

15th February, 1933

THE  
LEGISLATIVE ASSEMBLY DEBATES  
(Official Report)

Volume I, 1933

*(1st February to 21st February, 1933)*

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FIFTH SESSION  
OF THE  
FOURTH LEGISLATIVE ASSEMBLY,  
1933



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1933

# Legislative Assembly.

## *President :*

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E. (Upto 7th March, 1933.)

THE HONOURABLE MR. R. K. SHANMUKHAM CHETTY. (From 14th March, 1933.)

## *Deputy President :*

MR. R. K. SHANMUKHAM CHETTY, M.L.A. (Upto 13th March, 1933.)

MR. ABDUL MATIN CHAUDHURY, M.L.A. (From 22nd March, 1933.)

## *Panel of Chairmen :*

MR. HARI SINGH GOUR, KT., M.L.A.

MR. ABDUR RAHIM, K.C.S.I., KT., M.L.A.

MR. LESLIE HUDSON, KT., M.L.A.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

## *Secretary :*

MR. S. C. GUPTA, C.I.E., BAR.-AT-LAW.

## *Assistants of the Secretary :*

MR. MUHAMMAD RAFI, BAR.-AT-LAW.

MR. BAHADUR D. DUTT.

## *Marshal :*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

## *Committee on Public Petitions :*

MR. R. K. SHANMUKHAM CHETTY, M.L.A., *Chairman*. (Upto to 13th March, 1933.)

MR. ABDUL MATIN CHAUDHURY, M.L.A., *Chairman*. (From 22nd March, 1933.)

MR. LESLIE HUDSON, KT., M.L.A.

MR. ABDULLA-AL-MAMÜN SUHRAWARDY, KT., M.L.A.

MR. B. SITARAMARAJU, M.L.A.

MR. C. S. RANGA IYER, M.L.A.

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# CONTENTS.

VOLUME I.—1st February to 21st February, 1933.

PAGES.	PAGES.
<b>WEDNESDAY, 1ST FEBRUARY, 1933—</b>	<b>MONDAY, 6TH FEBRUARY, 1933—</b>
Address by His Excellency the Viceroy to the Members of the Legislative Assembly .. .. 1—8	Member Sworn .. .. 179
Members Sworn .. .. 9	Questions and Answers .. 179—236
Questions and Answers .. .. 9—43	Motion for Adjournment <i>re</i> Restora- tion of half the cuts in the sala- ries of public servants—Ruled out of order .. .. 237—40
Motion for Adjournment <i>re</i> Execu- tion of Narsingh Prasad Bhabani and two others—Talked out 43—46 66—88	Statements laid on the Table .. 241—44
Death of Sir Willoughby Carey.. 46—47	The Hedjaz Pilgrims ( <i>Muslims</i> ) Bill—Presentation of the Report of the Select Committee .. 245
Governor General's Assent to Bills 47	The Children (Pledging of Labour) Bill—Passed, as amended .. 245—58
Message from His Excellency the Viceroy and Governor General .. 47	The Land Acquisition (Amend- ment) Bill—Referred to Select Committee .. .. 258—60
Statements laid on the Table .. 48—53	The Indian Railways (Amendment) Bill (Amendment of section 51)— Referred to Select Committee .. 261—80
The Indian Marine (Amendment) Bill—Introduced .. .. 54	The Auxiliary Force (Amendment) Bill—Referred to Select Com- mittee .. .. 281—83
The Indian Forest (Amendment) Bill—Introduced .. .. 54	<b>TUESDAY, 7TH FEBRUARY, 1933—</b>
The Indian Railways (Amendment) Bill—Introduced .. .. 54	Questions and Answers .. 285—313
The Repealing and Amending Bill —Introduced .. .. 54	Statements laid on the Table .. 313—20
The Indian Wireless Telegraphy Bill—Introduced .. .. 54	The Indian Marine (Amendment) Bill—Passed .. .. 320—23
The Payment of Wages Bill—In- troduced .. .. 55	The Indian Forest (Amendment) Bill—Passed .. .. 323—26
The Workmen's Compensation (Amendment) Bill—Appointment of two Members to the Select Committee .. .. 55	The Indian Railways (Amendment) Bill (Amendment of sections 108 and 131)—Discussion not con- cluded .. .. 326—62
The Children (Pledging of Labour) Bill—Discussion not concluded 55—66	<b>WEDNESDAY, 8TH FEBRUARY, 1933—</b>
<b>THURSDAY, 2ND FEBRUARY, 1933—</b>	Questions and Answers .. 363—97
Questions and Answers .. .. 89—135	Statements laid on the Table 397—415
Statement of Business .. .. 135	Resolution <i>re</i> South Indian Infantry Battalions—Withdrawn .. 416—55
Statements Laid on the Table .. 135—39	
The Indian Income-tax (Amend- ment) Bill—Referred to Select Committee .. .. 140—51	
The Hindu Marriages Dissolution Bill—Referred to Select Com- mittee .. .. 151—78	

PAGES.	PAGES.
<b>THURSDAY, 9TH FEBRUARY, 1933—</b>	<b>THURSDAY, 16TH FEBRUARY, 1933—</b>
Questions and Answers .. 457—70	Members Sworn .. 727
Statements laid on the Table 470—83	Statements laid on the Table 727—33
Statement of Business .. 488	Railway Budget for 1933-34 734—41
The Indian "Khaddar" (Name Protection) Bill—Circulated 483—86	Statement of Business .. 741
The Indian Limitation (Amendment) Bill—Motion to refer to Select Committee, negatived 487—503	The Wheat Import Duty (Extending) Bill—Introduced .. 741
The Code of Criminal Procedure (Amendment) Bill—Discussion on the motion to refer to Select Committee, not concluded 504—35	The Indian Income-tax (Amendment) Bill—(Amendment of section 4)—Referred to Select Committee .. 741—71
<b>MONDAY, 13TH FEBRUARY, 1933—</b>	The Indian Income-tax (Second Amendment) Bill—Referred to Select Committee .. 771—74
Statements laid on the Table 537—46	The Indian Wireless Telegraphy Bill—Referred to Select Committee .. 774—86
The Indian Medical Council Bill—Discussion not concluded 547—607	<b>MONDAY, 20TH FEBRUARY, 1933—</b>
<b>TUESDAY, 14TH FEBRUARY, 1933—</b>	Members Sworn .. 787
Member Sworn .. 609	Questions and Answers .. 787—824
The Workmen's Compensation (Amendment) Bill—Presentation of the Report of the Select Committee .. 609	Unstarred Questions and Answers 824—27
The Land Acquisition (Amendment) Bill—Presentation of the Report of the Select Committee .. 609	Statements laid on the Table 828—34
The Auxiliary Force (Amendment) Bill—Presentation of the Report of the Select Committee .. 609	The Ottawa Trade Agreement Rules .. 835—43
The Payment of Wages Bill—Circulated .. 609—21	General Discussion of the Railway Budget .. 844—56, 857—87
The Indian Medical Council Bill—Discussion not concluded .. 621—67	Message from H. E. the Viceroy and Governor General .. 857
<b>WEDNESDAY, 15TH FEBRUARY, 1933—</b>	Appendix .. 889—90
Panel of Chairmen 669	<b>TUESDAY, 21ST FEBRUARY, 1933—</b>
Committee on Petitions .. 669	Questions and Answers .. 891—929
Resolution re Grant of War Pensions to Indian Soldiers—Withdrawn .. 669—703	Short Notice Question and Answer 929—31
Resolution re Policy and Administration of Indian Railways—Withdrawn .. 703—21	Message from the Council of State 931
Resolution re Release of Mr. Gandhi, Mufti Kifastullah and other Political Prisoners—Discussion not concluded .. 721—26	Bill passed by the Council of State 932
	The Railway Budget—List of Demands— .. 932—76
	Demand No. 1—Railway Board 932—76
	General Policy and Administration of the Railway Board .. 932—76

# LEGISLATIVE ASSEMBLY.

*Wednesday, 15th February, 1933.*

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The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

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## PANEL OF CHAIRMEN.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I have to inform the House that under Rule 3(1) of the Indian Legislative Rules the Honourable the President of the Legislative Assembly has been pleased to nominate Sir Hari Singh Gour, Sir Abdur Rahim, Sir Leslie Hudson and Mr. Muhammad Yamin Khan on the Panel of Chairmen for the current Session.

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## COMMITTEE ON PETITIONS.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I have to announce that under Standing Order 80(1) of the Legislative Assembly Standing Orders the following Honourable Members will form the Committee on Petitions:

Sir Leslie Hudson.

Sir Abdulla-al-Mámün Suhrawardy.

Mr. B. Sītaramaraju.

Mr. C. S. Ranga Iyer.

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## RESOLUTION RE GRANT OF WAR PENSIONS TO INDIAN SOLDIERS.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, the Resolution that has been balloted in my name reads thus:

“That this Assembly recommends to the Governor General in Council to appoint a Committee of this House consisting of four elected Members under the Chairmanship of the Army Secretary to enquire into:

- (i) the discontent among discharged and disabled soldiers and the widows and dependants of those who gave their lives in the Great War on account of non-grants and inadequate grants of pensions and other military awards; and
- (ii) the question of the forfeiture of pensions of many such persons on the recommendations of Local Governments on the ground of sympathy to and participation in political activities in spite of the fact that at the time of earning these pensions the Regulations prohibited such forfeiture;

and to make recommendations to remove the aforesaid grievances.”

[Mr. Muhammad Azhar Ali.]

This matter has been engrossing the attention of the public for a very very long time, ever since the war ended in 1919: we have been receiving soldiers after soldiers, battalions after battalions returned from the fronts where the sons of India fought side by side with the sons of Europe. Notwithstanding, it is a matter of great surprise that men in the army have been treated in the most shabby way that has been ever meted out to the armies in any part of the world. Agreements have been broken, contracts have been flouted; public opinion has been disregarded. As we find now, this is the condition of the poor, old and disabled soldiers of this country. (*An Honourable Member*: "Shame.") What can any Government expect in future, especially the British Government? God forbid that the time should ever come for another Great War. But, if such a time comes, how can India come to the rescue of the European countries or the mighty British Empire?

If I were to give the facts and figures, it will take up most of the time of this House and, therefore, I do not like to go very much into the details, but, as far as it is possible for me, I shall lay before this House the number of the people who have been discharged, who have been disabled and who are still roaming about the country without any relief from the Government. I know that there are Soldiers' Boards in every district: but, to our great surprise, those Boards have sometimes not only failed, but I know that there was a very serious case in my own province where some criminal cases were started on account of embezzlement of the pensions of these disabled soldiers. I find that out of the four lakhs of people who were disabled only about a lakh and a half are given relief by the Government. The wives and children of these disabled soldiers will not bless the Government, but will curse every one who has had a hand in the recruitment of these disabled soldiers.

I have here a publication entitled "India's Contribution to the Great War". In this I find that the Indian ranks, sent overseas to serve in the war theatre, were 1,096,019, out of which on the 31st December 1929, the total death casualties are shown by the Government as 53,865, and the total wounded casualties as 62,502. Now, comparing these various figures of casualties given in the "Official History of the War", you will find the total under heads—killed, missing, prisoners of war, died of wounds, diseased or injury,—if these are taken as one; and the total wounded, sick or injured less died of wounds, disease or injury—if they are taken according to the "Official History of the War", to be 7.89. Then, by applying the rule of three and using the above ratio, the total of wounded, sick or injured, less died of wound, disease or injury, comes to about four lakhs, whereas, in the Government statistics, as I have just mentioned, we find that these are only about 53,865. Why this disparity? Is it not fair and honest that this figure should be corrected, that this ratio should not be taken as an incorrect one, that the honour of the British Government ought to be kept up, that the inquiry should be made sufficiently honestly to give these people the relief which they are seeking from post to pillar.

I have been informed and I have it on authority that people have been trying and soldiers have been going from one place to another, but every door is closed to them; the Courts are closed to them; there are regulations to the effect that no suit against Government can be brought in the Civil Courts; although I know

hat at present there is a suit pending before the High Court, and the first or primary plea in that suit is that the High Court has no jurisdiction to decide these suits. They are thus driven from post to pillar and when they go to the Civil Courts, they are debarred by the regulations and enactments which are always changing. Is this the relief that the Government have given to these people who have laid their lives and for whom Government are always raising monuments everywhere in this country? We find a great many monuments erected to the memory of the old and disabled soldiers, but they are of no avail in the face of these facts. If I were to read here the extracts from all the questions that were put in this very House, it will be a very detailed list, but I will give a few. In the statement laid on the table on the 15th September, 1932, the Government say that the war pensions are chargeable to the British Exchequer and that the Government of India ought to have claimed a disablement pension for 438,596 casualties from the "War Office" or the British Exchequer, but it was not done. They say that the British Exchequer is liable to pay all these pensions and not the India Office. Sir, my contention is, why did not the Army Department claim this from the British Exchequer on the termination of the war, or even after the war was over, up till now?

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran: Non-Muhammadan): Blood is thicker than water.

**Mr. Muhammad Azhar Ali**: My friend says that blood is thicker than water, but the finances of the British Exchequer are not such that they cannot support these disabled soldiers.

Sir, the question of limitation has also been raised by the Army Department, and they say that these claims of the disabled soldiers and their widows are barred by limitation. Is this not a matter of conscience? Is this a matter of rules? Is this a matter of law, that you ask the people to lay down their lives for their country and in the defence of the Empire and then come forward and take shelter behind the plea of limitation? Sir, in reply to question No. 1544 of the 5th December, 1932, the Government admitted that there were no rules, that after a certain period the claims were barred. This is the position that I want to lay before this House so far as the disabled soldiers are concerned.

On the 12th February, 1932, by starred question No. 274, Sardar Sant Singh wanted to know whether it was not a fact that in many cases Medical Boards held on Indian ranks certified that the disability contracted on active service during the Great War was not attributable to field, foreign or ordinary military service, and whether about three lakhs of sepoys and their families remained without pensions. Government's answer to this was very unsatisfactory. The Army Department did not give a proper reply. In the "Ministry of Pensions Medical Review" as given in the "Official History of the War" (on page 315), death casualties (on all fronts) on the date of Armistice, 11th November, 1918, that is during 51 months of fighting amongst British troops excluding Dominion troops, were 750,000, out of a total of 6,000,000 who served, that is 12½ per cent. of the total. Against this, amongst the Indian ranks on the 31st December, 1919, that is during 65 months from the commencement of the war, death casualties, including missing and prisoners of war, are shown as 53,865, that is, less than 5 per cent. of the total who served in war theatres. It is not unreasonable to think that the proportion of death casualties amongst Indian ranks was by no means less than

[Mr. Muhammad Azhar Ali.]

the proportion amongst British ranks. Sir, in this connection I would like to read before the House a few appreciative remarks made by the late Lord Curzon. This is what he said :

"Without any hesitation, India sent her troops to fight Germany with whom she had no quarrel. Indians were not fighting for their own country or people, they were not engaged in a quarrel of their own making. The climate was entirely different to what they were accustomed to; they had to face severe northern winter. They had never before suffered shell fire, had no experience of high explosives, had never seen warfare in the air, were ignorant of northern trench fighting and were exposed to all the latest and most scientific developments of the art of destruction. They were confronted with the most powerful and pitiless military machines the world had ever seen. They were rushed to the battle field immediately, while the Canadian troops and British Territorials were despatched to the scene of action only after further training of several months".

Now, Sir, after these appreciative remarks, does it lie in the mouth of any one to say that these Indian soldiers lagged behind any one in the world in the theatre of war? Assuming, however, that the death and other casualties amongst the Indian ranks go by the same proportion as amongst the British ranks as given in the "Ministry of Pensions Medical Review", the Indian death casualties come to about ten lakhs. Now, if we take a proportion of these percentages, it comes to 303,595. This is the figure which I place before the House, namely, that 303,595 soldiers have been left unprovided for, whose widows are unprovided and whose children are going abegging from street to street. This is the condition of our disabled soldiers in this country. Of course, it is very difficult for me to relate before this House all the grievances which our soldiers have, but, Sir, I would merely conclude by reading an extract from His Majesty's Message read out by Lord Hardinge to the Imperial Legislative Council on the 8th September, 1914 :

"Paramount regard for treaty faith and pledged words of Rulers and Peoples is the common heritage of England and India".

Then, again, His Excellency Lord Hardinge in the course of his speech after reading the King's Message observed as follows :

"War is a terrible and horrible thing, but there is a thing worse than war, and that is National Dishonour and Failure of a Nation to keep its engagements"

Sir, these are very pregnant words. Warning has been given by Lord Hardinge that the consequence in future may be very serious, and if National Dishonour and National Failure have any meaning, then we ought to respect our words, we ought to respect our contracts and our agreements. The object of my Resolution is only to ask the Government to keep their honour and their words. With these words, Sir, I move my Resolution.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** Resolution moved :

"That this Assembly recommends to the Governor General in Council to appoint a Committee of this House consisting of four elected Members under the Chairmanship of the Army Secretary to enquire into :

(i) the discontent among discharged and disabled soldiers and the widows and dependants of those who gave their lives in the Great War on account of non-grants and inadequate grants of pensions and other military awards; and

(ii) the question of the forfeiture of pensions of many such persons on the recommendations of Local Governments on the ground of sympathy to and participation in political activities in spite of the fact that at the time of earning these pensions the Regulations prohibited such forfeiture;

and to make recommendations to remove the aforesaid grievances."



**Mr. Gaya Prasad Singh:** Sir, I have great pleasure in supporting this Resolution. My Honourable friend, Mr. Azhar Ali, has placed the facts so clearly and so succinctly before the House that I do not think a long speech of mine is needed to commend this Resolution to the House. Sir, let us recall for a moment the dark days when the Great War was on, and when England was engaged in a death grip with Germany. At that time, Sir, the thin khaki line, which was wavering in the field of Flanders, was strengthened materially by the timely advent of Indian soldiers from this country thus saving a situation that was growing worse and worse every day.

Sir, in the words of one of the ex-Viceroy of India, Lord Hardinge, India was "bled white" to save a situation of utmost peril to Europe. Indians at that time were recruited in large numbers; they were rushed to the battle fields of Europe and other continents; and at great personal risk and sacrifice helped England and brought back the honour and glory of the British Empire. What happened after that? The claim of many of those people to legitimate war pensions was trampled under foot, and the Army Department have turned a deaf ear to the entreaties of these soldiers who were disabled in the Great War. Over 11 lakhs of Indian soldiers were engaged in the Great War, and the claim of many of them, or of their dependants, who were killed or wounded, are still unrecognised.

