

THE HIMACHAL PRADESH HINDU  
MARRIAGE REGISTRATION RULES, 1959

THE DEPUTY MINISTER OF REHABILITATION (SHRI P. S. NASKAR): Sir, on behalf of Shri R. M. Hajar-navis, I beg to lay on the Table, under sub-section (3) of section 8 of the Hindu Marriage Act, 1955, a copy of Notification No. LR.1-77/55, dated the 16th July, 1959, publishing the Himachal Pradesh Hindu Marriage Registration Rules, 1959, issued by the Himachal Pradesh Administration. [Placed in Library. See No. LT-1746/59.]

THE HAJ COMMITTEE BILL, 1959—  
*continued.*

SHRI AMOLAKH CHAND (Uttar Pradesh): Mr. Chairman, Sir, yesterday, while speaking on the Bill, I wanted to make two or three points. The first was about the composition of the Committee. According to me an important member, the Director General of Shipping, does not find any place on the Committee, although the Committee consists of nineteen persons. One of the works to be entrusted to it is:

"9. (d) to negotiate and co-operate with railways, shipping companies, airways and travel agencies for the purpose of securing travelling facilities for pilgrims;"

From Railways also we do not find any member in this Committee. What we find is that they will—

"appoint a pilgrim as 'Amirul-Haj' on board a pilgrim ship to represent the grievances of the pilgrims to the . . . ."

I do not know whether this "Amirul-Haj" would be a Member of the Committee or he will be one of the Hajis going for Haj.

Again, Sir, Clause 9(2) says:

"The Central Government shall afford all reasonable assistance to the Committee in the discharge of the duties imposed by this section."

I am not aware, probably the hon. Deputy Minister would give us an idea of the type of assistance, financial or otherwise that would be available to the Committee. These are the two points with which, I am sure, the hon. Deputy Minister will deal.

In clause 13(5) I could not understand one thing. It says:

"No magistrate other than a presidency magistrate or magistrate of the first class shall take cognizance of an offence punishable under sub-section (4), and such magistrate shall take cognizance of such offence only on written complaint by the Chairman of the Committee."

As far as I understand, it is usually the duty of an Executive Officer to file a complaint. What we find is that here the Chairman is an elected Chairman and likely to be a non-official Chairman. But under the scheme of this Bill I find that the Chairman, who is only concerned with presiding over the meeting, is also going to have the executive function. Sir, we know that under clause 12(1) of the Bill.

"The Central Government shall, in consultation with the Committee, appoint a person to be the Executive Officer thereof who shall also be the Secretary to the Committee."

Sir, in so many legislations with which we have to deal, we always find that when some power is given to a particular officer to file a complaint, in the absence of which the court has got jurisdiction to entertain the complaint or proceed with it. I feel that it would have been much better if the Executive Officer would have got this power and not the Chairman, because the business of the Chairman is quite different from that of an Executive Officer. Here in the scheme of affairs we find that the Executive Officer would not have the power to file a complaint in a criminal court, but the Chairman may be in charge thereof. Sir, I do not know whether it would be necessary for the Chairman to appear as a prosecution witness in

such cases. Under the Criminal Procedure Code, where a particular person is authorised to file a complaint with his personal appearance, in criminal matters it is always better that the Executive Officer goes and files the complaint. My particular objection is now to clause 14 and I would very respectfully submit that probably this is a misfortune for me that whenever some of the lady Deputy Ministers pilot a Bill, I have to raise some points like this.

MR. CHAIRMAN: Why do you say that it is a misfortune? It is not.

THE DEPUTY MINISTER OF EXTERNAL AFFAIRS (SHRIMATI LAKSHMI MENON): That is an insinuation, Sir, to say that the lady Deputy Ministers do not know what they are doing. He says that whenever there is a lady Deputy Minister piloting a Bill, he has to raise some objection.

SHRI AMOLAKH CHAND: The hon. Deputy Minister probably did not understand what I was going to say.

MR. CHAIRMAN: Order, order.

SHRI AMOLAKH CHAND: I am surprised that when such matters are brought before the House, at least I have to spend about 3-1/2 hours for finding out what the correct legal position is and when I say that, I say it with full responsibility and I will try to show to the House how things are being done.

Now I refer to clause 14(a) that deals with the Haj Fund. What would be the fund of this Haj Committee? What we find here is: "The interest on all deposits made by pilgrims under clause (b) of section 208A of the Indian Merchant Shipping Act, 1923;" May I put a question to the hon. Deputy Minister? When she was piloting the Bill, did it strike her that the Act which is being mentioned here was repealed by this Parliament in 1958?

MR. CHAIRMAN: She will answer that at the end.

SHRIMATI LAKSHMI MENON: Since he has put a direct question, I might give a direct answer so that he may not wander. I would like to refer the hon. Member, who is so well informed about these things, to clause 8 of the General Clauses Act which will give him the answer that he seeks. If you will permit me, I will read it out. It says:

"Where this Act or any Central Act or regulation made after the commencement of this Act repeals or re-enacts, with or without modification any provision of a former enactment, then references in any other enactment or in any instrument to the provision, so repealed shall, unless a different intention appears, be construed as reference to the provision so re-enacted."

SHRI AMOLAKH CHAND: The hon. Deputy Minister has referred to the clauses of the General Clauses Act but she forgets that when we legislate in this House, we keep aside the General Clauses Act and enact for the future and not for the past. Now when I refer to it, I do it for the simple reason that when you refer to a section (208) of the Indian Merchant Shipping Act of 1923, when the same provisions have been considered in both the Houses and when you find a corresponding section in the 1958 Act under different circumstances and with some modifications—I would not trouble the House as far as the comparison of the two sections is concerned. I refer to Section 273 of the Merchant Shipping Act, 1958. Now what is this Haj Fund? This Fund will consist not only of the interest that has accrued on the deposits made by the pilgrims under clause (b) of Section 208 of the Indian Merchant Shipping Act, 1923 but all the income which is going to accrue under section 273 of the Merchant Shipping Act. That is also going to form part of the Haj Fund. What I submit is that when these Bills are drafted, I feel that the Law Ministry does know that a new provision of law has been passed by

[Shri Amolakh Chand.]

both the Houses of Parliament and assented to by the President, not very long ago, but on the 30th October, 1958. This Bill has been introduced on the 16th November 1959 and if by reading these Bills we have to refer back to the Indian Shipping Act, 1923, when we see that provision, we immediately recollect that we have just repealed an old Act and if we look into the provisions of the schedule, it mentions the year of entry as 1923, No. 21, the Indian Merchant Shipping Act, 1923 and the extent of repeal is the old Act.

Now I raise this point not only from the point of view of its legal validity or otherwise as compared to the General Clauses Act which is only an enabling Act, but I raise this point as to whether it is not proper for the hon. Ministers who bring forward Bills to let the Members know and make them understand what the present position of the law is. I say this because I had to spend about 3 hours late in the night to find out all these and now I am being told . . .

MR. CHAIRMAN: It is quite good that you have been working hard.

SHRI AMOLAKH CHAND: Thank you very much. We, Members of Parliament, are supposed to look into each and every aspect according to our own views regarding these legislations which are going to be tested in courts of law. That is why I felt that I should send notice and try to understand from the Deputy Minister to find out what the correct position is and whether it is not desirable at this stage, when we are passing a new Bill in the year 1959, that we should put the proper section and proper headings of the Act. There is a difference in the title of the two Acts. In 1923 it was called the Indian Merchant Shipping Act. Now it is the Merchant Shipping Act of 1958. All that was added later on in 1925 was regarding the special provisions for pilgrim ships. In this Act we do find such provisions. It is not only

at one place that it is mentioned here but if you go further, in clause (b) also you find the same thing and now the General Clauses Act again will come in. Clause 14(b) says:

"The fees charged for the registration of pilgrim passes in pursuance of any rule made under section 213 of the Indian Merchant Shipping Act, 1923."

This again refers to a corresponding new section of the 1950 Act and it is section 282. If we compare the two sections, we find differences. Certainly when the hon. Minister introduces a Bill and brings it before the House, we do expect that proper references would be given and not at the last moment, when some hon. Member finds out some defects in the Bill, the Minister would say that the General Clauses Act will cover them. Why should a Minister who moves the Bill refer to the General Clauses Act which has nothing to do particularly with this Bill?

MR. CHAIRMAN: Do not bother. Please get on with the Bill.

SHRI AMOLAKH CHAND: That is what I am submitting. What the rule says is also provided in this new enactment. Whenever we repeal an old Act, we wish that all the notifications or actions taken under the provisions of that Act will remain valid. I would refer to section 461 of the Merchant Shipping Act, 1958, which deals with the repeals and savings. Under the savings—I have gone through all these—I do not find that there can be any savings of deposits made under the various Acts. I would not labour much on this point because I will get another opportunity when I move amendments to show that this is going to cause a permanent difficulty and when the matter has come before this House and it has been brought to the notice of the House, I do submit that proper sections should be put in so that nobody later on who looks into the Act of 1923, and after spending some time on it, comes to the conclusion that he

was looking into a repealed Act which was no more on the Statute.

12 Noon.

I have given notice of another amendment.

SHRIMATI LAKSHMI MENON: May I point out that the Act of 1958 has not yet come into effect and therefore we have to rely on the Act of 1923.

SHRI AMOLAKH CHAND: I could not follow.

MR. CHAIRMAN: She says that the Act of 1958 has not been brought into force and we are still relying on the Act of 1923.

SHRI AMOLAKH CHAND: So it has not come into force at all, and I suppose it is not likely to come into force. And so all that labour is a waste, the labour put in by the Parliament and the President and all that. I will come to that later on.

SHRIMATI LAKSHMI MENON: Am I responsible for not bringing the Act into force? I am only just giving the information.

MR. CHAIRMAN: She is stating the fact.

SHRI AMOLAKH CHAND: As far as a repealed Act is concerned, an Act repealed is repealed for ever. Other provisions may come in or may not come in, and that is a different matter. When I come to the repealing of this Act, then I shall try to show what is the effect of the repeal and what Parliament . . .

