

EAST INDIA (CRIME).

THE BURMA CRIMINAL LAW AMENDMENT ACT, 1931

*Passed under the procedure prescribed by Section 72E
of the Government of India Act.*

INDIA OFFICE, } S. F. STEWART,
6TH JULY, 1931. } Under Secretary of State for India.

(Presented pursuant to the Government of India Act, Section 72E (3).)

*Ordered, by the House of Commons, to be printed,
6th July, 1931.*

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EAST INDIA (CRIME).

No. I.

DESPATCH FROM THE GOVERNOR-GENERAL TO THE
SECRETARY OF STATE FOR INDIA, DATED 14TH MAY,
1931.

The Burma Criminal Law Amendment Act.

SIR,

I have the honour to forward herewith an authentic copy (Enclosure No. 2) of the Burma Criminal Law Amendment Act, 1931, which in accordance with the provisions of sub-section (2) of section 72-E of the Government of India Act, I have reserved for the signification of His Majesty's pleasure.

The circumstances which necessitated the enactment of the law are those which necessitated the making and promulgation by my predecessor of the Burma Criminal Law Amendment Ordinance, 1931, on the 31st January, 1931. Those circumstances were set out in a statement issued by my predecessor at the time and published in the Gazette of India. A copy of that statement is sent as Enclosure No. 4 to this letter. The period for which that Ordinance had the force of law being limited to six months by the provisions of section 72 of the Government of India Act, it was essential that an enactment of the Local Legislature should be passed to take its place before the expiry of this period. Accordingly a motion was made in the Burma Legislative Council on the 14th February, 1931, for leave to take the Bill into consideration, the same having been previously introduced by publication under rule 18 of the Burma Legislative Council Rules. The endorsement printed at the head of the copy of the Bill (Enclosure No. 1) as proposed to be reintroduced in the Burma Legislative Council shows that His Excellency the Governor made a recommendation to the Legislative Council in respect of the Bill. The endorsement made below the same copy of the Bill shows that the Legislative Council rejected that recommendation and thereby failed to pass the Bill in the form recommended by His Excellency. The endorsement at the head of the authentic copy of the Bill (Enclosure No. 2) shows that His Excellency certified that the passage of the Bill was essential for the discharge of his responsibility for the provincial reserved subject described as "Administration of Justice" (item 17 in Part II of Schedule I to the Devolution Rules). Thereafter His Excellency placed his signature below the authentic copy of the Bill (Enclosure No. 2) in the form in which it was recommended and certified by him. The Bill thereupon became an Act of the Local Legislature

and His Excellency proceeded to make thereunder the endorsement required by sub-section (2) of section 72-E. In pursuance of the same provisions I have reserved the Act for the signification of His Majesty's pleasure and have placed an endorsement to that effect upon the authentic copy of the Act (Enclosure No. 2).

In addition to the enclosures referred to above, copies of the debates of the Burma Legislative Council at its meetings of the 24th February, the 4th and 5th March, 1931, are enclosed (Enclosure No. 3).

I have, etc.,

(Signed) WILLINGDON.

LIST OF ENCLOSURES OF THE GOVERNOR-GENERAL'S LETTER TO HIS MAJESTY'S SECRETARY OF STATE FOR INDIA, NO. 35 OF 1931, DATED THE 14TH MAY, 1931.

1. The Burma Criminal Law Amendment Bill as proposed to be introduced in the Burma Legislative Council.
2. Copy of the Burma Criminal Law Amendment Act, 1931.
3. Extracts from the Debates of the Burma Legislative Council at its meeting of the 24th February, 4th and 5th March, 1931.
4. Statement by His Excellency the Governor-General of the reasons which moved him to make and promulgate the Burma Criminal Law Amendment Ordinance, 1931.

(Signed) G. H. SPENCE,

Deputy Secretary.

Enclosure No. 1.

Whereas the Burma Legislative Council has refused to take into consideration the Burma Criminal Law Amendment Bill (2 of 1931), I recommend that the Bill should be passed in the form below, which is the form in which the Bill was introduced.

C. A. INNES,

Governor of Burma.

5th March, 1931.

BURMA LEGISLATIVE COUNCIL.

THE BURMA CRIMINAL LAW AMENDMENT BILL, 1931.

* * * *

(The text of the Bill as reintroduced is, except for formal alterations, identical with that of the Act which is printed as Enclosure 2).

* * * *

I hereby certify that the Council has failed to pass this Bill in the form recommended by His Excellency the Governor.

MAUNG PU,

President.

5th March, 1931.

Enclosure No. 2.

Under section 72E (1) of the Government of India Act, I certify that the passage of this Bill is essential for the discharge of my responsibility for the reserved subject of the Administration of Justice in Burma.

C. A. INNES,

Governor of Burma.

Rangoon, 25th March, 1931.

BURMA LEGISLATIVE COUNCIL.

THE BURMA CRIMINAL LAW AMENDMENT ACT, 1931.

An Act to supplement the ordinary Criminal Law in Burma.

Whereas it is expedient to supplement the ordinary criminal law 5 & 6 Geo. V, C 61 in Burma;

And whereas the previous sanction 6 & 7 Geo. V, C. 37, 9 & 10 Geo. V, C. 101. of the Governor-General has been obtained under sub-section (3) of section 80A of the Government of India Act to the passing of this Act;

It is hereby enacted as follows:—

1.—(1) This Act may be called the Burma Criminal Law Amendment Act, 1931;

Short title, commencement, extent and duration.

(2) It shall come into force on such v of 1899. date as the Local Government may, by

notification in the *Burma Gazette*, direct;

(3) It extends to the whole of Burma; and

(4) It shall continue in force for five years from the date of its commencement.

2. In this Act, unless there is anything repugnant in the subject or context, "the Code" means the Code of Criminal Procedure, 1898.

Definition.

3.—(1) The Local Government may, by order in writing, direct that any person accused of any offence specified in the First Schedule shall be tried by Commissioners appointed under this Act.

Power of Local Government to direct trial by Commissioners in certain cases.

(2) No order under sub-section (1) shall be made in respect of, or be deemed to include, any person who has been committed under the Code for trial before a High Court, but save as aforesaid an order under that sub-section may be made in respect of, or may include, any person accused of any offence specified in the First Schedule whether such offence was committed before or after the commencement of this Act.

4.—(1) Commissioners for the trial of persons under this Act shall be appointed by the Local Government.

Appointment and Qualification of Commissioners.

(2) Such Commissioners may be appointed for the whole of Burma or for any part thereof, or for the trial of any particular accused person or persons.

(3) All trials under this Act shall be held by three Commissioners, of whom at least two shall be persons who at the time of appointment under this section are serving as, and have for at least three years served as or exercised the powers of, Sessions Judges or Additional Sessions Judges, or are persons qualified under sub-section (3) of section 101, of the Government of India Act, for appointment as Judges of a High Court.

5.—(1) Commissioners appointed under this Act may take cognizance of offences without the accused being committed to them for trial, and in trying accused persons, shall record evidence in the manner prescribed in section 356 of the Code and shall, in other respects also, subject to this Act and to any rules made thereunder follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.

Procedure of Commissioners.

(2) In the event of any difference of opinion among the Commissioners, the opinion of the majority shall prevail.

6.—(1) The Commissioners may pass upon any person convicted by them any sentence authorised by law for the punishment of the offence of which such person is convicted.

Powers of Commissioners.

(2) If in any trial under this Act it is found that the accused person has committed any offence, whether such offence is or is not an offence specified in the First Schedule, the Commissioners may convict such person of such offence and pass any sentence authorised by law for the punishment thereof.

7. The provisions of the Code, so far only as they are not inconsistent with the provisions of, or the special procedure prescribed by or under, this Act shall apply to the proceedings of Commissioners appointed under this Act, and such Commissioners shall have all the powers conferred by the Code on a Court of Sessions exercising original jurisdiction.

Application of Code of Criminal Procedure to Proceedings of Commissioners.

8.—(1) Commissioners trying an offence under this Act may, with a view to obtaining the evidence of any persons supposed to have been directly concerned in, or privy to the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned whether as principal or abettor in the commission thereof.

Tender of pardon.

(2) Where, in the case of any offence for the trial of which by Commissioners an order has been made under sub-section (1) of section 3, a pardon has, before the passing of such order, been tendered to and accepted by any person under section 337 of the Code, the provisions of sub-sections (2) and (3) of that section of the Code shall apply as if the accused person had been committed for trial to the Commissioners.

(3) For the purposes of sections 339 and 339A of the Code pardons tendered under sub-section (1) and sub-section (2) shall be deemed respectively to have been tendered under sections 338 and 337 of the Code.

9. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Act if such person is dead or cannot be found or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance, or incapacity has been caused in the interests of the accused.

Special rule of evidence.

I of 187:

10. The Local Government may, by notification in the *Burma Gazette*, make rules consistent with this Act to provide for all or any of the following matters, namely :—

Rule-making powers of Local Government.

(i) The times and places at which Commissioners appointed under this Act may sit ;

(ii) the procedure of such Commissioners, including the appointment and powers of their President, and the procedure to be adopted in the event of any Commissioner being prevented from attending throughout the trial of any accused person ;

(iii) the conduct of and the procedure at trials, the manner in which prosecutions before such Commissioners shall be conducted and the appointment and powers of persons conducting such prosecution ;

(iv) the execution of sentences passed by such Commissioners;
 (v) the temporary custody or release on bail of persons referred to or included in any order made under sub-section (1) of section 3, and the transmission of records to the Commissioners ; and

(vi) any matter which appears to the Local Government to be necessary for carrying into effect the provisions of this Act relating or ancillary to trials before Commissioners.

11.—(1) Any person convicted on a trial held by Commissioners under this Act may appeal to the High Court of Judicature at Rangoon, and such appeal shall be disposed of by the High Court in the manner provided in Chapter XXXI of the Code.

Appeals and confirmations.

(2) When the Commissioners pass a sentence of death, the record of the proceedings before them shall be submitted to the High Court and the sentence shall not be executed unless it is confirmed by the High Court which shall exercise, in respect of such proceedings, all the powers conferred on the High Court by Chapter XXVII of the Code.

12.—(1) Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person—

Power of Local Government to deal with certain suspects.

(i) has acted, is acting or is about to act in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908 ; or

(ii) has committed, is committing or is about to commit any offence specified in the Second Schedule ; or

(iii) has acted, is acting or is about to act with a view to interfere by violence or by threat of violence with the administration of justice ;

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

(a) shall notify his residence and any change of residence to such authority as may be specified in the order ;

(b) shall report himself to the police in such manner and at such period as may be so specified ;

(c) shall conduct himself in such manner or abstain from such acts as may be so specified ;

(d) shall reside or remain in any area so specified ;

(e) shall not enter, reside in, or remain in any area so specified ;

(f) shall be committed to custody in jail ;

and may at any time add to, amend, vary or rescind any order made under this section.

(2) The Local Government in its order under sub-section (1) may direct—

(a) the arrest without warrant of the person in respect of whom the order is made at any place where he may be found by any police officer or by any officer of Government to whom the order may be directed or endorsed by or under the general or special authority of the Local Government ;

(b) the search of any place specified in the order which in the opinion of the Local Government has been, is being, or is about to be used by such person, for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1).

13. An order made under sub-section (1) of section 12 shall be served on the person in respect of whom it is made in the manner provided in the Code for service of a summons, and upon such service such person shall be deemed to have had due notice thereof.

14.—(1) Any officer of Government authorised in this behalf by general or special order of the Local Government may arrest without warrant any person against whom a reasonable suspicion exists that he is a person in respect of whom an order might lawfully be made under sub-section (1) of section 12.

(2) Any officer exercising the power conferred by sub-section (1) may, at the time of making the arrest, search any place and seize any property which is, or is reasonably suspected of being, used by such person for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1) of section 12.

(3) Any officer making an arrest under sub-section (1) shall forthwith report the fact to the Local Government, and may, by order in writing, commit any person so arrested to custody pending receipt of the orders of the Local Government ; and the Local Government may by general or special order specify the custody to which such person shall be committed :

Provided that no person shall be detained in custody under this section for a period exceeding fifteen days save under a special order of the Local Government, and no person shall in any case be detained in custody under this section for a period exceeding one month.

15.—(1) The Local Government and every officer of Government to whom any copy of any order made under section 12 has been directed or endorsed by or under the general or special authority of the Local Government may use any and every means necessary to enforce compliance with such order.

(2) Any officer exercising any of the powers conferred by section 14 may use any and every means necessary to the full exercise of such powers.

16. Whoever, being a person in respect of whom an order has been made under sub-section (1) of section 12, knowingly disobeys any direction in such order, shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Penalty for breach of order under section 12.

17.—(1) Every person in respect of whom an order has been made under sub-section (1) of section 12 shall, if so directed by any officer authorised in this behalf by general or special order of the Local Government—

Power of photographing, etc., persons in respect of whom order has been made under section 12.

- (a) permit himself to be photographed ;
- (b) allow his finger impressions to be taken ;
- (c) furnish such officer with specimens of his handwriting and signature ;
- (d) attend at such times and places as such officer may direct for all or any of the foregoing purposes.

(2) If any person fails to comply with or attempts to avoid any direction given in accordance with the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

18. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence specified in the First Schedule has been, is being or is about to be committed and the seizure of anything found therein or thereon which the officer executing the warrant has reason to believe has been, is being, or is intended to be, used, for the commission of any such offence ; and the provisions of the Code, so far as they can be made applicable, shall apply to searches made under the authority of any warrant issued under this section, and to the disposal of any property seized in any such search ; and an order for search issued by the Local Government under sub-section (2) of section 12 shall be deemed to be a search warrant issued by the District Magistrate having jurisdiction in the place specified therein, and may be executed by the person to whom the order is addressed in the manner provided in this section.

Powers of search.

19.—(1) Within one month from the date of an order by the Local Government under sub-section (1) of section 12, the Local Government shall place before two persons, who shall be either Sessions Judges or Additional Sessions Judges having, in either case, exercised for at least five years the powers of a Sessions Judge, or Additional

Scrutiny of case by two Judges.

Sessions Judge, the material facts and circumstances in its possession on which the order has been based or which are relevant to the inquiry, together with any such facts and circumstances relating to the case which may have subsequently come into its possession, and a statement of the allegations against the person in respect of whom the order has been made and his answers to them, if furnished by him. The said Judges shall consider the said material facts and circumstances and the allegations and answers and shall report to the Local Government whether or not in their opinion there is lawful and sufficient cause for the order.

(2) On receipt of the said report, the Local Government shall consider the same and shall pass such order thereon as appears to the Local Government to be just or proper.

(3) Nothing in this section shall entitle any person against whom an order has been made under sub-section (1) of section 12 to attend in person or to appear by pleader in any matter connected with the reference to the said Judges, and the proceedings and report of the said Judges shall be confidential.

20.—(1) When an order under sub-section (1) of section 12 has

Power to suspend operation of orders under section 12.

been made against a person, the Local Government may at any time, without conditions or upon any conditions

which such person accepts, direct the suspension or cancellation of such order.

(2) If any condition on which an order has been suspended or cancelled is in the opinion of the Local Government not fulfilled, the Local Government may revoke the suspension or cancellation, and thereupon the person in whose favour such suspension or cancellation was made may, if at large, be arrested by any police officer without warrant, and the order under sub-section (1) of section 12 shall be deemed to be in full force.

(3) If the conditions on which such suspension or cancellation has been made include the execution of a bond with or without sureties, the Local Government may at once proceed to recover the penalty of such bond.

(4) A Magistrate of the first class shall in default of payment of such penalty issue, on application made in this behalf by an officer of the Local Government specially empowered, a warrant for the attachment and sale of the moveable property belonging to the defaulter or his estate if he be dead. On the issue of such warrant the provisions of sub-sections (3) and (4) of section 514 of the Code shall apply to such recovery.

21.—(1) The Local Government shall, by order in writing,

Visiting Committees.

appoint such persons as it thinks fit to constitute Visiting Committees for the

purposes of this Act, and shall by rules prescribe the functions which these Committees shall exercise.

(2) Such rules shall provide for periodical visits to persons under restraint by reason of an order made under sub-section (1) of section 12.

(3) No person in respect of whom any such order has been made requiring him to notify his residence or change of residence or to report himself to the police or to abstain from any specified act, shall be deemed to be under restraint for the purpose of sub-section (2).

22. The Local Government shall make to every person, who is placed under restraint by reason of an order made under sub-section (1) of section 12, a monthly allowance for his support of such amount as is, in the opinion of the Local Government, adequate for the supply of his wants, and shall also make to his family, if any, and to such of his near relatives, if any, as are in the opinion of the Local Government dependent on him for support, an allowance for the supply of their wants suitable in the opinion of the Local Government to their rank in life.

Allowances to persons under restraint and their dependants.

Explanation.—In this section the expression “under restraint” has the same meaning as in section 21.

23. The Local Government may make rules providing for the procedure to be followed regarding the notification of residence and report to the police by persons in respect of whom orders have been made under section 12, and for the place and manner of custody of all persons arrested or committed to or detained in custody under this Act.

Power to make rules.

24. All rules made under this Act shall be published in the *Burma Gazette*, and on such publication shall have effect as if enacted in this Act.

Publication of rules.

25. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act, and the powers conferred by section 491 of the Code shall not be exercised in respect of any person arrested, committed to or detained in custody under this Act.

Bar to suits, prosecutions and other legal proceedings.

26. Where, prior to the commencement of this Act, anything has been done, or any action has been taken under the provisions of the

Effect of the Act.

Ordinance
I of 1931.

Burma Criminal Law Amendment Ordinance, 1931, which thing or action might have been done or taken under the provisions herein enacted had this Act commenced on the 31st day of January, 1931, such thing or action shall be deemed to have been done or taken under the provisions of this Act, and every consequence which

would have ensued if this Act had commenced as aforesaid, and such thing or action had been done or taken thereunder, shall thereupon ensue in all respects as if this Act had so commenced and such thing or action had been so done or taken.

27. The Burma Criminal Law Amendment Ordinance, 1931, is hereby repealed. Ordinance 1 of 1931.

Repeal.

THE FIRST SCHEDULE.

(See Sections 3 and 6.)

Any of the following offences, if in the opinion of the Local Government there are reasonable grounds for believing that such offence has been committed by a member, or a person controlled or instigated by a member, of any association of which the objects or methods include the commission of any of such offences, namely :—

- (a) any offence punishable under any of the following sections of the Indian Penal Code, namely sections 148, 302, 304, 326, 327, 329, 332, 333, 385, 386, 387, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 454, 455, 457, 458, 459, 460, and 506 ; XLV of 1860.
- (b) any offence under the Explosive Substances Act, 1908 ; VI of 1908
- (c) any offence under the Indian Arms Act, 1878 ; XI of 1871
- (d) any attempt or conspiracy to commit, or any abetment of, any of the above offences.

THE SECOND SCHEDULE.

(See Section 12.)

- (1) Any offence punishable under any of the following sections of the Indian Penal Code, namely sections 148, 302, 304, 326, 327, 329, 332, 333, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 457, and 506. XLV of 1860.
- (2) Any attempt or conspiracy to commit, or any abetment of, any of the above offences.

