



GLIMPSES OF SPEECHES IN PUNJAB ASSEMBLY



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PREFACE

As its name suggests, the "Glimpses of Speeches in Punjab Assembly" contains merely samples of speeches taken at random from hundreds of thousands of pages of the recorded proceedings of the Punjab Assembly since its inception in 1937. No claim is made that this is an exhaustive selection of the best speeches. However, it does give glimpses of speeches of certain stalwarts who were forerunners of the present Assembly.

The Punjab Legislative Council constituted before the formation of the Punjab Legislative Assembly, had great significance in the legislative history of the Province. The "Dreamer of Pakistan", Dr. Muhammad Iqbal had also been the Member of the Punjab Legislative Council constituted in 1927. Therefore, the period of the Punjab Legislative Council has also been covered in this volume.

The publication of this handbook has been possible due to the patronage of Mian Manzoor Ahmad Wattoo, Speaker, Provincial Assembly of the Punjab, who inspired the idea of compiling these speeches.

Acknowledgements are due to Chaudhry Muhammad Iqbal, former Secretary, West Pakistan Assembly and Malik Ghulam Rasul, former Deputy Secretary, Punjab Assembly, whose advice and guidance was invaluable in the accomplishment of this onerous job.

SAFDAR ALI SHAH
Secretary
Provincial Assembly of the Punjab

FOREWORD

"History is to a nation what memory is to an individual" said Allama Muhammad Iqbal to whom the Pakistani nation is obliged for the conception of a separate home-land. The living nations take pains in preserving their history and traditions which remind the coming generations of their glorious past. No effort seems to have ever been made in the past to consolidate the information about the former Assemblies constituted from time to time. The compiling of detailed history of the Punjab Assembly has been started for the first time. It would require a great deal of research and labour and a considerable period of time for its accomplishment.

In the meantime the occasion for Golden Jubilee Celebrations of the Punjab Assembly had drawn near. In the very short time available for the arrangements of the Golden Jubilee, a collection of selected speeches of the former parliamentarians of the Punjab Assembly has been compiled as a humble tribute to our forerunners on this auspicious occasion.

Lahore:
19th December, 1987.

MIAN MANZOOR AHMAD WATTOO
Speaker,
Provincial Assembly of the Punjab.

FOREWORD

The Provincial Assembly Secretariat has done a commendable job by bringing out the Glimpses of Speeches of the renowned parliamentarians of this Assembly. This collection is the real heritage of this institution. These speeches preserve the high standard of debates and the calibre of old parliamentarians. The parliamentarians of the present day can benefit themselves from these speeches. The selection and collection of these speeches was a time consuming job. The Assembly Secretariat has put in great labour in the compilation of these speeches.

Lahore:
19th December, 1987.

CHAUDHRY MUHAMMAD ANWAR BHINDER,
Former Speaker,
West Pakistan Assembly

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1



KHAN BAHADUR MIAN FAZAL-I-HUSSAIN

*(Speech Made on "The Punjab Village Panchayat Bill"
on the 31st October, 1921.)*

Sir, I now beg to move that the Punjab Village Panchayat Bill, 1921, as reported by the Select Committee be taken into consideration.

In doing so, I just beg to invite your attention, Sir, to a few observations concerning the principle underlying this Bill. It is obvious, Sir, that so far as the Punjab is concerned, on the authority of scholars like Sir Louis Tupper, we have it that the village community as such existed in all its strength in the Punjab, and that this village community was a unit of political life in the country. It was almost complete in itself and the village community discharged the ordinary functions of administration and of judicial decision as well. Now unless we revive this village community, which does not exist in the strength which it at one time possessed, I do not see how the rural population in the Punjab can be so organised as to start upon its course of progress and development, and unless this unit of political life, the village community, comes into being how the various reforms which have been the crying need of India and of the Punjab can meet with any success. I claim, Sir, that the Punjab Village Panchayat Bill is not only a measure to make provision for sanitation and a few other things but it is a measure which is calculated to develop real political life in the country, a healthy political life which in course of time will knit together the rural population of the Province and will raise them up to the political platform where their urban brethren are, in order to share on a fair basis in the political advantages that, as time goes on, are bound to accrue.

Now we all recognise that while the British Government brought many a blessing to India, it has also entailed certain disadvantages, and one of those disadvantages consists in the weakening of village communal life. Perhaps that was inevitable inasmuch as the old state of affairs came into contact with a more advanced civilisation and therefore could not survive. Whatever the reason may have been, it has been the firm conviction of a very large number of people interested in the development of their country who have worked for the political emancipation of their country that the one thing which is absolutely necessary for sound advancement, and healthy advancement, is the revival of the panchayat system throughout India. One of the crying needs of the day is to save the rural population from the ever-increasing disease

of litigation. Some have felt that the thirst and hunger for litigation takes hold of its victim to a greater extent than, the medical authorities consider, cocaine is able to take hold of its victims. Therefore it seems to me obvious that any step taken with the object of getting rid of this disease, of curing the village community of this cancer, is well worth taking.

I think it was a very high authority, no other than our eminent countryman, Mr. Ranade, who said that it is absolutely essential that in village communities we should have not only the ordinary administrative functions but also judicial functions. With your permission, Sir, I will just read a quotation from him. The Late Mr. Justice Ranade said:- "There can be no doubt that the local Government limited to conservancy and charitable functions is more or less a misnomer and is doomed to inevitable failure, for it will never secure the same enthusiastic support by the population which would have been enlisted if local bodies had been organised on the English plan of appointing representatives of the local gentry, preservers of peace and guardians of law and associating with them representatives of rate-payers in every local board. It will be found that in no single self-governing country of Europe or America has the power and responsibility of magisterial and police functions been denied to the local bodies."

So it will appear, Sir, from this quotation from such a high authority as Mr. Justice Ranade that not only ordinary municipal functions, like conservancy and charitable things, have to be entrusted to these panches but much more than that is to be entrusted to them in order to make them enthusiastic about their work. Therefore, Sir, this principle that has been worked into this Bill, that is to say, giving judicial functions to selected panchayats when they have started upon their ordinary municipal work, has the highest authority in support of it. I hope, Sir, that in course of time these panches will tend to develop that solidarity in village life which has been lacking in the past. It will save the people living in rural areas from the tyranny of petty officials. It will also go further and save them from the ruinous results of litigation.

I claim, Sir, that these objects are such that they justify the experiment which I want to make, and I think that the faith we have in the soundness of the rural population will be justified in course of time. I also claim, Sir, that the political education of the rural people cannot be properly effected in any way better than the one I have proposed, that is to say, by making them responsible for the administration of their municipal and judicial affairs on a small scale. It will be noticed that the functions of these panches are laid down in the chapter beginning with section 14 onwards and they are graduated. There are the compulsory functions and the optional functions. Then there are the functions which can be entrusted to them by way of canal administration, or of looking after their own education, or by way of civil and criminal administration. The sections as to taxation are fair and equitable and at the same time likely to raise such funds as may be necessary to carry out the duties imposed upon them.

The responsibility of these panches will be to the rate-payers. That is one point and an important point which I want to emphasise, Sir, inasmuch as there is a great principle underlying it. The power to be given to panches is really power to be given to the rate-payers who can call upon any panch to render account. So really there is decentralization of power in the highest significance of that expression. There is decentralization from the paid official agency to the panches, the elected representatives of the people themselves. Then there is further decentralization inasmuch as each rate-payer is a person who can take any panch to task regarding money matters. That is the principle which underlies section 33 of this bill. With these observations, Sir, I trust that this Council will proceed to take this Bill into consideration.

2



MALIK FIROZ KHAN NOON (Shahpur East)

(Speech made on the resolution regarding Appointment of a committee to examine the claims of money-lenders against cultivators on the 5th March 1924.)

Sir, with regard to this resolution we have got to bear two facts in mind. The first is the object which the mover of the resolution desires to achieve and the second is the means by which he intends to achieve it. As far as the object of this resolution is concerned I am entirely in sympathy with him. There is not the least doubt that the agricultural population of this province is heavily in debt and that the rates of interest prevailing in this province are so high that the ordinary agriculturist is being crushed under its weight. The present law does not give the agriculturists any relief. And the village population is practically uneducated and is unable to realise the effects of the contract it may enter into with the money-lenders. They are entirely unable to read and write Urdu and least of all to read or write Hindi which is generally the language of the money-lenders. So it goes without saying that the majority of the agriculturists who enter into contract with the money-lenders do not understand what is being written in the account books. The law too does not give them any relief in this respect. Thus for instance, if an ignorant man enters into a contract, that document is sufficient to seal his doom, no matter whether that document is forged or not.

(A voice: There is Section 92 A.) I am coming to that. The law as it stands now is this. Under section 92 of the Evidence Act if the terms of a contract are reduced to writing, then no other evidence can be adduced to vary the terms of the contract. Thus if a contract between the *baniya* and an agriculturist is written on a stamp paper and if that stamped paper is produced in a court of law then the whole onus of proof is thrown on the agriculturist to prove that he did not agree to the terms contained in the document. (Cries of no, no.)

Well, Sir I have studied that point and I stick to it. That is where the law places an agriculturist. If the agriculturist says: I have never agreed to these terms, the law says; bring me some witness to show that you did not agree to it. Where is the poor agriculturist to go and get a witness? There was present only the *baniya* when the agriculturist signed the bond. If the rate of interest is too high, all that the law says is that the debtor should bring witnesses to prove that he did not agree to that rate. The burden of proof is thrown on the poor agriculturist with

the result that it is impossible for him to get out of the contract. Sir, the Government realised the difficulties and in order to cope with that danger they brought about the passing of an Act, called the Usurious Loans Act of 1918. In that Act, somehow or other some people succeeded in introducing a very vague term, that was the word 'excessive'.

Mr. President: I think we do not want a disquisition on the law. No doubt it is all relevant, but it is a little bit off the point.

Malik Firoz Khan Noon: What I wish to say is this. Is there any need for a committee of the nature proposed by the honourable mover of this resolution? If the agriculturist really needs any help, what is to be the nature of remedy? These are the arguments which I wish to bring forward in order to achieve my object. That law was passed in 1918 and it applies to all contracts entered into after 1918. Where a court considers that the rate of interest agreed upon between two parties is excessive, it has got the power to interfere under the Act. That is a law which can really be useful to the agriculturist. The main object as far as the honourable mover is concerned and as far as anybody else is concerned, is that in this province if a man borrows any sum of money, he must repay it. The only concern which the public has is as regards the rate of interest when it is very heavy. It is imperative that some means must be adopted to reduce the rate of interest. The law that was passed in 1918 has practically never been used by any of the courts in this province. It will be interesting if the honourable member in charge of the Judicial Department will call for statistics to show in how many cases, since the passing of the Act in 1918, the judicial authorities in this province have interfered with the rate of interest and cut it down when they found it excessive. I personally think that there will be only very few cases where courts have interfered with the rate of interest. As far as the ordinary law is concerned, if the agriculturist says that the rate of interest is very heavy, the burden of proving that it is an unconscionable bargain is thrown on to him. I can show from the law reports that in some of the cases the courts have allowed 20, 30, 40 and even 150 per cent interest. That is what is being done in the courts of justice and this is how the ordinary agriculturist is being treated. It is high time that the Government took some action to protect the agriculturist from this heavy and excessive rate of interest that is being charged in the villages.

Now the ordinary villager goes to a *baniya* to borrow money. The *baniya* says, he will charge only *one anna* in the rupee per mensem. The villager is never able to realise the consequences of such a bargain. He cannot calculate what an *anna* in the rupee means. He does not know that the rate of interest comes to 12 annas in the rupee per annum which means 75 per cent. per annum. Honourable members of this House can easily realise the heavy burden that is thrown on the villager who borrows from a *baniya*.

Mr. President: I must ask the honourable member to cut this argument as short as possible. He must not dilate upon it; he should be able to make his point in a few sentences.

Malik Firoz Khan Noon (continued): I will try to be as short as possible, but I am afraid I may not be able to come up to your expectations.

So far as the resolution is concerned, I do not think there can be anybody in this House or outside it who will disagree with the honourable mover. There is great need for some sort of relief being given to the agriculturist to protect him from the high rate of interest charged in the villages. It is necessary that in the case of a contract between an illiterate agriculturist and a money-lender, the burden of proving that the transaction is unconscionable should not be thrown on

the poor agriculturist. It is also necessary that provision should be made in the Usurious Loans Act defining that the rate of interest beyond a certain limit should be considered excessive. At present the term 'excessive' has not been defined in the Act. I think for that very reason the courts have never interfered with the rate of interest till now.

Lala Ruchi Ram, Sahni: [Punjab University]: On a point of order, Sir. The honourable member is proposing to introduce certain changes in the present Usurious Loans Act. The resolution before the House does not contemplate any such changes.

Mr. President: It is not in the resolution. The honourable member is trying to explain that the agriculturist is in a difficult position and so some remedy is necessary. I suppose he will get on to the resolution some time.

Malik Firoz Khan, Noon: (continued): My only object in arguing in that way is to show that unless a change is effected in the Usurious Loans Act defining the word 'excessive', we cannot get any relief in courts. Now with regard to the means by which my honourable friend wants to bring about that result, it seems to me that the resolution as worded cannot help us. I am afraid that the honourable mover not being a lawyer was at a disadvantage in drafting the resolution. Perhaps if he had consulted some other honourable members, better means could have been devised to achieve his object (Hear, hear). With regard to this resolution, he says: a committee should be appointed consisting of (a) a judge with insolvency powers, (b) a representative of cultivators and (c) a representative of bankers. The only law under which any action can be taken by the Government is under the Provincial Insolvency Act of 1920. Under that Act a local Government has the power to invest a District Judge or a Sessions Judge of a district with those insolvency powers. If the Government want, they can invest any other judge under a District Judge to exercise the insolvency powers. When a gentleman has been invested with these powers, it is open to either of the parties, the creditor or the debtor, to go and apply for declaring the debtor an insolvent. If the Act justifies a court to declare a debtor an insolvent it can do so, otherwise, it cannot. A committee consisting of three persons—a judge with insolvency powers, a representative of cultivators and a representative of bankers is quite useless. A committee like that can have no powers and can exercise no functions under the law unless the Council passes an Act beforehand giving them the required authority. The only law under which they can have authority at present is the Insolvency Act and that Act can only empower one person to exercise the functions and not three persons. Therefore even if we pass this resolution it will be illegal for the Government to constitute such a committee. Even if such a committee is appointed, they will have no powers under the existing Act. As far as the single judge with insolvency powers is concerned we have to see whether he can be of any use or not. The honourable mover of this resolution makes it voluntary for the parties to go to the committee for a decision of their dispute. That is to say, only if the parties agree to take their case before this committee, it can decide, otherwise it cannot. That is exactly the law to-day. If both parties agree one of them can go to the judge to declare the debtor an insolvent or better still they can bring about a compromise outside the court.

One other point with regard to this resolution is that it is impracticable to give effect to it. It will not give the relief that we all desire for the agriculturist. As a matter of fact, I will request the honourable mover to withdraw the resolution so that we all may put our heads together and try to find out a better means to get out of the difficulty. We can adopt some other measure to reduce the excessive rate of interest that is at present charged by the money-lenders.

3

MIR MAQBOOL MAHMOOD (Amritsar)

(Speech made on the Money-lenders Registration Bill on the 18th November, 1924)

Sir, I have always had a bad luck for lottery and that luck proved true even when the non-official resolutions were being ballotted. My place came far too low on the list. But, Sir, the courtesy of the Honourable the Leader of the House has made it possible for me to move my Bill at this session. For this accommodation I beg to convey to him my sincere obligations and when I do so I am aware that it does not commit him to any particular line of action when the details of my Bill come up for discussion.

The Money-lenders' Registration Bill, Sir, which I beg leave to introduce is intended to protect the borrowers the majority of whom are agriculturists, from the trickery of many of the money-lenders. It aims at securing that object by providing that every money-lender in the Punjab shall register his name and maintain regular books of account in the form prescribed, and that at the borrower's request, he shall furnish him with a copy of his account. This may not be a complete remedy, but I claim it to be an improvement on the existing conditions. Nor is the proposed legislation by any means a novel departare. The Lyeurgus enactments in ancient Greece, the Licianian Law in Rome, the Bochharis Edict in ancient egypt, and the texts of Gautama, Manu and Katyayana in ancient India covered, more or less, the same field in the past. The middle ages too had had its statute of Henry. And the English Money-lenders' Registration Act and its prototypes on the continent are modern expressions of the same idea. The present Bill, therefore, stands in good company.

This Bill, Sir, however, has been subjected to both friendly and unfriendly criticism in the press. This was expected. But it seems that all are agreed that the Punjab is dominated by the money-lender to an extent unknown in any other province. The population of the Punjab is only one-eleventh of the whole, but one-fourth of all money-lenders found in British India reside and work here. Moreover, there has come into being a large number of persons who add to their incomes by secretly lending money on usurious terms. This abnormal increase of money-lenders, I submit, Sir, is not an evil *per se* so long as they choose to remain honest business men. But, unfortunately it is not so in the Punjab, and there is reason to believe that many of our money-lenders juggle with their accounts. This is supported by the exposure of two different sets of accounts through surprise visits to several business premises, and by

similar other dodges mentioned in the latest report of the Income-tax department. Besides, those of us who are in the least acquainted with the rural life of this province know how easy it is for an unscrupulous money-lender to tamper with the pages or the entries of his Bahi. Let it not be understood, however, that I accuse all the money-lenders of this province of such shabby tactics. Far from it, I am aware of many of them whose dealings are absolutely clean and above board. They are an asset to this province and are entitled to our best admiration. For them the proposed Bill means no loss nor hardship as they keep regular and true accounts ready. The trouble lies not with them but with the unscrupulous and unfair type of money-lender. It is the latter who resents my Bill and the reason is not far to seek. It is because this Bill is likely to deprive him not of the fair profits of his business but of the convenience and earnings of his secret, irregular and under-hand dealings. In this, I feel confident that he will not find even a single champion in our Chamber. It may, however, be argued that after all the money-lender supports the agriculturists. I concede that, but with few exceptions he supports him just as the rope supports the man hanged. Moreover, it is obvious that my Bill does not seek to abolish the money-lending, but to restrict it to the better type and to honest methods. It is a plea for fair play to be secured by publicity and regularity of money-lending transactions. This is its underlying principle, and I hope that it will commend itself to every reasonable and unbiased member of this House.

It has been suggested, Sir, that the principle underlying the Bill is all very well, but that it includes many transactions and persons which should have been excluded and *vice versa*, and that penalty imposed is very severe. Now, Sir, these are arguable propositions on which honest differences of opinion can exist. They exist in the details and not in the principles of the Bill, and if the House so desires, they can be incorporated in the Bill before it is finally passed. I myself would welcome any constructive suggestions which, consistent with the retention of the principle underlying the Bill, may improve its provisions. They could all be considered in the Select Committee. It is for these reasons, in order to invite such suggestions that I move for circulation of the Bill rather than for its reference to Select Committee forthwith. The best course, therefore, open to those who accept the principle of the proposed Bill but differ with some of its provisions is to support it at the various stages till it is referred to Select Committee, in the meantime suggesting any amendments which they may desire to make.

Dr. Gokul Chand, Narang. Sir, I rise to a point of order. Is the honourable member making both motions together? Is the honourable member asking for leave to introduce and also for circulating it for eliciting opinion?

Mr. President: The honourable member did use the words: it is for these reasons that I move for the Bill being circulated for eliciting opinion. But I understood him to mean that he contemplated doing so in his next motion, provided leave is given. In any case, if he does make a mistake, which I do not think it is at all likely, I would call him to order.

Mir Maqbool Mahmood: That is what I meant, Sir. So far, I have confined my observations to the principle underlying my Bill. I would like to say a few words now about its necessity. As I have stated, Sir, in the Statement of Objects and Reasons, about two-thirds of the Punjabis live by agriculture. Their average annual income is calculated at Rs.40 to Rs.60 per head, while feeding and clothing alone of a prisoner in the Punjab jails costs over Rs.92 a year. Comment on these figures is superfluous. They present before us a serious human problem of huge importance. And, I submit, all our boasted talk of patriotism would prove mere hollow rhetoric unless we tackle this problem in a spirit of constructive statemanship by adopting means to increase their average earnings and to stop leakages in their present incomes. The Provincial Board of Agriculture has, at my suggestion appointed a special committee to suggest ways and means to increase their average income. This Bill is an attempt to stop the

unnecessary leakage in their present income.

The heaviest demand, Sir, against the income of the agriculturists to-day is, as I have calculated the item of about 12 crores interest paid annually to the money-lender. I find, Sir, that the accuracy of this figure has been challenged in the columns of the *Tribune* where it is calculated from the income-tax returns that the total income of the money-lenders of this province is about 5.25 crores. To whom, then, it is asked, could the zamindars have paid 12 crores as interest? Now, Sir, I submit that the calculation in the *Tribune* is open to two objections.

Mr. President: The honourable member has had nearly ten minutes, the conventional time for a speech for leave to introduce a Bill. I cannot allow him to continue much longer.

Mir Maqbool Mahmood: I shall not be very long, Sir. As I stated just now, Sir, this calculation of the *Tribune* is open to two objections. Firstly because it assumes that the total interest paid by the agriculturists cannot be more than the above calculated income of the money-lenders. Sir, with due deference to the *Tribune*, I beg to remark that this assumption is totally wrong. It confuses the gross receipts of the money-lenders with their net profits. The income-tax is assessed on net profits and not on gross receipts of a business. The calculation of money-lenders income from income-tax returns made in the *Tribune*, therefore, gives the net profits of money-lending. Their gross income is much higher than this. It has to cover losses-which our money-lending friends tell are very considerable-and the costs and expenses of the business. And when we talk about interest paid to money-lenders we are referring to their gross receipts and not to paid net profits. This is the first serious fallacy in the calculation in the *Tribune*. Secondly, it has confined its calculation only to the professional money-lender. This wrongly assumes that the zamindars do not pay any interest to the amateur money-lender. It only betrays a hopeless ignorance of the real conditions prevailing in rural Punjab. Sir, I have taken both these facts in my calculations, and I have made deductions of income of money-lenders from other sources. I have also tested my calculations of 12 crores with another estimate of the total debt of the agriculturists. Moreover, I find that my figures correspond exactly with the official estimate of 12 crores published in the decennial portion of the Punjab Administration Report, 1921-22. I wish, Sir, that the correspondents of that progressive paper dealt with their figures with a little more responsibility than they do with some of their articles.

Mr. President: The honourable member must not refer to newspapers in this way. Just one brief reference may be permissible to introduce his argument, but I cannot allow him to go in this way.

Mir Maqbool Mahmood: This brings me, Sir, to the concluding portion of my speech. There is reason to believe, Sir, that a portion of this sum of 12 crores is due to the usurious rates of interest charged and to the jugglery in accounts. Both of these items call for special treatment. The Present Bill, however, does not attempt directly to reduce the rates of interest charged. To secure that, my second Bill which is in the form of an amendment to the Usurious Loans Act defines the limits of excessive interest and it is under consideration and I hope to be able to introduce it before long. The Money-Lender's Registration is an attempt to stop, as far as possible, leakages in the agriculturists' income due to the trickery and uncertainty in the accounts kept by many of the money-lenders. I, however, maintain that the accumulation and the rates of interest are effected materially by the jugglery in accounts. The substantial savings and fair play, promised to the borrowers by the proposed legislation will indirectly but effectively improve their economic condition. It, therefore, deserves blessings of all fair-minded members of this Council.

One word more, Sir, and I have done. The preponderating majority of borrowers belong to rural areas about 70 per cent of the rural population. They are both simple and poor and most need protection against the unscrupulous money-lenders. It is for their benefit that the present Bill is primarily intended. But I have included the urban money-lenders also for two reasons, firstly, because of the practical difficulties of excluding them, and secondly, lest my colleagues here who represent urban interests should accuse me that I want fair play for rural borrowers, but deny it to urban borrowers. If the representatives of urban interests do not want this fair play for borrowers in their constituencies and want to reserve for their money-lenders, the profits of secret, irregular and unfair dealings, let them so declare. It has, however, been suggested to me that I should exclude from the operations of this Bill any person *bona fide* carrying on any business not having for its primary object the lending of money, in the course of which and for the purposes whereof he lends money. This seems a sound suggestion and I am prepared to accept it. Such cases can be exempted under exception (d) to the definition of 'money-lender'. But, if it is so desired they could specifically be excepted. This, then, Sir, is the Bill which I beg leave to introduce. It is by no means a communal measure. It benefits all alike. It seeks to protect 15 million Punjabi agriculturists, of whom 33 per cent are Hindus, 15 per cent. Sikhs and about 50 per cent. Mussalmans.

4



KHAN BAHADUR CH. SHAHAB-UD-DIN (Sialkot)

(Speech made on the resolution regarding the New Schedule of Occupiers' Rates for the Chief Canals in the Punjab, on the 21st November, 1924)

Sir, I rise to point out that reasons given by the Honourable Sardar Bahadur Sardar Sundar Singh to justify the enhancement of canal rates are fallacious. In his zeal to defend the high rate of *abiana* he has observed among other things, that-

- (i) in Egypt they charge Rs.23 per acre as water-rate;
- (ii) the owners of private canal in the Punjab are taking one-fourth produce as price of water; and
- (iii) the zamindars of the Punjab are very rich as they are purchasing squares of Government land at exorbitant price.

The fact that such a high water-rate is being charged in Egypt is irrelevant to the resolution under discussion. In fixing the price of water the Government of a country has to consider many a factor, the most important of which is the economic condition of the people. The zamindars of the Punjab are paying 12 crores of rupees as interest per annum. Are the zamindars of Egypt paying any interest or such an enormous interest? Is their indebtedness so heavy as that of the peasantry of the Punjab? If the answer to these questions is in the negative and it cannot be in the affirmative-is not the Honourable the Revenue Member's reasoning fallacious? Does then, the comparison made by him in support of the high rate of *abiana* hold good and justify the heavy and oppressive enhancement? Only the other day an honourable member of this House pointed out that the average annual income of a zamindar in this Province is about Rs.46 per head. This means that the average daily income of a zamindar in this Province is about an anna and nine pies. I shall be glad to be corrected if my figures are wrong, but if they are right, may I ask the Honourable Sardar Bahadur whether the average income of a zamindar in Egypt is the same, i.e., one anna and nine pies per head per day? If it is, the increase in the *abiana* is justified, otherwise, it is wholly indefensible and should be withdrawn.

A labourer or a coolie in a town in the Punjab is earning at least a rupee a day, which is nine times more than the daily income of a zamindar in the Punjab. The cost of living in cities is higher, no doubt, than the cost of living in villages, but is it nine times

higher? If not, is it fair, is it just, is it expedient, is it politic, to overburden the poor peasantry of the Punjab?

That the owners of private canals are charging a high price for their water, and that, therefore, the Government should also charge a high price, is a false analogy and fallacious reasoning. Would the Government be justified to raise the rates of railway fare and freight, because the owner of a tonga or cart plying for hire charges much more per mile than the railway is charging? But if the hire of a tonga or the freight charge of a cart do not afford in practice an analogy or justification for raising the railway fare or freight, what analogy or justification does the high charge of water-rate, charged by the private canal owners afford for raising the rate of *abiana* on Government canals? Should the Government ever try to equalize the railway fare and freight with the charges levied by tongawalas and cartmen, I am sure, it will make the passenger and goods traffic in the country impossible.

The third point urged by the Honourable the Revenue Member that the zamindars are so rich that they are paying exorbitant price for Government land, is against facts. Among the zamindars there is hardly one in a thousand who can afford to buy Government land without borrowing money for that purpose; while it is not denied that zamindars are buying lands, because agriculture is their only mainstay and they can do nothing else, it is not correct that they are paying the price of lands from their own pocket. They either borrow from money-lenders or purchase lands on instalment system and pay interest to Government. It is not right, therefore, to infer from their purchases that they are well-to-do or are rolling in wealth. They are very poor as a class and cannot bear the burden of enhancement in the rates of *abiana*.

Some occupants of the opposite benches have argued that, as canal water is a commercial commodity, it is open to Government to enhance its price at its pleasure and leave it to the zamindar to pay that price or not. This argument is bolstered up by the fact that the cost of irrigating land from a well is much heavier than the enhanced rate of *abiana*. In a nutshell the argument is that as the well water costs much more than the canal water the Government is amply justified to enhance the price of the latter, and that if the zamindar does not care to pay the enhanced rate, he is welcome to discontinue the use of canal water. This reasoning, though plausible, is quite unsound. Salt is a commercial article. But the imposition of salt tax has been strenuously opposed by the popular leaders. If a Punjabi zamindar can be told: "This is our price for the canal water. If you care to pay that price you can have the water, otherwise, you may do without it," why the consumer of salt cannot be told: "This is our price for the salt. If you care to buy it at that price, well and good, otherwise, you may do without it." Again, the importers and exporters of goods by railway as well as the railway passengers may, similarly, be told: "The journey by road costs you so much, therefore, we have raised our rates at our pleasure. If you care to pay the rates fixed by us, you are welcome to make use of our railways, otherwise, you had better journey or traffic by road." If salt is one of the necessities of life, canal water is equally indispensable for the agriculturists. Therefore, the enhanced rate of *abiana* cannot be justified on the ground that irrigation from wells is much more expensive than the enhanced rate of *abiana*.

Government should not play the role of traders and treat the zamindars as customers, inasmuch as the relations of Government with zamindars are much nobler and stronger than those between a merchant and his customer, and I am confident that Government would not demand more than the zamindars can pay. I am not addressing the "Bannia" Government which may demand categorically "a pound of flesh." On the otherhand, I am addressing that sympathetic and generous Government which gives taqavi to the zamindar when it finds him in need of it and acts promptly and mainly to relieve the inhabitants of flooded and famine-stricken areas, and I hope it

will consider the case of zamindars very favourably and sympathetically.

Some speakers on the other side of the House have scoffed at the zamindar members and accused them tauntingly of supporting the Budget demands of the Government at the passing of the Annual Budget and of expostulating and complaining now against the enhanced rate of *abiana* I deem it my duty to tell the critics that the zamindars have voted for the Budget according to their conscience and that now they are opposing the increased taxation as they conscientiously believe that it is unreasonable, unjust, and oppressive. Zamindars will support or oppose the Government according to the dictates of their conscience. It is far from their intention either to obstruct or paralyse the Government or to support it blindly in season or out of season. They consider themselves to be part and parcel of Government, and claim to be co-parceners and co-partners with it. They are friends and not antagonists of Government. So, I hope the Government will not alienate their loyalty by retaining the enhanced occupiers' rate against the united voice of the whole zamindar community. It is a notorious fact that the increase in question has created a good deal of discontent and unrest among the loyal agriculturists. I appeal therefore, to the Government to reconsider its decision and recall the notification in question. With these words, Sir, I support the resolution under discussion.

5



DR. SIR MUHAMMAD IQBAL (Lahore City)

(Speech made on the 10th March, 1927 on the Government Demands for Grants for Education)

Sir, the question of education is extremely important and I am glade to see that the honourable members who have preceded me have spoken with great enthusiasm on the subject. They have emphasized the fact that education is a common interest, that it affects all classes of the people of this land Hindus, Muhammadans, Sikhs, capitalists and labourers but they have not looked at the problem from the standpoint of a foreign government. A disinterested foreign government is a contradiction in terms. (Hear, hear.) The foreign government in this country wants to keep the people ignorant. A foreign government is a kind of Roman Catholic Church trying to suppress all the agencies that tend to enlighten the laity. The honourable gentleman who preceded me has conclusively proved from facts and figures given in the Report on the Progress of Education in the Punjab for the year 1925-26 that we are wasting tremendous amounts of money on education with no results. Can anybody deny in this House or outside this House that mass education is absolutely essential in the interest of the people? Primary education, secondary education, professional or vocational education are all various aspects of the same problem of mass education.

Well, the ancient sages of this country used to say that the world is *maya*, or illusion. I do not know whether the world outside this House is *maya* but I am absolutely certain that whatever happens inside this House is nothing but *maya*, though I must say that I am also a part and parcel of this illusion. (Hear, hear.) Let us take the various stages of education, that is to say, primary education, secondary education and higher education. Now, whatever interpretations may be put upon this report, one fact is perfectly clear from it, and it is this that the principle of compulsion must be immediately applied. If you turn to page 2 of this report, I mean the Proceedings of the Ministry of Education, you will find the following:-

"Thus, as the Director has observed, compulsion should not be regarded as an ideal of the distant future, but rather as a present and practical means of ensuring that the sums of money devoted to vernacular education are spent to the most fruitful purpose. It is hoped, therefore, that local authorities and all concerned will take immediate and effective steps towards a more rapid extension of the compulsory principle."

At the same time, the education expert, Mr. Mayhew, whom I have the privilege to know personally, has told us that, in so far as the voluntary system is concerned, the present outlook is gloomy. This is an argument in favour of the fact that the principle of compulsion must be applied. We are told that it is applied in the case of 42 municipalities and some 400, perhaps more than 400, rural areas. What happens there? We do not know anything from this report. We do not know whether any persons were ever fined for not sending their children to schools. Nor do we know the number of teachers who are teaching in these schools. Unless we are given sufficient information, we cannot say what these rural areas and municipalities are doing. As far as my personal information goes, I can tell the members of this House that nothing is being done and that there is an absolute waste of money. Only you have opened some schools and ostensibly compulsory, but not at all different to voluntary primary schools. I submit, Sir, that these schools are doing nothing at all, and in fact the way in which they are working does not amount to the adoption of the principle of compulsion. The report virtually establishes that the principle of compulsion must be adopted. In fact in the amount of money that we are wasting on primary education the report before us finds an argument in favour of the adoption of this principle. It says that a very large number of boys join the first class but the money spent on them is wasted as most of them fail to reach the higher classes. If you are spending a very large amount of money on them, then it is your duty to see that they reach the higher classes. Make them reach the higher classes by compulsion. Therefore my submission is that in so far as primary education is concerned, it is absolutely necessary in the interest of this province to adopt the principle of compulsion at once.

