law Member): Sir, I move:

"That this Assembly do proceed to elect in such manner as the Chairman may direct five non-official members to serve on the Standing Committee to advise on subjects in the Legislative Department for the unexpired portion of the current financial year and the financial year 1946-47."

Mr. Chairman: Motion moved:

"That this Assembly do proceed to elect in such manner as the Chairman may direct five non-official members to serve on the Standing Committee to advise on subjects in the Legislative Department for the unexpired portion of the current financial year and the financial year 1946-47."

Prof. N. G. Ranga (Guntur cum Nellore Non-Muhammadian Rural): Sir, I would like to know from the Honourable Member whether this Committee has met at all since it was elected last year, what was the kind of agenda that was placed before it, what was the advice that was sought from it and what are the functions of this Committee.

The Honourable Sir Asoka Roy: I think the Honourable Member is aware that the Legislative Department never had any Standing Committee at all and it was only last year, in the last session of the last Assembly, that there was an amendment of the Standing Orders at the instance of my Honourable friend, Haji Abdus Sattar Haji Ishaq Seth and by the amendment of the Standing Orders for the first time a Standing Committee was to be constituted for the Legislative Department. The election of members to the Standing Committee took place on the 20th March, 1945. Since, then, as Honourable Members are aware, there has been no session at all of this House and there was no work on which the Legislative Department had to consult the Standing Committee.

As for the duties of the Standing Committee, if my Honourable friend will look at the amended Standing Order which came into existence at the instance of my friend Mr. Ishaq Seth, he will see what the duties of the Standing Committee are and he will find that with regard to the Legislative Department there is very little scope for the members of the Standing Committee to do anything. In fact we agreed to the Standing Committee out of deference to the House. As I told you there never used to be any Standing Committee to advise the Legislative Department. Mr. Ananthasayanam Ayyangar, I believe, was elected as a member of the Standing Committee.

Sri M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, I have been a figurehead. I was not consulted even on a single matter.

The Honourable Sir Asoka Roy: As I told you, there was no meeting of the Committee at all.

Sri M. Ananthasayanam Ayyangar: My Honourable friend, the Law Member, is such a good friend of mine that I did not want to quarrel with him. I therefore suggested to my friend Mr. Ranga all the objections that I wanted to raise. But inasmuch as the Honourable Member has referred to my name, I must say that there is a lot of scope. A number of Bills have been introduced in the Assembly which might have been referred to us. Are the proposed Bills perfectly all right? You can pick a hundred and one holes in them. Anything can be done. Why should we not refer them to this committee? What is this legislature for, other than introducing Bills and Resolutions? Why are they not referred to it? I therefore suggest that there is ample scope for it. Whenever a Bill comes before the Assembly let it be referred to this Committee. The subject matter may belong to a particular department, but the law relates to the Legislative Department.

The Honourable Sir Asoka Roy: May I point out what has been set out in the Standing Order? The following are the matters that would come before the Standing Committee: all Bills given notice of by non-official Members of the legislature, and legislative proposals which the department concerned intends to undertake and on which the Member in charge of the department concerned desires the advice of the committee. Until then, there is hardly anything that the Standing Committee of the Legislative Department has to do.

Shri Sarat Chandra Bose (Calcutta: Non-Muhammadan Urban): Mr. Chairman, possibly the Honourable Law Member made a slight mistake. In mentioning the name of Mr. Ananthasayanam Ayyangar I think the Honourable Law Member made a slight mistake in thinking that he was eternally asleep. I would disabuse him of that impression; as a matter of fact, Mr. Ananthasayanam Ayyangar is eternally awake.

The Honourable Sir Asoka Roy: I am very much obliged to my honourable friend the Leader of the Opposition. I happen to know Mr. Ananthasayanam Ayyangar rather well: in fact, I think I know him better than my Honourable friend the Leader of the Opposition and I have no reason to think that he is ever asleep.

Mr. Chairman: The question is:

"That this Assembly do proceed to elect in such manner as the Chairman may direct five non-official members to serve on the Standing Committee to advise on subjects in the Legislative Department for the unexpired portion of the current financial year and the financial year 1946-47."

The motion was adopted.

ELECTION OF MEMBERS TO STANDING COMMITTEE FOR FOOD DEPARTMENT

The Honourable Sir Edward Benthall (Leader of the House): Sir, on behalf of Mr. B. R. Sen, who has been called away for a meeting, I move:

"That this Assembly do proceed to elect in such manner as the Honourable the President may direct 10 non-official members to serve on the Standing Committee to advise on the subjects in the Department of Food for the unexpired portion of the financial year 1945-46 and for the financial year 1946-47."

Mr. Chairman: Motion moved:

"That this Assembly do proceed to elect in such manner as the Honourable the President may direct 10 non-official members to serve on the Standing Committee to advise on the subjects in the Department of Food for the unexpired portion of the financial year 1945-46 and for the financial year 1946-47."

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): Sir, this is rather strange that my Honourable friend the Leader of the House should have made himself responsible for making this motion. I do not know whether he is also as well tutored as to the work that this committee is supposed to have done during the time since it was appointed last year, to be able to give us satisfactory information. I want to know whether this new all-India food policy that the Government of India has decided upon and published was ever submitted to

[Prof. N. G. Ranga]

this committee and whether this committee agreed to it and, if so, in what form. I would like also to know whether this committee is being consulted as to the food position that prevails in the country from time to time.

Mr. Abdur Rahman Siddiqi (Calcutta and Suburbs: Muhammadan Urban): Mr. Chairman, being new to this House I want to understand one thing: in some committees the Government recommended five members; in others eight; in a third committee they are suggesting ten; and in one committee there were 14 members. Is there any special justification for this gradation? I should like to understand why not five for all, or eight for all or ten for all committees and so on. In the interests of new comers the Government might tell them why these things are done in this way.

The Honourable Sir Edward Benthall: As regards the first question, the policy was put up before the committee and discussed; but the particular paper which has been circulated to Honourable Members was not put up because it represents a policy which was only formulated within the last few days.

With regard to the second speaker, the question of the number of members on each of these committees was the subject of considerable discussion and negotiation—I think in the last session of the Assembly—and a general agreement was reached between the parties on the numbers. It was discussed on the floor of the House and also, I think, between the leaders and whips of parties and general agreement was reached that these numbers were desirable.

Prof. N. G. Ranga: What about my other question, whether the food position in the country is being reviewed from time to time and if so, how was the committee consulted about it?

The Honourable Sir Edward Benthall: The food position has been reviewed but we are only just now setting up the new committee. I shall put the point before the Honourable the Food Member.

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): I should like to know, Sir, why you as Chairman are authorised to prescribe the method of election in the first motion, while in this motion the matter has to be postponed till the President is elected.

The Honourable Sir Edward Benthall: I am afraid I am responsible for that: I read out the word 'President'. It would be correct to say "Chairman".

Mr. Chairman: The question is:

"That this Assembly do proceed to elect in such manner as the Chairman may direct 10 non-official members to serve on the Standing Committee to advise on the subjects in the Department of Food for the unexpired portion of the financial year 1945-46 and for the financial year 1946-47."

The motion was adopted.