SHRI AKBAR ALI KHAN (Andhra Pradesh): For the information of the hon. Member, may I point out that in the old Act there was a reference to the Fund and in the new Act it was dropped? So if a reference is made to the fund, it can be made only to the old Act, because the fund was referred to only in the old Act and in the new Act there was no reference to the fund at all.

[MR. DEPUTY CHAIRMAN in the Chair.]

SHRI AMOLAKH CHAND: Sir, my hon. friend, Mr. Akbar Ali Khan, I know, is a barrister.

AN HON. MEMBER: Is that a disqualification, or what?

SHRI AMOLAKH CHAND: If he will only care to compare the two sections that I have referred to, he will find that the words are the same. If there can be interest on deposits under the 1923 Act subsequent to 1958 there will be more interest later on under the provisions of this very section. How are you going to ignore this section? What I have suggested in my amendment, therefore, is to add this new provision along with this. I do not say that you should substitute that for this. You can say that any earnings or any deposits or any fees realised under the new section may also form part of the Haj Fund.

SHRI AKBAR ALI KHAN: But the new Act has not come into force, according to the latest information that we have got. So I do not see there is any point in labouring that particular point.

SHRI AMOLAKH CHAND: The point is, when you are preparing a new Act, how far are you going to refer to the old Act and old sections of the old Act which have already been repealed? All those provisions have been repealed, but the effect of the repealing has not been over and . . .

DIWAN CHAMAN LALL (Punjab): May I interrupt my hon. friend to say that the old Act does not stand repealed till the new one has come into force. Therefore, the old Act continues until the new Act is made effective. The question, therefore, does not arise.

SHRI AMOLAKH CHAND: But this is the information that the hon. Deputy Minister has given us. The point is, under the provisions of the

[Shri Amolakh Chand.]

Act which you passed in 1958, I know as a matter of fact that the National Shipping Board has been established. What do you mean by that then? We know that as a matter of fact that the National Shipping Board has been constituted under the provisions of the 1958 Act. The Prime Minister inaugurated it at Vigyan Bhavan and Mr. G. L. Mehta is the Chairman of the National Shipping Board. Probably all that the hon. Deputy Minister meant was that some portion of this Act has not been put into force. That is what I understand. But now Mr. Akbar Ali Khan comes forward and says further that the whole Act has not been put into force. I don't know and that is why I am raising this fundamental question. When you want to bring in a fresh legislation, is it not proper that we should be given all the relevant information, say in a speech or in a memorandum circulated to hon. Members saying that this is the correct position and you need not bother about it any further. That is the point I am making out. I do not mean to say that all that has been done is illegal or anything of that sort. I am only trying to show to the House how carelessly it has been done—I may be wrong—but when you go deep into the matter, you find these things.

SHRI LAVJI LAKHAMSHI (Bombay): The position is utterly confusing. It is said that the Act has not yet come into force. The Deputy Minister said...

MR. DEPUTY CHAIRMAN: That position has been made clear now, that the 1958 Act has not been brought into force.

SHRI LAVJI LAKHAMSHI: Now we are also told that some portions of it have come into force and not the other portions.

SHRI AMOLAKH CHAND: We know that the National Shipping Board was inaugurated by the Prime Minister, under some provisions of this Act.

SHRI LAVJI LAKHAMSHI: May I request the hon. Deputy Minister to make the position more clear?

SHRI AMOLAKH CHAND: I was a member of the Dufferin Committee and I know how a new committee called The Merchant Navy Committee has been appointed.

MR. DEPUTY CHAIRMAN: This is the provision in that Act, to which you are referring:

"It shall come into force on such date as the Central Government may by notification in the Official Gazette appoint and different dates may be appointed for different provisions of this Act."

The hon. Minister now says that this has not been brought into effect at all. No Gazette notification has been issued.

SHRI LAVJI LAKHAMSHI: Regarding which portion?

MR. DEPUTY CHAIRMAN: No portion of the Act has come into force.

SHRI AMOLAKH CHAND: How is that possible?

PANDIT S. S. N. TANKHA (Uttar Pradesh): Is it not a fact that a committee appointed under this Act has already come into existence and met once?

SHRI LAVJI LAKHAMSHI: The National Shipping Board constituted under this Act has come into being.

MR. DEPUTY CHAIRMAN: Is it the position that no portion of the Act has been brought into force?

SHRIMATI LAKSHMI MENON: I will just give you the information, Sir.

SHRI LAVJI LAKHAMSHI: We are entirely in the dark, as the hon. Member has rightly said.

MR. DEPUTY CHAIRMAN: You may go on. Your point will be met during the course of the reply.

**SHRI AMOLAKH CHAND:** Yes, Sir. Let them think it over and then make a statement.

**SHRIMATI LAKSHMI MENON:** I may positively make the position clear. The particular provision referred to in this Bill has not been brought into effect.

**SHRI LAVJI LAKHAMSHI:** Again a half answer. We want a full answer.

**SHRIMATI LAKSHMI MENON:** No, it is a complete answer. Sir, I am only concerned with this Bill. I am not the Law Minister here. I am only saying that as far as the sections mentioned here are concerned, the sections of the 1958 Act have not been brought into effect at all.

**MR. DEPUTY CHAIRMAN:** You go on, Mr. Amolakh Chand.

**SHRI AMOLAKH CHAND:** Now let us forget all these legal complications for the time being. When we come to this House we want definite information before we make our speeches so that we may not be misled and we may not move round and round, from one forest to another forest or from one pillar to another pillar in our attempt to find out what the correct position is. An important Bill was passed by Parliament. That Bill was introduced in 1958, if I recollect rightly, and when I looked up my papers last night, I found that I spoke on that Bill on the 27th February in this House. It was referred to a Joint Select Committee which toured round Calcutta, Bombay and other places and then submitted its report. Both Houses of Parliament considered the provisions of that Bill and then passed it. It was assented to by the President on the 30th October, 1958 and now today, on the 1st of December 1959, we are told that only a portion of that Act has come into effect and that the other portions are not likely to come into effect. How am I to know whether that was so or not? That is why I submit that when hon. Ministers come to this House with

such complicated Bills, with references and cross-references, they ought to give us some information to help us to find out what the correct position is. Now, Sir, I leave this here and will come to it again after collecting some more information, if necessary, when I discuss and move my amendments.

Sir, there is another point and the point is regarding the vesting of property in the Committee. When I was looking into the repealed Act business, I found that there appeared to be some confusion in clause 15, because when I received the proceedings of yesterday I found that—you Mr. Deputy Chairman also found it—there appeared to be some confusion in clause 15 regarding the Calcutta Committee fund to the tune of Rs. 15,000. When I was considering the repealed Act along with this Act, I did find some confusion. Clause 15 says:—

“All property assets and funds owned or acquired, before the establishment of the Committee under this Act, by the Port Haj Committee of Calcutta and the Port Haj Committee of Bombay constituted under the Port Haj Committees Act, 1932, shall on such establishment, vest in the Committee and form part of the Haj Fund.”

Now what is going to happen to this Rs. 15,000 since the Committee is not constituted and the present Act of 1932 has been repealed? It is the same position with which I was delaying previously, namely, the moment you say that the whole Act has been repealed, what happens? Can you go on referring back to a repealed Act in a new legislation? What would be the position of the Rs. 15,000? It says that the funds will come to the Committee after the Committee is constituted. But this Act will not be in force as soon as we pass this or with effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf when there

[Shri Amolakh Chand.]

shall be appointed a Committee by the name of the Haj Committee.

This is a point, Sir, which, I think, the Law Ministry ought to have considered in consultation with the External Affairs Ministry which is introducing this Bill. And when I came to that, I made a suggestion and my suggestion is that in clause 15 you add one sub-clause more after (f) and say that this fund of Rs. 15,000 will be a part of the Haj fund, and as soon as this Bill is passed, and according to it a new Committee is to be formed, this would be a valid provision and there would be no legal difficulty in the matter. I am just trying to bring out facts after spending some time over it in order to bring it to the notice of the hon. Minister and the House that if there can be a filling of lacunae which are there in the minds of many hon. Members, she should be in a position to put all those facts before the Ministry, before the House and before you, Mr. Deputy Chairman, so that proper consideration may be given to these points.

Then, Sir, I come to another provision about the repeal and savings. That is not very clear to me how they are going to make it all right. But I feel that I should not detain the House more on this ticklish matter about which I understand the hon. the Deputy Minister will find out what the correct position is and would enlighten us whether, how and when the other provisions which she said were not in force, are likely to be enforced and whether this Bill would supersede the Merchant Shipping Act of 1958 or not. Thank you, Sir.

قاضی احمد حسین (بہار):

جناب ڈپٹی چیئرمین صاحب - اس بل کو پیش کرنے کی ضرورت اس لئے پیش آئی کہ کراچی ہندوستان سے

الگ ہو گیا ہے اور اب کراچی کو اس کتاب قانون سے نکال دیا جائے - ضرورت تو صرف اتنی سی تھی اور یہ ٹھیک ہے لیکن کلکتہ کی حج کمیٹی کو بھی نکال دینا یہ ہمیں کچھ عجیب سی بات معلوم ہوتی ہے - ہم کو یہ ڈر ہے کہ کلکتہ سے حاجیوں کا جہاز چلانے کا جو پروایزن تھا وہ اس بل میں کلکتہ کی کمیٹی کو بند کر دینے کے بعد ایک دم ذہن سے نکل جائے گا - بعض دوستوں کی طرف سے یہ کہا جاتا ہے کہ مغل لائن - ٹونرماریسن سروس اس بات کے لئے آمادہ نہیں ہے کہ کلکتہ پورٹ سے حاجیوں کو لے جائے۔ ہمارے لئے ٹونرماریسن کی خواہش اور اجاوا داری کو تسلیم کرنا میں سمجھتا ہوں کہ مناسب نہیں ہے اور اب تو دو جہازی کمپنیاں پبلک سیکٹر کی ہم قائم بھی کر رہے ہیں - تو کلکتہ کا کام اس کے ذریعہ سے بھی سنبھالا جا سکتا تھا - ایسا ہو سکتا ہے اور یہ نہ ہو سکے تو پھر سوچئے سے اور بھی صورتیں نکل سکتی ہیں - کلکتہ پورٹ میں آسام - بنگال - بہار اور یو۔ پی کے کچھ حصے کے حاجیوں کے لئے بڑی سہولیت ہے اور میرا خیال ہے کہ ان ہی حاجیوں کی تعداد زیادہ ہوتی ہے - بمبئی میں اس قدر زیادہ تعداد میں حاجیوں کے اکٹھا ہو جانے سے انہیں کچھ تکلف