It has been admitted by the Government in their statement laid on the table on the 15th September, 1932, that the war pensions are chargeable to the British Exchequer. Now, I should like to ask my Honourable friend, the Army Secretary, as to what steps they have taken in giving pensions to those who have not yet received their dues. When my Honourable friend, Mr. Azhar Ali, was making his speech and asked why the Army Department had done nothing in the matter, I ventured to interject a remark to the effect that blood is thicker than water. Have they got such a tender feeling in their hearts for their own countrymen in England that they have turned a deaf ear to the entreaties of those who have rendered them great service at a time of immense national calamity? In reply to a question which was put in this House on the 9th March, 1932, the Government said that the persons invalidated from service overseas on account of disability not attributable to military service have never been eligible for disability pensions. Later on, in reply to a question which was put on the 5th December, 1932, Government admitted that the agreement with the Indian Ranks was that they would be given pension if discharged as unfit for further service owing to disabilities contracted on, or attributable to, field or foreign service, but that it was subsequently altered. I want to know one thing. These soldiers, when they were sent out on active service, were passed medically fit before leaving India for the war. They served for some time in the different field operations, and then were invalidated back to India and here discharged from hospitals as unfit for further service and their agreement was as stated above, that if they contracted disability on field or foreign service and discharged as unfit for further service, they would be given pensions. My contention is that this promise has not been fulfilled in many cases. In answer to a question on the 29th November, 1932, Government admitted that Army Instruction No. 238 of 1921 provided that where the cause of death became manifest on field service, the presumption was that the death was attributable to field service. This rule, I understand, was subsequently altered, and under the altered rule it is at the sweet will

[Mr. Gaya Prasad Singh.]

of the Medical Board to certify death, wound or injury to be attributable to military service. The Medical Board, which was formed to go into this question, had only officers who, in the capacity of Crown servants, had got to follow the economic policy of the Government in England. By Army Order No. 363 of 1932, which was issued, friends, agents, counsels, and even the civil courts are debarred from taking action in the matter of the pensionary claim of Indian Ranks, and appeals against the decisions of the Officers Commanding are not entertained and are returned to the individuals concerned for submission through the self-same Officers Commanding who have rejected them, and these Officers Commanding possess powers to withhold appeals, as admitted by the Government in the statement which was laid on the table on the 15th September, 1932. Sir, the soldiers are for the most part poor and illiterate. They do not know how to put in their own claims. They have, therefore, to take the help of an agency which renders them service as in other walks of life, for instance, in the matter of professional advice . . . . .

**Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Does this agency help them gratis, or does this agency charge them one year's pension?

**Mr. Gaya Prasad Singh:** I should like to ask my Honourable friend whether he does his professional work gratis, or whether he charges fees from his clients?

**Mr. Muhammad Yamin Khan:** I am merely asking what is this agency.

**Mr. Gaya Prasad Singh:** Why should not this agency charge some sort of fee for the work done by it as my Honourable friend charges fees, and sometimes heavy fees for the work done by him for his clients? I am very glad at the interruption of my Honourable friend. I have got at least two instances in which the order of refusal by the Officer Commanding has been reversed at the instance of this agency whom my Honourable friend tries to deprecate. In the case of Havildar Ragbir Singh, the order passed by the Officer Commanding was this on the 19th September, 1927:

"It has been ascertained by the C. M. A., Lahore, that you were granted an ordinary pension by invaliding Board, and not by mustering out rules. Hence no action can be taken to alter your pension now. Please note for future guidance that all correspondence should bear your home address and not an agency's address. Letters addressed from such an agency will not be accepted by this office.

That is what he wrote. But, later on, through the help of the very same agency his pension was granted, and this is what the Military Accountant General writes on the 26th March, 1928:

"In continuation of this office memorandum dated the 31st January, 1928, Havildar Ragbir Singh is informed that his pension has been re-assessed, and that he should now place himself in communication with the Controller of Military Pensions Accounts, Northern and Eastern Commands, Lahore, for payment of increased rate of pension."

This was the work done by the agency for whom my Honourable friend has apparently not got a high regard.

**Mr. Muhammad Yamin Khan:** It was not so. I only wanted it for information.

**Mr. Gaya Prasad Singh:** I have given the information most willingly, and I am supplementing it by reference to concrete cases in which the efforts of the agency have been successful.

**Mr. Muhammad Yamin Khan:** Quite right.

**Mr. Gaya Prasad Singh:** In another case, the case of Risaldar Amar Singh, the Officer Commanding recommended his pension in 1929 to be assessed at field service rates, but then his claim was rejected by the Controller of Pensions, as will be seen from his letter dated the 7th March, 1930. Later on, this man's pension was also granted at the field service rate with the help of this very agency. I am not going to trouble the House by referring to individual cases. I referred to two cases merely to refute the underlying insinuation contained in the interjection of my Honourable friend, which interjection did not seem to be quite as innocent as he now tries to make it out.

Now, Sir, in England statutory rights for disability and family pensions have been recognised, as admitted by the Government in answer to question No. 285 of the 29th March, 1932. Pension Appeal Tribunals have been established, whose decisions are binding upon the British Government as regards entitlement and assessment, and the pensioner is allowed two copies of all relevant documents, one for his friend or solicitor, and one for himself. This shortly is the procedure which, I understand, is followed in England; but here it has been held to be a crime if a military pensioner approaches any one who can help him in getting his pension. This fact was admitted by the Government in answer to a question which was asked in March, 1932, and on the 5th December, 1932.

Sir, I should now like to conclude my observations by making an earnest appeal to my Honourable friend, the Army Secretary. He should recognise that troubles are brewing even now in the Far East. War clouds are gathering there, and it is just possible that they might bring on serious political crisis, which might put the Government of India under the necessity of calling upon the Indians once more to take the field. I am very much afraid if the treatment which they have meted out to many of the disabled soldiers is to be an index of their future conduct in relation to the Indian soldiers, it will be very difficult for them to get many recruits again for active service. In that case England's difficulty will be India's opportunity. Solemn promises have been in the past treated as mere scraps of paper. These people have, at immense personal sacrifice, loss of life and limb, done yeoman's service to the cause of the British Empire. It is now up to the Indian Government to take a sympathetic view of their cases, and to do justice to cases which deserve justice. I hope if my Honourable friend, the Army Secretary, gives a sympathetic reply to the case which has been made out on this side of the House, it would not be necessary for my Honourable friend to press this motion to a division. With these few words, I support the Resolution.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): I congratulate Mr. Azhar Ali for moving this Resolution. I know that several Members of this House also gave notice of the same or similar Resolutions. It would certainly have come with a good grace if this Resolution had been moved by those Members of the House who claim to represent the so-called martial races of India. I still hope that,

[Mr. S. C. Mitra.]

though they are Nominated Members, they will subsequently take some part in this debate and will help us to carry this Resolution. If I had to move this Resolution, I would have preferred to omit the second part at the present moment. I know, the Honourable the Mover of this Resolution wants that Government should give sympathetic consideration to an inquiry into these matters, I take it, it is known to all, what great services were rendered by the Indian army in the different fields of war. Political memory is short, but I think the British nation has not forgotten within the last ten or twelve years as to what they owe to the Indian soldiers. That the British nation has accepted the liability of paying the pensions for the dead and disabled soldiers is also not disputed. It has been said often that because the money is paid out of the British Exchequer, the subservient Government in India may feel hesitation in approaching them even in very just and good cases. The difficulties of these disabled soldiers are many, not to speak of the children and dependents of the dead soldiers. It is known that the ordinary soldier or his relations are generally illiterate. It was claimed during the last debate that they had strong muscles, but very little brain. It may be partially true, but if that be the case, the Government should be anxious to see that these able-bodied soldiers, who have got little brain, might find redress.

I shall, later on, deal with the matter of the agency, but I can tell the House that there are so many rules and regulations from time to time that it is difficult even for Army Secretaries and the Controllers of Military Pensions to interpret the rules correctly and, further, as time goes on, these rules are changed at the instance of some officer here or in England and these poor soldiers or their dependents are not likely to know the intricacies of these rules. In some of these cases the people were asked to apply through the proper channel and, in other cases, to write to their regiment or battalion. Some of these have been disbanded. These poor fellows are sent from pillar to post. They do not know where to go to get some redress and then they are asked to produce papers. In many cases there are no papers and even if there were, they have probably been lost, while the man was in hospital. On these flimsy grounds, the whole case of pension has been refused. It has been suggested by Mr. Yamin Khan that these agencies charge something, but I think we should all be grateful to these agencies for helping these poor disabled soldiers even though they charge a small percentage.

**Mr. Muhammad Yamin Khan:** Not a small percentage.

**Mr. S. C. Mitra:** My Honourable friend, Mr. Gaya Prasad Singh, has shown that there are specific instructions that they must apply directly and, if letters come through this agency, they will not be looked into. I think some of these cases were prejudiced because they came through this agency. The British Government have peculiar notions. They have elaborate procedure, which must be carefully followed, but when these poor disabled soldiers, after having failed to get some redress come through the agency, it is said that their cases should not be considered, because of representation through non-official agencies. If there is time, I shall refer to cases where it has been found that even those which were rejected by the Officers Commanding and the Controllers of Military Pensions have been accepted by the Government of India on appeal, only perhaps

the case having been properly represented by a special agency. When it is not considered against public policy for lawyers to support their clients, what harm is there if these poor disabled soldiers are helped to put their case properly and according to the Army Rules and Regulations. The cases of these poor people stand on high ground. There are a number of cases where even after 15 or 20 years these poor soldiers, have got redress by somebody putting their case before the authorities in a regular and proper form. With regard to the particular case I have in my hand, I find that the man succeeded to get redress, because the case was pushed through this agency; and, even in this case, I find that the orders were that they were to take their pensions from the date of the order, as if for all these 10 or 15 years, during which they could not get any proper justice, they should be denied the arrears of their pensions!

So far as regards this particular Resolution, we who come from the South or from the Eastern part of India, from Bengal and elsewhere, are in the position of judges who are not parties, because we ourselves have no axe to grind; we have no disabled soldiers, not because we were unwilling to help the British Government at the time of their distress, but because the Government did not see their way to enlist soldiers from amongst ourselves. So, as impartial judges, we have tried to go through many of these individual cases. I think I might read some of these petitions giving harrowing tales of these poor people,—how they have suffered and how, on the most flimsy grounds, their petitions have been rejected. I shall read an account of the case of one, by name Karim Buksh:

"Service 15 years. Discharged as medically unfit. Cataract. May be further development of eye disease on account of which he was invalided. Pension disallowed, because, in the opinion of the Medical Board, cataract is not attributable to military service."

I have seen his petition. The poor man says that at Aden, due to the effects of the flash of a gun, his eye-sight was seriously affected and he was invalided by the Medical Board. I find that the Captain of the Commanding Depôt wrote: "No record available. Claim rejected."

Sir, it is not for sepoys to preserve the records. This man produced oral evidence, which was not accepted, from an Indian officer holding the Viceroy's Commission. He was present, and he says that during the war he was standing somewhere and due to the flash of a gun his eyes were affected at first and subsequently the trouble developed into a cataract. Now, he is totally blind. The first irregularity is, "why cannot he produce all the papers?" Then, the next question is the general ground which weighs so much with these officers, that it is not attributable to war. This poor man can only produce evidence, evidence even from men belonging to the Viceroy's Commission, to show that it happened in that particular way at the time of the war. It is not that he lost his eyes at that very moment. If this is to be constructed in that narrow way, that this man did not lose his eye-sight through a gun shot, but due to the effects of a flash from a gun during the war, and, on that flimsy ground, the whole case for a man who served Government for 15 years has been thrown out, it is very sad and regrettable.

Here is a case of another man. This man's claim at first failed and yet his pension is granted to him from the date of December, 1931, whereas the man was discharged in 1916. He had for all these 15 years to fight his case and all the Officers Commanding—very sympathetic people—and

[Mr. S. C. Mitra.]

even the Controller of Military Pensions—all rejected his claim, but, now, the Government of India, in their kindness, have accepted his claim. But it will have no retrospective effect. I should like to know why this poor man, if he is to be granted any pension, should not get it with retrospective effect,—because, now at any rate, the Government accept the contention that it was due to the war. I shall place all these papers on the table of the House so that the Army Secretary, if he likes, can go through the details and satisfy himself as to how these poor people have suffered. There are any number of cases which I have gone through and I am grateful to that agency that they supplied me with these facts and figures. Sir, I do not come from a martial region, but I was so sorry, when I privately met some of these martial people and they told me that there are any number of grievances of these poor disabled soldiers but that they had not the courage to come before the House and to get some redress from the Government. In this Resolution my Honourable friend merely wants a Committee and he says that the Army Secretary should be the President of that Committee and that is a very humble prayer for the Government to grant so that justice is done to the people who died in the field of war for the sake of their dependents or for the disabled soldiers who fought with their lives for the Government.

My Honourable friend, Mr. Gaya Prasad Singh, alluded that this war might not be the last war, and that it is in the best interest of the British Government themselves to see that these people do not carry away the impression that the British are an ungrateful nation. Let them not say that in the stress of war many high hopes were raised and even Swaraj was proclaimed for India, but that when the risks of war were gone, not only these bigger things affecting the Indian nation are forgotten, but even sheer justice to these poor people, who have ever been staunch in their loyalty, is denied and they lose their poor pittance. The money is to be paid from the British Treasury, but our people here would not have a proper Board through whom these people can approach Government with their prayers supported by papers, if any. On the flimsy ground that they have no papers and that the petition have not been submitted through proper channels, their cases are barred by this regulation or that rule which has been subsequently changed at the instance of this officer or that. Sir, such flimsy considerations should not stand in the way, and we most earnestly hope that the Government will see their way to accept this Resolution. Sir, I support this Resolution wholeheartedly.

**Honorary Captain Rao Bahadur Chaudhri Lal Chand** (Nominated Non-Official): Sir, ever since the inauguration of this Assembly, the Budget of no other Department has been so severely criticized as that of the Army Department from year to year and I am glad at least there is a proposal today which accuses the Army Department of being miserly in the matter of spending. I hope Honourable Members opposite will maintain the same attitude towards the Army Budget when proposals for grants come before them in a few days' time.

**Mr. Gaya Prasad Singh:** Even when there is an extravagant Army Budget!

**Honorary Captain Rao Bahadur Chaudhri Lal Chand:** The Honourable the Army Secretary may also bear this in mind when sending up his

proposals to the Finance Department. Sir, I congratulate the Honourable the Mover and the Honourable Mr. Gaya Prasad Singh on their appreciation of the services that the martial classes of India and the Indian soldiers rendered to the Empire so loyally and faithfully. (Hear, hear.) Sir, my own connection with army recruiting has been very close. Not only during the war days was I occupied with recruiting, but, after the war was over, I was connected with all activities in which the Indian soldiers have been concerned. During the war I was Honorary Assistant Recruiting Officer for the South-East Punjab and the Delhi Province, and from my district alone we sent no less than 24,000 recruits. (Hear, hear.) During the war also, I was a member of the Provincial Recruiting Board and of the All-India Committee. (Hear, hear.) I also attended the War Conference called by His Excellency the Viceroy in 1918 as a member. I have many relations among the discharged soldiers, and so my connection with them has been very intimate.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Have they got full justice?

**Honorary Captain Rao Bahadur Chaudhri Lal Chand:** I will come to that point. Honourable Members will be pleased to learn that at least in this respect, namely, the redress of the grievances of the Indian soldiers, Government have been very prompt and cannot be accused of having been at all slow. I will give you concrete examples. Ever since the war was over, I had been pressing on the Government the concrete cases that came to my notice and I have with me some letters from the Government of India that were addressed to me in those days which will give Honourable Members an idea of the action which the Government of India have taken in this matter. As a result of the complaints that were made to them by many persons, including discharged soldiers and those who were interested in their welfare, the Government of India authorised the civil officers to take up the pension cases. The charges that were made against the military officers were that those, who were directly concerned in the welfare of the soldiers, retired after the war and the newly appointed officers did not care much for them. I will now quote from a circular letter from the Secretary, Indian Soldiers Board, which is addressed to all the Governments from which an idea could be formed as to how the civil officers could help:

"I am directed to inform you that the Board have had under their consideration representations to the effect that considerable hardship is being experienced by Indian ex-soldiers owing to the delay which occurs in placing them in receipt of the military pensions which they have earned. From the information at their disposal, it would appear to the Board that the worst cases of delay are those which relate to the personnel of the many disbanded units of the Indian Army.

With a view to remedying the state of affairs complained of, the Board have decided to request that (with the concurrence of His Excellency the Governor-in-Council) civil district officers may be instructed, where '*bona-fide*' cases of hardship come to their notice, to apply *direct* to the Adjutant-General in India for information as to the designation of the unit which has taken over the records of the disbanded unit and also the designation of the Controller of Military Accounts concerned with the pension payment.

On receipt of a reply, the civil officer should represent the case to both the unit commander and to the Controller of Military Accounts indicated by the Adjutant-General, and, in the event of failure to receive a satisfactory explanation in regard to the steps being taken to effect the pension payment, he should report accordingly to the Adjutant-General, who will then take the further action necessary in the matter."

[Honorary Captain Rao Bahadur Chaudhri Lal Chand.]

With your permission, Sir, I will refer to another demi-official letter, dated the 24th April, 1923, written to me by the Honourable Sir Ernest Burdon, the then Army Secretary, which gives an idea of the promptness of the Army Department at the headquarters in taking action in the settlement of these cases. It runs thus :

"With reference to your letter of the 6th April addressed to the Private Secretary to H. E. the Viceroy, on the subject of the grave delay which has occurred in the renewal of the pension of Subadar Mohar Singh, 1/9th Bhopal Infantry, I am desired to inform you that, as a result of your representation, orders have now been issued to the Post Master of Rohtak for the payment of the pension in question from the 14th March, 1921. A telegram has also been sent to Subadar Mohar Singh himself informing him that he should appear before the Post Master of Rohtak to receive payment. I should be very glad if you would be kind enough to let me know whether these orders have had the desired effect.

2. I wish, at the same time, to take this opportunity of thanking you for bringing the case to our notice. We entirely share your view that delays, such as have occurred in Subadar Mohar Singh's case, do a very great deal of harm; and we do not propose to let this particular case rest where it does at present. We shall investigate further the cause of the delay and try to find out who is responsible. I may mention also that for some time past we have been trying to devise means which will prevent the occurrence of such delays, and, in this connection, I send you the enclosed copy of a circular letter, and the Military Accountant-General's memorandum which we recently circulated to all Local Governments. . . I have various other ideas in my head for adding to our points of contact with the distressed pensioner through the medium of District Soldiers Boards and other agencies; and, if anything comes of them, I shall make a point of letting you know. May I add that if you have any new suggestions of your own to make, we shall be only too glad to consider them."

Then, I made certain suggestions after consulting some of my pensioned friends and, in reply, the Army Secretary wrote as follows :

"Many thanks for your letter dated the 14th June, 1923, in which you make various suggestions for removing delay in the settlement of pension claims. I am glad to say that, as a result partly of the representations we have received from you, Government are now arranging to set up special machinery to deal with all outstanding cases, and this, it is hoped, will have thoroughly practical and really satisfactory results. I shall probably be able to let you know details of the scheme before very long."

Government were not satisfied with the entrusting to the civil officers of the taking up of pension cases. The machinery that has been referred to in the last letter, that I have just read out, was that special army officers were deputed to those districts where recruiting had been very brisk and where cases were expected to be in much larger numbers than in other important districts. Military officers were deputed especially to inquire into these cases. These military officers sent out their programme beforehand to the district officers and, through the agency of Zaildars, Tahsildars and the Soldiers Boards in the districts, wide publicity was given to their programme and areas were marked at certain places where they should come and lay their cases before them. I remember hundreds of soldiers having gone to these officers and I need hardly say that they noted down most sympathetically all the grievances of these people and went into particular cases individually. They did all that was necessary at that time and all the cases that came to their notice were settled. I may point out that not satisfied with these replies, Indian soldiers, pensioned officers and others have been applying again and again and they have never tired the patience of the military authorities. The military authorities have never given them a reply that their cases have been settled once for all and they could not be re-opened, and the instance



quoted by my Honourable friend, Mr. Gaya Prasad Singh, bears me out in this respect. They never took the protection of section 11 of the Civil Procedure Code and never said that it was a case *res judicata*.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member has got two minutes more.

