

14th February 1940

THE

LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume I, 1940

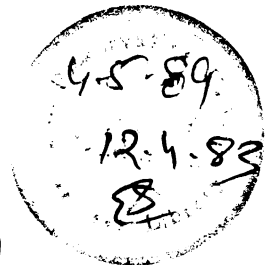
(6th February to 5th March, 1940)

ELEVENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1940



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.

1940

M2LAD

Legislative Assembly.

President :

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I.

Deputy President :

MR. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen :

DR. SIR ZIAUDDIN AHMAD, C.I.E., M.L.A.

MR. M. S. ANEY, M.L.A.

SIR COWASJI JEHANGIR, BART., K.C.I.E., O.B.E., M.L.A.

MR. A. AIKMAN, C.I.E., M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistants of the Secretary :

MR. M. N. KAUL, BAR.-AT-LAW.

KHAN SAHIB S. G. HASNAIN.

Marshal :

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

Committee on Petitions :

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman.*

MR. A. AIKMAN, C.I.E., M.L.A.

SYED GHULAM BHIK NAIRANG, M.L.A.

MR. N. M. JOSHI, M.L.A.

SIR ABDUL HALIM GHUZHNAVY, M.L.A.

CONTENTS.

VOLUME I.—6th February to 5th March, 1940.

	PAGES.		PAGES.
TUESDAY, 6TH FEBRUARY, 1940,—		TUESDAY, 6th FEBRUARY, 1940,—<i>contd.</i>	
Members Sworn	1—2	The Excess Profits Tax Bill— Introduced and discussion on the motions to refer to Select Committee and to circulate not concluded . . .	87—132
Starred Questions and Answers	2—9		
Unstarred Questions and Answers	9—15		
Statements laid on the Table	15—51		
Death of Mr. Sham Lal	52—53		
Motions for Adjournment <i>re</i> — Riots in Sind—Disallowed by the Governor General . . .	53	WEDNESDAY, 7TH FEBRUARY, 1940,—	
Haj Pilgrim Traffic—Permis- sion to move not granted . . .	53	Starred Questions and An- swers	133—143
Panel of Chairmen	54	The Press and Registration of Books (Amendment) Bill— Motion to circulate nega- tived	143—155
H. E. Governor General's assent to Bills	54	The Indian Penal Code (Amendment) Bill—Cir- culated	155—156
Home Department Declaration of Exemptions laid on the Table	54—57	The Aligarh Muslim Univer- sity (Amendment) Bill— Introduced	156
External Affairs Department Declaration of Exemption laid on the Table	57—58	The Transfer of Property (Amendment) Bill—Intro- duced	156—157
The Indian Arbitration Bill— Presentation of the Report of the Select Committee	58	THURSDAY, 8TH FEBRUARY, 1940,—	
The Registration of Trade Marks Bill—Presentation of the Report of the Select Committee	58	Starred Questions and Answers	159—73
Insurance Rules laid on the Table	58—84	Resolution <i>re</i> — Guiding principles in res- pect of catering contracts on Indian Railways—With- drawn	173—98
Election of Members to the Standing Committee for Roads	85	Air Defence of India— Adopted	198—220
The Drugs Bill—Introduced . .	85	FRIDAY, 9TH FEBRUARY, 1940,—	
The Offences on Ships and Air- craft Bill—Introduced	85	Members Sworn	221
The Indian Coinage (Amend- ment) Bill—Introduced	85—86	Starred Questions and An- swers	221—35
The Reserve Bank of India (Amendment) Bill—Intro- duced	86	Unstarred Questions and Answers	235—37
The Royal Indian Navy (Ex- tension of Service) Bill— Introduced	86	Messages from H. E. the Governor General	237
The Registration (Emergency Powers) Bill—Introduced . . .	86	Election of Members to the Standing Committee for Roads	238
The Foreigners Bill—Intro- duced	86—87	Committee on Petitions	238

PAGES.	PAGES.
FRIDAY, 9TH FEBRUARY, 1940,—contd.	THURSDAY, 15TH FEBRUARY, 1940,—
Home Department Declaration of Exemption laid on the Table	Starred Questions and Answers
238—39	399—427
The Excess Profits Tax Bill—Discussion on the motions to refer to Select Committee and to circulate not concluded	Unstarred Questions and Answers
239—79	427—29
MONDAY, 12TH FEBRUARY, 1940,—	Election of Members to the Public Accounts Committee
Member Sworn	430
281	The Reserve Bank of India (Closing of Annual Accounts) Bill—Introduced
Starred Questions and Answers	430
281—95	The Indian Arbitration Bill—Passed as amended
Statement laid on the Table	430—45
296	The Registration of Trade Marks Bill—Passed as amended
The Excess Profits Tax Bill—Referred to Select Committee	445—55
296—324	FRIDAY, 16TH FEBRUARY, 1940,—
The Registration (Emergency Powers) Bill—Passed as amended	Starred Questions and Answers
324—25	457—66
The Foreigners Bill—Passed	Presentation of the Railway Budget for 1940-41
326—27	466—75
The Royal Indian Navy (Extension of Service) Bill—Passed	The Factories (Amendment) Bill—Introduced
327—28	476
Resolution <i>re</i> amendment of Rules governing the grant of Travelling and Other Allowances to Members of the Indian Legislature—Amendment of Mr. J. D. Boyle adopted	The Indian Emigration (Amendment) Bill—Introduced
329—30	476
The Drugs Bill—Referred to Select Committee	THURSDAY, 22ND FEBRUARY, 1940,—
330	Starred Questions and Answers
The Offences on Ships and Aircraft Bill—Passed	477—82
331	General discussion of the Railway Budget
WEDNESDAY, 14TH FEBRUARY, 1940,—	483—537
Member Sworn	FRIDAY, 23RD FEBRUARY, 1940,—
333	Member Sworn
Starred Questions and Answers	539
333—49	Starred Questions and Answers
Unstarred Question and Answer	539—59
349	Unstarred Questions and Answers
Motion for Adjournment <i>re</i> Raid on the Punjab Town by Tribal Gang—Ruled out of Order	559—61
349—50	Message from the Council of State
The Indian Merchant Shipping (Amendment) Bill—Circulated	561—62
350—78	Arrangement <i>re</i> discussion of the Railway Demands for Grants
The Aligarh Muslim University (Amendment) Bill—Circulated	562—63
379—97	The Income-tax Law Amendment Bill—Introduced
	563
	The Reserve Bank of India (Second Amendment) Bill—Introduced
	563
	The Indian Coinage (Amendment) Bill—Passed
	563—66
	The Factories (Amendment) Bill—Passed as amended
	566—83

	PAGES.
FRIDAY, 23RD FEBRUARY, 1940,—<i>contd.</i>	
The Reserve Bank of India (Closing of Annual Accounts) Bill—Passed	583
The Indian Emigration (Amendment) Bill—Passed	583—85
The Reserve Bank of India (Amendment) Bill—Passed	585—86
SATURDAY, 24TH FEBRUARY, 1940,—	
Member Sworn	587
Starred Questions and Answers	587—600
Postponed Questions and Answers	600—03
Unstarred Questions and Answers	603—04
Election of Members to the Public Accounts Committee	604
The Railway Budget—List of Demands—	604—58
Demand No. 1—Railway Board—	605—58
Control of Capital Expenditure	605—23
Vagaries of the Grand Trunk Express running between Madras and Delhi—	624—29
Increase of Freights	630—49
Grievances of Railway Employees	650—58
MONDAY, 26TH FEBRUARY, 1940,—	
Starred Questions and Answers	659—69
Unstarred Questions and Answers	669—70
Statements laid on the Table	670—71
The Railway Budget—List of Demands	671—730
Demand No. 1—Railway Board	671—727
Grievances of Railway Employees	671—83
Muslim Grievances	683—720
Conditions of Service in Railways	721—27
Demand No. 2—Audit	727
Demand No. 3—Miscellaneous Expenditure	727
Demand No. 5—Payments to Indian States and Companies	728

	PAGES.
MONDAY, 26TH FEBRUARY, 1940,—<i>contd.</i>	
The Railway Budget—List of Demands— <i>contd.</i>	
Demand No. 6-A—Working Expenses—Maintenance of Structural Works	728
Demand No. 6-B—Working Expenses—Maintenance and Supply of Locomotive Power	728
Demand No. 6-C—Working Expenses—Maintenance of Carriage and Wagon Stock	728
Demand No. 6-D—Working Expenses—Maintenance and Working of Ferry Steamers and Harbours	728
Demand No. 6-E—Working Expenses—Expenses of Traffic Department	729
Demand No. 6-F—Working Expenses—Expenses of General Departments	729
Demand No. 6-G—Working Expenses—Miscellaneous Expenses	729
Demand No. 6-H—Working Expenses—Expenses of Electrical Departments	729
Demand No. 7—Working Expenses—Appropriation to Depreciation Fund	729
Demand No. 8—Interest Charges	730
Demand No. 10—Appropriation to Reserve	730
Demand No. 11—New Construction	730
Demand No. 12—Open Line Works	730
TUESDAY, 27TH FEBRUARY, 1940,—	
Starred Questions and Answers	731—49
Unstarred Questions and Answers	750—60
Central Government Appropriation Accounts and Finance Accounts	760
Demands for Supplementary Grants—Railways	760—81
WEDNESDAY, 28TH FEBRUARY, 1940,—	
Starred Questions and Answers	783—804

	PAGES.		PAGES.
WEDNESDAY, 28TH FEBRUARY, 1940,—contd.		FRIDAY, 1ST MARCH, 1940,—	
Resolution re—		Starred Questions and	
Constitution of the Simla Town as a Centrally Administered Area—Withdrawn	804—20	Answers	873—80
Appointment of a Committee to formulate a Sound Policy for Depreciation and Capital Expenditure in respect of the Railways—Withdrawn	820—40	Statement of Business	880—81
Picture Gallery for New Delhi—Withdrawn	840—46	The Coal Mines Safety (Stowing) Amendment Bill—Introduced	881
Enactment of Labour Legislation on certain lines—Discussion not concluded	847—48	The Agricultural Produce Cess Bill—Introduced	881
THURSDAY, 29TH FEBRUARY, 1940,—		The Income-tax Law Amendment Bill—Passed	881—83
Member Sworn	849	The Reserve Bank of India (Second Amendment) Bill—Passed	883—91
Starred Questions and Answers	849—50	TUESDAY, 5TH MARCH, 1940,—	
Presentation of the General Budget for 1940-41	850—72	Member Sworn	893
The Indian Finance Bill—Introduced	872	Starred Questions and Answers	893—900
		Transferred - Questions and Answers	901—09
		Posts and Telegraphs Appropriation Accounts	910
		Bill passed by the Council of State	910
		General discussion of the General Budget	910—55

LEGISLATIVE ASSEMBLY

Wednesday, 14th February, 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

Mr. Cecil James Wingate Lillie, M.L.A., (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

PERSONS RETRENCHED FROM THE INCOME-TAX DEPARTMENT, PUNJAB

70. *Sardar Sant Singh: (a) Will the Honourable the Finance Member please state how many persons were retrenched in the Punjab from the Income-tax Department in 1936 on account of discontinuation of taxation on incomes below Rs. 2,000?

(b) Is it a fact that by circular No. 483, dated the 24th April, 1936, the availability of these retrenched clerks was brought to the notice of the heads of various Departments by the Commissioner of Income-tax, in anticipation that for any recruitments in a like grade the Departments will consider their claims and experience? If so, is it a fact that it was left open to them to waive the usual age bar under the Civil Service Regulations, Article 51? If so, is it a fact that subordinate appointing officers were warned against being "Departmentally minded" and biased against the claims of these men to priority of consideration and hope was expressed that "no section of Government service" would take men of no higher ability or qualifications in posts for which these retrenched men may be candidates?

(c) If the reply to parts (a) and (b) be in the affirmative, will Government kindly lay on the table a statement showing (i) the names of the retrenched persons, with their qualifications, (ii) the names of persons re-employed, with their age at the time of re-appointment, and (iii) the names of persons newly employed since the 24th April, 1936, in the Punjab in the Income-tax Department and the reasons for ignoring the contents of the above circular No. 483, dated the 24th April, 1936, and the claims of the retrenched hands in each case?

(d) What action do Government propose to take in respect of retrenched persons who are still unemployed?

The Honourable Sir Jeremy Baisman: (a) 96.

(b) Yes.

(c) Twenty retrenched clerks have been re-employed in the Income-tax Department, Punjab. Government are not aware of the number re-employed in other offices. The number of newly employed clerks is four. I do not consider it desirable in the public interest to state the names, etc., of the persons retrenched, re-employed and employed in the Income-tax Department, or to give the reasons for the employment of individuals in each case.

(d) Their claims will be duly considered when vacancies occur.

Sardar Sant Singh: Is it a fact that, while the age bar limit was to be waived, some of the retrenched men applied for re-employment, and this age bar was pleaded as an excuse for not re-employing them?

The Honourable Sir Jeremy Raisman: I am not aware of that.

Sardar Sant Singh: Will the Honourable Member instruct the authorities in the Punjab not to insist upon this age bar?

The Honourable Sir Jeremy Raisman: I have already indicated that it was left open to them to waive the usual age bar.

Mr. Lalchand Navalrai: May I know from the Honourable Member if this retrenchment is going on in other provinces also?

An Honourable Member: That does not arise out of this question.

Mr. Lalchand Navalrai: May I know if those people who have been retrenched have been kept on the waiting list or if they will be treated as new incumbents?

The Honourable Sir Jeremy Raisman: Yes, they are on the waiting list.

Dr. Sir Ziauddin Ahmad: With reference to the supplementary question of my Honourable friend, is this practice not only in this particular case but elsewhere also—namely, that, first, persons are retrenched, then they have got to apply for re-employment, and when they do apply for re-employment, the age bar rules do not permit of their being re-employed? This is the practice, and I request the Honourable Member to make enquiries so that this grievance may be removed.

The Honourable Sir Jeremy Raisman: When Government specifically state that certain retrenched men shall be considered for re-employment irrespective of age, then I have no reason to think that the officers to whom such instructions are issued do not act accordingly.

Mr. Lalchand Navalrai: May I know from the Honourable Member if clerks are retrenched and the number of officers is increased?

The Honourable Sir Jeremy Raisman: I shall require notice of that.

PERSONS DETAINED UNDER REGULATION III OF 1818.

71. ***Sardar Sant Singh:** (a) Will the Honourable the Home Member be pleased to state the number of persons detained under Regulation III of 1818 and the period of detention in each case?

(b) Is it a fact that a memorial signed by very influential persons of the Punjab was submitted to Government for release of the *ex*-Maharajah of Nabha? If so, what action has been taken by Government on that memorial?

The Honourable Sir Reginald Maxwell: (a) Twenty-six. The periods of detention have not been specified.

(b) The detention of the *ex*-Maharaja has been ordered in exercise of the functions of the Crown in its relations with Indian States. The Central Government have received no such memorial.

Sardar Sant Singh: May I know if the Honourable Member has made enquiries from the Foreign and Political Department if any such memorial was received from the Punjab recently?

The Honourable Sir Reginald Maxwell: No. It is not our business.

Sardar Sant Singh: May I know whether the continuous detention of the *ex*-Maharaja of Nabha will go on for an indefinite period when it has gone on already for the last 14 years?

The Honourable Sir Reginald Maxwell: I have no knowledge on the subject.

Sardar Sant Singh: Which Department will know about the period of detention?

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

MEMBERS OF THE ARMY IN INDIA RESERVE OF OFFICERS AND RETIRED OFFICERS OF THE INDIAN MEDICAL SERVICE RECALLED TO INDIA OWING TO THE OUTBREAK OF WAR

72. ***Mr. F. E. James:** Will the Secretary for Defence be pleased to state:

- (a) how many (i) members of the Army in India Reserve of Officers, and (ii) retired officers of the Indian Medical Service, were recalled to India owing to the outbreak of war;
- (b) how many of the above officers obtained employment in India;
- (c) how many were returned to the United Kingdom on the ground that no suitable employment could be found for them or for any other reason; and
- (d) what arrangements have been made for the pay of those officers who were recalled to India but were returned to the United Kingdom as not being wanted, or for any other reason?

Mr. C. M. G. Ogilvie: (a) (i) 24 officers and officers-designate.

(ii) 29.

(b) Nine A. I. R. O. officers and 29 I.M.S. officers.

(c) Three I.M.S. officers have so far been returned.

(d) They received pay as re-employed officers while employed and, on release, reverted to pension.

Mr. F. E. James: With reference to the answer to part (b) of the question, what has happened to the other A. I. R. O. officers who have not been found employment?

Mr. C. M. G. Ogilvie: They have reverted to their civil occupations in India pending their being called up if required.

Mr. F. E. James: With regard to the answer to part (d) of the question, have any arrangements been made in regard to passage allowances of those officers who were returned to the United Kingdom as not being wanted?

Mr. C. M. G. Ogilvie: I shall require notice of that.

Dr. Sir Ziauddin Ahmad: May I ask if any Indian officer in the I.M.S. deputed to a province on tenure posts is returned to the medical department, will he be taken up again by the Army Department or what will happen?

Mr. C. M. G. Ogilvie: I cannot see that that arises from this question.

Mr. F. E. James: Is the Honourable Member aware that there were cases of officers who were recalled from the United Kingdom and on arrival in India told to join their civil occupation while, in fact, they had no civil occupation?

Mr. C. M. G. Ogilvie: I am aware of only two such cases to the best of my knowledge and belief, and in those, the officers concerned were not actually officers of the A. I. R. O. but wished to become so and in both the cases I have in mind they subsequently received commission.

Dr. Sir Ziauddin Ahmad: The Defence Secretary said that this question does not arise. We are discussing the question of deputation of I. M. S. to the civil side and we are discussing in this question, if the civil side do not require them, what happens to those officers?

Mr. C. M. G. Ogilvie: The question of the relations of the civil and military departments to the I. M. S. is certainly not covered by this question. If the Honourable Member wishes to have details of any particular circumstances regarding reversion from the civil to the military employment I shall be happy to give them to him on receiving notice.

Mr. F. E. James: Will the Honourable Member look into the matter of the machinery for the calling up of A. I. R. O. officers in view of the fact that more than three to my knowledge were recalled from England as officers of the Reserve and when they arrived here they were told they were not officers of the Reserve, but were either over-age or did not belong to the category under which they were called up? I think there is certainly something wrong in the India Office.

Mr. C. M. G. Ogilvie: I should be very happy to make the enquiries which the Honourable Member suggests. I am aware that in the hurly burly of the first days of the war some people were sent out who were not needed.

Sardar Sant Singh: May I know if there is any proposal of the Army Department to recall, first, those officers of the I. M. S. who are employed in the civil department, to the army, and the civil department will be left in charge of civil medical officers?

Mr. C. M. G. Ogilvie: I cannot see how it arises out of this question.

Mr. J. D. Boyle: May I ask who pays, whether it is His Majesty's Government or the Government of India, for the mistakes that were made in calling out officers who were then returned to civil life?

Mr. C. M. G. Ogilvie: The Government of India will pay for this recall. The amounts at stake considering the magnitude of the numbers and the gravity of the emergency, are not large.

TRAINING OF PILOTS AND AIR CREW IN INDIA

73. *Mr. F. E. James: Will the Defence Secretary be pleased to state:

- (a) whether his attention has been drawn to the statement by the Secretary of State for Air in the House of Commons on the 10th October, with regard to the arrangements made with the Dominions for the rapid expansion of the training organisation for pilots, observers and air gunners required first for the considerable enlargement and then for the maintenance on the enlarged basis of the air forces of the respective countries, this to be combined with the expansion of the production of aircraft in the Dominions concerned;
- (b) if India was asked to co-operate in this scheme, and if she is, in fact, co-operating;
- (c) what arrangements are now in force in this country for the training of pilots and air crew for the Royal Air Force in India and for the Indian Air Force; and
- (d) if the personnel so trained in India will be eligible to receive the advanced training which, by agreement with the Dominions, is now being given in Canada to personnel from the elementary training schools in other parts of the Empire?

Mr. C. M. G. Ogilvie: (a) Government have seen the press report.

(b) India has not yet been asked to co-operate in this scheme in so far as it affects activities outside India. Our war effort at the moment is the training of officers and airmen to make deficiencies good in the Air Force units in India plus recruitment and training of officers and airmen for the units of the Indian Air Force Volunteer Reserve.

