

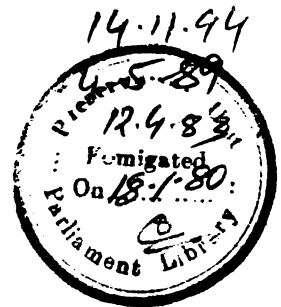
7th November 1940

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume IV, 1940

(5th November to 18th November, 1940)

TWELFTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1940



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LEGISLATIVE ASSEMBLY

Thursday, 7th November, 1940

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN

Maulvi Abdul Halim Chaudhury, M.L.A. (Bengal: Nominated Official).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

VOTABLE AND NON-VOTABLE EXPENDITURE SANCTIONED OUTSIDE THE BUDGET.

14. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Finance Member be pleased to lay on the table a list of the expenditure, votable and non-votable, which he sanctioned outside the budget for 1940-41?

(b) Will the Honourable Member state the reasons for not taking the House earlier into confidence?

(c) Did the Honourable Member satisfy himself that the amount sanctioned by him was really needed for war purposes and the money was spent in the most economical way?

The Honourable Sir Jeremy Raisman: (a), (b) and (c). I would refer the Honourable Member to the statement which I made in introducing the Finance Act (Amendment) Bill on the opening day of the present Session.

Mr. Lalchand Navalrai: May I know if there is a list which can give us some enlightenment on this and whether it can be given to Members before the Tax Bill is taken up?

The Honourable Sir Jeremy Raisman: I think that the speech which I made contains a very exhaustive description of the items on which expenditure is to be incurred.

Dr. Sir Ziauddin Ahmed: I read the speech very carefully, but I never found an answer to part (b) of my question.

The Honourable Sir Jeremy Raisman: The answer to part (b), which again turns on the question of the date on which this House was summoned, is that I took the House into confidence at the very earliest opportunity at which I could.

Mr. N. M. Joshi: May I ask whether the Honourable Member will bring before the House a supplementary budget asking for the sanction of the House for those votable items which he has sanctioned in addition to the last budget?

The Honourable Sir Jeremy Raisman: Yes; all the supplementary votable items will be brought before the House; most of them have already been placed before the Standing Finance Committee.

Mr. N. M. Joshi: May I ask whether the supplementary budget will be placed before the House in this Session?

The Honourable Sir Jeremy Raisman: I do not think that the supplementary grants will be placed before the House this Session.

Dr. Sir Ziauddin Ahmad: Why not?

The Honourable Sir Jeremy Raisman: Because it is usual to wait till later in the year when the exact amount can be more accurately estimated.

Mr. N. M. Joshi: Is it the intention of the Government to first spend the money and then come before the House for sanction?

The Honourable Sir Jeremy Raisman: It is the intention of the Government to do what they usually do on these occasions; they put these schemes before the Standing Finance Committee and obtain the approval of that committee; they will then proceed with the schemes and then put a supplementary demand before the House.

Mr. N. M. Joshi: Is it not the practice of the Government of India to place before the Legislature their supplementary demand at the earliest possible opportunity?

The Honourable Sir Jeremy Raisman: Yes; but the earliest possible opportunity is usually when it is possible to form a fairly accurate estimate of the supplementary expenditure.

Mr. N. M. Joshi: May I ask whether the Honourable Member has not sanctioned any items of new votable expenditure? If so, I think he hopes to spend that money?

The Honourable Sir Jeremy Raisman: Items of new votable expenditure have been sanctioned after they have been approved by the Standing Finance Committee. That is the machinery which is set up by this House in order to enable this particular difficulty to be dealt with.

Mr. N. M. Joshi: Has this House handed over its final authority to the Standing Finance Committee in this matter?

The Honourable Sir Jeremy Raisman: This House must be assumed to have delegated a function of some significance to the Standing Finance Committee.

Dr. Sir Ziauddin Ahmad: In view of the fact that only votable items were laid before the Standing Finance Committee, which really form one per cent of the total expenditure, may I know whether they will lay before us the details of the expenditure on non-votable items?

The Honourable Sir Jeremy Raisman: It is not practicable to lay before the House the details of the expenditure on non-votable items; but I have done my best to give the House a general picture, considering the circumstances of the time, of the kinds of non-votable expenditure which we have incurred.

Dr. Sir Ziauddin Ahmad: You come before the House and demand additional money and ask us to vote for the money, but we certainly have every right to request you to give us details of the expenditure for which you want extra money.

Mr. President (The Honourable Sir Abdur Rahim): That is arguing.

Dr. Sir Ziauddin Ahmad: Am I not right?

The Honourable Sir Jeremy Raisman: I have given the House sufficient general background to enable it to decide this particular question.

Sir Muhammad Yamin Khan: If a person, whose initial salary is non-votable, gets an increment and the expenditure is increased, does it count as non-votable expenditure or as votable?

Mr. President (The Honourable Sir Abdur Rahim): That is a hypothetical question.

Sir Muhammad Yamin Khan: May I ask whether it is placed before the Finance Committee?

The Honourable Sir Jeremy Raisman: I think the technical position is that an individual whose salary is non-votable, if he receives any increment in his salary, that also is non-votable; but if the general scheme in connection with which that increase takes place involves votable expenditure, then the whole scheme is placed before the Standing Finance Committee.

Mr. Lalchand Navalrai: May I know if all the details of the expenditure are laid before the Finance Committee, votable as well as non-votable?

The Honourable Sir Jeremy Raisman: Complete details of schemes involving votable expenditure are placed before the Standing Finance Committee.

Dr. Sir Ziauddin Ahmad: With reference to part (c) of the question, to which the Honourable Member has not replied, did the Honourable Member satisfy himself that the amount sanctioned by him was really enough for the purpose and the money was spent in the most economical way?

The Honourable Sir Jeremy Raisman: Yes.

Dr. Sir Ziauddin Ahmad: In both cases?

The Honourable Sir Jeremy Raisman: Yes.

SAVINGS DUE TO PARTIAL EXODUS TO SIMLA.

15. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Home Member please state whether it is a fact that the Government of India gave a contract to Thomas Cook and Sons for carrying Government Dak between Delhi and Simla?

(b) How much did Government pay to Thomas Cook and Sons for such services?

(c) What is the total bill of the Government of India on telephone calls between Delhi and Simla?

(d) What amount of money did Government save from or waste on what is called Partial Exodus to Simla?

The Honourable Sir Reginald Maxwell: (a) and (b) No; Government gave no such contract to Messrs. Thos. Cook and Son. They made arrangements with the North Western Railway for the carriage of files between Simla and Delhi. Messrs. Thos. Cook and Son were appointed the Station Delivery Contractor in Simla by the North Western Railway at a rate of Rs. 0-3-6 per maund delivered.