بھی پہنچتی ہے اور اس بات کو نظر انداز نہیں کرنا چاہیئے -

ہمیں یہ بھی معلوم ہے کہ حکومت کا یہ خیال ہے کہ یہ امر بظاہر بہت مشکل ہے کہ قریب ترین زمانہ میں کلکتہ سے حاجیوں کے لئے جہاز چلانے چاہیئیں اس میں کچھ دقتیں ہیں جو اس وقت حل نہیں ہو سکتیں - اور جب تک جہاز چلانے کا انتظام نہ ہو تب تک حج کمپنی کا قیام ایک بے معنی سی بات ہوتی ہے - اب صورت حال یہ ہے کہ جو مشکلات حکومت کے سامنے ہیں ان کے بارے میں بغیر جانے ہوئے کہ کیا مشکلات ہیں ان کا حل کرنا بہت ہی مشکل ہے - اس کے لئے سوائے اس کے کہ حاجیوں کی جو مشکلات ہیں آپ کے سامنے انہیں پیش کر دوں اور کوئی صورت نہیں ہے - لیکن ہم سمجھتے ہیں کہ اگر یہ صحیح ہے کہ ڈیفیکلٹیز محسوس ہوتی ہیں اور قریب زمانے میں ممکن نہیں سمجھا جاتا ہے کہ وہاں سے یہ ہو سکے تو ایسا بھی ہو سکتا ہے کہ جو لوگ کلکتہ سے حاجیوں کے جہاز کے جانے کے حامی ہیں ان کے سامنے ان مشکلات کو سرکار رکھے تو تعجب نہیں کہ وہ اس کا کوئی بہتر حل بھی نکال دیں -

†[کاجی احمد مدد حسین : (بیہار) :  
 جناب ڈپٹی چیئرمین صاحب، اس بیل کو

#[ ] Hindi translation.

پیش کرنے کی ضرورت اسلئے پیش آئی کی کراچی ہندوستان سے الگ ہو گیا ہے اور اب کراچی کو اس کتابے کانون سے نکال دیا جائے۔ ضرورت تو صرف اتنی سی تھی اور یہ ٹیک ہے لیکن کلکتہ کی ہج کمیٹی کو بھی نکال دینا، ہمیں کچھ اذیت سی بات مالم ہوتی ہے۔ ہم کو یہ ڈر ہے کہ کلکتہ سے حاجیوں کا جہاز چلانے کا جو پروویژن تھا وہ اس بیل میں کلکتہ کی کمیٹی کو بند کر دینے کے بعد ایک دم جہنم سے نکل جائے گا۔ باج دوستوں کی طرف سے یہ کہا جاتا ہے کہ مغل لائن-ڈرنر موریسن سروس اس بات کے لیے آمادہ نہیں ہے کہ کلکتہ پورٹ سے حاجیوں کو لے جائے۔ ہمارے لیے ڈرنر موریسن کی سواہش اور اجاراداری کو تسلیم کرنا، میں سمجھتا ہوں کہ مناسیب نہیں ہے اور اب تو دو جہاز کی کمپنیاں، پبلک سیکٹر کی، ہم کام بھی کر رہے ہیں۔ تو کلکتہ کا کام اس طریقے سے بھی سمجھایا جا سکتا تھا۔ ایسا ہو سکتا ہے، اور یہ نہ ہو سکے، تو پھر سوچنے سے اور بھی سرتے نکل سکتی ہیں۔ کلکتہ پورٹ میں آسام، بنگال، بیہار اور یو۔ پی۔ کے کچھ حصے کے حاجیوں کے لیے بڑی سہولیات ہیں، اور میرا خیال ہے کہ ان ہی حاجیوں کی تعداد زیادہ ہوتی ہے۔ بمبئی میں اس قدر زیادہ تعداد میں حاجیوں کے اکٹرا ہو جانے سے انہیں کچھ تکلیف بھی پہنچتی ہے، اس بات کو نظر انداز نہیں کرنا چاہیے۔

ہمیں یہ بھی مالم ہے کہ حکومت کا یہ خیال ہے کہ یہ امر بظاہر بہت مشکل ہے کہ کراچی جہان میں کلکتہ سے حاجیوں کے لیے جہاز چلائے جائیں، اس میں کچھ دقتیں ہیں جو اس وقت حل نہیں ہو سکتی ہیں۔ اور جب تک جہاز چلانے کا انتظام نہ ہو، تب تک ہج کمیٹی کا کام ایک بے-ممانہ سی بات ہوتی ہے۔ اب سرتے حال یہ ہے کہ جو مشکلات حکومت



[काजी अहमद हुसैन]

के सामने हैं उनके बारे में बगैर जाने हुये कि क्या मुश्किलात है उनका हल करना बहुत ही मुश्किल है। उसके लिये सिवाय इसके कि हाजियों की जो मुश्किलात हैं, आपके सामने उन्हें पेश कर दूँ और कोई सूरत नहीं है। लेकिन हम समझते हैं कि अगर यह सही है कि डिफिकल्टीज महसूस होती है और करीब जमाने में मुश्किन नहीं समझा जाता है कि वहाँ से यह हो सके तो ऐसा भी हो सकता है कि जो लोग कलकत्ता से हाजियों के जहाज के जाने के हामी हैं उनके सामने इन मुश्किलात को सरकार रखे तो ताज्जुब नहीं कि वे इसका कोई बेहतर हल भी निकाल दें। ]

**SHRI SANTOSH KUMAR BASU** (West Bengal): Mr. Deputy Chairman, the point that I wanted to raise in this Debate has so forcibly been raised by the last speaker that there is very little for me to say. At the same time, I think I should add my voice to the demand which has been made that some effective arrangements should be made in Calcutta for the intending Hajis and for their transport by ship from Calcutta to the Haj ports. In the Statement of Objects and Reasons, it is stated:

“Consequent upon constitutional changes in the country, the Act was suitably amended to provide for the continuance of the Calcutta and the Bombay Committees only, the reference to the Karachi Committee being omitted therefrom. The Calcutta Committee, however, ceased to function from 1948 owing to the partition of Bengal and there is a balance of about Rs. 15,000 lying to the credit of the defunct Port Haj Fund, Calcutta, which cannot be utilised for any other purpose or transferred to any Port Haj Fund unless the Act is amended.”

That in effect was the reason for this amending Bill, namely, the

Calcutta Committee ceased to function from 1948 owing to the partition of Bengal. After the partition of Bengal, everything was in a melting pot, if I may say so, so far as the Muslims of that area were concerned and the functioning of the Haj Committee undoubtedly became difficult owing to the large exodus of Hindus from East Pakistan and of Muslims from West Bengal to East Pakistan. There is no doubt that there was a considerable deadlock created in the functioning of the Haj Committee. That was a temporary state of affairs which has now passed away fortunately and things have settled down. In the circumstances, I do not think that the conditions prevailing in 1948 which gave rise to the suspension of the activities of the Haj Committee in Calcutta can be put forward as sufficient reason for discontinuing the Haj Committee in Calcutta altogether. In my opinion, Government should have taken steps to bring into existence a properly active Committee which might normally function so far as the Hajis are concerned. I submit, Sir, as has been very ably put by Haji Saheb, a very large area was served by the Haj Committee of Calcutta, Assam, Bengal, Orissa and also Bihar and the intending Hajis in that area will be deprived of the services of a local Haj Committee. Another reason which might probably be put forward by the hon. Deputy Minister would be that the Moghul Line which takes these Hajis operates only from Bombay and that it would be difficult to make alternative shipping arrangements for Calcutta for the purpose of taking these Hajis from Calcutta. I am sure that Government must have made sufficient efforts to find out alternative shipping arrangements but the reason which might be put forward is that it is difficult to procure ships at the present moment owing to foreign exchange difficulties. I would submit, Sir, that that should not stand in the way of a serious attempt being made to secure ships to take these Hajis from the port of Calcutta.

After all, the convenience of, and the proper performance of the religious duties by, the Hajis are the considerations which ought to be taken into account by the Government in deciding this matter. If this brings relief to a very large number of Hajis from those areas by way of facilities, etc., I think that even in these days it is worthwhile, for us to spend sufficient foreign exchange to procure one or two ships to do duty in that respect from the port of Calcutta. It is not only a question of enabling the Hajis of that area to perform their religious duty with convenience and ease but is also a question of our gesture towards this community particularly in that area where more attention, if I may say so, is needed. From this point of view also, I urge upon the Government to take into account the necessity for providing proper shipping facilities in Calcutta.

If this Bill is to be enacted into law, as it is bound to be, there will be no Haj Committee in Calcutta but there will be a Haj Committee functioning in Bombay and, under the provisions of this measure there are fortunately enough provisions to enable the Haj Committee in Bombay to make necessary facilities for shipping in the Calcutta Port even if there be no Haj Committee set up there in Calcutta. I would invite the attention of the House to clause 9 of this Bill wherein the duties of the Committee are enumerated:

"9(1). The duties of the Committee shall be—

(d) to negotiate and co-operate with railways, shipping companies, airways and travel agencies for the purpose of securing travelling facilities for pilgrims;"

This enables the Haj Committee in Bombay to negotiate and co-operate with shipping companies for providing shipping facilities in the Calcutta Port for Hajis of that area. Therefore, even if the Calcutta Committee is not resuscitated, this does not stand

in the way of the Bombay Committee making necessary provision for shipping facilities in the Calcutta area for Hajis to be taken directly from Calcutta. Then, Sir, if you will kindly turn to clause 16, you will find:

"The Haj Fund shall, subject to any rules that may be made under this Act, be under the control and management of the Committee, and shall be applied to the following purposes, namely:—

(c) any other object specified in the rules made under section 17."