**Honorary Captain Rao Bahadur Chaudhri Lal Chand:** I must admit that there are hard cases. One of the rules in the Army Department is that a pension could be given after 10 or 12 years,—I am not quite sure,—but after a certain number of years. I know of the case of a Jemadar which came to my notice. In the discharge certificate, it was said that this man had served nine years eleven months and 80 days, that is, only for one day he was discharged without any pension. I represented his case and probably he got his pension as a special case, because he did not come to see me again. There was another hard case, where a Risaldar died in the field leaving a widow, four daughters, the eldest being eight years old, one aged father and one aged mother. The widow got a pension, but, five or six months after that, the widow also died leaving these daughters and the aged parents without anybody to support them. I represented the case to the Punjab Government who supported it, but it transpired that the rules would not allow a pension if the widow did not die within certain months. The case was represented again, and Honourable Members will be pleased to learn that the Army Department made a special case of this and they got very liberal treatment. I think the case took about three or four years to settle, but they got their arrears of about Rs. 8,000, and provision was made for some money to be placed at the disposal of the district authorities to be spent at the time of the marriage of each of the daughters. So that, instead of one or two getting a pension, all the six were given pensions. So we cannot accuse the Army Department of being miserly when cases of real hardship are brought to their notice.

Sir, as my time is up, I wish, with your permission, to point out that the Resolution has my full sympathy, but not my support, because the Army Department are always ready to go into hard cases even now and no useful purpose can be served by setting up another tribunal to go into these things which, I am sure, have been gone into, not once or twice, but several times over. The only difficulty which stands in the way is the stereotyped rules.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member must now conclude.

**Honorary Captain Rao Bahadur Chaudhri Lal Chand:** The only thing that can be done is to have the rules amended, and, for that purpose, if Honourable Members would take the trouble to go into these rules and bring forward concrete suggestions, that would help; but we cannot accuse the Army Department of being slow and inconsiderate in these cases. I would, therefore, request the Honourable the Mover to depend upon the Army Secretary who will see that all hard cases are dealt with properly. No useful purpose will be served by setting up a Committee of this sort.

**Mr. O. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, the Honourable the Secretary of the Independent Party said that he was more or less a spectator and an outsider and used the rather interesting expression that he had no axes of his own to grind in this particular matter. I do not know if he will accuse me of having any axes of my own to grind when I say that a large part of my constituency in the Rohilkund and Kumaon Divisions,—Garhwalis specially,—have been serving in the army and have contributed a great deal to the prestige of the Indian army during the great days of the war. Therefore, if not my own interest in this particular matter, I have the interest of my constituency to represent. In that sense I may have some axes of my own constituency to grind.

The Honourable gentleman, who just concluded his speech, referred to his own qualification to speak on this subject, because he was an honorary recruiting officer during the war and that he was also a member of the War Conference. I too attended the War Conference, but not as a member. I had a telegraphic request from one of my friends in the Southern Presidency who was an important member of that Conference to help him with regard to it. Later on, he adorned the Treasury Benches in this House. I was also there in my humble capacity as a journalist elbowing my way through an illustrious crowd everywhere and also as a humble contributor to the local War Journal trying to get a few recruits. But, if I am talking today, it is not because of any past qualifications, but because I want that this matter should be very carefully and sympathetically considered, as my Honourable friend from Lucknow pointed out. I do not believe, Sir, that it is even his ambition, if the Government find it very difficult to accept a Committee of this kind, to insist on the Committee. But certainly it is his ambition and a very legitimate ambition that the grievances and the disabilities mentioned are gone into carefully and sympathetically and carried out expeditiously. We look forward to the Army Secretary, who, I am sure, cannot but sympathise with the soldiers, giving us a very reasonable and a very satisfactory reply. It is not our intention to press this to a division; it is not our intention to censure Government in this matter. On the contrary, it is our intention to strengthen the hands of Government so that he may go into this matter and give satisfaction to those who have legitimate grievances. (Applause.)

**Sardar Sant Singh** (West Punjab: Sikh): Sir, it was in the year 1931 when I saw certain disabled soldiers with limbs cut off standing outside these buildings. They approached me with a request to help them in getting their pensions from the Army Department. At that time I could not comprehend their grievances. I could never believe that those who had gallantly fought in the Great War,—a war which was not India's war, and with nations which were not the enemies of Indian aspirations, but a war fought solely in the interests of England and one in which she was vitally interested,—would be treated so ungratefully by England and her people as to be deprived of their legitimately earned pensions.

In the short time at my disposal I will try to place the case of these poor soldiers before the Honourable Members. According to the Army Regulations, it was bargained with these soldiers that they would be entitled to pensions under the following heads: Firstly, the *family pensions*. These are payable to the families of the soldier in case of death of the

soldier in action or within five years of being wounded in action or from illness which is the result of active operation in the field. The second category of pensions are known as *injury pensions*. These are granted to those who become unfit for further service owing to illness contracted on field or *foreign service*, or solely attributable to such service or incurable disorders brought on by performing duties or service in unhealthy surroundings. The emphasis is on the expression "*foreign service*". The third category of pensions are the *wound pensions*.

Now, the grievance of the soldiers is that those who died actually on the war service have been given pensions, but the claims of those who died within five years of the period on coming back from the active service, have been simply turned down. This is one grievance and a very serious grievance. The pretence on which their claim has been turned down is stated to be that the poor widow could not produce evidence that the death was due to wounds received in active service or from illness which was the result of active operations. As a matter of fact, Sir, the families of those persons who were on active service and who were discharged as invalid during the war and who were, as a matter of fact, sent to hospitals where they were declared unfit for further service, with these facts recorded in their rolls—I do not know the name exactly, soldiers roll or something like it—were not granted pensions when such persons died within five years of discharge. I advocate, Sir, that the dependents of such soldiers were unfairly deprived of their just dues. Similar is the treatment meted out to those who were actually wounded in war service. The principal grievance in this respect is that though the soldier was wounded in action, some sort of application was taken from him stating that he wished to be discharged and that the Government were absolved from the payment of pensions. Such certificates have been innumerable and many of them are with the Army Department.

Now, it is for the Honourable Members to say and to judge for themselves that if a person is wounded and he knows that he has earned a pension, could he or would he release the Government from the claims of his pensions. There are cases of this nature, and, as the time at my disposal is short, I will not go into them, and I will leave it to the sort of enquiry which is being proposed in the Resolution to be appointed to go through these cases.

Secondly, some were told that their wound was below pensionable degree. There is no such provision in the rules. Every wound which led to discharge as unfit for further service was pensionable. According to the Regulation there are three degrees given in The Wound and Injury Pensions and Gratuities Regulations. Paragraph 1058 reads as follows:

"Except in the case of I. Or. and the I. S. M. D. the amount of wound and injury pensions depends on the following classification of degrees of injury received, or illness contracted :

- 1st degree.—Loss of two limbs or eyes, or incapacitated from earning a living and requiring the care of another person.
- 2nd degree.—Loss of one limb or eye, or incapacitated from earning a living, but not requiring the care of another person.
- 3rd degree.—Wound or injury equal to the loss of a limb, or preventing the recipient from contributing except partially towards his livelihood."

According to this paragraph, the wounded soldiers are entitled to wound or injury pensions, in case of every wound or injury, but the

[Sardar Sant Singh.]

amount of such pension varies with the nature of the wound. It is nowhere said that there will be any grade which is below the pensionable degree. In reply to several questions of mine, if the House will carefully study those questions, the Honourable Members will find the Army Department coming forward with answers that such soldiers did not get pensions, because their wound was below the pensionable degree. I have not yet come across any Regulation which deprives a soldier of his pension, because his wound was below the pensionable degree. There is no such term in the Regulation, so far as I am aware of.

Then comes the injury pension. The excuse for depriving soldiers from the injury pension has been due to certain change in the Army Regulation in 1923. I need hardly stress this point that those soldiers, who joined the Army in the recruitment that followed after the Great War of 1914, are presumed to have contracted with the Government to get pensions under the regulations that were then in force, and those regulations in force were the Regulations of 1915. To strengthen my position, Sir, I quote from the Manual of Military Law, 1911, at page 8 of which it is written:

*"The enrolment paper referred to above contains an official record of the bargain made with the enrolled person on behalf of the State, and the conditions of the bargain cannot be altered except with the person concerned."*

This is the interpretation given in an official publication of the Government of India. In 1922 or 1923, these Regulations were changed and the injuries which were attributable to war service, field service or foreign service were excluded. The result was that many of the persons who had received injury there on the foreign service, though it was not attributable to any active service, were deprived of the pension. While the Regulations of 1915 say that even if these injuries were contracted on or attributable to foreign service, the soldier will be entitled to an injury pension. There are innumerable cases of hardship where misinterpretation of the above regulation or misapplication of the new regulation resulted in depriving soldiers of their pensions. What happened was that Medical Boards declared a particular person as unfit for further service. When the claim was put in to the officer, known as Controller of Pensions, such claim was turned down on the pretence that the certificate of discharge did not show that the particular injury was attributable to or contracted in the field or foreign service. If the Medical Board did not use the language, which was to be found in the Regulations, it was no fault of the soldier. The case should have been referred back to the Medical Board for stating whether or not the particular illness was attributable to or contracted in field or foreign service. Without referring those cases back, the Controller declined to entertain the claim of *ex-service* men. Sir, when the grievance was brought to the notice of the Government of India, or when any contention was raised on behalf of the person who was deprived of the pension, this was met with the plea that the application should come through the proper channel. This term "Proper channel" seems to be a safety valve for all departments of the Government and particularly for the Army Department to escape the payment of just dues. What do they mean by proper channel? Is there any channel prescribed? Why should not a lawyer or a person, who has studied the regulation, help a man in order to obtain his pension? The question was raised just now by my Honourable friend as to the exorbitant fees charged by such

agencies. Let us concede that the agency is bad; but, is that a reason for the Government to deprive a man of his pension, when he had served them at a time of great necessity? It is no concern of the Government to see what agency was employed in order to approach them. The claim is to be considered on its merits: if he is entitled to it, he should be given pension; if he is not entitled to it, there should be no question by what channel his application was received or who was helping the man. Obviously it is not the concern of the Government whether the person wastes the money which he gets in pension or whether he is deprived of that money or throws it away. If any fraud is committed on him, penal laws of the country are there to help him. The only concern of the Government in such matters is to come to a decision on merits. In connection with this, I would like to point out the procedure which was adopted in England in order to meet such claims. I am reading now from the Notes on "War Pensions", Second Issue, published by His Majesty's Stationery Office, London. Here it is said:

"Under Art. 1 R. W., a man discharged as medically unfit for further service, or while suffering impairment, such unfitness or impairment being attributable to or aggravated by service during the Great War, and not being due to serious negligence or misconduct, and, under Art. 9 R. W., a man who, after discharge or demobilisation, shows that he is suffering from such a disability may be granted the pension, gratuity or final weekly allowance appropriate to the degree of his disablement."

—How were these claims considered by the Government in England?—

"Under section 8 of the War Pensions Act, 1919, as amended by section 8 of the War Pensions Act, 1920, Pensions Appeal Tribunals have been established to which an appeal will lie against an adverse decision of the Ministry on entitlement to pension, as shown in para. 41. Each Entitlement Tribunal consists of a barrister or solicitor, a disabled man and a duly qualified medical practitioner."

Here, Mr. Yamin Khan was questioning the agency through which a claim was made. But, in England, a tribunal was appointed to examine the decision of the Ministry of Pensions; and, in that tribunal, there sat a barrister or solicitor, a representative of the disabled pensioners, and a medical practitioner. In contrast to this, in India civil courts are deprived of jurisdiction to entertain such claims. In one case, an aggrieved person actually secured a decree against the department from a civil court and the Army Department has filed a revision in the High Court against the decree on the ground of want of jurisdiction.

**An Honourable Member:** A technical objection!

**Sardar Sant Singh:** Yes, a technical objection! Is it a straightforward and honest and dignified objection? Is it the way in which these *ex-service* men are to be treated? After all, what does the Resolution want? It wants only that their claims should be examined and inquiry made, not that the Army Department should be burdened with unnecessary claims. The House merely wants an inquiry which, I submit, is overdue. The second part of the Resolution is . . . . .

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member has got one minute more.

**Sardar Sant Singh:** The second part of the Resolution is that some *ex-service* men have been deprived of their pensions on account of their activities in the recent political affairs. The old regulations, under which

[Sardar Sant Singh.]

these pensions were earned, clearly say that political activity will not bar or lead to the forfeiture of a man's pension. I have no time to read all these regulations, but I am willing to convince any tribunal that these regulations were later on changed on recommendations made by the Local Governments or local authorities. The Resolution calls for an inquiry which should be made and, therefore, I support this Resolution.

**Mr. S. G. Jog** (Berar representative): Sir, I am very much thankful to the Chair for the opportunity given to me. Somehow I could not resist the temptation of saying a few words on this Resolution. At the same time I must say that I have not got a record of any service or duration as a Recruiting Officer of which my friend, Captain Lal Chand, must be proud of. I must also congratulate him on the sympathy if not the support to which he has given expression. I must thank him at least for his sympathy. I must also congratulate my friend, Sardar Sant Singh, for his close study of this question. He has very prominently brought before the House the various aspects of the case.

I have no mind to utilise this occasion for entering into the military policy of the Government of India or any other broad questions of policy. I would like to look at the question from a broad point of view and from the lawyer's point of view, the equitable point of view. The Army Secretary should not for a moment think, as suggested by my friend, the Deputy Leader, Mr. Ranga Iyer, that it is not a case of any loss of confidence in the military policy or the actions of the Army Secretary. I had something to do with this Resolution when it was formulated, and I definitely suggested that the Army Secretary should be a member of this Committee; it was with this definite intention that the Army Secretary would be of great help to this Committee in explaining the army position so far as the army position and the cases of these pensioners are concerned. Therefore, we suggested that there should be a Committee of four elected Members of this House, under the Chairmanship of the Army Secretary, to inquire into these cases. It is no doubt true, as explained by my friend, Captain Lal Chand, that in many cases the Army Secretary has shown promptness and sympathy and whatever it was possible for him to do. But, at the same time, you will see from the number of cases that have been brought to our notice that there is a growing feeling among these ex-soldiers that they have not been treated properly and that their pension grants and other allowances have been withheld on some pretext or other. I have no mind to say as to what is actually in the mind of the Government, whether they want to escape the financial responsibility or liability in the grant of these pensions, but it is no doubt true that there is some growing feeling among these people that justice has not been done to them, and what I strongly feel is that the existence of such a feeling of discontent is a very bad sign. I further submit, that a Committee of this nature, which is a very mild measure, instead of obstructing the Government in any way, will have a great effect in restoring confidence in the Government, if this Committee have an elaborate inquiry into these cases. If, after having inquired into these things, the Committee comes to the conclusion that the army has done everything that was possible to be done and there is no ground for complaint, would it not go a great way in strengthening the position of the army? An inquiry with a non-official element in it and under the Chairmanship of the Army Secretary would certainly go a great way in strengthening the confidence of the people.

There is no reason for this House to suggest that the grievances of these people have not been inquired into. At least from that point of view the Army Secretary should come forward and should face this inquiry instead of opposing this Resolution.

These people, when they joined the army, were recruited under a certain covenant. There was a sort of contract between the Government and the soldiers, and what these disabled soldiers now find is that a wrong interpretation or rather a false interpretation has been put on some of the covenants entered into when they first joined the service. They find, as explained by my friend, Sardar Sant Singh, that they are asked to prove whether their illness was contracted on field or foreign service or their illness was solely attributable to field or foreign service, or whether illness was contracted otherwise than on field or foreign service. In some cases they are asked to prove, even if the illness was contracted on field service, that it was solely attributable to war and field service, and then the burden of proving all that is thrown on the *ex*-soldier. Even taking the medical science as it is, it is really very difficult to prove whether a particular disease is attributable to war conditions. A soldier goes and fights in the field, but, after a time, he is discharged as unfit according to war conditions, and then he is called upon to prove here that his disease was solely attributable to the war. When he contracts a disease on actual field service, it must be presumed that the disease he has contracted is attributable to the conditions that existed when he was on the war field, but these poor disabled soldiers have been called upon to give a strict proof of their disease, and, when cases go before the Medical Board, they generally give such replies that the disease is not such as can be attributable to war services and, therefore, their claims are not properly considered by the Army authorities. In these cases, I think, the real trouble has been caused by a wrong interpretation put on the covenants or contracts. They are connecting one with two, because, to my mind, a man may contract illness by being actually on the war field, and, even in that case, he is entitled to injury pension, and even in cases when soldiers have returned from the war field, after being certified as unfit for service on the field, it must be presumed that they have contracted the illness due to war conditions, but unfortunately all such cases for relief have been rejected by the military authorities on some ground or other. I have got some cases with me from which I see that justice has not been done in many cases. I do not want to utilise the present occasion to enter into the details of those cases, because these cases have been carefully considered by my friend, Mr. Gaya Prasad Singh, and many others. There is not the least doubt that a sort of inquiry, as suggested by the Mover, is absolutely necessary, and I think the Army Secretary will accept this motion. With these words, I support the Resolution.

**Mr. G. R. F. Tottenham** (Army Secretary): May I say, Sir, at once that we on this side of the House entirely agree with all Honourable Members who have taken part in this debate this morning, that the *ex*-soldier and his family form a section of the community which possesses a very special claim on the sympathy and support of the Government. (Applause from the Nationalist Benches.) We, in the Army Department, are least of all likely to forget that fact. On the other hand, as I have said before in this House, there are two sides to every question; and we have a clear duty to the tax-payer to see that the very large sums of

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

money which are devoted annually to the payment of pensions are properly spent and not unnecessarily increased. If it were a fact, Sir, that large numbers of disabled soldiers or the dependents of those who gave their lives in battle were destitute and receiving no support from Government, we should regard that as a very serious matter indeed; but although Honourable Members have spoken as if there were hundreds and thousands of such people wandering about India, and although the Honourable the Mover gave us some mathematical calculations to show that there ought to be a large number of such people wandering about India, no Honourable Member has given any first hand evidence that there is any large number of such people. On the other hand, my friend, Captain Lal Chand, who may be expected to know the conditions in his district, which contributes a very large number of soldiers to the Army, has not suggested that there is a large number of people who are disabled and who are without support from the Government . . . . .

**Mr. Gaya Prasad Singh:** May I interrupt the Honourable Member for a moment, Sir? If individual cases are brought to his notice, will he be prepared to go into them?