C. A. INNES,
Governor of Burma.
25th March, 1931.

This Act was made by me as Governor under the provisions of section 72E of the Government of India Act.

Rangoon, 25th March, 1931.

C. A. INNES,
Governor of Burma.

(True copy.)

TUN YA,
*Secretary to the Government of Burma,
Judicial Department.*

In pursuance of the provisions of sub-section (2) of section 72E of the Government of India Act, I, Freeman Freeman-Thomas, Earl of Willingdon, hereby reserve for the signification of His Majesty's Pleasure the Burma Criminal Law Amendment Act, 1931.

(Signed) WILLINGDON,
Viceroy and Governor-General.

Simla, The 9th of May, 1931.

(An authentic copy.)

(Signed) L. GRAHAM,
*Secretary to the Government of India,
Legislative Department.*

Enclosure No. 3.

EXTRACT FROM THE PROCEEDINGS OF COUNCIL
RELATING TO THE BURMA CRIMINAL LAW
AMENDMENT BILL, 1931, AT A MEETING HELD ON
THE 14TH FEBRUARY, 1931.

BURMA CRIMINAL LAW AMENDMENT BILL, 1931.

The Honourable the HOME MEMBER :—Sir, this is the Burma Criminal Law Amendment Bill, 1931, and I rise to move that this Bill be taken into consideration at once. The objects and reasons are stated in the copy of the Bill which has been circulated to all the honourable members of this House.

The Government of Burma have been aware since 1922 of the existence of a section of the Bengal Revolutionary Party in Burma,

but hitherto they have contented themselves in keeping a careful watch on the activities of these men. For some time past, however, they have been aware that the revolutionaries have been contemplating outrages in Burma, and there is good reason to believe that two serious crimes which have recently occurred in Burma were the work of the revolutionary party. One of these crimes was the derailment of the train in which certain high officials of the Government were travelling. There is also reason to believe that other outrages have been planned. It has been considered necessary to move the Governor-General for the promulgation of an Ordinance to enable the Government to deal urgently with the worst of the revolutionaries, and it is desirable that this Ordinance should be replaced by legislation on the lines of the Criminal Law Amendment Act, 1925, which has been found necessary in Bengal. A Bill on the lines of this Act is accordingly submitted to the Burma Legislative Council.

Now Sir, honourable members will be aware that a short time ago the Governor-General in Council was moved to publish an Ordinance to deal with the Bengal revolutionary members, and, as honourable members know, the Ordinance was to last six months and it is for the purpose of keeping that Ordinance for a longer period that this Bill has been submitted to this House to be considered and passed. The Government has been aware that since 1922 Burma has received the attention of the members of the Bengal Revolutionary Party, and now, although there are nine provinces in India there is only one B.R.A., that is, the Bengal Revolutionary Association. B may stand for Bombay or Burma or Behar; but there is no Bombay Revolutionary Association, there is no Burma Revolutionary Association and there is no Behar Revolutionary Association. There is only one Revolutionary Association and that Association is the Bengal Revolutionary Association. The Hindus believe, Sir, that the Brahmins proceed from the mouth of Brahma and therefore they are the most intellectual people because they are the teachers of the people. They are known as Brahmins, but the Kshatriyas and the fighting classes proceed from the arms and chest of Brahma. Now if you take the map of India, you will see that Bengal is the head of India that the North-West Province of Punjab, where the fighting races come from, are the arms and chest of India. The Bengalis are efficient people and very highly intellectual. They are a mild mannered people and well disposed as a rule, but out of all the different districts in Bengal, there is one that lies right to the east nearest to the hills where the wild tribes go in for head hunting and that is Chittagong, and it is in the district of Chittagong that the Bengal Revolutionary Association had its birth and the majority of the members of that Association come from Chittagong. The other parts of Bengal do not supply a large number of these members. Bengal, as I have said, is highly intellectual. It has given us a Rabindra Nath Tagore, a Jagdis Bose, Swamy Vivekananda, Ram

Mohan Roy, Rash Behari Ghosh and many other distinguished people in different professions, but the people of Chittagong, although they are also intellectual like their brethren in other parts of Bengal, have a kink in their brain, that is, they desire to remove all persons who do not see eye to eye with them. Honourable members will remember the death of the Inspector-General of Police, Mr. Lowman. He was done to death by members of the Bengal Revolutionary Association. Honourable members will also remember the death of Colonel Simpson, the Inspector-General of Prisons, into whose office three members of the Bengal Revolutionary Association walked, with their revolvers, and fired point blank at him, and even while they were trying to escape they fired at Mr. Thomas, one of the Secretaries and wounded him in the thigh. Honourable members will also remember the raid that was made in Chittagong on the Armoury there. A number of people were killed, but when the police authorities arrived on the scene, the members of this Revolutionary Association made themselves scarce, some went right into the hills and some came down to the sea-coast. Those who came down to the sea-coast embarked on one of the British India boats and came to Rangoon in order to escape from the Police who were after them. Now when those members of the Association came to Rangoon the Police were aware of their arrival and they were met at the wharf, but to all appearance and purposes these revolutionaries who were fugitives looked harmless people, and as the Police had nothing to show against them, they could not take any steps to prevent these revolutionaries from carrying on their nefarious work. We have no law with which to deal with these revolutionaries. Until they acted overtly we could do nothing to them. Now these revolutionaries who came to Rangoon spread themselves over the country and tried to dominate the minds of other young Bengalis who were students in schools and colleges, and also the minds of the young Burmans who were in the High Schools and in Colleges; and the result of their propaganda here is shown in an attempt to do away with two or three very high officials of this Government who were travelling down from Maymyo to Rangoon by derailment of the train between Sabintha and Nyaungchidauk. We have also received information that they were going to make attempts to assassinate all officials and all persons who were non-officials who did not see eye to eye with them and who thought that Burma should not be separated from India. Only a fortnight ago to-day, Sir, a lady, the wife of the Leader of the Opposition, sent a common friend to me to make a formal complaint that she had heard from twenty or thirty reliable sources that an attempt would be made by the terrorists to shoot down her husband, who was one of the delegates who asked so hard for the separation of Burma at the Round Table Conference. I wonder if honourable members opposite are willing to see their leader blown up to pieces as soon as he arrives in Rangoon. I, for one, do not. By that I do not mean to say that

I agree with him in all matters ; but I am sure nobody here wishes to see him removed from this sublunary planet. So there is no remedy except this Ordinance to deal with these revolutionaries, and in order to do that I have submitted this Bill to this House. The abnormal Bengali, although an educated and intelligent person, loves an association of this kind by which from a place of safety he can throw bombs. That sort of action does not appeal to Burmans. The Burman gets worked up and rises in a mass like the rebellion in Tharrawaddy ; but he never throws bombs. The danger of these Associations is that they will poison the minds of the Burmans to join their Association ; but so far as I know there is only one Burman in the whole of Burma who joined this revolutionary Association. When a search was made in that Burman's house there was found a formula for making bombs. I do not know if I should read this out to the honourable members in case they may like to experiment on how to make bombs.

THARRAWADDY U PU (*Toungoo South*) : Yes, we do not wish to know. It is better not to know.

The Honourable the HOME MEMBER : Well, Sir, some time last year the members of this revolutionary association circulated or caused to be circulated a large number of pamphlets both in Burmese and in English, headed "Vanguard" in English and in Burmese. But from the printing and from the translation, in fact from the English composition, one can at once see that it is the work not of any Burman, but of an Indian. Through this pamphlet they make definite attempts to encourage and instigate our people to rise against the Government and do other acts of frightfulness. It goes on to say :—

"My brothers of Burma ! open your eyes, look around without fear, without terror. Shake off dull sloth and see that our Indian brothers are going into the world, our neighbours are going, their blood is going—for the truth, with honesty in their hearts, they open the gates of the new road—a straight wide road for us. For us all, for the sake of our young ones they have devoted themselves to the sacred cause. They want another life—the life of *freedom*."

The whole of this pamphlet is highly inflammable. Before that, this Revolutionary Association circulated pamphlets in Akyab called "Abhan." "Abhan" means in Bengali "Call," and it winds up by saying :—

"Wash away with the blood of the oppressors all the pernicious effects of a hundred years of foreign domination."

Sir, I have pointed out to honourable members how dangerous this Association is, and members of this Association are not only not content with doing destructive work in India itself, but they have come to the shores of Burma and having received the hospitality of Burma they are attempting to commit outrages not only

on the officials of Burma but even on the non-officials; and as I have already stated, on the Leader of the Opposition himself.

Mr. E. P. PILLAY (*Rangoon, Indian Urban*): What is your evidence for that statement?

The Honourable the HOME MEMBER: I have already said that a fortnight ago to-day, Mrs. U Ba Pe sent a common friend to me to make a formal complaint that an attempt would be made by the terrorists to shoot down her husband as soon as he arrived in Rangoon.

THARRAWADDY U PU: I do not think so.

The Honourable the HOME MEMBER: My friend the honourable member for Toungoo South may not think so, but I am only stating that a formal complaint was made to me by the wife of the leader of the opposition.

THARRAWADDY U PU: I am very sorry to hear that.

The Honourable the HOME MEMBER: Then recently, Sir a pamphlet was circulated again by this Association—The B.R.A. Association—headed “Freedom First! Freedom Second! Freedom Third! Freedom always!” It says:—

“Tharrawaddy has set fire to. Now it behoves you, my countrymen, to keep it ablaze. Let our slogan of Liberty be echoed and re-echoed from every cave of Yomas, from every nook and corner of Burma.”

This paper suggests that the cultivators of Tharrawaddy, Yame-thin and Pyapon have done well. Then it goes on to say:—

“Brothers who has turned our beautiful land of Pagodas and peacocks whose soil from time to time immemorial has borne an inexhaustible treasure, where peace and tranquillity prevailed throughout, where misery was a thing of past into a land of penury, turmoil and adversity? Burma is a land of gold and diamond, but alas, where are those? Why, nowadays her children are starving of starvation. Who are those robbers who have robbed all the precious stones from the bosom of the our dear motherland?”

And this Association, Sir, was also very kind in making me a subject of their attention and they refer to me as follows:—

“The declaration of our beloved galonraja is final. The Chinese, Indians, Shans, Kachins, Karens are not our enemies but whosoever, be he a Burman, Indian, Chinese or a Shan, stands on our way and helps our enemy, the British people, should be mercilessly wiped out of the way. J. A. Maung Gyi, the puppet of Governor in the hands of the British is the greatest barrier in our freedom battle. Brothers, look at his audacity and can you forbear it as a patriot? He an epitome of degeneration and slavish mentality has postponed his garden party in memory of the death of Princess Royal, a death which has the

least concern with us, but has up till now remained unanswered by the turmoil which is shaking the heart of the country, heedless and indifferent to our national rising, travelling from place to place where he is dignifying himself with the civic receptions. Is he your well-wisher ? ”

Then Sir, the last part says that the members of the B.R.A. are against separation. It goes on to say :—

“ Brothers do not be mad after the word “ Separation.” Separation without independence is curse. We want to see our motherland free from all sorts of bondages. We want to be the masters of our own houses. The question of Separation will be finally settled up by the independent Burma. Now our duty—the only duty is to make the life of Government officials impossible and to collect money, men, arms and ammunitions. The time has come for Indians who are eating the salt of this country to consider their duty. Will they become ingratitude to this soil ? Will the Indians remain aloof from our expedition ? Down—Down—Down with Union Jack. Up—Up—Up with Peacock Flag. Officer in charge, B.R.A., Burma.”

Sir, this Bill is not aimed at any one except revolutionaries who commit all sorts of frightfulness, such as assassination, throwing of bombs and so on, and honourable members will see that this Bill is not intended to be used against any other persons such as those who have risen in Tharrawaddy, Pyapon and elsewhere, because if you turn to the First Schedule after section 121, Indian Penal Code, the taking up of arms against the King is not mentioned. So I would ask honourable members if they do not wish to see their young generation who are now in schools and colleges poisoned by this Association, to pass this Bill. Sir, I move that this Bill be taken into consideration at once.

The honourable the PRESIDENT : The question is that the Bill to supplement the ordinary criminal law in Burma be taken into consideration at once.

U KUN (*Bassein*): Sir, I rise to oppose the taking into consideration and the passing of this Bill. I will give my reasons in a very few words. I read through the Bill and found there many things which were not savoury to my mind at all. I call the attention of honourable members to section 6 (2) of this Bill. It runs as follows :—

“ If in any trial under this Act it is found that the accused person has committed any offence, whether such offence is or is not an offence specified in the First Schedule, the Commissioners may convict such person of such offence and pass any sentence authorised by law for the punishment thereof.”

Even if a person accused under this sub-section of this law be not found guilty he could be punished. That, I submit, is lawless law.

And I call the attention again of the honourable members to section 9 of this Bill which runs as follows :—

“ Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Act if such person is dead or cannot be found or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance or incapacity has been caused in the interests of the accused.”

This is a piece of legislation I submit, Sir, which will take away even the ordinary rules of evidence from having effect in the Province, and I beg to enter my protest against it with all my might. I would also like to call the attention of the honourable members again to section 12, sub-section (1) of this section runs as follows :—

“ Where, in the opinion of the Local Government there are reasonable grounds for believing that any person . . . etc.”

They put it merely as an opinion without any facts whatever. If the Local Government or the members of the Local Government are under the impression that any person is deemed to be an undesirable person they can proceed against him. That is a provision to which I strongly object. I should also like to call the attention of honourable members to section 14(1), which reads :—

“ Any officer of Government authorised in this behalf by general or special order of the Local Government may arrest, without warrant, any person against whom a reasonable suspicion exists that he is a person in respect of whom an order might lawfully be made under sub-section (1) of section 12.”

Against this power of arrest without warrant whatsoever by any officer so authorised I enter my protest very strongly. There may be officers who are not entirely on the best of terms with them. A member of the Government benches, for instance, may not have a great love for a member of the Opposition. Consequently that officer might think it to be to his glory to arrest such a person without a warrant. There is a possibility that such a thing might be done and against this sort of an arrangement I enter a very strong protest. As the honourable the Home Member in his speech was pleased to remark an attempt has been made on the life of a leader, one of those who voted for separation . . .

The Honourable the HOME MEMBER : I said “ has been threatened.”

U KUN : According to the Honourable the Home Member this leader's life has been threatened . . .

The Honourable the HOME MEMBER : According to the honourable leader's wife.

U. KUN : The Honourable the Home Member is probably aware that I am one of those who still desire separation but my life has not been threatened.

The Honourable the HOME MEMBER : I am not at all solicitous about that. (*Laughter.*)

U KUN : Nor for the matter of that am I much concerned about the welfare of the Honourable the Home Member or any other member on that side. (*Laughter.*)

MR. C. W. DUNN (*Official*) : Are you speaking in the Council on behalf of the Revolutionary Party ?

U KUN : I am not, but if I can get back my country I shall certainly try to do so.

This Bill is supposed to be against the revolutionaries who are supposed to be connected with all sorts of frightfulness and there are many associations which have been declared unlawful under it.

The Honourable the HOME MEMBER : Not under this Act.

U KUN : Under the Criminal Law Amendment Act.

The Honourable the HOME MEMBER : Not the same thing.

U KUN : They are not exactly the same but they come very close, that is why I am drawing your attention to it.

In Police Department Notification dated the 10th February, 1931, are included the names of various Associations of Burmese Ladies. With reference to the Yamethin District the notification states :—

“Whereas the Governor in Council is of opinion that the associations in the Yamethin District, described in the schedule hereto annexed, interfere or have for their objects interference with the administration of the law or with the maintenance of law and order or constitute a danger to the public peace ;

In exercise of the power conferred by section 16 of the Indian Criminal Law (Amendment) Act, 1908, as amended by the Devolution Act, 1920, the Governor in Council hereby declares the said associations in the Yamethin District to be unlawful.”

In that list No. 6, the Kalayana Yuwadi Athin, Ywagauk-Myothit Village, the members are all Burmese Ladies :—

President ...	...	Ma Mai of Ywagauk.
Vice-President ...	...	Ma Hla Me of Ywagauk.
Secretary ...	...	Ma Taw of Ywagauk.
Treasurer ...	...	Ma Shwe Phaw of Ywagauk.

Then with regard to the Henzada District I will give you the names of some ladies' associations there :—

No. 18, in the list, the Meinma Konmari Athin, Thetngegon Village :—

President ...	...	Ma Nin Bi.
Vice-President ...	...	Ma Shwe Thit.
Secretary ...	...	Ma E Paw.
Vice-Secretary ...	...	Ma Mai Tin.
Treasurer ...	...	Ma Sein Khin.

U CHIT HLA (*Moulmein*) : Is not the Honourable Member getting away from the point ?

U KUN : I was referring to the Henzada District list. In No. 20 of that list the following are the office bearers of the Konmari Athin, Ngathine-in Village :—

President ...	...	Ma Shwe Thin.
Secretary ...	...	Ma Shwe Nyunt.
Treasurer ...	...	Ma Shwe Thet.

In the Insein District the following Ladies' Associations are mentioned :—

No. 7, Thudamasaryee, Lauklechoung Village :—

President ...	...	Ma Ohn Myine.
Vice-President ...	...	Ma Me Hmin.
Secretary ...	...	Ma E Mya.
Joint Secretary ...	...	Ma Hpu Toke.

No. 8, Akuthala Wunthanu, Athins, Shwedawkan, Kimpaligon and Lauklechoung Villages :—

President ...	...	Ma Soe Khin.
Vice-President ...	...	Ma Nyein Me.
Secretary ...	...	Ma Mi.
Treasurer ...	...	Ma Htoo.

Mr. H. L. NICHOLS (*Official*) : May I suggest, Sir, that it will save the time of the Council if the Honourable Member will ask if we agree that there are some Ladies' Associations ?

U KUN : I was referring to the Insein District.

No. 9, on the list is the Wunthanu Rekkhita Konmari, Thitpyat-choung and Yedwington Villages :—

President ...	...	Ma Ma Gyi.
Vice-President ...	...	Ma E Shin.
Secretary ...	...	Ma Ngwe Khine.
Treasurer ...	...	Ma Ngwe Thin.

No. 30, Damasari Konmari Wunthanu, Tawlate Village :—

President ...	...	Ma Ohn Hmway.
Vice-President ...	...	Ma E Kyin.
Secretary ...	...	Ma Hnin Myine.
Treasurer ...	...	Ma Shwe Mya.

No. 32, Buddhawadi Konmari Wunthanu, Minhlawa Village :—

President ...	...	Maung Mai Zan.
Secretary ...	...	Ma Nyein Aung.

No. 33, Damasari Konmari, Dameik Alaboke Village-tract :—

President ...	...	Ma Sein Bwa.
Secretary ...	...	Ma Ngwe Zin.

No. 34, Damasari Konmari, Ohnbinzu, Kya-in Village-tract :—

President ...	...	Ma Thein Kywe.
Treasurer ...	...	Ma Hla Yin.
Secretary ...	...	Ma Hta.

All these are the names of the Ladies' Associations which are being declared unlawful and I am reading them out because I consider it is very near to the same thing which the Honourable the Home Member was trying to introduce. I have already given my reasons for opposing this Bill and the taking into consideration and the passing of this Bill, and so I oppose it.

THARRAWADDY U PU (*Toungoo South*): Spoke in Burmese.

