

18th March, 1924

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**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

FIRST SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1924



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LEGISLATIVE ASSEMBLY.

Tuesday, 18th March, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Rai Bahadur Raj Narain, M.L.A. (Delhi: Nominated Non-Official).

QUESTIONS AND ANSWERS.

ASSESSMENT TO INCOME-TAX IN THE KANGRA DISTRICT.

873. ***Lala Hans Raj:** (a) Will the Government be pleased to furnish a statement of Income-Tax collected in the Kangra District from 1920 to 1924?

(b) Is it not a fact that there is no industry in that District except the industry of tea or any other organised trade?

(c) From what sort of people are the returns of Income-Tax being collected?

(d) Is it not a fact that in small towns and villages petty shop-keepers are assessed to income-tax?

(e) Is it not a fact that these shop-keepers are illiterate and cannot keep *Bahi khatas* of their daily sundry sales of small dealings and are hence unable to produce regular amounts of their annual incomes before the Income-Tax Collector?

The Honourable Sir Basil Blackett: (a), (b), (c) and (e) The Government have not this information and do not consider that any useful purpose will be served by calling for it.

(d) If any person is dissatisfied with his assessment he should appeal to the Assistant Commissioner.

EXTENSION OF THE TIME FOR THE GENERAL DISCUSSION OF THE BUDGET.

874. ***Khan Bahadur Sarfaraz Hussain Khan:** Are the Government prepared to recommend to His Excellency the Governor General that His Excellency be pleased to extend the time for the general discussion of the Budget from 2 to 3 days?

The Honourable Sir Basil Blackett: The point raised will be considered next year.

DISPENSARY IN RAISINA.

875. ***Khan Bahadur Sarfaraz Hussain Khan**: Will the Government be pleased to state:

(a) Whether there is any Dispensary in Raisina?

(b) If not, are they prepared to keep one?

Mr. M. S. D. Butler: (a) There is a dispensary at the Construction Hospital, Raisina.

(b) This does not arise.

 ACCIDENT ON THE ROHILKHUND AND KUMAON RAILWAY.

Mr. C. S. Ranga Iyer (Rohilkhund and Kumaon Divisions: Non-Muhammadan Rural): I desire to draw the attention of Government to the recent railway disaster on the Rohilkhund and Kumaon Railway as also the heavy casualties which have occurred? Will the Government be pleased to make a statement?

The Honourable Sir Charles Innes (Commerce Member): I am afraid, Sir, that I can add very little to what has already appeared in the press regarding this most deplorable accident, but I am very glad to have this opportunity of expressing on behalf of Government, and I am sure on behalf of every Member of this House, our sympathy with the relations of those who were killed in it and with the injured. We have been in communication with the railway authorities on the subject and the only additional information that I have got is as follows. According to the report received by the Railway Board:

"No. 7 Up Rohilkhund and Kumaon Railway mixed train while passing over the Ramganj bridge at 19 hours on the 14th March was struck by a severe cyclone. Five third class bogie carriages were blown over, two falling into the river and three on to the dry bed. Four of the five fell roof downwards and were completely smashed the passengers in them being imprisoned in the debris. Railway and district officers were at the scene of the accident within an hour and medical assistance accompanied the relief train. According to the latest estimate the casualties are, killed 24, injured 57. Of the latter two have since died in hospital as the result of their injuries. It is feared that there may be some further addition to the death roll in the case of the submerged carriages which have not yet been lifted."

Salvage operations are still going on and I am informed that they are being conducted in the presence not only of the civil officers but also of Members of the local Legislative Council. I have only to add that an inquiry into the accident has already been ordered and I believe is now being conducted.

Mr. C. S. Ranga Iyer: Was the bridge in a proper condition before the accident occurred?

The Honourable Sir Charles Innes: I understand, Sir, that the bridge was quite in proper condition and that the cause of the accident was a cyclone which blew the rear carriages of the train over the bridge.

Mr. C. S. Ranga Iyer: Are the Government aware that the Rohilkhund and Kumaon Railway, if I may say so, is one of the most rotten railways in Upper India, that the trains do not move at a greater velocity than a *Bail gadi* and that the railway equipment is not up to the mark? Any one who travels in that railway will I believe have that experience.

Mr. Gaya Prasad Singh (Tirhut Division: Non-Muhammadan): It cannot be worse than the B. N. W. Railway, Sir.

The Honourable Sir Charles Innes: The first thing I have to say, Sir, is that the Rohilkhund and Kumaon Railway administration cannot be held responsible for an act of God. As regards the statement that the condition of the railway is not good, I have only to say that the accident took place on a bridge which belongs to the Oudh and Rohilkhund Railway and not to the Rohilkhund and Kumaon Railway.

Mr. Ohaman Lal (West Punjab: Non-Muhammadian): Will Government see to it, Sir, that adequate compensation is paid to the injured and compensation allowance to the families of those who have been killed?

The Honourable Sir Charles Innes: I am sure, Sir, that the railway administration will do whatever is proper.

