

7th April, 1933

THE  
LEGISLATIVE ASSEMBLY DEBATES  
(OFFICIAL REPORT)

VOLUME IV, 1933

*(31st March to 12th April, 1933)*

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FOURTH SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1933



SIMLA  
GOVERNMENT OF INDIA PRESS  
1933

# Legislative Assembly.

## *President :*

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

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

## *Deputy President :*

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

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

## *Panel of Chairmen :*

SIR HARI SINGH GOUB, K.T., M.L.A.

SIR ABDUR RAHIM, K.C.S.I., K.T., M.L.A.

SIR LESLIE HUDSON, K.T., M.L.A.

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

## *Secretary :*

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

## *Assistants of the Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

## *Marshal :*

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

## *Committee on Public Petitions :*

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

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

SIR LESLIE HUDSON, K.T., M.L.A.

SIR ABDULLA-AL-MAMÜN SUHRAWARDY, K.T., M.L.A.

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

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

# CONTENTS.

VOLUME IV.—31st March to 12th April, 1933.

PAGES.	PAGES.
<b>FRIDAY, 31ST MARCH, 1933—</b>	
Unstarred Questions and Answers 2893—2904	
Statement of Business .. 2904—05	
Statements laid on the Table 2905—08	
Proposals for Indian Constitutional Reform—Adopted 2908—78	
<b>SATURDAY, 1ST APRIL, 1933—</b>	
Questions and Answers .. 2979—3037	
Unstarred Questions and Answers 3037—40	
Motion for Adjournment—Whole-sale arrests in connection with the Congress Session at Calcutta Negatived .. 3040, 3069—92	
Message from the Council of State 3040	
The Indian Income-tax (Amendment) Bill—Amendment of section 4—Presentation of the Report of the Select Committee .. 3040—46	
Resolution <i>re</i> Release of Mr. Gandhi, Mufti Kifaetullah and other Political Prisoners—Discussion not concluded .. 3046—69	
<b>MONDAY, 3RD APRIL, 1933—</b>	
Questions and Answers .. 3093—3103	
Statements laid on the Table 3103—04	
The Indian Tariff (Ottawa Trade Agreement) Supplementary Amendment Bill—Passed as amended 3104—24	
The Provincial Criminal Law Supplementing Bill—Discussion not concluded .. 3124—54	
Appendix .. 3155	
<b>WEDNESDAY, 5TH APRIL, 1933—</b>	
Questions and Answers .. 3157—76	
Unstarred Questions and Answers 3177—79	
The Provincial Criminal Law Supplementing Bill— <i>contd.</i> 3179—3227	
Statement of Business .. 3227	
<b>FRIDAY, 7TH APRIL, 1933—</b>	
Members Sworn .. 3229	
Questions and Answers .. 3229—43	
Statements laid on the Table 3243—53	
The Provincial Criminal Law Supplementing Bill—Passed as amended .. 3254—68	
The Auxiliary Force (Amendment) Bill—Passed as amended 3268—72	
The Indian Merchant Shipping (Amendment) Bill—Discussion not concluded .. 3272—3303	
<b>SATURDAY, 8TH APRIL, 1933—</b>	
Message from the Council of State 3305	
The Indian Merchant Shipping (Amendment) Bill—Discussion not concluded .. 3305—15, 3316—75	
Statement of Business .. 3315—16	
The Safeguarding of Industries Bill—Introduced .. 3375	
The Indian Tariff (Amendment) Bill—Introduced .. 3375	
<b>MONDAY, 10TH APRIL, 1933—</b>	
Questions and Answers .. 3377—3401	
Unstarred Questions and Answers 3401—05	
Statements laid on the Table 3405—08	
The Indian Income-tax (Second Amendment) Bill—Presentation of the Report of the Select Committee .. 3411	
The Indian Merchant Shipping (Amendment) Bill—Passed as amended .. 3411—35	
The Indian Income-tax (Amendment) Bill—Discussion not concluded .. 3435—72	
Appendices .. 3473	

PAGES.	PAGES.
<b>TUESDAY, 11TH APRIL, 1933—</b>	<b>WEDNESDAY, 12TH APRIL, 1933—</b>
Short Notice Questions and Answers .. .. 3475—76	Questions and Answers .. 3547—52
Message from the Council of State .. 3476	Short Notice Questions and Answers .. .. 3552—54
The Indian Income-tax (Amendment) Bill—Passed as amended .. .. 3477—3532	Unstarred Questions and Answers .. .. 3554—56
The Safeguarding of Industries Bill—Discussion not concluded 3532—46	The Safeguarding of Industries Bill—Passed .. .. 3557—96
	The Indian Tariff (Amendment) Bill—Passed .. .. 3587—98
	The Indian Medical Council Bill—Referred to Select Committee 3588—3625
	The Indian Merchant Shipping (Second Amendment) Bill—Discussion on the motion to refer to Select Committee not concluded .. .. 3625—33

# LEGISLATIVE ASSEMBLY.

*Friday, 7th April, 1933.*

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

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## MEMBER SWORN:

**Mr. C. M. Trivedi, O.B.E., M.L.A. (Government of India: Nominated Official).**

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## QUESTIONS AND ANSWERS.

### CIVIL AERO CLUBS IN INDIA.

1146. **\*Rao Bahadur M. O. Rajah:** (a) Will Government be pleased to state whether the civil aero clubs in India are founded entirely with the idea of creating war reserves?

(b) How much has been spent by the various Indian clubs annually since their foundation; and

(c) (i) the percentage of such money spent on machines or parts;

(ii) the percentage spent on insurance with foreign companies;

(iii) the percentage spent on petrol, oil, or other accessories in companies with non-Indian directorate;

(iv) the percentage spent on non-Indian personnel of the clubs?

**The Honourable Sir Frank Noyce:** (a) The reply is in the negative. Government grants-in-aid have been afforded to the subsidised flying clubs in India since their formation with the objects of popularising civil flying in India, affording facilities and opportunities for the training of Indians as pilots, familiarising the community with the possibility of air transport, and kindred objects.

(b) A statement is laid on the table.

(c) (i) to (iv). The time and labour involved in the collection of the information asked for by the Honourable Member would be incommensurate with the results to be obtained.



**QUALIFICATIONS OF THE DIRECTOR AND DEPUTY DIRECTOR OF CIVIL AVIATION IN INDIA.**

1147. **\*Rao Bahadur M. C. Rajah:** What are the qualifications of the Director and the Deputy Director of Civil Aviation in India, the chief pilot instructors, and the chief ground engineers, respectively, and from what country or countries did each of them qualify?

**The Honourable Sir Frank Noyce:** A statement giving the information asked for by the Honourable Member is laid on the table.

*Director of Civil Aviation in India.*

The qualifications of the Director of Civil Aviation (Mr. F. Tymms, M.C.) are his administrative experience and experience of aviation. The following is a statement of his experience and qualifications :—

- |                                    |   |   |   |          |
|------------------------------------|---|---|---|----------|
| Commissioned War Service           | : | : | : | 1915-19. |
| Commissioned in Royal Flying Corps | : | : | : | 1917.    |
- Decorations :—
- Military Cross.
  - Chevalier of the Order of the Crown.
  - Belgian Croix de Guerre.
- 1918 . . . British Aviation Mission to the U. S. A.  
Training and organizing American Air Service in air observation.
- 1919 . . . Instructor in Air Navigation at the Royal Air Force School of Navigation.
- 1920—27 . . . Technical Officer in the Civil Aviation Department of the Air Ministry.
- 1924 . . . Commanded the Air Section of the Oxford University Arctic Expedition to Spitsbergen.  
Member of the Air Survey Committee, Great Britain.  
Part Author of " Flying for Air Survey Photography ".  
Air Ministry Chief Examiner in Navigation for Pilots and Navigators' licences.  
Part Author of " Commercial Air Transport ".
- 1927 . . . Appointed Air Ministry Superintendent of the Egypt-India air service.
- 1928 . . . Seconded to the Governments of the Sudan, Kenya, Uganda and Tanganyika to survey and organize air routes, including the Cape to Cairo air route, and to organize the administration of civil aviation.
- 1928—31 . . . Chief Technical Assistant to the Director of Civil Aviation, Air Ministry.
- 1929—30 . . . Air Ministry Representative on the Commission to Africa, to survey and negotiate the Cape to Cairo Air route.  
Associate Fellow of the Royal Aeronautical Society.  
Holder of 1st Class Air Navigator's licence, and Pilot's " A " licence.  
Author of a number of scientific papers on Navigation, Air Survey, Meteorology, and other technical Aviation subjects.
- 1931 . . . Appointed Director of Civil Aviation in India.

The Director of Civil Aviation qualified in Great Britain and has had experience in many countries.

*Deputy Director of Civil Aviation in India.*

The qualifications of the Deputy Director of Civil Aviation in India (Mr. A. T. E. Eadon) are his experience of flying and organizing aviation operations and particularly his engineering qualifications and experience. The following is a statement of his qualifications and experience :—

- 1915—19 . . . Commissioned War Service.  
Seconded to Royal Engineers Signal Service, September 1915.
- 1916 . . . Appointed Company Commander Army Signal Schools.  
Seconded to Royal Flying Corps, August 1916.
- 1917 . . . Appointed Flight Commander, Royal Flying Corps.  
Received training as engineer, with Messrs. Marshall Sons & Co., Ltd., Gainsborough.

- 1923-27 . General Manager, South Lincs Engineering Company Limited.
- 1928 . . Appointed Education Officer to the De Havilland Aircraft Company Ltd., Middlesex.
- 1929 . . Founded the De Havilland Aeronautical Technical School and appointed its first Principal.  
Appointed Member, Examination and Education Committee Royal Aeronautical Society.
- 1931 . . Appointed Chairman of Ground Engineers Examination Board, Edgware Centre, on behalf of the Air Ministry.  
'B' Pilots Licence (current) 1,800 hours flying experience including 123 hours night flying.  
'A', 'B', 'C', and 'D' Ground Engineers' Licences including Metallurgy, heat treatment and Laboratory testing.  
Member of the Institute of Aeronautical Engineers.
- 1932 . . Appointed Deputy Director of Civil Aviation in India.  
The Deputy Director of Civil Aviation in India qualified in Great Britain.

*Chief Pilot Instructors employed in subsidized Flying Clubs in India.*

Name.	Qualifications.	Country in which originally qualified.	Remarks.
1. Mr. B. M. T. S. Leete	Qualified as an Instructor under the Indian Aircraft Rules, 1920.	Great Britain	1. <i>Ex-R.</i> A. F. Officer. 2. Passed Central Flying School course in England. Also passed Instruction Course at Gosport. 3. Over 3,500 hours flying experience.
2. Mr. A. I. Riley	Do.	Do.	1. <i>Ex-R.</i> A. F. Officer. 2. Over 4,500 hours flying experience.
3. Mr. L. H. Mason	Do.	Do.	1. <i>Ex-R.</i> A. F. Officer. 2. Passed Central Flying School Course in England. 3. Over 2,600 hours flying experience.
4. Mr. W. H. Vetch	Do.	Do.	1. <i>Ex-R.</i> A. F. Officer. 2. Passed A. S. T. Instructor's Course in England. 3. Over 4,000 hours flying experience.
5. Mr. W. Jones	Do.	Do.	1. <i>Ex-R.</i> A. F. Officer. 2. Passed Gosport training Course. 3. Over 5,000 hours flying experience.
6. Mr. W. Dougall	Do.	Do.	1. <i>Ex-R.</i> A. F. Officer. 2. Holds Instructor's Licence from the Guild of Air Pilots and Navigators of the British Empire. 3. Over 2,300 hours flying experience.

Complete information as to the careers of these officers is not in the possession of the Government of India.



*Chief Ground Engineers employed in subsidized Flying Clubs in India.*

Name.	Qualifications.	Country in which originally qualified.	Remarks.
Mr. R. W. C. Tomlin	Holds Ground Engineer's licence under the Indian Aircraft Rules, 1920, in Categories "A", "B", "C" and "D".	Great Britain	Ex-Royal Air Force Mechanic.
Mr. A. E. Clifford	Do.	Do.	Held a British Air Ministry's licence.
Mr. W. Scott-King	Do.	Do.	Do.
Mr. D. M. Langford	Do.	Do.	Ex-Royal Air Force Leading Aircraftman.
Mr. M. Hullcoop	Do. and "X".	Do.	Do.

Complete information as to the careers of these engineers is not in the possession of the Government of India.

APPOINTMENT OF INDIANS AS PILOTS AND GROUND ENGINEERS.

1148. **\*Rao Bahadur M. C. Rajah:** (a) How many of the chief pilot instructors in India are Indians and how many are non-Indians?

(b) How many of the chief ground engineers are Indians and how many are non-Indians?

(c) Are Government aware that Indians with better qualifications are available for these posts? How many of such applicants have been turned down by the individual clubs from each of the appointments of pilots and ground engineers?

(d) Have the civil aviation authorities in India instituted separate examinations of their own to which candidates for licences must submit irrespective of foreign diplomas? If so, what is the reason for holding such examinations?

(e) What are the qualifications of those holding such examinations and from where were these obtained?

(f) How many of these examiners were Indians?

(g) Are these examinations intended to prevent candidates from qualifying in foreign countries?

(h) Is it intended to abolish these new examinations? If so, when?

**The Honourable Sir Frank Noyce:** (a) There are six chief pilot instructors employed in subsidised flying clubs in India all of whom are non-Indians. There are, however, four Indian assistant pilot instructors at present in employment and under training for possible future appointment as chief pilot instructors.

(b) There are six chief ground engineers employed in subsidised flying clubs, all of whom are non-Indians. Most of the clubs, however, have Indians employed as assistant ground engineers.

(c) So far as Government are aware there are no Indians with better qualifications available for these posts. The second part of the question does not, therefore, arise.

(d) Candidates for the Indian ground engineer's licences are required to undergo an examination in accordance with the Indian Aircraft Rules, 1920, irrespective of whether they hold foreign ground engineer's licences. The examinations in question are intended solely to test the ability and efficiency of a candidate as a ground engineer, in the interests of public safety.

(e) Examinations are conducted by the technical officers of the Civil Aviation Directorate, whose qualifications were duly approved by the Government of India before they were recruited from England.

(f) There are at present no Indians sufficiently qualified and experienced to conduct such examinations.

(g) There is no restriction on candidates qualifying for licences in foreign countries.

(h) The reference to "new examinations" is not understood as, apart from the examination for the ground engineer's licence, prescribed in the Indian Aircraft Rules, 1920, which it is not proposed to abolish, no other examinations for ground engineers have been laid down.

**Mr. Gaya Prasad Singh:** With regard to part (c) of the question, is it a fact that offers of honorary service from qualified Indians were rejected?

**The Honourable Sir Frank Noyce:** I have no information on the subject.

#### SECRETARIES OF THE VARIOUS CIVIL AVIATION CLUBS IN INDIA.

1149. **\*Rao Bahadur M. C. Rajah:** (a) How many of the principal secretaries of the various civil aviation clubs in India are Indians and how many are non-Indians?

(b) How many of these secretaries occupy posts in companies earning trade revenues from the clubs?

**The Honourable Sir Frank Noyce:** (a) All the Secretaries of the subsidised flying clubs in India are non-Indians. They are appointed by the Committees of the Clubs.

(b) Government have no information.

#### SYSTEM OF MEDICAL EXAMINATION FOR THE APPOINTMENT OF A PILOT.

1150. **\*Rao Bahadur M. C. Rajah:** (a) What is the system of medical examination for the appointment of a pilot?

(b) Have any accidents been reported due to medical errors?

(c) Is it intended to change this system?

(d) Is the change intended to benefit the Indian Medical Service, or the Royal Army Medical Corps officers in India?

(e) Are Government prepared to consider the advisability of suggesting the appointment of independent medical practitioners to these clubs, particularly from amongst the members of the clubs?

**The Honourable Sir Frank Noyce:** (a) The medical requirements which pilots of aircraft are required to satisfy, before they can be granted a licence, are laid down in Schedule II to the Indian Aircraft Rules, 1920, a copy of which has been placed in the Library of the House.

(b) No.

(c) The system of medical examination is based on the requirements laid down in section VI, Annex 'E' to the International Convention relating to the Regulation of Aerial Navigation, dated the 13th October, 1919, which has been ratified by India. Unless a change in the system is notified by the International Commission for Air Navigation no change in the medical examination can be authorised.

(d) Does not arise.

(e) There is no question of appointing any practitioner to a club. Practitioners must have the qualifications prescribed before they can be permitted to carry out the examination of pilots.

**Mr. Uppi Saheb Bahadur:** May I submit, Sir, that the Honourable Member, Mr. Murtuza Saheb Bahadur, has gone to see His Excellency the Viceroy and was expected to be here by 11 o'clock: perhaps he has been detained: I do not know what has happened, and so I request you will kindly allow me to put the questions standing in his name.

**Mr. President** (The Honourable Mr. R. K. Shanmukham Chetty): Is that the deputation of Muslim Members?

**Mr. Uppi Saheb Bahadur:** Yes.

**Mr. President** (The Honourable Mr. R. K. Shanmukham Chetty): Under the circumstances, the Chair would allow the Honourable Member to ask the questions.

#### NORMAL WORKING HOURS OF THE GOVERNMENT OF INDIA PRESSES.

1151. **\*Mr. Uppi Saheb Bahadur** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Will Government please lay on the table statements showing the normal working hours of the different Government of India Presses for industrial hands as well as clerical establishment including recess hours and also other Government establishment governed by the Factories Act, such as various factories situated at Cossipur, Ishapur, Jubbulpore, Aravankadu and of other places?

(b) Is it a fact that the uniformity of working hours is not maintained at all in all these establishments of the Central Government? If so, why?

(c) Is it also a fact that the industrial hands of the Government of India Presses are required to work longer hours and the clerical staff shorter hours in comparison with other Government factories? If so, do Government propose to maintain uniformity? If not, why not?

**The Honourable Sir Frank Noyce:** (a) The normal working hours including recess periods in the Government of India Presses are:

Clerical in all Presses . 10 A.M. to 5 P.M. on Monday to Friday.  
10 A.M. to 2 P.M. on Saturday.

Industrial . Delhi Press 8 A.M. to 5 P.M.  
Aligarh Press 9 A.M. to 5-30 P.M.

Simla and Calcutta Presses { 9 A.M. to 6 P.M. on Monday  
to Friday.  
9 A.M. to 3 P.M. on Saturday.

I have not been able to secure information regarding other factories, but trust that the particulars given are sufficient for the purpose the Honourable Member has in view.

(b) Yes, because conditions differ in the various factories and centres.

(c) As I have said, uniformity is not enforced in the matter of working hours and I have not the material from which to make a comparison of the hours in the Presses with those in all other Government factories. Government consider that the hours in each factory must be adjusted in accordance with the needs of the factory and other local conditions.

#### HOLIDAYS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1152. **\*Mr. Uppi Sahab Bahadur** (on behalf of Maulvi Sayyid Murtuza Sahab Bahadur): (a) Will Government please state if it is a fact that the holidays allowed to the employees of the Government of India Press, New Delhi, are very limited, whereas the Calcutta Press men are allowed more holidays? If so, why?

(b) Is it a fact that all the subordinate offices located permanently in Delhi enjoy all the local and Punjab gazetted holidays, even when the Government of India offices are in Delhi, whereas the employees of the Government of India Press, New Delhi, are denied the same even when the Government of India offices are in Simla? If so, why?

(c) Is it a fact that they have to work in lead and gas poisonings throughout the year? If so, are Government prepared to consider their case for the grant of more holidays?

**The Honourable Sir Frank Noyce:** (a) I do not think the holidays in either New Delhi or Calcutta can be described as very limited, but they are more numerous in the latter place. This is due to the desire to maintain uniformity with the Bengal Government Press.

(b) Subordinate offices located permanently in Delhi are allowed holidays prescribed for local offices by the Chief Commissioner, Delhi. The reply to the second part is in the negative. The concluding part does not arise.

(c) No: all possible precautions are taken to minimize the risk of lead poisoning, and so far as I am aware, there is no risk of gas poisoning. Government are not prepared to increase the number of holidays.

**COMPENSATION TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES FOR WORKING ON SUNDAYS AND GAZETTED HOLIDAYS.**

1153. **\*Mr. Uppi Saheb Bahadur** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) What was the previous practice for compensating the Press employees for their attendance on Sundays and gazetted holidays?

(b) Is it a fact that now-a-days a policy has been followed to compensate salaried industrial hands of the Government Press for attending on Sundays and gazetted holidays on the basis of a half and quarter day's pay for a whole day's labour under plea of an interpretation of an order showing that they are already paid for the day in their monthly wages? If so, is the clerical staff of the Press as well as of other Government establishments allowed compensation leave in lieu of attendance on holidays when they too are paid for the same in their monthly wages? If so, why? Are Government prepared to observe a uniform practice? If not, why not?

**The Honourable Sir Frank Noyce:** (a) The Press employees were allowed compensation leave.

(b) Compensatory holidays are given for Sundays whenever possible. Work done on Sundays for which no compensatory holiday is given or on closed holidays is treated as overtime and salaried industrial employees receive a bonus of half a day's pay or a quarter of a day's pay, as the case may be. Clerks in the Presses are not entitled to overtime payments. If on any occasion they are required to attend on a Sunday or a holiday they may be granted compensation holiday at the discretion of the Manager. I have no information as to the practice followed in other Government establishments. The conditions of service of clerks are different from those of the industrial hands and Government do not propose to follow a uniform practice.

**CASUAL LEAVE ALLOWED TO THE GOVERNMENT OF INDIA PRESS EMPLOYEES.**

1154. **\*Mr. Uppi Saheb Bahadur** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Is it a fact that 15 days' casual leave is allowed to the Government of India Press employees and only ten days to the Delhi and Simla Press men? If so, why?

(b) Is it also a fact that a deduction is not made from casual leave for an early leave upto three hours of a clerk of the same concern out of his  $6\frac{1}{2}$  hours' attendance, but that in the case of salaried industrial hands early leave is allowed for an hour only out of their eight hours' attendance? If so, why is there such a differential treatment?

(c) Is it a fact that even in the case of late attendance in office beyond the prescribed limit, casual leave is reduced in the case of clerks, but in the case of industrial hands fines are imposed upon them? If so, why? Are Government prepared to observe a uniform practice?

**The Honourable Sir Frank Noyce:** (a) I presume that the first portion of the Honourable Member's question has reference to the Government of India Press, Calcutta. Persons eligible for casual leave are allowed such leave up to the maximum number of days stated in the question. The limit in the case of Simla and Delhi Presses was reduced following the practice in the Government of India Secretariat.

(b) I am not clear what the Honourable Member means by 'early leave'. In the case of salaried men, leave for short periods exceeding one hour is set off against casual leave, if admissible.

(c) The answer to the first part is in the affirmative. Conditions of employment of clerks are different from those of industrial hands and Government are not satisfied that uniformity is desirable.

**GRANT OF PENSIONARY BENEFITS TO CERTAIN EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES.**

1155. \***Mr. Uppi Sahab Bahadur** (on behalf of Maulvi Sayyid Murtuza Sahab Bahadur): (a) Will Government please state whether it is a fact that as a result of the re-organization of the Government of India Presses in 1920, Works Committees were formed by Government in these Presses to ventilate the grievances of Press employees through them?

(b) Is it a fact that a question was raised in the first meeting of the Delhi Press Works Committee about all the old extra and day-extra piece workers recruited prior to 15th July, 1920, who had been serving continuously upto that time in those capacities and whether they would be given pensionary benefits or not when they are brought on the regular establishment?