8



CH. ZAFARULLAH KHAN (Sialkot)

(Speech made on the resolution regarding Application of the Principles of Assessment of Income-Tax to the Assessment of Land Revenue on the 23rd February 1928)

Sir, there is no doubt that the question now before the House is not a simple one and is not very easy of solution. Nevertheless, when such questions arise one has to consider them and if one has been lucky enough to hear the arguments put forward on both sides, one is helped to arrive at a decision whether the principle of the question which is being discussed ought or ought not to be supported. Sir, the principal thing which has weighed with me in arriving at a decision whether I ought or ought not to support this resolution is the fact that the Honourable the Revenue Member, in a very clever and very brilliant speech, has tried to extricate himself from a difficult position and has in an indirect manner admitted that the principle underlying this resolution is correct although he has pleaded his inability, for various reasons, to carry it into effect.

The greater part of his speech was taken up in trying to show the impossibility of carrying into effect the principle of this resolution if it is passed by this House and he made very little attempt, if any at all, to show that the resolution embodied a principle which was unjust or condemnable on some other ground. He used arguments, which not he alone but even other members of the house have by this time got by heart which are apt to be employed by him on such occasions. He said: "If you want reduction of expenditure, that cannot be allowed because we can use up not only all the money that is available at present but all the money which can be made available for purposes of development. There are no other sources of income than the ones which are available to use at present; there is no possibility of reducing the expenditure and the result is that you cannot have any relief in taxation." That is a stock argument which the honourable member has always used, and he is no doubt entitled to use, in repelling any such suggestions which are now before the House. But his real answer to this resolution came when he said that even if he was prepared to accept this resolution there were his colleagues to contend with, particularly the honourable member to his left, there was the Punjab Government to contend with and then there was the Government of India, and finally the Secretary of State. The House, I am sure, would not be disposed to blame the honourable member for this. His insistence on this inability was an indirect indication to the House that the views which he had expressed concerning the resolution were not really hostile to the spirit of the resolution. He pleaded that he should not be forced to accept the resolution because he would not be able to carry it into effect.

Sir, we are grateful to the Honourable Member for the assurance that ever since he has accepted office as Executive Member he has endeavoured to administer the departments committed to his charge on the same principles on which the transferred departments should be administered. That is probably the strongest reason and justification for his occupying the seat that he now occupies. It is, however, a curious coincidence that this declaration is always used by the Honourable Member as a plea that this House should not press its wishes upon him. The only argument which he put forward against the resolution on the merits is this. He said it appeared to him that the present system of land revenue was not inequitable inasmuch as in the long run it was the consumer who paid the tax. Now, so far as land revenue is concerned, with very great respect to the Honourable Member, I am not prepared to accept that argument that land revenue is in the long run paid by the consumer. Prices of agricultural produce are affected by many factors as affect prices and it is also affected, in addition, by those factors which affect the crops themselves, e.g., the failure of rains, the failure of the supply of water, pests and a thousand and one evils to which agriculture is subject in this country. Had I been told that a tax imposed upon butchers is really imposed upon the consumers of meat or a tax imposed upon sweetmeat-sellers is really imposed upon the eaters of sweetmeat, it would be easy to follow; but it is not easy to follow the argument that land revenue is ultimately paid by the consumer. But, even if that were correct, it is no argument in support of the proposition that a person whose total income let us say, is Rs.30 a year should be compelled to pay a tax of, let us say, Re.1-8-0 per year to the State, when other persons whose annual incomes amount to, say, Rs.1,500 a year, are not paying anything to the State in the form of direct taxation. (Hear, hear). Again if this argument is true that it is the consumer who ultimately pays the tax, my submission is that the agriculturists in this province form the bulk of the population and, therefore, they themselves, form the bulk of the consumers not only of the agricultural produce but of other articles as well that are imported into this province. (Hear, hear). They, therefore, pay not only land revenue but also the bulk of other taxes which go to form the revenues of the State. Therefore, this is an additional argument that they should be relieved of the direct taxation of their own labours on their land.

Now with regard to the argument of the Honourable Revenue Member that we must have so much revenue for the development of the province, that we cannot get more from other sources and as this resolution is likely to affect one of the sources of our income, it will give us less money to spend and consequently the pace of development will be slow, it may be perfectly correct so far as it goes. But if by this argument the Honourable Revenue Member meant that the only possible forms of taxation are land revenue, *abiana*, court-fees, stamps and excise and nothing else and that nothing else could be devised, that argues a lack of financial acumen and a lack of statesmanship which is really lamentable.

The Honourable Mian Sir Fazl-i-Husain: For instance?

Chaudhri Zafarullah Khan: The Honourable Revenue Member wants me to explain. I shall try to explain. He said that it may be possible to save a few lakhs in expenditure by practising the strictest economy. This resolution asks for relief in regard to the smallest holders of land under a system which should begin now and be perfected within a period of 40 years. The first suggestion which I make to the honourable member is this. Save those few lakhs now; start at the bottom and begin with that relief. Give relief only to that extent to which your income would permit it. At present you are spending large sums of money on development and if these sums are wisely spent, if they are usefully spent, in the course of a few years you will have more industries, you will have larger commerce. If you spend your money wisely on your productive departments it will bring in greater prosperity all round and, therefore, greater ability to meet increased demands from the State. Therefore, though you cannot work a miracle or though you cannot practise alchemy, as the honourable member himself put

it, you should so readjust your system of taxation that within the period of 40 years you should be able to give relief to that class of persons who are admittedly heavily taxed at the present time. If your present expenditure on development is justified, a stage might be reached when it would be possible to derive an appreciable amount of revenue from industries. For instance, in the course of your development it may be possible to impose additional taxation, let us say, upon imports into this province when commerce has increased; similarly other sources of revenue may be discovered and are bound to be discovered in the course of the development of the province if you are spending wisely these large sums of money on the development of the province. When your sources of revenue have thus increased you can give greater and greater relief to the class which is heavily taxed at the present time.

The Honourable Mian Sir Fazl-i-Husain: The suggestion is that taxation should be increased on imports?

Chaudhri Zafarullah Khan: The suggestion is that the increasing prosperity of the province as a result of your development programme will increase the capacity to meet greater demands from the State. Each source of revenue is likely to bring in more and in addition, there will be new sources from which you can derive additional income, for instance, industries and imports. That may not happen to-day or tomorrow or in a year or two; it may come about in 10 or 20 or 30 years. As the income goes on increasing, you can go on giving more and more relief to the smaller land-owners. That is what has happened in other countries and there is no reason why it should not happen in this country.

Another argument advanced is that the system of land revenue is an old one and this system is one to which people have been accustomed. As to this, I may say that there are many ills to which people in this unfortunate country have been accustomed. If this argument is to hold good, you can give up fighting disease because people have been accustomed to disease; you can give up fighting famine because people have been accustomed to famine; you can give up making new roads, because people have been accustomed to travel on camels and carts. This sort of arguments never weighs with the Government when additional revenue is required. The people may say 'this form of taxation is a novel one to which we are not accustomed', but this would not prevent Government from imposing additional taxation.

Again, the resolution was described, by one honourable member, as one likely to lead to a paradise, but to a fool's paradise. If as the result of this resolution owners of two or three acres of land are likely to be relieved of the burden of having to pay ten or twelve rupees yearly to the State, they would all cheerfully submit to the designation of "fool's" in order to be admitted into this "fool's paradise."

Then it is argued that the political results of the resolution will be mischievous and that if the principle of income-tax is applied to land revenue, a time is likely to arrive when the franchise will be widened and those classes will get into the Council in whose interests it will be to lay a greater burden on the land and then they will go on raising the rate of taxation on land, say from four annas to six, eight, ten and even twelve annas in the rupee. That might happen provided the constitution of the province and of its population are entirely changed. At present we are assured that 9/10ths of the population of this province are rural and agricultural. Then I cannot conceive what time can arrive in this province when those classes will preponderate who have nothing to do with land. With the widening of franchise and the admission into this Chamber of all classes of persons, I think the element connected with land will preponderate more and more, and if at any time it becomes really necessary to put on a heavier tax on land, I have no doubt, that the people's representatives will cheerfully meet the demand and comply with it.

Another honourable member has contended that to ask for the relief which this resolution asks for argues a lack of sense of responsibility for self-government. The honourable member raised his hands in horror at the idea of agricultural people whose income is below Rs.2,000 per annum being exempted from land revenue altogether and he says that that shows that we are not fit for self-government.

My answer is this that if in the towns you exhibit a sense of responsibility in spite of the fact that while earning incomes amounting to Rs.1,999 *per annum* you are paying nothing to the State in the form of direct taxation, there is no reason why the zamindars should be charged with a lack of sense of responsibility when they say that they should be exempted, perhaps not to the same extent, but on similar principles. My submission, therefore, is that so far as the merits of this resolution are concerned nothing has been urged on behalf of Government or on behalf of those who have opposed this resolution from the non-official benches which would convince one that the resolution is a mischievous one in its spirit, and that it is likely to do harm instead of proving beneficial. If that is so, the resolution itself provides for the fact that there may be difficulties in carrying its spirit into practice because it requests the Government that that principle may be carried into effect within the space of forty years. With these observations, Sir, I support the resolution.

7



KHAN BAHADUR MIAN MUSHTAQ AHMAD GURMANI
(Muzaffargarh North)

*(Speech made on "The Punjab Minister's Salaries Bill"
on the 8th April 1937)*

I have been a member of the Punjab Legislative Council for the past six years and you may remember I have always been speaking in Urdu. The picture which has been painted by my honourable friends of the opposition reveals that our patient is suffering from complicated and acute diseases and is almost incurable. The result of their diagnosis is most alarming. Now the question is whether we should secure efficient medical aid by spending a reasonable amount of money in order to get the best treatment for our patient or content ourselves by sending our patient to charity hospital or leaving him in the hands of quacks and amateurs, in order to save money. My own view is that the life of our patient is too precious to be played with and that we should not grudge a reasonable amount of expense for securing expert advice and efficient treatment.

Let me point out at the very outset that democratic government is not the cheapest form of Government and if we are keen to have a system of responsible democratic government we should be prepared to pay the legitimate expenses which it entails. If the object of my friends is to have the cheapest form of government alone they should better revive the obsolete form of administration which used to exist in the province in pre-reforms days when a Lieutenant-Governor, with the aid of Chief Secretary, a "Mir Munshi" and one Financial Commissioner used to administer the whole province. Under a democratic system of government there is bound to be a certain amount of duplication of work and hence an increase in the cost of administration. My friends cannot have their bread buttered on both sides. They cannot have the cheapest form of administration and responsible democratic government at the same time. The opposition has proposed a salary of Rs. 500 per month for a Minister. In support of this view they have suggested that the income *per capita* should form the basis for fixing the salaries of Ministers. I am afraid, I do not agree with this fallacious view. If this theory is accepted no worker would get a living wage and the wages calculated on this basis will be ridiculous and impracticable.

It was suggested by one of the honourable members that the dignity and the status of a person does not depend on the amount of salary he gets. He suggested that Mahatma Gandhi, who enjoys the greatest respect from amongst Indians, lives only

on six pice a day. I have great respect and admiration for that great national leader, but let me point out with due deference that Mahatma Gandhi's 6 pice seem to be equivalent to £6 in value. He may be spending only 6 pice on himself from his own pockets, but the nation pays heavily for his fasts and sicknesses. Whenever he is ill he is provided with the best available medical advice and free treatment. I remember his convalescence stay at Poona cost his hostess several thousand rupees. His fruit diet alone, I am sure, far exceeds the limit of 6 pice a day. Mahatmaji's six pice a day do not, I am sure, cover his travelling expenses and other necessities of life. It is therefore clear that his expenses are several times over the income *per capita* in India but also his own earnings per day. Six pice a day cannot buy even the quantity of fruit, pure honey and goat milk, which is consumed by the great leader, not to say of other necessities of life for himself and his family, but if it does, I think, his holy coins must be valued at their weight in gold. Do my friends of the Congress Party expect our Ministers to be treated by the people as Mahatmaji is treated? I am sure, our Ministers would welcome a pocket money of Rs. 500 a month supplemented with all the requirements for themselves and their families, but I am afraid this arrangement will be far more expensive than the pay that has been suggested in the Bill under consideration. If we keep the salaries of Ministers low, the choice of Ministers will be restricted either to the capitalists and rich members of the aristocracy who enter politics merely as a hobby, or people of inferior intellect and capacity and political adventurers. In my humble opinion this would be an unwise policy. If we wish to secure the services of efficient, able and honest persons who enjoy the confidence of the people and possess administrative experience, capacity, courage and independence, we shall have to pay them a salary which may be commensurate with the requirements of their every day life, having regard to their environments and the standard of living which they will be expected to maintain. It would not be correct to engage a low paid engineer in a factory, because the labourers in the factory get low wages. It would be more profitable to have an expert engineer to run the factory efficiently and thus increase the profits and save the machinery from break down. If the profits are increased, the labourers will get better wages and the share-holders will get a better return on their investments. It would be false economy to engage a low paid engineer who may not have the capacity to manage or control the factory.

We and the Congress have different ways of doing things. The Congress and we both claim to work for the uplift of the masses and the rural population. The remedy which the Congress has suggested for ameliorating the peasants from their sufferings is by seizing their lands and relieving them from this source of trouble and worry. It reminds me of an anecdote. Once a person who was suffering from headache for a long time went to a quack and asked for a remedy for his unbearable malady. The physician suggested chopping off his head in order to remove the root cause of the pain saying "there would be no pain, when there is no head." (*laughter*).

Our Congress friends seem to follow this method, but we on the other hand wish to relieve the peasants of their trouble, without depriving them of their lands and possessions. We do not propose to run the administrative machinery of the province on a charitable basis. We wish to run the administration in a businesslike manner. Our object is to ensure full value to the share-holders of this great business concern on their investments and to secure for the taxpayer increased facilities and amenities of life. It has been truly remarked that the poor cultivator contributes to the extent of nine-tenths of the total revenue of the province, while he does not get even a one-tenth share of the beneficent activities of the Government. All the big colleges, hospitals, good roads and other amenities of life are centered in towns for the benefit of people who contribute not even one-tenth of the taxes. The Unionist Party have been trying in the past to get an equitable distribution of these facilities in the rural areas and it is our declared policy that we shall strive to remove this anomaly. We wish to distribute the profits equitably to each of the share-holders in this business concern, according to the value of his share and we shall endeavour to declare increased dividend on their investments.

We do not wish to hoodwink the people by playing on their sentiments and showing them that we have reduced a few thousand rupees a month from the salary bills of our Ministers. I am sure they would not be satisfied by this kind of false economy. What they expect us to do is to equalize the burden of taxation, give them better and increased facilities for education, public health and medical relief, better roads and better amenities of life. We are determined to raise their standard of living by increasing their income. We propose to develop cottage industries, provide better facilities for marketing, improve our agriculture, introduce crop planning on scientific basis, check wastage in Government Departments and enforce rigid economy in the cost of administration as far as it is consistent with efficiency. For a task of such gigantic nature we naturally require the services of efficient and honest people. We do not grudge spending a reasonable amount of money for securing their services. It would be false economy to curtail this expenditure at the cost of efficiency.

We should not forget another important point which is of great significance. The Congress has declared that by entering the legislature they propose to wreck the new constitution, while the Unionist Party's policy is out to work the new constitution inspite of its limitation, to the best advantage of the country and the people. So it is clear that the work of the Congress is of a destructive nature and that of the Unionist Party is of a constructive nature. The Congress has proposed a salary of Rs. 500 for their Ministers to pull down the structure of reforms, while we are engaging our Ministers to build the edifice on the foundations of the Reforms Act. There is bound to be a difference in the wages of a labourer who is engaged in pulling down a building and a mason who is engaged in construction. The electorate in the Punjab has given a verdict in favour of the Unionist's point of view and it should be our duty to respect that verdict and let the Unionist Party proceed with its constructive programme. The Congress and the Unionist Party have of course the same object in view, though the methods for achieving it are different. The Congress leaders think that we can achieve our object by wrecking the present constitution, while we believe that we can attain our purpose by constructive work and constitutional progress. The former method is risky and uncertain, while the latter course is steady and sure. In six provinces of India the Congress is enforcing its own plan. It is only fair that in the Punjab they should let us have our own way. The experience will show which is the better and more successful method and then either we in the Punjab will follow their line of action or they may adopt our course.

It has been pointed out by one honourable member from the opposition that our income has received a serious set back since 1925 on account of the fall in the prices of agricultural produce. The Unionist Party has not lost sight of this fact in determining the scale of salaries for our Ministers. We have proportionately reduced their salaries from the level of 1925 and after paying a higher rate of income tax and surcharge, they will get half the amount as salary as compared with that which their predecessors used to get in 1925. If we are able to secure a comparative decrease in the scale of salaries of other services, it would not be a mean achievement for our party. We do not think, we can go any further under the existing circumstances, but a time might come when we may succeed in further reducing the cost of administration. We should face the realities as they are, like practical men, and should not take an idealistic view of things. I would appeal to the House to co-operate with us and give us an opportunity to work our programme and achieve the best results from the new constitution. We would welcome constructive criticism, but criticism of destructive and misleading nature, will neither help us nor our opponents.



CHAUDHRI MUHAMMAD ABDUL RAHMAN KHAN (Jullundur)

(Speech made on 9th April, 1937 on the motion regarding position of Agriculturists due to Hailstorms)

I am very glad to note that our Government too have expressed their sympathy with the motion under consideration and that they too are at one with us in so far as the grant of compensation to zamindars is concerned and that they are conscious of the losses the zamindars have suffered through the recent hailstorms. But mere lip sympathy will not do as the repetition of the word "sugar" can never sweeten the mouth. In order to give a practical shape to this expression of sympathy, it is necessary to appoint an inquiry committee which should thoroughly examine the position and suggest ways and means for ameliorating the condition of the poor zamindars. I am obliged to make this suggestion because ordinarily Government officials are accustomed to take action on paper only without doing anything practically. Consequently it will be essential to make special arrangements for this purpose. I am afraid, the Government will do nothing beyond compiling a report after the routine procedure is carried out. My first and foremost proposal in this behalf is, that the Honourable Revenue Minister and the Premier should immediately proceed to the scene of disaster after the Assembly session is over. My second proposal is that a committee consisting of some of the most competent and independent members of the Assembly should be appointed to inquire into the matter and submit a detailed report. This committee should be called upon to examine the steps which the local officers have taken for redressing the grievances of the zamindars. There is yet another point which I wish to stress and it is this, that on occasions like this there is the danger of corruption taking place among the petty revenue officers. The persons offering some gratification to the patwaris will receive all possible concessions and remissions but the man who would rely on the sense of justice and sympathy of the government, will have to go without any such concessions. I am not talking of things which exist only in my mind and imagination. I have made this statement on the strength of my personal experience. Such things do happen very frequently.

Moreover, when we consider that the zamindars cannot make both ends meet even when their harvests are good, how will they fare after their crops have altogether been destroyed by the hailstorms? It is, therefore, essential that steps should be taken for doing the fullest justice to the claims of the zamindars. A committee consisting of suitable persons may be appointed thoroughly to examine the case and to suggest ways and means for redressing the grievances of the poor peasants. We should also guard against the appointment of pro-government members who in order to please their masters would be inclined to sacrifice the interests of the agriculturists.



DIWAN CHAMAN LALL (East Punjab)

(Speech made on 12th April, 1937 on an adjournment Motion Regarding Statement by the Secretary of State for India on interpretation of Provincial Autonomy)

I must with your permission congratulate Begum Shah Nawaz on the facility of her speech. It does not mean that I agree with what she said—far from it. But it was very happily worded and on behalf of the Opposition benches I extend our congratulations to her. (*Applause.*) The Begum's speech did sound to me more like a leading article in the Civil and Military Gazette. (*Laughter.*) But that is neither here nor there. What, Sir, is the question which we are about to discuss or we have been discussing? The question is this: that under the Government of India Act certain reserve powers have been held in abeyance from the representatives of the people of this country and they have been vested in the Governor and a conflict has arisen whether, while the representatives of the people of this country are acting within the constitutional sphere, it is right for the Governor to exercise those reserve powers. That in a nut-shell is the position. Begum Shah Nawaz gave an example. She felt a little depressed at the thought that if a cousin of hers came along and wanted to destroy her beautiful garden and said, "Do not interfere", what would she have felt about it. But I would ask her to remember that the garden does not belong to anybody else but to the people of India, and they have a right to destroy it if they want to (*Interruption*). Destroy it, I use the word deliberately, if they want to. My friends over there will remember what their friends in Great Britain did in the year 1914 when they were engaged in one of the most disastrous and tragic wars the world has ever seen. Did they not destroy the beautiful garden? But they had a right to do it and for the sake of their honour they destroyed it and for the sake of honour the people of India would be ready to destroy their garden. (*Applause.*)

Mrs. J.A. Shah Nawaz: One word of personal explanation. I did not mean any relation. I meant anybody who wanted to destroy the garden.

Diwan Chaman Lall: The sections of the Government of India Act, 50, 51, 52, 53, 54 and so on right through and the various other sections of that Act, deal with these reserve powers. This is the legal position. Now let us look at it from the point of view of Mahatma Gandhi and the Congress and the people of India. The legal position is there. Powers have been given to the Governor to interfere. He has every right to interfere according to the word and the law written down in the statute read with the Instrument of Instructions. But what we say is this. Though legally you have been given this authority, in actual practice we want you to create a convention of the

type that my learned friend, the Leader of the House, created this morning, a convention that you will not utilise these reserve powers so long as the cabinets are working within the sphere of their constitutional activities. Lord Zetland said in the House of Lords: "It is utterly impossible, utterly impossible for any Governor to give an assurance of this kind." Lord Zetland said that Mahatma Gandhi perhaps had not read the Government of India Act or the Instrument of Instructions or the Report of the Joint Parliamentary Committee. May I be permitted in my very humble way to say that Lord Zetland has not read his own constitutional history.

Every power that the dominions possess, about which Begum Shah Nawaz spoke a little while ago, everything that they achieved or that they wanted to achieve politically, constitutionally and legally through the Statute of Westminster and the powers that the dominions today possess, are derived practically from the development of conventions over-riding the constitution. If my learned friend wants chapter and verse for this let me give him chapter and verse. They must have heard of Lord Durham's Report which stabilized the position in Canada. Lord Durham stated in that famous report of his exactly what we are saying today: "It is difficult to conceive what could have been the fate of a Government which imagined that in any colonial government a body invested with the name and character of representative assembly can be deprived of any of those powers which in the opinion of Englishmen are inherent in popular legislature." He stated that step by step in Canada the financial powers which never were in the hands of the Assembly but were entirely in the control of the Governor, step by step these powers were taken away from the Governor and the conventions of the type that Mahatma wanted to be created in India, were created. But the fact is that Lord Zetland would have us believe otherwise.

There was a famous case in New Zealand in 1893. The Governor General had the power to add more members to the Upper House whenever he chose to over-ride the wishes of the cabinet. The matter was referred to Lord Ripon when he sent out a despatch in which he warned the Governor General that where the popular Assembly, in spite of the fact that the Governor had the power under the Statute, decides otherwise the Governor could not over-ride that decision. This is exactly what Mahatma Gandhi is wanting to do in this country. There has been a great controversy and a large number of lawyers have raised the constitutional issue, but there is only one issue to be raised in regard to this matter and that is, has the British Government the desire, is the British Government prepared, to create a convention whereby, while the cabinet is acting within the constitutional sphere, the British Government as represented by the Governor of the Province, will not interfere in their activities (*hear, hear*). Take another instance. Under the constitutional practice today and under the legal theory today, the British parliament can interfere in the Constitution of every dominion. They can make laws for the dominions, but today the British Parliament possessing so great a power would never be foolish enough to insist upon making a law for any British Dominion. The authority under the law is there, but convention prevents that legal authority being used. It was only in 1856 when the Colonial Laws Validity Act was passed that this very power was used by the British Parliament and never since has any British Parliament endeavoured to interfere with the legislative authority of the British Dominions (*hear, hear*).

Let me for the moment leave these examples and say that the constitution develops by the creation of conventions and all that Mahatma Gandhi asks for is that conventions should be created. Let me, leaving these points, come to Lord Zetland's speech, the matter which is before us. What is it that Lord Zetland says? He has charged, I am sorry to say, as I read that speech, Mahatma Gandhi with not having given the people of India a correct statement of facts. Now remember that Mahatma Gandhi said that it was his impression that he heard it and heard it with his own ears that Sir Samuel Hoare said that ordinarily the Governor would not utilize his powers. That is all that Mahatma Gandhi said. He never said that Sir Samuel Hoare has said to

humor anybody else that the Governor would give an assurance to them in advance. If you read Mahatma Gandhi's statement you will not find that particular sentence in it and yet because Lord Zetland had no other reply, he distorts the contents of the statement made by Mahatma Gandhi.

There is the authority which is vested in Governors should there be trouble in a particular province relating to a minority and Lord Zetland gives an example. Suppose a Hindu majority in a province says, we will reduce the number of Muslim schools, what will happen then? No popular assembly would take an action of this kind and it is a deliberate statement made by Lord Zetland in order to create an unnecessary communal bitterness in this country. Why? Because they have nothing else to stand upon nothing else on which they can base their arguments (*hear, hear*). On the other hand I can quote the example of the Frontier Province. Before the introduction of the new Reforms, when the province was run practically under the dictatorship of the British Governor, similar action was taken against the minority and the famous Hindi Circular was issued preventing education being imparted in Hindi to the children of the minority in these schools. What was the result when a pseudo-popular Government came into being? Immediately that particular circular was withdrawn. Lord Zetland's contention is that such an action might be taken in the case of a minority, but we have immediate proof of the fact that whenever a popular or semi-popular Government comes in, such action will never be taken by them. No popular Government can dare to take such action. Not only this but the position is perfectly obvious that there has been a great misunderstanding of the demand made by the Congress.

What is the demand made by the Congress? It is that within the constitutional sphere of activities, the Governor shall not interfere with the ministers. The sphere of constitutional activities means also the powers that have been vested in the Governor. It means also the protection of minority interests, peace and good government, it means also the Instrument of **Instructions**, that is to say the entire responsibility of the Governor. As I read the statement made by Mahatma Gandhi I find that all powers vested in the Governor henceforth become the special responsibility of the cabinet and if the cabinet is acting within the sphere of constitutional activities, the Governor shall not interfere with them. Nowhere has Mahatma Gandhi said that once a cabinet goes outside these activities, the Governor shall not interfere. It means only this that while the cabinet is acting within the sphere of constitutional activities, the cabinet is assuming responsibilities that are sought to be reserved for the Governors. It is only then it means that there shall be no interference in the activities of the cabinet. This I think is the correct reading of the position in regard to the demand made by the Congress.

Let me say one last word. A little while ago, the Honourable Leader of the House made a very important statement regarding the position that he would adopt, supposing there was interference on the part of the Governor. I want to remind this House that there has been interference in the ordinary activities of this House by the Governor of the Punjab, in a matter which came up here in connection with the adjournment motion which you were pleased to rule out. We have not been allowed to discuss even the question of the personnel of the Public Service Commission and yet we are told that "ordinarily" the Governor would not interfere in the constitutional activities of the cabinet. But I want to draw the attention of the House to a very important statement made by the Leader of the House. He stated "if the Governor interfered with our work in any way we will not hesitate to resign and ask the Opposition to come over to these benches." He also stated, "at any time that our work was impeded by the Governor we will in the interest of the province resign our office." I want with your permission to ask honourable members opposite to remember this statement and walk into the lobby and register their votes with us.

10



MALIK BARKAT ALI (Eastern Towns)

(Speech made on "Removal of Disqualifications" Bill on the 12th April, 1937)

I had little thought that the first autonomous administration of this province would take upon itself the responsibility of introducing a measure which is calculated to seriously impair the independence of this House and inflict a deadly blow on its liberties. My honourable friends who are occupying the Treasury benches cannot be unaware of the fact-and three of them are lawyers-I believe lawyers who have been dealing with these lambardari, zaildari and inamdari cases both on the original as well as on the appellate side,- my friends cannot be unaware of the fact that these village officials are under the complete control of the deputy commissioner of the district. *(Hear, hear.)* If a vacancy amongst their ranks occurs, the application is made to the deputy commissioner, who refers it to the revenue assistant on the revenue side. The revenue assistant refers it to the tahsildar who in turn refers it to the naib-tahsildar. On the police side, the opinion of the superintendent of police is obtained, which opinion is based on the report submitted by the inspector which report again is based on the report of the sub-inspector.

So you will be pleased to see that these village officials have to run a whole gamut of officials from the sub-inspector and the naib-tahsildar upwards to the deputy commissioner. It is the deputy commissioner with whom the final word rests. The powers of the deputy commissioner in making appointments of these officials are so great that even on appeal the appellate court says that appeals in lambardari and zaildari cases should not be encouraged; that the orders of the deputy commissioner should in all cases be upheld, that the choice is normally his and that superior officer should not interfere unless those orders are flagrantly perverse or as Mr. Latifi has now explained unless the deputy commissioners are seriously in error. Such being the position of these village officials *vis-a-vis* the deputy commissioner of the district, I ask the Honourable the Leader of the House if it is fair to this House and if it is at all compatible with its liberty and independence that there should be introduced into this House persons who are merely the creations of the deputy commissioners persons who can be nothing better than the voices of their masters who bring them into being. I am conscious of the fact that there are in this House a number of zaildars, lambardars and inamdars *(honourable members: Both sides)* yes, there are such persons on both sides of the House all honour to the gentlemen on my side of the House.

I was submitting that I am conscious of the fact that there are in this House persons belonging to the category of these village officials, but why is that? This is so, because Parliament, purely as a temporary measure for the first elections made them eligible. But as my learned friend pointed out, you will be pleased to see that as a permanent measure, Parliament has enacted section 69. All honour and credit to Parliament for enacting in section 69 that a person shall be disqualified if he holds an office of profit under the Crown. That is the general rule which Parliament has laid down: this is the very rule which the House of Commons enacted when the Parliament and the Commons after the Revolution of 1688 obtained the beginnings of responsible government. Before that the parliament did not possess responsibility; it has full legislative authority, but was not responsible in the sense in which the word "responsible" is understood to-day. It was after 1688 that the House of Commons became responsible. What did the House of Commons do? The House of Commons said that any person holding any office of profit under the Crown shall not be entitled to sit in the House of Commons. After having enacted this most general formula—a formula which ruled out any person holding any office of profit under the Crown from becoming a member of Parliament—the Parliament later on relaxed the rigidity of this rule, solely for the sake of enabling Ministers to accept their appointments; and even in their case how did Parliament proceed? Parliament said, Ministers no doubt hold offices of profit under the Crown, but responsible government and Cabinet Government would be impossible if that rule were kept in force. Parliament therefore relaxed it and made an exception in the case of Ministers only, but, Parliament added a condition that the Ministers shall seek re-election in order that the constituency may have an opportunity of demonstrating its confidence in the person who was going to accept an office of the Crown and become a Minister.

Mr. Speaker: Is that practice still in force?

Malik Barkat Ali: It was till 1926. I want to place before the House that from 1707 to 1926 in Great Britain Ministers of the Crown were required on their appointment as Ministers to seek re-election.

Mr. Speaker: Not now.

Malik Barkat Ali: We are not even a shadow of the Parliament of 1688 or 1707. From 1707 to 1926 for about two hundred years in that great democracy, which has taught lessons in democracy to the whole world, they refused to believe that Ministers would be able to remain free from the influence of the Crown; and although their democracy was planted much more firmly yet they made a change in the rule and required Ministers on appointment to seek re-election. We have to see what is the position in this province. In England the King does not say 'no' to his Ministers: the King has no special or reserve powers beyond the reach or control of the Ministers; the King is a constitutional monarch in every sense. He must act on the advice of his Ministers and if he finds that he cannot act on the advice of his Ministers he must either dissolve the House or dismiss his Ministers and call for another Ministry. That is not the position here. It took England two hundred years to do that; we are only at the beginning of responsible government in this province and in this country and there is greater need here and Parliament would have been well-advised when giving this constitution to this country to enact that Ministers shall have to seek re-election at the hands of their constituents. My learned friends would have realised their position if they had to go to their constituents to ask for their mandate and their confidence. I was submitting parliament to-day has given us the very same rule which it adopted in the year 1707; only it made an exception in the case of Ministers under the present Government of India Act. Section 307 has been referred to by my learned friend Mir Maqbool Mahmood, and he has interpreted it as a kind of compromise. Well, I have read the report of the Parliamentary Committee myself and I do not agree with my learned friend that section 307 was really enacted as a sort of compromise. In that

section it is laid down: 'for the purpose of the first election' and here the question of urgency will arise, of persons to serve as members of the Federal Legislature and of Provincial Legislature, no person shall be subject to any disqualifications by reason only of the fact that he holds-

- (a) an office of profit as a non-official member of the Executive Council of the Governor-General or a Governor, or as a Minister in a Province;
- (b) an office which is not a whole-time office remunerated either by salary or by fees.

You will be pleased to see that Parliament did depart from the general rule which it laid down in section 69 that in the case of a person who is a holder of an office which is not a whole time office remunerated either by salary or by fees, he is made eligible for the first election and not for election to the first Legislative Assembly. They could have done so if the matter had been urgent.

