

# LEGISLATIVE ASSEMBLY DEBATES

TUESDAY, 14th AUGUST, 1934

Vol. VII—No. 6

## OFFICIAL REPORT



### CONTENTS.

Questions and Answers.

Short Notice Question and Answer.

Message from the Council of State.

Motion for the Expunction of certain portions from the Proceedings of the Assembly—Adopted.

The Assam Criminal Law Amendment (Supplementary) Bill—Passed.

The Indian Army (Amendment) Bill—Motion to consider adopted.

The Indian Petroleum Bill—Presentation of the Report of the Select Committee.

SIMLA : PRINTED BY THE MANAGER  
GOVERNMENT OF INDIA PRESS : 1934

*Price Five Annas.*

# LEGISLATIVE ASSEMBLY.

*Tuesday, 14th August, 1934.*

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

## QUESTIONS AND ANSWERS.

**The Honourable Sir Henry Craik :** Sir, the answer to this question is a very long one, and I propose, with your permission, to lay it on the Table.

**Mr. Gaya Prasad Singh :** Will not this curtail the right of Members to have facilities for understanding and asking supplementary questions ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Honourable the Home Member has spoken to the Chair about this. It seems the answer of the Government is a very long one, and, therefore, it will be placed on the table so that Members can read it.

**Mr. H. P. Mody :** What about supplementary questions ? Will another opportunity for these be given ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** Certainly. Whenever statements are laid on the table, the Honourable Members get a chance of reading these at their leisure and asking more questions afterwards. Supplementary questions will arise out of those questions which are published, later on.

**Mr. H. P. Mody :** But for those questions we require ten days' notice and would you direct that they may be put earlier on a particular date ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Chair will have to think about that. This is a new procedure of course. The point is that when Honourable Members ask certain questions for which the answer is a very long one containing an elaborate statement of the policy of the Government, that obviously cannot be read out on the floor of the House, and the usual practice is to lay the statement on the table. Whether it would be proper to allow supplementary questions to be asked after two or three days' notice is a new suggestion which the Chair would like to think over.

**Maulvi Muhammad Shafee Daoodi :** On the basis of that statement, we might like to put short notice questions possibly within a short time.

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Chair will have to think over that.

**Mr. T. R. Phookun :** Could any Member, if he likes, put any supplementary question now, even without reading the answer ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** No.

( 1419 )

The Honourable the Leader of the House is not well and the questions that are due for him to answer will be postponed.

### COMMUNIST PARTY IN INDIA.

545. \***Mr. Gaya Prasad Singh** : (a) Have Government declared the Communist Party in India as an unlawful Association under Act XIV of 1908 ? If so, what are the declared aims and objects of the Party, and by what methods does it seek to achieve them ?

(b) Who are the present office-bearers of the Party, and what is the approximate number of its members in the country ?

**The Honourable Sir Henry Craik** : (a). Yes. It has been held judicially by the Allahabad High Court in the Meerut Conspiracy Case that the aims of the Communist Party of India are those of the Communist International. The High Court stated that there was no doubt in their minds that the violent overthrow of the present order of society and bringing about the independence of India by means of an armed revolution was not a distant but an immediate object of the party. The methods by which the party seeks to achieve this object were stated in the judgment of the High Court to be mass action which included :

“ Strikes ; a combination of strikes and demonstrations ; a combination of strikes and armed demonstrations ; and finally the general strike conjointly with armed insurrection against the State power of the Bourgeoisie.”

The High Court, further, stated that :

“ the whole programme from beginning to end shows, without a shadow of doubt, that the programme laid down is the overthrow of the existing order of society and Government by the use of force with ultimate resort to arms.”

The Communist Party of India has laid down in its Draft Platform of Action the following tasks :

- “ (1) The complete independence of India by the violent overthrow of British rule. The cancellation of all debts. The confiscation and nationalisation of all British factories, banks, railways, sea and river transport and plantations.
- (2) The establishment of a Soviet Government. The realisation of the right of national minorities to self-determination including separation. Abolition of the Indian States. The creation of an Indian Federal Workers' and Peasants' Soviet Republic.
- (3) The confiscation without compensation of all the lands, forests and other property of the landlords, ruling princes, churches, the British Government, officials and moneylenders, and handing them over for use to the toiling peasantry. Cancellation of slave agreements and all the indebtedness of the peasantry to moneylenders and banks.”

The more important of the stated methods by which the Party may achieve these aims are as follows :

- “ (1) To develop a general strike and convert it into a general political strike.
- (2) To develop the spontaneous peasant movement for the non-payment of rent, debts and taxes into an All-India movement and direct it into the channels of an agrarian revolution.
- (3) To develop a nation-wide movement for independence, attracting the petty bourgeoisie to it besides workers and peasants and isolating the bourgeoisie and the bourgeois national Congress.
- (4) To spread revolutionary propaganda among the soldiers and police and to explain to them the necessity of their armed insurrection together with the masses of the country against British rule.”

These are quotations from a document issued by the Central Committee of the Communist Party of India in February, 1934.

The aims of the Communist International, on which the programme of the Communist Party of India is based, are summarised in the report of the Fish Committee, appointed by the House of Representatives in the United States of America to investigate the activities and propaganda of the Communists in the United States of America, as follows :

- “(1) hatred of God and all forms of religion ;
- (2) destruction of private property and inheritance ; absolute social, and racial equality ; promotion of class hatred ; revolutionary propaganda through the Communist International stirring up communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war ;
- (3) destruction of all forms of representative or democratic government, including civil liberties such as freedom of speech of the Press, of Assembly and trial by jury ;
- (4) the ultimate and final objective is, by means of world revolution, to establish the dictatorship of the so-called proletariat into one world union of Soviet Socialist Republics, *with the capital at Moscow.*”

In views of the judicial findings of the Allahabad High Court and of other evidence available to Government regarding this Party, Government were satisfied that the Communist Party of India is an association which has for its object interference with the administration of the law and the maintenance of law and order and constitutes a danger to the public peace. It has, therefore, been declared to be unlawful under the provisions of section 16 of the Indian Criminal Law Amendment Act, 1908.

(b) It is not in the public interest to make any statement on this subject.

\*†546\*—548\*.

#### REPRESENTATION OF MUSLIMS OF BERAR IN THE LEGISLATIVE ASSEMBLY.

549. \*Khan Bahadur H. M. Wilayatullah : (a) Will Government be pleased to state how many Members represent the people of Berar in this House ?

(b) Is it a fact that the Member from Berar, is first elected by a separate electorate consisting of Hindus only, and is subsequently nominated by Government on the result of the election ?

(c) Is it a fact that Muslims of Berar have no share in the election ?

(d) Who represents the Muslims of Berar in this House ?

(e) Are the Muslims of Berar given representation by rotation or nomination or in any other way ? If not, do Government propose to consider the desirability of nominating a Muslim Member from Berar after the ensuing elections ?

Mr. H. A. F. Metcalfe. The information asked for on certain points has been called for and a reply will be given to the House in due course.

---

†These questions will be answered on the 15th August, 1934.



**PAY OF EMPLOYEES DEMOTED ON ACCOUNT OF RETRENCHMENT ON THEIR RE-EMPLOYMENT ON THE NORTH WESTERN RAILWAY.**

550. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state what the orders are regarding the grant of pay to employees demoted in 1931-32 'Retrenchment campaign' on restoration to their original appointments ?

(b) Is it a fact that it has been ruled by the Agent, North Western Railway, Lahore, that employees demoted on account of retrenchment, on their re-promotion to their original appointments, should be given the same salary they were drawing before their demotion ?

(c) Is it a fact that in pursuance of this policy, certain Grade II guards who were demoted as Tally Clerks and were in receipt of Rs. 51 per mensem as Tally Clerks, have on their restoration as Guards grade II, been given Rs. 46 only, in terms of the Agent, North Western Railway's orders referred to in part (b) ?

(d) Will Government please state whether the decision of the Agent, North Western Railway, Lahore, referred to in part (b) is in accordance with Fundamental Rule 22 ? If not, how was the same allowed to operate in contravention of the Fundamental Rules ?

(e) Are Government aware that the North Western Railway Union, vide their No. 351, dated the 3rd/5th April, 1934, had made a representation to the Agent, North Western Railway, Lahore, in connection with the above ruling, pointing out that the Agent's orders were in contravention of the Fundamental Rules ?

(f) Is it a fact that the Agent, North Western Railway, did not reply to the Union's representation, and that the employees continued to lose in their salaries ?

(g) What steps do Government propose to take to expedite a decision on the point raised by the Union and further see that the provisions of the Fundamental Rules are not infringed by the North Western Railway Agency ?

**Mr. P. R. Rau :** (a) I would refer the Honourable Member to paragraph 16 (iv) of the Memorandum accompanying Railway Board's letter, No. 881-L., dated the 20th July, 1932, a copy of which is already in the Library of the House.

(b) to (g). I have called for certain information and will lay a reply on the table of the House in due course.

**SLAUGHTER OF NEWLY BORN LAMBS AND KIDS FOR THE EXPORT OF THEIR SKINS.**

551. **\*Shaikh Sadiq Hasan :** (a) Are Government aware that, particularly in the Punjab and the North-West Frontier Province, very large numbers of newly born lambs and kids are being slaughtered for export of their skins ?

(b) Are Government aware that this practice is devastating the sheep and goat breeding and gradually causing scarcity of wool and skins

in the Punjab and the North-West Frontier Province ? If so, what steps do Government propose to take in order to stop this economic menace ?

**Mr. G. S. Bajpai :** (a) and (b). Government have no precise information but will remit the matter to the Imperial Council of Agricultural Research for enquiry.

#### INDIAN PROTECTOR OF PILGRIMS IN IRAQ.

**552. \*Shaikh Sadiq Hasan :** (a) Will Government be pleased to state when the appointment of Indian Protector of Pilgrims was created in Iraq, and who was appointed to the post ?

(b) How many complaints have been received against the said official ?

(c) Is it a fact that the representative of His Majesty's Government in Iraq ordered inquiries to be made about the said official and the Criminal Investigation Department of Iraq instituted inquiries ?

(d) Is it a fact that, along with several other irregularities, it was found that the said official misused the Oudh Bequest Fund at his disposal, in as much as he gave Rs. 200 per mensem to his near relative who went to England to prosecute his studies ?

(e) If the answers to parts (c) and (d) be in the affirmative, what action have Government taken in the matter ? If no action has so far been taken, what action do Government propose to take now ?

**Mr. H. A. F. Metcalfe :** (a) The appointment of Protector of Indian Pilgrims, Iraq, was created with effect from the 1st December, 1928, and Mr. Tahir Hussain Quraishi was appointed to the post.

(b) A number of complaints have been received in the past against both the Protector of Indian Pilgrims in Iraq and against the Committee charged with distribution, under his supervision, of Oudh Bequest Funds. On investigation these have proved in the majority of cases to be quite unfounded and to have emanated from interested parties anxious to secure for themselves a large share of the funds. Charges against the Protector of Indian Pilgrims have in no case been substantiated.

(c) No enquiries have ever been ordered by any representative of His Majesty's Government in Iraq. All complaints have, however, been carefully investigated as already stated.

(d) The answer is in the negative nor have any such suggestions ever been made.

(e) Does not arise. It may, however, be explained that the distribution of Oudh Bequest Funds is in the hands of the Committee with whom the Protector of Indian Pilgrims sits to check accountancy and to prevent duplicate payments and other possible irregularities. The Protector of Indian Pilgrims is responsible to His Majesty's Consul, Baghdad, who himself attends or deputes one of his staff to attend distributions at suitable intervals. The distributions are now proceeding very smoothly and satisfactorily.

#### INDIAN PROTECTOR OF PILGRIMS IN IRAQ.

**553. \*Shaikh Sadiq Hasan :** (a) Will Government be pleased to state if it is a fact that the representative of His Majesty's Government

in Iraq, wrote to the Government of India, Foreign and Political Department, suggesting the abolition of the post of Indian Protector of Pilgrims and the creation of the post of Indian Vice-Consul at Baghdad instead ?

(b) Is it a fact that Government invited recommendations from all Provincial Governments to submit names of suitable candidates for the said appointment ?

(c) If the answers to parts (a) and (b) be in the affirmative, what action have Government taken in the matter ?

**Mr. H. A. F. Metcalfe :** (a) Yes.

(b) and (c). Certain Local Governments and Administrations were asked to recommend candidates for the post of Vice-Consul, but none of those suggested appeared to His Majesty's representative in Iraq to be entirely suitable. For this reason and also owing to the difficulty of finding other employment in India for the officer who at present holds the post of Protector of Pilgrims, it has been agreed to postpone for the time being the appointment of a Vice-Consul.

#### ANTI-GOVERNMENT ACTIVITIES OF THE BRANCH POSTMASTER, PADHANA, LAHORE DISTRICT.

554. **\*Major Nawab Ahmad Nawaz Khan :** (a) Is it a fact that Government Servants' Conduct Rules call for serious action against Government officials participating in political meetings and anti-Government propaganda carried on by Congress ?

(b) Is it a fact that some time back, the Deputy Commissioner, Lahore, reported to the Superintendent of Post Offices about the anti-Government activities of the Branch Post Master, Padhana, District Lahore ?

(c) Is it a fact that on receiving this report, no enquiry was made and the official was only transferred for a short period and re-transferred to the same locality ?

(d) Will Government please state when this matter came to the notice of the Post Master General and what disciplinary action was taken by him ? If none, why not ?

**The Honourable Sir Frank Noyce :** (a) The Honourable Member is referred to rules 22 and 23 of the Government Servants' Conduct Rules, a copy of which is in the Library of the House.

(b) to (d). Government have no information and do not propose to call for it as the matter is one within the competence of the Postmaster-General to whom a copy of the question and of this reply will be sent.

#### PERSONS DETAINED UNDER REGULATION III OF 1818.

555. **\*Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state the number of persons in India who are detained today under Regulation III of 1818 ?

(b) Will Government be pleased to state if it is a fact that most of the persons detained under Regulation III of 1818 are allowed allowances for the maintenance of their families ?

(c) Will Government be pleased to state the names of the persons detained today under Regulation III of 1818 giving :

- (i) the places at which they are detained ;
- (ii) the periods for which they are already under detention ;
- (iii) the allowances they are receiving ; and
- (iv) the charges on which they are being detained ?

**The Honourable Sir Henry Craik :** (a), (b) and (c) (ii) (iii). I lay a statement on the table giving the information required.

(c) (i) and (iv). I am afraid I cannot undertake to give information on these points.

*Statement showing the Allowances sanctioned for State Prisoners detained under Regulation III of 1818, and for their Families.*

No.	Name of State Prisoner.	Date of arrest.	Amount of allowances sanctioned for State Prisoner		Remarks.
			Himself.	His family and dependents.	
1	Sarat Chandra Bose ..	4-2-32	Rs. 225 p. m. ..	Rs. 1,500 p. m.	
2	Pratul Chandra Ganguli	23-11-31	Rs. 1-4-0 a day for diet plus Rs. 32 a month.	Rs. 50 p.m.	
3	Trilokya Nath Chakrabarty.	Do.	Do.	Nil.	
4	Rabindra Mohan Sen Gupta.	25-11-31	Do.	Nil.	
5	Ramesh Chandra Acharjee.	Do.	Do.	Rs. 55 p. m.	
6	Pratul Chandra Bhatta-charji.	23-11-31	Do.	Nil.	
7	Jiban Lal Chatterjee ..	Do.	Do.	Rs. 40 p. m.	
8	Suresh Chandra Das ..	2-1-32	Do.	Rs. 100 p. m.	
9	Manoranjan Gupta ..	24-11-31	Rs. 1-6-0 per day for diet plus Rs. 32 p. m.	Nil.	
10	Arun Chandra Guha ..	Do.	Do.	Nil.	
11	Bhupendra Kumar Datta	Do.	Do.	Rs. 20 p. m.	
12	Satyabhusan Gupta ..	Do.	Do.	Rs. 50 p. m.	
13	Jyotish Chandra Ghosh	1-1-32	Rs. 1-8-0 per day for diet plus Rs. 20 p. m. as personal Allee.	Rs. 60 p. m.	
14	Surendra Mohan Ghosh	23-11-31	Do.	Rs. 30 p. m.	
15	Purna Chandra Das ..	1-1-32	Do.	Rs. 60 p. m.	
16	Bhupati Mazumdar ..	2-1-32	Do.	Rs. 165 p. m.	

No.	Name of State Prisoner.	Date of arrest.	Amount of allowances sanctioned for State Prisoner		Remarks.
			Himself.	His family and dependents.	
17	Basik Lal Das ..	2-1-32	Rs. 0-12-0 a day for diet <i>plus</i> Rs. 32 monthly.	<i>Nil.</i>	
18	Bhupat Kumar Rakshit Roy.	Do.	Do.	Rs. 75 p.m.	
19	Abdul Ghaffar Khan ..	24-12-31	Rs. 200 consolidated alloe.	<i>Nil.</i>	
20	Dr. Khan Sahib ..	24-12-31	Rs. 200 consolidated allowance.	Rs. 500 p. m. <i>plus</i> an additional sum of Rs. 200 p. m. during period his son and daughter by his English wife are residing in England for purposes of education.	
21	Ihsan Elahi .. ..	9-2-31	Rs. 1-6-0 dietary allowance <i>plus</i> Rs. 32 per mensem.	<i>Nil.</i>	
22	Teja Singh <i>alias</i> Isher Singh.	5-10-33	Do. ..	Rs. 75 per mensem.	
23	Karam Singh .. ..	21-5-31	Do. ..	<i>Nil.</i>	
24	Chaman Lal Azad ..	8-4-33	Do. ..	<i>Nil.</i>	
25	Bhawani Sahai ..	26-4-32	Rs. 0-12-0 a day for diet <i>plus</i> Rs. 10 per mensem.	<i>Nil.</i>	
26	Vishwanath Rao Vaishampayan.	16-8-33	Rs. 1-12-0 a day for diet <i>plus</i> Rs. 36 per mensem.	<i>Nil.</i>	
27	Vidya Bhushan ..	4-2-33	Do. ..	Rs. 30 per mensem.	
28	Ram Kishan .. ..	7-7-34	Question of allowance is under consideration.		
29	U. Ariyawantha ..	30-8-33	Rs. 65 per mensem	<i>Nil.</i>	
30	Sardar Abdul Aziz Khan	27-12-23	Rs. 310 p.m. ..	Rs. 325 p.m. ..	Includes Rs. 60 as house rent.
31	Hussainyavar Khanji (ex-Talqdar of Sardargadh).	12-2-34	Rs. 500 p.m.* ..		* Paid by the Sardargadh Taluqa in the Western India States Agency.
32	Sardar Abdul Rahman Khan.	3-6-36	Rs. 600 p.m.		
33	Sardar Abdul Hakim Khan.	14-3-30	Rs. 150 p.m.		
34	Sardar Amin Jan ..	14-3-30	Rs. 250 p.m.		

No.	Name of State Prisoner.	Date of arrest.	Amount of allowances sanctioned for State Prisoner		Remarks.
			Himself.	His family and dependents.	
35	Ghausuddin Khan ..	12-5-30	Rs. 500 p.m.		
36	Sardar Abdulla Khan ..	21-12-25	Rs. 300 p.m.		
37	Sardar Abdul Hamid Khan.	21-12-25	Rs. 250 p.m.		
38	Sardar Abdul Quayyam Khan.	27-7-34	Rs. 225 p.m.		
39	Rippudaman (alias Sardar Gura Charan Singh), Ex-Maharaja of Nabha.	Arrived in Kodakanal 22-2-28	Rs. 10,000 p.m.*		* Receives funds from the Nabha State.
40	Khan Baba Paghman ..	15-11-32	Rs. 30 p.m.† ..		† In addition annas 10 per diem for diet.
41	Mohd. Din Khairokhel Laghman, Afghanistan.	15-11-32	Rs. 30 p.m. ..		Do.
42	Abdul Majid Aziz Ahad	15-11-32	Rs. 50 p.m. ..		Do.
43	Abdul Hakim ..	15-11-32	Rs. 50 p.m. ..		Do.
44	Mohd. Sadiq ..	15-11-32	Rs. 30 p.m. ..		Do.
45	Ata Mohammad ..	15-11-32	Rs. 30 p.m. ..	Rs. 20 p.m. ..	Do.
46	Ghulam Nabi ..	15-11-32	Rs. 30 p.m. ..		Do.
47	Ismail ..	15-11-33	Rs. 30 p.m. ..		Do.
48	Mohd. Jan Deh ..	15-11-33	Rs. 30 p.m. ..		Do.
49	Abdul Qaddus ..	18-11-33	Rs. 32 p.m. ..	Rs. 60 p.m. ..	In addition Rs. 1-6 per diem for diet.
50	Muhammad Ibrahim ..	18-11-33	Rs. 32 p.m. ..		Do.
51	Muhammad Hussain ..	18-11-33	Rs. 32 p.m. ..		Do.
52	Ali Ahmad ..	18-11-33	Rs. 32 p.m. ..		Do.
53	Khwaja Abdul Karim	23-12-33	Rs. 30 p.m. ..	Rs. 40 p.m. ..	Do.
54	Muhammad Nasir ..	23-12-33	Rs. 30 p.m. ..		Do.
55	Sardar Muhammad Asam Khan.	Since 1919	Rs. 300 p.m. ..		
56	Sardar Muhammad Akram Khan.	Since 1919	Rs. 400 p.m. ..		
57	Sardar Muhammad Afzal Khan.	14-1-29	..		
58	Sardar Sultan Ahmed Khan.	20-3-17	Rs. 300 p.m. ..		
59	Sardar Sher Ahmed Khan	20-3-17	Rs. 250 p.m. ..		
60	Sardar Muhammad Sarwar Khan.	20-3-17	Rs. 250 p.m. ..		

No.	Name of State Prisoner.	Date of arrest.	Amount of allowances sanctioned for State Prisoner.		Remarks.
			Himself.	His family and dependents.	
61	Sardar Nur Ahmad Khan	20-3-17	Rs. 260 p.m.	..	
62	Sardar Abdur Rashid Khan.	20-3-17	Rs. 150 p.m.	..	
63	Sardar Muhammad Umar Khan (Allahabad).	20-3-17	Rs. 250 p.m.	..	
64	Muhammad Hassan Khan	14-1-29	Rs. 200 p.m.	..	
65	Sardar Abdus Samad Khan.	14-1-29			
66	Sardar Abdur Rahman Khan.	14-1-29	Rs. 320 p.m.	..	
67	Sardar Muhammad Umar Khan (Dhara Dun).	14-1-29	Rs. 100 p.m.	..	
68	Sardar Gul Muhammad Khan.	14-1-29	Rs. 100 p.m.	..	
69	Abdul Ali Khan ..	14-1-29	Rs. 350 p.m.	..	
70	Abdur Rahim Khan ..	14-1-29	Rs. 250 p.m.	..	
71	Abdur Rauf Khan ..	14-1-29	..		
72	Sardar Muhammad Azim Khan.	14-1-19	Rs. 100 p.m.	..	
73	Sardar Muhammad Mohsin Khan.	14-1-29	Rs. 100 p.m.	..	

**Sardar Sant Singh :** May I know who are the persons who have been detained for the longest period, and what is that period ?

**The Honourable Sir Henry Craik :** I am afraid I cannot say straight off without going through the statement ; it will take me a minute or two to go through the statement.

#### ACTIVITIES OF THE FOREST RESEARCH INSTITUTE, DEHRA DUN.

556. **\*Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state how much money it has cost them to establish and maintain the Forest Research Institute at Dehra Dun, and what is its annual recurring expenditure ?

(b) What are the activities of this Institute and how many industries have been started with its help ?

(c) Out of the concerns started with the help of this Institute, if any, what is the percentage of concerns managed by Indians ?

(d) What steps has this Institute taken to educate the public of India to utilise forest products for industrial purposes ?

**Mr. G. S. Bajpai :** (a) to (d). A statement giving such information as is available is laid on the table.

*Statement re. Activities of the Forest Research Institute, Dehra Dun, the expenditure incurred on its construction, etc.*

(a) Sanction exists for the expenditure of a sum of Rs. 1,10,98,400 on the Forest Research Institute project but expenditure on construction up to the end of March, 1934, has been only Rs. 96.73 lakhs. The average expenditure on its maintenance is Rs. 37,000 per annum. Recurring expenditure on the Institute varies from year to year but the average of the past three years is about Rs. 6 lakhs.

(b) The activities of the Institute consist mainly in carrying out research on forest produce, the results of which may be of practical utility to Government and the public, lead to the greater commercial utilisation of forest products and add to scientific knowledge. Very considerable help has been afforded to the Rosin and Turpentine, Plywood, Cabinet making, pulp and paper, match and other wood using industries of India. Research work has also been carried out in the chemistry of drugs and medicinal plants, in cutch, tanning materials, grass oils and other products. It is not possible to say how many industries have been started with the help of this Institute, but as I have already stated many industries have benefited by the work of the Institute.

(c) Government have no information.

(d) The Institute issues an annual report "Forest Research in India" and a large number of publications which record the results of its work and which are available to the public. In addition several museums and show rooms are maintained at the Institute which are visited by a large number of interested persons. The Institute also possesses a permanent travelling exhibit, photographs, magic lantern slides and cinema films.

#### ACTIVITIES OF THE FOREST RESEARCH INSTITUTE, DEHRA DUN.

557. **\*Mr. Sitakanta Mahapatra :** (a) How are the affairs and activities of the Forest Research Institute managed? Are they managed by a Board consisting of Indians who represent the industrialists? If not, why not?

(b) How many Indian students have qualified from the Institute and are all of them in the employment of the State or some other authority?

