

8th April, 1933

THE
LEGISLATIVE ASSEMBLY DEBATES
(OFFICIAL REPORT)

VOLUME IV, 1933

(31st March to 12th April, 1933)

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, KT., M.L.A.

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

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

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

Secretary :

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

Assistants of the Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

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

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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, KT., M.L.A.

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

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

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

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LEGISLATIVE ASSEMBLY.

Saturday, 8th April, 1933.

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.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State has, at its meeting held on the 7th April, 1933, agreed, without any amendment, to the Bill to supplement the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932, which was passed by the Legislative Assembly at its meeting held on the 3rd April, 1933."

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL— *contd.*

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The House will now resume consideration of the clauses of the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes. The House was discussing clause 2.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, clause 2 amends section 105 and deals with the contents of certificate B for native passenger ships and pilgrim ships. I shall restrict my observations to the question of fuel, and I shall discuss about cooking of food at a later stage when we come to clause 4 or 11 as that would be the more suitable stage for discussing that point. Here it can be discussed as a side issue only, because this clause deals with the quantity of fuel which should be kept on a Pilgrim Ship.

By this amendment, sub-section (c) of section 155 of the present Act has been split up into two parts and they are mentioned as sub-sections (f) and (i). Up till now section 155 was not differentiating between a pilgrim ship and a native passenger ship and was for a second certificate B and now Government have split up sub-section (c) into two parts as sub-sections (f) and (i) as I have stated. In clause (f), it is stated that for native passengers the shipping company will have sufficient quantity of food, fuel and pure water over and above what is necessary for the crew, whereas in sub-section (i) it is stated that in the case of pilgrim ships only food and pure water over and above what is necessary for the crew will be kept on the ships. Here Government want to differentiate between a native passenger and a pilgrim.

[Mr. M. Maswood Ahmad.]

One thing that I want to mention here is this. I am very sorry that Government are not aware of the existing Merchant Shipping Acts of other countries. In support of this allegation I want to read paragraph 2 of a letter addressed to me in which the Department concerned says:

"It is regretted that there are no copies of the Merchant Shipping Acts of Egypt and Java available in this office."

I think it was the duty of the Government, before bringing forward this important legislation before this House, to study the legislations existing in other countries on this subject. But, Sir, they have not cared to know anything about the conditions of pilgrims or the legislation bearing on this subject in countries like Egypt, Java and others.

In this connection I may say that this legislation seems to have been based on an Ordinance of the Straits Settlement, Ordinance No. 125, I believe

Kunwar Hajee Ismail Ali Khan (Meerut Division: Muhammadan Rural): On a point of order. Is the Honourable Member in order in reviewing the whole Bill?

Mr. M. Maswood Ahmad: That is not a point of order. I am trying to point out that clause 2 of this Bill has been drawn up or based on the lines of an Ordinance of a country which is pre-historic in nature even now, and I think I am perfectly in order in drawing the attention of the House to that fact.

Now, Sir, what is the condition of the Straits Settlement? If anybody entertains any doubts on the point, with the permission of the Chair, I shall quote a few lines from the Report of the Haj Inquiry Committee itself, to show that this Bill is based on an Ordinance of a backward country wherein they say this on page 195:

"In order to effect the legislative changes involved by these proposals, Ordinance No. 125 of 1929 already referred to may be closely followed."

Now, I ask, what is the condition of the Straits Settlement? I shall read just four or five lines to give the House an idea of what the condition in the Straits Settlement is even today:

"The administration of the colony",

—I am quoting from the Statesman's Year Book,—

"is in the hands of a Governor, who, with an Executive Council, composed of the General Officer Commanding the troops, the Colonial Secretary, the Resident and the Consular Agent of Penang and Malaya, the Attorney General and the Treasury Members nominated by the Governor, at present three in number, and three non-official members."

These are the nominated elements

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order The constitution and administration of the Straits Settlement are absolutely irrelevant to the present clause.

Mr. M. Maswood Ahmad: Very well, Sir. This much I can say that this Bill is based on an Ordinance of a country which is very backward where there is still one man rule and which is ruled by Ordinances. Bowing to your ruling, Sir, I say that India is not so backward as the Straits Settlement is and so this Bill should not be passed, because it is based on the model of an Ordinance.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Surely Ordinance means an Act there.

Mr. M. Maswood Ahmad: Sir, I am quoting the actual words used in the Report of the Haj Inquiry Committee, words which have been used by the Government throughout the Straits Settlement which is governed by Ordinances.

Now, Sir, the amendment suggested in this clause aims at differentiating between the two classes of people, native passengers and Muslim pilgrims in the matter of supplying fuel, pure water and cooking food. I do not know what justification can there be for making such a differentiation. If the amendment proposed is accepted by this House, it will deprive the poor Muslim pilgrims of getting fuel for their use on board the ship. The native passengers will get the fuel free, but the pilgrims will not get it. The Honourable Sir Frank Noyce, who was then in charge of the Bill, while moving for the reference of the Bill to a Select Committee, said this:

"It is almost insanitary to have cooking done all over the ship, and it is also a source of considerable danger."

But, may I know what is the logic in this statement? What is beneficial to one class of people is considered harmful to the other. If insanitary condition is due to cooking of food or to the keeping of fuel on the ship, then that sort of insanitary condition will remain as it is, whether it is supplied to the native passengers or to the pilgrims. Similarly, if there was danger of fire, it is absolutely incorrect, because there are special places for cooking food. If pilgrims cook their food at unauthorised places, it is the fault of the Captain or the Manager. It is the fault of the supervising authorities. If there is any insanitary condition, then the Captain must be held responsible for it and not the poor pilgrims. Under the law, there are special places with an iron sheet for cooking the food. If the pilgrims cook everywhere, then the Captain must be penalised. Instead of doing that, they have asked the poor pilgrims not to cook their food.

I should like, with your permission, to quote one passage from the Ordinance of the Straits Settlements, because this whole Bill is based on that Ordinance and, unless I quote it, it will be very difficult to show the real case before the House. This Bill is worse than the Straits Settlement Ordinance. I have taken the Ordinance from my Honourable friend, Mr. Bajpai. Section 193(c) says:

"Good food, fuel and pure water over and above what is necessary for the crew and the other things, if any, prescribed for pilgrim ships have been placed on board of the quality prescribed, properly packed and sufficient to supply the pilgrims on board during the voyage,"

and so on. So you will find there is the word "good" before the word "food". Government had the Straits Settlement Ordinance before them. They had the Haj Inquiry Committee report before them. They had International sanitary Conventions before them. They have selected all the injurious words and clauses from the three documents and put them in this Bill and have left out the beneficial words and clauses. Why did not Government put in the word "good" before the word "food"? They have left it, because it is in the interest of the pilgrims and they have

[Mr. M. Maswood Ahmad.]

left the word "fuel" as well, because it is beneficial to the pilgrims. Now, Sir, I put a question to my friend, Mr. Bajpai, whether Government want to discourage the Haj?

In my opinion, Government are afraid of Pan-Islamism. The whole of Europe is afraid of it. They want to break the connecting link between Mussalmans of different countries, because they come and join there. If you will see the articles published by the *Jamiat-ul-Ulema* paper, you will see it has published a series of articles showing that the European countries want to discourage the Haj. Here Government have omitted the word "good" and the word "fuel" as well. Further, I will say that fuel is required not for cooking purposes only. It will be required for invalids for preparing their medicines. If a man wants to prepare some sort of *Jushanda* (Indian Tibbi medicine), how can he get it prepared without fuel? Then a man wants hot water for bath. So fuel is required not for cooking only. Had it been required only for that, I could have understood the omission of it. The omission of fuel from this clause will make the Act worse than the Straits Settlement Ordinance which will be against the recommendations of the Haj Inquiry Committee.

Then, Sir, the Bill says, the following new clause shall be inserted:

"(f) In the case of a native passenger ship, that food, fuel and pure water over and above what is necessary for the crew and the other things prescribed for native passenger ships have been placed on board of the quality prescribed, properly packed and sufficient to supply the native passengers on board during the voyage which the ship is to make according to the prescribed scale.

Here, again, they are leaving many things in the hands of the Government. I objected in the Committee as well. If Government want to be just and fair, they must place all their cards before us on the table so that we may know what the prescribed scale means and what is their intention, but they do not want to supply us with that information.

In the past, whenever any suggestion was made by my friend, Sir Muhammad Yakub, Government were willing to accept it. I have seen on other occasions Government have accepted the suggestions of my Honourable friend, the gallant knight of Moradabad. I was not present here yesterday, but I find from the papers that Sir Muhammad Yakub as well suggested that cooking should not be prohibited and fuel must be kept in sufficient quantity just as it is kept for native passengers, but this time Government are not going to accept the suggestion of my Honourable friend, Sir Muhammad Yakub.

If Government have got any doubt about the Muslim feeling on this point, let them circulate this Bill. Government did not accept that suggestion also. All the Muslim papers in the country, such as the *Al-Jamiat*, the *Madina*, the *Millat* and others have opposed this Bill and Government are not listening to them. Let them circulate this Bill among the Mussalmans and take their opinion if they feel any doubt and they will know whether the Muslim public is with them or with me or with those gentlemen for whom the Kunwar Sahib or Maulvi Shafee Daoodi speak. Can you show three independent Muslim papers in this country which have supported this measure? I think they will not be in a position to say that. When all the papers have written against it, why are Government insisting on these things? Government say, it is beneficial to the pilgrims. I say,

the pilgrims are the only proper persons to say what is beneficial to them and what is not. I am sitting on this bench comfortably. How can Government say I am not comfortable here, and that I should go and sit down on the floor. What right have other persons to say what is to the comfort of the pilgrims and what is not? These are the points, Sir, which I place before you in connection with fuel. When the question of food comes to be considered, clause 4 or 11 will be the proper place for that, and then I shall place more facts before you and I will show from the documents and from the Government circulars how much hard it would prove to be on the poor pilgrims

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: On a point of order, Sir. I understood that this debate on clause 2 was being conducted on the issue whether cooked food should be made compulsory or not. That was the point on which speeches were made by Sir Muhammad Yakub and all other speakers who took part in the debate yesterday. My Honourable friend, not being present here, thinks that he ought to discuss cooked food piecemeal during the morning, and when clause 11 is reached, he would have another debate on cooked food again, after having had his cooked food probably from the Western Hostel or some other place. (Laughter.)

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): On a point of order, Sir. I know that Honourable Members of the Executive Council, whether they belong to this House or the other, have the right to address either Chamber, but I want your ruling, Sir, whether they can raise any point of order on a debate in a Chamber where they are not Members.

Mr. M. Maswood Ahmad: I also want to say something on the first point of order after the Chair has decided the point of order raised by Mr. Mitra.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Under the Government of India Act, Members of Government who do not happen to be Members of the Legislative Assembly, have got the right of addressing the House; but whether that right carries with it the privilege of raising a point of order is a rather important question which the Chair would like to consider before giving a ruling.

Mr. M. Maswood Ahmad: I want to say that this clause 2 deals only with fuel—whether it should be kept on a ship or not, and if it should be kept, in what quantity it should be kept. So I have restricted my speech to this point only. Now, if, as a side-issue, other Members have spoken on other subjects as well, I am not responsible and I want the protection of the Chair in this matter, because the question raised in clause 2 is only the question of fuel, which is an important question, after the disposal of which there will come up the question of food. My amendment is there on the order paper on clause 11 that tickets of two kinds should be issued, and that will be the proper place for raising that point.

Mr. S. C. Mitra: Mr. President, I am in complete sympathy with my friend, Haji Wajihuddin, as regards the sentiments he expressed, but I am afraid I cannot support him when he joins with the Honourable

[Mr. S. C. Mitra.]

Mr. Morgan for the deletion of this whole clause. Sir, I am glad that after many months I have had an occasion on which I can agree to a certain extent with the views of my Honourable friend, Sir Muhammad Yakub. I expected that there would have been some amendments on behalf of my Muslim friends amending this particular clause on the lines suggested by Sir Muhammad Yakub, but when the motion is for the total deletion of the whole clause, I am afraid I must oppose it . . .

Mr. M. Maswood Ahmad: Sir, I have not finished my speech yet.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Chair thought the Honourable Member *had* finished.

Mr. M. Maswood Ahmad: No, Sir. I was replying to the point of order, and then sat down to hear your ruling.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. Mr. S. C. Mitra.

Mr. S. C. Mitra: Sir, I claim to address this House on a matter on which our Muslim brethren are primarily concerned. I come from a province where, of course, the majority of the population is Muhammadan, but I come from a district of the Chittagong Division where the Muhammadan population is more than 80 per cent; and it will also be admitted that the vast number of Haj pilgrims hail from my Division, I mean the Chittagong Division. Sir, I know their sentiments. I am not speaking theoretically, but later on I shall try to convince this House that this matter is not very insignificant. My friend, Dr. Ziauddin Ahmad, a great mathematician, thinks that it is merely a question between shipping interests and the pilgrims: and though I was feeling some hesitation when I found that pious Muhammadans like Sayyid Murtuza Sahib Bahadur was speaking on one side and my Honourable friend, Haji Wajihuddin was opposing him, I felt it my duty to tell this House what was the general impression in Eastern Bengal about this piece of legislation. It is not a mere secular point: it is vitally connected with the religious sentiments of the Mussalmans. I think even Sir Fazl-i-Husain will admit that to go on pilgrimage is a duty binding on all Mussalmans who can afford to do it. (Interruption.) I am not giving way. I know it is not in the same category like saying prayers five times a day or giving *Zakat* or a fortieth part of a man's annual income towards charities. It is enjoined that those who are able to perform this Haj should do it, and it is binding on men like Sir Fazl-i-Husain and my Leader, Sir Abdur Rahim. It is binding on wealthy Muslims like my Honourable friends. The Holy Koran says this, and there is no difference of opinion on this point in the same way as there are amongst the Hindus with reference to the interpretation to be placed on their Vedas. The sense of the Holy Koran is explicit: it does not admit of any equivocation or diversity of interpretation where the Koran is clear in its mandate. Not to speak of *Etjma* or *Kaias*, but the Hadis of the Holy Prophet even cannot over-ride the clear mandate of the Koran which is a revelation from God.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): But both the Honourable the Leader of the Independent Party and my Honourable friend, Sir Fazl-i-Husain, are, we hope, going to perform their Haj.

Mr. S. C. Mitra: Sir, the point has been raised that it is not binding on the poor Mussalmans. That, strictly speaking, is correct, and some have raised the point as to why we should raise this question on the score of poor people. Sir, I shall try to show that by making the Haj pilgrimage more expensive, it will really operate as a great hardship on that class of pious, simple and intelligent Muslims that hail from the eastern part of Bengal. Sir, Mussalmans do consider this as a religious duty, and we find that the poorer people are always more religious and orthodox in their views than great mathematicians and others belonging to the wealthy classes. (Laughter.) So my main point is that you should not in any way unnecessarily raise the expenses involved in going to the Haj. My Honourable friend, Sir Muhammad Yakub, said that there might be arrangements for a common kitchen from which all these people could get their food cooked, but, under the present system, if you compel every poor pilgrim to pay a certain fixed extra amount to cover the expenses of his fooding, that will in many cases prove prohibitive. I do not say that the shipping interests will charge an unnecessarily exorbitant amount, but what I maintain is that the shipping authorities must fix a general rate, an average rate so as to provide proper, healthy, decent food for all pilgrims, and when it is done from that standpoint, generally that is greater than an average amount spent by ordinary pilgrims. It has also been said that the same kind of food for all Mussalmans coming from different provinces will not be suitable. I expect that there will be rules framed to provide that the Mussalmans, who come from the same province and who are accustomed to take the same kind of food, will be afforded all facilities to get similar food. I feel it, because I have raised this very question in connection with the detenus. I found that when they were transferred from their province, the great difficulty they felt was in regard to their food not being cooked in their own style. It is really not a fashionable protest. It is for these people a vital necessity to have food cooked in their own way. Bengalees will not be accustomed to take the wheat-bread as their principal food. The example of some leaders who went to Aligarh for a few days is quite different from the case of these poor people. They are not to stay there for two or three days; they shall have to stay on board these ships for at least 12 days. Besides, when they are going out for a long pilgrimage, they must keep themselves in the best of health as they will have to perform very arduous journey later on by visiting places like Mecca, Medina, and other holy places, further north. So, this trouble about food is not a mere excuse brought in this House, but it is felt by the pilgrims themselves. I certainly echo their sentiments when I say that they require their own food prepared according to their own style of cooking. On these grounds, I consider that, though the deletion of this clause will be a remedy worse than the disease, there will be still time for the Government to insert some clause so that the compulsory food charges may not be so high as to prove in any way exorbitant to the poor pilgrims. With these words, I oppose the motion now before the House.

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan):

Sir, after I spoke yesterday, I did not like to intervene in this part of the debate today, but I find that there is some misunderstanding brought about in this House in the mind of those Honourable gentlemen who do not know the ins and outs of the pilgrimage, and, therefore, I think that I should make these points clear. It is possible that my Honourable friend, Mr. S. C. Mitra, is under some misapprehension on account of some of the speeches which he had heard yesterday as well as today in this House. I would give them the facts in brief in order to show how this legislation has been proposed. The trouble of the pilgrims, as I told the House yesterday, arises on board the ship and the number of the pilgrims on each ship is generally no less than 1,500. The ship is generally full, because the season of the Haj is at a definite period and pilgrims go in large number to perform their Haj within a very short period of time. Therefore, the ships have to carry a very large number of pilgrims in almost all trips. There is a great crowd on board the ship and, as we know, the space is limited, and in that limited space one has to live for no less than 10 days. One would like that the board of the ship should be clean and fit to live in. Those who have performed the Haj know from their bitter experience that the ship becomes absolutely dirty and not fit to live on with ordinary comfort. Sometimes cholera breaks out on account of the uncleanness of the ship. That is a matter of record. When I went on the pilgrimage in 1925, although I had the first class ticket, I offered to travel on the deck along with other pilgrims as I was most anxious to see that a large number of pilgrims should go on pilgrimage according to the desire of Ibn-i Saud in that year, who had taken possession of Mecca a short time before. Although the ship was not quite full, still its uncleanness was so bad that I had to implore my pilgrim friends not to make the place more dirty. If you allow 1,500 pilgrims to cook their food, you can very well imagine the difficulties which would arise on account of the limited space available on board the ship. As every one of us knows, even in the case of one family, when they cook their food, the kitchen, the verandah and other connected places become dirty and one has to sweep them away more than once in order to keep them clean.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): May I ask the Honourable Member one question? Do not these pilgrims—I have been on a pilgrim ship myself—always carry dry fruits with them which takes them along for a number of days? They carry with them dry *Mewa* and things of that sort which do not require any cooking.

Maulvi Muhammad Shafee Daoodi: *Mewa* they do not carry generally. Some of them carry *Sattus* and some *Churas*, but it is only a few who carry these things. About five per cent. of the pilgrims carry *Sattus* and *Churas* with them and the remaining 95 per cent. carry with them rice, *dal*, goat, eggs, chicken, and so on. The pilgrims generally like, as we all can very well imagine, to have cooked food if it is possible, rather than live on dry food. For that reason a large number of *Chulas* are spread over the selected parts of the ship. This cooking goes on the whole day and they take their food from one place to another. They besmear the whole deck with the liquid part of the food and the whole thing becomes absolutely insanitary. So, I had to ask my pilgrim friends

on board the ship to minimise the trouble by adhering to the discipline which is inculcated by the Doctor or by the Captain of the ship. But they won't listen; they are not in a position to listen.

Mr. Gaya Prasad Singh (Muzzaffarpur *cum* Champaran: Non-Muhamadan): Is there no separate place assigned on board the ship for the purpose of cooking?

Maulvi Muhammad Shafee Daoodi: There are four or five places assigned for the purpose of cooking. Cement slabs are fixed and on these cement slabs people keep their iron *Chulas* and go on cooking. These places are open to strong wind and high waves at times. Sometimes the *Chulas* fall down and are a source of danger to the pilgrims who are near about them. Having regard to all these difficulties, we thought that Government should take some steps and Haji Abdoola Haroon moved a Resolution to make inquiries in the matter and to see whether these difficulties could be removed. Now, when we went into the inquiry, it took us about eight months to go round the country. And, as my friend, Syed Murtuza Saheb Bahadur, said yesterday, a very thorough inquiry was made as to how the trouble arose and how we could remedy it. After eight months' inquiry, I think all people agreed that the trouble was very great and should be remedied. When we sat for discussion of this subject, I remember that all points were before us and the difficulties pointed out by my friends were all before us. We unanimously came to the conclusion that we should avoid private cooking on board the ship. That is one reform which should at once be taken in hand so that the trouble of the pilgrims may be minimised. I admit that there are about 10 per cent of the pilgrims who are poor and for whom it will be hard to pay the one rupee a day, as suggested by the shipping companies. Is it not reasonable to expect that for the sake of the convenience of 90 per cent. of the pilgrims, the 10 per cent should bear some trouble or the rich amongst them should subscribe for the 10 per cent. This is one of the remedies which can relieve the trouble of the poor.

Sir Muhammad Yakub: How many rich people perform the Haj?

Maulvi Muhammad Shafee Daoodi: Certainly all of them are possessed of sufficient sums of money for the purpose of defraying expenses. Those who go to Haj are supposed to have got enough money to perform the Haj and to spend on charities also. Then, what I was submitting is this: After we came to this unanimous conclusion, the report was written and published. The publication of the report was hailed by all sections of the Mussalmans and not a single voice was raised against any of the items which we recommended in this Haj Inquiry Committee. Even the non-co-operating *Jamiat-ul-Ulema*, whom my friend, Mr. Maswood Ahmad, represents here, hailed this part of our report. They had not a single word against it in 1929.