Mr. M. M. RAFI (*Moulmein, Indian*): I beg to oppose this Bill. I do so, not because I consider that the Government should not be armed with emergency powers to meet an emergency, but because I am not satisfied that reasons exist which justify the introduction of legislation of such an extraordinary nature. It has even been suggested that the Tharrawaddy rebellion is connected with the Bengal Revolutionary movement. I don't believe that that is so. I cannot believe that any of the rebels has even heard of Bengal or even knows anything about it.

THARRAWADDY U PU: Not even Saya San, the Leader.

Mr. RAFI: The other day the Right Honourable the Secretary of State for India informed the British House of Commons that a rebellion in Burma was not an infrequent occurrence. That being so, how is it possible to connect the Tharrawaddy rebellion with the terrorist movement in Bengal at all?

Another reason given for introduction of this Bill is what has come to be known as the Creek Street Robbery case. I know something of that robbery or rather of the case arising out of it (I nearly brought myself within the purview of the Bill) because I had been defending one of the accused.

The Honourable the HOME MEMBER: On a point of order, Sir. This case is *sub-judice*.

Mr. RAFI: May I have your ruling, Sir, as I am not going into the facts of the case.

The Honourable the PRESIDENT: Quite in order.

Mr. RAFI: Thank you. The accused have already undergone two trials and it is possible they may have to stand their trial for the third time unless of course the Government enter a *nolle prosequi*. On the first occasion the jurors . . .

The Honourable the PRESIDENT: You need not go into details.

Mr. RAFI: Very well, I shall content myself with merely remarking that the accused in that case were tried on two different occasions by two different sets of jurors and their verdict, by a majority, was one of not guilty. That does not look as though that robbery had anything to do with the terrorist movement in Bengal.

The Honourable the PRESIDENT: I do not want you to go even into that, Mr. Rafi. The case is *sub-judice*.

Mr. RAFI : Well, the main point I wish to submit to the House for consideration is that no reasons have been placed before us which would justify us in holding that it is necessary to have a Bill of this nature introduced into this country. The Honourable the Home Member has drawn our attention to a letter which he has received from the wife of the honourable Leader of the Opposition. It seems to me that the lady has been made a victim of a practical joke. I admit that it is a horrid feeling for any woman to have that her husband is at any moment liable to be done to death, and I think it is the prolonged absence of the honourable Leader of the Opposition from his home that has made his lady panicky. Had he been here, I am sure he would have persuaded her not to trouble the Honourable the Home Member with such a letter as that. I say, Sir, that it is a slur on Burma to introduce a Bill of this nature or to attempt to connect any movement in this country with any movement in Bengal or any part of Bengal.

U NI (*Myingyan South*) : Mr. President, when the Honourable the Home Member asked the members of this House whether they would like to know the formula to make bombs, my mind at once went to the fact that bombs can be made not only by chemical formulae but by delaying the grant of Home Rule.

The Honourable the HOME MEMBER : I do not understand.

U NI : I shall just trace the history showing how the people are fond of playing with these pistols and bombs, because the British Government have refused to grant us a Government to control our own affairs. That is the main reason why the Bengal Revolutionary Association has come into existence. They have found that the constitutional method of getting anything is very slow, and that is why they come to adopt this method of what they want at the shortest possible moment. But if it is not for this purpose, am I to be allowed to know for what purpose the Bengal Revolutionary Association came into existence? I believe that their sole object is to get a free Government, *i.e.*, a Government to be manned by people of this country, their own country rather, and because the British Government has miserably delayed the grant of Reforms at the proper time ; that is why such people have come to think of certain things to remedy the evil which is facing them.

Then the next point which I wish to place before the House and the Government is the reason given by the Government to introduce this Bill that it is solely because of this Bengal Revolutionary Association movement. If so, I shall be very glad to put the word "Bengali" or some word having Indian origin after the word "persons," so that this cannot be applied to any Burman or any other people not belonging to this Bengal Revolutionary Association. I would like to know, Sir, whether it is not possible or feasible in the circumstances to do that.

Another point is why cannot the movement, if there is any at all, be suppressed by using the ordinary law? There are preventive sections in the Criminal Procedure Code which have been used at all times, and we have never experienced the failure of Government at any time to govern. Action can be taken under Section 506 for any threats of the nature now alleged to be made against the life of our great friend the honourable member who is not here, U Ba Pe. We are very sorry to learn this and we hope the Government will take every suitable precaution to prevent any mishap, but I am sure that nothing of this kind of legislation or provision of law is necessary to be introduced, and that the ordinary law, as I have just stated, is quite sufficient to deal with such movement and would enable the Government to take any action which they wish to take.

I would like to know, further, whether the Criminal Law Amendment Act has been applied to the Bengal Revolutionary Association, and whether it has been declared an unlawful association. If declared unlawful, then it is very easy for Government to arrest those persons who are alleged to be members of the Association. It is quite easy for Government to achieve their aims without passing this legislation. I would like to know whether this association has been declared unlawful. I have not read anything in the papers to that effect, but I think that judging from the facts or the evidence which the Honourable Home Member has just now read out, I think this association must have been declared unlawful. In that case it is very very easy to arrest a member who is continuing to be a member of that association. A most important thing which I wish to know is whether it should be applied to non-payers of taxes. I would like to know that definitely. I think in due course of time this legislation will be applied to everyone who says—we have no money to pay taxes.

(A voice: They have.)

U NI: But apart from that, they want this also, so that if they fail to pay the tax they can be put into prison, and this I think is intended to apply to that.

The Honourable the HOME MEMBER: Under what section of this Bill?

THARRAWADDY U PU: Under section 12; come on.

U NI: It has been urged by Government that the non-payment of taxes, by whatever means is considered to be subversive of the administration of justice and so forth, and that is why certain associations have been declared unlawful. Since they have gone so far in that respect, Sir, I am sure very soon these people, who are unable to pay their taxes, will be made the victims of this legislation.

And, as for that, I wish to mention this piece of fact. I think the real problem which the Government has to face, and which I wished to mention during the general discussion of the Budget but failed, is that the people being so poor they are determined in some

cases to give up their lands even. Really they are in difficulty to pay their tax, and they say that, if they were to refuse payment their lands and everything would be attached and auctioned, and in that case they would be property-less ; and that then the Government will see whether these people will continue to starve or try some means to keep their body and soul together.

Their conclusion is that anyhow they will try and keep their body and soul together. That means Government will have to put more military police or other troops in the country, and this will lead to a state of affairs by which every house will be watched by a civil or military policeman. The people want to know how these policemen are going to be fed. If they have got to shelter these men and feed them, how are the villagers going to plough their land. I am afraid that this Bill will ultimately be applied to such people. Now, in the districts, the village headman beats a gong at 7 in the morning to get the villagers to pay their taxes. I reported the matter to the Deputy Commissioner but he could not do very much. The thugyi receives his orders from the Township Officer, the Township Officer from the Subdivisional Officer, the Subdivisional Officer from the Deputy Commissioner, and the Deputy Commissioner from the Commissioner. Sir, we oppose this piece of legislation on principle as well as on other grounds. There is nothing here to show that the Bill will be applied to these people, namely, the Bengalis, and the Statement of Objects and Reasons which I have here does not mention anything about it.

U BA THI (*Mandalay Rural*) : Spoke in Burmese.

At 1-50 p.m. the sitting was suspended for lunch.

The Council re-assembled at 2-35 p.m.

U SAW (*Tharrawaddy South*) : Spoke in Burmese.

MR. E. P. PILLAY (*West Rangoon, Indian*) : Sir, one of the axioms of British rule has been the liberty of the subject and the liberty of free speech, and I, for one, feel that it is my duty, as it has been the duty of the honourable members of the Opposition who have already spoken to protest, and protest most strongly against the high-handed cold-blooded, ill-conceived and unwarranted action on the part of the Government in introducing such a Bill. It strikes me that, if this type of foolhardy and puerile legislation were to be introduced from time to time, one of these days the Local Government will ask this House to be a party to a Bill to protect them from their own shadows. Repressive and oppressive legislation has not been successful and will never succeed in quenching the ardour of true nationalists and patriots in their desire to govern their own country, to be masters of their own household. On the other hand it will act as a fresh incentive for a more intensive campaign to free the country from the shackles weighing it down. It is this incongruous and insensible type of legislation which, more than anything else, has been the cause of the constant friction between the Government and the

country. The present Bill seeks to give to Government the right on mere suspicion to incarcerate people in prison, and it is inconceivable that any civilised Government should seek to put into motion machinery which instead of preventing terror inspires terror. Is it right that just because the people are believed to have a leaning towards nationalism that they should be arrested and imprisoned in the jails? For this, in effect, is what the Bill implies. The Government is pursuing a chimera when, among its objects and reasons, it tries to draw a connection between the Tharrawaddy rebellion, the U Soe Thein G.C.B.A. and the Bengal Revolutionaries. Ever since the rebellion started Government issued communiques from time to time. From the beginning no mention was made that this rebellion was the result of revolutionary activities. The first information given was that it was due to economic depression. Later on it was changed into the statement that a pretender was aspiring to the throne of Burma. Subsequently, when Government thought fit to introduce this Bill, they very ingeniously tried to connect two outrages that occurred in Burma with the rebellion. I shall take the first outrage committed near Nyaungchidauk. What was the charge against the man who was hauled up in Court, and what was the punishment meted out to him? If he had committed such an enormous crime—that of wrecking a train involving loss of lives what would the punishment have been? In actual fact he was asked to keep the peace for one year and this was because there was not sufficient evidence to prove that the man had committed the crime. He was tried on mere suspicion and then asked to keep the peace for one year. Reference was made in the same connection to the outrage in the Bengal Academy. I would like to ask the Government whether it knew previously that the revolutionaries had taken part in that outrage, and if it did, why was not the slightest mention made that this was the work of the revolutionaries of Bengal. Would these revolutionaries have gone against their own countrymen? Would they have robbed the money belonging to a charitable institution like the Bengal Academy? It is absurd.

The Honourable the HOME MEMBER : It is *sub judice*.

Mr E. P. PILLAY : I say, Sir, it is absurd to connect these two outrages with the Bengal Revolutionaries. It is still more absurd to connect the Tharrawaddy rebellion with the Bengal revolutionaries. Then, Sir, in the Statement of Objects and Reasons, Government says :—

“The Government of Burma have been aware since 1922 of the existence of a section of the Bengal Revolutionary Party in Burma, but hitherto they have contented themselves in keeping a careful watch on the activities of these men.”

There had been a careful watch, and yet they were not in a position to discover the connection of these revolutionaries with the rebellion long before this! It is only to-day they open their mouths and say,

“ Oh, these revolutionaries are connected with the rebellion ! ” Sir, a number of Bengalis, I understand, have been arrested, and I would ask the Government to let me know if these Bengalis who have been arrested and already incarcerated have any connection with the rebellion. Could it, by any stretch of the imagination, be said that persons unacquainted with the language, custom and manners of the people of this country would have gone and influenced the villagers who are now taking part in the rebellion ? Sir, Government's attempts can best be described as straining at a *gnat* to swallow a camel, and in their attempt I say, and I say most emphatically, that they have miserably failed. It strikes me that the Bengal revolutionaries were thrown into the scale in order to hoodwink the Viceroy into granting permission to introduce this Bill. I am sure my honourable colleagues in the Opposition Benches will support me in the assertion that this is a most mischievous, uncalled for and unwarranted piece of legislation ever produced, and I am surprised at the audacity and temerity of the Local Government to ask us to be parties to a Bill which seeks to deprive their countrymen of their liberty. With these words I very strongly oppose the Bill.

Mr. F. B. LEACH (*Official*) : Mr. President, this Bill has been attacked on a number of different grounds. One of these grounds which I should have thought it would be unnecessary for me to tackle after the Honourable Home Member's introductory speech is that it is aimed not so much at the Bengal revolutionaries as at the recent rebellion in Tharrawaddy. The Honourable Home Member made it quite clear that this was not the purpose of the Bill, and if the honourable members who criticised it on that ground would read the Bill with care and the Schedule and the Statement of Objects and Reasons, I think they will see that in the first place the Schedule does not contain Sections 121 and 122 of the Indian Penal Code which deal with waging war against the King. The Honourable member who spoke first, U Kun I think, pointed out correctly enough that Section 6 of the Bill allows the Commissioners to convict a person prosecuted under it for an offence other than an offence mentioned in the First Schedule. That is true, but it can only be put into operation, in the first place, against person, suspected of these offences. It is obvious, I think, that if the Local Government had intended it to be used against the rebellion, it would have put the sections of waging war against the King into the Schedule. Also, U Kun did not appear to have noticed that Section 19 of the Bill provides that every case under it shall within a period of one month be laid before two Session Judges. Now, I ask the honourable members of this House who have a knowledge of the law whether they think that it is possible that any two Judges would permit such a flagrant violation of the law as to allow it to be used specially for offences which are not mentioned in the Schedule.

Mr. E. P. PILLAY : That will be a one-sided policy.

Mr. F. B. LEACH : It will not only be a one-sided policy, but it will be an impossible policy.

Then there has been considerable confusion shown between the type of an association like the Bengal Terrorist Association against which this Bill is aimed, and the village *athins*—typical Burmese associations which have recently been notified under the Criminal Law Amendment Act as unlawful associations. One of the honourable members asked why the Bengal Revolutionary Association could not be dealt with in the same way as these associations by notification under the Criminal Law Amendment Act. The reason is that the Bengal Revolutionary Association is a secret association, which does not publish the names of its office bearers and its members, and the Criminal Law Amendment Act necessitates the publication in the notification of the names of the office bearers of the association to be declared unlawful. That, therefore, cannot be used against.....

U BA THI (*Mandalay Rural*) : Nobody from this side of the House asked this question.

The Honourable the PRESIDENT : *Order, Order.*

Mr. F. B. LEACH : The Criminal Law Amendment Act, therefore, cannot be used in this case against this secret organization.

Then, it has been suggested that there is no such emergency in Burma as to necessitate any such law at all. Mr. Rafi took that line very strongly. Now, it is impossible for the Local Government to publish the whole of the information which is at its disposal in a case of this kind. If the Local Government were to publish the whole of its information, probably half a dozen of the unfortunate men from whom that information was received would be murdered within the next week. That is no exaggeration. That has been done again and again in India. We are dealing with a dangerous terrorist organization which openly avows that it sticks at nothing, that it is perfectly prepared to assassinate any officer of the Government whom it can lay its hands on, and that it will murder anybody who gives information against it. Mr. Rafi suggests that we can fight an organization of this kind with the ordinary law. I am afraid that that will be extremely difficult. Another thing we have to remember is that an organization of this kind threatens not only members of the Government but is a very serious danger to the general public—perfectly innocent members of the general public—and it is the duty of Government to protect innocent members of the public against the results, sometimes intentional, sometimes unintentional, of outrages perpetrated by organizations of this description. I happened to be in the train which was derailed on the 28th October last. I am perfectly aware that Members of the Executive Council and Government officers generally are fair game for the type of people who wreck trains. But what I shall always remember about that night was the two or three unfortunate and perfectly innocent third class passengers whose mangled bodies I had to help to attend to until medical aid arrived. It was not a pleasant sight ; and that is one of the things that we wish to fight with the aid of this special

legislation. It is no good trying to use the preventive sections of the Criminal Procedure Code.

Mr. E. P. PILLAY : There was no enquiry in an open Court.

Mr. F. B. LEACH : It is no good attempting to have an enquiry in an open Court, because nobody is going to risk his life by coming to give evidence before an open Court. Would you give evidence against a man who you knew perfectly well would have no hesitation in cutting your throat on your way home ? (*A voice : Yes, why not?*) You would think twice about it. You would want good police protection, I think. (*Laughter.*)

Then, Sir, various other criticisms have been made. U Kun criticised Section 9 as being outside the ordinary rules of evidence. Section 9 lays down that the statement of any person which has been recorded by a Magistrate may be admitted if such person is dead or cannot be found or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance, or incapacity has been caused in the interests of the accused. Is the honourable member seriously suggesting that the law should not have any power to take action against the accused who arrange for the assassination of the prosecution witnesses ? I do not think any member of this House would seriously make such a suggestion as that. Then, another thing which has been suggested is that under Section 14 of the Bill any police officer can make an arrest of any person whom he does not like and put him in jail or the lock-up. The honourable member for Toungoo South said that Sub-Inspectors of Police would be going round and arresting anybody and everybody. I would invite a reference to the Notifications of the Judicial Department which were published with this Ordinance in the Gazette on the 2nd of February. The honourable members will see that the only people authorised under Section 14 of the Ordinance to arrest without a warrant are Magistrates of the first class and Police officers above the rank of Inspector, that is to say, Deputy Superintendents and District Superintendents of Police.

There is therefore no reason to fear that this Bill is going to place enormous powers of arrest in the hands of subordinate police officers. I would also remark that not a single member who has opposed this Bill, has mentioned Section 19 of the Bill, which is the main safeguard in it in case it is abused by the executive. It is there laid down that every single case shall be put up within one month before two Sessions Judges to ensure that it is not used merely to incarcerate people against whom there is no case at all.

As for the connection between the Bengal Revolutionary Association and the recent rebellions which have occurred in this country, a great deal of criticism has been levelled against this Bill on account of one sentence in the Statement of Objects and Reasons appended to the Ordinance. The Honourable Home Member read some extracts from a pamphlet which has just been distributed broadcast

all over Burma, entitled "Freedom First, Freedom Second, Freedom Third" and remarked that pamphlet was the work of the Bengal Revolutionary Association.

Mr. E. P. PILLAY : Where is the evidence for that ?

Mr. F. B. LEACH : There is extremely strong internal evidence. There was another pamphlet entitled "Vanguard" in the same strain which was discovered to be the work of this Association. Anybody looking at these two pamphlets and reading them will see at once that they are the work of the same hand. We have also got evidence of several people who were distributing these pamphlets, and there is no doubt whatever that it is the work of the Bengal Revolutionary Association. If the members of the opposite benches like to claim that pamphlet as the work of their fellow countrymen, let them. I do not think it is much to be proud of. That pamphlet, as I say, is undoubtedly the work of the Bengal Revolutionary Association but it appeals to the Burmans to rise, and alludes to the Tharrawaddy Rebellion as the way in which they should rise. That is, I think, pretty good evidence that this Bengal Revolutionary Association is trying to encourage rebellion in this country. Do the honourable members opposite suggest that is a good thing that this country should be used by revolutionary associations from India to encourage ideas of that kind ?

(A Voice : We are not children.)

Mr. M. M. RAFI : So you say . . .

Mr. LEACH : I have asked a question ; I have not said anything.

Mr. RAFI : You say it is the Bengal Revolutionary Party ; you imply as much.

Mr. LEACH : Mr. Rafi still denies apparently that the Bengal Revolutionary Party are doing anything in Burma. Am I correct ?

Mr. RAFI : I do not know that they exist here at all, except that we have your *ipse dixit* on it.

Mr. LEACH : I can only assure you that we cannot lay the whole of our cards on the table.

Mr. E. P. PILLAY : Then it is no use making allegations of that kind if you cannot lay the cards before this house.

Mr. RAFI : You want us to vote blindly.

