

Wednesday, 20th March, 1929

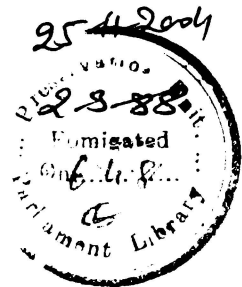
THE
COUNCIL OF STATE DEBATES

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SIXTH SESSION

OF THE
SECOND COUNCIL OF STATE, 1929



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COUNCIL OF STATE.

Wednesday, 20th March, 1929.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

PARTICIPATION OF THE NON-OFFICIAL MEMBERS OF A CANTONMENT BOARD IN CANTONMENT ADMINISTRATION.

169. THE HONOURABLE SIR EBRAHIM HAROON JAFFER : (a) Are Government aware that a definite assurance was held out by His Excellency the Commander-in-Chief to a deputation of the All-India Cantonments Association on 27th August, 1926, that suitable instructions would be conveyed to the local military authorities, for a more real and practical participation of the non-official members of a Cantonment Board in Cantonment administration ?

(b) Will the Government be pleased to state what steps have been taken to give effect to that assurance, and in what way, and to what extent, those steps have contributed to the attainment of the object in view ?

(c) Have any non-official Vice-Presidents of Cantonment Boards been given any separate status in the performance of executive work and has there been any appreciable number of occasions when they have been given an opportunity of performing the duties of the official Presidents ? If so, will the Government be pleased to state in which Cantonments and on what occasions ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) I am of course aware, Sir, of what I stated to the deputation. I said that their point of view had my fullest sympathy and that the whole matter would be examined in detail, and that suitable instructions to secure the object in view would be conveyed to the local military authorities after the orders of the Government of India had been taken.

(b) The Government of India introduced an amendment, which was passed, to section 20, sub-section (1) of the Cantonments Act of 1924. The amendment, among other things, made it possible for Vice-Presidents to preside at meetings of the Board in the absence of the President. The objects of this amendment were explained in full to the military authorities, and their attention was at the same time drawn to the President's power of delegation to the Vice-President under section 22 (2).

(c) The Vice-President of a Board cannot have any separate status other than that which is conferred on him by the law. I am not aware of the number of occasions on which powers have been delegated to Vice-Presidents, nor the nature of the powers delegated ; and I do not think that any useful purpose would be served by collecting information on this point. Government have no reason to suppose that such delegations are not made when circumstances require that they should be made.

**INFERIOR AERATED WATER AND ICE SUPPLY IN THE RUNNING TRAINS
ON THE NORTH-WESTERN RAILWAY.**

170. THE HONOURABLE SIR EBRAHIM HAROON JAFFER : (a) Are Government aware that complaints have been received by the Agent, North-Western Railway, about inferior aerated water and ice supply in the running trains of that Railway ?

(b) Are the aerated water bottles used on this line still of an old pattern and have they not yet been replaced by the new type of corked bottles ?

(c) Are the Government aware that the arrangements for keeping ice in the "Ice Compartment" are not sanitary and there is no proper supervision over them ?

(d) Is it a fact that "Ice-boys" are not infrequently unclean and have no clean prescribed dress ?

(e) Is it a fact that the contract for the supply of aerated water and ice was renewed last year without calling for tenders ?

(f) Will the Government take steps to rectify the above defects and to direct that the contract be given to the best tender for the supply of best ice and aerated water under healthy conditions ?

THE HONOURABLE SIR GEOFFREY CORBETT : (a) The Agent of the North-Western Railway reports that no serious complaints have been received by him on this account, but that supplies are periodically checked and examined by the Railway Medical Officers and contractors are asked to remedy defects brought to notice.

(b) Corked aerated water bottles were used on part of the system last year, and, this year it has been suggested to the contractors that their use should be extended.

(c) No.

(d) No.

(e) Yes.

(f) The Agent will no doubt take these matters into consideration when the contracts are due to be let next time.

WANT OF AN OVERBRIDGE AT METTUPALAIYAM.

171. THE HONOURABLE SIR EBRAHIM HAROON JAFFER : Will Government be pleased to state

(a) Whether a large motor traffic has grown up between Mettupalaiyam and Ootacamund during recent years ?

(b) How passengers cross the railway lines in order to occupy motor cars which are parked on the other side of the railway station at Mettupalaiyam ?

(c) Whether Government has seen criticisms regarding the want of an overbridge at Mettupalaiyam in the *Delhi Express* or Madras and other papers ?

(d) Whether Government intend to build an overbridge over the rails ?

(e) If not, why not ?

THE HONOURABLE SIR GEOFFREY CORBETT: (a) Motor traffic between Mettupalaiyam and Coonoor has increased considerably of recent years.

(b) Passengers cross the lines by a board footway.

(c) No.

(d) and (e). As this is a station with comparatively light traffic the provision of a footbridge does not at present appear necessary.

EXPENDITURE ON THE PUBLIC SERVICE COMMISSION.

172. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (on behalf of the Honourable Srijut Rama Prasad Mookerjee): Will Government be pleased to state the amount spent during 1927-28 and budgeted for for 1928-29 for the Public Service Commission under the following heads:

- (a) Salaries of the Chairman and members of the Commission ;
- (b) Travelling and other allowances of the members of the Commission ;
- (c) Office establishment ;
- (d) Other expenses ?

THE HONOURABLE MR. H. G. HAIG: Attention is invited to pages 146 and 147 (Demand No. 32, Public Service Commission) of the Detailed Estimates and Demands for Grants for 1929-1930 which have been presented to this House. The information desired is given therein, but I would point out that the provision for the pay and allowances of the Secretary is included in the figures shown against the sub-heads " Pay of Officers " and " Allowances, Honoraria, etc.—Non-voted ", respectively.

NUMBER OF POSTS FILLED UP BY GOVERNMENT ON THE RECOMMENDATION OF THE PUBLIC SERVICE COMMISSION.

173. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (on behalf of the Honourable Srijut Rama Prasad Mookerjee): How many posts have been filled up by Government on the recommendation of the Public Service Commission every year since its appointment ?

THE HONOURABLE MR. H. G. HAIG: The figures are as follows :

1926	29
1927	144
1928	164
1929 (up to date)	19

These figures do not include appointments made on the advice of the Public Service Commission to ministerial posts in the Government of India Secretariat and Attached Offices.

PROCEDURE FOLLOWED IN FILLING UP APPOINTMENTS OF SUPERINTENDENTS OF POST OFFICES AND INCOME-TAX OFFICERS.

174. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (on behalf of the Honourable Srijut Rama Prasad Mookerjee): Will Government be pleased to state whether posts of Superintendents of Post

Offices and of Income-tax Officers are filled up on the recommendation of the Public Service Commission? If not, why not?

THE HONOURABLE MR. A. C. MCWATTERS : So far as Superintendents of Post Offices are concerned, the posts are not filled up on the recommendation of the Commission as the existing statutory 'Functions' Rules, which define the services and posts with recruitment for which the Commission is concerned, do not cover these posts. But the question whether any change in this respect is desirable will be examined after certain other statutory rules now being drafted have been made. I may add that, meanwhile, a change in the system of recruitment has lately been effected by the decision of the Government of India that after the 1st January 1929 the recruitment of probationary Superintendents of Post Offices in any official year should be confined to candidates who have obtained qualifying marks at the examination for admission to the Indian Audit and Accounts Service held by the Public Service Commission in the preceding year.

The appointments of Income-tax Officers also are not filled on the advice of the Public Service Commission. They are not under the absolute control of Commissioners of Income-tax, but are subject to the previous approval of Local Governments. The question of referring such appointments to the Public Service Commission will be considered by the Government.

APPOINTMENT OF A COMPETENT SCHOLAR AS LIBRARIAN OF THE IMPERIAL LIBRARY.

175. **THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY** (on behalf of the Honourable Srijut Rama Prasad Mookerjee): Has the attention of Government been drawn to a Resolution passed at the last session of the All-India Library Conference at Calcutta urging the appointment of a competent scholar as Librarian, Imperial Library?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : The reply is in the affirmative.

MR. W. R. BARKER'S MEMBERSHIP OF THE PUBLIC LIBRARIES COMMITTEE.

176. **THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY** (on behalf of the Honourable Srijut Rama Prasad Mookerjee): Is it a fact that Mr. W. R. Barker, Chairman of the Indian Public Service Commission, was a member of the Public Libraries Committee appointed by the Board of Education, England, in 1924?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : Yes.

LIBRARIAN, IMPERIAL SECRETARIAT LIBRARY.

177. **THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY** (on behalf of the Honourable Srijut Rama Prasad Mookerjee): (a) Has the attention of Government been drawn to an advertisement in the papers inviting applications for filling up a temporary vacancy of the office of the Librarian, Imperial Secretariat?

(b) Is it a fact that a statement is made in the advertisement that there was every chance of the person now to be appointed temporarily being made permanent after two years?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH :

(a) Yes.

(b) In the advertisement published by the Public Service Commission it is stated that the vacancy will be temporary for a period of two years, but that there is a possibility that it will be made permanent.

SALARIES OF THE LIBRARIAN, IMPERIAL SECRETARIAT LIBRARY, AND OF THE IMPERIAL LIBRARY.

178. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (on behalf of the Honourable Srijut Rama Prasad Mookerjee): (a) What are the grades of salary of the posts of Librarian, Imperial Secretariat and of the Imperial Library?

(b) On what grade of salary was Mr. J. A. Chapman originally appointed as Librarian, Imperial Library?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH :

(a) A statement giving the information desired by the Honourable Member is placed on the table.

(b) He was appointed on a salary of Rs. 750—50—1,000.

Statement showing the pay of the posts of Librarian, Imperial Secretariat Library, New Delhi and Simla, and of the Imperial Library, Calcutta.

Librarian, Imperial Secretariat Library, New Delhi and Simla.	Librarian, Imperial Library, Calcutta.
Rs.	*Rs.
200—15—500.	1,000—50—1,500.

*This scale of pay, which was drawn by the permanent incumbent now on leave, is under revision and is now temporarily fixed at Rs. 750 per mensem for the officiating incumbent of the post.

DIFFERENCE IN PROCEDURE IN THE FILLING UP OF THE TEMPORARY POSTS OF LIBRARIANS OF THE IMPERIAL SECRETARIAT LIBRARY AND THE IMPERIAL LIBRARY.

179. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (on behalf of the Honourable Srijut Rama Prasad Mookerjee): What is the reason of the difference in procedure in the filling up of the temporary vacancies in the case of the Librarians of the Imperial Secretariat and the Imperial Library?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : The reason is that Government have knowledge of the experience and qualifications of the officiating Librarian, Imperial Library, Calcutta; for temporarily filling the post of the Librarian, Imperial Secretariat Library, no one now employed on the staff of the latter library is available; hence the need for seeking the aid of the Public Service Commission.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : Will this Imperial Library be brought to Delhi some day?

THE HONOURABLE THE PRESIDENT : That question does not arise out of the answer given.

REORGANISATION OF THE IMPERIAL LIBRARY.

180. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (on behalf of the Honourable Srijut Rama Prasad Mookerjee) : (a) Was the question of the reorganisation of the Imperial Library placed at any stage before the Standing Advisory Committee for Education ? If not already done, is it the intention of Government to place all the papers before the Standing Advisory Committee for Education before arriving at any final decision ?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH :
(a) No.

(b) The suggestion will be considered.

PROVISION OF AMENITIES FOR PASSENGERS AT NABADWIPA GHAT STATION.

181. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (on behalf of the Honourable Srijut Rama Prasad Mookerjee) : (a) Is it known to Government that Nabadwipa in the district of Nadia in Bengal is a place of pilgrimage for Hindus ?

(b) Is it a fact that the light railway from Krishnagore to Nabadwipa Ghat is largely used by pilgrims to Nabadwipa ?

(c) Is it a fact that there is neither a suitable shed for pilgrims at the Nabadwipa Ghat station nor a pucca pathway leading to the Ganges ?

(d) Is it a fact that there is no arrangement for lighting the Ghat station or the approach from the river ?

(e) What proportion of the income of the branch line is derived from the pilgrim traffic to Nabadwipa ?

(f) Do Government propose to take early steps to alleviate the difficulties of the passengers on this branch line ?

THE HONOURABLE SIR GEOFFREY CORBETT : Government are aware that Nabadwipa is a pilgrimage centre of importance but are not aware in detail of the provision made for passenger amenities at Nabadwipa Ghat. I am sending a copy of the Honourable Member's question to the Agent of the Eastern Bengal Railway so that he may consider what action may be necessary.

DATE FOR THE RECEIPT OF NOMINATIONS TO THE PANEL FOR THE STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE THE PRESIDENT : With reference to the motion adopted by the House yesterday morning that it would proceed to the election of a panel to the Committee on Emigration, I have to fix Saturday, the 23rd of March, up to the hour of 11 o'clock in the morning for the receipt of nominations. I may say that up to date I have already received five nominations and three more nominations will complete the panel.

RESOLUTION *RE* INVESTIGATION INTO THE SYSTEMS OF LAND REVENUE IN THE DIFFERENT PROVINCES.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Sir, I beg to move :

“ That this Council recommends to the Governor General in Council that a Committee be appointed consisting partly of elected Members of the Indian Legislature and partly of persons who may be considered to be well conversant with the subject, to investigate and report on—

- (1) the systems of land revenue in the different provinces of India ;
- (2) their economic effects upon the condition of the rural population in each province ;
- (3) the changes and modifications that in its opinion should be made in the system, with a view to promoting the economic welfare of the agricultural population, and
- (4) any financial measures that might be adopted to make up for any loss should the changes and modifications recommended by the Committee involve a loss in the existing revenues.”

This House is aware that the question of the land revenue systems prevailing in this country has engaged the attention of all those who feel keenly interested in the condition of the agricultural population and the necessity of ameliorating it, and of raising the general economic level of the masses of India. I do not propose to trace the history of this question, for were I to do so, it would be impossible for me to deal at sufficient length with the main issue which is involved in my Resolution, within the time to which I am entitled. It is impossible for me, however, not to make at least a passing reference to the Resolution issued on the subject in 1902 by Lord Curzon's Government. It is well-known that that Resolution was drafted by Lord Curzon himself, and it reveals in a very conspicuous manner the high literary qualities of that great Viceroy and his clarity of thought on any subject, however difficult and abstruse, to which he applied himself. The principles laid down in that Resolution still govern the various systems of land revenue assessment that obtain in this country. So far as those principles go, they were certainly an improvement upon the state of things and the practice that existed before Lord Curzon issued his famous Resolution. The most satisfactory feature of that Resolution was Lord Curzon's insistence upon two cardinal principles, namely, first, moderation in enhancement and, secondly, sympathy in collection. Moreover, though Lord Curzon vigorously defended the general land revenue policy of the Indian Government, he had the fairness to admit that no claim could be made for it that it was scientific, exact or free from any blemish whatever.

“ Indeed,”

he said,

“ the one claim which the Government of India would decline to make for the land revenue system of this country is that it can properly be regarded as a science at all ”.

He, however, maintained that

“ assessments cannot be dictated by the theorist in his study, they elude dogmatic treatment, and can only be safely worked out by the Settlement Officer in the village and the fields ”,

and did not seem to think that the latitude to be given to Settlement Officers can be clearly defined and restricted by statutory provisions or that the general principles of assessment could be paid with any degree of exactitude and embodied in a Statute.

[Sir Phiroze Sethna.]

As I have said, Sir, Lord Curzon's Resolution was issued in 1902, that is, now more than 26 years ago. In the first place, the view that land revenue assessments cannot be governed by scientific principles is being questioned more and more, and economists have proposed solutions based on such principles. Secondly, the question of the right land policy has been receiving the earnest consideration of most Governments, and the views propounded in different countries, *e.g.*, in Australia, New Zealand, France, Germany, on the subject deserve to be considered. Thirdly, there is a growing feeling amongst the Indian leaders and people that the time is come for fully examining the economic effects of the various land revenue systems. and fourthly, in 1919, the Joint Parliamentary Committee gave the go-bye to the theory that the principles of land revenue assessment and other working must be left to executive direction and cannot be embodied in a Statute. The House is familiar with the views expressed by the Committee. Nevertheless, it may not be amiss if I remind Honourable Members of what they said. In their report on the Government of India Bill, 1919, they observed as follows :

"The Committee are impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action, without, in some cases, any statutory limitation of the rates, and in other cases, any adequate prescription by statute of the methods of assessment. They consider that the imposition of new burdens should be gradually brought more within the purview of the Legislature. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements, and the other chief processes which touch the well-being of the revenue payers."

For the first time, the Joint Parliamentary Committee and through them the British Parliament have recognised a highly important principle, namely, that whether land revenue is rent or tax, it is, after all, a species of taxation, a financial impost, and like all species of taxation, it should be clearly defined and its levy brought under the control of the Legislature. This is a great landmark in the development of the land revenue policy. As far as I am aware, every Provincial Government has taken steps to give effect to the recommendations of the Joint Parliamentary Committee, but so many differences of opinion have been disclosed on the subject between Government and various sections of representatives of the people that it would seem that in no province has the necessary legislation been carried out.

THE HONOURABLE MR. MILES IRVING : Yes, in the Punjab.

THE HONOURABLE SIR PHIROZE SETHNA : To some extent. I will refer to that later. Some have advocated the extension of the permanent settlement in *ryotwari* areas, others have suggested that land revenue assessments should be treated on the lines of income-tax, others again have proposed that no revision settlement should be brought into operation unless it first receives the sanction of the Legislative Council.

The most important point in connection with the land revenue systems is, what are their economic effects upon the people, particularly the agricultural population ? The poverty of the Indian peasantry is proverbial ; in those provinces where permanent settlement has been introduced, such as Bengal and Bihar, the condition of the tenantry is notoriously wretched. These are well known facts, universally admitted, and it is impossible now to deny or question them. The Government view is that the land revenue policy

is no factor at all in any province in the impoverishment of the ryot, that whatever poverty exists among the agricultural population is due to other causes and has nothing to do with the land revenue policy or system. Here is a distinct issue, namely, what is the relation between the land revenue system of a province and the economic condition of its people, in particular, of the agricultural population in that province? Is there any relation at all? If so, what is it? Is the poverty of the people, their low economic condition, in any way, to any degree, directly or indirectly, due to the land revenue system? Does the system operate so as to add to the burdens of the poor, to aggravate or increase their poverty? How does it operate in particular upon the small peasant proprietor? These are all very important questions having a direct bearing upon the tremendous issue of the general uplift of the masses, and they call for a thorough investigation. If such investigation discloses that the economic condition of the masses is adversely affected by the prevailing land revenue system, it obviously becomes a matter of importance and it may be even of urgency to consider whether a new land revenue system, which would obviate those effects, could be devised, whether any changes could be made in the existing system, or whether there is no alternative which could not produce worse results, and that therefore we must be satisfied with things as they are.

I submit, therefore, that the time is now come for instituting a thorough inquiry into the economic effects of the various land revenue systems in India. The Taxation Enquiry Committee was appointed to enquire into questions of taxation, but the question of land revenue policy was excluded from its purview. Again, the Royal Agricultural Commission was asked to investigate the main factors affecting the rural prosperity and welfare of the agricultural population, but its recommendations were to be subject to the limitation that it would not be within its scope to make recommendations regarding the existing systems of land ownership and tenancy or of assessment of land revenue. In both these inquiries in which the question could have been gone into, Government have deliberately avoided it for reasons which it is difficult to understand or conceive. Indeed, Government have hitherto given no reason whatever why they do not want to enquire into this important matter. It is obvious that the whole question of the economic condition of the masses and of improving it cannot be fully investigated unless it is also considered what effects the land revenue system produces. It will not do for Government to say that the system is a very old one, inherited from the remote past and that its economic consequences, whatever they may be, do not matter and must be taken as a matter of course, particularly as the State cannot and will not abandon the position that land revenue assessments are in principle nothing more than the enforcement and enjoyment by the State of its rights over land. It is futile to reopen the controversial question as to whom the land belongs—either to the State or to the actual holder, as to whether land revenue assessment is tax or rent. On this theoretical or academic question, it is hopeless to expect agreement. The controversy will never be settled, it will continue till doomsday. Besides in these days, the fundamental basis of property like the bases of all other things is being questioned, and theories of Socialism and Communism, whether right or wrong, or like most new-fangled theories partly right and partly wrong, are being built which go to the very root of the rights, nature and incidence of property. In view of these radical and far-reaching transformations of the very foundations of thought in most matters of social and political order, a Government which will seek refuge simply in antiquity or in traditional ideas, methods and practices is doomed; it will not be able to hold its own against the onrush of extreme or revolutionary currents of thought and movement. The antiquity or the

[Sir Phiroze Sethna.]

traditional character of a system or institution is no justification for its continuance, nor will it be a bulwark against attacks levelled against it. The only right position, the only safety, lies in reconsidering or revising the system or institution in the light of sound, comprehensive thought and reforming and readjusting it so that it may not operate as a hardship but will prove a real instrument of promoting the welfare and happiness of the people. Whether the land revenue assessment is tax or rent, the fact remains that the people—which means in this country 70 per cent. of the total population or more—have got to pay : after all, it is a part of the whole fiscal system of a province, and surely it cannot be a matter of indifference, what the actual consequences of such payments are upon the general economic condition of by far the largest portion of the entire population in whose contentment and prosperity and intelligent understanding of the basis of authority, and enlightened realization of their duties and responsibilities no less than their rights, the stability and strength of Government are inextricably interwoven.