ELECTION OF MEMBERS TO STANDING COMMITTEE FOR PLANNING AND DEVELOPMENT DEPARTMENT

The Honourable Sir Edward Benthall (Leader of the House): Sir, The Honourable Member for Planning and Development has been called away to a meeting; and on his behalf I move:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the Chairman, ten non-official members to serve on the Standing Committee for the Department of Planning and Development for the rest of the current financial year and the whole of the next financial year, 1946-47."

Mr. Chairman: Motion moved:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the Chairman, ten non-official members to serve on the Standing Committee for the Department of Planning and Development for the rest of the current financial year and the whole of the next financial year, 1946-47."

Mr. Mannu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, last year I had raised an issue as to whether the committee of the House will have precedence and greater importance than the so-called Policy

Committee and the Reconstruction Committee on which hand-picked nominees of the Government are sitting; and it was the privilege of elected Members of this House to be fully associated and fully informed with regard to the various stages of the schemes and plans made by the Planning Committee; and the Honourable Member in charge of Planning had given a very definite undertaking. I find that meetings of the Standing Committee of the Planning and Development Department have not been frequently called and that various papers which were given to the Policy Committee and the Reconstruction Committee have not been given to members of that committee, and I feel that the Member for Planning who is not in his seat ought to have given some kind of undertaking to this House with regard to the functioning of this committee, which, I believe, would be one of the most important committees during the forthcoming year. I do not know whether the Leader of the House who has undertaken to move this motion on his behalf will give such an undertaking to us.

The Honourable Sir Edward Benthall: If the Honourable Member wishes an authoritative answer, I must clearly suggest that this motion be held over till the Honourable Member is present. I cannot speak on his behalf.

Mr. Chairman: Is it the desire of the House that this motion should be brought up tomorrow?

Honourable Members: Yes.

Mr. Chairman: All right.

ELECTION OF MEMBERS TO INDIAN COCONUT COMMITTEE

Sir Pheroze Kharegat (Secretary, Agriculture Department): Sir, I move:

"That in pursuance of Clause (g) of Section 4 of the Indian Coconut Committee Act, 1944, the elected Members of this Assembly do proceed to elect, in such manner as the Honourable the Chairman may direct, two members from among themselves to be members of the Indian Coconut Committee."

Mr. Chairman: The question is:

"That in pursuance of Clause (g) of Section 4 of the Indian Coconut Committee Act, 1944, the elected Members of this Assembly do proceed to elect, in such manner as the Honourable the Chairman may direct, two members from among themselves to be members of the Indian Coconut Committee."

The motion was adopted.

ELECTION OF MEMBERS TO CENTRAL ADVISORY BOARD OF HEALTH

Mr. S. H. Y. Oulsnam (Secretary, Education Department): Sir, I move:

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the Chairman, two persons from their number to be members of the Central Advisory Board of Health."

Mr. Chairman: The question is:

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the Chairman, two persons from their number to be members of the Central Advisory Board of Health."

The motion was adopted.

Mr. Chairman: I have to inform Honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely:—

	Date for nomination	Date for election
Standing Committee for the Legislative Department.	29th January	5th February.
Standing Committee for the Department of Food.	29th January	5th February
Indian Coconut Committee	30th January	7th February
Central Advisory Board of Health	30th January	8th February.

[Mr. Chairman]

The nominations for all the four Committees will be received in the Notice Office upto 12 Noon on the dates mentioned for the purpose. The elections, which will be conducted in accordance with the Regulations for the holding of elections by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, between the hours of 10-30 A.M. and 1 P.M.

ELECTION OF MEMBERS TO STANDING FINANCE COMMITTEE FOR RAILWAYS

Mr. Chairman: I have to inform the Assembly that upto 3 P.M. on Tuesday, the 22nd January, 1946, the time fixed for receiving nominations for the Standing Finance Committee for Railways for the unexpired portion of the current financial year 1945-46 and for the year commencing 1st April, 1946, twelve nominations were received. Subsequently one candidate withdrew his candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following members to be duly elected. 1. Mr. M. A. F. Hirtzel, 2. Pandit Balkrishna Sharma, 3. Shri Satya Narayan Sinha, 4. Sjt. Dharendra Kanta Lahiri Choudhury, 5. Sri M. Ananthasayanam Ayyangar, 6. Mr. P. K. Salve, 7. Sir Mohammad Yamin Khan, 8. Mr. Muhammad Nauman, 9. Hajee Chowdhury Mohammad Ismail Khan, 10. Lt.-Col. Dr. J. C. Chatterjee, and 11. Rai Bahadur D. M. Bhattacharyya.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Chairman (Sir Cowasjee Jehangir) in the Chair.

MOTION FOR ADJOURNMENT

NON-RELEASE OF DETENUS UNDER ORDINANCE NO. 3 OF 1944

Shri Mohan Lal Saksena (Lucknow Division; Non-Muhammadan Rural): Sir, I move that the business of the House be adjourned to censure the Government for not releasing the detenus, detained under Ordinance No. 3 of 1944.

I may remind the House that this Ordinance was passed when doubts were raised by various High Courts regarding the validity of Rule 26 of the Defence of India Rules. When this Ordinance was enacted, all those detained under Rule 26, D. I. R., were presumed to have been detained under the provisions of this Ordinance. Now, at the very outset I may point out that this measure was an emergency measure. It was not a penal enactment. This was made clear in the preamble of the Ordinance and it was also made clear in the speech of Sir Reginald Maxwell that it was not a penal measure but only an emergency measure. It was on the 15th of March 1944 that in this very House Sir Reginald Maxwell said:

"Now, I want to remind the House that the Defence of India Act was not primarily a penal enactment. It was, as its Preamble says, 'an Act to provide for special measures to ensure the public safety and interest and the defence of British India and the trial of certain offences' and any one who reads the Act can see that a great portion of it deals only with the creation of those powers which are necessary for any Government to exercise in war time. Of course, the enforcement of those powers requires the prescription of certain penalties, but the object of the Act is different. It is not a penal enactment. It is designed for quite a different purpose."

Therefore, it is clear that this Ordinance was not a penal enactment; it was only an emergency measure. This is also clear from the provisions of the Defence of India Act. Section 1 of the Defence of India Act says:

"This section shall come into force at once and the remaining provisions of this Act shall come into force in such areas It shall be enforced during the continuance of the present war and for a period of six months thereafter."

It is true, the war has not been officially declared to have ended, but there is no doubt that the war ended six months ago. It was popularly believed that, as in England, those detained in India will also be released. Although six months have elapsed since the war ended, orders have been passed for their detention. Again, in the grounds that were supplied to the detenus, it was also mentioned that it was only because of the war that they were being detained. In the United Provinces, we were supplied with printed grounds of detention and they may be divided into five categories. I will read out one or two to inform the House that their detention was only in connection with the war:

"In pursuance of section 7 of the Restriction and Detention Ordinance, 1944 (No. III of 1944), you are informed that the grounds for your detention were that you were an office holder and a prominent and active member of the organisation which passed the resolution of August 8, 1942, sanctioning a mass movement which was calculated to impede the successful prosecution of the war."

Another runs like this:

"In pursuance of section 7 of the Restriction and Detention Ordinance, 1944 (No. III of 1944), you are informed that the grounds for your detention were that you were taking an active part in the mass movement sanctioned by the Congress in the resolution of August 8, 1942, which was calculated to impede the successful prosecution of the war."