(c) One Royal Air Force Squadron has been converted into a Flying Training Squadron and pilots are being trained there for the Indian Air Force Volunteer Reserve. A few pilots have gone out of India to a Royal Air Force Flying Training School, for advanced training. A Technical Training School has also been formed at Ambala for training other ranks in trades required for the Royal Air Force and the Indian Air Force.

(d) The existing facilities in India are being used to provide both elementary and advanced training for the numbers now required.

Mr. F. E. James: With regard to (d) my point is as to whether officers of the Indian Air Force in this country are eligible to receive the advanced training which is now given at the Empire School in Canada along with officers of other Air Forces?

Mr. C. M. G. Ogilvie: I answered that in part (b). I said "India has not yet been asked to co-operate in this scheme".

Mr. F. E. James: That is not quite my point. My point is as to whether officers of the Indian Air Force are eligible to receive the training which is open apparently to the air forces of other dominions at this advanced training centre.

Mr. C. M. G. Ogilvie: I am still quite unable to grasp what the Honourable Member's differentiation is. Pilots of the Indian Air Force are eligible to receive any kind of advanced training and they do receive it. The point is that we have not yet been asked to send in any of them to the Empire Training School in Canada.

Mr. F. E. James: Does not the Honourable Member think that at the present stage of the air defences of this country, officers of the Indian Air Force should receive the advanced training which is given at the Empire School.

Mr. C. M. G. Ogilvie: Again I think there is a misunderstanding. There is no particular kind of advanced training given at the Empire School and the pilots we have are receiving equally good training with the Air Force Squadron here and the Royal Air Force Flying Training School. There is no difference in the training whatever.

Mr. M. S. Aney: Am I right in understanding that the pilots trained in India have the same kind of training as the pilots trained at the training centre in Canada?

Mr. C. M. G. Ogilvie: Yes.

Mr. M. S. Aney: They are eligible for holding the same kind of offices in the Air Force?

Mr. C. M. G. Ogilvie: Entirely.

APPOINTMENT OF MAJOR J. H. RILEY IRVING AS EXECUTIVE OFFICER OF THE PESHAWAR CANTONMENT

74. ***Sardar Sant Singh:** (a) Will the Defence Secretary be pleased to state whether it is a fact that one Major J. H. Riley Irving who was a Cantonment Magistrate in the past, has been appointed Executive Officer of Peshawar Cantonment?

(b) Is it a fact that this officer retired from service and has been re-appointed on contract?

(c) Is it a fact that he is drawing more than Rs. 500 as pay which is the maximum in the case of Executive Officers? If so, why?

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

(b) The answer to the first part of the question is in the affirmative. As regards the second part, the officer was appointed a member of the Cantonment Executive Officers Service under Rule 82 of the Cantonment Executive Officers Service Rules, 1987, a copy of which is in the Library of the House.

(c) He is drawing Rs. 700 per mensem which is the maximum selection grade pay.

Sardar Sant Singh: May I know why a retired officer was employed and why not a new man in these days of unemployment?

Mr. C. M. G. Ogilvie: He was not employed in the new Cantonments Service constituted in 1988, as he was considered suitable for the duties of an executive officer rather than those of a supervisor of military lands.

Sardar Sant Singh: My point is different. Could not a fresh man be appointed instead of a retired man?

Mr. C. M. G. Ogilvie: The point is that he was not retired in the ordinary way. He was doing his service quite satisfactorily and it was decided to retain him as an executive officer. He would not normally have retired but for the re-organisation.

Sardar Sant Singh: In answer to (b), the Honourable Member said that the answer is in the affirmative. If he has retired from service, may I know why no other suitable man was found to fill this post?

Mr. C. M. G. Ogilvie: The point is that the retirement was not a normal retirement. The Honourable Member will doubtless recollect that the Cantonments Service was re-constituted in 1988. All the regular officers of the old Cantonment Service were retained in service where it was possible to do so but a certain number had to be retrenched as the numbers were reduced and for one of those retrenched, a post of executive officer, for which he was very well suited, was found and very properly found.

Sardar Sant Singh: What was the pension given to this gentleman on his retirement?

Mr. C. M. G. Ogilvie: I must ask for notice of that.

ELECTION RULES IN CANTONMENTS

75. *Sardar Sant Singh: (a) Will the Defence Secretary be pleased to state whether it is a fact that separate election rules exist for different cantonments and different sets of cantonments situated in the various provinces?

(b) Is it a fact that in none of these rules there is a provision for the system of coloured boxes?

(c) Is it a fact that the conduct of elections, hearing of objections, and election petitions have been left to the Military Officers to be appointed by the Officer Commanding the stations?

(d) Is it also a fact that the powers of the Magistrates with regard to elections to Cantonment Boards have been withdrawn by the Government of India by amendments of those rules?

(e) Have the Government received any representation from the All-India Cantonments Association on the subject? What steps do Government propose to take in the matter?

Mr. C. M. G. Ogilvie: (a) There are separate Electoral Rules for Cantonments in different Provinces, Indian States and Administered Areas.

(b) Yes.

(c) The elections in Cantonments are conducted by the Presidents of the Cantonment Boards or where a Board has not been constituted by the Officers Commanding the Station, who have powers to entrust their duties to any person who need not necessarily be a military officer.

(d) Yes.

(e) The All-India Cantonments Association forwarded to the Government of India a representation from certain residents of Allahabad Cantonment on the question of introducing the coloured box system, and this is now under the consideration of Government.

BYE-LAWS PROHIBITING THE LETTING OUT OF OUT-HOUSES OF BUNGALOWS IN THE MEERUT CANTONMENT

76. *Sardar Sant Singh: (a) Will the Defence Secretary be pleased to state whether it is a fact that the Meerut Cantonment Board has recently framed bye-laws prohibiting, except with the sanction of the Cantonment Board, the letting out of out-houses of bungalows in the Meerut Cantonment to persons other than the domestic servants of the bungalows and requiring them to send the names of the occupiers of such out-houses to the Executive Officer?

(b) Under what provision of law the Cantonment Board has framed such bye-laws?

(c) Is it a fact that the proposal to frame bye-laws emanated from the Eastern Command, who compelled the Board to frame such bye-laws? What steps do Government propose to take in the matter?

Mr. C. M. G. Ogilvie: (a) The bye-law prohibits the occupation of servants quarters or out-houses attached to vacant bungalows by other than the *masi*, sweeper and chowkidar of the bungalow and their families and requires the names of the above to be sent to the Executive Officer. It also requires the sanction of the Board to be obtained by a tenant of an occupied bungalow before leasing out-houses which are in excess of his own requirements.

(b) Clause (28) of section 282 of the Cantonments Act, 1924.

(c) The answer to the first part is in the negative and to the second part none.

INCONVENIENCES AND IRREGULARITIES OF THE WORKING OF THE INCOME-TAX DEPARTMENT IN SIND

77. ***Mr. Lalchand Navalrai:** (a) Has the attention of the Honourable the Finance Member been drawn to the editorial of the *Daily Gazette*, Karachi, dated Wednesday, the 4th October, 1939, showing the inconveniences and irregularities of the working of the Income-tax Department in Sind, if so, what action have Government taken in connection therewith?

(b) Have Government made any rules or orders which take into consideration the convenience of persons in the mofussil who are not able to keep regular accounts and cannot engage the services of an accountant, in the matter of furnishing the return of their income to the Income-tax Officers? If so, what?

(c) Have Government made any orders for production of account books of foreign income of foreign traders? Are they allowed to prepare and produce a certified copy of the balance sheets from foreign authorities and is it accepted by the Income-tax Officers in India; if not, why not?

The Honourable Sir Jeremy Raisman: A report has been called for and a reply will be laid on the table of the House in due course.

Mr. Lalchand Navalrai: In view of the fact that in the mofussil, there are no accountants or other qualified men who may appear as representatives of the assesseees, will the Honourable Member make rules prescribing lesser qualifications for those who live in the mofussil for the help of the assesseees?

The Honourable Sir Jeremy Raisman: The question of the actual administration of the Act in matters of this kind is one within the discretion of the Commissioners and until I get a report from the Commissioner on this subject I cannot really say what the position on this point is.

Mr. Lalchand Navalrai: My point is this. Rules have now been framed by the Central Board of Revenue prescribing certain qualifications for the persons who help the assesseees before the Income-tax Officers. The qualifications prescribed are very high. They must pass examinations from England or pass an accountant's examination. What I want is that for the convenience of the assesseees in the mofussil, the rules should be modified, so as to make it easy for the assesseees to take advantage of the help that is available.

The Honourable Sir Jeremy Raisman: The rules were published for criticism and are intended to carry out the purposes of the Act. I cannot, I am afraid, hold out any hope to the Honourable Member that we should be prepared to lower the standard.

Mr. Lalchand Navalrai: May I therefore inquire from the Honourable Member if he will ask the Commissioner to consider this question and make a report to the Honourable Member so that he will be in a position to ask the Central Board of Revenue to amend the rules?

The Honourable Sir Jeremy Raisman: The Honourable Member's question has already been sent to the Commissioner for a report on the

state of affairs in Sind, and I have no doubt that if he feels that anything is called for of that nature, he will draw the attention of the Board to it

LOTTERY TICKETS ISSUED FROM GOA

76. *Bhai Parma Nand: (a) Will the Honourable the Home Member be pleased to state whether Government are aware that although the system of lotteries is not permitted by law in British India the lottery tickets issued from Goa are sold in cities, towns and even villages of India and that accordingly nearly a crore of rupees are exported to Goa from India?

(b) Are Government prepared to devise some means in order to stop this drain from India?

The Honourable Sir Reginald Maxwell: (a) Government are aware of the practice referred to, but have no information as to the extent of the evil.

(b) Government have already taken steps in this direction. Importation into British India through the post of circulars relating to lotteries is prohibited under the existing rules of the Post Office. The Government of India have no power to stop lotteries in Goa.

Mr. Lalchand Navalrai: May I inquire from the Honourable Member, in view of the fact that those lotteries in some places are being considered as legalised and in some places in India they are considered as being not legalised and there is rather a propaganda that certain lotteries, though they are not authorised, are going on in India, whether, in order to clarify all this, he will issue a circular to show which of the lotteries are authorised and which are not authorised, and whether the Goa lotteries are authorised or not, so that people may come to know which lotteries are authorised and which are not?

The Honourable Sir Reginald Maxwell: The administration of section 294 of the Indian Penal Code now rests with the Provincial Governments,

Mr. Lalchand Navalrai: Will the Honourable Member therefore ask the Provincial Governments to take some steps because in this case the public are being misguided

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not make a speech.

Mr. Lalchand Navalrai: May I ask the Honourable Member if he will ask the Provincial Governments

The Honourable Sir Reginald Maxwell: The Government of India have no power to interfere with the Provincial Governments on that subject, but I am not aware that a large number of lotteries are being authorised under section 294-A of the Indian Penal Code. That section makes any lottery carried on locally an offence unless the lottery has been authorised by the Government.

Mr. Lalchand Navalrai: Will the Honourable Member take it from me that some of the lotteries are authorised and those people are not being prosecuted and very rightly, but under that cloak, others are being saved. Therefore, I am asking.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is giving his opinion and making a speech. Next question.

RETRENCHMENT OF A CANTONMENT BOARD EMPLOYEE

79. *Bhai Parma Nand: (a) Will the Defence Secretary be pleased to state whether rule 8 (1-E.) of the Cantonment Fund Servants Rules, 1937, authorises the Cantonment Board to retrench an employee, otherwise than in pursuance of a reduction or revision of the establishment?

(b) Is any principle kept in view when applying the above revision?

Mr. C. M. G. Ogilvie: (a) No.

(b) Yes, economy and efficiency.

Bhai Parma Nand: May I ask if Government are prepared to receive representations from people for consideration of their case, and, if so, may I give an instance?

Mr. C. M. G. Ogilvie: The Government are always prepared to consider representations.

Bhai Parma Nand: Is the Honourable Member aware that in the Cantonment Board of Multan a teacher in the Cantonment School was retrenched without any reason being given, and when he sent a memorial to the Government, no consideration was paid to it?

Mr. C. M. G. Ogilvie: I would draw the Honourable Member's attention to the fact that the consideration of a memorial does not necessarily mean its acceptance.

LEVY OF TAXES ON PROFESSIONS, ETC., IN THE MADRAS PRESIDENCY

80. *Mr. F. E. James: Will the Honourable the Finance Member be pleased to state:

(a) whether the Government of India were consulted as to the terms of the Government of India and Burma (Miscellaneous Amendment) Bill which was recently discussed in the British Parliament;

(b) whether, in particular, the Government of India were consulted with regard to clause 2 of that Bill which makes clear the distinction which Parliament intended should be drawn between taxes on income on the one hand and taxes on professions, trades, callings and employments on the other;

(c) whether the Government of India consulted the Madras Government as to the desirability of applying the maximum provided in this clause with respect to taxes on professions, trades, callings and employments to the existing profession tax levied in the Madras Presidency, and if not, why not;

- (d) whether the Government of India are aware that the profession tax levied by the Madras City, District Municipalities and Local Boards Acts in the Madras Presidency is based upon income and has an incidence, which is in some cases equivalent to a ten per cent. surcharge upon income-tax; and
- (e) whether, in view of the desirability of uniformity throughout British India in this matter, the Government of India propose to consult the Madras Government as to the desirability of introducing the necessary legislation in pursuance of the provisions of section 143 (2) of the Government of India Act, 1935?

The Honourable Sir Jeremy Raisman: (a) and (b). The Government of India were consulted in regard to the terms of the India and Burma (Miscellaneous Amendments) Bill except in regard to clause 2.

(c) Does not arise.

(d) Yes.

(e) The Government of India do not propose to take any initiative in the matter.

Mr. F. E. James: Do I understand that the answer to part (e) of my question means that the Government of India have at present no views on the subject, but are prepared to consider views if the Madras Government take the initiative?

The Honourable Sir Jeremy Raisman: I have answered the question put down by the Honourable Member; I cannot say anything more.

Mr. F. E. James: Surely I am entitled to get an answer to a supplementary question and I want the Honourable Member to make it quite clear as to whether the Government of India have any views on the matter themselves at present, or whether they are prepared to leave it to the initiative of the Madras Government?

The Honourable Sir Jeremy Raisman: The question is really hypothetical. What the Honourable Member asks me to say is this: "if the Madras Government should approach the Government with a proposal, will the Government of India be prepared to consider it favourably?" But that is hypothetical.

Mr. F. E. James: Are the Government of India aware of any special reasons why they were not consulted by the British Government with regard to the terms of clause 2 of the Bill in so far as that particular clause affected the revenues of the Provinces?

The Honourable Sir Jeremy Raisman: No, Sir; I cannot indicate any particular reason why that should be so.

Mr. F. E. James: Am I to understand that no consultation whatsoever took place between His Majesty's Government and the Government of India with regard to clause 2 of that Bill?

The Honourable Sir Jeremy Raisman: I have already given the answer to that point.

Mr. M. S. Aney: Did not the Government bring this matter prominently to the notice of His Majesty's Government for the sake of having some kind of amendment to this Government of India Act? Is not the amendment to that Act being made by Parliament on some kind of representation made by the Government of India in this matter?

The Honourable Sir Jeremy Raisman: It was not really a matter which came to the Government of India as such. The Honourable Member will remember that what happened is that a Provincial Bill was enacted; it was before the Governor for assent; and it did not concern the Government of India as such.

Mr. F. E. James: May I take it that the Governor General was consulted?

The Honourable Sir Jeremy Raisman: The Honourable Member is at liberty to infer that.

Mr. N. M. Joshi: May I ask whether the Government of India will state what their policy is as regards consulting public opinion in India regarding changes which are being made in the Government of India Act.

The Honourable Sir Jeremy Raisman: That is a very wide, general question. It is not a point of policy.

Mr. N. M. Joshi: May I ask whether the Government of India do not accept the principle that the public in India is interested in changes in the Government of India Act and whether they propose to consult public opinion in India, and in what way?

The Honourable Sir Jeremy Raisman: The state of public opinion in India on points which arise in connection with the Government of India Act is certainly taken into consideration.

Mr. N. M. Joshi: May I ask whether the Government of India will consider the question of consulting the Indian Legislature regarding the changes which are being made in the Government of India Act?

The Honourable Sir Jeremy Raisman: Questions concerning the amendment of the Government of India Act are questions finally for Parliament.

Mr. N. M. Joshi: May I ask whether the changes in the Government of India Act are not primarily for the public in India?

Dr. Sir Ziauddin Ahmad: May I ask if the Government of India are aware of very great dissatisfaction that is now being felt in the provinces on account of this double taxation of the same income, the Government of India charging income-tax in one name and the provinces charging another tax on the same income under a different name? Are the Government of India aware of it?

The Honourable Sir Jeremy Raisman: I am quite prepared to take it from the Honourable Member that there is considerable feeling on that point.

Mr. Sir Ziauddin Ahmad: If the Government of India agree that there is dissatisfaction, then how do the Government of India propose to remove it?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is asking for opinion.

Dr. Sir Ziauddin Ahmad: I am asking the Honourable the Finance Member whether the Government of India have taken any action in this matter. Have they, for instance, represented this view to the Parliament to make the necessary changes in the Government of India Act, 1935?

The Honourable Sir Jeremy Raisman: The position is that there was no uniformity as between provinces prior to the amending Bill out of which this question arises or even prior to the passing of the Government of India Act. The amending Bill merely retains the state of affairs which had long been in existence and it is subject to power of alteration by the Federal Legislature on the lines of the provisions embodied in section 143(2) of the Act.

Mr. F. E. James: May I ask, Sir, one final supplementary question? May I ask whether the Government of India will give consideration to the advisability of introducing legislation with a view to obtaining uniformity in the matter throughout the provinces, as it is within the purview of this Legislature so to do?

The Honourable Sir Jeremy Raisman: If the Government of India feel that there is a widespread demand for that, they would certainly be prepared to examine the question.

81. *Dr. Sir Ziauddin Ahmad: Sir, I do not propose to ask question No. 81 as the legislation on this subject has already been introduced since the notice of question was given.

MILITARY FORCES REQUISITIONED BY PROVINCES

82. *Dr. Sir Ziauddin Ahmad: (a) Will the Defence Secretary be pleased to state the number of times military forces were requisitioned by Provinces in the calendar year 1939?

(b) Will he please mention the dates on which military forces were sent and the reasons for the requisition?

(c) Will Government be pleased to lay on the table a copy of the rules governing the use of military forces for maintenance of law and order?

Mr. C. M. G. Ogilvie: (a) and (b). I refer the Honourable Member to my reply to his starred question No. 86 of 8th instant and lay on the table a statement showing the additional information now asked for.

(c) The statutory authority for the use of military forces to maintain law and order is the Code of Criminal Procedure. Further instructions are contained in the Regulations for the Army in India, Instructions 565 to 568, and the Manual of Indian Military Law, Chapter VII, copies of which are in the Library of the House.

(i) *Occasions on which troops moved out of barracks at the request of the Civil authorities during October, November and December 1939*

Date.	Province.	Place.	Nature of disturbance.
(1) 4/8 October . . .	U. P. . . .	Meerut . . .	Communal.
(2) 7/9 October . . .	N.-W. F. P. . .	Kohat . . .	Tribal unrest.
(3) 10/16 October . .	U. P. . . .	Aligarh . . .	No details available.
(4) 27 October . . .	U. P. . . .	Cawnpore . . .	Communal.

N. B.—In addition to the above, troops were either called out or ordered to "stand to" on many occasions during October 1939 in the neighbourhood of Meerut and Lucknow in connection with the Khaksar agitation.

(5) 10/13 November . .	N.-W. F. P. . .	D. I. Khan . . .	Communal.
(6) 16 Nov./31 Dec. . .	Sind . . .	Sukkur . . .	Communal.
(7) 11/12 December . .	C. P. . . .	Jubbulpore . . .	Communal.