Mr. M. Maswood Ahmad: I do not represent them, Sir; it is incorrect. I represent my constituency.

Maulvi Muhammad Shafee Daoodi: Now, after 1929, we were clamouring for giving effect to these proposals and we had put several questions to the Department as to why those recommendations were not going to be

[Maulvi Muhammad Shafee Daoodi.]

given effect to. When the Department began to consider these questions, I was of course in the dark. I was not in the Standing Haj Committee, but my friend, Mr. Maswood Ahmad, was there and, in the minutes of the meetings held at Simla on the 12th and 13th September, 1931, I find item No. 11 related to our recommendation regarding the responsibility of the companies to supply food to the pilgrims. There I find this:

"All the non-official members" (which included my friend, Mr. Maswood Ahmad) "of the Committee expressed themselves in favour of cooked food being supplied."

This is what he did at that time. However, after that, this Bill came up before this House and it was discussed at Simla at great length. Then I found that this non-co-operating *Jamiat-ul-Ulema*, of which Maulana Ahmad Said was the Secretary, issued several circular letters to the country in order that a day might be observed for protesting against this Bill, which included in it the provision of cooked food. I do not know whether any meetings were held except in a few places where Maulana Ahmad Said had influence. But one meeting which was held at Simla, under his influence no doubt, was held in my presence. I was present there and so also were Maulvi Sayyid Murtuza Sahab and Haji Wajihuddin. The people thought that the provisions of the Bill were not to the detriment of the pilgrims and we passed a Resolution saying that we were thankful that those recommendations of the Haj Inquiry Committee were being incorporated into law so that the pilgrims might have more facilities. Another day was fixed by Maulana Ahmad Said to be observed throughout the country. On that day I happened to be in my own town of Muzaffarpur and there was a large gathering there. I attended the meeting and explained the subject to them. By that time this Bill had been considered at Simla in the Select Committee and this provision was directly under discussion. On that day, when I explained the difficulties of the pilgrims on board the ship and the remedies which had been considered by us to be adopted, I found that the whole audience, a large number of people agreed with me that this is a necessary innovation which has got to be introduced.

My friend has quoted certain papers which have objected to the provisions of this Bill. If my friend will not be annoyed, I would say that these papers are all non-co-operating papers. They do not want to co-operate with Government on any question whatsoever. Of course that is a policy consistently followed by them and no one can object to their following that policy. If they have. . . .

Mr. M. Maswood Ahmad: Can you quote three or four indifferent papers which have supported it? You can quote the *Ittehad* which is your own paper.

Maulvi Muhammad Shafee Daoodi: I was saying that the papers which my friend had quoted were non-co-operating papers and that they did not want to support anything done by Government or anything which emanated out of this Assembly. Therefore, as this piece of legislation has emanated here, they have got to object to it. Now, my friend would like to know which are the papers which have supported it. I would submit to this

Honourable House that of all vernacular papers there is only one which can be said to have the confidence of the Muslim community as a whole in this country. No other paper can compete with it. It is the *Inquilab* of Lahore, edited by two most eminent graduates of Indian Universities, who have established a reputation for this paper which none of the vernacular papers in this country can doubt, and one of them, Mr. Ghulam Rasul Meher,—he is one of the two editors,—has performed the Haj and suffered along with the pilgrims. Now, that editor has supported this provision of cooked food. I should now think that my friends would be satisfied with the support which Mr. Ghulam Rasul Meher has given to this provision. If my friends want other papers, there are others two—there is the *Eastern Times* from Lahore, there is the *Siyasat* of Lahore, there is the *Azad Hind* of Madras, there is the *Khilafat* of Bombay and there is, of course, the *Ittehad*, but it is not my paper, and it is not right to say so. It is the paper of the Mussalmans of Bihar. I have got as much interest in it as the Honourable Member ought to have, if he has any intention of patronising a local paper.

I have already told the House what is the feeling of the Muslim community on this question. I do recognise, Sir, that on an innovation like this there must be difference of opinion just as it has created an impression in the mind of my friend, Haji Wajihuddin, that the innovation will create trouble for the Hajis. I have no doubt that there are many others who feel like him. I have to say nothing against them. But what is the remedy for the troubles which these pilgrims have to undergo when they are on board the ship? I do not find any other remedy. Of course adhering to the principle of not allowing any private cooking on board the ship, one can suggest any other remedy and I will be the first person to accept it, but no more permission for private cooking. My friend, Sir Cowasji Jehangir, suggested that there are some pilgrims who live on dried fruits. I have no objection to that. They have got every right to live on dried fruits; but, in any case, private cooking should not be allowed on board the ship. With these words, I oppose the amendment.

STATEMENT OF BUSINESS.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Leader of the House will make a supplementary statement of business.

The Honourable Sir Brojendra Mitter (Leader of the House): Sir, I wish to make a statement regarding the course of business for the rest of the Session.

With your permission, Mr. President, the Honourable the Commerce Member will move today for leave to introduce two new Bills. I think most of the Honourable Members will be glad to hear that one is the Anti-Dumping Bill. The other is a small Tariff Amendment measure intended to ensure that full effect should be given to the Supplementary Agreement relating to the Steel Industry made after the conclusion of the Ottawa Trade Agreement.

The general position in regard to legislative business has now become very difficult. Government are aware that a majority of Honourable

[Sir Brojendra Mitter.]

Members wish that the Assembly should not sit after the Easter Holidays. Government share this wish, and will do everything they can to enable you, Sir, to adjourn the Assembly on the 12th April. To this end, Government will put on the Notice Paper only business which they consider to be absolutely essential. This business comprises:

- (1) the disposal of the Haj Bill now under consideration,
- (2) the disposal of the Income-tax (Foreign Income) Bill,
- (3) the disposal of the Anti-Dumping and Tariff Amendment Bills to which I have just referred . . .

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, the Anti-Dumping Bill is not necessary, while the Income-tax (Foreign Income) Bill is very important.

The Honourable Sir Brojendra Mitter: . . . and

- (4) reference to Select Committee of the Medical Council Bill and the Merchant Shipping (International Conventions) Bill.

We have only four working days left for this programme, and I recognise that some Honourable Members may think that they cannot give these important measures proper consideration and finish the programme on the 12th, if we sit only during the usual hours. I would, therefore, request you, Mr. President, to sit after 5 P.M. for an extra period each day sufficient to secure the completion of this programme on that date.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): What about the Murshidabad Bill?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): It has been made clear by the Chair that, irrespective of its personal convenience, it would adjust the time of the sitting to suit the desire of the House as a whole. The Chair shares the feeling of the Leader of the House and many of the non-official Members that, if possible, the House ought to avoid sitting after the Easter Holidays, and the Chair would appeal to Honourable Members to keep the programme of business in view and try their utmost to finish the programme that has to be got through during the Session. The Chair would give the most serious consideration to the request made by the Leader of the House that, for the next four working days, including today, the House should, if necessary, sit a little late. So far as today is concerned, the Chair wishes to sit till 6 O'clock and, after seeing the progress of business, the Chair will decide what it will do for the next week.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL—contd.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): Sir, I do not wish to take much time of the House. Therefore, I will be very brief on this question. What I wish to draw the attention of the House to is that first of all we should know what is really compulsory, so far as Haj is concerned, for the Mussalman. The order of the Holy Koran:

"Wa lillahe alannase Hijul baite manis tata elaihe sabila"—vide para. 4, Raku 1.

that it is incumbent on that person who has the ability of performing the journey to Mecca and who has the financial means and physical fitness to do it. In other words, it exempts all the poor persons whose case we are discussing now, which is irrelevant according to Islamic law, and I wish to tell the House that the Muslim law says that a man having financial ability and physical fitness should perform the Haj. In other words, he should have full provision for the journey and for his family, but it does not say that a man should go to some charitable institution and beg from rich persons to enable him to go to Mecca for the sake of Haj. This kind of Haj is no Haj at all. The real Haj is for a man who has two conditions, i.e., financial and physical fitness. It is also said as a command of our Prophet that a man wishing to go to the Haj must have so much money as to enable him to go on ordinarily in ease and peace of mind and without any difficulty. He should, therefore, provide for the maintenance and allowances for all those who are dependent upon him during the period that he is absent from his place while he is on Haj. He should not leave his dependent, mother or wife or children at the mercy of others. Well, the beauty implied in this order is this that a man who has a good amount of money will not care as a poor man cares for a return ticket or for the provision of cooked or uncooked food, which is under discussion now. Our Muslim brethren have discussed this point without giving full attention to the real words and orders of God or Islam. If we follow our religion properly, then many disputed points will appear quite clear . . .

Sir Muhammad Yakub: Does the Honourable Member himself follow his religion properly?

Major Nawab Ahmad Nawaz Khan: Yes I do and I say to such people who have not come here to interfere in our religion . . .

An Honourable Member: Where is your beard?

Major Nawab Ahmad Nawaz Khan: You are making a thing which is not compulsory a compulsory thing. Therefore, it is not the thing to do from the Islamic point of view. The other condition is *Wa ta zawa du*, vide para. 2, Raku 9, which means, make proper and sufficient provisions for your journey to the Haj.

If a man really performs the Haj conditions, as they are laid down by the Koran or Islam, then there is no necessity of going into such minor and detailed questions as we are doing today in this House. God says in other parts of the Koran Shareef, *Uridullaho bikomul yusra wa la yarido bikomul usra*; vide para. 2, Raku 7; which means: He is always desirous of giving ease and peace to you all and not to put any one of you in difficulty. It is we who are putting ourselves into difficulty . . .

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Chair must intervene and restrict the discussion within the proper scope. The House is not discussing the religious principles of the Haj pilgrimage which the Honourable Member happens to be doing. The narrow question is what arises under clause 2—whether shipping companies must make provision for food or not; and the Chair would ask Honourable Members to confine themselves strictly to the scope of clause 2.

Major Nawab Ahmad Nawaz Khan: Thank you very much, Sir, for your very kind advice, and I have full regard for that. I was going to clear all those points by the words of the Koran which are the chief causes of the present dispute and troublesome amendments, regarding men wanting to go on pilgrimage and as they are very poor they cannot afford these things and, therefore, they ought to have some sort of help. Now, I am going to prove that it is not the right thing that poor men should go and perform the Haj under such circumstances, until they have provided properly money, etc., for the Haj

Khan Bahadur Haji Wajihuddin (Cities of the United Provinces: Muhammadan Urban): You cannot prevent them: nothing in the Koran prevents them.

Major Nawab Ahmad Nawaz Khan: The third thing is this. I had also in view as ordered in *Wal takum minkum umatan yaduna ilalkhair wa ya maroona bilmaroof wa yanhauna anil munkar, vide para. 4, Raku 2.* That is, God orders the Muslims that there should be a party among you to tell the people what things are good for them and for telling them not to do anything which is wrong. It is our duty to tell the poor Muslims not to go to the Haj till they have sufficient money; and this duty we are not doing. We have not got the moral courage to say to the public and to the poor people: "You have not got sufficient money. Why do you go?" That is the relevancy of the whole thing

Mr. M. Maswood Ahmad: Government are increasing the "Stata-at" by introducing this Bill.

Major Nawab Ahmad Nawaz Khan: The Government are performing the duty which God has ordered you to perform as a good Muslim to stop the poor Muslim. Government are doing the same thing which is ordered in the Koran to be done by us, that is to stop those people. We have not the moral courage to do so. Instead of leading the public properly, we are led by them improperly. Our prophet never had that in mind. He reformed the public and he was never led by the people. Now, we shall be going against the principles and order of Islam if we tell the poor people to go to the Haj and beg for alms and leave their wives and children unprotected and eat this unwholesome and cheap food and undergo all other troubles leaving their families unprotected. Is that Islam? Does Islam tell us to encourage such things for cheap popularity or fear of the press? We must have moral courage

Mr. Uppl Sahib Bahadur (West Coast and Nilgiris: Muhammadan): I rise to a point order. Is the Honourable Member in order when he gives this homily on the Haj and Shariat when we are discussing about food restrictions on board the ship?

Major Nawab Ahmad Nawaz Khan: I have already explained that I am coming to that point. I want first to let the Mussalmans know what is the order contained in their religion. If you are so anxious to know about the question of cooked food, I say this: there are two questions. One is that some Muslims recommend that the Hajis should cook their own food and should not get cooked food from the shipping company,

and the second is that they should get cooked food. Let us compare the two methods and see which is more hygienic, more sanitary and more useful for the Hajis themselves. In the first place, if the Hajis are allowed to have full control of their food, the first difficulty will be that there will be no sufficient accommodation on these ships for having kitchens. Everybody in this House knows that every man is not a cook: he cannot cook for himself: his food is generally cooked by some other person. It might be said that several persons can join and have one cook. But the food-stuffs which they will bring will be very cheap: poor persons cannot purchase good stuff, with the result that diseases like dyspepsia and cholera and such other diseases will break out. If you have a doctor for this purpose who can condemn that foodstuff if it is not fit for eating, then there will be another cry. But if the doctor condemns such stuff after it is brought on board and rejects it, where will the poor men go for food? There will be a cry and we will all say that this is another way in which the Government are putting obstacles in the way of the Haj. But if you allow that unwholesome food, it causes surely cholera or some such epidemic. Just for cheapness you disregard unwisely the bad effects upon the lives of the Hajis and their families and dependents if the Hajis happen to die. But in the case of the shipping company, if you put the responsibility on their shoulders, you can have a doctor appointed by the very Haj Committees there who can examine the food and who can see that everything is done properly, and if he condemns any stuff as not being good, the thing will have to be replaced by the company. Some Honourable Members said yesterday that people of different countries go for the Haj and they require different kinds of food. Generally speaking, whether the pilgrims are Afghans, Persians, Chinamen or Indians, the food that is provided by the shipping company will be either wheat or rice, which is the staple food of most people, vegetables, flour (*Atta*) and ghee. These are the articles generally consumed by all classes of pilgrims irrespective of the place to which they belong. Then comes the question of meat. My friend, Sir Muhammad Yakub, raised the question of *sabiah*. Many Muslims do object to it, but this objection will remain even if the pilgrims are asked to make their own arrangements for it, otherwise they will have to take the meat supplied by the company. Another thing is, if you allow a pilgrim to take goats with him on board the ship, it will be very difficult for a poor man, because he cannot afford to take neither goats, nor ducks nor fowls, nor a truly religious Haji will touch any of these things if killed against the orders of Islam while on a pilgrimage. But, as I have said before, one of the conditions imposed is that the pilgrim must be in a physically fit condition to undertake the voyage. Therefore, if the pilgrims observe their religion strictly and proceed in a fit state of health, they will be able without meat to pass 10 or 12 days without much difficulty on the voyage. Therefore, from a religious point of view, it is not right to encourage the poor pilgrims to proceed to Haj. They should be told that they should have enough money for the voyage and good health, instead of forcing the company by making rules and regulations to suit the convenience of these poor pilgrims. Therefore, in the interest of our community, in the interest of our religion, and in the interest of the poor Hajis and their families, I consider that by encouraging these people to go to the Haj we are doing them a distinct harm instead of helping them. With these remarks, I support the proposal that cooked food on moderate and reasonable price should be supplied by the company instead of leaving it to be provided by the Hajis themselves.

Sir Abdur Rahim: (Calcutta and Suburbs: Muhammadan Urban): Sir, I wish to confine myself entirely to the amendment which has been moved by the Honourable Member of the European Group, my friend, Mr. Morgan. He has been taking a great deal of interest, and very naturally, in this Bill, and in the Select Committee he strongly represented the views of the shipping company, which has now the monopoly of the entire pilgrim trade with Hedjaz. At one time, not very long ago, there were some other competing lines or competing vessels which carried pilgrims to Hedjaz, but they have now been put out of action, and Messrs. Turner Morrison and Company have secured the entire monopoly of this pilgrim trade as it is called.

Sir, they take objection to clause 2. The shipping company say: "We shall not be able to make arrangements for the food supply of the pilgrims and, therefore, we would let things remain as they are; let these 1,200 men, who on each voyage want to go to Jeddah to perform their pilgrimage to Mecca, cook their food in their own way; we do not want to have anything to do with it". As a matter of fact, in most other ships, for instance those which carry emigrants, cooking is done by the ship itself. They are responsible for supplying food to the emigrants, and at times I am told the emigrants number a thousand or more. But in the case of these pilgrims things have been drifting so long that naturally the shipping company which has no competitor now is disinclined to make any arrangements for the convenience of the pilgrims, I mean arrangements of the character we are now discussing.

Now, Sir, it is a well established fact which even Mr. Morgan cannot deny for one moment that the present conditions are such that it is impossible for people to travel in the pilgrim ships even with the ordinary comfort they are used to in other steamers. My friend, Mr. Shafee Daoodi, who was one of the nine members who inquired into this matter for nearly a year and travelled all over India and examined all classes of people including a large number of pilgrims themselves, who went over these pilgrim ships and saw things for themselves,—I believe some of the members also travelled part of the way in order to test the arrangements made for the benefit of the pilgrims,—has told us in no moderate language that the condition of things is simply filthy. That may perhaps be too strong a language, but there cannot be the least doubt,—and I say this upon the testimony of a number of men who have spoken to me on the subject, whose letters I have read in the newspapers and whose views have been made public in many other ways in this matter,—there cannot be the least doubt that overcrowding on board the ships is such that these pilgrims are packed like animals rather than as human beings. There are tales I have heard about the miseries of these poor pilgrims which really cannot be repeated before an Assembly like this. What does the Bill support to do? The Government wish that the company should be compelled to make arrangements for the supply of food to these pilgrims, whether they are poor or well-to-do. I should have thought that *prima facie* this would be beyond any objection. We all know that Muhammadans have no caste, they do not recognise even classes. Among us even the servants can sit at the same *dastar khaan* and eat, and they do so in fact in many parts of the world. Therefore, to make arrangements for the supply of food to Muhammadan pilgrims ought to be an easy matter. It ought to be much

easier than even for Europeans, because Europeans do observe class distinctions. There are many among them who would not like to sit together with an ordinary day labourer, but many Muhammadans every day in mosques, for instance, stand shoulder to shoulder with their own servants; we have got to embrace them, shake hands with them, and we meet them exactly on the same terms as anybody else, whether he be a rich, noble or the ruler of the land.

Now, as regards the owners of these vessels. If it is found necessary in the interest of thousands of people who go to Hedjaz, to a distant country undertaking a voyage lasting for 10 or 12 days, to enforce rules and regulations so as to compel the company to so arrange things as will conduce to the health and comfort of the pilgrims, I say the Government will be perfectly justified in enforcing any measures they can,—Government will not only be justified, but it will be their bounden duty to enforce such rules and regulations. We know that the shipping companies are powerful companies and they have a monopoly of the whole situation, but I am sure, at the same time, that in their own interests they will be ready to consult the convenience of the pilgrims, because, after all, it is a business concern. It does not matter to them whether the pilgrims belong to Islam or Christianity. It is a matter of business with them and in the interests of the prosperity of their own trade they will certainly see that the pilgrims are as well looked after as possible. Now, Sir, I do not think any reasonable person can deny that the condition of things on board the pilgrim ships cannot be improved unless we make the owners of these vessels responsible for catering for these pilgrims. That is the only way in which it can be done. Now, my friend, Mr. Morgan, said "Oh, it is very difficult to make the structural alterations. It may be costly and impossible". That is, I understand, his objection, but may I point out that there are cooking ranges even now for these pilgrims in order to enable them to cook their food. How one thousand pilgrims can individually cook their food two or three times a day is impossible for me to conceive and I am absolutely sure that a good many of them go without cooked food or live on the charity of others, which is not desirable at all. Why should any radical structural alterations be necessary in order to enable these persons to cook their food. Surely that ought not to present any difficulty at all. The companies are not going to do it for nothing. Of course they will charge a fee. They will charge an addition of so much per ticket.

The next question that has been raised by some of my Muhammadan friends is this. You will increase the cost of the pilgrimage to an extent which some of the poorer pilgrims cannot bear. Now, it is just possible that it will increase the cost to some extent, but not to any great extent. Each pilgrim has now to spend at least Rs. 600 before he can perform the pilgrimage. It costs nothing less than that. I believe that is the estimate. Supposing the journey each way lasts 8 or 10 days and supposing they charge for ordinary food, not rich food, one rupee a day, it will mean Rs. 10 each way. Surely if they carry their own food, it will cost them something, unless they go on the chance of living on the charity of others which I do not think Government or we can take any notice of. If the charitably disposed pilgrims wish to feed some poor pilgrims, they can do so. There is nothing to prevent it. They can make *pulao* and distribute it to the poor. Some of them do that even now. In any case, an addition of Rs. 10 to Rs. 600 cannot be said to be very much. I fully

[Sir Abdur Rahim.]

realise that Government should not stand in the way even of poor people performing the Haj if they can scrape enough money, for performing a religious duty or what they consider to be a religious duty. It is certainly a religious duty and nobody desires to stand in their way, but I am perfectly certain that if they can spend Rs. 600, they could easily spend another Rs. 10 or Rs. 20 more. That will not be too much of a burden to them. On the other hand, Government will be ensuring a certain amount of decency, comfort and healthy conditions to these poor people. They often come from remote villages, wholly illiterate and in a good many cases they are actually enticed by pilgrim brokers who sometimes assume the name of Muallims. They are nothing but brokers. Some of them are certainly good men, but a great many of them are nothing but brokers or touts who tout for pilgrims in order to make money, and in many of these cases these poor people make the pilgrimage without knowing the conditions. If this regulation is enforced, then I fail to see how it will tend to discourage pilgrimage at all.