Another one said:

"That you were actually supporting and helping the underground organisation of the mass movement sanctioned by the Resolution of the Congress and calculated to impede the War."

So, it is quite obvious now from what I have read out from the grounds that these detentions were in connection with the war. As a matter of fact, if the Government had been a responsible government or a popular government, they would not have detained so many persons. That not being the case, it was hoped at least that when the emergency was over, they will be released.

What do we find now? In the United Provinces 56 persons are still under detention and several of them are those who were not free when the war broke out. They were already serving various sentences and when their sentences expired, orders of detention were served on them. Although the war has ended, they are still under detention.

Another case is that of the Lahore conspiracy prisoners. They have been in jail for over 17 years. When the war broke out, they were serving their original sentences and now they are being detained even after the war is over. Although they were the prisoners of the Punjab Government, the United Provinces Government have thought in December or January to detain them under this Ordinance No. III of 1944.

My submission is this. If there is any definite charge against any one of these persons who are detained, then as has been urged again and again both in the press and from the platform, they should be brought before regular courts of law, but nothing has been done. These orders are renewed after six months. Sir Reginald Maxwell had assured the Council of State that this provision limiting the period of detention was, in a way, much better than the corresponding provision in British rules.

Now, how these orders are extended? Persons are informed of the grounds of detention and then they send their replies, which are not considered. It is only on the report of a single C. I. D. officer or some subordinate police official that they are being detained and they are not given even the details of the grounds under which they have been detained. The grounds that I have read out to the House show that they are of a general character. It says, for instance, that you are a member of such and such organisation the object of which is such and such. It gives no definite facts. A person can say that he is not a member of such and such organisation. There is no opportunity given to them to show that those charges are false.

This morning the Honourable the Home Member raised this point that there were only four detenus so far as the Government of India and the subordinate

[Shri Mohan Lal Saksena]

administrations of the Government of India were concerned. I hold the Government of India responsible for all those who are detained in India, whether in Bengal, the Punjab or the U. P. because if these ordinances were withdrawn and repealed, these detenus will be automatically released. So, Sir, as the Honourable Sir Reginald Maxwell has assured the House that this was not a penal enactment, that this was only an emergency measure, I submit that as the war has ended, and the emergency has ended, it was the duty of this Government to have repealed the ordinance and to leave to the Provincial Governments to find out their own ways and means to detain them, if necessary, or try them, or restrict their liberties if they chose. But to have armed them with this measure and then to disown responsibility for the detention of such a large number of persons, I think that is not correct both factually and morally. Moreover, I know that directives are being issued by the Government of India to the various Provincial Governments from time to time. At one time, Sir Reginald Maxwell had the audacity to say before this House that Congress leaders who had been detained would not be allowed to come out unless they give an assurance that they would not behave as they behaved in the past. It was said they would not be allowed to come back to public life. All sorts of things were said against them. But we know that in spite of Maxwells and others they have come back, not only come back to public life, they have come back with a definite mandate to this House on the Quit India Resolution.

During the last three years no subject has engaged the attention of the public more than the detention of such a large number of persons without trial. I think if any impartial tribunal were to examine the whole question, it would come to the conclusion that in most cases the detention was wholly unjustified. As I said in the case of those who were not free when the war broke out, they were already serving various sentences and their sentences expired only while the war was still on and still they have been detained. I want to know on what ground. If they had been allowed freedom for some time, there might have been some justification that there was a likelihood or a possibility of their committing some act which might prejudicially affect the efficient prosecution of war. That was not so. Now, Sir, in the case of these Lahore conspiracy prisoners, they have been in jail for nearly 17 years now. Even an ordinary convict or a felon sentenced to transportation for life would have been released much earlier. But in the case of these patriots, although they have served their sentences, still the Local Government have thought fit to order detention after the war has been over.

In conclusion, I submit to the House that the day of reckoning of Honourable Members opposite is not far off. The Government might go on detaining us without trial, they might do as they please. They might exercise the weight of their nominated block to thwart the wishes of the elected representatives of the country, but the day is not far off when they will have to regret the course they have been following. My submission is that the wisest policy will be to withdraw this ordinance and to release these detenus. If however the Government think they have sufficient material against them, then let them prosecute the detenus in a court of law. I am sure these detenus will be prepared to suffer the consequences, if they are found guilty. With these words, I move the House do now adjourn.

Mr. Chairman: Motion moved:

"That the Assembly do now adjourn."

Sree Satyapriya Banerjee (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I rise to accord my wholehearted support to the adjournment motion which has just now been so ably moved by my Honourable friend, Mr. Saksena. If, Sir, there is one matter more than any other which is agitating the minds of the people of this country, and I may add, also the Government though from a different angle, it is the question of the further detention of the persons detained without trial. This question has been engaging the attention of the Congress since the days of the arrest and detention of the Natoo brothers. Since 1897, when as a result of the Rand murder the Natoo brothers

were arrested and detained, the Congress has been fighting for this cause. It is, Sir, a matter of curious coincidence that I, as a member of the Bengal Legislative Assembly delivered my last speech there on a similar motion tabled by myself, namely, the release of security prisoners in Bengal. This is my maiden speech here today and the subject matter relates to the same question. Shortly after I delivered the speech on the floor of the Bengal Assembly, I fell a victim to the Defence of India Act and Rules made thereunder, a "lawless law" as has been described by an eminent jurist of the land, a standing reproach to this Government and a blot on the statute book, a law which is a negation of liberty, for the maintenance and furtherance of which all Governments are supposed to exist. Today I am appearing before this House to plead for the same cause viz., the discontinuance of further detention of my comrades in freedom battle. May I hope, that just as I was spirited away shortly after the delivery of that speech, the Honourable the Home Member will go the other way round and see his way to release my comrades in detention in jail?

Sir, the legal aspect of detention has received very serious attention of the country at large. Rule 26 of the Defence of India Rules under which all the detenus were detained—they were called security prisoners—had been declared *ultra vires*. Then came the Validating Ordinance which was again questioned in a court of law. Then to cover all came Ordinance No. III of 1944 to validate all illegalities and irregularities committed by the arbitrary and irresponsible executive of the land. The Defence of India Act and the rules thereunder for which Ordinance III of 1944 has been substituted have been, as my Honourable friend has just reminded the House, an emergency measure. The emergency of war came and went but the Defence of India Act and the rules go on for ever, as if for the defence of the British Empire in India. It is a crying shame on the part of this Government that even after the war has ended the powers that be have been continuing the provisions of the Defence of India Act and the rules made thereunder and Ordinance III of 1944. What is really the offence for which my comrades in freedom's battle have been detained? Is it simply because they love their country? Is it simply because they form that heroic band of patriotic men who can with heads erect say, "Give me liberty or give me death"? Is it because they want for themselves to breathe an atmosphere of freedom and also to create that atmosphere for all their countrymen? Sir, I know of many cases in which the Government of the day have not played the game. I refer to the cases of the Chittagong Armoury Raid prisoners. Their activities in the Chittagong Armoury Raid which took place on the fateful 16th April 1930 have created history in the freedom's battle of the country. They during their incarceration became wedded to the communist way of thought and they declared from behind the prison bars that the war which was fought by Great Britain was a people's war, a war which was destined to bring freedom to the people of the land; and therefore they asked their countrymen to unconditionally support the war efforts of Government. This fact was taken advantage of by Government and they printed and broadcast pamphlets quoting their point of view. You will be astonished to know, Sir, that not one of the Chittagong Armoury Raid prisoners has been released, though it was as a result of their opinion that many of the revolutionaries decided to support the war which in their view was a people's war but which in the view of the Congress was an imperialist war to the very core. It is said that the Government of India, save in a very few cases, have no responsibility in the matter, but I cannot conceive how the Government of India can absolve themselves of their responsibility with regard to those who are detained under their orders or under orders of the Provincial Governments if they do not repeal this Ordinance III of 1944. That Ordinance has given power to the Provincial Governments to arrest and detain people without trial. So long as that Ordinance is on the statute book Government cannot divest itself of its responsibility. I know and I am constrained to say, Sir, that my appeal and whatever I say will fall on deaf ears of Government and I am reminded of the memorable words of Burke, uttered on a memorable occasion, "Patience is exhausted, reason is fatigued, experience has given judgment but obstinacy is not yet conquered". Sir, I have done.