Mir Maqbool Mahmood: On a point of personal explanation. What I said was that the proviso of section 69 read with section 307 offered a working compromise. It was that for the purposes of the first election any person who is not a whole-time officer remunerated either by salary or by fees may contest elections and thereafter if the legislature of the province concerned want this exception to continue it is open to them to do so under section 69.

Malik Barkat Ali: I was coming to the point which my learned friend has referred to. It might be said that section 69, while enacting that the holder of an office of profit was ineligible, has given power to the provincial legislature of exempting from this disqualification certain offices declared by Act of the provincial legislature. My respectful submission is that when Parliament gave this power to this House of exempting the holders of certain offices from this disqualification, Parliament was contemplating such offices as were political in their nature, such as Parliamentary Secretaries or Under-Secretaries. My learned friend has provided in this Bill under discussion that Parliamentary Secretaries will be exempted from the disqualification of section 69. But my submission is that Parliament never intended to give this House the power of exempting from the general disqualification offices such as those of zaildars, lambardars, inamdars, etc., I have already made it clear that the zaildars, lambardars and inamdars are really the creatures of the deputy commissioners. I put it to the conscience of the Leader of the House if his constitutional sense would not be shocked if he or anybody on his side of the House were to propose that deputy commissioners, commissioners and financial commissioners be exempted from the disqualifications enacted in section 69. If his constitutional sense would be shocked I can see no reason why his conscience should not be shocked when it is sought to exempt from those disqualifications the creatures of the deputy commissioners, of commissioners and of the financial commissioners. If my learned friend thinks that there is no question of shock to anybody's constitutional sense by exempting the deputy commissioners, the commissioners and the financial commissioners, then I say, proceed and introduce them to this House. We can deal with the deputy commissioners and commissioners and financial commissioners face to face when they come to this House but it is rather unusual and difficult to deal with their creatures.

Then there is another aspect; lambardars, zaildars and inamdars would have to obtain permission from their deputy commissioners, to be able to attend this House. Would you at all tolerate this position as being compatible with the dignity of this House and with the independence of this House, that members of this House should have to seek the permission of an outside official agency, I mean the deputy

commissioners, in order that they may be able to attend the meetings of this House? The matter does not stop here. I was referring to the history of the Mother of Parliaments in England which proceeded step by step to completely exclude the influence of the Crown. It excluded the influence of the Crown by shutting out all officials under the influence of the Crown except the holders of ministerial offices. Therefore my respectful submission to this House through you is this, that it would be laying the axe at the root of the liberties of this House to make lambardars and zaildars and inamdars and sub-registrars eligible for membership of this House.

It is true that my learned friend the Leader of the House with the majority behind him, the majority that exists to-day, may be able to carry the day, but let him realise the implications of the proposal that he is making. He calls his administration an autonomous administration and he would have this House filled up with these officials. I hope that the Bill will sufficiently shock public opinion outside the House and the country will find sufficient enthusiasm aroused to ensure that these zaildars and others under the influence of the Crown are not returned. But this is neither here nor there. We shall meet that situation when it arises. But we are clear that a measure of this kind is not worthy of this House. Let my friend also realise this position. He certainly has been placed in a position of great trust. Let him remember that there is that thing which is called magnanimity in politics, and it has been said that magnanimity in politics is always the truest and the best wisdom. Great offices and little minds go ill together. Elevate your mind to the greatness of the trust to which you have called and see that this position in which you are, is utilised to serve the people and to enhance the dignity and the liberties of this House.

Before I close, I should like to place before the House another instance of the House of Commons. In the House of Commons, under the Common Law, sheriffs were ineligible to sit or serve as members of the House. Later the rule was relaxed a little and sheriffs were allowed to represent counties of which they were not sheriffs. In 1789 or somewhere about that time the Crown nominated a member of the House of Commons as sheriff. Up rose the House of Commons and passed a resolution to the effect that such a nomination of a member of the House by the Crown as sheriff was a breach of the privileges of the House. I expect the Leader of the House to circularise to deputy commissioners

Mr. Speaker : May I request the honourable member to speak to the motion?

Malik Barkat Ali : There is no urgency in the matter. Under section 307, Parliament only exempted these gentlemen from the first election to the Legislative Assembly. That first election being over, the exception has come to an end. I have so far been dealing with village officials. My remarks apply *mutatis mutandis* to the sub-registrars. These are certainly not appointed in the first instance by the deputy commissioners. But the recommendation emanates from them and it is a Member of the Ministry who deals with the recommendation and appoints the sub-registrars. These gentlemen will thus be under the influence of the Ministry; in fact, one can describe them as really the nominees of the Ministry.

The question is thus very important and there is no urgency about it. Let my friends wait and see the reaction and repercussion which their Bill will produce on the public outside. The result of circulating the Bill and eliciting opinion thereon will be better for them and for this House.

11



DR. GOPI CHAND BHARGAVA (Lahore City).

(Speech made on the general Discussion of the Budget on the 24th June, 1937)

I have been thinking about the question whether I should follow the convention of congratulating the Honourable Finance Minister on the budget he has presented to this House. Had I opened the debate and had I spoken on the very first day, perhaps I might have congratulated him. Though even now I congratulate him for the lucid expression and for the labour he has put in preparing these big books, yet taking into consideration the apology that has been offered by the members of the Government not by the Ministers, but by those honourable members of this House who have spoken in his favour that the time at the disposal of the Honourable Finance Minister was very little and therefore he could not produce a better budget and nobody in his place would have been able to do better because the time was so very short, I do not know whether in face of all these, my congratulations would mean anything. However, I must congratulate him for his lucid expression, and for the ability and labour which he has put in preparing these books. On the very first day that the budget was presented to us, I was asked to express my opinion and I had said that as far as the budget goes if we considered it from the point of view of carrying out any programme of reforms in this province, there was none, but as far as the book-keeping was concerned it was a very good specimen of book-keeping. And I think that the Honourable Finance Minister under the present circumstances, placed as he is, could not do anything better than bring all the demands of the different Ministers-in-charge together and compile them into a book and present them to us because the policy does not lie with him. There is the bania in the village. The Finance Minister is the bania in his zamindar Government. He has acted like a bania.

Khan Bahadur Nawab Muzaffar Khan: He is Todar Mal of the Punjab.

Dr. Gopi Chand Bhargava: Everybody wanted a certain sum and he enquired what income they could give him. On receipt of information as to the income he could get, he has placed all these figures together and therefore, I am justified in saying that this budget is nothing short of book-keeping.

We can approach the budget from two points of view. One is the political side and the other is the economic side. As far as both the sides are concerned,

the opposition party has been charged with two things. The first is that there is lack of co-operation. The second thing is that the responsibility for the expenditure which is being incurred for the additional police lies on the opposition party. (*Voices from Government benches:* Nobody said so.) I can say without contradiction that it has been pointed out that the people on this side are responsible for the communal riots in the province. I stand here to vindicate the position and honour of the opposition party. I stand here to charge the Government for all things. (*Hear, hear.*) Will the Government Ministers cite any instance where co-operation was called for and it was not given? What do we find in the case of formation of committees. While the Government, if they wanted our co-operation, could have taken more members from the opposition side on the revenue and retrenchment committees, but we find that only one man was called for and that was I and I agreed to work on it. In the same way when the question of the Unemployment Committee was raised, it was only one member on this side who has been called upon to work on that committee and that member has agreed to work. These are the instances which I quote to show that where co-operation was called for it was offered by us. What do we see on the other side? Time after time it has been said that such and such is the convention in the House of Commons, but what is the convention that we find now. The budget is presented to us for criticism but we are not allowed sufficient time for criticism. More time should have been allowed to us so that we might have been able to place our point of view before the House. Whenever we stand up to criticise any action of the Government or the budget, we are told that we come here solely with the purpose of criticising the Government and that we advance only destructive criticism. They say that there is nothing constructive in us. I say that we do put constructive proposals. My friend, Chaudhri Krishna Gopal Dutt, put constructive proposals so ably before you the other day.

We are prepared to put further constructive proposals before you, provided you are prepared to receive them and welcome them. My submission is that the Government is not prepared to listen to us or to receive any constructive criticism from our side. (*"Hear, hear" from the Opposition Benches.*) Well, Sir, how are we treated outside? I can say with certainty and I know it because I am personally concerned with it. It has been said that it is a national Government. It has been said that the Honourable Sirdar Sir Sikandar Hayat-Khan, our Premier, is the un-crowned king of the Punjab. But what we find is that even if he is the un-crowned king of this province, we people are being treated outside just as we were treated under the old bureaucratic rule (*"Hear, hear" from the Opposition Benches and "Question" from the Treasury Benches*) and not only we, but also those people, those electorates, who have sent us here and whom we say we are proud to represent. Well, Sir, I will set before you certain instances. When I leave Lahore and go to any station and I buy a ticket, the C.I.D. man comes and says, "Give me the number of your ticket and tell me where are you going" Then if we hold meetings to ventilate the grievances of the masses, the police reaches there and stops us from doing things, (*"Question," from the Treasury Benches.*) Well, Sir, people may question but they do not know the facts. I have conveyed the facts to the Honourable Premier. He can make enquiries. Nobody can say that it is wrong.

Premier: The honourable member ought to have waited.

Dr. Gopi Chand Bhargava: The Honourable Premier says that I ought to have waited. I am prepared to wait. This does not mean that what I am saying is incorrect. I am prepared to prove everything that I say. I have reports with me which I have received and there are some statements I issued to the press. Let any person come and contradict them. I am prepared to meet the consequences, if they are wrong. I know my responsibility and as a responsible man whatever I say I have reasons for it. I can prove it to the hilt. We tried to draw the attention of the

Government, if I may be permitted to say so, to the abuses of the Press Act. We have invited the attention of the Government to the release of political prisoners. But what do we find? The same old reply, the same old excuse which was put forward by the old British bureaucracy and imperialism.

There is one other incident which I would mention. We have received complaints that political prisoners in certain jails are not treated well. I did not rush to the press, I did not issue a statement, I did not make enquiries; but I sought permission from the Honourable Premier to see those prisoners. What was the reply? No reply at all. So far I have not been able to see them.

Premier: Question.

Dr. Gopi Chand Bhargava: I have got the letter and I can assure you that no reply had been sent.

Premier: I must make a protest against these remarks. I think that the honourable Leader of the Opposition is unfair and unjust in casting those aspersions. I wrote to him that when I go down to Lahore I would discuss the question with him. But when I went there, the honourable Leader of the Opposition was not there and had left a letter stating that he was going to Sind. On my way back again I broke my journey at Lahore to meet my honorable friend opposite, but apparently he was detained in Sind longer than he anticipated. That is the real position.

Dr. Gopi Chand Bhargava: My submission is that I have stated before you a simple fact. I do not think there is anything to discuss about it. In the United Provinces every member of the Assembly as a matter of right, is a non-official visitor of the jail in his constituency. Lahore Central Jail is the jail in my constituency which I have the honour to represent here. Had I been in the United Provinces, or the rules which are prevalent there had been prevalent here, I would have the right to go and visit the jail. I will be glad if the Honourable Premier permits me to see those political prisoners even now. I shall go and see them. I can promise that I shall send a statement to the press after I have met him and discussed the matter with him. I want all this. I do not want to create any fuss. I want to tell him that the majority party should not accuse the Opposition without knowing the facts. We have tried to co-operate, but there was no response from the Government side. In spite of the fact that the Opposition has got the right to criticise and criticise mercilessly the budget which is presented to them we are prepared to co-operate. The other side does not want our co-operation.

Well, Sir, we have heard talks here that the Unionist Party had issued a programme at the time of election and according to that programme they want to carry out reforms. Then it is said that Government had no time to consider the question of programme for these 5 years. My honourable friend Mir Maqbool Mahmood stood up and suggested that they should have issued a programme for 5 years and they should have carried out the reforms according to that programme. Well, from that I can safely conclude that so far no programme is made for carrying out reforms, as it has been conceded, as far as the present budget goes.

Mir Maqbool Mahmood: On a point of personal explanation, Sir. What I said was that we want a 5 years' programme for reform and expansion in the various departments. Neither the Unionist Party nor the Congress Party nor any other party in the province have gone into the details of such programmes.

Dr. Gopi Chand Bhargava: You may have heard the speeches on the floor of this House where it has been said that the Unionist Party has done this, has done that, they have this programme and that programme. But I would ask one thing, through you, Sir, what is that party which set up 4 or 5 candidates for one constituency and whoever

was elected was owned as a member of the Unionist Party? Well, the members on this side of the House are accused of coming here without any ticket. I may say that most of them came here on the Congress ticket, and that the Congress Party had a definite programme and a definite election manifesto. We have come here with a definite programme. We are not like those who have no programme.

An appeal was made by my honourable friend, Begum Shah Nawaz, that we should not try to wreck the constitution. (*The Premier: You cannot.*) Time will show. It has been said by my friend Mr. Afzal Hasnie that Mahatma Gandhi wants to work out this constitution and wants that the Congress party should accept offices in other provinces. Well, Sir, time was not given to us for the consideration of the memorable speech made by the honourable Premier, otherwise we might have shown that it is not Mahatma Gandhi. (*The Premier: Time was offered to my honourable friend.*) (*Interruptions.*)

Mr. Speaker: A personal explanation may be made immediately, if the member, who is speaking gives way and resumes his seat. If he does not resume his seat, then the gentleman, who wants to give personal explanation, should wait till the speaker has finished his speech.

Dr. Gopi Chand Bhargava: Sir, I wanted to discuss the point whether Mahatma Gandhi and the Congress were justified in not accepting office or the opinion of the honourable Premier was correct. Well, Sir, through the press we have tried to show that the people who have been elected by a majority in other provinces are quite satisfied with the position which the Congress has taken in those provinces. (*The Premier: Question.*) I think it does not lie in the mouth of the honourable the Premier to speak against the majority parties in other provinces. (*The Premier: I have not done so.*) What the Congress wanted was only this: we have got that power which we acquired by the majority gained in the elections. We want to snatch more power. We want to get as much power as we can within the constitution. Therefore, we do not accept Ministries. I do not know why people in this province are against this matter of acquiring more power. Do you not want more power? Are they satisfied with the power which they have got? If they do not want to acquire more power, I say it is unfair to the electorate, it is unfair to the House at large. We find it said that it was a national government. We find there is no change, no difference between the old and the new. Where is the programme? It is said Rome was not built in a day. I know Rome was not built in a day, Lahore was not built in a day. We may not get swaraj in a day. We shall get it when we have made sacrifices and have fought with the bureaucracy and imperialism and not by yielding to temptation of imperialism. It has been said that there has been no interference by the Governor in the working of the present Cabinet. May I ask one question and that is this: do the Ministers of the Cabinet not wait every day by turns and consult higher authorities? (*Voices from Treasury Benches: No.*) I am glad to know that (*hear, hear*).

A statement was published in the press that the Cabinet was presided over not by the Honourable the Premier but by His Excellency the Governor and that every meeting of the Cabinet was presided over by His Excellency the Governor. His Excellency is within his rights to do so. I have not got the least right to criticise him but I can demand on the floor of this House as a member of this House that our Cabinet, i.e., the Cabinet of this province should not yield to these things. His Excellency the Viceroy has been pleased to say that the rights of the Ministers are mandatory. They should not yield to His Excellency the Governor. I have been told, I do not know how far it is correct, that even in the matter of appointment of an officer, though the Minister in charge holds a different opinion yet the man whom the Governor chooses is appointed.

Premier: My honourable friend the Leader of the Opposition should not make allegations of which he is not sure. I submit that it is unfair to himself, to this House and

the public outside because his speech will naturally receive prominence coming as it does from a responsible person, the Leader of the Opposition.

Dr. Gopi Chand Bhargava: I have already submitted that as far as my knowledge goes and the information I have got, I have no reason to disbelieve unless it is contradicted by the Premier. (*The Premier:* It is.) Now that the honourable Premier contradicts it I am glad to know it. I shall be very glad if I find that in future the Cabinet acts as a responsible Cabinet. Their powers are mandatory and they should not yield to any person however big or august he may be. It is said that Cabinet will take care of itself. I say no. It is our right also to demand that they do not give up their rights.

Mr. Speaker: May I request the honourable member to wind up?

Dr. Gopi Chand Bhargava: Sir, I have to say a few words on the economic side of the question. The Finance Minister admits that it is not a surplus budget: it is a deficit budget. Though several honourable members have congratulated him on the basis of the budget being a surplus one he admits that it is a deficit budget. He said in his speech that it is a deficit budget. If I may be permitted to quote, he says:-

The small surplus is liable to disappear because in the present estimates of expenditure no provision is made for the two Committees one on 'Resources and Retrenchment' and the other on 'Unemployment' which the present Government announced on taking office that it was its intention to constitute. Nor was it possible in the estimates to make adequate provision for the salary and allowances of the honourable members of the Assembly as the report of the Committee appointed to determine these was made only a few days ago, and has not been yet considered by this House.

Again he says: "We should not be afraid of a deficit budget." I am quite in agreement with him. If you want some money to carry out our projects, it is not necessary that we should find out capital out of our revenue only. We may have extraordinary receipts. We may sell the land which is lying fallow or which is not being used/earn something, treat it as extraordinary receipt and spend in capital outlay as a productive measure.

Sir, now I have to say a few words about two things. One is that much has been said about remission of 25 lakhs and much has been said about 20 lakhs given to the beneficent departments. I am one of those who would not be satisfied with remission of even one crore. The demand for the assessment is so large and the method of assessment is so bad that it requires re-orientation. We must change the system of assessment so that there will be no occasion for remission. Remission has been made, it is said, due to a hailstorm, and remissions have been made in the past. Looking to the circumstances prevailing in the province, my submission is that this system of assessment ought to be changed. We want a new method of assessment. The proportion should not be one-fourth. It should be less; all the charges that the peasant has to incur in sowing, reaping, etc., should be deducted when assessment is being made. It is not done now.

We are not satisfied with any remission. That means that the Minister can show favours and favour leads to favouritism. We do not want favouritism in any district. Every peasant should be assessed on a graduated scale and on a certain definite system. It should not depend upon the will of the Minister. That is what we want.

The other thing is retrenchment in services. What do we find? There are 30 big officers. Out of these 30, the service is manned by 25 foreigners and 5 Indians, and we are told that in no time there will be 29 Britishers out of 30 and there will be only one Indian amongst the big officers of this province. We are opposed to it. We do not want it. We want that our province should be ruled by the Punjabis or Indians and not by outsiders. We may not be able to supply such able people but we have got the right to

even misrule our country because we are the masters of this country. We do not want slavery.

I have to make just one more observation and that is about the Haveli Project. I would like the Cabinet to keep two things in view. One is that the contract for this Haveli Project is not given to a European firm; it should be given to an Indian firm. The second thing is that the material which is to be used should be Indian and it should be produced in this province, so that we may be able to supply some work for the unemployed of this province.

SIR SUNDAR SINGH MAJITHIA (Batala)

*(Speech made during General Discussion on the Budget
on the 24th June 1937.)*

It is my fortune to be in this House again after the lapse of something like ten years when I gave up the charge of Revenue Membership of the Punjab Government. At that time also the portfolio of Revenue, one of the most paying departments in the province came to my charge and I had to deal with it, according to the lights that have been given to me. Even under the new reforms I am called upon to take charge of the same portfolio. It is a difficult job, and heavy task for me in my old age (*An honourable member*: you are not old, you are young.) I have taken up this task because my province wants my services and it is not right for me to refuse to accept the task. It was not an easy job for me to face an election, but I had to do it and as a result of that election, here I am for your service and that of my province which I feel it my privilege to do in the last years that are left to me in this life (*Cheers*).

It has been said that there is no advance in the province. I admit that the advance is not as much as we desire. We certainly desire more, but the time and experience before us will show whether we can take a step forward in the advance of the country. I am not lacking in enthusiasm or desire to see our province advance to the last stage, call it by whatever name you please, whether it is *swaraj*, *purna swaraj* or by whatever name it may be called. But what we have to do is to show to the world that we have taken up the responsibility and we are sure to discharge it to the best of our ability that God has given us. (*Interruption.*) You may take it to come from the British Parliament, but I believe it is God who ordains all this. But let me not be interrupted.

I will start with the criticisms that have been levelled against the departments in my portfolio. I start with Irrigation. I am glad to find that not much criticism has been made as regards the income and expenditure of this department. But certain suggestions have been made as regards the new projects which are going to be taken up. The first of these projects is the Haveli Project. Sanction for that has been received according to the old rules from the Government of India though according to the new rules we need not go up to the Government of India for such sanction for any project that we may put forward for execution. The project is going to cost us 536 lakhs. Out of this amount we have to meet the cost of earthwork, stones, cement and steel which we require for carrying out this project.

Some members have asked me to give an assurance that out of this project everything would be taken from the country. I quite agree with that suggestion and I may inform the House, as I informed the members when they were speaking, that earthwork, stone and cement belong to the country and only as regards steel we may have to go outside the country if we cannot get it in the country itself. I can inform you sir, and through you the House that every endeavour would be made to get the supply of steel from the country. But I may be pardoned if I have to say that under certain circumstances we have to see to the cost of the steel and if we could get the steel at better prices in India we will certainly not go outside the country to purchase it. But in case we are unable to do that, we shall have to go elsewhere to get it so as to complete the project within the means at our disposal.

I have been told that in this project every sort of economy should be exercised. I may inform my friends that the project has been very carefully prepared. It has been vetted by the Irrigation Board of the Government of India on which the chief engineers of the Punjab and the chief engineers of other provinces sit. They go through the estimates very carefully and after their careful scrutiny the thing has to get through. My friend, Prof. Roberts, suggested that there should be an Inspector-General of Irrigation in this country to whom these schemes should be sent up for verification looking into as to whether they are correct. I am thankful to my friend for the suggestion. But I think that under the present state of finance he does not mean that we should add another big expenditure at present in engaging an inspector-general of irrigation. The project at the present moment has been thoroughly vetted and I think he may rest assured that any project that is put before the House for sanction will have received the best advice that we can in the country and I may also assure him that every endeavour will be made that the thing is not a *kuchha* one but is a *pucca* one throughout. I may also inform the House that in the construction of the work the system of tender will be used. There will be no favouritism shown to anybody. But people will be asked to tender for the construction work and the lowest tender will ordinarily be accepted unless we consider that the lowest tenderer will not be able to carry out the work. In any case we will try to take the lowest tender as far as is possible. The time of construction, I may tell the House, will be between 3 and 4 years. So the expenditure that I have pointed out will be spread over three or four years. A large amount will be spent during the year when the work is in full swing and the lowest when the work is nearing completion.

Next as to the Thal project. About that we have not to go to the Government of India for sanction. We are competent to give sanction for that project. I may inform the House that at the present moment the project is being looked into very carefully by the three chief engineers of the Punjab. If later on there is any necessity to get some outside advice we will not hesitate to do so. I may inform the House through you that we have got the Irrigation Board of the Government of India on which the chief engineers of all the provinces sit together and we may if we find it desirable refer the project to them. (*Interruption.*) I may inform the House through you that the cost of the project would be about seven crores. It is under examination and there is no likelihood of that project being taken in hand immediately.

My friend and colleague on my left has spoken about the Bhakra Dam and I am equally anxious about the project which I started as Revenue Member. A good deal of water has passed under the bridge since then and as yet the project has not seen its way out of the quagmire in which we find it still. The difficulty, I may point out, is that the dam where it has to be constructed happens to fall within the territory of the Raja Sahib of Bilaspur. Twenty thousand one hundred and forty-six acres belonging to the State and 7,705 acres belonging to the Punjab will come under the dam. I may inform the House that in this project 171 villages of the Bilaspur State would be submerged. Therefore, we must give the Raja Sahib suitable compensation when asking him to vacate that area for the construction of the dam before we can get this project through.

In that area there are temples, there are palaces of the Raja Sahib and if we take any action without consideration, I think we may be held up by some of our friends that we are treading on unsafe grounds by interference in religious matters. His Highness the Raja Sahib of Bilaspur was offered cash compensation of 25 lakhs and an annual compensation of Rs. 8,000—renunciation of the annual nazrana that the State pays to the Government—Rs. 8,750 under Remissions of land revenue on the 50 per cent basis of the matured area.

As an alternative we also asked him to accept 5,000 acres from the Nili Bar Colony which considering the prices that we get for our lands these days means Rs. 14,76,234 besides the other facilities. Up to the time His Highness has not accepted this offer. Under the circumstances we are face to face with a difficulty which we cannot overcome being a subject between an Indian State and the government of the Punjab. As long as my honourable friend and colleague on my left, the Honourable Chaudhri Sir Chhotu Ram is there, the House should rest assured that this project would not be allowed to be forgotten. But if unfortunately, this project does not fructify, we shall have to explore other avenues in order to meet the necessary requirements of the people of this area of Hissar and Rohtak districts. Investigations are being made just at present to store the waters of the Jumna river and to increase the supplies in the Western Jumna Canal so as to make it available for the area to be dealt with by the Bhakra Dam Project. We are also investigating the question of sinking tube-wells and my friend and colleague, the Honourable Malik Khizar Hyat was telling me that the probability is that if we want electric power to work these tube-wells they would be able to extend the Hydro-Electric Scheme. I have seen something of the work being done in the United Provinces. Sir William Stampe, the Chief Engineer of the United Provinces, is a very keen enthusiast and under his care and supervision the grid scheme is working. We deputed an engineer of the Irrigation Branch to go and get first hand knowledge of the work that is being done in that place (*hear, hear*) just with a view to utilize that experience in case the Raja Sahib of Bilaspur did not come to terms with us.

Some of my honourable friends have been telling us about the corruption in the Irrigation Department. Unfortunately there is some truth in that (*A voice: Some truth?*). There is some truth in that and I stick to that because everyone in the department is not affected by this evil. There are some black-sheep certainly in the department (*laughter*). One of my friends also said that several of our engineers do not know anything about remodelling of outlets. This is a statement which is far from truth. Probability is that my honourable friend is not aware of the instructions that are given by the Chief Engineer to the subordinates working in the department. If I am permitted I may read a few words from this note given to me by the Chief Engineers: "Very strict control is exercised over the execution of the remodelling scheme and if there is any corruption it is entirely due to the ignorance of the zamindars."

Sardar Sampuran Singh : That factor is always there.

Minister for Revenue : Who give and offer bribes to these people to get beyond their *huq*?

Sardar Partap Singh : Why not abandon the remodelling altogether?

Minister for Revenue : It is all very well to say why allow these things. Government has made a rule to meet a contingency like that and I may say that the rule provides that if five persons apply complaining against an officer who is corrupt, enquiry must be made by the government about that officer's conduct. This is being done and will be done in future to eradicate the evil of corruption (*hear, hear*). (*A voice: Till doom's day.*) Doom's day or to-morrow. Rome was never built in a day. We are building it and you, the friends on the Opposition benches, must help us to eradicate this evil. In this connection my old friend Mian Abdul Aziz reminded me of what we

had done in the olden times. He made a complaint and we asked him to furnish evidence. He put forward the ordinary suggestion that those people should not be run in for bribery. That is a question which had to be dealt with by courts and not by me. If he had produced his evidence I would have certainly seen at that time when I was the Revenue Member that those persons who gave evidence against corrupt officers were not molested or taken to task. Beyond that I could not go. I thank him for reminding me of it. I thought it had been buried long ago, but he has exhumed it.

Mian Abdul Aziz : Would you be able to do it now?

Minister for Revenue : I can assure the honourable members that if under the new rules, as I have just stated, any complaint is made against any officer and it is substantiated, certainly action will be taken, but you will not like me to condemn a man on hearsay. I will take the severest action possible and make an example of him to show that we do not want corruption in our department. (*Mian Abdul Aziz:* Thank you).

I do not think I need say anything as regards Forests. Expenditure is more and income is less. I admit it is so. But Forests are not only meant for earning money they are meant for other purposes in helping rainfall and saving land from erosion and we should not consider it as a department which is meant for making money and nothing else.

Now I come to the most important question of land revenue. I am not behind any man in this province in feeling the necessity of doing our utmost for our poor zamindar brethren (*hear, hear*). (*Chaudhri Krishna Gopal Dutt:* Platitudes.) May be platitudes. Yours may also be platitudes. I have in the two or three months of the life of this Government had occasions to travel and see with my own eyes the damage done to the crops by hailstorm. Where is the man with a heart who would not feel this tragedy! (*hear, hear*). Some of my friends opposite told me that they would like to accompany me on these tours. But when the time came I found that they were nowhere to be found. I am sorry for their absence but all the same it was my duty to see things for myself and I have done it as my duty and nothing more. I hope that I will not be found wanting when an occasion arises for me to perform my duty. If God gives me strength I can assure this House that I will do my level best. Whatever amount of relief we have given we have not given a gift, though there is a certain amount given by way of gift, *i.e.*, the amount that we gave out of the Famine Relief Fund. That is a gift pure and simple, but the other part was their due and we find that it was necessary to give this relief and we did it.

I may have to leave many things unsaid because the time at my disposal is very short. But my honourable friend said that the old land revenue policy has no sanctity behind it. I may just tell him that we can not say this light-heartedly and throw away our old system. The Land Revenue Amendment Act was passed in 1928 and if any further new amendments are required, I can assure the honourable members that I will be there to help them. If any amendments are proposed that are likely to help the people of the province, I will help them to carry them through.

13



LALA BHIM SEN SACHAR (North Western Towns)

*(Speech made on the motion regarding University Education,
on 8th July, 1937.)*

Sir, I think this is the first time that we have heard some very refreshing phrases from the lips of the members both on this and that side of the House. Some very interesting words have been used : even the word "scandalous" has been applied in describing certain events and some for the fiercest criticisms have been levelled against the apathy of the last Government towards the educational system that prevails in this province. It is really very pleasing to hear that there is one subject at least on which, as the honourable mover of the cut said, we are expected to feel together and speak together about the grievances of the people of the province. I think, I am on perfectly safe ground when I say that the present system of education is so hopelessly defective, is so hopelessly rotten and is so hopelessly out of tune with the real needs of the province that not a minute should be lost in completely overhauling it.

When I say that this system of education is unsatisfactory there must be some reasons for my characterising it as such. Why do I characterise it as unsatisfactory? We call a person unsatisfactory when he does not come up to our expectations. Similarly when we say that this system of education that prevails in this land of the five rivers is defective or unsatisfactory it only means that it does not fulfil our expectation. Why is it that this deity of learning and knowledge which is the giver of choicest blessings should withhold those blessings from these unfortunate people of this land? Why is it that we do not get from this deity what is our due? After all, what is the minimum that we expect from this education. I speak in the language of a plain man. I do not refer to the various reports that my honourable friend the mover of the cut has so ably and lucidly placed before you. I shall not burden the House with quotations from here and there and figures taken from this book and that. I shall try to face the situation as we find it. I shall talk in the language of a plain man who feels that the present system of education has hopelessly broken down and that immediate steps should be taken to relieve the distress in which the people of the province find themselves with respect to this (*Hear, hear*).

What do we expect from this education? This education is expected to give us health, wealth and character. Shall I talk of health. Shall I show you the models of health that this education is producing in this province? Shall I take the greatest product of the Punjab University, a first class first of the M.A. degree Examination and

make a present of that noble young man to you with withered cheeks, sunken eyes, broken back, panting for breath, a mere bundle of bones? That is the picture that I draw of the general product of our University. Judged by this test of health, the system of education in our province stands condemned. (*Hear, hear*). There are, I am sure, many honourable friends in this House who would fain renounce their degrees of Masters of Arts, if only they could get back their rosy cheeks, if they could stand erect and like the peasant in the field, they could bear the hardships and privations of life. But, alas, for those friends the past is gone, they have been sacrificed at the altar of the present system of education. Therefore my first submission is that we must so shape our system of education that it takes account of the physical health of the students. The system of education which does not make military training compulsory for every boy in this province is not the system of education that this province requires. (*Cheers*).

We hear that the police has to be maintained in order to keep us in check, to protect us against breaking our heads or fracturing of limbs. What else can we expect in this province where people are not able to defend themselves? If I had a say in this matter, I would sacrifice lakhs if only the province can keep its fair name and dignity thereby. We do not want the police to protect us if we only have the physical strength that is our due.

Then coming to the question of wealth, how much of wealth has this system of education enabled us to earn? It is well known to honourable members that the present system of education has not generally enabled the sons of the Punjab to earn even a bare living. There are many honourable members in this House who are aware of the sad plight of the youth of the flower of this province. I am also one of those unfortunate people who have almost daily to come across young men with applications in their hands for jobs on Rs. 30 and Rs. 40—the flowers of the University, M.A. first class first, with 15 or 16 years of education behind them, with the wealth of their parents wasted at the altar of this deity in the hope that they will be able to earn a living and be a source of sustenance for the poor old parents. There is not a man in this unfortunate land of ours who can earn a living for himself as of right. It is only the lucky few who get some opportunities of making a living for themselves. I am sure it will not be considered an exaggerated statement or an irresponsible remark on my part when I say that this system of education generally speaking does not enable young men to earn a living for themselves.

That is not all. Look at the tragedy of this system of education. If it does not enable young men to earn their living it may result in consequences which are fraught with danger. Remember it is unemployment that constitutes the real danger to the peace of the province which is so much near the heart of the people. I want the Government of the day to take a very serious note of that. It is no use saying, "There is so much of unemployment, where are the means and the resources to come from?"

Permit me to make a reference to a simple illustration. Take the instance of a home where the total income is only Rs. 100 per mensem. The young sweet boy of the family is laid up with typhoid and the best medical advice is suggested, which would cost about Rs. 75. If the medical aid alone would consume away Rs. 75, would Rs. 25 be sufficient for the parents? I put it to you: will those parents say, "Oh no, we will not give this medical aid to this boy because we cannot afford to forego the luxuries that we must have?" Do you think those parents who love the child so dearly would prefer to have their own luxuries to sacrificing them for the sake of the child?

