

7th September, 1933

THE  
**LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

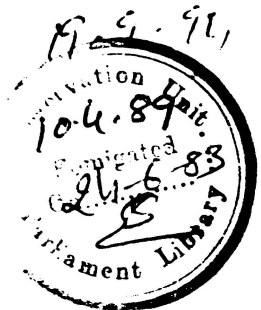
Volume VI, 1933

*(5th September to 14th September, 1933)*

**SIXTH SESSION**

OF THE

**FOURTH LEGISLATIVE ASSEMBLY,  
1933**



NEW DELHI  
GOVERNMENT OF INDIA PRESS  
1934

# Legislative Assembly.

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MR. GAYA PRASAD SINGH, M.L.A.

KUNWAR HAJEB ISMAIL ALI KHAN, O.B.E., M.L.A.

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# LEGISLATIVE ASSEMBLY.

Thursday, 7th September, 1933.

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

## QUESTIONS AND ANSWERS.

### EMPLOYMENT OF COMMUNITIES INADEQUATELY REPRESENTED IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

719. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state whether it is proposed to open two new Circles in the Central Public Works Department, Delhi, to carry out the scheme recently sanctioned by the Secretary of State for India ?

(b) Do Government propose to reserve sufficient seats for those communities who are inadequately represented in that Department, to adjust their representation in the department ?

**The Honourable Sir Frank Noyce** : (a) It is proposed to open only one new Circle for the purpose.

(b) The claims of all communities will be considered in making temporary appointments necessary for the formation of the new Circle.

### APPOINTMENT OF MUSLIMS IN THE COMMERCIAL STATISTICS BRANCH OF THE COMMERCE DEPARTMENT.

720. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state whether a new branch for Commercial Statistics was opened in the Commerce Department in July, 1933 ?

(b) If the reply to part (a) be in the affirmative, how many Muslims were taken in that branch ?

**The Honourable Sir Joseph Bhoré** : (a) A new Branch for Statistical Research work was created on a temporary basis in July, 1933. This is a Branch of the Department of Commercial Intelligence and Statistics.

(b) The Director General of Commercial Intelligence and Statistics reports that five out of the eleven resulting vacancies have been or will be filled by Muslims.

**Mr. M. Maswood Ahmad** : May I know how many posts have been actually filled up till now ?

**The Honourable Sir Joseph Bhoré** : I cannot say how many have been actually filled. The answer that I have given refers to the new

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vacancies that have occurred or will occur and I think the answer should be perfectly satisfactory from the Honourable Member's point of view.

**Mr. M. Maswood Ahmad :** In part (b) of the question, I asked how many Muslims were taken in that branch.

**The Honourable Sir Joseph Bhowe :** I want to make it quite clear that the vacancies have not all been filled up up till the present.

**Mr. M. Maswood Ahmad :** Were these vacancies advertised ?

**The Honourable Sir Joseph Bhowe :** I cannot say ; that is a matter within the competence of the Director General himself.

**Mr. M. Maswood Ahmad :** I think these appointments will not be made through the Public Service Commission ?

**The Honourable Sir Joseph Bhowe :** I do not think so ; these are minor appointments which, as I said, are within the competence of the Director General.

#### ALLEGED UNFAIR TREATMENT OF THE RAILWAY OFFICERS TOWARDS MUSLIM EMPLOYEES.

721. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that Maulvi Muhammad Yakub, Editor, the *Light*, Lahore, addressed the Agent, North Western Railway, regarding the unfair treatment of the Railway officers towards the Muslim employees as regards their promotion, etc., as published in the *Pilot*, Amritsar, dated the 23rd July, 1933 ?

(b) If the reply to part (a) be in the affirmative, what action if any, has been taken on the allegations stated therein ?

**Mr. P. B. Rau :** Government have no information, but have sent a copy of the question to the Agent, North Western Railway, for any action that he may consider necessary.

**Mr. M. Maswood Ahmad :** Did the Honourable Member ask the Agent for information to reply to this question ?

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

**Mr. M. Maswood Ahmad :** Will Government be pleased to state the reasons for that ?

**Mr. P. B. Rau :** Because the matter is within the competence of the Agent of the North Western Railway to settle.

**Mr. M. Maswood Ahmad :** Does the Honourable Member remember that it was said by the Chair some time ago that every question that is admitted is of public importance ?

**Mr. P. B. Rau :** Yes, Sir, I remember that.

**Dr. Ziauddin Ahmad :** Does the Honourable Member mean that because the matter is within the purview of the Agent of the Railway, it is no concern of the Government of India and that so it is not necessary to reply to the question ?

**Mr. P. R. Rau :** The position of the Government of India is that certain matters of detailed administration are left to the Agent of the North Western Railway and Government cannot, as a practical measure, insist on inquiring minutely into every detail.

**Dr. Ziauddin Ahmad :** Every action of Government officials must come within the purview of the Legislature, and when questions are asked for eliciting certain facts, it is immaterial whether it is within the purview of one official or the other and it is the duty of Government to supply the information.

**Mr. P. R. Rau :** As a commercial department, the Railway Board have to look into the probable practical value of the information that is to be obtained. And if the question refers to such matters of detail, as Government do not think it necessary for them to interfere in, they consider that it is unnecessary to obtain the information.

**Dr. Ziauddin Ahmad :** If Government say that it is not worth the trouble and expense, it would be a different thing. But they say that, because it is within the purview of the Agent, therefore they do not want to reply. I think it is not a correct position.

**Mr. P. R. Rau :** I must point out, Sir, that I have taken the necessary action on the point. I have sent a copy of this question to the Agent of the North Western Railway to look into it and remove any grievances that exist.

**Mr. M. Maswood Ahmad :** When Government have not seen the letter in question, how can they say that the matter was not of sufficient importance ?

**Mr. P. R. Rau :** If it were of sufficient importance, I am sure, the Honourable Member would have given details of it in his question.

**Mr. M. Maswood Ahmad :** I asked in the question about this letter which contained allegations about the unfair treatment of Railway officers towards the Muslim employees. So Government should have seen the letter to find out whether it was of public importance or not.

**Mr. P. R. Rau :** The question whether a particular letter has been addressed by a particular gentleman to the Agent of the North Western Railway is not, I think, a thing of sufficient importance to warrant Government making inquiries into the matter.

**Mr. M. Maswood Ahmad :** Did the Honourable Member notice that I made allegations against Railway officers with regard to their treatment of Muslim employees ?

**Mr. P. R. Rau :** If my Honourable friend had given me any facts to show that a *prima facie* case existed for an inquiry, I should have been glad to make such inquiry.

**Mr. M. Maswood Ahmad :** Will Government see the letter now and find out what are the grievances of the Muslim employees on the North Western Railway ?

**Mr. P. R. Rau :** I have not got a copy of the paper with me. If my Honourable friend will supply me with the paper or the letter I shall be glad to look into them.

**Mr. S. C. Mitra :** Will the Honourable Member tell us why the letter was not addressed to the Government of India if it was of such importance ?

**Mr. P. R. Rau :** I must ask my Honourable friend to ask the questioner.

**Bhai Parma Nand :** Will the Honourable Member explain what he understands by fair and unfair treatment of the whole Muslim community on the railways ?

**Mr. P. R. Rau :** That also is a question which Mr. Maswood Ahmad should be asked to answer.

**Mr. Lalchand Navalrai :** If a question is within the purview of the Agent and it is decided not properly by him and is subsequently brought to the notice of the House, may I know what is the policy of Government in such a matter ?

**The Honourable Sir Joseph Bhore :** Sir, I think this is a question which has exercised the House for some time and, I am sure, my Honourable friend will agree that, unless matters of really vital general importance are raised, it would be wasting the time both of the House and of Government if on every petty matter we were asked to obtain the explanation of the Agent. I can assure my Honourable friends that if any really important matter is raised, the Railway Board and Government will be only too glad to look into it.

**Mr. Lalchand Navalrai :** My suggestion is that it should not be as we have been getting replies to our questions from the Financial Commissioner, that even important questions are being merely sent to the Agent and no report called for investigation.

**The Honourable Sir Joseph Bhore :** Sir, so far as the answers given by the Financial Commissioner are concerned, I may make it perfectly clear to the House that no answer is given which has not my full concurrence. But I have already made it perfectly clear that, if any important question is raised, we shall certainly look into it.

SUCCESS OF A NON-MATRICULATE TEMPORARY CLERK OF THE RAILWAY BOARD'S OFFICE IN THE PUBLIC SERVICE COMMISSION STENOGRAPHERS' EXAMINATION.

722.\***Mr. M. Maswood Ahmad :** (a) Has the attention of Government been drawn to an article 'Public Service Commission' published in the weekly *Pilot*, Amritsar, on July 30, 1933 ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the conditions which led to a non-Matriculate and temporary clerk of Railway Board's office being admitted and declared successful by the Public Service Commission in the Stenographer's examination ?

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

(b) Mr. Narayan sat for the qualifying examination for stenographers held by the Public Service Commission in 1930. No educational qualifications were prescribed for this examination, the only conditions being that candidates should have officiated in permanent posts of stenographer for



not less than 12 months in all since 1st April, 1928, and that the Heads of their Departments should be prepared to recommend them for permanent employment as stenographers if they qualified. As Mr. Narayan fulfilled these conditions, he was allowed to appear and he qualified. The allegations in the article are therefore unfounded.

**Mr. M. Maswood Ahmad :** Will Government be pleased to say whether it is also one of the conditions that the candidates should be from the permanent staff and should be at least under-graduates ?

**The Honourable Sir Harry Haig :** I have already explained that no educational qualifications were prescribed for this examination and that the conditions were that the candidates should have officiated in a permanent post of stenographer for not less than twelve months.

CONTRACT FOR MUSLIM SWEETS-STALL AT AMRITSAR.

723. **\*Mr. M. Maswood Ahmad :** Has the attention of Government been drawn to an article " Muslim Sweets-stall at Amritsar " published in the *Weekly Pilot*, Amritsar, of 30th July, 1933 ? If so, will Government be pleased to state the name of the Muslim sweets-stall contractor at Amritsar railway station and state reasons for letting out the contract to a non-Muslim ?

**Mr. P. B. Rau :** Government have not seen the article referred to. The letting of such contracts is a matter for the decision of the Railway Administration, and I am sending a copy of the question to the Agent, North Western Railway, for such action as may be considered necessary.

RETRENCHMENT OF STAFF IN THE RAILWAY BOARD'S OFFICE.

724. **\*Mr. M. Maswood Ahmad :** (a) Has the attention of Government been drawn to an article " Railway Board " published in the *Pilot*, Amritsar, of the 6th August, 1933 ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state whether in the light of the state of affairs depicted therein, it is proposed to retrench some more staff ?

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

(b) So far as I am aware, there are no proposals at present under consideration for any general retrenchment on any considerable scale.

**Mr. M. Maswood Ahmad :** Is it a fact that a copy of the *Pilot* of the 6th August was sent for from the editor by the Railway Board ?

**Mr. P. B. Rau :** I do not know : I have not seen the article.

**Mr. M. Maswood Ahmad :** Has any other officer in the Railway Board seen that article ?

**Mr. P. B. Rau :** I can only say I have not been able to get that article.

**Mr. M. Maswood Ahmad :** I have seen the letter asking for a copy of the *Pilot* of that date and so I want to know whether this copy has actually been taken by the Railway Board or not.

**Mr. P. R. Rau :** Apparently it was not obtainable.

**Mr. Gaya Prasad Singh :** Is this question intended to advertise this particular newspaper ?

#### MUSLIMS AND COMPANY-MANAGED RAILWAYS.

**725. \*Mr. M. Maswood Ahmad :** Has the attention of Government been drawn to an article " Muslims and Company-managed Railways " published in the weekly *Pilot*, Amritsar, dated the 6th August, 1933 ? If so, will Government be pleased to state whether the facts stated therein are correct ?

**Mr. P. R. Rau :** In the absence of a copy of the article in question, I am not in a position to say whether the allegations made are correct or not.

**Mr. M. Maswood Ahmad :** Do Government propose to see if they get a copy of the paper now or day after tomorrow ?

**Mr. P. R. Rau :** If my Honourable friend sends me a copy of the paper, I shall see if the allegations therein are sufficiently important to warrant my making an inquiry.

#### ALLEGED INJUSTICE TO MUSLIMS IN THE RAILWAY MAIL SERVICE, ALLAHABAD.

**726. \*Mr. M. Maswood Ahmad :** Has the attention of Government been drawn to an article " Allahabad R. M. S., Grave injustice of Muslims " published in the *Pilot*, Amritsar, dated the 23rd July, 1933 ? If so, will Government be pleased to state if the facts stated therein are correct ?

**The Honourable Sir Frank Noyce :** Government have not seen the article referred to and are therefore unable to reply to the second part of the question ; nor do they consider any inquiry necessary as the rules provide liberal opportunities for officials to represent their grievances to their official superiors should they desire to do so.

**Mr. M. Maswood Ahmad :** Do Government propose in future, when such questions are asked, to get a copy of the articles also sent to them ?

**The Honourable Sir Frank Noyce :** I think, Sir, it would be an excellent idea if Members, who refer to such articles in their questions, were to send a copy of the article with the question. The experience of my Department in this matter has been singularly unfortunate ; for some time past we have endeavoured to obtain copies of articles referred to from editors of newspapers and almost invariably we have been unable to do so.

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The House has now experienced considerable difficulty in getting satisfactory answers from Government to questions of this nature, asking Government whether their attention has been drawn to a certain newspaper article. The Parliamentary practice is that when an Honourable Member makes a statement in a question, wherever that statement might appear the Honourable Member personally makes himself responsible for that statement. When certain matters are brought to the notice of Government, the details of that particular matter must be mentioned in

the question also. It is with a view to shortening the question and, for the sake of convenience, that Honourable Members are permitted to frame questions in this particular manner. But the Chair would suggest that in order to enable them to get a complete answer from Government and for the convenience of every one concerned, it would be an excellent practice if Honourable Members, who refer the attention of Government to a particular newspaper article, always make it a practice to send a copy of that article to the Government along with the question.

NON-FILLING UP OF CERTAIN PERMANENT APPOINTMENTS IN THE POST OFFICES.

727. \*Mr. S. G. Jog : Will Government be pleased to state :

- (a) the date on which the Director General, Posts and Telegraphs, issued instructions not to fill in any appointments in the post offices permanently, and the date on which the Postmaster General, Bombay, issued such instructions ;
- (b) whether they issued similar instructions to have effect from the 16th July, 1931 ;
- (c) whether it is a fact that the officers holding officiating appointments in the office of the Accountant General, Bombay, prior to 16th July, 1931, have been confirmed in their posts ;
- (d) whether there are officials in the Bombay Circle continuously officiating in the time-scale and the selection grade from a date prior to the 16th July, 1931, and, if so, the total number of such officials in the respective cadres ;
- (e) if the reply to part (d) above be in the affirmative, why the confirmation is delayed in the case of Postal Department alone when the posts in the office of the Accountant General, Bombay, have been allowed to be filled in ;
- (f) if the differential treatment referred to in part (e) above is due to retrenchment measures, and whether they are prepared to allow the confirmation of the persons concerned now, taking into consideration the abnormal delay of more than two years and in some cases even more than three years ;
- (g) if the reply to part (f) be in the negative, the probable time when the question of their confirmation will be finally settled ; and whether they propose to cause the decision to be expedited ?

**The Honourable Sir Frank Noyce :** (a) and (b). The Honourable Member is referred to the reply given to parts (a) and (b) of Mr. N. M. Joshi's starred question No. 398 in this House on the 19th September, 1932.

(c) The Accountant General, Bombay, has been permitted to fill up substantively certain permanent vacancies in his office, subject to the condition that no persons not in service on the 15th July, 1931, are confirmed.

(d) Government have no precise information but the Honourable Member will notice from the reply referred to in the reply to parts (a) and (b) above that in the Bombay Circle all appointments since April,

1931, and certain appointments since June, 1930, have been made in an officiating capacity.

(e) The Honourable Member is referred to the reply given to part (d) of Mr. N. M. Joshi's question No. 398 mentioned above and to Sardar G. N. Majumdar's question No. 1225 in this House on the 15th November, 1932.

(f) and (g). Do not arise in view of my reply to part (e).

FILLING UP OF CERTAIN POSTAL APPOINTMENTS PERMANENTLY AT CERTAIN PLACES.

728. \*Mr. S. G. Jog : Will Government be pleased to state :

- (a) whether it is a fact that the gazetted appointments of Postmasters at Bombay, Poona, Madras, Karachi, etc., have recently been permanently filled up ;
- (b) whether these appointments have been filled up as a result of the removal of the ban placed by the Government of India since the 16th July, 1931 ;
- (c) whether the non-gazetted appointments in the lowest selection grade and the time-scale in the Post Offices have not yet been allowed to be filled up permanently ;
- (d) the reasons for such differential treatment for the two classes of officials, viz., gazetted and non-gazetted of one and the same department ;
- (e) whether the appointments of officers and the time-scale clerks in the office of the Accountant General, Bombay, have been allowed to be filled up permanently and that these officials hold substantive liens on these appointments ;
- (f) whether the only condition imposed on the time-scale officials in the Accountant General's office is that they will have to accept new scales of pay, if and when introduced ; and
- (g) whether they are prepared to ask the Director General, Posts and Telegraphs, to fill in the appointments in the Postal Department permanently on similar conditions ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) The ban referred to by the Honourable Member presumably is that contained in a Finance Department Resolution, dated the 9th July, 1931. The orders therein refer to persons who were not in Government service on the 15th July, 1931, and are still in force. They do not, however, apply to Postmasters holding the posts referred to in part (a) of the question all of whom were in Government service prior to July, 1931. These posts were permanently filled because there was no prospect of retrenchment in them. In this connection the Honourable Member's attention is invited to the first part of the reply given on the 15th November, 1932, to starred question No. 1225 by Sardar G. N. Majumdar.

(c) Yes. The attention of the Honourable Member is invited to the second part of the reply to Sardar G. N. Majumdar's starred question just referred to.

(d) The presumption that all vacancies in the gazetted posts have been permanently filled up is not correct. Certain posts were filled up because there was no prospect of retrenchment as stated in reply to part (b) of the question. The Honourable Member is also referred to the reply to part (c) above. The question of differential treatment does not arise.

(e) The Accountant General has been permitted to fill up substantively certain permanent vacancies in his office, subject to the condition that no persons not in service on the 15th July, 1931, are confirmed.

(f) The condition is imposed on new entrants.

(g) In view of the reply to part (d) the reply is in the negative.

PREFERENCE TO *ex*-APPROVED CANDIDATES IN THE POSTAL DEPARTMENT IN MAKING APPOINTMENTS.

729. \*Mr. S. G. Jog : Will Government be pleased to state :

- (a) whether the Director General of Posts and Telegraphs has ordered that *ex*-approved candidates in the Postal Department shall get preference in making appointments from outside candidates in the Lower Division ;
- (b) the number of such discharged approved candidates in the Rajkot Division, who have officiated in the years 1930 to 1933 ;
- (c) whether it is a fact that these candidates put in about eight months to 18 months of officiating service before their discharge ;
- (d) the number of outside candidates employed from 1st March, 1931, to 1st June, 1933, ignoring the claims of discharged candidates, and the number of discharged candidates who were re-employed in accordance with the Director General's orders about the preference for recruitment ; and
- (e) if the said orders of the Director General have not been carried out, whether instructions are proposed to be issued to give effect to them as soon as possible ?

The Honourable Sir Frank Noyce : The reply to part (a) of the question is in the affirmative. As regards the rest of the question Government have no information nor do they consider it necessary to institute special enquiries, as if the claims to appointment of *ex*-approved candidates have been ignored in the Rajkot Division it is open to the individuals concerned to represent the matter in the ordinary way.

POSTAL OFFICIALS OFFICIATING IN THE BOMBAY POSTAL CIRCLE.

730. \*Mr. S. G. Jog : Will Government be pleased to state :

- (a) the number of officials working in officiating capacity in the Bombay Circle in the time-scale, in the lower selection grade and in the higher selection grade, in the Postal Department ; and

- (b) the number of officials officiating in clear vacancies in respective cadres who died without being confirmed in their posts between the 16th July, 1931, and the 1st of July, 1933 ?

**The Honourable Sir Frank Noyce :** (a) and (b). Government are not in possession of the information asked for and I regret that it cannot readily be collected.

I may, however, inform the Honourable Member that in view of the probable necessity for effecting economies in the cadres to which the Honourable Member refers, all appointments to posts in these cadres have been made in an officiating capacity since the 17th April, 1931.

PERMISSION TO POSTAL RESERVE CLERKS TO APPEAR FOR CONFIRMATION EXAMINATION.

731. \***Mr. S. G. Jog :** (a) Will Government be pleased to state whether under the old orders the reserve clerks in the Postal Department were not allowed to appear for confirmation examination unless they had put in one year of service ?

(b) Are Government aware that in cases where telegraph training intervened, it was omitted and the reserve clerk was allowed to appear only when he put in 21 months of service ?

(c) Is it a fact that under the orders of the Director General, Posts and Telegraphs, issued on the 12th September, 1932, a reserve clerk can appear even in the first month of his appointment ?

(d) Will Government be pleased to state whether these orders have been made applicable retrospectively to the existing incumbents who were not, under the previous orders, permitted to appear at the examination before the completion of one year of their service ?

(e) Will Government be pleased to state whether the Director General has received any representations from the officials concerned and the Service Association ?

(f) If so, what is the number of such representations and the date of receipt of the earliest application ?

(g) If these representations have been delayed for over six months, are Government prepared to cause the decision to be expedited ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) The facts are substantially as stated by the Honourable Member.

(c) Not as a general rule, but in certain special circumstances the Head of a Postal Circle is empowered to allow a probationary clerk to sit for the examination any time before the completion of 12 months.

(d) Yes.

(e) The reply is in the negative if, as I gather, the Honourable Member refers to representations against the change in the order in respect of the examination of officials before the expiry of 12 months from the date of their appointments.

(f) and (g). Do not arise in view of the reply to part (e).

ABSENCE OF A DIRECT TRAIN BETWEEN DELHI AND LUCKNOW.

732. \*Mr. M. Maswood Ahmad : (a) Is it a fact that there is no direct train between Delhi and Lucknow ?

(b) Are Government aware that a Passenger Train was in existence from Allahabad to Delhi *via* Lucknow and Moradabad in the régime of the old Oudh and Rohilkund Railway and that it did afford a very great convenience to the travelling public ? If so, what led to its being discontinued ?

(c) Is it a fact that the people of Oudh have been clamouring for a very long time for this convenience being given to them ?