Mr. LEACH : There are one or two cases which have occurred and we have a very considerable amount of evidence of this organization's working, and it is to prevent this organization from spreading and contaminating Burma that we have asked for these powers. As I have already said, Sir, Government cannot place the details of its evidence on the table, but if you deny that there is evidence, then the only assumption is that the recent outrages have been caused by Burmans without any outside influence.

Mr. PILLAY : Yes, in their desire to get a better form of Government.

Mr. LEACH : I cannot quite understand the honourable member's remarks as he is apparently suggesting that rebellion and train wrecking is a desirable method of getting a better form of Government, whereas I do not think that represents the people of this country. I do not think any one in this House will deny the existence of the Bengal Revolutionary Association in India. No one can get away from the recent murders of Mr. Lowman, Colonel Simpson and numerous officers of the police in Bengal, and what we want to do is partly to prevent similar outrages in Burma, and partly to prevent Burma from being used as a place for hatching plots of this description.

Now Mr. Rafi suggested that it would be a slur on the fair name of Burma to pass this Bill into law. What I suggest is that it would be a much worse slur on the fair name of this country to refuse to pass this Bill into law and to allow this country to be used as a convenient place where revolutionaries can come over from Chittagong to hatch their plots, where they can collect revolvers imported from Japan and China and the United States of America and smuggle them across into Bengal for use there.

Mr. PILLAY : May I ask the honourable member how many guns and revolvers and ammunition have been seized from this Bengal Revolutionary Association by the C.I.D. who have ever always been on the watch and who knew there was such an association.

Mr. LEACH : I am not in a position to give exact figures. Perhaps some other member will be able to give some information on that point.

Mr. RAFI : Then you should not make the statement.

Mr. LEACH : That is the way I would put it to the members of this House. If they oppose the taking of special powers in a case like this, then they are giving the impression that they see nothing wrong in the murder of Government officers, in the throwing of bombs which are likely to kill and mutilate innocent people and upsetting trains with the same result, and that they are willing that practices of this kind should be carried on in Burma and that Burma should be known to the world as a country which allows anarchist organizations to come and use it as a convenient place in which to hatch their plots. I would ask you to think of that before you vote against this Bill.

U SO NYUN (*Bassein, Rural*) : Mr. President, Sir, I must at the outset emphatically resent the suggestion made by the honourable member the Chief Secretary that we are incapable of looking after ourselves and that we need protection from the Indians. Any suggestion of such childish incapacity is unwarranted. Government

has been pleased to classify this piece of legislation as anti-terrorist. I submit that it is, on the contrary, a terrorist piece of legislation, intended to strike terror into the hearts of the nation.

Sir, I must make it quite clear that we are no apologists for the rebellion; we hold no brief for the rebels. We are equally desirous of preserving and equally interested in the preservation of law and order in this country. Sir, I am not one of those who subscribe to the mischievous doctrine that it is always the duty of the Opposition to oppose; but on the present occasion I would ask not only honourable members on this side of the House but all honourable members of all sections of the House to vote against this Bill because we are faced with a measure, the utter lawlessness of which offends the most elementary rights of personal freedom and liberty and is so much out of harmony with the fundamental canons of civilized jurisprudence. In asking this House to vote against this measure I do so in the name of law, I do so in the name of justice, I do so in the name of common sense, I do so in the name of self-respect and in the name of national pride.

The Honourable the HOME MEMBER: Warren Hastings!

U SO NYUN: Sir, the Government has been pleased to remark, and we appreciate their position, that the year 1930 was a year of misfortunes. Even the very element of nature would seem to have conspired to disturb the tranquillity of a once peaceful country. But all the misfortunes of 1930 were nothing in comparison with the tragedy which is being enacted to-day, on this black day in the year of grace 1931, when a hopeless Government is trying or proposing to place on the Statute Book of this country for five years a piece of repressive legislation which will rank as one of the blackest Bills in the history of British Rule in Burma.

Sir, I have been totally unconvinced with the chain of evidence given in justification of this measure by the Government in the course of the debate to-day. I am equally solicitous as the honourable the Home Member for the personal safety of the honourable Leader of the Opposition and sympathize with the wife during her husband's absence from Burma, and I also wish to disassociate myself from any aspersions that may have been cast by the Bengal Revolutionary Association against the private character of the honourable the Home Member in cancelling a social function owing to the death of one of the Royal Family of England. But, I say, Sir, that this piece of legislation is an alarmist piece of legislation, a panicky piece of legislation. The honourable member the Chief Secretary has painted lurid pictures of assassinations and of threats to cut the throats of the people, and the more we hear of the chain of evidence that has been given by Government the more the wonder grows how the members of the Government can exist at all and govern at all, with their bodies and limbs in safety, in the midst of such threats. Sir, I must strongly oppose this attempt to stigmatize

the fair name of Burma. A mere cursory glance at the proposed legislation shows how utterly lawless the law proposed to be enacted is. No one seems to be safe under this proposed legislation, where the Government is going to be armed with such extraordinary and arbitrary powers. According to the proposed legislation, Sir, anybody against whom the Government have any suspicions may be arrested without a warrant and sent to jail, and within a month after his arrest is to be sent up before two Sessions Judges, and the whole case is to be tried *in camera*, without the accused being given a chance of being represented by counsel. All these things are to be *in camera*, and the only evidence that the Sessions Judges will have before them will be just statements of material facts that may be placed before them by the police. I do not wish to attack the integrity of any Sessions Judge in this country, but where the evidence is one-sided the findings will be one-sided also. The honourable member the Chief Secretary has considered Section 19 to be the main safeguard of Head of the Indian administrative Authority known as an Ordinance Act. This Act as we all know is at present in force out in India and in Burma. Such being the case why enact such a Bill as has now been contemplated even if there be any necessity to do so, rather than to extend the enforcement of that Act to another six months. For this reason also, I consider that legislation of the kind now contemplated is not a necessity.

Sir, furthermore I would urge upon your Government and through you also to make my appeal to His Excellency the Governor that if he so desires to enact such an Act so as to meet the present situation he may do so on his own initiative rather than ask us to countenance such a Bill being passed in this House of the people's representatives. As we all know, Sir, it is a subject that comes within the purview of a reserved one and as such it may be twisted in any way as the member in charge of this Bill wishes to do so. Why attempt to ask us to consent to such a Bill being passed by this House? We do not wish the people of this country to think that the elected element of this House is in favour of it. Sir, as I am aware this very form of Government that has now been extended to us (I may be pardoned if I use bad language) being so rotten, I can hardly expect that protest of ours will be heard by your Government, so much so I for one who has all along been a moderate type will now be forced to turn against your Government.

Furthermore, Sir, with your permission I will now state to you my own experience of a Police Officer's interference when I was about to address a meeting convened solely for purpose of discussing religious matters, on Sunday, the 22nd February last, at Bahan, on the eastern slopes of Shwedagon Pagoda. At this meeting I was asked to wait for the arrival of a Police Sub-Inspector in charge of Bahan Police Station for about half an hour. Being agitated I was forced to comply with this order lest I might be arrested as a criminal for disobeying this Police Officer. As this incident had

occurred, Sir, even before the passing of this Act, I wonder how I would be treated after passing of this Bill and I will not be surprised if I am at all arrested as a political offender simply because I ventilated my own views on matters religious pure and simple.

This being the case, Sir, I submit that I am not in favour of passing the Bill by this House and in order to show to you my own resentment I will not only oppose the introduction of this Bill but fight tooth and nail against this form of legislation.

The Honourable the HOME MEMBER : Sir, among all the honourable members who have spoken against this Bill there is only one who has confined himself to the Bill itself. The others have been relying upon sentiment, imaginary grievances and other causes for which they oppose this Bill. The only member who opposed this Bill and referred to the contents of this Bill is my honourable friend for Bassein Town. He took the trouble to point out the sections with which he disagreed, and so far he was quite reasonable in attacking the Bill. He said that he objected to Section 6, sub-section (2). Section 6, sub-section (2), says :—

“ If in any trial under this Act it is found that the accused person has committed any offence, whether such offence is or is not an offence specified in the First schedule, the Commissioners may convict such person of such offence and pass any Sentence authorized by law for the punishment thereof.”

Sir, at the end of the Bill there are two Schedules, First and Second Schedule. The first points out the offences under the Indian Penal Code which are to be tried by the judges, such as offences against property and person, *viz.*, murder, robbery, dacoity with firearms, etc. That is one kind of offence, and the other is any offence under the Explosive Substances Act ; the third is any offence under the Indian Arms Act, and the fourth is any attempt or conspiracy to commit, or any abetment of any of these offences. That means conspiracy. Sir, honourable members have pointed out that this was an indirect attempt or an underhand way which Government has taken to get at political agitators. Sir, that is entirely wrong. If this Bill is intended to get at political agitators, honourable members will see that Government cannot do so. In the first place the section which refers to political agitators is Section 124 (a) and is not mentioned in the Schedule. Nothing whatever about politics is mentioned in the Schedule. Some honourable members said that Government intended to make use of this Bill, when passed, for the purpose of suppressing the Tharrawaddy Rebellion. That also is entirely wrong, because if honourable members will turn to the Indian Penal Code they will find that Section 121, which is an offence of taking up arms against the Government is not mentioned in any of the Schedules here. Besides, Section 121, not being mentioned, every honourable member who is a member of the Bar must know

that before a complaint can be filed for waging war against the Government, the consent of the Local Government must be given. Without that sanction the case fails. So that as far as the two Sections are concerned on which honourable members of the House propose to rely and say that Government is seeking advantage in this way, they may rest assured that there is no truth in it and no justification for their fears. Sub-section (2) of Section 6 merely means that if a man is tried under this Bill or Ordinance for an offence committed under any of these sections and is also guilty of some other offence which is a lesser offence, then this tribunal or judge has the power to pass sentence or convict the person. That is all, nothing more; so I do not see why the honourable member for Bassein Town should object to sub-section (2) of Section 6.

Then, Sir, he found fault with Section 9. He disapproved of Section 9 because it is against all rules of evidence. Section 9 is merely a special rule of evidence. It reads—

9. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Act if such person is dead or cannot be found or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance, or incapacity has been caused in the interests of the accused.

There is nothing extraordinary in this. Honourable members who are members of the Bar will know that under the Excise Act there are special rules of evidence, and even under the Opium and Gambling Acts the burden of proof is put on the accused. Under the Indian Evidence Act if a person is dead, secondary evidence can be given. Here, of course when a person has made a statement before a Magistrate, and the Magistrate has recorded that statement, if that person cannot be found or is incapable of giving evidence, or is dead, that is to say, if that witness is dead, or on account of or through the acts of any person he cannot be found, or is hidden away or kidnapped by the accused or his friends, or is incapable of giving evidence, that is to say, he is made dumb or maimed by the accused or his friends, his previous statement can be used as evidence. Surely, Sir, a section like this must be inserted in a Bill like this, because when we are dealing with terrorists we are dealing with no one else besides terrorists who will not stop at anything to gain their ends. If anyone is arrested and is tried under this Section, and they know that the Government is producing evidence against them, then, when witnesses come forward to give evidence against them, they will do everything in their power to make those witnesses dumb or will disable them from writing or speaking. That is all, and I do not see why the honourable member for Bassein Town should have any objection to such a section.

THARRAWADDY U PU : What about Section 12 ?

The Honourable the HOME MEMBER : You were always in a hurry, you know. I have not come to Section 12 yet. There are no Races to-day.

The honourable member, Sir, for Bassein Town also objected to Section 12 which says :—

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

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

the Local Government, if it is satisfied that such person is a member or is being controlled or instigated by a member, of any association of which the objects or methods include,” and so on.

What the honourable member for Bassein Town said was that he objected to the wording “ in the opinion of the Local Government.” That is to say, the Act gives very wide powers to the Local Government, and the Local Government, he alleges, would make very improper use of those wide powers. Sir, it is extremely wrong for the honourable member for Bassein Town to have insinuated such a motive to the Local Government because he cannot bring forward any case or occasion on which the Local Government has made improper use of any power that has been entrusted to the Local Government. The Section says that “ if the Local Government has reasonable grounds for believing,” and Sir, supposing a person is arrested, he has the right to be brought up before two judges. The honourable member also objected to Section 14, and I think most of the honourable members who have spoken against this Bill would rely chiefly on Section 14, that is to say, power to arrest without warrant.

Sir, if any person is innocent, I do not see what apprehension he could have against the insertion of this section in this Bill which runs as follows :—

“ Any officer of Government authorised on this behalf by general or special order of the Local Government may arrest without warrant any person against whom a reasonable suspicion exists that he is a person in respect of whom an order might lawfully be made under sub-section (1) of section 12.”

If a man has not indulged in terrorism and is perfectly innocent of terrorist acts, I do not see what reason he could have for apprehending that he would be arrested by any policeman. Sir, under this Ordinance which has been promulgated the Local Government has issued an order that no police officer under the rank of Deputy

Superintendent of Police will have power to arrest. No ordinary police constable or Sergeant or other subordinate police officer will be able to arrest under this Bill. Do honourable members suggest that the Deputy Superintendent of Police will arrest any innocent person or persons of the standing of honourable members in this Council without rhyme or reason ?

THARRAWADDY U PU : On the information of the subordinates.

The honourable the HOME MEMBER : If honourable members suggest this, then they suggest improper motives and improper actions to our countrymen, as 99 per cent. of Deputy Superintendents of Police are Burmans, and I certainly resent any reflection on our countrymen.

Then, Sir, the honourable member for Bassein did very well in attacking and giving reasons for certain sections of the Bill. But he spoilt his arguments by referring to the Suppression of Brothels Act which has nothing to do with it or to the notification of women's *athins*. He read out the number of the *athins*, he read out the names of office-bearers, and so on, as if this Bill had anything to do with Associations of that kind.

The honourable member for Toungoo South, Sir, wants to know if the Bill was aimed only at Bengalis. Sir, as the Bill stands, it is not aimed at either Bengalis, Burmans or Europeans. It is aimed against terrorists ; and if any man is a terrorist—be he either Burman Bengali, Englishman or Irishman—then this Bill will be used against him. Then the honourable member states that since we have the Ordinance why do we want this Act. Well, the Ordinance lasts only for 6 months ; and if during the 6 months or towards the end of the 6 months cases crop up in which people have to be tried and the Ordinance expires, then the trial comes to an end and the person is released. It is for the purpose of giving a longer life to this Ordinance that we have asked the honourable members to agree to this Bill

Sir, it seems to me that most of the Indian honourable members who spoke against this Bill expressed righteous indignation at the very idea of Government introducing a Bill like this. They were so solicitous that the fair name of Burma might be besmirched. Sir, they said nothing about the Indian Penal Code. This Bill is aimed at terrorists, and terrorism is a crime which comprises those crimes which are listed in the First Schedule ; but there are a large number of other sections in the Indian Penal Code which are worse than terrorist crimes, and which are more full of moral turpitude than terrorist crimes. But they have said nothing about the Indian Penal Code, and no Indian has expressed any indignation at the Indian Penal Code being on the Statute Book. Sir, in expressing horror at the fair name of Burma being besmirched by the introduction of this Bill and placing it on the Statute Book and allowing the Indian Penal Code to remain where it is, is like straining at a gnat and swallowing a camel.

EXTRACT FROM THE PROCEEDINGS OF COUNCIL RELATING TO THE BURMA CRIMINAL LAW AMENDMENT BILL, 1931, AT A MEETING HELD ON THE 4TH MARCH, 1931.

THE BURMA CRIMINAL LAW AMENDMENT BILL, 1931—*continued*.

The Honourable the PRESIDENT: We will now continue the discussion of the Burma Criminal Law Amendment Bill, 1931.

Mr. M. M. RAJI (*Moulmein, Indian*): Mr. President, I rise to a point of order. In the statement of Objects and Reasons attached to this Bill we find it is stated that "there is good reason to believe the two serious crimes which have recently occurred in Burma were the work of the Revolutionary Party." One of the two serious crimes referred to therein is what has come to be known as the Creek Street robbery. This fact has been very clearly brought out in the Ordinance which has given rise to this Bill. It will therefore be seen that a direct connection has been established between this Bill and that robbery. You will remember, Sir, that when I addressed this House the other day on this Bill, I was obliged to make a reference to that robbery, and I was called to order because the case arising of that robbery was *sub judice*. Other honourable members who attempted to refer to the same case met with the same fate. Now, if the Government is entitled to rely on this robbery case for the purpose of showing the existence in Burma of a revolutionary party, surely honourable members of this House are equally entitled to refer to the same case for the purpose of showing the contrary.

But, unfortunately, we are precluded from making any reference to that case because as it has been pointed out, it is *sub judice*. The position which has arisen is not without precedent. You will remember, Sir, that when the Public Safety Bill was introduced in the Legislative Assembly it was felt that that Bill could not be discussed freely and satisfactorily because the Meerut case was then *sub judice*, and the honourable President of the Legislative Assembly ruled that that Bill was out of order. Similarly, here, by reason of this robbery case being *sub judice*, we are precluded from discussing this Bill as we should have liked. We therefore ask for your ruling, as to whether the discussion on this Bill is or is not out of order. Of course it is not easy for you to decide at this stage as to how far the discussion of this Bill is possible without reference to the case which is *sub judice* unless and until we are permitted to enter upon a discussion of the facts of that case, and that, as I have already submitted, we are not going to be allowed to do because it is *sub judice*.

The Honourable the FINANCE MEMBER : Sir, the Statement of Objects and Reasons makes no reference to the Creek Street robbery. Sub-clause (2) of clause 3 of the Bill runs as follows :—

“ No order under sub-section (1) shall be made in respect of, or be deemed to include, any person who has been committed under the Code for trial before a High Court, etc.”

That sub-clause precludes the Creek Street robbery from being tried under this Bill if it becomes law.

My honourable friend, Mr. Rafi, rests his case on the ruling of Mr. Patel who was President of the Legislative Assembly and who refused to permit discussion of the Public Safety Bill because the trial of certain communists was proceeding at Meerut. This, Sir, was the reason which Mr. Patel gave for his ruling :—

“ The speeches I heard the other day have confirmed me in the view, which I have expressed in my statement, that no real debate was possible without repeated reference to and discussion of matters sub judice and that matters sub judice were the only vital matters relevant to this debate.”

Now, Sir, the case for this Bill rests on the statement made by Government that a criminal conspiracy exists to subvert the Government. Government asks the house to take that fact from it on trust. It cannot prove the fact to the House. It must ask the House to believe it when it makes that statement, and therefore, Sir, the details of the Creek Street robbery have no connection with this Bill so far as the vital issue underlying the Bill is concerned. The enquiry into the Creek Street robbery is an enquiry as to whether certain persons committed a certain robbery. The issue before the House is whether a criminal conspiracy exists. The standing order says that a member while speaking must not refer to any matter of fact on which a judicial proceeding is pending. A judicial proceeding is pending as to whether certain persons committed a robbery on a certain date, but no judicial proceeding is pending as to whether a criminal conspiracy exists against Government. I submit, Sir, that we can discuss this Bill altogether apart from the Creek Street robbery, as the state of things which Mr. Patel said existed in the Legislative Assembly does not exist here. I should like Sir, to refer to legislation in the British Parliament. In the 19th century there were about 90 Acts amending the Criminal Law in Ireland, and the case for every one of the Bills was the increasing lawlessness in Ireland. Hundreds of people were under trial for outrages committed in Ireland, and it was the fact that they were under trial which was the ground for the Bill. Between 1860 and 1870 the Habeas Corpus Act was suspended by Bill on numerous occasions. In 1870 the Peace Preservation Bill was introduced and passed. In 1880 a Bill for the protection of person and property was passed. In 1882 a Crime Bill was passed, and in 1883 an Explosive Substance Bill was

passed. I think, Sir, when all these Bills were under consideration by Parliament people were under trial under the ordinary law, and the case for the Bills was that the ordinary law was not strong enough as so many persons were under trial that the law required to be strengthened; and I think, Sir, that if the point raised by Mr. Rafi was a sound one, it would have been raised in the British Parliament and a decision would have been given. The fact that this point was never raised seems to me to indicate that it was not even faintly arguable.