A great deal has been said on this subject and I want to say one word about it. It has been said: "Oh, the whole scheme is to put a stop to what is called Pan Islamism". Pan Islamism never existed in fact. Pilgrimage is a part of the injunctions of our religion. It has existed since the birth of the religion. It was never devised as a political machinery or for political purposes. Its merit is solely religious. If it was the idea to utilise it for Pan Islamism or for consolidating the ranks of the Muslims all over the world, that would have been done long long ago. We all know the history of Islam and the Muslim peoples. After five or six hundred years, they have been gradually declining and, if pilgrimage furnished a means of consolidating their ranks, surely the Muslims could have saved some of the Muslim States from disintegration and their present helpless condition. It is a most foolish idea. A man called Stoddard who apparently knows nothing about the subject has written a book which really does not throw any light to any of us who know the inwardness of things. It is written on the basis of wrong ideas which float about among people who are ill informed in these matters in England and Europe. They are responsible for that bogey of Pan Islamism. I suggest another test. Those of us who are old enough to take their memory back for a number of years or can get at the figures, will find that since the rules and regulations have been brought into force, since the Government have taken the least interest in this matter of pilgrimage and enforced certain rules and regulations for the comfort and safety of the pilgrims, pilgrimage has gone up, and I am absolutely sure it has gone up by leaps and bounds within the last few years. (Applause.) Sir, anyone who is possessed of, say, Rs. 600 or Rs. 700 can safely perform his pilgrimage now and go there to Mecca, visit Medina and then come back safe and sound in the course of three months, and there are men nowadays who are performing a pilgrimage every year. We know at one time it used to take one year or two years for a man to perform the pilgrimage, and once one left India for pilgrimage, he practically left in the expectation of dying subsequently in Arabia. But look now at the number of people performing pilgrimage. Therefore, the idea that Government or anyone has an ulterior motive in order to stop pilgrimage is much too fantastic and I was rather surprised that my friend, Mr. Azhar Ali, should have run away with any such idea.

Now, one thing I want to make clear as I was Chairman of the Select Committee. I consented to become Chairman, because I was convinced and everybody in fact knew how terrible were the sufferings of these poor people, and I thought that this Bill, and the other Bills—one of which has not yet been brought forward and which I do hope Government will bring forward soon—would relieve their sufferings to some extent. Sir, the scope of the Bill is this. You have certain provisions in the Merchant Shipping Act. That Act, which is an Act dealing with general shipping matters, owing passengers and other matters, has to be amended so that Government may make appropriate rules and regulations in order to ensure the comfort and safety of pilgrims. Therefore, it is not merely by looking at these amendments to the Merchant Shipping Act or the clauses that have been added that you can grasp at once what is going to be done and what ought to be done in order to carry out the objects which the Bill has in view,—one Bill has already been passed appointing committees at several ports to look after the comforts of pilgrims, and it is expected that these committees will do their duty properly, and if they do so, they will be in a position greatly to help these pilgrims who go to the Hedjaz, especially pilgrims belonging to the class of peasants of Bengal or those coming from the interior of other provinces. Now, then, Government, I take it, will frame proper rules and regulations in consultation with persons who can throw light on the subject. That, I believe, is the intention of the Government, and if they do that, there should be no room at all for any complaint that proper food may not be supplied to a particular class of pilgrims, or that the charges would be unreasonably high. That could easily be avoided, and I am sure my friend, Haji Wajihuddin, if he wishes to advise the Government, can make suggestions; similarly, my Honourable friend, Maulvi Shafee Daoodi, and my Honourable friend, Mr. Azhar Ali, and my Honourable friend, Mr. Sadiq Hasan—they will all be in a position to suggest proper rules and regulations in order to carry out the objects of this Bill. Sir, I do submit that the House should unanimously reject the amendment moved by my friend, Mr. Maswood Ahmad.

Several Honourable Members: I move that the question be now 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 question is:

“ That clause 2 of the Bill be omitted.”

The motion was negatived.

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

“ That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Mr. M. Maswood Ahmad: Sir, I move:

"That clause 4 of the Bill be omitted."

Sir, there may be some misunderstanding on this point as to why, after losing my amendment on clause 2, I should move this amendment, but if you will refer, Sir, to clause 2, you will find, it says that a certain quantity of fuel should be kept on board ship and clause 4 is for supplying fuel to the pilgrims. Here, again, Sir, Government differentiate between the ordinary native passengers and the pilgrims. Further, again, Sir, in sub-clause (c) you will find the words:

"(c) after the words 'fuel and water', the words 'or, if the master of a pilgrim ship without reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any pilgrim the prescribed allowances of cooked and uncooked food and of water'."

Now, here the words "without reasonable excuse" are, I think, very objectionable. If you will see sub-clause (2), you will see it runs thus:

"The master, owner or agent of a pilgrim ship shall be liable to a fine not exceeding Rs. for every pilgrim who has suffered detriment by the omission of the master to comply with the provisions of sub-section (1)".

and sub-section (1) is about the supply of food and pure water. So here, one more act of leniency has been shown to Messrs. Turner, Morrison and Co. There is no mention of any excuse, but Government have given this opportunity to the Turner Morrison and Co. They may say that they have taken these words from section 166 as it is here "without reasonable excuse", but I say, when they were going to amend this section, it was their duty to omit these words if they wanted to bring this legislation in accord with the Straits Settlement Ordinance. Here, I want to know from you, Sir, whether I shall be allowed to speak on my amendment on clause 11 or not, because, if I am not allowed there, I must explain my point of view here. May I know your ruling, Sir?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Chair cannot give a ruling in anticipation.

Mr. M. Maswood Ahmad: Very well, Sir. Here, I restrict myself to this point that this clause should be omitted; and if this clause will be omitted, it will happen that the original clause 106 will stand and the original clause 106, will read thus:

"If the master of a pilgrim ship without reasonable cause, the burden of proving which shall lie upon him, omits to supply to any passenger of their ship the prescribed allowance of food, fuel and water as required. . . . he shall be liable to a fine which may extend to Rs. 20"

So, Sir, by omitting this clause, there will be no defect in this Bill, because this is for supplying fuel to the pilgrims, and just as I have said, fuel is required for cooking purposes only. Now, one point was raised by my Honourable friend, the enthusiastic co-operator—I say that, because I was called a non-co-operator—who said that on page 12 this matter was discussed by the Standing Haj Committee. The statement was quite incorrect. I say, Sir, that the question of supplying fuel was not discussed in the Standing Haj Committee at all. I will read the actual words:

"All the non-official members of the Committee expressed themselves in favour of cooked food being supplied, but all of them felt that the change should be brought about only gradually."

There is absolutely no mention of fuel and I insist that fuel should be supplied to the pilgrims. The question of cooked or uncooked food does not come under this clause. I am speaking of the fuel question only at this moment. I say that fuel must be supplied to the pilgrims, because they require it for heating their water for bath, for preparing their medicines and for many other purposes and not for the purpose of cooking only. I propose that there should be two kinds of tickets, one with cooked food and one without food, but that question I will discuss later on. With these words, Sir, I move that clause 4 of the Bill be omitted.

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

“That clause 4 of the Bill be omitted.”

Mr. G. Morgan (Bengal: European): Sir, I support this amendment for the same reasons that I opposed the consideration of the Bill and moved other amendments. My position is a very unfortunate one, because the responsibility and the onus for carrying out all obligations under these wretched clauses is going to fall on the steamer company. Sir, some of my friends have been rather hard on the steamer company. They seem to think that the steamer company does all it can to make the pilgrim's journey a nightmare. That is not the case. The reason why I have put up these objections is that on going into the matter during the past year I felt that it was almost impossible to carry out the system of the supply of cooked food as is suggested in the Bill. If any one could put up a practical proposal, there is not the slightest doubt—and, I can guarantee this on behalf of the steamer company—that it would be most carefully considered in every respect. There is no question of the steamer company saying: We will not do this; we do not care a button about the pilgrims and we will charge as high a fare as we can. My Honourable friend, Sir Abdur Rahim, said that they had a monopoly and they could more or less do what they like. Although it is true that at the present moment the Mogul Line is the only steamship company carrying on this trade, there were two other companies in existence and they were not able to carry on. Evidently there was not enough capital behind them to enable them to carry on. That is purely a business proposition. You cannot blame one company because another company has failed.

Mr. S. C. Mitra: Did they cut down their rates?

Mr. G. Morgan: That I do not know. If it was so, that was all to the benefit of the people whom my Honourable friend, Sir Abdur Rahim, is championing. Although my Honourable friend rather brushed it on one side as being a mere nothing, I can tell him that there are considerable difficulties about structural changes in the ship. I have been through the plans of the ship myself and that is why I am speaking in support of this amendment. If anyone, however, can find a way out of this difficulty, no one would be more pleased than the steamer company. Sir, you must remember that cement platforms are set aside for cooking purposes, where the people do their own cooking. Now, if the steamer company is to do the cooking and the service for all these pilgrims, they will have to carry a large complement of cooks, servants, etc. Surely they cannot treat the pilgrims as servants. According to the Protector of Pilgrims in Bombay,

[Mr. G. Morgan.]

the company will have to engage many different kinds of servants, and those servants will have to be accommodated on board. There will be another 200 or 300 people in connection with the cooking and service. We have been going into figures and I am giving what appears to be necessary. Perhaps we may get some super-servants who may be able to do more work than ordinary servants, but the fact remains that accommodation will have to be found for these extra people. That would necessitate a reference probably to the Board of Trade with regard to new super-structures, which might or might not be sanctioned.

There is one other point which my Honourable friend mentioned. My Honourable friend, Sir Abdur Rahim, said that pilgrimage had proceeded by leaps and bounds, but figures in my possession for the years 1919 to 1932 certainly do not show that the pilgrimage had been going up by leaps and bounds.

Mr. S. C. Mitra: Will you kindly give us the figures?

Mr. G. Morgan: They are as follows:

1919		12,094	
1920		21,770	- -
1921	...	10,750	
1922	...	12,417	
1923	...	24,045	
1924	...	17,790	
1925	...	2,385	
1926	...	24,123	
1927	...	36,074	
1928	...	20,953	
1929	...	19,636	
1930		15,097	
1931		9,252	
1932		12,600	

Sir Abdur Rahim: When did the other company cease to operate?

Mr. G. Morgan: I do not remember the actual date.

Maulvi Muhammad Shafee Daoodi: It ceased to operate after 1925.

Mr. G. Morgan: Sir, I will not take up any more of the time of the House. We have heard all sorts of arguments for and against these allowances of cooked and uncooked food and so many religious matters seem to have entered into it that I cannot criticise all the points raised. I have tried to put before the House the great difficulties that are involved from the point of view of the steamer company. All that I wish to repeat at

this stage is, that if these amendments are lost, I would like the Government to say how and when they propose to go into the question of the rules and regulations. Sir, I trust Government will give it ample time and a thorough and most careful consideration. It is not a matter that can be done by a wave of the hand. These catering arrangements for so many classes of people are very difficult, and there is not the slightest doubt, and which has been freely acknowledged by all speakers that there is great difficulty in supplying the food which these people require, and want. Sir, it is purely a practical difficulty of catering. I hope Government will be very careful in issuing the rules and regulations under any statutory obligation, that they will look at it from a purely practical point of view, so that the pilgrims will get what they pay for and the steamer company will be in a position to carry out their obligations and not befaced with what is impracticable. That is what I am afraid of. Sir, that there will be trouble I am perfectly certain, and Government will have to handle this question of rules and regulations in a very careful and sympathetic manner from both points of view, *viz.*, the pilgrims and the steamer company. Sir, I support the amendment.

Sir Muhammad Yakub: Sir, it is my misfortune that I have got to support the amendment moved by my friend, Mr. Maswood Ahmad. Even after hearing the arguments advanced by my friends, Maulana Shafec Daoodi and Sir Abdur Rahim, I am not satisfied that the provision of making cooked food compulsory for the pilgrims would be in any way advantageous to the pilgrims or give them any convenience. The objections which have been raised on this side, as regards the difficulties of catering and cooking and supplying food, have not been replied to. On the other hand, a great deal of stress has been laid on the filthy conditions on board the pilgrim ship. Sir, cooking will have to be done in any case, whether by the company or by the pilgrims themselves. Kitchens will have to be provided for, whether the food is cooked by the servants of the pilgrim, or the pilgrim himself, or by the servants of the company. As regards cleanliness it is extremely difficult to keep these kitchens where you cook all sorts of Indian food clean. If there is to be uncleanness, where is the difference in making it compulsory for the pilgrim to have cooked food or allowing them kitchens on board the ship, and making it compulsory for them not to cook at any other place except the kitchen provided for them. I do not think it will add in any way to the cleanliness if food is supplied by the company. Now, besides the difficulties which have been pointed out by so many Honourable Members,—and none of them has been answered as yet,—there is one more difficulty and that is about the food of *purdah* women. Who will supply food on board the ship to *purdah* women? Will you have men servants to take food to the *purdah* women? None of the *purdah* women would like to be supplied with food by men servants.

An Honourable Member: There will be female servants of the company.

Sir Muhammad Yakub: If you ask the company to supply one set of men servants and another set of women servants, I doubt if it will be possible for them to do so. Even in the houses of rich men, my experience is that, it is very difficult to find female servants. It is very well in theory, but practically I think you will find it very difficult to find Muslim female servants to supply food to the *purdah* women. Where will you have a

[Sir Muhammad Yakub.]

separate dining hall for them? The kind of Indian ladies who go to the Haj have the *burqa* and they are very strict about *purdah* and they will not sit with their faces open in the dining hall reserved for men. You do not give us any reply to these difficulties. It means that you have got to have two dining halls, two sets of servants, and so on. I do not deny that it would be a perfect thing if you could have a class of pilgrims who would be able to go into the dining hall, but I think it is impossible to get that perfection in the case of pilgrims. Sir, an Honourable Member of this House has posed as a great commentator of the Quran or as a theologian. I strongly protest against the Quran being brought into this House and its use by people who have got a shallow knowledge of religion and try to pose as Jalalain or Bezavi in this House. I know that Haj is compulsory for those who possess means, but then do you want to do away with *Sunnat Wajib aur Mustajib*? The Haj is a meritorious and pious duty for every Mussalman, whether possessed of means or not? If you want to make the Haj available only for those people who have got money, it will mean that pilgrinnage will be stopped altogether. Truly has Akbar said :

“ Council men bahut Saiyad,
Musjid me fakat Jumman ”

“ ‘ Many Syyads ’ (that is men of high class) you will find in the councils, but the poor jumman only attends the mosque.”

Will the Honourable Members who claim to be monied men or religious men say how many Haj they have performed or how many people they have sent to perform the Haj on their behalf? It is a mockery of religion and should be stopped. With these words, I support the amendment.

Mr. Uppi Sahab Bahadur: Sir, I rise to support the motion and, at the same time, to point out the danger of agreeing to this clause. This clause requires the Steam Navigation Company to make certain radical changes in their ships. Suppose the Turner Morrison and Company or other shipping companies refuse to make those changes or to carry pilgrims on those conditions, the result will be that next year there may not be any ships to carry pilgrims at all. And if anybody tries to have steamers to carry passengers, they will also have to make such structural changes in the ships which will mean that such ships will not be of use for any other purpose. This is a great danger and, if we pass this clause, we will be playing into the hands of Messrs. Turner, Morrison or any other shipping company. They may refuse to invest such a large amount of money on the steamers just for a few months. After the Haj period is over, these steamers are put into some other lines and for other trips. By the structural changes these steamers may not be useful for

their other purposes and, under those conditions, it is quite possible that the Steam Navigation Companies may refuse to make such structural changes and carry pilgrims. Therefore, we have to be very careful in passing this clause. Here is the representative of the Steam Navigation Company stating us the difficulties that they will have and, if we pass this Bill, and if they refuse to make structural changes, they will not be able to run steamers on this line for purpose of carrying pilgrims under the Act, and then how shall we go for the Haj? Does our friend, Maulvi Shafee Daoodi, or Nawab Ahmad Nawaz Khan, want us to prevent entirely from undertaking pilgrimage in this way? This is a very serious consideration, and I ask the House also to take it seriously. I support the motion.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I thought, Sir, that after the speech made by the Leader of the Independent Party, it was hardly necessary for any one on behalf of Government to take the time of this House in making another speech; but I find that some Members feel that Government's not taking part in the debate means that Government do not care to meet the arguments that they think they have adduced in support of their objections against this provision. It is for that reason only that I have intervened in the debate even at this late stage. Therefore, I request that the House will forgive me if what I say does not contain anything very new or, to put it differently, if I repeat what those Honourable Members, who have spoken before me, have already said.

The first point that I wish the House to bear in mind, Sir, is this. This is not a proposal which has been brought forward by Government on their own responsibility, but it is a proposal which has been brought forward by Government on the recommendations of a Committee of this House which was non-official and elected and Muslim, of which the Chairman alone was a non-Muslim official. The non-official elected Muslims of this Committee were not the Westernised Muslims who have or who may be alleged to have scanty respect for the orthodox. On the other hand, Government have the support of those who are either extremists in orthodoxy or very near it. The only member of the Haj Inquiry Committee who could be called Westernised was one who is no longer a Member of this Assembly—I am referring to Mr. Fazl Ibrahim Rahimtoola. Others were either extremely orthodox or next door to it. No one, Sir, will challenge my statement who knows the Honourable Member from Madras, Saiyid Murtuza Saheb, no one will challenge my statement who knows the Honourable Member from Bengal, Haji Choudhury Muhammad Ismail Khan—he is also a Haji by the way—and no one will challenge my statement who knows Maulana Shafee Daoodi. The Committee had a representative from the Punjab hailing from Multan, the home of orthodoxy and the place which has had the privilege of contributing a great deal to literature on Islamic Theology in the past during the Mughal period. Therefore, Sir, the House will notice that the support the Government have relied upon is not the support of men who have been caught by the Westernised system of education whether hailing from Aligarh or from Western Universities, but of men who belong to the orthodox class. They may be men who are well-off, but cannot be said to be millionaires who do not know the condition of the poor—I believe, Sir, I am not doing injustice to the Honourable Members who have opposed this measure of reform, and I say that none of them can claim to be more orthodox than the men I have mentioned. The opposition has been led by my friend, Sir Muhammad Yakub.

Sir Muhammad Yakub: Not by me, but by Maulana Haji Wajihuddin and Mr. Maswood Ahmad.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I beg your pardon. Technically, Sir, the motion on which my friend, Sir Muhammad Yakub, made an eloquent speech has not been initiated by him and he was only supporting Mr. Morgan. I do not in any way question my friend's right to entertain any opinions he likes on measures of reform.

[Khan Bahadur Mian Sir Fazl-i-Husain.]

This is a matter of personal conviction, irrespective of whether he hails from what in India it was hoped at one time would be the fountain head of reform movement, wherefrom reformers were expected to emerge, I mean Aligarh. If the considerations to which he has invited the attention of the House yesterday and today were something new, one might have felt impressed; but does he really think that these are things that have been brought forward for the first time and are to be taken seriously? Sir, I can remember in my school days having read in *Tahzib-ul-Ikhlāq* of Sir Sayid Ahmad's time, a description of these very objections that he has stressed in this House, having been put into the mouth of his critic whom he calls most shocking obscurantist and terrible obstructionist in the way of the progress and advance of Muslims in India. The Honourable Member has talked a lot about the poor and the purity of utensils, etc., whether the food is cooked in a particular way or not. These poor Muslims, he urges, want to know whether the utensils have been washed all right or not. Is he not using, Sir, the word "poor" for himself? Does he not understand that the poor people—poor people, Sir, are poor people—unfortunately do not admit either of distinctions of country or even distinctions of religion? The very poor people, Sir, know no such distinction. They are not the people who can afford to say "Oh, we are not used to this thing and things, and we are not used to this food". The poor people eat when they get food, when they feel that they cannot really get on any longer without food. These are the people with whom apparently my Honourable friend has not had the opportunity of being acquainted. His criticism today about the *purdah* ladies was about the limit of futile criticism in which one can indulge against a reform proposal. What are these *purdah* ladies of Sir Muhammad Yakub doing nowadays? Am I to understand that each *purdah* lady has a woman servant carrying her *chula* once or twice a day, first to the ship kitchen bringing her coal or fuel, then planting that *chula* in the centre or perhaps a corner of the deck then goes to the top to wash her *degchi*, cooks her own meal, washes her *degchi*, gets her rations? No, she does it all herself, and there are no sets of female servants there to bring her this fuel and water and supply of uncooked rations. He urges the absence of women servants as a conclusive argument against the reform. Again, he imagines that these poor deck people have luxurious dining halls as are provided for Members of the Assembly or for those who go to big conferences. Nothing of the kind. (Interruption.) My friend interrupts: "What is the improvement?" If his idea is that unless the Indian people can be supplied with means to attend in dining halls for their meals, there is no improvement, then I am afraid he will have to die without anywhere near being hundreds of miles of that reform. The very notion of having refreshment halls for the poor of India enters the mind of only those who do not know what poverty is and do not know the economic conditions in which Indian masses are at present living. Therefore, I assure you that the object of this reform is nothing else except to afford a great measure of sanitary and hygienic comforts and conveniences to a large number of pilgrims. It does not aspire to do very much, but it does aspire to give relief from a large number of inconveniences from which pilgrims suffer at present. It has been said: "You are going to charge for food: what will happen to these poor people?" "To whom will the millionaires who are on the pilgrim ship give their charity? They must give charity to somebody

and if everybody has his own food there through his ticket, what will happen to the charitable impulse of the rich?" Am I to understand that the pilgrims consist of but two classes, millionaires and beggars? Is there nothing in between? I assure you that there may be one or two per cent pilgrims who are millionaires: there may be three or four per cent who are beggars; but there is a large body consisting of 95 per cent of the pilgrims who are neither millionaires nor beggars, but just simple, honest, barely well-to-do Muslims inspired by one desire, to discharge their Islamic obligation in this connection. Are these 95 per cent of the people entirely to be ignored? As to the millionaires, may I assure them through the opposition that they will have no difficulty in satisfying their craving for giving away money in charity? This three or four per cent of the pilgrims, if they are really beggars, as I am led by my Honourable friends in the opposition to believe, they will find means during the 12 days of the journey on this pilgrimage to extract money out of the millionaires under one pretext or another. So I assure you that the millionaire pilgrim is safe: he will have plenty of scope to indulge in generosity and charity. The scope of activity of the beggar in case he does exist—I am not prepared to admit that he does exist in such large numbers as is alleged to be the case by some members opposite—he will have plenty of scope there and elsewhere to indulge in his evil ways. But I have not the least doubt that the reform is really one badly needed. Government might have hesitated for a long time to enter upon that reform if it had not the support, the large hearted enlightened support, of Members of this House and realised that those Members do not belong to the Westernised sections of the Muslims, but belong to the orthodox classes and who have been actuated by one desire and one desire alone to serve the best interest of pilgrims. The Muslim masses are not as ignorant as in the past and it is hoped, they will appreciate that the Haj Inquiry Committee has rendered great service to the community.

