

24th February, 1925

THE

# LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

SECOND SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1925



SIMLA

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# LEGISLATIVE ASSEMBLY.

Tuesday, 24th February, 1925.

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

## ELECTIONS TO PANELS OF STANDING COMMITTEES.

**Mr. President:** The Assembly will observe that there are elections for five Committees set down after questions to-day. These elections will take some time; and therefore I propose to ask the Secretary to instruct his assistants to hand the five ballot papers to each Member present in the Chamber during question time, so that the election can take place immediately after questions with as little expense of time as possible. The papers when duly marked can be placed in any of the five boxes on the table.

## QUESTIONS AND ANSWERS.

### RAILWAY CONNECTION BETWEEN REENGUS AND CHARKHIDADRI.

988. **\*Lala Duni Chand:** (a) Will the Government be pleased to state if there is any proposal to connect Reengus (a place in Jaipur State) and Charkhidadri (a place in Jind State) by constructing a new railway line?

(b) Have the Government considered the question of connecting Reengus with Bhiwani in the Hissar district instead of with Charkhidadri? If not, do Government propose to do so?

**Mr. G. G. Sim:** (a) There is no proposal before Government to build a new railway from Reengus to Charkhidadri.

(b) Government have not specifically considered this particular connection but they have under consideration the general question of railway development in the area lying west of Delhi.

### RAILWAY CONNECTION BETWEEN BHIWANI AND RAJPUTANA.

989. **\*Lala Duni Chand:** (a) Are Government aware of the fact that there is no direct railway line connecting Bhiwani (an important centre of export trade for Rajputana) with Rajputana and this causes a good deal of inconvenience in exporting goods to Rajputana?

(b) Are the Government prepared to propose to the Railway Board to connect Bhiwani with Churu or any other suitable place in Rajputana?

**Mr. G. G. Sim:** (a) The railway connections of Bhiwani with Rajputana are reasonably good either through Hissar or through Rewari though they are not quite direct. Government are not aware that any appreciable inconvenience to trade exists.

(b) In considering railway developments in the country lying west of Delhi the position of Bhiwani will not be overlooked.

## RAILWAY CONNECTION BETWEEN BHIWANI AND ROHTAK.

990. \***Lala Duni Chand:** (a) Was it at one time proposed to connect Bhiwani with Rohtak by rail but the proposal has been abandoned since then?

(b) Will the Government please state the reasons for abandoning the proposed project?

(c) Are Government aware of the fact that there is a good deal of goods and passenger traffic between Bhiwani and Rohtak and the absence of a railway line connecting the two causes a good deal of inconvenience and trouble to the public?

(d) Are Government also aware of the fact that the shortest route from Bhiwani to Delhi is *via* Rohtak but owing to there being no railway line between the two places this route is not availed of either for the goods traffic or for the passenger traffic purposes and instead thereof a round-about, long and costly route *via* Rewari is resorted to by the public?

(e) Are the Government prepared to ask the Railway Board to take steps to construct a new line between Bhiwani and Rohtak?

**Mr. G. G. Sim:** The project for a railway between Bhiwani and Rohtak is under the consideration of the Railway Board in connection with the general question of railway extensions in the area west of Delhi, but no final decision has yet been arrived at.

## NORTH WESTERN RAILWAY SLEEPER CONTRACT.

991. \***Lala Duni Chand:** With reference to the private question put by Mr. Chaman Lall on 10th September, 1924, regarding the North Western Railway Sleeper Contract, and the reply thereto, will the Government be pleased to lay on the table a copy of the advice received from the Central Advisory Council and also a copy of their final decision in the matter as promised in the reply?

**Mr. G. G. Sim:** The Honourable Member is referred to the statement made by the Honourable Sir Charles Innes in this House on the 22nd January, 1925.

## CONTRACT WITH THE IMPERIAL BANK OF INDIA.

992. \***Mr. T. C. Goswami:** (a) Will Government be pleased to lay on the table copies of all contracts entered into with the Imperial Bank of India?

(b) Will Government be pleased to state what modifications have been made in practice in the arrangements which have been embodied in the Imperial Bank of India Act?

**The Honourable Sir Basil Blackett:** (a) The Honourable Member is referred to pages 4673 to 4677 of Legislative Assembly Debates, 1923, Volume III, No. 76, in which the only contract entered into with the Imperial Bank of India, namely, the agreement, dated the 27th January, 1921, is printed.

(b) No departure from the arrangements provided for in the Imperial Bank of India Act can be made unless the Act is amended.

EMPLOYMENT OF AN INDIAN AS ONE OF THE MANAGING GOVERNORS OF  
THE IMPERIAL BANK OF INDIA.

998. \*Mr. T. C. Goswami: Will Government be pleased to state:

- (a) on what basis they make the appointment of Managing Governors of the Imperial Bank?
- (b) whether they have considered the necessity of appointing an Indian as Managing Governor of the Imperial Bank?
- (c) if not, why not?
- (d) in what period of time hereafter do they expect that they would be able to find a qualified Indian to occupy this position?
- (e) what steps are Government taking towards this end?

**The Honourable Sir Basil Blackett:** (a) to (e) The Honourable Member is referred to the answers given on the 30th ultimo, in reply to a question by Mr. K. C. Neogy on the same subject.

ISSUE OF CURRENCY TRANSFERS OR SUPPLY BILLS TO THE PUBLIC.

994. \*Mr. T. C. Goswami: Will Government be pleased to state whether they have undertaken not to issue currency transfers or supply bills to the public between any two places in which a local Head Office or a branch of the Imperial Bank is situated?

**The Honourable Sir Basil Blackett:** The answer is in the affirmative.

CONSTITUTION OF THE CENTRAL GOVERNING BOARD OF THE IMPERIAL  
BANK OF INDIA.

995. \*Mr. T. C. Goswami: Will Government be pleased to state:

- (a) what is the constitution of the Central Governing Board of the Imperial Bank of India?
- (b) how many meetings did they hold in the year?
- (c) what powers do they exercise in actual practice?
- (d) whether it is not true that the powers are exercised by the Managing Governors in consultation with the Finance Member and not by the members of the Central Board?

**The Honourable Sir Basil Blackett:** (a) The Honourable Member is referred to section 28(1) of the Imperial Bank of India Act, 1920.

(b) In accordance with section 42(1) of Schedule II of the Imperial Bank of India Act, at least four meetings of the Central Board must be held each year. This number is usually exceeded.

(c) and (d). The Honourable Member is referred to the provisions of the Imperial Bank of India Act, which lays down the powers of the Central Board. These provisions are followed in practice.

USE OF GOLD MINED IN MYSORE FOR INDIAN PURPOSES.

996. \*Mr. T. C. Goswami: Will Government be pleased to state:

- (a) what steps they have taken to secure that the gold mined in Mysore is used for Indian purposes, i.e., for reserves or for being minted into sovereigns in India?
- (b) are there any difficulties?
- (c) whether they will lay on the table any correspondence that they had with the Secretary of State during the last ten years on the subject?

**The Honourable Sir Basil Blackett:** (a) and (b) In May 1919 the Government made contracts with the Indian Gold Mining Companies and the Hutti (Nizam's) Gold Mines Limited, to purchase half of the output of their mines for a year. Later the contract with the former was renewed for another year. Since the expiration of these contracts the Government have not required any gold either for reserves or for minting. When the necessity for purchasing gold again arises the question of securing gold mined in India will be considered.

(c) The answer is in the negative.

#### MANUFACTURE OF CIGARETTES IN INDIA.

997. **\*Mr. T. C. Goswami:** (a) Will Government be pleased to state the number of factories manufacturing cigarettes in India?

(b) Can they explain why the manufacture of cigarettes in India is not showing any signs of improvement and the importation of foreign cigarettes is on the increase in spite of the heavy duty which is imposed on foreign cigarettes?

**The Honourable Sir Bhupendra Nath Mitra:** (a) I would refer the Honourable Member to page 24 of the latest issue of the Commercial Intelligence Department's publication entitled "Large Industrial Establishments in India" a copy of which is in the Library.

(b) The Honourable Member has got his facts wrong. The imports of cigarettes have fallen since 1922, and not increased.

#### RESERVATION OF THE COASTING TRADE IN INDIA TO INDIAN VESSELS.

998. **\*Mr. T. C. Goswami:** Will Government be pleased to lay on the table the correspondence they had with the Secretary of State with regard to the reservation of the coasting trade in India to Indian vessels?

**Mr. G. G. Sim:** The Government of India do not propose to place this correspondence on the table.

#### MANUFACTURE OF MACHINERY IN INDIA.

999. **\*Mr. T. C. Goswami:** Will Government be pleased to state:

- (a) how many factories there are for the manufacture of machinery in India?
- (b) is it true that whereas a complete machine imported in India is subjected to a duty of 2½ per cent. *ad valorem*, the chemicals and all other ingredients used in casting are liable to a higher duty?
- (c) have Government considered the advisability of encouraging the manufacture of machinery in India by bounties?
- (d) Will Government be pleased to call for an authoritative report on this subject pointing out which class of machinery and in what quantity would be so manufactured in India if the bounty scheme was decided upon?

**Mr. G. G. Sim:** (a) Government have no information.

(b) Machinery falling within the terms of item 51 of the Schedule to the Indian Tariff Act, is subject to a duty at 2½ per cent. Articles used in the manufacture of machinery are either free or subject to varying rates according to the items of the Tariff under which they fall.

- (c) No.  
(d) Does not arise.

PROTECTION OF INDIAN INDUSTRIES.

1000. \***Mr. T. C. Goswami**: Will Government be pleased to state:

- (a) how many industries applied to the Department of Commerce for assistance, for protection or for their case being investigated by the Tariff Board, and what those industries were?  
(b) how many of these industries have been already dealt with by the Tariff Board?  
(c) how many more remain to be dealt with?  
(d) in what period of time it is expected that the Tariff Board would find leisure to consider these other industries?

**Mr. G. G. Sim**: A statement is laid on the table. The Tariff Board is conducting its inquiries as expeditiously as is compatible with thoroughness.

LIST OF INDUSTRIES WHICH HAVE APPLIED TO THE DEPARTMENT OF COMMERCE FOR ASSISTANCE, FOR PROTECTION OR FOR INVESTIGATION OF THEIR CASE BY THE TARIFF BOARD.

A.—Industries which have applied for protection.

<i>Name.</i>	<i>Remarks.</i>
1. Steel.	} Disposed of.
2. Locomotives.	
3. Sulphuric acid.	
4. Cement.	} Under inquiry. Reports are expected from the Board shortly.
5. Paper and Paper Pulp.	
6. Printers' Ink.	
7. Magnesium Chloride.	
8. Imitation leather and oil cloth.	
9. Marble tiles.	
10. Coal.	
11. Sulphates and acids.	
12. Matches.	
13. Gold Thread and other allied goods.	
14. Cement flooring tiles.	

B.—Industries which have complained that the duty on the manufactured articles is lower than the duty on the materials imported and largely used for their manufacture.

<i>Name.</i>	<i>Remarks.</i>
1. Electric wires and cables.	} It is proposed to remit most of these to the Tariff Board as soon as the present inquiries are completed which is likely to happen very shortly.
2. Machinery.	
3. Sprinklers.	
4. Brass and copper manufactures.	
5. Hastings and camel hair beltings.	
6. Cotton canvas Ply Elevator Belts.	
7. Leather belting.	
8. Galvanised steel poles and galvanised hardware.	
9. Brasses and Brass work for machinery.	
10. Carriage underframes and parts of wagons.	
11. Hackles, panel pins, tacks, rivets, etc.	
12. Insulating material.	
13. Brass and gunmetal water and steam fittings.	

C.—Industries which have complained that the duty on the manufactured articles is equal to that on some of the materials imported and largely used for their manufacture.

Name.	Remarks.
1. Essential oils.	
2. Manila Ropes.	
3. Tea chests and 3-ply wood.	
4. Aluminium articles.	
5. Hosiery.	

#### NEW INDUSTRIES STARTED AFTER THE WAR.

1001. **\*Mr. T. O. Goswami:** (a) Have Government called for any report with regard to the new industries which were started in India after the war and the manner in which they have suffered and how many of them survived?

(b) Have they any communications from Provincial Governments on this subject?

(c) Will Government be pleased to lay them on the table?

**The Honourable Sir Bhupendra Nath Mitra:** (a) and (b). The reply is in the negative.

(c) Does not arise.

#### NEW TAXES IMPOSED BY THE CENTRAL GOVERNMENT SINCE 1914.

1002. **\*Mr. T. O. Goswami:** (i) Will Government be pleased to state what new taxes have been imposed on India since 1914 by the Central Government?

(ii) Will Government be pleased to state whether they are still acting in the matter of taxation on the assumption that the war added to the prosperity of the country as was claimed in certain speeches made by higher officials in the post-war period?

**The Honourable Sir Basil Blackett:** I would invite the Honourable Member's attention to the reply given by me to Mr. K. C. Neogy's question No. 406 which appears on page 372 of the Assembly Debates of the 28th January 1925.

#### PROPERTIES PURCHASED BY GOVERNMENT FROM THE ALLIANCE BANK OF SIMLA.

1003. **\*Mr. T. O. Goswami:** (a) Will Government be pleased to state what properties of the Alliance Bank were purchased by Government and for what purpose?

(b) Whether the price paid was the market price, and, if so, how was this price determined, by auction or by tenders or by private negotiations?

**The Honourable Sir Basil Blackett:** I have no information of any such purchases.

#### EXPENDITURE ON THE TAXATION INQUIRY COMMITTEE.

1004. **\*Mr. T. O. Goswami:** Will Government be pleased to state:

(a) what expenses were incurred by Sir Charles Todhunter when he was in Europe from April 1924 onwards in connection with the Taxation Inquiry Committee?

(b) what other expenses in connection with this Committee have been incurred up to date?

(c) when do Government expect that Committee to submit its report?

(d) how much more money will be wanted?

**The Honourable Sir Basil Blackett:** (a) About £20.

(b) The total expenditure incurred up to 20th February 1925 amounts to Rs. 1,08,000 approximately.

(c) The Committee hope to complete their report by 1st November 1925.

(d) It is expected that the total expenditure during the current and next financial years, including the amount in (b) above will be about 4½ lakhs.

BRITISH AND INDIAN OFFICERS HOLDING KING'S COMMISSIONS.

1005. **\*Mr. T. C. Goswami:** Will Government be pleased to state:

(a) what is the total number of military officers enjoying the King's commission in India at present?

(b) what was the number on 1st of April 1914 on the same basis and on the same date during each of the following ten years?

(c) what was the number of Indians amongst these for each of the figures stated?

**Mr. E. Burdon:** If, as I assume, the Honourable Member is referring only to officers holding the King's commission in the Indian Army, the following is the reply to his question:—

(a) The total number of officers at present holding permanent commissions in the Indian Army is 3,439.

(b) and (c) I lay on the table a statement giving the information desired by the Honourable Member in respect of the years 1914—1917 and 1919—1924. The information required in regard to the year 1918 is not. I regret to say, available.

**Mr. Chaman Lal:** What are the latest figures in regard to them?

**Mr. E. Burdon:** The latest figures I have got are for the year 1924. They are included in the statement which I lay on the table.

Statement showing the number of British and Indian officers with the King's commission in the Indian Army since 1914.

	Number holding permanent commissions.	Number of Indians.
On the 1st April 1914 . . . . .	3,014	Nil.
"    "    1915 . . . . .	3,405	Nil.
"    "    1916 . . . . .	3,100	Nil.
"    "    1917 . . . . .	3,707	Nil.
"    "    1919 . . . . .	4,976	Nil.
"    "    1920 . . . . .	5,660	10
"    "    1921 . . . . .	6,162	18
"    "    1922 . . . . .	5,765	30
"    "    1923 . . . . .	4,337	65
"    "    1924 . . . . .	3,727	72

## REDUCTION OF MILITARY EXPENDITURE.

1006. \***Mr. T. C. Goswami:** Will Government be pleased to state:

- (a) what effective retrenchment they have made in army charges for each of the last three years?
- (b) to what amount do they expect to reduce the military figure during the next few years and by what stages?

**Mr. E. Burdon:** (a) and (b). In reply to this question, I would ask the Honourable Member kindly to wait for the statements which will be made by the Honourable the Finance Member and His Excellency the Commander-in-Chief in the course of the budget discussion. He will find in those statements all the information that he requires.

## BALLOT FOR PANELS OF STANDING COMMITTEES.

**Mr. President:** Before we come to the next question, I may point out that those who are now marking the ballot papers should note the withdrawal of Mr. S. Sadiq Hasan from the list of candidates for the Panel for the Committee in connection with the Department of Education, Health and Lands. That leaves only nine names on the ballot paper: and as only nine are wanted, there will be no election for that Committee. Members will kindly take notice that they need not mark the ballot paper for the Panel for the Department of Education, Health and Lands.

I further understand that Sir Gordon Fraser has withdrawn his name from the list of candidates for the Panel for the Departments of Commerce and of Industry. From both the ballot papers therefore—the ballot paper relating to the Department of Commerce and the ballot paper relating to the Department of Industries and Labour—Sir Gordon Fraser's name is to be struck out.

QUESTIONS AND ANSWERS—*contd.*

## REPLACEMENT OF REGULAR UNITS IN THE ARMY BY LOCALISED UNITS.

1007. \***Mr. T. C. Goswami:** (a) Will Government be pleased to state what attempts they are making to secure a cheaper army in India on the basis of voluntary service confined to various localities?

(b) Will they be pleased to state the progress, if any, made in this direction during the last three years?

**Mr. E. Burdon:** The question of creating a certain number of localised units, to replace regular units in the army, has been examined by Government; but the suggestion has been found to be open to such serious objection that it has not been considered practicable to adopt it.

## ESTABLISHMENT OF EUROPEAN AND INDIAN SOLDIERS IN INDIA FOR CERTAIN SPECIFIED YEARS.

1008 \***Mr. T. C. Goswami:** (a) Will Government be pleased to state the number of European soldiers in India and the number of Indian soldiers from the 1st of April, 1914, and for the same date for each of the succeeding ten years?

(b) Will Government be pleased to state why they have not decided to reduce the costly European element and to substitute Indian units for it?

**Mr. E. Burdon:** (a) I lay on the table a statement giving the information desired by the Honourable Member for the years 1914, 1918 and 1920 to 1924. I trust that this will suffice for the Honourable Member's purpose. The figures for the years 1915, 1916, 1917 and 1919 are not readily available.

(b) The question of what reductions could be made in the strength of British troops in India was examined by the Retrenchment Committee and, in reply to a question asked by Diwan Bahadur M. Ramachandra Rao, the House was informed on the 1st February 1924 of the action that had been taken by the Government of India to give effect to the Committee's recommendations. I may add in this connexion that the Secretary of State has now given notice to the War Office for the withdrawal of the third British cavalry regiment during the trooping season of 1925-26. Government do not propose to carry out any further reductions in the number of British troops in India. As Honourable Members of this House are aware, His Excellency the Commander-in-Chief considers that the reductions which have already been made involve a certain degree of risk.

*Statement showing the establishment of European and Indian soldiers in India on the 1st April 1914 and on the same date in subsequent years.*

Year.	British.	Indian.
1914 . . . . .	72,082	189,089
1918 . . . . .	80,131	261,414
1920 . . . . .	66,665	343,432
1921 . . . . .	68,882	186,207
1922 . . . . .	67,881	175,073
1923 . . . . .	67,745	174,891
1924 . . . . .	59,152	169,412

*Note:* —The figures under 'Indian' include Indian officers.

TOTAL OUTLAY ON THE ROYAL AIR FORCE IN INDIA.

1009. **\*Mr. T. C. Goswami:** Will Government be pleased to state:

- (a) what is the total outlay incurred by Government on aerial units in India?
- (b) what is the total number of men employed?
- (c) what is the percentage of Indian first grade officers to the total number of officers in aerial service?

**Mr. E. Burdon:** I assume that the Honourable Member is referring to the Royal Air Force in India. If so, the following is the reply to his question:

- (a) The expenditure incurred on the Royal Air Force in India during 1923-24 was Rs. 1,88,04,950.
- (b) The strength of the Royal Air Force in India on the 31st January 1925 was as follows:

British officers . . . . .	213
British other ranks . . . . .	1,785
Indian Technical Section . . . . .	188
Indian clerks . . . . .	81
Indian followers . . . . .	693

- (c) If by "Indian first grade officers" the Honourable Member means King's commissioned officers, the answer is that there are no Indians at present holding the King's commission in the Royal Air Force in India.

**Mr. T. C. Goswami:** Are there any Indians holding any other sort of commission in the Air Force?

**Mr. E. Burdon:** No, Sir.

**Mr. T. C. Goswami:** There are no Indian officers of any kind?

**Mr. E. Burdon:** No, Sir.

**Mr. Chaman Lal:** Are they considered to be not competent for this particular kind of work?

**Mr. E. Burdon:** As my Honourable friend must know from statements which have recently been made in this House, a proposal that Indians should be granted facilities to enter the Royal Air Force is at present under consideration and correspondence with the Secretary of State.

#### TOTAL NUMBER OF SLEEPER-POOLS IN INDIA.

1010. **\*Mr. M. S. Aney:** Will the Government be pleased to state the total number of "sleeper-pools" in which the whole of India is divided for the purpose of supply of sleepers to the railway systems in India and Burma?

**Mr. G. G. Sim:** I propose to answer this question and the next two questions together. Complete information is not available. It is being called for and will be supplied to the Honourable Member on receipt.

#### SLEEPER-POOLS IN INDIA.

†1011. **\*Mr. M. S. Aney:** Will the Government be pleased to give the following information in a tabulated form regarding each sleeper-pool for the year 1924-25?

- (i) Name or number of the sleeper-pool.
- (ii) The officer in charge of the sleeper-pool.
- (iii) The railway line or lines or sections of line falling within the jurisdiction of the sleeper-pool?

† For answers to this question, see answer below question No. 1010.

SUPPLY OF SLEEPERS FOR RAILWAYS.

‡1012. \*Mr. M. S. Aney: Will the Government be pleased to give the following information in a tabulated form regarding the supply of sleepers during the year 1924-25?

- (i) The number of sleepers ordered by the officer in charge of each sleeper-pool.
- (ii) The names of individuals or firms whose tenders for supply of sleepers were accepted by each officer in charge of the sleeper-pool.
- (iii) The rates at which the sleepers are supplied or going to be supplied by the aforesaid individuals or firms.
- (iv) The number of sleepers directly supplied to the Railway Board, if any, by the Forest Department and the rates at which they are supplied.

TESTING OF RAILWAY SLEEPERS.

‡1013. \*Mr. M. S. Aney: Will the Government be pleased to state what steps are taken by the Railway Board to test the sleepers supplied by the contractors with a view to ascertain whether the sleepers conform to the quality and other standards regarding weight and measurements stipulated in the agreements between the Railway Board and the contractors?

ANNUAL SLEEPER REQUIREMENTS OF THE RAILWAY BOARD.

‡1014. \*Mr. M. S. Aney: What steps does the Railway Board take for giving publicity to their annual requirements regarding sleepers on every Railway line?

RAILWAY BOARD'S ADVERTISEMENTS FOR THE SUPPLY OF SLEEPERS.

‡1015. \*Mr. M. S. Aney: Will the Government be pleased to publish the list of the newspapers, if any, in which Railway Board advertisements inviting tenders for supply of sleepers are published?

CHARGES FOR ADVERTISEMENTS RELATING TO TENDERS FOR SLEEPERS.

‡1016. \*Mr. M. S. Aney: (a) What are the rates charged by the newspapers for insertion of railway advertisement regarding tenders for supply of sleepers?