(c) Is it a fact that the said question was forwarded by the then Controller of Printing, Mr. M. J. Cogswell, for final decision to the then Munitions Board under which the Presses were at that time and the Board's decision was communicated to Presses under the Controller of Printing's U/O. I. No. 138-Pg., dated the 10th January, 1921, which runs as hereunder:

"The orders relating to pension contained in paragraph 20 of the Resolution clearly apply to all *piece workers* who were in service on the date on which the Resolution was issued and it was presumably the intention that the previous service on the "Day Extra" or "Extra" establishment of men who have subsequently been made permanent should also count for pension if such men have rendered 25 years' continuous and approved service including the period spent as "Day Extra" or "Extra". It is true that the Resolution refers only to men on a "temporary basis" and to service classified as "permanent or temporary", but the notes refer to "all employees at present employed in the Government of India Presses and the whole of the existing staff". The Controller may be informed accordingly. It seems hardly necessary to trouble the Finance Department again over the matter.

This note may therefore be taken as representing the orders on the subject and may be acted upon.

(Sd.) M. J. COGSWELL,—10-1-1921."

If so, why have Government now denied the same concession to the said people and forced the contributory provident fund on them?

(d) Is it also a fact that a few months later a decision was arrived at by Government on the petitions of Abdul Gani and Bachoo of the Delhi Press that they and all other employees who were recruited to the inferior establishment prior to 15th July, 1920 (leaving aside the question of day-extra period), when subsequently taken on the superior establishment would be given double benefit—gratuity for the inferior service and pension for the superior service? What is the reason for giving "double benefit" to the inferior servants (gratuity and pension) and only contributory provident fund for the remaining few years of their services to the superior hands? Are Government prepared to carry out their decision mentioned above which was arrived at in the Munitions Board?

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

(b) No. The Committee wished a definite order regarding the position of permanent men. The Controller of Printing, Stationery and Stamps, in submitting their views pointed out that the Government Resolution in question had referred in a particular paragraph only to men now employed on a temporary basis, and Government understood that the doubt was whether men then holding permanent posts would be allowed to count their service on the "Day-Extra" or "Extra" establishment.

(c) An order was passed in the terms quoted, but it referred to the point already mentioned by me and not to the point raised by the Honourable Member. The latter part of this question does not arise.

(d) I cannot trace any such cases a few months after the orders in question; the Honourable Member is possibly referring to two cases which arose ten years later to which the provisions of Article 398 of the Civil Service Regulations were held to apply. Double benefit is not given in respect of the same service; certain men get gratuities for their inferior service and pensions for their superior service, while certain others get gratuities for their inferior service and the benefit of Contributory Provident Fund for their superior service. As regards the concluding part of the question, the Honourable Member is referred to the reply given by me on the 1st April to Mr. S. C. Mitra's unstarred question No. 153.

**PROMOTIONS IN THE READING BRANCH OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.**

1156. **\*Mr. Uppi Saheb Bahadur** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Is it a fact that seniority was not observed at all in the case of recent promotions in the reading branch of the Government of India Press, New Delhi, of men from Revisers to Readers' posts and from Copy-holders to Revisers', in spite of the decision arrived at in the meeting of the Works Committee of the aforesaid Press on the 12th February, 1980? If so, why?

(b) What are the qualifications (educational and not technical) of those promoted and those who have been superseded?

(c) Were the superseded men given a chance on probation at least to prove themselves worthy of the post? If not, why not?

**The Honourable Sir Frank Noyce:** (a), (b) and (c). Government have no information on any of the points referred to by the Honourable Member which relate to matters of detail lying within the competence of the Head of the Department. It is open to any employee, who considers that he has a grievance in the matter of promotion to make a representation to the proper authority in the ordinary way.

**RECRUITMENT OF PROBATIONERS FOR LINO AND MONOTYPE MACHINES.**

1157. **\*Mr. Uppi Saheb Bahadur** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): What is the practice in the matter of recruitment of probationers for Lino and Monotype Machines? Is it from amongst the industrial hands or from the clerks? If the former, why has now a clerk been allowed to learn operating work instead of an industrial hand?

**The Honourable Sir Frank Noyce:** Recruitment is not restricted to a particular class of employees. The latter part of the question does not arise.

**OCCUPATION AND VACATION FORMS FOR THE GOVERNMENT OF INDIA PRESS  
QUARTERS, NEW DELHI.**

1158. **\*Mr. Uppi Saheb Bahadur** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): Are there any occupation or vacation forms maintained by the Public Works Department for the Government of India Press Quarters in New Delhi? If not, why not?

**The Honourable Sir Frank Noyce:** The attention of the Honourable Member is invited to the reply given by me on the 1st April, 1933, to Mr. S. C. Mitra's unstarred question No. 151.

**CERTAIN DEFECTS IN THE "F" TYPE QUARTERS, NEW DELHI.**

1159. **\*Mr. Uppi Saheb Bahadur** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): Is it a fact that in certain "F" type quarters occupied mostly by the Hindu employees, latrines and bath rooms are built together and are just in the centre of the courtyard and that there is no window at all in the first room of those quarters? If so, what arrangements do Government propose to make to redress the above grievances which were repeatedly mentioned in the petitions submitted by the occupants?

**The Honourable Sir Frank Noyce:** The answer to the first part is in the negative. The second part does not arise.

**RETENTION OF THE POST OF ASSISTANT DIRECTOR, MISCELLANEOUS BRANCH,  
IN THE INDIAN STORES DEPARTMENT.**

1160. **\*Mr. Uppi Saheb Bahadur:** (a) Is it a fact that there were two posts of Assistant Director of Purchase—one for the Engineering Branch which deals with the supply of plant and machinery and electrical stores and the other for Hardware or Miscellaneous Branch which deals with the supply of oils, paints and beams, etc?

(b) Is it a fact that the post of the Assistant Director, Engineering Branch, has been abolished and the work of that post is being done by an Assistant Controller of Purchase, on a lower rate of pay?

(c) Is it also a fact that the other post of Assistant Director for the Miscellaneous Branch has not been abolished?

(d) If the reply to part (c) be in the affirmative, will Government please state the reasons for retaining the other post for Miscellaneous Branch, and for promoting the existing incumbent who is an Assistant Controller of Purchase to the post?

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

(b) The attention of the Honourable Member is invited to the reply given to Maulvi Sayyid Murtuza Saheb Bahadur's starred question No. 1052 on the 9th November, 1932.



(d) There has been no decline in the work of the Hardware Branch justifying the abolition of the post of Assistant Director of Purchase (Hardware). The present incumbent of the post was promoted to it as he was the seniormost officer in his class.

**CREATION OF THE POST OF THE DEPUTY DIRECTOR, ADMINISTRATION AND INTELLIGENCE, INDIAN STORES DEPARTMENT.**

1161. **\*Mr. Uppi Sahab Bahadur:** (a) Is it a fact that the post of the Deputy Director, Administration and Intelligence, Indian Stores Department, was created on the retirement of Mr. R. R. Reaks?

(b) Is it a fact that the present incumbent of the post was appointed as soon as he was relieved of his appointment in the Industries and Labour Department which he held temporarily?

(c) Is it a fact that he had no previous experience or technical knowledge qualifying him for the post?

(d) Is it a fact that the Retrenchment Committee had recommended the abolition of the post on the retirement of the present incumbent?

(e) If the reply to part (d) be in the affirmative, will Government please state what action do they propose to take on the recommendation?

**The Honourable Sir Frank Noyce:** (a) Mr. Reaks retired from the service of Government on the 10th May, 1980. The post of Deputy Director, Administration and Intelligence, was created in June, 1980, as a result of certain re-organisation in the Direction and Intelligence Branches of the Indian Stores Department due to the introduction of the Rupee Tender System and of the revised Stores Purchase Rules.

(b) Yes, but while officiating as Under Secretary in the Department of Industries and Labour, Rai Bahadur J. P. Ganguli held a lien on a permanent post in that Department.

(c) Rai Bahadur J. P. Ganguli was considered to be entirely suitable for the post of Deputy Director, Administration and Intelligence, as he possessed the requisite knowledge and experience required of the incumbent of that post.

(d) and (e). Yes. The recommendation referred to by the Honourable Member is under consideration.

**SMALL-POX IN DELHI.**

1162. **\*Mr. Uppi Sahab Bahadur** (on behalf of Maulvi Sayyid Murtuza Sahab Bahadur): (a) Is it a fact that for the last many years there has been no such havoc in Delhi from small-pox as was this year?

(b) What is the number of deaths from the fell disease?

(c) Is it a fact that it continued for months together?

(d) What is the average death-rate from small-pox and other diseases?

(e) What is the main reason for the outbreak of small-pox in such a virulent form this time?

(f) Is it a fact that until sometime ago notices calling upon parents to get their children vaccinated were being distributed by *chaprasis* specially appointed for the purpose?

(g) Is it a fact that the said *chaprasis* were removed by the Municipal Committee and that vaccinators were directed to do the said duty in addition to their duty of vaccination?

(h) Is it a fact that they were not able to cope with the work involved in their double duty?

(i) Is it a fact that they were directed to attend to their duty even on Sundays?

(j) Is it a fact that small-pox broke out during the period of the observance of this practice?

(k) Is it a fact that during this outbreak the Municipal Committee had to employ many temporary hands involving much expenditure?

(l) Will Government be pleased to state who is the officer who was responsible for ordering the men to do dual duty and what action, if any, do Government propose taking against him? If none, why not?

**Mr. G. S. Bajpai:** (a) Yes. The epidemic has been of exceptional intensity in several cities.

(b) and (c). The epidemic began about the 1st December, 1932. The number of deaths from small-pox reported up to the 18th March, in the province of Delhi was 890.

(d) A statement showing the average death rate in the Delhi province from various diseases during the last quinquennium is placed on the table.

(e) Inadequate protection against small-pox appears to be a possible explanation.

(f), (g), (h), (j) and (l). Vaccination notices have always been distributed by the vaccinators themselves. As an experimental measure during the first four months of 1930 and 1931 *chaprasis* were given to vaccinators to distribute notices. This system did not prove successful and was discontinued. The Municipal Committee is the authority to decide what agency should be employed for distribution of notices, Government do not consider that any action is required by them nor do they think that the recent epidemic can be attributed to the transfer of the distribution of notices from *chaprasis* to vaccinators.

(i) Vaccinators were required to work on Sundays in order to afford greater facilities to the public. The Honourable Member will feel that in a period of stress a public servant may have to work extra hours.

(k) Yes.

#### Statement.

Average death rate per thousand of population in the Delhi Province from various diseases during the last quinquennium :

Small pox	0.72
Cholera	0.12
Measles	0.16
Plague	0.05
Enteric fever	1.39
Other fevers	8.7
Dysentery and diarrhoea	1.59
Tuberculosis	2.44
Respiratory diseases (excluding tuberculosis).	9.62
Other causes	8.22

**ELEMENTARY AND SECONDARY SCHOOLS MAINTAINED BY THE DELHI MUNICIPALITY.**

1163. **\*Mr. Uppi Saheb Bahadur** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) How many elementary and secondary schools are being maintained by the Delhi Municipality?

(b) How many of them are for boys and how many for girls?

(c) What percentage of the municipal revenue is set apart every year for education?

(d) What contribution do Government pay to the committee in the shape of grant-in-aid?

**Mr. G. S. Bajpai:** (a) The total number of schools maintained directly by the Delhi Municipal Committee is 71, of these four are Upper Middle, two Lower Middle and the rest Primary schools.

(b) 47 for boys and 24 for girls.

(c) About 13 per cent.

(d) The Government grant during 1932-33 amounted to Rs. 1,15,000.

**CUT IN THE PAY OF TEACHERS IN THE MUNICIPAL SERVICE IN DELHI.**

1164. **\*Mr. Uppi Saheb Bahadur** (on behalf of Maulvi Sayyid Murtuza Saheb Bahdur): (a) Is it fact that teachers in the municipal service are having a cut of 10 per cent. even prior to those that are in Government service? If so, since when?

(b) Is it a fact that their poor promotion of rupee one or two a year has been withheld since 1928? If so, are Government prepared to call upon the Committee to give them their grades with retrospective effect?

(c) Do Government propose to see that the cuts of the teachers are restored fully as has been done in Madras?

**Mr. G. S. Bajpai:** Government understand that increments of all municipal employees, including teachers, were stopped as an emergency measure with effect from the 7th September, 1931, and that a 10 per cent. cut in the pay of municipal servants drawing more than Rs. 40 per mensem is now under consideration. The Honourable Member will appreciate that action such as that proposed by him would be an unjustifiable interference with the internal administration of a local body.

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**STATEMENTS LAID ON THE TABLE.**

**The Honourable Sir George Schuster** (Finance Member): Sir, I lay on the table:

(i) the information promised in reply to starred questions Nos. 650 to 655 asked by Shaikh Fazal Haq Piracha on the 6th March, 1933; and

(ii) the information promised in reply to unstarred question No. 61 asked by Mr. M. Maswood Ahmad on the 6th March, 1933.

### EMPLOYMENT OF MUSLIMS IN THE SUBORDINATE ACCOUNTS SERVICE AND IN THE AUDITOR GENERAL'S OFFICE.

\*650. (a) Muslims 24 (including 1 Apprentice).  
Hindus 398  
on 31st December, 1932.

(b) and (e). Attention is invited to the final reply (which is in the Library of the House) given to part (c) of starred question No. 885, asked by Shaikh Sadiq Hasan on the 9th March, 1931.

(c) Yes.

\*650. (d) and \*653. Attention is invited to the statements showing the communal strength of the clerical staff of the various offices of the Central Government which are prepared annually and are in the Library.

\*650. (f) 275, of whom 27 were Muslims.

(g)		Hindus.	Muslims.
1930 . . . . .		112	9
1931 . . . . .		52	2
1932 . . . . .		17	Nil.

### PERCENTAGE OF SUCCESSFUL CANDIDATES IN THE SUBORDINATE ACCOUNTS SERVICE EXAMINATION.

*651. (a) and (b) 1925 . . . . .	22 per cent.
1926 . . . . .	28 per cent.
1927 . . . . .	20·5 per cent.
1928 . . . . .	30 per cent.
1929 . . . . .	42 per cent.
1930 . . . . .	22 per cent.
1931 . . . . .	14 per cent.
1932 . . . . .	6 per cent.

One reason for the low percentage in 1932 is probably that the qualifying standards in the examination are being more strictly observed than was at one time the case and in particular the practice of giving grace marks has been very considerably modified.

### HOLDING OF THE SUBORDINATE SERVICE EXAMINATION BY THE PUBLIC SERVICE COMMISSION.

\*652. The reply to the first part is in the affirmative, so far as the Government of India Secretariat and most attached offices at headquarters are concerned; and to the second part in the negative.

### STRENGTH OF THE SUBORDINATE ACCOUNTS SERVICE IN THE AUDITOR GENERAL'S OFFICE.

\*654. (a) 24.

(b) None. There is, however, one Muslim apprentice.

### REPRESENTATION OF MUSLIMS IN THE AUDITOR GENERAL'S OFFICE.

\*655. The orders of the Government of India regarding the redress of communal inequalities are being, and will be, followed, but I may add that the question of modifying these orders is under consideration.

### RECRUITMENT TO THE SUBORDINATE ACCOUNTS SERVICE.

61. (a) The rules provide that occasionally persons with superior intellectual qualifications may be recruited as probationers or apprentices for eventual direct appointment to the Subordinate Accounts Service.

(b) Yes.

(c) The required information is given below :

Names of offices.	Names of candidates.	Muslim or Non-Muslim.	No. of S. A. S. Examinations at which he appeared.	Whether confirmed or not confirmed.	Remarks.
Accountant General, Madras.	Mr. K. R. Pedmanabha Ayyangar.	Non-Muslim	Nil	Not confirmed.	He was relieved on 5th April 1929 on appointment to the Indian Audit and Accounts Service.
Do.	" K. S. Krishnaaswami	Do.	One	Do.	He resigned his appointment on 19th March 1930 on being selected for appointment in the Military Accounts Department.
Do.	" R. Ramaswami	Do.	One	Confirmed.	
Accountant General, Bombay.	" S. Ramchandran	Do.	One	Do.	
Do.	" S. Sunder Raman	Do.	Three	Not confirmed.	Taken in the clerical grade.
Do.	" M. G. Desai	Do.	Two	Confirmed.	
Accountant General, Bengal.	" Sorej Noth Ghatak	Do.	One	Not confirmed.	Since passed the Indian Audit and Accounts Service Examination. Owing to embargo on filling posts substantively.
Do.	" T. V. Subrahmanian	Do.	One	Do.	Relinquished duty in 1926.
Accountant General, United Provinces.	" Devendra Singh Srivastava.	Do.	Nil	Do.	
Do.	" M. N. Bhatt	Do.	One	Confirmed.	
Accountant General, Punjab.	" Tara Chand Seggar	Do.	Two	Do.	
Do.	" P. D. Seth	Do.	One	Do.	
Do.	" Mohd. Ali	Muslim	Two	Not confirmed.	
Do.	" Intiaz Ali	Do.	One	Do.	
Do.	" Mohd. Abdulla	Do.	Nil	Do.	
Do.	" Chanan Lal Diwan	Non-Muslim	Two	Confirmed.	Reverted to the clerical at his own request.
Do.	" Chaman Lal Khanna	Do.	Three	Not confirmed.	Appointed as a clerk.
Do.	" Safdar Jang	Muslim	Three	Do.	Will be taken in the Clerical grade.
Accountant General, Central Revenues.	" K. N. Kaul	Non-Muslim	One	Confirmed.	
Do.	" B. R. Bazaz	Do.	Three	Not confirmed.	He was absorbed in the clerical grade.

Names of offices.	Names of the candidates.	Muslim or Non-Muslim.	No. of S. A. S. examinations at which he appeared.	Whether confirmed or not confirmed.	Remarks.
Accountant General, Central Provinces.	Mr. M. V. Rangachari .	Non-Muslim.	One .	Confirmed.	
Do.	" P. N. Krishnaswami .	Do.	One .	Do.	
Accountant General, Bihar and Orissa.	" S. A. Sharma .	Do.	One .	Do.	
Do.	Mohd. Abu Mozaffar .	Muslim .	One .	Do.	
Accountant General, Burma.	" A. K. Bose .	Non-Muslim	One .	Do.	
Do.	" A. C. Ghosh .	Do.	Two .	Not confirmed .	Reverted as a clerk.
Auditor General.	" Abdul Qayyum .	Muslim .	Two .	Do.	Granted an extra chance.
Comptroller, Assam .	" Harendra Kumar De Chaudhuri .	Non-Muslim	One .	Confirmed.	
Comptroller, North-West Frontier Province.	" Syed Abdul Mughni .	Muslim .	One .	Holding a temporary post of S. A. S. sub-stantively.	
Do.	" Hidayat Ullah Khan .	Do.	Nil .	Not confirmed .	Left the Department.
Do.	" Mohd. Yunus .	Do.	One .	Do.	Do.
Do.	" Abdul Mojid .	Do.	Nil .	Not confirmed .	Still under training.
Do.	Mohd. Sarfatai Khan .	Do.	Nil .	Do.	Do.
Audit Officer, I. S. D. Audit Officer, L. B. & C.C.	" .	..	..	..	..
Director of Army Audit	Mr. S. N. Dar .	Non-Muslim	One .	Confirmed.	
Do.	" J. C. Das Gupta .	Do.	One .	Do.	
Do.	" Diwan Chand .	Do.	One .	Do.	
Do.	" E. A. S. Aiyer .	Do.	One .	Do.	
Accountant General, Posts and Telegraphs.	" S. Sivaraman .	Do.	Two .	Not confirmed .	Resigned his appointment.

Do.	" Abdul Quadir	Muslim	One	Confirmed	Left the Department having passed the I. A. & A. S. Examination. Granted an extra chance.
Do.	" Hazara Singh Karir	Non-Muslim	Three	Not confirmed	
Director of Audit,	" R. Srinivasamurthi	Do.	One	Confirmed.	
Do.	" P. C. Mukherjee	Do.	One	Not confirmed (Holding a temporary post).	
Do.	" M. R. Swaminathan	Do.	One	Confirmed.	
Do.	" Onkar Dayal	Do.	One	Not confirmed (Holding a provisionally sub-stantive post).	
Do.	" Hafes Ahmed	Muslim	One	Not confirmed (Holding a temporary post).	
Do.	" K. J. Chandwani	Non-Muslim	One	Confirmed.	
Do.	" K. Hafiz Ullah	Muslim	One	Do.	Since died.
Do.	" S. Somamudaram	Non-Muslim	One	Do.	
Do.	" R. O. Ewing	Do.	Two	Do.	
Do.	" T. A. Iyer	Do.	One	Do.	
Do.	" Arjan Singh Giani	Do.	One	Do.	
Do.	" A. A. Venkaraman	Do.	One	Do.	
Do.	" V. Sanyamurthi	Do.	One	Do.	
Do.	" Janeshwar Das Jain	Do.	Two	Do.	
Do.	" A. Padmanabham	Do.	One	Do.	
Do.	" J. N. Kewalamani	Do.	One	Do.	
Do.	" S. G. Subramanian	Do.	One	Do.	
Do.	" E. R. Allen Dent	Do.	One	Do.	
Do.	" S. K. Banerjee	Do.	One	Do.	
Do.	" Mohd. Ibrahim	Muslim	Two	Do.	
Do.	" Shanti Lal	Non-Muslim	Three	Do.	
Do.	" S. Sankaran	Do.	One	Do.	
Do.	" Dev Raj Sawhney	Do.	One	Do.	
Do.	" S. Venkatesware	Do.	One	Do.	
Do.	" H. H. Neilson	Do.	Three	Do.	
Do.	" D. C. Jain	Do.	Three	Do.	
Do.	" G. Swaminathan	Do.	One	Do.	
Do.	" R. Ranga Chari	Do.	Three	Do.	
Do.	" B. S. Gupta	Do.	Three	Do.	

Holding temporary posts.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred question No. 480 asked by Mr. M. Maswood Ahmad on the 25th February, 1933; and
- (ii) the information promised in reply to starred question No. 986 asked by Mr. Nabakumar Sing Dudhoria on the 28th March, 1933.

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**COUNTRIES WITH GOVERNMENT OF INDIA REPRESENTATIVES, HIGH COMMISSIONERS OR TRADE COMMISSIONERS.**

\*480. The sums provided in the budget estimates for 1933-34 on account of the cost of all the representatives' offices in question is approximately Rs. 79,11,000, of which Rs. 61,60,000 is in respect of the office of the High Commissioner for India in London, including the Indian Trade Commissioner, London.

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**TRANSFER OF THE CONTINUOUS DISCHARGE CERTIFICATE DEPARTMENT OF THE SHIPPING OFFICE FROM KIDDERPORE TO CALCUTTA.**

\*986. (a) Yes.

(b) Additional accommodation on the ground floor of the building has been placed at the disposal of the Shipping Office but the accommodation added is insufficient to house the Continuous Discharge Certificate Department. The additional accommodation was urgently required to relieve the congestion in the Head Office where the then available accommodation was far short of requirements a matter which caused serious inconvenience to the office staff, Masters and Agents of vessels and crews.

(c) (i) Approximately 5,618 sq. ft. excluding the compound, shelter shed and lavatories, etc.

(ii) 1,536 sq. ft. approximately.

(iii) 3,000 sq. ft. approximately.

(d) The question of providing a new building large enough to accommodate both the Continuous Discharge Certificate Department and the Main Shipping Office is under consideration.

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**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I lay on the table the information promised in reply to starred question No. 816, asked by Seth Haji Abdoola Haroon on the 21st March, 1938.

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**RECRUITMENT OF SIKHS IN THE RAILWAY MAIL SERVICE, "L" DIVISION.**

\*816. (a) No.