One word more. I am asked what will happen if the shipping companies refuse to carry out what the Statute could ask them to do. Curious as it may appear, this serious question has been seriously propounded today by the Honourable Member from Madras, Mr. Uppi Sahab Bahadur. Yesterday, if I understood him aright, his allegation was that Government were devising means and methods of putting money into the pockets of the shipping companies. That was the charge against the Government. I must be a wonderful person if I can through my ill-deeds one day rob the poor pilgrims to enrich the company and the next day proceed to impoverish and ruin that company. I know that that characteristic is often supposed to be possessed by great autocratic monarchs of Asia. I do not claim to be one, nor do I aspire to attain that dignity. I assure you that in our schemes of reforms connected with pilgrimage traffic shipping company is a very important factor. We believe that the best interests of shipping companies and the best interests of the pilgrims can be reconciled and if shipping companies would be satisfied with fair profits out of pilgrim traffic, the pilgrims will not grudge them the profits that they make, and Government are there not to help the companies to make undue profits nor to let the pilgrims get things out of the company which tend to impoverish the company, but to see that fair play reigns.

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

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

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, the Honourable the Member for Education emphasised in his speech that the prohibition against the cooking of food on board the ship has been unanimously recommended by the Haj Inquiry Committee. I am well aware that it received the unanimous recommendation of the Committee, but I submit that they were unanimously wrong in their recommendation. Arguing from very sound premises, they came to the most erroneous conclusion. The case against prohibition could not have been better put than has been done by the Haj Inquiry Committee. I shall read out from the Report the relevant passages

Maulvi Muhammad Shafee Daoodi: What page please?

Mr. Abdul Matin Chaudhury: Page 93:

"In our opinion, there would be little difficulty in arranging for all pilgrims food 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 at present 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, but also include Persians, Afghans, Bokarans, 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."

Then, again, they say:

"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, efforts being made by strict supervision of the management of the "hotel" and even, if necessary, by subsidising them, to make them more popular and satisfactory, with the ultimate object of introducing arrangements similar to those in force in the case of Javanese pilgrims."

Now, Sir, after saying that this experiment may lead to failure, after saying that the expert opinion is that the difficulties are insurmountable, they come to the unanimous decision that this system should be adopted, and they expect the House to accept that recommendation simply because it is unanimous. All the speakers who have preceded me have agreed that this will increase the cost of pilgrimage. Sir, I come from a part of the province which sends annually a large number of poorer class of pilgrims, and knowing as I do the difficulties they encounter in collecting the barest minimum for their pilgrimage expenses,—in some cases it means a life time's savings,—I feel it would be criminal if I were to lend my support to any proposal that would lead to increase the cost of pilgrimage even by a farthing. This Committee was appointed for alleviating the sufferings of the pilgrims, but their recommendations, if accepted, will aggravate their difficulties. I am reminded in this connection of a line from Poet Chandidas which is to the effect that "he prayed for rain, but he got the thunderbolt". The poorer people wanted relief, and they are having relief with a vengeance in the form of extra expenditure. I think, Sir, the

Muslim community, it not very much appreciative of the favour that is being done to them, and the Government would have been well advised if they had not inflicted on this community this unwanted beneficence.

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

“That clause 4 of the Bill be omitted.”

The motion was negatived.

Mr. M. Maswood Ahmad: Sir, I move:

“That in clause 4 (c) of the Bill, after the word ‘food’ the word ‘fuel’ be inserted.”

Sir, if Government insist to introduce the system of supplying cooked food to pilgrims on board the ship, we can agree to the proposal only if there is option given of supplying the pilgrims with fuel as well.

If Government really desire to effect any improvement in the present condition of things, I would ask them not to be hasty. A man should not walk at mail train speed at the risk of his life.

An Honourable Member said that this measure was intended to effect a reform in the Haj, but I want to inform the Government that our religion is perfect, and it does not require any kind of reform at all

Kunwar Hajee Ismail Ali Khan: Nobody is allowed to interfere with religion.

Mr. M. Maswood Ahmad: I am replying to the point which has been raised by an Honourable Member.

Another Honourable Member quoted something from the Holy Koran. I am not going to quote the holy book, but I want to point out that though Haj is compulsory only for those persons who have got the *Istitaat*, but what is *Istitaat*? By this measure Government are increasing the *Istitaat*. If a man can go to the Haj on Rs. 200, he must have Rs. 200 with him, and Rs. 200 will be the *Istitaat*. If Government impose a taxation of Rs. 1,000 on each pilgrim, he should have that additional amount as well with him. That means that Government will be increasing the *Istitaat* from Rs. 200 to Rs. 1,200. By means of this amendment in the existing Act Government will increase the *Istitaat* at least to Rs. 55 for sick passengers, which is objectionable.

I want to show the rates from a communiqué published by Government in the *Star of India*:

“The Government of India have received information, etc.”,

and then coming to the question of freight from Bombay to Karachi and from Karachi to Jeddah in the communiqué mention is made of freights with food and without food. Some of my friends feel that it will be 12 annas per day or perhaps eight annas a day, but, Sir, if you will go through the menu, you will find that they have provided *Halva* and *Kachori*

Maulvi Muhammad Shafee Daoodi: Menu by whom?

Mr. M. Maswood Ahmad: The menu proposed by the different Governments, and the Government of India will certainly follow the recommendations made by the Governments of Bengal and Bombay in this matter. . . .

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): On a point of explanation, Sir, if I may intervene for a moment. My Honourable friend is reading from recommendations which Local Governments have made. They are not recommendations which the Government of India have adopted. The intention of the Government of India is, in consultation with the Standing Haj Committee of this House, to work out a menu which will not cost more than one rupee a day.

Mr. M. Maswood Ahmad: I say the Turner Morrison and Company have advised them and they have issued this Government of India communiqué. I am quoting from that From Bombay or Karachi without food for single journey they charge Rs. 110 for deck passengers and with food for single journey Rs. 140, which comes to Rs. 30.

Mr. G. S. Bajpai: Again, Sir, on a point of explanation.

Mr. M. Maswood Ahmad: My Honourable friend may explain this in his speech afterwards.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): When the Honourable Member is under a misapprehension about the attitude of the Government, it is better that the Honourable Member for Government explains the position.

Mr. G. S. Bajpai: What I wanted to explain was that the figure which the Honourable Member is quoting is the figure charged at the present moment by the restaurants, when there is no system really of compulsory feeding whatever.

Mr. M. Maswood Ahmad: Government have issued a communiqué and in that I find these rates. Either the Government of India have received these rates from the restaurants or they have received them from the Turner Morrison and Company or from any one else. I am quoting from their communiqué and I find that I am correct.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. If the Chair has understood this discussion, the rates quoted by the Honourable Member apply to the existing conditions where the supply of food by shipping companies is not compulsory. If the Bill is passed, then it is the intention of Government to prepare such a menu as will not cost more than one rupee per day. There is no use in the Honourable Member wasting the time of the House.

Mr. M. Maswood Ahmad: I am very glad to know that after passing this Bill the Government of India want to control the price of food as well and they intend to restrict it to one rupee per day for the deck passengers. But, Sir, food of that menu at one rupee per day will be of no use.

Further, the cheap food prepared by restaurants will be injurious to the health of the pilgrims, and Government want to remove the insanitary condition. Government should be consistent in their policy and honest too. When Government want that they should be in a healthy condition, they must take the responsibility for their health. At one rupee a day it is impossible for the company to supply the food according to the menu proposed by Local Governments, and the result will be that Government will be forced to change that rate or, as suggested by Uppi Sahab Bahadur, the Turner Morrison and Company will come and say: "We are not in a position to supply food at one rupee per day and if Government are insisting on that, we are not going to run the ships".

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Individual passengers spend more than one rupee per day now.

Mr. M. Maswood Ahmad: No, Sir, they spend much less. At present they cook their food and they pay little and get good food. I know there is a difference of opinion. At present there are two systems for Assembly Members, one is the Western Hostel and the other is the orthodox quarter system. All the Members of this House are not willing to live in the Western Hostel, because food is supplied by a company. If you ask our Leader, Sir Abdur Rahim, he will certainly say that living in Western Hostel is very nice. Others living in the Grand Hotel or in the Cecil Hotel will say the same thing, that they get nice dishes on a nice table, but there are Members who want the food cooked by their own servants. Apart from money, there is the question of taste and comfort. When this is so in the case of Members of this House, why are Government forcing this food prepared by restaurants on the pilgrims? If Government are anxious, they can run a restaurant in Delhi and feed all the poor men at one rupee per day. May I ask, Sir, what will they do for the poor pilgrims at Jeddah, Mecca and Medina?

Maulvi Muhammad Shafee Daoodi: May I know if my friend wants to increase the charges?

Mr. M. Maswood Ahmad: No, Sir. It is Maulvi Sahib's view and not mine. I suggest that this system should be totally abolished. I want that pilgrims should get better food on a smaller amount of money prepared by them according to their religious feelings. What happens at present is that they take their own flour from homes, the ghee from their own cows and they prepare their food at a cheap rate.

Kunwar Hajee Ismail Ali Khan: When travelling, they are begging from others.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. Will the Honourable Member tell the Chair how all this is relevant to the particular amendment he is moving now? The amendment is that in clause 4(c) of the Bill after the word "food" the word "fuel" be inserted.

Mr. M. Maswood Ahmad: I am sorry to say that Government have mixed the two issues of "food and "fuel" together. The point here is that

[Mr. M. Maswood Ahmad.]

those who do not want cooked food should have the option of getting fuel and being allowed to make their own arrangements, and in this way it is relevant.

There is absolutely no question of begging at the ship. A well-to-do person may purchase *pulao*, *korma* and *kalia* and other nice things in a large quantity. He uses a small portion and gives the rest to his servants. After the passing of this Bill, Government will force all the well-to-do persons to spend more on their servants. This is very objectionable. Luckily I have with me the pamphlet supplied by the Department in which the opinions of the different Governments are mentioned. I will not quote all of them. I see that the House is impatient. I only say that Mr. Khalib of the Nimazi line is opposed to the provision of cooked food.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. Does the Chair understand the position to be this, that, by passing clause 2, the House has agreed that shipping companies must compulsorily provide food for passengers?

Mr. G. S. Bajpai: The position is that clauses 2, 3 and 4 go together in order to complete that intention.

Mr. M. Maswood Ahmad: Similarly the Bengal Government and Messrs. Turner Morrison and Company have expressed their opinion against the measure. Now, I come to Bombay and the Bengal Chamber of Commerce. I am only giving one or two lines from each. The Bombay and the Bengal Chamber 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 Government of Bombay make the following remarks. That Government, it can certainly be said, possess more experience in this matter than the Central Government, because they are on the spot. They say:

"The Government of Bombay consider that it would be most difficult, if not impossible, to put the recommendation made in this sub-paragraph into practice and the best course would be to allow the pilgrims to make their own arrangements for food by bringing their own supplies on board or purchasing them on board."

Then, Sir, the Government of India also say:

"The Government of Bombay's opinion must carry great weight and there are difficulties undoubtedly in the way of accepting the recommendations."

What is the trouble? The Haj Inquiry Committee also put forward arguments which, I claim, are in my favour. They say: "this is bad, this is impracticable, this is not good", but, in the end, they come to a different conclusion. Here the Government of India themselves admit that this recommendation of the Haj Inquiry Committee is unacceptable and unworkable and that it would be hard on the pilgrims, but still, in spite of all these arguments to the contrary, they want to pursue this system. They say that even if the system does cause the pilgrims some inconvenience or is not popular with them, they would soon become accustomed to the new system. What an absurd conclusion! They say that these are the difficulties; yet they say, they will be accustomed to all these things. Certainly, they will be accustomed to these and many more

things. But there is no question of being accustomed because 90 per cent. of pilgrims go to pilgrimage once in life. It is very unjust and unfair to drag the pilgrims into such hardships.

I admit it is very difficult to win in this House, but still I shall do my duty and I shall express the views, not only of my constituency, but, I hope, I am expressing the views of all Mussalmans in India. I suggested to the Government several times that if they had the slightest doubt in their minds on this point, the best thing for them would be not to rush through this legislation and that they must circulate the Bill for ascertaining Muslim views on this point, but they did not accept that proposal. This amendment will mean that pilgrims will have the option either of cooking their own food or getting fuel from the company and cooking their own food. So this amendment will certainly be a step in advance towards improvement and I would request the Government to accept it. Sir, I move.

Shaikh Sadiq Hasan (East Central Punjab: Muhammadan): Sir, one man's food is another man's poison. Well, the House rejected the amendment moved by my Honourable friend, Mr. Morgan, but now the question is whether fuel should be allowed to these pilgrims or not. There is quite a large number of people for whom it is impossible, Sir, to take food which is in vogue in other parts of the country. Take the question of the four provinces which are adjacent to each other: the Punjab, Delhi, the North-West Frontier Province and Kashmir. Well, Sir, I am a Punjabi and I may tell you this thing that it is impossible for a Punjabi to take the food which the Kashmiri takes. The Kashmiris are very fond of rice and *Karam-ka-Sag*, but, on the other hand, if rice and *Karam-ka-Sag* is served to the Punjabi, he will have his stomach upset. In the same way, for a Kashmiri to eat *Dal* and *Roti* is an impossibility. As for myself

Kunwar Hajee Ismail Ali Khan: On a point of order, Sir. Is it in order to discuss the matter of different kinds of food on this particular amendment?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. Mr. Sadiq Hasan.

Shaikh Sadiq Hasan: Sir, I am a Punjabi, and Delhi is the next province adjacent to the Punjab. I may tell you that if one day I have the misfortune to eat Delhi food with plenty of chillies, I repent having done so for the whole night, because it is so hot and so strong as it upsets my stomach. My Honourable friend, Sir Abdur Rahim, was thinking so much about the hygienic conditions on board the steamer, but the hygienic conditions inside the body should be given a thought to (Hear, hear), and I do say that while it may no doubt be considered to fulfil hygienic conditions on board the steamer that cooked food is to be taken compulsorily, my impression is that on the other hand the very digestion of the pilgrims will get deranged. I would, furthermore, say, Sir, that it is not only this, but it would also make the pilgrimage rather very costly. My Leader is rather mistaken when he thinks that it costs Rs. 600 for a pilgrim to go and come back from Mecca. That is the official estimate, but, as a matter of fact, poor people do it, as I know it for certain for far less.

An Honourable Member: For how much?

Shaikh Sadiq Hasan: Some people, I have been told, do not spend more than Rs. 400. I do not know how far that is correct.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): They do it even for Rs. 150 sometimes in Bengal.

Shaikh Sadiq Hasan: Sir, if there is fire, is it right and proper to throw fuel on to it or to throw water over it? I would say that the pilgrimage should not be made more costly. The duty of every Mussalman is to see that the cost of the pilgrimage becomes less and less. My Honourable friend, Major Nawab Ahmad Nawaz Khan, thinks the Government are functioning as messenger of God. Well, he may take the Government as the Deity himself. That is neither here nor there, but we have to see how to help these poor people. For those people who do not understand the feelings of the poor pilgrims, it is impossible to imagine their fervour when they go to Mecca. My friend, Sir Muhammad Yakub, truly said that there is a great difference between *farz* and *sunnat*. Now, although it may not be a compulsory duty for a poor Muhammadan to go to the Haj, there is no doubt that it is considered by every poor man a very good deed to do so. So we Mussalmans sitting here should do our level best—and I say, not only Mussalmans, but I would appeal to my Hindu and European friends as well, of which latter I do not find many in the House.

Mr. Amar Nath Dutt: One is there

Shaikh Sadiq Hasan: I would appeal to all of them that they should not consider it a question purely for the Mussalmans. It is not like the 3 P.M. Untouchability Bill in which the Mussalmans have got no interest, because after all there is the question of orthodoxy and unorthodoxy. But this is a question which concerns all the Mussalmans. Some of my friends may think that Rs. 30 or Rs. 40 do not make much of a difference to a pilgrim, but I do consider that the amount which comes to about 10 per cent of the whole cost of the voyage does make a great difference to these people.

Then, Sir, there is a third point. It is a question of the service. Most of us who have gone to Europe know how many servants are required to serve on board the ship when the people are dining and how much grumbling goes on even if you have half the number of stewards for those who are dining there. I generally find my European friends very much grumbling if the food is not served properly. There will be about 2,000 passengers on board the ship and how many men will these companies be able to provide for service? I will be very glad if they could provide a very large number of servants, but I am positive that the company will not be able to do so. I do not say it is impossible, but it will certainly cut down their profits enormously and so they will not provide sufficient servants and the result will be trouble amongst the pilgrims. The safety of the ship will not be in danger as my Honourable friend, Mr. Morgan, was pleased to observe, because the Captain and

officers have got revolvers and arms, but I do think that the safety of the passengers would be in danger. There is bound to be trouble, because most of these pilgrims are not highly educated and cultured, and naturally when they do not get their proper food at proper time, there will be some row and then it will not be the safety of the ship which will be in danger, but there will be a *lathi* charge such as was denied by the Honourable the Home Member the other day, but asserted by the Muslim Members.

I do not say for a moment that the Government are actuated by anti-Pan-Islamic ideas in this matter. All foreign Governments are bound to be anti-Pan-Islamic, but of course this has nothing to do with Pan-Islamism. Suppose the Government were against Pan-Islamism, certainly Sir Abdur Rahim and Maulvi Murtuza Sahib Bahadur and others will not be against it. But what I do feel is that they have made a mistake and a grave error of judgment to which all human beings are liable. With these few words, Sir, I support this amendment.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras: Muhammadan): Sir, I have great pleasure in supporting the amendment moved by my friend, Mr. Maswood Ahmad, and I endorse every word that has fallen from the last speaker except as regards the effect which food or fuel may have on any activity against Pan-Islamism.

Sir, the main ground on which Government and the Select Committee base their decision is that the steamship acquires a very insanitary and filthy condition if cooking is allowed on it. In that case, I would suggest that, instead of employing hundreds of men to serve thousands of pilgrims at a time three times during the day, is it not advisable, I ask, if those servants should be asked to keep the steamer clean by washing it three times a day or even half a dozen times a day? We might have to employ a batch of servants to keep the steamer clean every half an hour and have also a Sanitary Inspector on board the ship to have it cleaned. If you want to levy an extra charge for purposes of cleaning, you might well levy a charge of about Rs. 2 per passenger to and fro. That would bring to the Company, supposing it carried about 1,500 passengers, a sum of Rs. 3,000. Employ that Rs. 3,000 for cleaning purposes. But why do you tell the pilgrims: "No, you must have our food." I certainly object to the steamer company providing food for the pilgrims. Although my esteemed and revered friend, the Honourable Mian Sir Fazl-i-Husain, awarded certificates of orthodoxy to my Honourable friends, Maulvi Shafee Daoodi and Maulvi Syed Murtuza, and one other Member, Maulvi Rajan Bakhsh Shah, *in absentia*. . . .

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: You apparently do not know him; he is not absent.

Mr. Muhammad Muazzam Sahib Bahadur: At that time he was absent. When the certificate was granted, he was not here. Sir, the Honourable Sir Fazl-i-Husain sought to base his arguments on the fact that the Haj Inquiry Committee was composed mainly of people who were considered to be very orthodox. I do not for a moment wish to controvert that argument. But I wish to call your attention to the conclusions at which this very Committee has arrived (page 181, para. 272

[Mr. Muhammad Muazzam Sahib Bahadur.]

of their Report) and if I read to the House about four lines of that paragraph, then it will be clear that it has been arrived at against the weight of the evidence recorded. This is how it runs:

"Certain of the recommendations we have made such as that for the provision of cooked rations to a pilgrim 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 welcome by enlightened Muslim opinion and that, if accepted by Government, they will, though distasteful to some individuals, prove of lasting benefit to the Indian pilgrim as a whole."