Mr. O. S. Ranga Iyer: Will the Government be pleased to publish the full particulars about this accident after further inquiry and also the names of the gentlemen who either met with death or sustained serious injury?

The Honourable Sir Charles Innes: I think, Sir, the railway administration have done all that they can to give all the facts to the press and I have no doubt that they will continue to do so.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadian Rural): Sir, I did not catch the Honourable Member's reply. May I ask him whether he proposes to hold an inquiry into the circumstances which led to this accident?

The Honourable Sir Charles Innes: Yes, Sir, the inquiry is now being held and will be conducted by the Senior Government Inspector of the Circle. A Magistrate will also be a member of the Court of Inquiry.

Sir Campbell Rhodes (Bengal: European): Sir, the question of which I gave private notice was practically identical with that put in by my Honourable friend, Mr. Ranga Iyer. I wanted the House to have the latest information, and I also wanted to give the House an opportunity, which has already been availed of, of expressing its sympathy with the relatives and the injured.

DISCOVERY OF A BOMB FACTORY AT MANIKTALA

Mr. G. Pilcher (Bengal: European): May I, Sir, ask the Honourable the Home Member if he has any additional information to give to the House regarding the discovery of a bomb manufactory in Calcutta, because the information in the newspapers is still extraordinarily deficient?

The Honourable Sir Malcolm Hailey (Home Member): I will ascertain, Sir, and if I receive any information, I will, with the permission of the Chair, give it to the House later in the morning.

UNSTARRED QUESTION AND ANSWER.

ANGLO-INDIANS, HINDUS AND MUHAMMADIANS IN THE SUBORDINATE ACCOUNTS SERVICE.

213. Haji Wajihuddin: 1. Will the Government be pleased to lay on the table:

- (a) A statement showing the number of Anglo-Indian, Hindu and Muhammadan candidates who were (i) admitted, (ii) declared to be passed concessionally, (iii) passed by merit, in the Subordinate Accounts Service examination held in November 1923?

(b) A statement giving the number of European, Hindu and Muhammadan examiners who examined the papers that were set in the last examination?

2. Is it a fact that the proportion of successful candidates to the number of failures is abnormally large in the case of Muhammadans? If the reply is in the affirmative, do the Government propose to investigate its causes and devise means to improve the situation?

3. Are the Government prepared to take immediate measures to remove the deficiency of Muhammadans in the Subordinate Accounts Service?

The Honourable Sir Basil Blackett: The Government have not got the information. They are making inquiries and the Honourable Member will be informed of the result in due course.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I have a Message from His Excellency the Governor General which I desire to hand in to you.

• (Hands Message to Mr. President.)

Mr. President: Message from His Excellency:

"In pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, I, Rufus Daniel, Earl of Reading, do recommend to the Legislative Assembly that it do pass the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax, in the form hereto annexed.

Dated March 18th, 1924

(Sd.) **READING,**

Viceroy and Governor General."

The Honourable Sir Basil Blackett: Sir, in connection with the message which has just been read to the House I desire to take this opportunity of explaining what the recommended Bill contains. It is in certain aspects identical with the Finance Bill which was considered or not considered yesterday, but it is an emasculated Bill which does not contain anything in regard to the Indian tariff with the one exception of the provision for duty on splints and veneers. The other proposed changes in the tariff have not been included. The clause in relation to the salt tax proposes to fix that tax at one rupee four annas per maund. And the explanation, Sir, of the changes that have been made is that the Bill now includes only such items as are, in the opinion of the Governor General, essential this year for the safety, tranquillity or interests of British India. With your leave, Sir, I propose, at the conclusion of the business which is down on the paper for to-day, to move for leave to introduce the Bill, and if that motion is carried, to move that its further stages be taken.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President: I have to acquaint the House that the assent of His Excellency the Governor General has been given to the following Bills passed by both Chambers of the Indian Legislature:

1. The Indian Cotton Cess (Amendment) Act, 1924,
 2. The Cantonments Act, 1924,
 3. The Immigration into India Act, 1924,
 4. The Central Board of Revenue Act, 1924,
 5. The Indian Penal Code (Amendment) Act, 1924.
-

THE COURT-FEES (AMENDMENT) BILL.