(b) Does not arise in view of the reply to part (a).

(c) If by "I. R. O." the Honourable Member means 'Sub Record Office', the reply to the first part is in the negative. The second part does not arise.

(d) No. The Sikh Inspector, Railway Mail Service, Amritsar, who has since been transferred, held that post for less than 5 years.

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**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I lay on the table the information promised in reply to parts (a) and (b) of starred question No. 954 asked by Mr. M. Maswood Ahmad on the 27th March, 1938.



## SAILING OF PILGRIM SHIPS DIRECT TO JEDDAH FROM BOMBAY OR KARACHI.

\*954. (a) (i) *From Bombay to Jedda direct—*

S.S. "Rizwani" on the 14th February, 1933.

(ii) *From Bombay to Jedda via Karachi—*

(1) S.S. "Rizwani" left Bombay on the 29th December, 1932, and Karachi on the 2nd January, 1933.

(2) S.S. "Akbar" left Bombay on the 19th January and Karachi on the 21st January, 1933.

(3) S.S. "Khoarou" left Bombay on the 21st February and Karachi on the 25th February, 1933.

(4) S.S. "Akbar" left Bombay on the 2nd March and Karachi on the 6th March, 1933.

(5) S.S. "Rahmani" left Bombay on the 14th March and Karachi on the 18th March, 1933.

(6) S.S. "Rizwani" left Bombay on the 18th March and Karachi on the 21st March, 1933.

(iii) *From Karachi to Jedda direct—*

S. S. "Rahmani" on the 14th February, 1933.

(iv) *From Calcutta to Jedda—*

One steamer on the 2nd March, 1933.

(b) No.

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**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

(i) the information promised in reply to parts (d) and (e) of starred question No. 18, asked by Mr. Bhuput Sing on the 1st February, 1933;

(ii) the information promised in reply to part (b) of starred question No. 550 asked by Mr. N. M. Joshi on the 27th February, 1933;

(iii) the information promised in reply to starred question No. 964 asked by Mr. B. N. Misra on the 28th March, 1933; and

(iv) the information promised in reply to starred question No. 1000 asked by Mr. N. M. Joshi on the 28th March, 1933.

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CONSTRUCTION OF A ROAD FROM AZIMGANJ CITY TO AZIMGANJ JUNCTION BY THE EAST INDIAN RAILWAY.

\*13. (d) and (e). The Agent, East Indian Railway reports that there is a road, but this is unsuitable for vehicular traffic as it is narrow and full of sharp turns. The new road which it is proposed to construct in response to a representation from the residents of Azimganj and Jhaganj, will be a more direct road in that it will be some 400 feet shorter than the existing one, and will be in every way more suitable for modern vehicular traffic.

**SUBORDINATE STAFF EMPLOYED IN THE PERMANENT ESTABLISHMENT OF THE  
ACCOUNTS OFFICES OF STATE RAILWAYS.**

\*550. (b)

Description.	Office of the C. A. O., Burma Rys.	Office of the C. A. O., E. B. Ry.	Office of the C. A. O., E. I. Ry.	Office of the C. A. O., G. I. P. Ry.†	Office of the C. A. O., N. W. Ry.	Remarks.
<b>I.—Blocked at Rs. 120.</b>						
Number of men .	‡	1	2	15	7	
Length of service (approximately in years).	..	12	18 to 20	17 to 29	10 to 30	
Period of Block (approximately in years).		2	4 to 7	1 to 6	1 to 2	
<b>II.—Blocked at Rs. 80.</b>						
Number of men .	‡		16	81	17	
Length of service (approximately in years.)	..		7 to 28	11 to 25	10 to 25	
Period of Block (approximately in years).			1 to 5	1 to 3	1 to 8	
<b>III.—Blocked at Rs. 80.</b>						
Number of men .	44	18	36	99	121	
Length of service (approximately in years).	10 to 20	11 to 28	4 to 26	6 to 22	10 to 30	
Period of Block (approximately in years).	1 to 7	1 to 2	1 to 9	1 to 5	1 to 4	

†These figures exclude the number of employees who have remained on the maximum on account of their unsuitness for further promotion.

‡No scales having a maximum pay of Rs. 120 or Rs. 80 are prevalent on the Burma Railways.

**DENIAL OF HILL ALLOWANCE TO THE RAILWAY STAFF STATIONED AT  
DEHRA DUN.**

\*964. The reply to the first part of the question is in the negative. The latter part of the question does not arise.

**UNIONS OF RAILWAY EMPLOYEES ON THE EAST INDIAN RAILWAY.**

\*1000. (a) The Agent, East Indian Railway reports that the only union so far registered under the Indian Trade Unions Act, 1926, on the East Indian Railway, is the one styled the East Indian Railwaymen's Union.

(b) The Agent has informed the Chairman of the East Indian Railwaymen's Union that he would be prepared to accept and give his attention to communications addressed to him by the President of the Union.

(c) Does not arise.

**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table a statement giving the information at present available as to the net earnings of certain newly constructed railway lines, during the financial year 1931-32, and a comparison of the return given by these earnings on the capital outlay with the return anticipated in the original estimates.

## Net earnings of certain newly constructed Railway lines.

Statement showing net earnings during the financial year 1931-32 of new lines opened after 1st October 1927 throughout for traffic for a full year.

Serial No.	Name of project.	Working railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1931-32.	Percentage return of income (column 7 on capital outlay).	Estimated percentage return of income on Capital outlay some years after opening as estimated originally.
1	2	3	4	5	6	7	8	9
1	Chittagong-Nazirhat	A. B.	3' 3½"	22.97	17-3-30	Ra. —5,854	—0.27	8.50
2	Feni-Belonia	A. B.	3' 3½"	16.88	1-12-29	—27,134	—1.91	5.80
3	Furkating-Bedulpura Jorhat	A. B.	3' 3½"	42.28	1-8-28	69,154	2.01	7.00
4	Karimganj-Lungai Valley	A. B.	3' 3½"	39.45	1-1-29	—54,117	—1.55	5.50
5	Netrakona-Mohanganj Extension	A. B.	3' 3½"	17.55	1-4-29	—19,543	—0.94	9.60
6	Shaiktaganj-Habiganj-Balla	A. B.	3' 3½"	25.29	1-12-29	—22,734	—1.05	6.47
7	Senchoa-Moirabari	A. B.	3' 3½"	30.25	20-4-30	—99,374	—4.48	13.0
8	Sibsagar-Khowang	A. B.	3' 3½"	38.79	10-11-27	85,047	2.44	7.00
9	Maabrak Thawe Extension	B. & N. W.	3' 3½"	39.32	12-1-31	39,066	1.71*	6.00
10	Boriavi Vedtal	B., B. & C. I.	5' 6"	3.71	18-4-29	—8,208	—3.65*	5.00
11	Jambusar-Kavi	B., B. & C. I.	2' 6"	17.87	1-8-29	3,898	0.49*	8.00
12	Samni-Dahej	B., B. & C. I.	2' 6"	24.72	1-3-30	—14,166	—1.41*	8.90
13	Vasod-Kathana	B., B. & C. I.	5' 6"	26.61	1-9-30	—3,072	—0.14*	8.00
14	Heho-Shwenyaung	Burma	3' 3½"	11.25	2-5-28	—13,003	—0.46	6.00
15	Kayan-Thongwa	Burma	3' 3½"	10.80	16-12-28	6,096	0.40	10.75
16	Mingyan-Paleik	Burma	3' 3½"	08.86	13-1-30	—1,49,989	—2.10	5.50
17	Nyaung bin-Madauk	Burma	3' 3½"	11.06	15-8-29	1,15,963	8.65	3.37
18	Taungdwingyi-Kyaunkadaung	Burma	3' 3½"	71.82	17-7-30	—1,91,047	—1.75	6.00
19	Abdulpur-Nawabganj	E. B.	5' 6"	56.6	11-2-30	—1,91,122	—1.88	6.20
20	Baruipur-Lakehmikantapur	E. B.	5' 6"	23.26	15-12-28	—74,311	—1.51	7.00
21	Dinajpur-Ruha	E. B.	3' 3½"	47.80	8-5-28	—56,437	—1.34	6.50

\*Excluding earnings of the existing lines from new traffic interchanged with the new railway.

Serial No.	Name of project.	Working railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1931-32.	Percentage return of income (column 7 on Capital outlay).	Estimated percentage return of income on Capital outlay some years after opening as estimated originally.
1	2	3	4	5	6	7	8	9
22	Purnea-Muriganj (with branch from Banmankhi to Behariganj).	E. B.	3' 3 1/2"	59.13	1-10-29	Rs. —98,011	—2.65	6.50
23	Chandpur-Bijnor Muazzampur Narain.	E. I.	5' 6"	37.00	5-1-30	1,42,697	4.82*	6.10
24	Unao Madhoganj	E. I.	5' 6"	48.00	21-12-30	80,823	2.21*	6.30
25	Agra-Bah	G. I. P.	5' 6"	43.00	10-4-29	—47,602	—1.54	6.30
26	Cocanada-Kotipalli	M. & S. M.	5' 6"	27.08	1-11-29	—69,182	—1.65†	6.00
27	Guntur-Macherla	M. & S. M.	3' 3 1/2"	79.83	15-1-30	1,60,987	3.48†	5.25
28	Gudivada-Bhimavaram	M. & S. M.	3' 3 1/2"	40.60	17-9-28	89,757	2.21†	6.61
29	Nidadavolu-Naresapur	M. & S. M.	5' 6"	47.16	3-2-29	2,73,664	3.98†	†
30	Kannivihalli-Swamihalli Extension.	M. & S. M.	3' 3 1/2"	11.74	15-3-28	2,96,248	50.77†	5.50
31	Amritsar-Narawal (Verka-Narawal)	N. W.	5' 6"	39.11	6-5-29	1,88,371	2.39	6.00
32	Jassar-Shakargah-Chak Amru	N. W.	5' 6"	25.97	21-12-27	—76,169	—3.77	5.48
33	Lyallpur-Jaranwala	N. W.	5' 6"	20.75	3-12-27	—1,19,496	—6.11	6.33
34	Rohak-Gohana-Panipat	N. W.	5' 6"	44.01	15-5-28	—2,25,373	—7.27	4.81‡
35	Shahdara-Narawal	N. W.	5' 6"	48.33	21-12-26	(a) 83,581	2.22	5.50
36	Kangra Valley	N. W.	2' 6"	103.00	1-4-29	(a) —2,60,503	—0.71	†
37	Cuddalore Vriddhachalam	S. I.	3' 3 1/2"	35.59	21-6-28	(a) 44,293	1.64(b)	9.44
38	Dindigul-Pollachi	S. I.	3' 3 1/2"	75.10	19-11-28	4,41,325	5.57(b)	8.73
39	Madura-Bodinayakkanur	S. I.	3' 3 1/2"	55.94	20-11-28	2,21,553	4.14(b)	4.75(c)
40	Salem-Mettur Dam	S. I.	5' 6"	23.20	15-4-29	(a) 1,71,023	13.30(b)	4.00(d)
41	Shoranur-Nilambur	S. I.	5' 6"	41.35	26-10-27	—92,204	—1.12(b)	6.50
42	Villupuram-Trichinopoly	S. I.	3' 3 1/2"	109.00	1-2-29	11,81,906	5.85(b)	5.37
43	Trichinopoly-Manamadure Chord	S. I.	3' 3 1/2"	94.22	1-7-30	5,45,689	4.83(b)	

\*Excluding earnings for clearing house outward and inward and non-clearing house outward in case of passenger traffic and clearing house outward and inward in case of goods traffic.

†Calculated on capital expenditure excluding interest during construction.

‡The line was sanctioned for construction on the assurance that a minimum output of 35,000 tons of manganese ore annually by the Sandur Mining Company would be enough to guarantee the railway against loss.

§Loss to the extent of Rs. 20,000 guaranteed by Local Government so as to obtain a return of 5·5 per cent. on Capital outlay.

||Includes Rs. 4,00,000 guaranteed by the Punjab Government against loss.

¶The line was considered unremunerative but the District Board of South Arcot, who were interested in it, have expressed their willingness to guarantee the Government of India against loss, if any, arising out of the construction and working of the line.

(a) The figures do not include payments of amounts on account of guarantee payable by Local Government or District Board.

(b) Excluding the earnings of the existing lines from new traffic interchanged with the new railway.

(c) The estimated percentage return took into account a maximum payment of Rs. 41,000 to be made good by the Madras Government against loss.

(d) The estimated percentage return took into account a maximum payment of Rs. 1,39,000 guaranteed by the Madras Government against loss.

THE PROVINCIAL CRIMINAL LAW SUPPLEMENTING BILL—  
*contd.*

**Mr. President** (The Honourable Mr. R. K. Shanmukham Chetty): The House will now resume consideration of clause 5 of the Bill to supplement the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for certain purposes.

**Mr. S. O. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I support the arguments advanced by my friend, Sardar Sant Singh, for the deletion of clause 5, and the only point I should like to make is this. The Honourable the Law Member in one of his speeches said that he himself considered this clause to be superfluous. I think he will explain the position now, because I think any direction of the nature of the *habeas corpus* only arises when the arrests are alleged to have been made illegally, and in that case the provisions of similar sections as provided in the earlier clauses of this Bill will not also preclude a man from going before a Court of law. If I understood the Law Member aright, I think he himself admitted that this clause was superfluous, and that is why I oppose this clause.

**The Honourable Sir Brojendra Mitter** (Law Member): Sir, I am sorry if I conveyed any wrong impression to my friend, Mr. S. C. Mitra. What I intended to say was this, that for all practical purposes a provision like that would be superfluous, and by way of illustration I took a hypothetical case where an application was made to a High Court and what sort of inquiry the High Court would make. Unless there is some illegality or impropriety, the High Court is not likely to entertain applications; and from that I drew the inference that for all practical purposes the clause would be superfluous, but for greater caution it was necessary to have it.

**Mr. President** (The Honourable Mr. R. K. Shanmukham Chetty): The question is that clause 5 stand part of the Bill.

The motion was adopted.

Clause 5 was added to the Bill.

**Mr. D. G. Mitchell** (Secretary, Legislative Department): Sir, in compliance with your ruling on Tuesday last, I beg to move:

“That after clause 5 of the Bill, the following clause be added:

‘6. Nothing contained in this Act shall affect the powers of a High Court under section 107 of the Government of India Act.’”

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

“That after clause 5 of the Bill, the following clause be added:

‘6. Nothing contained in this Act shall affect the powers of a High Court under section 107 of the Government of India Act.’”

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

**The Honourable Sir Harry Haig** (Home Member): Sir, I move that the Bill, as amended, be passed.

The general considerations on which our proposals rest have already been fully stated to the House and I do not think it is necessary to repeat them.

**Pandit Satyendra Nath Sen** (Presidency Division: Non-Muhammadan Rural): I rise to oppose this Bill at this third reading. In newspapers we often read reports of cases of what we call Knavery and some of us have occasions to witness the trial of those cases in the law Courts. It is a common practice with the culprits in those cases to put some sweets into the hands of children who, being attracted by the sweets, allow themselves to be robbed of their valuable jewellery without any serious objection. Similar has been the affair in the present case so far as Bengal is concerned. The Bill has provided for appeals in some cases, and being attracted by this right of appeal, some of my Honourable friends have lent their support to this Bill. I do not question their sincerity, but I question their foresight. I would ask them to take an account of profit and loss in this transaction. What is the gain and what are the losses? The only gain is that the Bill provides for some appeals, and even this redeeming feature is not present in the case of other provinces. What are the losses? Loss No. 1 is that it takes away the general supervision of the higher Courts. Loss No. 2 is the indemnity in advance for those police officers who may be doing some offensive act in good faith, but it is very doubtful whether the police act in good faith at all, and if they are protected by law in this way, they will be going on doing things not in bad faith, but in the worst faith. Loss No. 3 is the deprivation of the *habeas corpus* which is one of the valued rights of a citizen. I for myself am not prepared to purchase this appeal which has been provided for in this Bill at such a heavy price, and even those appeals are in most cases unavailing and expensive. This Bill has got other defects also. First of all, it is open to the charge of bad drafting. Clause 3 includes the United Provinces, but it excludes the Punjab, and then, so far as section 491 is concerned, it speaks of the Punjab only. Why, I do not know.

Now, it is very good of Government that they have proposed and passed an amendment keeping section 107 of the Government of India Act intact, but they have kept the question of section 491 as vague as before. It may be argued and perhaps it has been argued by somebody that section 491 has got little scope in these cases, because people will be always detained under some law, and that section only applies to cases when people are detained illegally. But, Sir, that section deals not only with people who are detained illegally, but also those who are detained improperly, and when the man is detained improperly, the High Courts might come forward and intervene in those cases. I am not a lawyer, but my conception of law is that it must be always definite, precise and accurate. The present Bill is just the opposite. The Government's position is extremely weak as is evidenced by the fact that they have made so many patch works and still they have not been able to rectify the defects. I do not deny that there is a country wide discontent which has given rise to a country wide lawlessness, but that problem should be met not with this lawless law, but with a real solution of the problem, that is, the question should be met with sympathy and wise policy. The very system of administration is at fault. The issue

[Pandit Satyendra Nath Sen.]

of a White Paper or a Black Paper will not meet the situation. It is the administration of the system which counts. If the administration is not improved upon, there is no real remedy. I do not care whether the Government is federal or unitary, but what is wanted is that we should carry on the administration with sympathy. The original Local Acts are highly objectionable and I think we should not allow ourselves to be associated with those objectionable laws by way of confirmation, or ratification, or assimilation, or supplementation, or whatever it may be. Sir, I oppose the Bill.

**Mr. S. C. Mitra:** I oppose the passing of this Bill and I contend that Government has not succeeded in making any case before this House to show that the ordinary criminal procedure of the land has failed to give satisfaction either to the Government or to the people. The ordinary procedure has lasted now for more than 70 years and has been found quite good for all practical purposes, and Government must show that there has arisen a special emergency now to justify their attempt to drastically alter the ordinary procedure. One ground that has been put forward is that speedy trial may be achieved by this procedure. But, in this Bill, there is nothing about "trial": it is only about appeals. The Local Governments have enacted laws for speedy trial by special Courts. Once a man is convicted, the main purpose of a speedy trial is achieved; but there is no reason why in cases of appeal any undue haste should be attempted by the Government so as to curtail the rights of people under the ordinary laws of the land. What is now attempted is that the accused should forgo trial by a Sessions Judge with the help of jurors or assessors where the punishment inflicted is a sentence up to four years or more. Even the ordinary criminal gets a chance, when it is a case of serious offence, to be tried by a Court of Session, with the help of jurors in advanced provinces and in all cases with the assistance of assessors. Sir, I maintain that if anybody requires protection, it is the political prisoner. If there may be said to be any prejudice on the part of the trial Courts which should be protected against, I think it is in political cases and I do not see any reason why political prisoners sentenced to imprisonment for four years or more should be denied the privilege of being tried in a Court of Session with the help of assessors or jurors.

We, Sir, in this House always maintain that the real strength of the British Government is not its army or its Ordinances, but the confidence of the people in the impartial justice administered by British Courts. My Honourable friend, Mr. Gaya Prasad Singh, asks whether such confidence is still left. I maintain, it is still there. Now, in this connection, I certainly oppose the practice that now obtains of giving administrative and executive posts to retired Judges of High Courts. I remember that public bodies including the Congress, when it was not an unlawful or unconstitutional body in olden times, always fought against the Judges of High Courts getting any appointment under the Crown after they have completed their term, but unfortunately—I do not mean any reflection on individuals—we find that Judges of High Courts are now getting administrative posts. Only lately it was announced that Sir Bepin Bihari Ghosh, an ex-Judge of the Calcutta High Court, was coming here to act as Law Member. I maintain, that for the impartiality of the judicature, it is necessary that there should not be any temptation for Judges getting preferments at the



hands of Government subsequently. Their case should be treated exactly like the post of the Auditor General and they should not be enabled to hold any lucrative appointment under the Crown after their term of service. And it should be so not only in this sphere, but I hold that in the case of all offices where a strict impartiality should be maintained, the people should not have even a breath of suspicion about such impartiality. For instance, the position of the President of the Legislative Assembly should, I hold, be of the same category. However, that is by the way. I say that the people of India have still the highest regard for and confidence in the British system of justice, and the Government are undermining its very foundation by showing their non-confidence in the Courts, by encouraging every time such non-confidence by this kind of piecemeal legislation and by their inroads on the rights and powers of the judiciary. On more than one occasion we have discussed—I do not like to develop that point now—that in an ideal constitution, the three functions of the Executive, the Judiciary and the Legislature should be evenly balanced and the Executive should not be permitted in any way to curtail the rights of the Judiciary or the Legislature; but here in India, not only by the powers under the Ordinances, but the Constitution having provided a solid block of officials, the Legislature has been turned into a farce. The only other thing that is left is the Judiciary; and though there is lip sympathy and admiration and high praise by the Executive for the Judiciary, whenever there is an occasion, the power of the Judiciary is attempted to be curtailed, and this is one of those occasions when the Government, without showing that there exists an emergency, are trying to cut at the root of the substantial powers of the Judiciary in this land.

Sir, the basic principle of the British Constitution is the rule of law. My Honourable friend, Mr. Neogy, told the House only the other day that whenever there was a political case and the accused, whether after speedy trial or regular trial, were acquitted—in fact it was no exaggeration to say that in cent. per cent. cases, as soon as the accused was discharged or acquitted and came out of the lock-up, he was arrested under what is known as the Criminal Law Amendment Act, and if the conviction under the section in which he was charged made him liable to the maximum sentence of two years, under the Criminal Law Amendment Act he was invariably detained in jail for an indefinite period of time. Now, does that show any respect of the Executive for the Courts of law here in India, when even after an elaborate judicial trial, the accused are found to be innocent or the offence laid at their door is found to be not proved, these people are detained in jail for an indefinite period? Sir, I do not know whether on this motion, we will have, in opposing this Bill, the support of my Honourable friend, Mr. Biswas, because perhaps in voting for some of the clauses he did vote with us and sometimes against us; but now I claim his support, because he represents the great City of Calcutta, where, as we all know, these drastic measures are being applied ruthlessly and vigorously.

Sir, I think all will admit that when an emergency becomes a permanent feature, it ceases to be an emergency. Government should take stock of the situation to find out that these palliatives, these quack remedies, will be of no avail to them if there is really a widespread discontent and lawlessness in the country as has been so well put by my friend, Pandit Satyendra Nath Sen. With these words, I oppose the passing of this Bill.