All these considerations fully warrant the submission I am making that a Committee should be appointed to investigate the economic effects produced upon the agricultural population by the system or systems of land revenue assessment prevalent in each province. This is the first thing that has got to be done. And then the next thing would be to consider in the light of their investigations whether any changes should be made in those systems, and, if so, what. I shall not anticipate those changes. Perhaps it may even be that the results of the investigation and a comparative consideration of alternative systems may not warrant any changes at all. It would obviously be wrong to dogmatise either way. Different systems of land taxation obtain in different countries. Two views in particular deserve mention. One view is that the land revenue assessments or land tax should be assimilated to income-tax, that the former, as such, should be abolished and income-tax should be levied on all incomes, including agricultural. The theory underlying this view is that profits of agriculture are, after all, a species of income, and there is no reason why it should be a separate source of taxation, and differently assessed from ordinary income. The other view is that as land is property, it should be taxed as such, and at the same time, income-tax should be levied on all income including agricultural. Just as in some places a house tax is levied on all houses, whether they yield rent or not, in the same way, a land tax should be levied on all land whether it produces any income or not ; but the levy of this land tax is no reason why agricultural income should not be taken into account when income-tax is to be levied. I have already said that there are also advocates of the extension of the permanent settlement and they are of two classes. Some advocate it and at the same time maintain that agricultural income should be exempted from income-tax ; others are advocates of the permanent settlement coupled with the levy of income-tax on agricultural income. The first view that agricultural income should be governed by the principles of income-tax is opposed on the practical ground that if it is so governed, the result will be a considerable reduction in land revenue and the State will at once be faced with the question, " How to make up the loss ? " Of course no such loss will accrue if there is a land tax and at the same time removal of the existing exemption of agricultural income from liability to income-tax. But in that case a doubt may be raised whether this may not be double taxation. I do not propose to express any personal opinion of my own on this occasion on any of these points. I want simply to point out that there are different systems advocated, and all these will have to be

considered by the Committee whose constitution I recommend by my Resolution. All these proposals are made by men whose views are entitled to every respect.

As an illustration of what I am saying, I may refer to an inquiry instituted by the Government of New Zealand in 1924. In that year, that Government appointed a Commission called "A Commission to inquire into and report upon Land and Income-tax". The Commission inquired into the existing system of land taxation in all its aspects and its views and recommendations on the subject are interesting and suggestive. They say :

"We received a good deal of evidence for and against land-tax. The weight of evidence was against both land-tax and graduated land-tax, and in favour of abandoning both and substituting the graduated income-tax."

They recommend :

- (1) That land and Income-tax must be considered together, as they dovetail into each other.
- (2) That the present graduated land tax should be abolished, and income-tax should be paid in respect of income from land as part of the tax-payer's income.
- (3) That any loss of revenue brought about by the adoption of the last recommendation should be made up by a flat rate of land-tax on all unimproved land values over £2,000. In assessing income-tax no exemption should be allowed in respect of this land-tax.

This is how the problem has been tackled in New Zealand. In September last, my Honourable friend Dr. Rama Rau moved a Resolution regarding the levy of revenue, tax, cess or fee on land held in private ownership, and while replying to the debate on the Resolution my Honourable friend the Leader of the House, Sir Muhammad Habibullah, told the House that the Government of India had again decided to address Local Governments on the subject of land revenue administration and expressed a hope that a satisfactory solution of this difficult problem would soon be arrived at. I do not know whether Government have accordingly addressed Local Governments on the subject. If they have, I sincerely trust my Honourable friend will take this House into his confidence and lay the whole correspondence on the Council table. Perhaps it may be that he himself is thinking of appointing a Committee for making an inquiry such as I am proposing. This land revenue problem is one which has often given a lot of serious trouble and may give yet more in the future unless all trouble is sought to be avoided by examining the economic effects of the land revenue system and as a result of the investigation, by improving it and bringing it more into line with right principles and public opinion. I shall not refer to the trouble at Bardoli except to say that the whole Bardoli affair brings into strong relief the necessity of going to the root of the matter in the manner I have proposed. I sincerely trust that the lessons of Bardoli will not be lost, and the one supreme lesson of Bardoli is that the land revenue systems call for a thorough investigation.

The *Times of India* published a leader some months ago in which it urged an inquiry into the economic effects of the land revenue system—exactly such an inquiry as I am asking for. It urged that in case the results of the investigation ultimately lead to loss of land revenue, the Committee to be appointed should also propose financial measures for making good such loss. Personally, I have no objection to this course. Land revenue is the sheet anchor of provincial revenue, and any loss that improvement in the land revenue system may lead to will certainly have to be made up. But if the well-being of the

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masses, the great need we all realise of improving their economic condition, requires that the existing land revenue system should be reconsidered and reformed, even though as a result the land revenue may show a falling off, the thing has got to be done, and I for one feel no doubt that the financial system can be so readjusted as to meet the loss that may accrue. We have entered on a stage in the development of India when the whole Governmental, administrative and financial systems will have to be improved and modernised on sound principles. Systems of land revenue, finance, taxation—all must undergo the process, the sole aim being to prevent injustice, to remove hardship, to promote fairplay and equity, to redress all legitimate grievances and to raise the material and moral condition of the vast masses—the teeming millions—of this land.

With these words, Sir, I commend my Resolution to the acceptance of the House.

THE HONOURABLE SETH GOVIND DAS (Central Provinces : General) : Sir, I beg to move the amendment which stands in my name :

“ That for the words ‘ a Committee be appointed consisting partly of elected Members of the Indian Legislature ’ the words ‘ a central Committee and provincial Committees be appointed consisting partly of elected Members of the Indian or Provincial Legislature, as the case may be ’ be substituted.”

Sir, the reason for my moving this amendment is due to the fact that the land revenue system varies from province to province, and unless and until provincial Committees with the real representatives of the people are appointed to co-operate with the central Committee the thorough investigation into the matter, which the Honourable the Mover of the Resolution desires, cannot be made. In certain provinces there is permanent settlement ; in others there is temporary settlement ; in some provinces there is the zemindari system ; in others there is the ryotwari system. Besides this there are many sub-divisions of these systems. Therefore, I suggest that the inquiry into the matter be conducted on the lines on which the inquiry into the banking system is proposed to be conducted.^e

Sir, I congratulate my Honourable friend Sir Phiroze Sethna on bringing forward this Resolution, because there is no doubt about the fact that a thorough investigation and reorganisation of the revenue system is a long-felt want of the agriculturists of this country. I do not want to take up more time of the House because my Honourable friend has already said all that should be said on the question. We may not agree with all the reasons which my Honourable friend has advanced for the inquiry. I agree with the principle that the inquiry ought to be made, and I hope, Sir, my Honourable friend will accept my amendment, which only strengthens the underlying idea of his Resolution.

With these few words, Sir, I commend my amendment to the acceptance of my Honourable friend and of this House.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH (Education, Health and Lands Member) : Sir, my Honourable friend Sir Phiroze Sethna has to be congratulated on the vigour of the speech made by him in support of his Resolution, a copy of which he was good enough to supply to me and for which I am highly grateful. No one can dispute his thesis that land revenue, which touches the bulk of the agricultural population of this country, is a matter of great importance both to Government and to the people. Nor, Sir, will it be questioned that the welfare and contentment

of the agricultural classes should be, and are, an object of profound interest and steadfast endeavour to Government. The main question for consideration now is whether the existing systems of land revenue oppress the agricultural classes, whether an investigation is necessary in order to ascertain the relation between these systems and the economic condition of these classes, and finally, whether an all-India investigation of this problem, if investigation were found to be necessary, would be practicable.

The Honourable the Mover has urged four reasons in support of his proposition that such an inquiry is necessary. The time that has elapsed since the Government of Lord Curzon reviewed land revenue policy, the challenge of economists to the soundness of the land revenue systems of India, the scrutiny of the question of land taxes by countries like Germany, the recommendation in regard to Land Revenue of the Joint Parliamentary Committee which considered the Government of India Bill, and the emergence of Socialist and Communist notions about ownership of and rights in land, are the principal reasons adduced by him to justify a comprehensive examination of the land revenue systems of British India.

Now, Sir, whatever else the passage of time may have done, it has not made the revenue systems of British India less complex, nor the constitutional power of the Government of India to review or readjust these systems wider. One has only to look at the formidable compilations of Baden Powell, and the provincial departments of Land Revenue to get an idea of the unique complexity of the various systems of land tenure that exist in different parts of India. It is important to mention this fact, because settlements of land revenue are influenced in no small measure by the prevailing systems of tenure. And the Government of India Act of 1919 and the rules framed under it have made land revenue a reserved provincial subject and a provincial head of revenue. My Honourable friend would probably urge that, so long as the subject is reserved, the Government of India have powers of direction, superintendence and control over Local Governments and that the investigation which he has in mind is not a detailed survey of tenures and cognate matters, but a broad survey of economic conditions and a general testing of the principles of land revenue by modern canons of taxation. As regards the latter portion of this rejoinder, I have already stated that land revenue cannot be divorced from a consideration of the nature of land tenures. A further point to make is that detailed enquiry into the economic condition of the agriculturist is periodically made in each temporarily settled province whenever a district is settled or, to use a phrase which would more correctly represent the general practice, resettled. Any officer with settlement experience would be able to convince my Honourable friend, whose open-mindedness I have learnt to admire, that no committee of enquiry could excel the care or the solicitude with which these investigations, on which settlement proposals are based, are conducted.

The answer to the constitutional argument that the Government of India have powers of direction, superintendence and control is that since land revenue is a provincial head of income—and in most provinces the main head of income—an enquiry of the nature suggested by my Honourable friend cannot properly be initiated except with the consent, and I would even go further and say except on the suggestion, of Local Governments. The reason for this conclusion is not only that any change in the system of land revenue may affect provincial finances. An equally important reason is that an investigation of this scope and wide compass may have repercussions beyond economics and finance, and exercise an unsettling effect on the always delicate question of the relationship of landlords and tenants. This possibility has to be taken seriously

[Khan Bahadur Sir Muhammad Habibullah.]

into account in areas where the settlement of land revenue is made not directly with the cultivator of the soil but with landlords or zemindars.