**Mr. G. R. F. Tottenham:** Sir, I am quite prepared to admit that there are individual cases, but the point I was trying to make was that there were not hundreds and thousands of disabled soldiers who were receiving no support from Government. I should like to give a few figures in support of that general proposition. Actually the official figures of Indian casualties during the war amounted to some 120,000. Of those, more than half were wounded, and of course it does not necessarily follow that every wounded soldier was disabled. However, we may take the figures roughly at about 120,000. Now, Sir, the facts are that in the years, which covered the war period, that is to say, up to 1922, the number of pensions granted to Indian officers and other ranks amounted to 170,000 or thereabouts, and the total value of these pensions amounted to about 1½ crores of rupees a year. These figures do not leave very much room for a large number of disabled soldiers who have received no support from the Government. On the other hand, when the figures are as large as that, it is not reasonable to expect that we should never have made a mistake of any kind. We admit perfectly frankly that there have been mistakes in the past, and there may be mistakes again in the future. What we do say is, firstly, that when those mistakes come to light, we do our best to remedy them, and secondly,—and this is a point I should like to emphasise to the House,—that of these mistakes, which have come to our notice, a very large proportion are in the direction of over-payment rather than of under-payment. Perhaps the Honourable Members of this House who were Members of the Military Accounts Committee, including my friend, Mr. S. C. Mitra, who spoke this morning in support of this Resolution, will remember that this question came up in the Military Accounts Committee last year, and it was suggested that there might be grounds for conducting a regular inquiry with the object of revising our pension payments in order to prevent these over-payments,—not in order to see that the soldiers should get more than they get at present, but on the ground that the examination of the audit authorities showed that more money was being paid in pensions than



was really justifiable. It was explained to the Committee that to carry out a revision of that kind would cost a very large amount of money in establishments alone and would take a considerable time, that in any case the number of over-payments, and the number of under-payments also, represented a very small proportion of the total payments of pensions, and that, therefore, it would be better to carry on as at present and leave Government to put these mistakes right when they came to notice. That opinion was eventually accepted by the Military Accounts Committee, and was also endorsed by the Public Accounts Committee which accepted the Report of the Military Accounts Committee. In any case, I cannot admit for one moment that there is anything so radically wrong in our system of pension administration as to call for a regular Committee of Inquiry of this kind. On the other hand, it is a matter for some surprise that a Resolution in these terms should come before this Honourable House in the year of grace 1933 in respect of a period so long ago as the Great War. Surely, if there had been anything, radically wrong, the matter would have been ventilated in this House many years ago.

**Sardar Sant Singh:** Does it not show the patience of the Indian to put up with his grievances?

**Mr. G. R. F. Tottenham:** I think that the explanation is to be found possibly partly in the present financial depression, but also largely in the activities of these so-called Claims Agencies which have recently come into existence in various parts of the country.

**Mr. Gaya Prasad Singh:** The soldiers are thankful to them.

**Mr. G. R. F. Tottenham:** So far as I have been able to gather, these Claims Agencies hold out altogether optimistic, not to say extravagant, promises of their ability to secure for the soldier, on payment of commission of course, what they are pleased to call his just dues. I have seen some of the circulars which are issued by these Agencies, and which are sent broadcast into the villages. One particular circular that I have seen was headed in large letters, "Undreamt Wealth". The sepoy and his family are a simple-minded and credulous folk, and when a class of person of that kind is invited to put in claims, it is only natural that the number of claims should be large. That, Sir, however, does not prove that the claims are well founded, or that there is necessarily ground for setting up a regular Committee or a special enquiry of any kind. In fact, the first point that I wish to make is that we, that is to say, the Government and also this House, have at our disposal a ready made machinery which has been specially designed to promote the welfare of the *ex*-soldier and his family and to look after their interests in every possible way. I am referring to the Indian Soldiers' Board and its branches, the Provincial Soldiers' Boards and the District Soldiers' Boards. These Boards will always be prepared to investigate claims on behalf of soldiers without any payment whatever. In fact, last year in the Punjab, the Punjab District Boards did investigate over 2,000 pension claims; and I personally would advise all *ex*-soldiers and their families, or Honourable Members of this House or the public who are interested in their behalf, to make the fullest use of our organisation, that is to say, the Provincial and District Soldiers' Boards, rather than of these so-called Claims Agencies, which are, after all, neither

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

philanthropic nor charitable institutions. One ounce of fact is worth a ton of argument, and I shall only give one case that came to my notice recently. A certain Indian soldier was recently given pension with arrears which amounted altogether to about Rs. 1,300 as a lump sum payment. We have been told that the Claims Agency is now claiming from this soldier not less than Rs. 650, that is to say, half the total amount he succeeded in getting. I will leave it to the House to judge whether the Government are, or are not, fully justified in doing their best to discourage that kind of thing when we have a perfectly good organisation of our own which would have done equally well for the soldier if the case had been put before it, and without any cost to the soldier himself.

Apart from this organisation of Soldiers' Board, we have a continuous organisation in the army itself, under which regimental officers visit the various recruiting areas and actually investigate many of the grievances of the soldiers and their families. Moreover, as Captain Lal Chand has already stated, we have had special enquiries, more than once since the War. In 1922, our pensions regulations were revised and liberalised, and a great many of the existing pensions were reassessed. That work was done quickly and urgently. A certain number of mistakes were made, and, therefore, in the following year 1923 we appointed a special Committee of six or seven regimental officers and a couple of officers of the Military Accounts Department who went round the various areas, as my Honourable friend explained, and succeeded in putting an end to many anomalies that came to notice. After that, for several years we had no serious complaints from the districts, but I think it was in 1929, it was suggested that there might be a number of hard cases, especially in the Punjab—particularly hard cases which did not come under the letter of the law and, therefore, were not perhaps receiving the attention that they deserved. We, therefore, instituted a special enquiry in consultation with the district officers in the Punjab. The result was that a large number of claims were put forward; these were sifted; and eventually, I think I am right in saying, not more than 40 or 50 really hard cases came up to headquarters to be dealt with, and they were dealt with sympathetically.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): May I know when that was? ;

**Mr. G. R. F. Tottenham:** In 1929.

Of course, the pensions that Government give must be based on the requirements of the average individual. You cannot expect our pensions to take into account special circumstances, such as the size of a man's family or things of that kind. But I should like to bring to notice that the Indian Soldiers' Board has at its disposal certain funds from which it is able to supplement pensions or possibly to give some relief in cases where pensions are not admissible. In this way the Indian Soldiers' Board distributes about a lakh of rupees a year. I have often wished that their funds were larger and that they could do more in this way. The Indian Soldiers' Board has frequently appealed to the public for contributions and subscriptions, but I am afraid without very great success. Now, however, that so many Honourable Members of this House appear to be interested in this matter, I hope it is not too much to expect that they will show their sympathy in the most practical form by coming forward and

giving large and handsome donations to the funds of the Indian Soldiers' Board. If any Honourable Member requires any further information on this subject, I should be very glad to supply it to him.

**Sardar Sant Singh:** May I ask the Honourable gentleman one question? What about the different interpretations that have been put upon the regulations?

**Mr. G. R. F. Tottenham:** I am coming to that. The Honourable the Mover and Honourable Members who have spoken have referred to certain matters of principle in which they consider that we have been administering our pension regulations unfairly, or have been giving wrong interpretations to those regulations. I can say, speaking generally, that our consciences in this matter are perfectly clear, and any changes that we have made in our regulations have been made for very good reasons indeed. Generally speaking, the changes have been intended to liberalise the regulations and to make them more favourable to the Indian soldier; and, if Honourable Members would like to have further information on this subject, I would refer them to the brief resumé, which is given at the end of this book, "India's Contribution to the Great War", of what has been done in this respect. Under the heading of "Pensions", at page 238, it will be found that:

"The ordinary retiring and special pensions admissible to Indian Officers and men have been increased by amounts varying from 40 to 100 per cent., and the minimum qualifying service has been reduced from 18 to 15 years. Similar increases have been made in connection with the rates of family pensions, up to a maximum of 135 per cent."

and so on.

**Sardar Sant Singh:** May I ask one question? We admit that the amount of pension was raised in 1922 so far as the question of rupees is concerned. But different interpretations have been put on the regulations, with the result that those who are entitled to pension under the regulation of 1915 have been deprived of their pensions under the regulation of 1922 or 1923. That is the chief point.

**Mr. G. R. F. Tottenham:** On that point it is perfectly true that in addition to amending our regulations in favour of the soldier, we have also occasionally noticed anomalies or what we considered to be anomalies, in our regulations, owing to their faulty wording, and we have not hesitated to correct those anomalies where they have come to light. But, Sir, we have always been careful to allow personnel whose claims arose under a particular set of regulations to receive the advantage of them as they stood before they were amended. In any case, as a result of a spate of questions that have been asked in this House, we have personally examined a very large number of cases and in no instance has it been definitely proved that we have failed to do that.

I think, Sir, it would take much too long to go into all the details about the regulations at this stage. In fact, I agree with the wording of the Resolution that these are matters which might more conveniently be discussed in a Committee across a table rather than on the floor of this House. I should, however, like to deal with the question of attributability which has been the cause of a good deal of the trouble. As the regulations stood at the beginning of the war, it was a fact that a disability or

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

invalid pension could be given in respect of a disease "contracted on field or foreign service". Now one may take an imaginary case to show how that regulation would work. Suppose an Indian sepoy goes to France and is stationed at some large base camp. While he is there, he is so unfortunate as to contract some disease which has nothing whatever to do with military service. It may be venereal disease or anything of that kind. As a result of this, he is discharged from the army. Under the regulations, as they stood, he was eligible for a pension. Is it correct, is it right that the tax-payer of this country should have to pay a pension for a disability of that kind? We thought not, and we, therefore, amended the regulations so that a pension should only be given for a disability "attributable to military service".

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): Does the British Exchequer contribute anything towards these pensions?

**Mr. G. R. F. Tottenham:** Ultimately it may be said that nearly all the war pensions are paid by the British Exchequer. Actually the details of the arrangements in that respect are somewhat complicated. In practice we pay the pensions up to a certain date and the Home authorities pay after that.

**Sir Cowasji Jehangir:** Then, why does the Honourable Member say "the tax-payer of India"?

**Mr. G. R. F. Tottenham:** Tax-payers in general. As I say, we altered this particular regulation so as to read that the disability must be "attributable to military service"; and I think that is a perfectly reasonable alteration, even though it may exclude from the grant of a pension a few people who really never deserved to get one at all. In other cases there are other explanations of our alterations of regulations or of our interpretation of them. All of them, have got a perfectly logical and good reason behind them, but I think it would take too long to go into further detail at the present moment.

I should, however, just like to mention the particular case of forfeiture of pensions, although it has only been touched upon very shortly by my Honourable friend, Sardar Sant Singh. He stated that the regulations expressly forbade the forfeiture of pensions for political reasons, but he was unable to quote the particular paragraph of the regulations under which that prohibition came. I can assure him and the House that I have searched the regulations thoroughly and I have never been able to find any authority for that statement—that the regulations had at any time forbidden the forfeiture of pensions for political reasons. In fact, it has always been an express or implied condition of all pensions that they are dependent on future good conduct; and whether participation in subversive political activities has at one time or another been included in the list of things which are recognised as the reverse of good conduct, it does not make any difference to the real point. The chief point which I wish to make is that actually since the war the total number of pensions that have been forfeited in the army amount to some 60 altogether. That, Sir, is an absolutely infinitesimal proportion of the total number that have been granted; and moreover all these 60 were not forfeited for political

reasons. Many of them may have been forfeited for other reasons, such as conviction of a serious criminal offence or something of that kind. Further there is a definite procedure under which the army authorities are not allowed to forfeit a pension for political reasons except on the recommendation of the local civil authorities; and there is a further procedure under which these pensions can be restored on the giving of a suitable undertaking. I do not think, therefore, that this particular point furnishes grounds for a special inquiry.

Dealing with the Resolution as a whole, I am afraid I am unable to accept it as it stands. I think the formation of a regular Committee of Inquiry into this matter would give an altogether wrong impression. It might give the impression that there was something seriously wrong with our pension administration. It might raise entirely false hopes that pensions were going to be revised; and also it would cost a certain amount of money, which is an important consideration at the present moment. On the other hand, I am always perfectly ready, and so are the officers of the Army Headquarters, to meet any Honourable Members who may be interested in this matter and to discuss it across a table. In that way I think that details and small points which can hardly be discussed suitably on the floor of the House might be explained; and I hope we should be able to satisfy Honourable Members that there was nothing seriously wrong. I would like to hear from the Honourable the Mover how my suggestion appeals to him.

**Sir Cowasji Jehangir:** May I ask the Honourable Member one question? Is there no direct control or supervision of their policy from England, seeing that the British Exchequer pays the cost?

**Mr. G. R. F. Tottenham:** No, Sir. I do not think there is any direct control. Our regulations may have to be approved by the Secretary of State and we may send them Home for that purpose. But, I do not think,—I cannot say for certain off hand—that we have ever had any express directions from Home as to how our regulations should be framed. The initiative always comes from us.

**Sir Cowasji Jehangir:** I do not mean the India Office. I mean the War Office.

**Mr. G. R. F. Tottenham:** Neither from the War Office nor the India Office. If we are going to amend our regulations, we do so; and we may have to send them Home for approval. I cannot remember any case in which we have been asked to amend our regulations in any particular way.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City: Non-Muhammadan Urban): I intervene in this debate with thankfulness to the Mover of the Resolution. We have been accustomed, as my friend on the other side said, to criticism of the army and the Army Department and it has been represented outside that the Legislative Assembly is very unsympathetic towards the army as a whole. This is an instance where the tables are reversed.

We on this side of the House have shown some anxiety to do what is fair and just to the army, to deceased and disabled soldiers of the army and expect that those who have time after time stood on the floor of the House and defended the army and stood for its policy of finance

[Diwan Bahadur A. Ramaswami Mudaliar.]

and expenditure would be with us on this occasion at least. I do not think the scope of this Resolution has been entirely appreciated. I do not think that the Mover of the Resolution means that the Committee that he proposes should go into individual cases of grievances, should sit as a court of appeal on those cases and should decide on the merits of the cases. Various allegations have been made about the harshness of the regulations that have been promulgated from time to time, with reference to the procedure to be adopted and the matters to be considered in adjudicating upon claims for pensions. It has been suggested that the procedure is elaborate, that it does not take sufficient notice of the ignorance, the illiteracy and often the conditions under which these disabled soldiers live in villages far off from all contact with educated opinion and that, therefore, to that extent the rules carry their own condemnation.

1 P.M. Secondly, a series of allegations have been made, that promises held out from time to time have been violated, and that rules have been modified without any reference to those original promises or undertakings and that to that extent also the claims of the pensioners have been abrogated. These are the two sets of suggestions that have been specifically put forward by this side of the House and I have not heard anything in what the Army Secretary has said in reply which furnishes any satisfactory reply to the allegations that have been made. In fact the one non-official supporter of the Government, who has so far spoken, my Honourable friend, Captain Lal Chand, in his last concluding words amply furnished the justification for the charges that have been made from this side of the House. He said, after all that he could say in support of the Army Department and in support of the Government, that undoubtedly the regulations did cause hardship and that an inquiry into the conditions was absolutely necessary. Now, by this Resolution we ask no more than what the Army Secretary himself has been pleased to suggest in his concluding remarks that a Committee should consider these regulations,—not cases of individual hardship. We cannot possibly sit as a tribunal with reference to those cases; it would be invidious for any elected or nominated Member to sit as a sort of tribunal with reference to these cases. For instance, if I were so asked, my life would become a misery and I would not accept that position and I am perfectly certain that no elected Member of this House would care to be on a tribunal which would go into the merits of the individual cases: and if these applicants come to us day after day and tell us their tales of woes, we simply want to satisfy ourselves that your regulations, modified from time to time, inspired by yourselves, perhaps inspired occasionally, may I say, from the War Office at the other end also, do not cause any particular hardship to these pensioners and that they can be so worked as to be able to satisfy the legitimate claims of these people. Now, Sir, as to that we have not so far had any reply. May I also say this that I have consulted my Honourable friend, the Mover of the Resolution and other friends and they are not particularly wedded to the suggestion of four elected Members; we are not even wedded to the policy that they must be all elected Members; there can be some other Members also as my friend, Captain Lal Chand, who can speak for you on the Committee. We have no objection to that, we are putting forward simply this perfectly plain proposition, that we do want, in the face of the criticism and agitation that this subject has aroused, that the Army Department and the Government should justify itself

by placing all these papers before a Committee like that asked for. It will consider these regulations, and make suggestions, it may be, for the modification of some regulation that works harshly so far as these applicants are concerned. These are the circumstances under which this Resolution has been moved.

My Honourable friend, the Army Secretary, referred to the splendid work of the Soldiers' Board. I know something of the work of various district and provincial Soldiers' Boards, and it is not my purpose to cavil at their work or to cast any reflections on their conduct of business. My Honourable friend deprecated the agencies that have come into existence. Now, these agencies or similar agencies always present two aspects. In some cases they are undoubtedly useful; in some cases they work hardship and do some amount of mischief, but it would be as unfair to condemn the usefulness of a body like the Soldiers' Board as doing no distinct good to the soldiers, as it would be to condemn these non-official agencies. The truth really lies somewhere between the two sets of criticism. I might ask you, what steps have the district Boards taken to see that all those who have claims to pension have come forward and put in their claims? He referred to various circulars issued by these agencies. Have the Soldiers' Board issued any circular to the same effect? Have they broadcast the manner in which pensions could be applied for by persons living in far-off villages?

**Captain Sher Muhammad Khan Gakhar** (Nominated Non-Official): The *Fauji Akhbar* does publish these things and is circulated to soldiers every week.

**Diwan Bahadur A. Ramaswami Mudaliar**: That evidently is a newspaper conducted purely by the Soldiers' Board.

**An Honourable Member**: Is it a thing that is circulated gratis? Does it go to those in villages?

**Captain Sher Muhammad Khan Gakhar**: Most of the Soldiers' Boards and most of the soldiers get it free.

**Mr. S. C. Mitra**: How many copies are printed?

**Captain Sher Muhammad Khan Gakhar**: I do not know the exact number.

**Diwan Bahadur A. Ramaswami Mudaliar**: It is obvious that they cannot reach the villager who has retired.

**Mr. Arthur Moore** (Bengal: European): It does.

**Captain Sher Muhammad Khan Gakhar**: It does.

**Diwan Bahadur A. Ramaswami Mudaliar**: Sir, the joint testimony of my Honourable friends, Mr. Arthur Moore and Captain Sher Muhammad Khan Gakhar, has annihilated me altogether, but the sense of the House is against that testimony. We doubt whether the retired men in the village manage to have access to this paper; if they do, I ask, why on earth do they come to these agencies? It is admitted that these agencies have dealt with some few and just and good cases that were not discovered by your district Soldiers' Boards.

**Sardar Sant Singh:** May I inform the Honourable Member that copies of the *Fauji Akhbar* are of course sent to the Tehsildar, but they probably rot in his *tehsil*.

**Diwan Bahadur A. Ramaswami Mudaliar:** In any case, there exists the fact that these agencies have been able to discover some cases which are fully justified and which show that there is a lacuna which the district Soldiers' Boards have not been able to fill. It was said that the rates of these pensions have been revised. Of course they have been revised in 1922 when you revised the scale of salaries also and, when in England, the army scales of pay were revised on the basis of the index of prices. When salaries were revised, the pensions had naturally to be revised. I do not see in that any extraordinary piece of evidence of the anxiety of the Government to satisfy these pensioners. (Laughter.)