The Honourable Sir Malcolm Hailey (Home Member): Sir, I beg to move for leave to introduce a Bill further to amend the Court-fees Act, 1870, the Succession Certificate Act, 1889, and the Code of Civil Procedure, 1908, for certain purposes and for the like purposes to repeal certain enactments amending the Court-fees Act, 1870. The Bill has been placed in the hands of Honourable Members together with a somewhat full Statement of Objects and Reasons. Our Act is an old one, it has been the subject of many discrepant judgments of Courts, and a further difficulty has been introduced by the fact that in 1920 judicial stamps became a provincial subject. There has therefore been a good deal of provincial legislation in regard to the Schedules. Our object has been to revise and bring the whole Act up to date; but we have had to recognize the difficulties that have been due to provincial legislation. Our object in producing the Bill has not been to increase its financial incidence; indeed we do not ourselves assume that it will have any direct financial effect. The work of drafting has been one of great difficulty, and I should like to express the obligations of my Department, and I hope it will eventually prove to be the obligations of the Assembly, to Mr. Percival, one of our own Members, who has put much time and labour into the task of revising the Act. It is of course not a measure with which we want to proceed in any haste. If the House accepts my present motion, I shall afterwards, at some suitable date, seek for reference to a Select Committee. Meanwhile, however, I should propose to publish the Bill and to seek the opinions of Local Governments on it in order that, when the Select Committee meets, which will I hope be some time before the September session, it should have in its possession the opinions that have been recorded by the Local Governments and by the Courts or legal bodies affected. Sir, I beg for leave.

Mr. President: The question is:

"That leave be given to introduce a Bill further to amend the Court-fees Act, 1870, the Succession Certificate Act, 1889, and the Code of Civil Procedure, 1908, for certain purposes and for the like purposes to repeal certain enactments amending the Court-fees Act, 1870."

The motion was adopted.

The Honourable Sir Malcolm Hailey: I introduce the Bill.

(1967)

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

Mr. M. S. D. Butler (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes, be circulated for the purpose of eliciting opinion thereon."

Sir, when I introduced this Bill I explained its provisions, and the deplorable conditions which made its enactment necessary, in some detail, as the Government were anxious to sound public opinion before proceeding any further. I will read to the House what I said at the time:

"What we want "

I said:

"is to collect opinions and to get recognition of the fact that the evil does exist, for we know that, once it is recognized that the evil does exist, some way out of it is sure to be found if those who are interested in putting an end to it, put their heads together. I may say also that we do not propose to rush the Bill. There will be an interval for friendly and informal discussion with those who are most interested in the matter, and then when we have gathered the general sense, we shall decide what further line to take on the subject."

In particular, Sir, I promised to consult my Honourable friend, Khan Bahadur Sarfaraz Hussain Khan, who at the time expressed a little doubt as to the wisdom of bringing forward the Bill. Well, Sir, there has been a full discussion with various Members of an informal nature, and the feeling seems to be that, on its merits, the Bill is all right, and that it is a step in the right direction, though it will not prove a complete cure for all the evils. At the same time Honourable Members are anxious that they should have an opportunity of consulting their constituents before the matter goes any further. Government would of course have preferred to have got the Bill through this session, so as to prevent all, or at any rate most, of the hardship which is bound to be experienced again this year if the conditions of the pilgrimage of last year are repeated. At the same time, as I have explained, we do not want to rush the Bill, and we have therefore decided that the best plan will be to put up with the difficulties for another year, and to move that the Bill be circulated for the purpose of eliciting opinion thereon. I trust that in this decision we shall have the support of the House.

It only remains for me to appeal to Honourable Members to put the facts squarely before their constituents when they go to their homes. The facts are that the problem of destitution among pilgrims is increasing every year. In 1921 we had to repatriate $4\frac{1}{2}$ per cent. of the pilgrims who went to the Hedjaz. In 1922 we had to repatriate $8\frac{1}{2}$ per cent., and in 1923 the figure rose to $11\frac{1}{2}$ per cent. It is also a fact that a very large number of deaths do occur each year in the Hedjaz, and on the way back to India, through privation; and it is also a fact, which is vouched for by the Muhammadan community at Jeddah, that the name of the Indian pilgrim there has become a by-word. The good name of India is therefore suffering from the condition of affairs which prevails year by year in the Hedjaz. It is also a fact, which I think Honourable Members should also put to their constituents, that the three big pilgrim-producing centres, by which I mean Egypt, the Dutch East Indies and Malaya, all have a provision, which we do not have, by which pilgrims who start on their journey provide either by a system of deposits or of return tickets for their return. This being so, Government feel that really there can be no strong religious objection to the Bill we are discussing. If the other great Muhammadan countries see no religious objection, there seems to be no reason why India.

(1968)

should see any. Finally, I have put to Members that there is a financial question involved. Hitherto Government have stepped into the gap, and have provided the necessary money to bring back the pilgrims who are left destitute, when private charity has failed, and large sums of money have been involved in this. Now last year the Standing Finance Committee of the Assembly, when Government went to it for money, raised objection to the expenditure of Government money on religious pilgrimages. The Members of the Committee took not only general objections, but urged that what was done for one community should be done for another, or should not be done at all. Government do not want to see this religious issue raised, but the difficulty is there, and I trust that when Honourable Members place the facts before their constituents they will also impress upon them that, if they do not see their way to compelling pilgrims to provide the money for their own return, they should devise some arrangement by which charitable funds will be available for providing for them. With these few words, Sir, I move the motion which stands in my name.

Mr. President: The question is:

"That the Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes, be circulated for the purpose of eliciting opinion thereon."