So, Sir, it is conceded that this opinion is arrived at against the weight of the evidence tendered before the Committee. In other words, the conclusion is arrived at in the face of that evidence and it is easy to visualise how much inconvenience will be caused when the steamer carries passengers from Java, Malay States and all the various provinces of India whose tastes as to food differ so materially. As a matter of fact, I may mention that although I have spent about 2½ years in Delhi, coming here for every Session and although I visited Delhi even before, I have not yet got accustomed to Delhi curries. I can feel the difficulty to which these pilgrims would be exposed if they are denied the food which they could prepare for themselves and which would be agreeable to their taste. The details of the diet have been very fully gone into by other speakers and I will not reiterate them here. Sir, I have very great pleasure in supporting this amendment and in suggesting to the Government that, instead of diverting their attention to making food compulsory on the voyage, they should levy a small amount over and above what they charge for the voyage and employ a sufficient number of servants so that the steamers can be kept clean right through.

Mr. G. S. Bajpai: Sir, the merits of the question as to whether food shall be supplied cooked by the shipping company or whether the individual pilgrims shall have freedom to cook it themselves has been gone into sufficiently already and I do not think that I ought to take the time of the House by rebutting the arguments which my Honourable friends have put forward just now. The only point that I need refer to is the one which was made by my Honourable friend, Mr. Maswood Ahmad, as to what would happen if somebody wants food cooked for an invalid or hot water in order to prepare *joshanda*. I have no doubt, Sir, that the shipping company would be sufficiently humanitarian to provide pilgrims with the requisite amount of hot water and also facilities for having food cooked for the invalid.

Khan Bahadur Makhdom Syed Rajan Bakhsh Shah (South West Punjab: Muhammadan): Sir,* I regret very much to say that I tried to speak several times yesterday, but was not allowed by the Chair to do so. I think it is the duty of the Chair to give the first chance of speaking to those who rise to speak only occasionally. I rise at this moment to say a few words in connection with the opposition of certain Muslim Honourable Members to the introduction of compulsory food.

I know, Sir, that they are sincere in what they say; but let me tell them that when we journeyed from Bombay to Karachi in the company of Hajis, we did so primarily to study in detail what hardships fell to their lot in the matter of food; and we noticed that it was a great inconvenience

* Translation of the original speech delivered in the vernacular.

to them to cook their food. It was raining at the time. The wind was blowing, and the wood, which was wet and cold, would not burn. We asked them if they would like to have food from the hotel arranged for them, and they all gladly said "yes". It was only then that we made our recommendation for the introduction of compulsory food. Let those who are against this recommendation go and see for themselves how miserable the Hajis feel when engaged in cooking their meals. If they do so, they would never oppose the measure. Hotel-cooked food should be made compulsory; and any defect in food or any inconvenience to Hajis on that account can be remedied later on in the light of experience gained. We had also recommended that Re. 1 per day should be the minimum charge for men and annas eight for boys under 12 years. But if the charge now is going to be fixed higher, we would be compelled to oppose the hotel-cooked food being made compulsory.

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

"That in clause 4 (c) of the Bill, after the word 'food' the word 'fuel' be inserted."

The motion was negatived.

Clauses 4 and 5 were added to the Bill.

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

"That clause 6 stand part of the Bill."

Khan Bahadur Haji Wajihuddin: Sir, I beg to move:

"That in clause 6 of the Bill, for the words 'sixteen and ninety-six' the words 'eighteen and one hundred and eight' be substituted."

Sir, it is a long-standing grievance of the pilgrims that the space of 16 superficial feet provided to each of them till today is quite inadequate and should be increased. But I regret very much that no improvement has been made in the Bill in this respect. From yesterday's speeches I find that there is an apprehension of an increase in the steamer fare, if 18 feet is provided, which, I say, I am sure, is bound to decrease if the 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 company and depriving all other small companies from coming in the field to compete with the big concern. I am sure, that has been the only cause of high fares during the last six or seven years. I, therefore, say, Sir, that if both my amendments are accepted by the House, there will be reduction in the fare and there is no danger of increase in the fare. My amendment is based on the recommendations made by expert Hajis and resolved unanimously by the Haj Committee of Karachi and oral evidence given by the Delhi Muslim Association. With these words, Sir, I move my amendment.

Mr. M. Maswood Ahmad: Sir, I support the amendment moved by my Honourable friend. The amendment was in my name as well, but I did not want to have monopoly of moving all the amendments.

In this connection first of all I want to inform this House that by this clause Government are not showering any boon upon the pilgrims or on the Mussalmans. Although it appears *prima facie* that Government are giving a space of 16 square feet to the pilgrims which they had not before, that is not really the case. Government are simply taking something from one pocket and putting it in in another pocket. Here is a Guide to the General Instructions for Pilgrims to the Hedjaz. On page 29 of this, you will find notification No. 2145, dated Simla, the 17th September, 1897. This is not a quotation from any newspaper and so I think my Honourable friend, Mr. Bajpai, will not challenge it. This is what it says:

"In exercise of the power conferred by section 19, sub-section (1), of the Pilgrim Ships Act, 1895 (XIV of 1895), and in supersession of the orders contained in the notification of the Government of India in the Home Department, No. 260, dated the 5th October 1896, the Governor General in Council is pleased to order that every pilgrim ship shall contain at least sixteen superficial feet and ninety-six cubic feet on a space available for each pilgrim in the between deck on which he is accommodated."

So, Sir, the question of space was already the same as it is at present. Government have taken that portion from their notification and they have placed it in this Bill to show the public that they are anxious for the Mussalmans and for the pilgrims. This is a garb which has been put on the injurious clauses, the clauses which will discourage pilgrimage in the future. And even in the case of space you will see that Government are not following the recommendation of the International Sanitary Convention of the Straits Settlement Ordinances to the word. In this connection I will first quote section 193 of the Merchant Shipping Act, as mentioned on page 88, para. 150, of the Haj Inquiry Committee's Report:

"193. (1) The Governor General in Council may by order determine the number of superficial and cubic feet of space (not being less than the space for the time being required for passengers under this Act) to be available in the between decks for pilgrims of each class, respectively, on board the pilgrim ships.

(2) Every pilgrim ship shall have reserved for the use of the pilgrims on board gratuitously by day and by night so much of the upper deck as is not required for the airing space of the crew or for permanent structures:

Provided that the upper deck space available for pilgrims shall in no case be less than six superficial feet for each pilgrim of the age of twelve years or upwards on board."

In the very beginning, I want to say, that the International Sanitary Convention is an *ex-parte* document. It cannot be a document which can bind Mussalmans. If you will see to the representation of India in this, you will find three names who had gone there to represent India and who represented Mussalmans in the International Sanitary Conventions in the discussion about pilgrimage to Hedjaz and these Honourable gentlemen were Mr. D. T. Chadwick, Mr. J. D. Graham and Mr. R. D. Tata. These were the three gentlemen, Haji's friends, who represented India at the International Sanitary Convention where the question of space for pilgrims was discussed. So, this is absolutely an *ex-parte* document, as no Mussalman was consulted. No Mussalman was given any opportunity to express views on this point and even a passage from the International Sanitary Convention's recommendation or from the Ordinances of the Straits Settlement will show that Government have omitted these portions which were in favour of the pilgrims and have added something to

make it worse. This is the great charge against the Government in this connection. Here you will find that what was in favour of the pilgrims have been omitted altogether and some injurious words have been added. In this connection, Mr. President, I want to quote section 241 of the Straits Settlement Ordinance first and this is what you will find:

"Every pilgrim ship shall have reserved for the use of the pilgrims on board gratuitously by day and by night so much of the upper deck kept free from encumbrance as will provide not less than six superficial feet for each pilgrim on board."

Mr. President, you will find there is no age limit there, but the Government of India have restricted it for pilgrims of above twelve years only. Sir, the International Sanitary Convention says:

"The ship shall be capable of accommodating the pilgrims in the between decks. Over and above the space reserved for the crew, the ship shall provide for each person, irrespective of age an area of 1.50 square metres equivalent to 16 English sq. ft. and a height between decks of at least 1.80 metres, equivalent to about 6 English feet."

Further, they say:

"Pilgrims shall not be lodged on any deck lower than the first between-deck which is below the water line. Satisfactory ventilation by mechanical means in the case of decks below the first of the between decks, shall be provided. In addition to the space reserved for pilgrims, there shall be on the upper deck a free area of not less than .56 sq. meter equivalent to 6 English sq. ft. for each person, irrespective of age."

The phrase again is there "irrespective of age" and it should not be forgotten:

"Over and above the area upon that deck which may be reserved for temporary hospitals, the crew baths and latrines and for the working of the ship."

This is the International Sanitary Convention. But, Sir, the Haj Inquiry Committee again committed that mistake and, in recommendation No. 98, on page 165 of their report, they have endorsed section 193(2) of the Merchant Shipping Act, which does not provide airing space to children below 12 years of age. They did not insist on the phrase "irrespective of age". Why this 6 sq. ft. airing space will not be for pilgrims of an age of below 12 years when the company charges full fare for them, I cannot understand. So this is a great difference from the recommendation of the International Sanitary Convention and from the Straits Settlement Act. The idea was that this thing will be for the benefit of the pilgrims and that each pilgrim, irrespective of age, will get so much open space on the deck, which has been overlooked by the Government.

Further, I want to remove certain doubt about the recommendation of the International Sanitary Convention, that is, the question of 16 sq. feet does not mean that the Government of India cannot increase it from 16 sq. ft. to 18 sq. feet. They cannot decrease it, but they certainly can increase it if they want to treat pilgrims as human beings.

Now, Sir, coming to the merit, you will find what this 16 sq. ft. means: 6 ft. long and 2 ft. 8 in. wide. So a wide space of 2 ft. 8 in. will be given to each pilgrim and these pilgrims will be for 16 days on decks. I ask any supporter of Government, who always supports Government, whether it is right or wrong, how is it possible for a man to sleep in a space of 2 ft. 8 in?

[Mr. M. Maswood Ahmad.]

I may mark a space of 2 ft. 8 in. and ask those supporters to sleep there for one night. Where the Maulana Saheb and others cannot sleep even for one night, they ask 15,000 pilgrims to sleep for 15 nights and to remain packed for 15 days. Even all these pilgrims do not get this 2 ft. 8 in. space and I am glad that the Haj Inquiry Committee admitted it. They admit that in 1913 Mr. A. K. Ghuznavi criticised too severely the inadequate accommodation provided. Paragraph 140 of the Haj Inquiry Committee Report will show this:

"It is true that under present conditions the congestion and confusion on a fully loaded pilgrim ship is terrible."

In argument, they are all right, everywhere they admit it, but in conclusion they follow Mr. Clayton.

Now, comes the question of principle that pilgrims do not get even 2 ft. 8 inches. The procedure is this that at the time of survey they take survey of the whole ship. Suppose there is a ship having a block of 2,000 sq. ft.; they deduct some portion for prohibited area, some portion for table, they deduct some thing for the ladder, they deduct some space for this purpose and for that purpose, and after deducting all these portions, suppose it comes to 1,600 sq. ft. Then they divide it by 16 and then declare that the ship has a capacity for about 100 pilgrims. What about the curvature? What about the wastage. The Haj Inquiry Committee, in para. 146, has admitted that by marking 16 sq. ft. space for each pilgrim, the carrying capacity of the ship will decrease which means that pilgrims do not get even 16 sq. ft. space. Government do not take into consideration all these. How a man can sleep between that bench and this seat, although there is some space here? If pilgrims sleep in this space of 2 ft. 8 in. in the decks at night, they will fall on each other. Sir, even a dead body takes more than 2 ft. 8 inches space in width. There remains absolutely no space in the *gully* to walk. While turning on one way, if they sleep in this short space, one pilgrim comes on to the body of another pilgrim. So they want to make these living persons live like dead bodies. They want to treat these pilgrims who go for religious performance just like a flock of sheep with a space of 2 ft. 8 in. even flock of sheep get some space more than their body in railway wagons. I do not know whether the opposers of this motion have any human feeling or not. And yet Government say that they have brought forward this Bill in favour of the pilgrims: whereas there is absolutely no favour contained in their proposals: on the other hand, it looks as if they want to discourage this Haj business completely.

The Haj Inquiry Committee further says:

"We consider that a similar allowance should be made in the between deck as at present no provision for any passage way is made at all."

So, if there is absolutely no passage given for moving about at night, what happens? A man may want to go to the latrine and he will have absolutely no space to move about: and when I recommended in the Select Committee that this 2'-8" must be made 3', what happened? At Simla, people sided with me on this point and 6' x 3' was recommended. But when the last sitting took place in Delhi, anyhow some supporters of Government were able to win over some of our members and again that decision was taken away and 2'-8" space was restored to the poor pilgrims.

An Honourable Member: It will happen again now.

Mr. M. Maswood Ahmad: They themselves have recommended that there must be 1'-6" space between two rows in order that passengers might go and come. When this question was discussed in the Select Committee, I raised that point; and the same men, who had signed this Haj Inquiry Committee's Report, where it is said that 1'-6" space should be given between two rows, did not support me and sided with the Government and I was defeated there. Sir, I do the duty which has been entrusted to me. I have placed all these facts before the Government and they are in power: they do what they like; they have got so many votes in their pocket: I cannot help it

An Honourable Member: Please do not get excited in your speech.

Mr. M. Maswood Ahmad: This is a question of religion, Sir, and they talk about excitement. What happened further? You will be surprised to hear, Sir, that the witnesses have given evidence for more space. They have said 16 sq. feet space is not sufficient. They are dissatisfied, but Mr. Clayton, in the Haj Inquiry Committee report, was satisfied with even 2'-8" only.

Anyhow, I said in the Select Committee: "If you are going to give only 2'-8", for God's sake, give him full 2'-8". But see the recommendation of the Haj Committee. You will be surprised. Many witnesses have urged that every individual ticket should give the holder the right to a particular space of 16 sq. ft. marked out on the deck and numbered (*see* para. 146, page 86). I suggested this in the Committee as well. I said "If you are going to give only 16 sq. ft., never mind: give it; but mark it off so that there may not be a rush" Sir, I want to remove the chance of the recurrence of the *lathi* charge which happened two months ago and about which questions were put on the floor of this House. Why did that *lathi* charge take place? Because the day before the pilgrims were invited to go and to *loot* (rob and to take by force) their space, when they reached there to get this space, they were detained for eight hours on the docks and then a *lathi* charge was made on them with the same *lathi* which is used commonly by the police. Government may not accept it, but it is a fact. Here, again, what has the Haj Inquiry Committee done? They say:

"We have made careful investigation to satisfy ourselves whether this is a practicable proposition."

And the Government have accepted this foolish argument. What is this practical proposition in marking off 2'-8" of space for each pilgrim? Is it possible or not possible to mark off 16 sq. ft. of space? Is it such an important and difficult question? What is difficulty in marking the space? They then say:

"Our conclusions are recorded in the report of our inspection of S. S. "Vita" on the 28th June, 1929, which is attached as an appendix. It will be seen that passages suggested in the proposal would result in a considerable decrease in the present carrying capacity of the ships."

The main idea is that the carrying capacity of the ships should not be decreased. That means that the calculation at present is wrong and that even this 2'-8" is not given to the pilgrims. They are packed there like a flock of sheep. Sir, I support wholeheartedly the amendment of my Honourable friend, Haji Wajihuddin, on this question that at least you must give 6' by 3' space to each pilgrim, without raising the rates.

Mr. Gaya Prasad Singh: Sir, I support this amendment, and I want to do so, because though I have not gone on the Haj pilgrimage, I have been to another pilgrimage called the Ganga Sagar Mela which is held about the middle of January, every year, and to which a large number of Hindu pilgrims go by steamers from Calcutta chartered by Hoare Miller & Co., and other companies. I was a pilgrim once by that steamer many years back, and I found that the difficulties in getting space was so great that I am quite willing to believe what my friend has said regarding the conditions on Haj pilgrimage. I do not know whether he has performed the Haj or not: however, that is not a matter for consideration; but the space which is given to the pilgrims is really very small; and in that pilgrimage which I have performed neither cooked food was given by the steamer company, nor was cooking on board allowed; and the result was that we had to take our own food—dried grams and such other things for two days which were indigestible. Of course it was only confined to two or three days—I do not exactly remember: but pilgrims had to suffer a great deal on the outward journey to the Saugor Islands as well as on the return journey; and, from the experience which I have myself gathered, I am quite willing to believe that the Haj pilgrims suffer a great amount of hardship if they are cabined, cribbed and confined to the space marked out in this Bill—16 sq. ft. I, therefore, support my friend that the space allowed should be more liberal, considering the physical proportions of some of the pilgrims, sanitary considerations, and such other matters. My Honourable friend also says that there is no space kept between the persons and between the rows of persons on the deck. I myself had some experience in this matter, and, therefore, I am quite willing to believe what my friend has said: when sleeping at night there was some difficulty and confusion; one man was tumbling over another man, and so on. (Laughter.) Really Government should seriously do something more substantial. Why should people be allowed to be huddled together like dumb driven cattle in this way? Steamers have been plying between India and Tanganyika and other African territories, and the same sort of complaint is very often heard; and I was one of those who have often to complain on the floor of this House on these matters. Now, I find that even persons, who go on pilgrimage to the most important places, held sacred by Muslims, are permitted to go under these conditions. Therefore, it is high time that conditions must be improved according to the requirements of the case and on more hygienic principles, and no sort of extra charges should be made. With these few words, I wholeheartedly support the amendment of my friend.

Mr. G. Morgan: Sir, I do not want to take up any more time of the House with regard to this question; but I want to put to Government one point. Sir referring to section 193 of the Merchant Shipping Act, I find that in the International Sanitary Convention (*vide* Education, Health and Lands, Notification No. 2592, dated the 31st December, 1930), it is stated in the Schedule, that the measures prescribed in the Schedule to this Agreement shall be applied with effect from the date on which this Agreement comes into force pending the ratification of the revised International Sanitary Convention on behalf of India. The Schedule gives 16 sq. ft. and the question I would like the Government to answer is, would it not, by putting in the words "Not less than 18 square feet" as the amendment proposes, be a definite breach of the Anglo-Dutch Agreement and

the International Sanitary Convention? (*An Honourable Member: "No."*) The words "at least" or a "minimum" are not mentioned in these agreements. That is all I want to say. Sir, I cannot understand the arguments of some of my Honourable friends. If 18 sq. ft. were allowed, it is double the space allowed to a native passenger who gets nine superficial and 54 cubic feet under section 179 of the Indian Merchant Shipping Act. What do they do with half the space if people cannot live in 16 sq. ft.? The native passenger lives in half the space. Sir, I oppose this amendment.

Shaikh Sadiq Hasan: Sir, I very strongly support this amendment. While on the one hand the charge has been levelled against the Government that they are trying to check pilgrimage, on the other hand it is stated that Government are anxious to show solicitude for the pilgrims. The net result of their solicitude for the pilgrims is that they want the shipping companies to allow 16 sq. ft. space for each passenger. 16 sq. ft. means only 6 ft. by 2.8 ft. which is hardly sufficient for a man to lie down. Sir, there are thousands of men and women who go on Haj pilgrimage, and what we find is this. A woman will be lying with another man side by side, and such a thing is really intolerable. If the Government have really soft feelings for the poor people, they should insist upon the shipping companies, who make so much money, to provide some *purdah* arrangement for the women who want to perform the Haj. On the other hand, what is the Government doing? All those, who are so fastidious in taste and would like to have big cabins for themselves, consider that 16 sq. ft. space is quite enough for a human being. I do assert, Sir, that even the dogs when they are taken on some boats are allowed a larger amount of space than is allotted to these poor Haj pilgrims. After all, these pilgrims may be poor people, but on that account they should not be ignored, because they are also human beings; at least I consider them as much my brethren as I will consider any other important person. I do feel that it is not very fair to put them in such a position where one's feet will be touching the head of another, and where a woman will be lying adjacent to another man. I think it is really a very serious matter. I have got the greatest regard for members of the Select Committee who reported in favour of it, but I ask them, is it in the interests of these poor pilgrims that they should be allotted only 16 sq. ft. instead of 18 sq. ft.? Why do not the Government have the courage to tell the shipping companies to allot sufficient space for these people so that they may travel in comfort? I don't say they would be quite comfortable, because it is impossible to be comfortable in a voyage when the people are not accustomed to it, but they should be allotted sufficient space. With these few words, I support the amendment.