**Mr. G. R. F. Tottenham:** The revised pensions were granted with retrospective effect from the beginning of the war. The revised pay was not.

**Diwan Bahadur A. Ramaswami Mudaliar:** I am very glad that retrospective effect was granted from the beginning of the war. It is obvious, however, that if the pensions had to be revised at all, they could only be revised with retrospective effect from the beginning of the war. There would have been no meaning in revising pensions from 1922 when hundreds of thousands of people had retired on pensions already. The logic of revising the salaries was to carry back the revision of the pensions to the beginning of the war. I am only pointing out that this is not an exceptional thing done only from the point of view of the pensioners, but that when salaries were revised, they had necessarily to take up the question of pensions also. My Honourable friend, the Mover, has spoken with feeling with reference to this matter. Sir, I must say that as I listened to my friend, Mr. Azhar Ali, and heard him speak of agreements being broken and contracts being flouted, I was reminded of similar epithets being used by many a discharged soldier at Hyde Park meetings with reference to the conditions in England and with reference to the treatment meted out by His Majesty's Government to their own discharged soldiers. Sir, whether that is a fact or not, it does remain a fact that in this country these grievances have been ventilated by many people. There is one consideration which I would respectfully urge upon the Army Secretary. He has said that these pensions are paid by the English Exchequer. I ask him whether that is not a further reason why he should allow public opinion to satisfy itself that the regulations made with reference to these claims is not due to any pressure brought to bear to save the English Exchequer and the English taxpayer. If it were the Indian taxpayer, then the case would be entirely different. There would be at least no room for one aspect of the suspicion that is generated in the minds of the public that the move is really to save somebody else who need not pay for these things. Let me explain it for the benefit of my Honourable friend a little more lucidly. I had thought that it was not necessary. I do not for a moment suggest that you can be extravagant at the expense of the English taxpayer. But the suspicion, constituted as you are, constituted as the army is, constituted as the whole department of military pensions is, from the Controller of Pensions and the Army Accountant General downwards, is that regulations are tightened up and that modifications are made from time to time, so that its elastic



provisions disappear in the interests of the British treasury. It may be an unnatural and an unreasonable suspicion, but it is a suspicion nevertheless which has to be met. Now, what anybody in your position should do, therefore, is to remove that suspicion by proving to the satisfaction of public opinion that your regulations have been designed and promulgated purely from the point of view of good administration and not from the point of view of saving money to the English tax-payer. I, therefore, say that that is an additional reason why the Army Secretary should jump at accepting this Resolution and associate with himself in the capacity of a Chairman, a body of people who would go through these regulations and not through the individual cases, if I might once more touch that aspect of the question, and satisfy themselves and the public that things are being done in the interests of the discharged soldier and not in the interests of the English tax-payer. I do not think I have anything further to say. Various suggestions have been made about withdrawing the Resolution, but I think in the light of the speech of the Honourable the Army Secretary who has rejected this position so far summarily and in lieu of his accepting the sort of Committee that I have suggested, I should advise my Honourable friend to press this Resolution. Let it be known to the discharged soldiers as to who are really sympathising with them and who are not in sympathy with them, and I trust that Captain Sher Muhammad Khan Gakhar and Captain Lal Chand will make their position clear if not in the House at least in the lobbies.

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

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

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**Sir Cowasji Jehangir:** Sir, the Secretary in charge of the Department has made after all a very useful speech. He has put his point of view before the House and, as my Honourable friend on my right has stated, there are many other points that require discussion and consideration which it is not possible to do in the Assembly itself; besides, the Army Secretary unfortunately under the rules has not got another chance to speak. Usually an Honourable Member of Government replies to the debate. I understand that in this case it is not possible for the Army Secretary to speak again and reply to any other point that may be made in the debate today.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): From the trend of the discussion, if it becomes necessary, the Chair will allow the Army Secretary to reply.

**Sir Cowasji Jehangir:** Sir, it is quite evident that there is no desire on the part of the non-official Benches to go into the merits of any particular case. All that this side of the House desires to be satisfied about is that the rules and regulations for war pensions have not been changed to the detriment of the parties concerned. The Army Secretary threw out a suggestion that he would be willing to discuss this matter privately with certain Members of this House. I would make a further suggestion and

[Sir Cowasji Jehangir.]

that would be that the two parties who sit on this side should appoint a certain number amongst themselves and the Army Secretary might select one or two more, and they should meet the Army Secretary and discuss the whole question and be given whatever information they may require. That will enable them to decide whether a formal Committee is necessary. Perhaps this discussion, which, after all, is to be informal, would help to solve all our difficulties; and if, after that discussion, Honourable Members who will meet the Army Secretary and, even if the Army Secretary himself comes to the conclusion that a formal Committee is still necessary, perhaps he will himself take the initiative and appoint such committee without any further Resolution from this House. And, therefore, with that object in view I would make this suggestion,—as a matter of fact the suggestion came from the Army Secretary himself, but I will repeat it,—with the additional conditions I have made that the composition of this formal Committee would be left to this side and both parties should appoint their own members.

**Mr. Muhammad Yamin Khan:** Why two parties only?

**Sir Cowasji Jehangir:** I am concerned with my own party and I am also concerned with my nationalist friends who have spoken to me about this question. The Army Secretary is at liberty to invite anybody else he chooses. All I say is that he shall not dictate as to which of our Members should go into consultation with him. It is for the Army Secretary to decide and you can approach him and decide for yourself.

**Mr. Muhammad Yamin Khan:** There is no question of approaching him for a favour. We will stand on our rights and see that all parties are represented.

**Sir Cowasji Jehangir:** The point is that it is an informal Committee and it has not the sanction of either this House or the Army Department. And, if I choose with one or two of my friends to go and talk to the Army Secretary, I do not think any other Honourable Member can insist on his right to be present.

**Mr. Muhammad Yamin Khan:** If my Honourable friend had said that all the different parties should choose their own men, it would be a different thing. But when he said that only two parties should send men, that was open to objection.

**Sir Cowasji Jehangir:** Personally I would not have the slightest objection to anybody else joining the discussion. It is open to the Army Secretary to decide that question and we leave it entirely to him. The Army Secretary can invite anybody he chooses. This is the only solution of a discussion which might take a long time and might not really yield any results, while this will perhaps end the discussion and yield some useful results. If the Army Secretary will accept this suggestion, I think we shall be satisfied and the debate might end.

**Mr. Muhammad Yamin Khan:** Sir, I do not want to be a hindrance on the suggestion which has been made by my Honourable friend, Sir Cowasji Jehangir, but before the proposal can be accepted or rejected

by the Army Secretary, I must place before the House my views on the Resolution itself. I have fought for the Indian soldiers since 1922 in this House and I was the first man to introduce a Resolution for the Indianisation of the Indian Army, in the first Assembly. My advocacy of the Indian soldiers and my interest in the Indian soldiers, many of whom I have the good fortune to represent from my constituency, has never abated and I am second to none in this House in my regard for the welfare of the *ex*-soldiers or the present soldiers. I have great regard for the *ex*-soldiers, because I was one of the chief working men during the war in my district, and, through the exertion of the District War League there, of which I had the honour at that time to be the Honorary Secretary, we won the United Provinces Shield in Recruiting—as the Meerut District supplied the greatest number of recruits throughout the United Provinces, and the Shield was placed by me in the Town Hall of Meerut, and it was I who was responsible for getting so many recruits to join the Army. Therefore, Sir, it is but natural that I must feel for those people who went out of the country and gave their lives or got wounded and consequently I have the greatest regard for their welfare, even if they had come back from the war. Had this Resolution been moved, Sir, on the instigation of even one wounded soldier, I would have been the first man to get up and support the Resolution. I challenge any Honourable Member to prove whether this Resolution was moved through the instigation of any single wounded soldier himself. This Resolution was balloted on the last occasion in the name of our Honourable friend, Mr. Misra, and today I find it balloted in the names of two Honourable gentlemen, having the same identical wording and meaning. From the conversation I had with certain gentlemen who visited me at my house I came to know of the motive for the moving of this Resolution, and I know, Sir, that this Resolution is not moved in the interest and for the welfare of disabled and wounded soldiers.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member cannot impute wrong motives to his colleagues. Whoever might have instigated an Honourable Member to move a Resolution, the House ought to presume that the Honourable Member's intention is what he intends it to be, and the Chair will not allow any Honourable Member to impute motives to another Member.

**Mr. Muhammad Yamin Khan:** Thank you, Sir, I will not impute motives to Honourable Members. Sir, whom this Resolution is going to benefit? It is not the Indian soldier, it is not the disabled soldier, but, if this Resolution is passed, it will help an agency of people who are going to make money out of the disabled soldiers and who are going to deprive them of their real and legitimate pension which they were to get. One example has already been quoted by my Honourable friend, the Army Secretary, that a disabled soldier was granted a pension of Rs. 1,800, and this agency was trying to get Rs. 650 out of him. Well, Sir, that is the thing which is going on behind the screens. If a soldier is to get Rs. 1,800 after paying Rs. 650 out of his pocket, and this Resolution goes to help this agency of people who want to get Rs. 650 out of him, I shall certainly discourage the Resolution.

**Mr. C. S. Ranga Iyer:** I put it to the Honourable gentleman to say whether he does or does not object to the amended arrangement which emerges from the Resolution.

**Mr. Muhammad Yamin Khan:** I made it quite clear at the very beginning of my speech that I shall be speaking on the main Resolution. But I have no objection to the arrangement. The main Resolution is the only thing which I object to, because from the visit of a medical practitioner I gathered the impression that he was canvassing for this Resolution, because he was charging rupees ten from every soldier for giving certificate of disability—a medical practitioner in Delhi, Sir—and he is working with this agency. From this it will be seen that there is some organisation behind this, and if this Resolution is passed, the organisation will advertise to the villagers who will rush to the organisation in thousands who will first take some ten thousand rupees or so from the villagers themselves before they actually do anything for them, and this will be directly injuring the poor man who cannot afford to pay. That is why I object to this Resolution. I certainly deprecate the suggestion which was made by my Honourable friend, Mr. Mudaliar, but of course I have got no objection to the suggestion which has been made by my friend, Sir Cowasji Jehangir.

**Diwan Bahadur A. Ramaswami Mudaliar:** Does my friend seriously suggest that he understood my suggestion?

**Mr. Muhammad Yamin Khan:** I thoroughly understood the suggestion of my friend, Diwan Bahadur Mudaliar, perhaps much better than he understands. My Honourable friend professes that he is a better advocate in the cause of wounded soldiers than my friends, Captain Sher Muhammad Khan and Chaudhri Lal Chand. From this it is apparent that he wanted to make a propaganda for himself and for some other people and tried to ridicule those other Honourable Members which I least expected.

**Mr. B. V. Jadhav:** My friend is again casting aspersions on my friend, Mr. Mudaliar.

**Mr. Muhammad Yamin Khan:** The Chair can guard the rights of the Honourable Members even without the intervention of my Honourable friend. This is the motive which I do not like. My Honourable friend must rest satisfied that by this he will never be able to create a feeling in the country against these stalwarts who come from the martial races or who belong to them. By this, I say, he will not be able to throw "dust over the Sun".

**Mr. C. S. Ranga Iyer:** On a point of order, Sir, may I suggest—and I have in my mind a ruling given by Sir Frederick Whyte—that when an important suggestion is made on the floor of the House, then the Members of the House, having had a discussion on the Resolution, are generally invited, if the President so wishes, to address themselves to the situation arising from that Resolution? Therefore, Sir, may I request you to rule that we should address ourselves to the new situation?

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** That is not a point of order.

**Mr. Muhammad Yamin Khan:** I am sorry. I quite agree that if the suggestion had come from my Honourable friend only to this extent before the Lunch, I would have had nothing to say and that I would have kept quiet in my seat and not tried even to speak, as I never

intended until I heard Mr. Mudaliar making the last portion of his speech. That made me get up and defend my friends about whom he tried to create a misunderstanding in the country. Now that the suggestion has been thrown by my Honourable friend, Sir Cowasji Jehangir, I have got no contention excepting one, when he suggested that the two parties should send in their representatives to meet the Army Secretary—he ought to have said that all the parties that are here must send their representatives, and they may sit and they may choose without leaving the choice to the Army Secretary: each party must choose their own men who may sit and get themselves satisfied by a talk with the Army Secretary—I had no other contention with him excepting on this score; otherwise I fully agree and I would be the first person to support any disabled soldier who has got any case or, if he comes and even satisfies me, I will give him every help without charging him anything.

**Mr. Gaya Prasad Singh:** But your Party is represented in the Army Secretary!

[At this stage Dr. Ziauddin Ahmad and some other Members rose to speak.]

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I should remind Honourable Members who are just getting up that the Deputy Leader of the Independent Party has made a definite suggestion and I had to call Mr. Yamin Khan, because he represented a different Party: I take it that when the Honourable Member, Sir Cowasji Jehangir, made the suggestion, he had the support of Members of his own Party and as well as of the Nationalist Party. Unless the Honourable Member, Dr. Ziauddin Ahmad, wants to say something more in addition to what Sir Cowasji Jehangir said on that point, I do not see why he should get up to speak just now.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I wanted to support Sir Cowasji Jehangir with two words only: some time ago the public school at Tynbridge sent a challenge of a cricket match to Harrow, and the Harrow people replied: "We know Eton and we have heard of Rugby and Malborough, but we do not know who you are." I suppose my friend, the Deputy Leader of my Party, probably thought that he was also the cricket captain in Harrow and spoke in the same tone. (Laughter.) As for the second point, we know that we are not all-knowing people; we are not supposed to know everything of what is going on in India, and we are very often approached by interested persons. Take the case of the Medical Council Bill: I do not know how many deputations we have received. No doubt there are persons who are really affected and who approach Members of the Assembly; but the motion that was brought forward by one of my gallant friends of my Party was moved in perfectly good faith and I hope that Members will consider what he has said and not consider the sources from which he got his information. With these words, I support the remarks made by Sir Cowasji Jehangir.

**Mr. G. R. F. Tottenham:** Sir, I must first of all thank Dr. Ziauddin, as an old Harrovian myself, for his story. It seems to me that the whole complexion of the debate on this Resolution has altered since Mr. Mudaliar spoke before Lunch and Sir Cowasji Jehangir made his suggestion after

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

Lunch. Until that time, it appeared to me that the speeches made by Honourable Members and the wording of the Resolution itself all tended to put pressure on Government to hold a Committee of Inquiry into the grievances of individuals in the matter of pensions; and it seemed to me that the Resolution was intended rather as a motion of censure against the Army Department's administration of pensions and that, therefore, we should be unable to accept it. I may say at once—I thought I had made it clear before—that I am perfectly prepared to accept the alternative suggestion made by Sir Cowasji Jehangir. I myself and the officers at Army Headquarters would welcome a discussion with representatives of all the parties in this House; and, I venture to hope, that after a discussion of that kind, we shall agree that no formal Committee of Inquiry is necessary; but if Honourable Members are not satisfied, we shall certainly consider that point.

There is only one further point I should like to make with reference to what Mr. Mudaliar said in the latter portion of his speech. He said that the House wished to satisfy itself that our pension policy was not influenced in any way by the fact that the British tax-payer is ultimately responsible for the payment of most of our war pensions; and he went on. I think, to suggest that in order to lighten the burden on the British tax-payer, we in this country had disregarded—or there was some suspicion that we had disregarded—the solemn pledges and assurances and contracts that had been entered into with those who fought for India and for the Empire during the war. Sir, if there is any suspicion in the minds of Honourable Members that this is in any way our policy, I should like to take every possible step to remove it. If I may personally be allowed to express an opinion and couch it in somewhat strong language, I should say that it was a monstrous suggestion. I assure the House that such an idea has never entered our heads in India and there is no ground whatever for believing that the War Office and the authorities at home have ever in any way attempted to dictate our pension policy with that end in view.

**Mr. Muhammad Azhar Ali:** Sir, although I find that my friend, Mr. Yamin Khan, has been sufficiently replied to by my Honourable friend, Dr. Ziauddin Ahmad, yet, as a matter of personal explanation, I must say here that Resolutions, when they are moved in this House, certainly are prompted and the materials supplied by the outside public or by the Members themselves who take that trouble. My friend may pose today as a philanthropic man; he may pose today as the well-wisher of the soldier. But if the world had known him, if the members of the army who are dissatisfied today had known him as such, they would have been the first to approach Mr. Yamin Khan, as every applicant and every petitioner and every sufferer knows which way to go to find relief. If the army people have had the kindness to come to me and if I have taken up their case, I do not see in what way I have erred. One should gauge his own capacity and ability first to come to this House and say: "I will do this and I will do that." (Opposition Laughter.) I have never posed as one who would be ready to do anything for the whole world and who would be ready to spend his time without any remuneration. I am a professional myself. Surely if the matter will come to me in my professional capacity, I will accept the case for remuneration. But today I have done this undoubtedly out of philanthropic motives and

out of regard for the army people. If in future my friend says that he is prepared,—surely, after listening to him today, people will go to him, and when they go to him, I expect he will not say: “Well, bring me my fees and then I shall look into the matter.” I really thought that it was out of all proportion and not according to the dignity of the House to talk in the terms and in the way in which my friend, Mr. Yamin Khan, spoke in this House today, casting personal aspersions on Members of this House. I hope, Sir, as the guardian of this House, you will always discourage such things and, having this privilege in this House, I hope our rights will be protected by you.

As regards the statement made by the Army Secretary, I am very glad to accept it and to withdraw my Resolution with the permission of the House.

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

## RESOLUTION *RE* POLICY AND ADMINISTRATION OF INDIAN RAILWAYS.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I beg to move:

“That in view of the trade depression, high rate of loan and contemplated political reforms, this Assembly recommends to the Governor General-in-Council to  
 3 P.M. take immediate steps for carrying on the necessary revision of the policy and the administration of Indian Railways.”

Sir, I am one of the greatest critics of the Railway Administration in this country . . . . .

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Question.

**Dr. Ziauddin Ahmad:** . . . . . and I am influenced by two considerations: one is my great appreciation of the valuable services which the Indian Railways and the officers and men connected with the good administration are rendering for the country, and the second is my enthusiasm and anxiety to make this administration still more efficient, though it is efficient already.