Several Honourable Members: We want to hear the Government case now.

The Honourable Sir John Thorne (Home Member): Sir, I expect my Honourable friends want me to present a target to them rather than to present the Government case, but still I do not wish to hang back when they want to hear what I have to say. I must decline the invitation of my Honourable friend the Mover to take any responsibility for persons detained under orders of the Provincial Governments. The Ordinance confers powers of detention both on the Central Government and on the Provincial Governments and in practice those powers have been separately used and enforced. I do not want to be misunderstood about that. There has of course been consultation between the Central Government and the Provincial Governments as to the policy under this Ordinance. That consultation is necessary; it is of the first importance to the Central Government to have the advice of the Provincial Governments on all matters relating to public order; and there are cases when it is equally of use to Provincial Governments to be told by the Central Government what they propose to do in respect of the areas immediately under their control. That consultation took place at various stages and it took place immediately the war ended. I quite agree with Mr. Saksena that the end of the war produced a new situation. It certainly produced a new situation; that was recognised immediately at the Centre and the Provinces were consulted as to the effect that the new situation should have on the policy hitherto followed under Ordinance III. Now, Sir, the policy agreed on between the Centre and the Provinces was to release persons detained under Ordinance III as quickly as was reasonably and safely possible. That was a policy agreed soon after the end of the war, and I can claim that that is the policy that has been followed in the succeeding months. I hope I have made it clear that I do not take the responsibility for the administration of the Governors' provinces; but I have figures from those provinces which I will quote in support of my case that we have proceeded as quickly as was reasonably and safely to be expected with the release of detenus.

Now, Sir, in the Governors' provinces in August 1945 when the war ended the number of persons detained under Ordinance III was 6,816. That number has now fallen—my latest figures are, I think, for the 15th January—to 3,109.

Several Honourable Members: Shame!

The Honourable Sir John Thorne: My Honourable friends cry "Shame".

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadian Rural): It is worse than shame; it is a disgrace.

The Honourable Sir John Thorne: May I explain a little what that figure represents? 3,109 is the total figure. Of those by far the greater number—over two-third—are Hurs detained by the Government of Sind. Well, Sir, the Hurs are not my business, and I have not made a special study of their doings. But it is common knowledge that for years, and especially of recent years, this faction in Sind has pursued a course of lawless and extreme violence—murder, dacoity, maltreatment of all kinds, finally the derailment of passenger train, those are all to the credit of the Hurs.

Diwan Chaman Lal (West Punjab: Non-Muhammadian) Why don't you try them?

The Honourable Sir John Thorne: Not only have they committed those crimes but they have created situations, I understand, in which it was impossible to get a conviction against any Hur. Witnesses were intimidated and witnesses were murdered. That has been going on for many years.

Sardar Mangal Singh (East Punjab: Sikh): What is the number of Hurs detained?

The Honourable Sir John Thorne: The number of Hurs detained at the present moment is 2,506. But what I wish to point out is that not only are they not my business, but they are not the business of this House. I myself shall not be a party to any decision or vote of this House which amounts to a vote of censure on the Sind Government for their treatment of the Hurs or a

demand that they shall immediately release the Hurs whom they are now detaining. (Interruption.) So much for the Provincial Governments.

For the Central Government, the corresponding figures are very modest. In August 1945 there were 22 persons detained under the orders of the Central Government. At the present day there are three. In the Chief Commissioner's Provinces, which, of course, are generally, with the exception of Baluchistan, under the control of the Governor General in Council, the number in August 1945 was 17, and the number is now one. Let me repeat those figures, gentlemen, because they are figures for which I am responsible.

Prof. N. G. Ranga: Does this number include Jai Prakash Narain?

The Honourable Sir John Thorne: Certainly, it does. The number was 22 in August 1945 under orders issued by the Central Government. The number is three now. The number in Chief Commissioner's Provinces in August 1945 was 17, and the number is now one. (Interruption.)

Diwan Chaman Lall: Who are these three?

The Honourable Sir John Thorne: May I ask that I may not be interrupted as I have very short time at my disposal. If my Honourable friends would wait, they will know everything.

An Honourable Member: The Honourable Member may have five minutes more.

Mr. Chairman: Will the Honourable Members just listen.

Diwan Chaman Lall: Mr. Chairman, it is a very important matter . . .

Mr. Chairman: But I cannot extend the Honourable Member's time.

Diwan Chaman Lall: We do not want extension of the time. We want the information.

The Honourable Sir John Thorne: The total for British India in June 1943 was 14,500. As I have said, in August 1945 that total dropped. The total for the whole of British India, including the portions for which I am responsible, was 6,855 and on the 15th of January of this year the total is 3,113.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Are they ordinary criminals or patriots?

The Honourable Sir John Thorne: I was not proposing to conceal from this House what as a matter of fact every Member of this House knows already, namely, the names of the four persons detained under orders either of the Central Government or of Chief Commissioners. Their names are:

Jai Prakash Narain,
Ram Manohar Lohia,
Sardar Sardul Singh Caveeshar, and
Krishna Nair.

In the last few days I have myself seen each of those four persons. I conversed freely with them. I should like here and now to say that I am indebted to them for very full and frank discussion and the courtesy with which they received someone whom they may not have been expected to regard with very great affection, and generally for the light I received from them on the questions which I have to consider in regard to detenus.

Prof. N. G. Ranga: They did not look dangerous.

The Honourable Sir John Thorne: As regards our discussions I should prefer not to go into what was said in any great detail. I would prefer to wait. They spoke frankly to me; I spoke frankly to them. I should perhaps be taking an advantage of them if I said what they said to me when they cannot say what I said to them. But I questioned them in particular on their attitude to violence as a political method and as to their views on the present political situation. I received from them very interesting answers to the questions I put on those subjects, and I have no doubt that they gave me their confidence. They made no secret of their views, and I have no reason to suppose that they set out to mislead me.

Mr. M. Asaf Ali (Delhi: General): Are they to be detained for their views? Is that the principle of the Government?