Now it is open to the Government of India to make rules for the purpose of administering the Haj Fund set up under clause 16. Clause 17 confers upon the Government the rule-making powers. It says:

"17(2). In particular, and without prejudice to the generality of the foregoing power, . . ."

That is, the power to make rules—

"such rules may provide for all or any of the following matters, namely:—

(j) the objects for which the Haj Fund may be applied;"

Therefore, it is open to the Government to make rules even under this legislation providing that shipping arrangements should be made in Calcutta to take the Hajis directly from that centre to the Haj ports without going to Bombay.

Previous speakers have elaborately described the endless troubles suffered by the intending Hajis at Bombay. This must be so in the very nature of things. I am not making a complaint. In spite of all the efforts of the Government to give necessary facilities in a place like Bombay where people from all over the country congregate, it is not possible to provide the same manner of convenience and facilities as will be possible if they collect in other different centres. Bombay may serve North, South and West and Calcutta

[Shri Santosh Kumar Basu.]

may serve the Eastern parts of India, and a large part of Central India, if necessary. By a dispersal of these Hajis into two different centres, their inconveniences and troubles may be considerably mitigated. When these Hajis concentrate in Bombay, taking their turn for embarkation, they have to undergo the inconveniences of staying in a strange city and incur unnecessary costs. Nobody knows as to when the steamer will sail because it is a monopoly concern and it holds the field in the matter of shipping. The Moghul Line has been enjoying this monopoly for a very large number of years. It is so powerful that it could beat down the rival attempts of the Scindia Company years ago by offering a number of advantages and facilities to the passengers which the Scindia Company could not certainly provide. It holds the monopoly and, as such, it could dictate terms as to when the embarkation will take place. In the meantime, these Hajis from all over the country congregate there and their plight can be better imagined than described. Under these circumstances, while I welcome most sincerely the advent of this Bill because it seeks to regularise the entire position from every point of view, there is a lacuna in the Bill which should be remedied, if not by legislation, if not by an amendment of the Bill, at least by making suitable provisions in the rules by which the requirements of the Hajis in the area served by the Calcutta port could be well attended to and all their grievances could be completely and successfully eliminated. I hope the Government will bear this thing in mind. Their grievances have been stated very clearly, very definitely, from different sides of this House. They are real grievances and in the interest not only of these Hajis but in the general interest of the country I hope the Government will step in in a matter of such importance and make the necessary provisions for the Calcutta port to function in the service of the Hajis from Eastern India.

شری فرید الحق انصاری (انر

پریڈیش) : جناب ذہنی چیرمین صاحب - میں جب آنریبل منسٹر صاحبہ کی تقریر سن رہا تھا جو انہوں نے اس بل کو پیش کرتے وقت کی تھی تو مجھے یہ محسوس ہوا کہ یہ بل زیادہ تو حاجیوں کو آسانی پہنچانے کے لئے انہیں آرام پہنچانے کے لئے انہیں آسائش پہنچانے کے لئے ہے اور جس جوش و خروش سے انہوں نے اس بل کو پیش کیا اس سے مجھے یہ بھی احساس ہوا کہ انہوں نے شاید یہ سمجھ لیا ہے کہ اس سب بات کا ثواب ان کو ہی پہنچے گا -

جناب والا - یہ بل ظاہر ہے صرف اس لئے پیش کیا گیا ہے کہ ہندوستان کے تقسیم ہو جانے کے بعد جو حالات یہاں پیدا ہو گئے ان حالات کے روبرو اس میں کچھ تبدیلی کی جائے - تھیک ہے بہت تھیک ہے - مگر مجھے اس بل کے اسٹیمینٹ آف آبجیکٹس اینڈ ریزولوشن کو پڑھنے کے بعد اور گورنمنٹ بنچیز پر جو حضرات بیٹھے ہیں ان کی تقریریں سننے کے بعد ان لوگوں کے اوپر رحم آیا اور ساتھ ہی ایسے اوپر بھی رحم آیا کہ جو لوگ اس طرح کا قانون ہاؤس میں پیش کرتے ہیں، بدلتے ہیں وہ اس کے اوپر پہلے سے غور کیوں نہیں کرتے ہیں - جو لوگ بل

کو دریافت کرنے والے ہیں شاید وہ اس مقصد کو نہ سمجھ سکے جس مقصد کے لئے یہ قانون بنایا جا رہا ہے۔ اگر آپ اس بل کے اسٹیٹمنٹ آف آپجیکٹس اینڈ ریزنس کو پڑھیں تو اس کے پیرا (۲) میں یہ لکھا ہوا ہے۔

"It is, therefore, considered desirable that the Act should be revised to bring it in line with the present requirements of the Haj pilgrims . . ."

ریگولیشنز ف دی حج پلگرز کے معنی تو یہ ہیں کہ جو حاجی زیارت کے لئے جاتے ہیں ان بیچاروں کو آسانی پہنچے ان کو آرام ملے اور وہ آسانی کے ساتھ ہندوستان سے جہاز پر حج کے لئے پہنچائے جائیں۔ مگر تجربہ یہ بتاتا ہے اور اگر آپ خود جا کر دیکھ لیں چاہے وہ بمبئی ہو یا کاتھہ ہو جہاں سے حاجی جاتے ہیں وہاں ان بیچاروں کو جو تکلیفیں جو مشکلات اور مصیبتیں ہوتی ہیں وہ ناقابل برداشت ہوتی ہیں۔ آجکل بھی تکلیفیں ہیں اور پچھلے زمانہ میں بھی انہیں تکلیفیں ہوتی تھیں۔ تو یہ بات مہری سمجھ میں نہیں آئی کہ سرکاری کمیٹی بلنے کے بعد بھی یہ کمیٹی اپنا کام کیوں نہیں کرتی ہے۔ زائرین کو جدہ جانے اور وہاں سے واپس آنے پر جو تکلیفیں

ہوتی ہیں، جو مشکلات اور مصیبتیں ہوتی ہیں، ان سب کو دیکھنے کے بعد میں اس نتیجہ پر پہنچتا ہوں کہ یہ کمیٹی اپنا کام بالکل نہیں کرتی ہے۔ یہ کمیٹی کام کے لئے نہیں بلکہ سرخروئی کے لئے بنائی گئی ہے اس کے سوا اس کا اور کوئی مقصد نہیں ہے۔

اگر بل کا واقعی یہ مطلب ہے کہ حاجیوں کو آرام پہنچایا جائے تو سرکار کو اس بات کو دیکھنا چاہئے کہ آیا انہیں ہر طرح کی سہولیتیں ملتی ہیں یا نہیں۔ ہر سال قریب ۱۹ یا ۲۰ ہزار حاجی حج کرنے کے لئے جاتے ہیں تو اس بات کے لئے سرکار کو یا کمیٹی کو انتظام کرنا چاہئے کہ ۲۰ ہزار حاجیوں کو یہاں سے وہاں تک آرام کے ساتھ پہنچایا جائے اور وہاں سے سب حاجیوں کو یہاں واپس جلد سے جلد لایا جائے۔ اس بات کے لئے جتنی زیادہ جگہوں پر حاجیوں کو زیارت کے لئے لیجائے اور لے آنے کا انتظام ہوگا اتنا ہی اچھا ہوگا اور اتنا ہی زیادہ انہیں آرام پہنچے گا۔

اس بل سے پہلے حاجیوں کو لیجائے کے لئے تین پورٹ تھے۔ ہندوستان کے تقسیم ہو جانے کے بعد صرف دو ہی پورٹ رہ گئے ہیں اور اس بل میں اب، صرف ایک ہی بمبئی کا پورٹ کر دیا گیا ہے۔ اب آپ ہی بتائیں کہ ہندوستان کے پوربی صوبہ کے لوگوں کو اتنے دور چل کر بمبئی آنا

[شری فرید الحق انصاری]

پڑے گا اور انہیں کتنی مصیبت اور مشکلات کا سامنا کرنا ہوگا۔ ظاہر ہے کہ اگر ایک پورٹ کے بجائے دو پورٹ رکھے جاتے تو زائرین کو بہت آسانی ہوتی اور ہندوستان کے پوربی صوبہ کے رہنے والوں کے لئے کلکتہ کا پورٹ ہو جاتا تو وہ لوگ آسانی کے ساتھ وہاں پہنچ جاتے اور پچھم کے صوبہ میں رہنے والے بمبئی کے پورٹ میں پہنچ جاتے۔ مگر نہیں۔ گورنمنٹ بھی اطمینان کے ساتھ بیٹھتی رہتی ہے

SHRIMATI LAKSHMI MENON: For the last ten years there has been only one port of sailing for Haj pilgrims, that is, Bombay. The hon. Member says that it is this Bill that limits it to one port. Ever since 1948, we have had all sailings from Bombay only.