14



SIR SIKANDER HAYAT KHAN (West Punjab)

(Speech made on the resolution regarding Retirement of Government Servants, on the 4th March 1938.)

Sir, I have listened with great interest, and if I may confess, with quite an open mind, to the speeches made from both sides of the House about this resolution. I am afraid, that there seems to be a certain amount of confusion in the minds of several speakers, who have contributed to this debate to-day. But before I refer to those points, I must enter a caveat against the attitude which my honourable friend, Sardar Kapoor Singh, took up with regard to this resolution. He was responsible for raising the communal body which we all deprecate, and I hope you will allow me to make it clear to the House that any communal preference to any community will not and cannot be allowed so long as I am here as the head of the Government (*Hear, hear*). This resolution, as I read it, means that certain persons should be retired before they are ordinarily due to retire according to the existing rules. A great deal of heat has been engendered over the wording of this resolution and one of the arguments used by my honourable friend the Leader of the Opposition was, why should dishonest and inefficient men be allowed to go on till they complete 25 years? I think that it was a very cogent objection, but let me point out to him that the resolution, as I understand it, means that those people, whose honesty is doubted, but there is no actual proof against them, should, if they have completed 25 years, be sent away.

My honourable friend also said that those people who are dishonest, if they are to be removed from service should be given an opportunity to explain their position or to clear their position. I entirely agree with him that in the interest of equity and justice we should not remove anybody from service unless we give him the fullest opportunity to clear his position and that is the law at present. That is what the rule says. If a man is dishonest and if Government wants to remove him from service they hold an inquiry into his conduct, frame a charge or charges with regard to the various allegations made against him and give him an opportunity to produce his defence and clear his position. It is only after that the Government takes a decision with regard to his removal or retention in service. But that is not the point. The resolution, as I understand it, is this, that after 25 years of service if we have no actual proof sufficient to inquiry into the conduct of an officer, but his reputation is doubtful with regard to honesty and integrity he should be removed straightaway from service without the necessity of an inquiry. That is the difference. As my honourable friend may be aware, if he is not aware let me inform him that every Government servant has a personal file and his

superior officers record their views and opinion about his efficiency, integrity and honesty and put in various other factors with regard to his work in that particular department and those entries are made every year. There may be adverse entries but those entries may not be sufficiently strong to justify the institution of an inquiry but the cumulative effect of such entries naturally would justify Government in coming to the conclusion that this man has now done 25 years of service and after all his reputation has not been too good and although we cannot dismiss, we should give a chance to a younger man. There can be no objection to that I do not think that any one will object to it. So far as a dishonest officer is concerned, Government has the right and I think it is the duty of Government that when they find an officer dishonest he should be at once tried in a judicial court or a departmental inquiry should be held into his conduct and if he is proved guilty he should be returned out at once. I do not think that any member of this House would say 'no' to the proposition. They would all accept it.

My friend Diwan Chaman Lall said that after all removal and compulsory retirement mean the same thing. They are two different things. Removal means dismissal. Even there is a difference between dismissal and removal, and compulsory retirement is quite distinct from these two things, dismissal or removal. Compulsory retirement means that a man is retired without the necessity of holding an inquiry under the rule. I understand that that is the intention of the mover of the resolution. I may be wrong but I assume that that is intention of the mover.

My honourable friend, Diwan Chaman Lall, said that these things were obvious, where was the use of moving this resolution? Let me point out to him that so far as I am concerned this resolution would be of the greatest practical use to me, because at the moment the position is this that whereas the local Government has got the fullest power and authority to remove or compulsorily retire people after they have put in 25 years service in the case of Provincial Civil Service or the superior services, I have not the same authority with regard to the subordinate services. The words used in this resolution are: 'all Government employees,' which means that if this House wants to give me this power, I will have to frame a rule and issue instructions to all heads of departments that they should immediately when an officer has completed his 25 years' service look into his record and if for reason of inefficiency or doubtful honesty they consider that his retention would not be in the interest of the public service they should at once recommend his removal from the service. But the removal will not be made by the head of the department. Let me assure my honourable friends in every part of the House that we will not allow the departmental heads to have the final say. It will be for the Government to see that nobody is unduly punished. It will be the duty of Government to see that nobody is unjustly victimised. I can assure my friends that nobody will be victimised for any reason whatever. But if my honourable friend mover of the resolution will let me say so, I may point out that while there is an advantage from the point of view which I have just explained, he is also trying to fetter my discretion by moving this resolution, and if the House passes this resolution it would to some extent fetter a discretion, which I possess at present. With regard to the provincial services and gazetted officers, I have a much wider power than what is sought for in the resolution. My honourable friend wants me only to use that power if the officer is inefficient or dishonest. At the present moment I have got the authority and power under the existing rules and regulations to remove an officer after he has completed 25 years of service if it is in the public interest to do so without assigning any reason, and let me tell my honourable friend that during the 1932 retrenchment campaign we came to the conclusion that it was in the public interest to reduce the cadre of certain services but it could not possibly be done without amending the law and you could not send away servants who were already in service without breaking the contract, but this particular section of the Civil Service Regulations gave me the power to send away redundant officers. We had to eliminate the worst officers or the least efficient, if I may put it that way. My friend sitting opposite will remember that we weeded out

several officers during 1932 from the Forest Department, I sent away seven officers from the Forest Department, about two dozen officers belonging to the executive and judicial branches of the Provincial Civil Service and a dozen belonging to the engineering service, not because they were inefficient but because they were the least efficient. All these were officers who had put in 25 years of service and we sent them away under these rules in the interest of the province. If my honourable friend fetters my discretion, I would be very reluctant to allow my power to be circumscribed or restricted because it may be found necessary to-morrow to reduce the number of public servants if there is not work sufficient to keep them in service, and therefore if this resolution is passed, it would not enable me to do so unless that officer is found to be inefficient or his honesty is doubted. The present rule, *i.e.*, note 1 to Article 465-A., of the Civil Service Regulations reads thus:—

Government retains an absolute right to retire any officer after he has completed twenty-five years' qualifying service *without giving any reasons*, and no claim to special compensation on this account will be entertained. This right will not be exercised except when it is in the public interest to dispense with the further services of an officer.

My honourable friend the mover of the resolution will agree with me that this gives me much wider power. If the resolution is accepted, then in the case of the subordinate services where I do not have this power under these rules, I will have to frame a rule and issue instructions to the heads of departments that this resolution should be given effect to.

So, if my honourable friend wants to fetter my discretion, he is at liberty to do so and I will have no objection in accepting it if it is passed. If he thinks that my discretion should be fettered, it will be fettered. But if the House thinks that my discretion should not be restricted with regard to these officers, then it will not be necessary for my friend to press his resolution, because I can give him the undertaking that I will frame a rule so far as the subordinate services are concerned, something to this effect : that every Government servant under the control of the provincial Government shall be liable to compulsory retirement after the completion of 25 years of service if his retention in service is undesirable in the public interest because of inefficient or unsatisfactory record and a Government servant thus retired will have claim to no compensation. This is what I propose doing if my honourable friend wants to have it with regard to subordinate services. With regard to other services I think that he will be well advised not to press this resolution because otherwise he would be fettering my discretion and the power of Government under the existing rules to dispense with an officer who has completed 25 years of service. I hope I have made myself clear.

15



DIWAN BAHADUR RAJA NARENDRA NATH (East Punjab)

*(Speech made on the Punjab Restitution of Mortgaged Lands Bill
on the 23rd June, 1938)*

Sir, it is my painful duty to oppose the motion which has been brought forward by my revered friend, the honourable minister for Revenue, with whom I have always walked in the same lobby hand in hand. I strongly object to the principle on which this Bill has been framed. More than once, assurances have been given from Treasury Benches that the scope of the Land Alienation Act will not be extended. Even in the manifesto of the Unionist Party, there is absolutely no promise of extending the scope of this Act. I cannot imagine a more objectionable way of extending the scope of the Land Alienation Act than by giving it a retrospective effect. I invite the attention of the House to section 298 of the Government of India Act. Clause (1) lays down the principle that with regard to the acquisition of property no distinction of caste or creed or race will be allowed. Clause (2) refers to the Land Alienation Act as an exceptional measure. But there is no authority given for allowing retrospective effect to this sort of legislation, which has always been of a controversial character and which is imbued with the principle of class discrimination.

It seems to me that the mind of the Ministry is working in a wrong groove. They have been telling us that whenever relief is given to the peasantry and consequently there is financial loss to the provincial government, the loss would be equitably distributed among the richer classes, both urban and rural. In fact a declaration to that effect was made in the address which was presented to His Excellency the Viceroy when he visited the province last and which I was asked to read. My action then was called in question in the press, but I did not explain my motive. I, however, once explained in this House that my real motive was to help in making this announcement. Now, up to this time no measure has been brought forward by which relief to the peasantry has been granted and the loss thus caused to the budget has been equably thrown on the bigger landlords. This is one objection on principle.

I also object to this Assembly exercising its power of interfering with proprietary rights which were exercised in the past under the law which was then in force. What is there, then, to prevent this Assembly consisting of a majority of statutory agriculturists from interfering with the proprietary rights themselves. (*Dr. Sir Gokul Chand Narang*: They will.). I therefore object to the Bill on this ground also. You know very well that the value of land both urban and rural has appreciated very

much. Supposing Government brings forward a Bill tomorrow to cancel all the sales that have been effected within municipal areas where the price has gone up thirty or forty-fold, providing that the purchasers should be paid back the money with interest, say 6 per cent., since the purchase was made. What is there to prevent them from bringing forward such a measure? I must therefore strike at the principle of the Bill and raise my objection at the very commencement. Of course hopes have been created in our minds in the course of conversation that the preamble of the Act and the distinction made between agriculturist and non-agriculturist mortgagees will be removed. But where is the guarantee that the select committee can do this? Even guarantee that the select committee can do this, where is the guarantee that it will unanimously accept this proposal? Shall we have only to be content with writing minutes of dissent? Even assuming that the select committee accepts the suggestion or the proposal unanimously, is there any guarantee that this House constituted as it is, will accept it? Under those circumstances it is my paramount duty to raise my objection at the very outset. I therefore object to the Bill going to select committee. The policy adopted by the Congress in other provinces has been held up to us as a bugbear. (*An honourable member*: It is not a bugbear to us.) It has been said that the Congress has gone much beyond what is proposed here. (*An honourable member*: In the wrong direction). As far as I am aware the Congress has up to this time not interfered with proprietary rights. (*Hear, hear.*) They have only reduced the rate of interest and have not allowed the interest to go up to double the principal amount. This Bill does not even observe the *damdupat* principle.

I need not make my speech very long. I think I have given the salient points on which my objection is based. I hope that I shall be supported by the Congress members who are strong advocates of non-discrimination. Now I want to put their professions to test. I want to see whether they are opposed to all discriminatory legislation. Here is the Bill which is distinctly of a discriminatory character which in my opinion ought not to be allowed to go to select committee. With these remarks I resume my seat.

16



RAI BAHADUR MR. MUKAND LAL PURI (Rawalpindi)

*(Speech made on Registration of Money-lenders Bill
on 24th June, 1938)*

I beg to move—

“That the Punjab Registration of Money-lenders Bill be circulated for eliciting public opinion thereon by the 15th of January, 1939.”

Sir, the registration of money-lenders has been the subject matter of many legislative attempts not only in the Punjab and the other provinces of India, but also in the Central Legislature. But so far these attempts have always had one result, *i.e.*, they have invariably failed because after investigation and careful consideration of the question it was found, firstly, that it was impracticable to find a definition of ‘money-lender’ which would relate to the transaction of money-lenders and which would not oust the casual lender who by common consent is the most honest and cheapest giver of credit. Secondly, it was found that the registration of money-lenders, which is bound to reduce the number of money-lenders and absolutely oust the casual lender, would so far reduce the facilities for credit that the trade and industry would be seriously hampered. It was noted that the banking facilities which existed in other countries and which are the main source of supply of credit for trade and industry are absolutely wanting in this country. They exist only in name. Therefore in spite of the fact that there was an Act called the Money-lenders Act in England which required registration of money-lenders, the conditions in India being entirely different from the conditions in England, all the provincial governments and the Indian Government have so far come to the conclusion that the registration and licensing was unsuitable for conditions in India.

Now, Sir, for the first time this matter came up before the Indian Legislature in 1918 when they had before them the British Money-lenders Act which provided amongst other matters for the registration of money-lenders. The Government of India after calling for the reports from the various provincial governments and after instituting their own enquiries, introduced what is now known as the Usurious Loans Act and definitely rejected the provisions of the British Money-lenders Act dealing with the registration of money-lenders as definitely unsuited to the conditions in India. That was, Sir, in 1918.

Again this question was taken up for the second time in the Imperial Legislature in 1923 on the motion of a private member, I think it was Mr. Yamin, now Sir Yamin Khan, which amongst other matters dealt with the registration of money-lenders. Mr. Haig speaking for the Government of India definitely opposed that motion and pointed out that this was a matter which was absolutely impracticable. If you refer to page 2590 of Volume III, Part III of the Assembly Debates for the year 1923 you will notice that Mr. Haig observed:—

"The question of registration of money-lenders was one of the questions specifically considered by the Government of India prior to the legislation that attended the Bill of 1918. All Local Governments were then consulted on the matter, and with your permission, Sir, I shall read the replies of some of the Local Governments on this subject. They were all unanimous that the definition of the term 'money-lender' and the registration of money-lenders were practically unworkable. The Government of Madras reported:—

"The registration of money-lenders would be a formidable and almost impossible undertaking and would be so far from complete as to be useless."

The views of the Government of Bombay are very pertinent and deserve being placed before you in some detail. The Government of Bombay stated—

"The problem of dealing with money-lenders in England is totally different from that of dealing with them in this presidency, and arguments from the success of the Money-lenders Act in England are, in the view of the Governor-in-Council, full of danger. In England a small and fairly well-defined class of professional lenders catering for a comparatively small class of borrowers has been taken under control without difficulty and without interfering with or unsettling the whole of the credit system of the country. In India practically every one with a little money in hand lends it out, and the agriculturist who has saved a few rupees is often quite as rapacious as any *sahukar*. Registration of money-lenders would represent enormous difficulties in India and in fact may be said at once to be impracticable. Even to arrive at a satisfactory definition of money-lenders would be a hopeless task."

Sir, that was the result of two legislative attempts by the Government of India, by a Government which is responsible for good government in this country.

Again, the matter does not rest here. The Government of India appointed a committee, the Central Banking Enquiry Committee, whose object in the first instance was to deal with this matter of finance and credit and their unanimous recommendation was that the registration of money-lenders was uncalled for and unnecessary. That is an expert opinion which should not be set aside lightly. There was in addition to that Central Banking Enquiry Committee, as the House is aware, another committee called the Punjab Banking Enquiry Committee. This committee was presided over by Mr. Calvert than whom the zamindars have had no greater friend. This is the gentleman who is responsible for the theory that the restriction of credit is a panacea for all the ills of the zamindar. I do not agree with that theory, but this is a theory which seems to have been accepted by the present government. Now what was the recommendation of this Committee with respect to licensing and registration of money-lenders? Their conclusion was also this, that the registration of money-lenders is neither necessary nor workable.

Then, Sir, an attempt was made by one of the distinguished members of this Assembly who also happened to be a member of the old Punjab Legislative Council, I mean Mir Maqbool Mahmood. He brought forward his famous Money-lenders' Bill in the last Punjab Legislative Council. Expert opinion was against his Bill. But he had the majority with him and the Bill was passed by the Punjab Legislative Council. But Sir Malcolm Hailey, who was then the Governor thought that the Bill would ruin the credit of the Punjab and would destroy not only rural credit but also affect adversely the credit in the urban area. He therefore took rather the unusual step of not giving his assent to the Bill and did not even consider it worth while to return the Bill for reconsideration to the Council. He said that he would ask his Government to put before the Council certain provisions which would regulate the business of money-

lending. True to his promise, his Government introduced what is now on the statute book and what is known as the Regulation of Accounts Act which requires money-lenders to keep accounts in certain form and to submit returns at proper intervals and which prescribes penalties for failure to observe its provisions. Therefore a Governor of whom you cannot say that he was not a friend of the zamindar or to whom the interests of every class in this province were not as dear as it is to you or me, had to give the advice to enthusiasts that they should go so far and no further. After this attempt had failed, in 1933 the Punjab Government brought forward the Punjab Relief of Indebtedness Act. Now the Punjab Relief of Indebtedness Act is not an enactment which deals with one topic only. It deals with several topics. It dealt with insolvency procedure; it dealt with usurious loans; it created debt conciliation boards; it prescribed and enforced the rule of *damduput*; it enacted provisions regulating deposit; it amended the Punjab Redemption of Mortgages Act of 1918; it amended the Civil Procedure Code with respect to provisions of arrest and it also amended section 60 of that Code which gives exemptions to debtors from attachment with respect to certain portions of their property. It practically went the whole length of legislation which might possibly arise between debtor and the creditor, and it gave very extensive relief to the debtors. I was a member of the Select Committee and I am in a position to state that the registration of money-lenders was urged in the select committee, but the Punjab Government did not accept it. That was the second time when the Punjab Government, after consideration, refused to legislate on the subject.

Then only a couple of years ago, Sir Chhotu Ram introduced the Debtors Protection Bill which again dealt with several topics and one of the numerous subjects on which he proposed to legislate was the registration of the money-lenders. This bill of Chaudhri Chhotu Ram was at that time described by the then Legal Remembrancer "the Slaughter of Legal Enactments Bill" and it was with respect to that Bill that one of the most experienced and able senior officers of the Indian Civil Service, the then Commissioner of Multan, who had been our Chief Secretary and a member of our Council for a number of years, observed:—

"I greatly regret that I can find no trace of justice or sound sense in any of the provisions of the Bill now presented..... It would result in a total destruction of agricultural credit and it offers nothing in its place..... I can only recommend that the present effort be scrapped in toto."

(Honourable members: What is his name?) It is Mr. Garbett. His opinion is public property as it is printed in the opinions on that Bill— His opinion referred to this provision about the registration of money-lenders also which was a part of the Bill. Chaudhri Chhotu Ram moved that the provisions relating to the registration of money-lenders should be enacted by the vote of the House. But this was defeated by the very House which gave him ample support for his other provisions. Why? the reasons were no other than those already stated by me, because this provision would kill rural credit and also urban credit, thus adversely affecting the trade and industry of the province. Why, I ask him why, when the House with the majority at his back gave him full support with respect to other proposals, did they not pass this proposal? This did not happen years ago. It occurred only two years ago and who were the gentlemen who opposed these provisions? Well-known zamindars who are now sitting in the House, persons of the ability and experience of men like Nawab Muzaffar Khan, Sir Firoz Khan Noon, Sir Jogendra Singh, Thakur Pancham Chand and others. I am surprised to see a smile on the face of Nawab Muzaffar Khan. Does it mean that when he voted on that occasion, he was not voting on his own conviction? Was he voting by order?

Khan Bahadur Nawab Muzaffar Khan: On Government benches we had to vote according to Government opinion. You know it.

Rai Bahadur Mr. Mukand Lal Puri: I know it very well, but you were a member of the Government.

When a provision has only two years before been rejected on the floor of this House by the votes of this House, is it fair that without the occurrence of any new events, without demonstrating any further necessity for that legislation, this Assembly, simply because it has got a majority at its command, should try to enact a measure which the Government of India, and the Punjab Government, presided over by three such illustrious persons as Sir Malcolm Hailey, Sir Geoffrey de Montmorency and Sir Herbert Emerson, opposed. Nobody knows more than Chaudhri Sir Chhotu Ram that Sir Donald Boyd opposed this proposal of his and later in spite of his best efforts he was not able to carry the House with him. So, this is the history of the legislative effort in the Punjab and the Central Legislature with respect to registration.

Let us now see what has been done in other provinces of India? After all we are not a solitary unit. There are ten other provinces in British India where the problems are similar. The House must be aware that every one of those provinces has undertaken and passed legislation relating to the transactions between the debtors and the creditors, and has tried to give relief in its own way to the debtors and to the debtor agriculturists. There are the United Provinces Acts, there are the Bengal Acts and there are similar Acts in other provinces. Has any province so far passed an Act requiring the registration of money-lenders? There are eleven provinces and in none of them up till today is there an enactment requiring registration and licensing of money-lenders. Why should you always be the first in giving the wrong lead? (*Interruption*). There is the entire experience at your beck and call, of your own province, of the Indian Legislature, of other provinces to be found in official records and yet you come forward with unauthenticated stories of what other provinces have done. Point to me one Act of any other province. I do not want to look at Bills which may or may not be passed and which may be amended out of all recognition.

Now look at the history of enactment and contents of the Bengal Money-lenders Act, 1933. The Act contains provision dealing with usurious loans, dealing with restoration of property, dealing with payment of instalments, etc. If you look at the Bengal Money-lenders Bill, as it was first introduced in the Bengal Legislature, you would find that sections 5, 6 and 7 of the Bill definitely provided for the registration and licensing of the money-lenders. The matter went before the Select Committee and it was considered. Other provisions were adopted, but this provision with respect to the registration of money-lenders was definitely dropped and the Bengal Money-lenders Act of 1933 which is on the Statute Book contains no provision with respect to registration of money-lenders. There must be some reason why the Bengal legislature, in spite of the fact that this matter was placed before them, considered it improper to enact a proposal of that kind. I am told that the Bombay Government has recently brought forward a Bill which is known as Bill No. VIII of 1938. It deals with several matters, e.g., regulation of accounts, *damduput*, usurious loans and amongst other matters it contains a provision with respect to the registration of money-lenders. I do not know whether that Bill has been passed. In spite of my best endeavours to get it, I am told that no Act of the Bombay Legislature exists which contains that Bill. I certainly was not able to get it. But if you look at the provision in the proposed draft of Bombay Money-lenders Bill relating to registration of money-lenders, you will notice one thing, that the registration of money-lenders is not placed in the hands of the Collectors but is placed in the hands of the Registrar of money-lenders as in the case of registration of partnership or registration of companies. All that you have to do is to put an application and you would be registered unless your case falls within four definite clauses which are specified in the Act. According to the Bombay Bill, if you find that you have been unjustly treated by the Registrar—as you may be by the Registrar of joint stock companies, then it is definitely provided that you can appeal to the civil courts and competent courts are definitely specified there, e.g., Sub-Judge Ist class, in areas outside Bombay and the High Court of Bombay with respect to money-lenders having transactions over ten thousand and Small Cause Court, Bombay, with respect to transactions below ten thousand. Therefore there is no precedent so far in any province in India for registration and licensing of money-lenders.

If you would refer to the reasons which are given in the Preamble for the introduction of this piece of legislation, I venture to submit, they are neither genuine nor convincing. One of the reasons given is, that the Statutory Report of the Reserve Bank of India, Agricultural Credit Department, 1937, recommends the registration of money-lenders. A careful perusal of the whole of that Report would show that they only recommend legislation for reasonable regulation of money-lending, although registration is also mentioned. But with respect to our province, their observations which occur in paragraph 10 are more pertinent. With respect to necessity of regulation of money-lending, they observe—

"The money-lender undoubtedly serves a necessary function in the village economy and regulation of his business is long overdue. The pendulum now appears to have swung to the other extreme and the various enactments relating to agricultural debts have undoubtedly seriously impaired the activities in many parts of India."

In the Punjab "the pendulum has definitely swung to the other extreme". We are far ahead of all other provinces in indebtedness legislation, legislation which is in some cases unjust and harsh in the extreme. In the Punjab we have passed more Acts to the disability of the creditor than any other province. In fact the attempt of the Punjab Legislature has been to prevent the realisation of the creditors' money, and to find means how the propertied (not the poor indigent person) agriculturist class can evade payment of its dues. There is just one line in this Reserve Bank Report where it is stated as follows:—

"Companies, banks and insurance companies which have to deal with an enlightened public are required to submit to regulations and there is no reason why money-lenders who have to deal with illiterate ryot should claim exemption. We are, therefore, in favour of reasonable legislation for regulating money-lending and making registration compulsory."

Minister for Development: Please repeat.

Rai Bahadur Mr. Mukand Lal Puri: I repeat this sentence in deference to Sir Chhotu Ram's wishes. It is "reasonable legislation for regulating money-lending." It is certainly not meant for our province where regulation of money-lending as evidenced by Regulation of Accounts Act, Relief of Indebtedness Act, Debtors' Protection Act has gone far beyond the 'reasonable.' The report only recommends reasonable regulation of money-lending in provinces where it does not exist. We have certainly long passed beyond that stage. In fact we have absolutely killed the non-agriculturist rural money-lender. It is no question of regulating it.

Minister: Why are you afraid of being registered?

Dr. Sir Gokul Chand Narang: There will not be registration of corpses.

Rai Bahadur Mr. Mukand Lal Puri: Reliance upon this one sentence in the report, in the face of the expert opinion detailed by me, shows the straits to which the Government has been reduced, in finding some support for their legislation. What has the Government to say to the reports of the the Central Banking Enquiry Committee, the Provincial Banking Enquiry Committee, the opinion of the Government of India on two occasions and the expert advice of such experienced statesmen as our three celebrated Governors, and also of a government of which Sir Sikander and Nawab Muzaffar Khan were members? The mover has nothing more to rely upon than this observation, innocuous and quite proper so far as it goes in this report of 100 pages which the directors of the Reserve Bank of India are being asked to publish after every six months, not as a result of any enquiry, not as a result of any investigation but as a result of observations. Therefore, Sir, the reason which is given in the preamble cannot possibly have induced the Government to embark on this legislation. The Government does not say that they have the balance of expert opinion on this point in favour of

registration of money-lenders. Does the mover, seriously wish the House to understand that it is this sentence in the report which has induced him to come to a conclusion opposed to that which had been taken on the floor of the House by the elected members of the Legislative Assembly only a couple of years ago?

It is really unfair that the learned Premier should have relied upon that half a line in this report in support of the proposal which evidently is not meant for our province. But with respect to our province, as already pointed out by me, the more relevant observation is to be found in paragraph 10 and that is that the pendulum has gone to the other extreme. Now, Sir, the other reason which is given by Honourable the Premier is that he wants to catch the agriculturist money-lender and his object in doing so is that as soon as he is registered he will declare him as not entitled to some of the benefits so far enjoyed by the statutory agricultural tribe under the Land Alienation Act. Now the Premier says that he stated so to a deputation which waited upon him and in pursuance of that promise he made he is asking for registration of money-lenders. I do not know whether he still sticks to that promise. I see Sir Chhotu Ram is shaking a dissent to this observation. Sir Chhotu Ram who, I may respectfully submit, is responsible for most of the legislative monstrosities of our province is the real author of this legislation; and I have not the slightest doubt that it would have been in a much more reasonable form if it had really been sponsored by a Muslim member. I may be pardoned for expressing my honest opinion, as to how I and some others feel on the subject and I do not wish to conceal it. The Premier has not entered any caveat to my statement but Sir Chhotu Ram has said, if I have heard him right, "we have made no promise". Sir Chhotu Ram has evidently pulled up the Premier. He says "Oh, promise or no promise, we are the masters of the situation and we can do what we like." Therefore, Sir, it is up to the Premier to say whether he still wishes to carry out what he stated in the preamble.

Dr. Sir Gokul Chand Narang: Who led the deputation?

Rai Bahadur Mr. Mukand Lal Puri: It was led by Lala Durga Dass who was the representative of the Associated Press in Simla those days.

Dr. Sir Gokul Chand Narang: Most foolish.

Rai Bahadur Mr. Mukand Lal Puri: I do not believe that this Registration Bill has been introduced in response to that request. It is an obvious attempt to find some reason and a very weak effort in making out a case. It is for the Honourable the Premier to say if this is the impelling motive. I will accept it without hesitation if he says so. Obviously this deputation waited upon the Premier with the grievances of the non-agriculturists, none of which has so far been redressed, or even an attempt made to deal with them. And yet legislation of such a far-reaching and contentious character and dealing with a matter against which the whole deputation would have raised their voice in loud protest, if they had known of it, is being attributed to a promise made by the Premier to that deputation. The reason, to say the least of it is disingenuous.

A question was asked, why do you object to the registration of money-lenders? I would like to make myself perfectly clear and explicit to those persons who wish to appreciate our point of view so as to enable them, if they so desire, to relieve our apprehensions and solve our difficulties. With respect to rural lending, the prophecy of Mr. Garbett that "it would result in a total destruction of rural credit" has come out to be true and Sir Chhotu Ram's Bill—Debtors' Protection Bill—has completely destroyed rural credit. Whether it is good or bad I do not wish to venture any opinion, but I leave it to my zamindar friends who are conversant with rural conditions and whom it affects, to say whether it has not entirely destroyed the credit which the zamindars enjoyed with the non-agriculturists and whether at the time of the real necessity, say a criminal case, or purchase of a bullock, the zamindars, have not to part

with their assets and even land to their wealthier brethren, for a song. Their needs are being met by the Wealthier classes of zamindars and that is the only substitute they have. If that were not available, no member of the notified agricultural tribe would be able to get any credit. I venture to submit that the non-agriculturist would be the greatest fool in the world if, in the face of the existing legislation preventing recovery of debt, he advances one rupee to the richest man of that class. Therefore rural credit is entirely destroyed and such that exists, is only for the purpose of facilitating the winding up of the old business and for realisation of a small portion of the old dues.

But, Sir, what I feel anxious about is that when you have successfully destroyed rural credit kindly do not destroy urban credit, do not destroy the credit of the petty trader, the artisan, or the petty worker in urban areas, whose only means of subsistence is petty trade as hawker, ordinary grocer which trade he does not carry on with his own money, but by borrowing one or two hundred rupees. That borrowed capital does not come from banks, not even always from professional money-lenders but it comes from the casual money-lender, more often from the landlord of the shop he has rented or some friend. This comes from persons who are not regular money-lenders but from those who year in and year out consider it a safe investment both for the lender and the borrower. Once you make this registration compulsory this casual money-lender will practically disappear. No person would like to risk the non-realisation of his debt on the ground of want of registration, and no casual lender would like to undertake the trouble of registration with its disabilities and penalties.

Sir, if the sources of credit of this trading class are impaired, they will not be able to carry on their trade. If you go to any bazar, and look at the shops, whether it is a trader dealing with imported British goods like cloth, or country made articles, the valuable stock which catches your eyes, has been purchased with borrowed capital and only a small portion is that of the owner of that business, perhaps a margin only of 20 or 30 per cent. Those shopkeepers who appear to be prosperous, their entire stock in trade is not theirs. In 80 per cent. cases they live on borrowed capital and where does it come from? There are hardly any joint stock companies or banks of any magnitude and there are no co-operative societies. It does not even come from regular money-lenders like the well-known Lala Bulaqi Dass of Lahore. Kindly remember that I am not opposing this legislation in the interest of the money-lender. If our trade and industry would not suffer and our business could be carried on without the money-lender and if the whole class of money-lenders disappeared I would not shed one drop of tear. I oppose this legislation on the ground of restriction of necessary credit and the consequent necessary and inevitable restriction on trade. I oppose it more in the interest of the borrower than that of the lender.

Sir, what I am anxious for is that if you have succeeded in destroying the rural credit, you should not do anything by which you destroy the urban credit also. you are all here representatives of the agriculturist class and you are entitled to support their case. I do not know whether the agriculturist, the petty agriculturist, does not remember his *sahukar* and prefers him to the co-operative society which in some cases is now lending money; whether he is not remembering with affection and gratitude the treatment which the *sahukar*—in some cases—metes out to him as compared with the treatment that the co-operative society or the co-operative bank metes out to him. I have heard that view expressed on the floor of the House by zamindar members. You are the representative of notified agricultural tribes and are not afraid of further restricting your credit by registering money-lenders. I do not wish to enter into argument with you on this subject and would accept that what you consider good for them must be good for them. Therefore I, for one, would not oppose any legislation which registers money-lenders who deal with members of notified agricultural tribes. But if you insist on registering even those persons who live in towns and who supply us credit there, if you are going to register non-agriculturist money-lenders in towns who deal exclusively with non-agriculturists whom I and my friends represent, I would tell

you that you have received no demand from any one for such registration. There is no cry in the country for such legislation.

We on behalf of this class wish emphatically to assert that whatever you might do to regulate the transactions between lender and borrower, between a money-lender and an agriculturist, you will be creating unnecessary hardships and difficulties if you legislated for registration of those money-lenders who lent money to traders only. On behalf of the borrowers in urban areas, on behalf of the traders and shopkeepers who live on trade, I request you, don't restrict their credit by insisting upon registration of those who lend money to them. None of the urban debtors or urban creditors whom I claim to represent, has ever asked for registration of money-lenders. Do not destroy our credit, because trade will not exist if the credit is gone. I cannot carry on my trade when my credit is gone. Therefore, Sir, I would say that the registration of money-lenders and licensing of money-lenders is likely to restrict the credit to such an extent in urban areas that it would hamper trade and industry. I should like to put a question to my honourable friend the Premier, who would like to carry on the business of money-lending in this province, if he knows that revocation of his licence on one occasion may lead to the total destruction of his advance? This is a provision in the Act. Supposing I am one of the money-lenders and that my business is a flourishing one and runs up to 30 or 40 lakhs of rupees. With that legislation on the Statute Book and with 30 or 40 lakhs being my business capital, do you think, I would like to run the risk of losing 30 or 40 lakhs, on the ground that on an occasion or two I or one of my numerous agents had failed to send six monthly returns required by the Regulation of Accounts Act? Would any of you be prepared to take that risk, even if the amount involved was Rs. 10,000 provided it comprised your entire assets?