(ii) *Occasions on which troops stood to at the request of the Civil authorities during October, November and December 1939*

(1) 15 October . . .	U. P. . . .	Dehra Dun . . .	Threat of communal disturbances.
(2) 15/16 October . . .	Sind . . .	Karachi . . .	Communal.
(3) 18 October . . .	U. P. . . .	Dehra Dun . . .	Threat of disturbances.
(4) 21/23 October . . .	C. P. . . .	Saugar . . .	Communal.
(5) 22 October . . .	U. P. . . .	Dehra Dun . . .	Threat of communal disturbances.
(6) 22/23 October . . .	C. P. . . .	Mandla . . .	Threat of communal disturbances.
(7) 25/28 October . . .	U. P. . . .	Cawnpore . . .	Communal.
(8) 26 October . . .	U. P. . . .	Dehra Dun . . .	Threat of communal disturbances.
(9) 1 November . . .	U. P. . . .	Dehra Dun . . .	Threat of communal disturbances.
(10) 10/12 December . .	C. P. . . .	Jubbulpore . . .	Communal.

Dr. Sir Ziauddin Ahmad: Is the army placed at the disposal of the Provincial Government, for keeping law and order? Who bears the cost?

Mr. O. M. G. Ogilvie: Normally, the Central Government presents a bill if any expenditure has actually been incurred. Normally, it will be found that expenditure has not been incurred.

Dr. Sir Ziauddin Ahmad: The transition of troops from one place to another costs some money, does it not?

Mr. O. M. G. Ogilvie: If there was travelling by lorry or by train or anything of the kind, it would undoubtedly be open to the Central Government to present the bill.

Dr. Sir Ziauddin Ahmad: Was a bill ever presented?

Mr. O. M. G. Ogilvie: I do not think there have been cases in which travelling was required, but I must ask for notice.

Dr. Sir Ziauddin Ahmad: I can quote several instances when the army was sent for from other towns but I am now more concerned with the principle. If the forces are sent for from outside stations, then who pays the cost of travelling, the Provincial Government or the Government of India?

Mr. O. M. G. Ogilvie: If the Honourable Member will put down a question, I will answer him after due consideration.

Mr. Lalchand Navalrai: Is the Honourable Member aware that when the military are requisitioned in the provinces, the provinces do not take proper help from them and the military are handicapped just as they were handicapped in the recent riots in Sind?

Mr. O. M. G. Ogilvie: I have no information on that point. I do not think it is the case.

Mr. Lalchand Navalrai: Will the Honourable Member make inquiries and find out if the military were really handicapped in Sind riots?

Mr. O. M. G. Ogilvie: If the Honourable Member will put down a question, I will consider it.

Mr. M. S. Aney: Is it not the normal responsibility of the Central Government to help the Provincial Governments whenever it is necessary for the sake of preserving law and order?

Mr. O. M. G. Ogilvie: Certainly.

Mr. M. S. Aney: Is it not, therefore, a normal responsibility of the Central Government to pay for that also?

Mr. O. M. G. Ogilvie: As regards the question of payment, I have already said that if the Honourable Member (Dr. Sir Ziauddin Ahmad) will put down any particular question in which this payment ought or ought not to have been charged, I will inquire and see whether payment has or has not been charged.

Dr. Sir Ziauddin Ahmad: What would happen if these quarrels and troubles were created by the Government themselves?

Mr. O. M. G. Ogilvie: I think that is a hypothetical question.

RAISING OF A NEW LOAN.

83. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Finance Member be pleased to state whether the Government of India are contemplating to raise a new loan in the year 1940-41? If so, on what conditions?

(b) Will the holders of 1940 bonds be permitted to exchange their bonds for the new loan?

The Honourable Sir Jeremy Raisman: I would invite the Honourable Member's attention to the reply given by me to Mr. Nabi Baksh Illahi Bakhsh Bhutto's starred question No. 38 on the 8th instant.

UNSTARRED QUESTION AND ANSWER.

IMPOSITION OF A CIRCUMSTANCES AND PROPERTY TAX BY A GOVERNMENT OR A LOCAL BODY.

17. Mr. Muhammad Azhar Ali: Will the Honourable the Finance Member please refer to Schedule II of the Scheduled Taxes Rules published on page 1131 of the Gazette of India, Extraordinary, 1920, and state the item of that Schedule under which a tax on circumstances and property of a Government or a local body can be imposed?

The Honourable Sir Jeremy Raisman: A "tax on circumstances and property" is not covered by any item in Schedule II of the Schedule Taxes Rules. The Honourable Member's attention is however invited to section 80A (3) (a) of the Government of India Act, 1919, under which a tax not covered by the Scheduled Taxes Rules could have been imposed by a Provincial Legislature with the previous sanction of the Governor General.

MOTION FOR ADJOURNMENT.

RAID ON THE PUNJAB TOWN BY TRIBAL GANG.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for the adjournment of the business of the Assembly to discuss a definite matter of urgent public importance, namely:

"The raid on the Punjab town by tribal gang on the failure of the Government of India to protect the life and property of the inhabitants of the settled districts in the North West Frontier Province and of the borders of the Punjab from the raids of the tribal people."

[Mr. President.]

As I understand it, this motion seeks to discuss the question of administration of the tribal area and how far the Government of India has been successful in that administration. If that is, which is apparently the case, then the Honourable Member ought to obtain the consent of the Governor General. Has he done so?

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadan Bural): I sent notice to the Honourable the Foreign Secretary only this morning. What I want to discuss is the raid on the Punjab town

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot do that. That is a matter for the Local Government. The Honourable Member's motion would be in order only if it referred to the tribal area and to discuss the administration of the tribal area, he has got to obtain the consent of the Governor General.

Pandit Krishna Kant Malaviya: I do not want to discuss the administration of the Punjab province or the administration of the settled districts of the North-West Frontier Province. What I want to bring to the notice of this House is the raid by the tribal people on the districts in the Punjab. Up to now

Mr. President (The Honourable Sir Abdur Rahim): The notice of the Honourable Member is based on the failure of the Government of India to protect the life and property in the settled districts from the raids. Has the Honourable Member obtained the consent of the Governor General?

Pandit Krishna Kant Malaviya: I am going to apply.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member has not already got the consent of the Governor General, then I rule the motion out of order.

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 taken into consideration."

Sir, the Bill which I have the honour just to present to this House for consideration is a very small and simple one. As a matter of fact it consists of only a few phrases seeking to change only a few words in a section of the Indian Merchant Shipping Act of 1923 and it would not require me to take much of the time of this Honourable House. At the same time, Sir, I cannot but say that this amending Bill is a most important and urgent one so far as we, the Muslims, are concerned. Sir, it is the result of the experience of the last many years during which the present sub-section (1) of section 193 of the Indian Merchant Shipping Act of 1923 was tried and has proved wanting to give proper space and comfort

to the pilgrims. The intention of my Bill is clearly explained in the Statement of Objects and Reasons of the Bill which runs thus :

"Section 193 (1) of the Indian Merchant Shipping Act, 1923, provides for a space of 16 superficial feet and 96 cubic feet, respectively, for pilgrims carried by pilgrim ships. In allotting the space, no separate allotment is made or marked for each pilgrim and the count is taken, in calculating the number of pilgrims, of the entire superficial space in-between decks, including nooks and corners and other spaces which are not capable of any use whatever. Besides, the space allotted is inadequate. It is proposed, therefore, to amend the aforesaid section to remove the inconvenience caused to the pilgrims due to inadequate space and lack of individual allotment."

Sir, the discomforts of a pilgrim ship are well known to this House, generally, and to those who have personal experience of it and also to those who are in touch in one way or the other with the grievances of Hajis. Even the report of the Haj Enquiry Committee of 1930 has said enough on this point. The report says :

"The congestion and confusion on a fully loaded pilgrim ship is terrible and the accommodation per pilgrim prescribed under the present section of the Indian Merchant Shipping Act,"

that is, sixteen superficial feet in the between-decks,

"has absolutely been found insufficient to the special nature of the pilgrim journey."

There are instances where a minimum accommodation of eighteen to twenty-five superficial feet on the lowest passenger deck is prescribed and I find no justification in rejecting the same amount of accommodation to the Haj pilgrims when their conditions of travelling are not the same as those, who get 18 to 25 superficial feet of space on a deck of a ship, but worse than that. I know, Sir, that after quoting this prescription of the British Board of Trade in relation to the journey on an emigrant ship from the United Kingdom to Australia, the Haj Enquiry Committee rejects it for obvious reasons, that the journey takes five to six weeks to reach the destination. I also know the argument advanced by the committee in opposing to allow to prescribe accommodation per pilgrim more than sixteen superficial feet that the allowance per man in the case of the ships employed for carrying troops is less than it is for the pilgrims. It is also said and I think that is the only argument apparently strong which is being put forward oftener, in opposing the increase in the present allotment of superficial feet of space for the Haj pilgrims on the ship, that the maximum space allowed to an ordinary deck passenger under the Indian Merchant Shipping Act is twelve feet in the upper between-deck and fifteen feet in the lower between-deck which is less than the space allowed to pilgrims. But, Sir, there is a great fallacy in these arguments. At first, there is a great difference between the ships carrying troops and the ships which are at present employed in carrying Haj pilgrims from Indian shores to Jeddah. In the same way the deck of an ordinary passenger ship has no comparison at all with the deck of the Indian pilgrim ships in general.

Out of a majority of pilgrims who go for Haj ninety per cent. of them consist of those who are old men. There is a sufficient percentage of women also among them. They cannot at all be considered as young and stout men of the army or the ordinary passengers who are strong enough to go for a sea journey either for business' sake or for the sake of some other enterprise. It is absolutely very unjust to treat the Haj pilgrims.

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

in the same way and in the same category. There are a number of luxuries provided for an ordinary traveller on any ship. There are amusements, there is jolly good company to enjoy, there are games and other pastimes to indulge in, but for a pilgrim who is going for Haj, there is nothing alternative to the discomfort in accommodation. He generally spends his time in his seat and if this is also not comfortable for him, you can imagine, Sir, how troublesome and uncomfortable his journey would be. It is admitted by every one that normally the Haj pilgrim has no previous experience of the sea. "Even" as the Haj Enquiry Committee asserts, "if he hails from those districts of Eastern Bengal and Assam where the routine life of the peasant involves daily and continuous travelling by water, this is by no means any guarantee that he will not be liable to violent sea-sickness, whenever the sea is even a little choppy". Under these circumstances, Sir, is it not very trying and absolutely unjust to allot a very small accommodation for a traveller on a pilgrim ship? And those emigrant ships which carry passengers from the United Kingdom to the far off Australia cannot in any way be compared with these ships which are employed to carry pilgrims to Hedjaz. The former are undoubtedly better, bigger and more comfortable than the ships mentioned later and employed in carrying the Haj traffic. If a minimum accommodation of eighteen to 25 superficial feet can be allotted to them, I cannot see any tangible reason for refusing the same space on a more inferior and more uncomfortable ship on a pilgrim journey. The pilgrim ships have always a full load and the ordinary passenger ships do not have it giving spare space to the passengers.

There is another objection, Sir, which is put forward against my Bill. It is said, and as if, those who say so, are greater well wishers of those who travel for the Haj, that if we increase the space per pilgrim on board the ship, we will have to pay increased rate of fare also. Well, firstly, it is a matter for which evidently we have no data before us to say whether a pilgrim, out of his hearth and home to perform a sacred religious duty, would better like to pay a few chips more for some more space in accommodation in order that he may have a comfortable environment for his meditation and prayer during the voyage or inconvenience trouble and obstructions in his daily routine on the ship. Secondly, Sir, there is no valid reason for saying so that the present rate of fare is so low as that if space in accommodation on board the ship is increased the shipping companies will suffer. We had sufficient experience in the last two preceding years that there is still a great margin for profit in the present rate of fare and it could go very low even if the space for pilgrim on board is increased a little. We remember that the shipping companies competing with each other in the line in those days accepted in cases more than they are counted, fare less than even one-fourth of the scheduled rate. And I believe, Sir, if there happens any competition again, and the Government of India do not interfere in the matter, the intending Haj pilgrims need not fear for any increase in the fare. Besides this, there is another ground that the above objection cannot stand. I am afraid, no instance can be cited in which the rate of fare of a journey is determined on the basis of space occupied by the traveller on the carriage, train, bus, ship or an aeroplane. Even if we take the instance of a journey from Bombay to Marsailles or to London, the rate of fare and the space prescribed for a single passenger on a pilgrim ship, higher rate

of fare will be liable. Sir, I think it will be a very dangerous theory to accept, that the rate of fare of a certain journey will be based on the space occupied by the traveller. You cannot determine the rate of fare for travelling on space basis for a human being. You cannot charge for his travelling like a dog travelling in a dog van or a commercial commodity occupying bigger space nor can you treat him like an ordinary cargo. Sir, the ships employed here in pilgrim traffic are only cargo boats and they are chartered as such on which Haj pilgrims are loaded just like cargo. I am not going to take any time in expressing this serious grievance of ours at this moment, but I shall take the matter up on some other suitable occasion in future. But what I say is this that it will not at all be justified if measurement of space occupied by the pilgrims on a pilgrim ship is determined by the rate of fare or *vice versa*. If, according to my Bill, we increase the space per pilgrim on a pilgrim ship demand for increasing the rate of fare will not at all be justified.

Sir, there is not much to say about sub-clauses (b) and (c) of clause 2 of my Bill. They are clear enough. And any one who knows anything about the conditions of a pilgrim ship will agree with me that under the circumstances prevailing on a pilgrim ship it is absolutely necessary to allot and mark the space allowed under the law in such a way that these marks may not be obliterated or washed off during the journey. This marking is also very necessary because, as is stated in the Statement of Objects and Reasons, much of the area of the surface of the ship is wasted in nooks and corners and other spaces. If a certain space is allotted under the law, I do not see any reason to object to marking it so that passengers may legitimately occupy the allotted space. It seems that in not marking the space the shipping company does get some benefit at the expense of the traveller which is not at all legitimate. In the same way it is also quite clear that whatever space is allotted to the pilgrims under the law, every individual pilgrim is entitled to it. There should not be used a language in such a manner as may be twisted to serve the purpose of the shipping company. Sub-clause (c) of clause 2 of my Bill is meant for that.

Now, Sir, a few words about the amendments on the agenda. So far as my Honourable friend, Mr. Boyle's amendment for circulation is concerned, I shall say that it only means delaying the matter for another Haj season. He is justified in it because he has the interest of the shipping company before him and not the pilgrims. There is no valid reason for circulation because the grievance sought to be remedied through this Bill is an old one and various interests connected with the pilgrim traffic have expressed their opinions on occasions more than one.

So far as the shipping company now engaged in this traffic at this moment is concerned, it is well represented here in this House. There are two directors of the Moghul Line, Ltd. who are Members of this House and I am sure they can say something with authority. However, whether the shipping company concerned agrees to the Bill or not, this should not be the criterion of decision of this House on this Bill. Naturally, the shipping concern engaged in this trade cannot be expected to forego any percentage of their profit in business easily. It is we who are to decide whether we are willing to remove a very old and serious grievance of the

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

Haj traffic or not. It is the duty of Government to look to the comfort of the pilgrims. So far as the opinion of the general public is concerned, it has been evident during the last many years through press and platform and through representations before the Standing Haj Committee in which, if I am allowed to say, several times this matter was moved. I would never have tried to come forward with this Bill if there had been any chance of meeting the grievances in connection with accommodation on a pilgrim ship through the good offices of that Committee of which I have been a member for the last many years. I would urge the Government to consider the matter seriously. I would also ask the Government not to support the circulation motion because it will mean shelving the whole matter for the next season of the Haj also. This is a very simple matter for the Government but if it adopts such a way meaning delaying the Bill, Mussulmans will naturally be forced to conclude that it indirectly supports the shipping interest and nothing else. 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 taken into consideration."

Mr. J. D. Boyle (Bombay: European): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon."

Mr. President (The Honourable Sir Abdur Rahim): The Chair finds that the Honourable Member has not specified the date by which the opinions are to be collected.

Mr. J. D. Boyle: I should like to add, "by the end of June, 1940".

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Division: Muhamadnan Rural): Sir, on a point of order, can the Honourable Member be allowed to put in the date now?

Mr. President (The Honourable Sir Abdur Rahim): Yes, that is allowed. Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1940."

Mr. H. A. Sathar H. Essak Salt (West Coast and Nilgiris: Muhamadnan): Sir, I move:

"That the Bill be referred to a Select Committee consisting of Sir Girja Shankar Bajpai, Mr. S. H. Y. Oulnam, Lt.-Colonel M. A. Rahman, Mr. J. D. Boyle, Mr. Lalchand Navalrai, Khan Bahadur Shaikh Fazl-i-Haq Piracha, Mr. H. M. Abdullah, Dr. Sir Ziauddin Ahmad, Mr. Nabi Bakhsh Illahi Bakhsh Bhutto and the Mover, with instructions to report by the 15th March, 1940, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

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

"That the Bill be referred to a Select Committee consisting of Sir Girja Shankar Bajpai, Mr. S. H. Y. Oulnam, Lt.-Colonel M. A. Rahman, Mr. J. D. Boyle, Mr. Lalchand Navalrai, Khan Bahadur Shaikh Fazl-i-Haq Piracha, Mr. H. M. Abdullah, Dr. Sir Ziauddin Ahmad, Mr. Nabi Bakhsh Illahi Bakhsh Bhutto and the Mover,

with instructions to report by the 15th March, 1940, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Both the original motion and the amendments are now open to discussion.

Mr. J. D. Boyle: Sir, I understood from the remarks of the Honourable the Mover of this Bill that he considered that there were a certain number of directors of various shipping lines concealed about this House whose duty it was to take away from the pilgrims any advantages they might have now, in support of the interest of the shipping companies. I do not know to what Members of the House he was alluding. I cannot answer for the rest of the House, but speaking for myself, I am a director of no shipping company either in this country or in the United Kingdom, nor to the best of my knowledge is any Member at present from our Party a director of any line. With that as the start I may say also that it is not my intention to do anything to delay the passage of this Bill provided that the House after due consideration thinks that it should be passed. But I maintain that I have points to make which show that this Bill is not in the interest of the pilgrims themselves, and it is those points which I propose to make today.

I agree that the fundamental principle of the Bill is to increase the facilities for pilgrims at present enjoyed during the course of their sea voyages to Jeddah. With that principle I am sure the whole House will agree and, speaking for myself, I certainly do. But what we have to be certain is to see that the object that the Mover has in mind will in fact be met by the provisions of this Bill. The Bill confines itself exclusively to increase of space allotted to pilgrims in those ships. For the sake of information of those Members of the House who are not aware of it, the space at present allowed is 16 square feet. That space is the maximum at present allowed under the International Unberthed Passenger Ship Rules. And I have yet to hear of any argument that the Honourable the Mover has brought forward to show why on this comparatively short trip to Jeddah special reasons are forthcoming to show why the maximum should be increased. I am not suggesting that the space should in any way be decreased, but I do ask the Honourable the Mover to produce reasons to show why the maximum should be increased. The minimum space is exactly half the present space allowed under the international rules; and while I am not suggesting that we should go back to them, I do suggest that very cogent reasons should be put forward why we should increase the maximum.

These pilgrim ships have been designed as pilgrim ships and have been designed to carry a certain number of pilgrims, and I now come to the point which my Honourable friend, the Mover, made in connection with rates. If the number of pilgrims is to be reduced, it seems clear that that will very seriously affect the economic running of the ships and what will the shipping companies do? It must be clear that they will immediately contemplate at any rate whether it will be necessary for them to increase the rates. The amount of increased space which the Mover of this Bill suggests works out at a loss to the shipping companies of almost exactly 24·8 per cent. I ask you as businessmen, if you were faced with what amounts to an increase in your running costs of a quarter, whether you would or would not increase those rates. However much a shipping

[Mr. J. D. Boyle.]

company might want to maintain the rates as they are at present, I maintain that if you increase their cost by 24·8 per cent. they must, in fairness to themselves, increase their rates

Mr. Husenbhai Abdullabhai Laljee: How have you worked out this percentage of increase in the rates?