The Honourable Khan Bahadur Mian Sir Fasil-i-Husain: Sir, in the first place, let me assure the House that the Government never wanted to show, by means of the provision which is now under discussion, any favour whatsoever to pilgrims or to anybody else. I don't think a word has been said by me or by anybody speaking on behalf of Government that the provision relating to 16 sq. ft. is a favour that Government are doing to the pilgrims or to the Muslim community. I do not understand wherefrom the Honourable Member from Bihar and Orissa has got hold of

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this idea. He has imported a great deal of feeling into the controversy, and has taken upon himself the task of impugning the independence of opinion of the entire Haj Inquiry Committee consisting mostly of Members of this House by making a palpably ridiculous allegation that they simply signed the Report or the opinions recorded by the Chairman. It does hardly any credit to any one of us in this House to make an allegation of this sort against any other Member. What a contrast, Sir, to a speech made on the floor of this House by a member of this Committee from the Punjab who said: "Sir, I have done my duty honestly recording my opinion independently and fearlessly, and I believe the Honourable Members who are opposing my view are also doing the same honestly and fearlessly". Unless we adopt that attitude in this House, I do not see how the high traditions of this House can be maintained

[At this stage, Mr. President (The Honourable Mr. R. K. Shanmukham Chetty) vacated the Chair which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

The Sanitary Convention about which the Honourable Member spoke to feelingly and to which he was no party and the great community to which he belongs was no party, he said, was not binding on him. May I assure the House that it was not a contract between the Muslim community and the other party, and there was certainly no idea of contractual obligations incurred thereby. He might perhaps know that the Sanitary Convention relates to sanitary matters, and the question of religion does not come into it. The space required would be the same, whether it was required by a Christian or a Muslim or a Jew or a Hindu

Mr. M. Maswood Ahmad: Was there any one to represent the Muslim point of view?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: There is no Muslim point of view, unless the Honourable Member is prepared to go so far as to say that the requirements of Muslims either on account of largeness or smallness of their size or of their breathing apparatus are different from those of other human beings who have not adopted the religion of Islam. If he is prepared to go so far as that, then in future if a Sanitary Convention is held, a case might be made out by the Muslim community for being represented on it.

Then, Sir, the Honourable Member talked of "irrespective of age". So far as I can see, "irrespective of age" exists still there. The rule under that has not been changed in any way.

Then, Sir, the Honourable Member himself and others who supported him, began to talk of toes touching toes and arms touching arms and people getting over other people when they have to move about in the ship. May I ask, whether the proposed amendment gets over all these troubles? After all, the additional space will not be so very much as to allow something else to intervene between toes and heads or arms and arms. What is more, he gave the House the impression that it is now

for the first time that Government have made this rule, this horrible rule, under which pilgrims will be suffering from all these terrible inconveniences, and he drew a most lurid picture of Government initiating conditions which are terrible to contemplate. This is very largely due to the fact that he has up till now contented himself with serving the best interests of Hajis without like me having undertaken the pilgrimage himself. Right up till this year, under the existing rules, pilgrims have no more space than 16 square feet.

Mr. M. Maswood Ahmad: That is what I have said.

The Honourable Khan Bahadur Mian Sir Fasil-i-Husain: I am glad to hear that. Therefore, when he says that it cannot be done, it must be wrong, because it is being done year after year. What is the reform that it can be rightly claimed is being effected? Now, that space is being occupied by the pilgrim, by his cooking utensils, by his *angiti*, by the rations that he has brought from home and, in the case of the well-to-do, by his cock and by his hen and by his eggs and by his goat. All those disappear and the space taken up by the cock, the hen and the eggs will in future be occupied by the pilgrim himself. The Committee do not profess to do any more than that the Government do not claim that in future 16 sq. feet will give a larger space than it does at present. The only object is that encumbrances, which used to take a large part of this space, will be removed and the pilgrim would feel more comfortable than he does at present. Why limit yourself to 16 sq. feet? A question has been propounded by Mr. Morgan to the effect—is it open to the Government to legislate that the space should be more than 16 sq. feet? Keeping in view certain passages which he read out from the Convention, I have been advised, that there is nothing to prevent Government agreeing to a larger space than 16. 16 is the minimum space insisted upon by the Convention and, if people can go beyond that, there is nothing to prevent that being done. Why then Government do not go in for 18, 20 or 24 or any other space? Obviously 16 is not as good as 18. I am free to confess that. I was myself most anxious to increase the space, although I cannot say that the Honourable Member from Bihar, who so feelingly spoke, could be said to be the typical pilgrim. He is above the normal, Honourable Members will agree with me in thinking. He requires more space than a normal man would require.

(Interruption by Mr. M. Maswood Ahmad.)

Mr. Gaya Prasad Singh: What about a thin man like myself, for instance?

The Honourable Khan Bahadur Mian Sir Fasil-i-Husain: A case for rebate might in that case be made out. Obviously what is overlooked is that you cannot have additional space without paying for it. That is the trouble. I would very gladly have given 18 square feet. I can assure the House that I gave a good deal of thought and time to this question. The shipping companies were face to face with three attacks. One was the food attack, the other was the space attack and the third was the ticket attack. The food attack thrust the responsibility of giving cooked food on the company and they did not want to take it. We wanted

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them to give more space for the same price and they did not want to agree to it. We wanted them to agree to compulsory deposit and give up the return ticket and they did not want to do that. I was assured that it is in the interest of the pilgrims that food reform be carried out and after protracted negotiations I was able to obtain a half hearted agreement from the shipping people as regards cooking. They were most unwilling to agree to it and trotted out all sorts of difficulties. They could not very well say an absolute "No" to all the three points. As to space they were business like. We are at present getting so much money out of so much space at the rate of 16 square feet. If you want us to give 18, increase the fare and get it. On these terms the Select Committee of this House was not prepared to take it.

Mr. M. Maswood Ahmad: Why not fix the rate per square foot?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I do not think I really need answer the interruptions of the Honourable Member when they neither are helpful nor amazing. Now, Sir, the members of the Committee felt that if the fare was increased, it would be a great hardship and people would not agree to it. It was with great reluctance that I had to give it up and it will be noticed by those who have read the Haj Inquiry Committee's report that it was exactly the feeling of the Committee itself. They wanted to move in that direction, but they could not. They were already imposing a liability on the shipping company in the matter of food and they were justified in pointing out that that reform is likely to give a certain amount of space for the convenience of pilgrims which up till now has been taken up by the pilgrim's miscellaneous luggage. I am afraid there was no alternative for Government but to rest content with the position as to space being left, as at present, in the hope that conditions will improve or if they do not improve or if the demand for greater space at a price is brought to our notice, we can always move in that direction. Therefore, I oppose the amendment.

Maulvi Muhammad Shafee Daoodi: Sir, my friend, Mr. Maswood

4 P.M. Ahmad, has unnecessarily displayed great heat over the matter and used very harsh language towards the members of the Haj Inquiry Committee without realizing to what extent he was hurting the feelings of those who devoted their time to this piece of work. I vainly tried to find out from his speech as to whether there was any substance in it. He has not considered at all that the space on board the ship has to be paid for. He seemed to think that any space any man can have without paying for it! If he had considered the question of payment for the space allotted to a pilgrim or to a passenger on board the ship, he would have given some reasons for it, but I did not hear a word about it in his speech. The question is that everyone—as it was put by another speaker—would like to have greater space for the minimum of value that he can pay for it, but the question before us was as to whether the congestion and the confusion, that arises on board the pilgrim ship, can be minimised by allowing greater space than at present. The question arose that with the allotment of greater space we have to pay greater value for it. Those who have read the Haj Inquiry Committee's Report might have realized that there were several ways and means discovered how the

congestion could be minimised. One of the ways of minimising the congestion was to compel every pilgrim to deposit his big packages in the great hold underneath the decks. The other was to provide them with cooked food so that the provisions of uncooked food which they take with them and which takes a lot of space might also be saved. A third was that the airing space over the deck, which used to be utilised by first class passengers, should be cleared for the purposes of the deck passengers all the hours of the day and night. Now, the considerations before us were—either to increase the rates, or to have other measures adopted in order to reduce the congestion on account of so many pilgrims put together. We weighed both sides of the question and we came to the conclusion that the Haj is already so dear to the poor people that we must not try to raise the expense if we could help it, and, therefore, we came to the conclusion that for a few years our recommendations might be carried out and it might be seen whether the provisions we had made would remove the congestion in the between decks and whether the same difficulty would remain. Now, we unanimously came to the conclusion that we should not at that stage try to give them more space, which would certainly entail additional cost to the pilgrims, but try to remove those causes which lead to congestion, and we have for that reason recommended so many things in this report.

At first the Act did not mention as to what space had been allotted for these pilgrims. The Act was silent on the point. Section 93, clause (1), said only this much:

“That the space should not be less than the space for the time being required for passengers under this Act.”

This led to great anomalies. The pilgrims did not know as to what space had been allotted to them so that they might claim as of right from the Captain at the time when they board the ship. We proposed that this omission in the Act must be remedied and we should put a clause in the Act itself as to what space has been allotted.

Mr. M. Maswood Ahmad: May I tell my Honourable friend one thing? Under the present Act it is in the power of the Governor General in Council to increase the space from 16 sq. ft. to 18 or 20 or 24 sq. ft., whatever the Governor General may choose, but after the passing of this Bill the power will be taken away from the Governor General in Council and even the Governor General in Council will not be in a position to increase this space.

Mr. G. S. Bajpai: No, Sir. We are merely prescribing the minimum space.

Maulvi Muhammad Shafee Daoodi: I do not know how my Honourable friend reads the clauses . . .

Mr. M. Maswood Ahmad: I have just quoted the actual words.

Maulvi Muhammad Shafee Daoodi: But I was going to tell him something else. I was saying that because the Act did not mention the exact space to which the pilgrim was entitled after paying so much money for it, we thought it should be mentioned in the Bill itself so that every pilgrim

[Maulvi Muhammad Shafee Daoodi.]

should know that that is the space which he is entitled to get from the Captain; and, therefore, we recommended that it was desirable that the minimum space for each pilgrim in the in-between decks should be prescribed under section 93(1) of the Indian Merchant Shipping Act, just as the space on the upper deck was prescribed under section 53(2). So it was according to our recommendation that the fact should be mentioned in the Act itself that the Government have made this proposal in section 93(2). My Honourable friend was very vehement on this question and he misconstrued the whole thing. The mention of this fact in the Bill itself does not take away the power from the Governor General in Council at any time to increase the space. Then, my Honourable friend told us that the calculation was absolutely wrong, and, therefore, the pilgrims had not got even the 16 sq. ft. which had been allotted by the rules and regulations for the pilgrims, but there my friend has overlooked one fact. Here, at page 210, we have mentioned how the calculation is made. It is made in this way. Holds are separate parts and blocks on board the ship. Each hold is measured separately and deductions are made on account of any obstructions which would decrease the actual space available, such as stairways, ventilators, casings, hatches, etc. Each hold or space for accommodating passengers is separately calculated and the number of passengers, legally authorised to be carried, is shown separately in the case of each part of the ship open to passengers. The adequacy of the ventilators is checked in the case of between-decks. But we did not content ourselves with this rule of measurement. We made recommendations in this respect which will be found, I believe, at page 164 of the Haj Inquiry Committee's Report.

"When a pilgrim ship is under survey, a deduction of an alley-way space of one and a half feet in width should be made in the between-decks as has already been done in the case of the upper deck."

Mr. M. Maswood Ahmad: But it has not been done.

Maulvi Muhammad Shafee Daoodi: It is a matter for us now to see that the rules are strictly obeyed. The laws have been made, but the Mussalmans are not alert enough to see that those laws are obeyed. It is our fault and not the fault of the law givers. They have given you certain rights and we ought to know how to utilise them. I have already said that the rules are not being followed strictly and, therefore, the pilgrims are put to trouble. We have tried to make all these rules prominently mentioned in some part of the Act and prominently written on some part of the ship, so that the pilgrims may know their right and may claim it as a matter of course.

Mr. G. S. Bajpai: On a point of explanation, Sir, to clear up what my Honourable friend, Maulvi Muhammad Shafee Daoodi, has just said. We propose to make a rule to give effect to recommendation No. 85 as regards the alley-way.

Maulvi Muhammad Shafee Daoodi: Thank you. My friend was trying to lay great stress on the fact that the 16 square feet is absolutely insufficient. If the space can be increased, I shall be most delighted, but I am afraid, at the same time, that I would be increasing the burden of the pilgrims more than they are at the present moment. The members of the Committee have also made observations on this question. They found that

the camp cot which was generally sold in Bombay for the pilgrims' use is quite enough for lying down and even turning to their sides. That cot is 6 ft. 5 inches \times 2 ft. 6 inches. A reference has been made to it also somewhere in the report. About 50 per cent. people purchase these cots at Bombay.

Khan Bahadur Haji Wajihuddin: Not 50 per cent. people; there might be only five per cent. people who purchase these cots.

Maulvi Muhammad Shafee Daoodi: I know many people purchase these cots. They lie down on these cots and keep their luggage underneath. I think they are quite comfortable. Those who do not purchase it have to undergo the hardship of sharing the space with their luggage. There is no help for it. Therefore, it is not true to say that a man cannot sleep within that space. Certainly the people are not huddled together. There are several small blocks in the ship and all these small blocks are measured in the way in which I have suggested, alley-ways being excluded.

Mr. M. Maswood Ahmad: Are alley-ways excluded?

Maulvi Muhammad Shafee Daoodi: Yes. Just now our Honourable friend, Mr. Bajpai, has said to that effect. Perhaps my Honourable friend was not attentive at that time. All these things being considered, the pilgrim has to pass his days with 16 sq. feet. But, as I told the Honourable Members, it is the cost that prevented us from recommending a greater space. If my Honourable friend could convince the pilgrims to Hedjaz to pay more, certainly we should be very glad to have more space per pilgrim, but I am not of the opinion that the poor pilgrims should be taxed more than what they are taxed at the present moment for the space of 16 square feet. Sir, my friend has accused us of saying one thing at one time and another at another time. He said that without any justification. I am very sorry I am not accustomed to reply to such insinuations. All that I need say is that my friend has no idea whatsoever of any pilgrim ship. That is his trouble. If my friend had taken the trouble of going on a pilgrimage and seen for himself what sort of accommodation there is on a pilgrim ship, then his suggestions might have had some value in our eyes. Now, we know the difficulties and we have tried to solve them. We have come to certain conclusions. (Interruption by Mr. M. Maswood Ahmad.) Haji Wajihuddin has not used strong expressions against anybody; he has not found fault with the motives of the members of the Haj Inquiry Committee. He has not insinuated one thing or the other against the members of the Haj Inquiry Committee. He has of course laid his own case. I also want that the space should be increased, but I am afraid that the shipping companies would not agree unless they get additional money. For these reasons my friend should not press his point and should wait till such time as he has performed the pilgrimage himself and then come forward with amendments of this nature.

Mr. M. Maswood Ahmad: I want two minutes, Sir, for a personal explanation.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Honourable Member cannot make a second speech.

Mr. M. Maswood Ahmad: It is a personal explanation, Sir. On page 83, the report of the Haj Inquiry Committee says:

"The alley-way space, one and a half feet in width, is also deducted on the upper deck as necessary for the purpose of working the ship. This is not provided for in the rules but the shipping companies have raised no objection to the deduction being made."

I cannot understand on what strength the Maulana Saheb says that it is deducted.

Maulvi Muhammad Shafee Daoodi: This is not a personal explanation.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Sir, I had no intention to take part in this discussion, but as our official mathematician is not present in the House and as I used to debble in this subject at college, I make myself bold to put some figures before this House. My friend, Maulvi Shafee Daoodi, had stated before the House that the space allotted per pilgrim (16 square feet) is just enough for putting a camp-cot, 2 ft. 6 inches broad and 6 ft. 5 inches long. I may point out to him that it exceeds the limit of 16 square feet by a fraction and then one has to take into consideration the fact that, in order to be comfortable in the camp-cot, one has to have some open space by one of the sides of the cot. Now, it is evident from the speech of my Honourable friend that certain pilgrims purchase camp-cots and they use them on board the ship. It means that it is a very great hardship for the poorer people who cannot afford to purchase a camp-cot. These camp-cotwallahs are utilising more space than 16 square feet and in that way they are trying to inconvenience the poorer pilgrims who cannot afford to purchase a camp-cot. And, if all the persons were able to purchase camp-cots, then it is quite plain that there will not be enough space to place these camp-cots there and people will not be able to get into them.

An Honourable Member: What is the excess space required?

Mr. B. V. Jadhav: There must be space to get down from the cot and get into the cot. I, therefore, hold that a space of 16 square feet is quite inadequate.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The question is:

"That in clause 6 of the Bill, for the words 'sixteen and ninety-six' the words 'eighteen and one hundred and eight' be substituted."

The Assembly divided:

AYES—10.

Anwar-ul-Azim, Mr. Muhammad.
Azhar Ali, Mr. Muhammad.
Gunjal, Mr. N. R.
Kyaw Myint, U.
Maswood Ahmad, Mr. M.

Misra, Mr. B. N.
Neogy, Mr. K. C.
Sadiq Hasan, Shaikh.
Uppl Saheb Bahadur, Mr.
Wajihuddin, Khan Bahadur Haji.

NOES—54.

Abdul Hye, Khan Bahadur Abul
Hasnat Muhammad.
Ahdur Rahim, Sir.
Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakah Khan Tiwana, Khan
Bahadur Malik.
Amir Hussain, Khan Bahadur Saiyid.
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.
Ibrahim Ali Khan, Lieut. Nawab
Muhammad.
Ismail Ali Khan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur
Sardar.
Jehangir, Sir Cowasji.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lal Chand, Hony. Captain Rao
Bahadur Chaudhri.
Leach, Mr. A. G.
Mackenzie, Mr. R. T. H.
Megaw, Major General Sir John.

Metcalf, Mr. H. A. F.
Millar, Mr. E. S.
Mitchell, Mr. D. G.
Mitter, The Honourable Sir
Brojendra.
Morgan, Mr. G.
Mukherjee, Rai Bahadur S. C.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Noyce, The Honourable Sir Frank.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Rafuddin Ahmad, Khan Bahadur
Maulvi.
Raisman, Mr. A.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rau, Mr. P. R.
Ryan, Sir Thomas.
Sarda, Diwan Bahadur Harbilas.
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. R. F.
Trivedi, Mr. C. M.
Vachha, Khan Bahadur J. B.
Yamin Khan, Mr. Muhammad.

The motion was negatived.

Mr. M. Maswood Ahmad: Sir, I move:

"That at the end of clause 6 of the Bill, the following be inserted:

'and at the end of the said sub-section the following *Explanations* shall be inserted,
namely:—

Explanation 1.—The space determined by the Governor General in Council for each pilgrim shall be marked and numbered.

Explanation 2.—When a pilgrim ship is under survey, a deduction of at least one and a half feet in width between two rows of marked spaces and of at least six inches in width between two marked spaces shall be made in between the decks."

In moving this amendment, I will not make any long speech, but only I will request you, Mr. Deputy President, that on both these *Explanations* voting should be taken separately. I will say that this is a most innocent amendment even in the eyes of the co-operators. This is a very simple amendment. The space of 16 sq. ft., or whatever it may be, should be marked. Whatever Government intend that pilgrims should actually get they must get it if Government are honest.

The second *Explanation* is that a width of one and a half feet should be given between two rows of marked spaces. My Honourable friend, Mr. Bajpai, has said that this deduction is made and the Maulana Saheb as well has said that it is made. If it is made actually, then there is no harm and I have got nothing to say but I shall say that it is not made.

Mr. G. S. Bajpai: Sir, I was going to correct my Honourable friend. I did not say that what he suggested in *Explanation 2* was being done. What I said was that effect will be given to the recommendations of the Haj Committee. This has no connection with what I have said about alley-way in the between decks.

Mr. M. Maswood Ahmad: The Maulana Saheb emphasised that it is made and Mr. Bajpai says, that would be deducted. I say that a deduction of at least one and a half feet in width between the two rows of marked spaces and of at least six inches in width between two marked spaces should be made in between the decks as well. That will be the alley-way. There should be one row and then another row and between these two rows there should be an alley-way of one and a half feet. So, Sir, I move this amendment, and I request that voting on these two *Explanations* should be taken separately, so that if one *Explanation* is lost, the other *Explanation* may be accepted by the Government. In this connection, I say that my information is what about the deduction on page 83, the Haj Inquiry Committee said:

"We consider that a similar allowance should be made in the between decks, as at present no provision for any passage way there is made at all."

The Haj Inquiry Committee further have recommended that one and a half feet alley-way should be deducted in calculation and I have mentioned that.

Sir, I move.

Mr. G. S. Bajpai: I think it would be just as well to explain our position to the House now. The Honourable Member, who has moved *Explanation 1* that the space determined by the Governor General in Council for each pilgrim shall be marked and numbered, and then his *Explanation 2* where he says "When a pilgrim ship is under survey, a deduction of at least one and a half feet in width between two rows of marked spaces and of at least six inches in width between two marked spaces shall be made in between the decks." As a matter of fact, reading the two together, it appears to us that what the Honourable Member is aiming at is not what is provided in recommendation (85) of the Haj Committee, namely, the allowing of an alley-way space of one and a half feet width in the between decks as is done in the case of the upper decks at the present moment, but a provision of one and a half feet between each row of pilgrims on board ship. I find on calculation that the result of that would be that, as against 16 sq. ft., which is prescribed for each pilgrim today, we should be allowing 32 sq. ft., for each pilgrim. If raising for each pilgrim from 16 sq. ft. to 18 sq. ft. makes an increase of 12½ per cent of the expense, which we think is excessive, a fortiori an increase from 16 sq. ft. to 32 sq. ft. makes a cent per cent. increase in the cost and cannot be accepted.

Mr. M. Maswood Ahmad: Sir, the calculation of my Honourable friend is not correct. I want 6 inches between two marked berths to be allowed from here to there and then the second thing I want is that between these two such rows there must be an alley-way of one foot and six inches. It will become 3½ sq. ft. more. I do not say that between each seat there should be one foot and six inches. (An Honourable Member: "What about the third and fourth rows?") If Government are not prepared to accept the second *Explanation*, and if they are prepared to accept the first *Explanation*, that seats should be marked,

then I am ready to withdraw even the second *Explanation*. What I want is that if Government insist on only 16 sq. ft. for each pilgrim, let them do it, but they must be honest in giving it. By calculating in the present way they cheat the pilgrims. The corners, alley-ways, and other things should have been deducted. They actually should give 16 sq. ft and they should not merely say that the capacity is so much . . .