**Mr. G. S. Bajpai :** (a) The Forest Research Institute is administered by the President under the orders of the Government of India. Triennial programmes of research work are prepared in consultation with Provincial Forest Departments. There is a Board of Forestry consisting of the Inspector General of Forests and the Chief Forest Officers of Provinces to advise the Government of India on the management and work of the Institute and on general problems connected with forestry, whether administrative or scientific, which may be referred to it by Government. Close touch is maintained with the trades concerned through the Forest Economist and the sectional officers concerned. A proposal to create an Advisory Board on which Commerce and Industry would be represented has been worked out but, owing to financial stringency, it has not so far materialised.

(b) The Institute does not receive students.

#### ACTIVITIES OF THE MINING INSTITUTE, DHANBAD.

558. **\*Mr. Sitakanta Mahapatra :** (a) What have been the activities of the Mining Institute at Dhanbad?



(b) What percentage of the qualified pupils of this Institute are taken in State services ?

(c) What has been the total cost of the Institute in establishing it and what is the annual recurring expenditure ?

(d) How is the management of this Institute conducted ?

(e) Are the results of the researches of this Institute duly circulated widely enough for the benefit of the general public ? If not, why not ?

**Mr. E. W. Perry :** The Honourable Member is presumably referring to the Indian School of Mines at Dhanbad.

With regard to parts (a) and (d) of the question, his attention is invited to the Prospectus of the School, which includes a copy of the Principal's Annual Report. Copies of the Prospectus are available in the Library of the House.

(b) Government have not reserved any percentage of vacancies in the public services for passed students of the Indian School of Mines as they consider it undesirable in the public interest that a candidate should be selected to a service in preference to others of equal or greater merit by reason only of the fact that he was trained in a particular institution.

(c) The total cost of the buildings and equipment of the Indian School of Mines, including residences for staff, etc., up to the end of the year 1930-31, was Rs. 15,50,000 approximately. The annual recurring expenditure varies from year to year ; the grant for the current financial year is Rs. 1,66,000.

(e) The School of Mines is primarily a teaching institution. The Honourable Member may rest assured that the desirability of publishing the results of research undertaken at it will not be overlooked.

**Mr. Gaya Prasad Singh :** In view of the fact that the Indian School of Mines, Dhanbad, is doing very good work, what steps do Government propose to take to encourage the students by helping them to get appointments after they have finished their course of study in that institution ?

**Mr. E. W. Perry :** My information, Sir, is that at the end of last year for which we have figures (1932-33), every passed student obtained a post very quickly.

#### CONVERSION OF ORES OF MINERALS INTO METAL.

559. **\*Mr. Sitakanta Mahapatra :** What steps, if any, have Government taken to convert the ores of the different minerals into metal in India through Indian concerns ? If no steps have been taken, what is the reason ?

**Mr. E. W. Perry :** I regret that I do not follow the Honourable Member's question. The initiative in the matter of conversion of mineral ore into metal does not rest with Government.

#### AIMS AND OBJECTS OF THE RESEARCHES OF THE FOREST AND MINING INSTITUTES.

560. **\*Mr. Sitakanta Mahapatra :** What are the aims and objects of the researches of the Forest and Mining Institutes ?

**Mr. G. S. Bajpai :** As regards the aims and objects of the researches of the Forest Research Institute, Dehra Dun, the Honourable Member is referred to the reply just given to question No. 556. Although the School of Mines is primarily a teaching institution research work of a miscellaneous character for the benefit of the Indian coal producer and consumer has been carried on there for a number of years. The question of putting this research on a more systematic basis is under the consideration of the Government of India.

#### CONVERSION OF ORES OF MINERALS INTO METAL.

561. **\*Mr. Sitakanta Mahapatra :** (a) Is it a fact that the best Indian copper mines are in the hands of an English concern incorporated in England under the name of the "Indian Copper Corporation" ?

(b) Was any chance ever given to any Indian concern to convert ore into metal in India ? If so, in what direction and to whom ?

**Mr. E. W. Perry :** (a) More than half of the copper ore produced in India in the last calendar year for which figures are available, namely 1932, was obtained from the Indian Copper Corporation's mines in the Singhbhum District.

(b) The Honourable Member is as well aware as I am that Indian concerns convert ore into metal in India. We have been discussing the affairs of one very important concern of this character this Session. If his question refers only to copper ore, I have no precise information. The question concerns the provincial transferred subject of "Development of Industries".

#### PUBLICATIONS CONCERNING INDIAN MINERALS.

562. **\*Mr. Sitakanta Mahapatra :** Are the publications concerning the Indian minerals and the possibilities of utilising them in India published in the form of separate pamphlets as is done in England ? If not, why not ?

**Mr. E. W. Perry :** The Government of India have published numerous separate pamphlets on Indian minerals and their commercial possibilities. Recent examples are the volumes on barytes and asbestos in the Memoirs of the Geological Survey of India. Other pamphlets have been issued in a cheaper form. I should be glad to consider suggestions, but would point out that our Geological Survey has a much smaller staff than its counterpart in England.

#### ACTIVITIES OF THE INDIAN LAC RESEARCH INSTITUTE.

563. **\*Mr. Sitakanta Mahapatra :** (a) What have been the activities of the Indian Lac Research Institute so far, and what has been the total amount of expenditure up-to-date ?

(b) Why have not the results of their researches received publication in newspapers and what encouragement has been afforded to Indians to utilise the results of such researches, if any, to the benefit of the industry in India ?

**Mr. G. S. Bajpai :** (a) The attention of the Honourable Member is invited to the annual reports and bulletins of the Institute; copies of

which are available in the Library of the House. The total expenditure on the Institute since March, 1922, up to the end of March, 1934, was approximately Rs. 16,00,000.

(b) The results of the researches are published in the annual reports, technical bulletins and pamphlets of the Institute. They have been reviewed in the technical Press both in India and abroad and noticed in the daily Press. The bulletins and research notes of the Institute are widely distributed and are available to all who are interested in the production, manufacture or industrial utilisation of lac.

**Dr. Ziauddin Ahmad** : May I ask who pays the expenses of this Institute, the Lac Cess Committee or the Government ?

**Mr. G. B. Bajpai** : The Lac Cess Committee which raises its revenue from the producers of lac.

†564\*—566\*.

#### TECHNICAL INSTITUTIONS IN INDIA.

567. **\*Mr. Sitakanta Mahapatra** : (a) Will Government be pleased to state the number of technical institutions in India, run or aided by Central Government, in each Province ?

(b) What is the annual expenditure on each of them and how many students come out successful every year, and what percentage of them are provided with employment by Government ?

**Mr. E. W. Perry** : Information has been called for and a reply will be placed on the table of the House in due course.

#### RAILWAY ADVERTISEMENTS IN THE VERNACULAR NEWSPAPERS.

568. **\*Dr. Ziauddin Ahmad** : (a) Will Government be pleased to state what is the percentage of the Indians who can read and speak English ?

(b) What is the proportion of Indians who can read and write vernaculars alone ?

(c) What proportion of the advertisements did the Railway Board and the Agents send to the vernacular papers ?

**Mr. P. B. Rau** : (a) and (b). I would refer my Honourable friend to Table XIII of Volume I of Part II of the Census Report for India, pages 426-27, which gives figures of literacy by age and religion.

(c) The Railway Board sends no advertisements to vernacular papers. The information as regards Railway administrations is not available.

**Dr. Ziauddin Ahmad** : The Honourable gentleman has not given the reasons why these advertisements are not given to the vernacular papers ? Will he take it from me that the number of persons who can read only the vernacular papers is about ten times the number of those who can read English newspapers ?

**Mr. P. B. Rau** : I see that my Honourable friend has already got in his possession the information in regard to parts (a) and (b) of his

---

†These questions will be answered on the 15th August, 1934.

question. I may explain that what Railways are concerned with is to find out how they can reach the public whom they want to reach by means of advertisements. So far as the Railway Board is concerned, the only advertisements that they issue are in regard to the purchase of the rolling stock or of coal, and I do not think that anybody who reads only the vernacular newspapers is likely to be interested in them.

**Mr. S. C. Mitra :** Do the same remarks apply with regard to the advertisements issued by the various Agents ?

**Mr. P. R. Rau :** I have already said that I have no information as regards what Agents are doing.

**Dr. Ziauddin Ahmad :** We have said repeatedly on the floor of the House that the Railway Board here is responsible for all their subordinates including the Agents. My question was not only with regard to the advertisements issued by the Railway Board, but also with regard to the advertisements issued by the Agents and Divisional Superintendents of the different running lines.

**Mr. P. R. Rau :** If my Honourable friend wants the information particularly with regard to the Agents, I shall be happy to get it for him.

**Dr. Ziauddin Ahmad :** May I ask, Sir, why the Government ignore the vernacular papers in giving their advertisements ?

**Mr. P. R. Rau :** I am not in a position to say whether Government are ignoring the vernacular papers, because I am not aware of all the advertisements that are being sent by the Railway Administration to them, but so far as the Railway Board is concerned, I have already explained why Government considered it unnecessary to send advertisements to them.

**Dr. Ziauddin Ahmad :** My question was : What percentage of their advertisements do the Agents send to the vernacular papers ?

**Mr. P. R. Rau :** I have said already that I will get that information for my Honourable friend.

**Dr. Ziauddin Ahmad :** And it will be laid on the table ?

**Mr. P. R. Rau :** Yes.

#### REPRESENTATIVES OF INDIAN STATES TO THE LEAGUE OF NATIONS.

569. **\*Dr. Ziauddin Ahmad :** (a) Is it a fact that some subjects of the Indian States have been employed by the International Labour Office as regular members of its staff, though none of the Indian States are bound by any international labour convention ?

(b) Are Government aware that none of the Geneva Conventions (of a non-political character) have been accepted by the Indian States ?

(c) Will Government be pleased to state the need of incorporating the representatives of these States in the Government of India's Delegations to the League ?

**The Honourable Sir Nripendra Sircar :** (a) Government are not aware whether any of the Indians, employed by the International Labour Office, are subjects of States in India.

(b) Government are not in a position to make any statement regarding action taken in those parts of India which are not included in British India.

(c) Inasmuch as the Indian Delegation represents India as a whole, it would be anomalous to confine their personnel to representatives drawn from British India.

**Mr. Gaya Prasad Singh :** With reference to part (a) of the question, may I know if Indians are appointed in this International Labour Office without any reference to the Government of India ?

**The Honourable Sir Nripendra Sircar :** So far as I am aware, no reference is made to the Government of India.

**Dr. Ziauddin Ahmad :** How is the selection made and in what way this Labour Office or its Secretary finds out the qualifications of the Indians ? Are the posts advertised ?

**The Honourable Sir Nripendra Sircar :** I am not in a position to tell my Honourable friend as to how the man who is employing a clerk comes to know of his qualifications. We have no information on the matter.

**Mr. H. P. Mody :** Do I understand that the Government of India do not take any trouble to ascertain which of the important Conventions have been ratified by the States or implemented by them ?

**The Honourable Sir Nripendra Sircar :** The Honourable Member himself must be surely aware which of the Conventions have been implemented.

**Mr. H. P. Mody :** But do not the Government of India think it necessary to compile information on this subject and place it on the table of the House ?

**The Honourable Sir Nripendra Sircar :** Speaking for myself, I cannot see any objection, and if the point is pressed I shall have to consider it.

**Mr. H. P. Mody :** May I suggest to my Honourable friend that this information would be of extreme importance ?

**The Honourable Sir Nripendra Sircar :** I shall consider this point.

**Dr. Ziauddin Ahmad :** In view of the fact that the Indian States are not bound to follow the Convention of the League of Nations, may I ask how far it is desirable to include the members of the Indian States in the Indian Delegation ?

**The Honourable Sir Nripendra Sircar :** A specific question raising that very point has been sent for answer, and I would ask my Honourable friend to wait for a couple of days.

#### UTILISATION BY INDIA OF THE TECHNICAL ORGANISATIONS OF THE LEAGUE OF NATIONS.

570. **\*Dr. Ziauddin Ahmad :** (a) Is it a fact that a number of States-Members of the League—more especially China—have utilised the technical services of the League for national reconstruction, for example,

improvement of the transport system, agriculture, education, health organisation ?

(b) Have the Government of India availed of the services which the Technical Organisations of the League are capable of giving ? If not, why not ?

**The Honourable Sir Nripendra Sircar :** (a) The answer is in the affirmative.

(b) The Government of India have had no occasion to follow China's example in soliciting specific assistance from any of the League's technical services, but it is very far from being the case that the Government of India have made no use of their services.

**Dr. Ziauddin Ahmad :** Is it not a fact that there are very important questions waiting for solution such as malaria, cholera, and, therefore, is it not desirable that we should utilise the services and the resources of the League of Nations instead of putting burden on the tax-payer of India ?

**Mr. G. S. Bajpai :** May I answer that question, Sir, because my Honourable friend has made reference to malaria and cholera ? The position is that in 1929 the League sent out a Malaria Commission to this country in order to advise the Government of India in regard to such measures as they, in the light of their experience elsewhere, considered to be suited to India's needs. Over and above that, the League organises malaria courses every year to which we, that is to say, the Provincial Governments, send officers, and there have been other ways also in which the Government of India have made use of the League's epidemiological and other technical services.

**Dr. Ziauddin Ahmad :** Will Government be pleased to ask the League of Nations to send their representatives to India to deliver a course of lectures on the prevention of malaria ?

**Mr. G. S. Bajpai :** Well, Sir, seeing that we maintain a Malaria Survey of our own, which, I think, costs Government in the neighbourhood of a lakh and a half, and, further each Province has its own Public Health Departments including Malarial Experts, I do not think it is really necessary that we should ask the League of Nations to depute anybody to this country to instruct us in a subject about which we know just as much as they do.

**Mr. B. Das :** Did not the Government of India avail themselves of the services of Sir Arthur Salter and did he not submit a report on the economic re-construction of India which has been made use of by the Finance Department ?

**Mr. G. S. Bajpai :** My Honourable friend has correctly stated that Sir Arthur Salter came out to this country two years ago, but I think, since then he has severed his connection with the Economic Section of the League of Nations.

**Mr. Gaya Prasad Singh :** Is it open to the Government of India to communicate with the League of Nations except through the Secretary of State for India ?

**Mr. G. S. Bajpai :** Well, Sir, the position, as far as I know is that inasmuch as the Secretary of State for India is responsible for India's

external relations and as our membership of the League of Nations is a manifestation of India's external status, communications pass through the Secretary of State.

**Dr. Ziauddin Ahmad :** May I ask the Government of India that as the question about the competition between the road and rail is of such a great importance and is getting more and more important in India, will they get an expert from the League of Nations to advise us on this question ?

**Mr. G. S. Bajpai :** I think that my Honourable friend, the Financial Commissioner for Railways, will take due note of my Honourable friend's suggestion.

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

#### INDIA'S REPRESENTATIVES TO THE LEAGUE OF NATIONS.

571. **\*Dr. Ziauddin Ahmad :** Are Government prepared to consider that steps should be taken to include in India's Delegation to the League of Nations each year (i) at least one Member of the Governor General's Executive Council, and (ii) one Member of the Opposition in the Legislative Assembly, the latter being selected by the Members of this House and the Council of State ?

**The Honourable Sir Nripendra Sircar :** Government must reserve absolute discretion to select what appears to them to be the best available delegation in the circumstances of any particular year, and if only for the reason that there may well be occasions on which it would be impossible to dispense with the presence in India of any Member of the Executive Council, they cannot lay upon themselves the rule of including a Member of the Executive Council in every delegation. The selection of a member of the delegation by the Members of the Legislative Assembly and the Council of State from among Members of the Opposition in the Assembly would, manifestly, be incompatible with the fact that delegates are bound by instructions which they receive from the Government.

**Sir Abdur Rahim :** Have they been given a brief ?

**The Honourable Sir Nripendra Sircar :** Yes. You may call it a brief.

#### DISCUSSION OF THE REPORTS OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS IN THE LEGISLATIVE ASSEMBLY.

572. **\*Dr. Ziauddin Ahmad :** Do Government propose to give an opportunity to this House to discuss the reports of the Indian Delegation to the League of Nations ?

**The Honourable Sir Nripendra Sircar :** The Honourable Member is referred to my reply to part (c) to his own question No. 503, answered on the 9th August, 1934. If Government are made aware through the recognised channel of Party Leaders that there was a general desire to discuss any future report otherwise than on a Resolution making specific recommendations with reference thereto, they would certainly be prepared to consider the possibility of allotting time for the purpose.

**Dr. Ziauddin Ahmad :** Does it include a discussion on the report for 1933 ?

**The Honourable Sir Nripendra Sircar :** My answer was that they would be prepared to consider any future report.

**Dr. Ziauddin Ahmad :** That is the report for 1934 and of later dates, and not the latest report available.

**The Honourable Sir Nripendra Sircar :** I have not considered that but I think that you are all anxious to get away from this place.

**Dr. Ziauddin Ahmad :** Since the latest report available is the 1933 report, can we have an opportunity of discussing that report before this Assembly disperses ?

**The Honourable Sir Nripendra Sircar :** I do not think that is likely, having regard to the time at our disposal.

**earmarking of a Portion of India's Contribution to the League of Nations for the Maintenance of the Paris Institute of Intellectual Co-operation, etc.**

**573. \*Dr. Ziauddin Ahmad :** (a) Have Government asked the League of Nations that certain portions of India's contribution for the maintenance of the League should be earmarked for the Paris International Institute of Intellectual Co-operation, the Rome Institute of Educational Cinematography, etc., which are run under the auspices of the League, but which are to a certain extent autonomous bodies ?

(b) Is there any Indian on the staff of the Paris Institute of Intellectual Co-operation ?

**The Honourable Sir Nripendra Sircar :** (a) No.

(b) The Government of India have no information on the subject.

**REPRESENTATIVE OF THE GOVERNMENT OF INDIA ON THE LAC CESS COMMITTEE.**

**574. \*Mr. G. Morgan :** (a) Is it a fact that the Government of India are represented on the Lac Cess Committee by the Vice-Chairman of the Imperial Council of Agricultural Research ? If so, what are the position and powers of this Government representative ?

(b) Is it a fact that the Department of the Government of India, which deals with the Lac Cess Committee questions, does so through the Imperial Council of Agricultural Research ?

**Mr. G. S. Bajpai :** (a) The Vice-Chairman, Imperial Council of Agricultural Research, is *ex-officio* President of the Committee. His powers as President are regulated by the Indian Lac Cess Act and the rules made under the Act, copies of which are available in the Library of the House.

(b) The Imperial Council of Agricultural Research, on its administrative side, is a Department of the Government of India, and questions connected with the Indian Lac Cess Committee have been allotted to it under the rules of business.

**Mr. K. C. Neogy :** Is the Honourable Member aware that there is a section of the Indian public which holds that the control exercised



by the Government over the activities of the Lac Cess Committee is not adequate ?

**Mr. G. S. Bajpai :** The questions and answers on this subject in this Session, I think, have amply demonstrated that not only is there a section outside, but a section inside this House, that considers that the control is not as effective as they would wish it to be.

**Mr. Gaya Prasad Singh :** A very important section inside this House.

#### ACTION ON CERTAIN RESOLUTIONS ADOPTED BY THE LAC CESS COMMITTEE.

575. **Mr. G. Morgan :** (a) Is it a fact that Government have so far taken no action on the following resolutions adopted by the Lac Cess Committee :

- (i) to delegate its powers to an Executive Sub-Committee (resolution of October, 1933), and
- (ii) resolution of March, 1934, recommending leave rules for employees,

and that up to date the Committee has adopted no rules and consequently its employees have great difficulty in applying for leave when required ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what action they intend to take in order to give effect to the Resolution of October, 1933 ?

**Mr. G. S. Bajpai :** (a) (i) and (b). Yes. The matter is still under consideration.

(a) (ii). The position is not as stated in the question. In October, 1933, the Indian Lac Cess Committee passed a resolution adopting the leave rules contained in the Fundamental Rules and Supplementary Rules of the Government of India as the leave rules for employees of the Indian Lac Cess Committee. These proposals were sanctioned by Government and these leave rules are in force. In March, 1934, a resolution was passed by the Committee, the effect of which would be to grant further concessions not admissible under the Fundamental Rules. This proposal is under examination.

**Mr. B. Das :** In the matter of delegation of power to the Executive Committee, will the Government bear in mind the facts that have been pointed out by this side of the House and will the Government delegate no further power to this Executive Committee which consists mostly of laymen ?

**Mr. G. S. Bajpai :** The position is that at the present moment there is no executive sub-committee.

**Mr. Gaya Prasad Singh :** Will the Honourable Member state the composition of this Committee and whether officials and European members do not predominate there ?

**Mr. G. S. Bajpai :** I have answered several questions on that point before. The composition of the committee is given in sub-section (1) of section 2 of the Indian Lac Cess Act, and if the House desires, I can read it out. So far as the actual racial proportion is concerned, the

position is that at the present moment including Indian officials there is a preponderance of Indians ?

**Mr. Gaya Prasad Singh :** Including, Indian officials.

**Mr. B. Das :** But mostly laymen.

**PROVIDENT FUND ACCOUNTS OF EMPLOYEES OF THE LAC CESS COMMITTEE.**

**576. \*Mr. G. Morgan :** (a) Is it a fact that the Provident Fund accounts of employees, of the Lac Cess Committee, have not been properly maintained under the President's supervision, and that the Audit Department has been asked to reconstruct them for the last three years ?

(b) Is it a fact that the Committee in March last recommended renewal of the contracts of certain employees and that the Government of India have taken no steps in the matter ?

**Mr. G. S. Bajpai :** (a) The Provident Fund Accounts are maintained by the Secretary. The audit report for 1932-33 showed that the accounts had not been maintained in the proper form. Arrangements were accordingly made for the accounts to be prepared in the prescribed form by the Audit Department.

(b) Yes. The matter is under consideration.

**Mr. K. C. Neogy :** Are the accounts and these audit reports regularly published by Government as perhaps required by the rules ?

**Mr. G. S. Bajpai :** The audit reports are printed and submitted to the Government of India, but I could not say offhand as to whether they are actually published. But if my Honourable friend desires that they should be published, I will have that suggestion considered.

**Mr. Gaya Prasad Singh :** Is this audit report placed before the Public Accounts Committee ?

**Mr. G. S. Bajpai :** No, Sir, because the accounts of the Committee and their funds do not pass through the accounts of the Government of India at all. They are entirely separate.

**Mr. K. C. Neogy :** Is it a fact that the audit reports in the past few years have disclosed irregularities of accounts of a certain character ?

**Mr. G. S. Bajpai :** I think the irregularities that have been revealed by the audit report are all of a minor character, but they have laid stress upon certain concessions being enjoyed by the staff which they consider to be incompatible with the Fundamental Rules.

**Mr. K. C. Neogy :** Is that matter under the consideration of the Government of India ?

**Mr. G. S. Bajpai :** The Government of India have already considered that matter and find that inasmuch as most of these concessions are guaranteed to these officers by contracts which are still in force, the question of modifying these concessions can more suitably be taken up when the contracts terminate.

**Mr. B. Das :** Does the Vice-Chairman of the Imperial Council of Agricultural Research, who is the President, examine these contracts before they are actually contracted for ?

**Mr. G. S. Bajpai :** As I have already informed the House on a previous occasion, the existing contracts were started before the Vice-Chairman became the President of the Committee.

#### AMENDMENT OF THE LAC CESS ACT.

577. **\*Mr. G. Morgan :** Do Government propose to consider the question of amending the Lac Cess Act in order to remove the anomaly of the administrative department of Government being also represented on the Executive of the Committee ?

**Mr. G. S. Bajpai :** Government do not consider the presence of the Vice-Chairman, Imperial Council of Agricultural Research, on the Indian Lac Cess Committee to be anomalous. The second part of the question, does not, therefore, arise.

**Mr. K. C. Neogy :** His presence will rather be inconvenient for some people.

#### APPOINTMENT OF INDIAN TERRITORIAL FORCE OFFICERS TO THE CANTONMENTS DEPARTMENT.

578. **\*Mr. Gaya Prasad Singh :** (a) Will Government kindly state how many Indian Territorial Force officers have been appointed to the Cantonments Department for the last two years ? If none, are Government aware that a few deserving officers of the Force would be passing the age limit, if their claims for employment to the department are not entertained ?

(b) Do Government propose to call for their applications in order to enable them to take their chances of appointment to the Cantonments Department ?

(c) If Government cannot immediately call for their applications, in justice to the claims of such of the officers who are now fully qualified for appointment with the department, will they condone a slight over-age in their cases if the recruitment begins at a later date so as not to debar them from entering this department ?

(d) Will the claims of these officers who are now eligible for employment in the Cantonments Department be adversely affected under the new scheme for recruitment for the posts of Cantonment Executive Officers ?

**Lient.-Colonel A. F. R. Lumby :** (a) Two.

(b) and (c). Do not arise. Applications will, however, be called for when vacancies are likely to occur. I am afraid it would not be possible to waive the rule as regards age.

(d) The scheme is still under consideration, and I am, therefore, unable to give a definite answer.

#### PROVISION OF OPPORTUNITIES TO THE OFFICERS OF THE INDIAN TERRITORIAL FORCE FOR TRAINING WITH THE REGULAR UNITS.

579. **\*Mr. Gaya Prasad Singh :** With reference to their reply to my starred question No. 88 (c) of the 19th July, 1934, are Government prepared to provide opportunities to the officers of the Indian Territorial

Force for training with the Regular Units throughout the non-training periods of the Force in order to improve the military efficiency of the units? If so, do Government propose to take the necessary steps in this direction?

**Lieut.-Colonel A. F. R. Lumby** : The regulations permit of the training of officers of the Indian Territorial Force with regular units, at their own request and subject to the approval of the District Commander, up to the limit of the funds available for extra training. Practical effect is given to this rule, and, as stated in my reply to the Honourable Member's previous question, opportunities are provided annually for such training. I regret that at present no steps can be taken to increase the allotment of money made for this purpose.