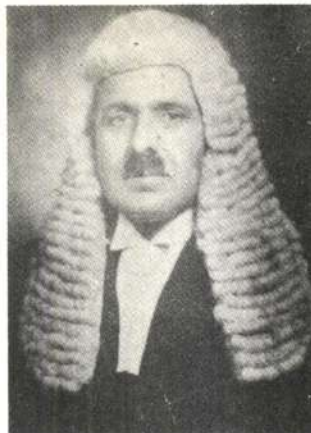
This legislation has, in some quarters, been described as vindictive and communal. It has been said, what do you want by registration of money-lenders when money-lending has ceased to be profitable? It is stated by some persons that it is brought forward not with the object of giving any relief to any debtor but with the idea of putting indignity and insult on and ruining the business of those, whom influential members of the Government have always proclaimed throughout the province as their enemies. I have no reason to think that this is an uncharitable view which is often taken. Again, another view which is being persistently put forward is that under the communal award, this Assembly consists of a majority of Muslims and according to Muslim religion the taking of interest is forbidden and the money-lender, whether he is agriculturist or non-agriculturist, must *ex hypothesi* belong to non-Muslim communities like Hindus and Sikhs. (*A voice*: What about Pathans?) Pathans do money-lending business, but they do not want the assistance of your courts. They have got a *danda* in their hands. (*Pir Akbar Ali*: What about Khojas?) Khojas do not lend money in this province but they lend in Bombay. I put a question to my honourable friend Pir Akbar Ali, who is one of the oldest, most respectable and ablest lawyers in the Ferozepore district, a person who has come in contact with money-lending transactions. I ask him what is the percentage of Hindu and Muslim money-lenders in his district. I am prepared to accept his statement. I have personal knowledge on this subject. I have practised in the headquarters of a district and I have also practised for a long time in the High Court on account of which I am familiar with convictions in almost every district in the province. Besides, I have studied this question in all its essential details, and I make bold to say that the overwhelming majority, more than 95 per cent., to be on very safe side, very likely 99 per cent., of the money-lenders are Hindus and Sikhs. Therefore, Sir, this measure savours of communalism. I wish, that there were some Muslim money-lenders, so that restrictions imposed on money-lending and penalties proposed had been more reasonable. As it is, it is one community legislating for the other and the legislation proposed does not give any quarter.

The legislation in the framing of which my honourable friend, Sir Chhotu Ram, appears to have a leading hand is of a most drastic and one-sided quarter and appears

to have been conceived in a spirit of vindictiveness rather than with a desire to regulate money-lending. With a view to illustrate the partisan character of this legislation, may I draw attention to an exception drafted to this legislation, which could only have come from persons who thought they had only one interest to protect, in utter disregard of all other interests? Kindly see the proviso in the Bill. A landlord lending money to his tenants on interest is not to be registered as a money-lender. A milk-man, who lends money on interest to the person who supplies milk to him, is to be registered. A butcher who in the course of his business has to make an advance to a person who supplies animals to him, is to be registered. A commission agent, who deals in so many articles and who gives money to a person and charges certain amount of interest, is to be registered, but this privileged class, dealing with the most illiterate masses, the tenants, and on terms—I as a lawyer know what those terms are—under which an advance of Rs. 50 either in cash or kind if not repaid at the harvest time, becomes $1\frac{1}{4}$ times or $1\frac{1}{2}$ times, an interest much higher than the interest which is permitted, these persons, should not be registered as money-lenders. I know of some big landlords who keep regular legal munshis. I know of big landlords who have got regular engagements with lawyers at headquarters to bring suits against tenants for such advances and who obtain decrees and execute those decrees relentlessly against those tenants. Yet under this legislation while you are registering other money-lenders, in fact everybody, you are excluding landlords who lend money to their tenants. Such unabashed partisanship could hardly be excelled. No doubt, it is on a par with your other legislative efforts. The less said about the mentality which underlies such legislation, the better. What justification is there for excluding yourselves if you include every one else?

Then, again, what happens to a money-lender whose licence is not renewed? Suppose his debts are going to become time-barred and the licence is not renewed for six months. There is no provision in the Act for extension of time. Therefore I submit that this legislation is entirely unnecessary, and uncalled for. Past legislative experience of other local governments, expert knowledge of the banking committee, the recent defeat in our own Legislative Council of this very measure by the votes of the House and the rejection of it on two occasions by the Imperial Legislature with the unanimous opinion of all the local governments and our own experience of the rural conditions and of the debt legislations of this province, are sufficient to induce any government to stay its hands. (*Cheers*).

17



SHAIKH FAIZ MUHAMMAD (Dera Ghazi Khan)

(Speech made on the adjournment motion regarding Nomination of Lyallpur Municipal Committee, on the 24th June, 1938)

Sir, after hearing honourable mover I am in a way glad that my objection to the admissibility of the adjournment motion did not prevail. From the speech which the honourable member has made it is clear that either he is totally ignorant of the real state of affairs prevailing in Lyallpur or he has been wrongly informed. Apart from the fact that my honourable friend has indulged in vague generalities and platitudes, he has said nothing which can possibly justify an attack on the action of the Government in relation to the Lyallpur municipal committee. In order that this House may be in a position fully to appreciate the implications of the action taken by Government it is necessary for me briefly to recapitulate the history of the Lyallpur municipal committee for the last decade and a half.

First of all, I may inform the House that joint electorates have always obtained in the municipal committee of Lyallpur. As long back as 1923-24 the Mussalmans represented to the Government that they could not secure their due share of representation on the committee through joint electorates and that therefore they should be allowed separate electorates. This representation was rejected by the Government and I think it was rightly too. Later on in 1924, the municipal committee which consisted of a majority of non-Muslims represented to be properly represented on the committee through joint electorates and that therefore separate electorate should be introduced. This proposal of the committee was also truned down by the Government. Instructions were, however, issued to local officers that the municipal area should be divided into six wards of two members each. It was hoped that under this arrangement it would be possible for the minorities to secure proper representation. The constitution of the committee at that time consisted of 16 members out of which 12 were elected and four were nominated. Unfortunately, however, in the elections that followed in 1924 and 1930 this expectation did not come true. In 1931 the Mussalmans again revived the question of separate electorates. This time the local officers also supported the demand. The Commissioner of the Multan division, I think it was Mr. Salusbury who held the office then, observed that attempts to secure due representations of minorities on the municipal committee through joint electorates had definitely failed and that the only solution was separate electorates. In spite of this the Government did not agree to the conversion of the joint electorates into separate electorates. *(An honourable member: Very wrong of the Government.)* It was not this Government.

Then came the elections of 1933, which the Muslims boycotted as a protest. At that time all the 12 seats open to election were captured by non-Muslims. Some time later two Muhammadans were appointed to the committee, but they also resigned. Thus in 1933 the committee consisted entirely of non-Muslims. A few months later or rather a year later, realising the awkwardness of the position Government offered to nominate five Muslims to the committee. But the Muslims did not agree to this because their contention was that ever since 1923 the population of Lyallpur had more than doubled and according to the accepted formula known as the Beazley formula the municipal committee should consist of 21 members out of which 9 should be Mussalmans. The Government did not accept this contention.

In August, 1936, the Lyallpur municipal committee of which my honourable friend opposite was the President passed a resolution saying that since the population of the municipality had more than doubled the committee should consist of 26 members according to the Beazley formula. This time the Government accepted the proposal and ordered the local officers to undertake the re-alignments of the wards. Incidentally I may say that the committee proposed that there should be single member constituencies. This position was also accepted by the Government and it was ordered by the Government that the town should be redistributed into wards and the electoral rolls revised accordingly, so that the next elections due in February next might take place under the new constitution. Before the notification regarding the reconstitution of the committee could be issued the tenure of the previous Government expired and the new Government came into power. At that time the local officers represented that it was impossible to hold elections earlier than November, 1938. I think I am not letting out any official secret when I say that the present Minister wrote back that he would much rather prefer election to nomination and therefore he asked that the work of redistribution of the town wards and the revision of electoral rolls should be expedited. But the local officers again reported that the work could not be expedited because the distribution of wards and the preparation of electoral rolls had to be done according to certain rules which necessitated their publication, invitation of objections from the people, disposal of the objections and so on and it was estimated that a year would elapse before the new elections took place.

In the meantime representations were received from the people of Lyallpur. I have got these representations here in which all sorts of allegations are made against the majority party in the committee, the party in power. These representations were received not only from the Muhammadans of Lyallpur but also from the Hindus and Sikhs of the town. Not only that. Six out of the 14 members of the committee elected, all non-Muslims, also represented to the Government that things in the committee had gone from bad to worse and that pending elections, nominations should be made. I would like to read only one extract from the representation which was made to the Government by the 6 non-Muslim members of that committee. "We consider that for the peace and harmony of the town and for the smooth and efficient administration of the committee, it is absolutely necessary that Muslim representation be made at once by nomination, so that the interests of all communities be adequately represented." This is the representation sent by six sitting members of the committee all non-Muslims. Then, Sir, certain other letters were also received from Lyallpur people, very responsible people, who said that the relations of the various communities had become very strained and that it would be in the interests of harmony and good relations among communities that if possible elections should be held forthwith and if that is not possible, then pending the elections, nominations should be made.

Now, Sir, it was in these circumstances, that after revising the constitution by raising the total number of members on the committee of Lyallpur from 16 to 26, Government ordered that pending the preparation of electoral rolls and the redistribution of wards and pending the receipt and disposal of objections, nominations should be made, I may also refer to the notifications actually made. There

is no intention on the part of the Government to revert to separate electorates. All that has been done is that pending the elections and for a period of one year or it may be six months or nine months, the Muslims who were keeping out of the committee as a protest have been nominated, so that all the communities may be properly represented on the committee during this period and after that elections will be held. Honourable members may refer to the notification No.547-C., dated 18th June, 1938. It says "whereas it is expedient to increase the number of seats as a temporary measure, therefore in exercise of powers conferred upon the Government by section so and so, Government are pleased to direct that the number of seats be increased by ten." Again, "In exercise of the powers conferred by section 27 Government are pleased to direct that these ten seats shall be filled by appointment and the persons so appointed shall remain in office until the result of the next elections." Therefore, it is clear that these nominations have been made as a temporary measure. The constitution of the committee is 26. Out of this 21 seats will be open to election and 5 to nomination. So nothing has been done which can possibly be construed as an intention on the part of the Government to deprive the people of Lyallpur of the right of election. These nominations have been made not because Government wanted to nominate some persons on the committee of Lyallpur, but because the people of Lyallpur themselves repeatedly pressed for it. Representations signed by thousands of people, Hindus, Muslims and Sikhs, all classes of people, were received by the Government and it was considered highly undesirable that any one community should totally be eliminated from the committee. Government therefore took this action.

There is another point which I must bring to the notice of the House. It has been insinuated that the persons nominated are members of the Unionist Party and that they represent nobody. I want to remove the misunderstanding. The Deputy Commissioner, Lyallpur, recommended certain persons to be nominated and he definitely stated that in making the selection he had been influenced by the consideration as to who would be the people who would stand the best chance of being elected. Government, therefore, accepted his recommendations and appointed the persons who not only do not belong to the Unionist Party but who are in some cases definitely opposed to it. In this connection I may mention the name of my friend Rana Feroz-ud-Din. He is not a member of the Unionist Party. He has always been opposed to it and I think he is connected with the Ahrar movement. Some other members also have been appointed who are not at all connected with the Unionist Party but have all along been in the opposite camp. It cannot, therefore, be said that in making these nominations Government has been influenced by party considerations. In view of this statement of facts which can be easily verified I hope that this adjournment motion will be withdrawn.



RAJA GHAZANFAR ALI KHAN (Pind Dadan Khan)

(Speech made on "Alienation of Land (second Amendment) Bill on the 16th July, 1938)

Sir, it seems very strange that three fourths of the speech of my honourable friend, Mr. Mukand Lal Puri, should be devoted to safeguarding the interests of the agriculturist community. While discussing the various clauses of the Bill, Rai Bhadur Mr. Mukand Lal Puri's contention was that the enactment of this Bill would result in great injustice being done to the non-agriculturist buyers of land. But to-day he has devoted himself to saying that this Bill will adversely affect the rights and interests of the agriculturist community. Although I admit that after one has been elected a member of this august Assembly his outlook should be very wide and he should represent all classes and communities, still it looks very strange that not a single agriculturist member would get up and endorse what my honourable friend, Rai Bahadur Mr. Mukand Lal Puri has said that the object of the Bill is to do injury to the legitimate interests of the members of the agriculturist community.

The Main objections raised by Mr. Mukand Lal Puri are these. Firstly, he said that it is not only intended to affect the transactions which will take place in future but has a retrospective effect. Sir, this matter has been discussed thoroughly when we discussed the different clauses of the Bill. Therefore, I will not detain the House by discussing those points again. The issue is very simple. We, on this side of the House, are honestly convinced that *benami* transactions are fraudulent and dishonest and, therefore, when we were bringing forward a measure to undo the wrongs done previously when an attempt is made to evade the provisions of the Land Alienation Act, then naturally we would like to give it a retrospective effect. We are not, by passing this Bill, depriving any honest man of his possessions. But what we are trying to do is merely to discover the cases of dishonesty and fraud and to restore the property to men who were subject to such a fraud. Therefore, there is no sense in bringing forward a Bill of this nature just to safeguard the future transactions, because the very fundamental principle of this Bill is to punish those people who have been a party to fraud and dishonesty so far as evading the provisions of the Land Alienation Act is concerned.

The second point which my honourable friend stated was that we were bringing in the collector where the civil courts used to decide the cases before. As a matter of fact, the Land Alienation Act itself is based on the ground that cases falling under the

Act will be decided by the collector. Therefore, when we are bringing forward a Bill to amend the Alienation of Land Act it is but natural that the collector should exercise these powers as well. I personally do not understand why such a distinction has been drawn between the administration of justice by a civil court and the administration of justice by a collector. So far as qualifications are concerned, I do not think the collector possesses less qualifications than a judge of the civil court. Most of the collectors are members of the Indian Civil Service. They are competitioners, they have passed examination in law and are men of very high integrity. Therefore, for any honourable member to entertain a suspicion that if a case is decided by a collector it will not be decided in a judicial way while in the case of civil court it will be so decided is wrong. It is very unfortunate that during the discussion of the Bill comparison should have been drawn between the members of the judicial service and members of the revenue service. The other reason why we want the collectors to have these powers is this. We all know that the deputy commissioner is practically all the year round on tour and so are his revenue assistants. It is so difficult for the officers to detect cases of these *benami* transactions. It is not a very easy thing because generally the man who sells property is under the clutches of the *benamidar* and, therefore, unless these powers are exercised by an officer who always remains in very close touch with the zamindar community, it will be impossible to discover any of these cases.

A great stress was laid by an honourable friend on the fact that the late Mian Fazl-i-Husain had given an undertaking that the provisions of the Alienation of Land Act will not be extended. We have, on this side of the House, very great respect for the undertaking given by the late Mian Sir Fazl-i-Husain and I can assure this honourable House that none of us will be prepared to go against those undertakings which were given by a person who we consider as the greatest leader Punjab has ever produced, but I fail to understand how by any stretch of imagination or language can anybody suggest that this Bill is an extension of the Land Alienation Act. What we are doing is that an act which is not allowed under the Alienation of Land Act, act which is strictly prohibited and is against the provisions of the Land Alienation Act, should be prohibited and those people who transgress the provisions of the Land Alienation Act should be punished. I ask, who gave you any undertaking that if some one is discovered dishonestly trying to evade the provisions of the Land Alienation Act, he will not be punished? Who promised that we will not stop him from committing such mischief? Such an undertaking was never given by anybody and I do not think any sensible person would ever give such an undertaking.

Then another point which my honourable friend raised was that the Bill does not provide for any compensation to be paid to a man who is perfectly honest and has purchased land from another person without knowing that the person selling the land was a *benamidar*. I would submit that this is absolutely wrong, because it is provided in the Bill itself by the amendment moved by my honourable friend, Mir Maqbool Mahmood, that if the collector thinks that the transferee of the land spent something on making improvements on the land it will be up to the collector to award consideration up to the limit of Raja Ghazanfar Ali Khan the money originally advanced on that land. Now I would ask my honourable friend, how does he say that this will deprive the people of their legitimate rights?

Rai Bahadur Mr. Mukand Lal Puri: Only to the extent permitted in the Tenancy Act.

Raja Ghazanfar Ali Khan: Not for building specious buildings. Then my honourable friend said that if the land has been transferred to 7 persons, A has transferred to B, B to C, C to D and so on then the Bill does not provide for compensation to be given to all these six persons. The Bill has provided that compensation should only be given to one of them. I am surprised to hear this

argument. When A sells to B, A gets the price of the land valued at that time. It is the last man only who does not get his value, but he is to be compensated under the Act. Therefore, so far as that argument is concerned, it is entirely misleading and is ill-founded.

I would submit that my honourable friend should not be so much upset on such measures being passed by this House which consists of a large number of members who represent constituencies where the voters are poor zamindars and poor kisans. If they press the Government to bring forward legislation which they consider is in the interests of the country and in the interest of the tiller of the soil who is a poor man, why should they object? No doubt the Government have brought forward four important measures in this Simla session. All of them are very important. My honourable friends during the last session were maligning the Government for not having fulfilled their promises given to their voters at the time of the elections and now when the Government after consideration and long deliberation have decided to bring forward such a legislation and long deliberation have decided to bring forward such a legislation which will provide relief to the teeming millions and the poor peasants of the Punjab, they call them Russian measures. So many days have been spent on discussing every detail of the Bill, at every stage and at every step all members have been given full opportunity of expressing their opinions. After all this long discussion and after all the criticism published in the Press, to turn round and blame the Government for rushing through these measures is entirely unjustified. I am sure the House will be feeling a great deal of satisfaction and even pride in passing the motion which is now before the House. I support the motion.

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SIR GOKUL CHAND NARANG (West Lahore Division)

(Speech made on the amendment of Relief of Indebtedness Bill on 26th February 1940)

Sir, A poor man like my honourable friend Nawab Sahib has also been robbed (*laughter*). I hope his cousin will send the hat round for him. Have they ever ascertained whether the people to whom they have restored these lands are all poor? I have no doubt there must be many honourable members in this House and I can speak without any fear of contradiction that there must be a very large number of them who have derived benefit from the Restitution of Mortgaged Lands Act, whose mortgages have been redeemed or will be redeemed (*Voices: No*). There must be many. Let us make inquiries. I had figures from one district particularly which were probably placed before the Premier at Simla. There are at least some members who have derived benefit from it. Are they all poor? Did they satisfy themselves that the benefit will all go to the poor and burden of the loot will all fall only on those who are rich? Certainly not. Again, I submit that they have committed a crime against not only the principles of jurisprudence, not only against the principles of equity, but against all sorts of public morality in robbing one class of people and paying another class. Presumption in this province is that every zamindar if he happens to be born in a particular caste is a fool (*A voice*; and yet be a Minister), is incapable of understanding his own good and is very honest and is very poor. These three presumptions they make about every blessed zamindar, that every zamindar is a simple-minded man and every bania and every one who is not a zamindar is a knave, a clever man and is immoral and is rich. These three presumptions they make, that every Brahmin, every Khatri, every Mahajan, every Arora and bania is a rich man and shrewd, not only shrewd but a cheat, and every Chaudhri honest and very poor and so on.

The Honourable Chaudhri Sir Chhotu Ram: That is true.

Dr. Sir Gokul Chand Narang: I do not know. If there were a few more fools like the Honourable Minister sitting over there, we would have had to decamp from this province even if we do not do now. This is the position. They are labouring under this misapprehension. I ask them again, they have taken away their money-lending business, they have taken away their lands, they are going to cripple even their factories by bringing them all under their own thumb, they are also contemplating a sale of goods tax and they are going to impose upon them six crores of taxes as the Honourable Minister seems to have threatened. Have they ever thought whether these

non-agriculturists also are creatures of the same God, whether they have any right to live in this province and in this world? Do they think that money comes to them from heaven or they dig it up? Look here, sitting in this House there are zamindars who can purchase most of the members sitting on this side of the House several times over.

Then again they say these people have been sucking the blood of the poor borrowers, and say now their turn has come and they must suck the blood of the money-lenders by scaling down debts and other means. This is the Honourable Premier's idea of scaling down debts! How are these debts to be scaled down? First, by appointing conciliation boards with the express object of scaling down debts; secondly, reducing the interest and, thirdly, making provisions that whatever is left should not be realized. This is their idea of scaling down debts. The Honourable Minister for Development very proudly said as if he had made some very, very important discovery and was regaling this House to something most wonderful when he was singing hallelujahs to the beneficent activities of the Co-operative Societies, that he has issued instructions to some societies to give credit to the extent of Rs.300 if a debtor of the society pays one hundred only to the society. He has generously issued instructions that they should give credit to the extent of Rs.200, Rs.150 and Rs.125, as the case may be if a debtor of the society pays one hundred. Some honourable members on this side failed to understand what he meant. That credit is given for three hundred if one hundred is paid, they could not really understand. Then it turned out that what he meant was this that from poor borrowers who are not in a position to pay, they welcome any payment say, from five annas and four pies to 14 annas in a rupees. Is there one money-lender in this province, I ask, who would not welcome 12 annas, 10 annas, 8 annas, 6 annas and even 4 annas a rupee from his debtors in most cases? In some cases he will gladly accept one anna. Probably he does not know that.

Then again the Honourable Premier and his colleagues forgot that when a bania money-lender charges interest, say, at the rate of 12 per cent or 10 per cent or even more that he never ever realizes that. It is impossible to realize that. My honourable friend, the Minister for Development, shakes his head. I do not know if he has ever been a borrower, but if he has ever been I would ask him if he has never received *chhot* from his *sahukar*. There is not a *shukar* in the province who does not give *chhot* (remission) and he must have been getting it. I challenge him to contradict me when I say that there is not one *sahukar* in the province who does not make a remission to his debtor if the debtor comes forward to make some payment. Therefore it was not a matter for him to wax eloquent over this with great pride that the co-operative societies accept one hundred for three hundred.

I join with my honourable friend in saying that if the Government undertook to pay four annas in the rupee all the money-lenders would welcome the proposal and would be prepared to tear their bonds. When this point was raised by Chaudhri Krishna Gopal Dutt, my honourable friend opposite replied that if the Government were to do this, the banias would at once write one thousand for one hundred. I ask, is there any bania alive who dare do such a thing? It is adding insult to injury to the poor bania class in season and out of season in this House and outside to say that he is such a cheat, such a wretched creature that would always forge a document and would always charge more than he has advanced.

The second argument that he advanced was that the treasury belongs to the zamindars and it would become empty if the Government took over the payment of the debts. He said that 0-15-6 in the rupee was the contribution by the zamindars to the treasury of the province. Even that statement I challenge.

Mr. Deputy Speaker: The honourable member is going beyond the scope of the amendment.

Dr. Sir Gokul Chand Narang: Mr. Puckle once calculated that so far as the contribution to the treasury is concerned, the zamindars in the province pay Re. 1-4-6 while the non-zamindars pay in one form or another Re. 1-4-0. when he talks of zamindars for the purpose of contribution to the treasury he includes Raja Narendra Nath and Mr. Mukand Lal Puri among the zamindars, but when he talks of other things these people are left out in the cold. That is the position. Otherwise if the non-agriculturists as such and the statutory agriculturists are taken separately, the contribution by statutory agriculturists who alone were meant by him when he said that the money contributed by them comes to 0-15-6 in the rupee he will find that their share of the contribution is very much less than this. I do not say it would be less than that of the non-agriculturists, but certainly the contribution of the non-agriculturists will not be so contemptible as my honourable friends believes. But this is only by the way.

Now, I shall come to the point. My honourable friend opposite said that there were two difficulties in the way of the Government taking upon itself the loans. He and his colleagues believe that it is not possible to take over the loans. But I may say that this has been done by Governments in other places in India. Take the case of the Central Provinces. They have also the Debt Conciliation Act. What have they done? They have appointed boards to scale down the debts; and they have taken upon themselves the responsibility of paying the whole debt due from the zamindars in that province with the arrangement that they would recover in easy instalments spread over a very large number of years the amount paid on behalf of the zamindars as arrears of land revenue. This is a glaring, a shining example before the Government of our province. Why go so far? Even a small Native State as it may contemptuously be called by some people has set a better example of liquidating the debts of the poor people. I mean the State of Bhawnagar. In that State the whole of the debts of the poor zamindars were wiped out and the State entered into an arrangement with the zamindars that they would recover from them the amount paid on their behalf in easy small instalments like land revenue. Thus the whole zamindar class was saved. Other provinces also have done the same. (*An honourable member:* What about the United Provinces?) There also they are going to do the same if they have not done so already.

There is another point. The Government here probably thinks that its treasury will be emptied. I say there is no such fear. I can assure the Government that the money-lending classes would be prepared to have their debts scaled down to a very low figure. They would be prepared to sacrifice 75 per cent. That is no mean sacrifice. Let the Government undertake to pay four annas in the rupee. Then the whole debt of the zamindars of this province would be wiped out to the everlasting glory of this Government. It need not pay in cash. It may say that all the money has been spent on the Hissar famine. It is quite true. But it need not pay in cash. Let it issue bonds and also pay yearly interest just like Government securities, the bonds being redeemable in instalments. This is very easy and simple process only if the Government has the mind to do so. But its mind is bent upon something else. Some members of Government are most vindictive; they seem to have sworn enmity against the money-lending classes like that well-known boy who swore that Rome must be destroyed. They seem to be out to kill the non-agriculturist population of this province; or at least to reduce the poor money-lenders to a strait that they should go and beg at the door of the zamindars. This is the scheme which some of the honourable members opposite have in view.

My honourable friend a short time ago said that he never said that the non-agriculturists should be treated as enemies of the agriculturists and that he never tried to create hatred among the zamindars against the non-zamindars. If it were true I would be very happy. But unfortunately it is not true. He may not have used the words 'the bania is your enemy'. But he has been saying that the bania is the *machchar* that sucks your blood, he uses *kani dundee* by which he cheats you, he writes ten rupees when he pays only one rupee. What does it mean? It means that the bania is your worst

enemy, he is worse than a viper, he is probably the most contemptible and hateful thing that God in a moment of negligence or forgetfulness sent into this world. This is what he goes on preaching to crowds of ignorant people assembled all over the country. This is what he does and yet he says he is not preaching hatred when he preaches to the crowds collected by the patwaris, naib-tahsildars and tahsildars. I know it for certain that the tahsildars have been collecting audiences for my honourable friend. I have positive proof of this. If he has the courage let him deny it. He may not himself have ordered this to be done, but his minions might have ordered the tahsildars to do so.

Mr. Deputy Speaker: All this is irrelevant.

Dr. Sir Gokul Chand Narang: You need not interrupt me I shall finish in a few minutes.

My honourable friend said one day to a friend, who went to him with a recommendation for employment for a young man that if the young man was an agriculturist he would consider his case, otherwise not. He did not inquire whether the young man was a graduate or an under-graduate and what were his subjects and so on. He inquired, "is he an agriculturist or a non-agriculturist"? If he is a non-agriculturist, he was not prepared to consider his case even if he was made of gold, but if he was an agriculturist he would consider his case. (*Minister of Development:* Who told you that?)

Mr. Deputy Speaker: This is irrelevant and the reply to it will also be irrelevant.

Dr. Sir Gokul Chand Narang: You may have noticed, Sir, that I am not in a good state of health. I did not want to speak as I have not been keeping good health for the last few days. Sometimes, however, I feel so much disgusted with what I hear from the lips of the Honourable Minister for Development that my blood boils and I am obliged even at the expense of my own health, to get up and say something. It is not a pleasure to me to make a speech like this. I submit it is just like swallowing a bitter pill, but one has to speak out the truth. I may ask the Honourable Premier again seriously, what steps has he taken for scaling down the debts and for reducing the interest and not to make all the realization impossible? I hope he is not doing what that *dhobi* did. He is out as a reformer, like that zealous *dhobi*, who was going to destroy the cloth along with the stain. He ought to understand that almost 50 per cent of the people in this province live by money-lending, by trade and by running small shops and small industries and by such other means. Is there any activity of these people, which has not been hampered that he must come down with this additional blow? He once said he had a battery of Bills, and he has fired shot after shot. He should remember that he is not a battelfield; but he probably thinks that he must fire somewhere, because he is soldier and must fire. There is nothing which he and his colleagues have not done to destroy the business of the non-agriculturist classes in this province (*Laughter from the Official Benches.*) I am not exaggerating. This is not a matter to laugh at. You do not know how their heart are poisoned, how their hearts are embittered. You have taken bread out of their mouth. You can well imagine the state of their feelings. If you really feel for the poor, these people also have a right to some compassion, to some consideration, if not compassion. They have a right to have justice, some fairness at your hands. What the Premier has done during the last two years is not consistent with fairness; he has not treated all alike. He has been partial, unduly partial, criminally partial. He has been partial to one community and unduly hostile, criminally hostile to the other community. It is time that he should stop this; otherwise we can only say God will *samjho* with him.

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CH. SIR CHHOTU RAM (Jhajjar)

(This Speech was made on Relief of Indebtedness (Amendment) Bill, on the 26th February 1940)

Sir, when my honourable friend Chaudhri Krishna Gopal Dutt got up to make a speech, he began it in a very suave and pleasant manner. He remarked that as the matter was of vital importance, we should consider it dispassionately. He was also pleased to state that we should refrain from imputing motives or casting aspersions on one another and that neither the members of the Congress party should attack the ministerialists nor should the latter try to discredit the former.

Chaudhri Krishna Gopal Dutt: I did not say that. I said there should be no personal attacks. *(Interruptions)*.

Minister for Development: It is just possible that the words employed by me may not be his but he meant what I have suggested. Let me point out that the lofty principle which he enunciated at the outset of his speech was not adhered to by him. However, I have no desire to dilate on this point any further. I will simply confine myself to the points which he has raised during the course of his speech. But before I do so I should like to bring one thing particularly to the notice of this Honourable House. It has been stated by my honourable friends opposite that the amending Bill, as it has emerged from the select committee, has been radically altered, and is in several respects, entirely a new Bill, and therefore it should be circulated for eliciting public opinion thereon. But let us not forget that the main provisions of the Bill as it has emerged from the select committee have not come up before the public for the first time. They have been before them ever since 1932. Moreover, most of the amendments incorporated in the amending Bill in beginning or during the select committee have been made as a result of suggestions made by civil courts or chairmen and members of conciliation boards. They pointed out to the Government that during the working of the conciliation boards they had observed certain defects in the Relief of Indebtedness Act. It was, therefore, essential that such defects should be removed. I may inform honourable members that these suggestions were made not only by chairmen of conciliation boards, but also by members, who were non-agriculturists and who represented non-agriculturists on these boards. In the circumstances it is wrong to say that this Bill has been radically altered without the knowledge of the public at large. And

for the reason indicated, if the Bill is referred again to the select committee for further consideration, it would be tantamount to wasting the precious time of the House and we should be failing in our duty to do what is absolutely necessary for the good of the province.

Now I may come to the arguments which have been advanced by my honourable friend, Chaudhri Krishna Gopal Dutt and try to refute them one by one. In the first instance he pointed out that although the objective of the Government and for the matter of that the Unionist Party is the same as that of the Congress, yet it has not been attained by the previous Act, nor could it be achieved by the amending Bill now before the House. What is that objective? The objective is that the burden of the poor debtors should be lightened to a reasonable extent. No doubt the Congress and the Punjab Government and for the matter of that the Unionist Party are at one with each other on this point and although the members of the Independent party may differ (*Mian Muhammad Nurullah*: No we don't) yet I believe that they cannot venture to rise up in their seats and say that they are opposed to this objective. However, our object is to provide some relief to the poor by scaling down the burden of their debts to a reasonable limit because their burden has increased to such an extent that they cannot rid themselves of it unless and until a law to this effect is placed on the Statute Book.

Now, what is the best way of attaining that objective. In my view the best way is to put a stop to those harsh and humiliating methods by which the money-lenders realise their outstanding loans. Therefore, there is no alternative open to us for affording effective relief to poor debtors, but to place this law on the Statute Book. The amending Bill has been brought before the House merely to remove the defects which have been found in the working of the Relief of Indebtedness Act. No new principle is involved in it. Only a few alterations are sought to be made in the original Act by means of this Bill with a view to achieve the object for which the Unionist Party stand pledged. The honourable member also stated in the course of his speech that the atmosphere had become tense in the province and that a feeling of mutual hatred was prevailing, may have actually been fomented between sahuikars on the one hand and debtors on the other. In fact he suggested that on the one hand debtors had been told that money-lenders were their enemies, and on the other it had been brought home to money-lenders that debtors were their enemies and that for the spreading of class hatred the members of the Unionist Party and even Cabinet members were responsible. I repudiate this suggestion with all the emphasis at my command. Never had any honourable member of the Government stated that zamindars were the enemies of the sahuikars or *vice versa*. The suggestion is baseless. But if on the other hand he only meant to say that there was no conflict between the interests of sahuikars and zamindars, I beg respectfully to differ from him. Certainly there is a conflict between the interests of zamindars and sahuikars, and it is as a result of this conflict that the members of the Unionist Party have been forced to bring forward this and similar other measures before the House.