(d) Is it also a fact that the East Indian Railway authorities have always considered this fact only from the commercial point of view and not the convenience of the travelling public ?

(e) Are Government aware that the Imperial City of Delhi is connected by direct trains with all the important cities of India except Lucknow, which is not only the seat of the United Provinces Government but also a most important town in Upper India ?

(f) Do Government propose to consider the desirability of drawing the attention of the East Indian Railway authorities to this inconvenience to the public with a view to introducing a direct train between Delhi and Lucknow, or if that is not possible by diverting one of the three Expresses (at present running between Mughalsarai and Delhi) *via* Lucknow and Moradabad to Delhi ?

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

(b) It is understood that before the amalgamation of the Oudh and Rohilkund and East Indian Railways a passenger train did run between Allahabad and Delhi *via* Lucknow and Moradabad, but it was discontinued when it was found that the number of passengers for Delhi was inadequate.

(c) Representations have been made from time to time for a through service between Lucknow and Delhi, and in response to such representations upper and lower class through carriages have been run experimentally on trains between Lucknow and Delhi. In the case of lower class, the continuance of through carriage was found by censuses to be unjustified. The upper class carriage still continues to run.

(d) The commercial point of view does not exclude consideration of the convenience of the travelling public.

(e) If my Honourable friend will tell me what he considers to be the important cities of India. I shall be in a position to give him a reply.

(f) The East Indian Railway authorities will, I have no doubt, bear this suggestion in mind in case circumstances justify it, but diverting one of the three Expresses as suggested by the Honourable gentleman will only result in inconvenience to some other section of the travelling public.

**NON-RESERVATION OF A COMPARTMENT FOR LADIES IN THE LIGHT TRAINS RUNNING BETWEEN BAREILLY JUNCTION AND PILIBHIT ON THE ROHILKUND AND KUMAON RAILWAY.**

733. \*Mr. M. Maswood Ahmad : (a) Are Government aware that there is no compartment reserved for the exclusive use of females in the Light trains running between Bareilly Junction and Pilibhit on the Rohilkund and Kumaon Railway ?

(b) Are Government aware that it is laid down in section 64 of the Indian Railways Act, 1890, that " every Railway Administration shall, in every train carrying passengers, reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train " ?

(c) If the replies to parts (a) and (b) above be in the affirmative, what action do Government propose to take against the Railway Administration for this breach of the provisions of the Indian Railways Act ?

(d) Do Government propose to bring this to the notice of the Agent, Rohilkund and Kumaon Railway, with a view to provide at least a very small compartment for females in these trains ?

Mr. P. B. Rau : I understand from the Agent, Rohilkund and Kumaon Railway, that Light trains Nos. 15 Up and 16 Down running between Bareilly and Pilibhit were originally run experimentally, and accordingly structural alterations were not made to provide a fully partitioned compartment for females, but boards reserving compartments for females were affixed to the stock. He reports further that before notice of this question was received, orders had been issued by him to provide a fully partitioned compartment for females.

**TRAINING IN COMMERCIAL ENGINEERING IN AMERICA.**

734. \*Mr. M. Maswood Ahmad : (a) Will Government be pleased to state whether they are aware that in America special training in Commercial Engineering is imparted ?

(b) Will Government be pleased to state if there is any Commercial Engineer employed in any of the workshops of the Indian State Railways ?

Mr. P. B. Rau : (a) Government have no information.

(b) Not that I am aware of. So far as I know, an Engineer who specializes on the sales side of an Engineering firm is termed a Commercial Engineer. Railway workshops do not produce any articles for sale.

Mr. M. Maswood Ahmad : May I take it that at present there is no such man in the workshop of any State Railway ?

Mr. P. B. Rau : That is what I was endeavouring to convey.

**COMMUNAL COMPOSITION OF GAZETTED STAFF ON THE MULTAN DIVISION OF THE NORTH WESTERN RAILWAY.**

735. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the President, Muslim Railway Employees Association, addressed the Agent, North



Western Railway, the Railway Board and the Railway Member on the subject of an enquiry into the state of affairs prevailing in the Multan Division of the North Western Railway ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state whether the communal representation in different Divisions of the North Western Railway, as far as gazetted officers' ranks are concerned, is in such a way that in some Divisions all the gazetted officers are non-Muslims ?

(c) Will Government be pleased to state the communal composition of the gazetted officers' ranks of the Multan Division of the North Western Railway ?

(d) Do Government propose to arrange the posting of gazetted officers in such a way that any one community may not preponderate, as far as practicable, on any one Division of a Railway ?

**Mr. P. R. Rau :** (a) Government have not received any such representation.

(b), (c) and (d). Government have no information as to the present communal composition of gazetted officers in the Multan or any other Division of the North Western Railway which must vary from time to time, and cannot accept the proposition that the posting of gazetted officers should be fixed on a communal basis.

#### ABSENCE OF ELECTED MEMBERS IN THE NEW DELHI MUNICIPAL COMMITTEE.

736. **\*Mr. S. G. Jog :** (a) Is it a fact that the municipal committee, New Delhi, has not got a single elected municipal commissioner ?

(b) If the reply to part (a) be in the affirmative, why is the New Delhi public denied the right of representation in the municipal committee as any public elsewhere in British India ?

**Mr. G. S. Bajpai :** With your permission, Sir, I shall answer questions Nos. 736 and 738 together. New Delhi has a municipal committee, in which non-official members are included. For the reasons explained in the reply given to part (c) of Mr. Gaya Prasad Singh's starred question No. 67 on the 6th September, 1932, Government representatives are in a majority.

#### EDUCATIONAL QUALIFICATIONS OF NON-OFFICIAL NOMINATED MEMBERS OF THE NEW DELHI MUNICIPAL COMMITTEE.

737. **\*Mr. S. G. Jog :** (a) Will Government please state the educational qualifications of the few non-official nominated members of the New Delhi municipal committee ? Is it a fact that amongst those members there are some who are illiterate or very poorly educated ?

(b) If so, how do they discharge their responsibilities as municipal commissioners ?

(c) Are Government aware that the New Delhi public is represented by men more than 98 per cent. of whom are highly educated ?

**M. G. S. Bajpai :** (a) I lay on the table a statement which gives the information asked for in the first part of the Honourable Member's question. The answer to the second part is in the negative.

(b) Does not arise.

(c) I regret that I have been unable to follow the Honourable Member's question.

*Statement showing the educational qualifications of the non-official nominated members of the New Delhi Municipal Committee.*

1. Mr. C. G. Blomfield, F.R.I.B.A., F.S.I., Architect.
2. Sardar Bahadur Sobha Singh—Read up to F. A.
3. L. Jagdish Pershad—Read up to Matric Standard.
4. Khan Sahib Akbar Ali—Possesses the ability of a Munshi Fazil.

EXTENSION OF THE PRIVILEGES OF THE LOCAL SELF-GOVERNMENT TO NEW DELHI PUBLIC.

†738. \*Mr. S. G. Jog : (a) Why do Government not extend the proper privileges of the local self-government to the New Delhi public ?

(b) Do Government propose to arrange for the adequate representation of the public in the New Delhi municipal committee through proper elections ?

SHOPS ON BAIRD ROAD, NEW DELHI.

739. \*Mr. S. G. Jog : (a) Is it a fact that the Delhi Government possess a number of shops on Baird Road, New Delhi, which are being managed through the New Delhi municipal committee and that practically all of them are lying vacant for the last year or so ?

(b) Are Government aware that all the shopkeepers who were doing business there for the last so many years have shifted to other private shops in the same locality ?

(c) Have Government enquired what led them to vacate the Government shops ?

(d) Is it a fact that they sent a number of representations to the municipal committee before vacating the shops ? If so, will Government please state what their grievances were and why no heed was paid to them ?

(e) Is it a fact that the municipal committee officials disconnected electric points in those shops ? Will Government please state why these points were disconnected ? Were these points in existence for the last several years and are all the shops separately metered ?

(f) If the facts mentioned in part (e) be true, taking into consideration the great financial loss to the municipal committee, are Government prepared to see that the grievances of the present occupants of Government shops are redressed and the rent of shops adequately reduced to attract new businessmen to occupy those shops ?

Mr. G. S. Bajpai : (a) In 1925 Government transferred ten shops on the Baird Road, New Delhi, to the New Delhi Municipal Committee, and since then, they are being managed by the Municipality. All the shops were occupied up to the 31st October, 1932.

†For answer to this question, see answer to question No. 736.

(b) and (c). As a result of the construction of some private shops on the Baird Road which provide better and cheaper accommodation, seven Municipal shops were vacated on or after the 31st October, 1932. Two of these seven shops have again been occupied and it is hoped before the winter season sets in all the shops will be rented.

(d) The shop-keepers made representations for reduction of rent on account of slump in the market. Previous to the 1st October, 1932, the rent of each shop used to be Rs. 68-8-0 per mensem less 20 per cent, if paid before the 10th of each month, but from that date it was reduced to Rs. 55 per mensem less 10 per cent. if paid by the fixed date. With effect from the 1st June, 1933, the rent of each shop was further reduced to Rs. 45 per mensem less 10 per cent. if paid by the fixed date.

(e) Each shop has a separate water and electric meter. The illegal and unauthorised extensions of electric points made by some of the shop-keepers were removed by the Electrical Engineer but there was no forcible disconnection.

(f) I would invite the Honourable Member's attention to the answer I have given to part (d) of this question.

PURCHASE OF PETROL BY THE NEW DELHI MUNICIPAL COMMITTEE.

740. \*Mr. S. G. Jog : (a) Is it a fact that the New Delhi municipal committee purchases all its supply of petrol for Health Department lorries from a certain municipal commissioner ?

(b) Did they call for tenders before giving the contract to the municipal commissioner ? If not, why not ?

(c) Are Government aware that the supply of petrol can be had at cheaper rates from other petrol dealers ?

Mr. G. S. Bajpai : Enquiries have been made and the information will be furnished to the House in due course.

INEQUALITY IN THE DISTRIBUTION OF HIGHER POSTS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

741. \*Mr. B. N. Misra : (a) Is it a fact that in the Railway Clearing Accounts Office the staff transferred from the North Western Railway are having a lion's share in the upper grade posts at the cost of the staff transferred from other Railways, and, if so, will Government be pleased to state the reasons for the same ?

(b) Are Government aware that this inequality in the distribution of higher posts was clearly brought to the notice of the committee appointed by the Railway Board to fix the seniority of the staff of the Railway Clearing Accounts Office, and that committee recommended that in the case of future promotions, at least, special consideration should be given to the non-North Western Railway men, even if these men are not technically the seniormost ?

(c) Will Government be pleased to state whether any action has been taken on the above recommendation and if not, why not ?

(d) Will Government be pleased to lay on the table a comparative statement showing the position of all sub-heads and class I clerks transfer-

red from the railways as on 1st April, 1929, when the office was made permanent, and at present ?

(e) Are Government prepared to take any action that may be necessary to see that the above inequality is set right in future ?

**Mr. P. R. Rau :** I am making enquiries and shall lay a reply on the table in due course.

†742.\*

#### TRoubles IN MALDIV ISLANDS.

743. \***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to make a statement about the trouble in Maldiv ?

(b) Is it a fact that martial law has been proclaimed in the Maldiv Islands as the result of trouble between the Maldivian Government and the Borah trading community ?

(c) How many Indians have been deported by the Maldivian Government ?

(d) What steps have been taken by Government to help the Indians ?

**Mr. G. S. Bajpai :** Government have no information, but are making enquiries.

**Mr. M. Maswood Ahmad :** Have Government seen long articles in the papers about this matter ?

**Mr. G. S. Bajpai :** The position is that Government's attention has been drawn to these disturbances only from reports in newspapers. They have had no direct communication with the Maldivian Government which happens to be under the protection of the Government of Ceylon. The only thing we could do was to communicate with the Government of Ceylon and ask for a report which has not yet been received.

#### TICKET CHECKING SCHEMES ON THE NORTH WESTERN RAILWAY.

744. \***Shaikh Sadiq Hasan :** (a) Is it a fact that prior to the abolition of the Travelling Ticket Examiners cadre there were two classes of staff designated as Travelling Ticket Examiners and Special Ticket Examiner (Flying Squads) employed on the North Western Railway for checking tickets in trains and at stations ?

(b) If so, is it true that Travelling Ticket Examiners scheme was a permanent one, whereas Special Ticket Examiners scheme introduced in 1926 was a trial ?

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

(b) No scheme of ticket checking can be considered permanent and not liable to change as circumstances necessitate. I am not sure when the Special Ticket Examiners scheme was introduced, but if my Honourable friend's information is correct it shows that having survived for seven years it has ceased to be an experiment.

†This question was disallowed by the Honourable the President under rule 7 of the Indian Legislative Rules.

ORGANIZATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

745. \***Shaikh Sadiq Hasan** : (a) Is it a fact that Travelling Ticket Examiners were formerly under Audit, but in 1928 were transferred to Traffic under Divisional Commercial Officers ?

(b) If so, is it a fact that the Administration placed both the Travelling Ticket Examiners and Special Ticket Examiners under the supervision of one Incharge, and consequently reverted all temporary Head Special Ticket Examiners, then designated as Inspectors, Flying Squads, in all the Divisions with the exception of Multan Division ?

(c) Is it a fact that in the Multan Division Sardar Bhagat Singh, a retired military pensioner and a permanent watch and ward Inspector on Rs. 140 p. m., was retained on Rs. 140 plus Rs. 110, whereas Messrs. Midford, Bhagat Ram, Z. A. Chistty, Ajwani and Handerson were reverted ? If so, why ?

(d) Will Government please state the reasons for the retention of two Head Special Ticket Examiners in the Multan Division ? Is it a fact that in that Division the number of Special Ticket Examiners is less than in Delhi, or Lahore, or Rawalpindi or Karachi, and that in the Delhi Division, the strength was 40 Special Ticket Examiners, and the Head Special Ticket Examiner, has been in the grade of Rs. 150—10—190 ?

**Mr. P. R. Rau** : (a) Presumably my Honourable friend is referring to the North Western Railway. If so, the statement is correct.

(b), (c) and (d). Government have no information. These matters are entirely within the competence of the Agent to whom a copy of these questions has been sent.

REDUCTION OF THE GRADE OF HEAD SPECIAL TICKET EXAMINER AT FEROZEPURE, NORTH WESTERN RAILWAY.

746. \***Shaikh Sadiq Hasan** : (a) Is it a fact that the post of Head Special Ticket Examiners, grade V, at Ferozepore, North Western Railway, was reduced to grade IV as an economical measure ?

(b) Is it a fact that grade V has again been sanctioned ? If so, why ?

**Mr. P. R. Rau** : Government have no information.

EXTENSIONS GIVEN TO OFFICIALS WITH THIRTY YEARS' SERVICE IN THE PUNJAB POSTAL CIRCLE OFFICE.

747. \***Shaikh Sadiq Hasan** : (a) Is it a fact that selection grade as well as time-scale officials with thirty years' qualifying service have been ordered to be sent on pension under the retrenchment scheme ?

(b) Is it a fact that in the Punjab Postal Circle Office extensions of service are being granted to officials in selection grade, irrespective of these orders ?

(c) If so, what steps do Government propose to take to stop this procedure ?

**The Honourable Sir Frank Noyce :** (a) No such absolute order has been issued, but the retrenchment of officials of over thirty years service is permissible.

(b) and (c). Government have no precise information. The Honourable Member is, however, referred to the reply given to Mr. P. G. Reddi's starred question No. 767 in this House on the 26th September, 1932.

**SELECTION OF SPECIAL CLASS APPRENTICES FOR THE SUPERIOR REVENUE ESTABLISHMENT OF STATE RAILWAYS.**

748. **\*Shaikh Sadiq Hasan :** (a) How many Muslims have been selected each year as Special Class apprentices by the Public Services Commission for the Superior Revenue Establishment of the Indian State Railways since the recruitment started in 1927 ? And what was the total number of admissions ?

(b) What is the total number of these apprentices under training in England and how many of them are Muslims ?

(c) What is the total number of the apprentices at present at Jamalpur, and how many of them are Muslims ?

(d) What is the total number of officers of the Superior Revenue Establishment of the Indian State Railways, in each of the transportation and power mechanical lines, and how many of them are Muslims ?

(e) What measures do Government propose to adopt to remove this old-standing grievance of the Muslim community regarding their paucity in the Superior Railway Services ?

**Mr. P. R. Rau :** (a) The total number of apprentices selected has been 60, of whom 33 are Hindus, 11 Muslims, nine Anglo-Indians, three Indian Christians and four belong to other communities.

(b) The first batch, consisting of one Hindu, one Muslim, one Anglo-Indian and one Indian Christian, has completed training in the United Kingdom and been appointed to the service. There are 17 apprentices under training at present ; of these, 10 are Hindus, four are Muslims, eight Indian Christians and one belongs to other communities. In addition, three have been granted scholarships as a special case. Of these two happen to be Hindus and one Muslim.

(c) The total number of apprentices at present at Jamalpur is 37, of whom 17 are Hindus, three Muslims, five Anglo-Indians and two belong to other communities.

(d) I would refer my Honourable friend to Appendix F of Volume I of Report by the Railway Board on Indian Railways for 1931-32.

(e) Government have in making selections followed the policy of reserving one-third of the vacancies for recruitment from among the minority communities.

**TOTAL VALUE OF IMPORTS AND EXPORTS OF INDIA.**

749. **\*Lala Rameshwar Prasad Bagla :** (a) Will Government please state the total value of imports and exports of India for the year 1932-33 ? Will Government please exclude from the export figures the value of gold and silver exported during the period ?

(b) Are Government aware that there has been a continuous fall in the value of total exports and an increase in the total imports of India ?

(c) Will Government please state what action, if any, they have taken, or propose to take, in order to increase the exports and decrease the imports ?

(d) If Government have taken any action in this connection, will they please inform this House to what degree their efforts have been successful ?

**The Honourable Sir Joseph Bhoré :** (a) The Honourable Member is referred to the Accounts relating to the Seaborne Trade and Navigation of British India for March, 1933, a copy of which is in the Library.

(b) No.

(c) and (d). The necessity for any specific action has not arisen.

SALE OF SILVER TO GREAT BRITAIN.

750. \***Lala Rameshwar Prasad Bagla :** (a) Are Government aware that there has been great resentment amongst the public in general and the commercial community in particular in regard to their attitude in the matter of recent sale of silver to Great Britain ?

(b) Is it a fact that America has accepted the payment from Great Britain of 10 million dollars in silver at 50 cents per ounce in respect of War Debt ?

(c) Is it a fact that Government sold silver to Great Britain at 32.5 cents per ounce when the market value of silver was 36.5 cents per ounce ?

(d) Do Government realise that they have put India to a heavy loss by the above transaction ?

(e) Are Government aware that Great Britain has gained 17.5 cents per ounce at the expense of India ?

(f) Will Government please state if they knew that the object of America in fixing the price of silver at 50 cents per ounce was simply to raise the price of silver ?

(g) Is it a fact that Government actually stood in the way of a rise in the price of silver ?

**The Honourable Sir George Schuster :** For general information on this question the attention of the Honourable Member is invited to the replies given to starred question No. 89 asked by Seth Haji Abdoola Haroon on the 28th of August and supplementary questions thereto.

I would supplement this with the following answers to specific parts of the question :

(a), (c), (d), (e) and (g). No.

(b) Yes.

(f) This is a matter of opinion.

INTRODUCTION OF INTERMEDIATE CLASS ACCOMMODATION ON THE SOUTH INDIAN RAILWAY.

751. \*Mr. K. P. Thampan : (a) Will Government be pleased to state whether :

- (i) the Mangalore and Palghat Municipalities urged on the South Indian Railway to introduce intermediate class accommodation on the broad gauge ;
- (ii) the Local Advisory Committee also recommended and pressed for the same ;
- (iii) they are aware that the public have been agitating for a number of years for its introduction ; and
- (iv) the Railway has refused to comply with this popular demand ?

(b) Are Government prepared to direct the South Indian Railway authorities to introduce intermediate class accommodation on the broad gauge ?

Mr. P. B. Rau : I am making enquiries from the South Indian Railway Administration and shall lay a reply on the table in due course.

PROVISION OF FANS IN THIRD CLASS CARRIAGES ON RAILWAYS.

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

- (a) if they have circularised all Railways on the question of providing fans in third class carriages ;
- (b) what replies were received from the various Administrations ;
- (c) what further action they propose to take in the matter ?

Mr. P. B. Rau : (a) No.

(b) Does not arise.

(c) None. The cost is prohibitive.

Mr. K. P. Thampan : Have they tried it in any of the Railways ?

Mr. P. B. Rau : No, Sir ; the cost is prohibitive.

INCREASE OF FREE LUGGAGE ALLOWANCE ON HILL SECTIONS.

753. \*Mr. K. P. Thampan : (a) Will Government be pleased to state if it is a fact that :

- (i) the free luggage allowance on hill sections (like the Nilgiris section) used to be half of that on the plains ;
- (ii) although the free allowance of luggage has been recently raised on the plains, it has not been correspondingly raised on the hills ?

(b) Do Government propose to direct that the free allowance on hills be correspondingly raised ?

Mr. P. B. Rau : (a) The free luggage allowance on hill sections is not uniform. On the Nilgiris section it has not been changed recently ;



it has been 15 and 7½ seers for upper and lower classes, respectively, for some time. On the Kalka Simla section, I understand, the free allowance is the same as in the plains, and was raised in December, 1929, along with the free allowance in the plains.

(b) I am forwarding a copy of this question to the Agent of the South Indian Railway, for considering the suggestion made.

**DISCHARGE OF MADRAS AND SOUTHERN MAHRATTA RAILWAY EMPLOYEES CONSIDERED MEDICALLY UNFIT FOR ONE CLASS OR GROUP.**

754. \***Mr. K. P. Thampan** : (a) Will Government be pleased to state whether, with reference to the answer to my starred question No. 606 of 2nd March, 1933, they have since heard from the Agent of the Madras and Southern Mahratta Railway on the subject of the discharge of employees considered medically unfit for one class or group and whether they can make a statement regarding it now ?

(b) Are Government prepared to direct that employees should not be discharged in contravention of the Railway Board's orders on the subject ?

**Mr. P. R. Rau** : (a) Government obtained a report from the Agent of the Madras and Southern Mahratta Railway on the particular case referred to by the Honourable Member, and after examining all the circumstances saw no reason to interfere with the discretion of the Madras and Southern Mahratta Railway, which is a Company-managed Railway, in dealing with its own servants.