**ALLEGED REPRESSIVE MEASURES TAKEN AGAINST KHAN ABDUL SAMAD KHAN AND MIR ABDUL AZIZ KHAN OF BALUCHISTAN.**

580. **\*Maulvi Muhammad Shafee Daoodi** : Are Government aware that the Karachi Baluchistan Reform Committee have issued a statement in regard to repressive measures taken against Khan Abdul Samad Khan Achakzai and Mir Abdul Aziz Khan Kurd, under the signatures of the following thirteen leading men of Karachi :

- (1) Jamshed Nusserwanji (Chairman), Mayor, Karachi,
- (2) Haji Abdullah Haroon, M.L.A.,
- (3) Naraindas A. Bechar, *ex-M.L.C.*,
- (4) Sheik Abdul Majid, M.L.C.,
- (5) Ghazdar, M.L.C.,
- (6) Jethmal Parsram,
- (7) Tarachand J. Lalwani,
- (8) R. K. Sidhva,
- (9) Hatim A. Alvi,
- (10) D. P. Dastur,
- (11) Hakim Fateh Mahomed,
- (12) Mujtabba, and
- (13) Pirbux,

from their office Sindhuri, Bunder Road, Karachi?

**Mr. H. A. F. Metcalfe** : Yes.

**CONVICTION OF KHAN ABDUL SAMAD KHAN OF BALUCHISTAN.**

581. **\*Maulvi Muhammad Shafee Daoodi** : (a) Are Government aware that Khan Abdul Samad Khan of Baluchistan had gone to Karachi in the beginning of January last?

(b) Is it a fact that a representative public meeting of the citizens of Karachi was called and influential men, like Mir Ayub Khan, First Class Magistrate and other title-holders were present at the meeting, and the Mayor of Karachi, Mr. Jamshed Nusserwanji, presided over the meeting?

(c) Is it a fact that Khan Abdul Samad Khan's speech in the meeting demanded for Baluchistan elementary rights of civic and political life ?

(d) Is it a fact that a resolution to that effect was unanimously adopted at that meeting and a committee was appointed to carry on the work ?

(e) Is it a fact that Khan Abdul Samad Khan left for Baluchistan after that meeting and soon after he was arrested in Baluchistan ?

(f) Is it a fact that he was arrested under section 40 of the Frontier Crimes Regulation Act, but the Pishin Court Magistrate charged him under section 124-A of the Indian Penal Code, and sent him for trial to the local Jirga of Pishin District ?

(g) Is it a fact that the Jirga at first sent back the case on the plea that they had no jurisdiction in the matter, but, eventually they found nothing wrong in the speech of the said Khan for which he was tried ?

(h) Is it a fact that the offence for which he was convicted, was one of making agitation in Karachi about the affairs of Baluchistan, and he was sentenced to simple A class imprisonment ?

(i) Is it a fact that the Quetta-Pishin Political Agent changed the simple A class imprisonment to hard labour for three years and demanded security for Rs. 3,000 after release ?

**Mr. H. A. F. Metcalfe :** The detailed information asked for is not available but the Local Administration have been asked for a full report and the information will be laid on the table in due course.

**Dr. Ziauddin Ahmad :** May I ask—perhaps the Law Member can answer—if it is legal for one Local Government to prosecute a person for an offence committed in another Province ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot have legal opinion without paying fees for it !

**Dr. Ziauddin Ahmad :** Was this prosecution correct legally ?

**Mr. H. A. F. Metcalfe :** It is, of course, impossible for me to give any legal opinion on that, but the point, I understand, was considered by the local judicial administration, and I am, as a matter of fact, making further inquiries into the point on which I will consult the Legislative Department in due course.

**Sardar Sant Singh :** May I know what were the qualifications of those persons, who constituted the *jirga*, to understand the law on the point ?

**Mr. H. A. F. Metcalfe :** I have no information at present as to who the members were who constituted the *jirga* : it is, therefore, quite impossible for me to say what their qualifications were.

**Sardar Sant Singh :** Does the Honourable Member know that the people in Quetta are absolutely dissatisfied that a crime like sedition should be referred to a *jirga* of illiterate persons ?

**Mr. H. A. F. Metcalfe :** I have no information on that point.

**Sardar Sant Singh :** May I inform my Honourable friend that I have recently visited Quetta and that there is a lot of feeling against this procedure by the Government on that point ?

**Mr. H. A. F. Metcalfe :** I do not know how recently the Honourable Member visited Quetta : when I visited it a year ago, there was no dissatisfaction.

**Sardar Sant Singh :** I only visited it in the month of July last.

**Dr. Ziauddin Ahmad :** May I know whether any person who comes into this country and commits an offence is entitled to demand that he should be tried according to the law of his own land and not the law of India ?

**Mr. H. A. F. Metcalfe :** The Honourable Member is again asking for a legal opinion which I am not prepared to give on the floor of the House.

**Mr. Gaya Prasad Singh :** Before launching this prosecution, was the Law Member or any legal authority consulted ?

**Mr. H. A. F. Metcalfe :** The opinion of the Government of India was certainly not taken. It is a matter within the competence of the local administration.

**Sardar Sant Singh :** Did the Honourable Member make inquiries as to the qualifications of the persons who constituted the *jirga* to decide a difficult and complex question like that of sedition ?

**Mr. H. A. F. Metcalfe :** I have already stated that I am making the fullest inquiries, but until I get the answers, I am not in a position to make a statement on the subject.

**Dr. Ziauddin Ahmad :** What is the procedure—not the legal opinion—in this country where a person who belongs to a foreign nation commits a crime in India ? Is he tried by Indian law or by the law of his own native country ?

**Mr. H. A. F. Metcalfe :** Unless he has extra-territorial rights, which, so far as I know, do not exist in India, he is tried by the law of the country.

**Sir Abdur Rahim :** Is a man, who is tried before a *jirga*, entitled to any professional legal assistance ?

**Mr. H. A. F. Metcalfe :** Actually, under the Frontier Crimes Regulation, which governs *jirga* procedure, legal assistance is not permitted. There is a definite section in that Regulation to this effect.

**Sir Abdur Rahim :** Are there any special reasons for refusing such assistance ?

**Mr. H. A. F. Metcalfe :** I assume there were special reasons when the particular section was framed, but that was a good many years ago, and I am not now in a position to state exactly what those reasons were.

**Sir Abdur Rahim :** Will the Honourable Member consider the advisability of revising that provision of the law then ?

**Mr. H. A. F. Metcalfe :** It can certainly be considered : I think it has often been considered before and so far no action has been taken to repeal that particular section of the Regulation.

**Dr. Ziauddin Ahmad :** Is it not a fact that once *jirga* has given its opinion and that opinion is not favoured by the A. G. G. or the authorities, the authority could dismiss that *jirga* and appoint another *jirga* and if necessary a third *jirga* till the required decision has been obtained ?

**Mr. H. A. F. Metcalfe :** If the Honourable Member will consult for himself the Frontier Crimes Regulation, he will find all the procedure laid down. If he wishes me to detail it on the floor of the House, I will attempt to do so, but it would seem to be more convenient that the Honourable Member should look up the Regulation himself.

**Dr. Ziauddin Ahmad :** I have looked up the Regulation, but I should like the House also to know whether it is not a fact that a *jirga* can be dismissed and a new *jirga* can be appointed, and another appointed in its place, and so on.

**Mr. H. A. F. Metcalfe :** May I explain, Sir, that that is not exactly the case. The position is that a *jirga* can be dissolved by the officer who convenes it, and then if the officer is dissatisfied with the opinion given by the *jirga* he is entitled, but only with the previous sanction of the Agent to the Governor General or the Chief Commissioner, as the case may be, to convene another *jirga* on the same subject. That is the legal position.

**Sir Abdur Rahim :** Is there any appeal allowed to any higher authority from the decision or sentence of a *jirga* ?

**Mr. H. A. F. Metcalfe :** The *jirga* does not really sentence at all : it is the officer who convenes the *jirga* who sentences : the *jirga* can only give an opinion, and the officer then, who has convened the *jirga*, pronounces an order on that opinion. The officer cannot convict unless the *jirga* convicts or gives an opinion in favour of conviction. Any conviction or any order passed by the officer, in pursuance of an opinion given by a *jirga*, can be revised by higher authority who is the A. G. G. in Baluchistan. There is no other appeal.

**Sir Abdur Rahim :** Is that appeal heard publicly and is there any professional legal assistance allowed to the appellant ?

**Mr. H. A. F. Metcalfe :** I have already explained that at no stage of the *jirga* proceedings are any legal practitioners allowed to appear. That is the position.

**Sir Abdur Rahim :** Is the proceeding before the appellate authority open to the public ?

**Mr. H. A. F. Metcalfe :** Any person who wishes can obtain a copy of the order of the revisional authority.

**Sir Abdur Rahim :** Does the appellate Court hear the appeal sitting in public ?

**Mr. H. A. F. Metcalfe :** Definitely, no.

**Mr. K. C. Neogy :** Will the Honourable the Home Member consider the desirability of substituting the *jirga* system for the Code of Criminal Procedure throughout British India ?

(No answer.)

**Mr. T. B. Phookun :** Are the proceedings of the revising Court recorded ?

**Mr. H. A. F. Metcalfe :** No : there is no record whatever, except the order passed by the revising authority.

**EXCHANGES FROM LOWER TO HIGHER LEVEL OF PHAGLI QUARTERS IN SIMLA.**

582. \***Mr. Muhammad Muazzam Sahib Bahadur** : (a) Will Government please state whether under the Rules for allotment of Phagli Government quarters the exchanges from lower to higher level are made on 1st April of each year ?

(b) Will Government please state whether some of the clerks living in lower levels of quarters and who were allotted quarters from a lower level to a higher level could not be present in Simla on 1st April, 1934, on account of the late move of the Government of India ?

(c) Is it a fact that the local P. W. D. took advantage of the inability of their presence in Simla and gave the higher level quarters to their friends who were for the first time allotted Government quarters and were not entitled to occupy these quarters ?

(d) Will Government please state whether one of the persons namely Mr. Mohan Lal Bajaj who has been given quarters on a higher level under the above pretext, is a close relation of a Superintendent in the P. W. Branch of the Industries and Labour Department ?

**The Honourable Sir Frank Noyce** : (a) Applications for the allotment of quarters in Simla must be made to the Estate Officer by the 1st of July next before the financial year or the season for which an allotment is required. Allotments, including those made on the transfer of lien, are thus carried out some months before the 1st of April, the date on which the financial year and the Simla season commence. But it is correct that actual changes in the occupation of quarters are made with effect from the 1st of April in each year.

(b) Yes.

(c) No.

(d) The Honourable Member is, I think, under some misunderstanding. The only disadvantage, which a prospective tenant suffers, if he is unable to be present in Simla on the 1st of April, is that he may be put to some inconvenience if he has to move his personal effects from one set of quarters to another. The Executive Engineer requested the clerks whose liens had been transferred to send him their keys so that he might move their personal effects to their new quarters and might have their old quarters put in order for the incoming tenants. Mr. Mohan Lal Bajaj was allotted quarters on the lower level, but the outgoing tenant of those quarters, who was to occupy quarters on the higher level, failed to send his keys to the Executive Engineer or to vacate his old quarters. In the circumstances, Mr. Mohan Lal Bajaj, was permitted, for the current year only, to occupy the vacant quarters on the higher level. It is a fact that he is the nephew of a Superintendent in the Public Works Branch of the Industries and Labour Department, but in the circumstances this appears to me to be immaterial.

**ALLOTMENT OF QUARTERS IN SIMLA.**

583. \***Mr. Muhammad Muazzam Sahib Bahadur** : (a) Will Government please state whether under the Rules for allotment of quarters in Simla, preference is given to juniors in pay ?

(b) Will Government please state whether it is a fact that in accordance with the list despatched by the Indian Stores Department



Mr. Rajendra Singh being the junior most in pay was the senior most on the waiting list for Simla unorthodox quarters ?

(c) Is it a fact that his claims have been ignored and Mr. Chunni Lal Gurg, who being senior in pay and much junior on the waiting list referred to above, has been allotted quarters in preference to Mr. Rajendra Singh ?

(d) Will Government please state whether they have considered the desirability of investigating whether any of the P. W. D. officials have shown undue favour to certain clerks ?

(e) Will Government please state whether they are prepared to consider the amendment of the Rule so that the clerks who are unable to come up to Simla by the 1st April, on account of the late move of the Government of India, may not be victimised in this respect ?

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

(b) and (c). There are two men named "Rajendra Singh" serving in the Indian Stores Department. The name included in the list to which the Honourable Member refers was that of Mr. Rajendra Singh I. Mr. Rajendra Singh I had elected to live in orthodox style and, under the orders of Government, clerks who had elected to live in unorthodox style had to be given preference over him. It subsequently appeared that the clerk who required unorthodox quarters was Mr. Rajendra Singh II, but it was necessary for the Estate Officer to act on the information supplied to him and his decision in favour of Mr. Chunni Lal Gurg was, therefore, correct.

(d) No.

(e) No amendment of the rules appears to be necessary. The allotments are made considerably in advance of the 1st of April in each year, and the presence of a particular clerk in Simla on that date has nothing to do with his title to occupy particular quarters.

#### REDUCTION IN THE DELHI CAMP ALLOWANCE OF THE ARMY HEADQUARTERS STAFF.

584. \***Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that Government propose to reduce the Delhi Camp Allowance for the Members of the staff of the Army Headquarters, proceeding to Delhi, in order to give such of the staff as do not go to Delhi the benefit of the reduction ?

(b) Is it not a fact that the object of this allowance, is to compensate the staff for having to leave their permanent headquarters at Simla, on the same principle as the House Rent Allowance is given to the staff of the Civil Secretariat in Simla ?

(c) Is it a fact that this allowance has been enjoyed by the staff for many years ? If so, what is the reason for the proposed reduction ?

(d) Is it a fact that it is proposed to reduce the allowance out of all proportion to the present scale, and that the lower paid staff and lady clerks will be very adversely affected ?

(e) Are Government aware that the proposed reduction will operate very hardly on those who have to break up their homes in Simla and set up new homes in Delhi, and that the proposal is causing general dissatisfaction and alarm ?

(f) If the answers to parts (a), (b), (c), (d) and (e) above be in the affirmative, do Government propose to re-examine the matter fully and drop the proposal? If not, why not?

**Lieut.-Colonel A. F. R. Lumby :** (a) to (f). Proposal of this nature is under consideration. I am afraid, however, that I cannot at this stage give any details of it.

**PERCENTAGE ALLOTTED TO EUROPEANS AND ANGLO-INDIANS OF THE CONTROL STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

**585. \*Bhai Parma Nand :** (a) Is it a fact that the strength of the Control Staff is maintained at 50 per cent. Europeans and Anglo-Indians, and 50 per cent. Indians, on Metre Gauge System over the Bombay, Baroda and Central India Railway? If so, why is such high percentage allotted to Europeans and Anglo-Indians?

(b) Has any Indian Controller been promoted to Station Master's Branch, like European and Anglo-Indian Controllers, Messrs. Bickers and Garlings? If not, why not?

(c) Is it a fact that Messrs. Hemmer and Lamas are over and above the percentage and have been given Rs. 50 promotion from Rs. 70 to Rs. 120 as Probationary Controllers, although they are junior and over and above the percentage? If so, why?

(d) Is there any Indian trained Controller being given any such promotion? If not, why not?

(e) Is it a fact that the designation of European and Anglo-Indian Probationary Controllers after having their extraordinary lifts, was changed to Guard? Does this change allow them to earn allowance while working in Control? Is any Indian trained Controller treated in this manner, if not, why not?

(f) Is it a fact that the staff in general get some promotion after qualifying themselves for some higher grade and Indian trained Controllers are debarred the privilege? If so, why? Is the Agent, Bombay, Baroda and Central India Railway, ready to remove the racial discrimination from Metre Gauge and to accord the same treatment to the Indian trained Controllers with due consideration to their arduous duties and grant some promotions?

**Mr. P. B. Rau :** The information is being collected and will be laid on the table in due course.

**STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.**

**586. \*Mr. S. C. Mitra :** (a) With reference to the reply of the Honourable Mr. Haig to my supplementary question on the 21st September, 1932, that every effort is made to cause the least possible inconvenience to the public in connection with the stoppage of traffic on the Kalka-Simla Road—due to the tours of Their Excellencies, will Government be pleased to state on how many other occasions the inconvenience of the public officials other than His Excellency the Viceroy, and the Members of the Indian Legislature, due to the holding up of the cars on the Kalka-Simla Road on account of the journeys of Their Excellencies, has been ventilated through this House?

(b) Are Government aware that on the 21st July, 1934, a large number of cars were held up at Kandaghat owing to the tour of His Excellency the Viceroy to Kalka by road motor ?

(c) Are Government aware that cars were held up at Kandaghat without giving any notice to the road motor passengers at Kalka as to their possibility of being held up on the road for indefinite period ?

(d) Are Government aware that road motor passengers were not allowed even to halt at Solon by the police ?

(e) Will Government be pleased to state why no timely notice is issued to railway passengers at Kalka that the road motors are liable to be held up on the road ?

(f) Are Government aware that Col. Dickens who arrived at Kandaghat at 8 A.M. was held up till 10-35 A.M. ?

(g) Are Government aware that Mr. Ramsay Scott, M.L.A., arrived Kandaghat at 8-30 A.M. and was held up till 10-35 A.M. ?

**The Honourable Sir Henry Craik :** With your permission, Sir, I propose to reply to questions Nos. 586, 587, 588 and 589 together. I have made enquiries in the matter, and will lay the result on the table in due course.

#### STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.

†587. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state the time that is taken ordinarily by road motors to reach Simla from Kandaghat ?

(b) Are Government aware that the questioner himself who was sick on that day arrived at Kandaghat at 9-15 A.M. and was also held up till 10-35 A.M. ?

(c) Are Government aware that the police staff and sergeant on duty at Kandaghat informed all the road motor passengers that Deputy Commissioner's orders are to hold up all motors irrespective of the position, status or emergency due to illness or any other emergencies concerning even life and death of persons ? If not, do Government propose to enquire into all the above grievances ? If not, why not ?

(d) Will Government be pleased to state the reasons for holding up of all cars at Kandaghat without any due notice being given to such passengers at Kalka ? Do Government propose to do so in future ? If not, why not ?

#### STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.

†588. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state the cost of police arrangements due to Their Excellencies patronizing the road motors in preference to the State Railway Saloons ?

(b) Will Government be pleased to state since when Their Excellencies have begun to patronize road motor in preference to railway saloons between Kalka and Simla ?

---

†For answer to this question, see answer to question No. 586.

(c) Are Government aware that the frequent use of the road motors by Their Excellencies is setting example to the public not to use the Kalka-Simla State Railway? If not, do they propose to enquire as to how far it is true? If not, why not?

(d) Will Government be pleased to state the number of times the road motor traffic was closed between Simla and Kalka and *vice versa* owing to the use of the road by Their Excellencies during the last one year from the 30th July, 1933, and the number of hours the road was closed to public traffic on each of such occasions?

**STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.**

†589. \***Mr. S. C. Mitra** : (a) Do Government propose to construct a railway motor saloon for Their Excellencies between the Viceregal Lodge, Simla, and Kalka for relieving the public of these inconveniences? If not, do Government propose not to close traffic of motors between Kalka and Simla when Their Excellencies use that road?

(b) Do Government propose to send a motor a mile in advance of Their Excellencies' car so that police may stop the traffic after such advance car has passed at definite spots?

**REDUCTION OF INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.**

590. \***Lala Rameshwar Prasad Bagla** : (a) Is it a fact that Lord Lytton was himself a delegate to the League of Nations and protested against the amount which was levied on India as contribution to the League of Nations?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what steps they have taken in this direction?

(c) Have Government so far made any definite representation to the League of Nations with regard to the reduction of India's contribution? If not, why not?

**The Honourable Sir Nripendra Sircar** : (a) The Honourable Member is doubtless referring to the speech made by Lord Lytton, as Leader of the Indian Delegation to the 1928 Session of the Assembly of the League. The Honourable Member will find the speech reproduced in annex II of Appendix III to the Report of the Indian Delegates to that session.

(b) There are only two means by which a reduction could be secured in the amount of India's contribution to the League, namely, first, a reduction in the total expenditure of the League, and secondly, a reduction in the proportion of the total expenditure payable by India. If the Honourable Member will refer to the relevant passages in the reports of the Indian Delegations to the Sessions of the Assembly from 1930 to 1933 inclusive, he will find that India's Delegates have not failed to press for a reduction in the League's budget. As regards the second factor determining the amount of India's contribution, the Government of India have been constrained to agree with the view which has hitherto prevailed to the effect that the disturbed state of world economic conditions has not hitherto admitted and does not yet admit of the revision of the existing scale of

†For answer to this question, see answer to question No. 586.

allocation which has been in force since 1925. Indian Delegations have consequently received instructions in this sense.

(c) If the Honourable Member intends to suggest that the Government of India as such should address a representation in the matter to the Secretary General of the League, then I am afraid such suggestion is due to misapprehension as to the nature of the relations between the League as such and its individual members. It would be no less inappropriate for the Government of India to address a representation in the sense suggested to the Secretary General of the League than it would be for me to address to the Secretary of this Assembly a representation urging the Assembly to carry a motion. The question alike of the League's budget for any particular year and of the proportion payable by each member of the League can only be determined by the votes of members at a Session of the Assembly.

#### VOICE OF INDIA IN THE LEAGUE OF NATIONS INDEPENDENT OF GREAT BRITAIN.

591. \***Lala Rameshwar Prasad Bagla** : Will Government be pleased to state whether India, as an original member of the League of Nations, has a voice in the League of Nations independent of Great Britain ?

**The Honourable Sir Nripendra Sircar** : If the Honourable Member will refer to paragraph 4 of Article 3 of the Convention, he will find that every member of the League, whether Original or otherwise, has an independent voice in the League.

#### KEEPING OF A QUALIFIED NURSE OR MID-WIFE ON EVERY PILGRIM SHIP.

592. \***Khan Bahadur Haji Wajihuddin** : Is it a fact that the Haj Inquiry Committee has recommended that in addition to a female attendant on board the pilgrimship there should be a qualified nurse or a mid-wife on every pilgrimship, and if so, what action has been taken during the past two years in this connection ?

**Mr. G. S. Bajpai** : Yes. The Indian Pilgrim Ships Rules, 1933, provide that, in the case of a ship engaged to carry more than 100 pilgrims, the owner, agent or master shall, if there are any female pilgrims to be embarked, appoint one female attendant and, if possible, also a mid-wife or nurse, preferably a Muslim, to assist the medical officer.

#### REPORTS ON THE ACTIVITIES AND WORKING OF THE PORT HAJ COMMITTEES.

593. \***Khan Bahadur Haji Wajihuddin** : Is it a fact that the Haj Enquiry Committee has recommended that Port Haj Committees should concern themselves with all matters which may affect the pilgrimage and provide for the assistance and comfort of a pilgrim from the time even before he leaves his home till he returns to it ? If so, are Government prepared to lay on the table complete reports of the various Port Committees with regard to their activities and actual working of the organisations for the last Haj season ?

**Mr. G. S. Bajpai** : Yes. The Port Haj Committees at Calcutta, Bombay and Karachi, came into existence only in January, February and June, 1934, respectively, and no reports on their working have so

far been received by the Government of India. If these are received, copies will be placed in the Library of the House.

**COMPLAINTS OF HAJ PILGRIMS DURING THE LAST HAJ SEASON.**

594. **\*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Port Haj Committees of the various ports have submitted to the Government of India certain complaints reported to them by the pilgrims during the last Haj Season on their voyage to Jeddah and back, and if so, are Government prepared to lay on the table copies of such detailed complaints ?

**Mr. G. S. Bajpai :** Sir, with your permission, I shall answer questions Nos. 594, 597 and 598 together. As stated in my reply to starred question Nos. 61, 62 and 99 on the 18th July, 1934, the complaints in regard to the arrangements made for the supply of food to pilgrims on board pilgrim ships, to which the Honourable Member refers, have been under examination and will be placed before the Standing Haj Committee at their meeting to be held on the 25th August, 1934. The action to be taken will be decided upon by Government after the views of the Standing Haj Committee have been elicited.

**EXECUTIVE OFFICER OF THE PORT HAJ COMMITTEE AT BOMBAY.**

595. **\*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Haj Enquiry Committee has recommended that of the three Executive Officers of the Port Haj Committees at Bombay, Karachi and Calcutta, the officer of the Bombay Committee should be of superior rank, corresponding to that of a Deputy Collector, on a pay of approximately Rs. 500 to Rs. 700, and if so, will Government be pleased to state the name, qualification and pay of the Bombay Executive Officer, and the name of the authority by whom he has been appointed ?

**Mr. G. S. Bajpai :** Yes. A statement giving the particulars asked for in the second part of the question is laid on the table.

*Statement regarding the Executive Officer of the Port Haj Committee, Bombay.*

In consultation with the Bombay Port Haj Committee, the Government of Bombay propose to appoint Mr. T. C. Mayan, (a Moplah Muslim) as Executive Officer of the Committee with effect from the 1st September, 1934, when the post of Protector of Pilgrims will be abolished. He will, in the first instance, be given the same emoluments as the present Protector of Pilgrims, Bombay, namely a pay of Rs. 250 per mensem plus a conveyance allowance of Rs. 50 per mensem and a house rent allowance of Rs. 50 per mensem. The question of raising the status and emoluments of the post has been held in abeyance pending an improvement in the financial position. Mr. Mayan's educational and other qualifications are as follows :—

Studied up to the Matriculation standard of the Madras University ; passed the Government Lower Secondary Examination. Knows Tamil, Malayalam, Urdu and Arabic languages. Worked as Accountant and Office Superintendent, Mesopotamia Expeditionary Force at Basrah and Baghdad, during the Great War.

Officiald as Head Clerk of the Bombay Pilgrim Department on two or three occasions ; 20 years' service in the Bombay Pilgrim Department.

Acted as accountant for working the Pilgrim Deposit System for about 8 years.

Acted as Secretary to all the Sub-Committees appointed from time to time by the Haj Committee, Bombay, for solution of important problems.