Mr. Deputy President (Mr. Abdul Matin Chaudhury): Under the guise of personal explanation, the Honourable Member cannot make a second speech.

Mr. G. S. Bajpai: Sir, my Honourable friend interrupted me before I had completed what I had to say. I explained that *Explanation* No. 2 could not possibly be accepted for the reason which I have already given, and as regards *Explanation* No. 1, I was going to point out that the Haj Inquiry Committee recommended that as an experimental measure we should go some way in the direction suggested by the Honourable Member, namely, mark out spaces capable of accommodating batches of five people, eight people, 10 people or 12 people or a similar number of pilgrims and that we propose doing that. I hope that in these circumstances my Honourable friend will see his way to withdraw his *Explanation* No. 1.

An Honourable Member By rules?

Mr. G. S. Bajpai: By rules, yes.

Mr. S. O. Mitra: Sir, I have not understood the explanation of my Honourable friend, Mr. Bajpai. Is he agreeable to the suggestion made here by framing proper rules to make provision to mark out spaces of 16 sq. ft. each on the deck of the steamers and number them?

Mr. G. S. Bajpai: No, Sir. What I said was that we are at this stage proposing to mark out spaces for each individual pilgrim. We are as an experimental measure trying the recommendation made by the Haj Inquiry Committee itself, namely, to mark out space for groups of five people, eight people or 10 people. If that works, then we shall proceed to the next.

Mr. S. O. Mitra: Now, I have heard my friend, but from my experience of these steamers, I can tell the House that this is no protection. In every ship, according to the space available for passengers, there is a number fixed for third class passengers and similar available fixed numbers for other classes of passengers, but in actual practice much larger than fixed numbers are packed in these steamers. I think the suggestion of my friend, Mr. Maswood Ahmad, is a very reasonable one. I do not know whether it should be left to the rule-making power to do it or it should be incorporated in the Statute itself, but steps should be taken and not to leave it to the steamer companies merely to say that on the middle deck there is space only for 500 men or in the upper deck there is space for 300 men, and, working on these averages, I have always found that they never observe this practice. Therefore, it works as a hardship for the passenger and it is a very innocent proposal, and, unless Government are determined to vote down any suggestion that is made, I think the Government should see their way to accept it.

Sir Cawasji Jehangir: Sir, as I understand it, the position is as follows: each pilgrim is given 16 sq. ft. Ordinarily that may mean that if there is a certain area which you measure out in sq. feet and it is x number of sq. ft. and if that x number divided by 16 gives y , then y is the number of pilgrims that would be accommodated in that area. That is what is done at present, but what the Honourable the Secretary of the Department explained was that they would by rules enforce the company to mark out squares, say for four people which would be 64 sq. feet and they would make rules whereby the company would have to accommodate only four people within that space. If it was for five people, it would be 80 sq. feet and so on.

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

By this means you would eliminate little corners which otherwise would be counted in the area available for pilgrims, little corners in which the pilgrim could not sleep or otherwise make use of. That seems a very reasonable solution of the problem; and as the Honourable the Secretary said it might lead on ultimately to squares being marked out of 16 sq. ft. each. This is a very sound beginning. I presume that each child also will be allowed 16 sq. ft. along with the adults.

Mr. G. S. Bajpai: That, Sir, is the position under the International Sanitary Convention: they make no distinction between children and adults.

Sir Cawasji Jehangir: That being so, whether it be adult or child, you will mark out squares for five or six people and each square will be a multiple of 16, and, that is an assurance given by the Honourable Member to the House that that will be done by rules. I understand that is so

Mr. G. S. Bajpai: That is what I have stated: that it is our intention to make a beginning experimentally and make rules for that purpose.

Sir Cawasji Jehangir: That is an assurance given by Government that that will be done and, under those circumstances, I do think that my Honourable friend ought to be satisfied with this, because it is a great advance. He may stipulate it in his reply, that a square shall not be for more than four persons and that they should be small squares, and that they should be reduced as Government may think fit in the future. Of course the proposal in *Explanation* No. 2, as the Secretary has explained, is for an alley-way of 1' 6" between rows, and that would simply double the accommodation which would be impossible; and, therefore, my Honourable friend, I trust, will see his way to accept the explanation given by the Government and pass on to his next amendment.

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras: Muhammadan): On a point of information, Sir. Is it not a fact that even children will have to pay the same fare as adults, in which case alone 16 sq. ft. will be allowed? I want to get that information from the Secretary.

Mr. G. S. Bajpai: My Honourable friend is as familiar with the existing practice as I am: that is to say, that for children the same fare is charged as for adults: but our intention is, in accordance with the recommendations

which have been made by the Committee, to make a suggestion to the company, that they may make a concession for children between 8 and 12 years of age; but I cannot at this stage say more than that.

Maulvi Sayyid Murtuza Saheb Bahadur: Is it only a suggestion?

Mr. G. S. Bajpai: Yes.

Mr. M. Maswood Ahmad: Will the Honourable Member say whether this group will be for four or five or whether it will be for 100 or 200 people?

Mr. G. S. Bajpai: If my Honourable friend would indulge in exaggeration, it is absolutely impossible to argue. I have stated, as clearly as I can, that the intention is to mark out spaces for groups of five, eight, ten or twelve. I have not gone beyond twelve.

Mr. M. Maswood Ahmad: In view of the assurance given that the space will be marked for 2, 4, 8, 10 or 12—and not more than 12 at the most—I ask for leave to withdraw my amendment.

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

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

“That clause 6 stand part of the Bill.”

The motion was adopted.

Clause 6 was 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. M. Maswood Ahmad: Sir, I beg to move:

“That for clause 7 (a) of the Bill, the following be substituted:

‘(a) in sub-section (1):

(i) after the words ‘as may be prescribed’ the following words shall be inserted, namely:

‘and such medical officers and attendants shall give their services and medicines free to all sick pilgrims on board’.”

Mr. G. S. Bajpai: May I just explain, Sir, in order to save the time of the House that sub-clause (3) of clause 7 makes provision for the free provision of services by the medical officer and attendants?

Mr. M. Maswood Ahmad: It makes provision for free medical service, but not for free medicines and that is what I am seeking in my amendment. I have taken my wording from the wording of the Straits Settlements Ordinance. (See sub-section (2) of section 214). I want that medicines also should be supplied free of charge.

Mr. G. S. Bajpai: Sir, I wish to explain to my Honourable friend that his amendment implies two things: first, the provision of medical attendance free of charge and secondly provision of medicines free of charge. As regards the provision of medical attendance free of charge, I have already drawn his attention to clause 7(3) where we penalise the charging of any fee and, therefore, indirectly provide for the provision of free services by the doctor and the medical attendants. As regards medicine also, we propose to take power under our rule-making power, to provide medicines and stores free of charge by amending sub-section (j) of section 213 of the Act. Therefore, my Honourable friend's both objectives are met and I suggest that he should withdraw his amendment.

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

"That for clause 7 (a) of the Bill, the following be substituted:

'(a) in sub-section (1):

(i) after the words 'as may be prescribed', the following words shall be inserted, namely:

'and such medical officers and attendants shall give their services and medicines free to all sick pilgrims on board'."

The motion was negatived.

Mr. M. Maswood Ahmad: Sir, I move:

"That in clause 7 (a) of the Bill the following *Explanations* be inserted at the end:

Explanation 1.—If more than one medical officer be on a ship, the other may be a *Hakim* licensed as prescribed.

Explanation 2.—If the number of women carried exceeds one hundred, there shall be a lady doctor or midwife on every pilgrim ship."

Sir, it will be found that the Haj Inquiry Committee examined many witnesses who had pressed the point that there should be some *Hakim* on board the pilgrim ship. Some people who proceed on pilgrimage are accustomed to the unani system of treatment, especially people from the villages who go in large numbers to perform the Haj are not accustomed to the allopathic treatment, and generally 90 per cent of the men in the villages are only accustomed to the unani system of treatment. Therefore, I have suggested that there should be a *Hakim* on every pilgrim ship when there are two medical officers. Here provision has been made for two medical officers, but when the number of passengers or pilgrims exceeds a certain figure, I want that one of them should be a *Hakim*.

Then, again, if the presence of a doctor is necessary for a man, I consider that the presence of a midwife is equally necessary for a woman. So as provision has been made for a doctor up to a certain number of pilgrims, I have suggested that a midwife should be employed when the number of women pilgrims exceeds 100. This midwife can examine the sick lady pilgrims and may inform the male doctor who will give the proper treatment. Sir, women in India are not accustomed to be examined by male doctors. In European countries women are examined by male doctors, but in India it is not possible for male doctors to examine ladies, and so I suggest that if the number of lady pilgrims is more than 100, there should be one midwife on board the ship.

Mr. G. S. Bajpai: Sir, as regards my Honourable friend's first *Explanation*, we regret we cannot accept it, because these ships are really governed by the International Sanitary Convention, and we can

only employ doctors who get internationally recognised. A *Hakim* unfortunately cannot be internationally recognised, and that is the real difficulty in this case.

As regards my friend's second *Explanation*, namely, the provision of a midwife, the position is that we intend to make a recommendation that wherever possible there shall be a qualified nurse or midwife who should preferably be a Muslim, in addition to a female attendant on every pilgrim ship carrying female pilgrims. That, Sir, is the attitude of the Government. The reason why we are not actually making a rule or inserting a provision to that effect in the Bill is that the employment being of a casual character, we may find it sometimes impossible to comply with the provision of the law.

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

"That in clause 7 (a) of the Bill, the following *Explanations* be inserted at the end:

Explanation 1.—If more than one medical officer be on a ship, the other may be a *Hakim* licensed as prescribed.

Explanation 2.—If the number of women carried exceeds one hundred, there shall be a lady doctor or midwife on every pilgrim ship."

The motion was **negatived**.

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

"That clause 7 stand part of the Bill."

The motion was **adopted**.

Clauses 7 and 8 were added to the Bill.

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

"That clause 9 stand part of the Bill."

Mr. M. Maswood Ahmad: Sir, I move:

"That in clause 9 of the Bill, in the proposed sub-section (1A), after the words 'are duly qualified' the following be inserted:

'or by persons who are in Government service or by such private practitioners or by such licentiates whose names may appear in the Medical Council Register, if such a register be maintained in India'."

Government have said that no pilgrim shall be received on board unless he produces a medical certificate signed by those persons who, in the opinion of the officer making an inspection under this section, are duly qualified to grant such certificates, etc. It is stated that only the services of those persons who, in the opinion of the officer making an inspection under this section, are duly qualified will be accepted. Sir, pilgrims go from different villages and from different places, and it is not always possible for them to get these certificates. And so, if it is insisted

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that the certificates of particular medical officers alone should be produced, it will be very difficult for the reasons I have stated. I know that my friend will seriously object to including the licentiates, because Government do not want to recognise them, but what I say is that if there is a medical register, and if the names of these people are on that register, and if they certify that such and such pilgrim has taken cholera vaccination or has been inoculated for small-pox, such certificates should be recognised and the pilgrims holding such certificates should be exempted from appearing again for a further examination. That is why I move this amendment.

Mr. G. S. Bajpai: Sir, my Honourable friend's objective is that there shall be elasticity that is to say, a pilgrim shall be able to get himself inoculated by a doctor near his own village. That seems to be his main objective, and I should like to inform him that it is the intention of the Government to give instructions to the port health officer that he should accept certificates issued by the Civil Surgeon or a District or Medical Officer of Health; secondly, a certificate issued by any other registered practitioner,—that is what my friend is really aiming at,—countersigned by a Civil Surgeon or a District or Medical Officer of Health. We have to provide for the countersignature there, otherwise there is absolutely no check as to whether a certificate has been issued by a duly qualified practitioner. I hope, Sir, in the light of this explanation

Mr. M. Maswood Ahmad: How can this countersignature be taken? Will the Honourable Member please explain?

Mr. G. S. Bajpai: Well, Sir, my friend is aware that the intention is to have a sort of Haj Committee functioning in the districts and it will be for the members of these Haj Committees to help the pilgrim concerned to get a countersignature. There should be no difficulty in this. There will be no charge made for it.

Mr. M. Maswood Ahmad: Sir, in view of the explanation given by the Honourable Member, I beg to withdraw my amendment.

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

Mr. M. Maswood Ahmad: Sir, I move:

"That in clause 9 of the Bill, for part (a) of the proposed sub-section (1A), the following be substituted:

'(a) has been inoculated against cholera within six months before the inspection, and '."

In this connection I should like to say that much has been said about the International Sanitary Convention, and they are in favour of my amendment. This is what they say at page 14:

"The crew and passengers may also be disembarked and either be kept under observation or subjected to surveillance during a period not exceeding five days reckoned from the date of arrival.

However, persons who can show that they have been protected against cholera by vaccination effected within the period of the previous six months, excluding the last six days thereof, may be subjected to surveillance, but not to observation".

Here also mention has been made of six months.

Then, Sir, the Ordinance of the Straits Settlements on which the whole Bill is based, says this:

"Section 220. (1) No pilgrim shall be received on board any pilgrim ship at any port or place in the colony, unless and until he has been medically inspected by the Port Health Officer, nor until the Port Officer has given permission for the embarkation of pilgrims to commence nor until he has obtained a pilgrim pass and a return ticket or, in the case of a pilgrim to whom written authority has been granted under section 229 (1), a ticket for the single journey.

(2) The Port Health Officer shall not permit the embarkation of any pilgrim :

- (a) who does not produce a certificate signed by a person duly qualified in the opinion of the Port Health Officer, certifying that such pilgrim has been successfully vaccinated against cholera within six months and against small pox within five years prior to the date of embarkation, provided that in the case of small pox no certificate will be required from pilgrims who show marks of having had the disease.
- (b) who in the opinion of the Port Health Officer is suffering from disease or and symptoms of the same ;
- (c) who in the opinion of the Port Health Officer is liable to transmit any contagious or infectious disease".

Sir, the suggestion that it should be for six months is in the Ordinance of the Straits Settlements and in the International Sanitary Convention. Government have said "such period not being less than one month as may be prescribed". This is not satisfactory. I say, there should be a definite mention of six months. I move my amendment.

Mr. G. S. Bajpai: The reason why I have risen is to save the time of the House. This morning my Honourable friend thought that the Straits Settlements Ordinance was the most retrograde measure in existence, but now he is drawing upon that measure in order to support his argument. However, animated as I am by great goodwill towards my Honourable friend, I am prepared to accept this retrograde amendment, though I would explain that it would not stop short at the word which he has mentioned. The amendment would then be "has been inoculated against cholera within six months". The words "or such period not being less than one month as may be prescribed" will go out; "before the inspection" will remain and then the words "if the inoculation has been single or within three months before the inspection if the inoculation has been double" will also go out.

Mr. M. Maswood Ahmad: I accept the amendment. I put it in the way I have done, because it will decrease the trouble.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Chair must have the amendment. We will now proceed to the next amendment, until this is ready.

Mr. M. Maswood Ahmad: I move:

"That in clause 9 of the Bill, in part (b) of the proposed sub-section (1 A), for the words 'three years' the words 'five years' be substituted."

Again I base my argument on the Ordinance of the Straits Settlements. Here the words used are "small pox within five years prior to the date of

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embarkation" and, as my Honourable friend has accepted one amendment based in this Ordinance, I hope he will accept this also.

Mr. G. S. Bajpat: I made it clear when I accepted the other amendment that it was not because it was based on the Straits Settlements Ordinance, but out of goodwill for my friend, and, in the same spirit of goodwill, I accept the second amendment.

The motion was adopted.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): We will take up clause 9 later on, and let us proceed with clause 10 now.

Khan Bahadur Hajt Wajhuddin: Sir, I move:

"That in clause 10 of the Bill, for the words and figures 'For the proviso to section 208A of the said Act' the words and figures 'Clause (a) of section 208-A of the said Act shall be omitted and for the proviso to the said section' be substituted."

In spite of the Muslim public clamouring for the abolition of the return ticket which has only worked to the detriment of the pilgrims and, in the face of unanimous recommendation of the Haj Inquiry Committee and opinions of all the unofficial members of the Standing Haj Committee (Meetings held at Simla on the 12th and 13th September, 1931), unanimous opinions of the Haj Committees of Bombay, Calcutta and Karachi and the opinions of all those (with the exception of a few interested parties) who submitted written statements and who were examined by the Haj Inquiry Committee, the Government still propose to retain the option of return tickets. The *option* provided in the Bill for purchase of return ticket or deposit of the return fare with the Government *is ineffective and only remains on paper* as could be seen from numbers of the pilgrims buying return tickets and making deposit figures were quoted by me only yesterday. It is wrong to conclude that larger number of pilgrims going in for return tickets mean that pilgrims favour that system, but the truth is that interested shipping companies induce the pilgrims to buy return tickets through armies of touts, brokers and canvassers and make manipulations in rates and thus the poor ignorant pilgrims fall an easy prey to their activities. Fears were entertained by my Honourable friend, Mr. Bajpai, in his speech yesterday that in case of single tickets the shipping companies would not keep their ships at Jeddah for immediate return of pilgrims. I may say with full confidence and personal knowledge that the fears entertained by my esteemed friend never materialised in the past when single tickets were issued for ages and, to speak in the words of the British Minister at Jeddah as stated by him before the Haj Inquiry Committee:

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

On the contrary, the return ticket holders have to wait for longer periods and the shipping companies with immunity make them wait for the prescribed period on the return journey. The shipping companies having issued return tickets are not in a hurry to despatch steamers for the return pilgrims as the pilgrims cannot buy tickets for return journey from other companies on account of their having bought return tickets, but in case of single tickets with deposits, the pilgrims would

be at liberty to buy tickets of the ship which would be sailing at the earliest time and as such the shipping companies would race their ships in order to secure pilgrims on the return voyage. These are the advantages besides others including chances of competition on the return voyage. Besides this, single tickets were being issued in the past for a number of years and at no time it has happened that pilgrims having enough money in hand for the return passage have been detained for want of shipping available even for a short period.

When the objects of Government to avoid pilgrims becoming destitute and source of expense are amply served by making deposits compulsory, still if the Government insist on retaining the return ticket, it can only be surmised that they want to favour the only shipping company which is now virtually enjoying monopoly. The retention of return tickets would perpetuate the monopoly.

The anxiety of the shipping company to see that the return tickets are retained is to make things hard for small shipping companies to enter the pilgrim traffic so that they can enjoy the unavoidable monopoly of the trade. It is, therefore, imperative both in the interests of the pilgrims and the Indian shipping that this amendment be adopted and I appeal to my friends here to support me unanimously. If that is not done, Muslims will hereafter realise the grave mistake committed.

Sir, I move my amendment.

Mr. M. Maswood Ahmad: On a point of order, Sir, I think this amendment is beyond the scope of the Bill. Clause 10 aims at amending the proviso, and my Honourable friend here has brought forward an amendment to omit clause (a) of section 208-A, that is, he wants to omit the whole system of return tickets. So, I think this is beyond the scope of the Bill. The scope of the Bill was about the proviso and the point at issue is that the proviso should be changed—not the whole system of return tickets. So, I think this is beyond the scope of the Bill.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Mr. Bajpai.

Mr. G. S. Bajpai: Well, Sir, I must leave it to the Chair to decide as to whether this is outside the scope of the Bill or not.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): What has the Honourable Member to say on that? It is so difficult to understand the scope of this Bill.

Mr. G. S. Bajpai: Well, Sir, certainly the abolition of the return ticket system is outside the scope of the Bill.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Amongst the purposes for which the Merchant Shipping Act is sought to be amended, the abolition of the system of return tickets is not included? (Mr. G. S. Bajpai: "No.") If that is so, then the amendment is out of order.

Mr. M. Maswood Ahmad: Sir, I rise to move:

"That in clause 10 of the Bill, after the proposed *Proviso* to section 208A, the following further *Proviso* be inserted:

'Provided, further, that the prohibition shall not apply in the case of any such pilgrim who has filed a declaration in such form as may be prescribed before an authority appointed by the Port Haj Committee that he does not intend to return to India by the same route or within one year.'

The proviso proposed by my Honourable friend runs:

"Provided that the prescribed person may exempt any pilgrim from any or all of the above requirements, if he is satisfied that it is inexpedient, in the special circumstances of the case, to enforce them."

I suggest, Sir, that a mere declaration should be sufficient for all purposes, as it would be very difficult to satisfy the prescribed person. If I say that I do not intend to go by a certain route, what will be the data for me to lay before the prescribed person in order to satisfy him if the officer says, he is not satisfied with my suggestions? So, I appeal to my Honourable friend, Mr. Bajpai, that a mere declaration should suffice. If before the prescribed authority a man comes and makes a statement or submits an application mentioning his intention, that so much should be sufficient, and there should be no need of "satisfying" the officer. It would be very very difficult, in actual working, to "satisfy" the officer. Some Honourable Members have said that I have not gone to the Hedjaz and that, therefore, I cannot say these things, but actually I know many things about it. My mother has gone there, I have had to take her on board the ship, I have seen the conditions on board ship, I know all these things. When Mr. Chadwick and Mr. Graham can represent Muslim pilgrims in the International sanitary convention, I can represent them in a better manner. Besides many friends have told me that it will be very very difficult to satisfy the prescribed officer. At the Committee stage on several occasions I informed the Honourable Member in charge that pilgrims do experience very great difficulties in Jeddah and other places. So, if the words about "satisfaction" of the prescribed officer remain, it will be very very troublesome and I do not want to say anything more. So, I say that a mere declaration in a written form before the prescribed officer should be sufficient, and that is the aim of this amendment.