Further, our friend pointed out that the Punjab Government had already enacted many agrarian laws and they might go on enacting similar other laws but that the poor zamindars would never derive any benefit from them and that we were, in fact, ruining them by destroying their credit. To say that these measures have not benefited the zamindars, is to my mind nothing short of showing complete ignorance about the real state of affairs. Now in order to judge whether debtors have really obtained any relief by virtue of the agrarian measures or not it would be well for us to go and ask the parties concerned. I advise him to go round and ask debtors and sahuikars whether debtors have got any relief or not. I well remember the fact that once when agrarian laws had not yet been

enacted I happened to visit the Rohtak district jail and I found that 66 debtors were imprisoned there. Only a few weeks after the enactment of these measures I was informed that there were only two such prisoners in the said jail. In view of these hard facts it is absurd to suggest that the poor debtors have not benefited by the enactment of these measures. The truth is that they have obtained great relief by virtue of the Relief of Indebtedness Act and other agrarian measures enacted by us and that is the reason why their representatives are helping the Unionist Party to enact the measure now before the House.

Now coming to the question of the destruction of debtors' credit, no one can say that their credit has been totally destroyed, but I am ready to concede that as compared with the past their credit has suffered. There is no doubt about it. But we fully expected this result as a natural corollary to the enactment of these measures. However I may inform honourable members that in enacting them we have had a conscious desire that the credit of zamindars should be restricted because up till now the greatest enemy of the zamindar has been his excessive credit. It has been pointed out by Sir Malcolm Darling in his famous book so frequently quoted by my honourable friends opposite that so long as the excessive credit enjoyed by the zamindar remains unabated nobody can save him from the evil of indebtedness. Consequently while it is correct to say that the credit of the zamindar has been restricted to some extent, even to a substantial extent it cannot be denied that this restriction will only help in rescuing the zamindar from the clutches of the money-lender who has been sucking his blood for generations.

The next point raised by my honourable friend Chaudhri Krishna Gopal Dutt was as to why the Government did not pay off all the debts of zamindars out of its own exchequer and thus relieve the poor debtors for ever. He added that this method had been adopted by some countries. I do not know whether this has been done in other countries or not but of this much I am certain that it cannot be done in the Punjab. There are a good many practical difficulties that stand in the way of such a course. For instances, if once the money-lenders are given to understand that the Government intends to pay off all debts they will lose no time in fraudulently showing a debt of say Rs.100 as that of Rs.1,000. Moreover the revenues out of which these debts will be paid have been almost exclusively contributed by the zamindars themselves which means that their own money will be used in paying off their debts, and the burden would fall on those very people whom the Government wants to relieve. Again, if the Provincial Exchequer is burdened to that extent, the next difficulty which the Government would have to face is that they will have to stop their road programmes close down schools and hospitals, reduce the strength of the police and retrench many other departments. But the administrative requirements will force the Government to impose new taxes which under the present fiscal structure would again have to be levied on the zamindars. You probably remember, Sir, that in 1924, by a single executive order the burden of abiana on the zamindars was increased by 75 lakhs. But if on the other hand, a single pice is levied, by way of tax, on my honourable friends opposite, it has to be done by legislation which will give rise to a storm of agitation throughout the province in which the opposition leads.

If the Government were to accept the suggestion made by my honourable friend they would naturally have to make up the deficiency in their revenues by fresh taxation, which in turn would, necessarily be imposed to a large extent on the zamindars. It is, therefore, in my opinion, a suggestion which no sane person would think of making to Government.

My honourable friend Chaudhri Krishna Gopal Dutt also remarked, "Let the Government turn a deaf ear to everyone. Let them not hear what the Congress says. They are at liberty to pay no heed to what the Independent party says, but they must at

least lend their ears to what Sodhi Harnam Singh, a member of their own party says". Let me inform the honourable member that there are many things contained in the minute of dissent appended by Captain Sodhi Harnam Singh which are not acceptable to the Government.

This Government is not the representative of a single or of only one section of the population of this province, as my honourable friend Chaudhri Krishna Gopal Dutt himself observed, but it has to look after the interests of all classes and communities in the Punjab. What my honourable friend Sodhi Harnam Singh has stated represents a very narrow view-point. May be, he really feels for the debtors who may have put their case before him and therefore he has in all sincerity made those suggestions for the benefit of a certain section of the population in utter disregard of the interests of money-lenders. The Government, however, cannot agree to sacrifice the interests of other classes by accepting his suggestions.

Again, my honourable friend, Chaudhri Krishna Gopal Dutt stated that he was deadly against capitalism and was anxious to destroy it with a single stroke of the pen, and he wanted to know why the Unionist Government did not end capitalism at once. May I inform him that although many things in the Government's programme have a tinge of socialism about them yet Government has never subscribed to the view of putting an end to capitalism. It is no doubt true that Government desire to relieve capitalism of some of its ugly aspects and to put an end to capitalistic activities and desire to end all unjust exploitation by capitalists. The Opposition complain that the Unionist Government have so far taken no step towards this end, but whenever even a modest effort is made, my honourable friends of the Opposition raise a storm of protest that the Government is trying to crush money-lenders and instead of congratulating us, pour abuses and ridicule on us. When the Congress Party becomes so upset even over limited attempts to check the rapacity of moneyed interests with what face can they blame us for not being whole-hoggers in the way of destroying capitalism?

Chaudhri Krishna Gopal Dutt: That is a misrepresentation.

Minister for Development: The truth is that the special situation in which our friends of the Congress Party find themselves compels them to be inconsistent on their part. On the one hand they own allegiance to the Congress and have thus to profess a little hatred for capitalism and on the other their upbringing, education and their close relationship and affinity to money-lending classes compel them to throw their weight against any efforts that the Government might make to mitigate the ravages of capitalism. The honourable spokesman of the Congress is thus forced to say what he had said to-day and has said even on previous occasions. His association with the Congress whose principles are similar to our own makes it obligatory on him to condemn capitalism, at least, in theory. But in reality his inner sympathies are with capitalists.

Then my honourable friend said that it was unjust on the part of the Government to make a distinction between agriculturist money-lenders and non-agriculturist money-lenders. Let me make it clear to the House that the insinuation is wholly incorrect. No such distinction is being made by the Government. All money-lenders be they agriculturist money-lenders or non-agriculturist money-lenders, are in the same boat. If anything, the law is more harsh to the agriculturist money-lenders. The only difference is that the agriculturist money-lenders, by virtue of their having been brought up in the same atmosphere as myself or many of my friends on these benches, have not uttered a single word of complaint against this legislation, (*Chaudhri Krishna Gopal Dutt:* This is wrong) whereas my honourable friend has, in spite of his allegiance to the Congress, raised a great hue and cry.

I hope my honourable friend is aware of the fact that we passed a measure

according to which no agriculturist creditor could in his own name or in the name of the male descendants of his grandfather or their wives, take over in contravention of the Alienation Act land belonging to agriculturist debts, the male descendants of the debtors or their wives.

Chaudhri Krishna Gopal Dutt: Ask Sodhi Harnam Singh.

Minister for Development: I have already replied to the points raised by my honourable friend Sodhi Harnam Singh.

Another objection raised by my honourable friend opposite is that under the present measure discriminating treatment has been sought to be meted out to banking companies and private money-lenders. What he means to say is that the Imperial Bank, banking companies and co-operative credit societies and private money-lenders are not subject to identical maximum rates of interest on the loans advanced by them. The reason for exempting these two institutions from the operation of the provisions of this Bill is that they do not transact money-lending business with those poor and credulous people who can be and are actually ruined by money-lenders tampering with accounts by restoring to malpractices and by exploiting their ignorance. Moreover, this decision was reached as a result of the suggestion of certain honourable members of the Opposition who urged that the Government should refrain from roping in banks which lend to businessmen.

Now, Sir, my honourable friend Chaudhri Krishna Gopal Dutt has been pleased to remark that the speeches which I often make in select committee or in the House about recovery of debts by Co-operative Societies are of such a fiery nature that if I deliver them in public meetings they are sure to raise such a storm of indignation that they will shorten the life of the present ministry and bring it to an ignoble end within a period of 2 or 3 months. May I inform my honourable friends that the views which I am going to express here on the subject under discussion would be the same as I often express outside the House. In fact I express these views with more vehemence and greater emphasis. It is a matter of satisfaction that the section of the public which we seek to serve by this legislation knows full well that we sincerely and honestly desire the amelioration of their condition. That is our conviction and no amount of opposition on the part of our adversaries can deter me from giving frank expression to my views inside or outside the House. I am not like those whose actions do not coincide with the words they utter. Whatever I feel in my heart of hearts I express freely and wherever I go I say exactly what I say here.

Let the Opposition understand clearly that I am not afraid of anybody. I have delivered speeches on the subject at Gurgaon, Karnal, Rohtak, Ambala, Jhelum, Hoshiarpur, and other places. In short wherever I have gone I have made it absolutely clear why we lay down a separate principle for co-operative credit societies. But let me point out that so far as execution of decrees is concerned the law is the same for all. It equally applies to the Imperial Bank, co-operative societies and private money-lenders. No differential treatment is permissible to co-operative societies in this respect. They are all of them on the same footing. (*An honourable member:* It is all bosh.) My friend says "it is all bosh". But who is to blame if he has not cared to go through the Bill? The difficulty is that he has neither read it nor tried to understand the implications of its various provisions. Indeed whatever is stated from the treasury benches sounds absurd to our learned friends opposite and whatever is uttered by the so-called nationalists like Chaudhri Krishna Gopal Dutt is held as a divine message.

They ask us as to why private sahu-kars and co-operative societies have been treated differently, but they do not realize the fact that the earnings of these societies

are a social capital. It is an income which the whole society can make use of. It does not go into the pockets of a private individual. Similarly, the co-operative credit societies manage to utilize their capital and reserve for the benefit of the agricultural community. With an increased reserve at their back they can afford to reduce their rates of interest to 6, 4 or even to 3 per cent per annum. There are several credit unions in the Punjab which pay interest at the rate of 2, 1 3/4 or 1 1/2 per cent per annum on amounts deposited with them. Their coffers are now so full that sometimes they refuse to accept further deposits. Under these circumstances, they can afford to advance loans at a much lower rate of interest. At the time of every harvest they realise something from the debtor only to cover their cost of management and do not harass him further. Thus whatever these societies receive does not find its way into the coffers of bania but becomes a part and parcel of the social wealth. It only constitutes the assets of the society of which the debtors themselves are members and thus equally benefits the debtor and creditor. Besides, these societies work under the strict supervision of Government officials and periodical inspections and audit of the accounts are the most striking features of official supervision. Here it is practically impossible to write 50 instead of 5 as it is usually done by dishonest money-lenders.

Again, Sir, my honourable friends perhaps do not know that the rate of interest charged by co-operative societies can be easily scaled down. The rate of interest charged by these societies has already been reduced from a maximum of 12 1/2 per cent to 9 3/8 per cent. Further this is the general maximum reduction that has been effected. In case of these societies it is open to Government officials to reduce the rate of interest at any time and to any extent they choose. Here they need not consult any mahajan or sahuakar in the matter. Whenever it is found necessary to change the prevailing rate of interest the officials of the department and the representatives of the movement join heads together and after a careful and thorough consideration can reduce the rate to any extent. Just ask a decree-holder to remit even a single penny and you will see how he rebels against it. But in the case of co-operative societies rate of interest can be reduced at the slightest suggestion to Government officials. Another important feature of this system of credit is that with every increase in the amount of capital and reserve of a particular society a corresponding decrease is effected in the rate of interest charged on amounts advanced to individual debtor. My friends opposite will be, I am sure, surprised to hear that instructions have been issued to certain societies for writing off large portions of debts advanced by them. In a number of cases they have been directed to write off capital to the extent of Rs.300 if a debtor manages to pay even Rs.100. In other words credit is given for Rs.300 for every Rs.100 paid by a debtor. (*Interruption.*) Is it that my friends have not grasped my idea?

Premier: You may repeat it. But take it for granted that they are unable to understand you.

Minister for Development: The management of the co-operative societies is in the hands of debtors and their representatives. The fact which I want to bring home to honourable member is that we are giving every possible facility to debtors for the payment of debts. Suppose the principal is Rs.800 and the interest is Rs.400. The crops are not good and the market is depressed. The poor debtor is facing very hard days. In order to ameliorate his condition and help him in paying off his debt we give him remarkable concessions. Under such conditions if he pays Rs.100 an amount of Rs.300 will be credited to his account.

Rai Bahadur Mr. Mukand Lal Puri: But the total liability would be principal plus interest.

Minister for Development: No, if he pays Rs.100 in cash Rs.300 will be credited towards principal.

Rai Bahadur Mr. Mukand Lal Puri: But the interest is not wiped out
(Interruptions.)

Mr. Speaker: No interruptions please. The Honourable Minister may proceed with his speech.

Minister for Development: My friends in the opposite benches understand well enough what I say, but they feign ignorance because this arrangement of things does not suit them. I was just giving an illustration that if a man owes Rs.800—

Master Kabul Singh: Does this rule apply throughout the province or only to a particular society?

Minister for Development: Every district, tahsil and society has a different practice to suit its own special circumstances. If Master Kabul Singh's debtor pays him Rs.100 Master Sahib will credit the exact amount of Rs.100. But the Government have gone a long way ahead. If the government find debtors are unable to pay sixteen annas in the rupee varying proportions of their debts will be remitted according to the special circumstances of each case. I was only giving an illustration to explain the practice. If the principal is Rs.800 and the interest is Rs.400 the total will be Rs.1,200. In such a case if the debtor pays Rs.100 in cash or in kind he will be deemed to have paid Rs.300 towards the principal. Thus the remaining debt will be Rs.500. The honourable members have interrupted me repeatedly on this point. I repeat that a society for a payment of Rs.100 will give credit for Rs.300 and this too not towards the interest, but towards the principal.

Lala Sita Ram: May I ask a question through you, Sir? Will that amount be considered to have been paid as a part of the principal of Rs.800 or will it be counted as a partial payment of the interest amounting to Rs.400.

Minister for Development: That amount will be considered to have been paid towards the principal of Rs.800. The remaining debt will be Rs.500

Lala Sita Ram: But my submission is that it is done by all lenders when they know that the debtor is unable to pay the balance. They credit —.

Mr. Speaker: The honourable member cannot make a speech. He asked a question and got its answer.

Rai Bahadur Mr. Mukand Lal Puri: What is the balance, Rs.500 or Rs.800?

Minister for Development: It does not seem easy for the honourable member to conceive such a generosity although I have made it as clear as day light. I have already said that if the debtor pays Rs.300 he receives credit for Rs.300 towards the principal. The amount of the balance will be Rs. 500. My honourable friends are sceptical as to how the amount of the interest will be realised. I must enlighten them that the co-operative societies do not charge any interest in certain cases. The government have been constrained to adopt this policy in view of the accumulated arrears in the province.

With regard to those dishonest debtors, however, who have the means to pay their liabilities and still evade it, I have made it clear to all concerned in my public speeches that the machinery of law will be moved against them with full force. Such dishonest persons do not deserve any protection under this legislation. They must be dealt with severely. I am making this statement publicly, without any reservation because I am conscious of the confidence which the public has in the good faith of Government.

Sir, the honourable members opposite have stated time and again that our co-operative banks deal with the debtors more harshly than professional money-lenders. This is a false allegation which has not the least shadow of truth in it. May I ask my critics whether they really feel that the poor agriculturists think alike with them and prefer money-lenders to co-operative banks?

Replying to a question in this House I stated that the officials of the co-operative banks had been instructed by me not to resort to coercive methods in the case of debtors who are not in a position to pay. But this does not mean that dishonest debtors who can but will not pay should receive a lenient treatment. My friends on the opposite benches should not allow themselves to believe that the Government are sleeping over the matter. We are fully alive to the problem and are applying a reasonable method to its solution. The protection of the law while allowed in full measure in suitable cases cannot be extended to all. No dishonest debtor will be allowed to cheat the community and escape payment. My friends who often make speeches in public meetings outside this chamber are free to quote my words and refer to the speech I am making in this House at the present moment.

Now I come to another objection raised by my honourable friend sitting quite opposite to me. He said that the Government were afraid to take any disciplinary measures against the Imperial Bank of India because it was an English concern. This is a pure illusion. I am not very much concerned with banks but I have often come across notices in the press that a much large number of shares of the Reserve Bank than is desirable have been purchased by Chetties, Khojas and Memons, not Englishmen. (*Hear, hear.*) In any case English and Indian banks are on the same level with me. I do not give English banks any priority or superiority over Indian concerns.

Yet another objection raised by my honourable friend is that we have, during the select committee stage, incorporated an amendment to the effect that all those banks which come into existence after 1937 should be brought under the purview of this Bill. My learned friend thinks we have done so in order to hinder the growth and development of banking business in the Punjab. Let me hasten to remove this misunderstanding. My honourable friend Chaudhri Krishna Gopal Dutt should know that he cannot claim a monopoly of patriotism and honesty of purpose in this world. The reasons why we have brought certain banks established after 1937 under the purview of this Bill is that some money-lenders have joined together to form a bank in order to realise old debts at the old rates of interest. For instance, a father and his sons have formed a bank in consultation with lawyers to evade the provisions of the debt legislation. (*Interruption by Chaudhri Krishna Gopal Dutt.*) Please do not be so restive at the disclosure of truth. If money-lenders continue their business honestly and truthfully, we do not touch them. But they have adopted underhand methods of buying the old debts of the agriculturists and of forming themselves into banks in order to get exemption from the operation of the Relief of Indebtedness Act. A few such banks are stated to have been established in the Mianwali district. Complaints are pouring in from several quarters in this connection. (*Dr. Sir Gokul Chand Narang:* How many such banks have been established?) I do not know their exact number but complaints received are numerous. It is in order to check this that we have incorporated this amendment.

My honourable friend Chaudhri Krishna Gopal Dutt has also complained that originally the Bill do not intend to bring non-agriculturist debtors within its purview. I may inform him that even in the old Relief of Indebtedness Bill, we included non-agricultural debtors but influential leaders including Rai Bahadur Mukand Lal Puri represented to His Excellency the Governor of the Punjab that the Unionist Party was at liberty to destroy the credit of the agriculturists, if it liked, but it had no business to rope in non-agriculturists along with the agriculturists. That is why non-agriculturists

were excluded, otherwise we had proposed a comprehensive measure and we were prepared to extend the same protection to non-agricultural debtors as was extended to agriculturists. It was at the instance of non-agriculturists themselves that a distinction was drawn between them and the agriculturists, and even then the distinction was allowed to operate only in respect of certain portions of that Bill, such as the one relating to conciliation boards only. We have always tried to save poor debtors from the clutches of the greedy Shylocks who even after having received four rupees for one must insist upon recovering ten rupees more.

What the unionist Ministry has achieved within three years cannot be achieved by others even in twenty years. The protection that we are now offering to the non-agriculturists debtors with assets not exceeding five thousand rupees was denied to them in 1934 only out of deference for Raja Narendra Nath. That was a weakness on our part. There is no harm if we now make amends for that.

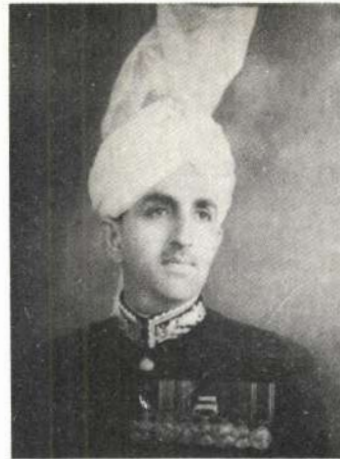
There is yet another point which Chaudhri Krishna Gopal Dutt raised against the Bill. He observed that the Government showed no mercy against the Bill. He observed that the Government showed no mercy to the cultivator who was unable to pay his land revenue and attached his land, bullocks and everything for the recovery of arrears and even sent him to the lock-up, but that when a private money-lender had to recover his dues, the Government deprived him of every chance of effecting any recovery. I have twofold reply to this. The first reply that I propose to give, will be given in my personal capacity. Who were those law makers who were responsible for the harsh laws to which my honourable friend was referring? They were not zamindars. They were either the Britishers or gentlemen belonging to the class of honourable member who misguided the unsuspecting Britishers at the time when these laws were made. They were no agriculturists-Kaisthas, Brahmins, Khatris, not jats or Rajputs or Arains. (*Interruptions.*) It is very difficult to satisfy my honourable friend. Let me tell him the fundamental difference between the collection of Government taxes and the realisation of private debts. In the first place Government money does not belong to a single individual but it belongs to the community or samaj. Secondly he must bear in mind that the realisation of Government dues is extremely necessary in order to keep intact the fabric of society or samaj as my honourable friend himself advocated. (*Hear, hear.*) I, therefore, maintain that if in the realisation of Government dues certain stringent measures are adopted, there is no unfairness or injustice involved in it. Let us remember that private individuals' dues can bear no comparison with Government taxes.

Then my honourable friend suggested that all the debts should be wiped off with the stroke of the pen. He should not lose sight of the fact that this evil of indebtedness has been in existence for centuries. It cannot be eradicated in a twinkling of the eye. It will take time to exterminate it. However, we are making endeavours to achieve this object by gradual stages. But it is a thousand pities that when we direct our efforts to save the poor from the exploitation of the money-lending classes, a great hue and cry is raised by my honourable friends opposite. Again, if a measure is brought forward by Government with a view to affording protection to helpless factory labourers from the tyranny of factory owners, my honourable friend, Chaudhri Krishna Gopal Dutt, and men of his ilk get infuriated and oppose it tooth and nail. In abstract theory they champion the cause of the poor but at the time of practical help, i.e., when a measure is brought on the legislative anvil, their sympathy evaporates and they veer round to the side of the exploiters.

I may point out that the measure under discussion is another attempt to afford relief to the poor debtors. We should be grateful to our Congress friends if they co-operate with us in passing this Bill into law. But if they refuse to extend a helping hand, then we can only feel sorry for their callous attitude. They must bear in mind that they would be thus bringing the fair name of the Congress into disrepute. I am fully aware that there are Congressites who sincerely feel for the poor and want to render every

assistance to them. But the difficulty is that in the case of an overwhelming majority of Congress men their capitalistic mentality stands in their way. Lastly, I assert with fullest confidence that there is absolutely no necessity for referring this Bill again to a select committee or circulating it for eliciting public opinion. I am clearly of the opinion that the sooner it is enacted the better. I feel that we shall be doing an act of *sawab* by passing this legislation. Any delay as is contemplated by the dilatory tactics adopted by the Opposition would prove detrimental to the best interest of the people. Let me also suggest that we are all, including myself and my Congressite capitalist friends, answerable to God Almighty and we shall be guilty of a great sin if we cause any unnecessary delay in bringing this measure on the statute book. (*Cheers.*)

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MALIK KHIZAR HAYAT TIWANA (Khushab)

(Speech made on the 4th December, 1941 on Law and Order situation in the Punjab)

I had no mind to speak, but I have been compelled to do so because some of the speakers on this discussion have irrelevantly and unnecessarily brought in the question of law and order and increase of crime in the province. I would like to correct some of the statements made by them. It has been said that there has been tremendous increase of crime in the Punjab. There has been some increase no doubt. It may be due to economic circumstances or international situation. But if you were to compare the figures of crime in this province with those of any other province, then I think I will be safe in saying that the incidence of increase in the Punjab is much less than in any other province. *(Hear, hear)*. Whatever increase there had been, was perhaps due to economic factors or other reasons. But now, there is a positive decline in crime.

In reply to an Assembly question the other day regarding the very district to which the honourable member from Montgomery was referring, it was said that there is already decrease to a large extent so far as crime is concerned and surely there is no increase. The same honourable member went on to criticise the legal system that is at present in existence in this country. I am not here to defend that legal system. There are defects in that legal system, but since the system is there, it has got to be worked and if people have been acquitted, it is not the job of the executive to find fault with courts. That rests entirely with the courts.

As to the other defects, I think the honourable member has got a good reply from the last speaker that he should go and address the Central Assembly for reform in criminal law. So far as this Government is concerned, we have already amended the law in certain respects. The provincial Government has amended the law dealing with minor affairs in villages. If the time were opportune probably other reforms also would have been introduced in the province. At the present juncture, when war is on, controversial legislation of the sort contemplated by my honourable friend cannot be taken up. In every country the success of a case in a law court or success of the investigating agency in tracing the criminal depends upon the amount of co-operation that may be forthcoming from the notables of the villages or the place concerned and it is here, I think, that the honourable member who was speaking and criticising the Government can help. If he and other gentlemen of his way of thinking help the Police in bringing to

book the criminals, I am sure the crime would decrease but if instead there is only criticism and no support is given to the Police, then no improvement can be brought about.

After this I have just two or three words to say. The honourable member who was just on his legs— I mean Mian Abdul Aziz—said that the present Government created another division amongst the ranks of the people in this province and that division is on urban and rural basis. Division on urban and rural basis is after all an economic division. This division, even if the Government can be charged with having created it, is better than many other divisions that exist at present and which we are trying to remedy. There is for instance the division, communal. He further went on to speak of the municipal committees. It is a habit with him that whenever he speaks, he always brings in the superseded municipal committee. He cannot forget it but he knows the reasons why it was superseded. I need not go into those reasons. The Administrator is at present carrying on the administration and things have considerably improved. Mian Sahib was himself mainly responsible for the supersession and the municipality was actually superseded by the last Government. We are trying to make the best of a bad legacy and doing whatever we can within the finances we have got. Considerable improvements have been already brought about and more will follow. With these words I close my remarks.



میاں ممتاز محمد خان دولتانہ وزیر اعلیٰ پنجاب

یہ تقریر ۸ دسمبر ۱۹۵۲ کو قومی آفٹ (تدارک و امداد) بل پر کئی گنی

وزیر اعلیٰ (عزت مآب میاں ممتاز محمد خان دولتانہ)۔

جناب والا! جیسا کہ حضور نے بار بار فرمایا ہے ایوان کا قاعدہ یہ ہونا چاہئے کہ تیسری ریڈنگ میں صرف بل کے بنیادی اصولوں کے متعلق بحث کی جائے۔ میں اپنی اس تقریر میں صرف اس بل کے چند موٹے اصول ہی آپ کے سامنے پیش کرونگا۔ میرا یہ خیال ہے اور افسوس کے ساتھ میرے دل میں یہ خیال پیدا ہوتا ہے کہ شاید حزب مخالف نے اس بل کے بنیادی اصولوں کو نگاہ میں نہیں رکھا۔ جناب والا! اس بل کا مقصد صرف ایک ہے کہ اگر کوئی ناگہانی آفت یا مصیبت ہمارے ملک میں آجائے تو اسے کاسد باب کیا جاسکے۔ حکومت کا فریضہ ہے کہ ایسے وقت میں وہ اس آفت کا مقابلہ کرنے کیلئے غیر معمولی تدابیر اختیار کرے۔ اور میں سمجھتا ہوں اس اصول سے کسی کو انحراف نہیں ہو سکتا۔ لیکن جو کچھ میں آج اس ایوان میں سنتا رہا ہوں اس سے مجھے ایسا معلوم ہوتا ہے کہ حزب مخالف اس قانون کو معمول کے حالات کے مطابق نافذ ہونے والا قانون سمجھتی ہے۔ اگر وہ اسکو اس نگاہ سے دیکھیں کہ یہ بل غیر معمولی حالات کا مقابلہ کرنے کے لئے ہے اور اس کا نفاذ صرف اس وقت ہو گا جب حکومت غیر معمولی حالات کا اعلان کر دے تو میں سمجھتا ہوں بہت سی غلط فہمیاں جن کی بنا پر انہوں نے اس بل کی مخالفت کی ہے رفع ہو

جائینگے۔ جب ملک میں غیر معمولی مصائب ہوں تو ان کا مقابلہ غیر معمولی اختیارات ہی سے ہو سکتا ہے۔ اس بل میں ان تمام غیر معمولی اختیارات کو ایک اتھارٹی یا ایک مرکز میں مرکوز کیا گیا ہے۔ تاکہ بغیر کسی تاخیر کے اور بغیر حکومت کی مساعی ضائع کئے ان اختیارات کو مربوط طور پر استعمال کیا جاسکے۔ جناب والا! اس ایوان میں بار بار اس بات کا ذکر آیا ہے کہ اس بل کے ماتحت بے انتہا طاقت حاصل کی جا رہی ہے۔ مگر یہ نہیں سوچا گیا کہ یہ غیر معمولی طاقت کس غرض کے لئے استعمال کی جائیگی۔ یہ غیر معمولی طاقت صرف اسلئے حاصل کی جا رہی ہے کہ صوبہ کو سیلاب۔ ٹڈی دل اور باقی ایسی مصیبتوں اور صعوبتوں کی تباہ کاریوں سے بچایا جاسکے۔ اور ان حالات میں ایسا کرنا ضروری اور لازمی ہے۔ میری رائے میں وہ حکومت اپنے فرائض سے کوتاہی کر رہی ہوگی جو ایسے حالات میں ان غیر معمولی اختیارات کو استعمال کرنے میں کوتاہی برتے۔ اگر حزب مخالف نے غور سے سوچا ہوتا تو وہ یہ بھی جان جاتے کہ یہ اختیارات جن کے استعمال کرنے کے متعلق اس قدر آہ و بکا اور نالہ و شہیون ہو رہا ہے آخر کار کس کی مخالفت میں استعمال کئے جائینگے۔

یہ اختیارات ان لوگوں کے خلاف استعمال کئے جائینگے جو یہ دیکھتے اور جانتے ہوئے کہ ملک ایک عذاب الیم میں گرفتار ہے وہ اپنی شہری ذمہ داریوں کا احساس نہ کرتے ہوئے اپنے ذرائع کو ملک کی بہبودی کے لئے استعمال ہونے کی اجازت نہ دیں۔ ایسے لوگوں کے مقابلے میں میری پارٹی۔ میری حکومت ہر وقت غیر معمولی اختیارات استعمال کرنے کے لئے تیار ہے اور اسے اپنا فرض سمجھتی ہے۔ (نعرہ ہائے تحسین)

مجھے تو یوں معلوم ہوتا ہے کہ جیسے حزب مخالف میں اس وقت چیپوں یا ٹرکوں کے مالک بیٹھے ہیں یا ان مکانوں کے مالک بیٹھے ہیں جنہیں ہم ہسپتالوں کے لئے مصیبت کے وقت استعمال کریں گے۔ میں تو سمجھتا ہوں کہ آج تمام پنجاب کی سرمایہ داری کی روح تحلیل ہو کر حزب مخالف میں مرکوز ہو گئی ہے۔

جناب والا! حزب مخالف کی طرف سے یہ فرمایا گیا ہے کہ اس بل میں calamity کی تعریف نہیں کی گئی۔ calamity کی تعریف تو اس بل میں آگئی ہے۔ میں یہ جانتا ہوں کہ حزب مخالف کی پارٹی اللہ کے فضل و کرم سے ایک نوخیز پارٹی ہے۔ اس لئے اسے بہت سا تجربہ درکار ہے اور مجھے جناب والا امید ہے کہ آپ کی اور ہماری مدد سے انہیں یہ تجربہ حاصل ہوتا رہیگا۔ (تقمہ)

مگر جناب والا! میں حزب مخالف کی خدمت میں یہ گزارش کرتا ہوں کہ وہ ہمیں ہر وقت تختہ

مشق نہ بنائیں۔ وہ اپنی پارٹی میٹنگوں میں یہ تجربہ حاصل کرنے کی کوشش کریں یا کم از کم عوام کے سامنے جا کر بھی اس تجربہ کو حاصل کرنے کی کوشش کریں تاکہ ہمیں ہر وقت بار بار چھوٹی چھوٹی باتوں میں ان کی دھواں دھار تقریریں سننے کا موقع نہ ملے۔ کیونکہ اس سے ایوان کا وقت بھی صحیح طور پر استعمال نہیں ہوتا اور میں سمجھتا ہوں کہ اس سے ہمارے کام میں بہت مداخلت ہوتی ہے۔ ہم تو اس کے لئے بھی تیار ہیں کہ ایک تجربہ کار پارٹی کی حیثیت سے نا تجربہ کار پارٹی کو راستہ دکھائیں اور سبق سکھائیں۔ اور اس کے لئے اگر وہ ہم کو تختہ مشق بنانے کے لئے تیار ہیں تو ہم اس کے لئے بھی تیار ہیں۔ تو جناب والا! میں یہ عرض کر رہا تھا کہ شاید حزب مخالف کو ٹھیک طریقے سے ابھی قانون سازی کا تجربہ نہیں ورنہ انہیں علم ہوتا کہ جب کسی چیز کی قانونی تعریف کی جاتی ہے یا کسی اختیار کا ذکر کیا جاتا ہے تو اسکے بعد ایک جملہ لازمی رکھی جاتی ہے تاکہ اگر سہو کوئی چیز رہ جائے تو وہ بھی قانون کے احاطے میں آجائے ورنہ جو قانونی تعریف کا اصول ہوتا ہے اسکے۔

Ch. Muhammad Afzal Cheema:— Is the Chief Minister speaking on the Bill or about the Opposition party?

Chief Minister:— I am making an endeavour, not fully appreciated by the partially developed intellect of the Opposition. I am answering some of the criticisms made

Mr. Speaker:— It is not out of order.