(b) As I have informed my Honorable friend in reply to his question No. 1222 of the 1st November, 1932, the principle of the recommendation of the Royal Commission on Labour was in conformity with orders already in force. Government have already instructed State-managed Railways and invited Company-managed Railways to continue to follow that principle. They do not consider any further action is necessary.

**ARTICLE ENTITLED "MONSTROUS" IN THE *Indian Railway Magazine*.**

755. \***Mr. K. P. Thampan** : (a) Has the attention of Government been drawn to the article entitled "Monstrous" at page 128 of the *Indian Railway Magazine* in its issue of May, 1933 ?

(b) Have Government taken any action against the Bengal and North Western Railway Administration under section 93 of the Railways Act ? If not, why not ?

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

(b) I have called for information from the Bengal and North Western Railway in regard to the allegations made in the article in question, and will lay a reply on the table in due course.

**REDUCTION OF FREIGHT RATES ON INDIAN RAILWAYS.**

756. \***Mr. K. P. Thampan** : (a) Has the attention of Government been drawn to the article entitled 'Killing freight charges' at page 131 of the *Indian Railway Magazine* in its issue for May, 1933 ?

(b) Are Government prepared to consider the question of a general reduction of freight rates through the Railway Rates Advisory Committee ?

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

(b) Railway Administrations have been examining individually local rates with the object of improving their earnings, and have in many cases quoted reduced rates where it appeared likely to result in improved traffic. Government consider that, in view of the present financial position of Railways, this is a particularly inopportune moment for embarking on a general revision.

POST OF PERSONNEL OFFICER ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

757. \***Mr. K. P. Thampan :** (a) Will Government be pleased to state whether, with reference to the answer to my starred question No. 607 of 2nd March, 1933, it is proposed to continue or abolish the post of Personnel Officer on the Madras and Southern Mahratta Railway ?

(b) Will Government be pleased to state if there has been a single case during the last three years where the Personnel Officer has interfered with the decision of the Chief Transportation Superintendent ?

**Mr. P. R. Rau :** (a) The post is still on a temporary basis, and its duration has since been extended till the 31st March, 1934. If it is decided to continue it thereafter, and to make it permanent, the matter will be placed before the Standing Finance Committee for Railways.

(b) Government have no information.

DISCHARGE OF MR. G. KRISHNAMURTHI, GENERAL SECRETARY OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY EMPLOYEES' UNION.

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

(a) If it is a fact that Mr. G. Krishnamurthi, the General Secretary of the Madras and Southern Mahratta Railway Employees' Union was discharged by that Railway Administration on the sole ground that no employee should be the Secretary of the Union ;

(b) whether they approve of the principle involved in part (a) above ? If not, whether they are prepared to direct the Madras and Southern Mahratta Railway authorities to reinstate Mr. G. Krishnamurthi ?

**The Honourable Sir Joseph Blore :** The matter is under examination and I am unable to say anything at present.

DISCHARGE OF EMPLOYEES OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

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

(a) how many employees of the Madras and Southern Mahratta Railway were discharged on grounds other than retrenchment in the years 1931 and 1932 ;

(b) how many of them had put in service of more than 10 years ;

(c) how many appeals addressed to the Agent against orders of discharge were received in 1931 and 1932 and in how many cases were the appeals successful ;

(d) whether they are aware that there is a considerable volume of feeling that there is no security of service on the Madras and Southern Mahratta Railway ?

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

PLAYING CARDS IMPORTED INTO BRITISH INDIA FROM JAPAN.

760. \***Mr. Jagan Nath Aggarwal :** (a) Are Government aware that the value of playing cards imported into British India from Japan during the last three years has been as under :

					Rs.
1930-31	..	..	..	..	20,025
1931-32	..	..	..	..	28,219
1932-33	..	..	..	..	2,53,413
April to June, 1933	..	..	..	..	90,266

showing that the import for the present year, if continued at the present rate, will be somewhere in the neighbourhood of Rs. 4,00,000 ?

(b) Have Government looked into the question how it is possible for Japan to under-sell in this line in the Indian market ?

(c) Do Government propose to take any steps under the Safeguarding of Industries Act to avert this danger ?

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

(b) and (c). Government have received representations from certain playing card manufacturers in India ascribing the low price of Japanese playing cards imported into India to the depreciation of the Yen and asking *inter alia* for protection under the Safeguarding of Industries Act, 1933. These representations are now receiving consideration.

**Mr. Lalchand Navalrai :** May I know if this question will also be discussed by the forthcoming Conference with the Japanese delegation ?

**The Honourable Sir Joseph Bhore :** Sir, all relevant matters will certainly be considered at the Conference, and certainly the case of all industries which have asked Government to take action will be borne in mind during the course of those negotiations.

INCREASE IN THE IMPORT OF FRUITS AND VEGETABLES FROM FOREIGN COUNTRIES.

761. \***Mr. Jagan Nath Aggarwal :** (a) Are Government aware that the import of fruit and vegetables from foreign countries has increased very considerably of late ?

(b) Are Government aware that the imports of fruits and vegetables from Japan have grown as under ?

<i>Fruits and vegetables from Japan.</i>					Rs.
1928-29	..	..	..	..	22,632
1929-30	..	..	..	..	30,129
1930-31	..	..	..	..	40,225
1931-32	..	..	..	..	51,034

(c) Are Government aware that imports from the United States of America during the same period have increased as follows ?

*Fruits and vegetables from the U. S. A.*

					Rs.
1928-29	..	..	..	..	8,793
1929-30	..	..	..	..	56,202
1930-31	..	..	..	..	2,75,097
1931-32	..	..	..	..	4,95,010

(d) Are Government aware that this import of fruits and vegetables has seriously crippled the fruit industry in this country in general and Kulu fruit industry in particular ?

(e) Are Government aware that, before Kulu fruit can reach rail-head, it has to traverse a long distance by road and has to pay tolls to the Mandi State and then postal charges for reaching ports and other stations ?

(f) Do Government propose to take steps to prevent the ruin of the Indian industry ?

(g) Are Government aware that postal charges form a considerable part of the price of fruit parcels sent outside Kulu and the recent increase in postal rates has hit the industry hard ?

(h) Do Government propose to keep the protection of this industry in view when the question of a trade agreement with Japan is being examined at the forthcoming conference ?

**Mr. G. S. Bajpai :** (a) No. On the other hand, the total value of fruits and vegetables imported into India decreased from Rs. 183 lakhs in 1929-30 to Rs. 134 lakhs in 1931-32.

(b) Yes.

(c) The figures quoted by the Honourable Member relate to fresh fruits and vegetables only.

(d), (f) and (h). Government have no figures showing the amount of fruit produced in India and are, therefore, unable to say how the local fruit industry has been affected by the increased imports from Japan and the United States of America. Imports from Japan and the United States of America already pay an *ad valorem* duty of 30 per cent.

A representation has been received recently from the Punjab Chamber of Commerce for protection to the fruit industry under the Safeguarding of Industries Act, 1933, and is being considered.

(e) Yes.

(g) Parcel postage rates were increased in 1931, but the charge for a parcel weighing six seers or more remained unaltered. The fruit industry in Kulu could, therefore, hardly be said to have been hit hard by the revised schedule.

**Mr. E. Studd :** Is it not a fact, Sir, that the majority of this foreign fruit reaches the ports of India at a time when fruit from Kulu is not available in those places ?

**Mr. G. S. Bajpai :** I do not think that that is true of all imports of fruit. It certainly is true of fruit which comes from Australia and

South Africa which, being on the other side of the equator, have a different season for particular varieties of fruit.

**Mr. Jagan Nath Aggarwal :** Is it not a fact, Sir, that the foreign fruit is competing with Kulu fruit which has lost ground in the ports of India ?

**Mr. G. S. Bajpai :** I would remind my Honourable friend of what I said in my reply that Government have no figures showing the amount of fruit produced in India, and are, therefore, unable to say how the local fruit industry has been affected by these imports.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to obtain these figures ?

**Mr. G. S. Bajpai :** So far as I know, these figures do not exist.

**Mr. Jagan Nath Aggarwal :** May I inform the Honourable Member that, as a result of the large increase in the import of foreign fruit and also on account of the increase in postal rates, the Kulu fruit industry has been practically killed ?

**Mr. G. S. Bajpai :** May I also remind the Honourable Member that I stated in my reply that a representation has been received from the Punjab Chamber of Commerce on the subject, and it is being considered ?

**Mr. Vidya Sagar Pandya :** Are Government aware that as a result of the large import of foreign preserved fruit, the Government Jam Factory at Coonnoor had to be closed down ?

**Mr. G. S. Bajpai :** I am afraid, Sir, I have no information about the Coonnoor Jam Factory. It is not a Government of India concern.

#### MOTION FOR ADJOURNMENT.

##### FORFEITURE BY GOVERNMENT OF THE *Free Press Journal* DEPOSIT.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. I have received a notice from Rao Bahadur B. L. Patil that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

“ The forfeiture under the Press Act of Rs. 10,000 out of a deposit of Rs. 20,000 deposited with the Chief Presidency Magistrate, Bombay, by the *Free Press Journal* as security by the Government of Bombay on the ground of publication of two articles :

1. “ Freedom for Asia—cure for the world's ills ”, dated 9th July, 1933 ; and
2. “ From the Watch Tower ”, dated 5th August, 1933 ”.

Before I inquire whether any Honourable Member has any objection to the making of this motion, I must know from the Honourable the Mover under what law this forfeiture has been made.

**Rao Bahadur B. L. Patil** (Bombay Southern Division : Non-Muham-madan Rural) : Sir, my information is that the action taken by the Government of Bombay is under the Press Act, being Act No. XXIII of 1931, as amended by another Act of 1932.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Does the Act, XXIII of 1931, contain any provision enabling the aggrieved party

[Mr. President.]

to refer to the High Court, and has the High Court power to redress the grievance after making an enquiry ?

**Rao Bahadur B. L. Patil** : I have got the Act in my hand. I feel that section 23 of that Act.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The attention of the Chair has been drawn to section 23 of the Act referred to by the Honourable the Mover under which this forfeiture has been made by the Bombay Government. According to section 23, the aggrieved party—

“ may, within two months from the date of such order, apply to the High Court for the local area in which such order was made, to set aside such order, and the High Court shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representations of the nature described in section 4, sub-section (1). ”

That clearly provides for a sort of appeal to the High Court, and has the Honourable Member anything to say against the contention that in the light of section 23 this matter is to be considered as *sub judice* ?

**Rao Bahadur B. L. Patil** : Section 23 gives a right to the person affected, but here the object of my motion is to discuss the policy of the Government. I contend that the action taken by the Bombay Government involves a policy. That policy is the action of the executive in preference to judicial process. In my opinion, Government can proceed under the ordinary law of the country, namely, the Indian Penal Code. This pleni-potentiary power to the executive was invested by this Legislature expressly on one ground, and that was the prevalence of the Civil Disobedience Movement in this country last year. Even at the time when the Press (Emergency Powers) Act was passed, we were assured that Government would not make it a cloak to suppress the liberties of the Press, but would only use it wherever it was necessary to do so. Soon after, the Ordinances followed, and Ordinance No. X of 1932 gave immense powers to the executive, and after that, immediately followed the Criminal Law Amendment Act which contains the very stringent provisions of the Ordinances. Now, as the Civil Disobedience Movement has, even according to the opinion of Government themselves, died away, I submit that the necessity has passed away, and, therefore, it is necessary for this House to consider whether Government are justified in pursuing the same policy, which I may call the repressive policy, of curtailing the liberties of the Press. Freedom of the Press is freedom of the people.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. The Chair understands that the Honourable Member wants to discuss not the individual case of the forfeiture referred to in his notice, but the policy of the Government involved in that forfeiture. So far as the individual case is concerned, in the light of section 23 of Act XXIII of 1931, since the matter is appealable, it must be considered as *sub judice* and, as such, cannot be discussed in this House.

With regard to the request of the Honourable Member to discuss the policy of the Government, I am afraid the Chair cannot allow an adjournment motion on that point. The Bombay Government was administering an ordinary law of the land, and the policy of the Local Government or the Central Government, in administering a law of the land, is not a matter of urgency within the meaning of the rules, and as such, the motion is not in order.

# THE MURSHIDABAD ESTATE ADMINISTRATION BILL.

## PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Mr. B. J. Glancy** (Political Secretary) : Sir, I beg to present the Report of the Select Committee on the Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager.

## STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Joseph Bore** (Member for Commerce and Railways) : Sir, I lay on the table the information promised in reply to starred question No. 1625, asked by Pandit Ram Krishan Jha, on the 12th December, 1932.

**COST INCURRED BY GOVERNMENT ON THE HAULAGE, TRAVELLING AND OTHER ALLOWANCES FOR THE NOMINATED MEMBERS OF THE LEGISLATIVE ASSEMBLY.**

### Statement.

\*1625.

Year.	Delhi Session.		Simla Session.		June Session.		November Session.	
	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	A.
1921	42,173	8	28,056	7	..	..	..	..
1922	54,865	2	24,521	8	..	..	..	..
1923	48,051	11	24,917	1	..	..	..	..
1924	45,316	10	23,684	2	16,976	13	..	..
1925	52,407	1	27,153	2	..	..	..	..
1926	50,708	10	19,335	14	..	..	..	..
1927	49,703	3	24,483	4	..	..	..	..
1928	41,767	15	19,478	10	..	..	..	..
1929	48,324	5	19,224	7	..	..	..	..
1930	45,396	13	16,043	13	..	..	..	..
1931	47,100	6	25,160	6	..	..	20,418	5
1932	51,602	12	24,522	10	..	..	33,062	9

Figures collected from the travelling allowance bills as far as available.

**The Honourable Sir Harry Haig** (Home Member) : Sir, I lay on the table :

- (i) the information promised in reply to starred question No. 925 asked by Mr. M. Maswood Ahmad on the 27th March, 1933 ; and
- (ii) the information promised in reply to a supplementary question to short notice question asked by Mr. M. Maswood Ahmad on the 22nd August, 1933.

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ALLEGATIONS IN REGARD TO PUNISHMENTS, ETC., METED OUT TO POLITICAL PRISONERS IN THE HARIPUR CENTRAL JAIL.

\*925. (a) Yes.

(b) and (c). The Honourable Member is referred to the discussion which took place in the North West Frontier Province Legislative Council on March 20, 1933, on the "Grant for Jails and Convict Settlements" and also to the Report of the District Magistrate published in a Gazette Extraordinary issued by the Government of the North West Frontier Province on March 13, 1933.

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MR. GANDHI'S FAST.

A copy of the Press communiqué issued by the Government of India on the 18th August, 1933, is laid on the table.

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*Communiqué, dated the 18th August, 1933.*

After his arrest on the 1st August, at Ahmedabad Mr. Gandhi addressed a letter to the Superintendent of the Ahmedabad Central Prison in which he made the following request : " You might know that before my discharge, owing to my fast, from the Yervada Central Prison in May last, I was permitted to do Harijan work and thereabout to see freely visitors and equally freely to receive and send letters, to have a typist and to receive newspapers, magazines and other literature. I hope that I would be given the same facilities now. I may state that a weekly newspaper called " Harijan " is issued at Poona and it is necessary for me to send matter for the paper and otherwise instruct the Editor." On the 4th August, after his re-arrest at Poona consequent upon his refusal to obey the order served upon him, Mr. Gandhi repeated this request, remarking that Harijan work could not be interrupted except at the peril of his life, and asked for a reply by Monday the 7th August. He was informed that the matter was under consideration, but that it was impossible for a decision to be reached by the date specified. Subsequently, on the 8th and 10th August, he addressed reminders to Government.

On the 14th August, Mr. Gandhi forwarded the following letter to the Government of Bombay, " It is now noon of Monday and I am yet without an answer to my request for resumption of Harijan work on the same terms as before my fast. This request was first conveyed on the 1st instant from the Central Prison, Ahmedabad, and has since been thrice repeated. The strain of deprivation of this work is becoming unbearable. If therefore I cannot have permission by noon next Wednesday I must deny myself all nourishment from that time, save water and salt. That is the only way I can fulfil my vow and also relieve myself somewhat of the strain mentioned above. I do not want the suspension of nourishment in any way to act as pressure on Government. Life ceases to interest me if I may not do Harijan service without let or hindrance. As I have made it clear in my previous correspondence, and as the Government of India has admitted, permission to render that service is implied in the Yervada Pact to which the British Government is a consenting party in so far as its consent was necessary. Therefore I do indeed want the permission, but only if Government believe that justice demands it, and not because I propose to deprive myself of food, if it is not granted. That deprivation is intended purely for my consolation."

On the 16th August Mr. Gandhi was informed that it had been decided that he would be granted the following special facilities for purposes of work strictly confined to anti-untouchability. (1) To receive newspapers and periodicals, but not to be



allowed interviews for publication in the press whether with press correspondents or others; (2) to see not more than two visitors a day; (3) to send instructions or contributions to the Editor of the "Harijan" three times a week, and a limited number of letters to other correspondents, and (4) to have at his disposal a convict typist and books, newspapers, etc., needed for Harijan work.

On this decision being communicated to him, Mr. Gandhi at first indicated that he would not fast. Later, however, he addressed the following letter to the Bombay Government. "I see that I have hastily and stupidly told you to restore goats to me. It shows how disinclined I am to starve. But on reading the notes of the orders you have left with me they are so far short of the original orders of the Government of India and of my requirements that I must not be precipitate in breaking my fast. If the Government wish to go back upon those orders I shall be sorry, but I may not work under the new orders, which are a manifest departure from the original and which seem to me to be grudgingly given. I observe that you cannot even let me have letters already in your possession and to hand manuscript to the acting Editor for this week's 'Harijan'. It pains me to have to write this letter, but it will give me much greater pain if I break the fast now and have to enter upon prolonged controversy with Government on many matters that need elucidation. I miss Government's response to meticulous care with which I am endeavouring to observe jail discipline and as prisoner tender co-operation which as a citizen outside prison walls I consider it a religious duty to withhold. I have read your notes three times and each reading has increased my grief to discover that Government cannot appreciate the desperate need there is for me to do Harijan work without let or hindrance. Much therefore as I am disinclined to continue the fast I feel I must go through the agony if I cannot serve the Harijan cause without the tremendous handicap which it seems to me the orders conveyed by you put upon it. Will you therefore please withdraw milk and fruit already received by me and accept my apology for having hurriedly told you that I would break the fast."

It has been explained to Mr. Gandhi that the orders permitted him to interview the Editor of the 'Harijan' as one of his daily visitors and to hand him his manuscript, and that letters so far as they dealt with Harijan matters would be delivered to Mr. Gandhi.

Government are not aware what Mr. Gandhi means by saying that they have admitted that permission to do Harijan work in prison is implied in the Yeravda Pact, though it is true that in the exceptional circumstances prevailing immediately after that Pact the Government did permit Mr. Gandhi as a State prisoner to inaugurate the movement to which he appeared to be devoting his whole attention. Protests were made at the time on behalf of the orthodox Hindu community, who did not agree with Mr. Gandhi's policy in this matter, against his being allowed facilities to conduct a public campaign from jail, and it might well be argued that Mr. Gandhi, having now after a period of freedom, courted imprisonment again on a purely political issue, should not be allowed any special treatment that is not given to other A class prisoners. Nevertheless the Government have been reluctant to take action which could be regarded as unreasonable interference with a work of social reform or to take their stand too rigidly on the fact that Mr. Gandhi is by his own deliberate act a prisoner convicted for a breach of the law. In spite of the inconvenience to jail discipline and the anomaly of the position they have allowed Mr. Gandhi facilities for pursuing his work on anti-untouchability which enable him to make an important and effective contribution towards it. It was noticeable that when Mr. Gandhi was at liberty he did not appear to devote the major part of his time or attention to this movement. His main energies were employed on politics and on the continuance in whatever form might be possible of the movement of civil disobedience. His present claim that he should be allowed from prison to carry on his Harijan work "without let or hindrance" amounts to a refusal to accept for himself the normal concomitants of imprisonment, except restriction on his actual physical liberty, and in effect is a claim to dictate the terms of his imprisonment.

The Government are satisfied that the facilities they have allowed are ample to enable Mr. Gandhi to conduct such work in favour of the removal of untouchability as is in the circumstances reasonable. If Mr. Gandhi now feels however that life ceases to interest him if he may not do Harijan service without let or hindrance, the Government are prepared, provided Mr. Gandhi is willing to abandon all civil disobedience activities and incitements, to set him at liberty at once so that he can devote himself wholly and without restriction to the cause of social reform. Mr. Gandhi has been informed accordingly.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I lay on the table :

- (i) the information promised in reply to parts (c) and (d) of starred question No. 1414 asked by Mr. J. Ramsay Scott on the 23rd November, 1932 ; and
- (ii) the information promised in reply to unstarred question No. 90 asked by Mr. N. M. Joshi on the 13th March, 1933.

PREFERENCE TO GOODS MANUFACTURED IN INDIA.

\*1414. Orders for the woollen goods referred to in my reply to part (a) of the question were placed through the India Store Department, London, owing almost entirely to the fact that goods of the requisite quality were not manufactured in India.

NUMBER OF OVERSEERS AND POSTMEN, ETC., IN EACH POSTAL CIRCLE.

90. (a) The information is furnished below :

1 Category.	2 Number on the 31st January 1931.	3 Number on the 31st January 1933.	4 Number abolished from 1st February 1931 to 31st January 1933.	5 Number converted from 1st February 1931 to 31st January 1933.
(i) Departmental Branch post offices .. .. .	1,346	746	9	591
(ii) Mail Overseers .. ..	884	785	99	..
(iii) Overseer Postmen .. ..	183	150	15	18
(iv) Head Postmen .. .. .	400	336	31	33
(v) Reader and Sorting Postmen	377	352	22	3

(b) Yes.

(c) Yes, in the majority of cases.

(d) As regards the first part, the reasons generally were the re-adjustments of staff necessitated by (a) the heavy fall in traffic ; (b) diversion of mail lines ; (c) replacement of runners' lines by tonga and motor services ; (d) extension of the system of treasury contracts.

In regard to the second part, duties previously discharged by certain classes of official may in consequence of the changes now be discharged by officials of lower status. There is no rule against this.

(e) (i) It is not a fact that prior to 1931 the posts referred to by the Honourable Member were reserved solely for the promotion of postmen as certain classes of inferior servants in other branches of the Department were eligible for them.