شری فرید الحق انصاری :

میں تو یہ کہہ رہا ہوں کہ اگر گورنمنٹ ایک پورٹ کے بجائے دو تین یا چار پورٹ کا انتظام کرتی تو ان لوگوں کو زیادہ آرام پہنچتا۔ میں اس بات کا قائل نہیں ہوں کہ کوئی ایسی کمپنی نہیں ہے جو حاجیوں کے لئے اپنے جہازوں کو چلا نہیں سکتی ہے۔ ملک کے لوگوں کا یہ حق ہے کہ وہ یہ کہیں کہ ہم لوگ ٹیکس دیتے ہیں اور آپ کو کرسی پر اس لئے بٹھایا گیا ہے کہ آپ حکومت کریں ایکن لوگوں کو آرام پہنچائیں۔ اس لئے نہیں بٹھایا گیا ہے کہ آپ لوگوں کو مصیبت پہنچائیں۔

آپ کا یہ فرض ہے فرض مصلوبی ہے کہ حاجیوں کے آرام کے لئے ایسا انتظام کریں جس سے انہیں زیادہ سے زیادہ سہولیت پہنچے۔ میں اس بات کو نہیں مان سکتا ہوں کہ آپ یہ کام نہیں کر سکتے ہیں۔ یا وہ ٹرنرماریسن کمپنی نہیں کر سکتی ہے۔ اگر کمپنی نہیں کر سکتی ہے تو خود گورنمنٹ کرے گورنمنٹ کا فرض بھی ہے کرنے کا۔

دوسری بات یہ ہے کہ آپ نے ٹرنرماریسن کمپنی کو ہی۔ اس کام کی مانویلی کیوں دیدی ہے۔ گورنمنٹ کیوں نہیں اس کام کے لئے کسی دوسری کمپنی کو مقرر کرتی۔ ذرا گورنمنٹ اس جہاز میں تو جا کر دیکھے کہ اس کا کتنا انتظام خراب ہوتا ہے اور وہاں کی حالت کتنی خراب ہے زائرینوں کو کھانا نہیں ملتا ہے۔ سونے کا کوئی انتظام نہیں ہے اور نہ دوا دارو کا ہی کوئی انتظام کیا جاتا ہے۔

श्री ब्रह्मर रज्जाक खान (पश्चिमी बंगाल): वह तो माल ढोने वाला जहाज है।

شری فرید الحق انصاری :

لوگ اس جہاز کے ذریعہ لیجائے جاتے ہیں انہیں جانوروں کی طرح جدہ پہنچایا جاتا ہے۔ ان بیچاروں کو ہر طرح کی مشکلات اور مصیبتوں کا سامنا کرنا پڑتا ہے اور وہ ان سب تکلیفوں کو اس لئے برداشت کر لیتے ہیں کہ زائرینوں کا ایک طرح کا عقیدہ ہوتا ہے کہ جتنی مصیبت برداشت کر کے زیارت

کی جائیگی اتنا ہی زیادہ ثواب ملے گا -  
لیکن ان سب چیزوں کا سرکار ناجائز  
فائدہ اٹھاتی ہے - یہ کمیٹی جو بدائی  
گڈی ہے اس کے اسٹیمنٹ آف  
آبجیکٹس اینڈ ریزنس کے پورا (۲) میں  
یہ لکھا ہے —

“....to make the Port Haj Committee a representative body of the country.”

مگر بل کے کلاز چار کو پڑھنے  
کے بعد یہ معلوم ہوتا ہے کہ ہندوستان  
کا پورا حصہ صرف بمبئی ہے باقی  
حصہ ہندوستان کلکری میں شامل  
نہیں ہے - اس میں شروع سے لیکر آخر  
تک جتنے ممبر ہیں یہ سب بمبئی  
کے ہی ہیں - سوائے اس کے کہ  
پارلیمنٹ کو یہ حق حاصل ہے کہ اس  
میں وہ ایسا ممبر نامی نیت کرے - تو  
ممکن ہے جو لوگ نامی نیت ہوں گے  
وہ ویسٹسٹ انٹرسٹ کے لوگ ہوں گے اور  
ان کو گورنمنٹ نامی نیت کریگی -  
چاہئے یہ تھا کہ اس کمیٹی میں اس  
طرح کا پراویژن ہوتا جس میں کہ یا تو  
ہر صوبہ کے لوگ ہوتے یا ہر جماعت کے  
لوگ ہوتے یا ہر پارٹی کے لوگ ہوتے -  
میں یہ بات نہیں کہتا کہ کانگریس  
پارٹی کے لوگ نہ ہوں - چاہے اس  
میں سوشلسٹ پارٹی نے لوگ ہوں اور  
چاہے دوسری پارٹیز کے لوگ ہوں -

مگر سب صوبوں کے نمائندے ہونے  
چاہئیں - یہ بات نہیں ہونی چاہئے  
کہ اس کمیٹی میں ایک ہی شہر کے  
لوگ بھر دئے جائیں - میں عرض  
کرنا چاہتا ہوں کہ بجائے اس کے کہ  
اس طرح کا بل پیش کیا جائے جو  
مقصد کو پورا نہ کر سکے بہتر یہ ہوگا  
کہ گورنمنٹ اس بل کو واپس لے لے اور  
دوبارہ سوچ سمجھ کر ایک ایسا بل لائے  
جو واقعی مقصد کو پورا کر سکے تاکہ  
جو حاجی حج کرنے کے لئے جدہ جاتے  
ہیں انہیں وہاں جانے اور واپس آنے کے  
لئے ہر طرح کی سہولیت مل جائے -  
اگر حکومت کا یہ مقصد ہے تو یہ اسی  
وقت پورا ہو سکتا ہے جبکہ کوئی تھکانے  
کا بل پیش کیا جائے جس میں  
زائرینوں کو آسانیاں مل سکے اور ان کا  
جو مقصد ہے وہ پورا ہو سکے -

†[श्री फरीदुल हक अन्तारी (उत्तर प्रदेश) : जनाब डिप्टी चैयरमैन साहब, मैं जब आनरेबल मिनिस्टर साहिबा की तकरीर सुन रहा था, जो उन्होंने इस बिल को पेश करते वक्त की थी, तो मुझे यह महसूस हुआ कि यह बिल ज्यादा तर हाजियों को आसानी पहुंचाने के लिये, उन्हें आराम पहुंचाने के लिये उन्हें आसाइश पहुंचाने के लिये है और जिस जोशो खरोश से उन्होंने इस बिल को पेश किया उससे मुझे यह भी एहसास हुआ कि उन्होंने शायद यह समझ लिया है कि इस सब बात का सवाब उनको ही पहुंचेगा ।

†[ ] Hindi translation.

[श्री फरीदल हक अन्सारी]

जनाबेवाला, ये बिल जाहिर है, सिर्फ इसलिये पेश किया गया है कि हिन्दोस्तान के तकसीम हो जाने के बाद जो हालात यहां पैदा हो गये, उन हालात के रूबरू इसमें कुछ तब्दीली की जाय । ठीक है, बहुत ठीक है । मगर मुझे इस बिल के स्टेटमेंट आफ औब्जेक्ट्स एण्ड रीज़न्स को पढ़ने के बाद और गवर्नमेंट बेंचर पर जो हज़ारात बैठे हैं उनकी तकरीरें सुनने के बाद उन लोगों के ऊपर रहम आया और साथ ही अपने ऊपर भी रहम आया कि जो लोग इस तरह का कानून हाउस में पेश करते हैं, बनाते हैं वे उसके ऊपर पहले से गौर क्यों नहीं करते हैं । जो लोग बिल को ड्राफ्ट करने वाले हैं, शायद वे इस मकसद को न समझ सकें जिस मकसद के लिये यह कानून बनाया जा रहा है । अगर आप इस बिल के स्टेटमेंट आफ औब्जेक्ट्स एण्ड रीज़न्स को पढ़ें तो उसके पैरा (२) में यह लिखा हुआ है : —

"It is, therefore, considered desirable that the Act should be revised to bring it in the line with the present requirements of the Haj pilgrims. . . ."

रेक्वायरमेंट आफ दी हज पिलग्रिम के मायने तो यह है कि जो हाजी ज्यारत के लिये जाते हैं उन बेचारों को आसानी पहुंचे, उनको आराम मिले और वे आसानी के साथ हिन्दोस्तान से जहाज़ पर हज के लिये पहुंचाये जायें । मगर तजुर्बा यह बताता है और अगर आप खुद जाकर देख लें चाहे वह बम्बई हो या कलकत्ता हो, जहां से हाजी जाते हैं वहां उन बेचारों को जो तकलीफें, जो मुश्किलात और मुसीबतें होती हैं, वे नाकाबिले बर्दास्त होती हैं । आजकल भी तकलीफें हैं और पिछले जमाने में भी उन्हें तकलीफें होती थीं । तो यह बात मेरी समझ में नहीं आई कि सरकारी कमेटी बनने के बाद भी यह कमेटी अपना काम क्यों नहीं करती है ? जायरीन

को जड़ा जाने और वहां से वापस आने पर जो तकलीफें होती हैं, जो मुश्किलात और जो मुसीबतें होती हैं, उन सब को देखने के बाद मैं इस नतीजे पर पहुंचता हूं कि यह कमेटी अपना काम बिल्कुल नहीं करती है । यह कमेटी काम के लिये नहीं बल्कि सुखंरूई के लिये बनाई गई है । इसके सिवा इसका और कोई मकसद नहीं है ।

अगर बिल का वाकई यह मतलब है कि हाजियों को आराम पहुंचाया जाये तो सरकार को इस बात को देखना चाहिये कि आया उन्हें हर तरह की सहूलियतें मिलती हैं या नहीं । हर साल करीब १६ या २० हजार हाजी हज करने के लिये जाते हैं, तो इस बात के लिये सरकार को या कमेटी को इन्तजाम करना चाहिये कि २० हजार हाजियों को यहां से वहां तक आराम के साथ पहुंचाया जाये और वहां से सब हाजियों को यहा वापिस जल्द से जल्द लाया जाये । इस बात के लिये जितनी ज्यादा जगहों पर हाजियों को ज्यारत के लिये ले जाने और ले आने का इन्तजाम होगा उतना ही अच्छा होगा और उतना ही ज्यादा उन्हें आराम पहुंचेगा ।

इस बिल से पहले हाजियों को ले जाने के लिये तीन पोर्ट थे । हिन्दोस्तान के तकसीम हो जाने के बाद सिर्फ १० पोर्ट रह गये हैं । और इस बिल में अब सिर्फ एक ही बम्बई का पोर्ट कर दिया गया है । अब आप ही बतायें कि हिन्दोस्तान के पूर्वी सूबे के लोगों को इतनी दूर चल कर बम्बई जाना पड़ेगा और उन्हें कितनी मुसीबत और मुश्किलात का सामना करना होगा ? जाहिर है कि अगर एक पोर्ट के बजाय दो पोर्ट रखे जाते तो जायरीनों को बहुत आसानी होती और हिन्दोस्तान के पूर्वी सूबे के रहने वालों के लिये कलकत्ता का पोर्ट हो जाता तो वे लोग आसानी के साथ वहां पहुंच जाते और पश्चिम के सूबे में रहने वाले बम्बई के पोर्ट में पहुंच जाते । मगर नहीं । गवर्नमेंट भी इत्मीनान के साथ बैठी रहती है ।

SHRIMATI LAKSHMI MENON: For the last ten years there has been only one port of sailing for Haj pilgrims, that is, Bombay. The hon. Member says that it is this Bill that limits it to one port. Ever since 1948, we have had all sailings from Bombay only.