(b) Will the Government be pleased to state if these advertisements are sent for publication to prominent vernacular newspapers published in the areas within the jurisdiction of the sleeper-pool for which tenders for the supply of sleepers are invited?

COST OF ADVERTISEMENTS RELATING TO TENDERS FOR SLEEPERS.

‡1017. \*Mr. M. S. Aney: Will the Government be pleased to give the total expenditure incurred by the Railway Board and the Agents in

† For answer to this question, see answer below question No. 1010.

‡ For answer to this question, see answer below question No. 1018.

charge of sleeper-pools for publishing advertisements in newspapers under the following heads:

- (i) amount paid to Anglo-Indian newspapers in India and Burma;
- (ii) amount paid to Indian English papers including those published in Burma;
- (iii) amount paid to Indian vernacular papers including those published in Burma;
- (iv) amount paid to newspapers published in England;
- (v) amount paid to newspapers published outside England and India inclusive of Burma.

#### ADVERTISEMENT; RELATING TO TENDERS FOR SLEEPERS.

1018. **\*Mr. M. S. Aney:** (i) Will the Government be pleased to state whether the Railway Board or the officer in charge of the work makes any inquiries regarding the circulation of each newspaper before making any agreement regarding the rates for insertion of advertisements regarding supply of sleepers in that paper?

(ii) If so, will the Government be pleased to publish the information showing the name of every newspaper, its circulation and the rate at which advertisements in the same is charged by the paper to the railway authorities?

**Mr. G. G. Sim:** I propose to answer questions Nos. 1013 to 1018 together.

The calling for tenders and all arrangements in connection with the supply of sleepers have been in the hands, not of the Railway Board, but of the various Railway Administrations which work in this matter through the sleeper-pool. The question of a change in this system is at present under consideration in consultation with the Central Advisory Council.

#### REVENUE DERIVED UNDER THE COTTON CESS ACT.

†1019. **\*Mr. M. S. Aney:** (a) Will the Government be pleased to give the total amount of revenue derived by the Government under Cotton Cess Act during the years 1923-24 and 1924-25 with details showing the collections made in each Province in British India?

(b) Will the Government be pleased to say what portion of this amount is allotted during the years 1923-24 and 1924-25 to the Indian Central Cotton Committee and to the Agricultural Department in each Province in British India?

#### COST OF THE STAFF OF THE INDIAN CENTRAL COTTON COMMITTEE.

†1020. **\*Mr. M. S. Aney:** What is the annual expenditure incurred by the Indian Central Cotton Committee on account of the salaries of the staff consisting of experts, officers and clerks during the two years 1923-24 and 1924-25?

† For answer to this question, see answer below question No. 1022.

TRAVELLING AND HALTING ALLOWANCES OF MEMBERS OF THE INDIAN CENTRAL COTTON COMMITTEE.

†1021. \***Mr. M. S. Aney:** (a) Will the Government be pleased to say whether the members of the Indian Central Cotton Committee are entitled to draw any travelling and halting allowances for the purpose of attending the meetings of the Committee?

(b) If so, what is the total amount of expenditure incurred for this purpose during the two years 1923-24 and 1924-25?

CONTRIBUTION BY THE EMPIRE COTTON-GROWING ASSOCIATION TOWARDS THE FUNDS OF THE INDIAN CENTRAL COTTON COMMITTEE.

1022. \***Mr. M. S. Aney:** (a) Will the Government be pleased to say whether the Empire Cotton-growing Association makes any contribution towards the funds of the Indian Central Cotton Committee?

(b) If so, what is the amount contributed during the years 1923-24 and 1924-25?

**Mr. J. W. Bhore:** Sir, as the replies to questions Nos. 1019—1022 are somewhat lengthy, I propose with your permission to lay them on the table.

No. 1019.—(a) 1923-24—Rs. 12,85,456.

1924-25—Year not ended, may amount to 11 lakhs.

Details showing the collections made in each Province in British India are not readily available.

(b) The question is not capable of a direct answer, for as will be seen from section 12 of the Cotton Cess Act the proceeds of the Cess are to be spent on (a) the expenses of the Indian Central Cotton Committee, (b) on schemes of agricultural and technological research undertaken by the Committee with the approval of the Government of India. The Committee does not make allotments to provincial Departments of Agriculture to relieve ordinary provincial expenditure, but makes grants for the carrying out of definite investigations. A full account of these will be found in the annual reports of the Committee. As will be seen from the statement published in the Gazette of India on the 28th June, 1924, the expenditure on Administration and Improvement of Marketing during the year 1923-24 was Rs. 1,12,163-4-0, on Agricultural Research Rs. 75,468, on Technological Research Rs. 2,10,555-4-7. The estimates for the year 1924-25 are as follows:

	Rs.
Administration and Improvement of Marketing . . . . .	1,18,500
Agricultural Research . . . . .	2,20,400
Technological Research . . . . .	1,63,700

Actual figures are not available as the year is not finished.

† For answer to this question, see answer below question No. 1022.

No. 1020.—The expenditure incurred by the Indian Central Cotton Committee on the salaries of the staff during 1923-24 amounted to Rs. 71,343-8-0. The estimate of expenditure for 1924-25 is Rs. 1,82,124.

No. 1021.—(a) Yes.

(b) 1923-24—Rs. 9,446.

1924-25—Rs. 6,292 up to date.

No. 1022.—(a) No.

(b) Does not arise.

IRREGULARITIES COMMITTED BY AN OFFICER IN THE COMMERCE  
DEPARTMENT.

1023. \***Pandit Harkaran Nath Misra**: Will the Government please state:

- (a) whether there is an officer in the Commerce Department holding gazetted appointment, who joined that Department in 1914 or 1915 from the Army Department as a temporary clerk on Rs. 200 a month and who, before joining the latter Department, was a private in regimental employ;
- (b) whether the officer in question was brought on to the permanent cadre of the Commerce Department in or about 1918 in the Rs. 350 grade, and his appointment in this grade involved the supersession of several assistants who had longer service in the Department;
- (c) whether disciplinary action has ever been taken against the officer mentioned in part (a) in respect of irregularities committed by him. If so, what action was taken?

**Mr. G. G. Sim**: (a) and (b). Yes.

(c) The Honourable Member is referred to the reply given in this Assembly on the 19th September, 1924, to question No. 2250.

RATES OF LATE LETTER FEES LEVIED AT THE PRESIDENCY POST OFFICES  
AND AT RANGOON.

1024. \***Mr. Darcy Lindsay**: (a) Is it a fact that the late fee postage charges at the Madras, Bombay, Calcutta, and Rangoon Presidency Post Offices are not uniform, both as regards Inland and Foreign letters?

(b) If the answer is in the affirmative, will Government consider a revision of the fees to secure uniformity and, where expedient, a reduction of the present scale?

**Sir Geoffrey Clarke**: A statement is laid on the table showing the rates of late letter fees levied at the Calcutta, Bombay and Madras General Post Offices and at the Rangoon head office. It will be seen that except in the case of Rangoon, the late fees charged at all Presidency Post offices are practically uniform. The conditions prevailing at Rangoon are special and consequently a higher rate of late fee has been prescribed for that place for

inland articles, both registered and unregistered, posted there on the outward English mail days with a view to restrict late postings as far as possible.

*Statement showing the late letter fees charged at the Calcutta, Bombay and the Madras General Post Offices and at the Rangoon head office on inland and foreign articles of the letter mail.*

*At Calcutta.*

	<i>Late fees.</i>
Inland—	
Unregistered articles . . . . .	½ anna.
Registered articles . . . . .	2 annas.
Foreign—	
Unregistered articles . . . . .	} 4 annas.
Registered articles . . . . .	

*At Bombay.*

Inland—	
Unregistered articles . . . . .	½ anna.
Registered articles . . . . .	2 annas.
Foreign—	
Unregistered articles . . . . .	} 4 annas.
Registered articles . . . . .	

*At Madras.*

Inland—	
Unregistered articles . . . . .	½ anna.
Registered articles . . . . .	2 annas.
Foreign—	
Unregistered articles . . . . .	2 annas.
Registered articles . . . . .	4 annas.

*At Rangoon.*

Inland and Foreign—	
(On Tuesdays, i.e., outward English mail days) Unregistered and registered articles . . . . .	4 annas.
(On Saturdays, between 3 P.M. and 4 P.M.) Registered articles only.	2 annas.

*N.B.*—No late fees are charged at Rangoon on other days of the week.

FINAL REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

**The Honourable Sir Basil Blackett** (Finance Member): Sir, I lay on the table the final Report of the Public Accounts Committee.

We have now completed our examination of the accounts for 1922-23. Since presenting our interim report to the Assembly, we have examined the audit reports of the Railway Accounts and of the Home Accounts of the Government of India. The points of importance which we have come across in our examination are set out with sufficient clearness in the minutes of our meeting of 6th February, 1925. We therefore content ourselves merely with presenting to the House these minutes in place of a formal report.

In the interim report which we presented in September, we expressed our intention of dealing in a later report with the important question whether revenue and expenditure should be shown gross and net in the accounts. We regret that, mainly owing

[Sir Basil Blackett.]

to the difficulties in the way of convening meetings during this session, we have been unable to consider the question with the care which it deserves and to arrive at any definite recommendations. We have therefore reluctantly felt compelled to leave further examination of the problem to our successors.

BASIL P. BLACKETT.  
N. M. JOSHI.  
K. RAMA AIYANGAR.  
HUGH G. COCKE.  
M. WEBB.  
V. N. MUTALIK.  
W. S. J. WILLSON.

21st February, 1925.

*Proceedings of the 13th meeting of the Public Accounts Committee held on Friday, the 6th February, 1925, at 3 p.m.*

PRESENT :

The Honourable Sir BASIL BLACKETT, *Chairman*.  
Mr. N. M. JOSHI.  
Mr. H. G. COCKE.  
Mr. M. WEBB.  
Mr. RAMA AIYANGAR.  
Sardar V. N. MUTALIK.  
Mr. W. S. J. WILLSON.  
Dr. S. K. DATTA.

Sir Frederic Gauntlett (Auditor General) was present throughout the meeting and Mr. Hartley (Accountant General, Railways) when his Audit Report was being considered.

The Committee considered the Audit Report of the Accountant General, Railways and thereafter the Home Auditor's report.

2. They were of opinion that that rise in the percentage of objections in 1922-23 referred to in paragraph 17 of the Railway Audit Report. Audit Report of A. G. was very unsatisfactory, but were assured by the Railways. Auditor General that the figures given in the audit report for the next year which had already been prepared, showed a satisfactory improvement.

3. The question of compensation claims had already been referred to in the interim report of the Committee, but they desired specially to commend this question to the attention of the next Committee. It was suggested that statistics for a few years should if possible be compiled and placed before them when this question was taken up by them.

4. The Committee noticed with concern the number of financial irregularities, which was shown in this report as occurring in the G. I. P. Railway. The Auditor General suggested that as the auditor in Company-managed lines is generally under the control of the Company's Board and in some cases of the local executive, it would be useful if the check exercised by the Government Examiner, as the Auditor General's representative on their accounts were closer than in the past. The Committee, while refraining from making any definite recommendations in the matter, thought that this suggestion deserved careful consideration. They observed that a reference had been made to the question of the desirability of making the auditor on Companies' lines independent of the Agent by the preceding Public Accounts Committee on page 61 of their report. They hoped that the Government would place before the succeeding Committee a report of the steps that had been or were being taken in this connection.

5. The Committee observed that the double payment referred to in paragraph 33 of the report would not have occurred if elementary precautions had been taken.

6. The Committee noticed with concern the number of cases of losses of cash in transit mentioned in the report. They desired that the question of avoiding the necessity of moving about large amounts of cash to and from headquarters by arranging to pay in receipts into a near branch of the Imperial Bank or by some similar method should be considered.

7. The Committee wished to draw the attention of the Railway Board to the instances brought to notice of people travelling without tickets. In view of the considerable financial importance of the matter, they desired to emphasise the necessity of adequate checks.

8. The Committee desired in the first place to acknowledge the value of the audit of the Home Accounts conducted by the Auditor Mr. Sturdy whose reports they had read with much interest. Home Auditor's report. They had no comments to make except on the points mentioned below.

9. In connection with paragraph 13 of the report of the accounts of the High Commissioner, while they appreciated the action of the auditor in having brought the matter to their notice, the Committee, after examining the case at some length, did not, in the circumstances, think that there was any use in pursuing the matter.

10. With reference to paragraphs 47 and 48 of the report on the accounts of the Secretary of State, they wished to emphasise the undesirability of transactions being allowed to remain in suspense for any considerable length of time. They hoped that efforts would be made to have these suspense accounts cleared at the earliest possible opportunity.

11. They observed that certain matters which had been in dispute between the India Office and the War Office regarding amounts due to and from India in connection with the Great War were still unsettled. They considered it very unfortunate that it should be so and desired to place on record their feeling that it was most desirable that in everybody's interests the outstanding questions should be settled very soon. They trusted that the Government of India would spare no efforts to settle them at an early date.

12. The Committee had no time to consider the question whether receipts and expenditure should be shown in the accounts gross or net. Misellaneous. In view of the difficulties of arranging for further meetings during this session, they decided to leave it to the next Committee.

#### ELECTIONS TO PANELS OF STANDING COMMITTEES.

**Mr. President:** I wish to know whether Members have all received copies of the four ballot papers necessary for these elections. If so, I will call upon Members to come up to the table in their order.

(The ballots were then taken).

#### THE PRISONS (AMENDMENT) BILL.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, I beg to move that the Bill to amend the Prisons Act, 1894, be taken into consideration.

I introduced this Bill only the other day and when I did so, I explained to the House the very small Bill. It deals with certain questions of prison discipline and amends the law in the manner recommended by the Indian Jails Committee. I have received no notice of any amendments. The Bill is all in favour of the subject, and therefore I do not think that I need detain the House by any statement further than this, that the actual amendments proposed are all in sections 46 and 47 in the Act and are detailed in the Statement of Objects and Reasons. I move, Sir, that the Bill be taken into consideration.

**Mr. President:** The question is:

"That the Bill to amend the Prisons Act, 1894, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 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 Alexander Muddiman:** Sir, I move that the Bill be passed.

**Mr. President:** The question is:

"That the Bill to amend the Prisons Act, 1894, be passed."

The motion was adopted.

## THE CANTONMENTS (AMENDMENT) BILL.

**Mr. E. Burdon** (Army Secretary): Sir, I move that the Bill to amend the Cantonments Act, 1924, be taken into consideration.

Sir, as I stated when moving for leave to introduce this Bill, the Bill is of a purely formal and routine character. I have received notice of no amendments and I do not think it is necessary to give the House any further explanation of the Bill beyond what is said in the Statement of Objects and Reasons.

Sir, I move that the Bill be taken into consideration.

**Mr. President:** The question is:

"That the Bill to amend the Cantonments Act, 1924, be taken into consideration."

The motion was adopted.

Clauses 2 to 14 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. E. Burdon:** Sir, I move that the Bill be passed.

**Mr. President:** The question is:

"That the Bill to amend the Cantonments Act, 1924, be passed."

The motion was adopted.

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## THE CANTONMENTS (HOUSE-ACCOMMODATION AMENDMENT) BILL.

**Mr. E. Burdon** (Army Secretary): Sir, I move for leave to introduce a Bill to amend the Cantonments (House-Accommodation) Act, 1923.

As explained in the Statement of Objects and Reasons, with the passing of the Cantonments Act of 1924 it has become necessary to make certain consequential changes in the Cantonments (House-Accommodation) Act of 1923. The object of this Bill is to provide for these changes and also to provide for a change in the nomenclature of the Military Works Services which is now designated the Military Engineer Services. I do not think that the House will require any further explanation of this measure and I move for leave to introduce it.

**Mr. President:** The question is:

"That leave be given to introduce a Bill to amend the Cantonments (House Accommodation) Act, 1923."

The motion was adopted.

**Mr. E. Burdon:** Sir, I introduce the Bill.

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## THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

**Mr. J. W. Bore** (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, as reported by the Select Committee, be taken into consideration.

It is, I think, unnecessary, Sir, at this stage of the Bill for me to recapitulate the reasons for its inception. This measure has been before the country for close upon a year and we have avoided all semblance of haste or precipitancy in its consideration. It will be within the memory of this House that, when during the Simla session a desire was expressed for further time to consider the labours of the Select Committee, we gladly acceded to it. The Bill in the shape in which it is now before this House has passed the scrutiny of a very representative committee of this House and I now move my motion for consideration.

**Haji Wajhuddin** (Cities of the United Provinces: Muhammadan Urban): Sir, being keenly interested in the welfare and comforts of the Indian pilgrims to the Hedjaz, I think it my duty to explain the brief history and causes which led the Government of India to take an opportunity to introduce the Bill. For the last few years a sufficiently large number of Indian pilgrims after the performance of the holy pilgrimage in the Hedjaz was found stranded in the streets of Jeddah in a destitute condition and had no means to return to India. I have already explained on the last occasion in this House, Sir, most of the causes of this pecuniary condition. The situation, however, was met from time to time by private subscriptions, the generosity of steamship companies and contributions from the Government of India, but the Government observing a yearly increase in the number of destitute pilgrims suggested in 1922 a measure under which every Indian outgoing Hedjaz pilgrim was compelled either to purchase a "return ticket" for the voyage to Jeddah and back or "to deposit sufficient money for coming back to India," but the majority of the members were against this suggestion at that moment and decided to form themselves into a committee called the "Central Haj Committee of India" with a view to raise subscriptions from philanthropic Muslims to meet the cost of the return passages of such destitutes. I, having been appointed Honorary Secretary of the said committee, fortunately succeeded in raising considerable amounts for the purpose but experience showed that instead of mitigating the evil, the publication of the Committee Funds is responsible to a great extent in greatly encouraging the poor to embark for the holy pilgrimage without sufficient funds to come back to India, which resulted in a great many difficulties and hardships to them and thus the increasing percentage of destitutes naturally discouraged the honest and sincere efforts of the Committee.

Official figures show that in 1921 the percentage of destitute pilgrims was only 4½ per cent. while in 1922 it increased to 8½ per cent. and in 1923 it was 11½ per cent. No doubt the repatriation of those who leave their homes for the holy pilgrimage with the deliberate intention of returning at some one's expense is not only a direct encouragement to improvidence and dishonesty but an inducement to others to do the same.

I would quote here an important resolution of the Jeddah Haj Committee consisting of Muslim members which was adopted in their meeting held on the 29th March, 1923. It runs thus:

"(a) That in our opinion the present system of almost unlimited repatriation encourages destitution and attracts to the Hedjaz a large number of destitute pilgrims. It has often been noticed to induce even well-to-do persons to show themselves as destitutes.

(b) That we feel humiliated when people often make comparisons between the conditions of the pilgrims of India and other countries. No pilgrim of any other country save India is noticed begging and lying in the streets helpless for want of food, clothing and accommodation.

[Haji Wajihuddin.]

(c) In order, therefore, to preserve the Indian honour abroad, and to stop a nuisance which will put an evergrowing strain on Indian charity, we request the Central Haj Committee that they should advise the introduction of the system of compulsory return tickets with food and compulsory deposit of these return tickets in Jeddah, as the other countries have done. Or alternatively each pilgrim may be required to keep a deposit of at least Rs. 80 at Bombay to meet his return expenses or others arising from unforeseen causes."

I may be allowed to say, Sir, that the Central Haj Committee of India in their meeting held in Delhi on the 25th March, 1923, under the presidency of Sir Muhammad Shafi also adopted unanimously certain resolutions on the question.

#### " RESOLUTIONS.

*Resolution No. 3.*—President read several extracts from the report received from British Consul at Jeddah giving details of the conditions of destitute Indian pilgrims and suggesting compulsory return tickets system.

*Resolution No. 4.*—Resolved that in view of the experience this Committee has had during the year and the report received from Jeddah with regard to repatriation of destitute pilgrims as well as of the working of return tickets system, this Committee is of opinion that the only really satisfactory solution of the problem of repatriation of destitute pilgrims from Hedjaz lies in instituting a system of compulsory return tickets.

*Resolution No. 5.*—The Committee recommends that the various shipping companies should be asked to give return tickets to intending pilgrims on payment of a sum representing *not more than a fare and a half* to induce pilgrims to adopt return ticket system. Should this not prove efficacious Government may take steps to either frame a rule under the Pilgrimages Act or, if that is not legally possible, to introduce legislation in order to bring that system into existence.

*Resolution No. 6.*—Committee recommends that in case of return tickets the steamship companies should be made to refund the value of return half of the tickets to the heirs of the pilgrims dying in the Hedjaz and to such pilgrims who decide not to come back from the Hedjaz during the current Haj season."

Now, Sir, the Bill was circulated last year for eliciting public opinion. I also had the Bill translated into Urdu and circulated along the leading Ulemas and orthodox section of the Muslim community and with some of them I have discussed the Bill personally, and, consequently, hundreds of opinions have been received and published by the Government, the majority of which no doubt are in favour of the Bill, the minority who simply disapprove of the measure, failed to suggest any sound practical alternative.

I have heard some people saying that as they pay too many, heavy, undue taxes to the Government so the Government can easily meet these trifling expenses. My esteemed friend Sir Montagu Butler (as a Secretary) said the other day:

"When last year the Standing Committee of the Assembly was approached by Government for money it raised objection to the expenditure of Government money on *religious pilgrimages*." "The members of the Committee (*said Mr. Butler*) took not only general objections but also urged what was done for one community should be done for another or should not be done at all."

With a view simply to show sympathy with the public in this country it is very easy for me to say on the floor of this House that as the Bill has been introduced by the Government of India it may be taken as an interference with the liberty to perform religious duties, but honestly speaking, Sir, in the face of so many difficulties and hardships under which thousands of poor pilgrims are stranded and then brought at some one's expense, especially the rapid increase of destitutes every year as I have just quoted, I cannot for a moment agree that it is an "interference"

but on the other hand some of the Ulemas and orthodox friends of mine who have been to the holy pilgrimage more than once hold the same opinion and say that if the necessary amendments are duly made, the Bill will be improved to a great extent and will without religious objection help to facilitate the situation to all concerned, and will prove a great boon to the Hedjaz pilgrims themselves!

Under Muhammadan law only such Muslims have been enjoined (*farz*) to go on pilgrimage to Mecca as can among other things safely provide their dependents at home with the necessaries of life till their return from the pilgrimage and who must have both sufficient money and means for going to Mecca and coming back to their respective homes.

I, therefore, venture to say that careful and deep consideration of the object of this Bill together with its far-reaching effects will convince every Muslim that it aids, promotes and carries out the provisions of Muhammadan Law about pilgrimage.

The Bill provides neither compulsory deposit nor return ticket restrictions on those intending pilgrims who are bound by their own religious law to perform the pilgrimage once in their life but they are welcome to purchase only single tickets of either first, second, saloon or poop classes according to their purses.

It however provides either a deposit system or return ticket possession for conveyance simply in the "lowest class" available on the ship which is no other but "Deck" class, most suitable for the Cargo, but in other countries like Egypt, the Dutch Indies and the Strait Settlement no pilgrim of any class is allowed to proceed on single journey ticket. Sir, I have got a copy of the resolutions passed by the Jamiat-ul-Ulema Hind in their meeting held on 25th January, 1925, in which they have expressed general objection to the "compulsory return ticket" but are quite silent on the "deposit system." They resolved further that they disapprove such legislation but "they will warn publicly that no Musalman should proceed for the Hedjaz pilgrimage without sufficient money and complete arrangement for return passage."