As regards the appointment of outside candidates to the lower division cadre, the position is that owing to the Government's decision to convert 33 per cent. of the posts in the entire clerical cadre into posts in the lower division, it has been decided that

when an adequate number of qualified men of the postmen class is not available to fill all vacancies in the lower division clerical cadre, which since 1931 included also the posts named by the Honourable Member, direct recruitment should be resorted to, subject to the proviso that, for the present, vacancies in that cadre should be offered alternately to qualified men of the postmen class and to approved candidates for appointment to the upper division who have a claim on the Department. I may, however, inform the Honourable Member that the posts named in items (2) to (6) of his question have now been excluded from the lower division cadre and the position of postmen in respect of promotion to those posts is again the same as it was prior to 1931.

(vi) Does not arise in view of the reply to part (i) above.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir I lay on the table the information promised in reply to starred question No. 1129 asked by Mr. S. G. Jog on the 5th April, 1933.

#### AREA OF LAND IN NEW DELHI RESERVED FOR ALLOTMENT TO DIWANS AND RAISES.

\*1129. (a) Yes. The area is 1.2 per cent. of the total area.

(b) Recommendations are made by the Chief Commissioner from amongst applicants whose names are listed to the Government of India in the Department of Education, Health and Lands, and the final selection is made by His Excellency the Viceroy.

(c) No.

(d) Thirty-one plots have been allotted and the allotment of one is under consideration. No other plots are available at present within the area in question.

(e) Twenty. Some of the applicants have been on the waiting list for 10 years.

(f) The 31 allotments made up to date are as follows :

The Punjab .. .. .	19
Delhi .. .. .	3
The United Provinces .. .. .	3
Bihar and Orissa .. .. .	2
Bengal .. .. .	1
N. W. F. Province .. .. .	1
Kashmir .. .. .	1
Kathiawar .. .. .	1

(g) This is not considered necessary.

(h) This is the policy which Government are already following.

**Mr. B. J. Glancy** (Political Secretary) : Sir, I lay on the table the information promised in reply to starred question No. 55 asked by Mr. Lalchand Navalrai on the 24th August, 1933.

#### QUETTA CLUB.

\*55. (a) It is presumed that the question refers to the Club in Quetta known as the Quetta Club, Limited.

(b) The information which the Honourable Member requires may be obtained from the Articles of Association of the Club which are deposited with the Registrar of Joint Stock Companies in Baluchistan and may be inspected by any member of the public on payment of the prescribed fee.

(c) No. As regards the second query the Honourable Member's attention is invited to the reply to part (b) of the question.

(d), (e) and (f). Government have no information.

(g) Under Section 54 (1) of the Income-tax Act, 1922, no such information as is here sought can be furnished.

(h) The Company enjoys no exemption in respect of license and excise taxes and pays such rents and taxes as are recoverable by law.

(i) Does not arise.

(j) Government see no reason to stop the business and trade of the Club. As to information regarding income-tax and other rates and taxes attention is invited to the replies already given to parts (g) and (h) of the question.

### STATEMENT OF BUSINESS.

**The Honourable Sir Joseph Bhole** (Leader of the House) : When I made a statement regarding the probable course of public business during this week, I said that we might have to ask you to direct that the House should sit on Saturday for the transaction of public business. It is not possible for us, without knowing what progress is made tomorrow with official business, to say what course we shall adopt. If progress is slow tomorrow, I am afraid we shall have to ask you to direct that there shall be a sitting of the House on Saturday.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair takes it that the Leader of the House wants to make a request that the Chair should direct that the House should sit on Saturday in case the progress made with the course of official business tomorrow is not satisfactory.

**The Honourable Sir Joseph Bhole** : That is so.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Probably it will suit the convenience of the House if the Chair takes a decision on this point tomorrow, because we can decide after seeing what progress we have made. But even if the request is made tomorrow by the Leader of the House that the House should sit on Saturday, the Chair proposes to direct that the House should sit only in the forenoon and not in the afternoon.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : May I inform the Chair that there is a meeting of Standing Committee on that day at 10-30 in the morning ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair has said that in case it directs that the House should sit on Saturday, it should sit only in the forenoon and not in the afternoon. Suitable arrangements will be made for the convening of the Standing Committee in the afternoon and not in the forenoon.

### RESOLUTION *RE* PROPRIETARY RIGHTS OF CITIZENS IN THE LAND.

**Bai Bahadur Lala Brij Kishore** (Lucknow Division : Non-Muhammadan Rural) : Sir, I beg to move the following Resolution :

“ That this Assembly recommends to the Governor General in Council to take steps to get incorporated in the new Constitution a provision to the effect that the proprietary rights of any citizen in the land should not be taken away for any reason whatsoever without the payment of adequate compensation.”

From time immemorial the landholders in India have got proprietary rights over the land and, even in Her Majesty the late Queen Victoria's Proclamation, an assurance was given.....

**Mr. R. S. Sarma** (Nominated Non-Official) : On a point of order. The only authority who can incorporate any provision like that at this moment is the Joint Parliamentary Committee and the time for sending a recommendation or memorandum asking for anything is already over. Therefore, Sir, what good will it do to have a discussion of this subject in this House ?

**Rai Bahadur Lala Brij Kishore** : ...that no changes would be ever effected in the British Indian administration which will affect the immemorial customs and rights and liberties of the people of this country. Sir, even in recent times the Simon Commission Report admitted that the great landlords in India form a nobility which claim and exercise the privilege of high rank. The advent of British rule has confirmed the status of the landlords ; and their influence in their old neighbourhood remains predominant. It was also admitted by the Simon Commission that the large landholders in different parts of British India were men who had considerable vested interests in the country and that they exercised great influence over the tenants and that they have been enjoying their rights from time immemorial.

The joint authors of the Montagu-Chelmsford Report have also recognised the landed aristocracy in India as the natural and acknowledged leaders in the country and that they represent ancient and well-born families and that their states are often the result of conquests or grants from some mediæval monarch.

The successful termination of the last world war, which threatened the future of the whole of the civilised world, was due in no small measure to the active co-operation of the landholders of India. I confidently say, at least about my province, that the Talukdars of Oudh, a community to which I have the honour to belong, were greatly animated by a spirit of ardent co-operation, and came forward with all the means in their power during that trying period. It would not be too much for me to say that they had a considerable share in the great victory of the memorable year 1918.

A variety of circumstances, however, have thrown the country into a veritable political melting pot. Revolutionary changes in the Constitution and the Government of the country are in the air. Under the existing circumstances, it is both their a right and duty that their undeniable position, sanctified by a series of promises, shall be secured to them by statutory provisions on the occasion of the transfer of responsibilities from the British Parliament to the Indian people. One obvious guarantee to which the landholders are entitled is the recognition, by a statutory provision, of their rights and title to their estates. This is all the more necessary in view of the apprehensions caused by the attempt to spread the Bolshevie doctrine of confiscation of private property. The bulk of Indian masses are ignorant, and illiterate as they are, they are easily led away by the spirit of Bolshevie teachings. Under these circumstances, the need for the protection of our rights and private property can not be too greatly emphasised. Moreover, since the last decade or so, a suspicion is brewing in the minds of the landholders that, as they are not

[Rai Bahadur Lala Brij Kishore.]

being given due representation in the future legislatures of the country, the time may not be far distant when their proprietary rights may be denied to them, in the absence of any definite enactment in the future Act of Constitution which is being forged by the Joint Parliamentary Committee and, if the landholders have got this suspicion, they cannot be blamed. It is the march of the events which is forcing them to this unfortunate conclusion. A number of times the landholders have waited on deputation and submitted their representation for the protection of their rights, and as early the 9th March, 1933, my Honourable friend, Mr. Anklesaria, raised in this House a debate on the question of safeguarding the interests of the land owning classes in India. At that time, the then Leader of the House assured us that some thing would be done to safeguard our interests and asked us to wait till the White Paper was out. Now, the White Paper is out. The only reference made in that important document on this subject is in paragraph 75, page 29, where it says that regarding rights of the property some reference should be made in the Constitution. We are disappointed to find that it makes no special reference to the rights and privileges of the landholders as such. The contemplated Government of India Act, without a special mention of a statutory provision safeguarding our interests, will not meet the present Indian conditions and environments. Any scheme of constitution that fails to provide specifically for our rights and privileges is not likely to bring an era of peace and prosperity. Any attempt to ignore this natural and reasonable demand of the landholders will amount to ignoring the natural and acknowledged leaders of agriculturists who form the bulk of the population of the country. Much nervousness is felt by the landholders that their rights of permanent settlement may not be taken away from the parts where they exist.

It is well-known that, in the future Constitution, land revenue is not going to be a reserved subject, but will be a transferred one, and so we can easily realise what will be our position in the future Constitution unless there is a sufficient safeguard about it by statutory enactment. When it is pressed that due provision should be made of the Minority Pact in the future Constitution which is also very necessary, I do not see any reason why our position also should not be adequately safeguarded.

Before I conclude, Sir, I would bring to the notice of this House that no one at least in this House will subscribe to the doctrine of confiscation of property and of nationalisation of land as is being done in modern Russia. Sir, nationalisation presupposes expropriation. Such expropriation can only be effected in two ways, one without indemnifying the owners and the other by indemnifying the proprietors of the lands. I will not be wrong if I quote, at this stage, the authority of the French Professor Leon Walras, who urged that the State could not in justice confiscate real property since this had been constituted and sanctioned under the guarantee of the law. The State has, however, the right recognised under the Legal Codes of every country to apply expropriation for reasons of public utility on payment of a fair compensation. Sir, what this learned jurist and professor laid down about real property is what my Resolution demands. Sir, the main principle underlying my Resolution is that proprietary rights on land should not be withdrawn; but if

the exigencies of the State demand it, that should be done by the payment of an adequate compensation. My Resolution only demands that this principle be given the constitutional sanction by its being embodied in the future Act of the Constitution.

I may also mention that this is not a new Resolution, but that it was passed at the Joint Conference of the United Provinces Landholders Association, and the Association of the Talukdars, in July, 1931, at Lucknow, a copy of which was forwarded to the Government and also in the All-India Landholders Conference held at the Durbhanga Palace at New Delhi this very year.

In conclusion, I appeal to the Government most sincerely that if they want to avoid revolution and spirit of Bolshevism in the country, they should support the landlords, they should safeguard their interests in the future Constitution. Equity and justice also demand that no one's property should be taken away even by the State without giving adequate compensation. With these words, I commend this Resolution for the acceptance of the House.

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

“ That this Assembly recommends to the Governor General in Council to take steps to get incorporated in the new Constitution a provision to the effect that the proprietary rights of any citizen in the land should not be taken away for any reason whatsoever with the payment of adequate compensation.”

**Mr. D. K. Lahiri Chaudhry** (Bengal : Landholders) : Sir, I do not want to move the amendment that stands in my name but I rise to support the Resolution of my Honourable friend, Rai Bahadur Lala Brij Kishore. I find it difficult to move my amendment as it infringes the rights of the Land Acquisition Act. It is a fact, Sir, that the Government of India can do nothing at the present time except to send a copy of the debate on this Resolution to the Home Government, and I would earnestly request the Government Member-in-charge of this Resolution to do so. On the 9th of March last, when a motion on a similar matter was brought before the House, the Honourable Mr. Bajpai and the then Law Member, Sir Brojendra Mitter, explained the position of Government quite clearly. Mr. Bajpai was good enough to use the following words at the end of his speech which I will quote :

“ I say that the future of the landlords lies not in any written word,—not in the letter that killeth—in any constitution, but in the spirit in which they identify themselves with the interests of the great bulk of the peasantry and utilise the position that they have inherited, their race, their birth, their traditional influence, to advance the interests of that peasantry and treat those interests as their own.”

I very much appreciate those remarks and I hope that the landlords have not betrayed their trust. But what I do wish to emphasise is that the rights of the landlords should not only be contained in any Royal Proclamation, but that they should be definitely and clearly incorporated in the Constitution itself. We find from the White Paper that His Majesty's Government considered the question of the proprietary rights and they were satisfied that certain provisions should be inserted in the Constitution. We would very much like that our rights—nay the rights of any citizen—should be defined clearly and candidly in the Constitution itself and not confined only to the Proclamations. I have got a very strong support in my favour in the person of Sir James Fitz James Stephen, the famous ex-Law Member of the

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Government of India. At the time of the Ilbert Bill agitation, in the early eighties of the last century, this is what he said :

“ The rights, said to have been reserved for the Indian subjects of the Crown in the memorable Royal Proclamation of Queen Victoria, had no legal validity whatsoever inasmuch as the said Proclamation, not being a Statute of Parliament, was not and could not be at all binding upon a British Sovereign's Government.....”

This is a thing to be considered. The House is aware of the fact that even last evening, when a point of order was raised, it was defended that the section just came under the Indian Penal Code, and, you, Sir, ruled that, as that section did not come under the Government of India Act, it should not be valid on the part of this Legislature to take action on that section and you, Sir, suspended your ruling on that issue. The point is that if a thing, which is not mentioned in the Constitution itself, should not be binding on the Legislature. Therefore, at this stage my recommendation is that the proprietary rights should be clearly and candidly mentioned in the Constitution itself and not be left to the Royal Proclamations.

Now, Sir, I come to develop the point with regard to the permanent settlement. In this connection I wish to give to the House some very interesting figures to show that the revenue on acreage basis of ryotwari system does not exceed the revenue on acreage basis of permanently settled areas ; and, further, you will find that in Bengal, where there is permanent settlement, 90 per cent. of the land revenue has been collected. If you were to compare the permanently settled areas with Khas Taluks, you will find that the collection of land revenue in the case of the permanently settled areas is much more satisfactory. I will quote certain figures from Professor Benoy Kumar Sarkar who is really an authority on commerce and industry and also on financial matters. He says that the revenue which is collected by the Bombay Government, where Ryotwari system prevails, is in no way higher than the collection of the revenue in Bengal where there is permanent settlement. There are 49,187,000 acres of land in Bengal which yield a revenue of Rs. 30,073,000. In Bombay, the area is 78,740,000 acres and the collection of revenue is Rs. 48,314,000. If you will just compare these figures, you will find that, on the basis of acreage, Bengal does not pay less than Bombay although in Bengal there is permanent settlement. This, Sir, is a very sound argument on behalf of those who are enjoying the right of permanent settlement. They are certainly paying not less than those provinces where there is no permanent settlement. This is my first point, and another point is this.

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It has been sufficiently discovered and placed before the House even by the Treasury Benches that when responsibility is going to be transferred from one shoulder to another, sufficient safeguards should be made in connection with revenue and administration. There can be no better safeguard of revenue than permanent settlement. So I recommend to Government that they should strongly recommend to the Home Government—no doubt I know that the thing has gone out of their hands—but still the Government of India can append a strong note in forwarding a copy of the debate on this Resolution to the Home Government that really speaking if any assurance could be given in connection with the permanent settlement, it must be specifically



mentioned in the Statute itself and not by any Proclamation of His Majesty ; and the proprietary rights of any citizen in the land should not be taken away for any reason whatsoever without adequate compensation. With these words, Sir, I support the Resolution.

**Rai Bahadur Kunwar Raghbir Singh** (Agra Division : Non-Muhammadan Rural) : Sir, I wholeheartedly support the Resolution moved by my Honourable friend, Rai Bahadur Lala Brij Kishore. In fact, I had given notice of such a Resolution myself, and I am glad that the name of my Honourable friend has found a place in the ballot. The causes for bringing forward this Resolution are : one of the reasons that has been given by the Mover himself is that there is fear of Bolshevism and communism spreading in the near future in this country. Secondly, there is a fear that there may be Congress ascendancy in the coming Constitution. We have heard the Congress leaders on this point. Mahatma Gandhi, although he did not say in so many words that he did not want landlords in India, yet Pandit Jawaharlal Nehru has been very explicit on this point. Giving his interview to the Press on the 1st September, 1933, at Lucknow, he said :

“ The zamindari system has broken down, it is as much an anachronism as autocracy in the Indian States.”

At Amritsar, he declared he was a socialist and a republican. It is also known to everybody that he started the no-rent campaign in the United Provinces even before Mahatma Gandhi had returned from the Round Table Conference. By starting this movement he created bad blood between zamindars and tenants. If he had his way, he will see that landlordism goes. Even our beloved Governor, Sir Malcolm Hailey, who is one of the ablest Governors in India, when he was speaking in England, spoke of the peasant proprietors 50 years hence. He said he was afraid that, after 50 years, no landlordism as it exists now will remain and that these landlords would be in the position of peasant proprietors.

Now, as to the services of my community, I will point out firstly that it is not confined to Hindus, Muhammadans, Europeans, Jains and Sikhs or to any particular class. There are landlords belonging to every community. It was with the help of landlords that the mutiny was quelled. The world war itself was won with our efforts, because we supplied recruits, gave war loans and subscribed to the various war funds and even during the non-co-operation days we stood by Government and also during the Civil Disobedience Movement. We remitted large sums of money in rents and debts, found schools, hospitals, orphanages, colleges and hostels. What have we got as reward ? I am sorry to say that we got no rewards, but punishment. In 1902, the occupancy rights were given to the tenants and we acquiesced. In 1916, life tenancy was given, and seven years' registered leases were scrapped. We acquiesced. Although the Government were bound to accept the deeds which were duly registered in their own offices, yet by the Act of 1916, those registered leases were scrapped. Larger remissions of rent than of revenue were sanctioned. We acquiesced. We have suffered so long in spite of our services to Government, to the public and to our tenantry. But we are determined not to be coerced in future. Every Viceroy extolled our services from the days of Earl Canning, who was the first Viceroy, but now our eyes are opened and the Joint Select Com-

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mittee proceedings show what value to attach to the utterances of statesmen, however highly placed. One noble Marquis can attack a representative of the Crown for some of his sweet words in an after dinner speech. The present agitation is not only against landlordism, but against capitalism as well. So the captains of industry must also be on their guard along with us. Every one having stake in the land must try to nip the trouble of communism in the bud. Otherwise it would be impossible for us to do anything when it has taken firm root. I mean communism once established will uproot society as at present constituted and would revolutionise the existing order of things. Oriental mentality is opposed to abrupt changes. It will recoil on the heads of revolutionaries themselves and they would have to suffer the fate of that ill-fated monarch, King Amanullah. Our forefathers found these estates with the sweat of their brow and we watered the tender plant, weeded out undesirable growth. They helped their tenants in times of trouble and disease and we are doing the same. Whenever tenants want help, they turn to us, and we help them with money, grain, clothes, etc., to the best of our ability and resources. There is a silver lining in the cloud of agricultural depression, but still the future looks full of evil forebodings and hence the Resolution. I appeal to the nationalists, independents, Europeans, democrats and the Government not to let down their friends in the future Constitution. There is a paragraph in the White Paper which says :

“ His Majesty’s Government see serious objections to giving statutory expression to any large range of declarations of this character, but they are satisfied that certain provisions of this kind such, for instance, as respect due to personal liberty and rights of property and the eligibility of all for public office, regardless of differences of caste, religion, etc., can appropriately, and should find a place in the constitution Act.

His Majesty’s Government think it probable that occasion may be found in connection with the inauguration of the new constitution for a pronouncement by the Sovereign, and in that event, they think it may well be found expedient humbly to submit for His Majesty’s consideration that such a pronouncement might advantageously give expression to some of the propositions suggested to them in this connection which prove unsuitable for statutory enactment.”

So, Sir, the fear is not groundless. People are trying to whittle down the proposals contained in the White Paper. So we are naturally pessimistic about our future, but, in view of our services to the public and to the Government, we hope the Government and the popular parties here will support our humble demand.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : I have had no intention of intervening in this debate, but I see that the landlords and their partisans are rather apprehensive that their position will be worsened. They ought to have some confidence in the British Government, and as long as the paramountcy of Britain is there, I do not think the landlords have any cause to fear. The Government are maintaining the autocracy of the States and Government are also interested in maintaining the rights of the landlords and, I may assure my landlord friends that they have no cause to be afraid of. The last speaker alluded to the speeches of Pandit Jawaharlal Nehru and his followers. But as long as the strong arm of Britain is there, not only one Jawaharlal Nehru, but even 10,000 Jawaharlal Nehrus would not be able to do any wrong to the landlords. But, at the same time, I have a

word of advice to the landlords themselves. The landlords have been in possession of extensive lands and privileges, and naturally they expect that all those privileges will be continued to them and their successors. But they have to realise, Sir, that times are changing and the opinions of yesterday are not the opinions of today and the opinions of today will not be the opinions of day after tomorrow. England is a capitalist country. Still the privileges and rights of the capitalists are being slowly reduced and the idea of nationalising the mines and nationalising banks is being preached and being acted upon to a certain extent. There has been a sort of capital levy and, in that way also, capitalism is attacked in its home. So my friends, the landlords, will have to prepare themselves for gradually losing some of their privileges ; but, at the same time, I may assure them that it is not the intention of Government or of any Member of this House that the landlord class should be annihilated.

**Mr. K. P. Thampan** (West Coast and Nilgiris : Non-Muhamadan Rural) : How can you speak on behalf of Government ?

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : He was once a Member of Government,—an ex-Minister.

**Mr. B. V. Jadhav** : I think every subject has a right to say something on behalf of Government. Government belong to the people and the people belong to the Government, and, if I say anything wrong, Government may deny it. Sir, I myself am not against the landlord class. I know that in the past they have rendered valuable services and people will not forget those services. But, at the same time, I may point out that the landlord, as formerly, is not now the father of his tenants. Formerly there was no conflict of interest between the landlord and the tenant ; latterly that conflict is going to arise, and, before it becomes bitter, the landlords ought to take a lesson and reform themselves and act in the relationship of patrons to their tenants. They ought to make it their concern to look to the interests of their tenants, and, if they do that and secure the affection of their tenants, the teachings of Jawaharlal Nehru or of any other communist will have no result. I do not think this Resolution is necessary, because Government have been wide awake and have been doing everything necessary for the preservation of the landlord class.

**Mr. N. M. Joshi** (Nominated Non-Official) : Sir, this Resolution seems to be directed, in the opinion of the Mover as well as the supporters, against the Bolsheviks and the revolutionaries. I assure you, Sir, that I do not regard myself as a Bolshevik nor do I regard myself as a revolutionary. Still I do not think I can lend my support to this Resolution. In the first place, the Resolution asks that the proprietary rights in land alone should be protected and should not be taken away without compensation. By implication the Mover of the Resolution and his supporters feel that the other proprietary rights in other things may be taken away without compensation. (*Cries of "No, no."*) If that is not the idea, the Mover should have proposed the Resolution in wider terms.

**Mr. D. K. Lahiri Chaudhury** : We have said " the proprietary rights of any citizen in the land ". That means rights of the people in general.