**Mr. O. O. Biswas** (Calcutta: Non-Muhammadian Urban): Sir, I did not wish to make another speech on the third reading of this Bill, but my Honourable friend, Mr. S. C. Mitra, has made an appeal to me. It is my misfortune that in this matter I do not see eye to eye with him or with some of my other friends. I confess that the temptation to be led away by sentiment is much too strong, and somewhat difficult to resist. Measures like these afford only too easy targets for attacking those who are responsible for them. But, Sir, I venture to ask my friends, if Government have a responsibility, is there none so far as we are concerned? And I ask further: Is that responsibility discharged by discharging only a volley of worn-out platitudes or captivating catch-phrases? Some of my friends are so fond of strenuous superlatives, may I remind them that the adjective is the enemy of the substantive. I say, Sir, that you must face the situation fairly and squarely. Are you prepared to say that the dangers which these measures are designed to meet are imaginary and not real? Province after province, presumably with a due sense of responsibility have enacted these measures. My friends have called them drastic. Drastic they are, but nevertheless they are measures which those, who are in a better position to judge the situation than we here, have felt it necessary to have in the larger interests of the community, in order, Sir, to meet a crisis, not an imaginary but a real crisis, which, as my friends know very well, has left its blood-stained trail behind in many parts of the country. What should be our attitude in a situation of that kind? The crisis is not yet over. It may be that the raging flames have been brought somewhat under control but who knows that the smouldering embers may not burst into flame again? Should we, in such circumstances, be justified in taking risks? Some of my friends have said that a repressive policy never pays, repression defeats its own object: it stiffens the gristles of infancy into the bones of manhood: it drives discontent under-ground. Well, Sir, all that may be true, risks there possibly are, but consider also the risks to which we should be exposed if we did not take any action whatever. Let us not forget that here is a cankerous sore in the body politic. No doubt the patient requires nutritive diet, he requires healthful exercise, but the surgeon's knife cannot be dispensed with altogether. So, I say that it will not do merely to say that legislation of this kind is an invasion of the liberty of the subject. If there is restriction of liberty for some, there is liberty for the greater majority of the people. After all, the test we ought to apply in a matter of this kind is, what is the greatest good of the greatest number? Sir, I would venture to remind my friends that repression is not the only policy which fills the canvas, and I would appeal to them, with all the earnestness I can command, not to be looking merely at one side of the picture. Why, I ask, turn your eyes merely on the shadows in the valley, and not lift up your gaze for a moment to the glistening crags, to the gleaming slopes of verdure, to the great sweeping burst of sunshine on the tops? (*A Voice*: "Swaraj for ever!") My friend over there ejaculates, "Swaraj for ever." I say "Amen, Swaraj for ever", and it is because I believe that the road to Swaraj lies not through blood-shed and anarchy, but through co-operation, through goodwill . . . . .

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran: Non-Muhammadian): Through sychophancy.

**Mr. C. C. Biswas:** Not through sycophancy, Mr. Gaya Prasad; that may be your monopoly. Do not judge others by your own standard. Do not play to the gallery here, and then "kow-tow" to the powers that be behind the scene. Have the courage to speak out your mind, if you can, but do not indulge in these cheap sneers, and do not make these cheap bids for popularity. Sir, I would say to my friends that the situation is not one to make light of. Everyone of us ought to have a due sense of responsibility and because some of us may not agree with the views of others, it does not follow that those who differ must be actuated by unworthy motives. Sir, there is room both for my friends and for me to worship in the same temple, the temple of freedom, but that does not mean that I must be wedded to their particular mode of worship. I say once again that we should be betraying a woeful lack of our sense of responsibility if, without any consideration of the requirements of the situation, we were to indulge in vague and general attacks only for the sake of making those attacks. My friends here during the last two days have subjected this Bill, specially the legal aspects of it, to a very close and critical analysis. Sir, I do not pretend to be a great lawyer, and I tremble to tread on such dangerous ground again. I see my Honourable friend, the Prince of lawyers, sitting over there. Sir, if I might indulge in a digression, there are three stages in a lawyer's career; he first gets on, next he gets 'on-er' (honour), and finally he gets 'on-est' (honest). Sir, without being presumptuous, I can say very humbly that I am still struggling and straggling in the early stage, and, therefore, when I find myself in the presence of those who have passed the third degree,—if I might use that expression,—who have passed from the stage of 'honest' to that of ———, shall I say, super-honest, I feel I must speak with bated breath and whispering humbleness! Seriously speaking, Sir, there is just one thing I will remind them of, and that is this, that this Bill does no more than seek to follow the lines of several other Bills of an exactly similar description, which this House has passed within recent times.

**Mr. B. Das** (Orissa Division: Non-Muhammadian): Sir, I rise to oppose the passing of this Bill and the Acts on which this Bill is based. I know my talented legal friends have shown all the ugly features of this Bill, but I am not a lawyer and so I need not argue on the legal aspect of the measure.

Sir, I am surprised to find discrepancies in some of the Provincial Acts. In some provinces, the Act has been framed to last for one year, in Bengal it is for two years and, in my unfortunate province of Bihar and Orissa, it is made for three years. I cannot understand why it is made for three years in Bihar and Orissa. Then, Sir, as everybody knows, Orissa is tied to the apron-strings of Bihar and, whether the safety of Bihar is threatened or not, I do not know, but I know that there is no such fear in Orissa. And as Orissa is going to be divorced from Bihar in a year, I would appeal to Government to take note of it. I know that in spite of my voting on the Opposition side, Government will pass this Bill and it will become an Act. But they should see that this Act does not apply to Orissa when Orissa is separated. I find that the Central Provinces and your province of Madras, Sir, do not need such an Act and I hope this point will be borne in mind with regard to Orissa. Sir, I think the titles

[Mr. B. Das.]

of the Acts are misnomers. They ought to have been named the Bihar and Orissa Government Safety Act and the Bengal Government Security Act, because these Acts give safety and security to the Governments there and not to the public.

Sir, my friend, the Honourable the Home Member, talked of the application of the Bengal Security Act in Bengal very recently where—under the Congress leaders were arrested. Here I have got a letter to show how the Act has been applied. Everybody knows that Mr. M. S. Aney is the acting President of the Congress and he was also a very respected Member of this House. But the treatment that was meted out to Mr. Aney in the Midnapur jail after his arrest was the grossest insult that could be offered to the Congress. I will just read a few lines from this letter:

“It need not be mentioned that he (Mr. Aney) had to suffer all the worst indignities which is the fate of the ‘C’ class prisoners. He had to allow his person and belongings to be searched by a rude warder. He was not given any special food to which he was accustomed. He was not allowed to have his articles used for his daily ‘Sandhya.’”

For the benefit of my Honourable friend, the Home Member, I may explain that “Sandhya” means morning and evening prayers:

“He had to use only two aluminium pots along with the other ‘C’ class prisoners. He was kept in a small barrack wherein about 125 persons were huddled together but which could hardly accommodate 60 persons. He was asked by the Jemadar to undergo the *Sarkar Salaming* process by first sitting down in twos, and then standing when the Superintendent arrived for verification. When Mr. Aney refused to comply with this humiliating procedure, he was forcibly made to sit down and then again forcibly made to stand up by two or three warders in the presence of the Superintendent, who probably thought nothing wrong in the whole incident.”

Sir, if this affront and this insult was offered to the acting President of the Congress, then it is no use for us on this side of the House to condemn these Bills which are meant to give security and safety to the different provincial Governments and also to the Government of India. The Honourable the Home Member, if he can refresh his memory, will admit that he issued special instructions that prominent citizens, who become political prisoners in the past, were not forced to do such “*Sarkar Salaming*” as Mr. Aney has been forced to. Why was Mr. Aney chosen by the Government of India for such treatment? Today he occupies the highest position in this country as the acting President of the Congress. This is the Government's way of dealing with their enemies,—enemies, who, as a former Viceroy, Lord Irwin, said from the greatest political party in the country and to which even a Conservative Secretary of State pays respect, although he knows that if the Congress goes to confer with them in London their apple-cart will be upset. If Government want even at this stage to practise such inhuman treatment on the highest personage in the Congress ranks, it is no use our appealing to them to be fair and just. I only wish to say this to the Leader of the House that he must hang down his head in shame that in his own province the President of the Congress was treated in the way this letter shows. I, who am a

12 Noon. neighbour of the Bengalees, feel ashamed that it was done in a province for whose public men, for whose good people I have so much respect. I know both of them, the Honourable the Home Member and the Leader of the House need not reply, as they have got the heads behind their back, they have the support of the European Group to stand on their side for law and order, and I know that today, tomorrow and day after tomorrow the European Group will hob-nob with my friend,

Sir Cowasji Jehangir, over the Anti-Dumping Bill and over the Indian Income-tax (Foreign Income) Bill which are coming up before the House. But today the European Group—I find the whole Bench is empty—they have nothing in common with the Indian interests, but when it touches their pockets, half of which my Honourable friend, Mr. Mody, has filled on the one side and the other half, *i.e.*, the European merchants pocket, is filled on the other side, then they go and hob-nob with nascent industrialists. What do they care for the industry or the country? They always vote with the masters of the country and side with the Government in every inhuman measure that the Government bring forward. I would not wish, Sir, to prolong the agony. It is humiliating to me to have read this letter that the Bengal Government, under the guise of this Bengal Public Security Act, the sanction of which was given by my Honourable friend, Sir Harry Haig, applied it to coerce those who are attending the Calcutta Congress Session. The President of the Indian National Congress was insulted in the way he was insulted at Midnapore. He was made to sit and stand under orders and to learn at his advanced age to do the *Sarkar Salaming* trick. Nemesis will tell upon the Government one day. You may promulgate the White Paper, you may do anything you like, but remember, you are thereby only goading the people to revolution, and nothing else.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): Mr. President, I had no intention whatsoever of addressing the Honourable House on this occasion as I have already expressed the views I had to express on the merits of the Bill that is before the House. But the remarks made by my Honourable friend, Mr. B. Das, have made me think of a question which did arise in this Honourable House about a year and a half ago and which I really think requires attention. I do not think my Honourable friend improves his case by making unnecessarily rude remarks, but the point that he has brought to the attention of the House is one which perhaps may beneficially occupy the attention of my Honourable friend, the Home Member. (Mr. B. Das: "Thank you, thank you.") My Honourable friend, the Home Member, will recollect that the Government of India issued instructions as to the classification of political prisoners into A, B and C classes. Speaking from memory now, because I have no papers before me, this classification, into A, B and C classes, was the result of the report of a Committee. Now, Sir, we find in Bombay that the instructions that were given by the Government of India to the Government of Bombay, and I presume to most of the Provincial Governments or all Provincial Governments in India, were not being carried out and I will just give you one or two instances. There has been no change in the instructions of the Government of India since 1931, but there are political prisoners today classed as B and C who were in 1931 classed as A, and there appears to me to be no reason for this change.

**The Honourable Sir Harry Haig:** May I ask, Sir, how this is relevant to the subject we are discussing?

**Sir Cowasji Jehangir:** My only reason for this is the relevancy of the remarks made by Mr. B. Das and, if my Honourable friend, Mr. B. Das's remarks have been irrelevant, I stand corrected, but if my friend, Mr. B. Das's remarks have been relevant, then I presume. . . . .

**Mr. President** (The Honourable Mr. B. K. Shanmukham Chetty): Order, order. The Chair allowed the Honourable Member, Mr. B. Das, to make those observations, because the Chair understood the Honourable Member to bring to the notice of this House an instance in which this Act was applied, but, if the Honourable Member wants to make elaborate discussion on the classification of political prisoners, he will not be in order. He would be in order so far as the Honourable Member wanted to bring to the notice of the House instances of the way in which a section of the Act has been applied.

**Sir Gowasji Jehangir:** I do wish to draw the attention of the Honourable the Home Member so that he might look into this question and really try and find out whether his instructions or the instructions of the Government of India are being carried out, and I will refer him to a memorandum submitted to the Government of India over a year and a half ago by the Western India Liberal Association on this very question. The memorandum was drafted and sent after full enquiries. The memorandum gives facts and figures. I do appeal, Sir, to the Government Benches that this changed classification is quite unnecessary under the present conditions, and that it will react not only on Government but upon the political situation in the future. All these prisoners are bound to come out, and it is our earnest desire, not only on this side, but, I am sure, it is the earnest desire of Government Benches, and I know it is the desire of His Majesty's Government (Hear hear) that the men who are political prisoners today will come out to work the Constitution. If that is our mutual desire, then I do think that this question of classifying men as C and B class prisoners, who were at one time classified as A class, is a change of policy, which is unnecessary and harmful to the interests not only of this country, not only of the British Government, but most harmful to the policy that is being adopted by His Majesty's Government. I believe, Sir, that this question will be one of the most important questions to be discussed in this country when these prisoners come out. This is merely an echo that we hear just now. But I make bold to say that when the day arrives—and it is going to arrive most probably fairly soon,—when these political prisoners come out and tell us what has happened within the walls which now hide them, there may be an uproar which Government may regret; and it may only be due not to any intentional Act, but to not seeing that the Government of India's instructions are properly carried out. Those instructions are in writing: they are in communiqués; and there is no reason why these instructions should not be carried out; and if they are not to be carried out, we ought to know the reason why; and different instructions should be issued, which we can understand and thereby realise that there is a change of policy. But as long as the policy remains which was in force in 1931 during the first civil disobedience movement, if that policy still stands—and we have not been informed of any change in the policy—then I would earnestly appeal to the Honourable the Home Member that when he has got rid of all this work that he is being worried with just now—and I trust it will be very soon that he will be free from the worries of this Legislative Assembly—to devote half an hour to this question, which I think will repay the trouble he will take.

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

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Sir, although I am a supporter—a staunch supporter of law and order—I regret that I have on this occasion to oppose the motion. But before I begin my remark, I have to raise a protest against the Benches which generally support Government on every occasion. They not only gag us at the time of voting, but they now seek to gag us even from opening our minds in this House. To speak our mind is the only consolation we have, of having done our duty and that is being denied by those Members. I hope they will exercise more patience and hear what the other side has to say. I do not mean to say that myself or any other of my friends here will be able to change their views, and even if they succeed in changing their views, it is almost impossible to induce them to walk into the lobby with us. For this reason they ought to hear us with patience.

Sir, I am opposed to the Bill, because it seeks to strengthen the chains that have been forged by the Provincial Governments for binding the liberties of the subject. The ordinary law of the land is now supplemented by what was formerly known as Ordinances and which are now changed into regular Acts. But the Acts enacted by the Provincial Legislatures were not complete and they are now being supplemented by legislation in this House; and also the Bill will be passed in another place.

It is intended by this Bill to give an indemnity to all Government servants for excesses and for transgression of their duties. A protest was raised day before yesterday about this. An Indemnity Act is generally passed for past misdeeds if it is considered necessary in the interests of the public service to do so; and nobody generally is likely to take exception to that. But to give a blank cheque, to assure beforehand every servant of the Government and of the preventive service, I shall say, good, bad or indifferent, that his acts, provided nobody can challenge their good faith, were to be exempt and were not to be called into question in any Civil or Criminal Court, is, I submit, to invite disaster, to invite indifferent servants to go beyond their duty and to inflict many a time wanton injury upon any subject however high placed. One of these instances has been cited here just now, that Mr. Aney was subjected to certain indignities. Perhaps the Superintendent or his subordinates showed a weakness of their mind: they were puffed up with vanity; they wanted to show their dignity or their power or the majesty of the law or anything else; in order to show that they were very superior beings, they have acted in that ungentlemanly way against Mr. Aney. But, at the same time, I shall have to raise a protest against the mentality of some of my friends here; and I beg their pardon for doing so. I do not mean to say that Mr. Aney was subjected to this treatment, because he was the acting President of the Indian National Congress, and no one should claim that the acting President of the Indian National Congress should be treated in a special way. I think such a claim is preposterous and I do not like even the idea. I think every gentleman must be treated in a gentlemanly way, whether he be a member of the Congress, or the President of the Congress, or not connected with the Congress at all. A man's position ought not to improve or deteriorate simply because he holds a particular office in the political organisation of the country. But all the same, I have my sympathies with Mr. Aney, because he was subjected to an indignity, and I hope that the

[Mr. B. V. Jadhav.]

Honourable the Home Member will take notice of this. I may tell him that the lower subordinates are many a time induced to go beyond their powers and do something in order to strike terror. As they see that the object of Government in passing these Acts is to strike terror into the minds of those persons who are foolish enough to take to agitation on this occasion, as faithful servants they wish to carry out the objects of their masters, the Government of India, they in their own way devise means of striking terror into the minds of those who have been committed to their care. For these reasons many of the officers in jails and their subordinates are unduly harsh and cruel and cause unnecessary inconvenience to the persons put under their control. I am afraid, Sir, the object of the Government will not be fulfilled. Their object is to strike terror, and in that way to suppress the movement. But the recent attempt of Government to prohibit the meeting of the Indian National Congress has shown that their eighteen months' policy of striking terror has not succeeded to an appreciable extent. More and more people are coming forward to join in the agitation and to run the risk of being arrested and convicted. Government ought to take notice that their object of striking terror is not being fulfilled and, therefore, it is now high time that they should change their policy; and I am very glad to note that there is a real change of heart. The way in which the persons recently arrested have been treated and have been let off is an example and an earnest that the Government do intend to change their policy and to take up a more moderate way of dealing with the present unrest. It is the intention of the Government to preserve law and order, and for that purpose they themselves have been obliged to depart from the ordinary laws of the land. Do Government intend, by brushing aside the ordinary laws of the land, to inculcate a strong sense of loyalty in the minds of the people? The remedy chosen by Government to induce respect and love for law and order is the very negation of that. They have suspended the ordinary laws of the land; they have imposed on the land arbitrary laws, and in this way they want to teach people to love law and order. Morality and good principles are inculcated in schools sometimes by reading lessons on morality and religion to them, but the masters who teach these lessons are many a time immoral themselves. The teaching from books has no effect. The same is the case here. Government intend to inculcate love for law and order in the minds of the subjects; but the methods chosen by them are the very reverse of that. In the first place, they have abrogated the ordinary law. They have suspended all those precautions which are laid down in the law for the protection of the innocent. It is the principle of law that a thousand guilty persons may get away free, but one innocent man should not be convicted. Now, under the present system, a thousand innocent persons are sent to jail if Government want to catch hold of one guilty person. How is love for law and order being inculcated? A person who has been regularly tried in a Court of law and found innocent and discharged is at the very next moment even within the Court premises arrested under the Ordinances. Why should Government waste money and time of the Courts in bringing those offenders to trial? If Government think those persons are very dangerous persons and they ought not to be set free at once, they should be caught under the Ordinances and imprisoned in the first instance. Why should there be all this trouble of trying them, evidence taken before the Courts, and, so on, and, after all this, when these



people are acquitted, the next moment they are caught by a policeman and taken to the prison again under the Ordinances? This is not the way of inculcating love and respect for law and order. It is teaching the people quite the wrong way. People are being convinced that British rule is oppressive, that law is not respected and lost sight of; at all events order there may be, but law is almost absent, and in this way the loyalty of the people is being affected to a very large extent. If Government desire that there should be love for law and order, they ought to show that they themselves do stand for law and not for arbitrary action. Now, under the present Bill, they are going to remove the jurisdiction of the High Court. People have great confidence in the justice of the High Courts. But when justice is being denied, the peoples' confidence in British rule is being shaken. For all these reasons, Sir, I think that such Bills as these are quite unnecessary and are likely to cause more mischief, and, therefore, they ought not to find a place on the Statute-book. I therefore, oppose this measure.

**An Honourable Member:** I move, Sir, that the question be now put.

**Sir Abdur Rahim** (Calcutta and Suburbs: Muhammadan Urban): Sir, I cannot allow this Bill to pass without one final word of protest on general grounds of policy. Until a few years ago, we Indians have been supporting the British rule mainly because the Government have been upholders of what is called the rule of law. It had been the greatest merit of the British Government in the country that no Indian could be arrested and his personal liberty taken away, nor his right to property affected in any way or his rights of association destroyed without trial in a Court of law. That was the feature of British rule which, as I am sure, my Honourable friend, the Home Member, will recognise fully, made British rule so popular in this country. But, Sir, I have noticed that during the last five years or so this rule of law has been greatly encroached upon from day to day. Now, it is very difficult to say to what extent this rule obtains in the country. This is a very serious matter, and I am not consoled even by the fact that there is going to be launched a new Constitution by which some more power perhaps may be delegated to the representatives of the people. If, at the same time, the rule of law is going to be destroyed or to be largely weakened, then, I say, no Constitution like that will be a good substitute. After all, the object of any free Constitution is to see that the people enjoy political liberty, that they manage their affairs in their own way without being questioned by any sort of executive, since the executive itself would be responsible to the people. Now, Sir, if that order of things is going to change radically, I am afraid the future Government of the country will have even greater difficulties to encounter than the present Government are encountering today. Once the fundamental rights and liberties of the people, which are guaranteed by the rule of law, are allowed to be interfered with by the Executive, then we are face to face with a state of things under which no Government of the future can expect to have full support of the people. It is a very valuable and cherished right of ours, that if the executive think that any particular individual has infringed the law, that individual is entitled to have a fair trial according to ordinary procedure. His liberty should not be interfered with in any way except under the judgment of a Court of law. What happened the other day in the House of Commons? Two or three British

[Sir Abdur Rahim.]

subjects in Russia have been arrested and are being dealt with under a procedure which is not known perhaps to the British law, which is the basis of the law that prevails in this country. What action is the Parliament taking now? They propose to take very severe steps to deal with the matter, even at the risk of breaking friendly relations with a great country like Russia. Now, Sir, it would be surprising indeed that any Indian living in this country should allow laws of the character under discussion to be passed without challenge. We all know that there have been certain movements against the ordinary processes of law, movements like the civil disobedience movement, and there is also a band of men, desperate men, who have taken to terrorists' crimes, but that, as I have said repeatedly in this House, is no justification whatsoever for passing laws of a character which deprive the ordinary citizen of India of his ordinary rights, rights which have hitherto been fully recognised by the Government of the country and regarded by the people as inviolate and sacred. That is the principle upon which I protest against this Bill.

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

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

The Assembly divided:

AYES — 48.

Abdul Hye, Khan Bahadur Abul  
Hasnat Muhammad.  
Acott, Mr. A. S. V.  
Ahmad Nawaz Khan, Major Nawab.  
Allah Baksh Khan Tiwana, Khan  
Bahadur Malik.  
Amlr Hussain, Khan Bahadur Saiyid.  
Bajpai, Mr. G. S.  
Bhore, The Honourable Sir Joseph.  
Clow, Mr. A. G.  
Dalal, Dr. R. D.  
Dutt, Mr. G. S.  
Dutt, Mr. P. C.  
Fox, Mr. H. B.  
Ghaznavi, Mr. A. H.  
Haig, The Honourable Sir Harry.  
Hewlett, Mr. J.  
Ismail Ali Khan, Kunwar Hajee.  
Jawahar Singh, Sardar Bahadur  
Sardar.  
Lal Chand, Hony. Captain Rao  
Bahadur Chaudhri.  
Leach, Mr. A. G.  
Mackenzie, Mr. R. T. H.  
Megaw, Major General Sir John.  
Metcalfe, Mr. H. A. F.  
Miller, Mr. E. S.  
Misra, Mr. B. N.

Mitchell, Mr. D. G.  
Mitter, The Honourable Sir  
Brojendra.  
Morgan, Mr. G.  
Mukherjee, Rai Bahadur S. C.  
Nihal Singh, Sardar.  
Noyce, The Honourable Sir Frank.  
Rafuddin Ahmad, Khan Bahadur  
Maulvi.  
Raisman, Mr. A.  
Rajah, Rao Bahadur M. C.  
Rau, Mr. P. R.  
Ryan, Sir Thomas.  
Schuster, The Honourable Sir George.  
Scott, Mr. J. Ramsay.  
Seaman, Mr. C. K.  
Shafee Daoodi, Maulvi Muhammad.  
Sher Muhammad Khan Gakhar,  
Captain.  
Singh, Mr. Pradyumna Prashad.  
Smith, Mr. R.  
Tottenham, Mr. G. B. F.  
Trivedi, Mr. C. M.  
Vachha, Khan Bahadur J. B.  
Wajihuddin, Khan Bahadur Haji.  
Yakub, Sir Muhammad.  
Yamin Khan, Mr. Muhammad.

## NOES—21.

Abdur Rahim, Sir.  
 Azhar Ali, Mr. Muhammad.  
 Das, Mr. B.  
 Dutt, Mr. Amar Nath.  
 Gour, Sir Hari Singh.  
 Gunjal, Mr. N. R.  
 Jadhav, Mr. B. V.  
 Kyaw Myint, U.  
 Liladhar Chaudhury, Seth.  
 Mitra, Mr. S. C.  
 Murtuza Saheb Bahadur, Maulvi  
 Sayyid.