Mr. J. D. Boyle: I am perfectly prepared to tell my Honourable friend how I arrive at that percentage, but to my mind as a ^{12 Noon.} director of a shipping company he will have worked it out himself probably. I wonder how many Honourable Members of this House, other than the Muslim Members who have themselves performed the Haj, have any idea of the conditions that obtain on such ships. I myself made it a point to go over a pilgrim ship that was just leaving Bombay, and the first thing that strikes you is the incredible quantity of baggage that accompanies these pilgrims. Then I realised that this was not because they were taking more baggage than was necessary considering that they were going to be away for a very long time, but because they would not make use of the holds which the ship provides for the storage of articles not required on the voyage: they could, in fact, put away a great deal of their luggage if they would only trust the shipping company a little more than they were apparently prepared to do. Accompanying each pilgrim there were considerable crates of food stuffs, potatoes and onions, in large crates, occupying space which should be devoted to the human frame. These foods were not in the slightest degree required on the voyage: they were required for the trip that would take place on landing and after reaching Jeddah, and it should have been possible for these pilgrims, if they had stored that food in the hold in their crates, to get considerably greater space to occupy themselves and their beds and chairs and anything else they might require on the voyage. But the fact is that they would not do so because they presumably thought that the purser would get at the food while they were on the voyage and so they kept it by themselves. If this increased space is given, it would merely mean that the pilgrims would bring in an increased amount of baggage which would occupy space meant for them, and I would strongly suggest that the first thing to be done is to educate the pilgrims who undertake this Haj to trust their fellowmen to the extent of putting the baggage they do not require on the voyage into the holds that have been specially provided for that purpose.

While on this subject I think I ought to mention the story of a pilgrim—it has become almost legendary but I am assured the facts are perfectly authentic—who had as his outstanding characteristic filial devotion: but there must also have been a certain substratum of meanness in his character because when his baggage was examined at Bombay it was discovered that he had placed his aged father in a crate suitably provided with air holes for ventilation and that he intended to carry his father in that condition as baggage with him on the Haj. I realise that to some extent this may be held to be irrelevant to what I am saying because it is difficult to imagine such a devoted son placing his father in the hold as baggage, but, at the same time, when he carried him as baggage he must have fully known that he would have occupied the whole space allotted to the pilgrim himself.

I do not wish to take up the time of the House unduly. The points I wish to make are quite simply these: first, that the space already allowed to a pilgrim would not be insufficient if he would store his baggage in the hold, that he does not require on the voyage: secondly, that no good argument has yet been put up why the space allowed as a maximum, under the unberthed passenger rules, should be increased; and thirdly, that the quite obvious result of this Bill which entails, as I have said, an increase in the running costs of nearly a quarter to the shipping companies, would be a very considerable increase in the rates. For these reasons, I suggest that a Bill of this character, the fundamental principle of which is obviously sound, must be discussed by those most concerned.

I do not allow the Honourable the Mover the claim that he made that he alone is considering the interests of the pilgrims, because I think he has not allowed sufficient play for his commonsense to realise that this Bill will not in fact provide for what he thinks it will; and I suggest, therefore, that the best method of dealing with this Bill is to circulate it, so that public opinion can be collected and a Bill can be provided to the House which will in fact achieve the object which the Honourable Member has in mind, namely, to increase the facilities of those travelling on the Haj.

Mr. H. A. Sathar H. Essak Sait: Sir, let me make it clear at the outset that I shall feel very happy if the House agrees to the motion of my Honourable friend, Khan Bahadur Piracha. I have moved this motion only because I found that the Government were not agreeable to Mr. Piracha's motion and they wanted the whole thing to be put off as far away as possible, and therefore

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): I do not wish to anticipate what I might have to say later, but I do not think my Honourable friend has any warrant for suggesting that Government want this matter to be put off for all time.

Mr. H. A. Sathar H. Essak Sait: I accept the correction. All the same— even from my friend's statement it appears, at least as far as I can deduce, that he does not agree to this Bill being taken up for consideration just now and being dealt with according to the wishes of the House: he would rather wish that the matter be delayed. That being so, I thought I would make this motion so that there may be a sort of time limit to the passing of this Bill, if it is going to be passed at all. That is why I move this motion.

So far as the subject matter of the Bill is concerned I do not think I need take up the time of the House much, because of the very lucid speech that my friend, the Sheikh Sahib, has made, which has placed the matters very clearly and lucidly before the House. All that he intends to get for the poor pilgrims is a little more space than they are getting under the present law. So far as the need for a little more space for the convenience of these people is concerned, my friend Mr. Boyle agrees, but he has his own airy way of a first class traveller of dealing with these matters. He thinks the space allotted is sometimes more than is required and sometimes less. Sometimes he thinks that if somebody wants to smuggle his father through the hold of the ship he can manage it. Now,

[Mr. H. A. Sathar H. Essak Sait.]

with regard to the story my friend has just narrated, I have a pertinent question to ask him. How did the filial son manage to take his father with him within the limited space allotted to him?

Mr. J. D. Boyle: The father was rejected on the quay.

Mr. H. A. Sathar H. Essak Sait: That is very fortunate both for the father and the son. However, Sir, these stories will not convince anybody either in this House or outside, because the fact remains that there has been a persistent cry all along that sufficient space has not been allotted to pilgrims proceeding on these ships, and several representations have been made to Government, and numerous Resolutions have also been passed at a large number of public meetings, and my Honourable friend, the Member in charge, knows all about it. Therefore, I don't see why in this House should not do something to remove this long standing grievance of these poor pilgrims. The bogey has been raised that if more space were allotted, it would have to be paid for. I don't think it is a matter which should be considered by this House or that we should encourage such a bogey to be raised. After all, the rates charged by the shipping companies are not so uneconomical that the extra space now demanded would prove a very heavy burden on them. Sir, there is no reason whatever why we should raise this cry in this House and encourage the shipping companies to raise their already high rates.

Then, with regard to eliciting the opinion of the country I firmly believe that the public at large or those who are interested in this matter will not raise any objection to this measure. The only quarter from which any objection might be raised is from the shipping companies themselves. I suggest to the Honourable the Member in charge that whatever objections the shipping companies may have to this measure or whatever suggestions they wish to make in regard to this Bill can be made by them within the time I have suggested for the Select Committee. Therefore, I think that the House will accept my amendment that this Bill should be committed to a Select Committee.

Mr. Muhammad Azhar Ali: (Lucknow and Fyzabad Divisions: Muhamadan Rural): Sir, the Bill before the House is a very small measure. To raise objections to such small measures, whether they emanate from the Government or from any Group in this House, seems to me to be very strange. All that this measure asks for is a little more space for the poor pilgrims that go to perform Haj. Nothing else. They want only a little more space in the pilgrim ship than is now allowed to them. Why should such a hue and cry be raised either from the Government side or from any Group in the House to this small request? When the Government come before this House with small amendments for crossing the T's or dotting the I's, we on this side, never raise any objections. It is indeed very strange that my friend, Mr. Boyle, should get up and raise objections to this small measure and tell this House that he has been to these pilgrim ships and he has had experience of such ships. Does he know what a large number of pilgrims feel about this lack of sufficient accommodation when they perform this long journey? Sir, this is not the first time when this point is raised in this House, but this point was made when the first Haj Bill was introduced by the late Sir Fazl-i-Husain. On that

occasion very strong protests were made on the ground of lack of sufficient accommodation for these pilgrims who proceed to perform Haj. It is entirely a question of convenience to them. Evidently some of my friends here do not know under what conditions these pilgrims perform their Haj. They sacrifice everything. They don't take so much luggage with them as was described by my friend over there

An Honourable Member: They do.

Mr. Muhammad Azhar Ali: They are not allowed to take so much clothing and other things when they go to Haj. Is it possible to expect these people to take huge trunks, stocks of food stuff, and other things with them when they go to perform their Haj? It is no use telling us that they take with them huge quantities of onions and potatoes. Potatoes may be all right for Englishmen to take with them, but I am sure Haj pilgrims will never take with them all these things, because most of them are very poor and they sacrifice everything, they accumulate a few rupees and then perform their religious ceremony which is incumbent on every Muslim as the five times prayer is. You may attach no importance to this matter, but it is a matter of very great importance to every Mussalman throughout the whole world. Do these regulations, which you have put in, exist in other countries? I submit not. To say that there is international law or international regulation for the allotment of space and, therefore, the existing accommodation allotted to these pilgrims should not be increased is not right. As my friend, Mr. Essak Sait, has just said, only the shipping companies are affected by this, and nobody else. Why should Government raise any objection to this Bill?

With regard to the motion for circulation, my friend, Mr. Essak Sait, has very clearly pointed out that this Bill does not concern anybody except the shipping companies, and you can very easily ascertain the opinion of the shipping companies. Their objection can only be in their own interest, and it cannot be in the interest of the poor pilgrims. The small amendment that is asked for in this Bill is that for the words 'sixteen' and 'ninety six' the words 'eighteen' and 'one hundred and eight' should be substituted; for the word "available" the words "allotted and marked separately" shall be substituted. The word "available" is undoubtedly a vague word; it has absolutely no

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not discuss the details of drafting now.

Mr. Muhammad Azhar Ali: These are very small matters. Only word here

Mr. President (The Honourable Sir Abdur Rahim): But they need not be discussed now.

Mr. Muhammad Azhar Ali: I merely want to point out to the House that the amendments proposed in this Bill are very small, and there is no need to raise such a hue and cry, because all that is sought is that a little more space should be allotted to these poor pilgrims. Does that require the opinion of the whole country of India or the whole population

[Mr. Muhammad Azhar Ali.]

of India? I submit that it is a very strange proposition that my Honourable friend, Mr. Boyle, has put forward. It may be of interest, as I said, to the shipowners, but it cannot be of any great interest to the country at large. It is a very small matter which this House can very easily decide even today if it wants to, but when my Honourable friend, Mr. Essak Sait, says, that it may go to a Select Committee, I think it is a very reasonable proposition and it must be accepted. Because there is a paucity of Members on this side of the House and we have not others to support us, it may be very easy for the Government to defeat this motion of my friend, Mr. Essak Sait.

Mr. N. M. Joshi (Nominated Non-Official): When is the next Haj?

Mr. Muhammad Azhar Ali: In December. Whether it comes up before this House during this very Session or in the next Session, it is not a very big matter. This is not a very important matter that you should delay. Where is the need for delay? A small wording to be changed—does that require a very elaborate process or calling for opinions?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is repeating that argument too often.

Mr. Muhammad Azhar Ali: I, therefore, submit that it is not necessary that the Bill should be circulated. I support the motion for referring the Bill to a Select Committee and oppose the motion for circulation.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): If I intervene in this debate it will be with the desire of adding something material to the solution of this problem. I desire to associate myself wholeheartedly with the principle underlying this Bill, and with great sympathy. But sympathy is always a starvation diet. I have seen some of these steamers and, on occasion, I can only describe the condition witnessed in the well known saying "you could not see the wood for the trees", because, at times I have seen the deck so congested with passengers and their luggage that I must admit, Mr. Boyle did not exaggerate the state of affairs in his speech. Of course a man is entitled to take a large quantity of luggage if he thinks he wants it, but I do not know whether the Mover of this Bill or the last speaker has ever seen a pilgrimage steamer.

An Honourable Member: My friend has performed the Haj. He is a Haji.

Lieut.-Colonel Sir Henry Gidney: I am glad to note that. I admit correction. The International Conference entitles a pilgrim to 16 square feet. I know that originally it was much less, the minimum being 8 and maximum being 16. My Honourable friend, the Mover, wants to increase it to 18. I have no objection to increasing it to 18, but is my Honourable friend prepared to admit that the remedy may be worse than the disease? My Honourable friend, Mr. Boyle, has pointed out very conclusively, and I believe he is correct, that he said, namely, that the shipping companies, if an increased space is demanded, may have to increase the

cost of the passage. Is the Honourable the Mover prepared to state here and now that the pilgrims will accept this increased cost? Much as I associate myself with the sanctity, and the necessity of this pilgrimage for Muslims,—my one desire is to deal with the material aspect of the matter. Mr. Boyle has asked that this Bill be circulated for public opinion. As the last speaker said, what does the general public know about this? It is really a matter of a conflict, if there be a conflict, between the shipping companies and those who perform the pilgrimage represented as they are by the Muslim Members in this Honourable House. May I suggest to the Mover of this Bill that he might allow this matter to be circulated to the shipping companies and to nobody else, and get their opinion? Because, after all, that is no need to hurry matters, because the next Haj steamer will go about December and you have before you about ten months now left for this opinion to be received. If the Honourable the Mover is prepared to accept this suggestion of mine and the Government are prepared to support it, I think the matters could be speedily settled. The shipping companies may be told by Government, as they have done so nicely whenever they felt the need for the same or remained silent when they wanted to be silent—"It is the desire of the Muslim community that you afford greater space for pilgrims; what will be your lowest rate?" In that case there may be a compromise, but to ask the shipping companies to give greater space and then say "we won't pay higher rates" is hardly fair to them. Therefore, in supporting the principle of this Bill, I ask that Mr. Boyle's amendment be accepted to this extent that it be circulated for the opinion of shipping companies only. This is not the concern of the whole of India or of me or of others who do not undertake these pilgrimages. I do not think there is anything objectionable in my suggestion and I put it and I offer it to the Government and to my Honourable friend to allow this Bill to be circulated to shipping companies and other interested parties, and so arrive at an amicable solution of the question. I do not think that an increased space of 18 is large at all, if the companies place a reasonable limit to the quantity of luggage that can be taken. I support the amendment of Mr. Boyle and suggest that the Bill be circulated to only shipping companies and other interested parties.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): As a member of the Port Haj Committee of Calcutta, it is my duty to visit pilgrim ships which sail from Calcutta. Only this year, Mr. President, the Government, goodness knows why, closed the port of Calcutta. We protested, but that protest was in vain. I can tell this House why it was closed. It was closed to protect British interests. What does this Bill want? The Honourable the Mover of this Bill wants a little more space for the deck passenger, and my Honourable friend, Mr. Boyle, wants the Bill to be circulated,—circulated to the whole of India. Another amendment came from my Honourable friend, Sir Henry Gidney, who desires to limit the circulation to shipping companies only. What does it mean? There are only two companies, one British and one Indian. (Interruption.) I can tell you that the Indian shipping company will welcome this Bill. I may say without consulting them that I shall make them agree.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): What about the rates? The rates will be fixed.

Sir Abdul Halim Ghuznavi: There will be no change in the rates. What is this talk about raising the rates? What for? For a foot or one foot and six inches do you want to raise the rates? It is all nonsense to talk about that.

Sir Muhammad Yamin Khan: What I wanted was, when the Indian shipping companies are willing to accept this, will they approach Government for legislation that the passage rates should be fixed or will they leave it to open competition, as is going on at present?

Sir Abdul Halim Ghuznavi: My Honourable friend knows that the rate has not been fixed by Government. They tried but failed. The companies would not agree to that and if I may say so it was the British Companies—which put obstacles in the way.

Mr. J. D. Boyle: Nonsense.

Sir Abdul Halim Ghuznavi: My Honourable friend, Mr. Boyle, does not know the history of this thing at all. I know.

Mr. J. D. Boyle: There are certain features of it, which I do not want to know.

Sir Abdul Halim Ghuznavi: My Honourable friend, Mr. Boyle, will hear all about it when the Bill comes back when the Select Committee report is made. My friend will hear that it is not nonsense. It is the British shipping that stood in the way of the settlement. I have seen the ships in Bombay. The space is absolutely insufficient. These pilgrims are not allowed to carry heavy baggages. They are thrown out. My friend, Sir Henry Gidney, has never been to any ship.

Lieut.-Colonel Sir Henry Gidney: How dare you say that? I have.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must address the Chair and not individual Members.

Sir Abdul Halim Ghuznavi: My friend says that he has visited a pilgrim ship when the pilgrims are embarking. Then he should agree with me about the insufficiency of space allotted—No use repeating that statement. Ship after ship I have visited.

Lieut.-Colonel Sir Henry Gidney: I do not think you visited a single ship.

Sir Abdul Halim Ghuznavi: I have visited ships not only in Calcutta but in Bombay. It has been the grievance of the pilgrims that the space is not sufficient. My friend, the Honourable the Mover of the Bill, saw it himself when he went on his pilgrimage and that has induced him to bring forward this Bill. What is there to circulate it for and among whom. The Asiatic and the Scindia are the two companies who run the Haj traffic. By this time they must have known what the Honourable the Mover of this Bill wants and there is no reason why legislation should be delayed. It should be taken up here and now and finished in this Session. It is a small thing. Only a small additional space is wanted

by the pilgrims. I am sure that the Indian company Scindia will not oppose this. It is only for the Moghul line to fall into line, though there is nothing Moghul about it. If they say 'Yes', the whole thing can be passed without going to Select Committee but Mr. Boyle who represents British shipping says 'No. Circulate'. He wants this dilatory motion so that the Bill may not be put on the Statute Book before the next Haj season begins.

Mr. J. D. Boyle: There will be lots of time.

Sir Abdul Halim Ghuznavi: What is the use of jumping up and saying 'there will be lots of time'. This Assembly would come to an end in September when there will be new elections. Therefore, I oppose the circulation and support the Select Committee motion.

Mr. M. Ghiasuddin (Punjab: Landholders): For the last century or so, we, the Muslims, have been suffering from our protectors. We have had protectors of Islam in so many guises. Lately, Mussolini came up, as protector of Islam and I am glad to notice that in my Honourable friend, Mr. Boyle, we have a miniature protector of Islam or Mussalmans present in this House. Here a small Bill is introduced by my Honourable friend from the Punjab, requiring some small sacrifice or no sacrifice at all on the part of the shipping companies. Mr. Boyle boils over and says that the Bill should be circulated for opinions. As far as Mr. Boyle's knowledge of ships is concerned, I am reminded of a story told in this House by the Defence Secretary of a candidate who wanted to join the Royal Indian Navy. When asked by the examining Board as to what he knew of the Navy, he said: 'Oh, yes. I know all about the navy. I have seen a picture called 'Mutiny on the Bounty' and so I know everything. I think Mr. Boyle went one afternoon to the port of Bombay when he had nothing better to do and saw a pilgrim ship, lying at anchor and now he is an authority on pilgrims and pilgrim ships. As regards the troops a certain amount of space is allotted for them, on the boards of troop ships. Now the troops are a disciplined body. They undergo an intensive training as to how they should get their beddings rolled, how they should put their *puttees* in their boots and so as to occupy minimum of space. Besides most of these troops are in the pink of health but here, the pilgrims come from the outlying districts and they are not supposed to know all the things that a soldier knows and, moreover, they are of all ages. There are old men, women and children. Some of them are infirm and naturally any person with humanitarian ideas would want to give them more facilities than are required for the troops. Now, my friend, Sir Abdul Halim Ghuznavi, has referred to the two companies which are competing for the Haj traffic. He has got authority for saying that one of the companies would agree to the principle of this Bill, and we know that the other company have been lowering their rates to an uneconomical limit, with the object of ousting the other company which happens to be Indian-owned. Now, the European concern should come forward and make a little monetary sacrifice. Let us see how much friends of Islam they are and how much friends of pilgrims they are. It is all right to spend money to stifle a competitor by fair means or foul, but now is the time to show their practical sympathy if they so desire. As this Bill does not require any great alterations or does not involve some

[Mr. M. Ghiasuddin.]

very vital principles, I do not think there is any need for it to be circulated for eliciting public opinion and I support the amendment moved by my Honourable friend, Mr. Essak Sait, that it should be referred to a Select Committee.

Some Honourable Members: I move.

"That the question be now put."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, this is a Bill put in by one of my friends of the Muslim community. He said that this concerns the Muhammadan community alone. That is right, but I take it from another point of view. It is in the Indian interest and I, as an Indian, get up to support it. Sir, I say it is an Indian question from this point of view. We join hands and we stand shoulder to shoulder on questions of convenience to the travellers on the Railways and I cannot understand why we should not all stand concerned in these questions also with regard to the steamers. What is being asked for is only some convenience, a little more of accommodation and some wider convenience, so that these passengers, who are young as well as old,—and some of them have that sentiment that when they get old, they would wish to go from here to Mecca and die there so that they may have some religious advantage.

An Honourable Member: Not quite that.