**Mr. N. M. Joshi** : You have said that the proprietary rights in the land will not be taken away without compensation. There are other

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proprietary rights in other things. I have proprietary rights in my body and mind and in other things. I think, if at all, proprietary rights are to be safeguarded, those rights should be safeguarded in all kinds of property and not only property in land. The Mover of the Resolution has not shown by one single argument why proprietary rights in land are more sacred than the proprietary rights in other matters. Let me make it clear that, even if the Resolution had been moved in wider terms, I would not have supported it, because I believe that the right of a State to resume property on behalf of the community is inalienable and no Constitution can take it away from the State. The State is the representative of the community. All the property belongs to the community and therefore every State must possess the power to resume the property on behalf of the community. I am not suggesting that the policy of taking away property without compensation should be followed by a State, but you cannot take away the right of a Government to resume property belonging to the individuals when the resumption becomes absolutely necessary in the interest of the whole community.

**An Honourable Member :** Without compensation ?

**Mr. N. M. Joshi :** I shall come to the point of compensation. First, I am dealing with the right of the State to resume property from individuals who possess it when the resumption is absolutely necessary in the interest of the whole community.

Then, Sir, I shall deal with the special question of the property in land. In the first place, land was not created by any of the individuals who hold it today. They cannot say that they made it. Natural resources were a gift of nature to mankind ; they were not created by the people who are holding it. Then, Sir, how did they get the land ? My Honourable friend said that his rights were ancient, but you did not tell us how the ancient people got it. It is quite possible that my Honourable friend may tell us how he got it. It is possible that he may have paid some price for it, but the ancient landlords cannot say how they got the land and their rights to the land. Some of them may have got it by wrong means. You will find that some people got their land by force of arms.

**An Honourable Member :** That is a legitimate right.

**Mr. N. M. Joshi :** Is it considered to be legitimate by the Mover of the Resolution ? If his ancestors got the land by force of arms, then certainly how can he suggest that any man today should not take back the land by the same force of arms ? If you got the land by illegitimate means, by force of arms, then certainly it is equally legitimate for other people to take away your land by the force of arms—it may be the arms of the State. I, therefore, think that on the whole, when we consider this question very carefully, we shall find that the landowners will not be able to explain how the original landholders got the land from nature. They may have got it by wrong means, and, if they have got it by wrong means, certainly they at least cannot object to other people getting it back from them by wrong means. (Interruption.) But I am not defending today the taking away of land by force of arms. What I am suggesting is this : that these gifts of nature must belong to the community, they cannot belong to the individuals ; in the first place, we do

not know how the land was parcelled out between the different individuals ; and, in the second place, land and other natural resources are a monopoly of nature : you cannot create more land ; you cannot create more mineral resources ; and, therefore, it is wrong in principle that a few people should possess a larger portion of land and some others should possess less or none. You cannot create more land, if some other people want land ; therefore, it is wrong in principle that one man should be given more land while others should be deprived of it or should not have any land at all. Therefore land and natural resources are unsuitable to be made the subject of private property.....

**An Honourable Member :** You advocate communism then ?

**Mr. N. M. Joshi :** I am not talking of communism at all. I am talking of certain points of view which occur to me in this matter. This is my general principle, that land, being a gift of nature and being a monopoly, should not be allowed to fall into the hands of a few private individuals, so that the other people may be deprived of their dues. Arguments have been adduced as to why the rights in land should be made permanent. Some people said that landlords were very useful to Government. If the landlords were useful to Government, I should like to know in what way. Perhaps they gave some money to Government. True.....

**An Honourable Member :** Not money, but men also.

**Mr. N. M. Joshi :** If you talk of men, I am willing to hear the figures : how many landlords were killed in the war and how many, who were not landlords, were killed in the war ? It is not true that the landlords rendered greater service than the other citizens of this land. The other citizens lost their lives, while the landlords may have lost their property, which is after all much less valuable than life. Then we are told that the landlords had great stakes in the country. I am quite willing to admit that those people who have possessed property have got some stake, if you believe in private property ; but what about the stake of life which the other citizens have ? Which landlord can tell me that the life of a poor citizen can be valued in terms of money ? Can any one tell me that ten acres of land is equal to the life of one citizen ? The life of a citizen cannot be valued in terms of property at all. If you take the people in this country and find out the amount of stake which their lives have in this country, you will find that the stake of your property is very small indeed ; and that it cannot be compared ; therefore, it is wrong to talk of people having stakes and, on that account, their rights should be protected.

**An Honourable Member :** It has become fashionable for them to say so !

**Mr. N. M. Joshi :** If Government are going to protect anything, let that Government first protect the lives of their subjects. That is the one thing that requires protection. Have the Government of India ever thought of doing so ? I was told that, in one of the paragraphs of the White Paper, the Government of India proposed to protect the rights of property. I want to know whether there is a paragraph in this White Paper where the right of life is secured to a subject in this country. We all now talk of unemployment ; we hear about unemployment ; there are hundreds and thousands of people who lose their lives on account of

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starvation. Is it not the duty of the Government first to secure this right of life, and then talk of securing the right of property ? Before Government, therefore, puts down any clause in the Constitution that the right of property should be secured, let Government put down in the Constitution that no citizen shall die of starvation. That is the first principle that every Government must accept and must follow. After doing that, I can understand the Government talking of securing the rights of property. I, therefore, feel that it is wrong for any Government, before they secure the right of life to their citizens, to go into the question of securing the rights in property. What will be the effect if we accept a Resolution of this kind ? Government may require land for the good of the community, for securing the lives of the citizens, in order to make the life of the citizens secure. Government may not have the money to pay compensation. If, out of 350 millions, about which my friend, Mr. Das, talked the other day, 340 millions are in danger of being starved, simply because the land belongs to the other 10 millions, will not the Government be justified in taking away the land of the 10 millions even without compensation, in order to protect the lives of the remaining 340 millions ? I am not suggesting that Government should follow a policy of confiscating without compensation ; but I am talking about the ultimate right of a Government to take the property of a citizen when that taking is absolutely necessary in the interests of the community. As my friend, Mr. Jadhav, has pointed out, if you once say that no man's property can be taken away by Government without compensation, you really arrive at an absurd position. My friends say that they really do not want to secure the rights only in land : they are quite willing to protect the rights in other matters also. Suppose I have thousand rupees, and an income-tax officer comes and says : " Out of this amount, you must pay me Rs. 10 ", and I say to him, you cannot take away my property without compensation, what will be your reply ? The reply is that the compensation is the good of the community. The principle is the same.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member's time is up.

**Mr. N. M. Joshi** : The principle is the same that when Government take away anybody's property, Government pay compensation to everybody, not necessarily in the form of money, but Government pay compensation in the form of the good of the community.....

**An Honourable Member** : Would you accept that compensation for labour too ?

**Mr. N. M. Joshi** : Well, Sir, I am quite prepared to accept it even for labour. If once you admit the principle that no man's property can be taken away without compensation, you make Government difficult. Government must have the power to take away property in order that their affairs may be conducted. I will tell the House one small example and then finish. In the United States of America, they had this principle that no man's property can be taken away without compensation, and they found it very difficult to levy the Income-tax law, for the very reason that I pointed out. Government, therefore, should have the right to take away the peoples' property, and the compensation which Government may offer on some occasions is the compensation in the way of public good. Mr. President, I oppose this Resolution.

**Mr. F. E. James** (Madras : European) : Mr. President, Mr. Joshi is himself a gift of nature and belongs, I hope, to the whole community of us. The trouble with Mr. Joshi has always been that he cannot make up his mind as to whether he is an evolutionary or a revolutionary. Unfortunately, he began his speech by stating that it was far from him to suggest that no Government had any right to confiscate any land without compensation.....

**Mr. N. M. Joshi** : No, Sir ; I did not say that. What I said was that I would not recommend to the Government to adopt a policy of confiscation without compensation, but I insisted that the Government should possess the right.

**Mr. F. E. James** : So that Mr. Joshi's position has slightly shifted.

**Mr. N. M. Joshi** : No, not at all.

**Mr. F. E. James** : While he admits that he will never himself recommend Government to take a particular course of action, yet, in the same breath, he admits that Government have a right to take that course of action. Mr. Joshi is an equilateral. He believes in every one having exactly the same rights in land and in property as every one else. He also said that he had rights in his own personal body and in his own personal mind forgetting for a moment that the equilateral principle does not apply to the mental sphere, for one man's brain is very often larger than another man's brain. But I will not waste the time of the House by going over all the grounds that Mr. Joshi covered in a general dissertation which is more suitable for a debating society than for a serious discussion on a Resolution dealing with a particular and most important point.

The Mover of the Resolution has chosen, I believe, an appropriate occasion on which to place his point of view before the House. He is not dealing with general proprietary rights ; he is dealing with proprietary rights in land, and I suggest to the House that as one who is interested in land, he has a perfect right to put that particular point of view. I might object to the Resolution in that he has not mentioned in it other rights in which Members of my own community, for example, and other industrialists are particularly interested ; but I am not complaining about the Resolution on that score.

Now, Sir, I take my stand on the general proposition that it is axiomatic that in the future the Indian Legislature must be free to adopt a policy of acquiring for the State land or any other property for the well being of the State. This Resolution does not deny that principle. What it does say is that the State should not acquire any property, whether land or anything else, unless it gives adequate compensation. In other words, we are anxious to be safeguarded in the future against confiscation, and those, who are not prepared to support a Resolution of this description, are in fact leaving the door wide open to confiscatory principles in the future.

Now, Mr. President, I want to urge upon the House the importance of this position in view of the probable future developments. I very much doubt whether, in view of our pre-occupations with the political issues in this country, any one of us has spared himself the time or the leisure to think into the future and to realise what forces are in the world today and what forces in this country will be released even if the existing proposals of the White Paper are carried into law by the British Parliament. I have stressed this point in other places during the last few weeks, and I am very

[Mr. F. E. James.]

anxious to take this opportunity of stressing this point in this House. You have only to look round the world to realise the forces that are at present in existence, violent forces, tremendously strong forces, which are securing and retaining power by the principle of confiscation, the very principle that this Resolution seeks to deny. Go to the continent of Europe and you find there, whether it is Bolshevism or Fascism or Hitlerism, that the weapon which they use in every case is the weapon of confiscation, whether of personal or proprietary rights. And surprising as it may seem, when we look further west across the Atlantic, we find the President of the United States engaged in the tremendous task of trying, almost singlehanded, to restore his people to economic prosperity, and using weapons which come very near the border line of confiscation. Therefore, these forces are in the world today and appear, owing to the inability of rulers or of the people to secure what they want, to be gaining ground.

I have suggested that great forces will be released by the White Paper. I want the House to envisage the future if it can,—great provinces, absolutely self-governing, with Legislatures elected on a tremendously wide franchise. The problems of the future are not going to be the political problems with which we are concerned now or with which we have been concerned in the past. They are going to be essentially economic problems, and, in the large extensions of franchise, we are going to find that forces will be arising all over the country based upon economic policies, led by men who belong to a younger generation than that to which we belong; and that those forces will find a place in the Provincial Legislatures of the future. I believe that in some provinces, before very long, we shall have ministries in power supported by great majorities in Provincial Legislatures with radical programmes such as even Mr. Joshi today does not dream of. I believe also that in a very short time after the Federal Constitution has been established, even though we may have a leavening of the conservative elements in the country, the personnel of Members in this House will be completely changed. Sir, some of my friends on the other side, who are at present posing as leaders of Democratic Parties, will disappear, never to return, and in their place we shall have men who will come forward with real democratic principles, men who will be here on a definite programme tending towards what is commonly known as socialism with a bias towards the forcible confiscation of property. I do not think that I am forecasting anything that is fantastic. I believe those of us, who will have the privilege of living during the next 25 years in this country, will realise that what I am saying now will actually come to pass, and probably come to pass in a far more violent form than we now imagine. Is it surprising, therefore, in view of the forces that are at present existing in the world and in view of the forces that are shortly going to be released in this country by the constitutional proposals of His Majesty's Government,—is it surprising that those who have great interests in land should wish to have it laid down in the constitution that the State should be forbidden to acquire property, without paying due compensation to those who own that property? Mr. Joshi, although he is a member of the Joint Parliamentary Committee, has entirely misread paragraph 75 of the White Paper proposals where it deals with the statement of fundamental rights. There is a sentence in which it says:

“ His Majesty's Government see serious objections to giving statutory expression to any large range of declarations of this character, but they are satisfied that certain provisions of this kind such, for instance, as respect due to personal liberty and rights



of property and the eligibility of all for public office, regardless of differences of caste, religion, etc., can appropriately, and should, find a place in the Constitution Act."

In other words, the White Paper proposes an express protection of rights of property and that covers the point which has been made by the Mover of this Resolution. In my opinion, the Constitution Act of the future should contain an express provision to the effect that no person shall be deprived of his property unless proper compensation is made, the amount to be ascertained by arbitration or by judicial proceedings. Now, Sir, while I say that, while I join with my landlord friends in suggesting that there should be some provision in the Constitution Act which would act as a first line of defence against confiscation, I am also aware of the forceful appeal which was so eloquently made by my Honourable friend, Mr. Bajpai, when this matter came up in this House before. As far as I remember, when this matter was discussed then, my Honourable friend, Mr. Bajpai, laid particular emphasis upon the part which the landholding communities should play in the future. I believe that the future of India, as to whether it will go through the process of gradual evolution, or whether it will plunge itself into the chaos of revolutionary attempts by forcible methods, will largely depend upon the attitude to public life, to public service, and to the Legislatures, all-India and Provincial, of the great landholding communities. I do not suggest for one moment that they have not played in the past a very valuable part. I know, as far as the landholders in Madras are concerned, at the present time you can find distinguished men who are spending themselves in the public service, in all kinds of fields, political, social and economic. And I believe that, as long as they play that role, the future will be bright as far as evolutionary development is concerned.

My Honourable friend, Mr. Joshi, has suggested that the landholders did not play a reasonable part during the Great War....

**Mr. N. M. Joshi :** I did not say that. I said they had not played a greater part than the other citizens.

**Mr. F. E. James :** I am very glad to have that put right. If I misunderstood my Honourable friend, I apologise to him.

**Mr. N. M. Joshi :** You always misunderstand.

**Mr. F. E. James :** I am very glad to know that he places the land-owning community on a level with other communities who sacrificed so much of blood and treasure during the War. But my main point is that this is a Resolution which asks for statutory protection against confiscation, nothing more, nothing less. It only asks that if the State of the future should come to the conclusion that for public purposes it must acquire property which at present is in the hands of other people, it shall not acquire that property without paying adequate compensation the amount of which has been settled by arbitration or by judicial proceedings. I suggest that in a House of this character and at this particular time of the day when the Joint Parliamentary Committee is about to resume its labours, it is of the utmost importance that we should place on record that this is only a just request ; and we should underline the suggestion of the Resolution that there shall be a statutory provision, either in the declaration of rights or in some other form, that this form of forcible confiscation which is finding favour in so many quarters throughout the world and which is the gospel of certain political parties in this country should be ruled out as far as the Constitution Act is concerned. (Applause.)

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : I had no intention of taking any part in this debate, but the extraordinary speech of my Honourable friend, Mr. Joshi, extraordinary even for Mr. Joshi, forces me to rise just for a few minutes not only to reply to Mr. Joshi but, if I may not be considered audacious, to congratulate Mr. James on his very useful and brilliant speech. Yesterday some one said that my Honourable friend, Mr. B. Das, was at heart really a capitalist while in this House he professed to be a democrat, or even a socialist. I am tempted to say that my Honourable friend, Mr. Joshi, appears to me today to be at heart a communist, while most probably he firmly believes that he is really a socialist. Therefore, I do think it is essential that, if not all of us in India, at least we in this House should realise the distinction between socialism and communism. What this Resolution desires to put on record is that we are against communism but we are not against socialism.

My Honourable friend, Mr. Joshi, exhibited in his speech a confusion of thought which seemed to me extraordinary. He asked my Honourable friends who have sponsored this Resolution as to who made the land which they now claim to be their own. He then went on to say ' Why do you confine this Resolution only to land. Why not to my brain and my body '. I ask Mr. Joshi who made his brain and who made his body ?

**Mr. N. M. Joshi** : I was against every kind of proprietary right. I simply asked that question to show the absurdity of the whole thing.

**Sir Cowasji Jehangir** : Mr. Joshi started his speech by saying that he was no revolutionary.

**Mr. N. M. Joshi** : I still claim that.

**Sir Cowasji Jehangir** : He clearly asked us whether he had a proprietary right in his brain and his body. I ask him who made his brain and who made his body and if he claims a proprietary right in his brain and his body, I say that my Honourable friends can claim equal proprietary right in the land they own today. The difference between socialism and communism is this, that in socialism the Government of the day can take a part of your wealth by way of taxation for the common good of the people but in communism Government can confiscate all you have got. Now, the confusion of thought is made completely clear by the analogy which my Honourable friend, Mr. Joshi, gave. He talked about owning Rs. 1,000 and Government demanding Rs. 10 from that one thousand by way of income-tax. He said that if he claimed proprietary rights over the whole of the thousand rupees and if the principle is put on record that proprietary rights should be maintained, then he went on to argue that Government could not claim Rs. 10 out of the thousand. There comes the confusion of thought.

**Mr. N. M. Joshi** : No.

**Sir Cowasji Jehangir** : In socialism Government can levy a tax on your wealth for the good of the people by a law of the land.

**Mr. N. M. Joshi** : 100 per cent. tax all round.

**Sir Cowasji Jehangir :** Mr. Joshi will have to part with his Rs. 10, as we have had to part for years with a very high percentage of our incomes and nobody complains. That is socialism. Who introduced that principle of socialism in the world ? Who carried it to an extreme point ? It was Great Britain. In England, socialism has gone further than in any other country in the world. Your income is taxed for the good of the people to an extent not taxed in any other country in Europe and it was supported by a Conservative Government. In the same way I am a socialist, as good a socialist as my friend, Mr. Joshi, but I refuse to be a communist and because I refuse to be a communist I am prepared to give my wholehearted support to a Resolution which puts on record the principle that Government shall not confiscate but shall take by legislation, by the law of the land a proportion that it is prepared to take from the poorest as well as from the richest. Communism means taking all from those who have got and giving it to those who have not. Does Mr. Joshi believe that we in this House or, may I say, a large majority of thinking people in this country will refuse in the future to be taxed for the common good. Whether we like it or not, we shall have to do it and we are prepared but we shall not admit the principles enunciated here today by my friend, Mr. Joshi, who practically advocated the principle of confiscation, for he said that if the people are starving Government should have the right to confiscate lands, property and the other proprietary rights that the people may have in order to prevent that starvation. I will not admit such a principle. The rights of life are protected by Government by laws and regulations.

**Mr. N. M. Joshi :** Which ?

**Sir Cowasji Jehangir :** If I were to kill you, Mr. Joshi, I will swing. Life is thus protected by law. Those are the rights of life, but if Mr. Joshi refuses to work and thereby starves, I cannot be deprived of my lands and my property to feed Mr. Joshi who refuses to work and prefers to starve.

**Mr. N. M. Joshi :** I am willing to work, but cannot get work.

**Sir Cowasji Jehangir :** Then Mr. Joshi can call upon the Government and the country to feed him, if they cannot give him work.

**Mr. N. M. Joshi :** Let it be in the Constitution.

**Sir Cowasji Jehangir :** The principle enunciated by Mr. Joshi and his friends is that for those who starve because they will not work Government shall confiscate the property of people who have worked for it and accumulated it or who may have inherited it due to the sweat of the brow of their ancestors. These are the principles, I trust, this country will never accept and I do hope that this Resolution will be passed unanimously, simply because Mr. Joshi has made the extraordinary speech he has, and let me express the hope that there may be many true socialists, such as I have explained, in the country in the future, not merely socialists in name but communists at heart. They are a class of people we desire to sweep out of the land. True socialists we shall welcome. Let us hope that every one of us will be such true socialists.

**Mr. N. M. Joshi :** Who is to decide ?

**Sir Cowasji Jehangir** : Let us hope that the landlord will really be the true father of his tenants. He will then be a good socialist. I have nothing more to say and I do hope that we shall rarely hear principles enunciated in this House, such as we had the misfortune to hear today.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : The Resolution moved by my Honourable friend, Lala Brij Kishore, raises a subject which was also discussed in March last on a motion moved by Mr. Anklesaria and I do not propose, because of my Honourable friend, Mr. Joshi's excursions into somewhat devastating doctrines, to let my remarks wander over a wider field than is legitimately covered by the Resolution before the House. On that occasion, when Mr. Anklesaria moved his motion in this House, the then Leader of the House, Sir B. L. Mitter, pointed out that the Government of India had recommended to His Majesty's Government that protection shall be given to proprietary rights in the new Constitution Act. That His Majesty's Government have accepted that recommendation is borne out by paragraph 75 of the proposals for

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Indian Constitutional reforms, from which I shall read the relevant portion :

“ His Majesty's Government see serious objections to give statutory expression to any large range of declarations of this character (*that is to say, declarations relating to fundamental rights*) but they are satisfied that certain provisions of this kind such, for instance, as respect due to personal liberty and rights of property.....should find a place in the Constitution Act.”

These proposals represent the considered views of His Majesty's Government and these proposals are now before the Joint Select Committee of Parliament. I gather that since the Joint Select Committee of Parliament started its labours evidence has also been led in support of the recommendation which is embodied in paragraph 75. In the circumstances, the only advice which I can give to my Honourable friends is to have patience and trust to the sense of justice and the sense of fairness of the Joint Select Committee of Parliament and, subsequently, when the matter comes before Parliament, of Parliament itself. Because my Honourable friend, Mr. Joshi, who, I am sorry to say, is no longer in his seat, has enunciated certain novel doctrines and because he happens to be on the Joint Select Committee of Parliament, let not my Honourable friends, who support this Resolution or favour the principles embodied in it, think that his views are going to prevail. The intention of Government is to forward these proceedings to His Majesty's Government to be laid before the Joint Select Committee of Parliament and I am quite sure that, when the Committee and the Members come to read what has been said in the course of the discussion today, the problem will fall in its true perspective, and the views which will prevail with them, I hope, will be the views which have been expressed so eloquently by my friend, Mr. James, and by my friend, Sir Cowasji Jehangir, and not the views which have been expressed by Mr. Joshi.