The first point I would like to take up is the loan policy of the Railway Administration. I am sorry I have only got the figures for 1931-32 as given in the Administration Report supplied yesterday, and probably my figures will have to be altered tomorrow in the light of the figures which the Honourable the Railway Member will give for the years 1932-33 and 1933-34. In the year 1931-32, we had a debt amounting to 789·8 crores of rupees. The Railways have been yielding an income of 3·02 per cent., that is, on this large sum of money, we are receiving only 3 per cent. income from the Railway Administration. The average rate of interest on our loan in the year 1921, when the Acworth Committee wrote its Report, was 3·75, and two years ago it rose to about 5·7, but now the money has become very cheap, and it is very desirable that we should devise some method to convert our loan to cheaper rate of interest. If we could bring the rate of interest to the present market value, we would be able to effect a saving somewhere in the neighbourhood of about ten crores in interest charges alone. I could not calculate the exact amount,

[Dr. Ziauddin Ahmad.]

and I hope that the Honourable the Railway Member, who is in possession of the latest figures, will give correct figures. The new loan can be raised in a variety of ways as was suggested by the Acworth Committee. Certain important members, including Sir Henry Burt and Sir Rajendra Nath Mukherjee, suggested very definitely in para. 224 of the Report that the Railways could raise the money at a rate one per cent. lower than the market rate. Even the majority Report suggested that it would be easier for the Government of India to borrow money for the Railways alone. In this connection a definite suggestion was put forward by the Honourable Sir George Rainy about two years ago, and I am sure that if my distinguished friend, who is now in charge of the Railways, will carry out the correct policy, he will do lasting service to the Indian Railways and an enormous service to the general finances of the country. I am not a financier, but I am inclined to believe from my knowledge of small investors that if the Government were to float loans at the rate of about half or one per cent. lower than the market rate, that is at three or  $3\frac{1}{2}$  per cent. guaranteed interest with participation in the profits, they will be able to collect the amount which they require to pay the loan which they have now taken at a very high rate of interest. If this policy is adopted, we will probably have a saving of about ten crores of rupees in the interest charges, and all the efforts that we have been making in retrenchment, all the discontentment that the Railway Administration has spread throughout the length and breadth of India, on account of their wrong policy of retrenchment, and all the difficulties they have created in the working classes, and all the discontent that is now spread among the officers' grade will soon disappear.

**Mr. K. Ahmed:** Is that figure 12 crores?

**Dr. Ziauddin Ahmad:** Yes, the figures are four crores, if we borrow at market rate of interest, i.e., four per cent. and it will be 12 crores, if we borrow at one per cent. lower than market rate as suggested in the minority Report of the Acworth Committee. Valuable service will be rendered to the country if the loan policy is revised and money is raised at three or three and a half per cent., with participation in profits. If we have years of depression, as we are having now, then the burden will fall on the investors, and the servants of the Railways will be immune to the difficulties and troubles in which they have been embarrassed.

The second point which I should like to touch is the State *versus* Company administration in Indian Railways. The present dual system should cease and we should have one or the other. The Government of India, in their Despatch dated the 17th August, 1917, that is, Despatch No. 18, clearly admitted that the State administration is as efficient as administration by the Companies. This method of taking over the administration of the Railways by the State is not a novel feature. Several countries have adopted the same policy in previous years. Japan, in 1906-1909, purchased the Company-managed Railways and brought them under State control. Switzerland, in the year 1909, adopted the same policy, and, I believe, Belgium is also doing the same now. Therefore, this policy is not a new one. It was also advocated by the Acworth Committee. The Committee said at page 70:

"They recommend that in India the State should manage directly the Railways which they already own."



I advocate, Sir, today the State-management of the Indian Railways for two special reasons. My first argument in favour of the State-management is this, that in the case of the Company-managed Railways, the Board is located in London and not in India, and, therefore, the wishes of the travelling public, the wishes of those who are really benefited by the Railways, do not reach the ears of the Board in time; and, therefore, it is very desirable that the administration of the Indian Railways should be in India and not in a place outside India. The centre of a circle should always be inside and not outside the circle. My second important consideration is that the Railways in every country are not merely commercial concerns, they are not really intended to make money; they are really intended for the benefit of the public, they are intended to develop the trade, they are intended to benefit the working classes. If the State is not responsible, and if the administration is handed over to a Company, then the Railways will be run as commercial concerns, and they will try to make as much profit as they can possibly make, and a good illustration exists in the administration of the Bengal and North Western Railway into which I need not go now.

**Mr. K. Ahmed:** You want to nationalise them?

**Dr. Ziauddin Ahmad:** Therefore, for these reasons, I very strongly advocate that the State should adopt this policy of taking over the direct responsibility for all the Railways in India.

**Mr. K. Ahmed:** You want to nationalise them.

**Dr. Ziauddin Ahmad:** I do not like to use a word whose meaning I do not know. (Laughter.)

The next point to which I would like to draw the attention of the House is the policy of amalgamation and absorption. We all know that in these days of hard competition small concerns can never be paying concerns. My Honourable friend is also in charge of Commerce and he must know very well that Japan and other countries are competing very successfully against India on account of the big combines and big concerns that they are now creating. The cost of production is always small and it is very desirable that we should also try to absorb the smaller concerns into bigger companies. On that point we have the authority of the Acworth Committee and also the authority of the Administration Report itself of the Government of India. The Administration Report says:

"The difficulties and complications now experienced in connection with these branch line companies are out of all proportion to the insignificant financial facilities offered by the companies. The Government of India have, therefore, decided that the branch line policy should be abandoned and that an endeavour should be made to reduce the number of existing branch line companies."

This is really the policy of the Government of India, but unfortunately that has not been given effect to in recent years. In the time of Mr. Simm they absorbed a number of smaller lines, but recently, for some reason or other, it has not been pushed so vigorously as it ought to have been. Here we have got about 53 different lines under 53 different administrations. 14 are classed first class Railways, 14 are called second class Railways, and 25 are called third class Railways, and some of these lines are under the administration of District Boards. I have never heard of any

[Dr. Ziauddin Ahmad.]

other country in the world where local authorities are in charge of railway lines, but India is a peculiar country and not only Companies registered in London, not only Companies registered in India, not only small States, not only individuals, but also District Boards are proprietors of Railways and run their show themselves. This diversity is not working very satisfactorily and it is desirable that all these should be absorbed as early as possible.

**Mr. K. Ahmed:** But that is nation building.

**Dr. Ziauddin Ahmad:** The only argument in favour of smaller lines was that they could raise money more easily than Government. It may have been true when Sir John Lawrence wrote his note in 1867, but it is not correct in 1933. Co-related to this problem is the other question of combines. It is very desirable that all these Companies that have been formed should be combined together. I am not advocating any new reform. We know that in England they combined 121 different Companies into four Companies only, by the Railway Act of 1921, and they have created very big combines with the result that the Railways are now running more efficiently and more economically than they used to do, and the unhealthy competition, that used to exist previously, has now disappeared. In India we have got very unhealthy competition between different lines and Governments pay for their unhealthy competition. We have the Bombay, Baroda and Central India running between Bombay and Delhi, and the Great Indian Peninsula also running between the same stations. The Great Indian Peninsula wants a big workshop for themselves, and the Bombay, Baroda and Central India wants an equally efficient workshop of their own at a distance of few miles. The East Indian Railway wanted to have a bridge in the town of Agra and the Great Indian Peninsula wanted to have a parallel bridge, because they would not like to use the bridge of a competing line. So a second bridge was built by them at the cost of the poor tax-payers, because in this unhealthy competition the Government and the poor tax-payers have to pay on either side. Sir, the time has now come when this unhealthy competition between the various lines should cease, and the only way out is that we do adopt a bold policy which England herself adopted. England combined all the Companies into four concerns. I am perfectly certain, if my distinguished friend in charge of the Railways will take the initiative, the Secretary of State cannot possibly negative it, because we will do just the same thing as England has done. We shall guarantee that all persons, who have got financial interests, all persons, who have got interests in the services, will continue to enjoy these existing privileges, and they will not be altered. With this proviso, I do not think that there will be any justification for opposing a bold action in following the example of Great Britain, and introducing a Bill in this Legislative Assembly by means of which 53 Companies may all be combined into one State concern.

In what way are these to be combined? This brings me to another issue. The present division of Railways is not a good division. It overlaps and it is not very efficient or economical. We have duplication of work and duplication of authorities. These authorities are popularly known as *chota* Agent, the *burra* Agent, and the *lat* Agent. The *chota* Agent is the Divisional Superintendent, the *burra* Agent is the Agent, and the *lat*

Agent is the Railway Board. Therefore, here you have got three overlapping authorities.

**Mr. N. M. Joshi** (Nominated Non-Official): What is the meaning of 'lat'?

**Dr. Ziauddin Ahmad:** Formerly we used to have the Lieutenant-Governor as the head of a Province. The Lieutenant-Governor was called the *lat* Sahib.

**Mr. K. Ahmed:** In the Assembly you will find Maharaja.

**Dr. Ziauddin Ahmad:** I think it is desirable that we should do away with so many Agents and simplify the process. The divisional organisation exists in some places and does not exist at others. We should have some kind of uniformity. Have one uniform system throughout India. I suggest two alternative proposals for the consideration of the Government for reorganising the existing lines. The first alternative which I suggest is the method of organisation followed in the Post and Telegraph administration. All the Railways should remain under the Central Government, but the jurisdiction of each unit should coincide with the jurisdiction of the provinces themselves, under one head, who may be called not a Divisional Superintendent, but a Provincial Superintendent with one Agent at the top. This is working satisfactorily in the case of the Post Offices, and I do not see any reason why it should not be successful in the case of the Railways. The Director-General controls the Postmasters-General in Provinces. Under this arrangement, we do away with the Agents and his enormous duplicate staff. We also reduce the number of Superintendents. Instead of having a Superintendent for each Division, we have Superintendents for each Province. I consider that the Agents are only a third wheel in the machinery of administration. My second alternative is, if you do not follow the Post Office, follow the example of Divisions in the army. Create four Commands—the Northern Command, the Eastern Command, the Western Command and the Southern Command, and there will be a fifth Command for Burma. Put all the Railways in the north in charge of one Agent at Lahore, all Railways in the west in charge of an Agent in Bombay, all Railways in the east in charge of an Agent in Calcutta, and in the south under one Agent in Madras. (Interruption by Mr. K. Ahmed.) I leave you. You cannot understand these Railway questions. Railways in Burma must be separately under one Agent. If separation takes place, Railways may be handed over to Burma Government without derangement of administration. We must have a big combine. Combine them in a manner so that we may follow the practice of the Post Offices or follow the example of the Army. In any case, we should do away with 53 Agents for 53 different Railways.

The next question which I should like to raise is the revision of the Convention of 1924. In Article 8 of that Convention, we clearly said that it ought to be periodically revised and that it should remain in force for a period of at least three years. Now, nine years have passed away and the time has come when we should revise the Convention, and I will mention one or two points in regard to which the Convention ought to be revised. According to this Convention, the Railway Department had to pay one per cent. of the capital at charge and one-fifth of the profit to the general revenue. I think this is a wrong thing. In many countries it is admitted that the railway earnings should not go to feed the general

[Dr. Ziauddin Ahmad.]

revenue. They should be self-supporting and the surplus, if any, ought to be spent for improving the condition of service, in extending new railway lines or, as they did in South Africa, in reducing rates and fares. This is reasonable, because we should not make undue profits at the expense of the tax-payer. The Railways should not be considered to be the milchcow of the Finance Department. It should be a philanthropic concern not running on altogether commercial lines, though the commercial aspect should not be lost sight of. We should combine commerce and philanthropy. Then there should be some kind of machinery to revise the expenditure on capital expenses. Of course there may not be much to say about running expenses, but I think the system of expending money on capital expenses is exceedingly defective and this subject was entirely omitted in the Convention. We should set up a very strong machinery to revise this particular thing. Here I may quote one or two things for the amusement of the Members. The other day they constructed a big shed at Moradabad at a cost of several lakhs of rupees. It was a revolving shed for engines, and when it was completed, it was found that if one of the engines was derailed, the passage for all other engines was blocked. It was badly devised and the whole thing had to be remodelled. So, money spent on the shed was entirely wasted.

I said yesterday that all experts were eccentric, but the railway experts are more eccentric than the astronomers whose example I quoted yesterday. At Lakhsar station, there was a great deal of malaria and it was thought to be a good thing to raise the roofs of the houses and to raise the level of the whole ground. They brought in mud and raised the level of the whole place and when rain came in, it washed away all the mud, and the money was wasted. I do not know who prepares the estimates. The actual cost may differ from estimates by five to ten per cent., but the difference between estimates and actuals in the Railways is 300 or 400 per cent. This is a thing which only railway experts in the world are competent to do. We want really to have some machinery by means of which we could exercise better control over the capital expenditure.

This brings me to the Statutory Board, because that is the body which I think will be competent to supervise this capital expenditure. We have been discussing recently the creation of this Board and it is high time that we do it. Most of the difficulties will probably disappear if this Statutory Board is created. This Statutory Board ought to be created by the Legislative Assembly or the Federal Assembly when it comes into existence, and not by the Parliament. It should not form part of the Government of India Act. This Board should consist of honorary officers who may receive honorarium much in the same way as the Directors of other Companies do and the President of this Board ought to be the Minister in charge of Communications and, as the Acworth Committee suggested, this Minister should be in charge of all communications, including railways, roads, coastal shipping, and so on. Under this Board, we should have permanent officials corresponding to the present Railway Board. It may be called an executive board consisting of three members. These persons ought to be appointed direct by the Government and should not be removable with the change of the office of Minister. They should be permanent officials and not depend upon the votes of the Legislative Assembly. All the expenses which the Railways will incur should, in

the first instance, be scrutinised by the Statutory Board either acting together or by means of Committees and then they should be laid before the Assembly. No doubt the expenditure is now laid before the Assembly, but it is laid in a manner that the Members have got no opportunity to scrutinise them, because they are all guillotined on the fourth day. The whole Budget is manœuvred in this way. Therefore, I strongly advocate that we should constitute at an early date a Statutory Board responsible to the Indian Legislature having under it permanent officials. We may group the administration on the lines of the Post Office or, if it is not feasible, on the line of the military organisation with five Commands. This will be the right way for the new administration.

The other thing which I would very strongly advocate is the institution of the Rates Tribunal. I would like to have the Rates Tribunal constituted in the same way as established under the British Railway Act of 1921. The Tribunal should consist of three persons, one judge, or a distinguished lawyer as President, and one railway and one commercial expert, and there should be an appeal to the High Court or to the Privy Council when one is established in this country. The present Advisory Rates Tribunal is highly unsatisfactory. It is really waste of money and it is very desirable that we should have something more definite. There are one or two other suggestions I should like to make if time permits.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The Honourable Member has got two minutes more.

**Dr. Ziauddin Ahmad:** We should remove unnecessary offices like the Clearing Accounts Office, the Standards Office, the Railway Conference Office and the Publicity Office. I would like to amalgamate the Publicity Office with the Railway Board. The other thing I would like is that there should be All-India Railway Service just as there is an All-India Educational Service. The persons recruited for a particular line should be transferable to other places. For want of time, I do not like to develop other points such as the control of vendors, the comfort of third class passengers and so forth. I have got very definite suggestions on vendors, but, unfortunately, the Railway Board forms its judgment on the reports of their subordinate officers, who all travel in saloons and they are not in touch with practical problems and difficulties. We must associate in the administration non-official men who are really more competent to form correct opinions on such points such as the present system of giving contracts of tea shops to one man, with power to give sub-contracts to other persons. Those persons give sub-sub-contracts to others, and so on and so forth. Such system of sub-contracts ought to be stopped, because it unnecessarily increases the cost and raises the prices of the articles of food. Now, there are one or two points which I should have liked to mention, but time does not permit me to do so. With these few words, I beg to move my Resolution.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** Resolution moved:

"That in view of the trade depression, high rate of loan and contemplated political reforms, this Assembly recommends to the Governor General-in-Council to take immediate steps for carrying on the necessary revision of the policy and the administration of Indian Railways."

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muham-  
madan Rural): Sir, I do not propose to disappoint my Honourable friend  
from Aligarh when he asked me this morning that I should be prepared for  
a speech on this "very important Resolution". I was not so certain  
whether the House, after all the enthusiasm for the disabled soldiers  
that my Honourable friend from Madras had exhibited, and, after all  
the earnestness that was displayed, that we should come on to this Resolu-  
tion, nor was I very keen, even though coming events cast their shadows  
before. I wonder how the Honourable the Commerce Member—or as he  
will hereafter be called the Honourable the Railway Member—will feel  
about what is in store for him in the days that are to be. (*A Voice*:  
"What is it?") My friend, Mr. Mudaliar, asks me "what is it?". It is  
that we will find an occasion to raise a debate on the Resolution that steps  
be taken for carrying on the necessary revision of the railway policy.  
Then another token motion will arise in the debate that steps be taken  
for a revision of the administration of the Indian Railways. Perhaps Dr.  
Ziauddin Ahmad himself, the non-official railway expert of the Independ-  
ent Party, will table a token cut that all the Railways should be State  
Railways. I do not know where the preamble of his Resolution will come  
in,—“in view of the trade depression, high rate of loan and contemplated  
political reforms”. That, Sir, perhaps will come in under some head.

**Mr. N. M. Joshi**: Capital expenditure.

**Mr. C. S. Ranga Iyer**: My friend, the Honourable Member for Labour,  
says "under capital expenditure". I say that the contemplated political  
reforms could be taken up under a token cut under the "Executive  
Council" when the General Budget comes up before this House. Thus,  
in this small Resolution, by way of preamble the bigger Budget is antici-  
pated and the operative section of the Resolution anticipates what we  
are immediately going to be presented with. For these reasons, Sir, I  
hope my Honourable friend will not be disappointed if we do not propose  
to discuss this Resolution at length. We should like to concentrate on  
this in connection with the discussion on some larger subject, and on a  
more congenial occasion.

**Mr. E. Ahmed**: The wording of the Resolution is defective, you  
mean?

**Mr. C. S. Ranga Iyer**: The Honourable gentleman has put me the  
question whether the wording of the Resolution is defective. I never,  
Sir, attack Honourable Members in respect of the wording of their Reso-  
lutions; I always compliment those who word their Resolutions rightly.  
The wording of the Resolution is effective, but it is "an effect defective  
which comes by cause". (Laughter.)

**Mr. N. M. Joshi**: MAY I ask the Honourable Member whether he is  
making a motion that the discussion on this Resolution be adjourned  
*sine die*?

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honour-  
able Member has not moved any motion.

**Mr. O. S. Ranga Iyer:** I formally move, Sir:

"That the discussion of this Resolution be adjourned *sine die* now that we have had views expressed to us by Dr. Ziauddin Ahmad on the subject."

**Mr. K. Ahmed:** I support the motion, Sir.

**Rai Bahadur Lala Brij Kishore** (Lucknow Division: Non-Muhammadan Rural): Sir, in view of the fact that a discussion on the Railway Budget is soon to take place in this House, it is unnecessary for me or for any other Honourable Member to make any long speech on the subject today. I was under the impression that the Honourable the Mover of the Resolution would postpone discussion on this subject till the opportunity came in the shape of the Railway Budget. However, as he has chosen to open this debate on the eve of the presentation of the Railway Budget, I feel constrained to give expression to a few points.

Sir, the Railways in India are running at a heavy cost and the salaries paid to the Railway staff in India are much higher than in any country in the world. . . .

**Mr. N. M. Joshi:** Sir, in view of the fact that a motion has been moved that the debate be adjourned, will the further speech of the Honourable Member be in order?

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Chair called the Honourable Member to make his speech.