Honorary Secretary of the Bowla Mohammedan Female Orphanage at Chinchpokli.

### PHOTOGRAPH OF THE LICENSEE ON LICENSES GRANTED TO PILGRIM GUIDES.

596. \*Khan Bahadur Haji Wajihuddin : (a) Is it a fact that the Haj Enquiry Committee has recommended that each license granted to Pilgrim Guide should bear a photograph of the licensee, and if so, are Government aware that all the leading and recognised headquarters of Ulemas ; such as *Darul Uloom* of Deobund, *Mazahirul Uloom* of Saharanpur, *Pirangi Mahal* of Lucknow, and various Arabic Colleges in Agra, Cawnpore, Bareilly, Meerut, and other places of my constituency have found serious objections from purely a religious point of view in the proposal and are deadly against the said recommendation ?

(b) Do Government propose to consider the advisability of accepting in the usual way the signatures or thumb impressions of the licensees, in place of photographs, as has been recommended and applied for the Hedjaz pilgrims generally ?

Mr. G. S. Bajpai : (a) The reply to the first part is in the affirmative. The Government of India have not received any communication on the subject from the bodies referred to by the Honourable Member.

(b) The Honourable Member's suggestion has been noted.

### DEFECTIVE SYSTEM OF FOOD SUPPLY ON PILGRIM SHIPS.

†597. \*Khan Bahadur Haji Wajihuddin : Are Government aware that Khan Bahadur Abdul Hadi Khan, retired Deputy Collector and Magistrate of the United Provinces, who has been on Haj pilgrimage four times during recent years, has stated before the Port Haj Committee of Bombay that the present system of food supply on board the ship was defective during the last pilgrim season and would one day or another result in a riot on the steamer, and if so, do Government propose to consider the feasibility of removing the complaint by amending the Act so as to have "Pay as you buy" system introduced in place of the present arrangement ? If not, why not ?

### SUPPLY OF FOOD TO HAJ PILGRIMS ON SHIPS.

†598. \*Khan Bahadur Haji Wajihuddin : Are Government aware that Syed Sajjad Hyder, Deputy Collector of the United Provinces, who was "Amirul Haj" on board the outward pilgrimship "Rahmani" and also was one of the members of the Committee of pilgrims on the returning pilgrimship "Rizwani" during the last pilgrim season, has stated in his report that food tickets should not be made compulsory and the pilgrims should be allowed to buy their food according to their own taste and need, for cash payment, and if so, what action do Government propose to remove the undue restrictions imposed by the recent legislation upon Hedjaz pilgrims ? If not, why not ?

### GRATUITY GRANTED TO STATE RAILWAY EMPLOYEES.

599. \*Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state if it is a fact that according to State Railway Gratuity Rule No. 1 (1929 edition), the grant of gratuities is entirely at the discretion of the Railway Board and that the gratuities cannot be claimed as of right ?

(b) Is it a fact that when an employee is held eligible for gratuity, the amount of gratuity to be paid to him is governed by Rule 19 (A) in respect of subordinate staff ?

(c) Is there any rule existing under which the amount of gratuity can be fixed at a lower rate than the one laid down in Rule No. 19 (A), (a) and (b), of the State Railway Gratuity Rule ?

(d) Is there any rule under which the amount of gratuity can be reduced to half of the one laid down in Rule No. 19 (A), (a) and (b), referred in part (c) above ?

(e) If the answers to parts (c) and (d) above be in the affirmative, will Government be pleased to lay on the table a copy of such rule and state why it is not printed in the State Railway Provident Fund and Gratuity Rule Book, corrected and published up to the 31st March, 1929 ?

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

(b) Rule 19 (A) prescribes the method of calculating the full amount of gratuity admissible for the period of qualifying service put in by an employee.

(c), (d) and (e). The Honourable Member is referred to rule (1) and the note thereunder of the Gratuity Rules.

#### LEAVE AND GRATUITY TO RAILWAY EMPLOYEES FOR HAVING FAILED IN EYE-SIGHT.

600. **\*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if an employee who is discharged from service for having failed in eye-sight can claim :

(i) all departmental leave due, and

(ii) full gratuity under Rule 19 (A) of the State Railway Provident Fund and Gratuity Rules ?

(b) Are there any circumstances under which such an employee, as mentioned in part (a) above, can be denied full gratuity and the departmental leave due ? If so, what are those circumstances and conditions ?

**Mr. P. R. Rau :** (a) and (b). As regards leave, the practice followed is being ascertained from Railway Administrations, and the information will be laid on the table in due course. As regards gratuity, an employee, permitted to retire on account of defective eye-sight, would normally be entitled to a gratuity, based on the length of his service, subject to his service being good, faithful and efficient.

#### ARRANGEMENTS FOR THE DISPOSAL OF COMPLAINTS OF ROBBERY AND CHEATING BY HAJ PILGRIMS.

601. **\*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Haj Enquiry Committee has recommended that arrangements should be made at each port of embarkation to depute an Honorary Magistrate or Bench of Magistrates with summary powers to dispose of complaints of robbery and cheating by pilgrims expeditiously, and if so, will Government be pleased to lay on the table a statement showing at each port of embarkation the names of officers appointed, the number of the cases filed, the number of convictions and the number of acquittals ? If no action in this connection has been taken as yet, why ?



**Mr. G. S. Bajpai :** Yes. The recommendations were carefully considered by Government in consultation with the Standing Committee on Pilgrimage to the Hedjaz, and it was decided that it was not practicable to give effect to it as it stood, but the Local Governments concerned were asked to see that everything possible was done to expedite the trial of complaints made by Haj pilgrims. Information regarding the number of cases filed, the number of convictions and the number of acquittals is not available.

#### NEUTRAL CONTROL SECTION OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

**602. \*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to enquire and state if the Neutral Control section of the Indian Railway Conference Association is a Branch of the State Railway management ?

(b) Is it controlled by the Railway Board ?

(c) Are the rules regarding seniority of service in this Neutral Control section the same as on other State Railways ?

(d) Is it a fact that the staff employed in this Neutral Control section is brought from different State Railways holding permanent posts there ?

(e) Is it a fact that very often there are reductions in the establishment of this Branch due to simplification of the methods of working ?

(f) If the reply to part (e) above be in the affirmative, will Government be pleased to state how many times reductions have taken place during the last five years, and how many employees have either been retrenched or demoted ?

(g) When reduction is foreshadowed, why are the employees brought from different State Railways, not returned to their respective Railways, and why are they thrown out of employment or their pay reduced ?

(h) Is it a fact that transfer to this Neutral Control section is ordered by the administration and is not volunteered by the employees ?

(i) On what principles is reduction or demotion carried out in this Branch ?

(j) Does seniority in this Branch count on total length of service or on length of service in the same class ?

**Mr. P. R. Rau :** (a) and (b). The Neutral Control Section of the Indian Railway Conference Association is a Branch of the Indian Railway Conference and is controlled by it.

(c) to (j). I have called for the information and shall lay a reply on the table in due course.

#### ISSUE OF RETURN TICKETS ON INDIAN RAILWAYS TO HAJ PILGRIMS.

**603. \*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Haj Enquiry Committee has recommended in their Report that the Railway Board should be requested to grant return tickets of all classes, available for eight months, at the rate of a fare and a third, issuable at all railway stations on production of a pilgrim pass, and if so, will Government be

pleased to state what action has so far been taken by them in this direction ?

**Mr. P. R. Rau :** I would refer the Honourable member to the reply given by my predecessor to Mr. M. Maswood Ahmad's starred question No. 1127, on the 25th March, 1931.

**Maulvi Muhammad Shafee Daoodi :** What was that ?

**Mr. P. R. Rau :** If my Honourable friend does not want to consult the Assembly Proceedings of that date, I can tell him that the reply was as follows :

"The matter was carefully investigated in connection with a recommendation made by the Haj Inquiry Committee, and it was found that no reduction could possibly so stimulate the traffic as to avoid loss to the railways."

#### CONSTRUCTION OF SHEDS IN THE PILGRIM CAMP AT KARACHI.

**604. \*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Haj Enquiry Committee has recommended that of the four additional sheds proposed to be erected in the Pilgrim Camp at Karachi, two sheds are clearly necessary and should be erected at once ? If so, have these sheds been built since then or expected to be built in the near future ?

**Mr. G. S. Bajpai :** Yes. The two sheds were erected early in 1931.

#### COMPULSORY DEPOSITS BY HAJ PILGRIMS FOR THEIR TICKETS.

**605. \*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Haj Enquiry Committee has recommended in their Report that section 203-A of the Merchant Shipping Act should be amended so as to make a deposit compulsory to the exclusion of single and return tickets in all cases, and if so, what action have Government taken in the matter ? If not, why not ?

**Mr. G. S. Bajpai :** Yes. The Standing Haj Committee of the Legislature advised that the choice should be left to pilgrims themselves. Government have accepted this advice and both the deposit and return ticket systems have, therefore, been retained.

#### TEST CHECK EXERCISED AT CERTAIN STATIONS ON THE EAST INDIAN RAILWAY.

**606. \*Khan Bahadur Haji Wajihuddin :** (a) With reference to the reply to starred question No. 189, parts (a) and (b), given in this House on the 23rd July, 1934, will Government be pleased to state if it is a fact that a test check was exercised at Patna, Gaya and Arrah on the East Indian Railway for 24 hours at each station in May, 1934, by the combined Operating and Accounts staff ?

(b) Is it a fact that the Operating staff utilised for this check did not belong to a department independent of the department normally responsible for the check and collection of tickets, i.e., the Operating Department ?

(c) Is it a fact that this test check was exercised under the direct supervision of an Accounts Inspector ?

(d) Is it a fact that during the days this test check was exercised, regular Travelling Ticket Examiners and the usual Flying Squads of the

Operating Department worked on the running trains, specially on the area where this test check was being conducted ?

(e) Is it a fact that despite this intensified check by the Operating Department, this test check under the supervision of the Accounts Inspector yielded increased earnings of about Rs 387 during 72 hours only ?

(f) Will Government be pleased to lay on the table a copy of the report submitted by the Accounts Inspector on the results of this test check ?

(g) Is it a fact that this joint check by Accounts and Operating staff conducted under the supervision of the Accounts Inspector showed a great improvement in :

- (i) the sale of platform tickets,
- (ii) the collection of tickets at gates (reducing percentage of missing tickets),
- (iii) the recoveries in respect of without ticket passengers, and
- (iv) the recoveries in respect of unbooked luggage ?

(h) If the reply to part (g) above be in the affirmative, do Government propose to consider the suggestion contained in the concluding paragraph of the article "A suggestion to the Railway Board", referred to in the starred question No. 193, dated the 28th July, 1934 ?

(i) Do Government propose to consider the desirability of keeping this Branch (Superchecking staff) independent of Operating control, as suggested by Dr. Ziauddin Ahmad, M.L.A., in the Railway Retrenchment Sub-Committee Report ?

**Mr. P. B. Rau :** (a) to (h). I have called for information and will lay a reply on the table of the House in due course.

(i) As I explained to the House recently in reply to another question, Government do not consider it desirable at present to make any change in the organisation of the department.

#### APPOINTMENT OF UNANI PHYSICIANS ON PILGRIM SHIPS.

**607. \*Khan Bahadur Haji Wajibuddin :** Is it a fact that the Haj Enquiry Committee has recommended that, when a second medical officer is required on board the ship, a diploma-holding Unani doctor should be appointed, because many pilgrims are not used to allopathic treatment and in some cases even entertain sentimental objection to it, and if so, what action has been taken by Government ? If none, why not ?

**Mr. G. S. Bajpai :** The answer to the first part is in the affirmative. The Standing Haj Committee of the Legislature, to which the matter was referred, was opposed to the adoption of the recommendation but suggested that, if any Port Haj Committee wished to make provision for the pay of a Unani doctor and his medicines on board ship, it should be left to them to arrange the details for his sailing by negotiation with the shipping company concerned. The Government of India accepted the advice of the Committee and brought the suggestion to the notice of the Port Haj Committees and shipping companies through the Local Governments concerned.

†608\*—609\*.

†These questions will be answered on the 15th August, 1934.

PRISONERS DETAINED UNDER REGULATIONS III OF 1818.

610. \*Mr. Bhuput Sing : Will Government be pleased to state :

- (a) the number of prisoners at present detained under Regulation III of 1818 and other allied Regulations ;
- (b) the number of such prisoners at present under detention for suspected terrorist activities ; and
- (c) the number of such prisoners at present under detention for the prevention of acts which may affect the foreign and external relations of British India ?

The Honourable Sir Henry Craik : (a) 90, including 46 who are not confined in jail but are subject to surveillance.

(b) 23.

(c) 42.

Sardar Sant Singh : May I know if this number 90 includes the case of Maharaja of Nabha ?

The Honourable Sir Henry Craik : Yes.

Sardar Sant Singh : For how long has he been detained now ?

Mr. H. A. F. Metcalfe : Sir, on a point of order. Is the Honourable Member permitted to ask questions which affect the relations between the Governor General and an Indian State ?

Sardar Sant Singh : I may explain my position.....

Mr. President (The Honourable Sir Shanmukham Chetty) : What was the question ?

Sardar Sant Singh : My question was for how long the Maharaja of Nabha has been detained under Regulation III of 1818 ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Maharaja of Nabha ?

Sardar Sant Singh : Yes, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot ask that question.

Sardar Sant Singh : Sir, he has been deprived of the title of Maharaja, and he is now treated as a British subject. He is also confined in British territory, and, therefore, he is amenable to the jurisdiction of this House.

Mr. Gaya Prasad Singh : Can we not ask a question about a person who is interned in British territory under Regulation III ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Not about the Maharaja of Nabha.

Mr. Gaya Prasad Singh : He has ceased to be a Maharaja.

Mr. B. Das : Can we not ask questions about any foreigner interned in British India under Regulation III ?

Mr. President (The Honourable Sir Shanmukham Chetty) : No question can be asked about the detention of the Maharaja of Nabha or the ex-Maharaja of Nabha.

# CONCESSIONS PROPOSED TO BE GIVEN TO A BRITISH FIRM TO START CHEMICAL WORKS IN INDIA.

611. \*Mr. B. Das : Will Government be pleased to state :

- (a) whether the Imperial Chemicals or any other firm, in Great Britain is at present negotiating with the Government of India for concessions in any part of India to start Chemical Works ;
- (b) whether such concessions are asked for a period of 50 years ; if not, whether it is for a shorter or a longer period ;
- (c) whether the said firm proposes to open its works in Dundot in Jhelum District (Punjab) for the purpose of exploiting the salt and lime resources of India ;
- (d) whether the said firm is giving any assurance that it will have rupee capital, it will allow its shares to be subscribed to in India, and its directorate will have a substantial proportion of Indian Directors as recommended by the External Capital Committee Report ;
- (e) whether Government propose to consult this House before giving any concession to this firm for exploiting the chemical wealth of India ; and
- (f) whether Government have made any attempt to find out if such chemical industries can be organised by any firms in India with rupee capital raised in India ?

**Mr. A. J. Raisman :** (a) to (f). A proposal of the general nature indicated is, at present, under the consideration of the Government of India and the Punjab Government. The Government of India do not consider that they are at liberty to disclose the details of the scheme which has been placed before them. In so far as the matter concerns "Development of mineral resources" and "Development of industries", it is one primarily for the Punjab Government, but the Government of India are concerned as the owner of certain waste material. Both Governments have, however, carefully considered the bearing of the recommendations of the External Capital Committee on the proposal, and have satisfied themselves that the course proposed is in accordance with the views of that Committee. I would especially invite the Honourable Member's attention to paragraph 30 of the Committee's Report, which deals with mining and similar concessions. The matter being of an administrative nature, and involving no expenditure of public funds, it is not necessary to bring it before the Legislature, before taking a final decision. I can only add that no proposal has ever been received from any other quarter for an attempt to utilize the waste materials in question.

**Mr. B. Das :** Will the Honourable Member kindly tell me whether the Government of India, before they granted any concession to this British firm, incorporated safeguards and conditions so that Indians will have the right of training and subscribing shares if the company was promoted in Rupee capital ?

**Mr. A. J. Raisman :** Sir, the position is that the recommendations of the External Capital Committee which the Honourable Member has in mind do not apply to cases of this nature, and if my friend will

refer to paragraph 30 of the Report of the External Capital Committee, he will see that that is the case.

**Mr. B. Das :** May I just read the last line of paragraph 30 :

“ The general criterion being that concession should only be granted to external concerns where it is clearly in the national interest that they should be developed and where internal capital is not forthcoming on reasonable terms, and then only subject to such safeguards as may be suitable for each case.”

May I inquire if the Government of India are putting such safeguards in the interests of the Indian people and the Indian nation ?

**Mr. A. J. Raisman :** The Government of India have considered what safeguards may or could suitably be introduced into this arrangement.

**Mr. Gaya Prasad Singh :** Will Government kindly state the exact nature of the concessions which they propose to give to this foreign concern ?

**Mr. A. J. Raisman :** As I have already pointed out, the Government of India are not at liberty to disclose the details of this scheme.

**Mr. B. Das :** Did the Government of India take any opportunity to acquaint the business men in India that waste products of salt were available for utilisation, and did they in any way communicate that to them ?

**Mr. A. J. Raisman :** Every business man who is at all interested in the mineral resources of India must know of the existence of these waste products.

**Mr. K. C. Neogy :** The Honourable Member stated that the Government have considered the question of imposing safeguards. What decision have Government come to on the point ?

**Mr. A. J. Raisman :** Government have not yet come to a final decision on the matter at all. But as regards the question of safeguards, they have not considered that safeguards of the nature indicated by the Honourable Member could suitably be imposed in this case.

**Mr. K. C. Neogy :** Have the Government considered any other alternative safeguards ?

**Mr. A. J. Raisman :** The Government of India have in mind safeguards to protect their own interests and the national assets in question.

**Mr. K. C. Neogy :** We are not concerned with the Government's own interests. We are concerned with the interests of the people of India.

**Mr. A. J. Raisman :** I consider that the safeguarding of the future of these assets is undoubtedly a safeguard for India.

**Mr. Gaya Prasad Singh :** What is the reason for entering into a contract with a foreign firm in this surreptitious manner ?

**Mr. A. J. Raisman :** The reason for contemplating a contract with a “ foreign ” firm is that no other firm has ever made the slightest suggestion on the subject. I must object to the use of the term “ surreptitious ”. I am not aware that negotiations of this kind could be conducted by correspondence in the newspapers.

**Mr. K. C. Neogy** : Will the Honourable Member kindly give the name of the firm concerned ?

**Mr. A. J. Raisman** : It is given in the question, and I have said in reply that the Government are considering a proposal of the general nature indicated.

**Mr. K. C. Neogy** : Is it a fact that an *ex*-Viceroy of India is the Chairman of the Board of Directors of that Company ? (Laughter.)

**Mr. A. J. Raisman** : I believe that is so. (Laughter.)

**Mr. Gaya Prasad Singh** : What is the reason of the Government of India interesting themselves in a matter which primarily relates to a private foreign concern ?

**Mr. A. J. Raisman** : Because the Government of India are the owner of the material which the concern proposes to utilise.

**Mr. Gaya Prasad Singh** : Did the Government of India advertise in order to find out whether Indians were in a position to take up this business ?

**Mr. A. J. Raisman** : When a scheme is for the first time put before the Government for utilising certain waste material, which nobody has ever before proposed to utilise, it is hardly fair to the proposer to broadcast this suggestion and ask if anybody else would like to do it instead.

**Mr. Gaya Prasad Singh** : May I know how this foreign concern came to interest itself in these waste materials without the Government of India or the Government of Punjab giving the required information ?

**Mr. A. J. Raisman** : Because they exercised their own enterprise and looked round for things of this kind.

**Mr. Gaya Prasad Singh** : Is it because an *ex*-Viceroy of India is concerned in this matter that this special concession is being given to this foreign concern ?

**Mr. A. J. Raisman** : Certainly not.

**Mr. Gaya Prasad Singh** : That is protesting too much !

**Mr. F. E. James** : Is it not a fact that the firm mentioned in the question is not a foreign firm, but it is a firm which is established in this country ?

**Mr. A. J. Raisman** : It is a fact that the Imperial Chemicals (India), Limited, is registered in India.

**Mr. B. Das** : Is the Honourable Member aware that another trust, called the New Investment Trust, has been formed in India and in London, of which Sir Basil Blackett has become a Director, only to exploit the mining resources of India ?

**Mr. A. J. Raisman** : I am not aware of that, but I am quite prepared to take it from my Honourable friend.

**Mr. B. Das** : Has not the Honourable Member seen in the newspapers...

**Mr. President** (The Honourable Sir Shanmukham Chetty) : He said the other day that he does not read newspapers ! (Laughter.)

**Mr. B. Das :** May I enquire for what purpose the office of the Director of Public Information exists when such an outstanding piece of news is published in the papers and it is not communicated to the Finance Department ?

**Mr. A. J. Raisman :** I would like to point out, Sir, as regards newspapers that by the time I have to leave my house and go to office, the newspaper is not always delivered to me. (Laughter.)

**Mr. B. Das :** May I further enquire when this New Investment Trust with British capital, entirely British capital, although with one or two Indian Directors from Bombay, try to exploit the mining resources of India, whether the Government will safeguard the interests of the Indian people and Indian business men ?

**Mr. A. J. Raisman :** That seems to be a hypothetical question. I do not see how it arises out of this particular matter.

**Mr. Gaya Prasad Singh :** The interest of India is a hypothetical question ? (Laughter.)

**Dr. Ziauddin Ahmad :** May I ask if the Government of India have framed certain rules under which these contracts could be given to foreign companies, and, if so, will the Government be pleased to lay a copy of the rules on the table ?

**Mr. A. J. Raisman :** The grant of mining concessions is regulated by certain rules known as the Mining Rules, but any details on the subject would be within the cognizance of the Department of Industries and Labour.

**Dr. Ziauddin Ahmad :** The grant of contract to a foreign company is not limited only to this case ; it really applies to many other cases. I should like to know whether Government have got any rules, and if not, is it not desirable that they should frame the conditions under which such contracts should be given, that is, about capital, raising some money in this country, registration, employment of Indians, payment to Government, etc. ?

**Mr. A. J. Raisman :** My Honourable friend has raised a question of principle relating to the grant of mining concessions. The position is that the subject of development of mineral resources belonging to the Government is a provincial subject, and ordinarily these concessions are given by the Provincial Governments, and the Government of India are not concerned. In this particular case, it so happened that some of the material involved belongs to the Salt Department of the Government of India and that is why we are concerned and why the Finance Department of the Government of India is dealing with this question. But the question of policy relating to mining concessions is part of the provincial subject "Development of Mineral resources", and it is not a matter with which the Central Government is primarily concerned.

**Dr. Ziauddin Ahmad :** May I ask if in this particular case the contract will be given by the Government of the Punjab or by the Government of India ?

**Mr. A. J. Raisman :** The matter relates to both Governments. The Government of the Punjab are concerned in so far as the policy relating to such matters is part of a provincial subject. The Government of



India are concerned, because some of the materials involved belong to the Salt Department of the Government of India.

**Mr. Gaya Prasad Singh :** But who ultimately will enter into this contract,—the Government of India or the Government of the Punjab ?

**Mr. A. J. Raisman :** From what I have stated, it will be clear that both Governments will be involved.

**Mr. B. V. Jadhav :** The Honourable Member, in replying to the question of Mr. James, said that the Imperial Chemicals (India) was registered in India. I should like to know whether that Company is a private registered company or a public registered company ?

**Mr. A. J. Raisman :** It is a private company.

**Mr. B. V. Jadhav :** So there are no Indian shareholders, I presume ?

**Mr. A. J. Raisman :** As far as I am aware, it is perfectly open to any Indian to buy the shares of the parent concern.

**Mr. B. V. Jadhav :** Not of a private limited company ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. Short notice question by Diwan Bahadur A. Ramaswami Mudaliar.

## SHORT NOTICE QUESTION AND ANSWER.

### FORTHCOMING GENERAL ELECTION.

**Diwan Bahadur A. Ramaswami Mudaliar :** Is it a fact that the course to be adopted, as announced in His Excellency the Governor General's Message to this Assembly, with reference to the forthcoming general election, will render it necessary for an elected Member of the existing Assembly, who desires to stand for re-election to the new Assembly, to resign his seat on the existing Assembly so as to escape the disqualification imposed by clause (c) of sub-rule (1) of rule 5 of the Legislative Assembly Electoral Rules ?

**Mr. G. H. Spence :** No, Sir. Government foresaw this difficulty and took steps to remove it by adding a further proviso to sub-rule (1) of rule 5 of the Legislative Assembly Electoral Rules. The Notification, amending the rules by the insertion of this proviso, was published on pages 919-20 of the Gazette of India of the 4th August, 1934.

**Sir Abdur Rahim :** One of the results will be that there will be two Members for the same seat ?

**Mr. G. H. Spence :** No, that is not the result. The position is, assume, for instance, that the Honourable Member stands for election to the new Assembly, and assume also, though to our great regret, he is unsuccessful in his candidature—the position will be that up to the 31st December, 1934, the Honourable Member will remain a Member of the Assembly, and from the 1st January, 1935, his successful opponent will become a Member of the Assembly. Up to the 31st December, 1934, the successful opponent would have the status of a successful candidate at an election to the Assembly which is not in existence.