My Honourable friend, Mr. Lahiri Chaudhury, in the course of his remarks, expressed some doubt as to whether the proposal in paragraph 75 meant that statutory protection will be given to proprietary rights or whether such protection will be relegated to what he considers

to be a less secure document, namely, a Proclamation by the Sovereign. I refrain from presuming to interpret the White Paper. That function legitimately belongs to Parliament. But there seems to be no reason for my Honourable friend to think that either His Majesty's Government or the Joint Select Committee of Parliament have made up their mind in favour of what he considers to be the weaker procedure. As a matter of fact, by reading paragraph 75 as it stands one would be justified in saying that the inclination of His Majesty's Government is more in favour of statutory protection than protection by Proclamation. Sir, there was another point made by my Honourable friend, Lala Brij Kishore, who was not merely thinking of statutory protection which is to be given to the right of property. He also seemed to suggest that protection shall be given to the class to which he belongs by special representation. Now, I do not know whether that is strictly germane to the Resolution which is now being considered by the House but I would remind my Honourable friend and the House that this point was dealt with by Sir Brojendra Mitter in March last. Sir Brojendra Mitter then explained that under the Communal Award of His Majesty's Government—and the proposal which now figures in the White Paper is based on the award—landlords will have special representation to the extent, I think, of 36 seats.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : But that is very little ; it is not sufficient.

**Mr. G. S. Bajpai** : My Honourable friend will not let me complete my remarks. It may be, as my Honourable friend says, that the numerical special reservation of seats proposed in the White Paper is not what would satisfy the landlords, but my Honourable friend might also reflect upon the other remark which was made by the then Leader of the House, namely, the enlarged electorate of something like 27 or 28 per cent. of the adult population of this country. If that electorate reflects in any way the proportion of agriculturists to the total population of this country which is 80 per cent., then, by virtue of their birth, their position and the special opportunities for serving their tenantry which the landlords have, they will be able to secure representation in future Legislatures not only to the extent of these 38 or 40 seats but in much larger numbers. That, Sir, brings me to what I consider is the most fruitful contribution made in the course of the discussion today, namely, the remarks of my friend, Mr. James. He emphasised that the trend of events in the world outside demonstrates the inherent futility of mere paper safeguards for one section or the other. Why is it that Hitlerism is devastating the constitution of Weimar in Germany ? Why is it that Fascism has replaced the system or the order which prevailed before it in Italy ? It is simply due to the fact that discontents were set in motion which the system of Government or the Party in power at the time were unable to control and because of grievances which those systems were unable to redress. I submit that it is not any written provision in the Constitution which is going to help the landlords, no matter what that provision may be. What is going to help them is leadership in the spirit of service to their tenantry which alone is going to ensure for them the protection and the position which they claim.

**Nawab Major Malik Talib Mehdi Khan** (North Punjab : Muham-madan) : Sir, my friend, the Honourable Mr. Joshi, wishes to take us back to the period about which it has been said :

“ When Adam delved and Eve span  
Who was then the gentleman ? ”

If he goes into the history of the property composed of land, houses, and so on, whether personal or public, he will not be able to find its origin, and if his principle that where it has been discovered that any property has been achieved by violence, then violence should be used to the owner being deprived of it and giving it to somebody else is accepted,.....

**Mr. N. M. Joshi** : I did not say that. What I said was that those people who have got by violence have no moral right to object to other people using violence.

**Nawab Major Malik Talib Mehdi Khan** : .....which means that those who had acquired some property by unfair means have no right to keep it when their brethren are starving in the country, as chaos will be the result. What should we do then ? We should be required to divide it whether by consent or by force. Suppose it was divided in the year of grace 1933, and after another 20 years or so, we find the same inequality, because the Dispenser of bounties—whatever you may call him, I call him God—did not grant the same amount of brain power, wisdom and determination to each man or did not afford each person a chance to cultivate them. Another 20 years, and the man with better brain will again carve his fortune, another division, and so on. What will be the result ? The worker would lose his hard earned income. So, what is the use of working and applying one's brain if the idlers, who are sitting in the streets will come out to divide the property ? There will be no incentive left to work, and everyone will fly at each other's throat to deprive him of his earnings. Would my Honourable friend, Mr. Joshi, like that system to be adopted in India ? My Honourable friend, Mr. Brij Kishore, the Mover of the Resolution, belongs to the landed gentry, and has thus picked out his own subject, namely, land, but there is no reason, as I said above, why houses and every other property should not be safeguarded. There may be other persons who will come forward with Resolutions safeguarding such things. To urge that everything should be divided or that everything should be equalised is impossible. Instead of that, we ought to bring a scheme to ameliorate the conditions prevailing in this country. I know little of what is actually going on in the Western countries, but I find that there is plenty of work for Indians to do in their own country if proper steps are taken to have it done. I think it is the present system of education which is defective. Our young men, when they get into schools and colleges, the first thing that they learn is to abhor the occupation of their fore-fathers.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member will resume his speech after Lunch. The House will now adjourn till Half Past Two.

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

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

**Nawab Major Malik Talib Mehdi Khan :** Sir, I was objecting to the present day education. What I mean by it is that the education in Indian schools and colleges is mostly theoretical, which we require it to be practical and it should be based on such principles that the callings and professions existing in India are improved by the products of these institutions. My second point is labour. I said in my opening remarks that there was plenty of scope in India for many years to come for the people to earn their livelihood. There is plenty of labour in the country, but we ought not to look down upon it. Unemployment, which is causing so much trouble in the country, is mostly among the educated classes who, as I said just now, do not get the proper education and find that manual work is beneath their dignity. If this can be remedied, there would be no unemployment or starvation in India for many years. My friend, Mr. Joshi, spoke something about the rights of people in property. I will not go far back now,—but refer the House to the Proclamation of the noble Queen Victoria made just after the Mutiny in which the rights in property were upheld and it was repeated by her successors. We have to take the facts as they are now and it will not serve any useful purpose to open the point and go back to the history of each holder of property. Not only will it not serve any useful purpose, but it will do harm. Unfortunately I find that an idea is gaining ground in the country that the rights of people in property should be enquired into from a given period, if not from the beginning. If I remember aright, I think Mahatmaji is also of the same opinion. He holds that we ought to go back for a hundred years and sift the position of each property as it is. Similarly, Pandit Jawaharlal Nehru toured in the Allahabad district and delivered speeches which tended to the disruption of the relations between landlords and tenants. I do not know what the conditions are in the United Provinces, but I can say that no difference exists in the Punjab between the landlords and tenants. The landlord knows that his interest is interwoven with that of his tenant and that his work cannot go on without the help of the tenants. He deems it his duty to support his tenants and make them as happy as possible ; and, if there is no dispute between the tenant and the landlord, I would say that it would be very unwise to create disunion between them. With these remarks, I support the Resolution of my friend, the Mover, and am thankful to Government for their offer, as Mr. Bajpai said, to submit these proceedings to the Joint Select Committee of Parliament.

**Mr. M. Maswood Ahmad :** Sir, I whole-heartedly support this Resolution and I would remind my friend, Mr. Joshi, that it is not correct to say that landholders have taken possession of land by means of force. It is as incorrect as to say that Islam was spread by the sword. Sir, the history is this that in the Hindu period and in the reign of the Mughal Emperors there were waste lands and jungles. Landholders' ancestors spent money and offered services for getting the lands. Then they tried to make the lands fit for cultivation purposes. They cut jungles and they prepared big irrigation schemes. After lots of troubles

[Mr. M. Maswood Ahmad.]

and after spending a sufficient amount of money, they made the lands fit for cultivation purposes.

I do not represent the landholders' interests here. Rather I represent the tenants' interests much more and I can safely say that this Resolution is supported by the tenants as well. This resolution is as essential for tenants as it is for landholders.

I want to say, Sir, that those original landlords also are not found now in large numbers in Bihar and Bengal. The landlords, who are found in my province, are those who purchased land trusting in the announcement of the noble Queen Victoria. They trusted the words of Government and spent lots of money on purchasing these lands about which my friend, Mr. Joshi, says that they may be confiscated. There is a suspicion that the interest of the landlords and of the tenants conflict with each other, but, I say, it actually does not conflict. If landlords be eliminated, I think it will be impossible for tenants to keep the land in the present condition and the land will deteriorate. My experience is that nowadays landlords are doing much; they are responsible for irrigation and all other things.

**Mr. B. V. Jadhav :** We are doing without landlords in Bombay.

**Mr. M. Maswood Ahmad :** That may be so, but that is not the condition in Bihar. In Bihar and Bengal, I think it will be impossible to keep the land in this condition without the landlords. Quarrel on irrigation and other things are going on in the fields and the only man on the spot is the landlord. It is impossible for tenants to spend thousands of rupees for making irrigation arrangements for a village. Tenants will have their tenancy in one village or two, but this irrigation system sometimes requires to be taken from two or three villages far off. Interests of two villages sometimes conflict with each other. It will not be possible for tenants to maintain this whole system.

If my Honourable friend, Mr. Joshi, wants to protect his other properties, like brain or body, then he may bring in a Resolution and, I think, neither the representatives of the landlords nor of the tenants will object. We will all try to save his brain and his body.

The question of compensation was discussed the other day here and Mr. Joshi came forward with a long list that compensation should be increased and so on and so forth. We do not say here that it should be increased or anything like it : we say that if Government want, for the benefit of the public, to take up land, they must give adequate compensation. We have trusted them. On their words we have spent thousands of rupees in purchasing lands ; so, if they want to honour their words, it is their duty to compensate when they require any land for the public use.

My Honourable friend has suggested, as I remember, that lands should be divided equally amongst all—no more to one man and no less to another man. Where was my Honourable friend, when he suggested the other day that the compensation for the man earning Rs. 10 should be so much, and that, for the man getting Rs. 200 a month should be so much : he did not suggest that the compensation should be uniform for all employees, whether they get Rs. 200 or less. He never suggested that all labourers should get equal pay. I say,



the idea is not possible at all. As I have read books on Bolshevism and about Russia, I find there also people exist who have more lands and less lands : in the whole world, I do not find any country which can be shown by my Honourable friend where lands are equally divided to all men. Our requirements are different : one man may have a large family and another man may require less. God Himself has not divided land or money to all His creatures equally. What has not been done....

**Mr. N. M. Joshi :** May I interrupt the Honourable Member....

**Mr. M. Maswood Ahmad :** I am not going to give way to the Honourable Member....

**Mr. N. M. Joshi :** I am standing to a point of order : is any Honourable Member entitled to put in my mouth words and sentiments which I did not express ? I never said one word about equal distribution of land in this country.

**Mr. M. Maswood Ahmad :** That is not a point of order, Sir. I have noted here, and if my Honourable friend will go and see his speech at the time of correction, he will find there what I have quoted here. If he now suggests that more and less land can be given, then I have got nothing to say on that point, and I hope my Honourable friend will correct that portion of his speech.

**Mr. N. M. Joshi :** I challenge the Honourable Member to take the report from the reporter and if he finds that there is no mention of equal distribution of land, I hope he will apologise to me.

**Mr. M. Maswood Ahmad :** If that is so, I will be certainly ready to omit it in my speech if allowed to do so. However, I am glad to hear that he has no objection in having more lands.

In connection with this Resolution, I will, further, say that it is a most innocent Resolution that has been moved and this is a principle which should be accepted everywhere, that whatever rights we have got in any land, the money which we have spent on purchasing lands *plus* the compensation should be paid to us if Government want to take it, and it should be defined in clear words in the future Constitution. With these words, I support my Honourable friend's Resolution.

**Lala Hari Raj Swarup** (United Provinces : Landholders) : Mr. President, I have great pleasure in according my support to this Resolution which has been moved by my friend, Rai Bahadur Brij Kishore. I will only say one word about what Mr. Joshi has said and then leave him alone. He said that land was a gift of nature and that some zamindars got it without any effort or by force of arms and so they did not deserve any protection. Barring a very few, say one or two per cent., I think, Sir, most of the zamindars at this time are such as have paid for the land that they have acquired ; and, as such, I do not see why he should take objection to this Resolution. My Honourable friend only says that if proprietary rights are to be taken away by the Government, the Government should give adequate compensation.

I am thankful to the Honourable Members of this House for having accorded support to this Resolution and especially to Sir Cowasji Jehangir and Mr. Bajpai for having advised the Zamindars to become natural leaders of the tenants and to improve their relations. I want to inform this House, on behalf of the landholders, that our relations with our tenants are as

[Lala Hari Raj Swarup.]

cordial as they could be. If at times you hear of agrarian troubles, they are simply fomented by certain sections of the people who want to carry their points with the tenants and take advantage of their ignorance. We have always been trying to support the cause of the tenants. As a landlord in the United Provinces, I can say that we have been fighting hard with the Government for the reduction in water rates which directly affects the tenants. This is only one instance and can be repeated, but I will only be content by saying that we have always stood by the side of the tenants. We went even further than this. When we found that changes in Tenancy Legislation were necessary, we did not obstruct though they meant some curtailment of our rights. As for instance, when in 1902, Government brought forward the first tenancy legislation in the United Provinces, all the landlords gave their whole-hearted support to that legislation, because they thought that it would improve the lot of the tenants. Similarly, also, in the case of the 1926 legislation. The House will, therefore, see that the Zamindars have never lagged behind in protecting the rights of the tenants; and, by moving this Resolution, they simply want that their own rights should be maintained and they should not be disturbed in protecting their own rights and the rights of their tenants. So, Sir, I support this Resolution.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan) : Sir, I will not take a long time in giving my support to this Resolution. My chief purpose in getting up to speak is to draw the attention of the House to the relations between the Zamindar and tenant in Sind. I must say at the very beginning that, in considering this Resolution, the debate has drifted very far away. This is a restricted Resolution and we should have confined ourselves to the Resolution alone without thinking and indulging in socialism, communism or even "Joshism". We have nothing to do with those questions with this restricted Resolution before the House....

**Mr. N. M. Joshi** : May I ask the Honourable Member what the relations between landlord and tenant have to do with this Resolution? This Resolution asks for a constitutional right.

**Mr. Lalchand Navalrai** : In placing the Constitution aright, if the Zamindar wants that the Government should be fair to him, protect his rights and put them in the Constitution, I say the peasant and the tenant require the same to be done by the Zamindars. I was submitting that we have nothing to do with anything more in considering this Resolution. We are confusing the question altogether if we go beyond it....

**Mr. N. M. Joshi** : You are.

**Mr. Lalchand Navalrai** : I am not. On the contrary I submit that there was no question here of seeing what is going to happen hereafter when the Honourable Mr. Joshi expects communism to come into India. Sir, communism is said to have done the greatest injury to humanity outside, and nobody should even think of introducing it in India. The rights of the tenants and of the Zamindars have to be equally protected.

Now, Sir, coming to the Resolution itself, we find that this Resolution wants only two things; one is that the vested rights of the Zamindars should be incorporated in the coming Constitution so as to give them the necessary protection, and the second is that there should be no such measure by which a Zamindar's land could be confiscated by Government without paying him compensation. Sir, when I read this Resolution this morning, I

was wondering why such a Resolution had at all been brought forward. I was feeling that the rights of the Zamindars were vested rights, and that the present Government had not done anything to deprive the Zamindars of their vested rights. I again put a question to myself as to why the Honourable the Mover had brought forward this Resolution when the Government had never offended anyone in that direction and when the thing is perfectly patent in itself. Then I looked at the second portion where it is said that no land should be taken away without compensation. Then also I was similarly wondering, because there was actually the law on the point,—there was the Land Acquisition Act which says that, if any land is needed by Government, it is legally taken from the owner of it after paying him due compensation. But when I heard the debate,—I am not blaming my friend for bringing forward such a Resolution,—and when I heard my friend, Mr. Joshi, I thought it would really create an impression among the Zamindars that something wrong was going to be done to them and, therefore, my friend had every right in coming forward with a Resolution like this asking the Government to protect the Zamindars by inserting the necessary safeguards in the new Constitution. Sir, I again say that the Government are sincere on this point,—they are sincere for two ways. When we read clause 75 of the White Paper, we find that it does not say that Government are not going to protect the vested rights ; on the contrary they say that there is every likelihood of the necessary safeguards being incorporated into the Constitution with regard to property and person and we had it just now from a responsible member of the Government, I mean the Secretary in the Education Department, who plainly told us that Government had no intention of doing anything wrong like that to adversely affect the interests of the Zamindars. On the contrary, he advised caution and patience to the Mover of the Resolution, until the matter was decided in England, but, in my view, there is absolutely no fear that Government will do wrong in this matter. We have been asking for declaration of rights, and this is one of the declaration of rights that these gentlemen want should be included in the Constitution. When I heard my friend, Mr. Joshi, for whom I have always got regard, because he is very sincere in putting forward his views and he is bold enough to place his views in this House, because it is not everybody who can come forward and place his personal views in a House like this so undauntedly, I give him full credit for that,—but when I heard my friend, I must say that he was wrong in accusing the Honourable Member—the Mover—for bringing forward a Resolution of this kind instead of a general Resolution. When he comes forward with Resolutions and questions in this House, does not my friend, Mr. Joshi, restrict himself to labour questions and Resolutions on matters of labour ? Has he always brought forward general Resolutions with regard to the rights of the people ? Therefore, Sir, the gentleman who has brought forward this Resolution is perfectly within his rights, because he has interest in land, and surely it is only but right that he should come forward with Resolutions relating to land in which all of us are also interested. I submit, Sir, it was wrong on the part of Mr. Joshi when he said that the Resolution, even if worded in some other form, would not be acceptable to him.

Then, again, Sir, I have no doubt that this Resolution will be accepted by the Government and the Constitution will be framed in accordance with the terms of this Resolution. I don't say that only this declaration of rights should be incorporated in the new Constitution, I certainly want

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that other rights of ours should also be included in it. This Resolution, of course, does not call for reference to conditions under which land came in possession of Zamindars, but I might tell my friend that India's land was Indian, and the Indian people divided the land between themselves. That is how the land descended down, and some lands were since then transferred from one hand to another, and so on. I do not know why such questions should have been raised at all. The Resolution will undoubtedly be acceptable to Government and to every one of us on this side, but I want to give one advice to the Zamindars and it is this. Sir, I was very glad to hear from my Honourable friend from the United Provinces that the Zamindars there were very fair and that they provided with all sorts of amenities to their tenants. I am very very glad to learn it, but, Sir, the condition of our Zamindars in Sind is quite different. There, Sir, the Zamindar wants to devour the tenant ; he is not only unfair to the tenant, but his interests are detrimental to the interests of the tenant ; he robs him and he keeps him uneasy. (*An Honourable Member* : "Shame.") Sir, it is really a shame, and I want that my voice in this House should reach the Zamindars in my province so that they might improve the present conditions.

**An Honourable Member** : It is loud enough.

**Mr. Lalchand Navalrai** : I know it is. Sir, I need not go into details now. This is not the time for it. I think it is sufficient for me to say that the Zamindars in my province are not treating their tenants fairly and properly. But, Sir, for this I would blame the Government as well, and it is for this reason. The Zamindar wants to hoard up all the land, he would like to have every piece of land that can be got to be in his possession, and a certain type of him would play the part of a bull dog or a pet dog of Government. He tries to please the Government ; he is always with the Government, and he does it from purely selfish motives. He wants more and more land, and every big Zamindar in Sind has been given enough land by Government, and when he becomes bankrupt or goes to the Insolvency Court or when his estate gets under the protection of Encumbered Estates Act, Government again come forward and give him large acres of land, on the plea that the Zamindar has to maintain the dignity of his house. Is this fair ? Therefore, the Zamindar in my part of the country has been spoiled by Government. I hope the Zamindars in Sind will improve themselves. This Resolution by implication does ask the Zamindars to be fair to their tenants, and, in that sense, this Resolution is not restricted to big Zamindars alone, because there are small landlords also who hold land and in some cases are harsh to their tenants. When the Constitution will protect the rights of the land, surely the other rights also will be protected and embodied in the Declaration of Rights. Therefore, I hope this Resolution will commend itself to every Member including my friend, Mr. Joshi, who, I know, is open to conviction.

**Several Honourable Members** : Sir, the question may now be put.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is that the question be now put.

The motion was adopted.

**Rai Bahadur Lala Brij Kishore** : Sir, I am very thankful to the different Members of this House who have taken the trouble to support this Resolution. I am also glad to know that the dangerous doctrines enunciated by Mr. Joshi have not been subscribed to by other Members of this House and a sufficient reply to his arguments has been ably given by my friends, Mr. James and Sir Cowasji. I am also glad and am thankful to Mr. Bajpai for the sympathetic reply which he has given and also for his promise to forward a copy of this debate to the Joint Parliamentary Committee. I think it would be more forcible if this Resolution is carried unanimously and then sent to the Joint Parliamentary Committee. There are no other points which require any reply. I, therefore, do not wish to waste the time of the House and I commend this Resolution for your acceptance.

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

“ That this Assembly recommends to the Governor General in Council to take steps to get incorporated in the new Constitution a provision to the effect that the proprietary rights of any citizen in the land should not be taken away for any reason whatsoever without the payment of adequate compensation.”

The motion was adopted.

#### RESOLUTION *RE* ADMISSIONS TO THE MILITARY ACADEMY.

**Mr. B. N. Misra** (Orissa Division : Non-Muhammadan) : Sir, I beg to move the following Resolution that stands in my name :

“ That this Assembly recommends to the Governor General in Council :

- (1) that steps be taken to increase the number of admissions to the Military Academy both by direct examination as well as by selection from the ranks ;
- (2) that if this be not found practicable at present, steps be taken to increase the number of admissions by selection from the ranks and especially from the ‘ Y ’ cadets before they pass the age-limit.”

Sir, my object in putting this Resolution before the House is to draw its attention to the unsatisfactory and slow pace we are going on with the *Indianisation* of the army. Honourable Members know that at present we are taking 60 cadets a year by both direct examination and selection from the ranks and, if the annual recruitment of Commissioned Ranks in the Indian Army be approximately 120, we can ultimately only aspire to a 50 per cent. ratio of Indians to British Officers at the most and that in not less than a period of 25 years. This is quite simple arithmetic. Now, Sir, I ask the House to consider this position fully. I maintain that unless the pace of Indianization is more than 50 per cent. of the annual recruitment, it is absolutely impossible to achieve our object, namely, the Indianisation of the Indian Army within a reasonable distance of time. If the objective before all of us is to achieve the status of a Dominion, any scheme of Indianisation of the army, which we are working, at present, or which may be drawn up in the future, must have a direct relationship to that objective. To be frank, I want to know whether the present pace of Indianisation, which leads us only to 50 per cent. after a period of about a quarter of a century from now, satisfies the legitimate

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wishes of the people of India. Unless more vigorous steps are taken, it will remain a pious hope. We, as responsible public men, do urge upon the Government that a scheme must be prepared so that public opinion may be satisfied that there is a reasonable chance of the Indian Army being Indianised within a reasonable distance of time and the responsibility of self-defence being made over to the Indian Parliament at some time or other in the near future.