(c) The amount spent on trunk calls between Simla and Delhi during the period of the exodus of 1940 was approximately Rs. 45,000.

(d) Information is being called for as regards the expenditure on the move to Simla incurred by the Civil Departments of the Government of India and will be laid on the table of the House when it is available.

Dr. Sir Ziauddin Ahmad: Can the Honourable Member give some rough figure as to the extra expenditure incurred on account of the Government staying for six weeks longer than they intended to do at Simla?

The Honourable Sir Reginald Maxwell: No.

DELAY IN MAKING APPOINTMENTS OF CANDIDATES SUCCESSFUL IN THE INDIAN AUDIT AND ACCOUNTS SERVICE EXAMINATION OF 1939.

16. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable the Finance Member please state why the appointments of the candidates who were declared successful in the Indian Audit and Accounts and allied services competitive examination held in November, 1939, and who were found fit by the Medical Board convened in the beginning of April 1940, have not been made so far?

(b) Are Government aware of the fact that this delay in appointments has been the cause of much inconvenience and pecuniary loss to the successful candidates and is bound to affect them adversely in their promotion and pension?

(c) Do Government propose to compensate the successful candidates in matters of pay, pension and promotion?

(d) Do Government propose to take action in the matter?

The Honourable Sir Jeremy Raisman: (a) Some of the candidates who secured very high places in the examination were considered by certain Provincial Medical Boards to be below the desired standard of physical fitness. On representation by these candidates, Government decided, as an exceptional case, to have some of them re-examined by a fresh Central Medical Board, who desired that they should be kept under observation for some time in Provincial Hospitals before giving a final opinion as to their suitability for appointment. These medical reports have just been received and are being considered by the Board for a final opinion. It is hoped that a decision regarding the candidates to be offered employment in the various Services will be made in the next few days. It was found impossible to deal with the candidates who were clearly fit to the exclusion of those about whom there was a doubt and whose cases were *sub judice* but who had secured higher places in the examination as it is a combined examination for appointment to six Services and the wishes of the candidates themselves are to a certain extent taken into account in selection for these Services.

(b) Government are aware that the procedure adopted has caused inconvenience to some of the candidates, but it was adopted in the best interests of the public service and in the interests of the candidates in general.

(c) and (d). Do not arise.

TIME FOR HOLDING COMPETITIVE EXAMINATIONS FOR RECRUITMENT TO GOVERNMENT SERVICES.

17. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable the Home Member please state whether it is a fact that a competitive

examination is held only when there are vacancies in Government departments?

(b) If the answer to part (a) be in the affirmative, how are Government Departments run without the full number of officers?

The Honourable Sir Reginald Maxwell: (a) and (b). For the services for which recruitment is made through the Federal Public Service Commission an estimate of vacancies likely to occur in a particular year is framed beforehand and communicated to the Commission. There is thus no question of waiting for vacancies actually to occur, before steps are taken to obtain recruits.

RAISING OF THE NEW ARMY IN INDIA, ITS COST AND ARRANGEMENTS FOR TRAINING OF THE ADDITIONAL OFFICERS.

18. *Mr. Lalchand Navalrai: (a) Will the Defence Secretary be pleased to state the number of officers and men enlisted, province by province, for the new army in India, with their respective nationalities?

(b) How many officers are under training, and what are their nationalities?

(c) What is the cost involved in raising this new army and who is to bear the cost?

(d) How many cadets are in training at Dehra Dun Military Academy, and whether it has a capacity for its intake being doubled?

(e) Has any other such institution been started in India? If so, where, and what is its intake capacity?

(f) What is, at present, the cost involved for each cadet being trained?

Mr. C. M. G. Ogilvie: (a) and (b). Statements giving the required information have been placed on the table.

(c) The expansion of the Army in India at present being carried out is estimated to cost ultimately about Rs. 17 crores initial and Rs. 12 crores recurring. The cost of this expansion will be borne by Indian revenues but should any of the forces comprising it be sent for service overseas the initial cost as well as the recurring cost from the date of embarkation will be charged to His Majesty's Government.

(d) 161. The capacity of the Academy is capable of being increased to 250 cadets.

(e) Yes; the Officers' Training School (India), Mhow. No definite figure representing a regular intake of cadets can be given as cadets are recruited in batches as required. The potential capacity of the school is, however, 1,200 per annum at present.

(f) Rs. 4,310 per annum for each cadet at Mhow and Dehra Dun.

Numbers granted Emergency Commissions (including I. M. S.) and undergoing courses at the Training Schools etc., up to 1st October, 1940.

Numbers whose names have been gazetted	Europeans.	Indians.
Numbers undergoing training	320	516
	731	430
	1,051	
	946	

Total numbers recruited from 1st September 1939 to 30th September 1940, by provinces and main classes.

Provinces.	CLASSES.															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	Pathans.	P. Ms.	Sikhs.	Dogra.	Gurkhas.	Garhwals.	Kumaonis.	Rajputs.	Jats.	Ahirs.	Mahrattas.	Christians.	Gujars.	Miscellaneous Hindus.	Miscellaneous Muslims.	Coorgies.
N.-W. F. P.	4,671	24,014	11,603	4,464					2,489	743		379	295	2,341	835	
Punjab						2,598	1,574	313	2,489				295	2,341	1,270	
U. P.								2,182	731	75		1	356	2,191	2,019	
Rajputana and C. I.					1			1,146	1,954	94		2	137	1,274	673	
Delhi		33						16	153	32		2	65	89	16	
Madras												1,979		6,873	1,046	
Bombay											4,870			1,839	947	
Bihar										99				228	108	
C. P. and Berar								275		2	294			276	246	
Bengal								45		1		36		76	34	
Nepal										1		2		35	1	
Hyderabad					3,289			20		1				35	7	
Coorg														13		29
Assam														1		
Sind														39		
Baluchistan		98														
		3	2													
Total	4,671	24,148	11,605	4,464	3,290	2,598	1,574	3,987	5,307	1,647	5,164	2,401	853	15,282	7,198	29

N.-W. F. P.	5,506
Punjab	48,036
U. P.	12,227
Rajputana and C. I.	5,381
Delhi	406
Madras	9,898
Bombay	7,656
Bihar	710
C. P. and Berar	899
Bengal	113
Nepal	3,346
Hyderabad	7
Coorg	42
Assam	1
Sind	137
Baluchistan	8
GRAND TOTAL	94,228

Numbers by Provinces selected for Emergency Commissions from July 1940, to October 1940, and undergoing training at Training Schools—excluding 122 younger cadets who are being trained at the Indian Military Academy, Dehra Dun.