I would also like to remind the House that several Haj Committees in the provinces of Bombay, Bengal, Bihar and Orissa wholeheartedly support the Bill. The Anjuman-i-Islamia of Quetta find no objection in the proposed legislation. The Anjuman Islamia of Umbala agree to the deposit system. In the provinces of Bombay and Madras the majority is in favour of the deposit system. Sir, I shall be failing in my duty if I do not appreciate the sympathetic attitude of my Honourable friends Sir Muhammad Habibullah and Mr. Bhore who by their courtesy gave the Muslim Members of this House several chances of free and frank discussions on the question. In these informal meetings I have the pleasure to say, simply with a view to safeguard the interests of the pilgrims and to avoid possibility of further destitutions I put several useful suggestions such as—

- (1) Date of sailing once fixed by the shipping companies must be strictly observed.
- (2) Fares once fixed and advertised by the shipping companies should not be increased.
- (3) In case a deposit receipt or return ticket is lost by the pilgrim, necessary safeguards and facilities be made.
- (4) Place of receiving deposit money should be optional; the pilgrim be allowed to pay either at the port of embarkation or at the treasury of the district in which he resides and so on.

[Haji Wajihuddin.]

I am pleased to say that my Honourable friend Mr. Bhone with his broadmindedness has assured me that all reasonable suggestions without losing the object of the Bill will be acceptable by the Government in one way or the other for those amendments and suggestions which do not come within the scope of the present Bill, necessary executive orders will be issued to the authorities concerned or, if necessary, a fresh Bill to provide further amendments on the lines suggested by us after due consideration by the Government and free consultation with our Honourable colleagues Mr. Mohammad Ali Jinnah and others will be introduced by the Government in the near future.

Under the circumstances, Sir, I find no alternative but to support the motion that the Bill be taken into consideration.

**Maulvi Mohammad Shafee** (Tirhut Division: Muhammadan): Sir, I rise to oppose the provisions of the Bill so far as it introduces compulsion upon pilgrims to purchase return tickets or to deposit such sum for the purpose of defraying the cost of a return ticket as the Governor General in Council may specify. In doing so, I fully realise my very heavy responsibility in this very important matter for the Muslims of India. I have spoken on very few occasions in this House up to now. I felt that my Honourable friends represent the will of the people more ably and more eloquently than I do. But on this question of compulsion by Statute in regard to one of the four great institutions of Islam, it is extremely painful to me to find that some of my Muslim brothers are not able to appreciate the view point I represent. But my strength, my conviction, comes from a different quarter, the quarter which is most exalted. Besides that, my conviction is fortified by the very strong resolution of those who are well versed in Islamic institutions, I mean the Ulemas. I am further fortified by the persistent desire of the mass of the people who are affected by the compulsory provisions of the Bill. I have created many opportunities, and I have missed none when they have come to me of themselves, for conferring upon this point all the time since the Bill has been introduced. The compulsory nature of this Bill is by no means considered desirable by any, but there are some, of course, who are under the impression that nothing else can be done and therefore we should accept it. The great bulk of the Ulemas and the great mass of the Muslim population are dead against the compulsory provisions of the Bill. And it is my bounden duty to give expression on this most important occasion to the very strong feeling that exists against any enactment imposing restrictions of the kind contemplated. As it is entirely a concern of the Muslim community I would beseech my Hindu brothers to bear with me for some time, to listen to the points I have to advance, and to judge for themselves whether the Government should insist in a matter like this in the way in which they are doing, and whether the Government should carry the Bill with their support.

I shall try, Sir, to deal with this subject in its three aspects. The first aspect to my mind is why there is destitution to such an extent that it has become a problem for the Government to solve. The second point that I will take is what is the remedy that the Government proposes and whether it meets the difficulty. Then I will say what is the remedy which I propose and whether it will not go a great way in meeting the real difficulties of the Haj pilgrim traffic. At the very end I will speak about the religious aspect of the question. This aspect to my mind, though

I put it at the end, is the first and the principle consideration which has prompted me to take up this attitude. (*Khan Bahadur Saiyid Muhammad Ismail*: "What is the religious objection, Sir?") I will tell you when the time comes. (*Mr. K. Ahmed*: "It will never come!")

Why there is destitution to such an extent that it has become a "problem" for the Government to solve is the question which I first take up and I say it is this aspect which will give us the key to the solution of the problem if we want to solve the real problem. The Haj pilgrims, Sir, have had to undertake the sea voyage from Bombay to Jeddah all these centuries that the Muslims have been resident in India. In spite of my endeavours I have not been able to find out if any such trouble arose when the shipping business was run by Muslims. We first hear of it when the great English shipping combine spread its influence on the Indian coast. My introduction of the phrase "the great English shipping combine" should not startle my Honourable friends in this House. The root cause of the trouble is to be found there, and therefore I had to mention it but I do not mean we have to tackle this problem in this connection, but it should be known to Honourable Members of this House, before deciding this question, that almost the whole of the overseas shipping of England is in the hands of the shipping combine known as the "Inchcape group." I am quoting this from a Government document; there is no secret about this fact. In fact the combine is openly defended in Great Britain on the ground that a shipping monopoly eliminates waste and instead of one English company fighting another they are combined to compete with the rest of the world. This it is claimed is a patriotic aim of the Inchcape combine. The same noble Lord has a very large interest in the managing agency firms that largely cater for the Haj traffic in the name of Messrs. Turner Morrison and Company. By stating these facts I have no desire to insinuate anything against the noble Lord or anybody connected with the shipping combine. They are business people. They have come to this country for business and they are perfectly justified in making as much profit as they can. But we are not here to lend our support to them in their adventures by squeezing out our indigenous shipping industry and putting restriction after restriction upon the Haj pilgrim. The following official correspondence throws a flood of light on the attitude of Government in the matter of the Haj traffic. The problem of return tickets being made compulsory on the Haj pilgrim is as old as 1905.

**Pandit Shamlal Nehru**: May I ask the Honourable Member whether if this system of return tickets were passed by this House according to the clause provided in the Bill it will benefit Messrs. Turner Morrison and Company or the Inchcape combine?

**Maulvi Mohammad Shafee**: Certainly it will. That is my conviction. The problem of return tickets being made compulsory, as I was saying, is as old as 1905. It was then unanimously rejected by all the leading Mussalman associations of the time, of which I have got the official record, Sir, although it was abandoned by the Government in 1907 by a regular notification, it appears the Government did not give it up for good. The official document which has come to my knowledge in connection with Messrs. Turner Morrison and Company is the Bombay Government's letter, dated the 28th December, 1912, in which that Government stated that there was a possibility of a well-known firm of good standing entering for this pilgrim traffic. (*To Pandit Shamlal Nehru who was leaving the*

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*Chamber.*) Why are you going out? Please stay and hear what I have to say. I was reading from the letter of the Bombay Government—the Bombay Government writing to the Government of India on the 28th December—in which the Bombay Government stated that there was a possibility of a well-known firm of good standing entering for this pilgrim traffic after buying up or otherwise ousting the two Indian companies which at that time absorbed the greater part of that traffic. That is not my statement; it is the statement of the Government of Bombay; and soon after, when Messrs. Turner Morrison and Company purchased the Bombay-Persia Steam Navigation Company which was being run by a Mussalman firm in January 1913, the Bombay Government in a letter, dated the 11th April, 1913, wrote that in the interests both of the pilgrims and of Government it is preferable that any arrangement that may be concluded should be with Messrs. Turner Morrison and Company who as the controlling agents of the Bombay-Persia Steam Navigation Company and in their capacity as a local firm of high standing are in a better position to handle satisfactorily the Indian pilgrim traffic than any outside firm. (*Mr. K. Ahmed*: "Why did you not buy it?") Please wait and let me go on with my speech. It is this attitude of Government that is responsible for all the difficulties of the Haj pilgrims. I repeat it and I say that it is this attitude of Government which is responsible for everything. They thought that Messrs. Turner Morrison and Company could handle the traffic satisfactorily and that it would be an advantage both to the pilgrim and to Government . . . . .

**Mr. President:** Order, order. The Honourable Member is straying far from the principle of the Bill, which is the provision of return tickets for pilgrims going to Jeddah from Indian ports. We are not concerned here with the ships they travel in or the owners of those ships. We are only concerned with the principle that pilgrims going to Jeddah must buy return tickets.

**Maulvi Mohammad Shafee:** Sir, the question of destitution which is being considered in connection with this Bill has brought me to this subject. It is the root cause why that destitution has arisen. However I have finished with that portion of my speech.

**Khan Bahadur W. M. Hussanally:** May I know, Sir, if that is the root cause, we have to remedy the evil, we have nothing to do with the cause now.

**Maulvi Mohammad Shafee:** Unless you know the cause, how can you remedy the evil?

The Government thought that Messrs. Turner Morrison and Company would handle the traffic more satisfactorily and it would be to the advantage of Indian pilgrims that the said two Indian companies should be ousted by some means or other. We on the other hand are perfectly certain that the day the enterprising people of this country are ousted from the field the Haj pilgrimage will be an impossible task for all those who have a real desire and genuine love for the sacred places of Mecca and Medina. It is these two ideas diametrically opposed to each other that non-Muslim members of this House have to weigh in the balance in order to find out what policy is responsible for bringing about the destitution of the pilgrims;

whether it is in the interests of pilgrims themselves that compulsion should be introduced by legislation, or whether it is for giving more opportunities to the well-known firm of good standing to whom I have referred for practically controlling the Haj traffic. I am emphatically of opinion and there is not a shadow of doubt in my mind that the compulsory provisions of the Bill would confer upon the great English shipping combine the practical monopoly of the Haj traffic also; they have got the practical control of the coastal traffic in India, both passenger and cargo; and now they would have practical control of the Haj pilgrim traffic also by squeezing out the Muslim steamship companies who are naturally anxious to provide real facilities for the transport of their co-religionists to the Hedjaz. I may say in passing that no less than twenty Indian shipping companies have been crushed out or squeezed out since 1890. I cannot blame the shipping companies who were trying to make as much profit as they could from the pilgrim traffic, but . . . .

**Mr. President:** I would remind the Honourable Member that the subject of competition between Indian and British shipping companies is not in order under this Bill and if he proceeds I shall have to ask him to desist or resume his seat.

**Maulvi Mohammad Shafee:** I have finished with that, Sir. Now, Sir, I find . . . .

**Khan Bahadur W. M. Hussanally:** May I, Sir, ask the Honourable gentleman to explain to us if the pilgrim traffic were confined to Muhammadan shipping companies whether there would be no destitution and if so how?

**Mr. President:** The Honourable Member may discuss that in the lobby; he cannot discuss it here.

**Maulvi Mohammad Shafee:** Now, Sir, the real trouble about destitution arises on account of these things,—the raising of the passage rates from the average of Rs. 28-8-0 some years back to an average of Rs. 100 for the outward journey now, and the raising of the rates for the homeward journey from an average of Rs. 22-8-0 to an average of Rs. 60 now.

**Khan Bahadur W. M. Hussanally:** Were those rates before the war or after the war?

**Maulvi Mohammad Shafee:** Before the war certainly. We know, Sir, from what class of people these Haj pilgrims are drawn. They are ignorant rustics, living in the remotest corners of the country and perhaps leave their neighbourhood for the first time to undertake such a perilous journey. The pilgrim's knowledge of the journey is probably confined to the stories he had heard some years back, when both the outward and homeward journeys could be performed for Rs. 51 only. His other trouble is that he makes provision for a week's stay in Bombay but he has to wait for another fortnight; the poor pilgrim soon finds himself in a wretched plight. Imagine how he is treated. He is ordered by the Government authorities not to embark on any pilgrim ship and he is told to return home and live in peace in his village. Is not this riding rough-shod over the deep-rooted religious sentiment of the poor victim? We must try and visualise the working of his mind and his mental worries; he thinks that by going back to his village and his associates without performing the pilgrimage he commits a sin, and a great sin; but the Government have not got the heart to appreciate it.

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I find, Sir, that the Government proposals which are put forward in this Bill are not the remedy for remedying destitution. Let us examine the Government proposals in all their implications. The main part of the Bill says that no pilgrim shall be received on board any pilgrim ship from any port or place in British India for conveyance in the lowest class available unless (a) he is in possession of a return ticket or (b) has deposited with the prescribed person such sum to cover the cost of the return journey as the Governor General in Council may notify. Now this clearly prohibits ship-owners to carry any pilgrim without satisfying either of those conditions mentioned above. It is the ship-owner who commits a breach of the law if he receives a pilgrim on the ship without fulfilling either of the two conditions, and it is the ship-owner that is sought to be punished. Is this not a very heavy burden to bear? Is this not a very great obligation imposed upon the shipping companies which deal with the pilgrim traffic? Mind you, no other ship-owners dealing in any other traffic has got such obligations put upon them by Statute. Why is this done in the case of the pilgrim ships alone? The Government can impose such heavy obligations on pilgrim ships, but the Government plead their inability to arrange with the shipping companies to charge a reasonable amount as fare from Bombay to Jeddah and back. I have been told all the while that the Government cannot impose any obligation on the pilgrim ships to sail soon after the day they have advertised for sailing, nor can the Government fix upon the passage money for the outward and homeward journeys; the pilgrims have been clamouring for these two things to be settled by the Government ever since the proposal for the introduction of return tickets was brought forward. The Honourable Sir Ibrahim Rahimtoola and Sir Fazulbhoy Curimbhoy laid great stress upon these two points as an alternative to the introduction of any compulsory return ticket system, but no heed was paid to these persistent requests. We have now a much harder obligation imposed by Government on the ship-owners who deal with the pilgrim traffic. We have therefore to see now if the compulsory provisions of the Bill do serve the purpose for which they are intended.

The proposals on behalf of the Government involve two alternative schemes. One is of enforcing the return ticket system and the other is of a deposit of such sum as would cover the cost of a return ticket. The two are quite distinct from each other in all respects except in their being both compulsory. It is therefore necessary that the two alternatives must be considered separately and must also be voted upon separately. I would appeal to you, Sir, to put them to the vote separately. The first point I shall deal with is the return ticket system. This has been declared by almost all thoughtful persons as a scheme which would kill all the smaller shipping companies dealing with the pilgrim traffic. This is as patent as anything and need not be dilated upon. It has been thoroughly condemned and as such I am surprised that it is part of this Bill. The system was introduced by Government and pilgrims had to take return tickets before they could board a pilgrim ship in 1915-16, in 1919-20 and in 1920-21, as I find from an answer given to my questions the other day. But the system did not work and so far as I see had to be practically abandoned. Now, I find, Sir, that the Bombay Government in their letter dated the 26th June 1924, No. 660-14-P. P. of 1924, have also shown the undesirability of insisting on the system of return tickets. Their reason is that because no interchangeability could be secured between the companies who

deal in pilgrim traffic therefore it would not work well. I find that as regards the alternative system, that is to say, the system of deposit, some reference has also been made to it in the said letter. I want, Sir, to read a portion of it.

It says, Sir:

"I am unable to understand the object of the Government of India in offering the Indian pilgrim this alternative. It will inevitably lead to very much harder work. The return ticket system is satisfactory provided interchangeability of the company is insisted upon. Without this proviso I believe the smaller companies would be driven out of the traffic. . . ."

This is the considered opinion of the Bombay Government so late as 1924.

" . . . And the result would be a monopoly . . . "

I am reading from the letter of Mr. D. Hailey, Officiating Commissioner of Police, Bombay, to the Secretary, Government of Bombay, General Department, dated 6th June, 1924, No. 6614-P. P., supplied to me by your office. He says Sir:

"Without the proviso of interchangeability . . . "

—which, Sir, has not been secured by the Bill—

" . . . I believe the small companies would be driven out of the traffic and the result would be a monopoly and soaring passage rates."

Now the Honourable Members can see from these facts whether they should vote for a compulsory return ticket system as has been suggested in this Bill.

Then, Sir, the other proposal is the deposit with a prescribed person of such sum of money as would cover the cost of the return journey, to be specified by the Governor General in Council. Although the proposal was not made in 1918 the criticism directed against the return ticket system by Sir Ibrahim Rahimtoola equally holds good in the case of a deposit. I cannot therefore do better than to quote the official record of Sir Ibrahim Rahimtoola's criticism made in Poona on the 31st July, 1918, in a conference convened by the Honourable Mr. Claude Hill for discussing this question. He says; or rather I am reading from the note which was prepared by the Government and which was published in the Bombay Gazette and the Gazette of India. I am reading from paragraph 6 of that note, which says:

"Sir Ibrahim Rahimtoola was of opinion that no satisfactory arrangement could be devised which would admit of refunds being made to pilgrims who did not return by sea, while not opening the door to grave abuses. It would be impossible either to prevent pilgrims from obtaining refunds by means of false declarations, in which case they would spend or conceal the possession of money paid to them and be thrown on the charity of the British authorities at Jeddah, or to insure that the refunds would be paid to the rightful claimants and not to persons who might obtain the return halves of tickets by purchase or fraud."

That was with reference to the return ticket system, and therefore he talks of tickets:

"Having regard to the immense number to be dealt with no system of identification of ticket holders at Jeddah designed to prevent such transfer was in his opinion practicable. There would thus in spite of all efforts be a large residuum every year of pilgrims who for one reason or another were unprovided with the means of returning to India, and the difficulty complained of would not be remedied though it might be to some extent reduced in degree. He contended that it was not right or just . . ."

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—and that is for the Members of this House to consider—

“ . . . He contended that it was not right or just to inflict on the 18,000 to 20,000 pilgrims who annually perform the Haj all the inconvenience and loss which a compulsory return ticket system, under proper safeguards even, would necessarily involve, merely in order to prevent some two or three hundred of them from being stranded at Jeddah.”

He then suggested his proposals and said :

“ Government should definitely announce that in future no assistance of any kind would be given to pilgrims at Jeddah for effecting their return to India, and subject to these conditions he would contemplate with equanimity the annual stranding at Jeddah of some two or three hundred indigent pilgrims. He considered that the convenience of the great mass of the pilgrims and their freedom from all undesirable restrictions were more important considerations than the restoration of the credit of Mussulmans of India in the estimation of the Muhammadan world.”

Here is the reply to my friend Haji Wajihuddin Sahib in regard to what he said in his speech. Now, Sir, I endorse every word that Sir Ebrahim Rahimtoola has uttered at that conference, as they apply with equal force to the deposit system if it is enforced by Statute. What I note is this. Government have introduced this system last year and the shipping companies who deal in pilgrim traffic accepted the suggestion and acted upon it. No ship carried any pilgrim unless he had on his passport a seal to prove that he had deposited Rs. 60 with the authority prescribed by Government. We have now to wait and see how the system has worked. (Mr. J. W. Bhore : “ I shall be able to tell the Honourable Member that in the course of my reply.”) I am very sorry you did not tell me before. But I find, Sir, in this same document from which I have been reading, a letter from Mr. D. Hailey, dated 26th June, 1924. In this connection he says :

“ The deposit system has worked very well this outward season, though it still remains to be seen whether any difficulties will be experienced in the return season. Pilgrims have not objected to paying their deposits and the great advantage is that each pilgrim can choose his own ship on the return journey. Furthermore, passage rates can rarely have been forced so low as they have been this season due to healthy competition among companies secure in the knowledge that Rs. 60 is to be received for each returning pilgrim.”

That is what he says. Now, Sir, we have certain other facts coming to our knowledge in a very short time. The Indian delegation to the Hedjaz went over to Jeddah and stayed in Jeddah for nearly a month. One of the delegation has come back here to Delhi, I mean Maulana Saiyid Sulaiman Nadvi Sahib has returned here. I met him yesterday and he said that the delegation made it a point in their journey and during their stay at Jeddah to study this question of the Haj and destitution. They have obtained facts and figures from the British Consulate and from the Hedjaz Government also. But he said, Sir, that all those documents have not come with him. They are coming along with Maulvi Abdul Qadir Qusoori who is due to reach here on the 4th March. I spoke to Mr. Bhore this morning and asked him whether he could stay the consideration of this Bill till after the 4th March, when we may have the opportunity of consulting him, as he has been there and studied the question himself, but Mr. Bhore was not willing to do so at that time. I do not know if he would be willing to do so now. I find, Sir, that there is a strong feeling against compulsion even on this alternative, even on this question of deposit, and I do not think that there is any harm in considering this question when we have got full details from our own people who have been there and who

have studied the question. It is a very reasonable request on my part, and I hope that the leader of the Government Benches will advise the Member in Charge to consider this question and give us time for that. Now, Sir, I know that my friends here would not appreciate the religious aspect of the question, and therefore I have put it at the very end though I myself believe it to be the most vital.

Now, the institution of the Haj, Sir, is one of the four institutions which Islam has enjoined on every Muslim to observe. Concessions have of course been shown to the weakness of human beings, and a Muslim who is physically unfit to undertake a journey to the Haj is certainly exempted from the obligation, and so is a Muslim who is unable to arrange for the requirements of such a journey; but the exemption does not take away the merit from an act that deserves honour or reward. The fact that the performance of the Haj is a meritorious act remains all the same. There are traditions of our holy Prophet—peace be on him—that a man who offers prayers in the Holy mosque in Mecca is rather compensated a thousand times more than he would be elsewhere. The holy cities of Mecca and Medina have so many other attractions for the Muslim world that everyone desires to visit it once in his life and endeavours to lay by an amount of money which is enough to cover the expenses of his journey. There is a sect in India, no less than 25 per cent., who deem it incumbent on them to perform the Haj once in their lifetime only if they are physically fit to undertake the journey. Those of us who believe in the efficacy of religious observances, be they Hindus or Muslims, can very easily understand this point and appreciate what this means. Any restriction imposed on him in the observance of the religious ceremony must certainly be deemed as an obstacle in his way. Physical restrictions, economic restrictions and all other kinds of restrictions which a man generally has to meet before starting on a journey are considered only natural, but restrictions imposed by Statute on the performance of a religious ceremony cannot for a moment be tolerated. No Government has got the right of intervening in the performance of a religious ceremony in the way in which the ceremony has all along been performed. It is clearly a case of State intervention. The performance of the Haj by the poor has been going on at least from the time of our Prophet—peace be on him. The poor were allowed to perform the Haj from the earliest times; the poor were allowed to perform the Haj in the time of the four great Caliphs. No restrictions were imposed on them by the State at that time; rather, comforts and conveniences used to be provided from the State for those who ventured to undertake the journey.

**Mr. K. Ahmed:** On a point of order, Sir. Is there no time limit for the performance of the religious ceremony my Honourable friend is making?

**Maulvi Mohammad Shafee:** We Mussalmans feel that we rather have to follow for our guidance the examples and illustrations and traditions of our Prophet and the four great Caliphs of Islam. We cannot look to the Government of Egypt for our guidance or to the Malay States, as my friend, Haji Wajihuddin put it. No man can show any authority of putting restrictions upon the performance of the Haj by a purely Muslim State. The Turks or the Afghans or the Persians have not put any such restrictions in their own country. Wherever such restrictions are there we find the hand of non-Muslims interfering in the affairs of that country. The poor are the objects of contempt before the eyes of the so-called civilized world. My Hindu friends must have the experience of the poor crowding to their

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holy pilgrim places. Are these places to be shut out to these poor people who cannot provide at the very outset a return ticket for themselves? I submit, Sir, that on these grounds which I have put forward we should very strongly oppose the consideration of this Bill as part of the Statute-book.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, since the introduction of this Bill in the Assembly last year, I have very carefully gone through its provisions and after giving them my best consideration I have come to the conclusion that the Bill in its present form is not calculated to exercise any undue interference in the performance of the Haj on those Musalmans, who according to the commandments of the Holy Koran are ordained to make the pilgrimage. On the other hand I am convinced that the Bill under consideration will to a certain extent lend to ameliorate the difficulties of the *bona fide* Hajees and also will exercise a sort of desirable check on those professional beggars who make the pilgrimage a source of their ignoble income, and it is for these considerations that I rise to lend my hearty support to the Bill. If I had the slightest idea in my mind that the Bill was introduced to interfere in the religious freedom of my co-religionists, I would have been the first man to oppose it. The only provision which to my mind was calculated to entail hardship upon the intending pilgrims was contained in clause 5 in the proviso to new section 208-A, and therefore I tabled an amendment to that proviso, which, I am glad to see, has been accepted by the Government. The acceptance of this amendment and also of the amendments proposed by the Honourable Khan Bahadur Shams-uz-Zoha and the Honourable Haji Wajihuddin by the Government clearly shows that in introducing this measure the Government are not actuated by any sinister motive of their own and are prepared to give all sorts of facilities to the pilgrims.