Haji Wajihuddin (Cities of the United Provinces: Muhammadan Urban): Sir, I am obliged to my Honourable friend, Mr. Butler, for the motion to have the Bill circulated for eliciting public opinion before referring it to Select Committee, or taking further steps on the same.

I think it my duty to put before the House my own experience with regard to the question. It will probably not be out of place, Sir, if at the outset I give a short account of the causes which have compelled the Government of India to introduce a measure of this nature.

As is well known to the House, Sir, a number of Indian pilgrims to the Hedjaz from time to time find themselves stranded at Jeddah after performance of the holy pilgrimage without means of subsistence and unable to return to their homes, for the following reasons amongst others:

1. Provision of insufficient money by the intending pilgrims.
2. Loss of currency notes, *hundi's* and in some cases of return tickets, especially during the *ahram* period.
3. Monopoly of shipping by one or two recognised firms at high rates of fares.
4. Getting robbed by Bedouins or losing money in circumstances over which the pilgrims have no control.

In the past the situation has been met partly by private subscriptions and partly by the Government of India. For sometime things have gone on in this way and year after year we find the number of such destitute pilgrims increasing and long experience shows that these haphazard methods of repatriating the destitute pilgrims is not only inconvenient but also unsatisfactory.

So the Government of India, after consideration of the problem and after inviting the opinions of certain representative Muhammadans, issued a communiqué from Simla on the 1st June, 1921, seeking monetary assistance from the Muslim community and the Princes and Ruling Chiefs of Indian States for the object of repatriating destitute pilgrims and promising to augment the contribution thus collected by a substantial grant.

[Haji Wajihuddin.]

A cursory view of the succeeding events shows that it proved a complete failure and during eight months the said funds could not be raised above the low figures of Rs. 8,000.

The Government of India, realising this failure, took the matter again in hand and suggested that by an enactment it should be made compulsory for all the intending pilgrims to purchase return tickets before embarking on the voyage so that only those who could bear the pilgrimage expenses at both ends might be granted the necessary passports. Consequently a meeting of the Muslim Members of both the Houses was held on the 18th February 1922, under the presidency of the Honourable Dr. Mian Sir Muhammad Shafi, K.C.S.I., C.I.E., for the purpose of discussing the problem of easy repatriation of indigent pilgrims without a yearly strain on the finances of the Government.

After the Honourable President Mian Sahib had explained the situation in detail, I myself strongly opposed the measure and suggested the formation of a committee for the purpose of raising funds for this object which was agreed to; the Secretaryship was consequently entrusted to me and the work began in earnest under the valuable and experienced guidance of the Honourable Mian Sahib and with the help of Sir Henry Sharp, C.I.E., and Kanwar Maharaj Singh, C.I.E., the then Secretary and Deputy Secretary, respectively, to the Education and Health Department of the Government of India. Appeals were widely circulated among the Muslim Princes and Rulers of Indian States, Government officials and prominent men of the Muslim community at large.

Among the Ruling Chiefs His Highness the Nawab of Bahawalpur made a liberal donation of Rs. 5,000 and His Highness the Nawab of Tonk Rs. 500.

I regret to say that this example was hardly followed by any one and from some States I received very discouraging answers and objections.

But having placed our trust in God and hoping against hope we continued our efforts. Putting aside the thousands of printed appeals which I circulated at my own cost and expense I issued a large number of typed private letters to notable persons and officials seeking assistance at their hands. At last this plan succeeded to a certain extent in the collection of a total sum of about Rs. 35,000 which was hardly sufficient to repatriate destitute pilgrims in that year, that is, 1922. It is of course noteworthy that, in spite of no increase in the total number of outward Indian Hedjaz pilgrims in 1922, as compared with the previous year, the number of indigent pilgrims enormously increased (that is, in 1921 there were about 500, in 1922, 1,106, while in 1923, it went up to 2,765).

I am no doubt, Sir, thankful for the sympathetic attitude and substantial help given on my request by the Government of India in the form of a grant to meet the return passage of all destitute pilgrims in 1923 with the exception of Rs. 2,500 contributed by the Central Haj Committee which was left in hand from the collection of the previous year.

In March last, the Committee again discussed the problem and came to the conclusion that the only really satisfactory solution of the problem of repatriation lay in instituting a system of compulsory return tickets, which placed the Government of India in a position to introduce such legislation. I myself have fortunately been to the holy pilgrimage twice and have seen many instances with my own eyes, and have also gained some experience

in working on behalf of the Central Haj Committee. I find no alternative but the consideration of a measure in whatever form it may be approved but of course with certain necessary conditions to safeguard the interests of pilgrims which I intend to suggest if I am given a chance. But, Sir, as a Member of this House, think it necessary that before asking further step in the matter, to avoid the possibility of creating unpleasantness and misunderstanding on the part of the Government, who have so far very sympathetically dealt the situation, that there should not be an endeavour to hurry the Bill through and to have it passed without consulting the esteemed opinion of the leading and experienced Ulemas on the subject who will no doubt observe the situation most carefully in the light of the yearly increase in the number of destitute pilgrims which, Sir, according to Mr. Butler's statement, has gone up for the last 3 years from $4\frac{1}{2}$ per cent. to $11\frac{1}{2}$ per cent. and which I think requires immediate attention; and I hope, Sir, that the circulation of the Bill will create an atmosphere of happiness and confidence and will remove all future obstacles in getting the Bill passed. With these words, Sir, I agree to the circulation of the Bill.