Provinces.	Europeans.	Approx. percentage to the total No. Selected.	Indians.	Approx. percentage to the total No. Selected.
1	2	3	4	5
		Per cent.		Per cent.
N.-W. F. P.	4	·5	31	10
Punjab	38	5	67	21·7
Delhi	10	1	21	6·8
U. P.	35	5	44	14·3
Bengal, Bihar, Orissa and Assam	340	46·5	43	14
Sind	8	1	13	4·2
Bombay	114	15·6	50	16·2
C.-P.	5	·6	10	3·2
Madras	112	15·3	29	9·4
Overseas	65	9
	731	..	308 + 122 = 430	..

Mr. N. M. Joshi: May I know, Sir, if, in appointing officers to the new army in India, the Government of India observe any proportion between Europeans and Indians?

Mr. C. M. G. Ogilvie: No, Sir; no such proportion is observed.

Mr. Lalchand Navalrai: With regard to clause (d), may I know if the Government propose to increase the number of cadets to the maximum point?

Mr. C. M. G. Ogilvie: Yes, Sir; there is such a proposal.

Mr. Lalchand Navalrai: Have any advertisements been sent round inviting candidates to come up?

Mr. C. M. G. Ogilvie: No, Sir; the cadets are just sent there.

Lieut.-Colonel Sir Henry Gidney: Is it a fact, Sir, that these institutions for training are separated according to communities?

Mr. C. M. G. Ogilvie: Not by communities; there are European Training schools and Indian Training schools.

Lieut.-Colonel Sir Henry Gidney: In view of the fact that all these officers serve one purpose, that is the army in India, where is the need for such differences?

Mr. C. M. G. Ogilvie: Well, Sir, in the initial stages of training, it is more convenient and comfortable for the cadets themselves to be together; but they get mixed up with their European comrades as soon as they leave the cadets training institution.

ADVISABILITY OF WITHDRAWING THE GOVERNMENT RESOLUTION ON COMMUNAL RESERVATION OF APPOINTMENTS IN PUBLIC SERVICES.

19. *Mr. Lalchand Navalrai: (a) Will the Honourable the Home Member be pleased to state whether the Government of India (Home Department) Resolution No. F-14/17-B./33, dated the 4th July, 1934, on the reservation of appointments in public services on communal considerations, has fulfilled its original purpose?

(b) Is it a fact that there are now a days sufficient number of suitable and well-qualified candidates available from both Hindu and Muslim communities, and do Government, propose to substitute the method of competitive examinations? If not, why not?

(c) What steps have Government taken to find out the effect of communal reservations in appointment to public services on the efficiency of such services?

(d) Do Government propose to make such an enquiry? If so, are Government prepared to entrust this enquiry to an impartial judicial tribunal? If not, why not?

The Honourable Sir Reginald Maxwell: (a) The object of the Resolution was to reserve a fixed percentage of vacancies in the Government service for minority communities and the working of the rules is fulfilling the purpose for which they were made.

(b) The number of candidates may be sufficient, but the quality still varies considerably in the different communities. Government consider that a continuance of the present system is necessary for the purpose stated in the answer to part (a).

(c) The working of the Resolution is being constantly watched. No complaints have been received that efficiency has suffered as a result of it.

(d) No; because they consider it unnecessary.

Mr. Lalchand Navalrai: May I know, Sir, how long does the Honourable Member propose to retain this distinction, and when does he propose to cancel the Resolution?

The Honourable Sir Reginald Maxwell: There is at present no proposal to alter the Resolution.

Sardar Sant Singh: Is there any proposal before Government to review the position during the last six years in regard to the working of this circular?

The Honourable Sir Reginald Maxwell: There is no proposal before Government at the moment to that effect.

Sardar Sant Singh: Would not Government like to follow the example of the Railways and appoint a special officer to look into the matter and modify the Resolution in view of past experience?

The Honourable Sir Reginald Maxwell: As I have said in answer to part (c), the working of the Resolution is being constantly watched; in fact, statements showing the results of its working are regularly supplied to the House.

Mr. Lalchand Navalrai: May I know, Sir, why no attempt is made to review the whole situation?

The Honourable Sir Reginald Maxwell: Because of the answer to part (c).

INCOME-TAX CHARGED ON GRATUITIES PAID TO THE NON-GAZETTED STATE RAILWAY EMPLOYEES.

20. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Finance be pleased to state whether it is a fact that before the amendment of the Income-tax Act in 1939, all gratuities paid to the non-gazetted State Railway employees by the Railway Board or administrations subordinate to it, were exempted from payment of income-tax under section 60?

(b) Has the exemption referred to in part (a) been withdrawn after the passage of the amending Income-tax Act in 1939? If so, will the Honourable Member please refer to the specific notification in the Government Gazette withdrawing this exemption?

(c) If the exemption referred to in part (a) has not been specifically withdrawn, why is income-tax charged on gratuities paid to railway employees?

(d) Has the attention of the Honourable Member been drawn to Railway Department Notifications Nos. 3019-F.-II, and 9707-F./III, dated 17th October, 1939, which appeared in the Government of India Gazette, dated the 21st October, 1939, altering the nomenclature of retiring gratuity as special contribution by railway administration to Provident Fund? Is this special contribution exempted from payment of income-tax?

(e) Have Government issued any notification exempting gratuities paid to railway employees between 1st April, 1939 and October 1939 from payment of income-tax? If not, why not?

The Honourable Sir Jeremy Raisman: (a) and (b). The exemption granted under section 60 of the Income-tax Act was rendered superfluous by the Privy Council decision in the case of Commissioner of Income-tax,

Bengal *versus* Shaw Wallace and Company which excluded gratuities from the scope of income. It was, therefore, withdrawn by Finance Department (Central Revenues) Notification No. 37-Income-tax, dated the 23rd September, 1933.

(c) Gratuities are now taxable under Explanation 2 to section 7 (1) of the Income-tax Act as amended in 1939.

(d) The Honourable Member is presumably referring to Railway Department's notifications No. 3019-F./I. and No. 3019-F./11, dated the 18th October, 1939. If so, the reply to both parts is in the affirmative.

(e) No. Government have no power to do so under section 60 (3) of the Act.

Mr. Lalchand Navalrai: May I know, Sir, if this section 60 (3) of the Act applies to contributions also?

The Honourable Sir Jeremy Raisman: The section in question is the section which deals with exemptions, and under which Government have no power to make exemptions of this kind.

Mr. Lalchand Navalrai: May I know, Sir, if that would apply to gratuities, and not to any contributions? There is a distinction made by the Railway Department between contributions made by them to their employees and the gratuity that is made? Why should that be charged?

The Honourable Sir Jeremy Raisman: The contribution to provident funds is not taxable by virtue of other provisions of the Act.

Dr. Sir Ziauddin Ahmad: Is the contribution to war fund taxable or not?

The Honourable Sir Jeremy Raisman: Yes, any gift from any income which has previously been subjected to income-tax.