Sir, the question, therefore, is that the number of admissions to the Indian Military Academy be *increased* to more than half the number of vacancies that occur every year, so that the objective, namely, the Indianisation of the Indian Army be achieved within a reasonable distance of time. I do not want to limit the qualification of the Indian Cadets. You can put them to a thorough test. I do not desire the efficiency of the Army to be in the slightest degree impaired, because we shall be putting in their hands the property and the lives of 35 crores of men. I am for very rigorous and strict tests of their capacity. But, what I cannot understand is that, with an ample material and a heroic history behind us, it is thought that we cannot produce 120 boys per year from amongst nearly one quarter of the world's population who will be able to stand the most rigorous and strictest test of efficiency before they are granted King's Commissions. Sir, the lessons of the Great War are not yet forgotten nor will they be ever forgotten. Our soldiers stood the horrors and the gravest consequences of the War as well as any other nation of the world and they proved their mettle. You can have no better test of endurance and heroism.

I wish to refer to the scheme adopted by the Government of India in 1922 which contemplated complete Indianisation of the Indian Army within 30 years. Turning to Appendix I to that report, the number of commissions to be granted during the first 14 years according to that scheme annually averaged 81.4. The number to be granted during the second period averaged annually 182 and the number to be granted annually during the third period averaged 227 on an increasing scale. In this way the scheme contemplated complete Indianisation of the Indian Army in 30 years. Sir, I hold that there is no reason to think that the conditions which existed in 1922 have undergone such a material change that the same principle cannot be adopted now. With the development of the new political structure in India, the defence of India must to an increasing extent be the concern of the Indian people and not of the British Government alone and, in order to give practical effect to this principle, the rate of Indianisation in the Indian Army should be commensurate with the main object in view, having regard to all relevant considerations such as the maintenance of the requisite standard of efficiency. We must have more Indians in the Army. Our sole concern must be to have an increasing number of Indians in the Army. For so many years, only Europeans have been employed in the Army. Indians have not at all been encouraged. If they have been engaged, it is only as sepoy and not as officers. What I plead before you is that Indians must be officers in the Army. With these words, I move my Resolution.

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

“ That this Assembly recommends to the Governor General in Council :

(1) that steps be taken to increase the number of admissions to the Military Academy both by direct examination as well as by selection from the ranks ;

(2) that if this be not found practicable at present, steps be taken to increase the number of admissions by selection from the ranks and especially from the ‘ Y ’ cadets before they pass the age-limit.”

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : The Resolution is divided into two parts. The first part has been adequately dealt with by my friend, Mr. Misra. Therefore I need not refer to that portion of the Resolution. His Excellency the Commander-in-Chief in the other place explained the military policy of the Government of India and therein he said that the present was not the time for increasing the number of admissions into the Military Academy. This is not the place to criticise that declaration and I shall confine myself to the second part of the Resolution that—

“ if this be not found practicable at present, steps be taken to increase the number of admissions by selection from the ranks and especially from the ‘ Y ’ cadets before they pass the age-limit ”.

Admissions to the Military Academy are of cadets from two categories. Thirty cadets every year are admitted on the strength of a competitive examination and 30 more are admitted from the ranks. When the scheme was first started, it was feared that the supply of cadets from the ranks will not be sufficient for the 15 cadets wanted every six months. So the Government at that time took steps to induce capable young men to join the army and to qualify for admission into the Military Academy through the ranks and these young men who were specially induced to join the army are now described as the ‘ Y ’ cadets. A number of questions have been asked and answered on the floor of this House and the condition of recruitment of the ‘ Y ’ cadets has been fully explained to the Members here. It is evident that these ‘ Y ’ cadets were induced to join the army in the year 1930-31 and although no specific promise was made to them, expectations were raised in their minds that if they were properly recommended and if they pass the test that was required of them, they will have a preferential claim to be admitted into the Military Academy. But since the enrolment of these ‘ Y ’ cadets it was found by the army authorities that persons already recruited into the army and serving in the commissioned and non-commissioned ranks of the various regiments were also drawn from the properly educated classes and that they were also eligible for admission into the Military Academy. So, the fear that was at first entertained that a sufficient number of cadets would not be available was found to be unfounded and it was found that the supply from the ranks ordinarily recruited was nearly sufficient.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty vacated the Chair which was then occupied by Sir Leslie Hudson, one of the Panel of Chairmen.]

Now, a sort of a competition has arisen between the ‘ Y ’ cadets and the men who come regularly from the army. The ‘ Y ’ cadets joined the army with expectation of being sent up to the Military Academy ; but the recruits that were ordinarily recruited in the army did not join

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the army with that expectation. Their highest expectation was to rise to the Viceroy's Commission and at the end of their service to be Subedar-Major or Risaldar Major. Of course, according to the new rules they were perfectly legible for being sent to the Military Academy if they were found fit and I am glad and rather proud of the army that they are supplying men in sufficient numbers from the army to take up the vacancies in the Military Academy. But, Sir, on account of the unexpected supply from the regular army, the chances of the 'Y' cadets have been rather shaky and many of the parents of the 'Y' cadets are entertaining reasonable fears that perhaps at the end of three or four years their sons might be thrown out of the army. It is to ventilate this feeling of the parents that this Resolution appears to have been tabled by my learned friend. Sir, there were in all, as we were told here, 34 cadets recruited, out of whom about seven or eight have been already admitted into the Military Academy. Three have resigned and two or three are found to be not fit for the officer's job in the army. So, I am given to understand that about 20 candidates are yet awaiting their admission into the Military Academy. The recruiting of 'Y' cadets has been stopped since 1931 and no more cadets are now taken on those conditions. Therefore, this number is a very limited one and the second part of the Resolution asks Government to make special provision for these young lads. These young lads have mostly come from the colleges. They have joined the army in the lowest grade on the expectation that they will have an opportunity of serving their country by being sent to the Military Academy and afterwards serving in the officers' ranks. The military service is not a very remunerative service. The expenses of the officers are very heavy and it is found that at least in the first five or six years the salary that is paid them is not sufficient to maintain an officer. Therefore the parents or the guardians of the young officers have to supplement their salaries. So, from the pecuniary point of view the military service is not a very attractive one. These young men from the colleges have joined the service in the lowest rank and are roughing it not for the sake of lucre but for higher sense of service to their country. These young men were spending Rs. 50 to Rs. 70 a month in their college career and now they have to serve on Rs. 16 a month in the army with all the inconveniences and hardships to which a private is exposed. They are all doing it very courageously and it is very creditable to them. Now, I ask Government to see that they also discharge their duty by them. They were especially recruited and the commanding officers of the regiments to whom they were attached have been asked to submit quarterly reports about their work, and in the case of 20 cadets I am given to understand that the reports are almost satisfactory. It is for Government to see that they do something for these young men. I do not mean to say that the admission of the regular officers from the army to the Military Academy should be stopped in order to provide vacancies for these 'Y' cadets. It would be an act of injustice in the case of the ordinary officers who are found fit for the Academy. But, then, if Government finds it difficult to make provision in the number of admissions each six months to satisfy the claims of the officers from the regular army and of the 'Y' cadets, then the prayer of this House is that the number of admissions from the 'Y' cadets from the army should be increased in order to provide sufficient vacancies for the 'Y' cadets. This will be required to be done for a year or two and it will not be a permanent arrangement, because when these 20 cadets are



cleared off, then the regular admission of 15 officers from the army may be resumed. Therefore, we pray, Sir, that Government should take these things into consideration and send these 20 cadets to the Army as early as possible. This is the prayer that has been offered in the second part of the Resolution. These 'Y' cadets as well as the officers from the army have to be admitted into the Academy before they complete their 25th year. There is an age-limit. If this age-limit is passed before they are admitted into the Academy, then their whole career will be blighted and it is for this reason that this prayer is placed before Government.

**Mr. Chairman** (Sir Leslie Hudson) : The Honourable Member has one minute more.

**Mr. B. V. Jadhav** : At the same time, I pray that those persons who have been found or will be found unfit for the officers' ranks should also be provided by the military authorities in the Military Finance Department or some other civil employment, so that those boys who left their college career need not be sent away in search of other jobs. They have left their college career and cannot resume it. If they are now asked to resign the army, they will be thrown out of employment and their lot will be a hard one. Therefore Government should take steps to provide them with suitable jobs.

**Captain Sher Muhammad Khan Gakhar** (Nominated Non-Official) : Sir, I rise to make a few observations on the Resolution under discussion. At the outset, I wholeheartedly thank my Honourable friends, the Mover and Mr. Jadhav, for taking keen interest in improving the position of the Indian Army ranks. After all they have realised that something substantial must be done to improve the standard of education among the Indian army ranks. The Indian soldiers have proved in many battle-fields to be not inferior to any other soldier of the world. Before I proceed further, I wish to clear a doubt regarding "Y" cadets. I think in the minds of many Honourable Members there is a difference between "Y" cadets and Indian ranks. As far as I know, there is no "Y" cadets in the Indian army. The other day I asked a question to the Army Secretary about the definition of "Y" cadets. The Army Secretary said :

"As I attempted to explain the other day, the 'Y' cadet is the term used in this country and is a term applied to certain young men who went in for open competition of the army and failed to secure sufficiently high marks to get a place and were then given an opportunity of getting into the Indian army by entering some regiment or other as a sepoy and, thereafter, running their chance of securing cadetship in the Indian Military Academy."

In the Indian Military College Committee Report, paragraph 40, they have simply mentioned "Indian army cadet". They have sanctioned some privileges only for the "Indian army cadet", not for "Y" cadet. They say :

"We consider that like the army cadets at the academy the Indian army cadets should receive their education at the Indian military college free of charge."

They never mention the word "Y" cadet. I do not know how this expression has come to the minds of my Honourable friends. It is a very old expression which used to be prevalent in the British Army when the ranks were given Commissions in the Sandhurst and they were called "Y" cadets. But here, in the Indian Army, any young man who joins the Indian ranks is entitled to go for the examination and, if he

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receives a special certificate, then, on the recommendation of C. O., he is liable to be selected to go to the Indian Military College. In the second part of the Resolution, the Mover says :

“ That if this be not found practicable at present steps be taken to increase the number of admissions by selection from the ranks and especially from the ‘ Y ’ cadets before they pass the age-limit.”

I must bring to the notice of the Honourable the Mover that there is no “ Y ” cadet and, therefore, the Resolution should simply be “ by selection from the ranks of the Indian Army ”.

**Mr. B. V. Jadhav :** May I remind the Honourable Member that in the speech of His Excellency the Commander-in-Chief, on the 1st October last, at the opening of the Military Academy, he also used the term “ Y ” cadets.

**Captain Sher Muhammad Khan Gakhar :** No doubt the term is used. But there is no “ Y ” cadet officially recognised in the Indian army. As a matter of fact, the term is used for the Indian army cadet.

**Mr. B. V. Jadhav :** Then ultimately that term will cease.

**Mr. S. C. Mitra :** The term is well understood by everybody.

**Captain Sher Muhammad Khan Gakhar :** For the Indian army cadet there is some sort of standard of education laid down and that is called special certificate. If he passes the special certificate, he is entitled to be recommended for selection as an Indian army cadet. What I want to bring to the notice of my Honourable friend, the Army Secretary, is about the education of the Indian army cadets. In the open competition, they take the boys who come out of college with high education and, after selection, they go to the Indian Military Academy where there is a handicap to the Indian army cadets, because the latter have to compete with brother cadets who have very high educational qualifications. If my Honourable friends really want to improve the conditions and the position of the Indian army cadets, then they should support me in the following suggestions. Owing to a very keen competition for admission to the Indian Military Academy, very highly educated candidates, with a thorough grounding, by paid coaches of exceptional merits, appear for the Indian Sandhurst open competitive examinations, whereas candidates who have received education at the King George’s military schools, Jhelum, Jullundur and Ajmer, are generally in a disadvantageous position when competing against such candidates, owing to the fact that the education imparted to them by Indian officers employed in the military schools of Jhelum and Jullundur is out of date. The Indian officer instructors are not highly educated and have had no proper educational training and are, therefore, not fitted to instruct their students so as to enable them to compete with their fellow competitors. I, therefore, humbly suggest that the tutorial staff in the King George’s military schools of Jhelum and Jullundur should be civilians of highest educational qualifications preferably with up-to-date knowledge of their special subjects. I wish to point out that it will be possible to effect an economy in the expenditure of these schools in this way as the salaries now paid to the Indian officers would be in excess of what the civilian teachers will receive. The present standard of education, though much improved, since the last two years, falls much short of what is required for the

Indian Sandhurst competitive examination. I would add that one Indian officer and three or four non-commissioned officers should, however, be retained in the cadre of instructors for the purpose of drill, etc.

The second suggestion is this. It is a matter of sincere gratitude that the military authorities in India have recognised the services of the old Indian army by granting 50 per cent. of the King's Commissions to educated Non-Commissioned Officers serving in the Indian army, but most of the Indian officers, while appreciating fully the idea of Indian Army cadet, complain that no preferential treatment is meted out to their sons in the selection of the three vacancies which are entirely left in the hands of His Excellency the Commander-in-Chief in the competitive examination for admission to the Indian Military Academy and which they consider should go to the sons of the deserving Indian officers. They believe that owing to their services in the Indian army, during the long past and their sacrifices and achievements in upholding and even enhancing the reputation of the army, their sons are deserving of special preferential treatment as even now the rank and file in the army consists of their own kith and kin. They further request that, while selecting cadets from amongst the educated Non-Commissioned Officers of the Indian army, preference may kindly be given to the sons of the deserving Indian officers who have served the benign Government with great distinction. In conclusion, I hope my Honourable friends will have every sympathy to improve the conditions of the Indian army cadets. (Applause.)

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I had to do something with regard to the entrance of a certain candidate into the Indian Sandhurst and I, therefore, feel that having taken an interest in it I have certain views on this question.

Sir, the Resolution, as it is worded, only means that what is required is further and more Indianisation of the army. On this question it cannot possibly be denied that Government have made a beginning in order to recruit Indian officers into the army. But our complaint is that the process is very slow. It is a snail's pace and we do not know when we are going to achieve our ultimate goal of Indianisation. As it is at present, I find that there are so many technicalities and difficulties in getting into this Academy which may be called the Indian Sandhurst that it is high time that there should be encouragement given to the candidates to enter the Prince of Wales College and the Academy. Sir, I submit that that allegation, which was being thrown into our face that there is a dearth of candidates, is long past. There are plenty of candidates now and people are anxious to send their children into the Prince of Wales College and, if there are any difficulties there, they should be solved and encouragement should be given. Sir, I said I had to do something with the entrance of a certain candidate into the Indian Sandhurst. I know a case in which a certain candidate had been sent up. The procedure with regard to the Prince of Wales College is that a student should be under 12 years of age and that he has first of all to approach the District Magistrate of his district and get a certificate from him, which is rather not easy. Then, if he is fortunate in securing that certificate, he has to go to the Civil Surgeon. Of course I do not think there is much difficulty there. Then he has to go to the Provincial Government. The Provincial Government has to recommend him, and then only that candidate can come up for selection before His Excellency the Commander-in-Chief at Delhi. Now, you can

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take it from me, Sir, that influence is required to go through all this ordeal. It is not, as a matter of course, that the candidates are selected in that manner. Great influence has to be exercised and then only they can be sent for selection before His Excellency the Commander-in-Chief.

**Mr. G. R. F. Tottenham** (Army Secretary) : Sir, may I interrupt the Honourable Member for one minute ? The Resolution before the House deals with admission to the Indian Military Academy at Dehra Dun and has nothing whatever to do with the Prince of Wales College, which is merely a public school for preparation for the army. I thought I might remove that misapprehension because, from what Mr. Lalchand Navalrai was saying, the House might get the impression that entrance into the Academy was a matter of influence, and so on. Entrance into the Military Academy which we are now discussing is entirely by open competition held by the Public Service Commission.

**Mr. Lalchand Navalrai** : If my Honourable friend had waited a little, he would have found that I was coming to the Academy in a short time and show the Honourable Member what the difficulties were with regard to that Academy. My submission is that it is this Prince of Wales College which gives tuition to these young boys, keeps them for seven years and then sends them up for the Academy. The Prince of Wales College is a stepping stone to the Academy.

**Mr. G. R. F. Tottenham** : As a matter of fact, they do send a certain number of boys to the Academy, but the Government College at Lahore, for instance, and other different institutions have succeeded, I believe, in sending a larger number of candidates to the Academy than the Prince of Wales College at Dehra Dun.

**Mr. Lalchand Navalrai** : Therefore, I was within my rights in pointing out first of all the difficulties with regard to the Prince of Wales College.

Sir, to continue, I am much thankful to the Army Secretary who just got up to correct me. I said that there are certain technicalities in the way of candidates though I am thankful to the Honourable the Army Secretary for getting that boy, in whom I was interested, out of such a difficulty. I said that there was selection to take place before His Excellency the Commander-in-Chief. In that connection there are many difficulties that arise. In the instance which I have mentioned seven or eight candidates had to be selected from those recommended by the Provincial Governments. The boy in whom I was interested was not fortunate in getting the 8th place. It was given to somebody else and he was sent away. Then he had to appear in the next examination which was after six months. But just at that time he would have been about one or two days over age and, therefore, the parents, who were anxious to get that boy admitted into the Prince of Wales College, were very much exercised over this question. I had to approach the Army Secretary and he very kindly helped me in the matter. Fortune also favoured him and it so happened that the eighth boy who was selected did not appear at all so that there was a vacancy and he got it.

Well, Sir, what I wanted to point out was this that in encouraging these students to go into the Prince of Wales College and also to the Academy these small technicalities should not be stuck to. Then, the question, really covered by this Resolution, is that there should be an increase in the number

of candidates taken. To take only eight or nine students from outside is a very slow process towards getting Indian officers into the Indian army. Government, of course, are sincere in what they are doing about Indianisation, but they should see that it is made quicker, and that is the sole object of this Resolution. On this point, Sir, it will be very pertinent to refer to the statement of the Secretary of State, Sir Samuel Hoare, at the Round Table Conference on behalf of the British Government Delegation on the army question. I will quote a few passages and then ask what has been done since this statement was made and whether the assurance given by the Secretary of State has been implemented. He said :

“ Then there was the wider question of the case of Indianisation and there they were invited here and now to state a programme and to give almost an undertaking that at a particular date the whole of the Indian army would be Indianised. They could not act in that way. With the best will in the world nobody could give an undertaking of that kind. They had got to take into account a number of very important, and some of them rather obscure, factors.”

Then he made a statement of the difficulties with regard to the expenditure, military efficiency and some other. And now I will give the concluding portion of his speech : In the concluding portion he said :

“ Those were questions suggested to the Conference, upon which nobody could dogmatise at present ; the most they could do was to state quite categorically that their policy was a policy of Indianisation in as large a measure as was consistent with efficiency. They had shown their goodwill in setting up the Indian Sandhurst with very little delay and in quickening up the rate of the experiment upon which they were already engaged.”

Now, I would like to be enlightened by the Honourable the Army Secretary how that experiment has been carried out. He goes on further to say :

“ Let them not think that the Government had no programme and were simply drifting on. They had a definite programme, *vis.*, the Indianising of an Indian division and an Indian Cavalry Brigade and it was hoped that they would have other programmes of the same kind when they had seen how that experiment was going. As that experiment proceeded, if it proceeded satisfactorily, they would be able to have a more ambitious programme than that upon which they were now engaged.”

That was the statement made in 1932 ; and I would like to know how far that experiment has succeeded and how far we are now going to be put upon that ambitious programme.

**Mr. G. R. F. Tottenham :** Sir, as my friend, Mr. Jadhav, has pointed out, this Resolution falls into two parts : the Honourable the Mover dealt very clearly with the first part, and Mr. Jadhav, if I may say so, dealt even more clearly with the second part and explained the position of the ‘ Y ’ cadets in terms which were almost entirely accurate. I must deal with both parts of the Resolution. I take it that the object of the first part of the Resolution is to recommend that the number of admissions into the Indian Military Academy should be increased on the ground, so far as I understand it, mainly that the supply of suitable candidates now largely exceeds the demand. Even if that fact were true—and I do not deny that it would be possible to get a larger number of youths who would be capable of passing the entrance examination than the thirty a year which is now the rule—I do not think that it follows for that reason alone that we should necessarily increase the number of admissions. It might as well be argued that the strength of the Indian Civil Service should be increased because there were a large number of boys in the country who had the brains to pass the examination for entrance into the Indian Civil Service. It has been repeatedly explained to this House that the intake for the Indian

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Military Academy is calculated exactly to carry out the programme of Indianisation which is now the declared policy of Government : that is to say, to supply a sufficient number of officers to Indianise one whole Division and a Cavalry Brigade with all the necessary ancillary services. The annual intake required for that purpose, after taking into account the normal wastage and also the fact that the number of fully commissioned Indian officers per battalion in future will be greater than it is at present owing to the fact that in the Indianised army of the future the Viceroy's commissioned officer will not be required,—the annual intake required for that purpose is 60 a year. If therefore we were to increase the number of admissions to the Indian Military Academy to 70 or 80 a year, it would mean that we should be getting more officers than we require for that purpose : in other words, the demand for an increased number of admissions to the Academy is in effect a demand for an alteration in the present policy of the Government of India in respect of Indianisation. We have periodical debates in this House, and there have also been debates in another place, on this question of the programme of Indianisation ; and I cannot add anything to what His Excellency the Commander-in-Chief said on March 6th in another place in dealing with this subject. What His Excellency then said was as follows :

“ The programme of Indianisation was recommended and agreed to by the Sandhurst Committee over which I presided. That policy, Sir, was not undertaken without the most careful thought on the part of everybody concerned, and for reasons which I have very often given, I think the House must realise that we cannot alter it at a moment's notice.”

He went on a little bit later to say :

“ It is when the present officers have had 6 or 7 years' more service and are commanding companies, squadrons and possibly batteries that an advance might come. In another 6 or 7 years is the time to accelerate Indianisation ; and I am perfectly certain that if these young men who are now serving in the Army show when they have got 14 years' service that they are fit to assume the responsibility, which I think most of them will be fit for, there will be no question but that Indianisation will be very rapidly increased.”