श्री फरीदुल हक अन्सारी: मैं तो यह कह रहा हूँ कि अगर गवर्नमेंट एक पोर्ट को बजाय दो, तीन या चार पोर्ट का इन्तजाम करती तो उन लोगों को ज्यादा आराम पहुंचता। मैं इस बात का कायल नहीं हूँ कि कोई ऐसी कम्पनी नहीं है जो हाजियों के लिये अपने जहाजों को चला नहीं सकती है। मुल्क के लोगों का यह हक है कि वे यह कहें कि हम लोग टैक्स देते हैं और आपको कुर्सी पर इस लिये बिठाया गया है कि आप हुकूमत करें, लेकिन लोगों को आराम पहुंचायें। इसलिये नहीं बिठाया गया है कि आप लोगों को मुसीबत पहुंचायें, तो आपका यह फर्ज है, फर्ज मनसबी है कि हाजियों के आराम के लिये ऐसा इन्तजाम करें जिससे उन्हें ज्यादा से ज्यादा सहूलियत पहुंचे। मैं इस बात को नहीं मान सकता कि आप ये काम नहीं कर सकते हैं। या वह टरनर मौरीसन कम्पनी नहीं कर सकती है। अगर कम्पनी नहीं कर सकती है, तो खुद गवर्नमेंट करे, गवर्नमेंट का फर्ज भी है करने का।

दूसरी बात यह है कि आपने टरनर मौरीसन कम्पनी को ही इस काम को मँपली क्यों देदी है? गवर्नमेंट क्यों नहीं इस काम के लिये किसी दूसरी कम्पनी को मुकर्रर करती? जरा गवर्नमेंट इस जहाज में तो जाकर देखे कि इसका कितना इन्तजाम खराब होता है और वहां की हालत कितनी खराब है। जाईरीनों को खाना नहीं मिलता है, सोने का कोई इन्तजाम नहीं है और न दवादारू का ही कोई इन्तजाम किया जाता है।

श्री अब्दुर रज्जाक खान : वह तो माल ढोने वाला जहाज है।

श्री फरीदुल हक अन्सारी : जो लोग इस जहाज के जरिये ले जाये जाते हैं उन्हें जानवरों की तरह जहाज पहुंचाया जाता है। न बिबारों को हर तरह की मुश्किलत और मुसीबतों का सामना करना पड़ता है और वे इन सब तकलीफों को इसलिये बर्दाश्त कर लेते हैं कि जाईरीनों का एक तरह का अक्रोदा है, जितनी मुसीबत बर्दाश्त करके ज्यारत की जायगी उतना ही ज्यादा सवाब मिलेगा। लेकिन इन सब चीजों का सरकार नाजायज फायदा उठाती है। अब कमेटी जो बनाई गयी है उसके स्टेटमेंट आफ ओब्जेक्ट्स एण्ड रीजन्ज के पैरा (२) में यह लिखा है :—  
“... to make the Port Haj Committee a representative body of the country.”  
मगर बिल के क्लॉज ४ को पढ़ने के बाद यह मालूम होता है कि हिन्दोस्तान का पूरा हिस्सा सिर्फ बम्बई है, बाकी हिस्सा हिन्दोस्तान कंट्री में शामिल नहीं है। इसमें शुरू से लेकर आखिर तक जितने मेम्बर हैं, ये सब बम्बई के ही हैं। सिवाय सके कि पार्लियामेंट को यह हक हासिल है कि उसमें वह अपना मेम्बर नौमीनेट करे। तो मुश्किन है जो लोग नौमीनेट होंगे वे वैस्टिड इन्ट्रेस्ट के लोग होंगे और उनको गवर्नमेंट नौमीनेट करेगी। चाहिये यह था कि इस कमेटी में सतरह का प्रोवोजन होता, जिसमें कि या तो हर सूबे के लोग होते या हर जमात के लोग होते, या हर पार्टी के लोग होते। मैं यह बात नहीं कहता कि कांग्रेस पार्टी के लोग न हों। चाहे इसमें सोशलिस्ट पार्टी के लोग हों और चाहे दूसरी पार्टीज के लोग हों। मगर सब सूबों के नुमायन्दे होने चाहियें। यह बात नहीं दोनी चाहिये कि इस कमेटी में एक ही शहर के लोग भर दिये जायें। मैं अर्ज करना चाहता हूँ कि बजाय सके कि इस तरह का बिल पेश किया जाये जो भकसद को पूरा न कर सके, बेहतर यह होगा कि गवर्नमेंट इस बिल को वापिस ले ले और दोबारा सोच समझ कर एक ऐसा बिल लाये जो वाकई भकसद को पूरा कर सके, ताकि जो हाजी हज करने के लिये जहाज जाते हैं, उन्हें वहां जाने और वापिस आने के लिये हर



[श्री फरीदुल हक अन्सारी]

तरह को सहूलियत मिल जाये। अगर हुकूमत का यह मक़सद है तो यह उसी वक़्त पूरा हो सकता है जब कि कोई ठिकाने का बिल पेश किया जाये, जिसमें जाईरानों को आसानियां मिल सकें और उनका जो मक़सद है, वह पूरा हो सके।]

SHRIMATI LAKSHMI MENON: Mr. Deputy Chairman, many things have been said about the Bill which I am willing to explain and clarify. But I take very strong exception to the statement made by one of the hon. Members that he had to find fault with the Bills when they were sponsored by women Deputy Ministers. If he had said that all the Bills, sponsored by the Government were defective, I would have had no complaint. But such discrimination shows lack of propriety which I hope will not occur in the House again.

Sir, I have already answered the legal objection raised by one of the previous speakers. The Bill has been considered very carefully at all levels and I have pointed out in my introductory remarks that a special committee consisting of eminent Muslims went into the conditions of the pilgrims and the way in which proper relief could be brought about by re-organising this Committee.

Then, the question has been raised as to why it is that we have only a Committee in Bombay and not in other places. That also was considered. Although the hon. Member may not believe in the intentions of the Government, I might tell this House that every effort was made to find out whether shipping companies could be persuaded to give us ships for the traffic. No other company was willing to accede to our request or could be persuaded. The Government even thought of buying ships, so that the hardships endured by the pilgrims now in the Moghtul Line may be redeemed. There also the difficulty was that the cost was prohibitive and the foreign exchange necessary for it

was not easily available. Therefore, I would request the House not to go away with the idea that the Government have been very slack or it was not concerned about the pilgrims because they were Muslims. Remember that however earnest we are in securing the finance that we so devoutly desire for our pilgrims, it is beyond the capacity of the Government at the moment to find the foreign exchange to buy ships on their own in order to replace the ships which are now run by the Moghtul Lines.

Members might recall that in the old days, from 1932 onwards, whenever sailings took place, the pilgrims got only 15 days' notice. Hardly any welfare work was done in order to look after their comforts. Today we give them six months' notice. Already you must have seen in the newspapers how notification is given for intending Haj pilgrims to contact the various welfare committees, so that provision may be made for their sailing...

SHRI AKBAR ALI KHAN: And a programme is also given.

SHRIMATI LAKSHMI MENON: And instead of one sailing you have got as many as 12 sailings, which make it convenient for people to go at different times at their own leisure without actually getting into overcrowded ships, etc. One of the difficulties which we might have to face, when we have, say, sailings from Calcutta, Madras or Cochin—all these were pressed forward—would be that all of them will have to sail at the same time. Otherwise, there will not be enough passengers for a sailing. The ship would need 1400 passengers. Now under the present arrangements, ten people can go from Bengal, and a few hundreds from U.P., and at their own leisure they can go. They can spread their sailing to suit their convenience. The hon. Member did mention about the difficulties while they return. It is quite true. When they go to Jeddah they go at different times. But when the Haj pilgrimage

is over, they all want to get back to their homes at the same time if possible. And naturally with restricted sailings, it will not be possible to do it. The Government fully realise the hardships and difficulties that are facing the pilgrims.

Kazi Saheb did mention the need for sailings from Calcutta. He has himself contacted the Prime Minister and I will read the letter of the Prime Minister to him in order to give the assurance and also convince the Members of the concern of the Government as far as the pilgrims are concerned. This is the letter of the Prime Minister to Kazi Saheb:

"In this you suggest that some arrangement should be made for ships to be run for the Haj traffic from Calcutta. This is obviously a very difficult matter to arrange in the near future. We may enquire into it. In any event, there is no point in having a Calcutta Haj Committee unless these ships can be run. If, in the future, some such arrangement can be made, we can then appoint a Calcutta Committee."

I hope hon. Members are convinced of the desire of the Government to provide the facilities and also meet the requirements of the Haj traffic.

A very imaginative picture was drawn by the previous speaker about the sufferings of the Haj pilgrims in Bombay. I would like to point out that almost everything possible was done to provide them with shelter and facilities for travel, etc. May I inform the House that the following facilities are provided and that the Member's picture is really a very imaginative one:

(i) Pilgrim passes are issued to pilgrims who do not bring these passes with them from their home district. The Port Haj Committee is authorised to issue such passes.

(ii) Inoculation and vaccination arrangements are made in the Musafirkhana for the convenience of the pilgrims.

(iii) Foodgrain shop is opened in the Musafirkhana to enable them to purchase their requirements.

(iv) The shipping company opens its office in the Musafirkhana for the issue of tickets to pilgrims.

(v) The Saudi Arabian Government at the request of the Government of India open its Haj Visa Office in the Musafirkhana for issue of visas to the intending pilgrims during the Haj season.

(vi) Medical arrangements are made in the Musafirkhana during the inward sailings.