Neogy, Mr. K. C.  
 Patil, Rao Bahadur B. L.  
 Rao, Mr. M. N.  
 Sant Singh, Sardar.  
 Sardar, Diwan Bahadur Harbilas.  
 Sen, Mr. S. C.  
 Sen, Pandit Satyendra Nath.  
 Singh, Mr. Gaya Prasad.  
 Uppi Saheb Bahadur, Mr.  
 Ziauddin Ahmad, Dr.

**The Honourable Sir Harry Haig:** My Honourable friend, the Leader of the Independent Party, lamented the existence and the promotion of such special legislation as this and he invited our attention to the merits of the ordinary law. Sir, I entirely agree with him. The ordinary law is far the best, but, Sir, I would remind him that the ordinary law is for ordinary times and ordinary conditions, and when circumstances arise in a country, as they have arisen here lately and as they have in many other parts of the world, it is necessary for new dangers to be met by new remedies. I would only add that in this legislation we are merely providing not that the ordinary judicial functions of the High Court should be taken away, but that certain special executive powers which the Local Legislatures have found it necessary to invest the Local Governments with should not be affected by proceedings in the High Courts. I would add only one word, Sir, with reference to what my Honourable friend, Mr. B. Das, said. I did not catch the name of his correspondent (*Mr. B. Das*: "He is an *ex*-Member of the Assembly."), but I would say that I myself have examined so many allegations of this character and found them to be exaggerated or unfounded that I should not be prepared, without examination, to accept that story; and I would remind the House that, so far from the Government recently having shown any anxiety in connection with this Congress Session to humiliate the members of the Congress, on the contrary, as my Honourable friend, Mr. Jadhav, pointed out, they have treated them with the utmost consideration. I do not think, Sir, at this stage it is necessary for me to do more than say that, in the opinion of the Local Governments, the passing of this legislation is essential in order to complete the Acts which their own Legislatures have already passed.

The motion was adopted.

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

"That the Bill to supplement the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law Amendment Act, 1932, for certain purposes, as amended, be passed."

The Assembly divided:

AYES—48.

Abdul Hye, Khan Bahadur Abul  
Hasnat Muhammad.  
Acott, Mr. A. S. V.  
Ahmad Nawaz Khan, Major Nawab.  
Allah Baksh Khan Tiwana, Khan  
Bahadur Malik.  
Amir Hussain, Khan Bahadur Saiyid.  
Anklesaria, Mr. N. N.  
Anwar-ul-Azim, Mr. Muhammad.  
Bajpai, Mr. G. S.  
Bhore, The Honourable Sir Joseph.  
Biswas, Mr. C. C.  
Clow, Mr. A. G.  
Dalal, Dr. R. D.  
Dutt, Mr. G. S.  
Dutt, Mr. P. C.  
Fox, Mr. H. B.  
Ghuznavi, Mr. A. H.  
Haig, The Honourable Sir Harry.  
Hezlett, Mr. J.  
Ismail Ali Khan, Kunwar Hajee.  
Jawahar Singh, Sardar Bahadur  
Sardar.  
Lal Chand, Hony. Captain Rao Baha-  
dur Chaudhri.  
Leach, Mr. A. G.  
Mackenzie, Mr. R. T. H.

Megaw, Major General Sir John.  
Metcalf, Mr. H. A. F.  
Miller, Mr. E. S.  
Mitchell, Mr. D. G.  
Mitter, The Honourable Sir Brojendra.  
Morgan, Mr. G.  
Mukherjee, Rai Bahadur S. C.  
Noyce, The Honourable Sir Frank.  
Pandit, Rao Bahadur S. R.  
Rafiuddin Ahmad, Khan Bahadur  
Maulvi.  
Raismann, Mr. A.  
Rajah, Rao Bahadur M. C.  
Rau, Mr. P. R.  
Ryan, Sir Thomas.  
Schuster, The Honourable Sir George.  
Scott, Mr. J. Ramsay.  
Seaman, Mr. C. K.  
Sher Muhammad Khan Gakhar,  
Captain.  
Singh, Mr. Pradyumna Prashad.  
Smith, Mr. R.  
Tottenham, Mr. G. R. F.  
Trivedi, Mr. C. M.  
Vachha, Khan Bahadur J. B.  
Yakub, Sir Muhammad.  
Yamin Khan, Mr. Muhammad.

NOES—30.

Abdur Rahim, Sir.  
Azhar Ali, Mr. Muhammad.  
Das, Mr. B.  
Dutt, Mr. Amar Nath.  
Gour, Sir Hari Singh.  
Gunjal, Mr. N. R.  
Jadhav, Mr. B. V.  
Jha, Pandit Ram Krishna.  
Joshi, Mr. N. M.  
Kyaw Myint, U  
Liladhar Chaudhury, Seth.  
Misra, Mr. B. N.  
Mitra, Mr. S. C.  
Murtuza Saheb Bahadur, Maulvi  
Sayyid.  
Neogy, Mr. K. C.

Pandian, Mr. B. Rajaram.  
Parma Nand, Bhair.  
Patil, Rao Bahadur B. L.  
Reddi, Mr. T. N. Ramakrishna.  
Roy, Kumar G. R.  
Sadiq Hasan, Shaikh.  
Sant Singh, Sardar.  
Sarda, Diwan Bahadur Harbilas.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Singh, Kumar Gupteshwar Prasad.  
Singh, Mr. Gaya Prasad.  
Thampan, Mr. K. P.  
Uppl Saheb Bahadur, Mr.  
Ziauddin Ahmad, Dr.

The motion was adopted.

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

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

## THE AUXILIARY FORCE (AMENDMENT) BILL.

**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I move:

"That the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes as reported by the Select Committee, be taken into consideration."

When, Sir, at the beginning of February I moved that this Bill should be referred to a Select Committee, I took the opportunity to give a fairly full explanation of the principles underlying the re-organisation of the Auxiliary Force which we proposed to carry out if and when the Bill was passed into law. I do not think it is necessary for me today to repeat those explanations. It will be sufficient if I remind the House that this is primarily an economy measure, designed to secure a saving of 15 lakhs of rupees, and that we hope to secure those savings, not by reducing the total strength of the Auxiliary Force, but by limiting the strength of the active class, that is to say, the expensive class which receives regular training every year, to the numbers required to perform the functions that they are likely to be called upon to carry out in the event of a local emergency. At the early stages this Bill met with no opposition and the Select Committee, after going through the Bill, clause by clause, found no criticisms to make.

I am aware that there are two amendments on the paper, but both of these deal with a single minor matter and I may say at once that, if the House so wishes, Government will be prepared to accept them. I personally think that they do make a distinct improvement in the wording of the Bill.

I am also aware, Sir, that in certain quarters apprehensions have been expressed lest our proposals should be too drastic and discourage persons from joining the force or possibly deter employers from allowing their employees to do so. I very much hope that this will not be the case. Although we are restricting the strength of the active class—and I think quite justifiably—we have no intention of discouraging men from joining the force or placing unnecessary difficulties in their way. We shall give very full discretion to commanding officers to take in those men whom they consider suitable; and we shall not insist on any certificate from them or from their employers, in black and white, to the effect that they will be available on any and every occasion. What we wish to avoid, and what we have not been able to avoid in the past, is taking on men about whom there is no doubt that they will not be available when their services are required. We also desire to encourage men to join the reserve class of the force, where they will be supplied with rifles and will undergo a musketry course every year.

After all, Sir, it is impossible to make an omelette without breaking eggs and it is impossible to save 15 lakhs of rupees without disturbing one single individual. We shall endeavour to distribute the sacrifices that have to be made as evenly as possible, having regard to the necessities of the case, and I have no doubt that the communities concerned will realise, in spite of their natural disappointment in some cases, that it is impossible to please everybody, that there is a very real demand for the reduction of military expenditure and that the Auxiliary Force should take its full share of the reductions to be made.

Sir, I move.

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

"That the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2, 3, 4, 5 and 6 were added to the Bill.

**Mr. President** (The Honourable Mr. R. K. Shanmukham Chetty): The question is that clause 7 stand part of the Bill.

**Mr. R. Smith** (Bengal: European): Sir, I move:

"That in part (iii) of clause 7 (a) of the Bill; in the proposed clause (b), the words 'until discharged from the Auxiliary Force, India, as hereinafter provided' be omitted."

As the Bill stands, the clause reads:

"Every such person who is transferred from the Active Class under the provisions of clause (a) or who on enrolment is assigned to the Reserve Class by order of the Officer Commanding the corps or unit shall be included in the Reserve Class until discharged from the Auxiliary Force, India, as hereinafter provided."

In other words, the Bill, as it stands, provides that a man once in the Reserve Class remains there permanently. I wish to remove the latter portion of the clause and so open the way for the transfer of a member of the Reserve Class to the Active Class. Later on, Sir, I hope to move my second amendment which provides positively that a man may definitely be transferred from the Reserve to the Active Class and remain in the Active Class for an indefinite period. These are, Sir, my objects. They are very simple and plain and I do not think I need say any more about them.

I come then to the reasons. I can do so best by reminding Honourable Members of the factor of suitability that is referred to in the Statement of Objects and Reasons appended to the Bill when it was introduced. It was said in that statement that suitability did not necessarily depend solely upon age. I want to develop that point more positively now, with particular regard to the large and important section of the force that must be recruited from civilians in private employment. For these men it will be found that suitability must predominantly depend upon availability. If an employer says to a man that he will be available both for training and for service in the Active Class, that man in the great majority of cases will be deemed to be suitable for inclusion in that Class. If, on the other hand, the employer has to say that not only will he not be available on each and every occasion, but that generally he will not be available, then we may rest assured that that man is not suitable for the Active Class. What I wish to point out is this, that a man may become temporarily unavailable and, therefore, unsuitable for the Active Class. This will arise with the type of man I am talking about in several ways, but in the main the necessity will arise, certainly in the majority of cases, through firms and companies having to arrange their staff programme so as to provide for a certain number of the staff to go on leave periodically. When men go on leave, they have to be replaced by other men who thereupon very often have to take up more onerous and important duties for their employers. That position may last for a year. Then, with the advent of another year, they become available again, in other terms, suitable again, for inclusion in the Active Class. That is a particular and a recurring feature in this type of employment. I will further point out, Sir, that in a company with a very large staff of employees the number of men who are thus temporarily unavailable and, therefore, unsuitable year by year may be fairly constant. The individuals will vary year by year but there will always be more or less a definite number of men who are temporarily unavailable. This may not apply so much to

smaller concerns, but if you take them as a group, you will get the same average, and if you take the community as a whole, you will get a fairly definite number of men who will year by year become unavailable, but for that year only. Now, as the Bill stands, these men, or at any rate a very large number of them, might be put in the Reserve Class, and there they will have to remain until they take their discharge. Take this year. You will have a class of what I might call 1933 unsuitables. They go into the Reserve Class and remain there and next year they will be joined by a new batch of 1934 unsuitables, and so on. This, Sir, I suggest, will defeat the very object of the Bill. It will militate against both efficiency and economy. I also think that it will make the force rather more unattractive to the keen man who will be willing enough to go into the Reserve Class when he knows perfectly well that his onerous civil duties render him for the time being unsuitable for inclusion in the Active Class, but he will not be very pleased to remain in the Reserve Class once he is freed from his civil duties for inclusion in the Active Class. These, Sir, are my reasons and I hope that my amendment, particularly as it is going to be accepted by Government, will have the support of the House.

**Mr. G. R. F. Tottenham:** Sir, I have already said that I am prepared to accept this amendment and I do not think I need add anything to the very clear speech which Mr. Smith has made explaining the need for it.

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

"That in part (iii) of clause 7 (a) of the Bill, in the proposed clause (b), the words 'until discharged from the Auxiliary Force, India, as hereinafter provided' be omitted."

The motion was adopted.

**Mr. R. Smith:** Sir, I move:

"That for part (ii) of clause 7 (c) of the Bill, the following be substituted:

'(ii) for the words 'for any training year in any other Class for which more periodical training is specified in Schedule I' the words 'in the Active Class' shall be substituted; and '."

The object of this, as I have really already explained, is to make positive provision whereby a man in the Reserve Class may be transferred quite definitely to the Active Class and may remain there until he takes his discharge or until such time as for one reason or another he may have to be moved back to the Reserve Class. I have already stated the reasons and I again recommend my amendment to the House.

**Mr. G. R. F. Tottenham:** Sir, I accept the amendment.

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

"That for part (ii) of clause 7 (c) of the Bill, the following be substituted:

'(ii) for the words 'for any training year in any other Class for which more periodical training is specified in Schedule I' the words 'in the Active Class' shall be substituted; and '."

The motion was adopted.

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

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

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

Clauses 8 to 18 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. G. R. F. Tottenham:** Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

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### THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

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

The original Bill, the House will remember, was introduced in April, 1932, and the report of the Select Committee was presented by me to the House, I think, on the 14th November, 1932; so that both the original proposals of Government and the amendments that have been made since have been before Honourable Members for a considerable period. If I attempt a sort of expository trespass upon the time of the House at all, it is because time is apt to dim recollection and also because the very voluminous minutes of dissent which have been appended to the report of the Select Committee render it necessary that the point of view of the majority shall be explained to the House. The Bill, Sir, deals in the main with three points; the first is the feeding of pilgrims travelling by the lowest class, secondly, the amount of accommodation, the superficial space that will be provided for each pilgrim travelling by that class, and thirdly, the making of arrangements which would ensure that no pilgrims, or very few pilgrims, are left stranded at Jeddah at the end of the Haj for want of funds. The Select Committee considered the proposals embodied in the original Bill in regard to these three points with one objective in view, namely, to ensure the requisite improvements in the existing arrangements with the minimum of economy from the point of view of the pilgrim and the maximum of improvement in regard to safety and to convenience. And what I would like the House to bear in mind, Sir, is that the amendments which have been made by the Select Committee have been made in order to achieve this objective. And I would like the House to apply this test both to the provisions as amended by the Select Committee and also to the proposals which those, who were responsible for the minutes of dissent, intend to put forward later on.



Now, Sir, I shall deal first of all with the question of the food of pilgrims on board the ship. At the present moment there is no such thing as provision by the ship, in return for a price included in the fare, of the food of pilgrims. The majority of pilgrims make their own arrangements. The Haj Committee went into this question very carefully and they came to the conclusion that this arrangement needed altering. The reasons for that are set out in paragraph 154 of the Report from which I shall read a brief extract:

"There is no doubt whatever that the practice of allowing pilgrims to bring and cook their own food on board the pilgrim ship is conducive to extreme filthiness. The whole of the pilgrims' quarters is littered with foodstuffs, including vegetables in a more or less advanced state of putridity, and a mass of cooking utensils which, as no hot water is available, are invariably in a greasy and mal-odorous condition. The danger of fire breaking out on the ship has also to be considered, as with the multiplicity of small wood fires and the Primus stoves all over the upper deck the former giving sparks and the latter occasionally bursting, it is to be wondered why more accidents do not occur."

That, Sir, is the state of affairs prevailing on the ship, and the members of the Haj Committee unanimously recommended that:

"The advantages which would accrue to the pilgrims as a whole by relieving them of the necessity for doing their own cooking on board the ship would be so great, that the present system must be altered at the earliest possible moment."

That is, Sir, what the Bill, as amended by the Select Committee, seeks to achieve. Honourable Members, who have dissented from the majority Report on this point, urge certain objections. These objections may be conveniently grouped into two classes: those that proceed from the point of view of the pilgrims and those that proceed from the point of view of the shipping company. Now, as regards the first, it is urged that the pilgrims proceeding from India represent a variety of races. They have different tastes in the matter of food, and it would be a hardship to inflict upon them a uniform menu or a uniform diet. The second objection which is urged is that if you do inflict a uniform menu upon them, then there is likelihood of trouble, because tempers will run high, if everybody does not get the kind of food he wants. The third objection that is raised to our proposal is that at the present moment a number of wealthy pilgrims provide for the food of their poorer co-religionists, and this practice will be discontinued if, instead of providing them with food, they have to pay for the charge for food which is to be included in the price of the ticket, and the fourth objection which has been taken is that some of these pilgrims, a good many of them perhaps, fall sea-sick, and it is not fair that in addition to suffering from sea-sickness they should also suffer in their pocket to the extent that they will not be able to use the food for which they have already paid. Then, Sir, a fifth argument has been raised against this, *viz.*, that cooking is a recreation, a distraction, and we should be depriving them of this distraction if we force upon them a uniform diet under the arrangements proposed. Well, Sir, I submit that the Haj Committee, with one exception, consisted of Muhammadan gentlemen. Four of them had already performed the Haj themselves. They must have considered every one of these objections. There is nothing new in them. They were fully familiar with all the practices and all the conditions. Nevertheless they made a recommendation which we are now putting forward for the acceptance of the House. And it is not, Sir, that we are trying to introduce into our law something which is without precedent or parallel elsewhere. The position is that pilgrims from the Straits Settlements,

[Mr. G. S. Bajpai.]

pilgrims from Java, and pilgrims from Egypt are subjected to this régime, and what we are trying to do is to assimilate our own legal provisions in this matter to those which are in force in those countries. Our conclusion is that on the balance the argument is in favour of accepting the recommendations of the Haj Inquiry Committee, recommendations which are embodied in the Bill as now put forward before the House, rather than let the present somewhat chaotic and unsatisfactory conditions to continue.

Now, I shall deal with the second class of objection, the objection which, as I said before, is urged by the representatives of the shipping company. What they urge is that the structural alterations which will have to be made in the ships are impracticable, if not altogether impossible, and further that it would be impossible to make arrangements to carry the requisite supplies. This position was put up by the representatives of the only shipping company, which is now in the traffic, namely, Turner Morrison and Company, before the Select Committee on this Bill, first in Simla, and, then, subsequently, to Government in Delhi last November, and the conclusion to which we came was this—no reform, no innovation of any kind which requires any alteration of existing arrangements is readily acquiesced in. We are asking the pilgrim to pass from the stage when he cooks for himself to the stage when he would have to take food which is supplied to him by the shipping company. It seems only equitable that the shipping company should be called upon to join with the pilgrim in carrying out any innovation which we consider as desirable in the interests of the pilgrims. I would, further, say, Sir, that inasmuch as the safety of the pilgrim is bound up with the safety of the ship, the change that we propose will also be to the advantage of the shipping company if they take a long view of the matter. That, Sir, disposes of what I have to say on the subject of the change proposed in regard to feeding arrangements.

The second point touched upon in the Bill relates, as I said, to the space that is to be provided for the passengers travelling by the lowest class. The Haj Committee recommended that the allowance which is now fixed at 16 sq. ft. should, instead of being prescribed by rules made under the Indian Merchant Shipping Act, be prescribed by the law itself and that is what clause 6 of the Bill purports to do.

Another suggestion, Sir, which the Select Committee considered and upon which some dissentient members are very insistent is the suggestion to increase this allowance from 16 sq. ft. to 18 sq. ft. The Select Committee in Simla considered this matter very carefully. They said: Undoubtedly, if there is an increase of space, it will redound to the comfort of the pilgrim, but we must make sure that the expenditure involved does not considerably enhance the cost of the Haj. In order to clear up this point, we made enquiries and the result was this. We found that for what can only be described as a lateral extension of, say, four inches in length or four inches in breadth in the space provided for the pilgrim, we shall be increasing the cost of the fare by 12½ per cent, that is Rs. 20 for the return voyage, if a person takes a return ticket or something like Rs. 27, if a person takes a single ticket. In other words, for the doubtful advantage of having four extra inches, a person will have to pay at the rate of Rs. 5 or Rs. 7 per inch. That was distinctly against our objective

which was to secure improvements at the minimum increase of cost and, therefore, the Committee decided against increasing this allowance of 16 sq. ft. which is the allowance today. And, in that connection, I would like to point out, that in this respect the pilgrim is really at an advantage compared with an ordinary native passenger travelling in a native passenger ship, because the space allowance for him is 16 sq. ft. and not 18 sq. ft.

Now, we come to the third point, namely, insurance against the risk of pilgrims being stranded in the Hedjaz for want of funds. The Haj Committee unanimously endorsed this principle and have made two recommendations: one was that the existing provision as regards making exemptions from the necessity of having to make a deposit or buy a return ticket should be completely done away with, that there should be no alternative prescribed at all; and the second was that we should abolish return tickets and only retain deposits. As regards the first point, after careful consideration, we came to the conclusion that it was not necessary to do away with the choice which the Act allows to the pilgrim who wishes to make a declaration, but to give more discretion to the officer before whom the declaration is made, so as to make sure that exemptions from the ordinary requirements of the law are made in cases which are really established as necessary for the grant of help that is wanted; and as regards deposits being retained to the exclusion of return tickets, we felt that the onus of proving that advantage which would accrue to the pilgrim was upon those who wanted this change. And, frankly, no satisfactory evidence that any advantage would accrue to the pilgrim by this change has been placed before us. The present provision of the law which requires a pilgrim either to buy a return ticket or to make a deposit was made in 1925, and the Select Committee of this House which considered the Bill then said that the pilgrim should have a choice between these two alternatives. Those who say that this choice should be limited by taking away the option to buy a return ticket, it is for them to establish either that shipping would be made more plentifully available or more cheaply available, or more promptly available than at present. The fact of the matter is that the return ticket is cheaper than the single ticket, and the Haj Committee, in para. 98 (page 57) of their report, themselves recognised that, whether it was for the outward journey or for the inward journey, the great majority of the passengers will have to rely upon the regular service and the regular boats in order to be brought back to India. There is no inducement to a shipping company to offer to bring somebody back from the Hedjaz for a low sum of money if the demand for shipping really is excessive, if it is in excess of the supply. Therefore, there is no justification for the suggestion that by introducing this change we shall be making the fare cheaper, and the cost of the Haj cheaper to the pilgrim, because there is only one shipping company which is in this traffic, and that shipping company is in the traffic and the others have been eliminated by reason of competition which has redounded to the advantage of the pilgrim because he has to pay a lower fare than he used to pay in the past. So, unless it can be shown that competitive shipping is forthcoming in sufficient quantity really to make competition for the purpose of lowering of fares effective, it cannot be said that those who want to change have proved their case; and, on the other hand, there is this risk, that if you abolish return tickets and leave shipping companies to cater for the few who buy a ticket on the way out and then buy a ticket for the return journey, there will be no obligation

[Mr. G. S. Bajpai.]

on any shipping company to provide ships for the return journey; and, therefore, instead of providing against any people being stranded in Jeddah for want of shipping, you would be creating a state of affairs when the shipping may not be forthcoming and the pilgrims may have to wait indefinitely because the ship is not there; lucrative traffic might offer elsewhere and ships may be diverted and they may not be available in order to bring the pilgrims back in time. Therefore, the majority of the Select Committee came to the conclusion that there was no justification for altering the present arrangement under which the pilgrim has a choice between making a deposit and buying a return ticket. If the deposit is really more advantageous to the pilgrim, after all he is not limited to buying a return ticket; he is not compelled to buy a return ticket. The option between the two is there; and it is open to the Haj Committees which we have set up in the ports to give him advice, to tell him that the other thing is to his advantage and then leave it to him to decide whether he will buy a return ticket or whether he will make a deposit. That is all that I have to say at this stage in explanation of the three main points which are dealt with in the Bill. I would only add one sentence: the House, by its overwhelming suffrage, passed the Bill which we considered last September for the setting up of Haj Committees: that was considered to be the first instalment of reform. This, Sir, is the second instalment of reform, and I hope that the same measure of support, abundant and ungrudging, will be forthcoming for this measure.