Sir, although I do not claim to be a theologian, nevertheless I claim to be second to none in my zeal towards my religion and having been born and brought up in a family, which for many generations has been renowned for learning in theology, I am not altogether ignorant of the principles and commandments of my religion. I know very well that Islam is not an absurd religion. I claim that Islam stands for reason and common sense. I know that Islam forbids a life of hermitage and ordains its followers not to undergo unnecessary hardship in performing religious duties. "Allah does not impose upon any soul a duty but to the extent of its ability" says the Holy Koran. Performance of the pilgrimage to Mecca is incumbent upon every Muslim once in his life, subject to the condition that he has the means to undertake the journey as well as to make provision for those dependent on him. Security of life is also a necessary condition. Those who consider that by making return tickets compulsory for the third class passengers any Muslim is debarred from performing the pilgrimage are totally in the wrong. We know as a matter of fact that hundreds, nay, thousands of Musalmans, men, women and children, lose their lives in a most helpless or destitute condition at Jeddah for want of return passage money. Is it not the duty of the State to remedy this state of affairs, will it not be an act of patriotism if we were to adopt some measure which would minimise the chances of this calamity to a certain extent? I do not believe that this Bill would serve to remove the difficulties of pilgrimage *in toto*, but I do maintain that it would certainly mitigate the evil to a certain extent, and surely something is

better than nothing. I heartily welcome the assurance given by the Honourable Mr. Bhoze.

**Maulvi Mohammad Shafee:** He has given no assurance.

**Maulvi Muhammad Yakub:** We have got a written assurance from the Honourable Mr. Bhoze in our papers and I will show it to the Honourable gentleman if he wants it. I heartily welcome the assurance given by the Honourable Mr. Bhoze that the Government will, if possible, during this session, introduce a Bill to make the necessary provision in the Act about the dates for the sailing of ships and both these Bills taken together will, I am sure, greatly remove the difficulties of the pilgrims.

Although I do not very much believe in the meritorious character of performing the Haj by those who have not got sufficient means to undertake the journey, nevertheless I believe that the Bill under discussion does not in any way add to their difficulties. After all they have got to come back somehow or other, even if they earn money by means of charity; it is better that they should be made to earn more money in their own country than to throw themselves on the mercy of strangers in a foreign land. I have carefully gone through the statement published by the working committee of the Jamiatul Olamá and have also read the article recently published by the venerable President of that learned body, but I am very sorry that I found both the documents highly disappointing and unconvincing. They contain neither any religious authority nor a word of sound wisdom, on the other hand, the statement of the working committee itself admits the necessity of taking steps in the direction indicated by the Bill; they only want it to be left to themselves instead of making it a subject for the Legislature. But the experience of several past years and the failure of the Haj Committees has fully demonstrated the impotence of such organisations and it would be highly impolitic not to allow the Government to take a step which, we are convinced, is taken solely for the welfare of the pilgrims.

The bugbear of Turner and Morrison is haunting the minds of my friend Maulvi Mohammad Shafee and certain other persons. In the first place we are not here to hold the brief for shipping companies; our main concern is the welfare of the pilgrims. Nevertheless I am not satisfied that the provisions of this Bill would injuriously affect any shipping company unless it has got only one boat at its command, and I would not certainly like the pilgrims to be left to the mercy of such uncertain companies. With these remarks I heartily support the Bill.

**Maulvi Abul Kasem** (Bengal: Nominated Non-official): \*Sir, I fully appreciate the sentiments and the enthusiasm of my Honourable friend Maulvi Mohammad Shafee and at the same time I appreciate the great industry he has displayed in making researches, the advantage of which he has given us to-day. But I regret to say, Sir, that in spite of the historical documents that he has read to us, supplemented as they have been by very eloquent advocacy, I still remain unconvinced that the object of Government in introducing this Bill has been other than to relieve themselves of the responsibility and the trouble of looking to the comforts or into the troubles of destitute Muhammadan pilgrims at Jeddah. Sir, I cannot allow this opportunity to pass by without expressing my gratitude to the Honourable Member in charge of the Bill for the great sympathy he has shown to us in this matter and for the unusual step he has taken in holding informal conferences with the Muhammadan Members of the House at which there was a free discussion of the merits and clauses of

\* Not corrected by the Honourable Member.

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the Bill and in which my friend Maulvi Mohammad Shafee was also present and took an active part. During these conferences we heard Mr. Shafee objecting to this Bill on religious grounds and at the first moment, ignorant layman as I am, I felt nervous that if the provisions of this Bill interfered with any of my religious tenets it would be the duty of every mother's son belonging to the Islamic faith to oppose it. But we were not prepared to take the *obiter dicta* of any individual, however high or great he may be. Naturally, I and my colleagues wanted the reference. The reference that we repeatedly demanded did not come forth. Naturally therefore we concluded that there was no sanction behind the statements and the *obiter dicta* stood alone; and then arguments came forward, with the result that the majority of the Muhammadan Members were convinced that there was no religious objection. To-day for the first time my learned friend comes forward with another argument in opposing the consideration of this Bill, and that is that it will interfere with the indigenous shipping companies in preference to Turner Morrison. This is an argument which was never used in the previous conferences that we had on this question. That was a mistake I am told. But whatever it is, I do not understand how the purchase of a return ticket favours any particular steamship company and puts the others at a disadvantage. We are told it is so, because Turner Morrison is a big company and what is worse still it is patronised and combined by a bigger shipping guild and therefore other companies cannot compete with it. That will only affect rates and fares and other facilities of trade and passenger traffic, but what has it got to do with the purchase of return tickets? We are told that Turner Morrison are the only steamship company which can arrange to get back the pilgrims at Jeddah at particular periods. If return tickets are not issued, how are these pilgrims to come by these indigenous ships? If they have got sufficient ships at their control they can still take passengers with a return ticket and bring them back as Turner Morrison or as Lord Incheape can do. Therefore, that argument, in my opinion, does not hold water, however appealing it may be to certain classes of people in this country.

Secondly, Sir, we have been told that we by this legislation stand in the way of pious Mussalmans who want to secure merit—those particularly enjoined by Islam to perform the Haj—by performing the religious duty and we should not stand in the way of the gratification of their desires. I want to know how by asking him to purchase a return ticket we prevent him from going and securing that merit. Nobody is going to prevent him if he wants to go by the land route, walking all the way if he wishes. He will get more merit and certainly better credit than by going in a steamship. But it is not necessary that, in order to allow a man to secure merit, the steamship companies should take them from one port to another and bring them back. Then the question arises that he has got money enough to pay for a single ticket but not for return ticket. A pilgrim generally comes to the port of embarkation with all the necessary money for his journey and for his return home. Unless he does so and unless he is a candidate for getting into a Bedlam, he cannot come to the port of embarkation. If he comes there with money, it is safer for him either to pay the money by purchasing a return ticket or to keep it as a deposit rather than carry it with him to Jeddah and Arabia where he may have at least 50 per cent. chances of losing the same. There

the question comes as to why should people object to the purchase of return tickets or to deposit the money in lieu of purchasing a return ticket? The only people who can object to this and who, I think, have got something to say about it, are the people who from the very start from their house mean to go to Jeddah for the purpose of begging and for the purpose of coming back after begging and thus to have greater facilities for begging in this country when they come back. These are the people who, to quote a familiar phrase, go to church not for prayer but the music there. Sir, I think it is the duty of every Musalman as has been declared from platforms and by Ulemas to prevent these men from going to the Hedjaz simply to beg and encourage them to have greater facilities of begging when they come back to their country. I may add, Sir, that this ambition or desire should in no way be gratified and what is more important the gratification of this desire should not be construed as a necessity to perform a meritorious religious act. It is absolutely wrong to say so. In the name of religion, it is, I think, undesirable to do these things and if I may say so they should not be allowed. I, therefore, strongly support the motion of my learned friend and I hope the House will accept it without a division.

**Mr. W. F. Hudson** (Bombay: Nominated Official): Sir, like my friend Maulvi Mohammad Shafee I feel considerable diffidence in occupying the time of the House, but I promise not to occupy quite as much time as he did. I venture to make a few remarks on this subject because it so happens that during the past year I have had very considerable practical experience of the system which it is now proposed to legalise. And I should like, if I can, to reassure any Honourable Member who may have any doubts as to the efficacy and the popularity of this system. This Bill, Sir, is rather different from most of the Bills which come before this House, and in a very important respect. Most of our Bills it seems to me—whether they are Mr. Patel's innocent little attempts to improve the criminal law out of existence, or Sir Hari Singh Gour's more ambitious efforts to reconstruct Hindu society on lines of his own, or even Sir Basil Blackett's Finance Bill for extracting money out of unwilling pockets—all these Bills are of the nature of an experiment. I am sure Mr. Patel has not the ghost of an idea what would happen if he succeeded in abolishing the Punjab Murderous Outrages Act, and I am equally sure that Sir Hari Singh Gour cannot possibly foresee all the effects of raising the age of consent. I doubt whether even the Honourable the Finance Member, in spite of his wonderful gift for guessing right, can really be sure what the ultimate result of the Finance Bill will be. And I think that sometimes when we in this House shout the final "Aye" to most of these Bills and send them gaily on their way to another place, even the youngest of us must wonder whether they will really work in practice or whether it will be found that after all they do more harm than good.

Now, Sir, no such doubt need assail the House on this question, since the main and the most important provisions of this Bill are not experimental at all. They have, as a matter of fact, been enforced throughout the whole of the past pilgrim season. The question of the stranding of thousands of pauper pilgrims at Jeddah had become so acute that it was absolutely necessary for Government to take some steps; and as something had to be done, and done quickly, if the miserable experiences of 1923 were not to be repeated, Government did venture, with a great deal of help from the steamship companies, to anticipate the somewhat cum-

[Mr. W. F. Hudson.]

bersome processes of the Legislature, feeling confident that in this case at any rate the Legislature would support them. During the past season in Karachi, Sir, I supervised the despatch of about 6,000 pilgrims to the Hedjaz, under the deposit system which it is now proposed to legalize. Under the direction of a very competent and sympathetic Protector of Pilgrims, a whole-time Mussalman officer, and with the invaluable and never-failing assistance of a non-official Haj Committee we got the deposit system working, and now after reading the final report of His Britannic Majesty's Consul at Jeddah I have no hesitation in saying that the system has been an unqualified success. Of course, every new bit of machinery requires careful adjustments at the start and special attention has to be paid to lubrication, and this was no exception to the rule. I confess that at the beginning of the season I was not quite sure how the system would work. At the end of the season I was quite sure that it was a sound and practicable method. Of course difficulties arose, as they were bound to do, but the Commissioner of Police in Bombay, His Britannic Majesty's Consul at Jeddah and myself have been in close communication about our different experiences and have now solved most of our problems, I think I may say, satisfactorily. And if the House passes this Bill to-day, as I earnestly trust it will, I have no doubt whatsoever that next year things will go like clock-work. To give the House an example of the sort of difficulty that arises—2 or 3 of the pilgrims,—very poor men,—paid their deposits, got their passports duly stamped with the endorsement "Deposit paid" which entitles them to return-tickets, and then went out into the bazar and promptly lost them. They had insufficient funds to pay for a second deposit, and although it was probably their own fault, I felt it was intolerable that for a piece of carelessness or possibly bad luck they should miss what was doubtless the dream of a life time. I am of course cursed with my full share of the "bureaucratic mentality", and so I could not see my way to asking Government to defray these losses from the public purse at the expense of the general tax-payer. But I got my good friends on the Haj Committee together and asked them if they would guarantee to indemnify Government supposing the lost passports were ever presented at Jeddah by some one else who was not entitled to them. The Haj Committee, I am glad to say, most readily agreed and I then issued duplicate passports endorsed with the words "Deposit paid" and the poor pilgrims went off to the Haj quite happily. Well, that is a small matter but it is just to show the House the way in which these things are dealt with. The number of lost passports was surprisingly small, but I just mention it to show the House that a genuine and sympathetic attempt has been made to solve any little difficulties arising out of the new regulations. Those difficulties have on the whole been astonishingly few, and I think I may fairly claim that most of them have been solved. I was in the closest touch with the pilgrim camps and I personally supervised the embarkation of hundreds of pilgrims, and the only serious and solid grievance that was brought to my notice was the occasional delay in the departure of the steamers. With that grievance I had the fullest sympathy and I always did my best to accelerate matters; but unfortunately the most autocratic of district officers cannot eject a steamer from harbour if she refuses to get up steam. I have every hope that the Member in charge will see his way to meet us on that point and provide us with the necessary lever and supply the argument which the companies at fault (they are not all at fault) will most readily understand.

Now, Sir, I not only saw the pilgrims depart, but what is more important, I saw most of them return. I discussed their experiences with many of them, drawn from all classes of society, from His Excellency the Afghan Envoy at the Court of St. James's down to the humblest ryot, and though most of them were decidedly eloquent on the subject of their experiences in the land of the Hedjaz, not one of them complained to me about the passport deposit system. Not one said that he had been stranded at Jeddah, or had had any serious difficulty about a passage back or had been obliged to depend upon casual charity as in the days gone by. When one remembers the haphazard arrangements of past years the stranding of literally thousands of destitute pilgrims begging their daily bread in the streets of Jeddah, and finally the heavy burden of expenditure laid upon the State or upon the companies by the necessity of repatriating them, one cannot help feeling that the improvement has been remarkable, and that it is imperative that it should be maintained in the future. Therefore it is with the fullest confidence that I commend this Bill, and more particularly clauses 5, 6 and 7, which Maulvi Mohammad Shafee wishes to delete, to the favourable suffrages of the House.

**Captain Ajab Khan** (Punjab: Nominated Non-Official): Sir, I rise to wholeheartedly support the Bill and thank the Member in charge for bringing up this measure for the protection of Indian pilgrims. My friend Maulvi Mohammad Shafee opposes it as being a restriction on religion. I on the contrary say it does not go far enough. It remedies only one per cent. of the grievances of the pilgrims. The Government of India have got some international responsibilities which they have got to bear in mind in regard to international matters. I remember when I was in Palestine, and we wanted to repatriate some Indian refugees to Mecca and Madina, the Hedjaz Government strongly protested against the influx of Indian paupers into the Hedjaz which depends for its necessaries of life on other countries. I know the law of Islam is the same all the world over. If Egypt, Morocco, Syria and other countries see fit to impose these restrictions that pilgrims should have their return passage as well as subsistence money for themselves and family and money for paying the railway fares to and from their homes, and we only insist on the pilgrim's providing himself with a return passage ticket, I do not think it is too much. There are other things in connection with the Hedjaz pilgrimage which I think later on can be tackled by the Honourable Member in charge, such as the accommodation for the pilgrims in the Hedjaz, Banking facilities, facilities for their protection, and so on, which are outside the scope of this measure; but I hope in future the Member in charge will kindly make up his mind to see to these things also. When this Bill was brought in last year I know the majority of Muslims were in favour of it. There were a few dissentient factors, to one of which my Honourable friend Maulvi Mohammad Shafee belongs, and when it was proposed to be passed by the Select Committee it was proposed by Maulvi Mohammad Shafee that the Bill should be further circulated for eliciting further opinions. A few days later on I read that the Central Khilafat Committee at Bombay were opposed to this Bill. However no more was heard of it. In this session it was again put forward for consideration in the House and I know that the Jamait-ul-Ulama's Working Committee put forward a rather undecided and unconvincing verdict about it, but the majority of Muslims are in favour of it. My friend Maulvi Mohammad Shafee refers to the poverty of the pilgrims. I would advise and request him to kindly see his way and divert some money from the Khilafat Fund to this charity for the

[Captain Ajab Khan.]

relief of poverty. He has further stated that he has sent a deputation to Jeddah and he asks the House to delay the consideration of this Bill till it returns and informs us about matters there. But most of us have been to the Hedjaz and we can enlighten him if desired, but he will not believe that. He points to the palmy days of Islam in India when the Muslim rulers of India sent shiploads of pilgrims at the State expense. I know they used to do that, and I know His Exalted Highness the Nizam of Hyderabad sends many pilgrims each year at his own expense. If any one can do that, he is welcome to do it and deserves the hearty thanks of the Muslims. But it is detrimental to the national honour of Muslims in India that Indian paupers go and lie in the streets of Jeddah and Mecca and most of them die of starvation and lack of care. I do not think any Muslim for the sake of humanity will tolerate that. Besides there is no religious injunction against it. I have seen with my own eyes when I was in Mecca that many poor destitute Indians lay in the streets without any apparent means of living or a rag of clothes on. I tried in most cases to give them some sort of relief but the task was too heavy for any one person. There are no adequate hospital arrangements for pilgrims. They die and are collected and thrown into some cave. Will my friend Maulvi Mohammad Shafee tolerate these things? I know the question of interchangeability of passage tickets is a difficulty but the revised provisions in the Act will I am sure remedy that. If a pilgrim is left stranded without being embarked in 25 days from Jeddah the Company will have to pay him subsistence. I think one could say a lot about this subject, but only a small section of Indian Muslims oppose the measure, and the majority of Muslims throughout India are in favour of the Bill, and I hope the House will pass it. I heartily support it.

**Haji S. A. K. Jeelani** (North Madras: Muhammadan): Sir, I accord my support to this Bill. A Bill of this nature is very essential in order to safeguard the interests of pilgrims to Mecca. Many of them suffer considerable hardships. I know personally that many Mussalmans undertake the pilgrimage to Mecca with practically no money with them, or insufficient money. I am sorry to say that some poor Mussalmans who are professional beggars go to Mecca, not with religious feelings, but merely to beg, though I do not deny that there may be a few among them who go with genuine religious motives. When I got on board the steamer at Bombay to go to Mecca I was surprised to see within a few minutes of our steamer leaving Bombay beggars going round among the passengers in the steamer begging. These beggars not only trouble the passengers in the steamers, but they are also a cause of disease and a cause of the heavy mortality among the pilgrims. They have no lodgings, but stay on the roadside exposed to all kinds of weather and dirtying the place; thereby diseases break out not only endangering their own lives but also the lives of others living close by. Some of my Mussalman colleagues in this House are not in favour of this Bill. They are led away by their feelings of sympathy for these men but I am sure that if they were to see for themselves the difficulties to which these pilgrims subject themselves and others they would find out their mistake. Again some of my Mussalman friends may think that the introduction of a Bill of this kind is an encroachment on the religious rights of Mussalmans. I can assure them that it is not an encroachment on their religious rights at all but it is quite in accordance with the conditions that Islam fixed by making the Haj obligatory. All the Haj Committees and many of the Mussalman Anjumans have sup-

ported this Bill. Some Anjumans have kept quiet. Their silence indicates consent. The introduction of this Bill will not only lessen the inconvenience of the pilgrims but also reduce the death-rate. If my Mussalman colleagues here do not care to save their brothers' lives, let them oppose or delay the Bill. Sir, I must draw the attention of my Mussalman colleagues here to the fact that one of the important religious teachings of Islam is that if any Mussalman were to try to do some wrong it is the duty of other Mussalmans to prevent it if that prevention lies in their power. Now these Mussalman pilgrims go without sufficient money and put themselves into difficulties as well as cause a lot of inconvenience to others. Once our Prophet (peace be with him!) went on Haj. He saw some people who went there for the Haj come forward to beg. He prevented them from begging. The people who go from here without money must beg in order to return to their own native place. That is another instance of the same thing and we the Mussalmans who are here now have an opportunity of preventing them. If you neglect your duty are you not liable for neglect?

Some Mussalmans here, though they admit that this Bill is not an encroachment on Mussalman rights, yet think the fact that a non-Mussalman has introduced this Bill is a kind of encroachment on religion. (*Mr. M. A. Jinnah*: "The Member in charge is a Mussalman".) To them I say that Islam teaches that good advice given by either Mussalman or non-Mussalman should be accepted with thanks. Besides that this matter was first set in motion by our Amir-ul-Momnin and Khalifat-ul-Muslimin Sultan of Turkey. Four or five years before the great war, I saw as the Secretary of a Haj Committee the correspondence which passed between the Sultan of Turkey and the Foreign Minister of His Majesty's Government in London, protesting strongly against the Indian Government allowing such people without sufficient money to go and perform the Haj. This correspondence was circulated to all Haj Committees.

Now, Sir, I request my Mussalman colleagues, those who have come with prejudiced minds to oppose the Bill, after hearing all these things to give their wholehearted support to this Bill. To the Government Member I would say the mere introduction of this Bill will not remove all the difficulties which we have to overcome. I know that many passengers board a ship hours or days before the regular passengers are embarked by paying a bribe to the steamer authorities. Unless you take steps to prevent that by writing letters to the Commissioner of Police in Bombay or other responsible officers at other ports of embarkation, to examine and search the steamers for such people and then to allow the pilgrims to enter into the steamers—unless you do this the usefulness of this Bill will not have a good effect. With these few words, Sir, I support the Bill.

**Mr. President:** The question is:

"That the Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

**Maulvi Sayad Murtuza Sahib Bahadur:** I want to speak too, Sir.

**Mr. President:** The Honourable Member will get an opportunity on the motions that the clauses stand part of the Bill.

The question is that the Bill be taken into consideration.

I think the Ayes have it.

[Mr. President.]

(On Mr. Kabeerud-Din Ahmed calling "Aye" repeatedly.)

The Honourable Member from Bengal has been long enough in the House to know that he should remain silent when the Chair says "the Ayes have it" unless he wishes to claim that the Noes have it.

The Assembly divided:

AYES—53.

Abdul Mumin, Khan Bahadur Muhammad.  
 Abdul Qaiyum, Nawab Sir Sahibzada.  
 Ahmad Ali Khan, Mr.  
 Ahmed, Mr. K.  
 Aiyangar, Mr. K. Rama.  
 Ajab Khan, Captain.  
 Ashworth, Mr. E. H.  
 Bhowre, Mr. J. W.  
 Blackett, The Honourable Sir Basil.  
 Bray, Mr. Denys.  
 Burdon, Mr. E.  
 Chetty, Mr. R. K. Shanmukham.  
 Clarke, Sir Geoffrey.  
 Cocke, Mr. H. G.  
 Crawford, Colonel J. D.  
 Dalal, Sardar B. A.  
 Fleming, Mr. E. G.  
 Gour, Sir Hari Singh.  
 Graham, Mr. L.  
 Gulab Singh, Sardar.  
 Hira Singh, Sardar Bahadur Captain.  
 Hudson, Mr. W. F.  
 Hussanally, Khan Bahadur W. M.  
 Jeelani, Haji S. A. K.  
 Jinnah, Mr. M. A.  
 Joshi, Mr. N. M.  
 Lindsay, Mr. Darcy.  
 Makan, Mr. M. E.