AMALGAMATION OF SUDDER BAZAR, AMBALA, WITH AMBALA CANTONMENT.

21. *Syed Ghulam Bhik Nairang: (a) Will the Defence Secretary please state whether it is a fact that the Sudder Bazar, Ambala, is being amalgamated with Ambala Cantonment?

(b) If so, is it a fact that the whole staff of the Municipal Committee, Sudder Bazar, Ambala, is being absorbed in the Cantonment staff, irrespective of the fact whether any of the employees are competent or not and whether they are temporary or permanent?

(c) Is it a fact that the representation of the Muslims in the services of the Cantonment Board is very poor? If so, what steps are being taken to give Muslims their due share in the services?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) No.

(c) The representation of Muslims is said not to be good. Government understand that every effort will be made to improve it.

DETENTION OF ALAMA MASHRIQI.

22. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Home Member please state whether Alama Mashriqi was arrested under the orders of the Punjab Government or the Government of Delhi Province or under the orders of the Government of India?

(b) In which jail is he now detained?

(c) In which class is he kept?

(d) Have Government received his recent offer to give soldiers to fight for the British in the present war?

The Honourable Sir Reginald Maxwell: (a) I would refer the Honourable Member to the reply I gave to his short notice question of the 21st March, 1940.

(b) He is detained in the Central Jail, Vellore, Madras Province.

(c) "A" class.

(d) No such offer has reached the Government of India.

Dr. Sir Ziauddin Ahmad: What is the answer to part (d) of the question? Did not the Honourable the Home Member receive such an offer?

The Honourable Sir Reginald Maxwell: No.

ADVISABILITY OF RELEASE OF ALAMA MASHRIQI.

23. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Home Member please state whether it is not a fact that Alama Mashriqi has withdrawn all his previous orders and the Khaksars are now carrying out the orders of the Government of India about military drill and military dress?

(b) In view of the full co-operation which Alama Mashriqi and the Khaksars have offered, are Government now prepared to consider the question of the release of Alama Mashriqi?

(c) If not, when and under what conditions do they propose to release him?

(d) Are Government aware that the Khaksars are giving full assistance to the District Magistrates in the maintenance of law and order?

The Honourable Sir Reginald Maxwell: (a) The Khaksars have undertaken to obey the recent orders regarding drill of a military nature and the wearing of uniforms. The notification declaring the Khaksars to be an unlawful association in the Delhi Province has accordingly been rescinded.

(b) and (c). His release will no doubt take place as soon as Government are satisfied that there is no danger of a repetition of the events that made his detention necessary. They do not consider that that position has yet been reached.

(d) Government have no information.

Sardar Sant Singh: May I know from the Honourable Member if the Government of India were consulted or hold the same opinion as was expressed in the Punjab Assembly that the Khaksars were part of the Fifth Column in India?

Sir Muhammad Yamin Khan: Who said that?

The Honourable Sir Reginald Maxwell: I cannot give an opinion in this House about statements made in the Punjab Assembly.

Sir Muhammad Yamin Khan: Is it a fact that the Khaksar leader offered the services of all the Khaksars to be recruited in the army?

The Honourable Sir Reginald Maxwell: I have already said that Government have received no such communication.

Sir Muhammad Yamin Khan: But it is known to the Government through the press and the public utterances which he gave, that all the Khaksars are ready to go and serve in the war and fight against the Axis Powers on behalf of the Allies.

The Honourable Sir Reginald Maxwell: Government do not act on information received only through the Press.

Sardar Sant Singh: Have the Government of India ever made any enquiry into the fact that the Khaksars were part of the Fifth Column in India?

The Honourable Sir Reginald Maxwell: I do not see how that arises out of the question.

UNSTARRED QUESTION AND ANSWER.

BUDGET FOR THE ECCLESIASTICAL DEPARTMENT.

34. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Defence Secretary please state the amount provided in the 1940-41 budget for the expenses on the Ecclesiastical Department?

- (b) How many ecclesiastical officers are employed in that Department?
- (c) What are the duties of those officers?

Mr. C. M. G. Ogilvie: (a) Rs. 37.77 lakhs.

(b) 149.

(c) Episcopal supervision and religious ministrations to:

- (i) European British-born officers and other ranks of His Majesty's naval, military and air forces serving in India;
- (ii) European British-born subjects in the general (civil) service of the Crown in India;
- (iii) State Railway employees of European descent; and
- (iv) members of the families of (i), (ii) and (iii).

MOTIONS FOR ADJOURNMENT.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I have received notice of a motion for adjournment of the business of the House from Maulana Zafar Ali Khan. He is not in his seat.

DISALLOWANCE OF A MOTION FOR ADJOURNMENT BY THE GOVERNOR GENERAL AFTER IT WAS ALLOWED BY THE CHAIR.

Mr. President (The Honourable Sir Abdur Rahim): There is another notice of a motion for adjournment of the business of the House from Pandit Lakshmi Kanta Maitra to the effect that he wishes to discuss a definite matter of urgent public importance, viz., "The advice tendered to the Governor General to disallow yesterday's adjournment motion thereby over-riding the President's interpretation of the Standing Orders of this House and thus seriously curtailing the rights of this House to review the actions of the executive and also undermining the authority and dignity of the Chair". It seems to be clearly out of order.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): May I make my submission in a few words? The point is this.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does not know what advice was given. Besides, I suppose he has to take somebody's advice.

Pandit Lakshmi Kanta Maitra: My submission is this. The Chair after hearing. . . .

Mr. President (The Honourable Sir Abdur Rahim): The rules lay down that in certain cases the Governor General is entitled to pass an order disallowing a motion even though consented to by the President.

Pandit Lakshmi Kanta Maitra: I know that, but here the reason given is that it is not primarily the concern of the Governor General in Council. This raises a constitutional issue. If you will kindly bear with me for two minutes, I will make my position clear. The Chair, after getting notice of the adjournment motion, invites if there is any objection. Objection is raised, objection is heard and leave of the House is granted. The Chair allows that adjournment motion on its own interpretation of the Standing Orders. Thereafter, the Leader of the House, differing on a point of interpretation of the Standing Orders from the Chair, rushes up to the Governor General and gets the whole order changed. Surely, the Governor General was not present yesterday to hear what was going on here.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is making a speech. The Governor General has acted according to the rules governing the procedure of this House, and his action cannot be challenged.

Pandit Lakshmi Kanta Maitra: It is not a question of public tranquillity or order.

Mr. President (The Honourable Sir Abdur Rahim): The motion is disallowed.