Mr. G. S. Bajpai: Sir, I regret I am not in a position to accept this amendment. It will really have the effect of rendering the proviso that we propose entirely nugatory. We were not satisfied with the present provision in the Act because, as was explained by the Honourable Sir Frank Noyce, when he moved for the Bill to be referred to a Select Committee, this provision had proved ineffective in the matter of preventing people from being stranded at the end of the Haj in Jeddah without funds. A considerable number had, in spite of this provision, in fact a growing number had come to be stranded, and we, therefore, thought that it was necessary to make a provision so as to make the restriction more stringent. Not only did we think that, but that was the recommendation of the Haj Inquiry Committee. Now, what my Honourable friend proposes is that we should go back to the system of declaration, merely on the strength of the recommendation of the local Haj Committee. I submit, Sir, that the officer who will be authorised to make the exemption will be acting in close consultation with the Haj Committee, and that, therefore, in all deserving cases the requisite exemption will be made, but in other cases it will not be made. Sir, I oppose the motion.

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

"That in clause 10 of the Bill after the proposed *Proviso* to section 208A the following further *Proviso* be inserted:

'Provided, further, that the prohibition shall not apply in the case of any such pilgrim who has filed a declaration in such form as may be prescribed before an authority appointed by the Port Haj Committee that he does not intend to return to India by the same route or within one year.'

The motion was negatived.

Clause 10 was added to the Bill.

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

"That in clause 9 of the Bill, for part (a) of the proposed sub-section (1A), the following be substituted:

'(a) has been inoculated against cholera within six months before the inspection, and'."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

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

"That clause 11 stand part of the Bill."

Mr. M. Maswood Ahmad: Sir, I move:

"That in clause 11 of the Bill, in sub-section (1) of the proposed section 208 B, after the word 'passage-money' the words 'which in the case of a child between three and twelve years of age shall be half and nothing in the case of children under three years of age' be inserted."

Sir, this is a very very important amendment which I am moving on the floor of the House, in fact this is the most important of all the amendments which I have moved up till now. The present Bill aims at this object:

"Every pilgrim travelling on a pilgrim ship shall be entitled, on payment of his passage-money and fulfilment of other prescribed conditions, if any, to receive a ticket in the prescribed form, and shall be bound to produce it to such officers and on such occasions as may be prescribed and otherwise to deal with it in the prescribed manner."

After this amendment, it will read thus:

"Every pilgrim travelling on a pilgrim ship shall be entitled, on payment of his passage-money, which in the case of a child between three and twelve years of age shall be half and nothing in the case of children under three years of age," etc., etc.

It means that the fare for a child under twelve years should be half and nothing should be charged for a baby under three years of age. Sir, in this connection one point will be raised by my Honourable friend, Mr. Bajpai, that the International Convention says that the same space of 16 sq. ft. should be given to a child, and as it is suggested that a 16 sq. ft. space should be given to a child, so the full amount should be charged for the fare of the child. But, I say that, in interpreting all these rules and Acts, we should take into consideration the spirit and the spirit is that

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everyone should get a space of 16 square feet. It was in the interests of the pilgrims, but here Government interpret it in favour of Turner Morison and Company. My Honourable friend, Sir Joseph Bhore, who is in the House, is smiling at this suggestion. Now, what happens in the Railways. I am sorry I have not brought a copy of the rules, but I am sure, my Honourable friend will remember that the wording is that even a boy under 12 years of age is entitled to a full berth in the second and first class compartments though the fare paid is half. My Honourable friend, Sir Joseph Bhore, has not said, neither did Sir George Rainy say, that because you pay half the fare, half the berth should be reserved. The same remarks apply here. I ask my Honourable friend, Mr. Bajpai, to take the same view. Although the International Sanitary Convention thought that 16 sq. feet space is quite unfair, yet they thought that children as well should get 16 sq. feet. So, it may be of some consideration, and it should be interpreted in this light that though a boy should get 16 sq. feet space, the charge should remain half. In this connection, I am glad to say that the Turner Morison Company has gone farther than the recommendations of the Government. Here is a book published by the North Western Railway Publicity Officer, Lahore. In this book I find that they have mentioned:

Bārā aāl se kam umar tarkon ke bijé kirāyā nīsf hogā.

I think this year they have charged half for the child. I do not know on what authority the North Western Railway Publicity Officer has published this pamphlet, but if this pamphlet is correct, then the Turner Morison and Company have themselves charged half the fare for children, the only difference being that they have exempted the babies under one year. I say that babies up to three years of age should be exempted just as is done in the case of Railways. That is the aim of this amendment. In these days, Sir, when everything has become very cheap, and there is general depression, the Steamship Company has not reduced the fare. It is still Rs. 160 as it used to be in olden days. So I suggest that Government should consider the point that the value of money has gone high. If they can force the Turner Morison Co. to supply food at Re. 1 per diem, I am sure, they can force the Company to charge half the amount for children also. They will not be consistent if they say that they cannot force the Company on this point. If they think that the demand is just, they must help the public, they must help the pilgrims and they must help us in this matter. But if they take shelter under the plea that they cannot force the Company, then it will not satisfy the Mussalmans in India. With these words, Sir, I move my amendment and I hope my Honourable friends, Maulana Murtuza Sahib and Maulana Shafee Doodi, will also support me.

Maulvi Sayyid Murtuza Sahib Bahadur: Mr. President, I rise to support my Honourable friend, Mr. Maswood Ahmad, but, in doing so, I must place one side of the case before the House. This question was raised before in the Select Committee and we were assured by the Honourable Sir Fazli-Husain that this point had already been discussed in the International Sanitary Convention. They did not meet with success

at the outset, but that this point would be again impressed on the Convention. They could not do anything else. I will, therefore, simply remind the Honourable Member and his Secretary that this point should not be lost sight of and that they should see their way to bring to the notice of the International Sanitary Convention that it is unjust and unreasonable on their part to demand the same fare from the children as they demand from adults and that it should be done away with.

Mr. G. S. Bajpai: I would merely say, Sir, that we have, as proposed by the Haj Inquiry Committee, already brought to the notice of the Shipping Companies that children under three years may be carried free and those between 3 and 12 years at half rates. It is understood that except when there is a heavy demand for passengers at full rates, the Company generally gives free concession in the case of young children and I can assure my Honourable friends that we shall keep an eye on this, that is to say, the suggestion will be pressed from time to time if it is not carried out.

Maulvi Sayyid Murtuza Sahab Bahadur: But what about the technical difficulties in your way?

Mr. G. S. Bajpai: I can assure the Maulvi Sahib that whenever we get an opportunity we shall try to do what we can to remove that difficulty.

Mr. M. Maswood Ahmad: But what is the trouble in accepting this amendment?

Mr. G. S. Bajpai: The trouble in accepting the amendment is this, that until we get the International Sanitary Convention to withdraw this obligation from Shipping Companies, we cannot in equity compel the Companies to make these concessions. We can only as an *ex gratia* arrangement ask them to give these concessions until such time as the obligation of providing the same space for a child as is provided for an adult has been done away with.

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

"That in clause 11 of the Bill, in sub-section (1) of the proposed section 208-B, after the word 'passage-money' the words 'which in the case of a child between three and twelve years of age shall be half and nothing in the case of children under three years of age' be inserted."

The motion was negatived.

Mr. M. Maswood Ahmad: I move, Sir, the next amendment standing in my name. It runs thus:

"That in clause 11 of the Bill, in sub-section (1) of the proposed section 208-B, after the word 'passage-money' the words 'which in the case of a child under twelve years of age shall be half' be inserted."

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): It is covered by the previous amendment.

Mr. M. Maswood Ahmad: No, Sir. The wording is different and the meaning is different. The meaning of the previous amendment was that children under three years should be exempted and those words are not mentioned here. This amendment relates only to children under 12 years of age.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): But the question of giving a concessional fare to children under 12 years of age has also been considered and negatived.

Mr. M. Maswood Ahmad: I move:

"That in clause 11 of the Bill, in the *proviso* to sub-section (1) of the proposed section 208-B, the words 'other than a return ticket' be omitted."

Sir Muhammad Yakub: May I remind you, Sir, that this point has already been dealt with and you have ruled it out of order?

Mr. M. Maswood Ahmad: My Honourable friend is right and I am sorry, Sir, for having moved it. The point covered by this amendment has been declared out of order.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): So, this amendment is out of order.

Mr. M. Maswood Ahmad: Sir, I move:

"That in clause 11 of the Bill, after the *proviso* to sub-section (1) of the proposed section 208-B, the following *Explanation* be inserted:

'*Explanation.*—There shall be two kinds of tickets, class A and B.'

Mr. G. S. Bajpai: Sir, I should like to rise to a point of order on this. My Honourable friend, by amendment No. 37, seeks to add an *Explanation* that there shall be two kinds of tickets, class A and class B. Then, by amendment No. 41, he defines these two classes:

"Any ticket, classed A, issued to a pilgrim for a voyage on a pilgrim ship shall entitle him to receive food, fuel and water, and the ticket, classed B shall entitle him to receive fuel and water," etc.

Now, Sir, I submit that the House by accepting clauses 2, 3 and 4, which ruled out the obligation of the shipping company to provide fuel, has negatived this and that this is not in order.

Mr. M. Maswood Ahmad: Sir, there is no trouble in accepting this. In clause 2, no doubt the obligation of the shipping company has been taken away about giving fuel. I am not saying anything about that; I want that the tickets should be of two classes. A and B, of which one should be with food and the other without food. Suppose a man takes a ticket without food and takes *chura* and *chhattu*, he will not require any fuel. So, by the acceptance of clauses 2, 3 and 4, this is not out of order, because I say that the tickets will be of two kinds, with food and without food. That was a question about fuel and this is quite different.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): In clauses 2, 3 and 4, the House considered the question whether the compulsory obligation to supply food to the passengers must be imposed on

shipping companies. The House has taken a definite decision on that point and, therefore, any amendment which would permit of a ticket being issued under which it is not obligatory for the company to supply food is out of order.

Mr. M. Maswood Ahmad: Sir, I beg to move:

"That in clause 11 of the Bill, to sub-section (2) of the proposed section 208-B, the following *Explanations* be added:

'*Explanation 1.*—The food supplied to pilgrims shall be good and prepared by Muslims and should be supplied to pilgrims under Muslim supervision.

Explanation 2.—Articles which may be objectionable according to Islamic *Shariat* shall not be used in preparing the food for pilgrims'."

Sir, when we have been defeated on the amendments and it will be compulsory for the next Haj season that pilgrims will have to pay a certain amount and they will get cooked food, I say that the word "good" must be added. The words "good food" I have taken again from the same Ordinance. Here in the Bill I do not find the word "good". I do not find it in the present Bill or in the Act. So I say that if a backward country like the Straits Settlements has taken care of its subjects and have made it compulsory on the part of the shipping company that the food must be good, the Indian Government as well should be in sympathy with the pilgrims and they should also have the word "good" before the word "food".

The second item is that these foods should be prepared by Muslims. In this connection I have said on several occasions that there is one section among Muslims who are called Shias and according to their *Shariat* they cannot eat anything touched or cooked by any one except Muslims. That is essential for them. And apart from this, pilgrims who go to perform the Haj will be full of religious observances and all these things and their feelings must be respected and the food which will be supplied to them must be prepared by Muslims and should be under the supervision of Muslims. *Explanation 2* is the same. It should be clearly mentioned that any article, which, under the Islamic *Shariat*, is unacceptable or objectionable, should not be used in preparing the food.

Sir Muhammad Yakub: Sir, I have every sympathy with the amendment which my Honourable friend has moved. But I think that such provisions should come under the rules and not in the Act itself, and, therefore, I do not think that we should press that they should come in the Statute itself. We may ask Government to make such provisions in the rules and I hope they will do it, because it is really extremely necessary that such provisions should be made in the rules, specially in the case of the Shia pilgrims. The Shias, according to their *Shariat*, cannot eat anything which is cooked or prepared by non-Muslims. Therefore, the interests of all classes of pilgrims should be protected and this provision should find a place in the rules.

Maulvi Muhammad Shafee Daoodi: Sir, a distinction between Shias and Sunnis need not be made on this question; it is only proper that Government should guarantee it and see that it is carried out in spirit.

Mr. G. S. Bajpai: Sir, Government feel that the best way to ensure the achievement of these two objectives is to have Muslim cooks provided. The rules provide for that already and Government undertake to see that they are carried out.

Mr. M. Maswood Ahmad: Sir, in view of the assurance given by Government, I beg leave to withdraw the amendment.

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

Khan Bahadur Haji Wajihuddin: Sir, I beg to move:

“That in clause 11 of the Bill, sub-section (5) of the proposed section 208 C be omitted.”

This sub-section provides for deduction to be made from refunds under sub-sections 1, 2, 3 and 4 which is unjust in view of there being no provision made penalising shipping companies for not sailing their ships on the advertised dates on account of any unavoidable circumstances. The pilgrims also under these sub-sections would be unable to sail on account of unavoidable circumstances. This argument is supported by the following extracts. P. & O. Handbook, page 4:

“Passengers holding tickets, but failing to embark, are liable to forfeiture of half the cost of the Passage Ticket, while those for whom the accommodation has been provisionally reserved are liable to forfeit the full sum deposited. But in the case of a passenger being unavoidably prevented from embarking, a transfer to a subsequent steamer can be effected on sufficient notice being given, *without forfeiture of any portion of the deposit paid.*”

The extracts from the rules regarding the refund of Railway fares at page 138 of the G. I. P. Railway Time Table and Guide:

“18 (56) *Passengers unable to use their tickets.*—Passengers who have taken tickets at a station, but who for want of room in the train, or any other cause cannot commence their journey, should apply to the Station Master, who will refund the fare provided the ticket is given up within 3 hours after the departure of the train.”

Emigration Ships Rules, para. 62:

“Steerage passengers who are landed for medical reasons are entitled to subsistence money until they have been re-embarked or have declined or neglected to proceed, or until their passage money has been returned to them, or they have refused to accept it. If they are not re-embarked, or do not finally sail in the ship, they are also entitled to the return of the whole of the passage money. The emigration officers will assist steerage passengers in obtaining the same which may be due to them.”

Emigration Ships Rules, para. 66:

“Any question as to the breach or non-performance of any stipulation in a contract ticket may be tried before a court of summary jurisdiction, and damages awarded up to \$20 in addition to the passage money. But damage cannot be obtained under this provision if the passenger has already obtained redress or compensation under the Act in the same matter.”

Emigration Ships Rules, para. 67:

“If an emigrant ship is, owing to a *casualty*, unfit to proceed on the voyage, a written undertaking must be given to the emigration officer that the steerage passengers will be forwarded to their destination within six weeks, and during the interval they *must be maintained at the expense of the ship*. If they are not forwarded within six weeks the passage money may be recovered.”

It can clearly be seen from these quotations that refunds are universally made without any deductions and in case of emigrant ships, the passengers are further protected by award of damages and subsistence money at the expense of the ship when passengers are re-landed for medical reasons and

the rules go still further and make it liable for the expense of maintenance of passengers in case they are detained on account of ship being unfit to proceed on the voyage owing to a casualty whether it may be due to avoidable or unavoidable circumstances.

As regards sub-sections 2, 3 and 4 the passage money would remain with the shipping company for a period which may extend to 18 months and the company would earn interest thereon which should be more than sufficient compensation to the company if at all any compensation is necessary.

Under the circumstances, clause (5) of section 208 (c) providing for reduction is absolutely uncalled for and unjustifiable and, therefore, it should be omitted. I, therefore, move my amendment.

Mr. G. S. Bajpai: Sir, my Honourable friend has cast his net much too wide altogether. This sub-clause relates to "refunds under sub-sections (1), (2), (3) and (4) which shall be subject to such conditions and of passage-money to such deductions and conditions as may be prescribed". It is not merely a question of deductions, it is also a question of conditions. Coming first to deductions, on the advice of the Standing Haj Committee, Sir, we have come to the conclusion that when the rules are next revised we shall prescribe that no deduction shall be made first if the pilgrim is not allowed to sail on medical grounds, secondly, if he is a *bona fide* relative of another pilgrim who comes under the first category, and, thirdly, if he shows that satisfactory reasons for not sailing are given and the shipping company is also given three days' clear notice—if these three conditions are satisfied, it is our intention that the rules shall provide for a refund without deduction. Beyond that, we regret to say, that in the matter of exemption from deductions we are not prepared to go at the present moment. Then, Sir, we come to the question of conditions. What my Honourable friend does not seem to realise is that the Bill also contemplates refund to relatives of pilgrims who have died or who do not propose to return from the Hedjaz. Now, under this sub-clause, we shall have the power to prescribe the conditions such as the production of the coupon of a return ticket. If the clause is omitted, we shall not be able to do that and the result will be that pilgrims and their representatives will suffer. For these reasons, I oppose the amendment.

Khan Bahadur Haji Wajihuddin: Sir, I beg leave to withdraw the amendment.

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

Mr. M. Maswood Ahmad: Sir, I beg to move:

"That in clause 11 of the Bill, at the end of sub-section (1) of the proposed section 209 the words 'which shall be transferred to the Haj Fund' be added."

We find in the proposed sub-section 209 (1):

"All deposits made under section 208A which have been unclaimed for the prescribed period shall become the property of Government."

The intention of the Government is that this fund should be transferred to the Port Haj Committee, and as far as I remember when the question of Port Haj Committee was under discussion at Simla, certain clauses from there were omitted by the amendments moved by Government themselves and on that occasion they said that there was some mention of some sub-sections of a Bill which had not yet been passed. So, Sir, that was not

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necessary in this Bill, if this Bill would have been passed first, and then the Port Haj Committee would have taken and that clause would have remained there, but when it has been taken away from that Bill, it is necessary to mention it here that this money will go to the Port Haj Committee and this amendment seeks only this much, i.e., the same intention of the Government which they want that all the deposits made under section 208A which have been unclaimed for the prescribed period shall become the property of the Government which shall be transferred to the Haj Fund. We want to make it clear that what Government want should come into the Statute and that was, I believe, the intention of the Government to keep it in the Statute. This is the aim of this amendment. Sir, I move.

Mr. G. S. Bajpai: Sir, I should like to explain to my Honourable friend that this amendment is superfluous. In this connection I would draw the attention of the House to the speech made by the Honourable Sir Frank Noyce when the Haj Committee's Bill was being considered in September, 1932. On that occasion, Sir, it was pointed out that the Government were taking power to allot to the Haj Committee any sums which they choose. That power, Sir, has been taken under the Bill which is now law, and it is the intention of the Government to exercise that power to transfer these funds to the Haj Committee.

Mr. M. Maswood Ahmad: I do not withdraw, Sir.

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

"That in clause 11 of the Bill, at the end of sub-section (1) of the proposed section 209 the words 'which shall be transferred to the Haj Fund' be added."

The motion was negatived.

Mr. M. Maswood Ahmad: Sir, I move:

"That in clause 11 of the Bill, at the end of sub-section (2) of the proposed section 209, the words 'which shall be transferred to the Haj Fund' be added."

In section 209, there are two kinds of funds which will lapse to the Government, and I suggest that the second as well should go to the Haj Fund. My Honourable friend, Mr. Bajpai, has said that this is the intention of the Government that they would transfer any amount they choose. It is quite strange that Government have changed their idea now. Up to that time their idea was that it should be mentioned in the Statute that these funds will be transferred to the Haj Fund and now they want to have it on their choice. If they will choose, they will transfer and if they will not choose, they will not transfer. Therefore, I am not satisfied with this state of affairs and I am not going to leave it at their choice and I am not satisfied that in all these funds the amounts should lapse to the Government. I, therefore, move, Sir.

Maulvi Muhammad Shafee Dacodi: Sir, I would like to know from the Member in charge of the Bill as to why this money, which, we understood at the time, will all go to the Haj Fund—why provision is now made which is going to give the choice to Government?

Mr. G. S. Bajpai: No, Sir: I am afraid my Honourable friend has misunderstood me. I did not say it was the choice of Government. Government's intention was to transfer all the sums derived from this source to the Haj Fund.

Mr. Uppi Saheb Bahadur: May I know from the Honourable Member, if that is the Government's intention, what is the harm in having it in the Statute?

Mr. G. S. Bajpai: Because another Statute already gives to Government power to make the necessary transaction. That is the only reason.

Mr. M. Maswood Ahmad: Those three clauses have been withdrawn from that Bill.

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

"That in clause 11 of the Bill, at the end of sub-section (2) of the proposed section 209, the words 'which shall be transferred to the Haj Fund' be added."

The motion was negatived.

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

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Chair now proposes to take up the Supplementary List of Business contained in the Supplementary Agenda for today.

THE SAFEGUARDING OF INDUSTRIES BILL.

The Honourable Sir Joseph Bhoré (Member for Commerce and Railways): Sir, with your permission, I beg for leave to introduce a Bill to provide for the imposition of additional duties of customs on imported goods for the purpose of safeguarding industries in British India.

The motion was adopted.

The Honourable Sir Joseph Bhoré: Sir, I introduce the Bill.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir Joseph Bhoré (Member for Commerce and Railways): Sir, with your permission, I beg for leave to introduce a Bill further to amend the Indian Tariff Act, 1894, for a certain purpose.

The motion was adopted.

The Honourable Sir Joseph Bhoré: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 10th April, 1938.