THARRAWADDY U PU (*Toungoo, South*): Sir, I beg to ask you to allow this discussion to take place under Standing Order 14, clause (1), which says that no discussion on any point of order shall be allowed unless the President shall think fit to take the opinion of the Council thereon. So I beg to ask you to allow the honourable members to discuss the matter and take part in the discussion raised by my honourable friend Mr. Rafi.

The Honourable the PRESIDENT: What is your suggestion? Do you mean to press for a division on a point of order, or do you wish to raise a supplementary argument on the point raised by Mr. Rafi? What is your point?

THARRAWADDY U PU: My point is as laid down in Standing Order 14 (1). We want to have an argument because it is a very important matter. We want to have a discussion on these points, and it is left for you to decide. If you think fit to take the opinion of the Council as to whether there should be a discussion on this point of order you may be pleased to ask the opinion of the Council.

The Honourable the PRESIDENT: That is what I am asking you, whether you want the decision of the Council or whether you wish to supplement the argument. Of course I am not bound to put it to the House. It is for me to decide whether I should allow the House to discuss it. I want to know what you are driving at.

THARRAWADDY U PU: If you allow the discussion, I shall be quite satisfied.

The Honourable the PRESIDENT: I will allow you to supplement any arguments that you may wish to make on the points raised by Mr. Rafi. I do not wish to put the matter forward for the purpose of a division or for counting votes. The matter is an important and delicate one.

THARRAWADDY U PU: Spoke in Burmese.

The Honourable the PRESIDENT: The point raised by Mr. Rafi is a rather intricate one. I have looked at "Parliamentary Practice" and I am not aware of any case which supports the contention raised by Mr. Rafi; that seems a strange thing. Of course I am perfectly aware that there is a ruling by the Honourable President of the Legislative Assembly on the point. But there the circumstances are rather peculiar. I do not say that in certain circumstances the ruling

of the Honourable President of the Legislative Assembly might not be followed here, but in this case the circumstances are not identical. On a reference to the Ordinance and to the Bill I find three incidents are referred to, *viz.*, the Creek Street Robbery, the attempt to wreck a train, and the rising at Tharrawaddy. In the Statement of Objects and Reasons two incidents are referred to, and the Honourable the Home Member has very diplomatically avoided any reference to the Creek Street case. In his speech no reference was made to the Creek Street case, and, as pointed out by the Honourable Leader of the House, a reference was made to Clause 3 sub-clause (2), where provision is made for exclusion of a case which has been committed to a High Court. So out of the three incidents of which we are aware, under the rule of *sub judice* we are only precluded from touching one. We are not precluded from touching upon the other two incidents, and the House is perfectly free to refer to the other two incidents, and it is for me to decide whether in such circumstances the House has a reasonable ground for a satisfactory debate in this House. If I come to the conclusion that the House has a reasonable opportunity to discuss the merits, then I must allow the Bill to proceed. But on the other hand, if I come to the conclusion that a discussion of the Bill cannot be satisfactorily carried on before this House, then I may be bound to follow the precedent of the Honourable President of the Legislative Assembly. But in this case I am compelled to come to the conclusion that the members of the House are not entirely precluded from discussing the merits of the Bill. They have sufficient opportunity to discuss the merits of the Bill, and therefore I must overrule the point raised by Mr. Rafi, and the discussion will now proceed.

Lieutenant-Colonel C. DE M. WELLBOURNE (*Official*): Sir, on a previous occasion when speaking in this House I disclaimed the responsibility of the Criminal Investigation Department for intelligence work in districts. A Terrorist Organisation is, however, quite a different matter, and it is the duty of the Criminal Investigation Department to piece together the threads in the skein. Sir, this is most difficult, as the Terrorist Organisation, which is similar to that in Bengal, keeps every one of its movements and the whole of its organisation entirely secret. The Bengal Revolutionary Organisation takes the most elaborate precautions as regards secrecy, and every recruit is taught that secrecy means power and discipline means strength and is bound by an oath to obey orders, the punishment for betrayal being death. Now I am most anxious to take members of this House into the confidence of Government as far as it is possible. In order to save the law-abiding people from reprisals, it is necessary that I should be most guarded in the information that I give to the House. With the exception of short periods totalling three and a half years, I have been in charge of the Criminal Investigation Department since 1921 and watched the growth of the Bengal Revolutionary Movement since the beginning of 1922.

In 1922 a Chittagong Branch of the Anusilan Committee—a well known Bengal Revolutionary Organisation—started in Burma, and at the end of the same year another Branch was opened in Burma by men from Eastern Bengal. At that time the object of the Revolutionary Party in Burma was only to raise money for the revolutionary cause in Bengal and to harbour absconders and refugees from justice in India. In 1924 these two small Societies were amalgamated and started forming secret Societies in various places in Burma and made arrangements to smuggle arms and ammunitions from the Far East into Burma for use in Bengal. This culminated in 1926 in a gun-running conspiracy case known as the Dakhineswar Bomb Conspiracy case which resulted in convictions in Calcutta. During the course of the trial the connection with Burma was definitely established in Court, and one man named “Prefulla” was arrested in Rangoon and was convicted in Calcutta in February, 1926. During the trial of this case evidence implicating other members of the party now in Burma was obtained. In 1926 several important leaders of the Bengal Revolutionary Movement came to Burma and founded a large Branch at Insein. The chief object of this Branch was to impregnate school boys and University students with their pernicious propaganda. During 1927-28-29 emissaries of the Chandarnagore Branch of the Revolutionary Party visited Burma, amongst whom were three of the accused in the Chittagong Armoury Raid case which occurred in 1931. It was in 1930 that the Bengal Revolutionary Party decided that the time was ripe to commit acts of violence in Burma. One of their objects was to preach the chances of Separation; and although the members of the Bengal Revolutionary Party are not the primary cause of the Tharrawaddy Rebellion, they have done everything in their power to encourage violence against Government in order to further their own ends. This is evidenced by the circulation in Burma of seditious pamphlets called “Vanguard,” “Freedom first; Freedom second; Freedom third,” and a yellow pamphlet which was circulated in Rangoon on the morning of the 27th February. All three were highly seditious and highly objectionable, but the last one is the worst. With your permission, Sir, I will read the worst paragraph.

“Beat the ‘White English’ you get hold of, even as you beat a dog and kill him with a knife, a stick, a stone, or even by the hands given by Nature. In a meeting or in a Bungalow, on the railway or in a carriage, at home or in office, in a shop or in a church, in a garden or at a fair, wherever an opportunity comes, Englishmen ought to be killed.”

I am sure that honourable members of this House will condemn the circulation of a pamphlet of this nature, especially when I tell them that very large numbers were found in the University hostels at dawn on the morning of the 27th February before the gates were opened and before any post had been delivered. Apart from the

information in the possession of the Criminal Investigation Department, it is evident that these pamphlets were distributed in the University by Bengali and Burmese students. Terrorist outrages and violence of this description are entirely foreign to the Burman nature, and I would ask the honourable members to support the Bill in order to prevent such propaganda being used among the students in schools and Universities in Burma. Honourable members may ask as to what proof there is that these pamphlets have emanated from the Bengal Revolutionary Party. I can assure the members that several days prior to the pamphlet "Vanguard" being circulated in Burma, information was received from Calcutta that this pamphlet was being printed and sent to Burma. As regards the yellow pamphlet, a well known member of the Bengal Revolutionary Party, who is known to the Criminal Investigation Department, was caught red-handed posting the pamphlet on the walls of St. Paul's Institution.

THARRAWADDY U PU : Sir, I rise on a point of order. The honourable member is referring to a case in which a Bengali was arrested the other day. I believe the case is still *sub judice*.

The Honourable the PRESIDENT : Colonel Wellborne, you cannot go into the merits of the case. You can just refer to it.

Lieutenant-Colonel WELLBORNE : Now, Sir, in spite of the distress caused in the Province by the rebellion, Burmans have not indulged in the pernicious doctrines of the Terrorist Party, and it is most essential that the youth of the Province should not be tampered with any longer. A Bill of this nature is the only possible way of dealing with the Bengal Revolutionary Party. Members of the Opposition have frequently complained of attentions by the Criminal Investigation Department officers in shadowing political agitators. Now, the Criminal Investigation Department officers in Burma are shadowed by Bengal revolutionaries. Quite recently, an officer was enticed to the Zoo by a so-called Bengali friend of his. Certain men in a passing motor-car fired revolver shots at him, but luckily they missed him. Subsequent to this, reliable information was received as to who the Bengalis were in this motor-car. That is an example for the necessity of a Bill of this nature. It is impossible for the police to investigate and prevent terrorist outbreaks under the ordinary forms of police investigation and under the ordinary judicial procedure. Even supposing a Bill of this nature is a lawless law, as the members of the Opposition have said, is it not better that Burma's name should be besmirched with a lawless law rather than with terrorist outrages done by young students in Rangoon who up to date have never taken any interest in terrorist propaganda ?

THARRAWADDY U PU : Young Burmese students or Bengali students ?

Lieutenant-Colonel WELLBORNE : Burmese students.

THARRAWADDY U PU : I am very sorry.

Lieutenant-Colonel WELLBORNE : It is for this reason that I ask the House to support this Bill.

Mr. M. I. KHAN (*East Rangoon, Indian*) : Sir, as a rule I do not take part in each and every discussion that comes before the House or make very long speeches as my honourable friends do in order to seek election to this House, but I think I will be doing a great injustice to my constituents if I fail to oppose this most undignified and monstrous Bill. The Honourable the Home Member in introducing this Bill gave us to understand that there was terrorism of three kinds—outrages, threats to kill people, and circulation of revolutionary pamphlets. We are also given to understand that this Bill is meant only for the Bengal terrorists and not even for the people connected with the Tharrawaddy rebellion or the Burmese in any way. I will say a few words as to whether this Bill is intended for the Burmese people or not. I will give you, Sir, an illustration from the Bill itself. The Bill does not at any place say that it is meant for the Bengal revolutionaries and would not affect Burmans. In the last sentence of the Statement of Object and Reasons it is said that the Bill is meant for anybody connected with terrorism ; it is not confined to Bengal terrorists or people from Bengal. That clearly shows that it is meant for Burmans. Then, again, Sir, this Bill is the outcome of the Ordinance or the Ordinance is the outcome in anticipation of this Bill, and the Ordinance, according to the statement made by His Excellency the Viceroy on the 31st January, (so far as I can recollect) is meant for the Tharrawaddy Rebellion, and in this connection the Creek Street Robbery and other cases of so-called terrorism were mentioned. Now, this Bill has been brought to this House so that the Ordinance could be given full effect to, and this Bill if passed will last for five years. It is clear from the Viceroy's statement that this Bill is not only meant for Bengalis but is meant for everybody in general ; so we cannot take the statement of the Government that this Bill is simply meant for Bengal terrorists and not for anybody else. Well, as regards the outrages, Sir, we have been given an instance of only one outrage. We do not know anything about this outrage.

How are we to support this Bill when the Government have not shown reasons for doing so. As regards the railway outrage at Nyaungchidauk, my honourable friend U Maung Maung from Toungoo has made out a case that this outrage has nothing to do with the revolutionary party. His statement must be correct. We have learned that some persons concerned with the shunting department and others in the employ of the Burma Railways have been punished or removed because of that accident. This naturally goes to show that they were negligent in their duties in not attending to the points and other things.

As regards the threats sent to Mrs. Ba Pe, U Ba Pe is here alive, hale and hearty, and we have no reasons to believe that he would be

shortly killed. As for the threat to honourable Mr. Lloyd, he is also hale and hearty amidst us, and it does not seem that he comes to this Council Hall or goes about guarded like the people in Bengal do. Sir, we have been given to understand that this revolutionary organisation has been at work since the year 1922. If this be the case, it reflects on the inefficiency of the police and the Criminal Investigation Department who have not been able to prevent the formation of such organisations. The Government now want us to give our assent to this Bill without giving any tangible proof of any incident which might induce us to support a Bill of this nature. As regards the pamphlets, we have been given to understand that this is the work of the Bengal Revolutionary Association. So far as we are aware, we have never heard of any association bearing that name. As a matter of fact, if there are any revolutionaries, they will not form an association like that publicly and go about distributing pamphlets under a certain name. Then again a great deal of comment has been made on a leaflet which contained the words "Freedom first, Freedom second, and Freedom third. Down with the Union Jack and up with the Peacock Flag." Now, Sir, this is another instance that will go to show that the Bengal revolutionary party, if there be any, have nothing to do with the Peacock Flag. I do not know how the Honourable the Home Member by any stretch of imagination could connect the Bengalis with the Peacock Flag.

The Honourable the Chief Secretary tried to make out that this revolutionary party is a great danger to the Government officials and also to the public in general. Mr. Lloyd generally supported that view. The Honourable the Home Member gave us to understand that the lives of Government officials who tried to separate Burma from India were in danger. When it came to Mr. Lloyd, he gave us to understand that he was not so much concerned about the officials and himself personally but that he was concerned more about the public in general. Sir, we here are the representatives of the public and we say that the public in general are not in danger at all. The Government benches make a great mistake in holding a brief for the public. Further, there is a vital contradiction in what the Honourable the Home Member and Mr. Lloyd said. If there was really any substance in this, naturally every one of them would be concerned and there would not be anybody left out.

Mr. I. G. LLOYD (*Official*): A word of personal explanation, Sir. The honourable member has said a lot about what I was supposed to be concerned. My chief object was that young Burmans should not be contaminated by the doctrines of the Bengal terrorist party.

Mr. KHAN: As regards contamination, Sir, we have not been shown any instance. It has also not been shown who circulated those pamphlets and who printed them. We were again given to understand that if we do not give our support to this Bill, we would be

encouraging murders, assassinations, and so forth. I am sure we cannot be accused of encouraging murders, etc., simply because we do not give our support to this Bill. (If at this stage, people opposing this Bill could be accused of encouraging murders, assassinations and so forth, by a high official like the Chief Secretary, what would the police officers who are less intelligent and do not hold such a high position do when this Bill is passed. They could utilize this machine of oppression and harass the public in general on the least possible excuse. Certainly a Bill of this sort should not be encouraged). Mr. Lloyd spoke of contamination of this country and based his statements on his 30 years of service in this country. I, Sir, feel more about it than Mr. Lloyd, as I have been in this country for three generations and I have no intention of leaving the country after taking pension like Mr. Lloyd; and all of us here must see that the name of Burma is not tarnished with this sort of Bill. I oppose this Bill.

U WAYA (*Lower Chindwin*): Spoke in Burmese.

Mr. B. N. DAS (*Bassein, Indian*): Sir, although it is true that many speakers have already dealt with the various aspects of the Bill and all have definitely expressed their opposition to it, I feel that I should also join in the general chorus of protest against the introduction of a piece of legislation, which is mis-timed and mis-conceived. Now, we are well aware, Sir, that in India Mahatma Gandhi is asking for the repeal of all the Ordinances promulgated, in order to create a peaceful atmosphere to consider the declaration of the Right Honourable the Prime Minister; and this is the very time, Sir, when this Ordinance has been promulgated and is now sought to be made into law. Is not a peaceful atmosphere necessary for Burma also to consider the constitution that is to come? I do not deny, Sir, that there have been occasional outbursts of violence in Bengal, and nobody regrets them more than I do, and I think this House will have nothing but abhorrence and condemnation for terrorist outrages of all kinds; but, Sir, even the Government of Bengal has not alleged that there is an all-Bengal terrorist organisation which has got its Branches in all parts of Bengal, and has now spread its ramifications across the Bay to Burma. The reason given by the Government of Burma for this opinion, Sir, is that the Bengal terrorists are trying to contaminate the Bengal youths resident in Burma and also the younger generations of Burma and trying to hatch plots here. I want to mention, Sir, that in the course of the discussion of this Bill some time ago, the most important outrage the Bengal terrorists are alleged to have done was the attempt to derail the train at Nyaungchidauk; and then (although it is not referred to in the Ordinance) the outrage known as the Creek Street Dacoity; and then the Tharrawaddy rebellion; and not only that, Sir, but also that they have distributed revolutionary pamphlets, and lastly that they sent written letters to some of the

people. Now let us consider them, though they have already been so ably dealt with by previous speakers who have pointed out that no connection has been established between the Bengal terrorist organisation and these outrages.

Now if we take the first allegation—attempt to derail the train—it will be seen that in this connection nobody was prosecuted. There was not sufficient evidence to prosecute anybody. One Bengali youth was, however, prosecuted under section 109 of the Criminal Procedure Code and he was asked to furnish security; and as he was either unable or unwilling to furnish security, he was placed under custody. In this connection the remarks made by U Maung Maung, member for Toungoo North, deserve more than passing notice, because he may be regarded as the man on the spot, and they have already been referred to by my honourable friend Mr. Khan.

Then comes the Creek Street Dacoity. I will only mention the case, Sir; I will not go into the details of the case. But what I do say is that there have been more daring dacoities particularly in and about the town of Rangoon, and I should say even in London town itself, but no political significance has ever been sought to be attached; but in this case, unfortunately, I think more political significance has been sought.

Then comes the Tharrawaddy rebellion. The Honourable Home Member said the other day that a lot of persons suspected to belong to the Bengal Revolutionary organisation have come across the Bay to Burma. In this connection, I want to say that since the outbreak of the Great War in 1914, very stringent precautions have been observed by the Police in examining all persons that come from the whole of India, not only Bengal, and after the Chittagong Amoury Raid very stringent precautions were taken not only at Rangoon but also at Chittagong, and it surpasses my understanding how, in spite of all these precautions, the Bengal terrorists could have come over from Chittagong and landed in Burma. In that case, Sir, I ask what is the use of all these precautions? The Honourable Home Member, Sir, has also gone beyond this when he was asked why not a single Bengal terrorist was shot in connection with the Tharrawaddy rebellion, he replied saying that they were too careful. Now, Sir, the House has to consider whether this thing is humanly possible and whether the argument is sound. As has been already pointed out by many speakers, no connection has been established between the Bengal terrorist movement and this rebellion. On the other hand, portions of the pamphlets read out by the Honourable Home Member, I am of opinion, furnish internal evidence that it was not the work of the Bengal revolutionaries.

I submit, Sir, that the attempt to connect all these outrages with the so-called Bengal terrorists does not call for serious repudiation, as on the face of it, it is absurd. I submit, Sir, that no case has been

made out for the promulgation of this Ordinance by Government, far less for placing the Ordinance on the Statute Book.