STATEMENT OF BUSINESS.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): It is understood that the Congress Party propose to attend the Session from Monday next with a special view to participating in the discussion of the Finance Bill. In these circumstances Government consider it preferable that the discussion on the Finance Bill should not start until the Congress Party is in attendance. They propose, therefore, to proceed on Friday and Saturday with the other Bills entered in the List of Business issued for Friday, Saturday and Monday as also with the remaining Bills introduced on the first day of the Session and to proceed with the Finance Bill on Monday. Revised Lists of Business giving effect to these arrangements will be issued today.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): May I ask whether the Income-tax Bill is included in this List that will come up on Friday and Saturday?

The Honourable Sir Muhammad Zafrullah Khan: That is at the end of the List.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Is the Assembly sitting on Saturday?

Some Honourable Members: Of course.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): The Assembly should not sit on a Saturday.

NOMINATION OF THE PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the House that under sub-rule (1) of rule 3 of the Indian Legislative Rules, I nominate Dr. Sir Ziauddin Ahmad, Mr. M. S. Aney, Mr. L. C. Buss and Mr. N. M. Joshi on the Panel of Chairmen for the current Session.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I do not move today any of the Bills standing in my name, namely, items 1, 2, 3, and 9.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I follow suit. I do not move motions Nos. 5, 6 and 7.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

Khan Bahadur Shaikh Fazl-i-Haq Piracha (North-West Punjab: Muhammadan): Sir, I beg to move:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be referred to a Select Committee consisting of the Honourable the Law Member, Mr. J. D. Tyson, Sir Abdul Halim Ghuznavi, Lieut.-Colonel M. A. Rahman, Sir Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Mr. H. M. Abdullah, Mr. J. D. Boyle, Sardar Sant Singh, Qazi Muhammad Ahmad Kazmi, Mr. Husenbhai Abdullabhai Laljee, and the Mover, and that the number of members whose presence shall be necessary to constitute the meeting of the Committee shall be five."

[Khan Bahadur Shaikh Fazl-i-Haq Piracha.]

Sir, in moving today the motion for reference of my Bill to the proposed Select Committee, I need make no long a speech. On the 14th February last, when I moved in this House for the consideration of the Bill I had put forth my point of view in detail and there was a long discussion over the motion for consideration. As many as 16 Honourable Members took part in the debate, and on a motion by Mr. Boyle, the Bill was circulated for eliciting public opinion.

Sir, the opinions received are in our hands. They are in two Papers, and if counted, are about ninety in number. The opinions received are from all over the country and from the Provincial Governments and their officials connected with the Haj question. The opinions of several Muslim organisations and religious bodies of all sections of the Muslim community are also there. They are all unanimous in their opinion in favour of the Bill.

I am glad to say that out of the opinions received 90 per cent. are in support of the principles underlying the Bill, and a few of them have also expressed their desire that the fares are not increased. In many of the opinions, it has been urged that even if the fares are increased, which ordinarily should not be so, the amendments proposed in the Bill should any how be made. A big majority of people who have sent in their opinions are in full support of the Bill. On analysing the opinions received it will be observed that there are only nine opinions out of the lot, opposed to the Bill. On a further analysis on going through the opinions, they will become still less. The opinions expressed in opposition to the Bill are only nine in number, many of which are from vested interests, while the others are from probably those who are ignorant of the conditions of Hajees during their voyage to Jeddah and back. The first opinion is that of the Orissa Government. If we refer to this on page 4 of Paper I, it will be seen that the opinion of the Government is based on the opinion of their Revenue Commissioner. On the same place, however, it is mentioned that the local Muhammadan Association was consulted and it is in favour of the Bill. As the question concerns the Mussulmans, this opinion, therefore, should not be considered as opposed to the Bill. The Behar and Orissa Muslim Chamber of Commerce is also in favour of the Bill. Next comes the opinion of Messrs. Turner Morrison and Co. who are the root cause of all this trouble and who should be considered to be the real opposition party to the Bill. It is the only company which carries the Haj traffic and it is in fact to bind them that this measure is brought in this House in order that they may be compelled to give adequate space to the Haj pilgrims.

If the opinion of this company is read with those of the Karachi Chamber of Commerce on page 12, Andhra Chamber of Commerce on page 17 and Bengal Chamber of Commerce on page 18, it will be noticed that the opinions of all these organisations are the same and are based on purely a business point of view having no regard at all to comforts of the pilgrims concerned. The other opinions against the Bill are from Madras, from the Collectors of Kanara, Cuddapah and Chingleput on page 16 and from the Presidency Port Officer, Madras, on page 18. The percentage of Muslim population in Madras, is only four or five per cent and the House can well understand how much the views of the Muslims must have been brought home to these officers. It will be seen.

however, that the majority of the opinions of 15, from Madras, are in favour of the Bill. On reference to the opinion expressed by the Presidency Port Officer, Madras, on page 18, Paper II, it will be observed that the officer has given no definite opinion of himself but has only communicated the views of the agents of the shipping companies who naturally would oppose the Bill for the sake of their own business interest. He appears to be doubtful of any advantage to the pilgrims if the Bill is amended. His opinion, therefore, should be considered to be the opinion of the Shipping companies who are out to make profits at the cost of comforts to the pilgrims. As against these opinions the rest of the opinions are in favour of them. Very few of them, no doubt, have expressed their view against clause 2 (b) of the Bill but they are so small in number that they can easily be ignored in the presence of a very large number of opinions who are totally in favour of the Bill.

Sir, having said something about the opinions opposed to the Bill, I would now, with your permission, like to quote certain passages from the opinions, for the information of the House, which are in favour of the Bill. I would first refer to the opinion on page No. 1, expressed by my friend, Khan Bahadur Wilayatullah, Retired Deputy Commissioner, who was a member of this House in the last Assembly. He says:

"The Haj Committees of the three ports of Bombay, Karachi and Calcutta are all favourably inclined towards these two questions. However, in order to prevent sickness and keep down mortality, which, unfortunately, is heavy on pilgrim ships, it seems necessary that the Government should do everything in its power to improve the conditions of pilgrim traffic. The present pilgrims' ships are notorious for bad health and this is almost entirely due to congestion and overcrowding. There is a vast difference between large size passenger ships and these small cargo boats which are commonly employed for carrying pilgrims. There is no comparison between young, healthy and well-disciplined troops and these poorly-fed and ill-equipped pilgrims of all ages and in various degrees of health huddled together. As the individual spaces are not marked out, the strong among them make themselves convenient at the expense of the weak who have to pass their time patiently and quietly in the rejected nooks and corners and useless portions of the deck, though they also pay equal fares.

The question of increased space and marked out plots arise only when there is a rush of pilgrims on board the ships in heavy seasons. The shipping companies make huge profits, more particularly at such times and they ought not to grudge a little more space to accommodate the pilgrims. It is hoped that they will adjust themselves to it without disturbing the present rates. If they do not do so, fear of slight increase in the fares should not deter us. The pilgrims will pay a little more. The increase must be reasonable and should not be heavy and prohibitive.