The Honourable Sir John Thorne: As regards the present position of these four persons, it is that the orders under which they are at present detained have still some months to go. I think June and July are the months in which those orders would, unless previously cancelled, expire. I do not propose to stand on those dates. It was only a few days since I saw these gentlemen and the matter which I am now considering is whether there is any good reason in respect of any of them for anticipating the dates which would terminate the orders under which they are at present detained. One thing I will say on that, and that is that I should not feel myself justified in forming a decision without consulting certain Provincial Governments. I do not think I need give reasons for that. Briefly, the reasons are that at any rate three of these persons are residents of areas which are not under the direct administration of the Government of India, and it is right and proper that the Governments of those areas should give their views on the question of release of these persons.

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Did you consult these Governments when you detained them?

The Honourable Sir John Thorne: But I wish to make this quite clear—that the responsibility is that of the Government of India. The Government of India will not take shelter under the Provincial Governments any more than we expect Provincial Governments to take shelter under the Government of India. The responsibility is here. I am aware of the weight of it and I would ask this House to give the Government and myself, in particular, credit for giving very earnest consideration to the questions which have now to be considered.

Mr. Krishna Chandra Sharma (Meerut Division: Non-Muhammadan Rural): I support the motion on three grounds, namely—

That the law under which people were arrested and detained was a bad law. It was a law against the canons of justice and fundamentals of criminal jurisprudence.

That the law, bad as it was, was abused.

That it is unnecessary and without any justification to keep the people under detention after the emergency, if there was any, has ceased to exist.

The law under which these people were arrested and detained was rule 26 made under Defence of India. This rule empowered the Government to detain innocent people in prison without trial. That was a bad law. It was declared *ultra vires* of the powers of the Governor General by the highest tribunal of the land. Now, in fairness and justice—if a subject people can expect justice from a foreign rule—the Government should have released the detenus after rule 26 was declared invalid. But what did the Government do? The Governor General issued an ordinance 14 of 1943 validating orders of detention made under rule 26 of Defence of India Act. This is shocking to sense of justice. It is arbitrary and unjust. It is tantamount to this. I, Governor General made a law. That law was bad. I arrested and detained you Mr. X under that bad law. Now, though the law no longer exists I still order you, to be detained Mr. X because I have the Sovereign power. This is, I submit, a crime against law. The history of criminal statutes has no parallel to this. Such a monstrous thing is unknown in law. Thus the innocent people were deprived of their liberty without any reason whatsoever and the tragedy is that some of them are still rotting behind the prison bars. Considering the jail conditions in this country, it means they are being killed by inches.

Then again, the old obnoxious law has been repeated in Ordinance III of 1944, validating detention orders passed under the no-law rule 26. Things have changed. The world is changing. But this mighty Government will not change. Right and wrong are conceptions foreign to its way of thinking.

That was not enough. Even that bad law was ignored. The law was abused. If a bad law can be abused, the police constable rule was the result.

Any one could be sent to Jail and rot there only if it pleased a police constable to point out his figure at him. The misfortune of people was utilised by the police to make their fortune. I know of a case in which certain very big people who contributed large sums to the War Funds, somehow, displeased the local sub-Inspector—these big people, faultlessly loyal though they were, were sent to prison and detained there. They made representations to the local Government. The District Magistrate visited the Jail. They told their story to him. "Oh, You have been disloyal to your people", was the jocular remark by this District Magistrate. After the long correspondence between certain big people on behalf of these unfortunate detenus and the Government these people were released. But again the angry police officer stepped in and these unfortunate big loyal subjects of His Majesty were sent again to their old prison barracks. When the District Magistrate again visited the Jail and was approached in the connection he replied "Well my friends, I am helpless. It is the police constable that rules. It is the police that are responsible. If I intervene, my action would be suspected and I might be shifted to the postal department". Sir, it is said by an eminent English Judge "It is a hard thing to oppress law, to oppress people". Here law has been murdered to murder people.

The Honourable Member has said "only a few persons are detained". You have no business to curtail the liberty of even one single individual. It is no argument to say that the number is dwindling. It is a continuous wrong. I submit these persons should not have been arrested and detained, under the circumstances they have been detained. It is futile to say that there are bad reports against them. Where did the reports come from? From the Police Constable. Reports can be against anybody, and anybody can be accused of anything under this rule. If you have anything against these detenus, why not prosecute them in a court of law? Their case would be decided by a competent court of justice. Let them have a judicial trial. If any of them has committed the crime alleged against him he will rightly suffer the deprivation of his liberty and undergo the punishment provided by law. But to keep people under detention for indefinite period on police reports is something unknown in any civilised country. It is not permissible in law and is outrageous to the sense of justice.

This continuous detention in prison as I said before is against sense of justice and humanity. It has no sanction in morals or in law. As I submitted you can curtail the liberty of the individual for two reasons. For the safety of the State, and for the protection of an individual and property. Now in regard to the safety of the State, I submit the War is over and no emergency exists. This mighty Government need have no fear from a number of unarmed men. These persons are not resourceful enough to raise an armed revolt against the State. This powerful Government has existed against our wishes and despite our will to the contrary. If we could throw it off, we would have done it long ago. It is ridiculous to suggest that any danger would be expected from the persons under detention, either to the State, or to the individual. There is no Indian so debased who will suggest any justification of the detention of these innocent persons. So, I submit there is no reason why these people should be detained. They should never have been detained and the sooner they are released the better it is for all.

Mr. Abdur Rahman Siddiqi (Calcutta and Suburbs: Muhammadan Urban): Sir, I do not desire to detain the House long but after listening to the speech of the Honourable the Home Member I was wondering whether I was sitting in a place where policies or decisions of the rulers of India were being explained. Mr. Chairman, after the action of the Commander-in-Chief in the matter of the Indian National Army I consider that the Home Department of the Government of India have no legs to stand upon. If these I. N. A. men could be liberated so easily, no argument on earth can convince me of the fact that the Government of India is really acting legally and reasonably for the safety of British India by detaining these four men.

[Mr. Abdur Rahman Siddiqi.]

Sir, the Honourable the Home Member wanted credit from us for the very generous manner in which he has brought down 22 to 3 and 17 to 1. I am ready to acknowledge that kindness. I wonder why he stopped at a mere four and not reduced it to *nil*. Had he done that there would have been no adjournment and our time would have been used to a better purpose. But, Sir, when a Government of India man tries to throw the responsibility on a Local Government, the Local Government people say "We are helpless in this matter. A telephone message has come direct from Delhi to the Governor and, therefore, we have got to obey our masters in Delhi". This has not happened once, it has not happened twice but it has happened dozens of times. When the Government of India, whether it be in Delhi, whether it be in Patna or whether it be in any other place in India uses the telephone and commands these Local Governments to behave as commanded, Mr. Chairman, I shall not be convinced of the fact that there is anything in the nature of Provincial Autonomy. When I go to the Governor in my Province he sends me to Delhi and when I come to Delhi I receive the type of answer that was given today by the Home Member.