Mr. Lalchand Navalrai: . . . but I feel that old and young and boys also do go there, and if a little more of space on board is given to them, it will be worth while for the companies, because the companies also remain for the interests of the Indians and it is the Indian people who pay them and, therefore, they should come forward very freely to give such conveniences. What is being asked? A little more space on the deck. Why refuse it? Why not consider it? Sir, the reasons my Honourable friend, Mr. Boyle, gave are not appealing at all. Are there no restrictions on the Railways for not carrying big baggage, and are there no rules there that big baggages should be put in the brake vans? Why are they not creating those rules when they say that the baggages are too heavy or they cannot be placed there and they occupy the space? Let them be put in the holds. Who is responsible? The companies. They should have proper rules and regulations for it. On the Railways also we find that the people carry big baggages when there are no other conveniences

Mr. M. S. Aney (Berar: Non-Muhammadan): Mostly European passengers and railway servants.

Mr. Lalchand Navalrai: In the case of Europeans you will find that when European passengers get out of the railway carriage, you can count the bigger trunks and you can count the smaller trunks and all sorts of baggage which is placed where they sit in the compartment. (Interruption.) I do not know how far it is true that some of passengers seem to be carrying their old fathers in that odd manner but I can say that amongst Hindus there is a sentiment that the father and such people should be taken on their shoulders on to a pilgrimage, and some such facilities to take parents on board the ships. Therefore, to deny them those facilities is not correct. Now, the Bill only asks for some more conveniences and, therefore, the

Mover or a friend on his behalf is accepting a Select Committee motion and is not pressing forthwith that the Bill be passed, therefore, I wholeheartedly support the motion for a Select Committee and I hope the companies will see that these conveniences are given to them and I assure them that they will earn more thereby.

Some Honourable Members: The question may now be put.

Sir Girja Shankar Bajpai: Mr. President, I rose really because I felt that my intervention at this stage to explain the attitude of the Government might help to shorten the debate.

Let me say in the first instance that there is absolutely no question of Government desiring either to shelve the consideration of the proposition that my friend, Mr. Piracha, has put forward, nor is there any question of lack of sympathy with the legitimate claims and desires of the pilgrims. Sir, the Bill which my Honourable friend, Mr. Piracha, has put forward, in effect, wants two things to be done. The first is an increase of the superficial area that is to be made available for the use of each pilgrim from sixteen sq. feet to eighteen. The other is the marking of individual spaces for each pilgrim. Those are the two main proposals. Now, Sir, I should like to draw the attention of the House to the fact that neither of these proposals is a new proposal. I should also like to remind the House that each of these proposals has been examined, not by people who might be considered unsympathetic to Hajis or to the Muslim community but by a Committee of this House and of the Council of State, composed with one exception, *vis.*, the Chairman, exclusively of Muslim Members. And I should like to read to the House what the Haj Enquiry Committee had to say on each one of these proposals. Let me take the first proposal for the allotment of space to individual pilgrims. I shall read from page 86 of the Report of the Committee:

"146. *Allotment of individual spaces impracticable.*—Many witnesses have urged that every individual ticket should give the holder a right to a particular space of sixteen superficial feet marked out on the deck and numbered. We have made careful investigations to satisfy ourselves whether this is a practical proposition. Our conclusions are recorded in the report of our inspection of the S. S. "Vita" on the 28th June, 1929, which is attached as Appendix C. It will be seen that, besides other difficulties, the proposal would result in a considerable decrease in the present carrying capacity of the ships and would therefore furnish a pretext for an increase in fares. It would also be impossible to confine each pilgrim exactly to his own space. We do not therefore recommend it."

Sir Abdul Halim Ghuznavi: What is the date of the report?

Sir Girja Shankar Bajpai: I do not remember; the question of time makes no difference to the examination of the proposals.

An Honourable Member: 1929.

Sir Girja Shankar Bajpai: The world no doubt has progressed and people might of course be prepared to pay extra fares for additional conveniences but that was the considered view of the Haj Enquiry Committee on the question of marking of spaces for individual pilgrims.

Sir Abdul Halim Ghusnawi: When that report was submitted, there was only one Shipping Company in existence. Now there are at least two Shipping Companies if not more.

Sir Girja Shankar Bajpai: It seems to me my Honourable friend at this stage is trying to cloud the issue by raising the question of competition between two Shipping Companies. I am not concerned with that at this stage. I am really concerned with the proposals which are incorporated in Mr. Fazl-i-Haq Piracha's Bill. I have given the House information as to what the Haj Inquiry Committee had to say with regard to the first question, namely, the marking of individual spaces. Now, let me go on to read out to the House the relevant extracts from paragraph 168 of that report which bears on the question of the increase of the superficial area. Sir, in the course of the debate it has been suggested that in other countries more space is allotted for the use of pilgrims than we allot for the use of pilgrims proceeding from India. I shall read on that point the finding of the Haj Inquiry Committee to show that that assumption is not correct. This is what the Committee says:

"It is the same as in the case of Javanese and Malaya pilgrims."

In other words, so far as the main sources of pilgrims are concerned, our position with regard to the allocation of shipping space is exactly the same as that of the Governments in these other countries. But it is not merely that. The conclusion of the Committee was:

"We do not recommend for the present any increase in the minimum space allowed by law but suggest that the question should be further considered after the changes proposed have been introduced and worked for a full year."

The changes proposed being compulsory feeding and special provision for the parking of luggage at places other than the deck. That was what the Committee had to say on this subject. Then, it does not rest there. Actually, when we were amending the Indian Merchant Shipping Act in 1938, there was an amendment moved for the purpose of increasing the superficial area allotted for each pilgrim from 16 to 18 square feet. That was opposed on behalf of Government and it was rejected by the House. I shall not quote the whole of the late Mian Sir Fazl-i-Husain's speech on this particular point but I would quote to the House the concluding part of that speech. This is what Sir Fazl-i said:

"I am afraid there is 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."

That, Sir, was the view of the Muslim Member then in charge of the Department of Education, Health and Lands, a Member who did, if I may venture to say so, more perhaps than any of his predecessors had done for the purpose of improving the conditions under which Hajis travel to the Hedjaz.

Now, Sir, there is a point that I should like to recall to the memory of the House. In the passage which I quoted from the report of the Haj Inquiry Committee, I said that their recommendation was that the position should be re-examined at the end of one full year. That was the recommendation which they made in a report dated some time in 1932.

Now, Sir, actually this very question of the increase of space was examined by the Standing Haj Committee of this and the other House of the Legislature in 1935 and my Honourable friend, Shaikh Fazl-i-Haq Piracha, was actually present at the meeting of the Standing Haj Committee on that occasion. The recommendation of the Standing Haj Committee on that occasion was not to go forward with the proposal for the increase of space on the ground that it would lead automatically to an increase in fares. The position, then, is this. If you turn to the one comprehensive authority that we have on this question of pilgrim traffic, namely, the report of the Haj Inquiry Committee, you find they have opposed the increase proposed in the superficial area allotted to each pilgrim on the ground that it would lead to an increase of fares. If you turn next to the recommendation of the Standing Haj Committee of the Central Legislature on which, again, with the exception of the Chairman, all the members are Mus'lim members, you find the same conclusion repeated. And if I may point out, it is not an illogical conclusion because if, along with the proposal for increasing the space, there was also a proposal giving power to Government to fix fares, then you could say that, in the event of the Shipping Company, taking advantage of the increase of space, asking for an increase of fares, Government would be able to say: "No, this is unjust: this is not right and we are going to compel you to carry these people at a certain fare." But there is no such proposal before the Government and, what is more, there is no such power in Government at the present moment. That being so, it seems to me that without first ascertaining (a) whether there would be a just claim, if at all, for the increase of fares if the space is increased and (b) without finding out what the Haj Committees, Provincial Governments and others in a position to give an opinion on this question have to say, it seems to me that we would not be working in the interests of the pilgrims themselves if we were to proceed here and now to take the Bill into consideration. My Honourable friend, Mr. Essak Sait, will say: "That is true but I am not suggesting that we should proceed to consider the Bill now. I have made the recommendation that the Bill be referred to a Select Committee which should report by the 15th of March." I think my Honourable friend will agree that that would not give us time to consult anybody, either public opinion or the Shipping Companies. The time allotted for that purpose is not sufficient. I suggest, therefore, that in the interests which we are all anxious to serve, the best course would be to accept the motion of my Honourable friend, Mr. Boyle. After all, he has not said that the Bill should be returned with opinions by some remote date, a date so remote that it would be too late for the next Haj season, either for Government or for this House to consider whether any action in the light of that opinion, advantageous to the pilgrims, is desirable and feasible. The date suggested is the 30th of June. I think myself that that is not an unreasonable date. If we have the opinions, as we shall try to have, of all the parties interested and concerned by that date, the House will be in a position before the next Session to come to a considered conclusion on the merits of the proposals which my Honourable friend, Shaikh Fazl-i-Haq Piracha, has made. I wish to assure him and I wish to assure my friends in all sections of the House that so far as the Government are concerned, they have an open mind on this subject. They certainly are not of the view that in no circumstances may an increase take place. That is not our view at all. But

[Sir Girja Shankar Bajpai.]

equally Government have to make sure that by adhering at this stage to a particular proposition, they do not bring upon the pilgrims a burden wholly incommensurate with the advantage which, it is claimed, that it would secure, because, really, this increase, although it sounds 2 square feet, actually, if you assume that the lengthwise provision is 6 feet, it simply means an addition of 4 inches breadthwise, and I doubt very much whether for that particular increase, the pilgrim would thank us or anybody if it results in an increase of fare by something like 12½ per cent., which, at current rates, would be in the neighbourhood of Rs. 20 per pilgrim. I, therefore, suggest that the path of wisdom and the path of compassion both coincide in this particular case and that really we would not be showing any lack of sympathy for the pilgrim if we were to accept the motion of my Honourable friend, Mr. Boyle. On the contrary, we shall be serving the best interests of the pilgrim by giving everyone concerned an opportunity of giving due care to a problem which is not free from difficulty.

Seth Haji Sir Abdoola Haroon (Sind: Muhammadan Rural): Sir, I had no intention of speaking on this motion at present, but on 1 P.M. account of some of the speeches made by some Honourable Members, I consider it advisable to say a few words. I brought a Resolution in this House to appoint a Haj Enquiry Committee and that motion was carried and a committee was appointed by Government. This committee toured throughout India for no less than twelve months and they submitted a report. That report was discussed and the Indian Merchant Shipping Act was amended in the light of the recommendations of the Haj Enquiry Committee report. Haj Committees were constituted at the ports of Calcutta, Bombay and Karachi. Many Haj Committees were also constituted in the interior parts of the country. We also discussed this space question; some were of the opinion that we should have 24 superficial feet, some said 20 and others said 18 and so on. Considering all aspects, we agreed to the present 16 superficial feet for each Haji. At that time we considered that the luggage of the Hajis should be put in the ship hold. Besides that, we also laid down that the shipping company should make arrangements for the food of the pilgrims. I served on the Haj Committee at Karachi both while it was a nominated committee and also an elected committee. I generally go aboard the Haj steamers to find out the difficulties under which the pilgrims were suffering. Much of the difficulty has now gone down because the space previously occupied for luggage is now given to the passengers. Now-a-days they are getting cooked food on board the ship from the steamer company. I am not at present opposing the motion of my Honourable friend, Khan Bahadur Shaikh Fazl-i-Haq Piracha. As stated by the Honourable Member, Sir Girja Shankar Bajpai, we also considered at that time the question of fares. The Government then fixed the maximum fare from Bombay to Jeddah and from Karachi to Jeddah. Immediately we pass this space question, I am afraid the Government or the shipping companies have a right to consider the question of increase of fares because at the time we decided the question of space, we also decided the question of fares. If space is increased, then naturally fares also will have to be increased. I learn that my Honourable friend, Sir Abdul Halim Ghuznavi, has promised that the Scindia Company will have no objection to the increase of space from 16 to 18 feet, and at the same time they will not

increase the fares. I do not know on what authority my Honourable friend, Sir Abdul Halim Ghuznavi, is giving this promise on the floor of the House. However, I accept his promise. But I want to remind my Honourable friend that last October when there was a rate war between the Scindia and the Moghul Lines, the Government issued a communiqué stating that the Scindia wanted Rs. 215 per passenger as a return fare whereas the Mogul Line was willing to carry passengers for Rs. 167.

Sir Abdul Halim Ghuznavi: Will my Honourable friend refer me to the date of that communiqué? My Honourable friend is perhaps reading from a pamphlet issued by his company. I oppose the statement contained in that pamphlet. It is a one-sided version.

Seth Haji Sir Abdoola Haroon: The Government of India issued a communiqué from New Delhi, dated the 9th November in which it is stated that the Government of India were also unable to agree to the Scindia Navigation company's proposal involving an increase in fares to Rs. 215 return from Karachi when the Moghul Line were prepared to take pilgrims at the maximum fare of Rs. 167. I do not know whether this communiqué is correct or not. I am saying this on the floor of the House and it is for my Honourable friend, Sir Girja Shankar Bajpai, to deny it.

Sir Girja Shankar Bajpai: The communiqué was issued.

Sir Abdul Halim Ghuznavi: The communiqué merely reproduced the uneconomic price which was quoted by the Moghul Line simply to kill the Scindia Company.

Seth Haji Sir Abdoola Haroon: About the present uneconomic price of the company, that may be correct, but when this question of space is again raised the same company may say that the rate of Rs. 167 is uneconomic. I accept Sir Abdul Halim Ghuznavi's promise that the Scindia Company will not raise it. However, I want to get a confirmation from Scindia and Moghul Lines that they will not increase this rate. I am one of those who want the space to be increased. Since the new arrangement has been going on the space question has been much eased. I have no objection to the space being increased, but before doing that all possible information must be secured and the companies must undertake not to raise the fares. I advise every one to read the Haj Committee's unanimous report made ten years back. Sir, I neither support the Bill nor oppose it.

Mr. Husenbhai Abdullabhai Laljee: Sir, I am a director of one of the companies concerned but I am not going to speak as a director, and I may inform the House that with regard to this Bill we have had no discussion, whatsoever, among the Board of Directors. I am very glad that my Honourable friend, Mr. Boyle, has been lucky enough to be able to see one of the pilgrim ships. Probably he will concede that having been in the line for 25 years I may have seen a few more. I hope my Honourable friend, Sir Henry Gidney, also will concede that I know something about the condition of the passengers on the pilgrim ships. Now, Sir, leaving aside the economic condition of the companies with regard to this question, as Member of this House and representing the people I feel I must say emphatically that the old days are now fast going, that we

[Mr. Husenbhai Abdullabhai Laljee.]

have to look to the comfort of the people, that we are here for the welfare of the people and that we cannot allow things to happen now as even happened five or seven years ago. It is no use my Honourable friend, Sir Girja Shankar Bajpai, quoting to us something of 1932 or 1933. At the same time I want to ask, can you conceive or have you ever heard of so many deaths as on board the Haj ships while people are travelling on ordinary passenger steamers or of troops on troop ships, and that too on almost every voyage? If that is the condition on these ships, what justification is there for allowing that condition to exist? What inquiries have been made with regard to this?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after Lunch.

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 Sir Abdur Rahim) in the Chair.

Mr. Husenbhai Abdullabhai Laljee: Sir, I was pointing out so far as the report of the Haj Enquiry Committee was concerned that it was really a report of several years before. Conditions have changed a great deal and we must now realise that it is part of our duty to do all we can to see that people who travel either by trains or by private steamers or boats are not travelling in a manner that might cause injury to their health. We have been told about the rules laid down for steamers that carry troops and steamers carrying people between England and Australia and other places. In my humble opinion there is no comparison between those ships with high speed and these semi-cargo slow speed boats also plying for cargo. Steamers plying between England and Australia are of nearly 20,000 tons of the type of mail boats and are worth more than a crore or so, while these boats are 4,000 or 5,000 tons and are semi-cargo boats. As regards troop ships in comparison to these the less said the better, because they are some of the best boats and they invariably belong to what is called first-class passenger boats. But above all, the point on which I wish to lay stress is this test: while people go on a sea voyage for a change and believe that they can gain something in their health, here, we find that on almost every voyage, there are two or three or four, and on the return about five or six deaths on board ship. If my Honourable friend, the Member in charge, were to give the figures of persons who were buried at sea during a Haj season on the voyages by these boats, I am sure none in this House, even the Government, would feel strong enough to say that these conditions should continue to prevail. I do feel that not only for these pilgrims but also for the passengers by the coastal boats the regulations ought to be changed as soon as possible. The days are gone when people used to go to *tirths* in goods wagons. That is not allowed now. My friend, Mr. Joshi, who is not here now, is one of those who invariably brings before the Bombay Municipality complaints against the employers that they give only 10 feet by 10 feet to individual tenement resulting in overcrowding; and whenever we have an improvement

scheme doctors have never agreed with the landlords that in these slums the houses are for the poor and should remain cheap. It is on those lines that I should like these voyages also to be considered. There are three statutory bodies looking after the welfare of the Hajis—the Bombay Port Haj Committee, the Karachi Port Haj Committee and the Calcutta Port Haj Committee. I remember very well that during last three months they have passed a resolution expressing the hope that more space would be allotted to the pilgrims. In fact, we find from the enquiry report my Honourable friend has quoted that they have said that they do realise the question of shortage of space—but that in view of the fact that certain other arrangements were to be made they said “we shall keep it pending” at present. It is not as if they have said ‘no’: it is quite different from saying ‘no’

Sir Girja Shankar Bajpai: Whoever said that they have said ‘no’ for all time? I did not say so.

Mr. Husenbhai Abdullahai Laljee: I have not insinuated that he said ‘no’. I am merely saying that the report quoted by my Honourable friend says ‘at present’ and, therefore, there is a justification for a change to be made now. It is overdue.

As I was pointing out three statutory committees are in charge of this pilgrimage and they have expressed in unequivocal terms that more space is necessary. A great deal has been said about heavy luggage. I do not know whether what has been said is the experience of somebody who visited these steamers some years back or of somebody who visited them recently but could not get the true facts. It has been laid down in the Haj Manual published and enforced by the Port Haj Committees that heavy luggage must come alongside the steamer about 24 hours before; and it is the duty of the port authorities and the police and the steamer companies to see that heavy luggage is brought 24 hours before with the intention and with the definite instructions that it should be put in the holds. In the face of those rules and regulations we are told that heavy luggage and baggage, containing human beings, are being put amongst the pilgrims. I, therefore, do not know now whether it is necessary for me to say what I have seen and what the port authorities are bound to see and what the regulations lay down are not the true facts. But even assuming what was said was so before, it is not the case, I emphatically say, at present. Our case is that we really want more space and that space should now be forthcoming. It may be said that it will entail more cost. Surely, if it did, it is the duty of the Government as well as of this House to see that even that cost is paid if it is required for the welfare of those who are travelling. Nobody wants to spend, but certainly it is the duty of the custodians of health and humanity to see that fitting arrangements are made for the welfare of these pilgrims. I would point out that sufficient space has been found on these steamers when there is not a heavy season or rush, but, at the same time, when there is a rush there is no doubt a little overcrowding. But, surely, Sir, when these shipping companies, during rush, get their full complement of passengers, they also do make money, so if they then were to take a few passengers less, it will not mean a great hardship to these companies, because, on the whole, they get very good income but of this traffic.

Now, Sir, the question we have to consider is, why should this Bill be circulated for opinion? We all know that there are only two shipping

[Mr. Husenbhai Abdullabhai Laljee.]

companies which are interested in this matter. Can any one deny that these two companies, after this Bill had been so long on the agenda paper, have not been able to formulate their views on the measure? Are their views going to be any different to the views they have already formed and expressed on this question? Again, while there are only two companies which are interested in this, there are about 40,000 pilgrims who will travel by these ships. So why do you want this Bill to be circulated? I may clearly state that both these companies already knew that this measure would come before this House, and they had already prepared their supporters as to what they should say. The fact seems to be they are prepared to provide the necessary extra space now asked for, but they want us to pay a little more for it, and so the question will be how much is asked by them and how much we should pay for the extra space. If that is the only reason in favour of the circulation motion, then the reply to that is very simple. This is a controlled or monopolist business, as the Haj line of shipping is supposed to be carried on with the permission of the Government of India. Those ships which take passengers to Haj have to conform to certain rules and regulations, and the Government have laid down a large number of them for the guidance of the shipping companies, and the Government can very well ask these shipping companies to provide the necessary increased space now asked for in this Bill.