**Rai Bahadur Lala Brij Kishore:** I fully realise that if my expenditure increases more than my income, my estate will have to go under the management of the Court of Wards. The same principle applies to the Railways. If the Railway authorities cannot carry on their work within the income which the Railways earn, the management will have to be entrusted to a body constituted like a Court of Wards. My submission is that the expenditure should be controlled by bringing the salaries of the people working on the lines down to the extent which may just suit the income. I may not be misunderstood while I say that a start in the cut should be made from the bottom, but high salaries paid to the upper staff and the high allowances paid to them should be cut down to that level which the income of the Railways may afford to pay. The Railways should not exist only for the purpose of paying high salaries to the staff engaged thereon. I do not mean to suggest in any way any retrenchment in the salaries of the staff of the Railway Board or any retrenchment in the personnel of the Railway Board staff or the staff engaged on different lines. But the fat salaries and allowances paid on the lines should be greatly curtailed and the expenditure controlled to meet the present-day income. Without this, there can be no improvement in the extension of the lines or providing facilities for trade and commerce to those parts of the country where such facilities do not exist.

With these few words, Sir, I commend the Resolution for the favourable consideration of the Government, but I expect the Honourable the Mover to see his way not to press it to a division and to withdraw it.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Mr. K. Ahmed.

**Mr. K. Ahmed:** Sir, I have already moved that the debate be adjourned *sine die*, and I would now ask you kindly to put the motion under the Rules and Standing Orders that the question be now put.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** Mr. James.

**Mr. F. E. James (Madras: European):** Mr. Deputy President, I did not originally intend to take part in this discussion, but I do so merely to express some surprise at the course that events are taking. I understand that this Resolution, which obviously is an extremely important one, covering a large variety of subjects connected with the administration of the Railways, was tabled after due consideration of its meaning and importance, was balloted for and secured a place in the ballot and that it then attracted the particular attention of the Independent Group or Party, and of my friend, the Member for Railways of that Group. Now, Sir, after the exhaustive speech in which the Member, who has spoken to the Resolution at length, has covered a very large ground and made some most important and valuable suggestions, I should have thought the points would be discussed by the various Parties in this House in order to give this House the opportunity of a review of the administration. After that speech, Sir, I find a curious conspiracy on the part of most of the Parties in the House to adjourn the discussion . . . .

**Diwan Bahadur A. Ramaswami Mudallar (Madras City: Non-Muhammadan Urban):** There is no conspiracy. Sir, I may say, if my Honourable friend will pardon me, that so far as the Independent Party is concerned, there has been no conspiracy of the kind and we are willing and anxious to carry on this Resolution, and that we are not parties to any motion to postpone this Resolution either on its merits or for any indirect purpose of hastening on to any other Resolution on the tapis of the House.

**Mr. C. S. Ranga Iyer:** Sir, I just rise to repudiate the insinuation involved in my Honourable friend's statement in regard to the Nationalist Party, because we are not conspirators here anxious either to aid or to do the opposite of it in regard to this Resolution.

**Mr. F. E. James:** Sir, I was not, of course, using "conspiracy" in its criminal sense. I am using it in a much more genial sense, but I certainly withdraw that word if it does convey anything which should not be conveyed to any Honourable Member of this House. I was merely expressing some mild surprise that an important discussion of this kind appeared to be drawing to a close when I should have hoped that Members from all sides of the House would join in discussing the suggestions made by the Honourable Member of the Independent Party for Railways. Sir, it is not my intention to make any particular suggestions on the lines of this Resolution, nor is it my intention unnecessarily to stand between the House and the reply of the Honourable the Commerce Member. I wish, however, to point out to my Honourable friend, the Deputy Leader of the Opposition, that while it is true that many of these matters would come up for discussion at the time of the Railway Budget and also at the time of the General Budget, it is also true that that time is very carefully allotted and that this House is limited in the opportunity which it secures for discussing some of these important points. I would, therefore, suggest that it would be better to take the opportunity of this particular discussion to



debate some of these points. Otherwise there will not be perhaps the same importance attached to Resolutions which are balloted on important questions as we, the non-official Members of this House, would wish to have attached to those Resolutions.

**Mr. N. M. Joshi:** Sir, I rise to support the motion made by my Honourable friend, Mr. Ranga Iyer. I assure you, Sir, that I am not interested in closing the discussion on this, because I am one of the conspirators; but, at the same time, I feel that I come to this Assembly in order that we should make the best use of the time of this Legislature. My Honourable friend, Mr. Ranga Iyer, was absolutely within his rights and was perfectly justified in pointing out that there will be a discussion for four days in this Legislature on railway matters and, therefore, there should be sufficient opportunity for every Member to raise any question about the Railways. If, therefore, we feel that the discussion on this question should be closed today, it is because we want to make the best use of the time of this Legislature, and do not wish to misuse that time. I am sorry that my Honourable friend, Mr. James, should have spoken in the strain in which he did, and, if I am to retort to him in his own way, I may say that if we are interested in hastening the discussion on any one question, he is interested in closing the discussion on another question. I support the motion made by my Honourable friend, Mr. Ranga Iyer.

**Several Honourable Members:** The question may now be put.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is that the question be now put.

The motion was adopted.

**Dr. Ziauddin Ahmad:** Sir, may I know what is the position now?

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The closure has been applied and accepted. After allowing the Honourable the Commerce Member to speak, the Chair will call upon the Honourable the Mover to give his reply.

**The Honourable Sir Joseph Bhoré** (Member for Commerce and Railways): Sir, may I raise one point? If the motion for adjournment *sine die* is accepted, it will leave me without an opportunity of replying to further speakers who may take part in the debate. At the present moment, there is only one speaker, namely, the Mover, who really referred to the merits of the case. My Honourable friend, Mr. James, after having laid great stress upon the importance of this debate, proceeded then to abstain from saying one single word on the merits of any single issue. I would, therefore, if the motion is likely to be carried, certainly like to retain my right to reply to any further debate which may take place on a subsequent occasion.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I am afraid there is a misapprehension. I did not understand Mr. Ranga Iyer to press his motion that the debate do stand adjourned. After Mr. Ranga Iyer made that motion, I called upon Rai Bahadur Lala Brij Kishore to speak on the motion itself. Then Mr. James intervened and also Mr. Joshi. Then I heard voices that the question be now put which means that the original question must be put, and the closure has been applied on that point. So there is no question of adjourning this debate at all.

**Dr. Ziauddin Ahmad:** On a point of order, Sir. I clearly wanted to know whether the question was about my motion or about closing of the debate.

**Mr. K. Ahmed:** Sir, the original motion was that it must be adjourned *sine die* and that is the motion. According to the practice of this House, when that motion has been moved and supported, and the question was that the question may be now put, which also has been carried, I submit that no question arises now of the Commerce Member making a reply as the motion has already been carried. Therefore, we must go on to the next item on the Agenda.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** I am obliged to the Honourable Member for the guidance that he has given to the Chair. Do I understand Mr. Ranga Iyer to say that he wants that the motion that the debate do stand adjourned should be put?

**Mr. C. S. Ranga Iyer:** Yes, Sir. I move that the debate do stand adjourned.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** I will take the opinion of the House for closure on that point. The question that will be put, if the closure is accepted, is that the debate do stand adjourned. The question is that the question be now put.

The motion was adopted.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The question is:

"That the debate on this Resolution do stand adjourned."

The motion was negatived.

**The Honourable Sir Joseph Bore:** Sir, I had never till this day realised the full versatility of my Honourable friend, Dr. Ziauddin Ahmad. I have known him as a great mathematician whose mathematical subtleties have often bewildered this House. I have known him also as a master of figures who has always been able to prove conclusively that two and two make either more or less than four. But today, Sir, we have him in the role of a railway expert, qualified to deal with any matter, whether it is financial or administrative or technical connected with the Railways of India. Well, Sir, I am grateful to him, and I will explain to him later on why really I am grateful. He said a few days ago, in the course of a fire of Supplementary Questions, when I said that I was always ready to sit at his feet, that the Railway Board did not always listen to his advice and counsel. Well, Sir, that is the fate of many great sages and teachers. The seed that they sow often falls upon stony ground and fails to fructify. Sometimes it is the fault of the ground, I admit, sometimes also it may be the fault of the seed, because I have known seeds which, despite all the efforts of the gardener, have failed to germinate. Now, Sir, my Honourable friend has dealt with this question in an encyclopædic manner and I find it extremely difficult within the time which I have at my disposal to refer to all the matters raised by him. I find it even more difficult to know which matter to

take and in what order to deal with them. I do, however, quite clearly recognise the intention behind this motion. The Mover has put forward certain definite concrete proposals and has, on the whole, abstained from destructive criticism. I would like to assure him that we on this side of the House appreciate and welcome every constructive effort that is calculated to help us to carry on the working of the great administrative machine. That is why, Sir, I say I am grateful to my Honourable friend for what he has done today.

Now, Sir, perhaps I had better begin with the suggestion that the capital at charge of our Railways should be replaced by debentures at a low rate of interest and perhaps participating in profits. I think Dr. Ziauddin referred, if not today, I think in an article which he wrote some time ago,—he referred I say to this as a suggestion which had come from my distinguished predecessor, Sir George Rainy. I think that there is likely to be some misunderstanding in this matter. As the matter is one of considerable interest, I would like to repeat to the House the words which Sir George Rainy used on that occasion. He said:

“Ordinarily, a company railway in any country in the world would have raised part of the capital invested in the line by means of prior charges such as debentures, and another part in the form of ordinary shares. I will not complicate the comparison by referring to preference shares which might be held to fall in the one class or the other according as the dividend was cumulative or non-cumulative. When trade is depressed and railway earnings decrease, it becomes impossible to maintain the same distributions out of the balance remaining after working expenses have been covered. In that case, the ordinary dividends would first be sacrificed, the provision for depreciation would come next, and the prior charges last of all, because failure to meet them would be an act of insolvency. A State-managed Railway, however, is usually in a different position, and certainly this is true of the Indian Railways. The whole of the capital has been raised in the form of what is equivalent to debentures, for the ordinary share capital of the company-managed lines is a negligible proportion of the total. It is true, therefore, to say that, before any allocation can be made for depreciation, interest has to be paid in full on the whole of the capital invested in the undertaking. The point to which I draw attention is this, that so far as the commercial lines are concerned, if only one-fourth of the capital investment were in the form of ordinary shares instead of in the form of fixed interest-bearing securities, it would be possible, in each case of the three deficit years, to meet the depreciation charges in full by means of a reduction in, or the total suspension of, the ordinary dividend.”

I think, Sir, there is a little difference between that and what my Honourable friend, Dr. Ziauddin, suggested. As regards the actual figures involved, I would say that my Honourable friend has put his estimate extremely high. As a matter of fact, excluding capital specially raised for the Railways and excluding capital provided by the Companies the amount that is paid on Government capital of about 575 crores is about

25½ crores annually. This works out at an interest of about  
4 P.M. 4.4 per cent. Of this amount of 575 crores, about 275 crores

were borrowed at extremely low rates of interest: the interest we pay on that is about three and one-third per cent. On the balance of 300 crores the interest we are paying at present amounts to about five and a half per cent. Now, if, instead of the five and a half per cent. we had debentures carrying four per cent., we should save something like four and a half crores—I have not been able to work it out, but it is a simple matter to work out how much would be saved in the unlikely event of our getting debentures at three per cent. as suggested by my Honourable friend. But the point really is this: it seems to me that it would be an extremely difficult matter for the Railways to raise such a large loan as 300 crores at three per cent. in the form of debentures, even though, the

[Sir Joseph Bhore.]

debentures had the prospect of sharing in profits. If that prospect were extremely attractive, then all I have to say is that in good years it would make a very large hole in our profits, and if the prospect were not attractive, I very much doubt whether we should be able to get those debentures taken up.

The next point which my Honourable friend referred to was the suggestion that the Railways should be constituted on an entirely different basis. He suggested a provincial basis or a divisional basis, with one Agent at the Centre for all Railways. That was the first suggestion that he made. I think that that is somewhat on the German pattern, and I believe that my Honourable friend has had an opportunity of a personal study of that system. I am afraid that my own experience of it is extremely superficial and certainly of very recent date, and so my Honourable friend has the advantage of me in this matter. But I would like to mention certain considerations which I think will show that it is not possible to institute analogies and comparisons of this nature. Take for instance the German Railways where you have a single Agent. Now this is the point I want to emphasise: the German system supplies means of communication over an area of about 180,000 sq. miles. Our system supplies communications over an area of about 1,700,000 sq. miles. And I would suggest to my Honourable friend that what is possible in the first case may be quite impossible in the second case . . . . .

**Dr. Ziauddin Ahmad:** May I ask what is the mileage in Germany?

**The Honourable Sir Joseph Bhore:** The mileage of the German railways is about 36,000 and our mileage is about 40,000; but my Honourable friend will realise that it is far easier to run a compact concentrated system than it is to run an enormous system like ours spread over enormous tracts of country. That is the difference which vitiates the comparison. I may put it in another form. If, for instance, a single Agent of the Indian Railways were operating in Europe, instead of controlling an area the size of Germany, he would have to control an area the size of the whole of Europe excluding Russia, a very different proposition indeed. I must admit that a single Agent, sitting like a spider in his web, ready to pounce upon any part of his domain which may call for it, is an attractive picture; but if you have that spider located at one end of his web, as he would be if the Agent were located in Delhi, and if you have a web so vast that it must cover the whole of India, then I am afraid that the flies would be playing games with impunity at the extreme corners of the web. As a matter of fact, the divisional system raises a good many difficulties. I understand that in Germany there are about 30 such Superintendents. Each one has about seven departmental heads and I think each division has about twenty sub-divisions. I am not at all sure whether a scheme like that could be economically applied to India. In any case I do not see very much difference between either a Provincial Head or a Divisional Superintendent and an Agent except of course that the Divisional Superintendent would have a very much smaller charge than an Agent. But I do not mean to suggest to my Honourable friend that I am turning down his suggestions straightaway. He will realise that in a matter of this importance it is not possible to deliver an opinion one way

or the other without much more careful examination. I would, therefore, say—not that I keep an open mind, because I think that that is an expression which might not be accepted by certain Members of this House—I remember the other day one Honourable gentleman behind me said that an open mind was an open drain, and a gentleman opposite said that a close mind was a gas generator—but that I keep an open mind which can be closed or a closed mind which can be opened; and I think thereby I shall satisfy both Mr. Biswas and Dr. Dalal. I do not propose to touch on the suggestions to abolish the Clearing Accounts Office, the Standards Office and the separation of Audit and Accounts. Those matters have been dealt with over and over again on the floor of this House and I have no doubt that questions on these subjects will be raised again on another occasion; but I would say to my Honourable friend that if he can make any practical suggestion which would help in simplifying our audit or our accounting arrangements, we should be only too grateful to him.

The Honourable Member then referred to the difference in organisation between different Railways and he suggested that there should be uniformity of such organisation. For example, the transportation and commercial branches are separate on the G. I. P., whereas they are amalgamated on the N. W. R. and the E. I. R. The separation is deliberate, because we wish to ascertain by actual practice which system is the most suitable and the most efficient. As a matter of fact, I may inform my Honourable friend that this is one of the questions which we have definitely referred to Mr. Pope and we hope to get a report by him on this question so that my friend can see that his criticism is being followed up.

Now, Sir, my Honourable friend made two very important and, I think, very interesting suggestions. First of all, he made the suggestion that there had been considerable duplication, considerable waste of capital, and that capital commitments had been undertaken which were not justified by economic considerations. There may be a good deal to be said for that point of view, and I will not join issue with my Honourable friend, but I would submit to him that if this is true, the present Railway Administration deserves his sympathy and not his criticism.

Another point my friend raised was amalgamation. I gather that what he suggested was that by amalgamating and enlarging certain systems, you could reduce the cost of the directorate. That, I think, is undoubtedly a valuable suggestion, and I have no doubt it must be considered as soon as there is an increase in the number of the State-managed Railways.

As regards State *versus* Company-managed Railways, my Honourable friend of course realises that we have lost no occasion of buying up Railways when their contracts came to an end without reasonable cause. We did not do so in the case of one Railway purely on account of financial considerations.

Another point which my Honourable friend raised was the suggestion that we should have All-India Railway Services. I am afraid I did not quite follow him in that criticism, because at the present moment we have All-India Railway Services for the State Railways.

Then, Sir, another point which my Honourable friend raised was the revision of the Convention. I do not think that I can do better than

[Sir Joseph Bhore.]

read the opinion of Sir George Rainy with which I entirely agree on this question. He said:

"The conviction has been growing in my mind that it is impossible satisfactorily to settle that question",—*that is the question of revising the Convention*,—"apart from the big constitutional problems that were coming upon us, and I am more than ever convinced of that now. But what is quite certain is that the convention will have to come under examination in connection with the constitutional changes. It is absolutely inevitable. Apart from any particular proposals which might be made, obviously at a time when as part of the constitutional settlement the whole question is raised of how far existing sources of central revenue might be assigned to the provinces, the question of contribution of the railways to the central revenues must come under examination. That, I think, is inevitable."

I should like to add one other reason, which, I think, affords some cause for satisfaction, that the attempt was not made to revise the Railway Convention hurriedly two years ago. We were then dealing only with years of prosperity; we had nothing then to do with years of adversity, and if we are going to revise the Convention, it will be necessary for us to have the experience both of prosperous years and of years in which we have suffered.

I think, Sir, I have hastily touched upon most of the points raised by my Honourable friend, and I would close by once more emphasising my own feeling towards the manner in which he has raised the points he has for consideration of this House. I am sure, he must realise that having regard to the complexity and the importance of the subjects which he has raised, it is not possible for me within the limits of a reply, extending to 15 or 20 minutes, to give any answer which can deal exhaustively with even a single one of these subjects, but I can assure him that some of them at any rate are extremely interesting and must inevitably come under examination. I do appreciate the fact that he has put his suggestions in a concrete constructive form with the object of making a definite contribution towards helping us in carrying out the administration of the Railways. I hope, Sir, that having served his object, he will withdraw the motion.

**Dr. Ziauddin Ahmad:** Sir, I do not wish to go into greater details about the manner in which the Deputy Leader of the Nationalist Party handled this question. If he wanted to move his motion, he could have come straight to me or to the Leader of the Independent Party, and at his request I would not have moved my motion at all. But, instead of adopting an honest and direct course, he preferred to follow an indirect, crude, and, I should say, an ungentlemanly method . . . .

**Mr. O. S. Ranga Iyer:** On a point of order, Sir . . . .

**Dr. Ziauddin Ahmad:** There is no point of order.

**Mr. O. S. Ranga Iyer:** I have a right to raise a point of order.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** What is the point of order?

**Mr. O. S. Ranga Iyer:** The point of order is this. The Honourable gentleman just said that I took an ungentlemanly course, and I want him to withdraw that expression.

**An Honourable Member:** Quite right.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Does the Honourable Member want to know from the Chair whether it is a Parliamentary expression?

**Mr. C. S. Ranga Iyer:** I want to know, Sir, from the Chair in what connection it can be a Parliamentary expression, if at all, and if my moving on the floor of the House that the discussion do stand adjourned can be construed as an ungentlemanly method. If the Chair rules that it is correct, I have no objection, but I want the Chair's opinion whether the expression is Parliamentary or not in that connection.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I think that the Honourable gentleman's use of the expression "ungentlemanly" in this connection is quite unparliamentary, and I think he will do well to withdraw it.