Sir, his whole case falls to the ground, when he unfortunately introduced the Hurs in his arithmetic. Special tribunals were set up and army orders to pound those people into atoms were issued in a manner which the Sind Government dare not take up. Sir, men, women and children were pounded by aeroplanes, armies surrounded these poor Hurs. It is so easy to give a dog a bad name and then to kick it. Are the Hurs not human beings? Are the Hurs not people who deserve kindly treatment at the hands of Government? Even if the Local Government misbehaved in this matter it was the duty, not perhaps of the present Home Member but of his predecessors, to see that the Sind Government did not perpetrate inhumanities of a type which only the war-mentality could generate. Mr. Chairman, in spite of atom bombing in Japan and in spite of peace talks that we hear so much about, the Hurs are being treated not in a human manner. Sir, whole tribes and whole people are going to be translated from Sind. I do not know in which part of India,—where this terrible hand of the Government of India will allow them to live in peace and quiet.

An Honourable Member: In the Andamans.

Mr. Abdur Rahman Siddiqi: Sir the word "Hur" means one who is free or a lover of freedom. These people, Sir, have suffered at the hands of the British Government in Sind for years which need really a good counting. At one time there was Bachal and Bachal was called Bachal Badshah and he made the police and the army in Sind dance a good deal. Ultimately he was caught and hanged. Are the Hurs really a people with traces of insanity or madness in their makeup? Why do they behave as they have done? Because, Sir, the iron hand of the Government and its agents have made life impossible for them. The Pir of Pagaro was supposed to be their religious head and he too was not allowed to take care of his flocks and the result was that he had to pay the extreme penalty. I am not here standing to defend the Pir or any of his agents but I do appeal to the Honourable the Home Member to show a bit of mercy, a bit of kindness and where he will consider the cases of these four men who have perhaps given him some reasons, some cause to reconsider their cases, may I appeal to him on behalf of these poor Hurs, whom he will not go to see?

He will perhaps send a tapedar or a sub-inspector of police who will, with the mighty arm of the Government behind him, kick these poor people. If he can send a committee of this House to go and talk to these Hurs, I am absolutely certain that all the nonsense being published about these Hurs will be proved to be real, true and utter nonsense. Ordinary zamindars—*haris* as they are called in Sind—it is the tapedar who allows water from the canal to go into the fields; it is he who makes the poor agriculturist commit even murder because it is a question of Rs. 5 or Rs. 10 which he cannot afford; and if he does not pay the amount, his lands are not watered and he may have to die for want of food. It is these smaller things in the lives of these agriculturists which make them do things in a manner which may not be acceptable to the Honourable Home Member and his Department. I have, therefore, to appeal to the Department, which has tried in these last few

days to gain the confidence of the four gentlemen whose names were given. June and July may be anticipated, as he said. I hope when he goes back home today, he will issue an order allowing not only these four but all the others in the rest of India including the Hurs to be let free. If they commit any crime, if they commit any offence under the Indian Penal Code, let the ordinary law of the land take its course. The Honourable Member from Bengal talked of the Natu Brothers and the others who were detained under that terrible piece of legislation—Regulation III, and its many offsprings later on in the shape of these ordinances and these terrible laws. I hope they will all go on the 1st of April, if not earlier; but you will readily understand that a member of the Bengal Legislative Assembly who might have been minister for the Home Department in Bengal was spirited away within twenty-four hours of his becoming that minister. That, Sir, to my knowledge, was arranged on the telephone. If I am asked, how did you know, I shall deny the information. But I stand before you and declare that wherever the Government of India wants a thing done, it can get it done; and the Honourable the Home Member, I hope, will see to it that every Indian kept in prison, kept in custody without the law coming into it, shall be freed and then let them go to court and even if the court sends them to jail, I hope they will imitate the policy of the Commander in Chief and let them go home.

Mr. M. R. Masani (Bombay City: Non-Muhammadian Urban): I am afraid, Sir, that, in rising to address this House for the first time on the spur of the moment, I am being guilty of an indiscretion. I hope the House will be kind to me.

At the outset, I would like to associate myself with much of what has fallen from the lips of the Honourable Member who spoke before me—all of it, in fact; I refer in particular to his remarks about the Hurs. I am glad that he has taken exception to the Home Member's attitude of regarding the Hurs as outside the pale of Indian humanity. The Home Member thought it right to say that the Hurs are not our business—not the business of the Government of India, nor the business of this House. As far as I am aware, the Hurs are Indians, and every Indian is our business; and therefore I am sure this House will not accept any proposition which attempts to separate from the main body of this nation a section which, if they are ruthless on the one hand, are brave on the other, which, if they are backward in their methods and in their education, have yet shown qualities of courage, resistance and determination of which we are proud.

Turning to the narrower issue of the four gentlemen who are the prisoners of the Central Government, I have the honour to be acquainted with all of them. If I do not refer to all of them today, but only to one of them in detail to show what kind of men are being kept without trial, it is because the person to whom attention will be drawn by me stands as a symbol in a way of all that is finest in this nation,—I refer to Jai Prakash Narain. The Honourable the Home Member mentioned that in the course of his friendly and frank discussion with these four persons, he questioned them as to their attitude to violence. It strikes me at the outset that the claims of the Honourable Member to question anyone about violence are themselves open to question. Honourable Members on the Treasury Benches represent a system whose hands are literally soaked in blood. They have come very recently out of the most futile and bloody war that this universe has ever seen. They have indulged in mass slaughter on both sides. Does it lie in their mouths to question any one as to whether he believes in violence or not? If Jai Prakash Narain were to believe that resort to force is the only way in which to free his country, then certainly it does not lie in the mouth of the Honourable Member to question that right of his to resort to force. Mahatma Gandhi may have that right. Those who believe in and preach and practise non-violence may have that right. But those whose whole career as an empire, as a nation, is rooted in force and violence certainly have no right to ask that question. Some years ago, in connection with Jai Prakash Narain himself, Mahatma Gandhi had occasion to say that you, whose heroes are Clive and

[Mr. M. R. Masani.]

Warren Hastings, you have held out to young men throughout the world these models to follow. If today any Indians turn to the example of Clive and the methods of Clive, it is you who are responsible and nobody else.

Let me, if the Honourable Home Member will give me five minutes' attention, try to tell him what kind of a man they are holding in prison. His patriotism is known to every one in this country; but what is not so much known is his mildness, his gentleness and his kindness. Jai Prakash Narain would not hurt a fly if he could help it; and I say this on the basis of more than ten years of the closest acquaintance and friendship and of working with him in common for many years of that time. His sterling character and, his intellectual integrity are also known to those who have come to know him. One point I would specially make is this: if there is one man in this country who stands today for a democratic transition to a socialist order of society in India, it is Jai Prakash Narain. You gentlemen, whose principal Government in London today claims to be socialist, are guilty of creating a situation, an ironical situation, where, with a socialist government in office and power in England, you keep in prison here without trial the very man who in this country would try to lead this nation, democratically and humanitarially, towards the objective of socialism. Jai Prakash Narain's socialism is not the so-called socialism of the Russian Government or the Soviet Union. It is not a socialism which is prepared to indulge in ruthless and bloody methods. If the Honourable the Home Member will permit me, I shall present him with Jai Prakash Narain's Picture of a "Free India," which was published at the time of the Ramgarh session of the Indian National Congress. That picture envisages a democratic form of society in India where all classes would be allowed to exist, where no violence will be done even to the exploiters and the vested interests, where the masses of the people will come into their own by peaceful, democratic and non-violent methods. Mahatma Gandhi gave his blessing to that picture on the ground that, along with him, Jai Prakash Narain also contemplated non-violent social changes. This is the man who, by implication, it has been suggested to us, is guilty of violent methods. The irony of the situation is quite clear. It is based on the anomaly of a socialist Government in Britain keeping socialist leaders in India behind prison bars. If Jai Prakash Narain is dangerous, then some of us on this side of the House are dangerous also.