وزیر اعلیٰ۔ تو جناب والا calamity کی تعریف تو اس بل میں درج ہے اور ہمارا یہ ارادہ ہے کہ اس تعریف کے باہر کسی وقت اور کسی موقع پر نہ جایا جائے۔ ہاں میرے ایک دوست نے یہ فرمایا ہے کہ شاید کسی وقت calamity کی تعریف میں حزب مخالف کی پارٹی کو بھی شامل کر لیا جائے۔ جہاں تک میرا تعلق ہے میں انہیں یقین دلاتا ہوں کہ میں انہیں کبھی calamity نہ سمجھوں گا۔ ہاں پنجاب کے عوام اگر یہ سمجھنے لگ جائیں تو یہ میرا قصور نہ ہو گا۔ (تقمیمہ)

جناب والا! کچھ باتیں گہن صاحب نے ایسی فرمائی ہیں جن کا جواب دینا میں ضروری سمجھتا ہوں۔ آپ نے فرمایا ہے کہ بنیادی حقوق جو دستور ساز اسمبلی نے پاس کئے ہیں۔ اس بل کے مخالف ہیں۔ میں سمجھتا ہوں کہ گہن صاحب نے نہ بنیادی حقوق کا پورے طور سے مطالعہ کیا ہے اور نہ شاید انکو اپنی مصروفیات سے اتنا وقت ملا ہو کہ انہوں نے اسے غور سے پڑھا ہو ورنہ وہ دیکھتے کہ بنیادی حقوق کو اس بل سے ضرب نہیں لگتی۔ انہوں نے معاوضہ کے متعلق فرمایا ہے۔ اگر کوئی عمارت یا بلڈنگ حکم قبضے میں لی جائے یا کوئی جائیداد حاصل کی جائے تو قانون کے تحت اس کا معاوضہ دیا جاتا ہے۔ اس میں صریحاً یہ درج

ہے کہ اگر کوئی چیز حاصل کی جائیگی تو وہ موجودہ قانون کی شقوں کے تحت ہی حاصل کی جاسکتی ہے۔ اور اس میں معاوضہ کی شرط موجود ہے۔ اس لئے اس ایکٹ کا یہ مقصد نہیں کہ پراپرٹی حکماً حاصل کر کے معاوضہ نہ دیا جائے۔ اس ایکٹ کا یہ مطلب ہے کہ کسی کو اس بات کی جرات نہ ہو کہ وہ اپنی جائیداد کے بل بوتے پر اپنے ملک کے کام نہ آسکے۔

جناب والا! انہوں نے فرمایا ہے کہ مزدوروں اور غریبوں پر ظلم ہوگا۔

جناب والا! میں نہیں جانتا کہ گبن صاحب کس نظریہ کی نمائندگی کرتے ہیں۔ مگر میں سمجھتا ہوں کہ میں اپنی پارٹی کی بھی اور حزب مخالف کی پارٹیوں کی بھی نمائندگی کرتا ہوں جب میں یہ کہتا ہوں کہ ملک کی بہتری اور بہبودی کے لئے اگر کسی پارٹی کو جسمانی مشقت بھی کرنی پڑے تو اس کا ہر فرد اس کے لئے تیار ہوگا۔ ہم اسے غلامی نہیں سمجھتے۔

جناب والا! میں اس تھوڑے سے وقت میں ایک اور بات عرض کرنا چاہتا ہوں کہ گبن صاحب نے اپنی تقریر میں کہا ہے کہ وہ نمائندگی کرتے ہیں "Down trodden people of the Province" کی اور اس میں انہوں نے کہا ہے کہ "Particularly of the minorities"

جناب والا! میں یہ حق گبن صاحب کو تفویض کرنے کے لئے تیار نہیں جیسا کہ انہوں نے کہا ہے کہ وہی صرف اقلیتوں کی نمائندگی کرتے ہیں۔ اس دن میں اس ایوان میں کھڑا نہیں ہوں گا جب میں یہ سمجھوں گا کہ میں اقلیتوں کی نمائندگی نہیں کرتا۔

جناب والا! میں یہ سمجھتا ہوں کہ ہم پر ایک قومی فرض ہے۔ ایک مذہبی فرض ہے اس ملک کی اقلیتوں کی حفاظت کرنا۔ ہمارے قائد اعظم نے ہمیں یہ سبق پڑھایا اور اس کے بعد ہمارے قائد ملت نے بار بار اسکو دہرایا اور میں سمجھتا ہوں کہ ہمیں ایسے پاکستان کی ضرورت نہیں جس پاکستان میں اقلیتوں کے حقوق پورے طور سے محفوظ نہ ہوں۔

جناب والا! مجھے صدمہ ہوا ہے۔ خدا جانے انہوں نے کس خیال سے یہ کہہ دیا ہے یا وہ چاہتے تھے کہ ان کی آواز اس ملک سے باہر کسی گوشے میں پہنچے۔ ہماری اقلیتیں اتنی Down trodden نہیں ہیں ہماری اقلیتوں کو ہر وہ حق حاصل ہے اور وہ مراعات حاصل ہیں جو کسی شہری کو ہیں۔ ہماری کوشش ہمیشہ یہ ہوگی ہماری سعی ہر وقت یہ ہوگی کہ اقلیتوں کے ساتھ ہمارا سلوک

اکثریت کی نسبت بہتر ہو بدتر نہ ہو۔

جناب والا! اس بل کے متعلق ایک لفظ استعمال کیا گیا ہے۔ اسے کالابل کہا گیا ہے۔

جناب والا! بہت سے بل اس ایوان میں آئینگے۔ میں سمجھتا ہوں کہ یہ فیصلہ اور یہ نام ابھی حزب مخالف کو محفوظ رکھنا چاہئے۔ اسے استعمال کرنے کے اور مواقع بھی ہیں۔ ورنہ جہاں تک اس بل کا تعلق ہے یہ بل تو میں سمجھتا ہوں ایک ایسا بل ہے جو کہ ملک سے اس کالے پن کو جو یہاں موجود ہو دھونے والا ہے۔

ہم جو اختیارات اس بل سے لے رہے ہیں وہ عوام کی بہتری کیلئے اور خواص کی ناجائز حرکات کی رکاوٹ کیلئے لے رہے ہیں۔

جناب والا! اس سے پیشتر کہ میں اس بل کو آخری طور پر اس ایوان کے سامنے منظوری کیلئے پیش کروں میں صرف ایک اور بات کا ایوان میں ذکر کرنا چاہتا ہوں وہ یہ ہے کہ ایک ممبر صاحب نے جو سیاسیات میں نووارد ہیں ابھی تک میں انکے نام سے واقف نہیں ہوں نظم و نسق کا ذکر کرتے ہوئے اس ملک کے نظم و نسق کے متعلق کچھ کہا۔ جناب والا! میں یہ سمجھتا ہوں۔ میرا یہ فرض ہے چیف منسٹر ہونے کی حیثیت سے کہ میں یہ عرض کروں کہ مجھے اس صوبے کے ان عمدے داروں اور افسروں پر جو اس صوبے کا نظم و نسق چلا رہے ہیں پورا اور مکمل اعتماد ہے۔ میں یہ سمجھتا ہوں کہ پاکستان بننے کے بعد ایک نہایت مشکل اور کٹھن وقت میں انہوں نے پاکستان کی اس درجہ خدمت اور ایسی اعلیٰ ہمتی سے خدمت کی جیسی کہ کسی سیاسی کارکن نے نہیں کی۔ جناب والا! ہمیں ان پر پورا اعتماد ہے۔ میں جانتا ہوں کہ نظم و نسق میں خرابیاں اور نقائص ہیں۔ مگر میری بدقسمتی اس ایوان کی بدقسمتی اس صوبے کی بدقسمتی کہ ۱۹۴۷ء کے دوڑھائی سال تک اس صوبے کی حکومت اسکے حزب مخالف کے لیڈر حزب مخالف کے ڈپٹی لیڈر کرتے رہے اور آخر کار جو انہوں نے گل کھلایا۔ ان غلطیوں ان خرابیوں کا مداوا کرنے میں تھوڑا سا وقت ہمیں یقیناً لگے گا۔

Mian Abdul Bari:— On a point of order. The Honourable Leader of the House is referring to the Honourable Leader of the Opposition. Is it relevant I may be allowed to answer when he finishes.

Mr. Speaker:—I will request the Honourable Chief Minister to speak on the Bill before the House.

وزیر اعلیٰ - یہ تو میں جناب سے ضرور عرض کرونگا۔ مجھے یہ حق ضرور دیں۔ حزب مخالف کے ممبر اگر ایک مسئلے کو چھیڑیں تو اس مسئلے پر بات کرنے کا حق ہونا چاہئے۔

Malik Ghulam Nabi:—On a point of order, Sir. Was the Leader of the House a party to the Leader of the Opposition then?

Chief Minister:—And he quitted as soon as he found that he was not good enough.

Mr. Speaker:—This is irrelevant. The point of order is ruled out of order.

وزیر اعلیٰ - جناب والا! میں یہ عرض کرونگا کہ میں کسی کا نام نہیں لیتا مگر میں یہ کہتا ہوں کہ پچھلے دنوں پاکستان بننے کے بعد پنجاب کی حکومت ایسے لوگوں نے چلائی جن سے بہت سی خرابیوں کا ارتکاب ہوا جن کو دھونے کیلئے پنجاب کے عوام نے حکومت میرے اور میری پارٹی کے ہاتھ میں دی۔ اور جناب والا مجھے یقین ہے کہ ہمارے انہی عوام نے جو ہمیں موقع دیا ہے ہم اسکے قابل ثابت ہونگے اور ذمہ داریاں اس قدر محبت اور عقیدے کے ساتھ ہمارے عوام نے ہمیں سونپی ہیں انہیں پورا کرنے میں خدا کے فضل و کرم سے سرخرو ہونگے۔ جناب والا میں سمجھتا ہوں کہ ان الفاظ کے ساتھ میں یہ تحریک پیش کرتا ہوں کہ اس بل کو 3rd reading میں پاس کر دیا جائے۔

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MR. G. ALLANA (Karachi)

(Speech made on 1st August 1956 on the resolution regarding separate electorate).

Sir, I listened with an open mind, most earnestly, most attentively and most respectfully the thesis expounded by the honourable member Mr. G.M. Syed, the Leader of Awami Mahaz Party, advocating that we do recommend to the National Assembly the system of joint electorate.

I have no hesitation in saying that, with the best effort on my part, he left me completely cold at the end of his speech. There was not an argument of any substance or weight that would make me change my mind even by a fraction of a millimeter on the stand that I rise to advocate, namely, that we do recommend to the National Assembly the system of separate electorate.

I shall deal with his arguments later on. During the course of my own observations I would have wished to reply to the arguments of the original mover of the amendment, the Leader of the House, Honourable Dr. Khan Saheb. But he has given us no opportunity to have an insight into his mind or into the mind of his Party. He has taken shelter by merely moving an amendment to the original motion of the Law Minister. I wish he had been good enough to explain—not to us—but to his eartwhile colleague. Mr. G. M. Syed, that he changed his mind from joint electorate to separate electorate, and that Mr. G. M. Syed must follow suit. So, I have nothing to say in reply to the arguments that the Chief Minister may have given. But I shall certainly deal with his resolution later on and make my own observations thereon.

Mr. Speaker, I would like to divide my speech into three parts. To begin with, I shall try to explain why I stand to advocate the principle of separate electorates. Secondly, I shall deal with the case for joint electorate, as generally explained by the protagonists of joint electorates, and try to meet their arguments by counter-arguments as to why joint electorates cannot be and are not in the best interest of Pakistan. In the third part I shall deal with the arguments advanced by Mr. G. M. Syed and then I will make certain concluding observations.

Mr. Speaker, it is a well known political axiom that every Parliament in every country reflects in the ultimate analysis the genius of political parties that prevail and exist in the country concerned. Now, Sir, my submission is that the genesis, genius, and composition of political parties in Pakistan is such that to arrive at the conclusion that

separate electorates are absolutely necessary becomes inescapable.

Broadly speaking, political parties in Pakistan can be divided into two categories. There are political parties whose membership is open only to the members of a particular community, be it a majority or minority community. In the second category of political parties membership is open to all citizens of Pakistan, irrespective of their caste or creed. My humble experience of membership and working of the political parties in Pakistan has made me to come irresistibly to the conclusion that the biggest and most organised parties in the country have the membership confined only to the members of a particular community. And here I refer to that great national organisation that mass organisation, namely, the All Pakistan Muslim League. Then I also refer to the political organisation of caste Hindus in East Pakistan. Their membership is open only to the members of the caste Hindu community. There are other similar parties in the sense of membership, like Jamaat-i-Islami and Nizam-i-Islam Party in East Pakistan, and some others whose membership is also open only to minorities whose membership is open only to members of that particular community, e.g. the party of Christians in West and East Pakistan, the political party of the Scheduled Castes in East Pakistan, etc. Then, there are other political parties whose membership *ostensibly* and I advisedly underline the word '*ostensibly*' is open to the citizens of Pakistan, irrespective of their religion and community. I will refer to the Republican Party—the so-called Republican Party—which is supposed to run the Government of West Pakistan. Their membership is open to the non-Muslims. But what is the proportion of non-Muslims in the total membership of the Republican Party? It would come to an infinitesimal figure. I see the Secretary General of the Republican Party there—and I would like to be corrected if I make a mistake. I make bold to say that in all the committees that they have set up all over West Pakistan for organisation purposes, not a single non-Muslim is there on the organisation committees of the Republican Party. Therefore, it stands to reason that although there are parties open to non-Muslims, they do not join them because overwhelming majority of the members of the party are Muslims.

Mr. G. M. Syed: It is because you do not trust them.

Mr. G. Allana: I now come to party of the gentleman who interrupts me, namely, the Awami Mahaz Party. Mr. Syed has waxed eloquent on going away with communal distinction. He has formed a party which is supposed to be open to non-Muslims. But may I ask him, Mr. Speaker, how many non-Muslims have joined his party, in spite of the fact that Mr. G. M. Syed is the Leader of that party? And then I ask my friends on the right, membership of whose parties is also open to non-Muslims, what is the composition of the membership of their own parties which are open to non-Muslims?

I would not like to name all the Parties. I would not like to go into details, for I have made out a broad case to show that this fact has to be faced. The fact remains, the fact is irrefutable, that political parties in our country refuse to assimilate membership jointly of Muslims and non-Muslims. Now that being the position what will happen if we adopted the system of joint electorates? The net result of it would be that membership of all political parties being predominantly Muslim—and after all they are Muslims and not angels—whatever party they may belong to, it is only natural that at the time of general elections, when we are going to allot tickets to our party men, we will completely steamroll the members of the non-Muslim community in the general elections. And, therefore, I advocate that this is a very important point of the political life of our country. Believe me, Sir, that minorities would be completely steamrolled and crushed, if you are going to give them joint electorate.

The whole world knows that Pakistan is an Islamic State. We are not ashamed to admit it. As a matter of fact, we are proud to say that Pakistan is an Islamic State.

There is no getting away from that fact, and that is the fundamental fact of the Constitution of the Republic of Pakistan. The question then arises that, since we admit that ours is an Islamic State, then that is the touch-stone on which you have to take decision on all political issues. Therefore the question arises, what are rights of the minorities in an Islamic State? It is a difficult subject to deal with, but I do not want to shirk it. I would like to face it and place it before you so that when House ultimately decides and the members cast their votes, they must know what they are doing. The question of the rights of minorities in an Islamic State is too technical a subject. It is a subject on which only scholars of Islamic history or the Ulema are competent to express an expert opinion. I am neither the one nor the other. I am neither here nor there. So I shall not say anything from myself, because the House would be justified, Mr. Speaker, in rejecting whatever I might say on such a difficult and such a technical subject.

From where shall I quote? I had four or five alternatives. But I have decided from where I shall quote after having heard the honourable member, Mr. G. M. Syed. He was relied on the report of the Punjab Disturbances Committee, over which two of the higher gentlemen in the land, gentlemen of sterling character and calibre prescribe namely justice Munir and Justice Kayani. Mr. Speaker, the question of the rights of minorities in an Islamic State was one of the most important issues which this particular Committee was called upon to decide. A great volume of evidence was placed before them on this question, and they examined extensively and exhaustively and thoroughly the views of leading Ulema and scholars of Islamic History that were placed before them. On Page 212 of the Report of the Punjab Disturbances Enquiry Committee this is what they say :-

"According to the leading Ulemas the position of non-Muslims in the Islamic State of Pakistan will be that of "Zimmis" and they will not be full citizens of Pakistan because they will not have same, rights as Muslims. They will have no voice in the making of the no right to administer the Law and right to hold public offices."

Now this is a quotation from the report which merely says what the Ulemas have said on the question of the rights of minorities in an Islamic State. But presently, Mr. Speaker, I will read out to you what these two learned men have said themselves of their own accord after having examined the question of the rights of minorities.

I shall now quote from page 211 of the same report. Mr. Syed will please look into:-

"It is wholly incorrect as has been suggested from certain quarters that in a country like Pakistan which consists of different communities—Muslims and non-Muslims—and where representation is allowed to non-Muslims with a right to vote in every subject that comes up the Legislature is a form of "birm" or "Ijtihad" the reason being that Ijtihad is not collective but only and though "Jimat" is collective, there is no place in it for those who are not experts in the knowledge of the law. This principle at once rules out the infidels "Kuffar" whether they be the people of the scriptures (Ahl-e-kitab) or idolators (mushrikeen).

Now I do not want to make my own observations on this. I was compelled to quote from this report these passages because Mr. G.M. Syed, the greatest propagandist of joint electorate in this House, has quoted and relied on the authority of that report. I would beg of him to read the report in the light in which I have read out, and I am sure the conclusions he will come to will be quite different from those that he has come to before. In spite of all these facts which I have pointed out, namely the right of the minorities in an Islamic State and the quotations from this report, we have not said that the minorities shall have no political rights. We are giving them absolutely equal rights as to Muslims; and when I say this, I mean it. What are the rights of the minorities? Those rights are, the right to vote, the right to get elected into the House, into the Parliament, the right to become a Minister, the right to become a Chief

Minister, the right to become a Prime Minister. None of these rights, namely the right to vote, the right to get elected, the right to become a Minister, the right to become a Chief Minister, the right to become a Prime Minister is denied to the minorities by advocating separate electorates.

This shows that the religion of Islam, its teachings and its principles are adaptable to changing conditions and to changing society. It demonstrates the catholicity of Islam. I do not want you to take my word for it. I will quote to you an authority much higher than myself. You know, Mr. Speaker, that recently the report of the Marriage and Family Laws Commission has been published. I would like you to refer to that report and I shall take the opportunity of quoting from it. It says; "This attitude of the Holy Prophet towards freedom of legislation in large undefined spheres is the basis of the accepted principle of Muslim jurisprudence, that what is not definitely prohibited is permissible in the interest of public and private welfare, and is a charter for the freedom of legislation in matters wherein there are no categorical injunctions." Further on, the report says that the Commission "accepts the principle of Ijtihad and does not consider the laws and injunctions of Islam to be inflexible and unchangeable like the proverbial codes of Index and Persians. It is by virtue of this adaptability of the religion, Islam, that the minorities, inspite of the fact that it is an Islamic State, have been given absolutely equal rights as citizens.

We all know that the Consitution of Pakistan has been framed with the willing consent of the minorities. It has been completed, except in one particular respect, which we are now discussing on the floor of this Honourable House. I would like to point out that in the Constitution of Pakistan itself there are enough provisions to warrant and to justify our recommending separate electorates.

I would now quote those passages of the Constitution in which the Hindu Members of Parliament have themselves advocated these principles. Firstly I would refer you to the Preamble of the Constitution.

This is quotation from the Preamble of the Constitution. It says :—

"Wherein adequate provision should be made for the minorities freely to profess and practise their religion and develop their culture."

Now, from this passage there are certain things which become very clear. It must be remembered that this part of the Constitution has been accepted and admitted by the non-Muslim members of the Parliament.

No. 1 is that there is no one single minority in Pakistan. But that there are minorities, more than one sub-group in the country. It is an admitted fact in the Constitution.

No. 2 is this. It is admitted that these minorities should be enabled to develop their own culture. This means that the culture of Muslims of Pakistan is something quite different from the culture of the non-Muslims of Pakistan. As a matter of fact, the culture of the Hindus would be different from the culture of the Christians.

These are the basic facts present in the Constitution and they have to be borne in mind when we are discussing the question of electorate system.

Again, I would quote another para from the Preamble. It says:-

"Wherein adquate provision should be made to safeguard the legitimate interests of minorities and backward and depressed classes."

Here again—while admitting that there is no such things as one minority in Pakistan, but there are many minorities—it is further agreed that there is a sub-group among the minorities known as the depressed classes, who have to be particularly protected. Now, how can we protect the depressed classes, I ask? Supposing you ask them to connect in an electoral college where you have the very rich Muslim Industries, who have very fat bank balances; and you ask them to contest in an electoral college when there are caste Hindus, who own crores of rupees in the Jute trade in East Pakistan. Is it possible that in an electoral college of that nature, the real representatives of the depressed classes would ever be elected? I go further, depressed classes will not be elected, but I make bold to say that—and believe me, I shall be very happy if my forecast be wrong—I think not one member of the depressed classes will ever be able to come to a Parliament or to the Provincial Assembly, if you ask them to fight jointly with the Muslims and with the caste Hindus. How can you then advocate the system of joint electorate, I submit that we will not be considered as their friends. We would rather be considered as their enemies.

My last argument for advocating separate electorates is the ideological basis of Pakistan itself. That is very important.

Mr. Speaker, ideology is a great motivating force in human nature. Millions of people are always ready to lay down their lives for the sake of an ideal or for the sake of waging war for their own ideology. Therefore, we have to analyse what has been the ideological basis of Pakistan.

Mr. Speaker, the Muslim nation of the Indo-Pakistan sub-continent had to wage a two-pronged war at the time of our struggle for independence. On the one hand we had to fight against foreign domination and against entrenched and established British imperialism. On the other hand we had to fight against the rising tide of Hindu imperialism of this sub-continent. Our struggle for independence underwent many vicissitudes. The struggle was long. It was bitter. It was hard. But our Leader kept on plodding on the difficult path. He carried on the national struggle and welded the Muslims into one nation. Our struggle for independence enabled us to come under one political banner. Our struggle for independence enabled us to come on one political platform—namely that of the All India Muslim League. Our struggle for independence enabled us to owe allegiance only to one Leader, namely, Quaid-i-Azam Muhammad Ali Jinnah, in spite of the fact that some of the Muslims of this sub-continent did not see eye to eye with him and fought against him. Prior to this struggle of independence, there were poets and writers who sang and foresaw the day when the Muslims of this sub-continent would have their own homeland, namely, Pakistan. Now that renaissance brought up the leadership of Quaid-i-Azam who asked us to fight on the basis of the two-nation theory.

Now that has been the back-ground of our ideology. That has been the ideological basis behind the setting up and the accomplishment of an Independent Islamic Republic of Pakistan. It would be difficult, it would be impossible, for those of our generation who have fought a long drawn out bitter struggle against the British and against the Hindus of India to give up this theory and to say that now because we are independent, we give up our ideology and we accept joint electorates.

That was the last argument that I wanted to submit before you in support of separate electorates.

Mr. Speaker: He has taken sufficient time; he must bear in mind that other members would also like to speak on this issue.

Mr. G. Allana: I did not know, Mr Speaker, that there was going to be a time-limit.

Mr. Speaker: I am not stopping him. I am only asking him to consider that other members have also to speak.

Mr. G. Allana: I am prepared to sit down if you think my time is over. There is no time-limit prescribed and I do not think I have exceeded the time taken by Syed.

Mr. Speaker, one of the main stock arguments for joint electorates has always been that separate electorates divide the nation into two water-tight compartments, namely, Muslims and non-Muslims; and therefore separate electorates are anti-national. That is one of the arguments advanced by Mr. Syed in support of joint electorates. I beg to differ. And when I say that, I shall try to quote some authorities, as he has himself done. He has read out an extract from the speech of Quaid-i-Azam which he delivered in the Constituent Assembly on 11th August 1947. Fortunately, I have that speech with me in my documents. I am sorry, Mr. Speaker, that Syed has read out from Quaid-i-Azam's speech in a manner which would seek to make the House interpret what the Quaid-i-Azam said in a light quite different from what he actually intended. I shall therefore quote more or less the same which Mr. Syed has quoted. As I quote, I will give a sort of running commentary to show that at no stage in the mind of Quaid-i-Azam, when he made this speech in the Constituent Assembly, was there ever a thought of having joint electorates in Pakistan.

I quote:—

"All the same in this division, it was impossible to avoid the question of minorities being in one dominion or the other. Now that was unavoidable. There is no other solution. Now what shall we do....If you will work in cooperation forgetting the past," *mind you*. "if you will work in cooperation, forgetting the past," and these are the conditions, "burying the hatchet, you are bound to succeed."

Sir, these are significant words. We know that the Quaid-i-Azam never used one word out of place, and he never used one word which did not have its own significance.

Mr. Abdus Sattar Pirzada: Please read all the words.

Mr. G. Allana: Yes, I will read all of them, do not worry.

Then I will quote further. This is what the Quaid-i-Azam said :—

"If you change your past and work together in a spirit that every one of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour caste or creed, is first, second and last a citizen of this State with equal rights, privileges and obligations there will be no end to the progress you will make."

Sir, all along he has said, if you do this, if you forget the past, if you bury the hatchet, if you work in co-operation. These are the conditions laid down and then he goes on to say:—

"I cannot emphasise it too much. We should begin to work in that spirit and in course of time....."

Mind you, he does not say *today*; he says '*in course of time*':-

"all these angularities of the majority and minority communities— the Hindu community and the Muslim community— because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on and among Hindus you have Barhmins, Washnavas, Khatris also Bengalese, Madrasi and so on will Vanish."

Sir, here I would like to emphasise that he has used the words in course of time. We have to take into consideration and keep in view the conditions that have been laid down by Quaid-i-Azam in this original inaugural speech. The question is whether we consider the time is opportune to revise our opinion and give up our ideology and say that we want joint electorates. My answer is No. it can not be advocated.

Again the Quaid-i-Azam goes on to say :-

"Now, I think we should keep that in front of us as our ideal and you will find that in course of time."

Again, he has used the words "*in course of time*."

"Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State."

The Quaid-i-Azam has said that if you do this, if you do that, "*in course of time*," this will happen.

Rana Gul Muhammad Noon: That is an ideal.

Mr. G. Allana: As my friend says, it is an ideal. Sir, Mr. G. M. Syed is an honourable member of this House. But when he was quoting Quaid-i-Azam, I was reminded of an English proverb, which I would not like to quote fully; that somebody is quoting the scripture. However, Sir, I was very much amused that Mr. G. M. Syed should quote the Quaid-i-Azam in support of his own political ideology.

It has been said that separate electorates are anti-national. I beg to differ. The reason I will just explain. One of the greatest authorities of Indo-Pakistan sub-continent on the question of joint and separate electorate is Dr. Ambedkar, who has been the greatest champion of the Scheduled Castes and the depressed classes of India. He is a great authority on Constitution making and whatever he says on the subject is always listened to with utmost respect, bordering on reverence.

Mr. Speaker, I would like to quote him. There is a book by Dr. Ambedkar "Status of minorities; what are their rights and how to secure them in the Constitution of free India." He says :—

"To insist that separate electorates create anti-National spirit is contrary to experience."

No greater authority is wanted than Dr. Ambedkar on this point. Again he goes on:—

"That was one of the arguments that was made from the other side. But no one can say that the Sikhs are anti-National. The Sikhs had separate electorate; the Muslims had separate electorate right from 1909. Mr. Jinnah had been elected by separate electorate, yet Mr. Jinnah was the apostle of Indian Nationalism upto 1935. The Indian Christians had separate electorate and a good lot of them have shown their partiality to the Congress, if they have not been actually returned on the Congress ticket. Obviously, nationalism and anti-nationalism have nothing to do with the electoral system."

Sir, Dr. Ambedkar says "obviously, nationalism and anti-nationalism have nothing to do with the electoral system. They are the result of extra-electoral forces.....This argument has no force. It is nothing but escapism. Be that as it may, in free India any objection to separate electorate on such ground must vanish." He further says that "there is greater force and greater necessity for separate electorate after independence of India." Sir, these are the views of Dr. Ambedkar.

The reason why the arguments advanced by the opponents of separate electorate do not stand the scrutiny of logic and experience is due entirely to fact that they fail to realise that separate electorates enable a minority to return its true representatives to the Legislature. Therefore, I tried to show by quoting Dr. Ambedkar that the method of separate electorate is not anti-national nor is to against the interest of the minorities themselves.

Another argument for joint electorate and against separate electorate has been that separate electorate means inequality of rights of citizens. I have already briefly said during the course of my speech that in separate electorate there is no inequality to the minority community. Actually inequality, if any, is mutual. Just as a member of the minority community cannot contest for a Muslim constituency, similarly a Muslim cannot contest for a constituency reserved for non-Muslims.

There is no inequality at all. The right to vote is there. The right to get elected to the Legislature is there. The right to become Minister, Chief Minister and Prime Minister is there. The only distinction in the Constitution is that the Head of the State of Pakistan shall be a Muslim. That is the only distinction.

Mr. G. M. Syed: The only distinction is that they will be kept in perpetual minority.

Mr. G. Allana: So far as the President's post is concerned that has nothing to do with the system of election.

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MIAN MUHAMMAD SHAFI (Montgomery)

(Speech made on 2nd August 1956 on the resolution regarding separate electorate)

Sir, I beg to move an amendment to the Resolution moved by the Honourable Minister to the following effect:—

That for the third paragraph of the motion beginning with the words "I hereby move" and ending with the words "or separate electorate", the following be substituted:—

"This Assembly do now proceed to discuss and recommend to the Parliament that in view of the genuine demand of the minorities in West Pakistan the election to the National Assembly and Provincial Assemblies should be held, in the first instance for ten years on the principle of joint electorates."

The implication is that after the lapse of ten years we should see the functioning of the joint electorates, and, then, after consultations with representatives of the majority and minority communities, we should consider the whole question *de novo*.

Sir, in the first instance, I fail to understand why the National Assembly has entrusted the fundamental task of giving an opinion on the issue of electorates to the Provincial Assemblies. I am afraid, Sir, the present Assembly of West Pakistan is the least competent to express an opinion on this fundamental issue. When originally we were returned to the former Punjab Assembly five years back—people representing Sind and Frontier Provinces were also elected to their respective legislatures—the issue of Constitution was never before our electorates. Our electorates were expected to give their verdict on issues that were not connected with the question of framing of a Constitution. I am, Sir, conscious of this inability that I cannot speak on this issue as a representative of public. I am only expressing a personal opinion, because I have got no chance or occasion to judge or get the public opinion on this issue except that what is expressed in the Press or by any interested political or judicial party.

Sir, after, this, I want to express the opinion that we must not ride rough shod over the sentiments of minorities. We have before this house the famous Resolution which is the bed-rock of the structure of Pakistan which was passed by the All-India Muslim League in 1940.

Sir, Mr. Allana, who claims to represent in this House the Ideology of Pakistan, has given exposition of what he thinks are the ideals and ideologies which inspired the

Muslim League movement for the establishment of Pakistan. I would now quote before him and, through you, to the whole House some extracts from that Resolution in order to show the Muslim League in its struggle for the establishment of Pakistan did take into account the sentiments of the minorities. This is what is said there. "Adequate and mandatory safeguards shall be specially provided in the Constitution for minorities in the Units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them, and in other parts of India where Muslims are in minority, adequate and mandatory safeguards shall be specially provided in the Constitution for them and other minorities for the protection of their religious, cultural, economic, administrative and other rights and interests in consultation with them."

Sir, this part of the famous resolution passed in Lahore for the establishment of Pakistan leaves no room for doubt as to what procedure would be accepted to be adopted at the time of framing the constitution for the country. Sir, it clearly says that minorities will be consulted and their point of view shall be accepted in providing mandatory constitutional safeguards for the protection of their political, administrative, cultural and religious rights.

What do the minorities want today? Sir, since the establishment of Pakistan, since the coming into being of the Constituent Assembly of Pakistan, I have been very regularly reading the debates of the Constituent Assembly and, after its dissolution, of the present National Assembly, which was formerly Constituent Assembly. The non-Muslim Members from East Bengal have been emphasising time and again that they wanted to be as good Pakistani nationalists as any Muslim and that they did not want separate electorates for safeguarding their interests. There has been no dissenting voice as far as East Bengal is concerned, as the honourable member Mr. G.M. Sayed in his speech yesterday made it clear and in support he gave lengthy extracts from the speeches of various representatives of the non-Muslim minorities in East Bengal. Sir, here I read today in the Press report that the non-Muslim members of the West Pakistan Legislature have decided that they were not in any way demanding separate electorates. Sir, all of them have unanimously decided that they want unadulterated nationalism and that they do not want to be considered as sub-groups.

Sir, if this House today with its present complex and unrepresentative character decides for separate electorate for the minorities and forward that opinion to the National Assembly, I say they shall be doing so against the expressed views of the Quaid-i-Azam and his party men who in 1940 gave unequivocal assurance to the minorities that the Constitution shall be framed in consultation with them and that the safeguards for political and other rights would be provided in consultation with them.

Sir, it has greatly amused me to see that the landlords of this side and the landlords of that side of the House have joined hands together in demanding separate electorate for their own respective interests. Why, Sir? For that I have to trace the history of communal representation in the undivided India.

Sir, I must, before I proceed to do so, declare that I do believe that Muslims are Ummat as defined in the Holy Quran, and the biggest exponent of that was that great philosopher Alama Iqbal.

Sir, to trace the origin of separate electorate, it is very well known that His Royal Highness the Agha Khan, when there were Minto-Morley reforms, took deputation to the then Viceroy of India to urge upon him to have separate electorates for the Muslims. The idea was to preserve the landed Muslim aristocracy, the big bosses. From 1919 to 1942 and 1946 when Muslims were nurtured, they were represented in the Legislatures by those people whose economic and other interests clashed with the masses. Separate electorates was a device by the Muslim landed aristocracy and the British in order to keep the Muslims tied down to the British chariot-wheel. What was the result of separate electorates? The Punjab was ruled for a

long time by the most dictatorial feudal class represented by the Unionists and so was the case with the former province of Sind which was ruled by Sir Hidayatullah and his Party of reactionaries. Similar was the case in the Frontier Province. These reactionary nationalist crooks talked in the name of Islam, but all the time they were serving the interests of the big landlords. Separate electorates did not achieve anything, but it was the political consciousness which was brought about by the Quaid-i-Azam and the Muslim League among the Muslims which saved our Muslim masses from the clutches of the landed aristocracy.