Then, with regard to the rate, it is always a question of supply and demand. Whether you allot 16 ft. or 18 ft. if there is competition in the line, if the supply of ships is greater than the demand, the shipping companies will surely regulate their rates accordingly. Sir, the times have changed, and it is now very important that we should make these necessary changes. If those who say that they are out to do good to these pilgrims, that they have the interests of these pilgrims at heart and so on, and would also come forward and say clearly that they want money for everything that they do for Hajis then the Muslim community will also surely be able to find out their sincerity. I am very sorry, Sir, to hear that recently some attempts were made to increase the Haj pilgrim rates. Of course, so far as Government is concerned our Excess Profits Tax Bill is near at hand, but the money that will be taken will certainly come out from these poor pilgrims, people who go to Haj to perform their religious duties, and it is very unfair that they should be treated in this manner. I also feel that if this Bill were to be circulated, it would not come into effect from the next Haj season. My friends would ask why? The reason is, pilgrims start booking from the month of October, sometimes from the month of September. This is a fact

Mr. M. S. Aney: Do they stop it after October?

Mr. Husenbhai Abdullabhai Laljee: No, no; some people go in September, October and November. Those who go in these months first go to Medina and then go to Haj in the middle of January. Those who go in the first instance to Mecca and then to Medina start from here in November and December and return in March or April. Therefore, if really some good is to be done to these people, this Bill need not be circulated. In fact, this measure is long overdue. All the public and expert advice is already at the disposal of Government, because the public and the three statutory bodies as I have mentioned before have already expressed their strong view in favour of this measure. This is

not a matter which requires profound thinking. Of course, I will have nothing to say if the representatives of the two shipping companies want this matter to be referred to a Select Committee, because hardly a week passes when their agents are not here, particularly when the Legislature is in Session. They are responsible persons of these Companies who are busy men still they make it convenient to come down here and they don't feel it a hardship, because they are earning thousands, sometimes lakhs, as I hear it is freely said and they will not mind even coming down to Delhi by first class, and some of them probably drawing also special allowances, to attend the Select Committee meetings to give their views and to say that they want a little more. I would not be frightened by the figures which Mr. Boyle gave the House, that the change will cost namely, 24 per cent. or the 12 per cent. roughly estimated and mentioned by the Member in charge that the companies may ask. I don't know the shipping cost figures, and so I shall not go into them in detail. But I feel that both are wrong, and it should not mean any great hardship to the companies if they both were to accept our request to give the Haj pilgrims a little more accommodation. It is the legitimate demand of the Haj pilgrims, and it is the duty of the Government to see that these poor Haj pilgrims are not put to these inconveniences by the shipping companies, and I do trust that all sides of the House will give their wholehearted support to this, and will carefully watch the condition of Hajis on these voyages.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): I listened to the speech of my Honourable friend, Sir Girja Shankar Bajpai, in a state of ebb and flow of hope. He began by telling us that Government had every sympathy for all the legitimate demands of the Haj pilgrims, and that sounded most encouraging. Presently, however, he started quoting from the report of the Haj Enquiry Committee and a little later he referred to another Bill practically to the same effect as the present Bill and showed under what circumstances that Bill failed, and he gave us a quotation from a speech of the late Honourable Sir Fazli-i-Husain. All this indicated that the Government's mind had been made up. That inspired gloom, but it was most reassuring to find him saying at the end that the mind of Government was still open, and on that assumption I venture to offer a few remarks.

Sir Abdul Halim Ghuznavi: Louder please.

Syed Ghulam Bhik Nairang: This Bill on the face of it is intended to mitigate one and only one of the host of grievances which the Haj pilgrim has. If one were to recount all the grievances the Haj pilgrims have and which are ventilated from time to time in the press and otherwise, they are legion, but as far as the provision of a reasonably adequate space for accommodation of each pilgrim in a ship is concerned, this Bill is intended to remove that grievance. To an ordinary mind the improvement which it is sought to effect in the present law does not appear to amount to a very extravagant demand. A minimum of 16 square feet is allowed by law at present and it is sought to raise it to a minimum of 18 square feet and a proportionate increase in the cubic dimensions available for each pilgrim. So it does not strike one as if the demand were extravagant, but history has been repeating itself very regrettably in the matter of all demands,—

[Syed Ghulam Bhik Nairang.]

at least most of the demands made on behalf of the Haj pilgrims from time to time; and as on the previous occasions, on the present occasion again the ever recurring objection has been trotted out that it is the pilgrim themselves who are to blame for any inconvenience which they suffer in the matter of space in the ships because they carry with them lots of luggage and do not arrange to have their extra luggage put in the hold but would like to have that luggage lying about them and, therefore, they suffer inconvenience in the matter of space. That is the one thing which has been said in various forms by Mr. Boyle and others. The second thing is that the boggy of a likely demand by the shipping companies for an enhancement of the shipping fares is raised again and again and has been raised on the present occasion too.

As far as the report of the Haj Enquiry Committee is concerned, I think it has been made sufficiently clear by speakers who have preceded me that it does not conclude the matter for ever and this has been very properly conceded by my Honourable friend, Sir Girja Shankar Bajpai. That Committee, no doubt consisted entirely, with the exception of the President, of Muslim Members of the Central Legislature. I had the honour of appearing before that Committee and giving evidence; in fact, I was very specially summoned because it so happened that about the time that Committee was appointed I had submitted a very comprehensive memorandum to Government about the grievances of Haj pilgrims and sent copies of it to the Muslim Members of the Legislative Assembly and the submission of that memorandum happened to almost synchronise with the appointment of this Haj Enquiry Committee. So that when I proceeded to the Hedjaz myself for Haj, a friend told me at Karachi that a Haj Enquiry Committee had now been appointed, and as I had published that memorandum and submitted it to Government this was now my opportunity to prove the points before the Haj Enquiry Committee and that, as I was myself proceeding to the Hedjaz, I should now personally look into all those points and collect any other points that there might be for the consideration of the Committee. He told me all this because my previous memorandum was based on materials collected by a friend of mine whose judgment I trusted and, therefore, I had prepared my memorandum according to the information supplied by him. When I went to Kamran I found a number of things there which needed the attention of Government and ought to have been put right. I addressed a letter to the Government on the subject of Kamran, and later on, after my return from Haj, I submitted another memorandum supporting the previous memorandum and enlarging upon it to a certain extent. Under those circumstances I was specially called by the Haj Enquiry Committee and was the target of a very severe cross examination about Kamran arrangements because I had particularly attacked the system prevailing there. Anyhow, I know something about the atmosphere that prevailed in and around the Haj Enquiry Committee. I had every faith and even now have every faith in the *bona fides*, public spirit, and a genuine desire to serve the pilgrims, which animated all the members that composed the Committee, and even the President who was a non-Muslim. But I must say that that report was made on consideration of a state of things which does not exist now in all its details. Matters have very much changed and now we should not only have an open mind in the ordinary sense of the term but really we should have a desire to find out what fresh things

have developed since and how far we can now meet the legitimate demands of the Haj pilgrims in the matter of space which is the only point now under discussion. This matter of too much luggage is from one point of view ancient history now. Up to the time when I went to the Hedjaz people used to take with them a lot of foodstuffs,—flour, rice, *dhall*, *ghee* and other things—and their own cooking utensils and all the paraphernalia that one needs to prepare one's food. That was the general practice and those things made up nearly half the luggage which normally every Haji had with him. Now, that state of things has ceased to exist because under the rules every pilgrim has to pay a lump sum for his food which the shipping company supplies to him during the voyage, both when proceeding to Jeddah and on his way back. That part of the luggage has now been cut down by law. As regards the other luggage, I imagine that consists mostly of clothes, bedding and one or two other things such as a deck chair or a folding bed and I do not think that Mr. Boyle really meant it to be taken seriously when he suggested that an extra enterprising pilgrim had carried his father as part of his luggage. That is the funny story to which Mr. Boyle has treated us. Sometimes facts are stranger than fiction but I do not think that Mr. Boyle meant to suggest that there are many dutiful sons who carry their fathers in that way to give them the privilege of performing the Haj. He must have mentioned this curious thing just to enliven this dry debate. I do not think he was very serious about it. Really the amount of luggage has been very much cut down. During the return voyage, I must admit, every Haji has a certain amount of dates and *zam zam* with him but that does not make any material addition to the luggage. The crowding of space on the score of luggage cannot, I think, be seriously maintained. Our friends, Sir Henry Gidney and Mr. Boyle may have visited pilgrim ships but certainly those who perform the whole voyage from Bombay to Karachi and Jeddah and back—their knowledge and experience ought to carry greater weight. This boggy of too much luggage need not be seriously considered and can be easily dismissed. Then, as regards the fear which was held out that if we secure the provision of a little more space for the pilgrims we may unconsciously inflict on them a penalty in the shape of increased charges, that is a matter which should not very much deter us from giving effect to humane considerations, considerations of sanitation and so forth. A larger minimum space for each pilgrim should be provided by law even at the risk of a little more payment.

Now, Sir, we are faced with a motion by Mr. Boyle that this Bill should be circulated for eliciting opinion. It has been made
 3 P.M. quite clear by several speakers who preceded me that this circulation will, though not so intended, really have the effect of unnecessarily delaying the consideration of the measure itself. I do not think it is really needed. I do not know what useful information can be gathered by circulation but as my Honourable friend, Sir G. S. Bajpai, on behalf of Government, has expressed himself to be more in favour of circulation than the Select Committee motion, and as all the speakers who have favoured circulation have at the same time expressed sympathy with the Bill and further because the objectionable feature of Mr. Boyle's amendment, which as circulated to us gives no date and appears to mean that the Bill is to remain in perpetual and eternal circulation, which would have postponed the consideration of this measure till doomsday, has been removed by the insertion of a date. I have consulted the Members of my Party. The Honourable the Mover of the Bill is willing to consent to the proposal for

[Syed Ghulam Bhik Nairang.]

circulation but we must express the strong hope that the Government, after the Bill comes up again after circulation, will not further postpone consideration of the Bill by another motion that it should be referred to a Select Committee. After opinions have been obtained, I hope that Government will be good enough to see that the Bill comes up for consideration at the earliest possible moment. With these remarks I accept the motion for circulation on behalf of my Party.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): An extra loyal gentleman of a past age once coined a happy phrase—that the British Government was the biggest Muslim Empire in the world. This did not mean that the sovereign of this Empire was a Musalman nor was it intended to mean that the British Cabinet was composed of Muslims. What he intended to convey was that millions and millions of Musalmans were the subjects of the British Crown. There are ten crores of Muslims in India and there are other lands either directly or indirectly under the British Crown where there are millions of Musalmans. Now, it is a strange fact that after being connected with the Islamic world for over a hundred years the Britishers do not realise what the needs of the Musalmans are and what Islam is. Haj pilgrimage is one of the fundamental articles of faith with the Muslims. There are five articles of faith and one of them is pilgrimage to the Hedjaz and it is obligatory upon every Musalman, once in his lifetime, to go to the Hedjaz. Now, obviously it ought to be the duty of a Government, which is called by its admirers the biggest Muslim Empire of the world, to see to the comforts of the pilgrims and in fact to run a fleet of official ships to take the pilgrims to the Hedjaz and bring them back at actual cost and not as a business concern. I am a Haji myself and when I went to perform my Haj I saw the Javanese pilgrims. They were a happy lot. I was informed that the Dutch Government took greater care of its pilgrims than the British Government. During the voyage I saw that the lot of the pilgrim traveller was an unhappy one. The ships were very overcrowded.

Mr. M. S. Aney: In what year did you go?

Maulana Zafar Ali Khan: It was in 1926.

Mr. M. S. Aney: So you are an old Haji.

Maulana Zafar Ali Khan: Sir, their lot was a very hard one; there was much overcrowding. The superficial space on the deck allotted to the Hajis was so small that they could not sleep, they could not keep their baggage in that small space and, as my Honourable friend, Maulana Ghulam Bhik Nairang, has already pointed out, the quantity of baggage taken by the Hajis is not so large that they would require part of it to be consigned to the hold. Only absolutely necessary things were taken and they were made up in a small parcel. But even then there were great troubles and the discomfort was so great that many of them came to me and asked me to take up their case when I returned to India and to call upon the British Government and the leaders of the Muslim community to do something for them. Well, Sir, many many years have

rolled by since the Haj Enquiry Committee was appointed. Then, unfortunately, the shipping concern that was in the field and which was responsible for taking the pilgrims from India to the Hedjaz was only one very rich company, Messrs. Turner Morrison and Co. There was no rival in the field and, therefore, they did what they liked with the pilgrims and this story of trouble and distress went on. Then there was another company in the field—the Scindia Steam Navigation Company. These companies have always exploited the religious sentiments of a community when they think that it brings some money to their coffers. So, now that there are two rival companies in the field, we thought that the time had come when the troubles of the travelling public would end because their healthy rivalry would protect the interests of the travelling public, but, unfortunately, the Government interfered and made a discrimination in favour of a certain company. We are told that the rate at which a pilgrim would be carried from India to the Hedjaz was fixed by Messrs. Turner Morrison and Company at Rs. 160, whereas the rate of the rival company was Rs. 216. Why was this great difference? Because the first rate was uneconomic and had to be lowered, knowing that the rival company would not be able to bear the strain and the time would come when their rate would go up when the other company was out of the field. This is a purely business concern. A Haji passenger on the deck wants larger space. If one company does not give that larger space, a regular tug-of-war goes on between the two companies. Let them compete, and let not the Government interfere; and, so far as this Bill before us is concerned, it is a very small affair. It ought not to take more than five minutes to solve the whole problem, but obviously there is no value of time in this House. A very trivial matter goes on for hours and hours together. What this Bill requires is that instead of sixteen feet, eighteen feet should be allowed. If my Honourable friend, Mr. Boyle, had been sympathetic towards Islam and towards the Musalmans or towards the poor Muslim public, then he would not have grudged them this little additional space. Sir, I am very glad that Mr. Lalchand Navalrai has told the House that because he is a Hindu he should not be looked upon as being unsympathetic to the principle of the Bill because the idea of a pilgrimage is not foreign to Hindus. An Englishman may become an atheist, he may look upon religion as a thing to be laughed at, but a Hindu would not because he knows what Hardwar is, he knows what the *Magh Mela* is. Therefore, he can appreciate the troubles of his Muslim brother. So this is a subject in which the Hindus and Muslims are equally interested. My friend, Shaikh Fazl-i-Haq Piracha's Bill, wants a small thing. If the House knew its duty, if the European Group realized its obligation to many millions of men, and if Sir Girja Shankar Bajpai, who is obviously sympathetic, appreciated our point of view, something would be done and now that my friend, Syed Ghulam Bhik Nairang, has declared that we are agreeable to the circulation motion, then I think there will be no more objections raised and this small concession would be conceded. With these words I support the motion for conditional circulation.

Some Honourable Members: The question may now be put.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I do not wish to take up more of the valuable time of the House but I want to submit two things. My Honourable friend, Sir Girja Shankar

[Maulvi Muhammad Abdul Ghani.]

Bajpai, has taken shelter under the recommendations of the Haj Enquiry Committee of more than a decade ago, since when circumstances and opinions have changed and the world has progressed further so much so that in these days independence is demanded and you know, Sir, that Commissions after Commissions are issued for revision of constitutions. Sir, the last point taken by him was that the fares should proportionately be increased of the Haj pilgrims. But I must remind my Honourable friend that on occasions of religious festivals like Christmas, Easter and the Durga Puja holidays the fares are reduced and concessional rates are granted, but I regret very much that in the case of these poor Hajis who, unfortunately, are Muslims, no concession is going to be made and that is intolerable. Sir, there is no rate fixed at present. Supposing there is an increase by Rs. 20, to what fare should it be added? One company demands Rs. 215 and the other company demands Rs. 167. To which of these two rates will there be an increase of Rs. 20? If there is any fixed rate, the matter can be considered. Now, Sir, it is very surprising that my Honourable friend, Mr. Boyle, who is more than six feet tall, should oppose the allotment of additional space to the pilgrims. If Mr. Boyle wants to sleep, he requires 6 by 3 feet at least and that comes to 18 square feet. How can he sleep in 16 square feet. If he wants to sleep in 16 square feet, he must shorten his leg or his head. He has evidently forgotten that there are men from the North-West Frontier province who are seven feet tall. If, for instance, my Honourable friend, Sir Sher Muhammad Khan, wants to go on pilgrimage, he would require 24 square feet to sleep. My Honourable friend, Mr. Boyle, should not also forget that today he is a Christian and it is probable that tomorrow he might get himself converted to Islam and then it will be obligatory on him to perform Haj. I cannot say that I appreciated his claim to be an expert in religion. He manufactured a story. A deck passenger could take his father as a luggage. I say it that a first class passenger can take both his parents as luggage. I appeal to Sir Girja Shankar Bajpai to be a little more sympathetic towards the demands of the Haj pilgrims. The matter requires simply marking the seats. It is only a small increase of 2 square feet. Now-a-days railways also are marking off seats and the same process might be applied to deck passengers. I appeal to the Government to reconsider their position and accept the motion for reference to Select Committee.

Some Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the question be now put."

The motion was adopted.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1940."

The motion was adopted.

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir I beg to move:

"That the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose, be taken into consideration.

Sir, I may be permitted to describe briefly the history of the development of Universities, as back ground for my arguments. I should like to refer briefly the history of our institutions from the very outset to help us to arrive at a proper decision. Sir, we all know that in the old days, there were no regular schools or colleges in the sense as we understand them today. The teachers had very little requirements, they needed no salary. We know that Pythagoras always lived in a cave, Diogenes lived in a dog's den and Plato lived in a garden and had left Athens. Coming to Islamic period, the lectures were always delivered in mosques or at the residence of the teachers. The first University, as we understand the term now, was built in Baghdad by Nizamulmulk in 459 A. H. I will just quote from "Risalyal Shibli" written by Maulana Shibli:

"On the occasion of the opening of this great university at Baghdad, the people of the town flocked in large number and celebrated the occasion with great pomp and dignity."

People of Baghdad were very jubilant at the opening of the first University. It is remarkable, says Maulana Shibli on the following page:

"When the news of the establishment of a University at Baghdad, reached the learned men of Transjordan, they held a condolence meeting and said that 'henceforth learning will not be acquired for its own sake, but it will be used as a means to obtain high position in life'."

I do not want to exhaust the House with details, but I would refer you to this particular book where a list of the Universities established by the Muslims is given. The one characteristic feature of all these institutions was, I will again quote from Maulana Shibli's book, Salah-Uddin established Universities at Cairo, Alexandria and other places and the characteristic feature of the institutions established during the Muslim period.

Everybody who came to the Universities for learning was given free board, and free lodging. Books and other necessities of life were also free and all expenses were paid by the State. Students had to pay no fees. They were all maintained by the State. These were the traditions of the Universities in the Muslim period. When we come to European countries, we find that the first University was established at Selarino in Italy in 1232. That was really on the lines of the Universities of Cardova and Istambole. It was followed by a University at Bologne which was purely a University of law. In France the first University was established in Paris and the characteristic features of this University were about the same as those existed in the Universities of Alexandria, Istambole and Cardova. Separate hostels were provided for students coming from different countries and some of these hostels were maintained by the countries themselves.

In England, we know that the first Universities were established at Oxford and then at Cambridge. These universities were residential universities and so the question of affiliating any institution outside their existence never arose either here or elsewhere. The establishment of the London University in 1820 is a land mark in the history of Universities.

[Dr. Sir Ziauddin Ahmad.]

That is really a year when a new departure was made and we deviated from the practice of other universities of the world. The London University was the first university which began to affiliate the colleges all over the Kingdom. Now, in India, when we established our University in 1857 we followed, unfortunately, the London pattern and we started at the very outset with an examining body which affiliated colleges maintained by private bodies and by the Government all over the country. This idea of affiliating universities continued to attract the attention of the British people for a considerable time and it became very popular in British Dominions. Other affiliating Universities were established in the United Kingdom. But the opinion in England began to change about 1900, when the colleges of Midland University were raised to the rank of the Universities. They appointed a Commission on London University, which was presided over by Lord Haldane; and the Commission recommended that the London University should be changed into a teaching and residential university. Just about the time when the Haldane Commission had reported, the Calcutta University Commission sat in India and it literally followed the recommendations of the Haldane Commission and condemned the affiliating universities, and it recommended that all the affiliating universities should be replaced by teaching and residential universities. Now, after the war, Lord Haldane himself changed his mind and in the convocation address which he delivered at the University of Wales, he said that although he was in favour of the residential system some time ago, he found that the circumstances were such that the affiliating universities were indispensable. Mr. Richey expressed the same opinion in his quinquennial review. So, the person who was the author of this replacement and whom the Calcutta University Commission followed changed his mind and he advocated the Universities of affiliating type again. We followed the recommendation of the Calcutta University Commission in the United Provinces although the Calcutta University itself never looked at those recommendations. But we found in the United Provinces that the affiliating universities were absolutely indispensable; and after a few years' experiment they had to establish an affiliating university at Agra, which took in its fold all the colleges of the United Provinces, Central India and Rajputana. This is the history of the affiliation of the colleges. We have seen that during a small period of about 15 years, the opinion changed and rechanged, and today the opinion is not definitely opposed to the affiliating universities.