Marr, Mr. A.  
 McCallum, Mr. J. L.  
 Mitra, The Honourable Sir Bhupendra Nath.  
 Moir, Mr. T. E.  
 Muddiman, The Honourable Sir Alexander.  
 Muhammad Ismail, Khan Bahadur Saiyid.  
 Naidu, Mr. M. C.  
 Pal, Mr. Bipin Chandra.  
 Purshotamdas Thakurdas, Sir.  
 Ramachandra Rao, Diwan Bahadur M.  
 Rangachariar, Diwan Bahadur T.  
 Rhodes, Sir Campbell.  
 Rushbrook-Williams, Prof. L. F.  
 Samiullah Khan, Mr. M.  
 Sarda, Rai Sahib M. Harbilas.  
 Sastri, Diwan Bahadur C. V. Visvanatha.  
 Sim, Mr. G. G.  
 Singh, Rai Bahadur S. N.  
 Stanyon, Colonel Sir Henry.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Wajihuddin, Haji.  
 Webb, Mr. M.  
 Wilson, Mr. R. A.  
 Yakub, Maulvi Muhammad.

NOES—7

Badi-uz-Zaman, Maulvi.  
 Das, Pandit Nilakantha.  
 Dutt, Mr. Amar Nath.  
 Hari Prasad Lal, Rai.

Murtuza Sahib Bahadur, Maulvi Sayad.  
 Nehru, Dr. Kishenlal.  
 Shafee, Maulvi Mohammad.

The motion was adopted.

**Mr. President:** Before we proceed to deal with the clauses of the Bill, it may assist the Assembly if I say a word about the amendments on the paper. The first amendment on the paper, it will be seen, is not necessary because the question will be put in the other form. No. 2 in the name of Khan Bahadur Sarfaraz Hussain Khan is out of order because the Bill deals simply with compulsory return tickets and not with fares, and therefore the amendment in the name of Haji Wajihuddin is also out of order. Maulvi Muhammad Yakub's is in order. Khan Bahadur Shams-uz-Zoha's No. 4 is in order; No. 5 is covered by what I said about No. 1. No. 6 in the name of Khan Bahadur Shams-uz-Zoha is also, I think, in order; No. 8 in the name of the same Member is also in order, as also Nos. 9, 10, 11 and 12. No. 14 in the name of Khan Bahadur Shams-uz-Zoha is out of order.

Then, of the amendments standing in Maulvi Mohammad Shafee's name, the only one in order is the section which he proposes to insert as

a new section No. 10, which as a matter of fact ought to be moved as an amendment to the existing clause 5 and not as a new clause. The rest are out of order with the exception of his proposed addition as new clause 11 to section 213 of the original Act, which is consequential upon his previous amendment.

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

**Maulvi Mohammad Shafee:** Sir, I beg to move that clause 5 of the Bill be deleted.

This clause in the Bill is a prohibitory clause and therefore, as I have said just now that no prohibition in matters of this kind should be legislated upon in this House, I say this clause should not stand. I have in my amendment shown that I do not object to arrangements for return tickets being made with the shipping companies or to arrangements for deposits being made in India for the purpose of being utilised in Jeddah at the time of return; but what I say is that these two arrangements should be made and should be as attractive as possible and as convenient as possible so that Haj pilgrims may run towards them of their own accord without any compulsion by the Government. If they are made compulsory, I am sure they will be as hard and stiff as any rule of the Government and you will then see to what consequences the pilgrims will be reduced.

As to (a), that is to say, the compulsory return ticket, I am definitely certain, without any shadow of doubt in my mind, that this clause should not stand. It is not to the benefit of the pilgrim at all. It will kill, as I have read one government official of Bombay reporting to the Government of India, the smaller companies and rates would run very high. We have had this subject before us since 1905 and Mussalmans of great position have all along with a unanimous voice objected to it, and I do not think this House will at this stage, having heard the opinion of the leading Mussalmans and leading associations of India, give its consent to this proposition in the Bill.

I had forgotten to mention, Sir, that the only authority so far as religious authority is concerned is the authority of the Jamiat-ul-Ulema-i-Hind, that considered this question very anxiously at Moradabad when they were sitting and after many hours' discussion referred this to a select committee of 17 Ulemas who form the working committee of the Jamiat-ul-Ulema. That committee met for the express purpose of deciding as to the desirability of this policy, and they came to the conclusion that it is certainly a restriction on the performance of one of the great institutions of Islam which should not be allowed and which should be opposed vehemently. We have the opinion of other leading Mussalmans in the provinces of Bombay and Madras and also in the United Provinces, which have been supplied to us, and we find that they are entirely against it.

As regards the deposit system, as I told you, Sir, it is a system which has been newly introduced and has been in operation only for a year. We do not know what the result of the working will be. We know only that it was introduced in 1924 and people have had recourse to it. I said to Mr. Bore, and I repeat it again, that we should have further discussion on this clause when our representatives who have gone to Jeddah come here on the 4th March. Although I oppose making it compulsory on the pilgrims to deposit the money, still I am open to conviction on this point after these people come and advise me as to the state of things there and as to the feasibility of this problem.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I beg to move:

"That in clause 5, in the proviso to new section 208A, for the words 'obtained a certificate from an authority appointed in this behalf by the Local Government certifying that the said authority is satisfied that the pilgrim does not intend to return to India' the following shall be substituted, namely:

'made a declaration on oath or affirmation in such form as may be prescribed, before an authority appointed in this behalf by the Local Government, that he does not intend to return to India within three years after the date of declaration.'

The object of moving this amendment is quite clear. I do not want to make a long speech about it as I understand that the Honourable Member in charge of the Bill will accept it. I would simply say that my object in moving this amendment is that there might be certain obstinate officers who may not be satisfied with the declaration of the intending pilgrim, and therefore instead of saying that the officer "is satisfied", I have said that the "declaration on oath or affirmation" may be considered as sufficient. And then to the words "does not intend to return to India" I have added the words "within three years from the date of declaration". Of course, as has already been stated, the main object of this Bill is to put a sort of check upon the professional beggars, and I therefore move this amendment so that extra hardships may not be inflicted on *bona fide* Hajis. There may be certain persons who intend to make the Hijrat and not come back, but who after reaching there find that the climate does not suit them or that their disposition of their property in India was not in order, and so they again wish to return to India. In the case of such persons, in order that the proviso may not affect them, I have proposed this amendment.

**Mr. President:** Amendment moved:

"That in clause 5, in the proviso to the proposed section 208A, for all the words occurring after the words 'such pilgrim' the following be substituted:

'who has given a declaration on oath before an authority appointed in this behalf by the Local Government to the effect that he (the pilgrim) does not intend to return to India within three years.'

**Mr. J. W. Bhore** (Secretary, Department of Education, Health and Lands): Sir, I am prepared on behalf of Government to accept that amendment if it is moved in the following form. . . . .

**Maulvi Muhammad Yakub:** I have moved it in that form. I have accepted your form.

**Mr. J. W. Bhore:** Then, Sir, I am prepared to accept it in that form, but I should like to enter a caveat at this stage. If it is found by experience that this amendment is being largely used to render nugatory the essential provisions of this Bill, the Government may later have to reconsider the position.

**Mr. President:** Am I to understand the form is:

"made a declaration on oath or affirmation in such form as may be prescribed, etc."

**Mr. J. W. Bhore:** Yes, Sir.

**Mr. President:** The question I originally put was in the form on the paper.

**Maulvi Muhammad Yakub:** I moved it, Sir, in the amended form. I had accepted the amended form.

**Mr. President:** The Honourable Member will observe that the form of the amendment which I put from the Chair was the form he had on the paper. Therefore that is the question before the House. Has the Honourable Member the leave of the House to withdraw that amendment?

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

**Mr. President:** Further amendment moved:

"That in clause 5, in the proviso to new section 208A, after the words 'such pilgrim' to omit the existing words and to insert the following:

'who has made a declaration on oath or affirmation in such form as may be prescribed, before an authority appointed in this behalf by the Local Government, that he does not intend to return to India within three years after the date of declaration.'

The question is that that amendment be made.

The motion was adopted.

**Khan Bahadur M. Shams-uz-Zoha** (Burdwan and Presidency Divisions: Muhammadan Rural): \*Sir, the amendment which stood in my name formerly of course I now beg to withdraw and accept the amendment which has been adopted. There have been some changes in the wording made by Mr. Bhore and I accept those changes. I want your permission, Sir, to move that amendment as re-drafted. It runs as follows:

My first amendment stood in this form:

"After the words 'or on the voyage thereto' . . ."

**Mr. President:** That is to clause 6. We have not come to that yet. Does the Honourable Member move the amendment standing in his name to clause 5?

**Khan Bahadur M. Shams-uz-Zoha:** I do not move that amendment.†

**Mr. President:** The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

**Khan Bahadur M. Shams-uz-Zoha:** Sir, I had three amendments to clause 6. The first amendment runs as follows:

"That in clause 6 (b) of the Bill the words 'subject to any conditions or deductions which may be prescribed' be deleted."

I do not move that amendment.

The second amendment ran as follows:

"That in clause 6 (b) of the Bill:

after the words 'or on the voyage thereto' the words 'or determines subsequently while in Hedjaz to live there permanently' be inserted"

\* Not corrected by the Honourable Member.

† "That in clause 5 to the proviso to the proposed section 208A, the following be added:

'For securing such certificate either an affidavit to that effect sworn by the pilgrim concerned before a court, or his submission of certificates to that effect from two respectable gentlemen of the locality, would be considered sufficient.'

[Khan Bahadur M. Shams-uz-Zuha.]

That has been re-drafted, and it now runs:

"after the words 'voyage thereto' the following shall be inserted, namely:

'or does return to British India before the expiration of one year from the date on which he paid for the return ticket or made such deposit.'

The next one (b) in the revised form is:

"after the words 'legal representative' the words 'or the pilgrim himself, as the case may be', shall be inserted."

Sir, in moving these two amendments I only make the case of those persons a little easier who were not thought of before, namely, some persons who, while going to the Hedjaz and of course making a deposit or purchasing a return ticket, subsequently change their mind and, finding the land suitable, may decide to live there permanently. So in their case of course it would be hard if they lost any portion of their deposit or return ticket, and so I make these additions. Instead of legal representatives, in their case the money ought to be refunded to the pilgrims themselves because, while they live there, they may want the money for their expenses on the land; and so I have inserted the words 'as the case may be'; that is to say, as the situation will demand, the money will be paid to the legal representatives or the pilgrims themselves. In moving these amendments of course I have nothing more to say but that in these cases Government should make very lenient provisions so that the poor people may not have occasion to complain of suffering. It is of course admitted on all hands that in the British Dominions the facilities for religious observances and toleration prevail which can be found nowhere else. The Muslims of course consider this land as the garden of Islam, and of course it was for that reason, Sir, that at first when this Bill came into existence, at its inception, I was not so favourably impressed and I was willing to oppose it *in toto* because it might be distorted and interpreted as a religious interference by of course some interested persons, which of course the British Government are pledged never to do in the case of any nationality, far less in the case of Muhammadans who have to obey strict religious injunctions to protest against such sort of a measure. Sir, it was for that reason that I was willing to oppose it. Of course subsequently I consulted Ulemas and I came to find out the reason of it. However it may be expedient and necessary to have a Bill of this kind, it must be said, Sir, that it is an unfortunate measure, and it would have been better if it had not seen the light of day, because, Sir, this is a time when of course everywhere there is . . .

**Mr. President:** Order, order. The Honourable Member should have delivered that speech earlier.

**Khan Bahadur M. Shams-uz-Zoha:** I said that *subsequently* I changed my mind.

**Mr. President:** I am not concerned with the merits of the Honourable Member's opinion. These remarks are not in order on these amendments. The debate is now confined to the question of the refund of the passage money on the death of or a declaration by the individual in question if he does not propose to return. That is a very narrow issue.

**Khan Bahadur M. Shams-uz-Zoha:** These insertions, Sir, are designed simply to make it more convenient in the case of those persons who subsequently change their mind and reside in Arabia; and with these remarks, Sir, I move the amendment.

**Mr. President:** Further amendment moved:

"That in clause 6 sub-clause (b), after the words 'voyage thereto' to insert the following words, namely:

'or does not return to British India before the expiration of one year from the date on which he paid for the return ticket or made such deposit'."

The question is that that amendment be made.

The motion was adopted.

Further amendment moved:

"After the words 'legal representative' to insert the following words, namely:

'or the pilgrim himself, as the case may be'."

The question is that that amendment be made.

The motion was adopted.

Clause 6, as amended, was added to the Bill.

**Khan Bahadur M. Shams-uz-Zoha:** Sir, in the case of clause 7 the first amendment runs as follows:

"That in clause 7, in the proposed section 209A (1), for the words 'thirty days' wherever they occur the words 'fifteen days' be substituted."

This has been subsequently re-drafted and now runs as follows:

"That in clause 7 in sub-section (1) of new section 209A, for the word 'thirty' the word 'twenty-five' shall be substituted."

This also, Sir, has been done of course in consultation with the Member in charge of this Bill and with others of my Muhammadan colleagues: because thirty days would be too long a period, and so it was thought that some reduction should be made. At first I proposed that it should be made fifteen days but, as the majority agreed to the proposal of the Honourable Sir Muhammad Habibullah, it was of course accepted by all that it should be made 25. Sir, I move the amendment.

**Mr. President:** Amendment moved:

"That in clause 7, in sub-section (1) of new section 209A, for the word 'thirty' the word 'twenty-five' shall be substituted."

The question is that that amendment be made.

The motion was adopted.

**Khan Bahadur Sarfaraz Hussain Khan** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, the amendment which I move is in the following terms:

"That in clause 7 of the Bill, in sub-section (1) of the proposed section 209A, for the words 'he presents his ticket to' the words 'his ticket reaches' be substituted."

To explain my meaning I think I had better read the whole section so that the House may see how it fits in there. The proposed section 209-A, sub-clause (1):

"209A. (1) Port-clearance shall not be granted from any port in British India to any pilgrim ship unless or until the master owner or agent and two sureties resident

Cost of return journey of pilgrims on ships other than those for which return ticket is available

in British India have executed in favour of the Secretary of State for India in Council a joint and several bond for the sum of ten thousand rupees, conditioned that, if any pilgrim who has been carried to the Hedjaz by that ship with a return ticket issued in British India within the previous eighteen months is, owing to his inability to obtain accommodation on a ship for which the return ticket is available, detained at Jeddah for a longer period than thirty days from the day on which he presents his ticket to the British Consul at Jeddah. . . ."

[Khan Bahadur Sarfaraz Hussain Khan.]

Now here are the words "presents his ticket to." For these words I wish to substitute the words "his ticket reaches." What I mean is that at times it may be very difficult for people, specially old and female or even young, just after the expiry of the prescribed time to go to the Consul at Jeddah. What I wish is that such persons—whether men or women—may be permitted to post or send their tickets to the Consul. I therefore ask for the substitution of the words "his ticket reaches" for the words "he presents his ticket to". So that it may be more easy and convenient to the man to send the ticket than that he should himself go and present it. Thus, "his ticket reaches" would be better inasmuch as it will as a matter of course add to the convenience of the man sending the ticket. With regard to the removal of destitution, what you have done is simply to make provision for return tickets. Beyond this you have done nothing. It is a very small provision indeed. Objection has therefore very rightly been taken by a large number of Muhammadans, specially the orthodox class. For this piece of objectionable legislation, what you have done is simply to provide for the return tickets or deposits. That is all. By the courtesy of Mr. Bhore I have just got this information. Look at the comforts and conveniences which pilgrims get in Egypt. Let me read it:

"In reply to the Indian Government's telegram, a copy of which was communicated to you by the First Secretary of the . . ."

This is the order:

"Each pilgrim who is desirous to proceed to Mecca shall deposit into the Local Government Treasury the sum mentioned herein . . . from the nearest railway station."

**Mr. President:** Order, order. The Honourable Member is proposing a verbal change. If he explains the meaning of his verbal change, the House will no doubt follow him, if he cannot do so, the House will not!

**Khan Bahadur Sarfaraz Hussain Khan:** I was reading it, Sir, to show to the House the amenities given to the pilgrims in Egypt.

**Mr. President:** We are not discussing the amenities given to the pilgrims in Egypt. We are discussing the precise manner in which the ticket should reach the hands of the British Consul in Jeddah.

**Khan Bahadur Sarfaraz Hussain Khan:** I have already said that in order to minimise the inconvenience to the pilgrims it would be better if they post their tickets to the Consul at Jeddah. It may however be said that tickets may be stolen by some people who may make use of them. But men take jolly good care of their tickets and there will be very rare chances of their being stolen. I therefore think it is better that pilgrims should be permitted to send their tickets to the Consul, instead of presenting them to him. I therefore move my amendment.

**Mr. J. W. Bhore:** I am afraid, Sir, we cannot accept this amendment, as its adoption would lead to hopeless confusion and endless fraud, and personally, so far as the convenience of individual pilgrims is concerned, I do not think it can make the slightest difference, for every pilgrim must come to Jeddah if he wants to take ship to get back to India. All that we ask is that when he comes to Jeddah, he should present his ticket there. For this reason, I oppose the amendment.

**Pandit Shamlal Nehru** (Meerut Division: Non-Muhammadan Rural): What objection can you have if the ticket is presented on behalf of a pilgrim?

**Mr. President:** Amendment moved:

"That in clause 7 of the Bill in sub-section (1) of the proposed section 209A for the words 'he presents his ticket to' the words 'his ticket reaches' be substituted."

The question is that that amendment be made.

The motion was negatived.

**Khan Bahadur M. Shams-uz-Zoha:** Sir, the amendment which I have to move runs thus:

"That in clause 8 in sub-clause (b) after the words 'or on the voyage thereto' the words . . . ."

**Mr. President:** The next amendment standing in the name of the Honourable Member is to substitute "two rupees" for "one rupee" in the proposed section 209A(1).

**Khan Bahadur M. Shams-uz-Zoha:** I have the honour to withdraw that amendment, Sir.

Clause 7, as amended, was added to the Bill.

**Khan Bahadur Shams-uz-Zoha:** My former amendment ran thus:

"That in clause 8, in sub-clause (b) after the words 'or on the voyage thereto' the words 'or to the pilgrim himself who subsequently determines to live permanently in Hedjaz as the case may be' be inserted."

But I have redrafted my amendment as follows:

"That in sub-clause (b) of clause 8 after the words 'voyage thereto' the following shall be inserted, namely:

'or to pilgrims who do not return to British India within the period provided in section 209 or to the nominees of such pilgrims'."

I withdraw my first amendment and I have the honour to move the redrafted amendment.

**Haji Wajihuddin:** Sir, I second the amendment.

**Mr. President:** Amendment moved:

"That in sub-clause (b) of clause 8 after the words 'voyage thereto' the following shall be inserted, namely:

'or to pilgrims who do not return to British India within the period provided in section 209 or to the nominees of such pilgrims'."

The question is that that amendment be made.

The motion was adopted.

Clause 8, as amended, was added to the Bill.

**Mr. J. W. Bhore:** Sir, I beg to move that clause 9 be deleted.

**Mr. President:** The question is:

"That clause 9 stand part of the Bill."

The motion was negatived.

**Mr. J. W. Bhoré:** I beg to move a purely formal amendment, namely, that the word "second" be inserted before the word "amendment" in clause 1. This has been necessitated by the fact that since this Bill was introduced a second amending Bill has already been passed giving effect to the provisions of clause 9.

**Mr. President:** Amendment moved:

"In clause 1 to insert before the word 'amendment' the word 'second'."

The question is that that amendment be made.

The motion was adopted.

Clause 1, as amended, was added to the Bill.

**Mr. J. W. Bhoré:** Sir, in the Preamble I beg to move another formal amendment, namely, the insertion of the word "further" after the word "expedient." That also has been necessitated by the fact that the second amending Bill has already been passed.

**Mr. President:** The question is:

"That this be the Title and Preamble to the Bill."

Amendment moved:

"In the Preamble after the word 'expedient' to insert the word 'further'."

The question is that the amendment be made.

The motion was adopted.

The Title, and the Preamble, as amended, were added to the Bill.

**Mr. J. W. Bhoré:** Sir, I do not propose to move for the third reading of the Bill to-day because we should like to examine the Bill from the draftsman's point of view in view of the numerous amendments that have been proposed.

The Assembly then adjourned for Lunch till Three of the Clock.

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The Assembly re-assembled after Lunch at Three of the Clock, Mr. President in the Chair.

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#### RESOLUTION *RE* LEGISLATIVE COUNCIL FOR AJMER-MERWARA.

**Rai Sahib M. Harbilas Sarda** (Ajmer-Merwara: General): Sir, I rise to move the following Resolution:

"This Assembly recommends to the Governor General in Council that he will be pleased to establish a Legislative Council for Ajmer-Merwara."

The matter of the motion must not be taken to be of local importance only, as affecting only a small part of the country. The history and traditions of Ajmer-Merwara, its great strategical importance, its peculiar geographical situation—situated as it is in the heart of the land of the Rajputs, and more than 220 miles away from the nearest British territory—and its great religious associations invest the question of its administration with an importance which will be felt more and more as time progresses.

As that noble historian and political officer Colonel James Tod, whose memory is revered throughout Rajputana, says, Ajmer is celebrated in the history of the Moghuls as well as the Hindus. It was the last capital of the Hindu Empire in India. Ajmer was the place where the splendours of Rajput chivalry and the resplendant glories of the Chauhan empire shone so brightly as to light up the firmament of the whole of Southern Asia.

Even now Ajmer contains one of the most important of the Hindu places of pilgrimage as also one of the sacred Moslem shrines in India. The importance of Ajmer and the part it has played in the political history of the country is best illustrated by the fact that no one achieved political supremacy in this great country until the possession of Ajmer adorned his ambitious brow.

Ajmer, Sir, was one of the earliest possessions of the British in India: it became a part of British India long before Delhi, Agra, Lahore, Lucknow, Allahabad, Karachi or Nagpur passed into British possession.

**Diwan Bahadur T. Rangachariar:** Not before Madras.

**Rai Sahib M. Har Bilas Sarda:** Not before Madras, but I am not comparing Ajmer with Madras; I am asking for things which you have already got. And if any province deserves well of the British Government, it is Ajmer-Merwara. For it was this small province, this district of Merwara, which furnished the highest percentage of fighting men in India to the Government during the world war. I remember well the head of the Province declare with evident pride in a public meeting in Ajmer after a prolonged tour in Merwara in 1916 that he had been to all the villages in the district and had looked in vain for grown up men in the villages, that all who were capable of bearing arms were serving their King either in Flanders or in Mesopotamia or Africa, and that only women, children and old men were to be seen in the villages and the hillsides of this nursery of soldiers.

Ajmer is called the heart of Rajputana. It is here that those vital impulses are generated that reach the furthestmost parts of this great Province. Being the centre of Rajputana it radiates light which lights up all the nooks and corners in this historic province and affects the lives not only of the millions who reside there, but of millions who possessing homes there, are spread all over India and are found in large numbers in Madras, in the Central Provinces and Khandesh, in Sind and all over the Bombay Presidency, in Hyderabad, in Bengal, in distant Assam, in Rangoon, in Singapore and in Africa. Their happiness and prosperity are affected by the political conditions and administrative changes in the homelands of this race of born traders and business men. These homelands take their cue from this important province of Ajmer-Merwara, which in all matters administrative or social, is looked up to by the rest of Rajputana containing the most important and ancient Rajput States of India. What Ajmer thinks to-day, the rest of Rajputana will think to-morrow.

The form of administration of Ajmer-Merwara is thus of importance not only to the citizens of this British province, but also to those who reside in Rajputana, a province as large as France, and are spread over and engaged in commercial pursuits all over India. In this sense the question of the administration of Ajmer-Merwara travels beyond the limits of provincial importance and enters into the domain of national interests.