My Honourable friend's second argument, namely, that the provincial land revenue systems need to be reviewed and readjusted in the light of modern canons of taxation, is answered by the fact that this task has already been accomplished by the Indian Taxation Enquiry Committee. That Committee included a land revenue officer like my Honourable friend Sir Charles Todhunter, and a trained economist like Dr. Hyder. The conclusions of the Committee were communicated to Local Governments, and have doubtless received their consideration. I know that both in Madras and Bombay the suggestion of the Committee that Government should take 25 per cent. of the net assets as land revenue has been pressed. In Bombay, which is my Honourable friend's Presidency, I think I am correct in saying that the Committee which the Local Government set up and which considered the question of amending the Land Revenue Act of Bombay based some of its proposals on the recommendations of the Taxation Enquiry Committee. Not only then has this aspect of the problem been competently investigated, but the results of the investigation appear also to have influenced consideration of the percentage of the net yield from land which the State should take.

My Honourable friend will forgive me if I do not agree to treat the example of Germany and New Zealand as an inspiration and a guide to us in this country. We are differently built in this country. Our land revenue system is a product of history—of a very long process of evolution. I am at one with my Honourable friend in thinking that what is archaic or outworn is not to be venerated merely because of its antiquity. But it cannot be seriously contended by any one that our land revenue system has become so decrepit and out of joint with the times as to deserve to be discarded. I wonder what my Honourable friends from Bengal, where the permanent settlement is regarded as sacrosanct, would think of such a doctrine. Need for review and revision there may be. The progressive reduction in the State's share of the net assets of agricultural land which had taken place more particularly during the period of British administration shows that the system is sufficiently elastic to be susceptible of adjustment from time to time under pressure of economic and other factors. But its vitality and its special suitability to the historical, social and economic structure of our polity are features which it will be a grave error to ignore.

Up to this point, Sir, I have endeavoured to show, first, that in this matter the initiative rests, and rightly rests, with Local Governments; secondly, that the variety and complexity of our land revenue systems make an all-India inquiry impracticable by reason of the long time that such an inquiry would take; thirdly, that the economic condition of the agricultural population comes under careful scrutiny at the time of resettlement which precedes the revision of the Government demand; fourthly, that the bearing of modern principles of taxation on our land revenue system was recently examined by the Taxation Inquiry Committee, whose conclusions have not been without effect on proposals relating to the adjustment of the Government demand; and fifthly, that the experience of Germany and other western countries is no safe guide to us.

I shall now turn, Sir, to my Honourable friend's case in so far as it rests on the recommendations of the Joint Parliamentary Committee. Since this matter was last referred to in the House, Sir, the Punjab, the United Provinces, and the Central Provinces Legislative Councils have passed legislation to

codify the principles of land revenue administration into law. It is not, therefore, correct to say now that the recommendation of the Joint Parliamentary Committee still remains sterile. But I have mentioned this fact with a more important object than the mere correction of a statement of fact made by the Honourable the Mover. If my Honourable friend and other Honourable Members of this House will devote a little time to the study of the history of these pieces of legislation, they will realise both the complexity of the task and the propriety of leaving it to Local Governments to settle these questions of which the importance to the provinces concerned is paramount. These questions have to be considered primarily with an eye on local economic and social conditions, and settled by agreement between two parties, namely, the Government of a province on the one hand, and the representatives of the agricultural interests concerned on the other. I do not wish to push the argument of provincial self-sufficiency too far. But it is obvious from the nature of the problem and from the history of recent land revenue legislation and the investigations and discussions preceding such legislation that initiative in the matter and the burden of the work must fall on the provinces.

I shall not detain the House longer, Sir. For the reasons which I have stated, Government do not consider it either necessary or practical to embark upon an inquiry of the nature suggested by the Honourable the Mover. It follows, Sir, that it is not possible for them to accept the Resolution. I have only a word to add about my Honourable friend Seth Govind Das's amendment. It seems to me that, if the provinces wish to set up inquiries, there is nothing to prevent their doing so. Moreover, such inquiries could be set up by each province independently without it becoming necessary for the Government of India to set up a central agency for co-ordinating the results of those inquiries. If Local Governments decide to set up committees, their reports will, at some stage, be submitted to the Government of India. The existing machinery at headquarters can then examine these reports and help the Government of India to discharge their general responsibilities in the matter.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, nearly 86 per cent. of the population of India is composed of agriculturists and landowners and it is in view of their being such a large majority in number that the question of effecting an improvement in their present condition is engaging the attention of all the Local Governments as well as everyone concerned with them. I do not want to go into the details of the miseries under which this largest portion of the inhabitants of India is labouring at present. These are very well known to every Honourable Member in this House, but for the sake of illustration I should like to point out that this class of agriculturists is groaning under heavy debts which, according to certain calculations, have been estimated at 600 crores of rupees. I would not like to detain the House by quoting figures and will content myself with saying that immediate steps should be taken to relieve this community of agriculturists from their present deplorable condition, for the betterment of their condition will bring peace, prosperity, and contentment to India as a whole. If suitable measures are adopted to make this three-fourths of the inhabitants of India live a life of contentment and peace, I believe it will greatly help in finding a definite solution of the ever-increasing problem of unemployment in India. Of all the numerous liabilities falling to the lot of the agriculturists in India, the present system of land-revenue is the most exacting. After every six months they are called upon to make payments of a fixed sum of money as their portion of the land revenue, no matter whether they have the means to provide for the payment or not.

[Major Nawab Mahomed Akbar Khan.]

Settlements of lands are made after every 30 years, and on each occasion of such renewal of settlement of land, there has been a constant increase in the land revenue as compared with the last settlement. In spite of this, settlements of lands are made by officers of Local Governments and the local subordinate officers, some of whom are the residents of the places under assessment, which system is telling heavily on all those concerned. Again, there is no uniform system of settlement of lands in all the provinces of India. There is a permanent settlement in Bengal while in other provinces the system

of settlement differs in the case of every province. The present system of land revenue is proving a source of the greatest trouble to all the agriculturists as a whole, and the necessity of adopting some remedial measures is very keenly felt among all those concerned. Under the circumstances, the Resolution moved by my Honourable friend Sir Phiroze Sethna is quite in the fitness of things and ought to be appreciated by every Member. But prior to the Resolution there is a report by the Royal Commission on Agriculture which I think is receiving the immediate attention of the Government of India. It has been submitted after exhaustive and careful inquiries into every aspect of the agricultural life, and in case the Government of India intend to give effect to its recommendations, the sooner it is done the better it would be for the agriculturists as well as for the Government. Although the question of land revenue is a purely provincial subject I think it will be better if the Government of India can see its way to bring it partly under its direct control by the establishment of a Department of Land Settlement and making settlements in all the provinces of India on a uniform system. In this way, every settlement of land will be effected by an impartial officer, bearing no prejudice to anybody, and this will certainly result in a great advantage to the agriculturists.

Sir, I have carefully listened to the speech made by the Honourable the Leader of the House, and he has been constantly saying that the inquiry is not necessary; that it will take a very long time, and that it will be difficult because various systems are prevailing in the different provinces. Sir, to me it seems that the inquiry is most essential and necessary because it will give relief to very nearly three-fourths, if not a higher percentage than that, of the population of every province. The Leader of the House has been saying that the Taxation Enquiry Committee have thoroughly gone into the matter and that they have in their report made some suggestions about the present Resolution. But, Sir, I see that the Taxation Enquiry Committee was appointed with the object of finding out new avenues of taxation for the Government of India. It was not appointed with the sole object of inquiring into the land revenue systems of this country. To me it seems, and it will seem also to those Members who have anything to do with land, both landlords and agriculturists, that the early appointment of a Committee is most essential to go into this question and to decide what remedies should be set up in order to improve the condition of the agriculturists.

With these words, Sir, I strongly commend the Resolution.

THE HONOURABLE MR. G. S. KHAPARDE: I have sent in an amendment, Sir.

THE HONOURABLE RAI BAHADUR LAIA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, in seconding the Resolution so ably moved by my esteemed friend the Honourable Sir Phiroze Sethna, I strongly support the

principle underlying the desire for an examination of the systems of land revenue which are in force in the various provinces. The principle that the land revenue demand should be assessed in a manner which is less irksome to landlords and tenants cannot be gainsaid. The pitch of the assessment and the period of settlement are two of the important matters which are of vital importance not only to the agriculturist but to the whole of the rural population. The Punjab Legislative Council is to be congratulated on taking a step in the right direction on these two questions. In the Punjab, the standard of assessment has been lowered from half net assets to 25 per cent. of the assets of the landlord and the terms of settlement, which varied from 20 to 30 years, have been put down at 40 years as a rule. In arriving at this decision, if I remember aright, in the Punjab Legislative Council the Government opposed the 25 per cent. basis of assessment, but the point was carried by the Council and it was a matter of gratification to find that His Excellency the Viceroy gave his assent to the Punjab Land Revenue Act notwithstanding, if I mistake not, the opposition of the Punjab Government on this particular matter. The equitable distribution of assessment from holding to holding, from estate to estate, and for larger units is another question of great concern to the agricultural population. The system of land revenue varies from province to province and it is only reasonable to ask that a comparative study of the various systems should be made without delay and with a view to effect improvement in the provinces where defects are found to exist on the lines of those provinces where they do not exist. A close examination of the systems would, I have no doubt, prove useful to the agriculturist in making his burden easier to carry, but it would at the same time make the work of revenue collection more smooth and give the satisfaction of having in every province a system brought up to date in the light of experience. The fact that every major province is responsible for its own revenue policy need not be a bar to a comparative study of the systems of all the major provinces by one responsible body and at the same time. The Committee proposed should be in a position to offer valuable advice, where it is needed, to every province, and the advantage of such an independent and competent body arriving at well-considered decisions will be that, subject to their approval by the Government of India, a lead will be given to the provinces concerned, and the Provincial Legislative Councils who will have all the material laid before them will not have any difficulty in adopting measures which are calculated to benefit the agricultural and rural population of each province.

My Honourable friend Sir Phiroze Sethna has said in his speech that the income derived from land may be subjected to income-tax. Sir, I differ from him in this vital matter. I hold that in India land is owned by the people and Government collects land revenue as a tax. That tax has ranged from 50 per cent. and upwards in certain provinces. In the Punjab, as I have mentioned, legislation has laid down that in the future land revenue shall be assessed to land tax to the extent of 25 per cent. of the net assets. When such a big proportion of the income of a landlord is taken as a tax no more taxation is justifiable. I am a landlord myself and I can say that in the Punjab at any rate land taxation has reached a pitch beyond which it is impossible to go. The harvests of the last three years in particular have been so bad that the landlords have had in many cases to pay the land revenue out of their own pockets and incur loss.