I am glad to find, Sir, that honourable members of this House who have spoken before me are under no delusion as regards the proper perspective of this Bill, and apparently they think that this Bill is like an iceberg. Only one-twelfth—that is the Bengal terrorists—appear on the surface, and the rest is under water line. It has been said that the object of the Bengal revolutionary party is to assassinate those who are trying to separate Burma from India. Is it contended that the Bengal revolutionary party is connected with the so called Soe Thein G.C.B.A. ? Of course, Sir, there is no proof that there is any connection between the two. Is it possible, Sir, for people without any knowledge of the language and without knowledge of the habits and customs of the people to come to Burma and set up a number of uneducated cultivators ? I also, Sir, want to refer to the speech of the honourable Chief Secretary, Mr. Leach. At one stage of his speech he stated that this Ordinance was directed only against the Bengal revolutionary party, and not against the participants in the Tharrawaddy rebellion ; and that no necessity has arisen in Burma for any such measures, and he proceeded to connect the two—the Bengal revolutionary party and the Soe Thein G.C.B.A.—in order to justify the measure. To my mind, the Government is evidently suffering from too fertile an imagination of the Edgar Wallace type, and I think this could be better used in producing shilling shockers than in introducing a measure to meet a so-called emergency which does not exist.

Sir, I oppose the Bill.

U BA TIN (*Thatón*) : Spoke in Burmese.

Sir OSCAR DE GLANVILLE (*European*) : Mr. President, I have listened with considerable surprise to the speeches and the arguments that we have heard this morning. The simple question before this House is, shall we or shall we not grant power to Government to prevent crime and to restore public tranquility. The tenor of the speeches that we have heard from the opposition is that we are not prepared to do so. It has been suggested that there is no necessity for a Bill of this nature. Members have demanded proof and I understand them to say that if they do not get proof, they are not prepared to support this measure. The Government position has been explained fully by Colonel Wellborne this morning. He has pointed out that it is impossible for him to put full facts before the Council. He has to be very guarded in the information that he gives. That this is so is well within the knowledge of the members of the Council. If the police place before this Council all the information in its possession, it will be only endangering further the public safety ; it will be putting the suspects themselves on their guard. It would be folly on the part of the police to state fully its information. It is sufficient for me, it is sufficient, I believe, for

most of the members of my party, and I think it ought to be sufficient for members on the other side, if we get an assurance from the Honourable Home Member, and from the officers under him in charge of public safety, that they believe that a danger exists and that they consider that this measure is necessary in order to meet that danger. (*Applause from Government benches.*)

Mr. Khan in the course of his speech gave as one of the reasons for opposing this Bill that would it be used not by men of the intellect of Mr. Lloyd but by subordinate officials to harass the people. That is a misrepresentation, unintentional of course, of the Bill. It is clear from the Bill itself that the powers conferred are to be exercised by the Local Government. The only delegation of powers in the Bill is in Section 14 where the Local Government can delegate authority to certain specified officers who may arrest without warrant when they consider that there is reasonable suspicion, but after arrest has been made a report must forthwith be made to the Local Government, and the Local Government then passes orders and decides. And there is a proviso that no person shall be detained in custody under this section for a period exceeding fifteen days save under a special order of the Local Government, and no person shall in any case be detained in custody under this section for a period exceeding one month. Therefore, there is no ground for saying that this Bill will be used by subordinate officials to harass the people. I do not desire to go into the other arguments that have been used. They are all I think equally puerile. All the speakers that I have heard appear to miss the main point which I have alluded to before, *i.e.*, do we or do we not believe our Government when it says that a terrorist organisation exists. Do we believe that the opinion given by our Government is an honest one. Do we trust them when they say we ask for necessary powers to counteract the evil effects of that organisation? If we believe that, Sir, how can anyone of us conscientiously say that we refuse to grant the power. Now, in a very close connection with this matter I would like to refer to some of the events which occurred during the past two months in London when I went with the other delegates to England. I may mention that the Burmese delegates created a most excellent impression on the British Parliamentary delegation consisting of the present government, the Liberals and the Conservatives; and from what I heard in England in conversations, I believe that the British Parliament is prepared to grant a very considerable measure of responsible Self-Government to Burma.

THARRAWADDY U PU (*Toungoo South*): Not Home Rule yet?

Sir OSCAR DE GLANVILLE: The extent of that responsibility depends upon the people of Burma and to a very very large extent on the opposition in this House (*Applause*). The more extreme the speeches made in this Council and the greater the opposition to law and order, the less will be the real amount of responsible self-government that the British Government will be prepared to grant. That, I

believe, is an incontestable fact. There is a very strong feeling in England—a growing feeling—that although Parliament would like to grant absolute, full and complete responsible government, it must first be satisfied that the Government will not fall into the hands of those who will abuse the power entrusted to them and it is largely by the utterances of the politicians of Burma that we will be judged in the very near future. This is one of the points which, I think, will come up for discussion later on. It is all very well for members later on to say “ Oh, we were not in power. This is dyarchy. It is a Reserved Subject. Had we been in power we would have taken another course.” That may be a satisfactory explanation to Honourable Members themselves but it will certainly not be a satisfactory explanation to those who are opposing the grant of full responsible government. The speeches made in this House will be construed, unfortunately, to mean that the speakers are sympathizers with the rebellion ; that they are sympathizers with breakers of the law, and that they are in their hearts active opponents of every measure that Government takes to restore order. They are furnishing strong arguments to those politicians who are opposing the grant of full responsible government. I ask Honourable Members before they decide to refuse their assent to this Bill to consider carefully what result and what effect their opposition will have on the future political advancement of their own country. (*Applause.*)

U KIN MAUNG GYI (*Magwe, West*): Sir, I am afraid that the Government is at present passing through some anxious moments owing to the disturbed condition of the country. It is a matter for regret that the Government should think it proper to introduce this Bill. I look upon this Bill as a dangerous one ; at least the policy that lies behind it is a dangerous policy. Although, Sir, it is not mentioned in the Statement of Objects and Reasons I think the intention of the Government in introducing this Bill is to paralyze the political activities of the country. . . .

(*Voices*) No ! No ! Yes ! Yes ! and Order ! Order !

and prevent the expression of public opinion when it is most needed. Sir, it is needless to say that there is great discontentment in the country and this discontentment is growing stronger and stronger every day owing to the repressive measures adopted by the Government lately. Sir, if this Bill is passed I am afraid that the loyal and peaceful citizens of the country will be subjected to much annoyance by the Police Department. When I hear the speeches of the Government members it appears to me that the Government seem to attach much importance to the distribution of the pamphlets ; and it is not justifiable that the Government should take advantage of that accidental circumstance and saddle the whole country with such a measure as the Government is asking to-day to pass it into law. I strongly oppose the Bill.

Mr R. K. GHOSH (*Akyab, Indian*): Mr. President, I confess that at the commencement of the discussion of this Bill, I took but a

languid interest in it, because I looked upon it as only a small instalment of a large debt of justice still due to us. If our zeal has been kindled, if our interest has now become intense, it is not because our feelings have been cut to the quick by unparalleled insults but a broader issue has been raised—namely, whether this Bill is going to be passed into a law of the land to remain for five years in the Statute Book only for the wanton and unprovoked action of some Bengali boys who are alleged to have belonged to Bengal Revolutionary Association existing here since 1922. I cannot persuade myself to believe how this undesirable thing could continue to exist for so many years in the presence of so many watchdogs who are being fed at the cost of the country's resources; I therefore do not like to challenge the statement as it does not bear the test of scrutiny. Whether these Societies exist here or not I am not going to enter into details, because the Government have not, as yet, given us any proof that these societies have got any connection with the Tharrawaddy rebellion.

It gives me more pain when I think only for the alleged faults of a few Bengali boys, the land of Pagodas is going to be stigmatised; those Bengali boys who were arrested under suspicion could be expelled under the provisions of the Expulsion Bill. I am reminded here, Sir, of a feeble paraphrase of a well known passage in Macaulay's essays. We are told that "What the stiletto is to Italians, so are the false charges to the Bengalees."

I can no longer resist the temptation of somewhat unburdening my mind on this subject.

Sir, the introduction of this Bill at the present moment, when the great problem of responsible Government is looming largely into the public view, has come upon us as a painful surprise.

A Statesman need not be logical but he is bound to be reasonable and just and cannot over-ride the paramount opinion of the people. We are accustomed to associate English administration especially with the most scrupulous observance of personal rights. English history, literature and poetry are saturated with the right of personal liberty, and no one could read the glowing pages of English history without imbibing a passionate love for such liberty. *If the bill is passed into Law, the personal liberty of the people will be at stake.*

By the secret report of the secret police, the sanctity of our homes may be invaded and even boys of tender age wrested away from the bosom of their families and held in detention in Jails under their personal discipline without giving them any opportunity for explanation in defence under the provisions of the Bill in question. Whether the Government is justified or not in introducing this Bill at this psychological moment when India and Burma are jubilant over the declaration of the Honourable Prime Minister and the Secretary of State for India and when they have got within their sight the vision of transcendental glory of responsible Government

for which they have been struggling for so many years both inside and outside the Council, is a question now before the House to decide.

It is undoubtedly true that one of the first duties of the State is to preserve law and order, and if the public tranquillity is in any way at stake, the Government is bound to be armed with some emergency laws. The Tharrawaddy rebellion, to which various references have been made by the Honourable Home Member, has no political significance and is rather due, according to the Correspondent of the *London Times*, to economic causes. The situation is not in the least dangerous and an over-readiness to scent danger is not one of the notes of true statesmanship. And again it is superfluous, as the Indian Statute Book gives the Government ample power to put down any crime.

In view of these facts, if the Government desire to embark on this dangerous game and persist to thrust it upon the unwilling people of this country, the Government will, no doubt, commit a huge political blunder. The smouldering fire which is dimly visible, may burst into a great conflagration of discontent and disaffection.

I shall now conclude; before I do so I think I should offer my thanks to the Honourable Home Member for his having uttered a word of tribute to the great departed souls of Bengal.

In the course of his speech, the Honourable Home Member said "and it is in the district of Chittagong that Bengal Revolutionary Association had its birth and the majority of members of the Association came from Chittagong." In reply to this indictment, I beg to submit that the so-called Bengal Revolutionary Association is said to have taken its birth in Calcutta during the partition movement, but not at Chittagong, and that was in 1904-05.

Dacca and Chittagong were then separated from the Bengal Presidency and put under Sir Henry Fuller, the Lieutenant-Governor of Assam, and so practically Chittagong had no connection either with Bengal or its so-called Revolutionary Association. It requires no comment from me to convince the House that Chittagong played no part either in its organisation or its activities. Every political student and newspaper reader is well acquainted with these facts.

He further said "nearest to the Hills where the wild tribes go in for head hunting, and that is Chittagong." There is no tribe known as wild tribes in Chittagong who go in for head hunting. The hill tracts of Chittagong are inhabited by a class of Buddhists known as Chakmas, whose mother tongue is Burmese; they are under the direct control of Buddhist Rajas (Sawbwas) and many among them have now become Deputy Magistrates and Sub-Deputy Collectors serving under the British Government. Here he has betrayed his geographical knowledge. He does not stop here and goes on to give a finishing touch to his fanciful stories by saying "they have a kink in their brain, that is, they desire to remove all persons who do not see eye to eye with them." He has failed to substantiate his

wilful indictment with any rhyme or reason, or any historical facts. I have ransacked the history of Chittagong, Bengal, and India, but nowhere have I met with such expressions. These were the creations of his imagination intended to be used to serve his purpose. Mere saying without any historical instances or otherwise, does not deserve any honest criticisms.

I now pass to the Bill again. If the Government withdraws the Bill at this critical juncture, reserving the power to introduce it again in time of emergency, the Government will earn, no doubt, the lasting gratitude of the people of this country and this will hereafter be regarded as the bright record in the annals of the British Rule in Burma.

In conclusion, I make a fervent appeal with all the emphasis that I can command in the name of common sense on behalf of the people of this country to reconsider this matter before they fall headlong into the ocean of Imperialism uncompromising to the democratic policy of British rule.

I do earnestly appeal to you to do all that lies in your power to bring about peace and order if there be anything contrary, by bringing into book those who are really associated with the alleged revolutionary movement by making use of all weapons lying in your armoury.

U BA PE (*Burmese Chamber of Commerce*): Mr. President, when I read for the first time the Statement of Objects and Reasons of this Criminal Law (Amendment) Bill the impression it made on me at the moment was anything but good. In the Statement I read that the Government of Burma have been aware since 1922 of the existence of a Revolutionary Party in Burma, but hitherto they have contented themselves in keeping a careful watch on the activities of these men. They have been watching for nine long years the activities of these revolutionary men. They have been aware for some time past that these revolutionaries have been contemplating outrages in Burma, and there is good reason to believe that two serious crimes which have recently occurred in Burma, were the work of the revolutionary party. That is to say these two outrages were committed with the full knowledge of the Government and under its very nose. I was wondering whether the movement was not nursed by the Government. My astonishment was the greater when I heard the honourable the head of the Criminal Investigation Department give the details of the growth of the revolutionary movement in Burma. I was wondering why Government was not taking adequate action to nip this revolutionary movement in the bud, why they were merely watching and watching and doing nothing till at last we have this movement in a form when they want to introduce lawless law to meet it. I yield to no one in this House in my desire to see the country peaceful and law-abiding, but the measure before the House is not going to meet

the objects it has in view. The same class of law was used in India, and the result of it was anything but good. Instead of suppressing the revolutionary movement, it simply creates a feeling of suspicion among the law-abiding sections of the people and furnishes recruits for the other side, *i.e.*, the revolutionary side. The Honourable the Finance Member referred to the lawless law introduced in the House of Parliament to meet the serious condition of things in Ireland. What was the result? The Irish people look upon the Britishers with hatred. The revolutionary movement in Ireland was not checked. It went on, and the Sinn Fein movement which broke out into open rebellion during the war, was the result. I am afraid that similar measures introduced elsewhere and now proposed for Burma will have the same result here as in other countries. So long as human nature is what it is the result is bound to be the same. Now, Sir, what is the actual cause of discontent and disaffection in revolutionary movements all over the world? In Burma we all know that the economic position is very bad indeed. Hungry mouths and empty stomachs will always be a fertile ground of recruitment for a revolutionary movement. The price of paddy is so low that I am afraid this coming season conditions will be such that the acreage under paddy will come down very materially. The effect will be that on the one hand Government will lose revenue out of the land, and on the other we will have a large number of people depending on paddy cultivation thrown out of employment entirely. If, during the coming three months of the open season, March, April, and May, we can find out ways and means of meeting the situation, Burma will have a fairly peaceful time; but if we fail to do so, millions of acres of paddy fields will be fallow, and a great many people will thereby be out of employment. And during the rains when the roads in the villages are impassable, what will be the state of affairs in Burma? No amount of repressive measures will prevent a starving populace from having recourse to acts of violence and lawlessness. How are you going to meet the situation? This enactment of lawless law will not get you the sympathy of the people, so long as they have hungry mouths and empty stomachs. We have to find ways and means to help the people to tide over the present agricultural situation. Instead of doing this, we now have this kind of measure introduced to meet the activities of certain classes of revolutionary people imported from over the Bay. How can this measure affect that movement so long as the root or main cause that gives rise to revolutionary movements is left untouched. Why not cut the root of the cause?

The Honourable the HOME MEMBER: How?

U BA PE: It is for the Government to find ways and means. What is the use of having a Government that has not the wisdom to find ways and means for the welfare of the people! (*Applause*). The members of the Opposition did their level best and suggested

what occurred to them to be of use the other day. Why should Government wait for the ideas of the people? But if Government is so bankrupt of ideas, why not call for a conference of the leaders of the various communities in Burma and get their views on the question. If wisdom is the monopoly of the Government, then show us that you have it. Do not ask what is necessary to meet the situation. I say again, Sir, that while I am with the Government to have peace and order throughout the country, I am not in agreement with the principles of this Bill. And when I say "peace and order," I do not mean the peace and order that is to be found in a prison, and when I speak of "peace," I do not mean the peace of the graveyard. I want peace and order and I want the Government to find ways and means for the welfare of the people. If they do this, the people will find it worth while to support the Government. It is in their interests to keep law and order to support the Government, but you cannot expect the population starving, with nothing to eat and nothing to look to, to support the Government when it is doing nothing for it. We have come now to a stage in the history of Burma where the Government should not only say with folded arms from their armchairs that they are doing something, but they should come forward and prove to the people to their satisfaction that they are really doing something. Mere statement is not sufficient. What we want is action and not word. This Bill, Sir, will be handled, it is said, by the Local Government itself. While going through the Bill, I notice the Bill does not create any new offence—that is to be thanked for—but it proposes a different or new procedure dangerous in the extreme. No doubt it is said that the Local Government will take charge of the actual action, but what can the Local Government do by itself? It must delegate to some of its officers, and human nature being what it is—and we have heard this morning of the abuses of the law by the Department that is kept to maintain law and order—what will be the effect? If, let us assume, the officers entrusted with the work are all honest and sincere men and they are so eager to discharge their duties honestly and truthfully that they will simply do according to the instructions of the Local Government, then what will happen? They will come to be so careful that it is quite possible that they will not come across any single man over whom they can use their powers. In that case the enactment of this measure is superfluous; not only superfluous, it will raise suspicion in the minds of the citizens to such an extent that instead of helping the Government to secure the support of the people, Government is bound to have a strong opposition in the country, and that will come from a section of the people who are not out in the Tharrawaddy District fighting against the Government, but from the people living in the towns on whom Government will have to depend for support. On the whole I am satisfied that this Bill is not justified because it will not in any way meet the situation. What Government should do is to stop doing

this unnecessary thing, but take more time to think of ways and means to meet the situation for the welfare of the people. I have strong opposition to the Bill, and I oppose it. (*Loud applause*).

THARRAWADDY U PU (*Toungoo South*): On a point of order, Sir, I understand that this new Statement of Objects and Reasons was circulated to the honourable members to-day with your permission. There is a vast difference between the Statement of Objects and Reasons given at the bottom of the Bill and the Statement of Objects and Reasons published to-day. There is another extraordinary thing, Sir. The Statement of Objects and Reasons given in the Bill was dated 6th February, 1931, and signed "J. A. Maung Gyi, Member in charge of the Bill," and to-day we received another Statement of Objects and Reasons amended and signed "J. A. Maung Gyi, Member in charge of the Bill," and dated 6th February, 1931, whereas it was printed on 2nd March, 1931. I do not know whether you have allowed the Government, Sir, to present the Statement of Objects and Reasons in the amended form. If so, I want your ruling, Sir, whether we can be permitted to amend our arguments, because our arguments on the Bill were based on the wrong statements made in the old Statement of Objects and Reasons. There, Sir, the reason given was "the Bengal Revolutionary Party is in existence in Burma," whereas in the present amended Statement of Objects and Reasons, the reason given is "the existence of a Revolutionary Party in Burma." There is a vast difference between a Revolutionary Party and Bengal Revolutionary Party. As I have stated, Sir, we based our arguments when the Bill was presented to us on the ground that the Bengal Revolutionary Party was in existence in Burma. They made us to understand, Sir, that this Bill was aimed at Bengalis alone and not against the Burmans, but now they have made their position clear that it is aimed not only at the Bengalis but at the University students and Burmans also. Therefore, Sir, if you have permitted the Statement of Objects and Reasons to be presented to us in an amended form, I appeal to you to allow us to amend our arguments based on the amended Statement of Objects and Reasons.