But while the situation and circumstances of this province make it of especial importance, its small size subjects it to serious drawbacks. In big provinces the outcry reverberates throughout their length and breadth and

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even beyond them, and the volume ensures hearing. Then the income and the extent of territory makes possible the maintenance of regular and permanent services and makes the members of those services take real interest in its problems, its conditions, in its welfare, as they have most of them to pass their lives there. Not so in small provinces, and particularly those under the Political Department of the Government of India.

Rightly or wrongly, the British Government have accepted the ideal that the Government of India shall be a federation of provinces, all self-contained and independent, with only foreign relations and national security centralized. This involves provincialization of services, and the breaking of many of those bonds which serve to unite the various provinces together and to cement the various parts of the country into one whole. It is a question whether the present policy, if carried to its extreme logical conclusion, in a country like India will not to some extent hinder the building up of the Indian nation as a unit, as an organic unity gathering together nourishment from every part of it and supplying vitality to its various component parts by a single alimentary canal reaching its furthest limits. I believe, Sir, that provincialisation is demanded in India, not because it has any virtue in itself, but because Government have conceded control of services and local interests in provinces to local Councils and Ministers who would be Indians and who would thus be able to exercise some control over the administration.

I believe, Sir, that nationalisation of the important and skeleton services would be more useful to the country in keeping up a high standard of efficiency and in strengthening the unifying influences at work in the land. Whether this view is right or wrong, I think it is desirable that a Government, imperial in character, with an imperial outlook, should not shape the administration of each province or district irrespective of attendant considerations, merely on the relation its revenue bears to its expenditure. Certain principles applicable to big provinces cannot with justice or fairness be strictly applied to small but important provinces.

Ajmer-Merwara, though in no way behind the bigger provinces in intellectual and moral evolution, is being left behind in the race through no fault of its own, but owing to historic incidence, owing to circumstances beyond the control of its inhabitants. Ajmer-Merwara with a history and traditions second in importance to no other province, inhabited by a people who in intelligence, industry, enterprise and loyalty are able to hold their own anywhere, have to live in unsatisfactory conditions, in spite of the efforts of some of the best officers that have served any Government, as the administration is starved and educational facilities to the people denied. If literacy is any test of the fitness of a province to secure representative institutions and a Legislative Council, Ajmer-Merwara is far in advance of many a province which possesses a Council. The Punjab and the United Provinces are situated nearer to Ajmer-Merwara than any other British province. Now, according to the census of 1921 the average literacy of Ajmer-Merwara is 113 compared to 87 in the United Provinces and 25 in the Punjab. The electorate in Ajmer-Merwara is thus much better educated, if I may use the word, than in these neighbouring provinces. Let us apply another test. It has often been said that the fitness of a province to possess a representative Assembly is in proportion to the number of electors that go to the polls. If we apply this test to the various provinces.

of India, Ajmer-Merwara would be found to be the foremost province in India entitled to possess an elected Council; for, at the last Assembly elections 75 per cent. of the voters went to the polls, as compared with 58 in the Punjab and 45 in the United Provinces. No single constituency anywhere in India sent more than 70 per cent. or 65 per cent. of its voters to the polls. Ajmer-Merwara sent 75 per cent.

Leaving aside this view, it may be noted that while the rest of India is making progress towards self-government there has been little progress in the administration of Ajmer-Merwara. The Province is still a scheduled one: local laws passed 50 years ago are still in force practically unimproved. The Municipalities Act passed 40 years ago stands intact. And whenever a new Regulation is made in any matter, it is framed and passed without the people having any voice in the framing of it.

Now, Sir, a great injustice was done to my province when it was made a Scheduled District. Up to 1870 A. D. it was a part of the North-Western Provinces and was administered by the Lieutenant Governor of that Province. In 1871 it was taken away from the North-Western Provinces and made a minor administration under the Government of India and was placed under the Agent to the Governor General in Rajputana as an *ex-officio* Chief Commissioner. The Scheduled Districts Act of 1874 was applied to it in 1877 A. D. This was a great injustice. Sir, the Scheduled Districts Act is intended for very backward tracts of the country. The Honourable Mr. Hobhouse while presenting the Report of the Select Committee on the Scheduled Districts Bill and Laws Local Extent Bill in the Council of the Governor General of India on 8th December 1874 referred to the power conferred by the Acts on the Executive Government and said:

"In fact it was supposed by some that with regard to certain *outlying* districts which we now call Scheduled Districts, the Local Governments were to have absolute and unlimited powers of altering the law from time to time by proclamation and similar summary process."

He further said:

"Other enactments again known as deregulationising Acts have been passed for the purpose of removing from the operation of the General Acts and Regulations certain districts which were too backward to benefit by them and of giving large powers of administration to the Executive in those Districts."

Towards the end of his speech he again used the words "except the backward parts called the scheduled districts".

Sir Courtney Ilbert in his "Government of India" (chapter 2, page 145) says:

"Besides the formal power of making laws through the Legislative Council, the Governor General has also, under an Act of 1870 power to legislate in a more summary manner by means of Regulations for the government of certain districts of India of a more backward character which are defined by orders of the Secretary of State and which are scheduled districts within the meaning of certain Acts of the Indian Legislature."

These extracts will show that backward parts of the country, outlying districts of India, were the tracts intended to be treated as scheduled districts, and the Scheduled Districts Act was intended to be applied to them only. By no stretch of imagination, no straining of the English language, could Ajmer be called or treated as a backward province, deficient in the possession of the necessary elements of a civilised part of the country, as being inhabited by a people in any way behind Agra, Delhi, Cawnpur, Lahore, Ahmedabad or Poona in the common amenities of civilisation in

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social or moral evolution, in the peaceful arts of life or in intellectual culture. Is the fact that Ajmer was once the capital of Upper India under the Chauhan Emperors, or, where the high traditions of its elevated position, courtly manners, high Hindu culture and refinement—concomitants of the seat of empire—still linger, a proof of its backwardness? Is the fact that it contains the most ancient sacred places of the Moslems and the Hindus in this country, places of pilgrimage where Hindus and Moslems from all parts of India have for centuries been meeting and bringing to bear on them the best that is in them, evidence to show that the place is a semi-civilised one, or is it that its flourishing cotton, lace and dyeing industries, its higher average literacy than that of most of the other provinces of India, the peaceful pursuits of its residents, the total absence of violent crime in it, that make it a backward tract? The answer can only be an emphatic ‘No’. How is it then that it has been classed as a scheduled district? There is a Persian proverb, Sir, *Ay raushani-e-taba tu bar man bala shudi*. (‘Oh enlightenment, thou hast become a source of trouble to me.’) Its important strategic and political situation, situated as it is at the head of the watershed of India, and commanding equally all the great Rajput States from its central position has been its misfortune. Government knew well from the beginning that Ajmer was more advanced in the amenities of civilisation than many regulation provinces and was abreast of the best of them, yet because of the political considerations that its geographical situation in the midst of great and historic Rajput States gave rise to, it was considered necessary to treat it in a especial way. That is why it was made a non-regulation province. The Ashworth Committee’s report of 1922 on the Administrative and Judicial arrangements in the Province of Ajmer-Merwara under the heading of ‘Historical Retrospect’ after mentioning that in 1853 Ajmer-Merwara was administered by the Government of the North Western Provinces through a Commissioner who was assisted by a Deputy Commissioner and an Assistant Commissioner, says:

“From 1858 the office of the Commissioner was held *ex-officio* by the Agent to the Governor General in Rajputana who was subordinate in his former capacity to the Government of the North Western Provinces and in his latter capacity to the Political Department of the Government of India. This was found to be an undesirable system. The Agent to the Governor General in Rajputana could not spare sufficient time for the constant correspondence which his position as Commissioner under a Local Government entailed, while his subordination as Commissioner to a Local Government was detrimental to his influence as Agent with the Indian provinces. *At the same time, the situation of Ajmer-Merwara among Indian States in the heart of Rajputana was held to render necessary the retention of its administration by the Agent to the Governor General.* Accordingly in 1871 the province was taken under the direct administration of the Government of India in the Foreign Department, that department being preferred to the Home Department on the ground of the district’s geographical position among Indian States and of its circumstances requiring less rigidity of procedure.”

It is thus clear, Sir, that it was not because of the people being backward that it was made a non-regulation province but because this was necessary for the furtherance of the foreign policy of the Government of India in its dealings with the Indian Princes. And as the Government of India in the interests of their foreign policy would not allow Ajmer-Merwara to be administered by the Home Department or as a regulation province, which it fully deserved and to which it was fully entitled in every sense of the term, and as Government had at their command no other machinery of administration except what was provided by Statute 33 Victoria c.8; Act I of 1870 was applied to it and it was subjected to all the hardships, the injustices, the disabilities and disqualifications of a scheduled or a backward province. Sir,

my province has thus been suffering from a wrong done to it by Government, perhaps without in any way intending to injure the people or designedly retarding their progress. But the times have changed, the goal of British policy in India has changed, old methods have been discarded and new ones adopted and the interests of my province imperatively demand that to save it from permanent injury, it should be given the benefit of the measures which the Government in their wisdom have considered it necessary to apply to the rest of India to ensure the progress and happiness of its people. (Pandit Shamlal Nehru: "What are the benefits that the rest of India enjoys?") Why, the application of the Reform Scheme, the increasing association of the people with the administration and with the Government. The latest authoritative report on the administration of Ajmer shows how great the need for a reformed administration there is in Ajmer-Merwara. At page 10 it says that "there is urgent need of the revision of the Ajmer-Merwara Regulations". Further on (page 12) it says: "Further, while we agree that the administration as it exists is amateurish, we are impressed with grave deficiencies which exist." Is there not a sufficiently strong case for us to ask Government to undo the wrong done to us however unwittingly and unintentionally, and to associate us in the administration and frame laws and regulations with the willing co-operation and the loyal assistance of the people in a Legislative Council and thereby ensure the advancement, the happiness and contentment of the people, who have proved their loyalty, and who stand abreast of the most advanced and enlightened of the provinces of India in intellectual and moral evolution?

I must acknowledge here the great benefit that the province has received under British rule. Government received possession of Ajmer in 1818 from Scindia. Since then, great improvements have been made. While the Moghul Empire was declining and dissolving, the possession of Ajmer owing to its central position, was coveted by the different warring elements in the country and it became a bone of contention in the 18th century between the Moghuls and the Rajputs, and later between the Rajputs and the Mahrattas. The population of Ajmer in 1818 sank to 25,000 men all told. With the era of peace and settled Government ushered in by the British Government, the population began to increase, until it is now a lakh. Beawar, which, a hundred years ago, was a small village, has now become one of the most important commercial centres of India, with a rising cotton industry of considerable importance and a wool trade second only to Fazalka. The district of Merwara, inhabited by a people who in olden days preferred the sword and the rapier to the plough, was made an agricultural district and a centre of industry. Its daring people who enjoyed virtual independence till 1820 A. D., who plundered the camp of Emperor Jehangir and did not allow Aurangzeb and even Maharaja Sawai Jai Singh of Jaipur to pass unmolested by it, have been converted into agriculturists, industrialists and soldiers. But while acknowledging the good done to Ajmer-Merwara in the past, it is our duty to see that the people of that province who stood fastly by the Government and shed their blood freely on the battle fields of Flanders and Mesopotamia are allowed to march with the times and keep abreast of the other provinces and not left behind them.

In Ajmer-Merwara, the European Civil officers belong to the Political Department of the Government of India and though some of them are masters of their craft and are sympathetic, they are handicapped in various ways. The fact is that most of those who come to the province have little experience of administration. As Mr. Reynolds, recently Commissioner

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of Ajmer-Merwara, says (*vide* page 29 of the Ashworth Committee's Report):

"Under the existing system there is no certainty that either the Chief Commissioner or his First Assistant (now Secretary) will have any administrative experience of Ajmer-Merwara or indeed any administrative experience at all, the appointment being made from the cadre of the Political Department which is composed of officers, many of whom have never served in 'Internal India'. Similar criticism applies to the Commissioner. Some Commissioners have had revenue knowledge, some judicial, most of them have had neither, and in only one instance during the last fifteen years has the incumbent of the office had, prior to his appointment, any recent experience of district work."

These are the words of Mr. Reynolds. Regarding the work of the Commissioner, he further says:

"The Commissioner, in addition to being Sessions and Civil Judge and District Magistrate, a combination of duties which in the present day it will, I think, be found hard to defend, is Director General of Education, Inspector-General of Jails, Inspector-General of Forests, Chairman of the District Board, Convener of the Managing Committee of the Mayo College, Registrar General of Births and Deaths in Rajputana."

and Mr. Reynolds forgot to mention Collector of Revenue and Inspector General of Registration.

He adds:

"In addition, he has general supervision over Excise, Income-tax, Co-operative Societies and the ordinary duties of district, municipal and revenue work. Though practically the final arbiter on these special branches he is as a rule entirely innocent of any knowledge of education, forests, co-operative societies, excise and such matters. Common sense is his only and not always a safe guide in matters requiring technical knowledge and experience."

The seriousness of the drawback increases with the development of the administrative machinery of British India, the changing of the goal of British policy and the awakening of the people to a consciousness of their position and their rights. The acquaintance of these officers with the conditions and circumstances of the province is meagre and superficial and their interest in its welfare, in spite of their goodwill, of a fleeting nature owing to the fact that there is no permanent bond between them and the province, as is the case in bigger provinces. The Commissioner of Ajmer is to-day in Ajmer and to-morrow he is Resident of Kashmir. Owing to these conditions, in all matters executive and judicial, rules and regulations framed by other Provincial Councils and Governments to suit their own requirements are applied to this province.

**The Honourable Sir Alexander Muddiman:** I have no desire, Sir, to interrupt the Honourable Member, but for the last ten minutes he has been talking about the administration and administrative officers of Ajmer-Merwara; the point before us is whether legislative institutions should be given to that province.

**Rai Sahib M. Har Bilas Sarda:** I do not quite follow the point of order.

**Mr. President:** The Honourable the Home Member rose to draw the Honourable Member's attention to the fact that by the terms of his own Resolution we are confined to the discussion of the establishment of a Legislative Council for Ajmer-Merwara and that the conditions of administration there do not enter into such discussion.

**Rai Sahib M. Har Bilas Sarda:** I only say this, that such being the case, if the people of the province have their own Legislative Council and are associated to some extent with the administration some of these evils would be minimised. That is all I have to say. I know that the officers there are doing the best they can according to their lights; but the conditions of service are such that it is impossible that they can do all that should be done by them.

If, however, there were a Council, the representatives of the people in view of the chronic famine conditions obtaining there, necessitating periodic adjustment in certain matters, and in view of the especial requirements of the province owing to its peculiar geographical and political situation, would not apply those measures in their entirety, without material modifications.

It is unnecessary for me to take all the Regulations and Acts applied to Ajmer-Merwara from time to time—Regulations which were framed for the North West Frontier Province, the Punjab and other Provinces and which were applied to Ajmer-Merwara without considering whether they were good or not for the interests of Ajmer-Merwara. I only say generally that these officers belonging to the Political Department do their best, but notwithstanding all that, the people suffer because the conditions of service.

It will perhaps be said that there is no desire whatever to withhold the benefits of a Council from Ajmer-Merwara and that the Government wish to give the same voice and the same status to the people there as to those of the United Provinces or the Punjab, but that its financial resources do not allow of the application of the scheme. This objection when examined in the light of justice and fair-play would not be found to be tenable. In the first place, the province is really self-supporting. It is not now a deficit province. According to the Incheape Committee's Report, of the ten minor administrations Ajmer-Merwara is the only surplus one. It is, however, said that if certain Public Works Department charges are included, the expenditure would slightly exceed the income. We think, Sir, that some of these charges are not properly chargeable to Ajmer. Moreover, the Public Works administration of Ajmer-Merwara is unjustifiably top-heavy. There is only one Executive Engineer in the province and over him there is a Superintending Engineer. So is the case with the Police; there is a single District Superintendent of Police and over him there is an Inspector General of Police. Surely there is ample room for reduction of expenditure.

Leaving the question of top-heavy administration aside, is it any fault of the people of Ajmer-Merwara that the province is a small one? The Government took possession of it, because of its supreme political importance. The Moghuls and the Afghans did the same before the British and for the same reason. But in the Moghul times, leaving aside other things, the people of Ajmer enjoyed the same rights as those of Agra or Allahabad. Are we, who are equally advanced with the people of other provinces in the peaceful arts of life and in intellectual culture, not entitled to the same rights and privileges in provincial matters, as those around me are? Once the Government take possession of any part of India, they by the very act of taking possession, undertake certain liabilities and duties and one of them is that its people become entitled to enjoy the same rights and privileges as people in the same stage of social and moral evolution in

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other provinces do. Why are we, then, though equally the subjects of His Majesty as those of the United Provinces or Madras, and perhaps more serviceable in war, not to have the same voice in the administration as they have, when in the scale of civilization and peaceful arts of life we are in no way behind them?

As the Government of India pay immense regard to precedent—witness their judicial administration, for in a court of law a previous ruling is generally decisive—I will quote a precedent in support of my case. Government have given a Legislative Council to a province much smaller and infinitely less important than Ajmer-Merwara. It is Coorg. The area of Coorg is about half of that of Ajmer-Merwara while its population is only a little over a third. Coorg has not one town worth the name, Mercara with a population of 5,875 souls standing on the border line between a town and a large village; while my province contains the city of Ajmer with a population of a lakh (the last census report says 114,000) and occupying a most important place in the hearts of the Hindus and the Moslems, for no other city in India, so far as I am aware, enjoys the surname Sharif (great)—not even Delhi, not even Simla.

Besides Ajmer, there is Beawar, which is not only one of the most important commercial towns in the country but the second greatest market for wool in the whole of India. There are others with a larger population than the chief town of Coorg. Ajmer is an older possession of the British than Coorg. There is not a single college in Coorg and only one high school. In Ajmere there is a first grade Government College, one of the oldest in upper India and one of the most efficient thanks to the life-long labours of the late Principal, Mr. E. F. Harris, to whom Ajmer owes a debt of gratitude. The beginnings of English education in Ajmer-Merwara carry us to the early thirties of the last century. Then there is the Mayo College, the premier College for the Princes of India. The city of Ajmer alone has a number of large high schools and even those are too few for the boys seeking education. Ajmer is a Bishopric, and contains several European schools. If, then, Coorg has been given a Legislative Council to enable the people to participate in its administration, what valid reason is there that Ajmer-Merwara should not have one? Having a seat in the Legislative Assembly, when that Assembly does not legislate for the province, is no substitute for a Legislative Council to frame local laws.

I wish here to say that we do not want a big Council with its usual appurtenances. A Council of, say, 15 or 20 would answer our purposes. We do not want a highly paid Legislative Department. Our Council need not be an expensive one. The circumstances of Ajmer admit of Government giving us a Council without adding appreciably to the expenditure of the province, but adding appreciably to the satisfaction and contentment of the people.

I wish to add, Sir, that if Ajmer-Merwara had not been a non-regulation province, not a scheduled district, but had been administered by the Government of India with the assistance of the Legislative Assembly, the case would have been somewhat different.

His Excellency the Viceroy has often given very wholesome and useful advice to the Indian Princes asking them to recognize the spirit of the times and to associate their people in the administration of Indian States.

Nothing will make this advice more effective than the establishment of a Legislative Council in the heart of Rajputana as an example for them to follow, an act for them to emulate.

I appeal to Government therefore to consider our request, to consider the priceless services rendered by Ajmer-Merwara in the great war, to consider its present unique and important position, to consider its high development in the peaceful arts of life, to consider its past history and the glories it is heir to, and to consider the far-reaching beneficent consequences that the progress and advancement of Ajmer-Merwara in representative government would have on the lives and happiness of the millions that inhabit Rajputana and are engaged in trade, industry and are abreast of the people of the most advanced provinces in India in culture and civilization, and extend the benefits of a Legislative Council to Ajmer-Merwara which justice demands and policy sanctions.

**Mr. E. H. Ashworth** (United Provinces: Nominated Official): Sir, in the speech of my friend from Ajmer we have heard very little about a Legislative Council. We have heard a good deal about the inequity of the province being a scheduled area. It requires, I think, but one word to reply to that. The scheduled areas are not always backward districts. The Honourable Member himself gave the reason why Ajmer-Merwara is a scheduled district; it is because of the less rigidity of the system. He himself complained that several of the Regulations had not been altered for 20 or 30 years. I can assure him that under the Scheduled Districts Act it is infinitely easier and much more expeditious to alter any Regulation than it would be if the area was under the ordinary regulations applicable to the non-scheduled districts. He has said again that he demands equal rights for Ajmer-Merwara. Well that I think we are willing to allow to him. The only thing is this, the equal rights must be equal rights that is to say corresponding to the area, importance, population and finances. As such, Ajmer-Merwara is only entitled to the rights of a district. It is not entitled to the rights of a province. There is no other district—I will mention Coorg later on—that I know that even has as much as Ajmer-Merwara has, namely, an elected Member on this Assembly. The reason that I oppose the Resolution is this. It asks for a shadow instead of the substance. We often hear objections in this House to Government's granting shadows instead of substance. Here I think Ajmer-Merwara at present has a reality, namely, representation on this Council. It is now asking for the shadow or what I may call a mock Legislative Committee. The Committee of 1921, amongst other questions, considered how the people of this area could be given a share in the administration and how that administration could be more liberal than it was. In their report the Committee's reply on this matter was as follows:

"It would appear to us that a Legislative Council on the lines of the Legislative Councils of the big provinces is impossible. The Report on Indian Constitutional Reforms does not contemplate a Legislative Council for Ajmer-Merwara (see paragraph 199) but merely some form of Advisory Council in association with the present administration of the Chief Commissioner. A system of representation based on a big province as a unit appears scarcely suitable to what is in fact a district."

Now, it is difficult to demonstrate what is self-evident, but I will mention a few facts to justify more in detail these remarks in the report of the Committee. Looking at the general description of Ajmer-Merwara we find the population is not quite 5 lakhs, of which not one quarter are

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Muhammadans and the rest Hindus. The area is slightly bigger than an ordinary district in the United Provinces, but the population is very much smaller. The district is also extremely straggling and sporadic. It is cut in half in one part by outlying villages of the neighbouring States of Merwara and Kishengarh, and in parts the width of the district is only half a mile to two miles. Those are the conditions. I will now mention the question of finance. The figures which the Committee worked on in 1921 were misleading. As a matter of fact I understand that at present, in the last year, 1924, there was a deficit of nearly 4 lakhs. Of course it is possible to say that certain amounts should not be debited to the area, but that was the result of an inquiry held. Any way it is a deficit district. (*Diwan Bahadur T. Ranguchariar*: "What was the revenue please?") The revenue was stated in the Budget of 1923-24 to be 12·93 lakhs, expenditure 21·90 and the deficit 8·97. Another circumstance that has to be considered when we come to see whether the request for a Legislative Council is reasonable or not is the form of the administration of the district. In the report it is stated:

"At the head of the administration is the Chief Commissioner of Ajmer-Merwara, who is also Agent to the Governor General in Rajputana. He is, as has been shown, the High Court for the province. He also exercises many of the functions of a Local Government, the remaining functions being exercised by the Governor General in Council, a controlling and not an administrative authority. Immediately below the Chief Commissioner is the Commissioner, an officer of the Political Department. But besides his duties as Commissioner he exercises those of District and Sessions Judge, District Magistrate and Collector, Director of Public Instruction, Conservator of Forests, Inspector General of Jails, Chairman of the District Board, Inspector General of Registration, convener of the Managing Committee of the Mayo College, Chief Revenue Authority for stamps and income-tax, and Registrar General for Marriages, Births and Deaths for Rajputana."