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

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

**Khan Bahadur Haji Wajihuddin** (Cities of the United Provinces: Muhammadan Urban): Sir, there are two amendments standing in my name—No. 2 and No. 4. I wish to move No. 4. I move:

“That the Indian Merchant Shipping (Amendment) Bill, 1932, as reported by the Select Committee, be recommitted to the Select Committee for further consideration.”

The reason for my adopting this course is quite simple and I frankly say that the form in which the Bill has emerged from Select Committee is in my opinion unacceptable to the Muslims of India generally, and the religious bodies and the orthodox class particularly, because it provides no facilities and comforts to the intending pilgrims, as were demanded by my Honourable friend, Seth Haji Abdoola Haroon, in his Resolution in the year 1928, for which the Haj Enquiry Committee was appointed. Though this Bill is said to be based on the report of the Haj Enquiry Committee, yet to a certain extent it goes quite contrary to the recommendations of that Committee, by disregarding the question of providing comforts and facilities to the intending pilgrims. The Bill further imposes certain restrictions and hardships on the Muslims of India. It is, therefore, bound to create unavoidable difficulties in the way of pilgrims to the Holy Land. There is hardly anything material in the Bill in accordance with the recommendations of the Haj Inquiry Committee excepting that of making food compulsory, but, on the contrary,

the most important and unanimous recommendation of the Haj Inquiry Committee for the abolition of the return ticket is not carried out and the much abused system of return ticket is perpetuated without paying the least attention to the disadvantages thereof, affecting most adversely the pilgrims who are as a class very poor, illiterate and ignorant. I am extremely sorry to declare on the floor of this House, Sir, that the Government want to get through this Bill without abolishing the system of the return ticket in the face of opposition from all the Non-Official Members and public bodies and I do say that the Government Member, my Honourable friend, Mr. Bajpai, cannot point out any public body or any non-official person, having at heart the welfare of pilgrims, to support their omission to abolish return tickets. Sir, when such is the case, naturally the question arises why the Government should hasten the passage of the Bill which in this respect is quite contrary to the recommendation of the Enquiry Committee. With your kind permission, Sir, I will quote a few instances of vital importance for the consideration of this Honourable House.

So far as the question of accommodation for deck passengers is concerned, Sir, the Bill provides no facility to the pilgrims. It is a long-standing grievance of the pilgrims that the space of 16 superficial feet provided to each of them is quite inadequate and should be slightly increased. But I regret very much, no improvement has been made in the Bill in this respect too. I may remind some of my Honourable colleagues here, who were on the Haj Inquiry Committee and who inspected one of the pilgrim ships, the S.S. "Dara" of the Mogul line, in July, 1929, in the Calcutta docks, with the Surveyor, Commander Page, and, on comparing the numbers shown in the pilgrims certificate with the actual space available in each hold, they were of opinion that the number of pilgrims shown could not be conveniently accommodated in those holds. In spite of that, they have not recommended the slightest increase in space of 16 superficial feet hitherto allowed since a very long time. They have paid no attention to remove this inconvenience simply because of their apprehension of an increase in the Steamer fare which, I am sure, is bound to decrease if Deposit System is made compulsory and return ticket system is abolished. The return ticket system is no doubt responsible for giving monopoly to one big Shipping Co. and depriving all other small Companies from coming into the field to compete the big concern. I am sure, that has been the only cause of high fares during the last six or seven years.

The Bill does not provide the concession of half fare for children under 12 years and no fare for those under three years as is the general practice everywhere.

I have carefully considered the point and have come to the conclusion that a space of sixteen feet is really inadequate and it is only fair to demand an increase in space from 16 to at least 18 feet as recommended in the resolution passed on the 31st July, 1932, by the Port Haj Committee of Karachi, and, according to the oral evidence given before the Select Committee at Simla by the Honorary Secretary, Delhi Muslim Association. Sir, this is an important matter and I think we should increase the space from 16 to 18 feet and provide concession for children; but, Sir, if this is not adopted, I think the Bill is in no way beneficial to the pilgrims and is unacceptable. The return ticket system,

[Khan Bahadur Haji Wajihuddin.]

which is responsible for many a hardship to the pilgrims, has been allowed to remain on the Statute in spite of the fact that the Haj Inquiry Committee in its report has unanimously recommended the introduction of a system of compulsory deposits for the pilgrims and the abolition of the return ticket system. The recommendation of the Haj Inquiry Committee has full support of all the three Port Haj Committees at Bombay, Karachi and Calcutta, as well as of His Majesty's Minister at Jeddah. The Government of Bengal also are definitely in favour of making the deposit system compulsory and prohibiting the issue of return tickets. With your kind permission, Sir, I will explain briefly the arguments in favour of compulsory deposit system which I do trust will convince this Honourable House that it is also one of the most important matters to be considered in this connection.

Firstly, a depositor can return to India by any boat of any line. A return ticket holder has to wait for a ship of the line by which he originally sailed, unless 25 days have elapsed since the date on which he presented his ticket to the British Legation at Jeddah notifying his desire to embark for the return journey. He cannot return by the earliest available ship if it belongs to another line. Moreover, the Jeddah Agents of the Shipping Companies occasionally book depositors in preference to their own return ticket holders in order to increase their earnings by carrying as many depositors as possible. Return ticket holders are left behind waiting for a later boat provided they are not likely to be detained longer than 25 days at Jeddah. If the deposit system is made compulsory and there are no return ticket holders, the British Legation at Jeddah could arrange to despatch the pilgrims in the order in which they arrive there except when a particular pilgrim desires to return by a particular boat or line.

Secondly, the compensation at the rate of one rupee per day, which is payable to a return ticket holder under section 209A (1) of the Indian Merchant Shipping Act for the period of his detention at Jeddah beyond 25 days, is of little value to him, and, in actual practice, it has not been possible to arrange for the payment of the compensation to certain pilgrims.

Thirdly, a depositor who has lost his deposit-paid pass may be provided by the Indian Pilgrimage Officer, Jeddah, with an emergency pass and thus enabled to return to India. No such help is available when a pilgrim has lost his return coupon.

Fourthly, refunds of unutilised deposit money, which is in the custody of Government, are more easily obtainable than refunds of the value of unutilised return coupons, which is in the hands of the Shipping Companies.

Mr. President, it is now quite evident, and hardly needs any effort to realise that the advantages of deposit system are comparatively far more weighty in the interest of the pilgrim than those of return tickets. The return ticket system makes pilgrims subservient to the whims and caprices of the shipping companies so much so that they have no alternative to book their return passage with any other shipping company than the particular line for which they hold their return tickets. The deposit system, on the other hand, affords pilgrims the full liberty of their

choice, and, in case of necessity enable them to arrange their return passage by any available ship irrespective of particular line. The former makes the pilgrims helpless in the hands of the shipping companies, while the latter demands of the companies that they should endeavour, in their own interest, to enlist the sympathy and consideration of the pilgrims. Moreover, this Act cannot but defeat its own purpose, inasmuch as the deposit system cannot become popular among the pilgrims in the presence of the return ticket system. The canvassing agents of the shipping companies concerned will spare no pains to bring the pilgrims unto their fold, while the deposit system is sure to die a natural death in the absence of a similar force to propagate its cause among the pilgrims. Sir, the records of the past few years will amply demonstrate the truth of it. Last year, among 5,352 Indian pilgrims, who sailed from the Bombay port, there was not a single case of deposit, while of 3,781 from the Karachi port, only 25 made deposits and 3,751 sailed from return tickets. In the years 1928, 1929, 1930 and 1931, the Indian pilgrims, who sailed direct from the Calcutta port, were 380, 1,009, 557 and 370, of whom 333, 238, 472, and 14 pilgrims, respectively, deposited the necessary amount with the Government of Bengal, and 2, 728, 19 and 292 were return ticket holders. In 1932, the number of Indian pilgrims who left from that port was 384, but there were only three among them who made deposits and 338 held return tickets. It would thus appear that the deposit system is gradually and slowly dying out. It cannot be popular, under any circumstances, in the presence of the alternative course in favour of the shipping companies.

Mr. President, another factor, no less important, to ensure the welfare of Indian pilgrims, is to check the capricious and unwarranted move of the shipping companies to employ their ships, at discretion, for the transport of pilgrims other than those whom they would actually bring to Jeddah. In the existing circumstances, the shipping companies apprehend no legal consequence in this respect, due to the time limit of 25 days (now proposed in the Bill to be 15 days) for the shipping companies to repatriate their pilgrims without any penalty.

Sir, the experience of last year has adequately demonstrated the extent of irresponsibility the shipping companies might indulge in. In view of the loopholes afforded by this Act, I understand from a reliable friend of mine, that Messrs. Turner Morrison, who are now the only shipping Company engaged in Indian pilgrim traffic, had engaged last year their fleet of six ships, which in 13 voyages carried about 18,000 pilgrims from Indian ports. But the most absurd part of it is that they kept in the Jeddah harbour only four of their ships, at the first instance, for the return journey of these pilgrims, which would obviously appear to be quite inadequate arrangement, specially in view of the fact that the pilgrims, who generally come to the Hedjaz in six months, are in the habit of rushing in thousands soon after the Haj for immediate repatriation.

Sir, the most objectionable feature of it was the unjustifiable motive of the said company to employ two of their ships, out of these four, for the transport of Egyptian and other pilgrims, at the time when more than 7,000 pilgrims, holding return tickets, were waiting at Jeddah for repatriation. Although, due to other circumstances, the company ultimately gave up their project, yet if it had taken effect, it would have caused great inconvenience to Indian pilgrims, and this cannot but be resented. It appears quite obvious that there is absolute necessity for

[Khan Bahadur Haji Wajihuddin.]

legislation in this respect, with a view to putting a stop to the undue advantage taken by the companies of the prescribed period. The only remedy to check in future the repetition of such irregularities, on the part of the companies, is to legislate that the adequate number of ships, which the companies would employ for the transport of pilgrims from India to Hedjaz, should be kept in the Jeddah harbour for the returning pilgrims, under the direct control of the Indian Vice-Consul, who should be legally authorised to exercise full control over the affairs of these ships in the interest of the pilgrims. The company should have no power to use their discretion in respect of these ships, till six weeks from the date of actual Haj, as it has proved in the past quite detrimental to the cause of pilgrims.

Another instance of the shipping agents' deliberate disregard for the comfort of the pilgrims is best illustrated in connection with the sailing of S.S. "Rizwani" from Jedda on the 3rd May last. There were many pilgrims, holding first and second class return tickets, at Medina, who were anxious to sail by this ship, and were ready to leave Medina for Jedda. I have reason to believe that the attention of the local shipping agents at Jedda was invited to this fact, pointing out to them that due consideration should be paid to the deplorable condition of the road between Medina and Jedda, as well as that of the motor cars and lorries transporting these pilgrims. Although there was apparently no urgency in the immediate departure of the ship, still the shipping agents did not delay her even for a day more, and directed her sailing. As a result, the ship left with 13 first and 18 second class unoccupied berths. Consequently, Sir, the pilgrims, who reached Jedda later on, and might have sailed by S.S. "Rizwani" but for the unjustifiable attitude of the agents, were held up, and their number was subsequently multiplied with other new arrivals. I hope the House will agree with me that this naturally caused an unusual strain on the available first and second class accommodation of the next ship, and consequently 27 first class pilgrims had to take upon themselves the hardships of travelling by the "deck" of a crowded pilgrim ship. I think the only way to mitigate the sufferings of the pilgrims in this respect is to abolish the return ticket system and to place the pilgrim ships under the full control of the Indian Vice-Consul or Pilgrimage Officer at Jeddah for the period just mentioned by me.

Sir, there have been many instances where return ticket holders have been detained at Jeddah and have suffered bodily and monetarily, while under the compulsory deposit system, no pilgrim has ever been detained. I may remind my honourable friend that the British Consul at Jeddah rightly stated before the Haj Inquiry Committee in this respect that:

"Ships will be waiting for pilgrims instead of pilgrims waiting for ships."

The shipping companies usually do not give refund of difference between the higher class fares and the deck fares, which means an unjustifiable loss to pilgrims under the return ticket system which should now be stopped altogether.

Sir, the sole object of providing for the return passage was to save the Government from the expenditure of repatriating destitute pilgrims. This object can be safely achieved if deposits are made compulsory to the exclusion of the return tickets. When the object can thus be served, and



when there are admittedly several abuses and disadvantages of the return ticket system, may I ask, Sir, why should not the return tickets be stopped? No doubt it was argued that the Government cannot deprive the shipping companies of their right to issue return tickets. But, I may say, Sir, it can also be argued with greater force that the safeguard of the rights of the general public, especially Indian pilgrims, to Hedjaz has a prior claim on the Government to travel on single tickets which should on no account be snatched away. Since some pilgrims sailed with short funds or, owing to their wrong estimate of Haj expenditure, they became destitute in the Hedjaz and were repatriated by Government or public subscription, it was found necessary to make some provision for their return, and deposits can adequately serve that purpose. As regards the right of shipping companies to issue return tickets, the events in the past, as I have just stated, show that they have abused this right and it is now the duty of the Government and this House to protect the pilgrims from the hardships of the return ticket system. Sir, I find no justification on the part of Government to provide in the Bill the option of the return ticket system after having discussed the problem in detail in the meeting of the Standing Haj Committee and finding that out of 18 members present there, on the 12th September, 1931, 13 were in favour of abolition of the return ticket system and these 13 include five Government Officials and eight Non-Officials while those who opposed this were four Officials and one representative of the shipping concern. It is now quite clear that all the non-official representatives are unanimous in this question. Besides this, Government have got the unanimous recommendation of the Haj Inquiry Committee to abolish the return ticket system and to adopt compulsory deposit system alone.

Mr. President, may I ask the Honourable Member, in charge the Bill, as to how far he is justified in drafting this measure in face of so much opposition? What was the use of appointing the Inquiry Committee and spending several lakhs of rupees when the Government do not see their way to accept its recommendations? Why the Standing Committee was formed when its recommendations were absolutely thrown out? Sir, I am dead against the return ticket system, because the deposit system is not likely to become popular among pilgrims as long as the return ticket system is in force and if both the systems are maintained as provided in the Bill shipping companies will naturally push on the return ticket system for their own benefit and the deposit system will before long be defunct.

I now come to another important matter. With regard to "Cooked Food" I may say that certain clauses of the Bill relating to cooked food on contract basis during the voyage on board the ship, in my opinion entail undue hardship to Indian pilgrims to Hedjaz. I, therefore, do not agree with the majority of members of the Select Committee in adopting such a drastic measure.

Mr. President, I find no justification in introducing this system which is full of great many difficulties. It involves extra expense to the poor Indians without any guarantee whatsoever as to what extent it will be beneficial to the pilgrims, and, moreover, I have great doubts as to whether it will ultimately prove successful. I consider that at the present time of world-wide depression and reduced purchasing power of poor Muslims of India, especially those who go to pilgrimage, not on a pleasure trip, but to fulfil their religious duty, it is absolutely necessary that expenditure should in no way be increased, but, on the other hand,

[Khan Bahadur Haji Wajihuddin.]

reduced to a minimum. It is an admitted fact that shipping companies with highly paid staff cannot supply "cooked food" to the satisfaction of so many pilgrims of different tastes and habits as cheaply as the pilgrims themselves can provide by cooking their own food. Sir, the procedure of distribution of so many varieties of cooked food twice or thrice a day to an average of 1,500 pilgrims on each boardship is not an easy task. I assure you, Sir, that even now there arise quarrels over getting drinking water which is to be had of one quality and quantity for every pilgrim and it can, therefore, be imagined that more quarrels are likely to arise in the process of distribution of food. Taking into consideration the very low economic condition of the Indian pilgrims generally, it is almost certain that in about 90 per cent. cases, if not more, even a very small increase of a rupee in their existing expenses will be a heavy burden on them.

Sir, I may also consider that a large number of pilgrims, who are not accustomed to sea voyage, suffer from sea-sickness, when they will not be able to take the advantage of cooked food for which they have already paid, there is no provision in such cases for the refund of price of unused meal and consequently I cannot be overgenerous to the Shipping Companies at the expense of the poor.

Sir, another factor which should be borne in mind is that quite a large number of poor pilgrims undertake the voyage after purchasing only return tickets and for their other requirements they render service to their fellow pilgrims who are in a prosperous condition and who are also in need of such services. In return for such services, food and other necessary amenities of life are provided to them by such well-to-do pilgrims. By introducing this measure, we will be depriving those pilgrims of these advantages and will be forcing them to spend more money. It is possible that objections may be raised in certain quarters that such arrangements among the pilgrims should not be encouraged, but I cannot endorse this idea as I am strongly of opinion that the religious susceptibilities of every sect should not be ignored and we should not create any difficulties in their way by passing such drastic measures.

Sir, under the circumstances, I suggest that reform be introduced by the free-will of those concerned and no compulsion of any kind be allowed to be put upon the pilgrims. In support of my humble views on the question, I may quote here what the Shipping Companies say. Messrs. Turner, Morrison and Company oppose the measure. Their remarks are as follows:

"This important question has been closely studied. The supply of food by the ship would present a great many difficulties, one of the principal being the large number of different denominations which travel from India, each of whom habitually use a different kind of food. A second difficulty would be its distribution amongst such large numbers, but the difficulty which, we think, would prove insuperable is the fact that the majority of pilgrims are themselves opposed to the idea. It is to be remarked that of the complaints that have been received from Pilgrim vessels during late years but which are now becoming infrequent, none have had provision of food as their subject and, when the matter has been commented upon, it has been by first class passengers or by those who viewed the subject from an educated point of view. In theory it would undoubtedly be a good thing to free the allotted space of a large quantity of food-stuffs and cooking utensils; but this is outbalanced by the fact that the majority of pilgrims do not want it. They are far more contented with their own food cooked in their own way, and far from regarding it as a hardship, many of them pointed out that they had nothing else to do and that

cooking their food helped them to pass away the time. For the small number who do not wish to do their own cooking, there is the Pilgrim Food Supply Company, who will ration them at a certain fixed rate."

Sir, I think in this connection I must also quote the opinion of Steam Ship Companies which I will explain briefly here. Mr. Khaleeli of the Nemazee Line is also strongly opposed to the measure. His remarks are:

"I am opposed to the provision of cooked food by the ship. Amongst the pilgrims there are different classes and nationalities whose diets are different and it is therefore very difficult to cater to their needs. In our vessels Restaurants are run, where one can obtain ready meals. Those who do not wish to make their own cooking on board can make use of the Restaurant."

The Bombay and Bengal Chambers of Commerce also oppose the recommendation and several other important bodies, such as the Karachi Chamber of Commerce and the Karachi Port Trust, have pointed out serious difficulties in giving effect to it. The principal opposition comes, however, from the Government of Bombay, whose remarks are as follows:

"The Government of Bombay consider that it would be most difficult, if not impossible, to put the recommendations made in these sub-paragraphs into practice, and that the best course would be to allow pilgrims to make their own arrangements for food by bringing their own supplies on board or purchasing them on board. It does not appear to the Government of Bombay that any useful purpose would be served by amending the Indian Merchant Shipping Act to provide for the supply of cooked food by Shipping Companies until it is possible to secure the object in view. The various classes of pilgrims prefer to have their own food cooked in their own way and to forbid private cooking would cause hardship and rouse discontent."

I, therefore, say, Sir, that expert opinions must carry great weight, and there are difficulties undoubtedly in the way of adopting the measures.

The Bombay Haj Committee are of opinion that compulsory feeding, if introduced, all of a sudden, would cause considerable heart-burning among the pilgrims. Sir, these are the few instances of hardships which the Bill imposes upon pilgrims without providing facilities of vital importance for which the Muslims of India were anxiously waiting for a very long time.

Sir, in my concluding remarks, let me say quite frankly that the attitude adopted in rushing the Bill through without paying the least attention to the fact that the Bill without providing comforts and facilities to them imposes undue hardships and restrictions to the pilgrims and I take this opportunity to warn the House in open words that so far as the Muslims in general and pilgrims in particular are concerned, this Bill is wholly unacceptable to them. With your kind permission, Sir, I may remind my Honourable colleagues in the Select Committee that during the consideration of controversial clauses of the Bill in June last at Simla, it was suggested by my Honourable friend, Maulana Muhammad Shafee Daoodi, that with a view to solving the difficulty confronting the members of the Select Committee with regard to the questions of "accommodation", "cooked" or "uncooked" food and "Deposit" or "Return ticket", the Government of India should depute on their behalf one or two of the members of the Select Committee to discuss these questions personally with the Directors of various shipping companies at Bombay. The result of such negotiations to be brought to the notice of the Select Committee when it meets next at Delhi, which no doubt was approved by all the officials and non-officials present in the meeting and I may say, Sir, that

[Khan Bahadur Haji Wajihuddin.]

for this and other reasons it was decided to have further consideration of the Bill postponed. Pardon me, Sir, for saying that the Government not only totally ignored the wishes of the elected representatives, but also failed to discharge their duty in this direction. The intention of such a conference was to provide facilities and conveniences for the pilgrims after discussion with various bodies at the port and not to confine our activities to only one concern which already holds the monopoly of Haj traffic for the last several years; but I am sorry the Government decided only to obtain opinion from one or two firms. Sir, I have reason to believe that the importance of such a conference between the members of the Select Committee and the Directors of various shipping companies was brought to notice again a few months after, but I am extremely sorry to say that it remains a dead letter.

Sir, I think I shall be failing in my duty if I do not point out to the House that when the Simla Session of the Assembly was sitting, a representation signed by a dozen members of the Select Committee was submitted to the Honourable Chowdhry Zafrullah Khan, then Member in charge of the Department, with the request that ample time could kindly be allotted to consider the important clauses of the Bill and it suggested the convening of the meeting of the Select Committee at least 10 days before the Legislative Assembly began its sitting at New Delhi. Is it not surprising, Sir, that this small request of almost all the members of the Select Committee was not acceded to and consequently the date and time for the Select Committee to dispose of the two pending Bills was fixed for Friday, the 4th November, at 2-30 P.M., i.e., only two hours time for the disposal of two Bills. Saturday and Sunday being holidays, it was quite in order for the Chairman of the Select Committee, with a view to attending the meeting of the Assembly from Monday, the 7th November, not to allow further postponement suggested by my esteemed friend, the Honourable Mian Sir Fazl-i-Husain, with the result that the report on the Bill was passed in an hour's short time and presented to the House with dissentient notes from five elected members of the Committee representing the United Provinces, Bihar and Orissa, Bengal, and Madras Provinces.

Sir, there was every hope that the negotiations with shipping companies would have been proved fruitful and we would have been in a better position to perform our duty in this connection. I, therefore, say, Sir, that this Bill is coming up for consideration not only without the consent of the public, and without the consent of shipping companies, but certain clauses of the Bill are quite contrary to the recommendations of the Inquiry Committee, while, I think, for the goodwill of both the people and the Government it is absolutely necessary that the Bill be recommitted to Select Committee for further consideration. With these remarks, Sir, I move my amendment.

**Mr. Muhammad Anwar-ul-Azim** (Chittagong Division: Muhammadan Rural): Mr. President, as a non-Haji Member of this House, I think it will be impertinent on my part to say a few words at the consideration stage of this Bill. It is certainly a very ticklish subject so far as certain sections of the Indian public are concerned and, I think, if I had any voice in advising the Government of India in moulding their policy, I should say that they should so conform themselves to popular opinion that no odium of any kind which might be hurled on them from any side of the House

would be justified. But I am not here to supply wisdom to the Government of India. It is far from me to say so. It seems to me, Mr. President, that this matter of Haj traffic has caught fire even in the remotest village of Eastern Bengal, the place I come from. The interested people have made so much of this that I do not know if everything has come to the knowledge of Government. If anybody comes forward at this stage of the development of the public mind in that way and suggests even a rational and logical remedy in that line, he will be pooh-poohed and hooted down. But, Mr. President, I am certain that that could not possibly deter me of all other people from calling a spade a spade.