The Honourable the PRESIDENT: Tharrawaddy U Pu, the Statement of Objects and Reasons is not part of the Bill. It is just for the Government to justify the introduction of the Bill. The title, preamble and the clauses are part of the Bill. The amendment in the Statement of Objects and Reasons is made to allay some suspicion in the minds of the Indian members, and there is nothing irregular about it, so far as I can see.

THARRAWADDY U PU: It may not be irregular. I admit that with your permission they may put this Statement of Objects and Reasons in an amended form before this House; but if you allow them to amend it, please allow us to amend our arguments also.

The Honourable the PRESIDENT: That I cannot allow.

THARRAWADDY U PU : I must bow to your ruling, Sir.

U TUN WIN (*Amherst*) : May I ask the Government when they made these changes in the Statement of Objects and Reasons ? This amended Statement of Objects and Reasons seems to be dated 6th February 1931, but it was printed on the 2nd March 1931. Why did they put the old date there ?

The Honourable the PRESIDENT : I have already explained. Most probably some verbal alterations were made to allay the suspicion of Indian members. There is no doubt about that, but it does not alter the position at all. The Statement of Objects and Reasons is only to give members notice that Government is justifying the introduction of certain measures. That is all.

U So NYUN (*Bassein District*) : Are we not entitled to an explanation from the Government ?

The Honourable the HOME MEMBER : No

Voices from the Opposition Benches : Why not ?

U BA SHIN (*Rangoon East*) : Sir, I rise up not to enjoy the peace and quietness of a graveyard as has been remarked by my honourable friend the Leader of the Peoples Party, but I get up to oppose the introduction of the Bill (*Loud Applause*). Sir, the attempt to introduce this Bill into this House by my honourable friend the Home Member, I consider is like an attempt to push back the country into that of a state of despotism. A period of despotism comparatively will be better off because in that period the word of a King is the law of the land ; whereas a period under this present enactment, the word of a Police officer will be the law of the land (*Loud Applause*). For this reason, I have much pleasure in endorsing the view that has been expressed by my honourable friend U Ba Pe. Sir, at the outset when this Bill was attempted to introduce in this House by the member in charge, he states that the introduction of a Bill of this kind is absolutely essential, because—I am open to correction—a letter was received by none other than the wife of our honourable friend U Ba Pe, *alias* Mrs. Ba Pe, whereby she was threatened that her husband would be murdered immediately on his return from England because he had accepted the invitation extended to him by the India Government to attend the Round Table Conference in London. This letter which was handed over to my honourable friend the Home Member by Mrs. Ba Pe herself has been assigned as one of the reasons why such an enactment is necessary. Sir, I doubt if that reason is at all a tenable one ; and that if otherwise I believe that my honourable friend U Ba Pe will not be placed in a position to oppose the Bill as he now did, and the fact that he has now opposed its introduction will clearly indicate to you that this reason assigned by the Honourable Member who is responsible for introducing this Bill as one of purely a fallacy (*Applause*). Another reason, Sir, that has been assigned to us is that a certain pamphlet

was stuck up on the wall of St Paul's Institute and that likewise an attempt was also made to publish this kind of a pamphlet within the compound of Rangoon University.

These, Sir, are the reasons that has been stated in support of the Bill by the mover who wishes this House to pass it as one of imperative necessity. Sir, this attempt now made on the part of mover who is in charge of this Bill is like an attempt as we Burmans say "*(quotation in a vernacular omitted)*".

The Honourable the HOME MEMBER : There are Arkanese members here.

U BA SHIN : Then I would say instead "*(quotation in vernacular omitted)*" I think this latter remark of mine is more appropriate to the occasion. In other words, I submit, Sir, that the attitude of my honourable friend the Home Member is like an attitude of a man who sets fire to a granary simply because he has failed to trap a rat ; a phrase universally known in the Burmese Language as "*(quotation in vernacular omitted)*". (*Applause.*)

Sir, it is a pleasure for me to renew the acquaintance of my honourable friend Colonel Wellborne who has come back again to us as an expert in matters criminal with a view to telling us why the introduction of this Bill is so absolutely necessary. In that I was rather unfortunate, because I caught merely the tail end of his speech, but from what I have heard I am sorry to say that I was not in the least convinced. This being the case, Sir, I think that my friend Colonel Wellborne's service be better utilized, instead of sending back to us as an expert to send him out to Tharrawaddy District to chase and capture Saya San, and if possible to put him in custody within the space of three days (*Loud applause.*)

Sir, I think that this form of legislation now contemplated is merely an offshoot of an act that has been promulgated under the order of this Bill. I consider Section 19 to be the main weakness of this Bill. How can any man be safe in this country if he can be arrested without a warrant and if any papers that the Government may have relating to him may be submitted before two Sessions Judges who will try the case *in camera*, and will not give him any chance to be represented by counsel, but will send in their report to the Local Government, and under Section 19, sub-section (2), "on receipt of the said report the Local Government shall consider the same and shall pass such orders thereon as appears to the Local Government to be just and proper" ?

It seems to me that the Local Government may even differ from the findings of the Sessions Judges. As a matter of fact the investigation is a farce. Whatever the two Sessions Judges might find, the Local Government can do whatever it likes. These are the powers that are given by Section 19, and the Chief Secretary considers these powers to be the chief safeguard. Such, Sir, is the nature of the Bill.

It is impossible for us to consider this Bill without considering the Ordinance out of which the Bill is sprung, because the reasons for the Ordinance and the reasons for the Bill are the same. As a matter of fact, it is intended to convert this Ordinance into a law of the land. In the Ordinance promulgated by the Governor-General on the 31st January 1931 it is plainly stated that it was to be on the lines of the Bengal Ordinance, and the purpose of it was to meet Burma terrorists who were closely associated with the Bengal Terrorist Party and who incited the Tharrawaddy rebellion. According to the reasons given, when that Ordinance was promulgated, it was indicated that there was a Terrorist Party in Burma closely associated with the Bengal Terrorist Party, and these Terrorist Parties were responsible for a political dacoity in September 1930 and for the derailment of a train in October 1930, a train in which the honourable the Chief Secretary had the misfortune to travel with his fellow officials. Sir, that political dacoity case is still *sub judice*; it has been before the High Court twice, and there is not a tittle of evidence to show that there is any political significance in that dacoity. In regard to the derailment, well there was an attempt even to wreck the Viceregal train at Delhi by means of a bomb some time ago. That was not given as justification for an Ordinance in Delhi. Simply because some hooligans attempted to wreck a train in which certain Government officials happened to be travelling, is that sufficient justification for an Ordinance like this? In the course of the reasons given when that Ordinance was promulgated it was stated that the Terrorist Party in Burma were privy to the rebellion in Burma, so that, Sir, even in the minds of the Government of India there was a direct connection between the Ordinance and this rebellion in spite of the studious efforts made by the Chief Secretary to disconnect the two things. A measure like this, Sir, in order to commend itself to the intelligence of honourable members of this House, must be based on something more substantial, something better founded than mere stray instances of attempted violence. It is significant that no member of the Bengal Terrorist Party has been found to have been implicated in this rebellion and no Bengali has been shot in this rebellion.

The Honourable the HOME MEMBER : Because they were careful.

U SO NYUN : I believe that the only 12 Bengalis who have been arrested under the Ordinance cannot even speak the Burmese language; and as a matter of fact, although we, the Opposition parties, have often been accused of inconsistencies and contradictions, the Government itself has admitted that such outrages are foreign and alien to the Burmese temperament. Another significant fact which I shall mention is that in the Press Communique published by the Government on February the 10th there was no mention of the Bengal Terrorist Party at all. In that Communique, in which the Soe Thein G.C.B.A., and certain affiliated associations were declared

unlawful, there was no mention at all of the Bengal Terrorist Party, although, as I have just stated, one of the primary objects for which this Ordinance was passed was to meet the activities and defeat the Terrorist Party. If, Sir, there is no need at all for this Ordinance, there is much less need for the Bill which it is proposed to convert into a law of the land. Section 72 of the Government of India Act gives the Governor General powers to promulgate an Ordinance every six months; so, where is the necessity for converting this Ordinance into a law of the land and placing it on the Statute Book of the country as a stigma on the fair name of this country for five years? I think in this respect the Government of this country has committed a tactical blunder, for, though the Ordinance as an Ordinance could not be discussed on the floor of this House clause by clause, we are given an opportunity to discuss clause by clause the Bill which sprang from the Ordinance and also given an opportunity to throw it out, and I hope the House will throw it out. The Government, Sir, in introducing this Bill give some objects and reasons for this Bill. On this Statement of Objects and Reasons the Government stands self-condemned—self-condemned for the inactivity and the lack of watchfulness on the part of the police and the Criminal Investigation Department in this country, because on their own showing these activities have been going on since 1922. The Government of Burma say that they have been aware since 1922 of the existence of the Bengal Terrorist Party, and they have been content to keep a careful watch on the activities of these men. Can the Government point to a single arrest, can the Government point to a single conviction during all these years?

The Honourable the PRESIDENT: Your time is up; cut short your speech.

U SO NYUN: I wish to crave your indulgence, Sir, and as this is a matter that vitally affects the freedom and personal liberty of every subject in this land, I hope you will give me a chance to make a few more observations. If you look at the objects of the Ordinance Sir, you will find that the Ordinance is to deal with the Bengal Revolutionary Association. B.R.A., might very well have been the Burma Rebel Army or the Burma Republican Army, and the Burma Police and the Burma C.I.D., would still be in the dark, if there were such organization. I think the ordinary law of the land gives Government ample powers to deal with the so-called unlawful activities of the G.C.B.A., and other affiliated associations. The Government says that the Soe Thein G.C.B.A., is privy to this rebellion and that the rebellion is connected with the Bengal Terrorist Organization. Therefore, it appears to me that according to the Government, the G.C.B.A., was also connected with the Bengal Terrorist Organization. As I said, Sir, the ordinary law of the land gives the Government ample powers to deal with the rebellion, and, on their own reports, the rebellion is at an end. It is clear that the Ordinance was meant not only for the Bengal Revolutionary Army

in Burma but for the rebellion also. In reply to a question in the Legislative Assembly regarding the rebellion Sir James Crerar said that the Governor-General had promulgated an Ordinance, so that there is a direct connection between this Ordinance and the rebellion. I say that this Ordinance and the Bill, which has sprung from this Ordinance, are not only for the Bengal Terrorists but for this rebellion which has practically ended. If it is meant exclusively for the Bengal Terrorists why does not the Government state so, specifically. Sir, there is absolutely no analogy between the present situation in this country and the situation in any part of India. The Government cannot pass this Bill on the strength of stray instances, disconnected instances, unfounded instances. We are told that we are on the threshold of a new era, and I consider that the passing of this Bill would not create a proper atmosphere for the impending reforms. Extraordinary powers are meant to be used only in cases of emergency. I would ask the House to throw out the Bill, and I would ask the Government not only to withdraw the Bill but to take steps to move the Government of India and the Governor-General to withdraw the Ordinance out of which this nefarious Bill has sprung.

U Oo KYAW KHINE (*Akyab East*): Sir, I say that this Ordinance is unnecessary. Yesterday we heard on the floor of this House that many people in Burma are living on one meal a day. My honourable friend Mr. Pillay went further and said that he knew of people living without any meal a day. If Government pass this Bill, people will only be hungry and not be fed. I am afraid, Sir, that Government will be preparing ground for discontentment to grow in the country. So far as I know, Sir, there is no revolutionary party in Burma or in any part of the Country in which I live, that is Arakan. Only very recently, Sir, the police wanted to prosecute me because I attended a meeting which was convened to condole the death of Maulana Mohamed Ali who died in London. Honourable members are aware, Sir, that he was invited by the British Government to attend the Round Table Conference in London as a delegate. I was reported to have preached revolution. What I said as Chairman of the meeting was that I was a man of no means, that I had neither money nor land and that there were better men who could be invited to take the chair. In spite of this, the police reported that I was preaching revolution.

THARRAWADDY U PU (*Toungoo South*): Shame! shame!

U Oo KYAW KHINE: I never preached revolution and I will do so such thing. The Honourable the Home Member mentioned the name of Sir Rashbehari Ghose who used the word "lawless law" when a Bill was introduced into the Bengal Council. I submit to this Council that a measure of this sort is unnecessary and uncalled for. No connection whatever has been established that the Bengal Revolutionary Party are urging on the people of this land to rebel.

I noticed in the newspapers photographs of rebels who had been captured. They were all emaciated, thin and without coats. Sir, as had been stated in the House by honourable members, the rebellion in Tharrawaddy is not political but due to the economic struggle that is going on in the country.

U SEIN BA (*Kyauksé*): Spoke in Burmese.

U MAUNG MAUNG (*Toungoo North*): Spoke in Burmese.

SAW PAH DWAI (*Thaton, Karen*): Sir, I rise to support the Bill and I am doing so on practice—you may call it principle—because in my experience there is no difference between practice and principle. If a certain practice suits us, we call it principle. In other words, if I like a certain practice and like it very much, I call it principle. Let us look back into history. What was the practice employed in the taking of India and in the annexation of Burma to British India? In other words, what was the principle employed in the taking of India? Was it not on the principle of force and of guns and cannon? What is there that is wrong then in pursuing the same principle now. Bengal ordinances are not yet guns and cannons, therefore we should not be frightened or be nervous. But in point of spirit I am against the Bill, and to take the example of the Bengal Revolutionary Association, I am for peace first, I am for peace second, I am for peace third, and I am for peace for ever. But what is B.R.A.? As my friend U So NYUN has said, it may mean anything other than Bengal Revolutionary Association. It might mean the Burma Railway Association or the Burma Railway Army or it might mean the Burma Rebels Association or the Burma Rebels Army. But to suit Government purpose or, as Tharrawaddy U Pu has said, to set Indians and Burmese by the ears, Government have made it Bengal Revolutionary Association. But while Government are making preparations to do this, they have already set the Karens and the rebels by the ears. I regret to say here, Sir, that some of the Karens in Tharrawaddy and elsewhere are foolish enough to allow their ears to be pulled by the rebels. For these reasons the rebels are now openly grinding their teeth upon the peaceful Karens. It therefore follows naturally that my friends on this side of the House who are advocating against the Bill would be biting their lips on the Karens now that I am supporting the Bill. And so, Sir, you see my position, *i.e.*, the position of the Karens, is a most difficult one being thus placed between as the proverb says, the upward and nether millstones or rather placed between the yoke and the cart, that is to say, between the British yoke and the rebels' cart. Sir, I am here purposely to perpetuate peace. I would therefore beg that you will give me a piece of useful advice as to how I should proceed or behave. While asking for this advice I would be glad if you would be pleased to stop pulling up the Karens by the ears to Alantaung. If you like you may pull up the Punjabis or the Carnatics or the Buffs or Bluffs or whatever you may call them, for their homes are too far away to

receive retaliation at the hands of the rebels. As to voting, Sir, I claim to reserve the right to myself.

Mr. I. G. LLOYD (*official*) : Sir, it is not inappropriate that I should rise to make a few remarks about this Bill, inasmuch as, according to information received nearly a year ago, I spent several months last year under a threat of assassination—along with certain other Government officers. I have no doubt that my honourable friend Mr. Rafi will say that this information was a practical joke just as the similar information was in case of Mrs. U Ba Pe, which the Honourable Home Member has told us about. But it came coupled with another piece of information relating to the forthcoming production of one of the leaflets of which the Honourable the Home Member told us some little time ago; and it was followed by the actual production of that leaflet. It did not appear, therefore, that the information was in all respects to be disregarded. I may say, Sir, however, that although there seemed to be something in this information, I was not so much concerned for my personal safety as I was for the slur on the fair name of Burma which this information involved. My principal feeling was a feeling of indignation at the impudence of these people, who wished to introduce measures of this terrorist kind into our friendly and hitherto generally peaceful Burma, the country in which I have made my home for nearly 30 years. I am very pleased to hear from members on the opposite side of the House that there is really no possibility of Bengalis being connected with Burmese movements. I am glad to hear, as we have been told, that the Bengalis arrested under the Ordinance, which is the forerunner of the Bill now before the House, have not been able to speak Burmese, and therefore could have had no connection with Burmans. But what then is the objection which so many Burman members of this House seem to feel towards this Bill?

One member speaking on the opposite side of the House appeared to be under a serious apprehension that this Bill, if it became law, was to be used for the repression of those cultivators who have so much difficulty just now, owing to the serious economic conditions of the country, in keeping body and soul together. He drew a harrowing picture of how these people were roused at the impossible hour of 7 o'clock in the morning by the beating of a gong which was to call them to pay their revenue. I do not know, Sir, whether this was a fairy story, but if the honourable member will only refer to the last sentence of the statement of Objects and Reasons appended to the Bill he will perhaps realise that these unfortunate villagers who were roused from their slumbers at this dreadful hour by the beating of a gong will not suffer from this Bill, if it becomes law, unless they are members of secret terrorist organisations. I hope that he will be satisfied with this assurance.

As my honourable friend the Chief Secretary has explained, the main object of this Bill is to prevent Burma from being used as a

hatching ground for the plots of the Bengali Terrorist Organisation and as a refuge for these persons when they have made Bengal too hot for themselves. But I should also like to point out that the existence of these Bengali terrorists in Burma has its own danger for the people of Burma in the possibility of their contamination. In this connection I should like to refer again to this matter of the rebellion, in which it seems to me that certain members on the other side of the House have mixed up cause and effect. It was suggested in the statement of the Viceroy issued in connection with the Ordinance that there was some fear of connection between the Bengali organisation and the rebellion. This accusation against the Bengali or terrorist organisation, so far as I am aware, is based mainly, if not entirely, on a sentence which the Honourable Home Member read out from their own production, the leaflet "Freedom first, Freedom second, Freedom third, Freedom always." If the Bengali organisation is really in any way responsible for the sowing of the seeds of the rebellion, surely Sir, it is important that we should get rid of it; and it does not in the least follow that we wish to use this Bill, if it becomes law, against the rebels or in direct connection with the rebellion. We do not propose so to use it, and in fact, as has already been pointed out, it has not been framed in a form which would render such a use possible.

Mention has been made of the attempt which has, whatever members on the opposite side may say, been brought home to the Bengal terrorist party, to wreck a train on which certain officials were travelling on the 28th October last; and the Chief Secretary has described how his feelings were shocked not at the narrow escape which he and other high officials had had in connection with that derailment, but at the injury done to certain harmless 3rd class passengers, of whom two were killed outright on the spot and two unfortunate women were injured so badly that one of them died later. This incident seems to me, Sir, to illustrate very aptly the object which Government has in bringing forward this Bill. We do not aim merely at protection of Government officials or of British officials, we do not even consider the protection of Government as the most important object, but what we do aim at is avoiding the reckless and indiscriminate injury to the public in general which is liable to be coupled with outrages on officials; and we do object to the possible contamination of the Burmese people by the existence among them of an organization which plots such outrages.