Now, the time has not come to make that advance when the first batch of cadets has not yet passed out of the Indian Military Academy, and that brings me to another point in the first part of the Resolution. It seems to be assumed that because there is an ample supply of young men who are capable of passing this entrance examination, therefore they must *ipso facto* be suitable material to make military officers. That, I think, is a very large assumption to make. In fact it begs the whole question ; and I do think it is necessary to sound a note of warning against undue optimism in this respect. I have no doubt, at least I think, that if I had tried very hard I might myself have succeeded in passing any of the army examinations at home : but I very much doubt whether I should personally ever have made a good military officer. The passing of the entrance examination is merely the first step on the ladder, and there are many rungs which have to be climbed before a man can prove his worth as a military officer. Even as it is, we have had some rather disquieting reports from the Commandant of the Indian Military Academy as to the quality of the candidates who have already succeeded in getting admission to that Academy. The Commandant, Brigadier Collins—and I am sure that every one who knows him will agree that no officer could be more sympathetic towards Indian aspirations and more whole-hearted in his determination to make

the Academy a success—has, as I say, reported that there is a very large difference between the quality of those candidates who get in at the top of the list and those who get in at the bottom of the list. The ones who get in at the top are very good, but of those who get in at the bottom some have already found the curriculum at the Academy too much for them. One or two have already had to drop out, and a few more have had to be put back for a term at least. We are making good these deficiencies so as to keep the Academy up to its full strength and not to retard in any way the progress of Indianisation ; but that does give some indication that the standard that we have at present set for qualifying for entry into the Indian Military Academy is on the low side, and that we may have to think about raising that standard.

Now, Sir, I must come to the second part of this Resolution which deals with the number of entries from the Indian Army and particularly with the question of ' Y ' cadets.

4 P.M.

What I have already said about increasing the total number of admissions to the Academy applies equally of course to increasing the number of Indian Army cadets. The only way that we could increase the number of Indian Army cadets would be at the expense of the open competition candidates, and I think the House as a whole will agree that that would be a most unfair step to take. I hope I shall also be able to show that it would be equally unfair to increase the number of vacancies for these ' Y ' cadets at the expense of the other Indian Army cadets. Now, Sir, there has been a good deal of talk about the term ' Y ' cadet. It is merely a convenient term to apply to a number of young men who, as I explained the other day, went in for the open examination for the Indian Military Academy and failed in the written papers to qualify at that examination, but who managed to catch the eye of the members of the Interview and Record Board at the time as being likely to prove good officers, if they really and honestly wished to join the army. Although, therefore, many of them did not come from families with military traditions,—and they were perhaps of a somewhat higher social standard than those who generally join the Indian Army as sepoy,—they were given a chance of gaining admission to the Indian Military Academy by securing one of these Indian Army cadetships, by being offered the opportunity of joining the army in the ranks as a sepoy.

Now, Sir, it seems to be assumed by my friend, Mr. Jadhav, that these young men were definitely induced to join the Indian Army and that they were given some kind of promise that if they did well they would ultimately get a commission or at any rate admission into the.....

**Mr. B. V. Jadhav :** What about the expectations raised in them ?

**Mr. G. B. F. Tottenham :** That is not true, Sir. I have here with me the actual letter written to these so-called ' Y ' cadets in 1931. It begins by saying :

“ The Interview and Record Board before which you appeared in June last has brought to the notice of Army Headquarters that you are anxious to join the Army with the object of gaining through the ranks a nomination for the military college.”

The letter then goes on to lay down the various terms and conditions under which they would be allowed to join the army and ends up by saying :

“ You must distinctly understand that no promise of any kind can be given to you. Your progress will depend upon your conduct, industry and the attention you pay to your duties ”

and so on.

[Mr. G. R. F. Tottenham.]

Now, Sir, I myself, and I think all the army authorities have nothing but respect and admiration for these young men. I think, Sir, that they showed considerable grit and determination in choosing this chance and deliberately undertaking a fairly hard life for several years in the hope ultimately of obtaining commissions in the army ; and I say, Sir, if they stick to it and succeed, all honour to them. But, Sir, they must not complain. That is not a way that they have in the army, and complaints, if they are unjustified, will do no good to anybody, and certainly will not do them any good. They went into this with their eyes open ; they knew that their success must depend entirely upon their own efforts. All that they were promised was a fair field and no favour, and I can assure the House that that promise is being strictly adhered to. As I explained the other day in this House, the officers at Army Headquarters receive periodical reports from the Commanding Officers on these young men,—I have seen those reports myself,—and I can assure the House that they are very careful and sympathetic reports, and that there is no trace of prejudice of any kind in them.

The facts are that, there were altogether 34 originally of these so-called ' Y ' cadets. Four of them were selected in 1930, and all those four have now got into the Indian Military Academy. In 1931 we selected a further batch of 30. Four again have succeeded in gaining admission into the Academy, three of them have retired at their own request thinking that they can do better elsewhere, and four of them have been discharged as unsuitable. That leaves 19 altogether who are still serving with their units. None of these young men have had more than two years' service in the army ; they still have several years to go before there is any possible danger of their being over-age, because the age limit in their case is 25. I do not think, Sir, that they have any right to consider, merely because they have had two years' service in the army, without any previous military experience, that they are the complete soldier already, or that they are in some way superior to the ordinary man who joins the Indian Army in the ordinary way. Many young men nowadays of a comparatively high educational standard do join the Indian army in the ordinary way. I know of several boys with university degrees who have joined as sepoy, and therefore it is a fact that these ' Y ' cadets have a fairly severe competition against them in the Army.....

**Captain Sher Muhammad Khan Gakhar** : May I know, Sir, who is the authority who enlists these ' Y ' cadets ? Has the Commanding Officer of a regiment the authority to do it ?

**Mr. G. R. F. Tottenham** : As I have explained, they were given certain terms of enlistment on the recommendation of the Public Service Commission. They were recommended to particular Commanding Officers who took them on in the ordinary way as sepoy and on the recommendation of the authorities at Army Headquarters.

**Captain Sher Muhammad Khan Gakhar** : If they are qualified, are the Commanding Officers authorised to take them in their regiments ?

**Mr. G. R. F. Tottenham** : They were not compelled to do so, but they agreed to do so.



Now, Sir, as I was saying, the standard of education in the Indian Army generally seems to be a good deal higher than we ourselves had reason to expect some years ago. We have been rather pleasantly surprised and I can assure my friend, Captain Sher Muhammad Khan, that the Indian Army Cadets at the Military Academy have had no difficulty so far in holding their own with the open cadets. We always have our eyes open to the need of providing adequate educational facilities in order to give these young men in the army a fair chance of getting cadetships at the Academy. The suggestions he has made for improvements at the King George's schools will certainly be taken into consideration. But my point is that it would be grossly unfair to the ordinary Indian Army man to give these particular 'Y' cadets any form of preference whatever in the matter of allotting vacancies at the Military Academy. The only complaint, Sir, that I can possibly see that these young men could have is that it would be unfair to keep them on in their units for too long if they were definitely unsuitable for vacancies at the Academy. On that account, we have recently asked Commanding Officers,—after all these young men have been in their units for two years and Commanding Officers should by this time have formed an opinion of their character and should be able to say of most of them whether they are likely to be unsuitable,—we have asked the Commanding Officers to inform the 'Y' cadets, whom they consider unsuitable, of the fact, as soon as possible, so that they may have an opportunity of taking up some other walk in life. Those who remain will have a very fair chance, indeed a very good chance, of eventually getting into the Indian Military Academy, provided that they are not too impatient about it and continue to do their best in their regiments. In fact, as I said the other day in answer to a question, I can assure the Honourable Member that the claims of the persons in question will receive every possible consideration at the hands of the military authorities, and that every effort will be made to give nominations to the Indian Military Academy to those who prove themselves likely to make good officers.

I am afraid, Sir, I can say no more than that, but what I have said will, I hope, convince my friend, Mr. Jadhav, and the other supporters of this motion, that the 'Y' cadets are being given a fair chance; and if that, Sir, is the portion of this Resolution to which my friends attach the greatest importance, I would ask them to accept my assurance that everything possible is being done in the matter and that there is no real cause for complaint.

**Mr. B. N. Misra :** May I say that the Army Secretary has not referred to the 50 per cent. Indianisation about which I put a question ?

**Some Honourable Members :** Withdraw the Resolution.

**Mr. B. N. Misra :** I beg leave of the House to withdraw the Resolution.

**Mr. Chairman (Sir Leslie Hudson) :** Has the Honourable Member leave of the House to withdraw the Resolution ?

**Honourable Members :** Yes.

The Resolution was, by leave of the Assembly, withdrawn.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

RESOLUTION *RE* GRIEVANCES OF THE TRAVELLING PUBLIC  
ON THE ASSAM BENGAL RAILWAY.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Diwan Bahadur Harbilas Sarda has authorised Kumar Gopika Ramon Roy to move the Resolution standing in his name.

**Kumar G. R. Roy** (Surma Valley *cum* Shillong : Non-Muhammadan) :  
Sir, I beg to move the following Resolution :

“ This Assembly recommends to the Governor General in Council that immediate and adequate steps be taken by the Railway Board to redress the various grievances of the general travelling public and particularly of the public travelling by the Assam Bengal Railway.”

Sir, it has been my lot again to whisper in the ears of the Honourable Member in charge my woeful tale. I will whisper in the ears of the Commerce Member the woeful tales of my constituency with regard to the Assam Bengal Railway times without number till their grievances are redressed. His predecessor, the Honourable Sir George Rainy, assured me in 1931, in the conclusion of his speech, with these words :

“ I hope my Honourable friend, the Mover, will be satisfied that we will look into the points he has raised to see what we can do.”

But, to my utter disappointment, I have again to repeat that no appreciable redress of our grievances has been made except one, and that is also partly.

Sir, I represented to the House various grievances on the Assam Bengal Railway out of which only one has been partly redressed, and that in connection with the bath of the upper class passengers. Mr. R. L. Bliss, the Agent of the Assam Bengal Railway, writes and informs me in his letter No. E.P.337 of October, 1931.....

**An Honourable Member** : 1931 ? 1931 ? It is 600 years !

**Kumar G. R. Roy** : Sir, we may have to wait for more than a century to have our grievances redressed ; we may have to wait for even 600 years :

“ With reference to your interview with me on August 6th, 1931.

Important junction stations have bath rooms equipped with bath and cold bath can be obtained but if hot water is required special arrangements would be required to be made with Station Masters concerned.”

All the rest have gone from bad to worse, the details of which I will submit, later on, before the House. This is just why I am going to repeat that I will, like Dickens's character, whenever I meet the Honourable Member, whisper into his ears times without number the most uninteresting piece of information and he may sneer like the “ Lady of Love ” “ Willis is barking ”.

Sir, in order to expedite the removal of the grievances on the Assam Bengal Railway, I personally went to Chittagong to see the Railway Agent and to explain matters to him by discussion there. I saw him on the 6th August, 1931, and explained matters in detail. Perhaps Honourable Members in this House do well remember the innumerable grievances I mentioned on the floor of this House. One of them was raised platforms with sheds in the stations. The Agent told me that, owing to the scarcity of funds, the question of raised platforms could not be considered. I requested him to proceed with the work gradually, though not all at a time, in one or two stations every year. He told

me, if I remember aright his wordings, that "Blue Pencil" would go in Delhi and Simla from one end of the paper to another straight off if he proposed any expenditure on the raised platforms question, while, Sir, for the convenience of the passengers, to construct raised platforms in one or two stations may mean a nominal expenditure of Rs. 1,000 to Rs. 2,000 only.

May I ask the Honourable Member in charge of Railways, how much he did sanction to set up electric installation at Badarpur junction during these financial crisis and for whose convenience? Perhaps it will be amusing.....(Laughter.) There are no laughing stocks here. Perhaps it will be amusing for Honourable Members to note that, after the departure of 10 Down at 19 hours 47 minutes from Badarpur junction, there is no other train in the night. The first train that arrives in the morning at Badarpur is the 9 Up at 6 hours 14 minutes. This is one of the finest specimens of the strictest economy that is observed by our pet darling, the Assam Bengal Railway, and this is how the Railways in India rise to the public grievances. A perusal of the "Assam Bengal Railway Time Table" will bear me out. Here is the guide.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : Does the Honourable Member mean to present me with a copy, or does he lay it on the table?

**Kumar G. R. Roy** : It is for the Honourable Member's ready reference, because I will refer him to many instances out of this guide. This is how one of the most important public necessities was rejected at the outset in the interview on the ground of financial stringency. For the railway platform in the Assam Bengal Railway Stations, the Honourable Mr. Susanka Mohan Das, my successor in the Assam Legislative Council, has raised his voice, but he was referred to this poor Member who has started barking since 1931, and is going on barking still.

Perhaps Honourable Members in this House have not forgotten that I represented in the House that one of the causes of the frequent flood in the Chargola and Longai Valleys was the silting up of the rivers Chargola, Longai and Poamara and that for the construction of the bridges by the railway which was interrupting the free flow of the water in the rainy season. I raised that question in the same interview with the Agent at Chittagong and here is the reply of the Chief Engineer of the Assam Bengal Railway which has been forwarded to me by the Agent with a forwarding note No. E.P.|210, dated Chittagong, the 29th September, 1931. The letter runs thus :

"Dear Sir : Silting of the Longai and Chargola. At the interview you had with me in my office on 6th August, 1931, you stated that due to silting at the Longai and Chargola bridges the free flow of water is impeded. I enclose a copy of my Chief Engineer's letter No. W.|7/8|20, dated 23rd September, 1931, in this connection from which it will be seen that silting up is due to natural causes and not to the bridges themselves."

I am also tempted to read the contents of the Chief Engineer's letters which run as follows :

"Alleged silting of the Longai and Chargola. Your No. E.|337, dated 8th August, 1931. The bed of the Longai at the main line bridge has a greater average depth now than when the bridge was built. The Chargola does show some silting which is due to

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natural causes and not to the bridge. The Chargola is not a very active river and there have been complaints about its deterioration up the valley for many years. In the 1929 flood there was no appreciable current and practically still water under the bridge, the discharge passing by the Puamara Bridge to the Longai and a similar state of affairs existed in the 1916 flood. Under these conditions, some silting is to be expected."

Though the Chief Engineer of the Assam Bengal Railway has followed the principle of *suppresso veri*, still he had not the heart to fully repudiate the allegations I made on the floor of this House in 1931. The Chief Engineer has plainly confessed that there have been "complaints about its (Chargola river) deterioration up the valley for many years". He has also confessed that the Chargola does show some silting up which is due to the natural causes and not to the bridge. But, Sir, who is to arbitrate into the grievances if we go for redress against a railway question to the Member in charge of Railways, who is enjoying tranquillity in the salubrious climate of Shillong and who has no chance of losing a straw of his own in the flood, will promptly rise on his legs and reply that Assam Bengal is a "Company-managed" railway and that he has no control over it. The matter may be placed before the Central Legislature. So he is helpless to give us any relief there. So I tried to soften the heart of the Honourable Member in charge here, but we had no redress except the hollow words of solace. Recently in August last, flood has again threatened the Chargola Valley.

Sir, Railways, be they Government or "Company-managed", might be the pet child of the Government here and Government there (in Assam). But inundation by repeated floods is a life and death question to the inhabitants of Chargola and Longai Valleys. Is it too much if we expect that the Honourable the Member in charge of the Railways will rise adequate to the occasion and make a thorough inquiry into the causes of floods that frequent in the Surma Valley by which we are going to face extreme poverty gradually.

Sir, on the interview with the Agent at Chittagong, I represented to him the dire necessity of removing the Phakhoagram station from its present site to a more convenient and safe place. The Agent told me that he will inquire into the matter and let me know his decision. I have already said that I went to see him in the beginning of August, 1931, but I did not get a reply till February, 1932, on this subject. Seeing the unusual delay to get a reply, I wrote to the Agent on the 25th January, 1932, No. A.-103, and it runs as follows :

"My dear Mr. Bliss, I came to learn from reliable sources that you are going to construct a permanent structure of Phakhoagram Railway station on the Chargola Railway branch of your railway. Perhaps you remember that when I went to Chittagong and met you on the 6th August, last year, I requested you to remove the Phakhoagram station from its present site to the vicinity of your telegraph mileage Mark 258|3 or 258|4, that is near Noa Nabin village. This site will be highly convenient to the travelling public of your railway from the both eastern and western bank of the Son Beal. This site will be convenient for both rainy season and winter traffic too. I am sure it will be convenient for goods traffic and not only for passengers. The boat will be within a few yards of the Railway station if the station is constructed to my suggested site. Almost all the railway earnings of Phakhoagram are derived from my Estate and my tenants, and as a flag station I think the income of Phakhoagram is not negligible on the K. L. V. and Chargola line. I would also suggest, if you kindly accede to my suggestion of site, for the Phakhoagram station to create a siding on the said station. It is highly inconvenient for us to get goods loaded or unloaded

on the present site where Phakhoagram station is situated. For these inconveniences we get our goods by boats from Karimganj. The principal inconveniences and disadvantages of the present site of the Phakhoagram station are the following :

- (1) There is no road to go to the present Phakhoagram station except by the railway line by both sides of which there are narrow strips of paths. From my personal experience I am of opinion that there is every likelihood of serious accidents to the pedestrians who alight at Phakhoagram or entrain there. The people in this part of the country, I hope you will realise, have little experience of travelling on foot side by side with a running train, and there is every possibility of their being run over by a running train. The passengers from the eastern bank of Son Beal are to walk from Noa Nabin village, that is to say, the telegraph post 258½ to Phakhoagram station, that is about a distance of half a mile or above. Perhaps you will agree that this is undoubtedly a very dangerous practice to which the travelling public have no other alternative but to indulge.
- (2) There is a railway bridge of two spans which is also to be crossed and which has neither any foot path by the side nor the slippers are covered by anything and the travelling public, from the eastern bank of Son Beal and Noa Nabin village, have no other alternative but to cross the bridge over the slippers. Would you kindly imagine what would be the fate of the poor pedestrians if they slip down from the railway slippers over the bridge or if a running train meets the pedestrians on the middle of the bridge? The bridge is considerably high and the bed of the Phakhoacherra is covered with big slabs of stones.
- (3) The evening train from Karimganj to Dullavcherra arrives at Phakhoagram station at about 9 P.M. and the present Phakhoagram station, being situated within the hills and jungles, is frequented by tigers just after the departure of the train. This fact, I hope, will be corroborated by the Station Master of Phakhoagram. In fact, my tenants have reported to me several times that they met the king of the forest on the railway road and they escaped with their lives by the help of country torches and shoutings. Perhaps you will also agree that this is not also desirable that a railway station should be located in such a dangerous place if it can be avoided and that by a nominal expenditure. All these dangers could be avoided if the station is removed to my suggested site.
- (4) Of the womenfolk who intend to travel by the railway from Phakhoagram, I hope you will be able to imagine what it means.

Under the circumstances, I hope you will give my suggestion your kind consideration and select the site I have proposed for the New Phakhoagram station for which myself with my tenants will be highly obliged."

To this letter the Agent replied by his letter, demi-official No. A. 918, dated the 3rd February, 1932, as follows :

" Your letter of 25th January. There is at present no intention to construct a permanent station building at Phakhoagram Railway Station.

2. If it is decided to do so at some future date or to move the present station building, your suggestions will receive careful consideration.

3. I regret very much that you were not informed of my decision not to move the existing station."

Sir, I am placing on the table a map for the Honourable Members to form an opinion as to what amount of apathy the Assam Bengal Railway Administration shows towards the inconvenience of the travelling public. I want this map\* to go in the proceedings of the House. In this map Honourable Members will find the dangerous position through which the Assam Bengal Railway compels the passengers to travel. Sir, by the side of the Railway bridges I have seen notices with the inscription " Trespassers will be prosecuted ", but the Assam Bengal Railway has forced the passengers to travel over the Railway bridge

\*Not included in these Debates.

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and that at a Railway curve. In the map I have also shown my proposed site where the station could be conveniently removed. Sir, my apprehension of falling from the railway bridge at Phakhoagram has been a reality. On the 28th December, 1932, a peon of mine named Gokul Namasudra received serious injuries by falling from the Phakhoagram station bridge. The poor fellow had to remain in the Karimganj hospital for nearly a month and a half and now he has come out of the hospital with one hand practically useless for any work. The morning following I sent the following telegram to the Agent :

“ My peon, Muktarempore Gokul Namasudra, received serious wound by falling from Phakhoagram station bridge last night while going to escort officers from station, please note.”

Sir, I received no reply to my telegram from the Agent nor do I know of any inquiry being made into such a serious accident. Neither did he think it worth while to take any notice of the injured man in the Karimganj hospital, if not from any other consideration at least from the humanitarian point of view. Perhaps the House will be eager to know what will be the approximate expenditure of removing the station. The Phakhoagram station is a hut having a bamboo split roofing, bamboo split wall and bamboo posts. In any case, it will not cost more than Rs. 200 to build such a new hut. The removal of the station to my proposed site would not have cost more than Rs. 100. Having lost all hopes about the removal of this station, I tabled a Resolution on the 22nd July, 1932, reading as follows :

“ This Assembly recommends to the Governor General in Council that immediate steps be taken to remove the Phakhoagram railway station on the Karimganj Dullavecherra section to a more suitable site.”

But I regret very much to bring to your notice, Sir, that since then I have not received any opportunity to ventilate the grievance of my constituency on the floor of this House. I also requested verbally Mr. S. C. Das, the District Traffic Superintendent, Badarpur, to cover the sleepers on the bridge with a few corrugated sheets for the pedestrians to walk over the bridge with some safety. The District Traffic Superintendent informed me later orally that the covering of the railway sleepers was not permissible under railway rules as it might mean that the railway allowed the bridge for the thoroughfare of the pedestrians. What a nice logic ! They will compel the passengers to travel over the bridge and the railway line as there is no other alternative but to proceed from Noa Nabin village to Phakhoagram, but they will not cover the bridge for the safety of the travelling public. We are having a railway of such “ Neroisms ”. Let us die by falling from the bridge, break our heads and limbs, but the “ Nero ” of Chittagong will fiddle on his harp as merrily as ever. I do not know if any other Honourable Member of this House can cite similar illustrations of railways in any other part of India. My Honourable friend, the Honourable Mr. Abdul Matin Chaudhury, is absent today. He had the pleasant experience of the Phakhoagram station and, if he were here, he would have borne me out. But here is our Commissioner, the Honourable Mr. Hezlett, to whom I had the good fortune of showing this Phakhoagram station and the conditions there while he was travelling in the train with His Excellency the Governor of Assam last August. I came out

to show him the awful plight of the passengers in the early part of a morning and I was compelled to rouse him from his sleep and show him the exact condition. I hope he will kindly bear me out what I say now. I pause for a reply.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member's time is up. But in view of the importance of the subject, I would allow him to continue his speech on the next occasion. The House will now adjourn till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 8th September, 1933.