Prof. N. G. Ranga: Every one of us.

Mr. M. R. Masani: And, Sir, what is more. Every young Indian who feels for his country, who resents the poverty and the degradation in which our masses today are living, is also a very dangerous man. I make bold to say that if Jai Prakash Narain, Ram Manohar Lohia, Sardar Sardul Singh Caveeshar and Krishnan Nair were released, their mellowed leadership will have a wholesome effect on thousands and thousands of hot-headed, impetuous and impatient young men who, if they are not released, will be even more dangerous in their time.

Sardar Mangal Singh: Sir, I rise to support the motion before the House. I congratulate the previous speaker on his very brilliant speech and the capable manner in which he has put the case. I do not propose to take up much time of this Honourable House. I wish to refer to one or two points for the attention of the Government of India. The Honourable the Home Member has given us some light about the figures of the prisoners who are being detained in jail. In 1943, the number was over 14,000. By November 1945 it came down to about 7,000 and now if we exclude the Hurs the number is less than 600. Out of this, the Government of India prisoners are only 4. When we knew that Ordinance No. III is being issued, we thought that within the next six months most of the prisoners would be released but by experience we found that the six months period was only a hoax, because after six months the orders were renewed as a matter of course and what difference does it make whether you detain a person for four years by passing an order at one time or you detain

him for four years by passing 8 similar orders. In this manner the Government of India have been continuing, for the last two years and more, many prisoners in jail. Of the four persons, I should like particularly to point out the case of one person whom I know very closely for a long time. Sardar Sardul Singh Caveeshar was arrested in the beginning of 1942 and it is now four years since he is kept in detention. We have been making complaints to the Provincial Government and to the Government of India that he is being kept in a very unhealthy place. He is suffering from rheumatism and he is being kept at Dharmsala where cold and rains have aggravated the trouble. I personally know that many non-official visitors, and also the District Magistrates of that place have recommended to the Punjab Government that Sardar Sardul Singh Caveeshar should be transferred from that place. Not only that. Two Civil Surgeons of this district have successively recommended to the Punjab Government that the climate of that place does not suit Sardar Sardul Singh's health and that he should be removed from that place. One civil surgeon has recommended that he should be given diathermal treatment which is not available at Dharmsala. In spite of the recommendations and representations of the persons concerned, the Punjab Government did not move and when we approached the Punjab Government they said—'we are helpless, he is a prisoner of the Government of India'. I entirely support the remarks made by my Honourable friend Mr. Siddiqui that we have to run between Lahore and Delhi and we do not get any satisfactory answer either at Lahore or at Delhi. I most emphatically protest against this attitude of the Government of India and the Punjab Government. When we go to the Punjab Government, we are told—'you must go to the Government of India'. When we come here, the Honourable the Home Member says—'Although I accept full responsibility, I have to consult the Provincial Government'. Now, a number of newspapers have openly and repeatedly said that the Punjab Government is willing to release him. I have personal knowledge of that and I have had personal talks with the Premier of the Punjab that he does not want to stand in the way of his release but it is the Government of India which is standing in the way. When we come here and face the culprit, the Home Member, he says I may be able to issue the orders but I have to consult the Government of the Punjab. I most strongly protest against this shilly-shallying and this sort of attitude on the part of the Government of India.

I wish to make mention of two more facts. One is that so far as the Government of India prisoners are concerned, it is not the duty of the Government of India to see that their prisoners are properly fed and are suitably kept in a proper place. The Government of India say—'our responsibility is to issue orders for the arrests and after that nobody knows what happens to them'. I put it to the Honourable the Home Member—does he know that of these four persons Sardar Sardul Singh Caveeshar and Mr. Jai Prakash Narain were kept in the Lahore Fort. And what is that place? It is neither a judicial lock up nor a police lock up. There are no rules which govern the conduct of the Police officials or which govern the day to day life of the prisoners there. We have been trying to find out the rules of the Lahore Fort and we have not been able to know so far. I hope the Honourable the Home Member will look into this matter. Those persons who have come out of the Lahore Fort have given harrowing details of persecution and third degree methods adopted there. We have recently heard the stories of two young men belonging to the families of the Leader of the Opposition. These young men narrated harrowing details of physical persecution and third degree methods used by the Punjab police. I put it to the Honourable the Home Member whether it is not his duty to see that those prisoners are kept at least according to some standard of human living. They do not care. When we point out any difficulty to the Government of India, they refer us to the Punjab Government.

I do not know to what place Sardar Sardul Singh Caveeshar has been sent from Delhi. If he has been sent back to Dharmsala, I would request the

[Sardar Mangal Singh.]

Honourable the Home Member to look into the papers and the file of that place. And if he does not find it possible to issue orders for his release immediately, at least he should be transferred from that place to a place where he could be properly treated medically. I know personally that he is suffering from a serious disease. If his disease is not attended to immediately, it may be dangerous for him afterwards. About the release, the Home Member has very kindly said, if I understood him rightly, that the orders issued now will not be renewed in the case of these four prisoners. I hope I am correct.

The Honourable Sir John Thorne: I did not say that.

Sardar Mangal Singh: I am glad that the Home Member has cleared the point.

The Honourable Sir John Thorne: On a point of personal explanation. The question was whether I had said that. The answer is that I did not say that. I am not entitled to speak again.

Sardar Mangal Singh: I understood him to say that the orders issued now may be anti-dated but will not be prolonged. I am glad that impression has been removed. So, it is just possible that these four prisoners including Sardar Sardul Singh Caveeshar, Jai Prakash Narain, Dr. Ram Manohar Lohia and Mr. Krishna Nair, may be kept even beyond June and July. If that is the position, then the Government of India deserve very strong censure not only today but every day till the last prisoner comes out of jail. This Government cannot understand the sentiments and feelings of the Indians when they continue to keep most of their leaders in jail indefinitely. I put it to the Honourable the Home Member that all the leaders of the Forward Block, including my Honourable friend the Leader of the Opposition and others, have been released and I want to know particularly why Sardar Sardul Singh Caveeshar has been selected for this discriminatory treatment. I know Sardar Sardul Singh Caveeshar personally. He is very well respected and intellectually he is a very great man. He has written several books. He was a member of the Congress Working Committee, which is the highest honour for any Indian and at the time of his arrest he was the acting President of the Forward Block. He is greatly respected by the people of my province and I hope the same is the case all over the country. Any time during which Sardar Sardul Singh Caveeshar is kept in jail is bound to embitter the feelings of the people against the Government. I would request the Honourable the Home Member to review their cases and to issue orders immediately. What reason can there be to detain Sardar Sardul Singh Caveeshar any further? If he comes out, will the British Empire fall or will the Heavens come down? The Government of India's attitude is entirely revengeful and vindictive in keeping that eminent gentleman any longer in jail. Sir, I support the motion.