Khan Bahadur Saifuraz Hussain Khan (Patna and Chota Nagpur cum Orissa: Muhammadan): Sir, when the Bill was first introduced, I opposed it. I then gave notice that the Bill should be circulated for eliciting public opinion. Therefore I am very thankful to the Honourable Member in charge of the Bill who has moved the same motion to-day. I may draw your attention and the attention of the House this time to the fact that the Mussalmans generally oppose the Bill on religious grounds; and in the very beginning I made it quite clear that on purely sanitary grounds I would welcome the Bill, but on religious grounds there was undoubtedly some suspicion. I will just read to you a letter which I have received from a member of the Bar in Patna, to whom I referred this matter. This is the letter:

"I am very much indebted to you for your letter, dated 9th February 1924, and the members of the Bar very much appreciate your religious sentiments concerning the proposed amendment of the Indian Merchant Shipping Act. The considered opinion of the members of my Bar are briefly these:

1. We should strongly oppose the amendment of section 205 of the Act by the introduction of another section 205A as contemplated by Government. There should not be any limit of the pilgrim season. It is an unjust interference with our religious rights. Further, any limiting of the pilgrim season would increase the congestion of pilgrims in the city of Bombay as well as in the pilgrim ships and instead of improving the sanitary conditions of that town or the pilgrim ships it would considerably increase congestion which might be dangerous to life. Furthermore, if pilgrim seasons are limited it would tend to further increase passage fares and the owners of ships and the brokers and other intermediaries would make a huge profit to the prejudice of the pilgrims as in case of limited pilgrim season they would be able to dictate their own terms to the pilgrims which would entail considerable hardship on the poorer section of the pilgrims. We all know that many people like to visit the holy places in the month of *Rajab* in order to be present on the 27th of *Rajab*, the night of *Meraj* and many people like to spend the whole of the holy month of *Ramzan* there and some even like to be present there in the month of *Rabi-ul-awal* to attend *Milad Majlis* which, I am told, are celebrated there throughout that month. Therefore from the religious point of view no limit of pilgrim season can be effected and this would be an interference with our religious rights which would be greatly resented throughout the country.
2. We must also oppose the introduction of section 208A after section 208 of the Act. The introduction of compulsory return passages for pilgrims would entail considerable hardship on the poorer classes as this would act as a deterrent on many people. I am told that rich pilgrims gladly

[Khan Bahadur Sarfaraz Hussain Khan.]

bring back one or two standard poorer pilgrims at Jeddah with them and private charity is not lacking in that respect in order to warrant any interference or concern on the part of the Government. We all know that Pan-Islamism is a bogey to all the European Powers especially to our benign Government which boasts of a large population of Moslem subjects than any two Moslem Governments put together and we all know that there is an attempt on the part of all the European Powers to discourage the exodus of pilgrims to the Hedjaz and congregation there. Our Holy Prophet has laid much stress on *Haj* which is one of the tenets of Islam for giving an opportunity to all the Moslems of the distant countries to congregate together at a particular place in order to exchange their views on various subjects. This is an example of the great fraternity of Islam which the Christian powers are bent upon breaking up though they proclaim to the world that the lesson of universal brotherhood has been given to the world by Islam. Any such attempt on the part of our Government should be opposed tooth and nail because the underlying motive is not to ameliorate the conditions of the pilgrims but to drive an axe at the root of our religion."

What I apprehended at the time when the Bill was introduced, was that the result of the Bill if passed into law would be the same as that which occurred at Jaito. The Sikhs proceeded to the place for performing their religious rites. They were not allowed to proceed, and on the ground of the preservation of peace and order things happened which prevented their performing their religious ceremonies. The result was turmoil, ending in agitation. The same may take place on a much wider and grander scale, if the Muhammadans get the impression that their Haj will be stopped, under the pretext of grounds of sanitation. It was on such an assumption that I opposed the Bill at the time of its introduction, and from the letter I have just read, it is not improbable that, if the Bill is passed into law, there may be complications in the near future. Since the Honourable Member in charge of the Bill has moved that the Bill be circulated for eliciting opinion thereon, for which I am thankful to him, there is no reason why any one should object.