I had the privilege of listening to the grand speech of the Haji Sahib in my front and also the nice report of the Select Committee. It seems, Sir, that the Select Committee is very much divided on vital and important facts. As was disclosed in the last part of the Haji Sahib's speech, perhaps the non-officials on that Committee and also the non-officials on the Standing Haj Committee of the Government of India wanted that certain kind of policy would be the right thing for the Government of India to follow and that would solve the problem. If Government were not obdurate, I daresay, they would have tried that with a certain amount of advantage. But, unfortunately, as an elected Muslim Member of this House, it will be very difficult for me to go against the wishes of my friends, the Haji elements in this House. I have listened with very great interest to the nice speech of the Educational Secretary which was perhaps very logical. But, I remember, that a certain great man who was at one time the occupant of the Treasury Benches in this House once said: "If you want to live in water, you must be in a position to make friends with the crocodile." That being the case, I think Government would have been very well advised to take to this dictum of the late Sir Alexander Muddiman and not to ride roughshod over the wishes of the elected Members of the Select Committee. If Government are so much solicitous with regard to finding facilities for the Haj pilgrims from various parts of India, then I do not know if there is any co-ordination of purpose amongst all the authorities concerned here. I know and it has been brought to my notice very positively by certain friends in Calcutta that even the Government of Bengal have issued certain directions positively prohibiting people from going to Hedjaz from Bombay. We were also inundated by pamphlets issued by the Central Bureau here and, if anybody had time to go through the different advices and opinions expressed with regard to various things, one would have surely and immediately come to the conclusion that perhaps there is something wrong somewhere, perhaps there is a run for popularity at some place and perhaps that is the reason why the Haj matter has been so badly muddled. There is certainly a great force behind those people who say that it will not matter if the accommodation on board the steamers could be fixed at 18 sq. feet. Sir, it does not matter in the least whether the space is 16 sq. feet or 18 sq. feet. The root trouble is whether by this method, the method which has been indicated in the body of the Bill, or the methods which are being indicated by Government from time to time, Government are likely to give proper facilities to the teeming thousands of innocent villagers to pass through that procedure. What I feel is that these poor villagers will be absolutely exploited by the interested people. Rightly or wrongly—I am quite willing to give credit to one's opinion—the facts are there, that these people will be exploited and Government will be made responsible for it. So, if it is not too late,

[Mr. Muhammad Anwar-ul-Azim.]

why should not Government review the whole situation? If they feel that this measure is being brought for the good of the Muslim pilgrims, why should they not take counsel from those who say that they are the representatives of the class of people for whom Government are going to cater.

[At this stage Mr. President (The Honourable Mr. R. K. Shanmukham Chetty) vacated the Chair which was occupied by Sir Abdur Rahim.]

One word, Mr. Chairman, with regard to the compulsory system of return tickets. I think there is a great force in the argument of Haji Sahib in my front when he says that if once you buy the return tickets from a particular source, to that extent they are fortified. The steamer companies feel that they have got these tickets and, of course, nobody in the world takes those tickets from them and the Haji is bound to travel by their line. But where is the trouble if we were to say in the body of this Bill that, instead of the return tickets, the deposit system should be introduced. Perhaps they feel that certain persons who go to the Haj may not have sufficient funds to come back and may, therefore, be repatriated at the expense of Government. But why should it not be so? What is the trouble? If Government find that certain of their subjects are stranded at certain places, I think it is their duty to see that no trouble befalls them while they are away from their homes. I think Government ought seriously to consider this position whether or not they should give the option of depositing the money and not make the buying of the return ticket compulsory.

**Mr. G. S. Bajpai:** Sir, I wish to inform my Honourable friend, if he will permit me, that return tickets are not compulsory.

**Mr. Muhammad Anwar-ul-Azim:** Secondly, one word with regard to the plan for having cooked food on board the steamer. If we had travelling on that steamer men like us on the floor of this House, it would not very much matter. But people have got their own notions and ideas about food, and I know people who, even if some kind of food is kept at a distance of a hundred yards, will not go near it. And these religiously minded people, who go to the Hedjaz to perform the pilgrimage, are not imbued with the kind of liberalism that we have, and if Government are going to help them to go to pilgrimage in the Hedjaz, why should they compel them to take the particular kind of food which the companies supply on board the steamer? Of course there is certainly a great amount of force in the argument of Haji Saheb when he says that perhaps lots of these people have not even seen the face of a town when they first come there on the ship. Immediately they get into the floating house, they easily fall victims to sea-sickness. Though I had no occasion to perform the Haj pilgrimage, I have had occasion to travel by steamer from place to place and my impression is that third class deck passengers, huddled as they are together, fall easy prey in the beginning of the voyage to sea-sickness. That being the case, as one rupee counts for economy in this country, I think it will not be right and fair on the part of Government to insist that the Hajis should make certain compulsory payments in that regard.

Sir, the Haji Sahib gave a nice warning to Government and said that we should not create trouble. I think there is very great force in that remark of his. He is a pious Haji gentleman; he has first-hand information about the Hedjaz and he has passed through the various stages of the journey. And when we have expert first-hand information from men of his type, I do not see why Government should discredit them and follow a kind of policy which they perhaps feel just, in their own way.

Lastly, Sir, I think I might suggest in my humble way one solution which will make the Bill acceptable at least to my part of the House. I think, if Government do not insist on giving cooked food on board the steamer, and if they can hit on some method by which the matter of buying return tickets will not be made compulsory and also in the matter of accommodation, it may not be difficult to have a speedy passage of this Bill through the various stages. With these few words, I commend the Bill for the consideration of the House.

**Kunwar Hajeer Ismail Ali Khan** (Meerut Division: Muhammadan Rural): Sir, I rise to oppose the motion of my esteemed friend, Hajeer Wajihuddin, for referring the Bill again to a Select Committee. I was also a member of the Select Committee and we spent more than a week on this Bill alone. We discussed it fully and I am sorry to observe that there was not a single new point which was raised by the Hajeer Sahib in moving his motion. All those were old points which we had properly threshed out in the Select Committee. I do not say that whatever we have done in the Select Committee are quite correct and the House should adopt our points as they are, but it will be simply a waste of time and energy to discuss this Bill again in the Select Committee. I cannot understand this other thing about return tickets when it is fully explained by the Mover of this Bill that it is purely optional with the pilgrim, whether to buy the return ticket or make a "deposit". Why should we deprive the poor pilgrim of an advantage on the cheap return ticket? I know at present there is only one company which is monopolising the whole thing and there might be a difficulty with the other companies, but this is the general practice in every part of the world that we get return tickets on reduced rates. We have passed a measure in Simla about the Port Haj Committee and we are going to form Haj Committees in every part of the country. It will be the duty of these Haj Committees to make enough publicity for the public and show the advantages and disadvantages of the return tickets.

Then there is another matter about the cooked food or uncooked food. This matter was fully explained by the Mover of this Bill. I want to tell one thing more and it is this. I can say from my own experience that if you will go on board, you will find a hundred Primus stoves burning and this is most insanitary and dangerous for human lives on board. I cannot understand the idea that the public consent is not on this Bill. Some years ago, when this House formed the Haj Inquiry Committee, it made an extensive tour for about eight months throughout the country and examined about 400 witnesses, spent nearly two lakhs of rupees from the public fund and submitted a very detailed report. And that is the fruit of our own labours. On this one item, the return ticket and the deposit system, you will find that the recommendation of the Haj Inquiry Committee was not accepted by the Standing Haj Committee and, in the majority of the clauses of the Haj Bill, you will find that they are on the lines of the recommendations of the Haj Inquiry

[Kunwar Hajee Ismail Ali Khan.]

Committee. Mr. Chairman, you are fully aware that whatever we have done in the Select Committee, our first and chief idea was to give the full possible comfort to the pilgrims at the minimum cost and not to encourage beggary on the boat.

Then, about the negotiation of the shipping company, as my friend said. If I am not disclosing any secrets of the Select Committee, we discussed this point very fully and my friend volunteered to make the negotiation and, after giving the full consideration to those negotiations, the Select Committee have framed this Bill which is before us. If the House is serious to make any addition or alteration, it can be done on the floor of this House. With these few words, I oppose this motion to recommit the Bill to Select Committee and urge upon this House to accept the Bill as it has emerged from the Select Committee.

**Mr. G. Morgan** (Bengal European): Sir, in supporting this amendment of my friend, Khan Bahadur Wajihuddin, there is only one point on which I feel strongly and that is this compulsory fooding,—as all my friends on the Select Committee know—the difficulties to my mind are insurmountable, and in going through all the papers, all the letters, all the decisions, all the conclusions of all connected with putting up the case for compulsory fooding, I have not been able to find a definite and practical conclusion. My Honourable friend, Mr. Bajpai, quoted some words from the Report of the British Consul at Jeddah, which is in his report on the pilgrimage of 1926. But I would like to turn over the next page and see what he has said later on. The British Consul says:

“As against these advantages there is the difficulty of catering for different classes and nationalities of pilgrims. I am not sufficiently well-versed in the habits of the natives of the various provinces and countries from which pilgrims are drawn to offer a personal opinion on this point, though I am assured by those in a position to know—it does not say who they are—that the difficulty is not insurmountable.”

That is a very general statement to make and of course it is perfectly simple to make such a statement. But I think if he had experience of the practical working of a system of this kind, he would not have added these last words. Sir, I am glad that Mr. Bajpai has also mentioned the question of Java and other countries, because that is the real difficulty. If the pilgrims from India were the same as they are from the Netherlands East Indies, I do not think there would be any voice raised against the Government proposals. It is the insurmountable difficulties owing to the various classes of pilgrims that give rise to this objection. A short extract from the Haj Report which, as I shall quote later under paragraph 272, very hesitatingly suggested this compulsory food. They say:

“In our opinion there would be little difficulty in arranging for all pilgrims to feed from an eating-house on board, if the conditions of the Indian pilgrim traffic in any way resembled those of the Netherlands East Indies traffic. But that resemblance does not ~~represent~~ exist. Instead of being all of one class as the Javanese pilgrims are, the pilgrims from India are not only drawn, as has already been stated, from the different provinces of India itself, the inhabitants of which are not used to the same kind of food (mark these people) but also include Persians, Afghans, Bokharans, Tibetans, Chinese, Burmese and Malays, and, under existing conditions, any attempt to supply all the varieties of food to which each of these different classes is accustomed would be likely to prove a failure.”



Now, that is your Haj Committee Report. (*An Honourable Member*: "What page?") Page 93, paragraph 157. I will now turn to the conclusions, paragraph 272, which sums up all the paragraphs; this is as follows:

"Certain of the recommendations we have made, such as that for the provision of cooked rations to all pilgrims by the steamship companies, may appear to be somewhat revolutionary and against the weight of the evidence recorded but we believe that they will be welcomed by enlightened Muslim opinion and that, if accepted by Government, they will, even if at first distasteful to individuals, prove of lasting benefit to the Indian pilgrimage as a whole."

That, as I said, sounds very nice, and if possible, we would be very glad to see it. But there is no definite practical suggestion as how a statutory provision for compulsory feeding could be carried out on board the ship. From the volume of papers that I have received, there are menus from different parts of the country and I do not know how a shipping company could cater for the different classes of menus, how many types of cookery and stores involved in them it would be feasible to provide. The arguments that my Muhammadan friends put forward about the relief of monotony on the voyage and that sort of thing I leave to them. But I look at it from the point of view of the practical difficulties of the shipping companies and from the point of view of providing for the class of pilgrims which they have to carry. Therefore, Sir, although it is not my usual custom to support a reference back to a Select Committee, I feel that in order to raise my objection, I must support this motion.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): What is left of the Bill if you take that out?

**Mr. G. Morgan**: Plenty.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): This Bill, Sir, is preliminarily but erroneously called the Haj Bill. In fact it has nothing to do with the real Haj. Really the Bill should properly be called the protection of pilgrims from the tyrannies of a company who had got the monopoly. That is really practically the whole object of this Bill. If any proof were required, it is the speech just delivered by Mr. Morgan. Had there been no monopoly by a particular shipping company, then this Bill would never have been needed and probably there would have been none at all. Therefore, if any Bill depends upon this fact alone that there is a monopoly by one company, it has certainly nothing to do with the Muslim religion or with the Haj.

I have been reading a good deal about this Bill at various stages and I have come to the conclusion that no useful purpose would be served by sending it back either to Select Committee or to the public. Whatever could be said has been said and I would like any one to tell me on the floor of the House whether any particular thing has been left unsaid and, therefore, on that account we should either send it back to Select Committee or for circulation. No doubt there is an honest difference of opinion on two or three points: these differences of opinion have been there all the time—on the occasion of the Haj Committee's report and in Select Committee as well as in private consultations and conversations. The only way to settle them is by the vote of this House in the absence of any other method of settling it. The other methods of conversation,

[Dr. Ziauddin Ahmad.]

etc., are now finished and this is the only way left. I realise that there are two or three important points to be settled, but we will have to take them up when we come to consider the Bill clause by clause.

One is the question of food. The arguments on both sides of this question are well balanced. We want the convenience of the passengers and, at the same time, we have to consider the pockets of the people who are travelling. Some people honestly believe that a company which has got the monopoly cannot give good quality food at reasonable prices unless there is very strong supervision: without some such guarantee it would be difficult and, therefore, I do not know whether it will serve any useful purpose to refer back this question.

The next question is about accommodation. It is calculated here in a mathematical manner 18 sq. feet per passenger. If there is a room with certain dimensions and you can divide it by providing 18 sq. feet for each person, perhaps it may be a fit room for passengers: but when the people actually lie down, the length may be too long or too short or the breadth may be too long or too short: and as my friend Diwan Bahadur Ramaswami Mudaliar says, some persons might be too tall and some too short. The Committees which are being set up will face these minor difficulties and they will be able to do the needful.

As regards the return tickets, the companies are profiting enormously at the expense of the poor pilgrims: this matter can be settled when we discuss the Bill clause by clause. Therefore, Sir, unless somebody can say on the floor of the House that such and such points have not been discussed in Select Committee and are such that public opinion should be elicited thereon, I say, it will serve no useful purpose to send it back to Select Committee or for circulation. This Bill has been waiting for such a long time that I for one would say "For Goodness sake, settle it one way or the other. If we go on indefinitely, we can come to no conclusion." Therefore, I am of opinion that we should take it up and settle it one way or the other.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division: Muhammadan): Sir, I do not grudge the long speech of my friend, Khan Bahadur Haji Wajihuddin, because he has ventilated the grievances of a small section amongst the Muslims who feel that intervention of this Legislature in a matter like this is some sort of interference with their religion. It is all right that he has expressed all that that section had to say in his speech; but I fail to see if my Honourable friend has been able to make out any case for recommitting the Bill to Select Committee.

The troubles of the Hajis have been coming on for a very long time: they have been ventilated in this House from time to time and it was, owing to the pressure brought by the Muslim Members of this Legislature, that the Haj Inquiry Committee was appointed and these three questions which are before us at the present time were fully discussed for nearly eight months in that committee by nine competent Muslim Members of this Central Legislature along with that sympathetic Chairman, Mr. Clayton. The provision of this Bill, so far as compulsory food for the pilgrims is concerned, is certainly in accordance with the unanimous recommendation of that committee. On that question

my friend has seen how the shipping companies are vehemently opposed to that sort of innovation. This has been their attitude from the very beginning; but Mr. Clayton assured us that he had been able to secure the consent of responsible men in the shipping companies; if the measure was adopted by the Haj Inquiry Committee unanimously and if the Government approved of the measure, they will see that the recommendation was carried into effect. We worked for it because we could not think of any other plan by which we could minimise the troubles of the pilgrims while they were on board the ship. The sole reason for much of the troubles to pilgrims while on board the ship is the accumulation of uncooked food, vegetables and live stock and other things necessary for cooking their food on board the ship. If this provision is accepted by the House and the shipping companies see their way to act up to it in the spirit in which it has been recommended by the Haj Inquiry Committee, I think it will prove to be a great boon to the pilgrims going for the Haj, and in future the trouble which frightens so many enlightened persons from going on pilgrimage will, to a great extent, be minimised. In future I hope many educated and enlightened men will find it easy to board the pilgrim ship and perform the Haj. It is the insanitary condition of the ship which carries pilgrims which deters so many people from undertaking that voyage and that condition on board the ship cannot be done away with in any other way except by putting the whole responsibility for cooking the food on the shoulders of the shipping companies and distributing it in a manner which would prevent the uncleanness which we have experienced on these ships. I have been to the Haj myself and have been twice to see the conditions which existed in 1929. I have been on the ship from Bombay to Karachi and during those three days we could not feel comfortable because there were so many people cooking their food and making the whole place unclean. I would request my friend to see his way to waive his objection to the supply of cooked food which has been provided in this Bill. Of course his objection as regards the alternative system of purchasing return tickets or depositing passage money has certainly a good deal of substance in favour of the pilgrims. We examined that provision with very great care at the time we were discussing this question. On that question also we came to the unanimous conclusion that the return ticket system was creating trouble for the pilgrims on their return journey. It is the deposit system alone which will give them a ready ship when they had performed the Haj. Unfortunately, the Government have not seen their way to enact a provision for keeping only one system for the pilgrims. I was told that we could not thrust down the throats of the shipping companies all our reforms in one instalment. The one reform which we are going to make as regards feeding of pilgrims on board the ship is a very great responsibility that is being thrown upon them. Let this be done in the first instance, and later on we can examine the provisions as regards the alternative system and see what can be done. I could not help it. I found that after all the two systems were optional; either of them could be adopted by the pilgrims, and there is now an agency of the Port Haj Committee at the ports of embarkation to advise the pilgrims. We are also at liberty to organize Haj Committees in the mufassil as well as in provincial towns. These are the agencies which could advise the intending pilgrims to deposit passage money instead of purchasing return tickets. This remedy is to a certain extent in our hands, and, therefore, we can wait

[Maulvi Muhammad Shafee Daoodi.]

for this, but we cannot wait for the other provision included in this Bill. For these reasons, I think that we should decide once for all as to what we are going to do with this Bill, otherwise it will have to be delayed for one year more.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** (Member for Education, Health and Lands): Sir, the motion before the House is a simple one, and that is to re-commit the Bill to the Select Committee, and with your permission I will restrict myself to deal with the motion itself, and not try to meet the criticism of the various provisions of the Bill.

It has been very rightly observed, Sir, that the Select Committee has dealt with all the points that arose in discussions and that there is nothing in the speech of the Honourable the Mover of the present motion to indicate that there are points which have not been considered by the Select Committee and a re-committal of the Bill to the Select Committee would enable it to arrive at conclusions on those points. To my mind, that concludes the debate. I would have resumed my seat now but for the fact that the Honourable the Mover of this amendment in his speech had unfortunately expressed certain dissatisfaction or disappointment at, what he called, the policy of the Government or the attitude of the Government. Again and again he said that there is nothing in the Bill which can be said to be doing a good turn to the pilgrims. He further complained that he has not had fair play in the Select Committee, and he concluded his long tale of complaints by saying that he was not given an opportunity or rather the Select Committee was not given an opportunity of intervening with the shipping people in order to improve the position of future pilgrims.

As regards the general attitude of the Government, I have only to invite the attention of the House to the fact that it was in 1927 that on a Resolution of this House, the Haj Inquiry Committee was appointed to go into the whole matter, that they did go into the whole matter, that the Committee was, except for the Chairman, entirely Muslim, that it was not lacking in Hajis, and that it represented the different provinces of India as well. The Report of the Haj Committee was published and translated, and, I believe, has been read too by some. It made over 200 recommendations—and I have more than once stated—published a detailed communiqué to the effect that more than 80 per cent. of the recommendations of the Haj Inquiry Committee have been accepted by the Government after they were considered by the Standing Haj Committee, that of the remaining, nearly half have not been finally decided because of their very nature, and that of the recommendations rejected, barring two or three, none have been rejected except on the recommendation of the Advisory Committee. Therefore, to make a statement on the floor of this House complaining what is the good of having Advisory Committees if you do not carry out their advice, is, it seems to me, very unfair, particularly when the Honourable Member knows that there is not a single recommendation of the Advisory Committee, barring the one referring to compulsory deposit, that has not been accepted by the Government. The present Bill is entirely based on the Report of Haj Inquiry Committee

except to that extent; but this Bill does not include all the recommendations of the Haj Committee for the very obvious reason that all the recommendations did not need legislation. Therefore, the Report of the Haj Committee should not be judged by this Bill, because this Bill only refers to one small part of the problem, that is to say, the reforms connected with pilgrim ships and therefore you look in vain into the provisions of this Bill to say what work has been done by the Haj Committee. That, I think, Sir, will suffice to meet the point as to the policy or the attitude of the Government. The policy and attitude of the Government, if I may, with your permission, enunciate, are to help pilgrims to Hedjaz in going there and getting back with as much comfort and as little expense as possible. It is not the duty or the business of the Government to in any way discourage Haj. People go to all sorts of places from India. Indian Muslims do that,—why not to Haj? Some of us feel, Sir, that going away from India has a very salutary effect on those who do go. They come back more experienced and wiser men than they were when they left the Indian shores. However, Sir, leaving this matter alone, let me assure the House that the Select Committee was appointed by this House last April. I forget the date. It was possibly the 5th. We have just missed it by two days. We met at Simla for more days than one, thrashed out every possible provision. As is usual with Select Committees, this one believed in taking time over their deliberation and my experience has been that it is never wise to prevent their taking as much time as they like. We more or less finished our report at Simla. We decided to sleep over it for a few months during the monsoon and have a look at it again when we are in Delhi, thinking perhaps in the plains more light may dawn on us to arrive at certain conclusions on points that we left over for that light. We were told that there will be a great deal of discussion and, therefore, we should set apart a number of days. I do not know exactly the number of days that were required by a particular member, and I do not want, what I say, to be construed as any attempt on my part to win a smile or perhaps a laughter from you, that is not my intention. We fixed three or four days to be on the safe side and we settled down to our business. We were able to finish it much earlier than we anticipated and therefore to say that ten days were not given to it and Government's attitude of mind was very unfavourable is neither intelligible to me nor to those who sat on the Select Committee. Two of them have spoken already. I think it is an undeserved reflection on one of those who had the difficult task of presiding over the deliberations of the committee. Then it was said "Why don't you give us a chance of getting into touch with the shipping companies and getting privileges for the Hajis". Now, Sir, I assure you that if I saw any prospect of obtaining privileges from shipping companies for the Hajis by spending a hundred or two hundred rupees or one or two thousands for the matter of that, from public funds, I should consider it foolish to economise. I would gladly spend that amount, but you, Sir, know what these shipping companies are. They can effect marvels. They have a trick of making strange bed fellows of Khan Bahadur Haji Wajihuddin and Mr. Morgan.