Now, when we come to the question of the recognition of schools. Here the position is quite different. Even the University of Cambridge, which really serves as a model of the teaching and residential university, recognises schools for the purpose of examinations not only in England but all over the British Empire. You will find that the Cambridge University conducts the examinations for the students residing in all parts of the British Empire, i.e., India, Ceylon, Malaya and other countries. They do not award any privileges to the schools which are under local Inspectors but they admit the students in their examination.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Not the University.

Dr. Sir Ziauddin Ahmad: The University does not do it directly but these examinations are conducted under the aegis of the University.

Lieut.-Colonel Sir Henry Gidney: No, no.

Dr. Sir Ziauddin Ahmad: Had it been a question of medicine, I would have followed my Honourable friend, but in this case he should follow me. There are eight different University authorities who admit to their Matriculation Examinations students from public and private schools. The same is the case in France. We find that the examinations are now being conducted under the aegis of the Paris University all over the places in the French Empire. In Germany, we find that the question of conducting the examinations by the Universities does not arise because every High School conducts its own examination and these examinations are recognised by all the Universities. The Previous Examination of Cambridge, Responsion of Oxford, Preliminary Examination of Scottish Universities and Matriculation Examination of London University admit to their examination students from all parts of British Empire.

The position of colleges, however, is a little different from the position of schools. Though there is a room to discuss about the question of the affiliation of the colleges, there is very little room about the question of conducting examinations for purposes of admission to the University.

Now, I come nearer home to the Aligarh University and will apply these principles to the motion before us. The idea of establishing a University at Aligarh was first mooted in a practical form in the year 1898, soon after the demise of the founder of the institution. Then came the University Commission of 1902-08 which was presided over by Raleigh. It recorded that it was not desirable to establish a communal university and it definitely recommended that the Aligarh and the Benares Universities ought not to be established. Now, in 1910, on account of the annulment of the partition of Bengal, a special situation arose in India and we found that the Government lent its support to the establishment of a University at Aligarh, a University at Dacca, an Islamia College at Peshawar and an Islamia College at Lahore. All these institutions began to develop in consonance to the political situation. In 1911 a deputation of leading Mussalmans waited on Sir Harcourt Butler and laid before him the proposal for establishing a Muslim University of affiliating type before him. After a conversation with this deputation, Sir Harcourt Butler sent a despatch to the Secretary of State and, after consulting him, he wrote in a letter dated the 31st July, 1911, that the Secretary of State accepted in principle the proposal of Aligarh University. In paragraph 13 of this despatch it said:

"The affiliation of outside colleges and the recognition of schools should require the sanction of the Chancellor."

That is to say, the Government of India, in 1911, in order to please the Muslim community, consented that the University should have the power to affiliate colleges and to recognise schools. On this assurance of the Government of India, the Muslim University Foundation Committee began to collect subscription and to raise funds for the purpose, and on this assurance, it prepared the first draft of the Muslim University Bill. It was provided in this draft Bill that the University shall affiliate such institutions only which shall be conducted on the residential system and on the principle and model of the University Colleges, that is, the M. A. O. College, Aligarh, and which shall have attained a standard of efficiency that may be deemed satisfactory in accordance with the Regulations framed in this behalf. All institutions situated

[Dr. Sir Ziauddin Ahmad.]

outside Aligarh shall require, for affiliation, recommendations of the Senate and sanction of the Chancellor according to the Regulations in this behalf.

We continued to work out the details of the constitution for a year and we began to collect subscriptions by sending deputations all over the country. Then we suddenly found a year later that on the 28rd September, 1912, Sir Harcourt Butler sent a telegram followed by a letter which came like a bolt from the blue, and in this letter he said:

"As regards what I may call the external relation of the University, His Majesty's Secretary of State has decided after mature consideration that the proposed university should not have powers of affiliation outside the locality in which it may be established."

Therefore, after a year when the public mind was not so much agitated, this change was made. If the Secretary of State's permission was necessary, it surely did not require 14 months. It could have been obtained in a week. Naturally, when that opinion was received, the constitution committee referred the matter to various persons and I have got with me the opinions of various personages in this file, and I refer only to few.

Nawab Sir Abdul Qaiyum said:

"The money collected for the university should be refunded because we collected it with a definite promise that it will be an affiliating university."

Sir Mohammad Iqbal said:

"The trend of opinion in the Punjab is that if a university which would concentrate all Muslim education of this country cannot be granted to us, it is useless to spend money upon it which may not differ from other universities in India."

Other gentlemen like Nawab Syed Muhammad and Sir Fazalbhoy Currimbhoy and others expressed their opinion in the same way.

His Highness the Aga Khan telegraphed:

"My humble opinion to community throughout India is that they should make representation for power of affiliation to Government and prayer for reconsideration."

After receiving this report the foundation committee met and decided that the Muslim community was not prepared to accept a university in which the power of affiliation granted about 14 months ago was now withdrawn. And inspite of it, the fact that the Government of India were willing to offer a lakh of rupees a year, they did not care for it and rejected the university in 1912.

Soon afterwards, the promoters of the Benares Hindu University came into the field and they accepted the university on the same conditions which were offered to Aligarh and which were refused in 1912. They accepted the university in 1914. After waiting for four years, the Muslim University Foundation Committee changed its mind and decided to accept a university as promised in the letter of Sir Harcourt Butler dated the 28rd September, 1912, "provided that the powers are given to the Muslim University, Aligarh, of recognising schools outside Aligarh, similar to those exercised by the Government universities." Therefore, they accepted it on condition that the power of recognising schools should be given to them. And when Mr. Montagu, Secretary of State (who was an old contemporary of mine at Trinity College, Cambridge), visited Aligarh, I had a talk with him and he told me that when he refused the power of

affiliation he never imagined that recognition of schools could be denied because that stands on a different footing from the affiliation of colleges. This was of course verbal. On this assurance of the Secretary of State and on the letter written by Sir Harcourt Butler the University Foundation Committee appointed another committee to redraft the entire Act and the Ordinances. At that time, I published a book about the Muslim University constitution in which from my knowledge of facts as then existed, I said that the position about recognition of schools in 1916 was the same as it was in 1912. The power of recognition of schools was never questioned. We were getting it then, and we were getting it in 1912.

In this draft which was prepared by Dr. Wali Muhammad and Dr. Rahman they omitted the affiliation of colleges altogether and accepted the terms laid down in Sir Harcourt Butler's letter in which he said that "the University shall, subject to the Regulations, have the power to establish and recognize schools in and outside Aligarh." This draft was discussed at a meeting consisting of the Education Member, the Education Secretary and the representatives of the Muslim community, including myself, and it was agreed in clause 17 of the proceedings that the recognition of schools and intermediate colleges should be arranged exactly in the same way as in the Benares Hindu University. We were given a copy of the Benares Hindu University Act, Statutes and Regulations and we found that they had framed Regulations for recognising schools all over India. They had framed the Regulations and I thought everything would now be all right because the power was there and we could draft our rules in the same manner as the Benares Hindu University had done. That was the promise held out

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): May I have the date of this meeting?

Dr. Sir Ziauddin Ahmad: It was on the 23rd and 24th March, 1920.

This satisfied us and then a Bill was prepared by the Government of India and laid before the Council. They did not invite me, who was the author of these constitutions since 1911 and one of the authors of the Calcutta University Commission's report, but they invited the help of Nawab Syed Muhammad Ali to represent the Muslim University. I scented a danger in sub-clause (2) of clause 12 in that it might restrict our powers and I asked Sir Saith Haroon Jaffar to move this amendment: "That sub-clause (2) of clause 12 be deleted." I have in my hand a copy of his proposed amendments. He received an assurance at that time from the Education Member (Sir Mian Muhammad Shafi) that the recognition of schools would not be affected by this sub-clause and on that assurance he withdrew the amendment.

Of course, there is nothing in writing, but he spoke to me and I replied "If this assurance is given to you, then you may withdraw it", and he withdrew it. Subsequently, when Nawab Muhammad Ali went back to Aligarh and this question was again raised and he also gave the assurance that this power of recognition will not be withdrawn by virtue of this particular clause which I now seek to amend. But we found suddenly

[Dr. Sir Ziauddin Ahmad.]

that the Education Department referred the matter to the Law Department and the Law Department gave a different ruling about section 12(2) which reads as follows:

"With the approval of the Academic Council and the sanction of the Governor-General in Council and the recommendation of the Visiting Board and subject to such conditions as may be prescribed by the Statutes and the Ordinances, the University may admit intermediate colleges and schools in the Aligarh District to such of the privileges of the University as it thinks fit."

Though it does not say that we cannot recognise schools outside Aligarh District for the purpose of sending candidates, it is implied in the opinion of the Law Department of the Government of India that such power has been taken away. I referred this question to our lawyers and though they say that this may be a possible interpretation, it is not very clear; and they held the opinion that this particular section, which I seek to amend, does not really take away the power of recognition. But the opinion of the Law Department over-rides all other opinions. My first complaint is that as soon as they discovered that this particular clause takes away the power of recognition of schools which they never intended, they ought to have honoured their own pledges, and to be honest to the Muslim community they should have altered the section themselves. (Interruptions.) My friend here interrupts me and says "Why did we not do it then?" But I would remind him that we were then in the middle of a great fire, the fire of non-co-operation from 1920 to 1925, and we were doing yeoman service to the country, to the Government and to educational world by putting up a strenuous fight against non-co-operation; we were really fighting for the very existence of our institution; and it was the duty of the Government to come forward and help us by honouring their promises. They did not do so and I think it is their duty to come forward themselves with a Bill of this nature: Sir Girja Shankar Bajpai ought to have come forward himself with this Bill and I think it is very unfair of him not to have done so and to suggest that it should be circulated.

The story does not end here. My further grievance against the Government is in connection with the power to admit students as private candidates which is definitely there and which is enjoyed by the Benares Hindu University as well. The Government must honour the pledge, given by Sir Henry Sharp and Sir Muhammad Shafi that we would get exactly the same terms as the Benares Hindu University. Sir, the Hindu University has got the power to admit students as private candidates for examinations. I have the calendar of the Benares Hindu University in my hand. I may refer you to Chapter XL of this book. The Regulations here lay down the conditions under which a private candidate can appear in the High School Examination. We framed our Regulations on exactly those lines, thinking that we would not be denied the same privileges that were given to the Benares University according to the pledges given to us. But Government said: "You were good boys as long as you were fighting the non-co-operation movement, but now you are different." As soon as Nawab Sir Musamilullah Khan was elected Vice-Chancellor he was sent for by the Governor of the United Provinces and on his return he sent the following letter to the Registrar:

"Whereas it has come to my notice that the High School Examination for private candidates in this university is according to the version of the Government authorities (there is nothing in writing) is against the University Act and the ordinances,

I ask you please to discontinue receipt of fees and application forms as from this date and any fee that may be received by money order or insured post should be refunded and that it should be notified to the public and the candidates that no further applications and forms may be accepted."

We had previously received fees from a large number of private candidates which had to be returned. This letter was dictated at the suggestion of the Governor of the United Provinces and Mr. Hickey, the Education Commissioner. I protested against such action on behalf of private candidates. I got no reply. The students from Bhopal were also admitted as private candidates and Her Highness the Begum of Bhopal wrote to the Governor of the United Provinces that she received complaints from students in her State against such orders. The Governor allowed the Bhopal students to appear as private candidates. Sir, I never heard of such a procedure. I protested strongly against the procedure followed in this case and said that if the whole thing was illegal then how could the Bhopal students be admitted and how could it become legal in this case? There was one interpretation for the rich and another for the poor.

The story does not end here. When the matter came up before the Academic Council, it consulted the legal adviser of the University and he said that the ordinances and statutes do not prohibit us from admitting students as private candidates and the Council passed the following resolution proposed by Prof. Habib:

"In view of the fact that the Government of India has not yet replied to the application of the University for a decision on the question of the right of the University to admit private candidates to the High School Examinations of the Aligarh University and that the Government has already admitted students from Bhopal, and that other private candidates had been preparing for our High School Examination, I beg to propose that private candidates be admitted to our examination of 1928 as for the last five years."

This was passed. We again approached the Government of India, but got no reply. The candidates coming from places outside
4 P.M. Bhopal were debarred. For the last twelve years we have been approaching them, but we have had no reply from the Government of India. We wanted to know under what authority they stopped the progress of education in this high-handed manner. We were expected to follow law and the Government is also expected to take action under powers given to them by law.

I will now recapitulate my difficulties and complaints I have to make against the Government of India.

My first complaint is that, they allowed in July, 1911, our University to affiliate schools and colleges all over India but in August, 1912, they disallowed it on the ground that the Secretary of State did not agree to such affiliation. Why did they take such a long time to communicate this decision to us? Why was not permission obtained from the Secretary of State by telegram? Why did they take such a long time? I am not of course criticising the present Secretary of the Department, Sir Girja Shankar Bajpai, because he was not heard of at that time in the Education Department.

Sir Girja Shankar Bajpai: I was not heard of then even in the I. C. S.

Dr. Sir Ziauddin Ahmad: My next complaint is that the wordings of both the Aligarh and Benares Hindu Universities are just the same, but in our case they had made a certain innovation, which is certainly wrong. They added in the marginal notes 'the power to recognise intermediate colleges and schools'. These marginal notes really confused the Law Department of the Government of India. The sense of 'the admission of certain institutions to the privileges of the University', as mentioned in the section is very different from the sense of 'recognition of schools', as put down on the margin. The two phrases convey entirely different connotations, and they put the Law Department on the wrong track by putting on the marginal note a heading which the section did not imply. Marginal notes are not part of the Act.

Then my third complaint is that the Law Department gave a certain ruling which was really against their intention. The intention of the Government gave us the power of recognition but it was taken away inadvertently, they took no action to amend the Act and give what they intended to give.

My fourth complaint, which is of a more serious nature is that when the Government of India found that the power of recognition was *ultra vires* under a particular clause, they adopted differential treatment in the Aligarh and the Benares Universities. The clauses of the Act are the same. The Regulations about recognition of schools in the Benares Hindu University were allowed to be retained, but in case of Aligarh they were not. Certain schools were recognised prior to 1922, prior to the time when this ruling was obtained. They are still there. As soon as this ruling was obtained, it was the duty of the Government of India to notify that all the regulations dealing with the recognition by the Benares Hindu University were *ultra vires* as they did in case of Aligarh but they did not do it for Benares.

The provision is still here, the recognised schools are still there, but the only thing they did was that by executive action they disallowed the Benares Hindu University recognition of further schools. If the regulations of one University are declared *ultra vires*, then it stands to reason that the same regulations in respect of the other University should be declared *ultra vires*, and all the schools recognised by the Benares Hindu University should be declared as disaffiliated. But they did not do it.

Mr. N. M. Joshi (Nominated Non-Official): What will you gain by that?

Dr. Sir Ziauddin Ahmad: I want that no discrimination should be allowed, I don't want other persons to become lame. I want my lameness to be removed. The Government did not take any action, and all the time we were expecting that they will take the necessary action to modify the Act relating to the Aligarh University in the manner that I am now demanding.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammader-Rural): Do you mean that the Aligarh University required affiliation for schools all over India?

Dr. Sir Ziauddin Ahmad: Yes what Benares has got, I would refer you to the Regulations of the Benares University.

My next complaint is that the Government of India instead of sending any official circular for stopping our private candidates, merely asked verbally the Vice-Chancellor to stop private candidates, and never committed themselves in writing and I consider it to be one of the mistakes of my life which I committed in 1926 by putting up an internal confidential fight with the Government of India at that time. I ought to have resigned and agitated the Muslim community then on this issue. But I thought that Muslim mind was sufficiently agitated otherwise. The Government of India then went further on account of my avoiding open fight with them. I had collected about 8½ lakhs of rupees for starting a technological college and they stopped the creation of the department of technology in 1926 and 1927.

An Honourable Member: How can you fight the Government when you have got a Knighthood?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought not to interrupt like that. He ought not to make such observations.

Dr. Sir Ziauddin Ahmad: Knights fight better. I think I ought not to mention further development, but still I would briefly refer to one thing Sir William Marris who was then Collector of our district, and he as Collector was very much opposed to the M. A. O. College on account of certain incident that happened at that time; but when he became the Governor of our Province he continued his grudge against the University. I know that Lord Halifax was loath to interfere and take the action which Sir William Marris recommended. On account of his persistent demand, Lord Halifax showed the unpleasantness to Her Highness the Begum of Bhopal. I end the story here. I want recognition, I don't want fight.

Now, Sir, as regards the proposal for circulation of this Bill, I know what kind of opinions we can get. I can tell you even now what the opinions will be. All the Mussalmans will say that a great injustice has been done to the Aligarh Muslim University and power of recognition ought to be restored. The United Provinces under the influence of our friends will say 'No'. The Bengal Government will also say that the power of recognition should be given. I know definitely this will be the opinion, and I can write almost verbatim what reply my friend, Sir Girja Shankar Bajpai, will get; but as it has been arranged between the Vice-Chancellor and Sir Girja Shankar Bajpai that this should go out for circulation, I agree to circulation motion. No great harm will be done, because the Bill will be taken up again in September this year. I must admit here that Sir Girja Shankar Bajpai has been so considerate as to fix an early date for the replies. We would be in time to take up this amendment in the next Session of the Assembly. But I do request my friend to do one thing more. If he is satisfied that a wrong has been done, then he should take this up as a Government measure and coming from him would show good grace. With these words, I move the motion.

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

"That the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose, be taken into consideration."

There are two amendments, one in the name of Sir Girja Shankar Bajpai and

Dr. Sir Ziauddin Ahmad: May I just say, Sir, that the amendment in the name of Sir Abdoola Haroon is the one which I accept, so that the Bill if circulated should be circulated with the amendment of Sir Abdoola Haroon?

Mr. President (The Honourable Sir Abdur Rahim): That cannot be done. Sir Girja Shankar Bajpai.

Sir Girja Shankar Bajpai: I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by 31st July, 1940."

I am afraid I was the supporter of a motion earlier in the day for circulation also and my Honourable friend, the Deputy Leader of the Muslim League Party, might well dub me as the Member for circulation instead of member for Education, Health and Lands in this House. But really the proposal which I commend to the House is in the best interests of the University and of higher education generally.

My Honourable friend, Sir Ziauddin Ahmad, starting from first principles, has traced the history of the affiliating universities back to the middle ages and beyond. If I may say so, I am quite prepared to accept without question or demur what he had to say with regard to mediaeval and ancient history. I do not think that any dispute to that is likely to be of any particular value in so far as this particular measure is concerned. Then, coming to more recent history, beginning, shall we say, with 1911, when the project for the establishment of a Aligarh Muslim University came up before the Government, I am prepared to concede that there were divergencies of opinion between the Government and promoters of the University project at different times. My Honourable friend has suggested that Government have been guilty of a breach of faith, that it was at first announced by them that the University would have the power to affiliate schools and subsequently

Dr. Sir Ziauddin Ahmad: and colleges.

Sir Girja Shankar Bajpai: "schools and colleges", but at the moment I am limiting myself to schools because my Honourable friend's Bill relates to schools and not the colleges. My Honourable friend, as I was just saying, was suggesting that there has been some breach of faith. On this subject I have before me here an extract from the proceedings of a meeting presided over by the Honourable Sir Sankaran Nair, then Education Member, which meeting considered the draft regulations of the Aligarh Muslim University, really the ordinances of the Aligarh Muslim University.

Dr. Sir Ziauddin Ahmad: What is the date of that meeting?