For the above reasons on grounds of better sanitation, better health and greater convenience, the changes proposed in the Act seem very desirable. I am in favour of the Bill."

Then, I would like to read a few lines from an opinion received from Baluchistan, from the Anjuman-i-Islamia, Baluchistan. It runs:

"The Bill will remove one of the many difficulties experienced by the pilgrims. . . . and they strongly support the motion."

Then, I would like to read the opinion of the Bar Association, Delhi. They say:

"The amendments proposed by the Khan Bahadur in Section 193 (1) of the Indian Merchant Shipping Act is very essential to mitigate the discomforts and inconveniences suffered by the Haj pilgrims in their voyage.

[Khan Bahadur, Shaikh Fazal-i-Haq Piracha.]

It is a pity that only cargo ships are employed in pilgrim traffic. These boats being already unfit for human beings are loaded to their fullest capacity at the time of Haj and thus become highly congested and insanitary. That is apparent from the high rate of deaths which occur in them in every voyage.

It is one of the long standing grievances of the Muslim public that the space allotted in pilgrim ships is insufficient and it is incumbent on the legislature and the Government to remove this grievance. To ameliorate the pitiable condition of the Haj pilgrims it is absolutely necessary to increase the space allotted to them and to separately mark it for each person for avoiding confusion."

Then, Sir, I would like to refer to the opinion from the Government of the North-West Frontier Province, which says:

"I am directed to state that the Provincial Government is in full agreement with the provisions of the Bill."

Then, the Bihar and Orissa Muslim Chamber of Commerce says that the Chamber is in general agreement with the provisions of the proposed Bill.

Then, I would refer to the opinion, on page 7, of the Vice-Chairman of the Port Haj Committee, Bombay. He says:

"That Government be informed that the Committee approved of the suggestion made in para. 2 (a) of the Bill regarding increase of space from 16 to 18 superficial feet."

The Government of Ajmer-Merwara say:

"The Commissioner, Ajmer-Merwara, is of the opinion that the Bill is a useful one and I agree with him."

Mr. Mohamed Husain Chisty, Hajis' Friend, Ajmer, says:

"I am of opinion that the amendment is required in the interest of pilgrims. The space at present allowed is not sufficient and the comfort of the pilgrims requires that the space allotted should be increased. All the pilgrims complain of the discomforts to which they are subjected owing to the congestion on the pilgrim ships."

Now, I would quote the opinion of the United Provinces Government:

"I am to add that the Governor sees no objection to the proposed amendment of the Indian Merchant Shipping Act.

The United Provinces, Chamber of Commerce, Cawnpore says:

"I am directed to say that the Committee of the Chamber extend their general support to the proposed amendment."

Then, I would refer to the opinion of the Punjab Government. They say:

"It will be seen that these organisations are unanimously in favour of the Bill. The opinions of the Commissioners and Deputy Commissioners in the Province are also generally favourable."

The Punjab Provincial Haj Committee fully agrees with the proposed amendments.

The Anjuman-i-Himayat-i-Islam, Lahore, says that it "wholeheartedly supports the amendments proposed." Then the Nazir, Umooor Kharija, Ahmadiyya Movement, Qadian, says that they also are in strong support of the Bill. Then the Sind Government is also in favour of the Bill. Then the Karachi Indian Merchants' Association, Karachi says that the Committee "support the Bill":

"In this connection, it was pointed out that it would be possible for the shipping companies to provide for the proposed increased space for the existing fare. Even otherwise, my Committee wish to state, it is necessary to provide certain minimum

comforts for human beings going on a long journey lasting for several days, irrespective of the consideration of fare, and if any increase in fare is unavoidable on account of increased space to be provided, my Committee feel the pilgrims should not grudge it."

I would now quote the opinion of the Madras Government:

"The Muhammadan officers who were consulted, as a whole, favour the proposals contained in the Bill.

The Government of Madras are in favour of the proposed amendment for the increase of space as the inconvenience and hardship caused to the pilgrims on account of the inadequacy of the space already afforded greatly outweighs any hardships that may be caused by an increase in the rates."

Then, Sir, the Southern Indian Chamber of Commerce, Madras, says:

"My Committee are of opinion that Haj Pilgrims are at present considerably suffering on board the pilgrim ships owing to lack of sufficient accommodation: the question of increase of fares is not necessarily intertwined with the proposal for increase of space and my Committee feel that it might be left to the state of competition between the steam-ship lines that may prevail from time to time."

Sir, with these opinions expressed by almost all the Governments, I do not think the House or the Government will have any hesitation in commending my Bill to a Select Committee. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be referred to a Select Committee consisting of the Honourable the Law Member, Mr. J. D. Tyson, Sir Abdul Halim Ghuznavi, Lieut.-Colonel M. A. Rahman, Sir Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Mr. H. M. Abdullah, Mr. J. D. Boyle, Sardar Sant Singh, Qazi Muhammad Ahmad Kazmi, Mr. Husenbhai Abdullabhai Laljee, and the Mover, and that the number of members whose presence shall be necessary to constitute the meeting of the Committee shall be five."

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I am intervening early in the debate, if a debate there is to be, because, though I do not propose to delay the House long, I think it may be useful if at this stage I define the Government's attitude to the Bill. I have read the debate which took place in the House at the time the Bill was introduced and from that debate and from what has fallen from the Honourable Member in charge of the Bill today I realize,—indeed it is perfectly obvious,—that the Honourable Member is very much in earnest about the measure and very confident that in promoting it he is promoting the best interests of the pilgrims. I would ask the Honourable Member, Sir, to believe that on this side of the House also we are concerned over the interest of the pilgrims, and if we could be as confident as the Khan Bahadur is that the two changes which are proposed in the Indian Merchant Shipping Act could be effected without the risk of attracting countervailing disadvantages to the pilgrims, we should support the proposals, at all events as a post-war measure. But, Sir, we have from the outset entertained certain misgivings about the indirect effects of these proposed changes and I cannot honestly say that these misgivings have been modified by the opinions received in circulation. As regards both the changes to be effected by this Bill, the view has been expressed that the resultant reduction in the carrying capacity of the pilgrim ships may open the door to increased fares, and that these increased fares may more than counterbalance for the poorer pilgrims the slight advantages accruing from the changes proposed. That

[Mr. J. D. Tyson.]

fares will have to be increased is certainly the view of not one but both the shipping companies concerned in the traffic. One company has pointed out that the first change proposed—from 16 sq. ft. to 18 sq. ft., minimum space per pilgrim—will involve a reduction in the carrying capacity over their whole fleet of 11·2 per cent., and that the introduction of individual demarcation of areas—the second change proposed—will involve a reduction over their entire fleet of 13·6 per cent. in carrying capacity. That makes a total reduction in carrying capacity all-round amounting to 24·8 per cent. Or, to show the effect in another way, as regards a particular ship,—the large pilgrim ship “Rahmani”, which on the present basis has a carrying capacity of 1,601 pilgrims, would, by the first change proposed—the increase in superficial area per pilgrim—have that carrying capacity reduced by 178 pilgrims. Well, at the rate charged for passages last year, that would involve a reduction of about Rs. 31,000 in the company’s receipts from fares.—11 per cent. of the total they could expect if the ship was full. That is on account of one form of reduction in carrying capacity only. According to the figures supplied by the company, one must presume that the reduction due to individual demarcation of space would involve at least another eleven per cent. reduction of their receipts on the round voyage. Both the changes proposed are open to that obvious objection that they reduce the carrying capacity of the ships, with the possibility that on that account the fares would have to be increased.