Captain Ajab Khan (Punjab: Nominated Non-Official): Sir, I extend my hearty support to the Bill. I must say at the outset that the Bill does not go far enough to protect pilgrims from the various extortions and other troubles that befall them in Syria and Hedjaz. I do not claim to be a scholar of religious matters but I have seen Hedjaz myself and was there for six months. My experience is that the pilgrims from other parts of the world do not undergo any such trouble as the Indian pilgrims do. All of them come with return tickets and all of them are sent back and none of them are left in the streets of Jeddah. The mere provision of a return ticket however will not remedy all the troubles which the pilgrims undergo at the present time. It is a very important question for the Indian Mussalmans to consider that it is only the Indians who are seen in the streets of Jeddah, left to the mercy of charitable people. If I may be allowed to say so, in Mecca itself there are so many endowments of Indian Mussalmans, princes and other charitable people, that their total value exceeds £ three crores. But they are not in the custody of anybody and are not looked after and protected properly. They are being utilised merely by other people who do not deserve any help and are not entitled to their use and thus the object for which they are really provided is defeated. There are various other troubles to which the pilgrims are subjected. Unless a thorough investigation is made of this question, I do not think this sympathetic piece of legislation will improve the condition of the Indian pilgrims satisfactorily. At Jeddah itself there is a British Agent.

who looks after all the British interests. He is under the Foreign Office of Egypt and I am sorry to say that, though very sympathetic, he is not very conversant with the ways of Indians and also with the customs of their country. Among other things, there must be a strong Indian representative at Jeddah instead of the low paid small officials and he should be responsible to look after the needs and troubles of Indian pilgrims and try to put them right. I reserve my further remarks on this subject for a future occasion. At this time I give my hearty support to the Bill.

Mr. President: The question is:

"That the Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes, be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

AMENDMENT OF STANDING ORDERS.

Mr. President: I have to move:

"That the Report of the Select Committee on the Standing Orders be taken into consideration."

The motion was adopted.

Mr. President: The Report has been in the hands of Honourable Members for some time. No changes of substance have been effected in the Standing Order as referred by the Assembly to the Select Committee and I propose to put the Standing Order in three sections.

Sub-order*(1) was added to the Standing Order.

Mr. President: The question is:

"That sub-order (2) which runs as follows be added to the Standing Order:

'(2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members fixed by the Assembly is not present, the chairman of the Committee shall either suspend the meeting until a quorum is present or adjourn the Committee to some future day.'

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural): Sir, the amendment that stands in my name is a formal one. I thought it better that the words I have suggested may also be included in sub-order (2). My amendment is as follows:

"(a) For the words 'If at the time' the words 'If at a suitable time' be substituted; and

(b) the words 'of which due notice is given' be inserted after the words 'Select Committee'."

These are the two amendments that I propose to the Standing Order. But they do not affect the main question. Oftentimes we find that Committee meetings are called at about 10-30 A.M. even on holidays, which is very inconvenient, and in some cases I have known that notice had not gone to

* "(1) At the time of the appointment by the Assembly of the members of a Select Committee the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be fixed by the Assembly."

[Mr. K. Rama Aiyangar.]

some of the members. I do not mean to say that these would be disregarded hereafter, but whatever it is, when a rule is framed it is better that safeguards be also there. I therefore propose that these words be introduced.

Mr. President: The question is:

'That in the proposed Standing Order 40A (2):

(a) for the words 'If at the time' the words 'If at a suitable time' be substituted.'

The Honourable Sir Malcolm Hailey (Home Member): I readily admit the difficulty to which Mr. Rama Aiyangar refers. It certainly happens that, owing to pressure of work in the House and to other causes, we sometimes have to call a meeting of a Select Committee at times which Members find inconvenient. I think one of the great inconveniences which has been experienced in the course of the present session is due to the fact that the Legislative Department, which summons Select Committees and fixes times for their meetings, has not always been in possession of the fact that other Committees, which do not fall within the scope of work of the Legislative Department, have been sitting at the same time. We are endeavouring to surmount this difficulty by asking other Departments to inform the Legislative Department, which will attempt to co-ordinate the times of these various meetings. Select Committees should not, of course, be called at times which are unsuitable to their members; equally they should not be called in such manner that due notice cannot be given to all members; and I agree that it is inadvisable to put off a Select Committee meeting merely because members have been unable to attend on account of the unsuitability of the time. But if I may say so, the proposed amendment would not secure the object which the Mover desires; on the contrary it would have other results which I think he has not foreseen. It would be best if I read the words of the Standing Order with the additional words inserted, as suggested by the Honourable Mover:

"If at a suitable time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members fixed by the Assembly is not present, the chairman of the Committee shall either suspend the meeting until a quorum is present or adjourn the Committee to some future day."

The result of that would be that, if a meeting had been fixed for an unsuitable time, or if due notice had not been given, then the chairman could not adjourn the meeting, even though a quorum were not present. That is not the result which the Honourable Member desires to obtain. If I may suggest to him, the question of fixing a suitable time for meetings of the Select Committee and of giving due notice to members is not necessarily connected with the question of appointing a quorum. We here seek merely to provide for the provision of a quorum and the adjournment of meetings if that quorum is not present. His object is to issue a warning to those who assemble Select Committees that they should fix a suitable time and give due notice to the members. If that object is to be attained, it must be attained by a different method, either by a change in another rule or by admonition offered to the Department in charge. I do not think that anything would be gained by inserting the words suggested by him in the Standing Order as framed by the Select Committee who sat on these rules: on the contrary, as pointed out, it would result in placing the chairman in an exceedingly embarrassing position.