Our esteemed Leader of the House, Sir Muhammad Habibullah, said that the present system of land revenue does not oppress the agricultural classes. I say, Sir, that the present policy of land revenue has oppressed them, and I disagree with him entirely. Then he said that the

[Rai Bahadur Lala Ram Saran Das.]

initiative in starting an inquiry like this ought to be taken by the Provincial Governments ; but I should like to ask the Honourable the Leader of the House whether the Royal Commission on Agriculture was formed at the instance of the various Provincial Governments. I do not say that that Commission was not needed. But I say that if there is any measure of public utility and importance which deserves to be undertaken, the inquiry now proposed is deserving of the utmost consideration, because after all landlords and agriculturists are the backbone of the Empire and are the people who should be most looked after. This matter was undoubtedly referred to the Indian Taxation Enquiry Committee, but there was a great deal of misapprehension amongst landowners and zemindars as to the scope of the inquiry which that Committee would make in the field of land revenue assessment. A meeting of the All-India Landlords' Association was held and this matter was fully discussed and I understand a representation was made to the Government of India. If I mistake not the Association was led to believe that the scope of the inquiry of the Taxation Enquiry Committee did not embrace the revision of the land revenue policy. Of course that Committee, as the Leader of the House has said, recommended 25 per cent. as the basis of assessment. But, as I have also said, that basis has not yet been accepted by all the Provincial Governments. It was a useful suggestion, and if other Provinces would follow what has been done in the Punjab, one point anyhow will be solved. The Honourable the Leader of the House has said that India cannot be compared to New Zealand and other foreign countries in the matter of land revenue assessment. As far as I know, in those countries to which reference was made, the people do not own the land. The land belongs to Government and the people pay rent for it. But in this matter of a comparison, sometimes the Government of India, when it suits them, do compare India with foreign countries, but when it does not they do not. The Leader of the House has admitted that the policy of assessment is sufficiently elastic. That is the reason why we want that elasticity to be put in order. Sometimes the elastic nature of the policy is not good for the people of India engaged in agriculture.

With these words, Sir, I strongly support the Resolution.

THE HONOURABLE THE PRESIDENT : Honourable Members hitherto do not seem to have directed their attention to any extent to the amendment moved by the Honourable Seth Govind Das. I think, therefore, that I had better put that amendment to the Council and get it out of the way. Does the Honourable the Mover wish to say anything in regard to that amendment ?

THE HONOURABLE SIR PHIROZE SETHNA : I am not in favour of the amendment for the reasons advanced by the Honourable the Leader himself. It is entirely a matter for the provinces themselves. If they want to have their own Committees they can have them.

THE HONOURABLE THE PRESIDENT : The original question was :

"That the following Resolution be adopted, namely :

'This Council recommends to the Governor General in Council that a Committee be appointed consisting partly of elected Members of the Indian Legislature and partly of persons who may be considered to be well conversant with the subject to investigate and report on :

- (1) the systems of land revenue in the different provinces of India ;
- (2) their economic effects upon the condition of the rural population in each province ;

- (3) the changes and modifications that in its opinion should be made in the systems, with a view to promoting the economic welfare of the agricultural population; and
- (4) any financial measures that might be adopted to make up for any loss should the changes and modifications recommended by the Committee involve a loss in the existing revenues."

Since which an amendment has been moved :

"That for the words 'a Committee be appointed consisting partly of elected Members of the Indian Legislature' the words 'a central Committee and provincial Committees be appointed consisting partly of elected Members of the Indian or Provincial Legislature, as the case may be,' be substituted".

The question I have to put is that that amendment be made in the Resolution.

The motion was negatived.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): Sir, I submitted an amendment this morning. I trust Your Honour will permit me to argue it.

THE HONOURABLE THE PRESIDENT: The Honourable Member requires no permission from me to move an amendment of which he has not given notice. The Standing Order says that an amendment may be moved unless any Honourable Member objects to its being moved. In that case I shall have to give a ruling from the Chair. The Honourable Member may proceed and may or may not anticipate an objection.

THE HONOURABLE MR. G. S. KHAPARDE: - With your permission, Sir, then.....

THE HONOURABLE THE PRESIDENT: My permission is not necessary, as I have told the Honourable Member.

THE HONOURABLE MR. G. S. KHAPARDE: Thanks, Sir. My position is rather peculiar in this respect. I approve of the general principle of the Resolution, but I do not like part of its wording. Now, my Honourable friend's amendment has been rejected and so there is no use talking about it. I approve of the principle of the Resolution, but object to the term "consisting partly of elected Members". By the term "elected Members" I understand elected Members of this Council as well as, I suppose, of the Assembly. If that is so, my objection comes in. We have got another 18 months of life for this Council and the life of the Assembly expires in another eight months. If elected Members from this Council and elected Members from the other House are put on this Committee, within 18 months' time or even eight months' time some of the Members will have to disappear and this Committee will not be able to function. Now, the work which is to be entrusted to this Committee is very serious, is very important, and it will take a great deal of time. As was remarked by one of the Honourable Members here, the tenancies differ almost from district to district; if not from district to district they certainly differ from province to province; and an enquiry into those tenancies and their reasonableness is not likely to be completed within even for that matter 18 months; even 18 months would not be sufficient, much less would it be completed in time for the Members of the Assembly to continue on it. So my first amendment was that instead of its being a Committee, it be converted into a Commission appointed by the Viceroy, so that the members could work not only during the lifetime of the present Parliament, but also

[Mr. G. S. Khaparde.]

in the lifetime of the next Parliament and the lifetime of the succeeding Parliament, in order that the body may be more permanent and may have continuous work. I want to change the word "Committee" into "Commission".

My next argument is—and it refers to both the points fortunately for me—that because the work is very important and because it is likely to take a great deal of time, it is therefore necessary, very necessary in my opinion, that we should first of all see what the scope and the nature of the enquiry would be. I have great respect for our own Council and I have sat on it for the last 15 years and more, and I have equally great respect for the other House which has recently come into existence.

I believe that the landed interests are not so well represented in either House as they might have been.....

THE HONOURABLE MR. G. A. NATESAN : Not even here ?

THE HONOURABLE MR. G. S. KHAPARDE : No, nor have the landed interests been properly represented in the other House. I have always felt this, but it was unnecessary to make a complaint. Now that the matter has come up, I do make a complaint about it in this respect. I complain also about the speech made by my Honourable friend Sir Phiroze Sethna. They look upon landlords or the people owning lands as so many people who are tenants on the land, nothing more. What is the history of it ? The history of it is, as it is in every country I believe, that people who constitute the landed aristocracy were, some of them, at one time the rulers of the land and have sunk into private citizens ; others have come in by purchase ; and a third set of people have come in under a third title ; taken together they constitute the aristocracy. But that aristocracy does not hold under one tenure nor under one arrangement. The arrangements vary ; their interests vary ; the ways in which they carry out their administration also vary. People who own a certain amount of land, and especially the descendants of ancient ruling houses, still to this day have clinging to them certain traditions and certain traditional services, and indeed the traditional services are very important ; and that constitutes the difference between the landed aristocracy and the aristocracy which gets on the land by purchase or by converting large capital into estates. There is a difference between them and that tenancy will have to be carefully enquired into. It is not merely a question of economics—the relations between the landlord and the other people. It is a custom that has grown up here ; from time immemorial certain services are rendered by the tenants irrespective of any contract whatever ; certain remissions are given to the tenants irrespective of any contract, and perhaps not even economic considerations come into the matter. It is very important that all these should be maintained, because, as I hold, it is the landed aristocracy that inherits what is called "territorial patriotism". The patriotism of the merchant is pecuniary, and if he finds that higher interest can be realised by sending his money to Australia, he will send it there ; if he finds that he can get a better interest in New Zealand, certainly his money will go there. All that he cares for is money. But the landlord cannot do that. A landlord's interests are buried and entirely nailed down to the particular piece of land which belongs to him. He therefore has territorial patriotism, and to him it is of importance that his fields, its boundaries and certain other things connected with his lands, should be maintained for all time. He therefore fights for it, whereas your merchant can transfer his property from India to

New Zealand. He does not care so long as his capital is safe. He can transfer his capital from this country to somewhere else—I do not understand these transactions—and when he has transferred his capital he is free to go away. That constitutes the great difference. So, if my recommendation is accepted, if this Commission is appointed, landed interests must be preponderatingly represented on it, certainly not less than half. I have therefore put in the word “adequately”, that is to say, at least half the number of members of the Commission must be landlords and people interested in the local landed aristocracy. The other reason for this is that this enquiry will involve an expenditure of a great deal of time and labour. Those two questions which my Honourable friend mentioned are very live questions, not dead questions, questions which originated in the days of Sir Michael Westropp, who held that the land belonged to the occupant and the holder. Government hold that land belongs to them. That controversy is going on and will go on, and the Taxation Enquiry Committee have left the question undecided. That is a live question that still exists. That question cannot be got over by ignoring it or leaving it undecided indefinitely. It has important consequences. If Government become the supreme landlord, they have got to perform the duties of a landlord. They cannot merely collect the rent and sit tight. As landlord, they have to provide for drainage of the land, and attend to other necessary things. That very important question of the ownership of land has to be decided. The Taxation Enquiry Committee has avoided that question. But that question will force itself and will have to be decided authoritatively and from that will follow the consequences, whether the tax or money collected from the landlords is an economic consideration or is a consideration influenced by political reasons, whether Government will maintain these people on their land because not only do they cultivate it but they serve as unpaid militia, a useful reserve to be called for at any moment you like.

The Honourable the Leader of the House said this was a provincial question. I humbly submit that it is not; it is an Imperial question. The question is whether we shall treat our landlords as merely revenue-paying tenants or so many landlords or in some sense as co-owners of the land with Government, and therefore to be taken into consideration and treated accordingly. So this is an important matter not to be got rid of in that way. That statement that it is a provincial subject is not correct, because only three provinces have framed anything like local Acts in connection with this Revenue Code. The remaining six have not. Out of nine provinces only three have framed rules, and those rules—I do not know, I suppose they have been recently received.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : They are not rules. They are Acts passed by the respective Legislatures and are in operation to-day as Acts.

THE HONOURABLE MR. G. S. KHAPARDE : Anyhow, only three provinces have done so and the remaining six have taken no action. Therefore the Government of India is still seized of the question and the direction given by the Parliamentary Committee still holds, and the Government of India as a whole are still responsible for that recommendation of the Parliamentary Committee being carried out. That being so, the Government of India are still seized of the subject and I suppose we are entitled to rely upon their consideration.