(*A Voice*: "Bishop also?") To put it shortly, I may say that the actual position of the Chief Commissioner in Ajmer-Merwara is that of a Deputy Commissioner as we would call him in the United Provinces, but he is also his own Commissioner. Well, now, I would ask the House to consider what would be the position of the Legislative Council in such circumstances. Imagine a discussion on the Budget in which a single officer represented every branch of the administration. Next, let us look at the councillors—the communities from which and the classes from which would be drawn the Members of that Legislative Council. I will mention them. They are the Istimrardars, or local barons; the Seths who financed the British Government in the Mutiny; then there are some very well-to-do clans of *malis* and *telis*, very numerous, who take not the slightest interest in politics and who in 1921 thought that the non-co-operators were a new kind of dacoits (Laughter); then we have the Municipal Boards of Ajmer and Kekri, the Indian Christians, the pensioners of the Merwara Infantry and of other regiments which abound in Merwara, the Ajmere political party, the Muhammadans including the Committee of Management of Dargah Khwaja Sahib, the Ajmer Bar, and the large railway community connected with the Bombay-Baroda Railway. In a regular province diversities of status, of interests and of aspirations range themselves under one or other broad political banner, but in a small area they would all operate as independent units. I do not know how a Legislative Council could work under those circumstances. (*A Voice*: "The Chief Commissioner is also his own Chief Engineer?") In these circumstances, particularly having regard to the small size and population of the area, a

Legislative Council would be a doll's house of a Legislative Council, a Lilliputian affair. But there remains the chief obstacle and that is finance. As long as this area has to be financed by the Government of India, I do not think that this House will consent to give up to a local Legislative Council the right to discuss measures and expenditure. Mention has been made of Coorg. Well, Coorg is not a deficit province, I mean it is not a deficit district, and it is able to pay for what it wants. Whether the Legislative Council in Coorg has fulfilled the expectations of success I do not know, and I have not been able to acquire information on the subject. I am fully in sympathy with the Mover of this motion in his desire to do something for Ajmer-Merwara; it is a most picturesque place and a most interesting territory altogether. The determination of its own future must depend on its ability to pay its way. When it can do this, it may be that it will desire the advantages of merger in the United Provinces. That province is at present unwilling to incur the expense that its merger would entail. As people are apt to value what they cannot get, it is probable that the desire for merger which in 1921 was by no means universal may be more pronounced. If the desire for merger becomes more pronounced and if improvement in the finances of the area should at some future date make the United Provinces ready to reconsider its refusal, then the merger will solve the present political difficulty of representation. I should mention that I have no authority from my own Government in suggesting this; I am merely speaking hypothetically. Should, however, the future enable Ajmer-Merwara to realise the ambition expressed by some for its becoming a pattern State in the heart of the Rajputana States, then by that time experience will have formulated the kind of legislative or advisory Board which is best fitted to function in the small State. I may say that, as far as I know—I am open to correction—there is nothing to prevent the Chief Commissioner of Ajmer-Merwara constituting a small Committee for the purpose of considering any proposed legislation, and he can do so I believe without any legislation in this House. Anyway it appears to me undesirable at present to precipitate matters by setting up a shadow of a Legislative Council in the place of the representation which Ajmer-Merwara now enjoys by the presence in this House of an elected Member—and I may add, a very competent Member—to gain the ear of this House at any time.

**Lala Duni Chand** (Ambala Division: Non-Muhammadian): Sir, I confess that I do not possess any particular knowledge with regard to the conditions that obtain in the Province of Ajmer-Merwara, but I do think that it is not possible for the Government on any understandable principle not to accept either the Resolution or the principle of the Resolution. Government may not accept the Resolution as it stands, but the Government cannot refuse to accept the principle of the Resolution. The principle of the Resolution is that this Province, call it a district or whatever name you may give it, should have the benefit of the Reforms. In my opinion either of the three courses are open to the Government. One course that is open to Government is to accept this Resolution and establish a Legislative Council there. But I know that there are real and practical difficulties in the way of Government establishing a Legislative Council in such a small Province. That difficulty can however be obviated by adopting another course, namely, that this province may be attached to or amalgamated with some other Province, particularly the United Provinces. I understand that this proposal was made at one time, but the Government did not entertain the

[Lala Duni Chand.]

proposal (Mr. H. Tonkinson: "Which Government?") (Another Honourable Member: "Why not tack it on to Delhi or Bombay?") Certainly Government are in a position to attach this Province to some other Province, so that it may have the benefit of your so-called Reforms scheme. The third course that is open to Government is that, if the Government are not prepared to adopt either of these two courses, they should take it away from the operation of the Scheduled Districts Act and bring it under the direct jurisdiction of the Governor General in Council and the Legislative Assembly. That is the last thing that should be done. I understand that if Government are prepared to make a promise in that direction, my learned friend might be prepared to withdraw the Resolution.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

But if the Government are not prepared to concede even the least to this Province, I think my Honourable friend will be perfectly entitled to have his Resolution supported, I understand by all the Members of this House, because in that case it would be the obstinacy of the Government that would make us take up that position. I submit, Sir, that throughout India there is a demand, a real demand, for the immediate establishment of full responsible government. It is a very serious and earnest demand which it would be difficult for the Government to resist in the near future. This means that there is a good deal of democratic consciousness throughout the country. The question is whether this Province of Ajmer-Merwara should not be allowed to have any benefit of the Reforms Scheme. It is not possible that the Government of this Province should remain in its present state. As I have put it, there is a demand, a serious demand, for the immediate establishment of full responsible government in other parts of India. How is it possible for the Government to have a kind of autocratic and bureaucratic rule in this province for all time to come? In deference to the general political awakening throughout India something must be conceded to this Province also.

I want to advance another argument in support of the acceptance of the principle of this Resolution, and it is this. Every part of India, every province, every district, wants to give expression to its views and to ventilate its grievances through some properly constituted body. If we hold meetings, the Government say that all these things are got up and there is nothing real about them. So, the only way from your point of view, from the Government point of view, is to establish a properly constituted organisation, through which the people may express their views or ventilate their grievances. I submit that this is an argument the validity of which the Government should accept.

Now, if you are not prepared to concede either of these things that I have placed before the House, then what is the position of Ajmer-Merwara? It means that it should be governed by one or two individuals in any way they like. I understand the question of the finances is a very difficult question. I will not be a party to the proposition that other parts of India should come to the aid of Ajmer-Merwara. If Ajmer-Merwara or the people of Ajmer-Merwara, who are represented in this House by my Honourable friend Mr. Harbilas Sarda, are prepared to have themselves taxed or if they are prepared to bear the burden of taxation, there are no reasons why the Government should refuse to establish some sort of Council. My Honourable friend just pointed out that it may be a feasible

thing to have some sort of Committee that should work of course in consultation with the Chief Commissioner or that the Chief Commissioner should work in consultation with this Committee. If this Committee is elected by the people of Ajmer-Merwara my learned friend would have no objection to it. Instead of giving it the rather dignified name of Legislative Council, let it be called a Committee; he would have no objection to it. All that he wants to have is some benefit of the Reform Scheme and I cannot possibly understand so far as I can see on what reasonable or understandable grounds the Government can refuse either to accept this Resolution or the principle underlying this Resolution in some tangible and concrete form. I say my Honourable friend over there just pointed out that he has got great sympathy with this. I say we have ceased to believe in mere expressions of sympathy. Of course nobody could have any kind of belief in mere sympathetic expressions. Of course if you are prepared to give us even the least, we are prepared really to attach importance to that. But if you are merely showering blessings of sympathy on us, we do not want them. I submit, Sir, that something should be done to this small Province, so that it may have the benefit of the Reform Scheme.

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province: Nominated Non-official): Sir, I do not rise to make a long speech. I simply want to associate myself with the Mover of the Resolution and to support the Resolution wholeheartedly. Sir, I am a bit jealous of his position in a way. I was very much tempted to send an amendment asking for the addition of a few words to the Resolution towards the end of it, i.e., the words "The North-West Frontier Province." But a friend of mine informed me that I would be out of order and that no such additions could be made. Sir, the Mover of the Resolution has put his case so lucidly and so well that I can hardly find any argument to strengthen his case. My humble remarks will be simply confined to one or two points that have struck me. The first is, Sir, about certain objections that were raised on the ground of the smallness of population and area or rather the extent of the area comprising the province. I think that that should not come in the way of constituting a Legislative Council for the Province. If the peculiar position of the district is such that it has to be kept as a separate province, it has still every right to enjoy the full rights of citizenship, provided it stands on equal terms in the matter of education and taxation with the inhabitants of the other regular Provinces. Our only criterion should be whether these people are as civilised as the people in the other Provinces of India and whether they pay the same taxes as the others. If these two things are the same, I do not think that the smallness of the area should be raised as an objection to the grant of a Legislative Council. If it is for the convenience of the Government or for any other particular reason that the area is at present formed into a small administration those reasons should not hinder its progress in any other way.

My second point is, Sir, that you cannot make every Province of the Indian Empire self-supporting. You cannot even make every district of a province self-supporting. You have to adjust these things according to the circumstances and the particular conditions of the country. If a district yields a large revenue and does not require the location of a big cantonment to look after its safety and protection, you make a saving there. But if on the other hand you find a district where on account of its good climate or for some other strategic reasons, you require the location of a big cantonment, you will not be justified in saying that that particular district

[Sir Sahibzada Abdul Qaiyum.]

should be self-supporting. Similarly, if you have a gate-keeper whom you should pay well or have to pay a higher rate of pay for his watch and ward duties, you should not grudge it, because that gate-keeper is really meant for the safety and protection of the whole house not of the particular guard room where he stays. In these circumstances, I think the Mover of the Resolution has fully established his claim for a Legislative Council both on the score of literacy and on the score of the martial spirit which was exhibited by a large number of men who were recruited from that area during the war. It is also a very great centre of pilgrimage both for the Mussalmans and the Hindus. On these grounds, Sir, I wholeheartedly support the Resolution.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, I should have thought the Mover of the Resolution would have explained to the House why it was that his Resolution has appeared on a Government day. Since he has not done this, I will tell the House why it has appeared on a Government day. The Honourable Member came to me and asked me for Government time to move this Resolution because . . . . .

**Mr. V. J. Patel** (Bombay City: Non-Muhammadan Urban): Will you give me Government time?

**The Honourable Sir Alexander Muddiman**: Because he said he belonged to a minority and he could not hope to get his Resolution on the paper by himself. My Honourable friend Mr. Patel inquires why he does not get Government time? He belongs to a majority and can get his Resolutions on the paper whenever he wants them. I have always regarded it as one of the duties of the Leader of the House to see that those who have matter to bring forward of an interesting character should, if they cannot get them on the paper in any other way, be able to ask my assistance in the matter. My Honourable friend Mr. Patel does not come into the minority class. When, in future, he is in that position, I may assure him that he shall have my assistance.

Now, Sir, I pass to the Resolution which is before the House. My Honourable friend in the commencement of his speech drew attention to the importance of the charm of Ajmer. Well, Sir, I also have visited Ajmer and I will bear full testimony that it is a charming and delightful place. He went on with historical arguments and I will give him a few historical arguments too. Now, historically, Ajmer has always been an appanage of the Imperial Government. It was captured by the Mughals in 1761 and for 170 years they held it. It passed to the Mahrattas and they held it when they had the Raj and it came to us in 1818 and we still hold it as a direct appanage of the Imperial Government. (*Mr. V. J. Patel*: "For how long will you keep it?") As long as we can. It will be certainly much longer than my Honourable friend thinks. I have merely used this rather jesting historical argument because my Honourable friend seems to consider that the history of Ajmer-Merwara gave him a demand for some particular position which he has not got at present. I merely say that historically it is what it has always been, namely, an appanage of the Imperial Government. He ought to be proud of it.

Now, speaking more seriously, the question as to how this small province should be dealt with has occupied the time of the Government of India on several occasions. It is, as the Mover of the Resolution pointed out, a district distinguished by the manner in which its inhabitants undertook military service during the war. It is a district which stands high in

point of education and it is a district which, as he pointed out, is the seat of two of the most famous shrines of India. But, Sir, important as it is in these matters, it is not, I think he will agree, a large province. The total population is under 500,000. Now, Sir, in the part of India with which I am most familiar that would be the population of about half a sub-division. I am not one of those who consider that mere population is a test of importance but on the test of population it is comparatively a small district. The Government of India, when they first considered how this district might be brought within the scope of the Reforms Scheme, proposed that it should be transferred to the United Provinces. I am not one of those who believe that compactness and reasonable size are defects in provinces, but there is a limit below which a province can hardly go and 500,000 is rather a small population for a province even from my heterodox point of view. As I have said the Government of India proposed to the United Provinces Government that they should take it over. Well, it takes two to make a bargain. I am not sure whether my Honourable friend will be representing the views of the district from which he comes if he were to affirm that the inhabitants of Ajmer-Merwara would be pleased to lose their identity and be merged in the United Provinces. That is one point. But what is a much more important point is this. The United Provinces Government, seeing that it was a bad bargain, were not inclined to take it over. They were going to lose money over it and provinces in these days, owing to the rigorous check which is exercised by popular Assemblies are very particular not to take over propositions which are not paying propositions. Thereafter, the Government of India considered what else might be done in the matter. My Honourable friend Lala Duni Chand alluded to the prospect of the province of Ajmer-Merwara going to the United Provinces. I have given the reason why it did not go. I do not know whether he suggests that we should have forced the United Provinces to take a district which they did not want.

The next proposal was that the province should have a Legislative Council of its own. That proposal, as my Honourable friend Mr. Ashworth has pointed out, is open to several objections. First of all, I am not sure that this House would be prepared to sanction grants to a province and exercise no control over those grants. Owing to the fact that it is a deficit province, it would require subventions from the Government of India and I should doubt very much whether constitutionally anybody would be willing to support a system by which the grant should be made by one legislative body and it should be discussed in another. Then, the Government of India were finally driven back to the position that the only immediate remedy was to give Ajmer-Merwara representation in this Assembly and they have given it representation in this Assembly. They have given it representation by an elected Member and that elected Member has been able to bring up this debate. And therefore his representation of his area is not merely a figment but is a reality. Finally, I may point out that the Honourable Mover's proposal is of course open to the objection that it would deprive us of his assistance. I am sure he will recognise that he cannot have it both ways. He cannot have elected Members from his province here and a separate Assembly of his own.

Now, it has been argued that because a Legislative Council has been given to Coorg—and I agree that that is a cogent argument—it ought to

[Sir Alexander Muddiman.]

be given to Ajmer-Merwara also. But the conditions in Coorg were different. Coorg is a province that is self-supporting. It is—I speak subject to correction from those who are better informed—it is far more different in its conditions from the adjacent province than Ajmer-Merwara is from the province of the United Provinces and the neighbouring Rajputana States. It is, in effect, an area with its own special features. The Honourable Mover laid considerable stress on various points which are not really germane to his Resolution. He raised the question of the officers who administer Ajmer-Merwara. That of course is not directly on the point he has brought forward. He further raised the question why Ajmer is a scheduled district, and why that state of affairs could not be changed. Again this is not a matter which falls within the scope of the Resolution, and it is not a matter on which I am at any rate at present prepared to give an answer without further examination. Some Honourable Member asked the question why we say this province is a deficit province, and I think he argued that it was not a deficit province. On a point like that I can only quote the figures supplied to me. On the figures I have taken over an average of some years, there was a deficit of 8 lakhs a year. I believe we have received some more recent figures and they are under examination, but I am quoting the figures which I have on the file before me. One Honourable Member observed that he did not want any sympathy. And that he was sick of Government prating about sympathy. I do not propose to give him any sympathy on this occasion. Ajmer-Merwara is, as I said, adequately represented in this Assembly by a very able Member, and I can hold out no hope to him that in the near future, at any rate, the Government of India will be prepared to disturb an arrangement that was arrived at after a full consideration of the merits of the case. If in the near future Ajmer-Merwara is able to balance its budget and stand as a paying proposition and not a losing proposition, I have no doubt the attitude of the United Provinces might be modified, and I have no doubt, if so, the attitude of the Government of India might be modified too; but I fear as at present advised, in existing conditions, the Honourable Member must be prepared to remain as he was under the Moghuls and as he was under the Mahrattas, an appanage of the Central Government.

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber: Indian Commerce): Sir, I feel the main reason for the Honourable Member opposing the Resolution before this House was that Ajmer-Merwara is a province which is not able financially to balance its budget, and that the Central Government have had to meet a deficit of an average of Rs. 8 lakhs a year during the last seven years. I feel, Sir, that for that result it will be difficult to maintain that the people of Ajmer-Merwara should be checked in their very justifiable ambitions, judging from what is happening in other parts of India, from having a voice in the management of their own province. If the Central Government are meeting this money even at present, I really wonder if it would make any difference to this Assembly if, with this money being spent, the people of Ajmer-Merwara got something which would enable them to identify their own small efforts in the management of their province. The Honourable the Home Member asked my Honourable friend to realise what it meant for his district to be an appanage of the Imperial Government. It may be a very great honour, but in these days of hard competition, when life becomes harder and harder day by day, one can hardly live even on the glory of the past or

the honour of the present, and I surely expect that even the Home Member will agree that the British Government should do better by an appanage of their Imperial Throne in India than the great Moghuls or the illustrious Mahrattas of the past did. If therefore Ajmer-Merwara was an appanage of the great Moghuls and the illustrious Mahrattas in the past it is in the fitness of things that this Ajmer-Merwara, which has been kept as an appanage of the Government of India, should henceforward be given a very substantial promotion in the shape of having some voice in the management of their own affairs. I feel therefore that if the Honourable the Home Member cannot see his way, on behalf of Government, to accept the proposition of a Legislative Council as is suggested, some other form which will allow the people of Ajmer to have a substantial say in the management of their province is more than due, and I suggest that this Assembly would support that demand or the underlying principle of the demand of my friend very wholeheartedly.

In the course of my Honourable friend's speech, when he was moving the Resolution, I was rather stunned to hear an interruption from my Honourable friend the Home Member. The Honourable Mover was making out a case that the administration as it is being carried on at present, and the administrator *qua* administrator was not one who had all the necessary qualifications of an administrator. My Honourable friend the Home Member rose to a point of order and asked the Chair to rule that what the Mover was saying in that direction was out of order. The Chair very correctly ruled that it was not so.

**The Honourable Sir Alexander Muddiman:** I did not understand the Chair to rule that.

**Sir Purshotamdas Thakurdas:** At any rate the Honourable Member went on with his speech and finished it.

**The Honourable Sir Alexander Muddiman:** That frequently happens in this House.

**Sir Purshotamdas Thakurdas:** As far as the Mover was concerned, he said what he wanted to in that direction and was not prevented from doing so by the Chair after the Home Member's objection. To my mind the Honourable the Mover made out a very strong case that the form of administration as carried on in Ajmer-Merwara should be a different one or something should be added to the present administration to make it more representative of the wishes of the people concerned. He made out that the administrators were selected from the ranks of the Foreign Office officials who, though they may be very good political agents, certainly had not much experience in the management of a district; and I think, Sir, that, if ever a strong case was made out in this House for a change in the form of administration of a province, the Honourable Mover of this Resolution can have that credit, at least as far as I have understood him and as far as I am concerned. A very strong case has been made out. Even in comparison with Coorg the Honourable the Home Member could not put forward considered reasons why Ajmer-Merwara should be kept back simply because it had been an appanage of the Moghuls and the Honourable the Home Member would like it to continue an appanage of the Central Government. The standard of literacy, the standard in other walks of good citizenship, etc., are all on a higher basis than in other Provinces according to the Mover and not a single one of them has been challenged, not even by Mr. Ashworth who appears to have had something to do with

[Sir Purshotamdas Thakurdas.]

a report on that Province a few years back. I feel therefore that this House, which is so jealous of the anxiety for people to manage their own affairs and to have a substantial voice in the administration of their own Provinces cannot disapprove of the Resolution of the Honourable the Mover, and certainly they will not, I hope, disapprove of the underlying principle. I strongly recommend the Honourable the Home Member to give the Mover encouraging assurances that the aspiration of Ajmer-Merwara will meet with the approval of the Government of India in a suitable manner after full and sympathetic consideration at first convenience.

**Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, the Honourable the Leader of the House said, after considerable attention to the subject, the Government of India have come to the conclusion that Ajmer-Merwara should remain as it is as an appendage of the Imperial Government, and that there would be no prospect of any other decision being taken in the near future. Sir, I might perhaps inform Honourable Members that this whole question of the position of Ajmer-Merwara was considered by a committee, of which Mr. Ashworth was a member. Attention has already been drawn to this report, and I should think that the whole question of the position of this province was discussed in that report with considerable ability. The question of popularising the administration of minor provinces has been engaging the attention of some Honourable Members for sometime. I have a recollection that my Honourable friend Sir Hari Singh Gour tabled a motion some time ago that all these minor administrations should be tacked on to the neighbouring provinces. The question, however, so far as this province is concerned is this, whether the size of this province, its population, its income, and its administrative arrangements would justify the creation of a Legislative Council. And on that matter I think, Sir, this Committee, Mr. Ashworth's, Committee reached the conclusion that the creation of a Legislative Council was not possible. In that conclusion I entirely agree. To create a Legislative Council for an area of 2,700 square miles, the size of a Madras district or less than the size of a district in the United Provinces, is unthinkable. From a financial point of view, there can be no doubt that a Legislative Council would cost a good deal of money. We shall also have to face all the implications of the creation of such a council. (Mr. V. J. Patel: "What about Coorg?") I am not discussing Coorg just now. The arrangements sanctioned by the Government of India some months ago for Coorg came upon me as a surprise, and if I had a voice in regard to Coorg I should have suggested a different course. We are concerned with the present problem and I have no doubt that the creation of a Legislative Council for an area of 2,700 square miles with an imperial income of about 17 lakhs of rupees is certainly carrying matters too far.