As regards the second change proposed,—individual demarcation.—I confess that at first sight it seems to commend itself as a logical step; in theory at all events, one would think it should have the effect of enlisting every individual pilgrim in the defence of his own rights to deck space and at the same time of providing him with conclusive evidence in defence of his own cause. But here, again, while the effect on carrying capacity will be automatic (there is bound to be a reduction) there is some evidence, including the opinion of the Haj Inquiry Committee of 1929, that the adoption of this system of individual marking is impracticable and that it will be infructuous so far as the individual pilgrim is concerned.

The opinion has been expressed in circulation, by a great many of the gentlemen and the bodies who have supported the proposals, that, though they may involve some loss in carrying capacity, the proposed changes can be made without any rise in fares as the shipping companies will be able to meet the cost of them by being content to make reduced profits. It may be so, but the shipping companies, not unnaturally perhaps, have taken the other view. I do not know and I doubt if anyone in this House knows what profits or losses are made in the pilgrim-carrying traffic. It is a commercial secret. But this, I think, one must say,—those who are most solicitous for the interests of the pilgrims impress upon us—I do not doubt correctly—that in a general way these pilgrim ships are crowded to capacity. Unless that were so, these proposed amendments really would be unnecessary. Now, Sir, if that is so, it does seem fairly obvious that, if ships are, as a general rule, anything like full, a reduction in carrying capacity must involve the

recovery from a smaller number of passengers of working costs and overheads,—charges which do not vary once you put the ship alongside; and that is before any profit is made at all. I cannot but think that in the long run any serious disturbance of the balance between the working costs and the receipts will be reflected in passage rates. In these circumstances, I cannot help wondering whether the extra space which the pilgrim is invited to hope for from this Bill may not in the pilgrim's opinion prove to have been too dearly bought. These are the misgivings which we feel as regards the effect which are likely to flow from the proposals now before the House. We feel, therefore, that we should not support the Bill. I will not, at this time, go into the other ways by which what the Honourable Member seeks to achieve and what we also seek to achieve might be attained,—such as a compulsory reduction in the amount of luggage that pilgrims take on deck. These are not before the House.

On the other hand, I do recognise that five Provincial Governments have given their unqualified support to the proposals before the House and that only one Provincial Government has strongly opposed them. One Port Haj Committee has supported the proposals without qualification. That is the Bombay Port Haj Committee. The Karachi Port Haj Committee has supported them subject to there being no increase in fares, which seems to indicate that that Committee, at all events, shares the misgivings that we ourselves feel. No opinion has been received from the Calcutta Port Haj Committee, whose Chairman is not present in the House today. If Honourable Members of this House feel confident that these improved facilities, cost what they may, will really be in the best interests of the pilgrims, Government will not stand in their way. By that I mean that if the present motion goes to a division, the official Members will abstain from voting. We shall not oppose the Bill.

On one point, however, I should like to make myself clear. The effect of these proposals will be to diminish the carrying capacity of the ships. That is undisputed. The degree of the reduction can only be found by experience. But any reduction in the carrying capacity of ships would be very unwelcome to the shipping authorities in war time and while the war time demand for shipping space continues. If this Bill goes to a Select Committee, Government will certainly move an amendment directed to securing that the new provisions of the Indian Merchant Shipping Act shall not take effect until conditions in the passenger and freight markets are much more normal than they are today. Apart from the difficulty that I have just pointed out, I might also mention that the fare arranged for the ensuing Haj pilgrimage is very much subsidized so as to bring it within the reach of the pilgrim. That subsidized fare has been based on the present carrying capacity of the pilgrim ships and it is fairly safe to assume that the need for keeping down the fares will continue at least for the duration of the hostilities. If, therefore, the Bill goes to the Select Committee, we shall from this side endeavour to ensure that the operation of the changes is postponed till after the war. That, however, is, I think, a matter for the Select Committee.

Mr. M. S. Aney (Berar: Non-Muharamadan): What is the exact amount of the subsidy that is given now?

Mr. J. D. Tyson: It is not so much the amount, which, I think, must amount to about 40 per cent. of the fare in one way or another. That, Sir, is the attitude we propose to adopt towards this Bill.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I had no intention to speak on this Bill but my friend, Mr. Tyson, gave a mathematical problem. I took up the problem myself and attempted to solve it. Our chief difficulty which we have repeatedly mentioned on the floor of the House about the carrying capacity of the ships is this. They take the superficial area of the ship and divide it by 16ft. which is really the space allotted for each passenger. The result is the number of passengers which they can carry. This is practically the method by which they calculate. If you adopt this method, then some persons will have to be divided into two, because the length of one man may be 5 feet and 6 inches but the length of another man may not exactly fit in in the space provided. Some persons will have to be cut crosswise, while others will have to be cut up transversally. By this arrangement it may be possible to fit in the required number. I have got a parallel problem to this which will throw a great deal of light on the subject under discussion. Suppose you have got a cube which is 12 inches long, 12 inches wide and 12 inches high. Now, the problem is: how many spheres of one inch diameter can you put in the cube? The answer is 1,728 if you solve the problem in the same manner as Turner Morrison attempts to solve the carrying capacity of passengers. that is, take up the volume of the space of the cube and divide the total space by the volume of one sphere, then the number that can be fitted in will be 2,728, that is, 1,000 more spheres can come in if you cut them into pieces and thrust them in. Therefore, you can increase the capacity by this method if you begin to squash the human beings and shove them in somehow as these sphere can be put in. The other problem is this. Though a layman can put in only 1,728 cubes, you can put in as many as 2,000 by careful consideration and methodical adjustment. Therefore, what we desire is this. We should not solve the problem in the way Turner Morrison company or the Scindia Company are solving it, but we should try to measure the space and give sufficient accommodation to every passenger so that everybody may be able to lie down and it may not be necessary to divide them into two parts, so that one part may go in one direction and the other in another direction. This may necessitate the alteration of the superficial area of the deck. That is not necessary. But at the same time, it is desirable to make the deck in a manner that the number of persons that may fit in in each line may be an exact number. What Messrs. Turner Morrison will have to do is to have a device in their deck accommodation in a somewhat different manner so that in each line an exact number of passengers may come in so that neither free space may be left, nor will there be any necessity to divide individuals into parts, one for one line and another for another line and so on. In this case the figures given by Turner Morrison are open to discussion. I do not agree with the figures given by them. There may be some difference but not so much as pointed out by the Honourable the Secretary.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan):