**Sir Abdur Rahim :** Successful candidate, but not a Member ?

**Mr. G. H. Spence :** Yes.

**Mr. Gaya Prasad Singh :** How can he be a Member without taking the oath of allegiance ?

### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, the following Message has been 12 Noon. received from the Council of State :

" Sir, I am directed to inform you that the Council of State has, at its meeting held on the 13th August, 1934, agreed without any amendments to the following Bills which were passed by the Legislative Assembly at its meeting held on the 30th July, and 7th August, 1934, namely :

1. A Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships ;

2. A Bill to give effect in British India to a Convention for the unification of certain rules relating to International Carriage by Air ;

3. A Bill further to amend the Sea Customs Act, 1878, for a certain purpose ; and

4. A Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft."

### MOTION FOR THE EXPUNCTION OF CERTAIN PORTIONS FROM THE PROCEEDINGS OF THE ASSEMBLY.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I beg to move :

" That the passages in the speech of the Honourable the Law Member relating to Orissa, which he delivered on the 8th August, 1934, in connection with the Naval Discipline Bill and the passages in the speech of Mr. Sitakanta Mahapatra, which he delivered on the 9th August, in reply to the Honourable the Law Member, in connection with the Resolution moved by Dr. DeSouza, which have been already indicated to the Honourable the President, be expunged from the proceedings."

I may add that I move this motion with the concurrence of the two Honourable Members I have mentioned.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : These passages have been pointed out to the Chair by the Honourable the Law Member and Mr. Sitakanta Mahapatra, and if the House agrees, the Chair will have those passages expunged.

The question is :

" That the passages in the speech of the Honourable the Law Member relating to Orissa, which he delivered on the 8th August, 1934, in connection with the Naval Discipline Bill and the passages in the speech of Mr. Sitakanta Mahapatra, which he delivered on the 9th August, in reply to the Honourable the Law Member, in connection with the Resolution moved by Dr. DeSouza, which have been already indicated to the Honourable the President, be expunged from the proceedings."

The motion was adopted.

### THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Assam Criminal Law Amendment (Supplementary) Bill.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Henry Craik** (Home Member) : Sir, I move :

"That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be passed."

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

"That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be passed."

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : I oppose this motion and I will only take a few minutes in giving some other stories regarding the veracity and the futility of having the Courts of Appeal in India. The Honourable the Home Member narrated the other day some stories justifying his position. Anybody, who devotes any time to reading the newspapers in India, knows the reports that we usually get, how the highest Courts in different Provinces pass strictures about the conduct of the police. Recently, within the last one week, I had occasion to notice at least two such cases. I do not like to go into the details of those cases unless I am contradicted, but, Sir, I like to tell the House about a well-known case that happened in Bengal known as Naraingar train-wrecking case. The police proved to the satisfaction of the Courts that the conspirators were guilty. They were punished with sentences ranging from penal servitude for life to several years. That incident happened, when there was an attempt on the train of the then Lieut. Governor of Bengal, Sir Andrew Fraser, while he was coming from Midnapore. After much police investigation there was a report. A conspiracy case was started against some of the railway coolies and the conviction was based on elaborate confessions not only from one but two or three of the accused.

[At this stage, the Honourable the Home Member crossed the floor of the House and sat in the Opposition Benches.]

Sir, I find the Honourable the Home Member has crossed the floor of the House to join the Opposition, and perhaps he agrees with me on the point of the veracity of the police.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : He has been converted by your speech !

**Mr. S. C. Mitra** : The Sessions Court, on the confession of some of the accused, delivered a long judgment and found them guilty. Some of them were sentenced to transportation for life. Subsequently, when the famous Alipore Conspiracy Case was started, on the confession of the principal accused, Mr. Barin Ghosh, it came out that the attempt for train wrecking was not the work of those coolies but was the action of the conspirators. Government was also convinced of the truth. So, Sir, it was found that though the whole conviction was based on confessions extracted by efficient police officers, to whom the Honourable the Home

Member gave long certificates only yesterday, Government had no option but to release those prisoners. So, Sir, it is hopeless if people are to be convicted on police reports, untested by proper cross-examination and the judicial procedure as regards evidence and other methods of trial. The only logical conclusion of the Honourable the Home Member's argument is to abolish all Appellate Courts of Law. When the Government have not seen its way to delete clause 3 of this Bill, Sir, I think the Opposition would be well-advised to throw out the whole Bill. Sir, I recommend that this Bill be thrown out by this House.

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

“ That the Bill to supplement the Assam Criminal Law Amendment Act, 1984, be passed.”

The Assembly divided :

AYES—47.

Abdul Aziz, Khan Bahadur Mian.  
Ahmad Nawaz Khan, Major Nawab.  
Ali, Mr. Hamid A.  
Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
Anklesaria, Mr. N. N.  
Bajpai, Mr. G. S.  
Bhadrapur, Rao Bahadur Krishna Raddi B.  
Buss, Mr. L. C.  
Chatarji, Mr. J. M.  
Craik, The Honourable Sir Henry.  
Dallal, Dr. B. D.  
DeSouza, Dr. F. X.  
Ghuznavi, Mr. A. H.  
Grantham, Mr. S. G.  
Hockenhull, Mr. F. W.  
Hudson, Sir Leslie.  
Ismail Ali Khana, Kunwar Hajee.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Kamaluddin Ahmad, Shams-ul-Ulema Mr.  
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.  
Lee, Mr. D. J. N.  
Lindsay, Sir Darcy.

Lumby, Lieut.-Colonel A. F. R.  
Metcalf, Mr. H. A. F.  
Morgan, Mr. G.  
Mukherjee, Rai Bahadur Sir Satya Charan.  
Pandit, Rao Bahadur S. R.  
Perry, Mr. E. W.  
Rafuddin Ahmad, Khan Bahadur Maulvi.  
Raghubir Singh, Rai Bahadur Kunwar.  
Raisman, Mr. A. J.  
Rajah, Rao Bahadur M. C.  
Ramakrishna, Mr. V.  
Rastogi, Rai Sahib Badri Lal.  
Rau, Mr. P. R.  
Richards, Mr. W. J. C.  
Row, Mr. K. Sanjiva.  
Scott, Mr. J. Ramsay.  
Scott, Mr. W. L.  
Singh, Mr. Pradyumna Prasad.  
Sircar, The Honourable Sir Nripendra.  
Spence, Mr. G. H.  
Studd, Mr. E.  
Trivedi, Mr. C. M.  
Zakaullah Khan, Khan Bahadur Abdullah Muhammad  
Zyn-ud-din, Khan Bahadur Mir.

NOES—22.

Abdur Rahim, Sir.  
Bhuput Singh, Mr.  
Dak, Mr. B.  
Gehr, Sir Hari Singh.  
Ira, Chaudhri.  
Jadhav, Mr. B. V.  
Lahiri Chaudhury, Mr. D. K.  
Lladhar Chaudhury, Seth.  
Mitra, Mr. S. C.  
Mody, Mr. H. P.  
Neogy, Mr. K. C.

Pandhan, Mr. B. Bajaram.  
Parma Nand, Bhai.  
Phookan, Mr. T. R.  
Reddi, Mr. T. N. Ramakrishna.  
Sant Singh, Sardar.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Singh, Mr. Gays Prasad.  
Sitaramaraju, Mr. B.  
Thampam, Mr. K. P.  
Ziauddin Ahmad, Dr.

The motion was adopted. (Applause.)

## THE INDIAN ARMY (AMENDMENT) BILL.

**Lieut.-Colonel A. F. R. Lumby** (Army Secretary) : Sir, I beg to move : (Applause).

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as reported by the Select Committee, be taken into consideration."

In July, 1932, following on the decision to start an Indian Military Academy at Dehra Dun and to create an Indian Air Force, Government issued a communiqué in which they said that the adoption of these measures provided a suitable occasion for making certain changes in organisation which were implicit in the evolution of a purely Indian Army and which would bring it into line with the armies of the Dominions and also with the economic requirements of India. The communiqué went on to say :

"It has, therefore, been decided, with the approval of His Majesty the King, to confer upon cadets passing out of the Indian Military Academy, and also upon entrants to the Indian Air Force, commissions in His Majesty's Indian Land Forces and His Majesty's Indian Air Force, respectively, in a similar form, for instance, to those now granted to officers of the Canadian Forces."

It is primarily to make legal provision for the officers to whom that communiqué referred, who will be the Indian Commissioned officers defined in its clause 5, that this Bill has been introduced. The urgency of the matter lies in the fact that the first batch of cadets will be passing out of the Indian Military Academy in a few months' time and will receive their commissions at the very beginning of next year.

Before I go any further, I think it might interest the House if I said a few words about the progress of the Academy and the manner in which the cadets are shaping. I want, first of all, to read to you part of the opinion of the Commandant. He says :

"The accumulated experience of the past two years tends to prove conclusively the wisdom of the view that an Indian Academy would be able to provide the most suitable and efficient training for the Indian officer of the future. It is possible for me to state with confidence that the Academy has already laid the foundations of traditions not unworthy of the great military institutions of England where Indian cadets have hitherto been trained."

This is the opinion of an officer who is too modest to say a great deal about what is, in effect, his own handiwork. It is undoubtedly a satisfactory opinion, but I feel that Honourable members who have themselves visited the Academy and seen the work there will bear me out when I say that the Commandant might have said a good deal more. The fact is that with a staff who believe absolutely in the correctness of the decision to give India a Military Academy of her own and with the full support of the whole army in India from the Commander-in-Chief downwards, the Academy has made a wonderful beginning. The cadets are keen as mustard and are really doing very well. The training they get there lasts for two and a half years as against the one and a half year's course at Sandhurst and, of course, much of the training is more in keeping with the Indian character and Indian conditions than the training at that institution. As a result, I think I am right in saying, that the military authorities are firmly convinced that even the first batch of cadets to pass out of the Academy will compare favourably with their predecessors from Sandhurst. The Indian Military College Committee expressed the opinion that the Indian officer who received his training at Sandhurst might develop a superiority complex in regard to the officer who received his training at a Military Academy in India. If such a complex shows itself among the Sandhurst

trained officers of the army, I have absolutely no doubt that the military authorities will deal rigorously with it, but even if that were not so, I do not think that any officer, who started to air such a complex, would do so for long ; for he would soon realise that he had really nothing to put on side about.

At the end of this year, the first batch of cadets will pass out of the Academy, and, as I told the House in reply to a question only the other day, the first batch will only consist of 23 instead of the full 30, because there has been a certain amount of wastage, as was only to be expected, and, this being the first term, it has not been possible for the military authorities to make it good in time to enable a full 30 cadets to pass out.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : Does this number show only those who were admitted directly by examination or does it also include those who are risen from the ranks ?

**Lieut.-Colonel A. F. R. Lumby** : I am afraid I have not got the figures with me. I will try and get them and let you know later in the day. As I was saying, Sir, although the figure for the first half year will only be 23, there is no reason to expect that, as a result of the steps that have now been taken to make good wastage, the full figure of 60 a year will not always be very nearly reached in future. As regards this figure of 60, I want to repeat that it is based on the Government's policy of Indianising, as a first step, one division of all arms with its ancillary services. The policy is to Indianise all the units of an ordinary war division *plus* the departmental and other services which belong to it in peace. An adequate allowance has been made for wastage, and the number of 60 provides a reasonable quota to complete the Indianization of this division by the time that senior officers are available to fill the senior posts. According to the Skeen Committee table of Indianisation, which is often quoted as an example of an increased rate of Indianization, there were only to be 45 officers commissioned from the Indian Military College in 1941 and, in 1942, the number was to increase to 57 for a further period of three years. No allowance was made at all for wastage, but on the other hand I must admit, that the Skeen Committee recommended that 20 cadets a year should still continue to be sent to Sandhurst.

I am afraid, Sir, I have strayed rather far from the Bill itself and I will try to get back to it again. In order to carry out the policy to which I have just referred, the Indian commissioned officers, for whom the Bill makes legal provision, will gradually take the place in the Indianized division, not only of the Viceroy's Commissioned officers, but also of the British officers, until that division contains not a single British officer or British other rank. In fact, as I said in my speech when I first introduced the Bill, the first batch of young officers commissioned from Dehra Dun will be the forerunners of the purely Indian Army of the future. It is largely for this reason that it is proposed in the Bill that these officers shall be subject to the Indian Army Act, and not, like the British officers of the Indian army and their Indian predecessors, who were trained at Sandhurst, under the Army Act. It is only in this way that it will be possible to arrange that, in time to come, the whole Indian army, officers and men alike, will be subject to one Act, and that an Act which it will be within the power of this Legislature to amend. But, though, like Dominion officers, the Indian commissioned officer will hold a limited commission, the King's commission in the Indian Land Forces, yet there

[Lieut.-Colonel A. F. R. Lumby.]

will be complete reciprocity within the Indian Army between the officers who come under the definition of "British officers" and the officers who come under the definition of "Indian Commissioned Officers" in the Bill. And though, as I suggested at the very start of my speech, it is proposed to fix the pay of these newcomers at a scale that will be more in keeping with the capacity of this country to pay, yet this does not alter the fact that the powers and privileges of these two classes of officers in the Indian Army will be identical.

Thus far the Government have pursued the analogy of the Dominion officers, and I want to make it clear at once that it is impossible for them to follow this analogy in the case of the Indian Commissioned officer beyond a certain point. The position of the Imperial Officer, *vis-a-vis* the Dominion Officer, is that neither has any automatic power of command over the other. Special provision is made in regulation in the rare cases when, for example, a few Dominion officers are attached to a British unit for their first year after passing out of a Dominion Cadet College, or when there is, as occasionally happens, an exchange between a staff officer of the British or Indian Army and a staff officer of a Dominion Army. But these types of occasions are very few and far between, and the number of officers affected from year to year can almost be counted on the fingers of two hands. On the other hand, an officer of His Majesty's Land Forces, by virtue of the fact that he is subject to the Army Act, whether he belongs to the British service or to the Indian Army, has powers of control over all the personnel of the Indian Army, though in the case of the British officer of the British service it must almost invariably happen that, unless he attains high rank, he never has any reason to exercise such powers during the whole of his time in India. An Indian Commissioned officer, though he will possess certain general powers of command under the Army Act, will not be able to exercise those powers in respect of British personnel until they have been defined by His Majesty's Government in King's Regulations. This House will realise that, though the British and Indian Armies function independently as regards the administration of their sub-units, and the officers of the one probably never have for years on end to exercise powers of command over personnel junior to them belonging to the other, yet obviously numerous kinds of occasions may arise when the two portions of the army will be in close contact, either as individuals or as bodies of men, and when it will be necessary for the Indian Commissioned officer to be able to exercise powers of command in relation to British personnel of the Army in India. It is for His Majesty's Government to settle what rules should be made for this purpose, and they are at present considering the matter. It was never to be expected that His Majesty's Government would give complete power of control over British personnel, at all times and on all occasions, to all Indian Commissioned officers, just as they would never be prepared to give unlimited powers of command to all officers of a Dominion Army or of any other service. His Majesty's Government have, however, accepted the need for rules to provide for those occasions on which the personnel of the two portions of the Army in India will be serving together and it will be necessary to ensure that the two portions of the Army in India can function efficiently side by side in all the varied conditions of army life. The power of punishment is one of the things which will certainly be withheld, but that is a normal limitation as between different services ;

it is a limitation which exists, for example, as between the British Army, the British Navy and the British Air Force when they are serving together. Though the rules which are being made by His Majesty's Government are not yet in their final form, they will, when framed, give to the Commander-in-Chief and to any subordinate Commander down to the Commander of a station the power to appoint the occasions on which Indian Commissioned officers may exercise powers of command in relation to the personnel of the British Army in India under his command.

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : May I ask what sort of occasions ? Can the Honourable Member give us some examples ?

**Lieut.-Colonel A. F. R. Lumby** : It is exceedingly difficult for me to anticipate the rules which are being made by His Majesty's Government, and I hope that the Honourable the Leader of the Opposition will be content when I say that the rules will cover those occasions when it is necessary to provide for the smooth working of the two portions of the Army in India.

**Sir Abdur Rahim** : What about mixed formations ?

**Lieut.-Colonel A. F. R. Lumby** : Again I can only say that, so far as mixed formations are concerned, the same principle must apply as when only one officer of the Indian Army and one man of the British Service are concerned. The same principle must apply throughout, but I really cannot anticipate the decisions of His Majesty's Government in a matter of this kind. I notice that in the minute of dissent to the Select Committee's report reference was made to the practical difficulties to which the arrangement proposed is likely to give rise in the Army administration as well as in actual operations. I do not think anybody will deny that no arrangement which can be made to cover during this transitional period with which we are dealing will be free from practical difficulties, but I think we must be prepared to accept the view of His Excellency the Commander-in-Chief, who, after all, has got to administer both parts of the Army in India, that the difficulties are not likely to be nearly as serious as the signatories to the minute of dissent would have us believe.

As regards the minute of dissent there are two other points to which I should like to refer. Firstly, I submit that the statutory provision which the minute of dissent suggests should be included in the Indian Army Act is not within the competence of the Indian Legislature. The Government of India Act in section 65 provides for legislation in India for officers of His Majesty's Indian forces in so far as they are not subject to the Army Act. The proposed provision, in so far as it deals with the question of the mutual relations of the British officers and Indian Commissioned Officers of the Indian Army serving together in units of the Indian Army, seems to me to relate to the position of personnel of the Indian Army who are subject to the Army Act ; the ' British officers ' of the definition in clause 5 of the Bill are subject to the Army Act. If, as I gather, the proposal in the minute of dissent goes further and intends that this statutory provision should cover the case of mixed formations, which include not only units of the Indian Army but also units of the British service, then it seems to me still more certain that it is not within the powers of this Legislature to insert such a provision in the Indian Army Act, without the previous consent of His Majesty's Government. This is



[Lieut.-Colonel A. F. R. Lumby.]

a matter which will arise in a more concrete form in connection with an amendment moved by my Honourable friends, Sir Abdur Rahim and Mr. Sitaramaraju, and I would request the Chair to give a ruling on the matter when we reach that stage.

My second point, in connection with the minute of dissent, refers to the suggestion that the Indian Commissioned officers will in effect have a position in the Indian Army similar to that occupied on the civil side by officers of the Provincial Civil Service. This was a point on which I did my best on more than one occasion to try and reassure Honourable Members of the Select Committee, and I had hoped that, if any Members still thought it necessary to write a minute of dissent, they would give me credit for this and would couch their minute of dissent in something like the following terms :

"The Army Secretary has assured us that in practice the King's Commission and the King's Indian Commission will be equal for all essential purposes ; but we realise that he is only the Army Secretary, and, therefore, we should like to see his assurance set down in black and white in the Act "

**Sir Abdur Rahim** : I do not want to pay that sort of compliment to the Honourable Member.

**Lieut.-Colonel A. F. R. Lumby** : But I was not prepared to find them assuming a superior knowledge of military matters to prove my assurances to be of no avail. I confess that, when I read that portion of the minute of dissent, I felt that the Honourable Members, the signatories of the minute, had been stricken with that very inferiority complex from which they are so anxious to save these young officers of ours.....

**Sir Abdur Rahim** : We do suffer from inferiority complex : there is no doubt about it.

**Lieut.-Colonel A. F. R. Lumby** : One thing I know, and that is that these young officers, who will come out of Dehra Dun at the end of this year, and their successors, will not suffer from anything like an inferiority complex....

**Sir Abdur Rahim** : I hope they will not suffer from superiority complex.

**Lieut.-Colonel A. F. R. Lumby** : ....and they will not be allowed to suffer from a superiority complex....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Is not the pay proposed for these new officers inferior to the pay of those coming out of Woolwich ?

**Lieut.-Colonel A. F. R. Lumby** : Pay is not everything in this life. I can assure this House that the military authorities will take every possible step to ensure that these officers during the course of their service will not develop any kind of inferiority complex—an inferiority complex is no good in an army—in spite of the gloomy forebodings of the signatories of the minute of dissent, and in spite of the suggestions which I read almost daily in the Press that they are really going to be in a position of inferiority. Why, after all, should these officers have an inferiority complex ? They are being given complete equality with their brother officers, British and Indian, of the Indian Army who held Commissions in His Majesty's Land Forces, and, surely, equality of position with them im-

plies equality as between the two kinds of commission. This is a thing that is not granted to the officers of any Dominion army who have no automatic equality with any other kind of commissioned officer. I am afraid, however, that the inferiority complex will whisper that their commission is a limited one. Every commission is limited. You cannot expect every Commissioned officer to be able to command personnel of every other army. A Dominion Commission has definite limitations, but if I were to suggest to an Australian officer, for example, that because he had a Dominion Commission and I had an Imperial Commission, I was therefore superior to him, or if I were to suggest to a Canadian officer that because he was trained at Kingston and I had the privilege of being trained in England, therefore I was a better officer than he, I should expect him to give me a thick ear or a bloody nose. And, if he did, I should have deserved it. There is no inferiority complex there.

What I am most concerned with, for the sake of these young officers, is to ensure that outside this House this question of superiority and inferiority is not developed into a stunt. Cannot we all combine to give these young officers as fair a deal outside the army as they are going to get inside it? What I should like to feel is that Honourable Members of this House, if they come across any one running down these officers and talking about the question of their inferiority, would give them a thick ear, real or metaphorical; and then if in a year or two, they find that anything I have said about them is not correct, they are welcome to come and give me a couple of real ones. Sir, I move. (Cheers.)

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

“ That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as reported by the Select Committee, be taken into consideration.”

There are two amendments in the name of Sirdar Harbans Singh Brar.....

**Sirdar Harbans Singh Brar** (East Punjab : Sikh) : I do not propose to move the first.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair considers both the amendments as of a dilatory nature; and, unless the Honourable Member is going to give very good reasons as to why he should be allowed to move the second amendment, the Chair cannot allow him to do so. The Chair is prepared to hear from him briefly any reasons he may have to give in support of the amendment which he wants to move.

**Sirdar Harbans Singh Brar** : Sir, the Bill is very important and deals with vital questions of the future of India and the administration of the army, and unfortunately, at the time when it was introduced last Session, we did not think that much importance was to be attached to it, and did not, therefore, ask for circulation; nor did the Government, though they had this interval of four months,—because they had already decided in the Delhi Session to postpone it till now—circulate it for eliciting public opinion thereon by executive action. The more we read this Bill, the more complicated we find it,—even in the Select Committee on the very first day when we sat, we thought that there was not much in the Bill; and that it would be disposed of within a few minutes; but when we went into the clauses and looked into the provisions, we asked

[Sirdar Harbans Singh Brar.]

for more time ; and we came into possession of more facts and figures regarding what was really implied in the Bill,—it was not merely a Bill for the discipline of the Army, but that the concurrence of this Legislature was being invited to a particular policy which the Government have now adopted regarding Indianisation and the two sorts of Commissions which are to be segregated in the Army in India, and, therefore, after ten days' consideration, we appended this long note of dissent ; and, even since then, I got more facts and figures, and I consider that, in the light of these facts, and the fact that even a Bill like the Mechanical Lighters Bill was referred for eliciting public opinion thereon, this important Bill should be given a few months' time, and public opinion should be sought to give its considered judgment on it, as well as its representatives in this Legislature, so that its full implications and importance may be understood. I have nothing more to say.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : This Bill has passed through the scrutiny of a Select Committee of this House, and, so far as the Chair can see, there is nothing either in the majority report or in the minute of dissent to suggest that sufficient time has not been available for the Select Committee to consider the provisions of this Bill or the principles underlying it. The Honourable Member has not given the Chair any valid reason to permit his being allowed to move a dilatory motion of this nature. The Chair does not, therefore, propose to allow him to move that motion.\*

**Rai Bahadur Kunwar Raghubir Singh** (Agra Division : Non-Muhammadian Rural) : Sir, when the Indian Military Academy was established in Dehra Dun, it was thought that the prospects of those coming out of the Academy will be the same as of the students coming out of Sandhurst or Woolwich Colleges. But from the Bill, we find that the status and the privileges of the candidates will not be the same as those enjoyed by British officers coming to India. The Bill, I admit, is necessary to give them a status, but, Sir, several amendments are required to satisfy public opinion as it obtains in the country. The public opinion in India is at one in thinking that the status and opportunities of Indian Military officers should be in no way inferior to those enjoyed by British officers serving in India.

Secondly, Sir, Indian Commissioned officers will not have the same powers of command, even over mixed formations, as British officers. These will be left entirely to the commanders to decide, when they should and when they should not command, and this is certainly inferiority complex.

Thirdly, Sir, the conditions of service have not been improved, and so their position will be somewhere midway between the Viceroy's Commissioned officers and the British Officers.

Fourthly, the policy in regard to the creation of an Imperial Service and a Provincial Service, reserving superior services to Europeans and inferior services to Indians, as in the Civil Service, is going to be repeated here, and just as it was considered in regard to the Indian Medical Council Bill, that it was dictated by the British Medical Council, so it is feared in this case also that this measure has been dictated by the War Office in England.

---

“ That the consideration of the Bill be postponed till the next Budget Session.”

Fifthly, Indian Commissioned officers will not be eligible to sit in court-martial cases as British officers will be. This is also an anomaly because, if British officers can sit in court-martial to try Indian men, it does not seem proper that Indian officers should not sit in judgment over British men.

Then, sixthly, the status and prospects of Indian Commissioned officers will not be exactly the same as those of British officers serving in this country. I have gone through the Bill carefully, and I find that too much emphasis has been laid on punishments, and less on emoluments and privileges. Therefore, Sir, the question that arises is this : is this the way in which the wishes of Indians about their defence arrangements and military training and Indianization are going to be met after all their heroic deeds of gallantry in the past wars ? Is this the treatment that is going to be meted out to Indians after all their sacrifices in the great War ? In view of these considerations, it is highly necessary that amendments on the lines suggested by the minority of the Select Committee should be incorporated to make it a better Bill than it now is. I have seen, Sir, from the amendments that the Select Committee added one clause, clause (f) to clause 5 of the Bill, but Mr. Metcalfe has given notice of an amendment by which he wants to take it out. Therefore, I support the minority recommendations of the Select Committee and hope that this House will make the Bill more acceptable to Indian public opinion. (Cheers.)