We look forward, Sir, to the handing over of the Government of this country at no very distant date to a government which will contain a considerably larger Burman element than the present Government, and it is the feeling of the Government that it will indeed fail in its duty if it does not take all steps that it considers necessary to prevent the growth, the insidious growth, of movements which may destroy respect for law and order, since the

existence in the population generally of respect for law and order must be regarded as an absolute essential if the reins are to be handed over to a new form of Government with any possibility of orderly government in the future.

The motion was put and a division taken with the following result :—

AYES—39.

- | <i>Right.</i> | <i>Left.</i> |
|--|--------------------------------------|
| 1. The Honourable the Finance Member. | 50. U Kan U (<i>Sagaing West</i>). |
| 2. The Honourable the Home Member. | |
| 3. Mr. R. G. McDowall (<i>Secretary, Finance</i>). | |
| 4. Mr. F. B. Leach (<i>Chief Secretary</i>). | |
| 5. Mr. H. L. Nichols (<i>Secretary, Revenue</i>). | |
| 6. U Tun Ya (<i>Secretary, Judicial</i>). | |
| 7. The Honourable Sir L. Ah Yain (<i>Forest Minister</i>). | |
| 8. The Honourable U Ba Tin (<i>Education Minister</i>). | |
| 9. Mr. I. G. Lloyd (<i>Official</i>). | |
| 10. Mr. C. W. Dunn (<i>Official</i>). | |
| 11. Mr. A. R. Morris (<i>Official</i>). | |
| 12. Mr. H. G. Wilkie (<i>Secretary, Education</i>). | |
| 13. Mr. H. L. Holman-Hunt (<i>Official</i>). | |
| 14. Lt.-Col. G. G. Jolly (<i>Official</i>). | |
| 15. Lt.-Col. C. de M. Wellborne (<i>Official</i>). | |
| 16. Mr. J. A. Cherry (<i>Nominated</i>). | |
| 17. Mr. W. Booth-Gravely (<i>Official</i>). | |
| 18. Mr. J. P. Bulkeley (<i>Official</i>). | |
| 19. Mr. A. Eggar (<i>Nominated</i>). | |
| 20. Mr. M. Eusoof (<i>Moulmein Town</i>). | |
| 21. U Aung Thin (<i>Mandalay Town</i>). | |
| 22. Mr. H. B. Prior (<i>Burma Chamber of Commerce</i>). | |
| 25. Mr. R. B. Howison (<i>Nominated</i>). | |
| 26. Mr. M. Joakim (<i>Burma Chamber of Commerce</i>). | |
| 27. Dr. N. N. Parakh (<i>Nominated</i>). | |
| 28. U Po Lin (<i>Nominated</i>). | |
| 29. U Po Yin (<i>Nominated</i>). | |
| 30. U Po Hla (<i>Lower Chindwin West</i>). | |
| 31. Sir Oscar de Glanville (<i>European</i>). | |
| 32. Mr. Hoe Kim Seng (<i>Pegu North</i>). | |
| 33. Mr. W. C. Penn (<i>Rangoon Trades Association</i>). | |
| 40. Khan Bahadur Wali Mahomed (<i>East Rangoon, Indian</i>). | |
| 41. Mr. Chan Chor Khine (<i>Rangoon West</i>). | |
| 42. U Ba Din (<i>Shwebo West</i>). | |
| 43. U Po Yin (<i>Mandalay Town</i>). | |
| 46. U Ko Gyi (<i>Magwe East</i>). | |
| 49. U Ba Maung (<i>Myaungmya</i>). | |
| 50. Sra Shwe Ba (<i>Bassein, Karen</i>). | |

NOES—46.

Right.

23. U Ba Shin (*Rangoon East*).
34. U Po Aye (*Yam-thin North*).
39. Khan Babadur Ahmed Chandoo
(*Indian Chamber of Commerce*).
45. M. M. Rafi (*Moulmein, Indian*).
47. U San Mu (*Pukokku East*).
52. Mr. R. K. Ghose (*Akyab, Indian*).

Left.

1. U Tun Aung (*Akyab Town*).
2. U Ba U (*Mandalay Town*).
4. U Tun Tin (*Mergui*).
5. U Tun Lin (*Henzada North*).
6. U Ba Myin (*Henzada South*).
7. U Ba Pe (*Burmese Chamber of Commerce*).
8. Mr. M. M. Ohn Ghine (*Rangoon East*).
9. U Kya Gaing (*Pegu South*).
10. U Kun (*Bassein Town*).
12. U Maung Gyi (*Tharrawaddy North*).
13. U Ba Than (*Prome Town*).
14. Dr. Thein Maung (*Prome, Rural*).
16. U Pan (*Minbu*).
17. U Me (*Pakkoku West*).
18. U Sein Ba (*Kyaukse*).
20. U Ba Thi (*Mandalay, Rural*).
21. U Nyein (*Katha*).
22. U Thin (*Pyap'in*).
23. U Kyaw Mya (*Arakan South*).
27. U Ba Yin (*Meiktila East*).
28. U Sein Doke (*Meiktila West*).
30. U Soe Nyun (*Bassein, Rural*).
31. U Ni (*Myingyan South*).
32. U Ba Soe (*Hanthawaddy West*).
33. U Kin Maung Gyi (*Magwe West*).
34. U Aye (*Insein*).
35. U Hla Thwin (*Maubin*).
36. U Tun Win (*Amherst*).
37. Tharrawaddy U Pu (*Toungoo South*).
38. U Maung Maung (*Toungoo North*).
39. U Chit Hla (*Moulmein Town*).
41. U San Lu (*Thayetmyo*).
42. U Ba Tin (*Thav'in*).
43. U On Nyun (*Tavoy, Rural*).
44. Mr. E. P. Pillay (*West Rangoon, Indian*).
45. Mr. M. I. Khan (*East Rangoon Indian*).
46. Mr. Oo Kyaw Khine (*Akyab East*).
47. U Tha Ban (*Akyab West*).
48. Mr. B. N. Das (*Bassein, Indian*).
51. U Waya (*Lower Chindwin, East*).

The motion was, therefore, lost.

EXTRACT FROM THE PROCEEDINGS OF COUNCIL
RELATING TO THE BURMA CRIMINAL LAW
AMENDMENT BILL, 1931, AT A MEETING HELD ON
THE 5TH MARCH, 1931.

THE BURMA CRIMINAL LAW (AMENDMENT) BILL, 1931.

The Honourable the HOME MEMBER : Sir, under Section 20B, sub-section (b), of the Burma Legislative Council Rules, I beg for leave to introduce the Burma Criminal Law (Amendment) Bill, 1931, in the form recommended by His Excellency the Governor.

The Honourable the PRESIDENT : The question is that leave to introduce the Burma Criminal Law (Amendment) Bill, 1931, in the form recommended by the Governor, be given.

Mr. M. M. RAFI (*Moulmein, Indian*) : Mr. President, as I remarked a little while ago before I discovered my mistake it is unfortunate that this Bill has come back to us for reconsideration. I am going to refrain from commenting upon the advisability of the course that has been pursued ; but I should like to be permitted to make a few observations in regard to the merits of this Bill, if any. I have been aware of the existence outside of a good deal of misunderstanding in regard to the meaning and effect of this Bill. But I was not aware, until I heard the honourable Inspector-General of Police, that very much the same state of affairs prevailed in this House. There are some who are under the impression that this Bill is intended to strike at the root of all terrorist movements, while others believe that this Bill is helpful to put down the rebellion, and I should like to make it very clear that this Bill seeks to achieve neither. The honourable Inspector-General of Police . . .

The Honourable the PRESIDENT : On a point of order, Mr. Rafi, I don't think at this stage you need go into details. This is only the first stage or what is known in the House of Commons as the "first reading of the Bill." It is only in the second stage that you will have an opportunity for discussing the details.

Mr. RAFI : I cannot discuss the merits of the Bill, I take it, Sir.

The Honourable the PRESIDENT : Yes, you cannot go into the merits at this stage.

Mr. RAFI : Then I will wait till the right stage comes.

U TUN WIN (*Amherst*) : May I ask if members have the right to oppose the Bill ?

The Honourable the PRESIDENT : Yes. This being what is known in House of Commons as the "first reading," members cannot go into the merits of the case. Members can support or oppose with very few words. When the Bill is taken into consideration, which

corresponds to the "second reading," then members can go into the merits of the Bill.

U TEN WIN (*Amherst*): Sir, I beg to oppose the introduction of the Bill. It was only yesterday that this Bill was thrown out by this House, and I would like to ask the Government whether it would be possible for us to change our opinion when the circumstances have not changed. If the Government were to wait for about six months till the next session, and give reasons for introducing this Bill again into the House, they might be able to convince us that this Bill was really necessary for the maintenance of peace and order in this country. We have fully explained the circumstances of the case and the present condition of the country in this House during the last debate, and all that the Government could do was to ask us to agree that a certain section of the Bengal terrorist movement is now in Burma. Sir, have they found themselves in such a position that they are not able to suppress such kind of terrorist movement in Burma? They say that, according to the Honourable Home Member, there is only one Burman who has joined the terrorist movement. I don't know where. That Burman may now be in India, if he is anywhere. But for the Government to pass a law for five years to suppress the Bengal terrorist movement in this country would reflect on the work of the Criminal Investigation Department. The police would be admitting that they are too weak to suppress such movement within the space of six months. The Ordinance can be renewed for another six months, if it is necessary; but to make a statutory law for this country, it is wholly unnecessary. I submit that such a Bill should not be introduced in this House. The Government would only be admitting their own weakness. Sir, in Rangoon, if there are Bengal terrorists, there may be 50 or 60 terrorists. In the districts they can be easily singled out. They can be singled out in a day, if there are any Bengal terrorists in the districts. Take, for instance, my district. If a Bengal terrorist goes about and sets up sedition, he can be arrested in a day's time. But in Rangoon, where there is such a large force of Police, if they say that they require more than an Ordinance for six months to suppress the movement, Government would only be admitting the weakness of the Police and the Criminal Investigation Department. Sir, this Bill was, after full consideration and full debate, thrown out by this House only yesterday, and I do not think it is opportune and proper for Government to introduce it again to-day.

U BA PE (*Burmese Chamber of Commerce*): May I know, Sir, whether Government has more evidence in justification of the re-introduction of this Bill? (*Applause*).

The Honourable the HOME MEMBER: Sir, I explained on Saturday all that was necessary. I had no time to reply to all the members because my time was short.

The question was put and a division taken with the following result :—

AYES—37.

- | <i>Right.</i> | <i>Left.</i> |
|--|--------------------------------------|
| 1. The Honourable the Finance Member. | 50. U Kan U (<i>Sagaing West</i>). |
| 2. The Honourable the Home Member. | |
| 3. Mr. R. G. McDowall (<i>Secretary, Finance</i>). | |
| 4. Mr. F. B. Leach (<i>Chief Secretary</i>). | |
| 5. Mr. H. L. Nichols (<i>Secretary, Revenue</i>). | |
| 6. U Tun Ya (<i>Secretary, Judicial</i>). | |
| 7. The Honourable Sir L. Ah Yain (<i>Forest Minister</i>). | |
| 8. The Honourable U Ba Tin (<i>Education Minister</i>). | |
| 9. Mr. I. G. Lloyd (<i>Official</i>). | |
| 10. Mr. C. W. Dunn (<i>Official</i>). | |
| 11. Mr. A. R. Morris (<i>Official</i>). | |
| 12. Mr. H. G. Wilkie (<i>Secretary, Education</i>). | |
| 14. Lt.-Col. G. G. Jolly (<i>Official</i>). | |
| 15. Lt.-Col. C. de M. Wellborne (<i>Official</i>). | |
| 16. Mr. J. A. Cherry (<i>Nominated</i>). | |
| 17. Mr. W. Booth-Gravely (<i>Official</i>). | |
| 18. Mr. J. P. Bulkeley (<i>Official</i>). | |
| 20. Mr. M. Eusoof (<i>Moulmein Town</i>). | |
| 21. U Aung Thin (<i>Mandalay Town</i>). | |
| 22. Mr. H. B. Prior (<i>Burma Chamber of Commerce</i>). | |
| 24. U Kyi Myint (<i>Nominated</i>). | |
| 25. Mr. R. B. Howison (<i>Nominated</i>). | |
| 26. Mr. M. Joakim (<i>Burma Chamber of Commerce</i>). | |
| 27. Dr. N. N. Parakh (<i>Nominated</i>). | |
| 28. U Po Lin (<i>Nominated</i>). | |
| 29. U Po Yin (<i>Nominated</i>). | |
| 30. U Po Hla (<i>Lower Chindwin West</i>). | |
| 31. Sir Oscar de Glanville (<i>European</i>). | |
| 32. Mr. Hoe Kim Seng (<i>Pegu North</i>). | |
| 38. Mr. W. C. Penn (<i>Rangoon Trades Association</i>). | |
| 40. Khan Bahadur Wali Mahomed (<i>East Rangoon, Indian</i>). | |
| 42. U Ba Din (<i>Shwebo West</i>). | |
| 43. U Po Yin (<i>Mandalay Town</i>). | |
| 44. Mr. M. A. Jan (<i>Mandalay, Indian</i>). | |
| 46. U Ko Gyi (<i>Magwe East</i>). | |
| 49. U Ba Maung (<i>Myaungmya</i>). | |

NOES—48.

<i>Right.</i>	<i>Left.</i>
23. U Ba Shin (<i>Rangoon East</i>).	1. U Tun Aung (<i>Akyab Town</i>).
34. U Po Aye (<i>Yamethin North</i>).	2. U Ba U (<i>Mandalay Town</i>).
35. Mr. D. Venkataswamy (<i>Nominated</i>).	4. U Tun Tin (<i>Mergui</i>).
36. Mr. N. M. Cowasjee (<i>West Rangoon, Indian</i>).	5. U Tun Lin (<i>Henzada North</i>).
39. Khan Bahadur Ahmed Chandoo (<i>Indian Chamber of Commerce</i>).	6. U Ba Myin (<i>Henzada South</i>).
45. Mr. M. M. Rafi (<i>Moulmein, Indian</i>).	7. U Ba Pe (<i>Burmese Chamber of Commerce</i>).
47. U San Mu (<i>Pakokku East</i>).	8. Mr. M. M. Ohn Ghine (<i>Rangoon East</i>).
52. Mr. R. K. Ghose (<i>Akyab, Indian</i>).	9. U Kya Gaing (<i>Pegu South</i>).
	10. U Kun (<i>Bassein Town</i>).
	12. U Maung Gyi (<i>Tharrawaddy North</i>).
	13. U Ba Than (<i>Prome Town</i>).
	14. Dr. Thein Maung (<i>Prome, Rural</i>).
	16. U Pan (<i>Minbu</i>).
	17. U Me (<i>Pakokku West</i>).
	18. U Sein Ba (<i>Kyaukse</i>).
	19. U Saw (<i>Tharrawaddy South</i>).
	20. U Ba Thi (<i>Mandalay, Rural</i>).
	21. U Nyein (<i>Katha</i>).
	22. U Thin (<i>Pyapon</i>).
	23. U Kyaw Mya (<i>Arakan South</i>).
	27. U Ba Yin (<i>Meiktila East</i>).
	28. U Sein Doke (<i>Meiktila West</i>).
	30. U So Nyun (<i>Bassein, Rural</i>).
	31. U Ni (<i>Myingyan South</i>).
	32. U Ba Soe (<i>Hanthawaddy West</i>).
	33. U Kin Maung Gyi (<i>Magwe West</i>).
	34. U Aye (<i>Insein</i>).
	35. U Hla Thwin (<i>Maubin</i>).
	36. U Tun Win (<i>Amherst</i>).
	37. Tharrawaddy U Pu (<i>Toungoo North</i>).
	38. U Maung Maung (<i>Toungoo North</i>).
	39. U Chit Hla (<i>Moulmein Town</i>).
	40. Mr. L. H. Wellington (<i>Tavoy Town</i>).
	42. U Ba Tin (<i>Thaton</i>).
	43. U On Nyun (<i>Tavoy, Rural</i>).
	45. Mr. M. I. Khan (<i>East Rangoon, Indian</i>).
	46. Mr. Oo Kyaw Khine (<i>Akyab East</i>).
	47. U Tha Ban (<i>Akyab West</i>).
	48. Mr. B. N. Das (<i>Bassein, Indian</i>).
	51. U Waya (<i>Lower Chindwin East</i>).

The motion was, therefore, lost.

The Honourable the HOME MEMBER: Sir, under Rule 20C (4) of the Burma Legislative Council Rules, as the honourable House has thrown out my motion, I would ask you to certify that the honourable House has rejected my motion.

The Honourable the PRESIDENT: Yes, I shall certify.

Enclosure No. 4.

HOME DEPARTMENT.

NOTIFICATION.

Political.

New Delhi, the 31st Jan., 1931.

No. D. 506.—The following statement is published for general information :—

A statement by His Excellency the Governor General of the reasons which have moved him in exercise of the powers conferred upon him by section 72 of the Government of India Act to make and promulgate an Ordinance to supplement the ordinary Criminal Law in Burma under the title of the Burma Criminal Law Amendment Ordinance, 1931.

H. W. EMERSON,

Secretary to the Government of India.

STATEMENT.

It has been known to Government for some years that there is a terrorist party in Burma which is closely associated with the terrorist movement in Bengal. This party has of late engaged in the commission of terrorist outrages, and there is reason to believe that it was responsible for a political dacoity in Rangoon Town in September, 1930, and for the derailment of a mail train in October, 1930, at Nyaungchi-dauk in Toungoo District, in which high officials of Government were travelling. A recent feature of its activities has been the wide distribution among students and others of revolutionary pamphlets directly inciting to violence. There is also good ground for the belief that it is privy to the rebellion in the Tharrawaddy District and that it was the intention of those responsible for that rebellion to organise risings in different parts of Burma with a view to the overthrow of Government as established by law. I am satisfied that the terrorist movement in Burma is a menace to the peace of the province, and pending the passage of local legislation, that it is necessary to take immediate action in regard to it. I have accordingly promulgated an Ordinance under the powers conferred upon me by section 72 of the Government of India Act to supplement the ordinary Criminal Law of Burma on the lines of the Bengal Ordinance No. 1 of 1930.

2. The powers conferred by this Ordinance will be used only against those in regard to whom there is reason to believe that

they are members of the terrorist party in Burma or are acting in furtherance of the terrorist movement.

3. The Government of Burma will take an early opportunity of placing before the Burma Legislative Council legislative proposals embodying the provisions of this Ordinance in so far as they are within the competence of that legislature.

(Signed) IRWIN,
Viceroy and Governor General.

New Delhi,
The 31st January, 1931.

No. 2.

TELEGRAM FROM THE SECRETARY OF STATE FOR INDIA
TO THE GOVERNOR-GENERAL DATED 11TH JUNE, 1931.

I have received Your Excellency's despatch dated 14th May, 1931, and authentic copy of Burma Criminal Law Amendment Act, 1931, which Your Excellency has reserved for the signification of His Majesty's pleasure. I desire to assure you that the provisions of the Act and the action taken in respect of it by the Governor of Burma have my approval. I am taking the further steps required in pursuance of Section 72E of the Government of India Act.