2 Noon. Sir, I do not propose to make a long speech and thus take up the time of the House. The Bill proposes two things, first, to raise "16 sq. feet" provided for pilgrims to "18 sq. feet" and the

second marking of seats. The Honourable the Secretary has just now stated that with such an increase there will be a decrease in the maximum-carrying capacity of the ship and he said that the decrease might be as much as 11.1 per cent. If we take this argument for granted, then the increase in fare will amount to only Rs. 19 and nothing more. Without taking into consideration all these things, the Government, I understand, are going to increase the fare from Rs. 173 to Rs. 193, this year, that is, an increase of Rs. 20. So, this is quite immaterial. If the Honourable the Secretary would take into his consideration the over-crowding, then he will realise the exact position of the Hajis. In India we have seen passengers carried in goods train, and here also we see the Hajis being carried in cargo ships. This is quite an intolerable state of affairs for human beings. The Honourable the Secretary has no doubt supported the measure, but he used many 'ifs' and 'buts' and in the end he said that it would be impracticable. I fail to understand how the marking of seats will be impracticable. It is already done on the railways. Seats are marked on the Benches of passenger trains. Why it is impracticable in the case of ships, I do not know.

Mr. J. D. Tyson: On a point of explanation, Sir. It was the Haj Enquiry committee who used the word 'impracticable'.

Maulvi Muhammad Abdul Ghani: The Haj Enquiry committee might have used the word 'impracticable', having regard to a certain extent over-crowding. But I submit the world is changing. Ideas are changing. We have to come to know that things which were considered impracticable long before have now become practicable. I say it is quite practicable for marking seats. Of course, a few inches have to be left on either side. When it is a question of human beings, such things ought not to stand in our consideration. With these words, I support the motion for reference to Select Committee.

Mr. M. S. Aney: I am rising only to understand one or two points to which reference was made by Mr. Tyson in his speech. So far as the opinions are concerned, I find particularly that the Passenger Steam Navigation company is prepared to accept the principle of the provisions of this Bill provided an increase in the fare is proportionately made. That is the opinion which they have expressed.

"It is the recognised principle of all transport service whether on land, sea or air that the demand for space and amenities are conditioned by the passage fare which the passenger is prepared to pay. We are, therefore, perfectly willing to meet the demand for additional space provided its fundamental relation to the passage fares to be charged is recognised and dealt with along with that demand."

I was under the impression when I heard the speech of my Honourable friend, Sir Abdul Halim Ghuznavi, last time that he was speaking for his company. Probably at that time the company was willing to accept this Bill and not insist on any increase in fares.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): I have not yet spoken on the Bill at all.

Mr. M. S. Aney: The Honourable Member spoke on the last occasion. He opposed Mr. Boyle. Both he and Mr. Boyle were fighting here. Here is the documentary opinion of his company and they say that agree to provide more space, provided more money is given by the passengers. I hope my Honourable friend, Sir Abdul Halim Ghuznavi, stands by his company now. I wait for an answer.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will proceed with his speech.

Mr. M. S. Aney: It does not matter what my Honourable friend stands for. The company's opinion is there.

Another point which I want to have perfectly clear from Mr. Tyson is this. He said that certain subsidy is to be given by the Government and he also said that the subsidy practically comes to 40 per cent. of the fare charged either for the ship or for the passenger. I do not know whether the subsidy is charged on the total fares which the present carrying capacity of the ship is entitled to get or whether it is charged over the number of passengers that are really carried. Do you pay 40 per cent. of the fare for the number of passengers actually carried or have you to pay 40 per cent. of the total fare that would come to provided the number of passengers carried is up to the full carrying capacity of that ship. What is the principle on which subsidy is based. That is what I want to know because it makes a good deal of difference.

Mr. J. D. Tyson: The principle upon which the subsidy is based is that the Government of India and His Majesty's Government have agreed to meet certain charges, elements in the fare which are attributable to war conditions; the principal element tending to raise the fares, which is attributable to war conditions, is the item of war risk insurance on ships and we shall have to meet that however many or however few pilgrims travel.

Mr. M. S. Aney: That question does not affect the position at all.

Sir Abdul Halim Ghuznavi: May I make one observation? As far as I understand the position, it is this—that the Government of India want that the same fare should be paid by the pilgrims this year as was paid last year, that the extra cost which is due to war conditions, such as war insurance, would be borne by His Majesty's Government and the Government of India.

Mr. M. S. Aney: Then that question of subsidy is not at all pertinent, because the Honourable Member has already informed us that, when the Bill goes to the Select Committee, an amendment will be moved that the provisions of the Bill should not be given effect to during the war. So if the question of subsidy is only germane to the conditions existing during the war, we need not allow that factor to affect our judgment on this point at all. In view of this I think no reasonable objection can be taken to the principle of the Bill and it should be allowed to go to the Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That the Bill further to amend the Indian Merchant Shipping Act, 1923, be referred to a Select Committee consisting of the Honourable the Law Member, Mr. J. D. Tyson, Sir Abdul Halim Ghuznavi, Lieut.-Colonel M. A. Rahman, Sir

Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Mr. H. M. Abdullah, Mr. J. D. Boyle, Sardar Sant Singh, Qazi Muhammad Ahmad Kazmi, Mr. Huseabhai Abdullabhai Laljee, and the Mover, and that the number of members whose presence shall be necessary to constitute the meeting of the Committee shall be five."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 4).

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 4)."

The motion was adopted.

Mr. Lalchand Navalrai: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 250).

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 250)."

The motion was adopted.

Mr. Lalchand Navalrai: Sir, I introduce the Bill.

THE INDIAN EVIDENCE (AMENDMENT) BILL.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Evidence Act, 1872.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Indian Evidence Act, 1872."

The motion was adopted.

Mr. Lalchand Navalrai: Sir, I introduce the Bill.

THE INDIAN RAILWAYS (SECOND AMENDMENT) BILL.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Railways Act, 1890, for certain purposes (Second Amendment).

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That leave be granted to introduce a Bill further to amend the Indian Railways Act, 1890, for certain purposes (Second Amendment).”

The motion was adopted.

Mr. Muhammad Azhar Ali: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Friday, the 8th November, 1940.