[Mr. G. S. Khaparde.]

A still greater consideration is the further one that I have mentioned of the position in which the landed aristocracy is placed of being either merely tenants or being something in the nature of co-owners and therefore liable to be called upon to contribute a greater share of revenue than others.

The last consideration which I wish to urge in favour of my amendment is that if this Royal Commission is established, it will be able to take its own time. It will prepare all the material. It will predominantly consist of landlords and they will be able to say everything they wish to urge, and then with the material collected and the judgment framed on it, the question can go before the Legislatures concerned and be considered, and then and then alone will it be possible to give a reasoned judgment. As for the suggestion of the Honourable the Revenue Member that on every occasion of a resurvey there is some kind of inquiry and that is enough, I humbly submit that it is not. He said, it is a very careful inquiry. I dare say from the official point of view, it may be, but from the people's point of view it is not. And in the Bardoli question that was the great ground put forward and in the case of the neighbouring districts, I believe something like the Bardoli trouble is brewing. In my own province there is a similar trouble brewing now and the complaint is that the inquiry is not carried out as it should be. People do not know what are the various grounds on which enhancement is claimed. Unless you see that this is put right in all the provinces of India, there will be trouble all round. Well, I say the wisest course would be to accept my amendment and bring into existence this body which will move about, record all evidence, put down everything that landlords claim to be done, everything that the tenants claim, and let the record be placed before this Council and the Assembly, and let their Honourable Members exercise their judgment, and when that has been done, then and then alone will the recommendation of the Joint Parliamentary Committee be carried out; otherwise they remain uncarried out. For this reason I support the proposal that this amendment of mine should be put to the vote, namely :

“That for the words ‘Committee be appointed consisting partly of elected Members of the Indian Legislature and partly of persons who may be considered to be well conversant with the subject’ the words ‘Commission on which landed interests will be adequately represented, be appointed’ be substituted.”

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab : Nominated Non-Official) : Sir, I first congratulate the Mover of this Resolution and I can easily say that I can thank him on behalf of about 100 per cent. of the population of India. Though the agriculturists may be only 86 per cent. still the rest of the population is so connected with them that they deal in their goods or in the things they produce.

Sir, I should like to say that this is not a provincial subject but entirely Imperial. Supposing India were invaded by Russia? Would it not be an Imperial subject? There are ways and ways of invasion. One way of invasion is by force of arms and the other is by spreading Communism. Now, this Communism our Government here as well as elsewhere is doing its very best to keep out. But by their deeds they are bringing this Communism into the country as much as they can.

THE HONOURABLE MR. G. A. NATESAN : Is an inquiry likely to allay the troubles?

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: If an inquiry is instituted, the people will think that something is being done for their troubles. It is far from the truth that they would dislike it. They will like it: they will think that Government is coming to their rescue. Now, as things stand, I am very sorry that the Leader of the House was forced to say "No" to questions which everybody in the whole of India knows to-day ought to be done. He was forced to say so against the whole population of India. I also thank Mr. Khaparde and Seth Govind Das who after all by their various amendments meant good to the general public. If, Sir, you were to see the things from this point of view, that we live side by side with a money-lender, then we find as I have often said before that a man who makes anything up to Rs. 2,000, is very well off and pays nothing, while another man who, gets say Rs. 5 or even an anna from the land, is taxed, though that money may not be even sufficient for one day's food. Are not those masses of people, Sir, who have been born in this country, entitled to eat and live? I can say positively that there are hundreds of families of these poor agriculturists that have got nothing to eat. We are sitting under these fans to-day, Sir, but if we were to go out, even in this Delhi province, and in the Rohtak district which is adjoining it, there is such a famine as they have perhaps never seen for many years. But here of course the Resolutions can come from the Central Provinces, but where we are sitting in the centre of these troubles nobody knows it.

I am glad, Sir, that in my province something has been done in the shape of having a 40 years' settlement and a few other things, but these are not sufficient. What is a settlement? A settlement means that Government officials, from the top to the bottom, all first meet and settle the settlement there that so much money will be increased on such and such an area. Then who are to carry on the settlement? The *patwari* who wants to become a *kanungo*, the *kanungo* who wants to become a *naib tehsildar*, the *naib tehsildar* who wants to become a *tehsildar*, the *tehsildar* who wants to become an Extra Assistant Commissioner, and the Extra Assistant Commissioner who wants to become a Deputy Commissioner. These are the men, and their future prospects are entirely in the hands of the Government. Are they going to think of the poor ryot? Generally what they do is this. They will take the best land, best water and best crop, and then they will take the average of that best crop and distribute it over the entire area. It is said, Sir, that this system has come to us from history. History always has not been the same. Previously, if we grew anything in our country, we kept it in the country and everything used to be cheap. Now, when all the things that are produced in this country are exported, of course they become very dear. The difficulties of the poor agriculturist would not be great if he were to grow sufficient food for his consumption for the whole year, but that is not the case. I think that at any rate 98 per cent. do not produce enough for the whole year. So they have to buy their requirements, and when they want to buy they must have money, and when they have no money they must go to a money-lender, and when they once go to a money-lender, they are slaves for their lives. If we want tranquillity in the country, we must do something at once, whether in the shape of what my Honourable friend Sir Phiroze Sethna has said or what my Honourable friends on my left have suggested. But the thing is that something must be done. The vocal classes, when they have a grievance, at once come and speak here and get relief. But the poor zemindar cannot speak. All his troubles are in his mind and there they remain. He is so crushed and so poor that he has not got the capacity or means to make himself heard, and if we do not come and speak here for him as we are doing, we will not

[Colonel Nawab Sir Umar Hayat Khan.]

be true to the Government and the country. We must put before the Government what is going on. When we so genuinely speak, they should not say that we do so only for the sake of speaking. We do so for the good of the Government themselves, and it is for the good of their people that they should come forward and do something for them.

Now, Sir, there cannot be any Indian who does not know that cent. per cent. of the people desire an inquiry, and he cannot do anything better than adopt this Resolution. I think it is the duty of those of us, who are nominated, to tell the Government truly that such things should be done. Simply to vote with the Government is no loyalty or service. Service on such an occasion like this is to say how the people feel, and support it by votes also. Sir, when we speak like this, I think the Government officials, who are here after all for our good, should not throttle us by the weight of the official majority. I would appeal to them to let us settle our own affairs and see on which side we all go, and that will be the right procedure to follow now. It is a gratifying thing, Sir, for all of us, agriculturists, that the man at the helm now is one who is an agriculturist and naturally his sympathies will be with us. Another very good thing has been done in having the Agricultural Commission. That was a step in the right direction only if they were allowed to review the land revenue policy also. The land revenue policy is the thing which ought to have been reviewed. Previous Governments used to take *chauth*, that is, one-quarter. There is another Arabic word *ushar*, that is, one-tenth, and all this was realised in kind. Some Governments used to take one-tenth, and some one-fourth. If now the revenue is taken in kind, the agriculturist will not suffer, because, if his crop is bad, Government will also take a share of the bad crop. But since money has been introduced for purposes of paying the revenue, he has to find this money. In very bad years the revenue is remitted, but they do not remit the revenue altogether. They keep on the demand for three years, and if the agriculturist gets a little better crop, the bad year's revenue is also realised from him. So, it is necessary that the land policy should be revised. You would have heard, Sir, of a book by Darling on the Punjab agriculturists. In that book, he has given a picture of what happens to a poor zemirdar. The Sircar takes a portion from him, and then the Sahukar takes another portion and something of what is left goes to the Ahilkar (the official) and when he has given everything away, he naturally starves, and he says, *Guru sampath rakhe* "God may keep my honour" to meet all the demands, and after paying the dues he has got nothing left for himself. These bonfires that are made in these days in the cities are no trouble to the Government, but, Sir, the bonfire which will be in the hearts of 90 per cent. of the people will be a real danger and it has got to be considered for the safety of the Government. All these matters are under the care of the Government...

THE HONOURABLE THE PRESIDENT: The Honourable Member's time is up.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: In the end, Sir, I appeal to Honourable Members to adopt this Resolution.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH: Sir, I rise merely to object to the amendment which was moved by my Honourable friend Mr. Khaparde. I must confess that I had no notice of it at all until it was announced on the floor of the House. If my Honourable friend was anxious to move the amendment, and if according to him the Resolution

of which the Honourable Sir Phiroze Sethna had given notice would thereby have been greatly improved, he should have done me the courtesy of sending me a copy of the amendment simultaneously with his sending it to the Legislative Department. I have had no time to consider its implication and am not prepared to accept it. On behalf of Government therefore I must oppose it.

THE HONOURABLE MR. MILES IRVING (Punjab : Nominated Official) : Sir, I think the heart of the Finance Secretary must have been rejoiced when he heard the suggestion of the Honourable Member on my right that there should be an Imperial Department to deal with land revenue. He has already heard and will doubtless hear in the course of the debate on the Finance Bill many things against the inhuman, remote and intolerable practices of the Imperial Department of Income-tax. But now we find that after all the Imperial Departments are not so remote and inhuman as has been thought, and it has been seriously suggested that the entire collection of land revenue should be made over to the Central Government. The suggestion has been made in two places, and if the Honourable Mr. Khaparde's amendment be taken as a third, in three places, that land revenue should become a central subject. I want to take my point very largely on the ground of provincial autonomy. We hear a great deal of provincial autonomy on platforms, but I have found in my short experience of this House that whenever Honourable Members are interested in a particular subject which is a provincial subject, be it transferred or reserved, they find some reason for attempting to bring back the authority of the Central Government. The point which I do wish to make is this, that you cannot have it both ways. If you believe that the Government of India Act of 1919 put India on the right path in making its provinces, not perhaps already members of a federal organization, but members of what may be a federal organization—if you have given to them the management of the greater part of the administration and the responsibility of collecting taxes to meet the expenses of that administration—then you cannot turn round and say, "We do not like this or that in the way in which they carry out their duties. We must interfere with them." (*An Honourable Member* : "The Joint Parliamentary Committee gave direction and control to the Central Government.") Direction, superintendence and control have indeed been left to the Central Government.

(There was an inaudible interruption by an Honourable Member.)