Sir Girdja Shankar Bajpai: The date of that meeting was the 27th August, 1917. At that meeting, Sir Sankaran Nair made it abundantly clear that it would not be possible for him to incorporate in the Bill provisions which conceded to the University of Aligarh greater privileges in the matter of affiliation than were enjoyed by the Hindu University of Benares. and it was agreed to by the representatives of the Aligarh Muslim University Promotion Committee that parity of treatment between the two Universities should prevail. Now, by the Statement of Objects and Reasons, an impression has been created that the actual terms of the two Acts differ in particular or material respects. I shall for the information of the House read out the relevant provisions. I will read, first, section 12A of the Aligarh Muslim University Act. This is what it says:

"With the approval of the Academic Council and the sanction of the Central Government on the recommendation of the Visiting Board, and subject to the Statutes and Ordinances, the University may admit Intermediate colleges and schools (*now follow the important words*) in the Aligarh District, to such privileges of the University as it thinks fit."

Let me now read to the House sub-section (2) of section 15 of the Benares Hindu University Act which is the corresponding section:

"With the approval of the Senate and the sanction of the Visitor, and subject to the Statutes and Regulations the University may admit colleges and institutions in Benares to such privileges of the University, subject to such conditions, as it thinks fit."

I think Honourable Members will agree that materially the two sections are identical. (Interruption by Mr. Joshi.) They have not said Benares District, but I think the connotation was the geographical entity known as the Benares District. In any case, to continue the story, what happened was this, that the regulations framed by the Benares Hindu University did, as my Honourable friend, Sir Ziauddin Ahmad, has pointed out, include provision for the admission of students from certain schools in areas outside Benares,—for the admission of those students to the entrance examination of the Benares Hindu University. When the ordinances of the Aligarh Muslim University came up for consideration before the Government of India, some time in 1921, the matter was examined by Government with the assistance of their legal advisers, and it was held that the ordinances for the Aligarh University which were framed on the model of the Benares University regulations—that those ordinances were *ultra vires*. And it was also inferentially (and explicitly too) stated by the Law Department that the admission by the Government of India of the right of the Benares Hindu University to admit students from schools outside Benares to the privileges of the entrance examination of the University was *ultra vires*. To the extent that there has been what you might call discrimination or disparity at all, it has been due to an erroneous reading or interpretation of the law prior to the date which I have mentioned, namely, 1921. Since then the Government of India have steadily pursued a policy of complete equality with regard to the two Universities. Applications coming from the University of Benares for the exercise of the privilege which is provided for in the regulations have been steadily and consistently refused by the Government of India on this very ground, namely, that the framers of the Benares and Aligarh Acts had in view the establishment of residential and teaching universities and that it was outside the purview of such institutions to extend their activities to supervision of the system of education in schools—a supervision which would be necessary if you were to carry out effectively the principle of affiliation of the schools.

Dr. Sir Ziauddin Ahmad: May I just interrupt my Honourable friend? I say that the differentiation lies here. In the case of Aligarh you prohibited them from framing regulations, while in the case of Benares the regulations exist but by executive orders you stopped them from putting those regulations into practice. There is an enormous difference between the two.

Sir Girja Shankar Bajpai: I am unable to follow the somewhat subtle distinction of my Honourable friend; the practical effect in each case was the same. What my Honourable friend might say is; You did not actually proceed to the extent of notifying in the *Gazette of India* that the regulations of the Benares Hindu University were annulled by reason of the fact that they were *ultra vires*. Perfectly true, we did not do that, but, in effect, the equality of treatment as between the University of Benares and the University of Aligarh has been maintained. My Honourable friend asked a question, why was it that once this difference had been detected between the two and once the Benares and the Aligarh Universities authorities had brought to the notice of the Government of India the desirability of extending the scope of affiliation—why was it that the Government did not bring forward themselves the amending Bill which has now been placed before the House by Sir Ziauddin Ahmad? The answer is to be found in the historical survey of the evolution of educational theory which he himself gave. He said that up to a certain date, namely, 1911 the model of the London University, which is an University of the affiliating and examining type, was in favour. Then after 1911, the pendulum began to swing the other way in favour of the residential and teaching type. Subsequently Lord Haldane, with regard to Cardiff, went into the whole question of the functions of a university and his opinion swung back in favour of the university of the other model. The point is that where educational doctors have differed and differed fundamentally, and I think, my Honourable friend will be the very first to admit that even today at any rate in India—I am not speaking of educational opinion in England—there are strong differences of opinion as to whether a university should be a residential and teaching institution or whether it should also have its functions extended to permit of affiliation for purposes of examination. In any case, it is still, as far as I know, the authoritative opinion in this country that, whether a university is an examining institution or it is a residential and teaching institution, its activity should be limited to higher education and should not embrace school education. That is the position. However, I do not wish to be dogmatic about that. My Honourable friend, Sir Ziauddin Ahmad, has now put forward the view that the functions of the University of Aligarh should be extended to include

An Honourable Member: You have told us the theory. What is the practice?

Sir Girja Shankar Bajpai: At present, the University of Aligarh can only recognise schools in the Aligarh District. That is the practice.

An Honourable Member: What about Benares.

Sir Girda Shankar Bajpai: Benares can recognise schools in Benares and Aligarh can recognise schools in Aligarh. That is the position and the proposition now is that the Act should be amended so as to enable the University of Aligarh—and, doubtless, if we make that amendment with regard to Aligarh, a similar proposition would come forward from Benares—the proposition now is that the Act should be amended so as to extend the privilege of affiliation to schools outside Aligarh. Now, as I said, I do not wish to dogmatise on the question of educational theory. All I should like to bring to the attention of the House is that there are two questions of fundamental importance. The first is the question of control. You say that you want authority to affiliate institutions for purposes of examination but it is pretty certain that if you do that with regard to schools outside the territorial scope of Aligarh, then in that case, another examining authority which is the High School or Intermediate Examination Board may say; 'You cannot run simultaneously candidates for one examination and the other examination. You must belong either to one system or to the other'. Therefore, the University authorities themselves will have to consider the question of a controlling and inspecting authority with regard to those schools which are outside Aligarh, and which may seek the privilege of affiliation with the University of Aligarh. That is a point which I submit deserves consideration and cannot be disposed of summarily by us here in this House. That is one reason why I suggest that the Bill, which my Honourable friend has put forward, should be circulated for the purpose of eliciting opinion. That is the question of control. Then arises the question of jurisdiction. You give authority to this university to recognise schools not merely in Aligarh district, not merely even in the United Provinces. That is not the suggestion. The suggestion is that you give authority to recognise schools all over India. I am not suggesting for a moment that I have come to a definite opinion at this stage as to whether this is right or this is wrong, but what you have to take into account is the reaction of those authorities in the provinces who are at the present moment in charge of intermediate and high school examinations. It seems only fair that they should have the opportunity of expressing their opinions on the question of jurisdiction as well. Those are the main reasons why I have suggested for the consideration of the House the alternative or the amending motion.

And, now, before I conclude, let me say this. On the question of educational theory, I do not dogmatise. On the question of the reaction of the provinces, I do not presume to prophesy. All I can tell the House is this—that we shall when circulating this Bill for the purpose of eliciting opinions thereon—or rather when we have the authority of this House for circulating the Bill,—simultaneously we shall tell the Provincial Governments that the opportunity should be taken to consult not merely educational institutions generally but in particular denominational institutions—I am talking of Muslim institutions—because they may wish to put forward their own point of view. I hope, Sir, that as a result of the alternative which I am now commending to the House and the consideration of the opinions that will be received, we shall evolve a solution which will be satisfactory to all concerned. My Honourable friend has had a career of long and honourable association with the Aligarh University and I think the House as a whole would share the opinion that that long career may be enriched by further achievement on behalf of that University. But equally, I submit, that if you want that achievement to be for the benefit of the University, then make haste but make haste slowly.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by 31st July, 1940."

The discussion will now go on both on the original motion and the amendment.

Mr. M. S. Aney (Berar: Non-Muhammadan): The Honourable the Mover of this motion himself has accepted the amendment which has been moved by my Honourable friend, Sir G. S. Bajpai. We were treated by the Honourable the Mover of this motion to a very learned discourse on the origin of universities in the West and their gradual development through various vicissitudes and the ideals of education through which the Universities in India have gone. He also gave us a history of the Aligarh University from its inception to the present day and he has certainly brought out for the consideration of this House two very prominent points. One point is this. According to him the handicap which exists as regards affiliation of schools outside the Aligarh district is due to a misapprehension of the law or, if the law does permit it, misapprehension of the ideals and objects which the founders of the Aligarh University had in mind. He also accused the Government of breach of faith in this sense that they were given to understand that the power which he is claiming now was already there but, on account of certain rigid interpretation of that section, it was later on ruled that the power was taken away. That is one of the grounds on which he has claimed that thing. That thing to my mind is a ground of very small importance. The really important question which the House will have to consider, after receiving the opinions of those who are qualified and competent to give opinions on matters of this kind, will be whether we are to keep the Aligarh University or for the matter of that the Benares University within the conception of a strictly residential university or not. The point that has been raised is of very great importance, a question on which, like my friend, Sir G. S. Bajpai, it would be premature for me to pronounce any definite opinion today. But it would be also premature for me to commit myself to any view propounded by my Honourable friend, Dr. Ziauddin. We have not been given any idea by the Honourable the Mover of this Resolution as to what is the handicap which he is feeling in not having that particular privilege of affiliating schools outside the university and how the conception of a residential university which was mainly placed before the public by those who framed the Aligarh University Act is incapable of fulfilling that ideal because of the handicap which according to him is there; or is he again quite satisfied that those ideals can be faithfully worked up to even by allowing the promiscuous affiliation of schools outside the territorial jurisdiction of the Aligarh University? These are the points which arise. Sir, there are only two universities in this country at present where the idea of a strict residential university is being statutorily enforced and worked up to, and when, after the experience, say from 1917 to this day, it is found necessary that a residential university requires the affiliation of schools outside its territorial jurisdiction which is fixed there, we think that there is something which according to them is wanting and that the experiment of a residential university probably is not coming up to the expectation which they may have had in their mind. We shall require to be satisfied with much more detail in these matters before we can come to

any conclusion. Therefore, I believe that for the present the circulation motion which has been moved by my Honourable friend, Sir Girja Shankar Bajpai, is the proper one and it was very wise and good of my Honourable friend, Dr. Sir Ziauddin Ahmad, to have accepted that. We shall then have important, reliable material to go upon before coming to a conclusion later on. With these words I support the motion moved by Sir G. S. Bajpai.

Mr. N. M. Joshi: Mr. President, my Honourable friend, Mr. Aney, has stated that what the Bill of my Honourable friend, Dr. Sir Ziauddin Ahmad, seeks to do is to extend the power of affiliation of the university and to turn the university from a residential to an affiliated one. Before we agree to the principle of extending the influence of a communal university, the House should consider very carefully whether these communal universities of Aligarh and Benares have done any good to the Indian community and to the country, and if they have not done any good, then the House must come to the conclusion that there should be no extension of their scope in any way. Sir, I hold that these communal universities are an evil.

An Honourable Member: What about communal schools?

Mr. N. M. Joshi: They do not do any good. We want the Indian people to be moulded into one, we want the country and the nation to be one body and not divided into Hindus and Muslims. If that is so, if that is our ideal, we are doing a wrong thing in separating and segregating the Hindu and the Muslim young men for their educational purposes. We are already separated by our customs and by various other things and by asking young men to go to communal universities we are adding to the already existing difficulties which separate and segregate these two communities.

Bhai Parma Nand (West Punjab: Non-Muhammadan): You are too late now.

Mr. N. M. Joshi: But I am not too late to prevent the evil growing. I may not succeed in disestablishing the Aligarh and the Benares universities but I may certainly succeed if, after consideration, we find that we have made a mistake in establishing the Aligarh and the Benares universities

Dr. Sir Ziauddin Ahmad: Then move a Resolution that all institutions should be State institutions.

Mr. N. M. Joshi: I am sure my Honourable friend, Sir Ziauddin Ahmad, knows that it is not very difficult to move Resolutions but, unfortunately, I am not very lucky in the ballot. I have already got a Resolution about seamen. There is nothing communal which can be given to Muslim young men and Hindu young men in communal universities. If a university is intended to teach mathematics, chemistry or astronomy, there is no Muslim mathematics and there is no Hindu mathematics. I think the subjects which are taught in the universities are not such that there is anything special to be taught by a Muslim university or by a Hindu

[Mr. N. M. Joshi.]

university. These universities have not taught anything different. What they have done is to teach these young men that they are Muslims, different from Hindus, that there is nothing common between the two, and they have taught the Hindus similarly that the Muslims are not their brethren, they are not their countrymen but that they are different races. I think that is the only thing which is taught by these communal universities. I think that if there is any communal bitterness in this country, it is the existence of these two universities which to some extent are responsible. ("Question, question.") I do not say, Mr. President, that these universities are the only bodies which create bitterness. There are various other circumstances which create bitterness between Hindus and Muslims. If we do not want any bitterness, if we want Hindus and Muslims to live in this country as brethren and as one nation, as one people, then let us try to eliminate all these circumstances which divide them, which separate them, which segregate them

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): I rise to a point of order. The speech which my friend is now making on the floor of the House has nothing to do with this Bill.

Mr. President (The Honourable Sir Abdur Rahim): His argument is that the Bill seeks to extend the scope of this University and he is opposed to that because he thinks that these universities are communal.

Mr. Muhammad Azhar Ali: But, Sir

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

Mr. N. M. Joshi: Well, Sir, if there are people who hold different views, they are entitled to speak and I feel that if these universities have done any good, they should at least teach a little toleration to the people who stand for these universities. I am afraid if the interest which my Honourable friend takes in the Aligarh University does not enable him to listen to a speech which examines the function and the idea underlying the establishment of the Aligarh University, I think he has not taken proper interest in that university. I feel, Mr. President, that it is wrong to extend the sphere of these universities because, in my view, these universities have done an evil; they have segregated and separated the Hindu and the Muslim youths and I hold that to some extent at least, it may be to a very small extent, the bitterness which exists between Hindus and Muslims is due to this act of separation which we have done and which the Legislature has done. I think, Sir,—although we cannot disestablish these universities—we should not at any rate extend the sphere of jurisdiction of these two universities.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, it is very strange that a friend of mine, the Honourable Mr. Joshi, has said that the Aligarh University and the Benares University are communal universities. By putting the name of Muslim and Hindu, the institutions cannot become communal. What they are doing is required to be seen. He has just said, what has the Aligarh University done to justify its extension? Let me point out to him that the Aligarh University

has set an example in the teaching of geography. There is not a single university in the whole of India which has developed the teaching of geography in that way. The Benares University has specialised in the teaching of electrical engineering. My friend may be ignorant of these facts. The fact is that the Muslims are being taught at Benares and the Hindus are being taught at Aligarh. The Punjab Sikhs are to be found in large numbers in the Aligarh University in its Law college. They are being benefited by the better method of law teaching at Aligarh. By simply naming a University a Muslim University or a Hindu University, they should not be called communal. For the matter of that, Mr. Joshi's name should not be pronounced as Mr. Joshi and mine as Mr. Abdul Ghani. Why should we not call the Muslim nation as the Muslim nation and the Hindu nation as the Hindu nation? Since I came here, I had in my mind that the Aligarh University Act should be amended and the sooner it is done the better, because everywhere the need of affiliation is felt and, as you know, Sir, the Muslim nation is a poor nation. It cannot afford to have their institutions affiliated easily everywhere. In India, the system of giving education to the Anglo-Indians and Europeans is a different one. They have been given every facility and why should those facilities be denied to the Muslim nation? I hope the Government will ask the various bodies and the individuals to give their opinions on the affiliation of colleges as well because there has been tabled an amendment to that effect. We want the affiliation of colleges as well as schools outside the Aligarh district. With these words I support the motion for reference of the Bill to the Select Committee.

Lieut.-Colonel Sir Henry Gidney: Sir, my remarks on this motion will be very brief. First of all, I must frankly admit that I am a communalist for certain purposes connected exclusively with my community, and that I am a nationalist for purposes of national India. That I consider to be the only position I can occupy in this House and I am not ashamed to admit it. The motion before the House is one which, I think, demands the sympathy of every right-minded person. If Government has allowed this disparity to exist between the two Universities, whether it goes by the name of communal or by any other name, I do not see any reason why it should not be rectified. If there is this disparity and Dr. Sir Ziauddin Ahmad has proved it and if, on the other hand, the Education Secretary says that these two universities are now on a parity, then I do not see where the conflict comes in. If this Bill is to be circulated for the individual improvement of the Aligarh University, there is no doubt that later on another motion will be brought before this House for the same demand on behalf of the Benares Hindu University. When that comes, the House will again be subjected to another discussion on it.

Emphasis has been laid in this House on the communal aspect of the question by my friend, Mr. Joshi. After all, we all know that the larger communities in India may be roughly divided into three, the Hindus, the Muslims and the Christians, and none in this House will deny that each community has its educational foundation based on its religious precepts and you cannot get away from that fact. That is a fact which even Mr. Joshi with his ultra cosmopolitan ideas will have to admit. To talk today about all schools as belonging to one group or national, is a thing that will never happen, at least not in our life time. At the same time, I do think that if the Aligarh University has been prejudiced in this way,

[Lieut.-Col. Sir Henry Gidney.]

it is up to the Government of India to square matters. Might I add if the Aligarh University is given an annuity of three lakhs and the Benares University a similar amount, I feel I can also claim an annuity of three lakhs for an Agricultural College at the Anglo-Indian colony at McCluskiegunj. The Education Department has been nicknamed a 'hotch-potch department'. There seems to be a hotch-potch here between the two Universities which I am sure the Honourable Member representing the Government will certainly rectify. I would, therefore, appeal to him to give this matter his very sympathetic consideration. I know he will.

Mr. President (The Honourable Sir Abdur Rahim): That does not arise on this motion. The Honourable Member can seek some other occasion to make an appeal.

Lieut.-Colonel Sir Henry Gidney: I did not quite follow you, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Any appeal for establishing an Agricultural College for any community or communities does not arise on this motion.

Lieut.-Colonel Sir Henry Gidney: Thank you very much, Sir, but I think you have misunderstood me. I did not ask the Honourable Member's sympathy regarding an agricultural grant for McCluskiegunj. I merely hinted at it. I was enlisting his sympathy regarding the circulation of this Bill. I do not think you understood me. I did not mean that at all and if you think so let me correct myself. What I want to say is that I do hope the Education Member will deal sympathetically with this matter which has been so ably presented before this House by Dr. Sir Ziauddin Ahmad.

Mr. Muhammad Ashar Ali: Sir, I do not find there is much difference between what Dr. Sir Ziauddin Ahmad has said on the floor of the House and Sir Girja Shankar Bajpai. He has accepted his motion about the circulation. But the difficulty arises when we consider minutely the regulations of the Aligarh and the Benares Universities. In the case of the Benares University, the Government cannot stop such affiliations and examinations by executive action

Sir Girja Shankar Bajpai: If I may correct my Honourable friend, no executive authority of Government could override the legally valid power in the University of Benares. What we have done really is to bring our practice into conformity with the valid law, which is that Benares may not recognise a school outside Benares.

Mr. Muhammad Ashar Ali: Today my friend holds that opinion. It is quite possible that if there is another Secretary of the Department, he may not stop. So, that is the difference between the regulations of the Benares University and those of the Aligarh University. In the case of Aligarh University, there is no regulation at all, whereas in the case of the Benares University the Government can stop by executive action. In the case of the Aligarh University, they cannot affiliate any school at all.

They cannot get fees from other schools. But in the case of the Benares University, the Government has to stop always. Why should there be this anomaly?

With regard to what my friend, Mr. Joshi, has said, my submission is that it is too late in the day to discuss the establishment of the denominational University. Sir, in England I am told there are eight such examining authorities. There is no confusion there and the examining authorities in England arrange the examinations very easily. So why should all these restrictions be imposed in India? However, as the motion for circulation has been accepted by my Honourable friend, Dr. Sir Ziauddin Ahmad, we shall wait and see till the opinions are received and this Bill comes again before the House.

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

“That the Bill be circulated for the purpose of eliciting opinion thereon by 31st July, 1940.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 15th February, 1940.