Shri Sarat Chandra Bose (Calcutta: Non-Muhammadan Urban): Sir, shortly after the enactment of the Defence of India Act and the promulgation of the rules thereunder, speaking from my place as the Leader of the Opposition in the Bengal Legislative Assembly, I said that the Defence of India Act and the rules made thereunder were not made for the defence of India's freedom but were made for the perpetuation of India's slavery. Events that have followed one after another in quick succession since the year 1939 have, I venture to say, justified my remarks to the full. The same remarks apply with equal force to the ill-born and, shall I say, the ill-bred successor of the Defence of India Rules; I mean the Restriction and Detention Ordinance of 1943.

Let us examine for one moment what has been and is being done. The Federal Court decides that a particular rule of the Defence of India Rules is illegal and *ultra vires*. But the perpetuation of India's slavery demands that the same rule in another form should be promulgated, and in comes the Restriction and Detention Ordinance. The Calcutta High Court declares that a particular rule of the Defence of India Rules is illegal and *ultra vires* and that certain detentions under that rule cannot possibly be supported. At once, the same day or the next, order is served on the prisoners, whose release is directed by the

Calcutta High Court, under that rusty, old Regulation, Regulation III of 1818. That is why I say today that whether it is the Defence of India Rules or whether it is the Restriction and Detention Ordinance of 1943, all such and similar rules and ordinances were made and continue to be enforced in order that India's every might be perpetuated. Take, for instance, the cases of three well-known patriots of India—Sardar Sardul Singh Caveeshar, Satyaranjan Bakshi and Jai Prakash Narain, to mention only three out of a host of others. What civilized government in the world can possibly think of keeping such persons in detention? If they had been guilty of any crimes, they ought to have been put up before the courts of law.

It was said at the time these rules and ordinances were promulgated that they were meant for the duration of the war and six months thereafter. The war has come and gone but the detentions continue and one does not know how long they will continue. The same relentless policy is being pursued for the last six years. If, in response to the notice which was given by my Honourable friend Mr. Saksena, the Honourable the Home Member had got up in this House and said, "Well, the Government of India are prepared to release these men", such an action would have had some grace. But the Government of India seem determined to fill the cup of bitterness to the full. Let them do it; let them do it; let them do it. We are prepared for it. We know that as long as a single man like Sardar Sardul Singh Caveeshar, Satyaranjan Bakshi or Jai Prakash Narain is in jail, the place of every honest and patriotic son of India is in jail. As long as they are in jail, the Government which is represented on the Benches in front of me, stands convicted of crime, of crime against human society, of crime against law and of crime against justice. I know the Government speaks of law and order; but it is their law and their order. I know—and I heard the Honourable the Home Member saying so few moments ago—that their policy is to release prisoners as soon as possible, as soon as it is consistent with public safety. Public safety, as described by the Honourable the Home Member or the Government whom he represents, is not the safety of India; it is the safety of the Imperialist Government which is dominating India. That is not public safety. Take a plebiscite, if you like, today. I challenge you to do it. The public safety of India will demand that each and every person who is now in jail should be released. That is the public safety for which we stand, not the safety of that diabolical imperialism known as British imperialism compounded of hypocrisy and cruelty, which denies the ordinary elementary rights of man. Public safety, forsooth! I challenge the Government of India to put this matter before the public of India and take their verdict. Will they do it? Have they the courage to do it? The Government have a rusty old weapon in their armoury, and when the courts decide one way, when they decide that a particular ordinance is illegal or a particular rule is illegal, the rusty old weapon comes in very handy.

Then, Sir, the Honourable the Home Member said there was consultation between the provinces and the Centre. I admit I never had experience of executive administration. But I know, I have some idea of the sort of consultation that goes on. It only affords an apology either to the provinces or to the Centre, it only affords an excuse either to the provinces or to the Centre, as the case may be. If you ask a question in a Provincial Assembly, in comes the answer that it is a matter for the Central Government. When you ask a similar question in the Central Assembly at Delhi, comes the answer, "Well, the person is in the custody of the Provincial Government, the Punjab Government, the Bengal Government, etc., etc., and it is a matter left to them". That is why I say these consultations only afford some excuse either to the Central Government or to the Provincial Government as the case may be. But the detention continues. These so-called consultations, shall I say, are consultations between fellow criminals,—between those who have been and who still are guilty, as I said, of crimes against law, crimes against justice, crimes against human society. Well, Sir, consultations go on merrily between fellow criminals and the result is what we know today. Then, Sir, the Honourable the Home Member, said—whether he meant it or not, I cannot say,—in the course of his speech, possibly

[Shri Sarat Chandra Bose]

he said inadvertently but he did make the admission that these people are detained for their views. Well, Sir, it reminded me of something which I had read when I was still within my teens. I read something about Italy under Austrian domination. I remember reading that when Austrian domination was in force, every young man, who was silent and serious, was considered to be dangerous by the Austrian Government and was locked up in prison. Here the Government of India detain people for their views or supposed views. The Austrian Government of course went a little further. Here the Government are wiser than Governments were in those days—Governments which detained young men who were silent and serious for not giving expression to their views. I have not the least doubt however, that by and by when you will not find even the excuse for saying that the views of prisoners are dangerous you will also adopt the Austrian model and detain men young and old who are silent and serious for not giving expression to their views.

Shri Sri Prakasa: Even though I was not serious they detained me.

Shri Sarat Chandra Bose: One admission the Honourable the Home Member made this afternoon and that was that the responsibility lay with the Government of India. Sir, I am extremely beholden to the Government of India for the opportunity they gave me for four long years to read books and newspapers, of course not sent by Government but either purchased by me or sent by my people, except those which were withheld by them on the ground that my education had been on wrong lines, and that it was up to them to try and educate me on the right lines even in my fifty-fifth year—I am extremely beholden to the Government for the opportunity they gave me to read some books and newspapers. I read often and often that when it came to the question of responsibility, the Centre threw the responsibility on the provinces or the provinces concerned threw the responsibility on the Centre. However, one matter has been cleared up this afternoon by the Honourable the Home Member—that the responsibility rests with the Government of India. So, the position today is clear and I am thankful to the Honourable the Home Member for clearing up the position even at this late stage. We know, therefore, that what has been done up till today and what is being done today is in accordance with the policy of the Government of India and it is that policy which has inspired the Provincial Governments as well. What is that policy? It is the policy of detention without trial, the policy of British imperialism for the last 200 years, the same policy which has continued, at any rate, ever since 1818. I ask the Government of India to reflect as to whether that is the policy they are minded to pursue still. I ask them to reflect and to give us an answer here and now, whether they are prepared to abandon the naked imperialism of Winston Churchill. I tell them that we know and we feel that it is the same old imperialism that is in force today, only in a parson's cloak. That will not and cannot satisfy India. The Government ought to have learnt that lesson by now. If we have learnt one lesson after these six years, it is this,—that the so-called democracies are myths, that the war which was fought, was a war between two rival Fascisms, that whether it was Germany and Italy on the one hand or British and America on the other, it was a war between two rival Fascisms, it was an attempt to fashify the whole earth, only with this difference that the one set had Adolf Hitler as their Fuhrer and the other set had Roosevelt, or Churchill or his successor Clement Attlee as theirs.

Several Honourable Members: The question may now be put

Mr. Chairman: The question is:

"That the question be now put."

The motion was adopted.

Mr. Chairman: The question is:

"That the Assembly do now adjourn"

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 24th January, 1946.