**Dr. Ziauddin Ahmad:** I accept your advice, Sir, and even without your advice I would have withdrawn that expression had it really troubled the mind of my distinguished friend, because I am not going to fight over words. I can use any mild expressions like "perfect gentleman" or anything like that, if it will please him; but I cannot withdraw the facts. The facts are there. The words I can always withdraw. The facts I cannot change. I spoke to him this morning and said that the Railway Convention was his pet subject. I also asked him whether he would care to enlarge on this topic, because he knew that I was going to move my Resolution. Had he told me that he wanted to . . . . .

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I rise to a point of order. Is the Honourable Member in order in stating on the floor of the House any conversation that takes place between Honourable Members in the lobby? Sir, in the first Assembly that question was raised, and it was ruled by Sir Frederick Whyte that what passes between Members in the lobby should not be mentioned on the floor of the House.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I do not think it really raises a point of order. It must be left to the good sense of Honourable Members as to what part of their private conversation could be mentioned on the floor of the House.

**Dr. Ziauddin Ahmad:** The example was set by the Deputy Leader of the Opposition. I never wanted to refer to any such conversation. It is he who introduced me in his speech and I am replying him. I feel that my friend could have adopted a simple and direct method. Had he approached me or the acting Leader of the Independent Party and suggested that this Resolution should not be moved, then I assure him I would not have moved this Resolution at all . . . . .

**Mr. C. S. Ranga Iyer:** Sir, the Honourable Member has been guilty of a gross misstatement of facts. I never told him that I wanted to reach

[Mr. C. S. Ranga Iyer.]

my Resolution, nor did I tell him that I was going to help him in his Resolution. He wanted to move his Resolution and he wanted me to speak on that also, and I spoke on that.

**Dr. Ziauddin Ahmad:** Sir, I do not wish to continue the controversy, and I leave the House to draw their own conclusion.

Now, coming to the subject, I just want to draw the attention of the Honourable the Railway Member to one or two points. He said that if there will be Provincial Superintendents of Railways, it will not be possible for one Agent to regulate their work. At present there are 53 different administrations and 53 different Agents and Sub-Agents, and all these 53 are now controlled by one Central authority, that is the Railway Board. Therefore, the argument of my Honourable friend does not appeal to me. But at any rate I have made an alternative suggestion, namely, that instead of one Agent, follow the practice of the Army, have five Agents, that is, the Eastern Command, the Northern Command, the Western Command and the Southern Command, and a separate Command for Burma. If the other suggestion was not feasible, this might be adopted. I suggested the first alternative for this reason that the Railways will come more and more in touch with the Provinces which will in future enjoy provincial autonomy, and the Railways will help them in solving local provincial questions. That was the idea at the back of my mind when I suggested that alternative.

As regards the saving in interest, I gave a figure of ten crores. I had not all the data with me, but when my Honourable friend lays all the figures in his Budget speech, we can calculate the exact amount which we can save. But he himself admitted that he will possibly save about four crores. Even that sum of four crores is not a small sum, and if this amount could be saved in the interest charges, then all the troubles that have arisen in connection with the retrenchment of men would have disappeared.

The next point is whether the time has now come to revise the Railway Convention. The argument was that as we were now having a time of adversity, it was desirable that we should see also the time of prosperity before coming to some conclusion. I think we had prosperous days from 1925 to 1930 and now we are having years of adversity during the last two years. So we have got the experience of both prosperous and adverse times. If you begin it at a time of prosperity, it is not likely you will have a good bargain; it is only in the time of adversity that you can strike a good bargain.

Now comes the question of an All-India Service. No doubt a beginning has been made in the institution of an All-India Service for the State Railways, but I would very much like to have an All-India Service for all the Railways owned by the State, and then extend it to all the other Railways in India.

As regards experiments, may I say that we have been having Railway Administration for about three-quarters of a century. We have got in the staff of the Indian Railways persons with experience of the Railway Administrations in various countries. The time for experiment must now cease, and we should take some bold action. We had years of experiments since we took charge of the Company-managed Railways, and there should be a time limit even for experiments. We should now take a bold action and strike out a definite policy and go ahead.



With these few words, as I said before, a Resolution of this kind is not intended for division, but only for the purpose of drawing the attention of the Government. I, therefore, beg leave of the House to withdraw the Resolution.

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

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Mr. Ranga Iyer.

**Mr. O. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): It has just been represented to me by the General Secretary of the Independent Party . . . . .

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Order, order. I would invite the Honourable Member's attention to Standing Order 61:

"A Member in whose name a Resolution stands on the list of business shall, when called on, either:

- (a) withdraw the Resolution, in which case he shall confine himself to a more statement to that effect; or
- (b) move the Resolution . . . ."

The Honourable Member cannot make any other statement at this stage.

**Mr. O. S. Ranga Iyer**: Thank you. If you had only listened to me, Sir, if you had allowed me to complete, you would have known that I comply with the Standing Order to which you have drawn attention. I will read my statement over again. It has just now been represented to me by the General Secretary of the Independent Party, Mr. S. C. Mitra, that he would like the Resolution which stands in the name of a member of his Party on the release of Mahatma Gandhi and his supporters in jail to be taken up next. I gladly yield place to Mr. Maswood Ahmad, and I withdraw my Resolution.\*

#### RESOLUTION *RE* RELEASE OF MR. GANDHI, MUFTI KIFAET-ULLAH AND OTHER POLITICAL PRISONERS.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Mr. Deputy President, I move:

"That this Assembly recommends to the Governor General-in-Council to release Mr. Gandhi, Mufti Kifaetullah and other political prisoners." (Laughter.)

Mr. Deputy President, I want to warn the Government that this is not a time for laughter at all. The whole constitution of the country and everything else are in the melting pot.

How long, I ask the Honourable Members on the Treasury Benches, are they going to prolong this? Is there to be any end of this campaign?

Thousands of patriotic Indians are in jails, everything is in a state of unrest, and I do not know what the Government could expect from the Round Table Conference without releasing the Indian leaders.

The main question is, who is responsible for all this trouble—whether the Indian leaders, Mr. Gandhi and Mufti Kefaetullah, are responsible, or the Government. In this connection I will remind the House of what happened. An old, thin, religious man wants to see the head of the

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\*"This Assembly recommends to the Governor General in Council that two non-official representatives of this House be nominated to interview Mahatma Gandhi in jail with a view to bringing about his release and that of his followers and to secure the Mahatma's co-operation in the further stages of constitution-making."

[Mr. M. Maswood Ahmad.]

Government for a talk on some political matters, but the permission is refused, his advisers do not allow the interview, and the trouble starts. That is the main cause of this unrest. May I ask, what was the fault of the other old, sick, religious man, i.e., of the Mufti Sahib?

The question now is, who is to move—whether the Government should come forward and say that they are ready to have a settlement, or whether the Indian leaders should do that. Mr. Gandhi and other Indian leaders have now changed their attitude to a very great extent. Mr. Gandhi and Mufti Kefaetullah and others are ready to co-operate with the Government. If this be not correct, let the Government see for themselves this fact. These leaders are trying to see a Bill called the Anti-Untouchability Bill passed by the Assembly. Does it not show that they are ready to co-operate with the Government? They have confined their attitude to anti-untouchability only. So, they have shown their good sense, they have come before the Government, and they are ready to co-operate, but if still the Government are of the same old opinion, I do not know what more Government want from them. I think the attitude of the Government in this connection is not wise. If you see the lives of Mr. Gandhi and Mufti Kefaetullah, they are religious men. Mufti Kefaetullah commands the respect of all Mussalmans. Great co-operators as well are losing their patience.

I want to make it clear that when I am talking of political prisoners, I am not talking of the terrorists at all. I do not say that the terrorists prisoners should as well be released. I condemn terrorism. But I ask the Government as well to leave the terrorist attitude. I advise them to adopt a compromising attitude. Those who have got nothing to do with terrorism should be released. If Government want the future constitution to be worked smoothly, they should create a calm atmosphere in the country. They should not take recourse to what I saw in a drama. There was a quarrel in which both parties were saying: "*Nak kat jae jo manoon pahle*", which means "His nose will be cut, who will move first for compromise". Government think they should not go first for a settlement. In my opinion, Government must go forward and say: "Here we are ready for a settlement". If the other party refuses, then the responsibility will be on the other party. It is the duty of the powers that be to come forward. In this connection there is an old Persian proverb which I do not want to quote, but which means: "it is the party in power that should come forward for a settlement". If Government are not willing to release these people, their whole scheme will probably fail. If nobody is satisfied, then the reforms will not be accepted and the only wise course for Government is to accept our well-known demands and to release Mahatma Gandhi, Mufti Kefaetullah and other political prisoners. With these words, I move my Resolution.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Resolution moved:

"That this Assembly recommends to the Governor General in Council to release Mr. Gandhi, Mufti Kifaetullah and other political prisoners."

**Sardar Sant Singh** (West Punjab: Sikh): I rise to support the motion moved by my friend, Mr. Maswood Ahmad. The question of the release of political prisoners has been engaging the attention of this House in various forms. Questions have been tabled. Supplementary questions have been put. Questions as to the desirability of the release of such

persons have been put, not only in this House, but in the Parliament as well. The Government of India as well as His Majesty's Government in England have consistently refused to listen to the public voice on the question of the release of these gentlemen on the ground that the question could only be considered if and when these prisoners were prepared to give some such undertaking as to withdraw their support to the civil disobedience movement. There seems to be something rotten in the State of Denmark. The Government insist upon a condition which no self-respecting gentleman could fulfil. This is not the first occasion in history when the persons in power have refused to listen to the voice of reason. Jesus Christ was crucified in the name of law and order, because he did not agree with the administration of his time. He would not agree to the terms sought to be imposed by those in power at the time and we find that, while those powers have disappeared from the face of the earth, Jesus Christ still lives. History is full of such instances where the spirit of the times was not visualised by the administrators with the inevitable result of ruin of the administration.

Coming to the recent history, I may point out that the Sikh history furnishes noble examples of the same spirit. Muhammadan rule was crumbling. The spirit of that rule had gone and only the soulless body had remained when the Sikh Gurus were faced with a similar situation and were forced to raise their standard of rebellion against the administration. Four Gurus, with a number of illustrious martyrs, had given their lives before the rule could crumble to the ground. Similar conditions are coming into existence now. What is the idea underlying the term "Government"? The underlying idea of a Government or State is to formulate rules of conduct for the people based on morality and high sense of duty towards the common weal. The standard of conduct is taken from the lives of those who are regarded as good and virtuous and who subdue self for the common weal. If good and virtuous people are dissatisfied with a State, the State must be changed and not the good people should be shut up in prison. In India administration is working on lines which are reverse of sound. There is no wonder that everybody is shouting '*Inqilab zinda bad*'. Change is wanted. You yourself are here for a change. You yourself say: "We will give you another Constitution", because the present one is rotten. We are at least co-operating in this one matter that we all want a change. What kind of change it should be is a matter of opinion. If you introduce a change which is not acceptable to saints, to good people, to honest people, to men of character, certainly that change will not be acceptable to the people at large. How can you defend a system where saintly men like Mahatma Gandhi and men like Mufti Kefauatullah cannot live outside a prison?

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official): '*Inqilab*' does not mean change. It means Revolution.

**Sardar Sant Singh:** I know more about the meaning of that word than my Honourable friend thinks he knows. How can the Government defend a constitution which can only exist by keeping the saintliest men behind the bars? Can there be anything more indefensible? If Mahatma Gandhi cannot live under a system of administration like the present one, surely it ought to be changed as speedily as possible. The administration wants a gesture from Mahatma Gandhi. How can he consistently, honestly and conscientiously agree to such a ridiculous proposition being

[Sardar Sant Singh.]

put forward in Parliament as well as in this House? There is no sense behind it, there is no rationalism behind it. If Mahatma Gandhi is to come out, surely he should come out on his own terms and not on the terms dictated by the Government. We want a change in the Government. The country is living on the brink of a volcano. The intensity and the immensity of the resentment against the present Administration of the country is growing in volume every day. The situation is getting from bad to worse and those, who are in favour of the present policy, are carrying on as though they are living in a paradise. I can safely say that it does not require much foresight to predict that if the present conditions continue for another five years, there will be a bloody revolution in the country and the history of the country will be written in blood.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) vacated the Chair which was occupied by Mr. Muhammad Yamin Khan.]

It is Mahatma Gandhi with his policy of non-violence who is maintaining the country under his control. He has taught us what non-violence means, and yet he is behind prison bars. Can there be any defence against it? Can anybody, with his head on his shoulder, say that that policy is sensible? It is not. It is already late in the day to mince matters. We should try to remove this resentment from the country, and that we can only do by enlisting, by seeking, nay, by pleading for the co-operation of these great men who are now behind the bars. Sir, they are the men who control the public opinion. They are the men whose very existence is being defied now in the country. What a pity that the Administration wants to shut them in! What is that? May I know what law and order will be? So long as your sword is naked and shining, you may keep the country and get them to submit to your rules and to your Ordinances, but as soon as the opportunity occurs, you will find the tables turned against you. It is high time, Sir, that in the interests of the people, in the interests of the millions whose lives are at stake, Government should revise their policy. I would appeal to my Honourable friends to support this Resolution and thus see that the real leaders of thought should be amidst us and not be separated from us. With these words, Sir, I support the Resolution.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I support the Resolution of my Honourable friend, Mr. Maswood Ahmad, and I am glad that this more comprehensive Resolution has got its chance to be debated today. We in this House know, Sir, that we are impotent in carrying out our Resolutions to their logical conclusion. All that we are here for is to offer some advice to the Government, and I think it is our duty to tell them plainly what we think of the action of the Government in not releasing our great political leaders,—Mahatma Gandhi, Mufti Kefauddin and other important political prisoners.

Sir, I do not like today to narrate again the old story as to how it was the action of the Government that precipitated the last fight between the Government and the Congress. Even the other day the Honourable the Home Member contended that it was the Congress which really declared the war, but I think political memory is not so short as to forget facts. Sir, Mahatma Gandhi, after his arrival in Bombay, attended a meeting of the Working Committee of the Congress, and some Resolutions were passed; but it was settled that those Resolutions were not to be given

effect to before the Mahatma had a chance to meet His Excellency the Viceroy and to negotiate with him. It was the action of the Government in arresting Pandit Jawahar Lal Nehru and Mr. Sherwani and their refusal to see Mahatma Gandhi that really made it impossible for the Congress to do anything else but to go for civil disobedience. It is no use, however, now to dilate upon old facts; it is admitted, without question, by all men that without the Congress leaders having any chance to freely consider the future constitution and to help the country and to guide it in the matter of the attitude our people should take on the question of acceptance or non-acceptance of the proposed constitution, nothing could really be settled for the whole of India. It is the action of the Government that has also set a premium on the influence of the Congress people. Sir, it is the sufferings of these Congress people, sufferings undergone disinterestedly for the cause of the country, that have elevated them in the estimation of the public even though their policy may be impracticable and even though the policy that they embark upon may not be really helpful in taking the country onward in its march. Even in these circumstances the people of India care for the opinion of those people who disinterestedly suffer so much for their country. So, I say, it is the action of the Government that really adds to the prestige of the Congress leaders in this country. This has been said even by people who are in the good books of the Government. I was reading the statement of Sir Tej Bahadur Sapru only this morning where he also said that without the release of Mahatma Gandhi, about the prospect of which they had some indication even in England, there is no great chance of a settlement in India; and he apprehends that the difficulty of getting Mahatmaji released is perhaps more in India. It is the Government of India more than the people in England that are putting impediments in the way of the release of Mahatma Gandhi.

Sir, I do not know what is in the mind of the Government of India about demanding from Mahatma Gandhi almost an express undertaking that he will not take to the civil disobedience movement. Sir, if they think that it is ever possible for a man like Mahatma Gandhi, being in jail, not being acquainted with the political situation outside to change his policy, Government are not cognizant of the Congress policy. It has been said on many an occasion that the Congress leaders or Congress members, while in jail, should not give any decision about the political programme. Even if Government expect them to change their attitude, it is only when they come out and may have a chance of studying the present conditions and also the nature of the proposed constitution to be given to India in the near future that there may be some chance of any change in policy. Even if Mahatma Gandhi himself accepts all these conditions and gives an undertaking that, without any other consideration, he would call off the civil disobedience movement, such a proceeding will not be even in the interest of the Government, because any leader who does it will lose his caste and that would be construed only as a means of that particular leader getting out of jail and not for the real interest of his country. From all considerations, then, since Government would now appear determined to change the Constitution, it is advisable from their point of view as well as from that of the people that all the leaders of the Congress and men like Mufti Kafaetullah of the Jamiat-ul-Ulema and others should be allowed to come out and get a chance to examine for themselves the present conditions in India and the further question as to what we may expect as the next dose of constitutional reform. If, by our speeches in

[Mr. S. C. Mitra.]

this House, as representatives of the people, Government may care to gauge the public feeling, then we owe it to our constituencies and to the whole country to tell Government explicitly that if they are to carry the people of India with them, the least that they can do is to release Mahatma Gandhi and other Congress leaders and Jamiat-ul-Ulema leaders at once, and then see how the leaders chalk out their future programme. If Government have an impression that they have crushed the Congress, do they also think that they have been able to crush nationalism in India? Or is it their desire that the people of India should not even attempt to have greater freedom for their people? If that be not their object, it is not for even Government to think that a national movement like the Congress movement should be crushed and all national aspirations should be put an end to in this land. My Honourable friend, Mr. Gaya Prasad Singh, tells me, and that is the lesson of history, that nationalism has never been crushed. Individuals may go down, a particular policy may not succeed, but it is well-known that a nation, that is conscious of its own existence, and a nation like the Indian nation, which has its own tradition and history, can never be crushed by legislation or repression. So, I say, that in the best interest of the country, and in the interest of Government, the earliest step that Government should take is to release all these leaders. Sir, I support the Resolution with all my heart.

**Pandit Satyendra Nath Sen** (Presidency Division: Non-Muhammadan Rural): Sir, I rise to support the Resolution and that on many grounds. The first and foremost is that Mr. Gandhi and his followers were imprisoned without any trial which is against the spirit of all civilised law. Sir, I realise Government's difficulty in coping with Mr. Gandhi and his followers under the ordinary law, and it is for this reason that they have put him into prison without going through the formalities of a trial. But, Sir, what could Mr. Gandhi do? He was entirely helpless. The Congress had been continuing a constitutional agitation for over 40 years in the past without any appreciable results, and Mr. Gandhi was goaded to launch the civil disobedience movement as a last resort. And, Sir, it will be admitted that Mr. Gandhi has made penance for himself and, as he is accustomed to do, has made penance for others also. He has practically given up the civil disobedience movement and is now seeking the help of Government, although he was the leader of the non-co-operation movement. Not only that; he now seeks all sorts of indulgence in passing an altogether revolutionary Bill with the assistance of Government. I hope Government will now appreciate his spirit and will forgive and forget. Sir, I should say that Mr. Gandhi should be regarded as the best friend of Government. What Government could not achieve in so many years, he has made them achieve in some days only. It is an admitted fact that "divide and rule" is one of the political expedients from time immemorial and it is also the policy of the present Government. It is with that end in view that they have been setting up class against class and community against community; and it was reserved for Mr. Gandhi to set up the son against his father, brother against brother and even the wife against the husband. So I hope Government will appreciate the services of Mr. Gandhi and will release him forthwith. With these words, I support the Resolution.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 16th February, 1933.