**Mr. B. V. Jadhav :** Sir, it is well-known that the British Army is regulated by the Army Act and the Indian Army is regulated by the Indian Army Act of 1913, and the present Bill is an amendment to it. Before the Act of 1913, there were other Acts previously passed, either by the Local Governments or by the Government of India. It is profitable to see what was the beginning of the Indian Army. The Indian Army sprang from very small beginnings. Guards were enrolled for the protection of the factories or trading posts which were established by the Honourable the East India Company at Surat, Masulipatam, Armagon, Madras, Hughly and Balasore in the first half of the seventeenth century. These guards were at first intended to add to the dignity of the chief officials as much as for a defensive purpose, and in some cases special restrictions were even placed by treaty on their strength, so as to prevent their acquiring any military importance. Gradually, however, the organization of these guards was improved, and from them sprang the Honourable the East India Company's European and native troops. So the Indian Army began, first of all, as the protective guard of the merchants, and, ultimately, it developed into a full-fledged army.

The early merchants of the East India Company, Sir, took advantage of the Indian mentality produced by implicitly believing what was taught by the Ramayana. It is said that Ramayana teaches the highest standard of brotherly affection as shown in the conduct of Bharat and Lakshmana towards their elder brother, Rama. But there were other pairs of brothers also, notably Vali and Sugriva and Ravan and Bibhishana. Both Sugriva and Bibhishana invoked the aid of a foreigner in order to get rid of their elder brothers, and, with the aid of the foreigner, got for themselves not only the Kingdoms but the widows of their elder brothers.

Another high personage who is extolled in the Ramayana is Hanuman, the Monkey God, whose temple stands on the top of the Jakko Hill for his devoted service. When painted in the gorgeous colours of an

[Mr. B. V. Jadhav.]

incarnation of God, Rama is invested with divinity and Hanuman's service is taken as devotional. But taking their relations divested of all later accretions, that is looking upon Rama and Hanuman as human beings, we see that Hanuman accepted the service of a foreigner and served him very faithfully even against his own people.

In this history, Sir, is the germ of India's mental and moral slavery.

1 P.M.

Indian mentality towards foreigners has been one of selfishness. Nobody was ashamed to call in the aid of a foreign invader to put down their brothers or near relatives, and they had the instances of Sugriva and Bibhishana highly extolled in Ramayana to justify themselves. We find in the history of Alexander or Sikander the same story when he planned the invasion of India. Many an Indian prince and scion of Imperial houses went to Kabul to secure his protection and help for the satisfaction of their own ambition. The Great Emperor Chandra Gupta (Sandra Kotus of Grecian History) was one of them. The story of Jaychand of Kanouj, who invited Muhammad Ghori to punish his son-in-law Prithvi Raj, is well-known. The history of John Company and the rise of the British power in India is full of such betrayals. Any foreigner who had enough money to pay never found want of willing Indian soldiers to serve him and to fight against their kith and kin. Among the Europeans, Dupleix the French General, is said to have made use of Indian sepoys and he found that they made excellent soldiers when properly trained and officered. The East India Company also took advantage of this discovery and the Indian Army was the result. The Indian army was at its zenith in numerical strength at the time of the Mutiny, but since the Mutiny their numbers have been reduced, and since the ancillary services have been started,—especially the artillery has been developed, the air service, mechanical service, tanks and so on and so forth,—the number of soldiers is being gradually diminished. In the British Army before the War the officer ranks were reserved for the Britishers and no Indian was ever allowed to be either a Lieutenant or a Captain. But, after the War, the mentality of the British people changed and they accepted the principle of giving commissions to worthy Indians either from the ranks or from those who were selected to go to Sandhurst, Woolwich and other places of instruction. But all these were trained under British conditions and they are known as British officers. Then there was an insistent cry of an Indian Sandhurst, and numerous committees were appointed to devise means for bringing this about. I need not go into the history of those Committees. Suffice it to say that ultimately the starting of an Indian Military Academy was decided upon, and about 2½ years ago a beginning was made with 30 cadets. I had the honour of an invitation from His Excellency the Commander-in-Chief at the time of the opening ceremony and was really very much impressed by what I saw there. The cadets there were in training only for a couple of months, but they showed very good form, and, now, we have heard the Honourable the Army Secretary to say that they are shaping very well and they give promise of turning out efficient officers. So, it will be seen that the training at the Military Academy at Dehra Dun is in no way inferior to the training that is given to British cadets at Sandhurst or Woolwich, and in days to come, this Military Academy of India promises to be a great centre of military training for India, both Indian India and British India. But, Sir, that which is troubling this side of

the House is the different status and the difference in the commissions of the two officers turned out from Dehra Dun and from Sandhurst. Those who will come out of the Sandhurst College will be called British officers and they will be governed by the Army Act. Those who will come out of the Indian Military Academy will be governed by the Indian Army Act and will be called Indian commissioned officers. There will also be a difference in their salaries. India is a poor country and we have up to this time maintained that the salaries of the Army officers and other officers are very high. Government have, at all events, accepted the correctness of this cry of the Indians and they have now decided to have a lower scale for Indian commissioned officers. So far, we are in agreement with them. I do not say that we have got any grievance, because the initial and also the future salary of the Indian commissioned officers will not be as high as the salary of the British officers. But it is well-known that the Army is a very expensive profession and we have seen that the officers who have up to this time come to India find it very difficult, especially during the first few years of their career, to make both ends meet. The Army Secretary has promised that steps will be taken to reduce the expenses that are entailed upon an officer serving in the army. So far so good. But, then, the question arises that in the same regiment there will be officers of the two services, the British officer and the Indian commissioned officer, with two scales of pay. The British officer on account of the big salary which he receives will be able to spend more and live in a more stylish manner, while his brother, the Indian commissioned officer, will not be able to spend as much and in that way an inferiority complex is bound to arise. I hope that the Army Secretary will think over this question and see that, especially during the transitional period, until a unit is completely Indianised, some steps are taken either to give an allowance to the Indian officers or to do some other thing which will help them.

As regards the amendments to the Bill I shall say that I have my sympathies with those who have sent the minute of dissent. It is our ambition that the Indian commissioned officer should have exactly the same status, the same opportunities and privileges as his brother from England. The Army ought to be considered as one whole, and although, on account of these special circumstances, there will be a difference between the British officer and the Indian commissioned officer as regards pay, in all other respects they ought to be on a footing of perfect equality, and that status of equality ought to be granted by Statute or by Regulations having the force of law. I need not go into the question whether the amendment accepted in the Select Committee, to remove which notice of an amendment by the Foreign Secretary has been given, was done without any legal authority. That question will be decided when the clauses are gone into separately. But in case no amendment can be had in the Act itself, I do hope,—and I do insist,—that steps will be taken by the British Government, the Government of Great Britain, and also by the Government of India to see that the Indian commissioned officer gets all the opportunities, gets all the privileges and the status of his brother officer who has turned out of Sandhurst.

The question may not arise for some few years yet. The scheme at present adopted is the scheme of Indianisation of a complete division with ancillary services. Formerly, the scheme, that was started in the beginning, was the scheme of the eight Units. In all these two schemes, the

[Mr. B. V. Jadhav.]

eight Unit scheme as well as the Indianisation of one division scheme, the chief idea, it appears, is that the British officers should not have a contingency of serving under Indian commissioned officers, because now the Indian Commissioned officers will join the ranks from early next year and then they will be at the bottom and as their number increases they will fill up the vacancies from the bottom and there will be no British commissioned officer under them in any circumstances. I have got no grievance in this respect, but then a time is bound to come as years go on, when the Indian officers may get senior in service and the British officers who will be their juniors in service may claim higher status or precedence at durbars and so on over them. That contingency ought to be guarded and provided for. The Honourable the Army Secretary has pointed out to us that there is nothing about this in the Canadian Army. There is no trouble in the Canadian army. The Canadian officer has got no such grievance and only at the time of the war, when they come together and have to fight shoulder to shoulder the question may arise. In Canada there is only one sort of officer, the Colonial officer, but in India we have got these two sorts of officers serving side by side and coming into contact with each other in military stations almost every day, and, therefore, it is quite necessary that the status and the position and opportunities of the two classes of officers should be exactly equal, and there should be no inferiority or superiority among them. The Army Secretary has given an assurance that His Majesty's Government will see to this. It would be much better if that assurance could be translated into exact words and introduced either in this legislation or in some way, in the form of Regulations. That is very necessary, because the Indian commissioned officers will have to work side by side with the British officers on many occasions which we may not be able to visualize just at present and a number of occasions may arise in which there will be friction and there will be some differences of status on one side or the other. So, I think the Army Department and the Government of India ought to take care that there should be no occasion for such differences, because when these differences arise, it is very difficult to avoid bad blood.

In this connection, I wish to say a few words about the Viceroy's commissioned officer.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member take long ?

**Mr. B. V. Jadhav** : About 15 minutes more.

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

---

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

---

**Mr. B. V. Jadhav** : Sir, I was pressing upon the attention of the House the point that the new cadets that will come out of Dehra Dun as Indian Commissioned Officers should have equal status with those who have come out of Sandhurst. Now, in the words "status and opportunities", I also include certain appointments which are open to the British Officers which should also be open to Indian Com-

missioned Officers. For instance, under a Government of India Resolution for a certain rule 29 the following was substituted :

“ The Governor General in Council may appoint a Member of the Indian Civil Service or an officer holding the King's Commission in the Indian Army or..... to the Indian Political Department, ”  
and so on.

Now, as the words here are used—, “ holding the King's Commission in the Indian Army ”,—I presume the new Indian Commissioned Officers will similarly be entitled for this service. If I am wrong, the Army Secretary may correct me in this presumption. But there might be such “ other services ” in which the words may not be so very explicit, and, therefore, care should be taken to avoid all such occasions and it should be stated clearly that the Indian Commissioned Officer will have the same status, the same opportunities and the same privileges as his brother coming out of Sandhurst or Woolwich. Now, we are very anxious that the Indianization of the Army should be as rapid as possible keeping in mind the efficiency of the service. There should, of course, be no sacrifice of efficiency. At present, sixty cadets are admitted to the Indian Military Academy every year and in the first batch there was a wastage of about seven, or only 53 officers will come out of the Military Academy and will take their commissions in the Indian Army or to be more precise, in the Indianized Division. For the first year, this wastage is very high indeed. In conversation with the Army Secretary, I learnt that they compute the average wastage at about two and that they expect that 58 officers will join the Army every year, and, with this addition to the Army of Indian Officers numbering fifty-eight a year, they expect that in about eighteen years the Division will be completely Indianized. One has to remember that there are six Divisions in the Indian Army ; and, therefore, Sir, we cannot wait, at this rate, to see the Indianization completed within a reasonable time, and, therefore, Sir, I submit, the rate of admissions to the Indian Military Academy ought to be accelerated. Sir, in 1931, His Excellency the Commander-in-Chief had to state in another place that in about seven years' time, that is, in 1938, the Indian officers from Sandhurst would have completed about fourteen years' service, and, by that time, they would be permanent Company Commanders, and, at that time, the higher Army Authorities would be able to judge how far they were efficient as officers, and if their conduct is satisfactory and if they shape very well, then, His Excellency would decide how to accelerate the pace and in what ratio the admissions to the Indian Military Academy should be increased. This assurance of the Commander-in-Chief was a very important one, but then, in 1938, the present Commander-in-Chief will not be in office, and his successor may not remember what his predecessor had promised. I think the Army Secretary has told us that the new cadets as well as the old ones, who have already actually joined the service, are doing very well and are not deficient in any way. So, I think, we may expect in the near future the Army Authorities will take up for consideration the question of increasing the number of admissions every year to the Military Academy.

Now, by the abolition of the Viceroy's commissions, the number of Indian King's Commissioned Officers that will be required to replace the Viceroy's Commissioned Officers will be a very large one, and for that reason the Indianization of the officers' rank in the Army will be



[Mr. B. V. Jadhav.]

retarded by about 2½ times. This is a very serious question. It may be pointed out that as the prospects of promotion to Viceroy's Commissions is denied in the Division which is set apart for Indianization, it is feared that the recruiting in those units will not be as satisfactory as in other units where the private enjoys the prospect of attaining to the Viceroy's Commission as well as the higher commissioned rank. So the personnel of the regiment is likely to suffer, and, at the same time, I may point out that if the Viceroy's Commissions are kept open, then young men with good education, that is those who have passed the matriculation or higher examinations, may be induced to join the army with a view to attaining, if not to the King's Commission, at least to the Viceroy's Commission, and, in that way, the recruitment to the army is likely to be more satisfactory than at present. But if there is no prospect of getting the Viceroy's Commission and the private has the only chance of retiring as a Warrant Officer, then perhaps the young man with good education will not think it worth his while of joining the ranks. Even at present there is a good deal of discontent among young lads who are not getting the chance of going to the Indian Military Academy as the number of claimants is a pretty large one. Many of them are now nearing 24 and some of them will be superannuated, and if such young men are superannuated and have no chance of going to the Military Academy, then their time in the army is wasted and they will have to retire as early as possible. That will be a loss to the army, one can very easily realise. Therefore, it is necessary that, at all events, for them the Viceroy's Commission ought to be open, so that there will be some consolation for their disappointment. The Indianisation is a very vital question and at the same time, as I have pointed out, this side of the House is very keen that the Indian officer should have no inferiority forced upon him. His position should be exactly on a level with other officers who have got the King's Commission and also with those who have got their education from Sandhurst or Woolwich. I, therefore, lay stress upon this point, and, I hope, that this question will be satisfactorily solved by the Army Secretary. With these few words, I support the motion.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand** (Nominated Non-Official) : Sir, I congratulate the Honourable Colonel Lumby for his lucid explanation of the provisions and implications in this Bill to this Honourable House. He has given a graphic and hopeful picture of the Academy at Dehra Dun, and as I also had a chance of seeing the Academy in the very first year, I can testify to the very good beginning that has been made there. The cadets were all fine specimen and we can all well feel proud of this institution. I am convinced that the opening of this great institution will prove a landmark in the history of the Indian army. The first batch, as we have been told, is about to come out and it is with a view to find a place for them in the Indian Army Act, that this Bill has been brought forward before this Honourable House. The name given to them is Indian Commissioned Officers as their commissions will be issued by His Excellency the Viceroy. As a part of the scheme, the present Indian officer has to disappear gradually, but as Indianization cannot be completed in one day, this class will take some time to disappear. Now, these are the two main items under this Bill ; and after the discussion we have had in the earlier

stages and after listening to the Honourable the Army Secretary, very little remains to be said. I would not open questions of policy or of economy on this Bill, as that would be outside the scope of this Bill. But I wish to bring one thing to the notice of the Army Secretary. I feel encouraged in doing so as I know that the class of officers about whom I wish to put in a word or two has the full sympathy of the Army Secretary. In his opening speech on the 16th July, the Honourable Colonel Lumby said as follows :

“ And, thirdly, comes the fine body of men to whom the Indian army had owed and still owes so much, who are known at present in the Act and throughout the army as Indian officers and whom it is proposed to call in the future Viceroy's Commissioned Officers in order to distinguish them from the Indian Commissioned Officers.”

Now, Sir, there is not a single British officer who does not admire this class, and who has not got a soft corner in his heart for them. These Subedars and Risaldars will now gradually disappear. What I wish to say is that there is a real feeling in the country, especially among the military classes on this question, and I will request the Honourable Colonel Lumby to use his persuasive tongue to save them from total disappearance. At present we have four such officers for each squadron and if two or at least one of them could be retained in the future army, they will prove very useful. I know that the age of illiterate officers is gone, as we will have no occasions for hand to hand fight ; but when we realise that the rank and file could make better sacrifice under one who is so closely related to them, than under a mere officer, the need for the presence of this type of officers seems all the greater. The point has been stressed by my Honourable friend, Mr. Jhadhav, also, and, I think, the Honourable the Army Secretary will do all he can to save them from this threatened annihilation. Besides, any number of educated men have joined the army in recent years, in the hope, that they will qualify themselves for Dehra Dun cadetship in due course. As we all know, the number that will have to be recruited from year to year for Dehra Dun is very limited. Some of these young men, though in every way fit and though they are being recommended by their commanding officers for Dehra Dun, will have to be disappointed because of this limitation in numbers and they will not be able to qualify themselves for Dehra Dun. So, some scope should be left for these young men and if one or two Indian officer's jobs are retained with each squadron, it might prove an incentive for these youngmen to make army as their career.

We must, however, admit, that the creation of this new service does not in the least affect the old Indian officer, if we take a broad and long view of things. He, with all his war service and his war medals, could only aspire to become a Risaldar Major or a Subedar Major, while his educated son or relation will begin as a Lieutenant and will aspire to retire as a General. The increase in the number of posts is another factor. There are at present 19 Indian officers and in the future constitution there will be 28 Indian Commissioned Officers with higher pay. So, the loss is fully compensated both in money and numbers. The Honourable Mr. Jadhav has referred to the inferiority in pay of the new officer as compared with his colleagues who come from Sandhurst. The minority report of the Select Committee also refers to this aspect of the question and compares them to Provincial Civil

[Captain Rao Bahadur Chaudhri Lal Chand.]

Service and the I. C. S. respectively. I take a different view. The British officer is a necessity for some years to come and as one who serves far away from his.....

**Mr. B. Das** (Orissa Division : Non-Muhammadian) : Question.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand** : Has my Honourable friend got some material to maintain his position ? He has none. You can play with other services, but you cannot play with the army, otherwise the peace of India will be disturbed. As I was saying, as one who serves far away from his home he should get more pay than one who is serving in his own country. Besides, the general taxpayer also looks for some relief from Indianisation. The United Provinces Ministers, who are content with less pay than their colleagues on the reserved side, have not lost any prestige at all. Besides, we should not forget that the British officer, serving in a British regiment in India, will get the same pay as the cadets from Dehra Dun.

There is, however, one aspect on which the two reports differ. The minority report urges that there should be a declaratory clause to show that so far as the powers and privileges are concerned, there will be no difference between the future British officer and the Dehra Dun officer. The Honourable the Army Secretary has made it clear beyond doubt in his speech more than once. In his opening speech he says :

“ In this connection there is one point that I wish to emphasise most particularly and that is that instead of this difference that I have just pointed out the Indian Commissioned officer will have within the Indian Army exactly the same powers and privileges as are at present enjoyed by the British officer. It is intended that there shall be a complete reciprocity between these two categories of officers.”

**An Honourable Member** : Then why not insert in the Bill itself ?

**Hony. Captain Rao Bahadur Chaudhri Lal Chand** : I am coming to that presently. Then, again, in his reply, the Honourable the Army Secretary says :

“ But the point that I want to make is that though there will be this reduction in pay, to bring the Indian Commissioned officer on to an Indian scale of pay, instead of the British scale of pay, drawn by the Indian officers trained at Sandhurst, there is every intention that otherwise his powers and privileges and certainly his powers and privileges under this Act shall be the same as those of the British officers of the Indian Army with whom he will be serving.”

He wants this clause to form part of the Regulations that will be issued by His Majesty's Government while the minority report wants this to form part of this Bill. To me the difference on either side seems mostly sentimental. One is as good as the other. However, we will hear arguments for or against this point when the particular amendment is under discussion.

Sir, the Bill, as I said, is a simple one, and this occasion should not be utilised to deliver Budget speeches. The decision embodied in this Bill were taken after full deliberations in what is known as the Sandhurst Committee. There is nothing new that the Bill has imposed on us, or is taking away from us. The Army Department deserves our sincere congratulations in not delaying these reforms, and I am convinced that the pace of Indianisation will be accelerated as soon as our Dehra Dun cadets have joined the Indian Army, and have taken their places, for which this

Bill has been brought forward. Our hopes lie in their success and we should welcome them by giving in this Bill a status to these new officers. With these few words, I welcome this Bill and support it whole-heartedly.

**Sirdar Harbans Singh Brar :** Sir, I have chosen to take particular interest in this Bill, because the subject matter of it, to my mind, is most vital to the interest, peace and prosperity of this great nation. The provisions of this measure are to lay the foundation for the administration and discipline of a department or a force which is the very backbone of this country. We cannot afford to play with a subject of such magnitude and importance and it cannot be treated light-heartedly, because, to me, it seems that the army of a nation is of the utmost consequence. I give it preference and importance over all other subjects in the constitutional or administrative system of the Government. I have never been able to understand why this subject has been mostly relegated to the background by Indian politicians and preference given to petty departments or superfluous jobs. It is unfortunate that such an important measure has not been circulated and public opinion marshalled in its favour. But, be that as it may, we are here considering it, and it is our duty to bestow the best consideration on the policy underlying it and the provisions entered in it. I am convinced that the Government are perfectly aware that the Bill is not supported by public opinion, but is condemned by it. Otherwise, they would have chosen the occasion to circulate it by executive action during the period of time that has elapsed between its introduction and its consideration. We have seen Government circulating Bills by executive action of much less importance than this present one. One of my purposes in the amendment I intended to move was to attain that object. I consider this Bill is even more important than the so-called White Paper, the Communal Award, the Chhota Award or the Constitution Bill which is to be introduced in the Parliament.

I am very suspicious about the Government's intentions and *bona fides* in the matter. I fear that they are trying to smuggle through this Legislature a measure designed to keep India in chains and fetters till posterity. The Constitution Act is still in the making and its provisions are still unknown, but the fate of the defence forces of the country and the national militia is being decided here and now. Mr. President, as far as I am concerned, I would not care a farthing for either the Constitution Act or the Communal Award without the Army having been transferred to Indian control as a condition precedent. Do Indian politicians consider what is the good of having a responsible Government when the Army is to be under foreign and alien dictation, and the finance is controlled from White Hall. What good will it do India to have a few more Ministers and a few more Council Secretaries with the British bayonets hanging over our heads? I, for one would be prepared to give all appointments to British or Europeans and all the Departments of Government, but would never yield to keep the Army non-Indian or under non-Indian control even for a single moment. I am prepared to give to the Britishers a Department like Archaeology, because they are very good explorers, I am prepared to give a Department like Education, because they are good philosophers, and in such like Departments I do not mind the help of these people, but India for her self-defence must be self-independent. Mr. President, I would like to retain the Army under Indian control, and even for a single moment I would never be a consenting party to anything leading in the

[Sirdar Harbans Singh Brar.]

direction of non-Indian control. The policy adopted by this Government, since the Mutiny, of Europeanising the commissioned ranks of the Army have dealt the biggest blow to the vitality of the nation and its martial spirit. The military prowess of Indians was equal, if not superior, to any other foreign nation, but the result of the policy of closing the commissioned ranks of the Army to Indians by force and fraud is being used against India now to prove that Indians are yet unfit to be officers in the defence forces of their country. It is like depriving the Dacca weavers of the means of producing fine muslin which at one time captured the whole of the British market, and, then, later on, saying that India is unable to produce finer cloth in competition with Manchester. It is idle to deny that the best of materials for the Army is available within the Indian Peninsula and that enough men can be found for the officering of the Army if the selection and control is transferred to Indian hands. The present so-called incapacity of the Indians is a camouflage and Government's own creation. Government have deliberately denied Indians the opportunity of training themselves in the different branches of national defence. I may quote here an eminent English historian who says :

"The founders of the native Army had conceived the idea of a force recruited from among the people of the country and commanded for the most part by men of their own race but of higher social position. Men in a word of the master class accustomed to exact obedience from their inferiors. But it was the inevitable tendency of our increasing power in India to oust the native functionary from his seat or to lift him from his saddle so that the white might fix himself there."

Lord Elphinstone, the Governor of Bombay, said :

"I agree with those who think that it is not judicious to train any native of India to the use of guns. They make excellent artillery men and attach great value and importance to guns but these very circumstances make it dangerous to place it in their hands."

Lord Ellenborough concurred in this opinion and said :

"It appears to be concurrent opinion of all men that we should keep the artillery wholly in our hands. The natives have the genius of casting and working gun and we should not afford the means of enjoying it. The natives die at their guns. Their practice in this War, the Mutiny, is admitted to have been at least as good as our own."

From this, one is drawn to the only conclusion that the so-called incapacity of the Indians to control their defence is merely  
 8 P.M. a myth. The Government have deliberately deprived the Indians continuously for such a long time the practice and opportunity of doing so as to concoct theory of the incapacity and inability of the Indian to manage his own defence force. They for almost a century denied to the Indians the opportunity of officering their own Army and other branches of Indian defence. It is common knowledge that Indians have been one of the best sailors and fliers. But the Indian Navy, which existed about the middle of the last century, was disbanded and the opportunity to Indians to keep up their training was denied to them. Similarly, till a couple of years ago, Indians were not admitted to the Air Force so indispensable for the defence of the country. It is the same old story of eating up the vital bones of the nation, so that it may remain perpetually in the clains of slavery. The native princes were assured that the British forces will protect them from external attack as well as from internal commotion by the mighty arms of the British Empire, and they were told to disband their own army and to worry no more about their position as the British will maintain

them on their *gadis*, thereby making dormant the martial spirit and training among their subjects. The same thing was copied in relation to British India. British Indians were assured that the Imperial forces of the Crown were at their disposal, that the British Navy will protect the vast coast line of India at a nominal honorarium and the philanthropic and benevolent-minded British will always be at their service to protect them from a foreign attack and from internal disorders. It was no use for the Indian to worry or bother about their defence, thereby killing the incentive and vigour or aptitude of the nation. It is not long ago when a small community of Northern India was able to conquer and keep under control the virile tribes of the North-West as well as of Afghanistan for about half a century, which the mighty forces of the Crown have been unable to either conquer or permanently keep under control. It is, therefore, evident that the necessary spirit and material is still available if only opportunities are afforded for their display in the service of their country. It is an admitted fact that the Indian officers of the Army, enjoying only the Viceroy's Commission, stood the strain and test of efficiency remarkably well, when left to themselves under the most trying circumstances in different theatres of war during the Great War. They proved as efficient and able to rise to the occasion as any of the European officers of higher rank. Now, this is quite recent history. There is no reason to doubt that, if higher command was granted to these people, they would do just as well. It merely comes to this, that there is only lack of opportunity and no lack of qualifications or ability. All people are necessarily backward when you deliberately debar them from progress: they are necessarily ignorant when you keep them out from education and withhold knowledge from them; they are necessarily lazy when you deprive them of means or the incentive to work. One cannot swim if the water to swim in or the opportunity to enter it is denied. Under these circumstances, I consider that it is a vain argument to say that we are unable when opportunities are not given: when opportunities are given, we are found quite fit.