Sir, the Committee gave full consideration to the question as to what would be the best way of bringing this district into line with the Reforms and allowing it to participate in the benefits of the Reform Scheme. My Honourable friend Mr. Patel seems to object to the words "benefits of the Reform scheme". The Committee had two alternatives. The first was a proposal for the creation of an advisory board to the Commissioner administering this district. The Committee ruled it out on the ground that people were not willing to consider that method of participation as satisfactory and that the creation of an advisory council would not answer the political aspirations of the people. The conclusion they reached was that this

district should be transferred to the United Provinces. I may say, Sir, incidentally that the districts comprising Ajmer-Merwara were under the administration of the North-West Provinces till 1871, and in advising a retransfer the Committee were really suggesting the restoration of the state of things that prevailed in 1871. The reasons why it was separated from the United Provinces have also been discussed at some length. They were more or less political in their character. The Government of India wanted to elevate the status of the Chief Commissioner of Ajmer-Merwara who was also Agent to the Governor General, and it was on this ground that they separated this tract from the United Provinces. I think therefore that the suggestion made by this Committee that this area should be transferred to the Government of the United Provinces is perfectly sound. Sir, I see from the evidence which has been taken by this Committee that there was a certain amount of disinclination on the part of the local inhabitants to accept the merger of this smaller province into the larger province to which it once belonged. The Committee therefore suggested that a decision should not be taken till there was a change in local public opinion and they advised that this step should not be taken for the next two years. That period is now over. Sir, I am entirely at one with my Honourable friend Lala Duni Chand when he said this small administrative area should not be left in the cold, that it should be brought into the general scheme of Reforms, and that the people in that area should have a voice in the management of their own affairs. I think, Sir, that the solution which has been suggested by the Committee is sound. The Honourable Sir Alexander Muddiman told us that the Government of India corresponded with the United Provinces Government and that the latter refused to take over this area as it would be a bad bargain for them. Sir, there is absolutely no ground for not effecting the exchange provided it is desirable in all other respects. If the United Provinces Government complain that on financial grounds they cannot undertake to administer this area, and if it is a deficit district, that certainly is a reason for the Imperial Government to give them an assignment for this purpose. We are now spending money on these districts and I do not see why the Government of India should not make an assignment provided all other conditions for transfer are satisfied. I therefore think that the announcement, which the Honourable the Home Member has made that there is absolutely no prospect in the future of revising the decision which they have come to, is far too peremptory and requires reconsideration. The solution of the problem is really to make an assignment if necessary to the United Provinces and transfer this administrative area to the Government of that Province. The result of it would be that the people of Ajmer-Merwara will have representatives in the Legislative Council of the United Provinces and all the benefits of this administration will be available to them. They will have educational institutions the benefit of which will be equally shared by Ajmer-Merwara. They will have the officials of the United Provinces running this administration. They must be taken out of the category of the scheduled districts. They need not depend upon the Government of India to be ruled as a regulation province, and they would form part of a progressive province. Sir, in these observations I am fortified by the opinion of one of the most important witnesses examined by the Committee who after elaborating his views said:

"Its best interests, therefore, demand that it should be incorporated with an advanced province. In my humble opinion, it would not lose its individuality by its association with the United Provinces, for individuality is a matter not of machinery of administration but of mental and moral resources of a people, and such resources,

[Diwan Bahadur Ramachandra Rao.]

I am apt to think, will receive greater development with increased opportunities of education and association. Its advantageous position, being the centre of arteries carrying life and activity to the different parts of the great and historic province of Rajputana, and also as forming a principal link in the chain which connects life in Northern India with that in the Southern, would never allow it to be submerged under any reactionary and prejudicial forces operating in a province administered from a place so far away from Ajmer as Allahabad or Lucknow, particularly so when the telegraph, the railway, the air service and other means of speedy communication have, if not annihilated time and distance, reduced these factors to their minimum importance. On the contrary, I am of opinion that while it would enjoy all the advantages and benefits that an advanced and big province must provide, the peculiar position of Ajmer-Merwara would ensure for it some privileges which would be found specially suited to its requirements."

I may perhaps inform you, Sir, that this witness is no other than my Honourable friend the Mover of this Resolution. I would suggest for his consideration that the proper course for him and for us also is to press on the Government of India for a revision of their decision. If necessary the Government of India should make such financial adjustments as would enable the United Provinces Government to merge this area in their province. This is a solution that I would suggest for the consideration of this House. I therefore, think, Sir, that my Honourable friend Sir Alexander Muddiman should make another statement and should give us the assurance that this question will be reconsidered from the point of view that I have just mentioned. This area should not be left out of the Reform scheme; it must be brought within the administrative arrangements prevailing in the United Provinces. And I do not see why my Honourable friend is so positive in his statement that the decision reached by the Government of India will not be revised in the near future.

I can understand the feelings of my friend, Nawab Sir Abdul Quaiyum, in regard to this matter. In supporting this Resolution, he has I am sure at the back of his mind the creation of a Legislative Council for the North-West Frontier Province. That has been proposed in the report of the committee of which my friend, Mr. Bray, was the President. Other requests from other smaller administrations under the Government of India for being brought under the operation of this Reforms scheme and for an increasing association of the people with the administration are also bound to be made, and I think therefore the whole question requires a much more detailed consideration from the Government of India than they have given to this subject. It may be that in regard to this subject of Ajmer-Merwara my Honourable friends opposite have taken the trouble to come to a decision from which they refuse to budge. I do not know; but what I am considering is whether in regard to all these minor administrations which are now under the direct administration of the Government of India the time has not come for the consideration of the subject as to the way in which they would bring these administrations into line as early as possible. I hope that the Honourable Sir Alexander Muddiman will give us an assurance that he would reconsider the decision already come to.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I should like to add one short point to the speech made by my friend, Diwan Bahadur Ramachandra Rao. It is admittedly a fact that the United Provinces refused to take Ajmer and Merwara because it is a deficit province. The deficit is met from the central revenues, and the Honourable the Home Member is perfectly right in saying that when the deficit is made

good by the central revenues the Legislative Assembly will have something to say regarding the expenditure of the money which it provides. Now, I wish to ask the Honourable the Home Member to consider this proposition. The small province of Delhi is also a deficit province (laughter), and the Central Government pays for its upkeep. We have adjoining Delhi the province of Ajmer-Merwara, another deficit province, though the deficit is not so large. I wish to suggest to the Home Member the advisability of considering the amalgamation of these two Imperial appanages and making them a really good appanage for the Imperial Government. It will reduce the cost; it will facilitate the administration of the two provinces; and I further submit it will then be possible to establish a small Legislative Council for the two combined provinces; and I have no doubt that if this is done my friend, Mr. Har Bilas Sarada, would be perfectly satisfied. I therefore suggest, Sir, that the Honourable the Home Member should not lose sight of the fact that merely because the United Provinces have refused to receive the present offered to them by the Imperial Government that is the last and only solution of the question. Other solutions are equally possible and equally feasible, and therefore I ask the Honourable the Home Member not to lose sight of this fact.

**Mr. Deputy President:** Before other Members rise to speak, I would remind them that the Resolution before the Assembly is that a Legislative Council be established for Ajmer-Merwara; I think some emphasis has to be laid on that.

**Maulvi Abul Kasem** (Bengal: Nominated Non-Official): \*Sir, I venture to rush in where better men fear to tread. I beg to move as an amendment that the words "and the North-West Frontier Province" be added to the Resolution.

**Mr. Deputy President:** I am afraid that is outside the scope of the Resolution. The Honourable Member can speak on the Resolution.

**Maulvi Abul Kasem:** I beg to submit, Sir, that if Ajmer-Merwara is a martial province so is the North-West Frontier Province; if Ajmer-Merwara is governed by the Foreign Office so is the North-West Frontier Province; and if it has supplied a large percentage of warriors for the war, so has the North-West Frontier Province also supplied a large number; and in many respects the two provinces, I think, go together.

**Mr. Deputy President:** I have permitted the Honourable Member to speak on the Resolution if he wants to.

**Sardar V. N. Mutalik** (Gujarat and Deccan Sardars and Inamdars: Landholders): Sir, I confess I am quite ignorant of the province of Ajmer-Merwara and I am not entitled to pass any opinion on the present question. But to me it appears that these small administrations have become like footballs in some respects. When they are to be attached to provinces the provinces do not want them; when they are attached to the Imperial Government the Imperial Government do not look to their conveniences and rights; they do not care for them and do not give them any help to ventilate their grievances. The only modest representation that Ajmer-Merwara has got is the small voice of my friend who has moved this Resolution. My own view is that it is time that the Government made up their mind either to give these provinces something either by way of a Committee or by way of a small Council—call it a Council or a District Council—but I

\* Not corrected by the Honourable Member.

[Sardar V. N. Mutalik.]

think some way of giving expression to their views ought to be found and this policy of football should not be resorted to. I myself feel that the province is too small to have a Legislative Council—perhaps the name will be misapplied if it is given to such a small unit as that. It is merely half the district from which I come and I shall therefore only request Government to consider this question favourably and if Government are prepared to consider the question favourably I request my Honourable friend to withdraw his Resolution at this stage and bring it up before the Assembly at a later stage. (*Lala Duni Chand*: “It will never be drawn in the ballot again.”) It is no use, Sir, mincing matters in this way and making these people feel that nobody is caring for them. I hope Government and the Honourable Mover will come to some agreement on this point and the question will be solved in a very satisfactory manner so that there will not be a feeling in the minds of the people of Ajmer-Merwara that they are not cared for either by this Assembly or by the Government.

**Rai Bahadur S. N. Singh**: I move, Sir, that the question be now put.

The motion was adopted.

**Rai Sahib Har Bilas Sarda**: Sir, I must acknowledge my obligations to the Honourable the Home Member for having so kindly given me an opportunity of putting my Resolution before this Assembly. It was due to his kindness that I have been able to put the case for Ajmer-Merwara here. He has explained the circumstances in which I persuaded him to show me this favour and I thank him again for this.

The Honourable Mr. Ashworth said in reply to the case that I put forward that it was easier in a non-regulation province to get legislation passed and to get old Acts amended than in a regulation province. If that were so, Sir, there would have been no reason for Acts 40 and 50 years old still to stand intact on the Statute-book. In a non-regulation province the people have no voice in the administration. Acts and Regulations never come before the public, and consequently I fail to see how it is easier for the people who want amending Acts to be passed to get them passed. He also said that Ajmer-Merwara was something like a district and it was entitled to the rights of a district and not those of a province. I am afraid there is some confusion of thought there. District and province—these are relative terms. What is a district? A district is a tract of land which is a part of a bigger tract of land called a province. If a part of the land is not part of a bigger administrative unit it is a province: it may be a small province but still a province, and it is in this view that in Government reports Ajmer-Merwara is always described as the British province of Ajmer-Merwara. The Gazetteers also describe Ajmer-Merwara as a British province. And if it is a province it should have the privileges and the rights of a province, on whatever scale, in whatever circumstances, that may be feasible. But it should have something. The people of that province should not be debarred completely from enjoying all the rights and privileges of a province. The people of a district are entitled to share in the rights of a province. But Ajmer-Merwara is neither a province nor a district in that sense, and consequently it does not enjoy the rights either of a province or a district. If it were a district and part of another province, it would share in the representative Council of that province. But as it is not a part of any province it does not get a share, and if it is not to be a province it will not

have any rights of a province. Consequently as Ajmer-Merwara is and should be treated as a small British province it should have in some form, however modified, the benefits which the Reforms Scheme confers on provinces. It was also stated that Ajmer-Merwara consisted of Istimrardars and Seths who had given great assistance to the Government in mutiny days, and others, and that some of these people were too backward to understand the meaning of reforms and regarded the non-co-operators as some sort of dacoits. I have lived all my life in Ajmer-Merwara and I have never known any one in that province who regarded non-co-operators as dacoits. I fail to understand how that information came to the Honourable gentleman. Whether non-co-operators had a following in Ajmer or not, whether their doctrines were accepted by the people or not, is another matter. But the people there had and have sense enough to understand what the non-co-operators are. And if there are some Istimrardas in Ajmer-Merwara, there are Istimrardas in Oudh, and if Oudh has got a representative Legislative Council which gives representation to Istimrardars, there is no reason why Istimrardars in Ajmer-Merwara should not have the same. There are Seths who gave assistance to the Government. Very well, all the greater reason that they should have some voice in the administration of their province. I believe it was also stated that Coorg is not a deficit province. Coorg is a deficit province so far as the administration reports and also the Inchcape Committee's report show.

Apart from that the one point which has been placed before us is that Ajmer is a small place, that its financial resources do not allow of the establishment of a Legislative Council, that, it is a deficit province and Government had to give 7 or 8 lakhs out of central revenues to keep the province going. I have to say that during the last two or three years that position has changed to some extent. The deficit is not now so large, if it exists at all. Moreover, when even now when there is no representative body to assist in the administration of that tract if the Imperial Government give this money and this House passes it in the budget, what reason is there that this House should not give the same amount of money to the administration there if the expenditure was to be controlled by a Legislative Council in association with the existing Government? Does the Honourable Member who opposed the establishment of a Legislative Council on the ground that this House has to sanction 8 lakhs out of central revenues,—does he mean that if the Government of India alone administered the district this House would grant this money, but if the people were also associated with the Government then this House would not give that money? The grant has to be given in any case, whether there is a Council or not. That being so, there is no reason why that argument should be used against the grant of a representative institution to Ajmer Merwara.

It was also said that a Legislative Council for Ajmer-Merwara would be a shadow and we were asking for a shadow instead of the substance that we now possessed. I could not exactly follow what was meant by that. If there is a Legislative Council say, of 20 Members, and if they have the same power to pass Acts as other Legislative Councils have in the case of the bigger provinces, I do not see where the question of shadow and substance comes in. Ajmer-Merwara undoubtedly has a seat in this Assembly. But this Assembly does not legislate for Ajmer-Merwara. All local laws and regulations are passed irrespective of this Assembly. The Member who represents Ajmer-Merwara in this Assembly can take part in legislation for the whole of the country, but for Ajmer-Merwara he is as good as nobody.

[Rai Sahib Har Bilas Sarda.]

Consequently, having a seat in the Legislative Assembly is not a substitute for having a local Council to administer local affairs. It has been suggested by more speakers than one that the proper remedy for the state of affairs is to incorporate Ajmer-Merwara in another province, that the Government of India asked the United Provinces Government to take over Ajmer-Merwara and administer it, but that that Government refused the offer. The Government of India finally decided that Ajmer-Merwara should be kept as a separate entity. The fact is that Ajmer-Merwara has been kept a separate administration because of the political requirements of Rajputana. That argument still remains. It has been said that the Commissioner of Ajmer, Mr. Lyall, in his evidence before the Ashworth Committee stated that questions came up in which the affairs of Ajmer-Merwara were so mixed up with the affairs of the surrounding Rajput States that the best thing for both Ajmer-Merwara and Rajputana was to have the administration centered in the hands of one person, the Chief Commissioner, who would be the Chief Commissioner of Ajmer-Merwara and the Agent to the Governor General for the Indian States. If the Government of India are prepared to accept that argument, and if they think that in order to provide facilities for the settlement of questions which arise between the Indian States of Rajputana and Ajmer-Merwara, it is best to have that form of administration, we have no objection. All that we want is this. As the administration is deficient in certain respects which have been very well put forward by Mr. Reynolds, all we want is that the people should be associated with the Government of Ajmer-Merwara, and that will minimise the difficulties of the situation. If Government want to keep Ajmer-Merwara separate in the interests of their foreign policy, let Government do that. All we want is that there should be a small Council to assist the Government and bring the views of the people before that Government. That is all. Consequently, I think, Sir, that no case has been made out why either on financial grounds or on the ground of the smallness of the size of the province, it should have no Legislative Council, or that no benefit of the Reforms should be given to it. The one great wrong to which I have drawn the attention of the Assembly is that it is treated as a scheduled district; and, as I quoted from Mr. Hobhouse and Sir Courtney Ilbert, the Scheduled Districts Act was intended for backward areas only. Ajmer-Merwara is by no means a backward province. Why do you apply the Scheduled Districts Act to Ajmer-Merwara? Why do you not have it made a regulation province? If it be made a regulation province under the direct administration of the Governor General in Council, then this Assembly, being a part of the Government of India, will have a voice in the administration of Ajmer-Merwara, and in that case this Assembly will pass the Budget, and the situation would be quite different. (*Sir Hari Singh Gour*: "We pass the Budget for Ajmer-Merwara.") But in what way is it passed? Four days are given for the Budget of India, and the Ajmer-Merwara Budget comes at the end. Is there any chance of discussion? If a separate Budget for Ajmer-Merwara came up before the Assembly earlier, if the Acts and Regulations came up one by one before the Assembly, it would be a different thing. However, leaving that aside, I leave it to the Government to consider how and in what way, effect could be given to the wish of the people—and not only wish but the rights of the people—to share in the benefits of the Reforms Scheme. I regard the Reforms Scheme as a beneficial scheme, and we want to share in its benefits and, consequently, the first thing that I want, if the Honourable Member would very kindly consent, is to make it a regulation province. Let it be

under him, let it be under the Home Department. Would he consent to that? I therefore press my Resolution.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, I really do not know what to reply to. The Resolution on the paper is that there should be a Legislative Council for Ajmer-Merwara. Nearly all the speakers have passed that point. As I understand my Honourable friend, his real grievance is that Ajmer-Merwara is a scheduled district. Well, I do not understand how, if that is the case, he has not framed a Resolution recommending that Ajmer-Merwara should be de-scheduled. It is obviously not a point I could be expected to deal with on the actual Resolution before this House. Moreover, I fail to understand why the fact that Ajmer-Merwara is a scheduled district makes any difference to the voting of its budget. I cannot understand how that arises. I may be wrong. My Honourable friend's real grievance therefore is something that he does not put in his Resolution. That is the first point.

The second point is this. Do I understand my Honourable friend is not in favour of the union of Ajmer-Merwara with the United Provinces? My Honourable friend Diwan Bahadur Ramachandra Rao said that I have given a very curt and peremptory answer on that; but surely, Sir, you cannot expect me to give a very full answer on a matter which is not raised by the motion before me. The Government of India did consider very seriously whether Ajmer-Merwara could not be amalgamated with the United Provinces; and the United Provinces did not merely object—I did perhaps deal with the matter a little cursorily in my previous speech—they did not merely object because it was a deficit province. They said it is a bad bargain altogether—that it was a notorious fact that Ajmer-Merwara is subject to famine. They also said—I am sure my Honourable friend will be sorry to hear it—that Ajmer-Merwara was not up to the standard of their districts, and they would have to lay out capital before they would be able to raise it to their standard. It was on these grounds that they objected. Therefore my Honourable friend, Diwan Bahadur Ramachandra Rao, is not quite right in thinking that it would be all right if this Assembly merely gave a grant to the United Provinces to cover the annual deficit; you must put up money by way of capital, you must put up a little more money in the way of improving things.

**Diwan Bahadur M. Ramachandra Rao:** May I ask, Sir, whether the Government of India intend to make those very improvements which the Home Member is now suggesting?

**The Honourable Sir Alexander Muddiman:** I was not making any suggestions for improvement; I merely pointed out what the United Provinces Government said and was rebutting my friend's charges that his arguments can hardly be said to have been disposed of in a casual and peremptory manner when it was not raised under this Resolution. If my Honourable friend thinks that the right remedy is to transfer Ajmer-Merwara back to the United Provinces, I suggest that the proper course would have been to table an amendment.

Now, Sir, there is a third point. I was looking into the papers regarding his motion and I find that a certain Sub-Judge submitted an opinion; he was a Sub-Judge apparently in the Ajmer-Merwara Administration—it may be my Honourable friend is familiar with him. He has there stated—when

[Sir Alexander Muddiman.]

this very question was raised before him and he gave his considered opinion—speaking of Ajmer-Merwara, that:

“its small size, its small population and its geographical position preclude the application of these principles in matters of government which may and will be adopted in the case of bigger provinces.”

Has my Honourable friend recognized that quotation?

**Rai Sahib M. Harbilas Sarda:** I can explain it. This was long before this Legislative Assembly came into existence—when there was no question of a Legislative Assembly.

**The Honourable Sir Alexander Muddiman:** That may be. It may have been written then, but the arguments used have not been changed by the creation of the Legislative Assembly. I really do not know my Honourable friend's real mind. It was his opinion at one time that Ajmer-Merwara should go to the United Provinces. His opinion now is that it should have a Legislative Council of its own. Now does he really wish to press for this? (*An Honourable Member:* ‘Yes’.) My Honourable friend is quite capable of saying so for himself. The fact is there has been no cast-iron, peremptory disposal of objections. There *has* been a very carefully considered examination on the part of Government. This is undoubtedly a difficult problem. You have got this little piece of country surrounded by a ring of Rajputana States, cut off from British India. You have the old connection my Honourable friend the Diwan Bahadur referred to, that it was administered in the past by the United Provinces. You have got the obvious difficulties of creating so very small an area an independent province. You have got to consider the financial difficulties. These things cannot be washed away, you cannot treat it as a sort of thing that can be done by a stroke of the pen. Is it so clear that we have adopted the wrong course? Is it so clear that the House really knows what it wants in this matter? If there were a change in financial conditions things might be different. It would be quite open to reconsideration if at any time the United Provinces were prepared to take over this district. But are you wise to break up the thing that we have done—that is, to give a seat on this Assembly to an elected Member from Ajmer-Merwara?

There is one other thing before I close. My Honourable friend the Mover spoke rather slightly of the services of political officers in Ajmer-Merwara. Let me remind him that the very gentleman, an old friend of mine, the very person he quoted, and quoted with approval, was Mr. Reynolds himself, a distinguished member of that department. In conclusion, Sir, I do ask the House before it commits to itself to the decision asked for by the Resolution to be sure that it has really come to that decision. After listening to the debate with the greatest attention and the greatest desire to discover what was the wish of the House in this matter I must confess I have not arrived at any definite conclusion on the point.

**Mr. Deputy President:** Resolution moved:

“That this Assembly recommends to the Governor General in Council that he will be pleased to establish a Legislative Council for Ajmer-Merwara.”

The question is that that Resolution be adopted.

**Rai Sahib M. Harbilas Sarda:** As the Honourable the Home Member has kindly said . . .

**Mr. Deputy President:** Order, order.

The Assembly divided :

AYES—26.

Aney, Mr. M. S.  
 Chaman Lall, Mr.  
 Das, Pandit Nilakantha.  
 Duni Chand, Lala.  
 Goswami, Mr. T. C.  
 Govind Das, Seth.  
 Gulab Singh, Sardar.  
 Hari Prasad Lal, Rai.  
 Iyengar, Mr. A. Rangaswami.  
 Jeelani, Haji S. A. K.  
 Joshi, Mr. N. M.  
 Kazim Ali, Shaikh-e-Chatgam Maulvi  
 Muhammad.  
 Kelkar, Mr. N. C.  
 Kidwai, Shaikh Mushir Hosain.

Lohokare, Dr. K. G.  
 Mehta, Mr. Jaunnadas M.  
 Misra, Pandit Haikaran Nath.  
 Murtuza Sahib Bahadur, Maulvi  
 Sayad.  
 Patel, Mr. V. J.  
 Ranga Iyer, Mr. C. S.  
 Samiullah Khan, Mr. M.  
 Sarada, Rai Sahib M. Harbilas.  
 Sarfaraz Hussain Khan, Khan  
 Bahadur.  
 Shafee, Maulvi Muhammad.  
 Singh, Mr. Gaya Prasad.  
 Syamacharan, Mr.

NOES—41.

Abdul Munin, Khan Bahadur  
 Muhammad.  
 Abul Kasem, Maulvi.  
 Aiyangar, Mr. K. Rama.  
 Alimuzzaman Chowdhry, Mr.  
 Ashworth, Mr. E. H.  
 Badi-uz-Zaman, Maulvi.  
 Bhole, Mr. J. W.  
 Blackett, The Honourable Sir Basil.  
 Bray, Mr. Denys.  
 Clarke, Sir Geoffrey.  
 Clow, Mr. A. G.  
 Cosgrave, Mr. W. A.  
 Dalal, Sardar B. A.  
 Fleming, Mr. E. G.  
 Gour, Sir Hari Singh.  
 Graham, Mr. L.  
 Hudson, Mr. W. F.

Jinnah, Mr. M. A.  
 Lindsay, Mr. Darcy.  
 Moir, Mr. T. E.  
 Muddiman, The Honourable Sir  
 Alexander.  
 Muhammad Ismail, Khan Bahadur  
 Saiyid.  
 Pal, Mr. Bipin Chandra.  
 Raj Narain, Rai Bahadur.  
 Ramachandra Rao, Diwan Bahadur M  
 Rushbrook-Williams, Prof. L. F.  
 Sastri, Diwan Bahadur C. V.  
 Visvanatha.  
 Singh, Rai Bahadur S. N.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Yakub, Maulvi Muhammad.

The motion was negatived.

**Mr. Deputy President:** The Standing Finance Committee will not meet.  
 This House now stands adjourned till 11 O'Clock to-morrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday,  
 the 25th February, 1925.