The suggestion which the Honourable Member refers to is simply a pious opinion commended to the consideration of the Government of India and the Provincial Governments. The point I am trying to take now is this, that you are putting back the clock when you suggest interfering with the Provincial Governments in provincial subjects, be they reserved or transferred. I am now going to make the point as regards my zemindar friends that not only is this constitutional principle—which is the principle of the chief Party in the Punjab Council—not only is this principle being broken, but you are doing the worst thing possible if you wish to secure reform of the land revenue administration. I do not wish to take this House through the history of the Punjab Land Revenue Bill. But any one who will take the pains to study the debates in the provincial Council will find a deep and growing indignation expressed by the popular Party in the Council at the delay which was caused, shall we say in another place. So far from its being the fact that the Punjab Government has been backward, Honourable Members must be aware that for three years a Land Revenue Bill was held up because it was considered—and

[Mr. Miles Irving.]

possibly rightly considered—that the views of other provinces must be consulted. And that is the sort of thing in which we shall be steeped if we have a Central Committee of this kind. My recollection can go back to the old days of the divided head, when land revenue was a divided head, and if we wanted to give the smallest measure of relief to the land revenue payers, we had to consult the Government of India because their funds were concerned. In exchange for that system we got certain doles. Well we know the Punjab does not require those doles. As you and I, Sir, used to say in a very different place *Timeo Danaos et dona ferentes*. We do not desire relief from central revenues, nor do we desire interference with our provincial subjects. The Honourable Members to my right would find, I believe, that that really is the opinion of the great majority of zemindars in the House. (*An Honourable Member* : “No”). I do not think if the facts are brought home to them, that they will ever believe that they could get any advantage by appealing to an outside Legislature, chiefly because of the delay which that inevitably involves. I had not intended to speak on the details of land revenue administration, but there are certain statements which have been made on the other side which I think it is necessary to contradict. It is not the case that every settlement increases the demand. It is not the case that land revenue is collected without regard to whether people can pay or not. The arrangements for the suspension and remission of land revenue are most elaborate and I believe most delicate of adjustment. (*The Honourable Seth Govind Das* : “Question.”) The Honourable Member says “Question”, but I have carried out these arrangements and every village is considered in an unsecured tract. Finally, when an Honourable Member says that produce rates and commutation prices are exaggerated, he is saying something contrary to the experience of every settlement officer. Every one knows that the prices which are fixed in commutation settlement and the produce rates are absurdly small. But those are details. I do not wish to be drawn into a discussion or defence of the land revenue policy. I desire to confine my case to the constitutional question. We have provincial autonomy very largely established. I appeal to this House not to go back on that and not to attempt to take away what Parliament has given and attempt the impossible task of instituting a unitary Government in this enormous continent.

THE HONOURABLE SIR PHIROZE SETHNA : Sir, I am sorry that the Honourable the Leader of the House has not thought fit to accept the amendment of the Honourable Mr. Khaparde. After consideration I admit that there is much force in his contention that, should the work of the Committee extend beyond the lives of both Houses of the Indian Legislature, the Committee would cease to exist if the elected Members of the Legislature serving on the Committee were not re-elected. As, however, owing to the Honourable Sir Muhammad Habibullah's objection, the amendment is not before the House, I will not refer to it any further.

THE HONOURABLE THE PRESIDENT : The amendment is before the House.

THE HONOURABLE SIR PHIROZE SETHNA : I thought you ruled, Sir, that if any one objected it would be disallowed.

THE HONOURABLE THE PRESIDENT : I said no permission was required until some one had objected. I understood that the Honourable the Leader

of the House was not taking an objection under the Standing Orders but was lodging his protest against a certain slight lack of courtesy on the part of the Honourable the Mover of the amendment in not giving him some notice of his intention to move it.

THE HONOURABLE MR. G. S. KHAPARDE : I had a conversation with the Honourable the Leader of the House in the Lobby. Perhaps he has forgotten that. I said I was going to move an amendment.

THE HONOURABLE SIR PHIROZE SETHNA : Then, Sir, if the amendment is before the House, I accept it with pleasure.

I will now refer to the remarks of the Honourable the Leader of the House
1 P.M. The Honourable Sir Muhammad has not disputed my thesis, as he has said. He, however, contends that the task is an impracticable one for an all-India investigation, because he thinks that the question is indeed a very complex one. (*An Honourable Member* : "What about the Simon Commission ?") The Honourable Sir Muhammad observed—and very rightly—that land revenue is a reserved subject with the provinces and he has anticipated my reply that, because it is a reserved subject, the Government of India could exert its influence and get the provinces to help in the matter and in the direction that I have outlined in my Resolution. The Honourable Sir Muhammad pointed out that he would not like to do anything which would increase the tension between landlords and tenants and referred in particular to the zemindars. My Honourable friend, Lala Ram Saran Das, observed that he would not agree with the view I expressed that land revenue should be assessed for income-tax. In that connection, the House will permit me to make some reference to a deputation that waited in the middle of last January from the zemindars of Bengal on the Royal Statutory Commission. The deputation of these zemindars was headed by the Maharaja of Darbhanga and Maharaja Tagore and, as one newspaper criticises the work of the deputation, these zemindars appeared before the Commission in "the rôle of injured innocents". The paper goes on to say that they

"failed to survive the cross-examination of Sir John Simon and his colleagues."

Sir John is reported to have observed that :

"the production of jute contributes much to the prosperity of Bengal and yet the zemindars do not pay any of the tax on it. In Mymensingh district alone the sum received annually by the sale of jute totals seven million whereas the land revenue has remained fixed at sixty thousand sterling or seven and a half lakhs of rupees."

Of course objection was taken to this by the deputation and they pointed out that the profits did not go to them but they went to the middlemen. It was then explained that there were about four or five middlemen between the ryot and the purchaser. But it was pointed out by the Commission that there were nearly 40 lakhs of such middlemen and none of these paid any tax on that agricultural revenue. The spokesman of the deputation warned all concerned that any disturbance of the present land revenue arrangement would lead to an economic revolution in Bengal. Now, Sir, if the Committee that I suggest is appointed and if the Committee is of opinion that the Permanent Land Settlement of 1793 is to continue as it is, I, for one, will have no quarrel with it ; but it is for that Committee to enquire whether it should be so or not. In that connection, I may be allowed to mention in passing the opinion of a very eminent civilian of the Government of India who has now retired. He has prognosticated that if India gets Swaraj one of the first questions it will

[Sir Phiroze Sethna.]

tackle will be the removal of the Permanent Land Settlement. Whether that will be done or not lies in the lap of the gods. But I would like to refer to one further remark made by another Member of the Commission who observed that the Bengal zemindars asked the rest of India to contribute so that they might benefit, and they pay nothing towards income-tax.

The only objection, as far as I can see, on the part of the Leader of the House is that, because this is a question which pertains especially to the provinces and because it is a very complex question, he would rather that the question is initiated by the provinces themselves. Now, Sir, I contend, as my Honourable friend Colonel Umar Hayat Khan has done, that this being a Government of India question inasmuch as it is a reserved subject of the provinces, the question should be initiated not by the provinces but by the Government of India themselves. Sir, what is the essence of my Resolution? It is this, that an enquiry be made into the economic effects upon the agricultural population of the land revenue system which prevails in different parts of the country at the present moment. It is in that way and that way alone that we shall be able to solve the problem of rural uplift, which has been talked about so much during the last two or three years and ever since the Royal Commission on Agriculture came out, and it is only in this way that the whole position can be fully envisaged and the problem tackled completely. Again, I would like to say this, supposing the economic effects of a particular land revenue system in a particular province upon the agricultural population is harmful, how is it possible to elevate the agricultural population and make them such men and women as the Royal Agricultural Commission have asked the Government of India to try and make them? An all-round amelioration of the conditions of our agricultural population certainly involves the removal of any evil of economic effects that may be found as the result of the examination that I have suggested, and if it is proved that there are such effects they should be removed as soon as possible.

I certainly have not suggested—I think somebody said so in the course of his remarks that I did—that there should be a uniformity in the land revenue system throughout India. I quite realise that this is an impossible task and, as the Honourable the Leader of the House himself said, land revenue has got to be based on systems which have prevailed not for years but for centuries, and due regard must be paid to everything that is happening in that particular province.

Whilst I was quoting from the Report of the Joint Parliamentary Committee, my Honourable friend, Mr. Miles Irving, interjected and, I think, wanted to say that the Punjab had passed an Act, to which fact my Honourable friend the Leader of the House also referred. It has been brought out in the course of this discussion that out of the nine provinces in India, three, namely, the Punjab, the United Provinces and the Central Provinces, have already framed Acts. I quite admit that, but nothing can be regarded as settled until it is settled right, and the enactment of a Statute does not prove that the principles of assessment which have been laid down are correct. In fact, the enactment of such Statutes should not be advanced as an argument against my Resolution. In the absence of such an enquiry it is impossible to be certain whether the Acts that have been passed in these three provinces have dealt with the question as they should have been, that is to say, whether the assessment charged, be it 25 or 50 or 60 per cent. is right, or whether it should be enhanced or decreased. It is therefore that an enquiry is very necessary.

In the course of my speech, in moving the Resolution, I referred to a leader in the *Times of India*. That leader was published in an issue exactly six months ago to-day on the 20th September 1928. The heading of the leader is "The Land Revenue System". It of course refers to the land revenue system in the Bombay Presidency, because at that time the Bardoli question was on the anvil. In concluding that article, the *Times of India* has very rightly observed—and with your permission, Sir, I will quote three or four sentences therefrom. They are as follows :

"The difficulty is to suggest the agency by which such an inquiry should be conducted."

And it goes on to say :

"It is possible that an all-India inquiry may be indicated, with the assistance of experts from England assisted by non-official members, on the lines of the Taxation Committee to lay down the outlines which could be filled in by local committees for the various provinces. But our main purpose here is to insist on the fundamental proposition that the problem is one that must be studied, and studied thoroughly, from both the economic and financial standpoints."

That exactly is the stand that I myself take. Government evidently fight shy of a task which they regard as complex and a task which, I admit, is a formidable one ; but I hold that they will not be able to avoid this for an indefinitely long time. It will be pressed forward very frequently in the future and the time will come for Government to realise that it is not only necessary but wise to have an enquiry such as I have recommended ; and I do hope that the Honourable the Leader of the House, in spite of what he has said before, will, if this Resolution is carried by the House, consider giving effect to it.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : Sir, if one thing has impressed me more than another during the course of the discussion on the Resolution to-day, it is, I submit, the admission on the part of almost every Honourable Member who has spoken of the magnitude of the problem which is raised by this Resolution, its complexity, its complications and, may I add, its divergencies. I think if the speech of my Honourable friend, Mr. Khaparde has contributed anything to the debate, it has indeed brought into prominence the various difficult problems which are inevitably associated with the land tenures in each province. Not only, Sir, are the tenures different in the different provinces, but they are different from district to district in the same province. And the province which I have the honour to represent has got various tenures which are, I believe, over a hundred in number. I cannot speak with anything like the same authority in respect of the varieties of land tenures which may be in vogue in the other provinces, but I do say that the complexity and the variations of the land tenures are so marked that it will be impossible for any one committee to apply its mind to any effective purpose.