Mr. K. Rama Aiyangar: Sir, may I point out that it is made a point here that the chairman shall report the fact to the Assembly, and it becomes an important matter that members of the Select Committee, even if they had no notice, will be reported to the Assembly as having been absent. Of course members of the Select Committee should be given the convenience and notice required. I have no objection to instructions being issued that a suitable time should be fixed and notice should be given to them. I do not press the motion.

Mr. President: The chairman of the Select Committee will only take action under this order when it has happened twice. At the next meeting following the attention of the chairman can be drawn to the fact that the previous time was unsuitable and in the interest of the measure of which he is in charge he will naturally find a suitable time.

The motion* was, by leave of the Assembly, withdrawn.

The second motion† was also, by leave of the Assembly, withdrawn.

Sub-order (2)‡ was added to Standing Order 40-A.

Sub-order (8)§ was added to Standing Order 40-A.

Amended Standing Order 40-A was added to the Standing Orders.

THE INDIAN FINANCE BILL.

The Honourable Sir Basil Blackett (Finance Member): I beg leave to introduce a Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhamadan Urban): Sir, I take the earliest possible opportunity of opposing this motion to introduce the Bill in the way in which it has been introduced. Before I go further I should like at once to disclaim any intention on my own part or on the part of any Member of this House to offer any personal insult or affront to His Excellency the Viceroy. I say so, Sir, because it has been brought to my notice that on a former occasion, when the introduction of a Bill under somewhat similar circumstances was opposed in this House, it was interpreted to mean something in the nature of a discourtesy to His Excellency. Nothing is farther from our minds than a

* "That in the proposed Standing Order 40A (2) :

(a) for the words 'If at the time' the words 'If at a suitable time' be substituted."

† That in the proposed Standing Order 40A (2) :

(b) the words 'of which due notice is given' be inserted after the words 'Select Committee'."

‡ "(2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members fixed by the Assembly is not present, the chairman of the Committee shall either suspend the meeting until a quorum is present or adjourn the Committee to some future day."

§ (3) Where the Select Committee has been adjourned in pursuance of sub-order (2) on two successive dates fixed for meetings of the Committee, the chairman shall report the fact to the Assembly.

[Pandit Motilal Nehru.]

desire to show His Excellency or any Member of the Government any personal discourtesy by opposing this motion. On the contrary, Sir, the view that we take of the matter is that the procedure adopted on behalf of the Government is an affront to this House involving contempt for the vote of this House which was recorded yesterday. As I then pointed out, the new rules which have been taken advantage of in re-introducing the Bill in its present form were only published last week. They were partly discussed yesterday on the floor of this House. The pistol, which was loaded yesterday, is levelled at our heads to-day. Under those very rules this Bill is now brought forward with the recommendation of His Excellency. It is now being introduced, and the next motion will be to consider it and to pass it in terms of the recommendation. If I stand up to oppose it, I do so because the rules permit me to take that course, and I submit that I am within my rights in opposing the introduction of this Bill at the earliest possible opportunity. Sir, apart from the fact that the rules under which this Bill is sought to be re-introduced are unconstitutional in their nature, a question which I will not go into on this occasion, we have the further fact that this House, or at least the elected Members of this House, have been taken by surprise. It is true that by the courtesy of the Honourable the Home Member I was informed on the telephone last night at about 11 o'clock that the Bill was to be re-introduced this morning with the recommendation of His Excellency. But it is obvious, Sir, that at that late hour in the night I could not possibly inform the Members who had dispersed that same evening and some of whom had gone to their respective homes. I was not on the same advantageous ground as the Honourable the Home Member was in regard to the supporters of the Government. We find to-day that the place of our esteemed Colleague, Mr. K. C. Roy, is occupied by an equally estimable gentleman, but it is not for us to fill up any vacant places in the manner in which the Government can. We know that Mr. K. C. Roy has gone on a deputation as a member of a Committee. I am not aware if he has ceased to be a Member of this House.

The Honourable Sir Malcolm Hailey (Home Member): Certainly.

Sir Henry Moncrieff Smith (Secretary, Legislative Department): Sir, as I took His Excellency's orders in the matter, I can assure the Honourable Member that Mr. K. C. Roy has ceased to be a Member of this House.

Pandit Madan Mohan Malaviya: Has he resigned?

Sir Henry Moncrieff Smith: He has resigned.

The Honourable Sir Malcolm Hailey: Mr. K. C. Roy resigned before the gentleman who now occupies his place was appointed.

Pandit Madan Mohan Malaviya: Has Mr. Rangachariar also resigned?

The Honourable Sir Malcolm Hailey: I have not yet heard whether Mr. Rangachariar has resigned.