Besides all these things, there are so many Haj Welfare Committees, State Welfare Committees. There are as many as ten of these Committees in which a number of Members of Parliament and others are represented. If these State Committees would earnestly look after the welfare of the intending pilgrims, which they are supposed to do, then I think that they need not suffer as much as they do now, because most of these pilgrims are very devout but not literate or educated people and therefore they can be duped, they can be exploited. It is because of these that we have got as many as ten Haj Welfare Committees appointed in the various places. I do hope that these Committees, on which there is very wide representation of all interests, will look after the conveniences in their home States, so that they may not face the difficulties.

Much has been said about the advantages of sailing from Calcutta. I am not doubting at all the advantages. But then they are not going from Calcutta to Madras or to Bombay. They are going to Jeddah. Under the present arrangements they will have to take a land journey up to Bombay, instead of the long and arduous journey by sea round India, say from Calcutta to Bombay. From Calcutta to Bombay it takes about ten days in a small boat, but I am not quite sure of the time taken. Even

[Shrimati Lakshmi Menon.]

so, the journey from Calcutta to Bombay by train will be two or three days, whereas the other will be much longer.

Now, an hon. Member said yesterday that the Government of India is so indifferent that it is not appointing people who know the language of the various States, for the welfare of the people who go to Haj. This is a very difficult problem. How can the Government of India appoint representatives of the various linguistic areas? It is quite true that the Haj pilgrim who comes from Kerala will need somebody who speaks Malayalam, or the one who comes from Assam or Bengal will need somebody speaking Bengali or Assamese. One coming from Andhra Pradesh would need some one speaking Telugu, and one coming from Bombay State might need somebody speaking Gujarati or Marathi. When we make suggestions, they must be not only constructive but also feasible suggestions. It is not likely that any Government can get together so many people in order to make things easy for them. But we do, Sir. There are welfare officers at Bombay, and the Government of India sends its own representative during the Haj season to be present in Bombay and see that adequate provisions are made for their convenience. At the other end also, of course, once you reach Jeddah, the train fares and other facilities are the responsibility of the Saudi Arabian Government. We do send four doctors and two compounders every year during the Haj season to provide medical facilities. It is quite true that more can be done. After all nothing that we do is so perfect that no improvement is required. I agree with the hon. speakers that much more can be done and should be done, but all our aspirations in this direction are limited by lack of funds and also by other circumstances.

Sir, I do not want to waste any time over the legal point which was raised because, Sir, you yourself read

out the Act, the 1958 Act. It was pointed out that different provisions of the Act can be brought into effect, and different provisions of that Act are brought into effect at different times. Unfortunately, I pointed out that the particular provisions which are included in this Bill have not been brought into effect, and it is not the fault of the External Affairs Ministry or of the Deputy Minister but it is something that the Government does according to the necessities of the times. Therefore, Sir, I do not want to take the time of the House in dealing with that point which is no point at all.

Sir, nothing else has been raised except about the composition of the Committee. Yesterday the question was as to why Shias are included, and I pointed out that Shias are included because this Bill deals with pilgrims not only going to Saudi Arabia but also to Iraq, Iran and other places of pilgrimage for the members of the Shia community, and therefore compulsory provision is needed for the inclusion of the Shias.

Then, Sir, another point was raised that all the members of the Committee belong to Bombay. Naturally that is so, because that is the starting point of pilgrimage, and it is better to have a number of people residing at that place so that they can look into the matter, look into the conveniences, and if there is anything that should be brought to the notice of the Government in a responsible way, these people will be more able to do that than persons living in some distant corner of India. So, merely for the sake of giving a regional, representative Committee we cannot forget the need for an efficient and effective Committee at the place of pilgrimage.

Sir, for the rest, as was pointed out, there is provision for co-option of three members by the Committee themselves, for nomination of two members by the Central Government, and for three Members of Parliament.

Sir, I do not think that anything more has been said about this Bill except about the natural anxiety of representatives coming from various areas. As a result of their own concern and also because they represent the area, they would like to make a point that the people coming from their area should be given facilities so that they do not have to travel far to Bombay, etc.

Sir, I commend the Bill for the acceptance of the House.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to establish a Committee in the Port of Bombay for assisting Muslim pilgrims to Saudi Arabia, Syria, Iraq, Iran and Jordan and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted*

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

*Clauses 2 to 12 were added to the Bill*

MR. DEPUTY CHAIRMAN: Mr. Amolakh Chand has sent notice of amendments to clauses 13, 14 and 15 this morning. It is belated. Is there any objection?

SHRIMATI LAKSHMI MENON: Sir, I object to them.

SHRI AMOLAKH CHAND: Sir, I want to know . . .

MR. DEPUTY CHAIRMAN: Even if one Member objects, it cannot be accepted.

SHRI AMOLAKH CHAND: That raises a question as to when a Member has to give notice.

MR. DEPUTY CHAIRMAN: It is opposed.

SHRI AMOLAKH CHAND: It may be opposed later on. I am submitting

that it should be admitted, and about that I have to make out a case, and the case is this. We were discussing this Bill yesterday, and the consideration stage is going on up till now. Amendments can be moved before consideration, not that all the amendments should be passed. As such I do submit that even if the hon. Deputy Minister objects that no amendments should be moved, it is for you to decide and for the House to consider whether in such circumstances, when the Bill was taken up only yesterday, a Member, when he goes through the Bill and finds out some legal defects or some other points, is debarred from moving amendments at the earliest opportunity. We have not yet taken up the consideration of the clauses. I would then have moved my amendment. Then the question would have been, though I am late, I should get the permission or the consent of the Minister concerned and the House. So, I think this is a very important point, and I would like you to consider it and decide it in favour of the Members and not in favour of the Government.

MR. DEPUTY CHAIRMAN: You had sufficient time.

SHRI AMOLAKH CHAND: The Bill was taken up only yesterday.

MR. DEPUTY CHAIRMAN: The Bill was circulated.

SHRI AMOLAKH CHAND: The Bill was introduced in the other House on the 16th. As I pointed out earlier in my speech, you can say that because the Bill is with the Members of Parliament from the 16th and more than fifteen days have passed, so they are not entitled to give amendments at this stage. What I beg to submit is this. It is given in the agenda, it is brought before the House, it is being discussed in the House, and the consideration stage is not finished. Is it not proper that Members should be entitled to move amendments? That is only a question of the right of the Members. The House may not agree with the amendments. I myself may

[Shri Amolakh Chand.]

not prefer to move the amendments. That may be a different matter altogether. But the question is up to what hour, up to what point only the Members are entitled to give amendments, and not later. That is the only question which I raise, and if your decision is in my favour that Members are entitled to give their amendments before the clause by clause consideration is taken up, well and good. In case you decide that no Member should give his amendment at this stage, then I have nothing more to add but to say that it will be a hard thing on us and not proper according to the rules. When there is an occasion in which the Members' liberty for moving amendments is under consideration, I think you, Sir, as the Deputy Chairman and as the custodian of the rights and the dignity of the House, should permit Members to move amendments. It is immaterial whether the hon. Deputy Minister or any other mover says "No, we have got our objection". That is altogether a different thing. It will be defeated by the House. But I may not move, and that is another point altogether. But to say that because she objects, it should not be taken up is, I think, not proper.

MR. DEPUTY CHAIRMAN: The Bill had been circulated on the 27th. The hon. Member had sufficient time. The amendments are opposed. So, I disallow the amendments.

SHRI AMOLAKH CHAND: All right, Sir. Thank you very much.

*Clauses 13 to 19 were added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRIMATI LAKSHMI MENON: Sir, I move:

"That the Bill be passed."

*The question was proposed.*

SHRI AMOLAKH CHAND: Mr. Deputy Chairman . . .

(Syed Mazhar Imam rose.)

Sir, if he wants to speak, let him have precedence over me.

MR. DEPUTY CHAIRMAN: You can continue after lunch.

The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at one minute past one of the clock.

The House reassembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: Mr. Amolakh Chand.

SHRI AMOLAKH CHAND: Syed Mazhar Imam wanted to say something, Sir.

MR. DEPUTY CHAIRMAN: You have been called.

SHRI AMOLAKH CHAND: Sir, I will take only two minutes.

I am glad that the Bill has been passed. When I raised my objection, it was more from an academic point of view and nothing else. If I had known that those sections of the corresponding new Act have not been in force, probably I would have been saved all that trouble. Anyway, Sir, I am glad that the Bill has been passed.

SHRI N. M. LINGAM (Madras): It has not yet been passed.

SHRI AMOLAKH CHAND: It is about to be passed; it is being passed; all the clauses have been accepted and everything is there.

RAJKUMARI AMRIT KAUR (Punjab): Mr. Deputy Chairman, Sir, I only wanted to say one word and that was a plea that when any point is raised by any Member of this House, especially when the Member is a Congress member, its *bona fide* should not be questioned. I do not think that it should be said that the point A, B or C has raised is no point at all. That is one thing.

The second thing, I feel also very strongly that if amendments do come even a little later than technically they are admissible, they should not be objected to. When I was a Minister for ten years, I do not think that I ever discarded or objected to an amendment if it happened to be a little late. Bills are given to us, and this particular Bill, I think, I got on the morning of the 28th. Now, we are very busy people and it is not always possible for us to read all the Bills that come to us straightway. Sometimes, one is likely to table even an amendment to an amendment. And I would only plead that we should, commensurate with the dignity of the House, be more lenient to each other and not object to an amendment even if it happens to be a little late. I know, Mr. Deputy Chairman, that naturally we have to abide by your ruling, and even if it is a technical ruling, I do not question it. But I am only saying that we do need to have tolerance and to respect the work that is put in by the Members as absolutely *bona fide*.

SHRI N. M. LINGAM: Is that a point of order or a Third Reading speech?

MR. DEPUTY CHAIRMAN: It is a comment on the Chair's ruling.

The Bill was circulated on the 25th, Rajkumariji. There was sufficient time for Members to table amendments. Members also should be more active.