My Honourable friend, Sir Phiroze Sethna, raised indeed a very important question. He said : "Yes, so far as information has been supplied, it is only three provinces who have until now codified their land revenue policy in the shape of legislation. India consists of nine provinces. What about the remaining six provinces ?" I might at once answer that question for his satisfaction. He will remember that Bengal and Bihar and Orissa are not at all concerned about any land revenue legislation in that they have been enjoying the benefits of permanent settlement for ages past, and I am not at all sure whether there is any desire on the part of those areas to bring themselves once more under the ambit of the general land revenue policy of the rest of India and enact their laws on the same principles as obtain in other provinces. Bombay, as I suppose my Honourable friend must know, has already its legislation

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framed and introduced into the Legislative Council. But for certain reasons it has not yet passed through the legislative anvil : let us hope it will soon become law. Burma's problems are somewhat different. Burma was awaiting the conclusions of the Indian Taxation Committee before venturing to frame her own legislation. Now that the Indian Taxation Committee has delivered its verdict, the attention of that Government has since been drawn to the necessity of framing legislation at as early a date as possible. Then there remain Madras and Assam. As regards Madras there is a long history behind it, and I shall not weary the House at this late hour by a recital of all those facts. Assam at the present moment has not framed any legislation. Let us only hope that it will also fall into line with other provinces. Well, that is the position. My Honourable friend will realise that effective action has been taken in three provinces on the recommendations of the Joint Parliamentary Committee. Two provinces need take no action by reason of the fact that they enjoy permanent settlement. Other provinces have either legislation under consideration or they have introduced them in their respective Legislative Councils.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : What about the minor provinces ?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : The minor provinces have no Legislative Councils and, therefore legislation cannot be introduced into these provinces.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : Legislation can be introduced for these provinces in this Legislature perhaps ?

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : I shall consider what can be done.

Sir, there were a few criticisms which I do not think I should allow to go unchallenged, from my gallant friend, Colonel Nawab Sir Umar Hayat Khan, as regards the hole and corner fashion in which resettlements are conducted. He, I think, gave us a very deplorable picture of the officials of the Settlement Department gathering in solemn conclave in a secluded place and after arriving previously at a decision in their own minds as to what the percentage of increase should be, each one prompted at the moment not by the lofty idea of discharging his duty honestly and honourably but bent on securing the good-will of somebody upon whose smiles his promotion depends. Sir, I must repudiate that statement very strongly. (Hear, hear.) I have been connected with a province in the capacity of Land Revenue Member. I have myself seen, watched and supervised the settlement operations in vogue in that province, and I can say from my personal experience that even these much maligned settlement officers are honourable men.

Then, Sir, my Honourable friend Lala Ram Saran Das made also what I should regard as rather an unhappy statement when he, perhaps through lack of information or acting on information which he did not care to test or verify, asserted that the Punjab Government opposed the Bill which was passed by their Legislative Council, but that it was His Excellency the Viceroy who exercised his prerogative of mercy, vetoed the recommendation of the Provincial Government and gave his assent finally in respect of that measure. I may assure my Honourable friend that there was no opposition from the Local Government. Under the rules they were bound to reserve the Bill for the consideration of His Excellency the Viceroy, which they did, and I will ask him not to

do an injustice though inadvertently, to a Provincial Government as they cannot defend themselves on the floor of this House.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I said, if I mistake not, as I presumed that that was the case.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : I just wanted to say to the House that the Honourable Member was not right.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Well, I was open to correction.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : Well, it was therefore my duty to correct the misstatement.

Well, Sir, some analogy is sought to be introduced between the Agricultural Commission which His Majesty's Government appointed and this proposed Land Revenue Inquiry Committee. Well, I am certainly not prepared at this juncture to enter into a discussion of the reasons which prompted the Government of India to recommend to His Majesty's Government the desirability of appointing a Royal Commission on Agriculture, but I will say this much that there is no analogy whatsoever between the magnitude of the task which the Royal Commission on Agriculture had to face and that which it is proposed should be imposed upon the Committee. It is not, as in the case of the former, merely to examine into the agricultural conditions prevailing in particular provinces, the reasons which have retarded their agricultural development and the remedies which might be applied for the purpose of giving impetus thereto, but to go into such minute, complex and complicated details that I for one cannot even guarantee the life of the members of this Committee before they deliver their goods. One has merely to apply his mind, with of course a certain degree of knowledge of the land revenue problems which confront each province, to the possibility of a single committee examining these problems from province to province, from district to district and perhaps from *taluk* to *taluk* for the purpose of finding out the various land tenures in vogue in the respective areas, how far they affect the economic condition of the people, how far it is possible to reduce their burden and in what manner their burden can be reduced. If we were to entrust a committee with functions like these, we would be introducing still further complications, still further variations in the land revenue policy of India, instead of helping their solution.

Sir, I have not much more to say. My gallant friend from Hoti—I admire his enthusiasm on behalf of the agriculturists because I am not unmindful that he is himself a landed proprietor—has said nothing which I need definitely refer to in the course of my remarks, because, I think, that they were more or less of a general nature. My gallant friend from the Punjab, however, read a homily to the nominated Members of this House as to what their duties on occasions like this are. These have never been disputed ever by Government. Nominated Members have always enjoyed as much freedom to exercise their vote as they like. Government Members have never tied them down to any particular line of view, and I only hope that he will recall his own experience in this House and then answer the question whether he was exercising his right in this House independently of the existence of the Government block or not.

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I think, Sir, that Mr. Miles Irving has already put the provincial case so strongly that I do not wish at this late hour to dilate upon it. One sometimes wonders as to how the attitude changes from point to point. When the Government of India wish to interfere in any provincial matter in the interest of the people, we are at once reminded of the fact that it is entirely a provincial responsibility and that the Government of India have no right to interfere. What do they know, our critics ask, about provincial problems and about provincial needs and interests? But in this case, Sir, some of the Honourable Members who have spoken want the Government of India to get such a grip over the land revenue problems which even Parliament has had the good sense to assign entirely to provincial activities and the revenue derived from it is entirely a provincial source of revenue. Some of the Honourable Members have practically suggested that the time has come when we should go back on the present policy and that we should now resume control over land revenue because the provinces have not until now applied themselves with care and attention to the prosperity of the teeming millions which it was their duty to do. I cannot myself subscribe to that theory, for I know as a matter of experience that the Provincial Governments are as eager, as anxious and as solicitous of the welfare of the agriculturists committed to their charge as any of us in this House, and I should indeed be sorry to interfere in the administration of land revenue by them. However, Sir, I am quite prepared to do one thing, if my Honourable friend Sir Phiroze Sethna would think such a step essential from his point of view. I have no objection to consult the various Local Governments as to whether in their opinion the appointment of a Committee to inquire into these questions which are referred to in the Resolution is essential or necessary, and after receiving their reports, I promise that I shall apply my mind to it as sympathetically as I possibly can. More than that I am not able to say.

THE HONOURABLE THE PRESIDENT : The original question was :

“ That the following Resolution be adopted, namely :

“ This Council recommends to the Governor General in Council that a Committee be appointed consisting partly of elected Members of the Indian Legislature and partly of persons who may be considered to be well conversant with the subject to investigate and report on :

- (1) the systems of land revenue in the different provinces of India ;
- (2) their economic effects upon the condition of the rural population in each province ;
- (3) the changes and modifications that in its opinion should be made in the systems, with a view to promoting the economic welfare of the agricultural population ; and
- (4) any financial measures that might be adopted to make up for any loss should the changes and modifications recommended by the Committee involve a loss in the existing revenues.”

“ Since which an amendment has been moved :

“ That for the words ‘ Committee be appointed consisting partly of elected Members of the Indian Legislature and partly of persons who may be considered to be well conversant with the subject’ the words ‘ Commission on which landed interests will be adequately represented be appointed ’ be substituted.”

“ The first question I have to put is that that amendment be made in the original Resolution.

The Council divided :

AYES—15.

Akbar Khan, The Honourable Major Nawab Mohammed.
Desika Chari, The Honourable Mr. P. C.
Govind Das, The Honourable Seth.
Harnam Singh, The Honourable Raja Sir.
Jaffer, The Honourable Sir Ebrahim Haroon.
Khaparde, The Honourable Mr. G. S.
Mehr Shah, The Honourable Nawab Sahibzada Saiyad Mohamad.
Muhammad Hussain, The Honourable Mian Ali Baksh.

Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Ram Saran Das, The Honourable Rai Bahadur Lala.
Ray Chaudhury, The Honourable Mr. Kumar Sankar.
Sethna, The Honourable Sir Phiroze.
Sinha, The Honourable Mr. Anugraha Narayan.
Umar Hayat Khan, The Honourable Colonel Nawab Sir.
Zubair, The Honourable Shah Muham. mad.

NOES—20.

Akram Hussain Bahadur, The Honourable Prince A. M. M.
Basu, The Honourable Rai Bahadur Suresh Chandra.
Braidwood, The Honourable Mr. H. L.
Burdon, The Honourable Mr. E.
Chettiyar, The Honourable Raja Sir Annamalai.
Clayton, The Honourable Mr. H. B.
Commander-in-Chief, His Excellency the Corbett, The Honourable Sir Geoffrey.
Graham, The Honourable Mr. L.
Habibullah, The Honourable Khan Bahadur Sir Muhammad.

Haig, The Honourable Mr. H. G.
Harper, The Honourable Mr. K. B.
Irving, The Honourable Mr. M.
Maqbul Hussain, The Honourable Khan Bahadur Sheikh.
McWatters, The Honourable Mr. A. C.
Natesan, The Honourable Mr. G. A.
Symons, The Honourable Major-General T. H.
Thompson, The Honourable Sir John.
Watson, The Honourable Mr. C. C.
Weston, The Honourable Mr. D.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question then is :

"That the original Resolution be adopted."

The motion was negatived.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH (Leader of the House): Sir, with reference to the business for Saturday, the 23rd instant, in regard to which I promised a further statement, I have to say that the Council will meet on that day for the discussion of a motion by the Honourable Mr. McWatters that the Workmen's Compensation (Amendment) Bill, as passed by the Legislative Assembly, be taken into consideration, and if that motion is carried, that the Bill be passed. The Meeting on Saturday, the 23rd, will also give an opportunity for any Bills passed by the Legislative Assembly being laid on the table.

The Council then adjourned till Eleven of the Clock on Saturday, the 23rd March, 1929.