As a result of the valuable services rendered by India to the Empire in the Great War and the declaration of His Majesty's Government of the 20th August, 1917, Indians were assured of increasing association in the administration of the country, both civil and military. Diarchy was introduced in the Provinces and Indians began to be granted King's Commission in His Majesty's land forces. In the year 1922, the Government of India appointed a Committee consisting wholly of military experts for the purpose of finding out within what period the whole of the Army in India could be completely Indianised. The Committee, after thoroughly going into the matter and considering all the relevant materials and facts, came to a deliberate conclusion that the whole of the Army in India could be Indianised within a period of thirty years or in any case the latest within forty-two years. They recommended the grant of King's Commissions to 81 Indians annually during the first period of 14 years, to 182 Indians annually during the second period of eight years, and to 227 Indians during the last period of eight years. According to their calculation, at the end of 30 years, the number of Indians who will join the Commission would be 6,864—the total number of Commissioned Officers at present in both sections of the Army in India, Indian and British. I realise that the Committee had not accounted for annual wastage in these

[Sirdar Harbans Singh Brar.]

figures, but apparently they must have had in mind that the annual replacement, by the recruitment of Indians, of this wastage will be in addition to the figures of new recruitment suggested by them, so that their purpose may be attained of Indianising the Army in a period of 30 years. That must have been their intention. Later on, the Skeen Committee was appointed by the Government of India and reported in 1926. According to their calculations, half of the total cadre of Commissioned Officers was to be Indianised by the year 1952. They had provided for an yearly intake into the military college of about 100 cadets. It is curious, and I would call it mischievous, that the report of the 1922 Committee or even the mention of its appointment was kept secret from the Skeen Committee. The recommendations of the Skeen Committee were not given effect to as far as all the major recommendations were concerned. Then came the Round Table Conference. The Defence Sub-Committee of the Round Table Conference unanimously resolved that, with the development of the new political structure in India, the defence of India must, to an increasing extent, be the concern of the Indian people and not of the British Government alone, and, in order to give practical effect to this principle, they recommended that immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate with the main object in view having regard to all relevant considerations such as the maintenance of the required standard of efficiency.

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

Mr. Chairman, it must be remembered that the Defence Sub-Committee had left the question of the pace of Indianisation to be determined by the committee of experts which was to be appointed in pursuance of its recommendations. From the proceedings of the Sub-Committee we find that when Mr. Jinnah asked :

“ We agreed in principle with the question that the Army should be Indianised, then the next question is how effect is to be given to the rate or pace of Indianisation ”,

the Chairman, Mr. Thomas, answered that his answer was that there should be, as a consequence or as net result of their recommendations, an expert Committee set up to give immediate effect to this. Lord Reading also said “ Yes ” to this. Mr. Jinnah still pressed and wanted to give some guide or to lay down some principles for that Committee, and then Lord Reading and the Chairman both stated that the matter was purely one for this expert Committee.

Further, when Mr. Jinnah was pressing for a clear indication as to pace of Indianisation or some words so definite that it will convey to the expert Committee that that was the intention of the Conference, the Chairman eventually replying said :

“ It has been pointed out that this is a matter for the experts.”

Further, in order to respond to the strong affirmation of one section of the Sub-Committee to the effect that complete Indianisation of the Indian Army should take place within a specified period as proposed in the Government of India scheme of Indianisation of 1922, known as the Shea scheme,

the Chairman further undertook that when, in pursuance of the resolution of the Sub-Committee, the expert Committee were appointed, they will, as a matter of course, take into consideration the proceedings of the Military Requirements Committee of 1921 and the Committee on the Indianisation of the Army known as the Shea Committee and the Skeen Committee. This is proof, if any proof were needed, to substantiate the contention that it was the business of this expert Committee known as the Indian Military College Committee to settle and fix the annual intake for the College, and not the Government of India. It may be mentioned here that the proceedings and report of the Government of India Committee of 1922 were kept secret even from the Defence Sub-Committee of the Round Table Conference until Sir Muhammad Shafi and Sir Tej Bahadur Sapru forced the Government to produce it. As they were the Members of the Government of India at the time, they had knowledge of the proceedings and report of this Committee. Now, let us see what happened at the proceedings of the Indian Military College Committee of 1931 which was appointed as an expert Committee, in pursuance of the Sub-Committee's resolutions, for the purpose of giving effect to them and for deciding upon the rate and pace of Indianisation. The Chairman, His Excellency the Commander-in-Chief, in his opening address on the 25th May, 1931, stated :

"Some may say that although we hope to arrange for an intake into the new Sandhurst of 60 or thereabouts, this is going far too slow. I, however, am quite unable to advise Government to experiment with a large number of units than this will mean, until such time as we can see a little more clearly whether an army officered by Indians is going to be a fighting proposition."

He further ruled that as far as the rate or pace of Indianisation was concerned, this was his final word and must be taken as gospel truth, and that Committee was not entitled even to discuss it, what to say of varying it. This is the manner in which the Government of India and their military advisers carry out the solemn pledges of the Sovereign or of His Majesty's Government. When we look back to the manner in which the Government of India have been deliberately evading the issue of the Indianisation of the Army, our minds are filled with horror and sorrow as to what our fate is likely to be if the destinies of India continue to be in their hands for any considerable time. The Government of India Committee of 1922 made unanimous recommendations for the complete Indianisation of the Army of India within a period of 30 years from that date. Those recommendations were fully concurred in by His Excellency the Commander-in-Chief and unanimously approved by the Governor General and his Executive Council. But what to say of giving effect to,—the recommendations were not even published, but were kept under lock and key. Had those recommendations been given effect to by the year 1936, we would have had 1,130 Indian Commissioned Officers. Then, if the Skeen Committee's recommendations had been accepted, by September this year we would have about 300 Commissioned Officers. But what we find today is about 150 as Indian Commissioned Officers. If the recommendations of the 1922 Committee were accepted by the Indian Military College Committee of 1931, even that would have provided us with about 300 as Commissioned Officers. But, alas ! the Government, instead of going forward, are going backward as far as Indianisation is concerned. It must be remembered that nowhere, even in the R. T. C., the discontinuance of Indian cadets into British Sandhurst was ever contemplated. The Members of His Majesty's Govern-



[Sirdar Harbans Singh Brar.]

ment and Lord Reading, *Ex-Viceroy* of India, stated in explicit terms that that must continue and was of immense advantage, and that whatever the intake for Indian Military college, the Expert Committee may, in the light of the recommendations of the Government of India Committee of 1922 and the Skeen Committee of 1926, fix that that was in addition to the present number of cadets going to British Sandhurst. It was desired that in addition to the 20 replacements of British officers by Indians from British Sandhurst, the outflow of the Indian Military College will make additional replacement of British Commissioned Officers of the Indian Army as well as the British Army in India. The Military Requirements Committee of 1921 even contemplated, as also the Round Table Conference did contemplate, the replacement of British troops by Indians. It is creditable to Lord Reading that during his Viceroyalty the number of British troops in India was reduced by 10,000, and further gradual withdrawal was contemplated.

Now, to take stock of the situation, let us begin from the year 1931 and imagine what would have happened had the Committee of 1931 not been appointed. We would have every year replaced at least 20 European Commissioned Officers in the Indian Army, and what was expected of this Committee was to increase this number of British replacement by Indians. But what do we find today? The most vicious, retrograde and reactionary steps which have been taken by the Government of India Committee of 1931, known as the Indian Military College Committee, 1931, go to the very root of the problem of Indianization. We have at present in the Indian Army alone in India as many as 3,200 British officers and about the same number or perhaps a little more in British army in India. In addition, we have in the Indian Army about 4,000 Viceroy's Commissioned Officers. The wastage among the Viceroy's Commissioned Officers is about 100 per year. The decision of the Government is to abolish the Viceroy's Commission and to replace it by Indian Commissioned Officers from the Military College, Dehra Dun. It would thus be apparent that the outflow of the Military College will not be sufficient even to replace the wastage in the Viceroy's Commission, what to say of replacing British Officers. The clear effect would be additions to annual recruitment of British Officers instead of reducing them. The ambitions and aspirations of the Indian people were that we would be keeping the present Viceroy's Commissioned Officers to which the rank and file of the Indian Army look with pride and reverence and nobly aspire, and in addition will replace the total number of British Officers with Indians. The net result of the present policy of the Government would be that the Indian Army, what to say of in 200 or in 500 years, is never going to be Indianised, as was frankly admitted by the Honourable the Army Secretary in answer to a supplementary question of mine a few days ago.....

**Lieut.-Colonel A. F. R. Lumby :** May I make an explanation with regard to that particular point? The Indian Commissioned Officers will be posted to the units of the one Division which, as I remarked this morning, is being Indianised first of all and not only the Viceroy's Commissioned Officers in those units but the British Officers also will be replaced by them. There is no question of the present output of 60 from Dehra Dun ever being intended to Indianise the whole Indian Army. That figure is worked out on the basis of Indianising that one Division,

and that one only. It was worked out on the basis of the new establishments, which will take the place of the present establishments, in which there are both British Officers and Viceroy's Commissioned Officers.

**Sirdar Harbans Singh Brar :** But for about three years the outflow of the Indian Military College will not exceed 30, and by that time....

**Lieut.-Colonel A. F. R. Lumby :** The outflow for the first half year will be 23, but there is no reason why, after the first term, there should be the same difficulty as at the start. Of course, we have to allow for a certain amount of wastage, but I think we expect to get 58 out of 60.

**Sirdar Harbans Singh Brar :** The Bill before us is designed to secure legislative sanction from the representatives of the Indian people to this most autocratic and reactionary step of this irresponsible Government's powers, and to put Indians, who are Commissioned Officers, not in the shoes of British Commissioned Officers, but Viceroy's Commissioned Officers.

Sir, we are told "No",—we are giving you a Commission like that of a Commission in the Dominions. Dominion status is not even in sight, what to say of its becoming a reality. Declarations of the British Government, for some time past, are becoming shy of even the mention of the word "Dominion status" in relation to India. What is the fun of imitating something which has no chance of becoming a reality? The present King's Commissions, granted to Indians, are in His Majesty's Land Forces, with jurisdiction and rank recognised throughout His Majesty's British Empire, while the proposed Commission in His Majesty's Indian Forces will carry no further than the boundaries of British India, not even in the Indian States, because the allegiance of Indian States is to His Majesty the King Emperor and not to the Government of India. The Indian Commissioned Officer would, therefore, be ineligible for being lent to the Indian States or exercising jurisdiction on behalf of, and in the interests of, the Paramount Power. It would, therefore, naturally mean communal or racial discrimination between the same rank of officers in the Indian Army on the grounds of colour and race. While His Majesty's European subjects in the Indian Army will have a Commission and an authority throughout the British Empire, His Majesty's loyal Indian Commissioned Officers will be reduced to an inferiority complex with jurisdiction and status limited to British India. In the matter of command on active service, the Commissioned Officers will naturally have precedence over Indian Commissioned Officers, because their Commission is more extensive and wider. The Honourable the Army Secretary referred to the position in the Dominions. In the Dominions, an officer of His Majesty's Land Forces takes precedence from the date of his Commission. If, for instance, a Canadian Officer is appointed earlier than the British Officer, the Canadian Officer will automatically become senior, but that will not be so in India, because the Commission signed by His Excellency the Governor General will not be as extensive as the Commission in His Majesty's Land Forces.

**Lieut.-Colonel A. F. R. Lumby :** I think the Honourable Member is quite wrong even that.

**Sirdar Harbans Singh Brar :** The Army Secretary is quite mistaken, I still say so, because the regulations which are to be made by His Majesty are not known to us; they are not placed before us; we do not

[Sirdar Harbans Singh Brar.]

know which particular occasions they are going to specifically mention when Indians may be given command. Unless we know those occasions,—the commanding officers, may, as a matter of privilege, or as a matter of grace grant the command to Indians, but at present in mixed formations, the command will automatically go to the senior officers in His Majesty's Land Forces, be they Indian or British, but with the rank of the Dehra Dun cadets being reduced from that of a Commission in His Majesty's Land Forces to that of a Commission in His Majesty's Indian Forces, one having a Commission in His Majesty's Land Forces will, in the present circumstances, unless the rules specifically lay down to the contrary and for ever, and for all time and for all occasions, have precedence over the Indians. At present the battalions are mixed formations even in peace time, and how are they to be governed in the matter of command? Let the Army Secretary, on behalf of His Majesty's Government and on behalf of the Government of India, say that seniority in the Army in India will be governed by the date of their Commission, whether they, the cadets, come from the Dehra Dun College or whether they come from the British Sandhurst, and that whoever is senior will have the right of command, and then we will be satisfied on that issue. The Indian Commissioned Officers, even though senior in rank, will not be entitled to sit on court martial of European Commissioned Officers who will be junior to them. I hope the Army Secretary concurs in that.

(Lieut.-Colonel A. F. R. Lumby nodded assent.)

He concurs. Therefore, the inferiority complex comes in there. If an officer who is commanding cannot punish those officers who are under him, if he cannot sit in judgment over them how is he to command? It is curious to see that they are going to provide for his command without the right to sit on court martial over his juniors.

**Mr. B. Das :** In the same way as Indians are Governors of Provinces !

**Sirdar Harbans Singh Brar :** Mr. Chairman, Indians are a sentimental people and they attach more importance to an act being done by their Lord, the Sovereign, His Majesty the King Emperor of India, than by His Majesty's representative in India. They will feel much injured in their pride if they are told that His Majesty's hands feel tired to append signatures on a few Commissions to his coloured subjects, but not so in the case of Britishers, that for His Majesty's Indian subjects His Governor General's initials should suffice and they ought to remember that, after all, they are subjects of a dependent and a slave race, that they should not aspire to equality with comparatively fairer looking subjects of His Majesty belonging to the ruling race, and that India ought to remember that the policy of His Majesty's Government is to fight shy of using even the words "Dominion Status", what to say of granting it. I would, therefore, recommend to His Excellency's Government to at least postpone this measure, if not withdraw it altogether, so that more mature and considered judgment may be passed on it by the representatives of the people of India in this Central Legislature pending the actual conclusions arrived at by His Majesty's Government in the United Kingdom on the proposed Constitutional Reforms for India and the rules to be made under this Act. I do hope and trust that the Government and Honourable Members of this House will forgive me for the valuable time I have

taken of theirs, but the importance and magnitude of the subject demanded it. I thank the Honourable House for the attention and patience with which they have listened to my humble remarks.

**Mr. Bhuput Singh** (Bihar and Orissa : Landholders) : Sir, the Bill under consideration is more or less the result of an insistent demand on the part of Indians for the grant of King's Commission to Indians dating as far back as the establishment of the Indian National Congress. I do not like to dwell on the history of the origin of the demand, but I may state clearly that from the beginning we wanted King's Commission for Indians always with the idea of obtaining the same rights and privileges for the Indian as well as the British cadets. I only desire to prove that, in meeting the wishes of the people of this country, the Government granted as far back as 1905, a special form of King's Commission in His Majesty's Native Indian Land Forces. This Commission carried only the power of command over Indian troops and the holders of such Commissions could not rise above the position of a company officer in a regimental unit.

Sir, the present Bill, though not so very bluntly, but indirectly and politely, desires to side-track these cadets who will come out of the Dehra Dun College in so far that they will not have the right of command over British units as a matter of right, but some of them may be given such chance of commanding British units by appointments. But these officers will not have the right to sit on a court-martial for trying British officers even by the framing of regulations by His Majesty's Government. In this connection, I may say that the commission which was thrown open in 1905 did not satisfy the Indians, and agitation for equality of status was carried on vehemently till 1918, when, during the War, a Cadet College was opened at Indore which remained open only for a year but which was closed as soon as the War was over. But all the cadets of that college were given the full equality of rights without any reservation like their British confreres. Here I may read the following sentence of the Skeen Committee Report of 1927, which will show the attitude of Indian leaders as regards equality of status even as far back as 1918 :

"Again, in 1918, the honourable part played by India in the Great War and the invaluable service which India then rendered to the Empire brought to Indians the realisation in some measure of the privilege which they had long claimed to be theirs as of right. Indians were declared eligible on equal terms with British youths to receive the King's Commission in His Majesty's Land Forces, which carries with it the power of command over British as well as Indian troops."

Even in 1922, when the Prince of Wales Royal Military College was opened at Dehra Dun, it was done with this following object as stated in the Skeen Committee Report :

".....for the purpose of giving prospective candidates for the army an education, commencing from an early age and on English public school lines, such as would fit them not only for the entrance examination but also for the subsequent ordeal of the Sandhurst course of training, and for their future association in the Army with British comrades."

In the course of their Report, the Skeen Committee declared in unambiguous terms the equality of status between the Indian and the British officers holding King's Commission. With your permission, Sir, I read the extract as follows :

"An Indian King's Commissioned Officer must, like the British officer, be capable of handling mixed bodies of men and for that purpose he should have the advantage of some period of association with the British cadets who are taking up commissions at the same time as himself."

[Mr. Bhuput Singh.]

Further on they state as follows :

"With Indianisation proceeding in the Army in any measure, the only means of ensuring successful Indianisation and, concomitantly, the maximum degree attainable of military efficiency, is to allow Indian officers to serve shoulder to shoulder with British officers each learning from the other in every unit of the Indian Army."

So the demand of those of us, who appended the minute of dissent to the Bill, is not a new one. It is rather surprising that, after about 50 years of agitation, when the Government brought into existence the Indian Sandhurst, it was only with the idea of forming an inferior cadre of commissioned officers as that of the Provincial Civil Service in the civil administration. It appears that the Government of the day is being carried away by the opinion expressed in Sir Valentine Chirol's book published as far back as 1926. We find there the following passage which reads as follows :

"But the racial feeling provoked by the question of Indianising the Army is not confined to the Indians. Though the Army Department may wish now to approach it chiefly from the point of view of military efficiency, it has to reckon with the strong racial objections of British officers to being placed in the position of ever having to take orders from Indian officers. Nor can one ignore the danger of personal friction between British and Indian officers with their very different outlook and social habits if they are made to rub shoulders in a common messroom. But the feeling goes far deeper, and responsible and experienced British officers, not unnaturally proud of the confidence and even personal affection of their native officers as well as of their men, are found to declare that the Englishman's prestige with the native troops themselves will be gone if they are ever placed under other than British command."

The Government in their temporary victory over the Indian National Congress may think that they have been able to completely break up the solidarity of the Congress by the communal electorate and the Communal Award, and, therefore, they can with impunity go back on their old promises and treat these Indians in this particular matter as they are treating today. I am not surprised by the attitude of Government so much as I am surprised by the attitude of some of my countrymen who are prepared to swallow this bitter pill without even raising a combined voice of protest against the assignment of inferior position to our young men who come out successful out of the Indian Sandhurst after spending a good deal of their parents money for no career worth the name. Every now and then we hear that if pay and prospects of the Imperial Services be reduced, no suitable Englishmen from English Universities would be forthcoming for taking up these posts in India. Sir, on that analogy, I claim that the same consideration has not been shown by Government in proposing an inferior status to the cadets of the Indian Sandhurst College at Dehra Dun. When this Indian Sandhurst was opened, the primary consideration was to get the right type of Indian recruits who would like to take the Army service as their career in life. If now we agree with Government and give them a lower status, the right type of Indian recruits, with a grain of self-respect in them, would not be forthcoming. Further, those who will come forward for admission into college and will be posted in the army will always be smarting under a racial inferiority which is not at all desirable. I admit that there may be technical and legal difficulty for this House to legislate on the subject conferring complete equality of status to the Indian cadets from the Dehra Dun Military College, but, at the same time, I cannot absolve the Army Department and the Government of India for not taking suitable

steps with the Secretary of State before bringing this Bill in this House. Certainly it was open to them to press on His Majesty's Government the views of the whole of India which has so unmistakably been ventilated both in the Press and on the platform for the last half a century if not more. Knowing the feelings of the country, it does not behove them now to come forward with the plea that these omissions will be rectified by Regulation as far as possible. Once the Bill is passed into law, this House will have no control either over the Government of India or His Majesty's Government. So far as the framing of proposed Regulations are concerned, I for myself have got my shrewd suspicions that once this legislation is passed, the Government may in their usual manner frame the Regulation to give us the shadow and not the spirit.

**Sir Abdur Rahim :** The subject dealt with by this Bill is one of the utmost importance and, it is, therefore, necessary that I should ask the House to listen to me while I go on explaining the position with the usual patience that the House always accords to me. My Honourable and gallant friend, Colonel Lumby, seemed to be somewhat disappointed at the minute of dissent which some of us have put in. He is disappointed because he thinks that we did not sufficiently appreciate the importance of the concession which he made in the Select Committee, that as a matter of fact we are giving a wrong lead to the public, while we emphasize the fact that the officers coming out of the Dehra Dun Military Academy will not have the same opportunities as the officers who are recruited from Sandhurst and Woolwich. We, in the Select Committee, were very much impressed by the conciliatory spirit which was shown by my Honourable friend, the Army Secretary, but as the army is a sealed book to most of us, we had to grope our way somewhat slowly and to find out what really was at the bottom of this Bill by questioning the Army Secretary at almost every stage. Sir, the design of this Bill, which seeks to amend the Indian Army Act, is of an extremely limited character. As the House is aware, the Indian Army Act, is intended to apply only to Viceroy's Commissioned Officers and non-commissioned officers and the rank and file of the Indian Army. It was never designed with a view to regulate the status and opportunities of officers enjoying a full commission in the army. We also know that the Viceroy's commissioned officers have very limited opportunities to command. I think, at the highest, they can be only platoon commanders, and they can go no further.

**Mr. B. Das :** They can be Honorary Captain like my friend, Captain Sher Muhammad Khan.

**Sir Abdur Rahim :** The Viceroy's Commission, as has been pointed out by my Honourable friend, Chaudhri Lal Chand, is, however, of some importance and value to the sepoy, to whom it gives the opportunity, by meritorious service, to attain to a somewhat higher rank. But for the purpose of commanding the Army, the Viceroy's Commissioned Officers' opportunities are extremely limited; they, indeed, hardly exist. The House is fully aware, how, for a long time, a very strong agitation was being carried on in the country in order to secure Indianization of the officer personnel of the Indian Army in order that India may at some time become as self-reliant, as self-sufficient and as efficient, in the matter of defence, as any other country. We have always felt and felt very deeply that it is not the right policy that a country like India, with its population of 350 million or 400 million, should be always dependent on others

[Sir Abdur Rahim.]

for their defence from outside aggression and for internal security. The question is one of the outstanding questions that were mooted at the Round Table Conference and there, after considerable deliberation, the conclusion was arrived at that if India was ever to become self-reliant in matters of defence, then it was absolutely essential that a Military College should be established in the country and that there should be no need for young Indians to go to Sandhurst and Woolwich for military training. The assumption throughout was—and if I am wrong I hope my Honourable friend will correct me—that the Indian cadets or officers who will be recruited through the Military College in India should have exactly the same opportunities for leading the army in due course, when they are found fit for it, as any other officers. (Hear, hear) ; otherwise, there was no object in asking the Government to establish a military college here, which does, after all, mean considerable expense.

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

Sir, that was the very basis on which the Round Table Conference proceeded and they made a very strong recommendation to the Government of India that steps should be taken at once to establish a military college in this country. Sir, in accordance with that recommendation of the Round Table Conference, an expert Committee was appointed here and I happened to be a member of that Committee, though no one will accuse me of being an expert in military matters ; anyhow, I was there, and there were several other Indians, who also were no more military men than myself (Laughter), who were also members of that Committee. His Excellency the Commander-in-Chief was the President of that Committee and throughout its deliberations—I say this without the least fear of challenge or contradiction from anyone—it was never even suggested that the officers who would be given their commissions on having passed out of this Academy should not have, in every possible respect, the same chances not only of promotion but of command—which is the most essential thing in the army—as the British Officers. (Hear, hear.) Sir, that being the position, we have now to see how far that expectation is going to be realized. We have been told by my Honourable and gallant friend that this Bill is of very great importance to India because if the Bill is passed by the Indian Legislature, the Indian Legislature, afterwards, will have control of legislation on this point. But what is the legislation ? We know the Indian Army Act deals only with questions of punishment and courts-martial and matters of that nature, and it is concerned, not with officers holding the King's Commission, but, with officers holding the Viceroy's Commission and non-commissioned officers and warrant officers.

Now, it is proposed by the Army Authorities that those who have passed out from the Military College at Dehra Dun will receive what is called the Indian Commission, and my Honourable friend very triumphantly points to the analogy of the Canadian Commissions and the Australian Commissions. Sir, when my Honourable and gallant friend introduced this Bill, I ventured to point out that the mere name would not make the slightest difference ; that when you have not got the substance of a Dominion Government, merely calling the commission that will be given to the army officers who will be recruited from Dehra Dun " Indian Commissioned Officers " will not put us, so far as army administration is

concerned, on the same level as Canada or Australia. In the Select Committee we had to sift this matter as carefully as we could. It struck most of us when this Bill was introduced and we heard the very eloquent speech of my Honourable and gallant friend—it struck us,—“where was the necessity of having another and a different form of commission to that which is in vogue a present”? All that we were told was, that somehow or other, that would enable us to legislate for the officers who would be given the Indian Commission as distinguished from officers holding the King's Commission.