سید مظہر امام (بہار) : مسٹر ڈپٹی چیئرمین - میں اس تہرہ ریڈنگ کے سلسلہ میں صرف دو تین باتوں عرض کرنا چاہتا ہوں وہ یہ کہ ہمیں امید ہے کہ حاجیوں کو سہولیت پہنچانے کے متعلق یہاں پر ممبروں نے جو کچھ عرض کیا ہے اور خاص کر میں نے اس پر گورنمنٹ غور کر رہی ہے اور اس بات کو کنسیدر کر رہی ہے کہ اس

بل کو پاس کرنے کے بعد وہ خود اپنے جہاز چلائے - دوبارہ اس چیز پر غور کرنے کی ضرورت ہے -

دوسری بات ہمارے بعض دوستوں نے کہی کہ صاحب کنکٹہ سے ایک جہاز حاجیوں کے لئے جاتا تو اس میں سہولیت ہوتی - میں بھی یہ سمجھتا ہوں کہ یقیناً سہولیت ہوتی اور گورنمنٹ ایسا کر سکتی ہے اس کا انتظام تو اس کو کرنا چاہئے - جیسا کہ پرائم ماسٹر صاحب کا لیٹر ہماری آنریبل ماسٹر صاحب نے پڑھا ہے اس سے ہم امید کرتے ہیں کہ اگر ایسا کرنے کا موقع ہوا تو وہ ضرور اس کا خیال کریں گے -

تیسری چیز مجھے یہ عرض کرنا ہے کہ ہمارے انصاری صاحب نے ایک جنرل ریمارک یہ پاس کیا کہ صاحب کوئی انتظام اچھا نہیں ہے - وہاں کی جو پورٹ حج کمیٹی ہے اس کے ممبر اچھا کام نہیں کر رہے ہیں - کوئی خیال حاجیوں کا تھکانے سے نہیں ہو رہا ہے - اس کے متعلق ڈپٹی چیئرمین صاحب میں آپ کے ذریعہ اس ایوان کے سامنے یہ عرض کرنا چاہتا ہوں کہ بحیثیت ایڈوائزرز کمیٹی کے ممبر ہونے کے مجھے اکثر بمبئی جانے کا اتفاق ہوا - جس وقت جہاز وہاں سے حج کے لئے جاتا ہے اس وقت میں نے خود دیکھا ہے اپنی آنکھوں سے دیکھا ہے کہ وہاں کے افسیسرس

[ سید مظہر امام ]  
ایکسٹرنل افیسر مسٹری کے بھی  
آفیشلس وہاں کے کمیٹی کے ممبران  
نہایت جوش و خروش سے کام کرتے  
ہیں اور حاجیوں کو ہر طرح سے  
سہولیت پہنچانے کی کوشش کرتے  
ہیں۔ تو یہ جنرل ریمارک دینا کہ  
صاحب کوئی کام نہیں کرتے ہیں میرے  
خیال میں مناسب نہیں ہے۔ بہت  
کچھ امیدورمنٹ ہوا ہے اور آگے بھی  
امیدورمنٹ ہوگا اس کی ہمیں پوری  
امید ہے۔ اس لئے میں کہہ سکتا  
ہوں کہ گورنمنٹ حاجیوں کے معاملہ  
میں جتنی کیدرفل ہے اور جتنا ان  
کے لئے خیال کرتی ہے وہ میرے خیال  
میں بہت ہی قابل مبارکباد ہے۔

جہاں تک کمپنی کا سوال ہے  
گورنمنٹ خود عاجز ہے پریشان ہے۔  
جو بات گورنمنٹ کمپنی سے کہتی ہے  
اس کو وہ ٹھکانے سے سنتی نہیں ہے۔  
اس کے مطابق چلتی نہیں ہے۔  
لیکن آگے چلکر میں سمجھتا ہوں کہ  
ساری دقتیں دور ہو جائیں گی۔

ان الفاظ کے ساتھ میں پھر اس بل  
کو ہول ہارٹیلڈلی سپورٹ کرتا  
ہوں۔

†[سید مظلہر امام : (بہار) :  
میسٹر ڈیپوٹی چیرمین، میں اس بڑے ریفونڈنگ  
کے سلسلے میں صرف دو تین بار آج آج کرنا  
چاہتا ہوں۔ وہ یہ کہ ہمیں اطمینان ہے  
کہ حاجیوں کو سہولیت پہنچانے کے مت-  
للیک یہاں پر ممبروں نے جو کچھ ارج کیا  
ہے، اور خاصکر میں نے، اس پر گورنمنٹ

گوار کریں اور اس بات کو کنسڈر کریں  
کہ اس بل کو پاس کرنے کے بعد وہ خود  
اپنے جہاز چلائے۔ دوبارہ اس چیز پر  
گوار کرنے کی ضرورت ہے۔

دوسری بات ہمارے باج دوستوں نے کہی کہ  
ساہب کلکتہ سے ایک جہاز حاجیوں کے لیے  
جاتا تو اس میں سہولیت ہوگی۔ میں بھی یہ  
سمجھتا ہوں کہ یقیناً سہولیت ہوگی اور  
گورنمنٹ ایسا کر سکتی ہے۔ اسکا انت-  
ظام تو اسکو کرنا چاہیے۔ جیسا کہ  
پرائم مینسٹر ساہب کا لٹر ہماری  
آفیسر بل مینسٹر ساہب نے پڑھا ہے اس سے  
ہم اطمینان کرتے ہیں کہ اگر ایسا کرنے کا  
موقعہ ہوگا تو وہ ضرور اسکا خیال کریں گے۔

تیسری چیز مجھے یہ ارج کرنا ہے کہ  
ہمارے آنساری ساہب نے ایک جنرل ریمارک  
یہ پاس کیا کہ ساہب کوئی انتظام  
اچھا نہیں ہے۔ وہاں کی جو پورٹ ہج کمیٹی  
ہے اس کے ممبر اچھا کام نہیں کر رہے  
ہیں۔ کوئی خیال حاجیوں کا ٹیکہ سے نہیں  
ہو رہا ہے۔ اس کے متعلق ڈیپوٹی چیر-  
مین ساہب میں آپ کے ذریعے اس آواز کے  
سامنے یہ ارج کرنا چاہتا ہوں کہ وہ سہولیت  
ایڈوائزری کمیٹی کے ممبر ہونے کے مجھے  
اکثر بھروسہ جانے کا اتفاق ہوا۔ جس  
وقت جہاز وہاں سے ہج کے لیے جاتا ہے اس  
وقت میں خود دیکھا ہے، اپنی آنکھوں سے  
دیکھا ہے، کہ وہاں کے آفیسر، ایکسٹرنل  
آفیسر مینسٹر کے بھی آفیسر، وہاں کے  
کمیٹی کے ممبران نہایت جوش و خروش سے  
کام کرتے ہیں اور حاجیوں کو ہر طرح سے  
سہولیت پہنچانے کی کوشش کرتے ہیں۔ تو  
یہ جنرل ریمارک دینا کہ ساہب کوئی کام  
نہیں کرتے ہے میرے خیال میں مناسبت نہیں ہے۔  
بہت کچھ اطمینان ہوا ہے اور آگے بھی  
اطمینان ہوگا اس کی ہمیں پوری اطمینان ہے۔  
اس لیے میں کہہ سکتا ہوں کہ گورنمنٹ حاجیوں  
کے معاملے میں جتنی کیدرفل ہے اور جتنا  
ان کے لیے خیال کرتی ہے وہ میرے خیال  
میں بہت ہی قابل مبارکباد ہے۔

जहां तक कम्पनी का सवाल है गवर्न-मेंट खुद आजिज़ है, परेशान है। जो बात गवर्नमेंट कम्पनी से कहती है उसको वह ठिकाने से सुनती नहीं है। उसके मुताबिक चलती नहीं है। लेकिन आगे चल कर मैं समझता हूं कि सारी दिक्कतें दूर हो जायेंगी।

इन अलफ़ाज़ के साथ मैं फिर इस बिल को होलहार्टडली सपोर्ट करता हूं। ]

SHRIMATI LAKSHMI MENON: Sir, I have nothing more to add. I am very glad that the previous speaker realises the difficulties of the Government and appreciates the work that is being done. And when I read the Prime Minister's letter this morning, it was only an additional assurance that the Government is most concerned about the facilities provided for the pilgrims and would increase these facilities according to the funds available and also according to the success with which we negotiate with other shipping companies if at all a ship for pilgrim traffic is there.

Regarding facilities at Calcutta, the assurance is given by the Government that when facilities are available and the Government is able to open the Port for Haj traffic, perhaps a Calcutta Haj Committee also will be constituted to look after the needs of the Haj pilgrims.

Sir, one of the speakers complained about lack of charity in saying that no point was made. I do not want to discuss these things. It is open to the House to find out how Members behave and it is for all of us to realise that we should not hurt the feelings of others, that here we are discussing legislation and not personalities.

Thank you.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

## THE INDIAN PENAL CODE (AMENDMENT) BILL, 1959

THE DEPUTY MINISTER OF HOME AFFAIRS (SHRIMATI VIOLET ALVA):  
Mr. Deputy Chairman, Sir, I move:

"That the Bill further to amend the Indian Penal Code, as passed by the Lok Sabha, be taken into consideration."

Sir, it is a small measure which will have a far-reaching effect; it is a specific measure brought in for a specific purpose. Even though the Indian Penal Code has very many sections and punishments prescribed for the offences of kidnapping, abductions, maiming and the rest of it, we still needed some amendment to the Indian Penal Code to bring in a section which would serve the purpose, as we thought there was a grave situation in the country, namely, the kidnapping of children for the purpose of beggary and the more aggravated forms of kidnapping for the purpose of maiming so that the children may be made objects of pity for the source of livelihood of others.

Sir, this amendment was long overdue. It was considered in 1956 first by a conference and later by the D.I.G., C.I.D. Sub-Committee. A sample survey was made and it was thought that the situation in the country was bad, that here were gangs operating that carried away children for the purposes not only of exploiting them for simple beggary, but also for the purposes of inflicting such grievous injury and cruelty on them that left marks on them not only for the rest of their lives, but something that society in a welfare State could not tolerate any more. Therefore, we have brought in this measure before this House so that we could satisfy ourselves and see that kidnapping of children, especially making them objects of pity with untold cruelty inflicted on them, should come to a stop in the fashion that we want it to stop. Sir, the sample survey revealed that gangs were operating. And therefore drastic and deterrent