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

Moreover, certain information supplied to us by the shipping companies indicated the inadvisability of utilising individuals, whether members of the Select Committee or not, for such negotiations, but every

[Sir Fazl-i-Husain.]

one of us was free on his own responsibility to seek information from the shipping agency directly or through us and for this very reason certain representatives of the shipping company were requested to be present at Simla and they were talked to. Moreover, we were lucky to have in the Select Committee one who knew all about the shipping companies and their views and their wishes and who gave expression to them a few minutes ago. Sir, this concludes my observations on the points which deserve some comment. I have decided not to make comments on the other points raised as they will no doubt be dealt with, if the Bill is considered clause by clause, and then, no doubt, decisions will be arrived at to the satisfaction of this House.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): When I rise to support the motion for re-commitment to the Select Committee, I do it on very different grounds to those of my friends who have spoken today. I take the statement of the Honourable Member who has just sat down that the recommendations of the Committee have not been accepted by the Government. It is quite correct. They could not be accepted. He himself said that they do not require legislation. I quite agree with what the Honourable Member has just said and why should they, as I will show to this House from the history of this legislation that it was never the intention of Government to accept all the recommendations of the Standing Haj Committee or any committee, either the Bombay Haj Committee or the Madras Haj Committee or the Karachi Haj Committee. I make this statement on the floor of this House that Government's policy ever since 1921 has been to stop the pilgrimage of the Mussalmans to Arabia as much as they could. This is my contention and I am prepared, in proof of it, to read from a book which I have got from the Library of this House. From some passages in the book, it will be quite clear what the tendency of the European countries has been, what they want and how they want to stop this Haj pilgrimage as much as it lies in their power. I also agree with the Honourable Member when he says that the policy of Government is to help the pilgrims as much as possible, to go and come back with as much comfort and as little expense as possible. He said also it is not Government's purpose to promote the Haj.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Not to do propaganda.

**Mr. Muhammad Azhar Ali:** I agree with that. It is not Government's purpose to promote the Haj. Now, Sir, here is a book written by one Mr. Lothrop Stoddard, an Englishman, which has been published in London, "The New World of Islam". Its first publication was in September, 1921, when the war was fully finished and the Great Powers were discussing as to what was to be done with the Asiatics and with the Moslem countries of the world. Sir, I shall read first of all from page 88 in which the writer says:

"Islam's solidarity is proverbially buttressed by two of its fundamental institutions the Haj or pilgrimage to Mecca and the Caliphate."

After a few sentences it says:

"The political implications of the Haj are obvious. It is in reality a perennial Pan-Islamic Congress where all the interests of the faith are discussed by delegates from every part of the Muhammadan world and where plans are elaborated for Islam's defence and propagation."

Sir, I say it is an absolute lie. The Mussalmans of India or from other places do not go to the Haj to do such things as elaborating political plans for the defence and propagation of Islam. Then it says:

"Here nearly all the militant leaders of the Muhammadan Revival (Abd-el-Wahab Mahommed ben Sennussi, Djemal-ed-Din el Afghani, and many more) felt the imperious summons to their task."

Sir, it is a calumny of Islam to say that Mussalmans go to the Haj otherwise than to perform ceremonies which have been ordained by the Holy Koran. It was ordained, Sir, 1,300 years ago that the Haj pilgrimage was one of the duties of the Mussalmans, and it was never mentioned in the Holy Koran that Mussalmans were to go to the Haj to do all these other things ascribed to them. No Mussalman goes to the Haj otherwise than to perform his Haj, or with the object of elaborating plans against the Western civilization.

**Maulvi Muhammad Shafee Daoodi:** On a point of order, Sir, Why should my Honourable friend refer to these statements if he does not believe in them? They have not been put forward in any arguments in support of the Bill by anybody?

**Mr. Muhammad Azhar Ali:** My argument is, that I may or may not believe in these statements, but this appears to be the belief of the Western world as disclosed in this book, written by an Englishman in London. I want to show up the propaganda against the Haj which is going on. Sir, the author further goes on to say on page 40:

"This, however, is a distinctly short-sighted view. The Caliphate institution is still undoubtedly venerated in Islam. But the shrewd leaders of the modern Pan-Islamic movement have long been working on a much broader basis. They realize that Pan-Islamism's real driving-power today lies not in the Caliphate but in institutions like the Haj and the great Pan-Islamic fraternities such as the Sennussiya, of which I shall presently speak."

This is why the pilgrimage should be interfered with by the Powers that be. Then, on pages 40-41, it says:

"By the middle of the nineteenth century, however, the situation had radically altered. The French conquest of Algeria, the Russian acquisition of Transcaucasia, and the English mastery of virtually all India, convinced thoughtful Moslems everywhere that Islam was in deadly peril of falling under Western domination. It was at this time that Pan-Islamism assumed that essentially anti-Western character which it has ever since retained. At first, resistance to Western encroachment was sporadic and uncoordinated."

Sir, my submission is that ever since 1921, ever since this book was written, what do we find? If one were to read the history of this legislation, it would appear to one that in 1895 an Act, called the Pilgrim Ship Act, was passed and received the assent of the Governor General. Sir, in 1928, the Indian Merchant Shipping Act of 1928 was passed. With the publication of this book the feeling grew in the Western countries that Pan-Islamism and the Haj should be stopped as they were believed to be the cause and the root factors operating to uproot Western civilization.

[Mr. Muhammad Azhar Ali.]

Between the Act of 1895, and so many years after this book was written, an Act called the Indian Merchant Shipping Act, No. XXI of 1928, was passed by this Legislature consolidating all the different existing Acts regarding merchant shipping, with certain modifications. Then, in 1925, certain amendments were made; for instance, for the words "the Local Government" the words "Governor General in Council" were substituted. Then, in 1925, another amendment was made concerning the touching of ships at Aden. Now, other main changes in respect of return tickets and deposits were made compulsory. In 1927 conditions for pilgrim ships were laid down for sale of tickets, etc., which were detrimental to Hajis. So, I submit, that all these have been happening one after another, ever since Europe was enlightened of the above facts through such writings. Then, in 1932, in this year of grace, what do we find? Sudden action is taken to give effect to the European policy. The second edition of this book was issued in 1922, then the third edition was in March, 1929, then a cheap re-issue was made in May, 1932. So, Sir, my contention is that ever since 1921 till 1932, changes after changes are being made and more and more vigorous restrictions are being placed on the Haj pilgrimages of the Mussalmans. Now, Sir, I shall read some further extracts. Speaking of His Highness the Agha Khan's statement about the Haj and the Pan-Islamic bond, the authour says :

" If such is the attitude of Moslem liberals, thoroughly conversant with Western culture and receptive to Western progress, what must be the feelings of the Moslem masses,—ignorant reactionary, and fanatical !"

Sir, this is in connection with Pan-Islamic feelings and reference is made to some expression by His Highness the Agha Khan who had said something about Pan-Islamism. That statement was that :

" There is a legitimate pan-Islamism to which every sincere Muhammadan belongs,—that is, the theory of the spiritual brotherhood and unity of all the children of the Prophet. The real spiritual and cultural unity of Islam must ever grow, for to the follower of the Prophet it is the foundation of the life and the soul."

But, this has nothing to do with Haj. Then, Sir, further on, it says on page 65 :

" We should not delude ourselves into minimizing the dangerous possibilities of the present situation."

Sir, these are the implications of danger which I find in this book. Then, on page 67, it says :

" Moslems fully appreciate the post-office, the railroad, and other modern methods of rapidly interchanging ideas. Every Moslem country is in communication with every other Moslem country : directly, by means of special emissaries, pilgrims, travellers, traders, and postal exchanges ; indirectly, by means of Mohammedan newspapers, books, pamphlets, leaflets and periodicals."

From all this, the author traduces Muslims and their pilgrimage. Sir, this book establishes that although Pan-Islamism may become one of the causes of the disruption or unity of the Western Powers, it is the Haj and the pilgrimage to Hedjaz where the Mussalmans meet to discuss different questions of policy that is the most dangerous of all.



Now, coming to the Bill, Sir, what are the objections raised? I find there is food objection, space objection, fare objection, health objection. Thus there are all kinds of objections and they have been so enacted to the detriment of the Mussalmans who go to perform their Haj that I cannot detach my mind from the policy which I read out to the House just now, namely, that it is the Haj which is the occasion of the Islamic propaganda that is going on in the world.

Now, Sir, I come to the point. My conclusion is that if these restrictions remain in force, it is sure to decrease the number of pilgrims to a very great and appreciable extent as a result of the policy, and as it is proposed to restrict the dietary conditions of the Mussalmans on board the ship—and who would be affected the most? As is mentioned in this book, it is mostly the poor Mussalmans and the masses who go in large numbers to the Haj.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official): Is it compulsory for a poor Mussalman to go to perform his Haj?

**Mr. Muhammad Azhar Ali**: I do not mean to say that there are no rich Mussalmans who go to perform their Haj. But these rich people are not put to many troubles. With money in their pocket, they can do anything they like; they can go anywhere; they can get first class tickets. Even if they care to bribe, there is nothing to stop them from bribing Health Officers and other people. But the difficulty is felt by these poor masses of Mussalmans who go to perform their Haj. Sir, I do not know whether the same restrictions prevail in other parts of the world when people go to Hedjaz to perform their Haj, but I am sure that these difficulties have arisen ever since the year 1921 as I have shown. On these grounds, I support the amendment.

**An Honourable Member**: The question may now be put.

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

The motion was adopted.

**Mr. President** (The Honourable Mr. R. K. Shanmukham Chetty): The original question was:

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

Since which the following amendment has been moved:

“That the Bill, as reported by the Select Committee, be recommitted to the Select Committee for further consideration.”

The question I have to put is that that amendment be made.

The motion was negatived.

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

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

The motion was adopted.

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

"That clause 2 stand part of the Bill."

**Mr. G. Morgan**: Sir, I beg to move the amendment which stands in my name:

"That clause 2 of the Bill be omitted."

The only arguments that I can bring forward in support of this amendment are those which I have just mentioned in regard to compulsory fooding. The effect of this amendment will be that clause 155 (c) in the Indian Merchant Shipping Act, as it stands at present, will remain and clause 2 will be omitted from the amending Bill. If my amendment is carried, then pilgrims will be permitted to have fuel supplied to them on board and the reason I put forward is that in my opinion the pilgrims should be allowed to do their own cooking on board. Therefore, I commend this amendment to the House.

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

"That clause 2 of the Bill be omitted."

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, the Bill before the House, as well as the former Act which we passed in the last Session of the Assembly are no doubt an indication on the part of Government that they want to give facilities to intending pilgrims to Hedjaz. I do not at all subscribe to the preposterous view that Government are putting obstacles in the way of Mussalmans proceeding to Mecca or Medina. Sir, the history of this legislation will show that this series of legislation was introduced in the Legislature at the express wish of the Mussalmans themselves. It was first the Jamiat-ul-Ulema-i-Hind, so far as I remember, which passed a resolution to the effect that Government should take into their hands the question of travelling conveniences of the pilgrims and, it was, on the strength of that resolution, that a Resolution was moved in this House by Mussalman Members in which they asked Government to institute an inquiry and after that to introduce legislation in order to provide conveniences to the intending pilgrims to the Hedjaz. As a result of that Resolution, a Committee, consisting of Muslim Members, was formed. I need not go into the history of all this legislation, because it has just been related before the House. But what I submit is that all these measures were taken by Government at the request of the Muslims. These enactments were not introduced by Government at their own will; they were not at all anxious to bring any of these measures before the House.

Now, Sir, on the present occasion the scope of my speech is very limited and it is confined to clause 2. I submit that there is really a genuine difference of opinion on this matter. It may be that the majority of the members of the Haj Committee were in favour of having compulsory food for the pilgrims, or perhaps they were unanimous about it. But I have no doubt that the unanimous opinion of the members of the Haj Committee is not in accordance with the overwhelming opinion of the Muslims outside the House. So far as I know, Muslim associations, Muslim leaders and a very large number of Muslim masses are against this provision. And if the intention of Government is to carry out the wishes of the Muslims then

I think it would not be right for them to introduce a provision which is against the wishes of the majority of the Muslims. If Government had accepted all the recommendations of the Haj Committee, then there would have been some excuse for putting this provision as well. But when Government accept some provisions and reject others, then I think it is not right for Government to come under the cover of the unanimous opinion of the Haj Committee and say that because the Haj Committee has unanimously agreed to it, therefore they should accept this and go against the opinion of the overwhelming majority of the Muslims in India. Sir, my Honourable friend, Haji Wajihuddin, and Mr. Morgan have already stated in detail the difficulties in making the food compulsory and it is not desirable that I should reiterate them here. But I should submit that besides the difficulties, which they have stated, there are certain other difficulties of a more serious character. For instance, my first objection is about the meat which would be supplied to the pilgrims. Serious objections are bound to be raised by religiously inclined Muslims, who go on pilgrimage, whether the killing of the goats was carried out by Muslims or not. Then we mostly find that the cooks on the ships are Goanese who are not Muslims. We, who live in the Cecil and Maiden's Hotels, may not object to it or try to find out whether our food is cooked by Muslims or Goanese; but certainly those who are religiously inclined and go on pilgrimage to Mecca will not certainly touch or go near food which is cooked by non-Muslims. That will be another great difficulty. Then about the purity of utensils and things like that. As has already been pointed out, it is not only Muslims from India who go on pilgrimage, but they go from different parts of other countries, and the food of all the countries is different from each other. Even in our colleges and boarding houses, it must be the experience of all who have lived there, that boarding arrangements have always been subjected to great criticism and the boarding food was never appreciated in any college whether in India or in England, because the tastes are different. My Honourable friend, Diwan Bahadur Mudaliar, takes chillies while I cannot take them at all. So it would be impossible for the company to prepare food of 500 kinds or even of a hundred varieties. All these difficulties, besides those which have been mentioned by my friends, are, I think, such as need consideration. And when we are satisfied, and I am sure I can satisfy the House, that an overwhelming majority of the Muslims are against this provision, I do not see why Government should insist on the food being made compulsory on pilgrim ships. By all means make it optional. Those, who want to have their food in the common dining hall, may have it, and those, who want to make their own food, can do it. A very serious objection was raised by my friend, Maulana Muhammad Shafee Doodi, to the effect that all the filthiness and uncleanness on the pilgrim ships is due to the cooking of the food by the individual Hajis at their own places. A remedy for that can be found, and it is this that a number of kitchens may be provided on board the ships and the Hajis may be asked not to cook their food at their own place or in their own cabin, but they should be made to cook in the common kitchens and prepare food there; and the responsibility for cleaning and washing the common kitchens should be of those who are managers of the ship. The cleanliness of the other parts is for the shipping company. If that is done, cleanliness will be obtained while the objection of the Muslims will also be removed. Therefore, I support the amendment and I submit that cooked food should not be made compulsory for the Hajis.

**Maulvi Sayyid Murtuza Saheb Bahadur** (South Madras: Muhammadan): Sir, first of all I will meet the argument put forward by Mr. Morgan who, as you know, is in a way interested to see that cooked food is not supplied to the Hajis, and Sir Muhammad Yakub supported him in a way. But Sir Muhammad Yakub knows as Secretary of the All-India Muslim League and as a trustee of the Aligarh University that whenever Muslims from different parts of India meet at Aligarh and other places in connection with the All-India Muslim Educational Conference, the All-India Muslim League, or the All-India Muslim Conference, Muslims of different tastes eat together, without being inconvenienced to any extent. There is no difficulty whatsoever. Education has nothing to do so far as diet is concerned. Men without education may be satisfied with simple diet, whereas an educated man may require sumptuous meal. Then, Sir, there is very little difference as regards meals. There are some who take rice, and others who like *chapatis* or *paratas* as the case may be. When the company undertakes or is called upon to undertake arrangements for two or three varieties, there is no difficulty. Sir, Sir Muhammad Yakub, has criticised the recommendations of the Haj Inquiry Committee of which I had the honour to be one of the members. Sir, our recommendations were not based only on our personal experience. We examined about 400 witnesses and our recommendations were based on the evidence given by those persons. He need not accept these, because they are our recommendations, but he will have to accept these recommendations because they are based on the evidence of about 400 respectable persons including Hajis. Therefore, no case has been made out either by Mr. Morgan or his supporter, Sir Muhammad Yakub. Sir, in the interest of the pilgrims the members of the Haj Inquiry Committee have travelled with them from Bombay to Karachi on board the ship and realised their difficulties. Supply of cooked food at a sum not exceeding Re. one per day will solve many of the difficulties.

**Khan Bahadur Haji Wajihuddin:** But all the 400 people were not in favour of them.

**Maulvi Sayyid Murtuza Saheb Bahadur:** Most of them of course. We have taken into consideration the views of the majority. The fact to which the Haji Saheb is . . .

**Mr. G. Morgan:** May I ask the Honourable Member whether he is referring to the conclusions, paragraph 279, in which they say that it may appear to be against the weight of evidence recorded?

**Maulvi Sayyid Murtuza Saheb Bahadur:** I will just refer Mr. Morgan to paragraph 159 which he seems to have deliberately left out. What was to his purpose is contained in paragraph 157 which he has placed before the House, but the following paragraph 158 which he has carefully avoided to quote runs as follows:

“Compulsory provision of cooked food in all cases recommended.”

That is the heading, and the paragraph runs thus :

"We fully realise the difficulties involved, but after prolonged discussion we are unanimous in the belief that the advantage which would accrue to the pilgrims as a whole by relieving them of the necessity for doing their own cooking on board ship, would be so great, that the present system must be altered at the earliest possible moment. Further we are satisfied that, while it would be unreasonable to expect a steamship company or a contractor to supply, as part of a standard menu, a dozen different varieties of food, it is possible to frame such a menu with sufficiently few alternatives to make its provision a feasibility, while these alternatives would be adequate to provide sufficient variety to ensure that the pilgrim, from whatever province or country he might hail, would be assured of a supply of food which, if not exactly what he would cook for himself, would not be distasteful to him and would provide for him sustenance adequate to keep him in a good physical condition."

Sir, from this it is obvious that the main object of the recommendations of the Committee was to secure the absolute healthy condition of the pilgrims who have to take long voyage and to see that they get back to their places, so far as is possible, quite hale and healthy. This was the chief object in view. I, therefore, oppose the amendment.

**Khan Bahadur Haji Wajihuddin:** Sir, I wish to quote only a few paragraphs from the Report of the Haj Inquiry Committee and  
 5 P. M. I feel it my duty to read it only in support of the amendment moved by my Honourable friend, Mr. Morgan. The Haj Inquiry Committee says :

"Instead of being all of one class as the Javanese pilgrims are, the pilgrims from India are not only drawn, as has already been stated, from the different provinces of India itself, the inhabitants of which are not used to the same kind of food, but also include Persians, Afghans, Bokharans, Tibetans, Chinese, Burmese, and Malayas and, under existing conditions, any attempt to supply all the varieties of food to which each of these different classes is accustomed would be likely to prove a failure."

The Report of the Haj Inquiry Committee further states :

"Under existing conditions, many experienced witnesses have, while admitting the desirability of the proposed innovation, expressed the opinion that the difficulties are insuperable, or at any rate so great that all that is possible for the present is to make further experiments with the 'hotel' system."

With these observations, I support the motion.

**Mr. Uppi Saheb Bahadur** (West Coast and Nilgiris: Muhammadan): Sir, I am really sorry that I have to differ from a gentleman, for whom I have very great respect and regard as my *Guru* as it were, Sayyid Murtuza Saheb Bahadur. This is a matter in which we all feel differently. One Member said on the floor of the House a few minutes ago that the policy of the European Governments seems to be to prevent or to discourage pilgrimage to Mecca. This very clause seems to support that case. It will stand in the way of poor Mussalmans. Many poor people go to Haj with merely a small sum with them. They start from their own place with about Rs. 300 or Rs. 400. They go to Bombay, Karachi or Calcutta, wait on some rich man proceeding to Jeddah and go as the latter's servants or as help-mates to him. According to this provision hereafter such persons will have to deposit money for their provision on the way. It will certainly

[Mr. Uppi Saheb Bahadur.]

deprive all such poor men the happiness of seeing the holy places, i.e., Mecca and Medina, and the holy tomb of the Holy Prophet. Hereafter these people will not be able to do that. They will have to find money for the rations also. Recently the Government of Bengal issued a communiqué in which they stated that the charge for the food during the voyage up and down will come to about Rs. 30.

Now, Sir, the cost of going to Jeddah and coming back is, according to the Government provision or Government rate, Rs. 165. Hereafter they have to find another Rs. 30 extra. This Rs. 30 to a poor man is certainly a big sum and it may stand in the way of so many people going to Mecca. That is one argument against this provision. Secondly, the Committee recommended that provision should be made for different tastes of Indians. That is really impossible and the argument adduced by my Honourable friend, with all due respect to him, is very superficial. He was asking Sir Muhammad Yakub, when persons from Madras, Bengal and other provinces meet at Aligarh or Delhi or some such centre for conferences and congresses, what do they do. I would remind my Honourable friend that when they go to such places they live as the honoured guests of Nawabs and Rases of the place and they live on such occasions on very rich food: if we find that the food supplied to us at the camp is not suitable to us, we can freely go to the market and buy some thing and satisfy our hunger. But on a steamer on the high seas what will these poor people do? They will have to starve. As a matter of fact, I cannot agree that the food which will satisfy my friend, Maulvi Shafee Daoodi, will satisfy or agree with me or that I can subsist on that food for twelve days . . . .

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Bihar food is much better than Madras food.

**Mr. Uppi Saheb Bahadur:** That may be, but my taste differs from that of my friend. It is no disparagement or belittling the food of others: he likes his food and I like mine and my taste is different, that is all.

Another thing. Let us imagine a steamer with 1,500 pilgrims on board in the early morning hours waiting for their breakfast. Everybody comes and asks for food and what a terrible confusion there will be? Will there be any provision made by the shipping companies to supply this food at their places or will the passengers have to go to the hotels or kitchens? If these 1,500 people were to go simultaneously and ask for food or, say, within an hour, we can imagine what the confusion will be . . . .

**An Honourable Member:** How are they doing it now?

**Mr. Uppi Saheb Bahadur:** They are cooking separately. They do not all come together. If this had been an army, controlled by Captain Sher Muhammad Khan, he can very well regulate and control it; but these are people hailing from remote corners of India, who have never been on board a ship before and never been under the control of anybody. The tumult and confusion will be a sight for the devils to see. What may happen, God alone knows. What is it that prevents the Government from

continuing the system of running hotels on board the ship and let these people buy as they like? The steamers that ply between Madras and Singapore are running hotels on board and if the people want they can buy their food or, if they like, they may cook. Give them the alternative. But the Government are going to compel every Haj pilgrim to pay for his food on the way,—whether he takes food or not, he must pay for it. Suppose I, for the twelve days of the journey, wish to live on dates and dried fruits and milk which I take with me. Government say "No: you may take your provisions with you, but you must pay the company Rs. 90". Why should I pay Turner Morrison? I am not going to live on anything except dates and nuts and milk, but the Government say that I must pay Turner Morrison thirty rupees. Why should I? Why should they not leave me to myself? I can live on dates and water very well for twelve days . . .

**An Honourable Member:** It will keep you strong and healthy.

**Mr. Uppl Sahab Bahadur:** I say that is in a way patronising a European company. I say if the Government are desirous of helping Haj pilgrims, then each year the Government can very well call for tenders from different steam navigation companies to undertake carrying of pilgrims on favourable terms to the pilgrims. Then the Government can very well lease out the right of carrying passengers to Jeddah to such companies which offer the most favourable terms, as they are doing in Turkey and in Egypt. They call for tenders just before the pilgrimage and they accept the tender that offers the best terms. Why should not the Government of India also do the same? On the other hand, it looks as if the Government want to stand in the way of the pilgrimage and want to discourage it. If they find it difficult, let them stop all companies and let the Muslims take care of themselves. Necessity is the mother of invention and, if such a thing happens, the Muslims will certainly within one year run their own ships. That is the best course and it will be more in the interests of the Mussalmans instead of this nonsense of compelling food down their throat, whether it is Bengali or Kabuli or Bokhari. That food may be very good, but I want only my simple food, and Government asking me to take Bengali or Kabuli or other food, although that food does not agree with me, is highly objectionable and I protest. I think I have taken up much time already, Sir, I support this motion.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 8th April, 1933.