Now, the first thing that we should like to know in a matter of this nature from the Army Authorities is, when you are introducing a new Commission in the Indian Army, what is the scope and value of that commission? That is the first question that we are bound to ask. And what is the answer? We were told that the officers from our Military College at Dehra Dun will have the same opportunities of promotion and power of command, rank and precedence as the British Officers in the Indian Army. But we had to probe that matter further and we had to find out exactly what was meant. At first we were rather impressed by the assurance given by my Honourable friend in the Select Committee in this connection, but the question struck most of us as to what will be their position in what are called the mixed formations? The House knows that in the Indian Army there are mixed formations and His Excellency the Commander-in-Chief pointed out in the course of a preliminary speech to the Committee that in modern war we do not fight with heterogenous units but we fight in formations, brigades, divisions and army corps. Take, for instance, a brigade. A brigade consists of a number of regiments—say, two Indian regiments and one British regiment. Then several brigades form a division. Therefore, all these higher formations have a mixed British and Indian personnel. Up to the regiment or battalion in an Indian army, it consists of an entirely Indian personnel consisting of Indian sepoy almost entirely, if not entirely. Thus, so far as we have been able to understand, there will be no difficulty so far as the command of a battalion is concerned in the way of officers from the Dehra Dun Academy. They will have exactly the same opportunities of command as the British officers in the Indian army. By British officers, I mean, as the Act defines, not only British by race but also those Indians who have passed out from Sandhurst and Woolwich, about 140 in number. But when we come to higher commands from that of a brigade upwards, the question arises whether an Indian Commissioned officer who has been trained at the Dehra Dun Academy will have the same opportunities of command as the British Officers? The Army Secretary or rather the majority of the Select Committee point out in their report that they will not have the same opportunities. They will not automatically have the command in mixed formations as Indian Commissioned officers. The Select Committee say :

“We realise that the Indian commissioned officer will not automatically have any powers of command such as are possessed by British officers, as defined in the Indian Army Act, in relation to British personnel of the British Army in India. But we are assured that Regulations are being framed by His Majesty's Government to cover such powers of command, and that these regulations will in effect empower a commander from H. E. the Commander-in-Chief down to the Commander of a station to appoint the occasions on which Indian commissioned officers may exercise powers of command in relation to personnel of the British Army in India under his command.”



[Sir Abdur Rahim.]

Now, is not there a very substantial distinction between the two cases? The British officers will automatically attain the command if found fit and if they have undergone the necessary training and if they are selected by the higher authorities. But that is not the case with the Indian Commissioned officers. They may be equally fit and their record may be as good and as clean as that of any British officer, yet they cannot in the ordinary course expect to attain any of these higher commands in mixed formations. In their case, it will be left to the Commanders not even to give them so many commands out of so many, but to appoint the occasions on which they will be competent to command the British personnel, for if they do not command the British personnel they cannot command mixed formations at all. This is a very different thing altogether. My Honourable and gallant friend made a great deal of the question of superiority and inferiority complex. He is not only a very eloquent speaker but a skilful Parliamentarian. (Hear, hear.) He did his best to draw a red herring across our path but we are used to these things from the Benches opposite. It is not a question of inferiority or superiority complex. My Honourable friend waxed eloquent when he said that if any British officer dares to evince any sort of superiority complex, action will be taken at once. There can be no doubt about that, but the question is not whether you are providing for superiority or inferiority complex. We are not concerned with that. That is more or less a personal matter. What we are concerned with is what status you are going to give and what opportunities you are going to give to these Indian Commissioned officers? And if you are not going to give them opportunities for higher commands, then we have a right to complain. Were we, therefore, wrong in pointing out that their position will be more or less like that of provincial officers in the Provincial Civil Services? My Honourable friend will know that provincial officers can attain some of the listed appointments occasionally if the Government so choose to appoint them. But that is not the position of the Indian Civil Service officers. In their case there is no bar. Similarly, in the case of the British officers in the Indian army, they are entitled to look forward to these commands unless they are found unfit. May I ask, what reason is there for drawing this distinction between an Indian Commissioned officer, who is found equally fit, not to give him exactly the same chances as to the British officer? Sir, I have said on previous occasions that I am a great admirer of the discipline of the British army and I repeat that now. So far as I know,—and I am sure I shall be confirmed by the Honourable the Army Secretary,—officers are not promoted except on very strict selection. At almost every stage, they have to pass certain examinations which are necessary for the next promotion. Even then a selection is made. The men are carefully sifted whenever the question of command comes in. For instance every Captain is not entitled to the command of the company nor even a Major. I think I am quite correct in making that statement. Therefore, there is not the slightest danger in putting these Indian Commissioned Officers on the same footing as the British officers, because the higher authorities have got absolute selection in the matter and they will not promote any officer to any command unless they are fully satisfied of their competence to hold that command. Then the question comes to this, that if the Indian Commissioned Officers, when they have reached a certain

stage in their career, cannot confidently look forward to attaining a command, what will be the position of those officers? Do you think that is good for the Indian Army? I put this question bluntly and frankly to my Honourable friend. I am certain that military officers will say that it would be a very bad thing for the army if these officers who are found fit and capable of leading are not given a chance to do so. Sir, that is a most serious question that has arisen over this Bill. We were inclined to be satisfied, when my Honourable friend just assured us, that if he could not agree to a statutory provision being introduced, the Army Authorities will see to it that proper Regulations are framed in order to regulate the matter. But, when he himself had to admit that even when these Regulations are framed, those Regulations cannot and will not provide for the automatic promotion of Indian Commissioned officers to command, then I do not see what right he has to ask us to say that he is giving the Indian Commissioned officers the same opportunities to command as the British Officer. There is no good having hundreds or two hundreds or 500 Indian officers if they are not given the opportunities to command. If they are not given the chance to lead an army in active service and also to command an army in peace conditions, then it is no good having such officers. That is why we say, the position you are assigning to these officers is something intermediate between the British officers and the Viceroy's Commissioned Officers. Is that inaccurate? Then, I wanted to know, while my Honourable friend was speaking, what are the occasions which will be appointed by the Commanders on which the Indian Commissioned officers can exercise the powers of command over mixed personnel. My Honourable friend was not able to give us any sort of answer. He says he cannot anticipate the regulations which are going to be framed by His Majesty's Government and, if that is so, how can we be satisfied with a position like that.

**Lieut.-Colonel A. F. R. Lumby :** What I said was that the occasions to be appointed will be occasions when it is necessary for the efficient co-operation of the two portions of the Army in India for such powers of command to be given.

**Sir Abdur Rahim :** Exactly. I wanted to know some concrete examples of such occasion. May I mention one occasion which my Honourable friend revealed in the Select Committee, if he has no objection.

**Lieut.-Colonel A. F. R. Lumby :** I am not the Commander-in-Chief or even a Commander of a Station, but the first thing that happens to the young officer when he passes out of Dehra Dun is that he goes and is attached to a British regiment for one year. I should think his position would be regulated under the proposed new provision during the course of his period of attachment to a British regiment. As I say, I am not the Commander-in-Chief and I cannot state this definitely, but I suggest it is a possibility.

**Sir Abdur Rahim :** We are not concerned with phrases like appointing occasions. My Honourable friend is not able to tell us, either of his own accord or on instructions from the Commander-in-Chief or from the Army Authorities from England, as to what are those occasions. How can we, therefore, say that our men are going to have any proper opportunities? I want to appeal to the sense of fairness and justice of my Honourable friend opposite. Is not that the real position? Is

[Sir Abdur Rahim.]

there any word in our minute of dissent to which he can take objection as being inaccurate or misleading or exaggerating the position. (Hear, hear.) As I have said, the crux of the whole position is, how far the Indian officers will, in course of time, if found thoroughly fit, be able to exercise the higher command, bearing in mind that a higher command in the Indian Army means command of mixed formations with British and Indian personnel. My Honourable friend has said that when the young officers are attached to a British regiment here for the purposes of training for one year, they will have some sort of power to command British personnel. But what is the power of command of an officer like that? I dare say there will be regulations laying down that the British soldiers will salute them and things like that. (Laughter.) Is that of any value? We really want to know what will be the position of these officers with respect to mixed formations? When you have done away with mixed formations, I can quite understand the position of the Army Authorities. Then the question does not arise but there is no promise and no assurance that mixed formations are going to be done away with.

**Lieut.-Colonel A. F. R. Lumby** : Mixed formations are by no means a necessity. We often have a complete Indian brigade, but it so happens that in the past organisation the war brigade has usually consisted of one British infantry battalion and three Indian infantry battalions. There is, however, absolutely no reason why we should not have a completely Indian organisation. If, I may, I will read what His Excellency the Commander-in-Chief said when he opened the Indian Military College Committee. He said :

“ In dealing with the expansion of Indianisation, our object is to create a recognised combatant force on a purely Indian basis which would in time replace a force of a similar size in the Imperial Army. For it is by the gradual replacement of Imperial fighting formations alone that India will be able eventually to assume responsibility for her own defence.”

**Sir Abdur Rahim** : These words, eventually, gradually and in due course of time, we are all perfectly familiar with, though my Honourable friend may not be so familiar. We know also in what sense the word ‘ emergency ’, for instance, is used by the Treasury Benches. I mean we are not going to be taken in by phrases of that character. Now, let us see what is the pace of Indianisation. What was the promise held out against our protests? They promised sixty officers a year. Now, the Army Authorities say there will be only 23 officers during the first term, and say, perhaps, 23 more in the next term. Now, how many years will it take to get sufficient officers for a complete division? I think the Commander-in-Chief himself in his speech said that it will take about 20 years for a complete division to be Indianised. Now, we have got six divisions and that makes—if there is no wastage, my Honourable friend rightly says there will be wastage—if there were no wastage, which is hardly possible, then at the rate of 60 men it will take 120 years! Is that a proposition which we can contemplate with any amount of satisfaction. This only refers to the Indian Army. A lot more still remains. There is the Air Force and we have got no facilities here for training for the Air Force which is the most essential wing of any Army nowadays.

Now, there is another very significant fact which I must bring to the notice of the House and that is this. In the Select Committee, my Honourable friend, the Army Secretary, who was assisted and advised by the Judge Advocate General, who is the legal adviser of the Army, accepted an amendment to clause 5, which is a very important amendment. Clause 5 is to amend section 7 of the Indian Army Act; and section 7 (8) of that Act is very important. That sub-section reads:

“Army, Army corps, division and brigade—(*these are the higher formations*)—mean respectively an army, army corps, division or brigade which is under the command of an officer subject to the authority of the Governor General in Council,”

—So far that is all right. It goes on—

“or when on active service, an army, army corps, division or brigade under the command of an officer holding a commission in His Majesty's Land forces.”

That excludes Indian Commissioned Officers. My Honourable friend shakes his head. Therefore, in order to make sure, we asked him to accept an amendment to make the position clear, and he did accept the amendment—that is in clause 5 (f)—

“to clause (8) the words ‘or His Majesty's Indian Forces’ shall be added;”—

that is to say, a division, brigade, army corps or army on active service, could be commanded not only by a British Officer but also by an Indian Commissioned Officer. Otherwise, as it stands at present, in the Indian Army Act, it *prima facie* means that only a British officer—an officer holding a commission in His Majesty's Land Forces, which technically means a British Officer and not an officer holding an Indian Commission as defined in the Bill,—when on active service, will be able to command these formations. Now, I find that the Political Secretary here is very much perturbed: I do not know how the Political Department is specially affected by this amendment, but he apparently is very much perturbed because he has given notice of an amendment to the effect.....

**Mr. H. A. F. Metcalfe** (Foreign Secretary): I should like to say, Sir, that I am not in the least perturbed and that I am not the Political Secretary.

**Sir Abdur Rahim**: I quite appreciate that he personally is not perturbed—I was under no illusion as to that. I meant the Foreign Secretary: he has now put in an amendment, I take it, at the instance of the Army Authorities, in order to get rid of it. What does that mean? We have not yet heard the Foreign Secretary and what reasons he is going to advance. It was suggested by my Honourable friend, the Army Secretary, that the amendment that stands in my name to clause 5 is out of order or *ultra vires*. However, I am sure, he has been advised afresh by the legal adviser of the Army, the Judge Advocate General, and he will give us the benefit of his arguments, unless my Honourable friend, the Law Member, chimes in.

As I said this proposed amendment which stands in the name of my Honourable friend, the Foreign Secretary, is extremely significant and throws a flood of light on the whole position. I do not think it is necessary that I should take up any more of the time of the House. The position is quite simple. In a few words, it is this: you are creating a new commission for our officers for whose training you are spending lakhs of rupees. We do not grudge the money, provided those officers are going to have a good chance of being able to command the army here. We want

[Sir Abdur Rahim.]

to know from you and we want to provide in order to make it clear to the public that the commission will not be of limited scope, that it will have the same scope as the King's Commission. It is not merely the name. I know the Commission will be granted by His Majesty and countersigned by the Governor General ; but that is not all. The question is as to the respective effect of the two commissions. If the two commissions are of the same scope we have no objection. We shall express to the Army Authorities and to the Army Secretary our deep gratitude for having brought forward this Bill, provided he gives a definite assurance to that effect. What do we want ? We want only a general provision in the law laying down that the opportunities will be the same. You do not deny the principle ; you know there will be a great many practical difficulties unless this is conceded. But, possibly, there is some other objection, some legal objection. Apart from any legal objection, if it exists, are we to be told that you are absolutely helpless in the matter ? Cannot you provide for this in some way or other ? You say that, even in the regulations that are going to be drawn up or are being considered by His Majesty's Government, there will be some distinction left. I ask the Army Authorities to remove this distinction. You give us an assurance on the floor of this House that by regulations you will remove the distinction and put the Indian Commissioned Officers exactly on the same footing of equality as the British officers in every respect with regard, not only to the units of the Indian army, but with regard to all formations. In that case, I shall be prepared not to press my amendment. But we want an assurance to that effect. It is because my Honourable friend failed to give us an assurance on that crucial point that we had to write this minute of dissent. If he gives us that assurance, even now, it is not too late. I appeal to him to do that. We do not want by a provision like this to tie up the hands of the Army Authorities in any way. We simply want to give a general assurance to the public in this country and also to the Army Authorities also, that in all these matters, these officers will have the same status as the British officer. Then it will be for them to draw up any rules and regulations they like for sifting the quality and efficiency of the different classes of officers : we do not object to that. Let them have as rigorous examinations and as rigorous tests as possible. We do not quarrel with that. All that we want is that this principle should be clearly and lucidly laid down in some form or other, and as we cannot frame any regulations, we have asked that a provision should be inserted in the Indian Army Act to that effect. And why have we asked for that ? Because there is no other Act before us. You are creating by this very Act a class of officers called the Indian Commissioned Officers, and, I say, that it is your duty, as you are creating this class of officers, to tell us what will be their functions, what will be their duties, and what will be their opportunities of command. This is all that we want, and I say this is an extremely modest request. It does not show any want of appreciation on our part of what the Army Authorities propose to do in order to Indianise the army. We merely want an assurance which will reassure the public, and especially the young officers coming out of Dehra Dun. (Applause from the Opposition Benches.)

**Ment. Colonel A. F. R. Lumby :** Sir, the Honourable the Leader of the Opposition has asked me to state what exactly will be the position and the powers of the Indian Commissioned Officers when they come out from

Dehra Dun. There are two aspects to this question. First of all, there is their position in the Indian Army, and secondly their position *vis-a-vis*, the personnel of the British Service, that is to say, the British portion of what we call the Army in India. As regards the Indian Army, as I have said before, these officers, though they will have a different kind of commission, and though some of their terms of service will be different, will be on exactly the same footing as the British officers of their own seniority. As regards the British service, the position is different. The British service is an entirely separate service from the Indian Army, and is controlled by His Majesty's Government. I think I am right in saying that the fact that His Majesty's Government are not prepared to give to Indian Commissioned officers the same powers of command over British Service personnel as are possessed at present by the British officers of the Indian Army is not due particularly to the fact that they are Indians. It is merely because the British Army is a separate service and His Majesty's Government would not be prepared to give complete powers of command to anybody who did not belong to the service. They have, however, said in effect that the opportunity of exercising the powers of command will be given to these officers, on such occasions as will be necessary, to enable the British and the Indian portions of the Army in India to function together efficiently; and, after all, an army must function efficiently or it might just as well be disbanded. Authority is, therefore, to be given to the Commander-in-Chief and other commanders in India to appoint occasions when the powers of command may be exercised by the Indian Commissioned officers over British *personnel*, and the occasions, to be appointed, will be the occasions when it is necessary for the efficient working of the two portions of the army that such powers shall be exercised. What those occasions are, I, as only half a soldier, am not in a position to say. But efficiency is, after all, the Army's chief aim, and these occasions will be appointed with due regard to efficiency. As regards this question of command.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : This point should perhaps be made quite clear, because it might arise in the point of order which the Honourable Member has said he would raise. The Chair understood the Honourable Member to say that, so far as the Indian army is concerned, the Indian Commissioned Officer would have the same status and power of command as a British Officer in the Indian Army. Is the Chair right ?

**Lieut.-Colonel A. F. R. Lumby** : Yes.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Well, if that is so, that is exactly what the amendment wants. "The status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army....."

**Lieut.-Colonel A. F. R. Lumby** : My difficulty, Sir, lies in the words "in units and formations",—the very point on which the Honourable the Leader of the Opposition has laid considerable stress. I think his amendment is intended to refer to mixed formations. The mixed formation, which we frequently have in India, includes troops both of the British Service and of the Indian Army, and the Indian Commissioned officer will not have any automatic power of command over the British Service portion of a mixed formation. The question is not, however, likely to arise for more than 20 years from now, for nobody, except

[Lieut.-Colonel A. F. R. Lumby.]

possibly in time of war, is likely to gain command of a brigade with under 20 years service, and we have not got the Indian Commission in existence yet. Sir, the fact, that the Indian Commissioned officer will have no automatic command over mixed formations, does not necessarily mean that no Indian Commissioned officer will ever be able to get command of any such formation. This is one of the things which would lie in the power of His Excellency the Commander-in-Chief. I cannot say whether a Commander-in-Chief, twenty years hence, would appoint an Indian officer to command, but it seems to me, though it is very difficult to prophesy, that if, as the Honourable Member has suggested, these Indian officers have passed all their examinations and justified their promotion at all stages, it will be difficult to refuse command of a formation to them. The alternative would be to make all higher formations in India purely British and purely Indian. There is no reason why that should not be done. In any case, I am absolutely convinced of one thing, and that is that, whatever rules may be made in respect of mixed formations, the opportunity will be given to efficient Indian officers to rise through the various stages to command higher formations. Otherwise the efficiency of the army will suffer, and it will be impossible also to carry out the Indianisation of the Indian portion of the Army....

**Sir Abdur Rahim :** Why confine it to occasions ?

**Lieut.-Colonel A. F. R. Lumby :** It is merely a way of putting it. I am not a lawyer, but it seems to me....

**Sir Abdur Rahim :** Then accept my wording. (Laughter.)

**Lieut.-Colonel A. F. R. Lumby :** It seems to be a very wide term, covering every conceivable kind of opportunity of command, provided the commander is satisfied that the circumstances....

**Sir Abdur Rahim :** Did you have need for the same kind of phraseology regarding British Officers in your Regulations ?

**Lieut.-Colonel A. F. R. Lumby :** As regards the British officers of the Indian Army, the situation is really fortuitous, because they are subject to the Army Act, and, by virtue of that fact, have command over both British and Indian troops. That is one of the chief difficulties of the position which we have got to cope with in the transitional period before the process of Indianisation is completed.

It has been suggested, as an alternative to the present scheme, that we should go on giving to the officers coming out from Dehra Dun the same form of Commission as is now given to those who are trained at Sandhurst. I maintain that now is the time to make a definite change. We have opened a new Academy, and if you are going to introduce a new form of commission,—and I maintain that sooner or later, if the aspirations of this country for Indianisation are to be attained, you will have to have a new form of commission,—then I say that now is the time to introduce it and your new type of officer, simultaneously with the opening of your Academy. Otherwise, in the years to come, exactly the same situation will arise as we hope to avoid in our present scheme, and there will be the same question of superiority and inferiority complex. But in that case it will not be a case of British officers and Indian officers, but merely of two different types of the Indian officer.

Another point, though a comparatively small one, to which I want to refer, is the question of the conditions of service of the Indian Commis-

sioned officer. My Honourable friend, Mr. Jadhav, appealed to me to do something to ensure that the senior officers, British or Indian, in the Indianising units to which the boys from Dehra Dun are appointed, will not set them too high a standard of living. I can assure the House that the military authorities are doing everything they can to make it possible for the Indian Commissioned officer, even though he draws a lower rate of pay, to live on that pay, and one of those steps will, I am sure, be to make certain that nobody in the Indianising units will be allowed to set an unnecessarily high standard of living.

My another point is the question of the gradual abolition of the Viceroy's Commissioned officer. That is, to all of us in the Indian army, a very sad thing, but it is one of the corollaries to the proposal to Indianise the Army. The Viceroy's Commissioned officer was primarily a link between the British officer and the Indian ranks. The reason for such a link will no longer exist when Indianisation proceeds further. There is no other army in the world that has two kinds of commission among its officers, and the existence of the second kind of commission, though it was necessary for a particular purpose, when most of the officers of the Indian Army were British, has definitely led to an over-complicated administration which does not make for flexibility, a thing, which is most important in the army. This question of the abolition of the Viceroy's Commissioned officer has been considered from every point of view by His Excellency the Commander-in-Chief, and all kinds of opinions have been taken on the subject. Ultimately, with great regret it has been decided that from the point of efficiency of organisation and administration it would be wrong to maintain this second form of commission in Indianising units. It was realised that the decision would be a hardship to the men who enlist at the present time who can aspire to obtain the Viceroy's Commission. The hardship is, of course, not quite as great as it appears at first sight, because now, many of those who would have aspired in the ordinary course of events to the Viceroy's Commission, are taken out of the ranks and sent to Dehra Dun to get their training with a view to their obtaining Indian Commissions instead of Viceroy's Commissions. But still that is not considered sufficient to mitigate the undoubted hardship, and, as a palliative at any rate, it is proposed to include in the establishments of Indianising units a number of appointments as warrant officers corresponding to those which exist in British regiments. These appointments, though they will admittedly not carry with them as much *izzat* as the Viceroy's Commission, will have a rate of pay and pension attached to them which will not be very far behind the rates available at present to the junior Viceroy's Commissioned officer,—the Jamadar.

One other matter to which I must refer is the point raised by Mr. Jadhav about the opportunities for employment outside the army which will be available to the Indian Commissioned officer. As far as I know, there is no proposal to reduce, in any way, the opportunities for extra regimental employment which are available to officers holding the King's Commission; and, after all, the Indian Commissioned officer will hold the King's Commission just as much as the officer who was trained at Sandhurst. (Applause.)

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

“ That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as reported by the Select Committee, be taken into consideration.”



The Assembly divided :

**AYES—44.**

Abdul Aziz, Khan Bahadur Mian.  
 Ahmad Nawaz Khan, Major Nawab.  
 Ali, Mr. Hamid A.  
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
 Bajpai, Mr. G. S.  
 Bhadrapur, Rao Bahadur Krishna Raddi B.  
 Buss, Mr. L. C.  
 Chatarji, Mr. J. M.  
 Craik, The Honourable Sir Henry.  
 Dulal, Dr. R. D.  
 Fazal Haq Piracha, Khan Sahib Shaikh.  
 Ghuznavi, Mr. A. H.  
 Grantham, Mr. S. G.  
 Hockenhull, Mr. F. W.  
 Hudson, Sir Leslie.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Kamaluddin Ahmad, Shams-ul-Ulema Mr.  
 Lal Chand, Hony. Captain Rao Bahadur Chaudhri.  
 Lee, Mr. D. J. N.  
 Lindsay, Sir Darcy.

Lumby, Lieut.-Colonel A. F. R.  
 Metcalfe, Mr. H. A. F.  
 Morgan, Mr. G.  
 Mukherjee, Rai Bahadur Sir Satya Charan.  
 Noyce, The Honourable Sir Frank.  
 Perry, Mr. E. W.  
 Rafiuddin Ahmad, Khan Bahadur Maulvi.  
 Raisman, Mr. A. J.  
 Bajah, Rao Bahadur M. C.  
 Ramakrishna, Mr. V.  
 Rau, Mr. P. B.  
 Richards, Mr. W. J. C.  
 Row, Mr. K. Sanjiva.  
 Scott, Mr. J. Ramsay.  
 Scott, Mr. W. L.  
 Singh, Kumar Gupteshwar Prasad.  
 Singh, Mr. Pradyumna Prashad.  
 Sircar, The Honourable Sir Nripendra.  
 Spence, Mr. G. H.  
 Studd, Mr. E.  
 Trivedi, Mr. C. M.  
 Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.  
 Zyn-ud-din, Khan Bahadur Mir.

**NOES—31.**

Abdul Matin Chaudhury, Mr.  
 Abdur Rahim, Sir.  
 Ba Maung, U  
 Badi-uz-Zaman, Maulvi.  
 Bhuput Singh, Mr.  
 Das, Mr. B.  
 Gour, Sir Hari Singh.  
 Harbans Singh Brar, Sirdar.  
 Ismail Khan, Haji Chaudhury Muhammad.  
 Jadhav, Mr. B. V.  
 Jog, Mr. S. G.  
 Lahiri Chaudhury, Mr. D. K.  
 Liladhar Chaudhury, Seth.  
 Mitra, Mr. S. C.  
 Mody, Mr. H. P.  
 Mudaliar, Diwan Bahadur A. Ramaswami.

Murtuza Saheb Bahadur, Maulvi Sayyid.  
 Neogy, Mr. K. C.  
 Pandian, Mr. B. Bajaram.  
 Patil, Rao Bahadur B. L.  
 Phookun, Mr. T. R.  
 Raghubir Singh, Rai Bahadur Kunwar.  
 Reddi, Mr. T. N. Ramakrishna.  
 Sant Singh, Sardar.  
 Sen, Mr. S. C.  
 Shafee Daoodi, Maulvi Muhammad.  
 Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Thampan, Mr. K. P.  
 Uppi Saheb Bahadur, Mr.  
 Ziauddin Ahmad, Dr.

The motion was adopted.

**THE INDIAN PETROLEUM BILL.**

**PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.**

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I beg to present the Report of the Select Committee on the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 15th August, 1934.