Pandit Madan Mohan Malaviya: Will the Honourable the Home Member inform the House when he received the information from Mr. Roy that he had resigned.

Mr. President: That is a matter of the interpretation of the rules and concerns the Governor General and not the Governor General in Council.

Pandit Motilal Nehru: As you are aware a question on the subject was submitted to you, Sir, by my friend, Mr. Devaki Prasad Sinha, from Bihar. That question was intended to elicit the information which has now been partly furnished by my friend, the Home Member, and my friend, Sir Henry Moncrieff Smith. I am sorry, Sir, that at question time perhaps it escaped your notice and my friend, Mr. Devaki Prasad Sinha, was not called upon to put the question

Mr. President: The Member did submit a question and I sent a message to him through the Secretary of the Assembly that, had that question been submitted to me in the ordinary course, I should have had to disallow it as a matter which did not concern the Governor General in Council under rule 7. That matter is solely in the charge of the Governor General. I had no choice in the matter.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, I am sorry to say, as you refer to my question, that the Secretary told me that a part of my question was disallowed and that I was only allowed to put the part of my question which was in order. In spite of that I was not allowed to put my question

Mr. President: The Honourable Member has no grievance at all. In the first place he gave me private notice of the question at ten minutes to eleven, which is too short a period of notice for a question requiring my consideration, and as I pointed out to the Pandit (Pandit Motilal Nehru), if that question had been submitted in the ordinary course, I should have had to disallow it under the rules.

Mr. Devaki Prasad Sinha: Mr. Ranga Iyer also put in his question at the same time and he was allowed.

Mr. President: Because Mr. Ranga Iyer's question was in order.

Mr. Devaki Prasad Sinha: I was told part of my question was in order, but even then I was not allowed to put it.

Pandit Motilal Nehru: Sir, I leave that matter there. The fact remains that here is a gentleman occupying the place of another gentleman who is now on the high seas. We are informed that he resigned before the gentleman, we have the pleasure to find among ourselves to-day, was appointed. All that information is certainly enough to satisfy the requirements of the rules, but, as was suggested by some friend in the House, we do not know whether the resignation of Mr. K. C. Roy was submitted in writing before he left, or whether it was received by wire from Bombay, or by wireless from mid-ocean. However that may be, we have the disadvantage now of having to deal with this measure at a time when we could not be expected to be fully prepared for it. The usual course, as the House is aware, was for this Bill, after it was thrown out by this House, to be laid before the other House. (Mr. President here shook his head in dissent.) That was under the old rules, Sir; that is how I understand them. It would come back to this House only after passing through the other. However that may be, Sir, I do not pretend to be an expert in the procedure of the two Houses, and am only speaking from information. At any rate the fact remains that there has been some unnecessary haste uncalled for in the circumstances, even in the case of a Finance

[Pandit Motilal Nehru.]

Bill; but I do not put my opposition solely on that ground. My main grounds for opposing the Bill are the same as were put before this House first at great length by my friend, Pandit Madan Mohan Malaviya (Hear, hear ") and then by myself. Of course those grounds do not appeal to my friend, the Honourable the Home Member, and he says "Hear, hear ". but I did not hear one word from him yesterday to refute the arguments my friend, Pandit Madan Mohan Malaviya, had advanced.

The Honourable Sir Basil Blackett: Do not waste your time on that.

Pandit Motilal Nehru: Whatever is unanswerable, it is a waste of time to answer. Now, Sir, I have only to make an appeal to this House, and particularly to those Honourable Members who either did not take part in the voting yesterday, or who voted in favour of the motion of the Honourable the Finance Member. I appeal to them to consider the circumstances under which the present Bill is being re-introduced. I know there have been some modifications in it. The Honourable the Finance Member has by reason of those modifications been pleased to describe it as an emasculated Bill. Of course any alterations in a Bill which are in favour of the subject and which the subject considers as an improvement on the Bill are, in the eyes of the Finance Department, an emasculation of the Bill.

The Honourable Sir Basil Blackett: Three or four of the alterations. 12 Noon. are increases of taxation.

Pandit Motilal Nehru: But they are all in favour of the subject.

The Honourable Sir Basil Blackett: No.

Pandit Motilal Nehru: My friend will permit me to say that, in spite of my general ignorance of finance, I know this much—that certain duties which were proposed to be levied had really the effect of protecting the interests of the people. However, I need not go further into the matter. What I was submitting—and I was addressing myself specially to the Members of the House who did not vote yesterday or who voted in favour of the motion of the Honourable the Finance Member was that the circumstances to-day are entirely different. The re-introduction of this Bill does not merely mean the carrying through of a finance measure. The circumstances under which it is put forward and sought to be carried through are circumstances which amount, as I have already said, to an affront to the House. I do hope and trust that all Honourable Members will be jealous of the dignity and the honour of the House. I appeal to their own sense of honour, I appeal to one and all of them, at least on this ground if on no other, to vote against this measure.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock, on Wednesday, the 19th March, 1924.