Sir, may I ask the Honourable the Leader of the House, who, today has appeared before us as an apostle of separate electorates, whether he really believes that the Muslims, constituted as they are today, are really an Ummat in fact. Can we say that as Muslims we are an idealist society, because we profess one religion and that would constitute Ummat. Why are we suffering from social and economic ills? Was it not a Muslim Government in this province, which on an Islamic issue used the Army against Muslim agitators and shot them dead? Is it not a fact that even today it is the Muslim tenants who are fighting for their rights against the Muslim landlords.

Sir, Mr. Allana has said that if there are joint electorates and people go to seek vote in the name of religion, there is bound to be accentuation of religious feelings. I do not agree with him. Do they look at present from this angle? Do they look from the angle of Shias and Sunnis? Why would they not fight for their economic rights? Who can stop them from joining hands together against their common enemies. A Muslim in East Pakistan and a Hindu in East Pakistan have identity of interest among themselves to give a fight to the Muslim landlords or the Hindu landlord as the case may be.

Sir, our Constitution has been framed. It is an Islamic Constitution. There are mandatory provision against which there can be no violation. I say the Hindus and the non-Muslims deserve credit that knowing that the Constitution has been framed, they come forward and make a demand that they want to be treated as part and parcel of the Pakistan Nation. They I think, are quite clear in their mind that they are asking for joint electorate within the framework of the Constitution which has been framed. It is not left to the vague future that it may be converted into a Secular democracy or secular constitution. The Hindus in East Pakistan and the non-Muslims in West Pakistan all know that it is an Islamic constitution in which the Head of the State shall be Muslim, in which there shall be no laws against the Quran and the Sunnah and where efforts will be made to safeguard Islamic culture and the rest of it. In spite of this if they come forward to demand joint electorate, Sir, I have not the slightest doubt about their patriotism. I have not to judge the people's motive. I remember the Prophet of Islam (Peace be upon him) said in answer to a question 'Have you seen what is in his heart? why attribute motives? Why the rulers of this country doubt the motives of the non-Muslims when they demand joint electorates? Sir, it will go down in history that a minority of 16 per cent in East Pakistan and 1 or 2 percent in West Pakistan said that they want to be treated as part and parcel of the Pakistani nation and they do not demand or advocate any separate representation and here we are, the majority community, with all the glorious traditions of the past and confident of the future and in power and denying them that basic demand Sir, they say that the non-Muslims have some motives some plans. What are those plans? What can a microscopic minority do? They cannot do anything. Sir if there is a non-Muslim, a Hindu or a Christian, who can win the confidence of the Muslim majority electorates, well, Sir, I salute him. He must be a person who must have served his people in the constituency without paying any attention whether they are Muslims or Hindus or Christians I know of Muslims before partition who had confidence of non-Muslims and vice-versa. I want to invite the attention of the House to the fact that in East Pakistan there are joint electorates in respect of District Boards election. If you pursue the result of election in the District Boards there, you will find that even in areas where Hindus are in majority, Muslims

have been returned to the District Board. Sir, this clearly shows that it will be the service to the public which will entitle a person to be elected in future if we have joint electorates. That will be the only measure with which people will judge their future representatives.

Sir, I have read some of the writings of the Jamat-i-Islami. I have great respect for some of their leaders, but may I ask them, Sir, through you,— because they evince keen interest in this campaign against joint electorate, that if there had been no Pakistan, what would happen to their advocacy of separate electorate? One can visualise that if there had been no Quaid-i-Azam, if there had been no enthusiastic support from the Muslim masses for the ideal of Pakistan, it is difficult to imagine that India would have emerged as undivided country. Sir, what would have happened to the preaching of these people about separate electorates? Would they have gathered courage in the united India to say 'No, Muslims are a separate nation and, therefore entitled to separate representation in the Assemblies or in the local bodies? Sir, I think they are making a virtue of necessity. People who are opposed to the movement for the establishment of Pakistan have appeared on the scene to advocate separate electorates. They are making a virtue of necessity. Perhaps they think in their sub-conscious mind that when general elections are held, they will be able to rouse Muslim masses in the name of religion. I am not one of those who decry religion? I am one who believes that Islam is a complete code ; I am not one of those who believe that Pathans, Sindhi or Punjabis are separate nationalities. I believe that Muslims who believe in one God and in the finality of the Prophethood are all one. But I am also conscious that in this country there are persons, self-seekers, who always exploit the name of Islam for their self-interest. Sir, Islamic, economic, social, cultural and other ideas have never been interpreted in their proper light, the ideals for which Islam stands. We have seen what has happened is that the masses have been ruled in this country and class interest has been promoted. Is it not a fact that lakhs and lakhs of Muslim tenants have been thrown out of their land by Muslim landlords? I do not object to the right of the small holders to get the land under cultivation but is it not a fact that the present Ministry gave the right of ejectment to the landlords not because they had any regard for the underdog but because they wanted to have identity of class interests?

Sir, Islam as embodied in the Holy Quran and as practised in the life of the Holy Prophet, represents universal truth. I cannot believe, I cannot think of a Muslim, to whatever sect he may belong who can question the universal message of Islam and its day-to-day importance in the life of the Muslims. I do not want to confuse the ideals at present. But it is really a pity that these people come forward with proposals which are calculated to protect only their class interests.

Sir, before I conclude I do want to bring to the notice of the House the resolution of the All India Muslim League to the effect that the minorities' administrative, religious, cultural, economic and political interests are to be safeguarded *in consultation with them*. If the leaders of the minorities in this House or outside it demand joint electorates, without reservations or with reservation of seats, you should not say that we won't listen to any one of you, it is a question of majority. Will it not be tyranny on the part of the majority if it imposed on the people of the minority communities their will against their pleasure and expressed wish? I know it is very easy; it will be easy for some time more for you to be elected by separate electorates, because you can go and threaten those under you; you can bring pressure upon them to vote for you. But, Sir, I am sure it will not take very long when you will be disillusioned, when you will face your electorates and the masses. They have understood what you have stood for the last so many years. They have seen you through. They understand fully what you have been doing with them. And then you will say we wished we had not forced or pressed for separate electorates. How long are you going to perpetuate this communalism? In undivided India I was a Muslim. Ahal-e-Sunnat Waal Jamaat. I belong to a tribe that if I wanted I could stay in Jullundhar. Why did the people fight for the establishment of a country? I suppose the

idea underlying was that the people belonging to particular point of view, on a democratic basis, will come close together and constitute themselves into a nation.

Sir, if you carefully read the Lahore Resolution you will find that the demand for the establishment of Pakistan is based upon the Muslim majority contiguous areas. You did not demand Pakistan for the Muslims of Bihar, Assam or Orissa although they might have been in majority in some districts. You demanded the right of secession for the people of the Muslim contiguous majority areas. You never contemplated the elimination of non-Muslims from your national life or from the other walks of your life. And if there had been no exodus of Hindus from this side of the borders, we would have been in a situation in which Quaid-i-Azam's words would have been quoted time and again, I will quote them here for your benefit. Quaid-i-Azam said, after the establishment of Pakistan: "You are free, you are free to go to your temples, you are free to go to your mosques or to any other place of worship in the State of Pakistan. You may belong to any religion or caste or creed—that has nothing to do with the business of the State. That has nothing to do with the fundamental principle that all citizens are equal citizens of one State."

Now, Sir, is it for Mr. G. Allana to day to tell us what Quaid-i-Azam's ideology was and what the Muslim League ideology was? Is it for the honourable Leader of the House to tell us today, in 1956 that separate electorates are the best guarantee for protecting the rights of the minorities? The words which I have quoted above are the words of the Quaid-i-Azam who was the Quaid-i-Azam of one hundred-million Muslims. They are very clear, they are unequivocal. He said that the Muslims and non-Muslims were the free citizens of this country, and these words are also reflected in the Constitution of the Islamic Republic of Pakistan. Why should we today discriminate against our own people. A non-Muslim who stays in this country, after the framing of the Constitution, deserves to be listened to with respect, unless you may have telescopes, unless you may have got some instruments to look into their hearts and find out sordid motives.

With these words I say : let us give a trial to joint electorates for ten years and watch its working. If we find that non-Muslims are really wicked, that they have reduced our majority into a minority that they have usurped our rights to become Prime Ministers, Presidents and Ministers, only in that case it should be open to us to revise the whole issue. In this way we shall be telling the World that Pakistan is a solid type of nation, and it is not divided and sub-divided by provincial, communal, tribal or any other affiliation with these words I resume my seat.



MAKHDUMZADA SYED HASSAN MAHMOOD (Rahim Yar Khan)

(Speech made on 18th March, 1957 on General Budget Discussion)

Sir, it was gratifying to note that the speech of the Leader of the Opposition was a very constructive one. Sir, I had no intention to express my view in this House today, but I have been prompted by the Leader of the Opposition who singled me out and asked every member to join in a prayer that God should set me on the right course. It has, therefore, necessitated me that I should explain as to what has happened in the departments assigned to me, on the activities of the various sections of my departments and then if I am left with sometime I might touch other important issues.

As far as the Department of the Local Government is concerned, I do not think I need fear any contradiction in this House. I would like to state that previous to the Republican Government there was no record of Local Government in Lahore or in any capital of the old Provincial units; what the previous Governments were interested in was removing a member, appointing a member or exercising political influence. They never went into the examination of their needs, their budgetary position, their development schemes, their rules of service of employees etc., and today the Republican Government can claim that the records which they have built up during the last six months or so in the Secretariat are superior to those which existed in the Commissioner's offices before. No scheme, and no planning can be done in the absence of statistics, in the absence of a data, in the absence of facts and figures and also the personnel who run the Local Government. As far as their services are concerned the Bill is ready; we are going to provincialise most important District Board services and with that was also connected the strike of teachers to which my friend, Mian Shafi, made a pointed reference; the teachers demand of provincialisation was based on certain reasons. The Government accepted those basic demands on the ground of which they were provincialised on the very first day before they went even on strike and our view was that the Local Government in this country must primarily succeed as the basic structure of democracy in this country. The previous Government from whom we have inherited this system overlooked their primary duties. They superseded them where they found that a local body did not meet with their approval, they allowed other local bodies to continue for 20 or 23 years where it suited them. Now under this Government a new law has been made that if local bodies were removed or superseded election programme should be chalked out to enable the people to bring about administrative set-up of their own choice at regular intervals. So far as the services were concerned, these were at the mercy of the politicians in the district headquarters,

occupying the seats of local Board, whom to employ, how and why. Now the Government is provincialising them, laying definite rules of recruitment, prescribing qualifications and eradicating all the inefficient and corrupt elements from the services. Screening Committees have been appointed in every District with its Deputy Commissioner as Chairman and were the Local Bodies exist and the elected representatives are functioning, their representatives will also be on the Screening Committee and they will root out all inefficient corrupt elements from the services and open those avenues to the honest, young educated personnel for future. This will definitely increase the efficiency in Local Bodies.

This Government has seen that every Local Body in West Pakistan have got its own taxes. We have got the statistics; the taxes have not been uniform. There have been Local Bodies, who on account of fear of lack of popularity, have not been taxing uniformly and according to the growing needs of the people. The Government have taken upon themselves this responsibility and have given directions to augment their resources to meet the growing needs of the people in the field of educational medical and veterinary services. In this connection the Government formulated the plan of four crores of rupees to be implemented during the last six months and during the current financial year. It is a plan which pools all the resources of the Local Bodies and to spend the hoarded money with the Local Bodies to the best advantage of the people. The Government have set up a separate branch of the P.W.D. for the implementation and execution of the works, and the Government have further proposed that where in Local Bodies engineers are honest and are fit to be kept in service they will also be merged with this new section of the P.W.D., so that the work every where proceeds on uniform basis and at a minimum cost. The total revenues of the Local Bodies in West Pakistan are approximately about 22 crores of rupees. During my extensive tour of West Pakistan I observed that round 30 to 40 percent of income is wasted through evasion and other malafides. If we can check this evasion, if we can increase and augment the finances and other resources of the Local Bodies, I can assure this House that within the course of one year on account of persistent efforts, the Local Bodies alone will have an increased revenue by 5 to 6 crores per year, which is quite a large sum of money for development. To check leakage and other malafides we are exercising stringent checks and having collected all these statistics we will be in a position to carry out our proposals.

Sir, why the Leader of the Opposition has probably felt that I should be singled out is that I have superseded some of the Local Bodies. Sir, I can assure you that there is no malafide in my action. I have, of course superseded all the corrupt Local Bodies, all Local Bodies which have been continuing for years and without any fresh elections. I have superseded them and I shall not hesitate to take any further step against a Local Body which is corrupt and that fact when brought to my notice will have the same result. I do not challenge they are not corrupt, but one thing you must remember that it is a transitionary period, where a great deal of adjustment has to be made, where our officers have to understand the laws, its implications and intricacies. Ministers merely declare or give a policy, merely give orders for action to be taken and it is the secretariat staff who have to draft it and would do it and put it in a legal shape and form and if on that account any order is challenged before the High Court and is set aside, it does not attribute any malicious motive to the orders of a Minister but that is on grounds of technical intricacies and difficulties. Now, we will learn by experience and I am one of those who believe in this that we must act even if we wrongly act when it is not deliberate because it is by action that we will be able to mend our mistakes and learn, and I shall never hesitate when necessary.

As far as the High Courts' decisions are concerned, some of them have been decided in our favour; there have been others in which we have been told that our actions were wrong. We are willing to correct our actions and by such decisions of the High Court, the only advantage that is accruing to us is that in future our officers will be more vigilant, will study the legal complications and implications, and as the power

of writ has only been given after the new Constitution has been enforced, the officers have been following practices of the past. Now, take for example, the question of Gujrat District Board. A list was supposed to be caused to be prepared by the Local Bodies officer for the purpose of electoral rolls. Government might have ordered a particular list to be taken as an approved list. That Election officer had been continuing to hold elections for the last several years and as that power was never challenged before the High Court, the officer probably slipped and did not realise and understand what the law truly required. Now, if in that case any election is set aside, you cannot attribute the blame to a minister who probably had he known that this was necessary, he might as well had not done it because of the trouble that is created for the people. Were there, if at all, any decision of a court, which shows that the Ministry has been partial or has taken a view contrary to justice and fairplay, then I shall hold myself responsible and then I shall appeal to all members that before they pray that it should be set aside, I will vacate this office honourably myself.

As far as the Local Bodies election programme is concerned, we have had a programme before us but on account of the decisions of the High Court, we had to keep up with the promise of mine that I made to this House that within six months the elections will have been completed. We are still studying as to how we can make it possible that we should stick to our promise but if it is humanly impossible, I am sure the House will appreciate that I could not go against the decision and verdict of a court.

As far as the policy of grant-in-aid of Government is concerned, in different units there have been different policies. As I mentioned once before that there has been in certain units mockery of grant-in-aid. It has been completely taking the people by surprise because, take for example the dispensaries of Sind District Boards and I have had an extensive tour of Sind. I found that there was neither a road, nor a dispensary nor even a veterinary dispensary and the Local bodies have never functioned properly. There have been local bodies where arrears have gone for three years; local rate has been collected from the people and it has not been deposited with the District Board for the implementation of the schemes. There the grant-in-aid had been given at Rs. 10/- per month and it is called "Aided Dispensary of the Government." Now, nobody has ever gone into the details. In other areas of West Pakistan there is cent per cent educational grant; in other District Boards it is 40 per cent. In the interest of bringing about a uniform system and to give chance to every local body to develop its own area under development plans with the same facilities from the Government we should unify the grants-in-aid system, and that work we have taken in hand. Our statistics and data is complete and within the short time ahead of us we will be able to unify that grant-in-aid system and we will be able to adopt that for the benefit of these local bodies.

As far as the unification of laws is concerned, there have been different laws in different units. Our Bill is ready, the draft is complete and there we are introducing certain measures of reforms. It was under that factor that I thought that we should not provincialise most of the local bodies institutions in order to enable them to take up responsibilities in their own areas and one of the purposes of the unification of these provinces into the newly created West Pakistan Unit is that we should give as much responsibility locally as possible, and if that was to be exercised, this hue and cry from amongst a few today, would not have found place in this House. But I can assure this House that within a month or two we shall be giving uniformity to all local bodies in West Pakistan.

As far as the Services are concerned, we have made it compulsory that in future Services recruitment thereto will be done according to the prescribed qualifications. For this purpose, the present employees who have continued honestly in service for less than 25 years, could not be retired. Therefore, for them and for the new recruits, we are opening a Local Government college in which they will be given local government

administrative training and they will be found useful and better and more efficient than the staff that already exists.

Besides, this, in the field of social welfare we have made it compulsory for local bodies in West Pakistan who can afford a certain amount of expenditure in the field of social welfare, we have made it their responsibility and we have issued directions that these local bodies be it municipalities or district boards will employ Social Welfare Officer; Secretaries of Departments will also pay attention to social welfare because it has been our aim that Pakistan instead of remaining a law-and-order-state as in the days of the British regime, should be converted into a welfare state and as such it was a necessary step and we had adopted that policy.

As far as the rates are concerned, there were questions about it, too. Now, there are people who grudge the agumentation of revenue resources because they feel that if they increase the taxes, they may not be able to have votes from their constituencies. I feel that if a Government or a local body spends the money rightly on public beneficial schemes, the people will not shirk to give you that money. As long as it is spent on their dispensaries, their roads and on their veterinary services, people will not mind, a case in point is areas in Bahawalpur where rate of octroi on cotton is As. -/10- per maund. If the people of Bahawalpur have paid this rate for several years there is no reason why a citizen from Lyallpur cannot afford to pay, if not that much say, half of that amount.

The representatives from Bahawalpur rightly feel that they have been more heavily taxed and I can assure them that this year they will definitely get substantial relief in the octori rates. In other areas of West Pakistan, however, taxation will necessarily have to be brought up because they have not been taxed to meet the needs of their own areas. The House does not expect the Governemnt to shoulder the entire responsibility for these activiteis. The responsibility has to be shared between the local bodies and the Government. The Government has got to draw a line between the stages where it must function and from where the responsibility has to be taken by the local bodies and the people must take the responsibility according to their own resources; according to their own wealth in their own areas.

As far as the Hyderabad Municipality and several other Municipalities in Sind are concerned an honourable member raised a question and made a suggestion that system in Hyderabad should be changed on the basis of Lahore and Karachi. I entirely agree with him and during my tour I also appreciated that if that system was to be adopted revenues of the Municipality of Hyderabad would be doubled without causing any inconvenience to the people and the merchants. There I entirely agree and orders have been issued. I am sure within the current financial year this will be implemented.

Sir, a question in connection with local bodies we also put regarding one of the tenders called for the water meter. The member thought that lowest tender of Rs. 38 was not accepted and a higher tender of Rs. 60 was accepted. I have made inquiries and the explanation is before me. But I am not fully convinced by the explanation given to me by the officers because their argument has been that they are using English machinery and they wanted to keep the same standard of public health department and so the same meter should be purchased and the cheaper ones from Belgium or some other continental country which cost Rs. 38 per meter were rejected. I think we should not work on this principle but wherever we find that machinery is good enough and can be substituted and is cheaper we should accept that and we should not stick to the old specifications irrespective of drain on our foreign exchange. I assure the members that I shall look into this matter.

As far as Panchayats are concerned there is a very small area in West Pakistan Province which has this facility and Frontier and Sind now have been brought in. We are going to put in Panchayats there also. The other thing that we are bringing in our new District Board Bill is that we are co-ordinating Panchayats with the District Boards. They will be so co-ordinated that there will be no overlapping of administration and collection of funds; there will be no duplication and it will run to the best advantage of the people. I appeal to members that in these national activities they should give us their full co-operation in propagating these good programmes.

Now, I will come to social welfare. When Republican Government came into office social welfare department existed in the blue book and administrative reports as a recommendation only. Neither a clerk nor a scheme was found by us, in that department. During the short time we brought in about 18 schemes and we planned for expenditure of 6 crores over a planned period of four years. I am sorry to say that the Planning Board completely ignored this field and only allotted a limited amount of 140 lakhs over a period of five years. I think it was a mockery of this department. Similarly the Planning Board ignored the local bodies. The planning Board says it has taken all the national resources into account but they have completely ignored the 22 lakhs of rupees revenue from the local bodies and also ignored the private resources of people which also form part of national wealth. We prepared and divided these schemes into two parts, some schemes were grouped under Government responsibility others were grouped under responsibility of social welfare council.

The Social Welfare Council was constituted and the House knows through answers to questions that to this Council we gave certain field of action e.g. socio-economic project, home for vagrant children, the occupational therapy and charitable institutions which cannot be sponsored by Government. On the Government side we thought that the greatest evil in our society today is beggary and beggary is a problem which reflects very badly on our nation as a whole and to stop this some people have their doubts but I am confident that the scheme that this Government has approved and is now implementing in next 6 to 8 months should make it possible for the Government to eliminate beggary within the next 10 years from this country. It is a scheme of not putting people behind the bar; it is not a scheme of putting people behind walls where they will be confined indefinitely; but it is a scheme to rehabilitate them. It is a socio-economic project; it is a scheme of reform of our society; it is a scheme to give them vocational training so that after they have received that training they can be rehabilitated in life as normal citizens of state. At present people are attracted to beggary because it is the cheapest occupation requiring the least effort and its income is income-tax free. Therefore there is no discouragement. It would have been better if I had been able to present this scheme to the House and taken them into confidence so that I could have enlisted their support but I am very much handicapped by the short time at my disposal. We are preparing a definite pamphlet on the schemes and that would be a source of information to the honourable members.

As far as the homes for the blind, lepers and centres for the lame are concerned the House is aware that Government is going to consider and implement the scheme within the course of six months. Today you have people walking about without arms and legs or feet and all those who are crippled are not helped by the Government at all although in our constitution we have provided definite safeguards and given assurance to citizens of Pakistan that they would be given necessary service. If necessary service was to be assured, a primary school is no good for the blind students. They are normal services for normal people but the abnormal people and the deformed ones need more than that. Unfortunately once a matter became the responsibility of the state it was incumbent on the state to provide them such facilities that will suit their requirements. The Government is paying its utmost attention towards this and we are bringing necessary legislation which besides mobilizing and harnessing the Government resources will also exercise and give us control and authority of control over the private

institutions which are being abused and used as commercial institution rather than beneficial and sympathetic institutions. Simultaneously with this we are also considering that besides the local bodies and Government resources we should also appeal to the citizens of this country that instead of devoting their time and energy and all their wealth towards individual charity we should adopt a new system and introduce charity by which individuals are not humiliated by the richer men while doling out charity and they do not suffer loss of prestige while receiving charity. For this we are going to introduce community chests from where this money will be taken out and disbursed and allocated towards beneficial scheme for the nation and for that purpose this Government is going to put community chests in every district. It is hoped that people will generously donate for this noble purpose. Then we also have in view this system of zakat and fitrana whereby individuals have to go to people who are likely to abuse and misuse it also we want to develop and this would bring substantial amount and make it available to Government, to finance these beneficial institutions.



میر عبدالباقی بلوچ (مکران)

(یہ تقریر ۵ اپریل ۱۹۶۳ء کو مغربی پاکستان قانون
فوجداری کے ترمیمی بل ۱۹۶۳ء پر کی گئی)

جناب صدر۔۔۔ اس بل پر مجھے کہنا پڑتا ہے کہ ”خامہ انگشت بدندان کہ اسے کیا لکھئے ناطقہ سر
بہ گریبان کہ اسے کیا کہئے“ آج یہ بل اس ایوان میں پیش ہے اور یہ غالباً اس بل کا آخری دن ہوگا، آج
یہاں مغربی پاکستان کے عوام کے شہری حقوق کی نماز جنازہ ادا کی جا رہی ہے، کل سے ہماری سوسالہ پرانی
عدلیہ کا نظام درہم برہم ہو رہا ہے۔ یہ بل ہمیں بیک جنبش قلم ۱۶ اپریل ۱۹۶۳ء سے زمانہ قبل از تاریخ میں
پہنچا دے گا اور Indus valley civilization میں جو عبرت ناک انقلاب اس بل سے آئے گا وہ قابل غور
ہے، کل سے جناب والا۔ سندھ کے عوام موہن جوڈارو تہذیب میں لوٹا دئے جائیں گے اور پنجاب کے
عوام ہڑپا کی تہذیب میں پہنچ گئے ہوں گے اور سرحد کے عوام ٹیکسلا تہذیب میں ہوں گے اور ہم بلوچستان
کے عوام ”بابلی تہذیب“ کے مزے چکھ رہے ہوں گے۔ یہ کمال ہے ان کے اس قانون کا۔ اس
گندھارا آرٹ کا جو آج یہ حکومت اس ایوان میں پاس کرائے گی۔ جناب والا۔ میں یہ بات تفریحا نہیں
کہہ رہا ہوں بلکہ تاریخ اسے ثابت کرتی ہے کہ یہ سلسلہ۔ یہ جڑ گہ جو یہ منعقد کر رہے ہیں اس کی مثال قبل
مسیح سے لے کر انگریزوں تک کی تاریخ میں کہیں نہیں ملتی۔

اس سلسلے میں میں نے تاریخ کے اوراق کی ورق گردانی کی ہے اور اشوک کے دور حکومت تک میں
نے دیکھا ہے، اس دور حکومت میں کابل و قندھار بھی اس کے زیر اثر تھے اور اس وقت آپ کے سابقہ

سرحد کے علاقوں میں بھی جو قانون نافذ تھا اس میں مذہبی نظام کے ذریعہ بدھ مذہب کے اصولوں پر انصاف کیا جاتا تھا۔ اس وقت کہیں جرگہ کا نام و نشان نہیں ملتا، اس کے بعد جناب والا۔ دوسری صدی عیسوی سے لے کر ساتویں صدی عیسوی تک کا یہ علاقہ ہندو دور حکومت میں رہا۔ اس میں چندر گپت کا زمانہ خاص طور پر قابل ذکر ہے جس کی حکومت سنٹرل ایشیا تک پھیلی ہوئی تھی۔ اس وقت بھی مذہبی اصولوں پر برہمنوں کے ذریعہ دھرم شاستر کے اصولوں کے مطابق عوام کو انصاف دیا جاتا تھا اور کہیں بھی جرگہ کا نشان موجود نہیں تھا۔ تیسرا دور مسلمانوں کا تھا۔ مسلمانوں کے دور حکومت میں مغلوں کے زمانے میں بھی ان علاقوں میں جنہیں یہ اس جرگہ کا سرچشمہ بتا رہے ہیں وہاں انصاف قاضیوں کے ذریعہ ہوتا تھا اور ہائی کورٹ چیف جسٹس کو صدر الصدور کہا جاتا تھا جو اسلامی قوانین کے مطابق تھا۔ سکھوں کے دور میں بھی جناب والا۔ سرحد میں جرگہ کا کہیں نشان نہیں تھا۔ البتہ جو اصول آج اس جرگہ میں موجود ہے۔ اس اصول کی بنیاد سکھوں کے ایک اصول پر ضرور پڑی تھی، وہ یہ تھا کہ رنجیت سنگھ کے زمانے میں ایک موٹے شخص کو پھانسی کی سزا دی گئی۔ پھانسی کا رسہ اس کے گلے تک نہ پہنچ سکا تو حاکم نے حکم دیا کہ اسے چھوڑ دو اور ”کسے ہو موٹے جیسے نوں پھڑلو“ آج اس جرگہ میں بھی جو ہمارا خاندان غلاماں منعقد کرے گا یہی اصول موجود ہے۔

جناب والا۔ انگریزی دور حکومت میں سرحد کے دو حصے تھے۔ ایک Settled علاقہ اور ایک قبائلی علاقہ۔ قبائلی علاقہ وہ علاقہ تھا جہاں ۱۸۷۰ء سے ۱۹۴۰ء تک انگریزوں نے ۲۶ Major Military Operation کئے اور ان پر انگریز کا چار سو کروڑ روپیہ خرچ ہوا لیکن اس کے باوجود وہ علاقہ انگریزوں کے اثر میں نہ آسکا۔ اس کے برعکس جو Settled علاقہ تھا وہ تو سکھوں کے دور میں بھی سکھوں کے زیر اثر رہا۔ اور انگریزوں کے دور میں بھی انگریزوں کے زیر اثر رہا۔ یہ جرگہ کا نظام جس پر انگریزوں نے ڈپٹی کمشنر کا ملع چڑھا کر اسے فزٹیشنر میں نافذ کیا تھا۔ دراصل اس قبائلی علاقے میں نقل کیا گیا ہے جہاں چار قبائل ممند، محسود، آفریدی اور وزیر آباد تھے۔ ان کی کوئی باقاعدہ حکومت نہیں تھی اور وہ آپس کے جھگڑوں کا مل بیٹھ کر فیصلہ کرتے تھے اور اسے جرگہ کہتے تھے۔ اب صورت حال یہ ہے کہ آج ہم کو یہ چاہئے تھا کہ پاکستان کا جتنا علاقہ ہے اسے ہم ترقی دے کر مغربی پاکستان کے علاقوں کے برابر لے آئیں لیکن اس قانون سے ہم الٹا مغربی پاکستان کو ترقی معکوس دے کر قبائلی نظام میں لے جا رہے ہیں۔

اس ایوان میں جناب والا۔ میرے کچھ دوستوں نے جرگہ سسٹم کے حق میں کچھ دلائل دیئے ہیں، میرے محترم دوست جناب کنڈی صاحب نے اس سلسلے میں اس نظام کی حمایت کی ہے۔ میں ان کی توجہ

بڑے احترام کے ساتھ آج سے تیس سال قبل N.W.F.P. Council Debates کی طرف مبذول کرتا ہوں جب ان کے محترم ماموں صاحب خان بہادر عبدالرحیم خان کنڈی اس کونسل کے ڈپٹی سپیکر تھے۔ انہوں نے Repeal of Special Regulations کے ریزیولوشن پر تقریر کرتے ہوئے ان ریگولیشنز کے متعلق یہ رائے دی تھی۔

“I think it would be an insult to us and also an insult to the British Government if they retained these regulations against which all the people of this province with one voice and full heart have protested.”

میں نہیں جانتا کہ تیس سال قبل اگر سرحد اس قدر آگے تھا تو آج پیچھے کیوں چلا گیا ہے، بہر حال یہ ان کے بزرگ کے اقوال ہیں ان کے اقوال سے مجھے کوئی جذباتی تعلق نہیں پھر جناب میرے سرحد کے بعض بڑے محترم دوستوں نے اس حق میں بہت دلائل دیئے ہیں اور بڑی فصیح تقریریں کی ہیں، لیکن میں ان کی خدمت میں یہ عرض کرنا چاہتا ہوں کہ صاحب زادہ عبدالقیوم جنہیں وہ سرحد کا سرسید مانتے ہیں اور جتنے احسانات صاحب زادہ صاحب کے سرحد پر ہیں اور کسی کے نہیں ہیں۔ ۱۹۳۳ء میں وہ انگریز کی حکومت میں سرحد میں وزیر تھے اور وزیر ہوتے ہوئے بھی انہوں نے Special Regulations Repeal Resolution پر جو تقریر کی تھی اس کی طرف میں آپ کی توجہ مبذول کرتا ہوں ان کی رائے سنئے وہ فرماتے ہیں

“.....The regulation is based on the so-called old customs of the people but the sooner these customs make room for more modern and civilized laws, the better it will be for all concerned”

اس کے بعد آگے وہ فرماتے ہیں۔

“.....As far as the procedure adopted under the regulation is concerned, I condemn it whole heartedly. This parallel procedure of trying cases under the Frontier Crimes Regulation is to my mind most unsatisfactory. It deprives the accused of the right of self-determination and of receiving a fair trial. If the idea is that the tedious procedure of ordinary law courts, both on the criminal and civil side, should be shortened, I endorse it, but I would not like that the procedure should be shortened simply to suit certain classes whether residing in tribal areas or inside the British territories”

اس کا علاج بھی وہ بتاتے ہیں اور علاج یہ نہیں جو آج آپ پیش کر رہے ہیں۔ علاج وہ ہے جو انہوں نے اس دن پیش کیا تھا۔

“.....I must say that we should try to improve the police investigation and the magisterial enquiry. We should improve the capacity and the efficiency

Mir Abdul Baqi Baloch: Sir, I have his speech with me

Mr. Speaker: No interruption please.

Minister of Railways: I did not say that.

Mir Abdul Baqi Baloch: You did say that. Your speech is with me.

Minister of Railways: Should I tell you what I said?

Mr. Speaker: No. There is no need. Mr. Baloch may carry on.

میر عبد الباقی بلوچ - توجنب والا۔ جب وہ اس حکومت کو اس ہنگامی حالت میں بھی یہ اختیار نہیں دیتے تھے تو وہ کس طرح آج کے عام حالات میں اپنے ملک کے عوام کے حقوق کو غصب کرنا پسند فرماتے۔ میں ان کی اطلاع کے لئے یہ عرض کر دوں کہ قائد اعظم نے اس سلسلے میں کیا فرمایا تھا اور ان کے عدل و انصاف کے تصورات کیا تھے۔ وہ فرماتے ہیں۔

I am a firm believer that no man's liberty should be taken away for a single minute without a proper judicial enquiry."

پھر وہ ۱۹۱۹ء کے رولٹ ایکٹ کے سلسلے میں فرماتے ہیں۔

No man should lose his liberty or be deprived of his liberty without a judicial trial in accordance with the accepted rules of evidence and procedure

آپ کے اس قانون میں کونسا procedure ہے۔ کونسا evidence کا طریقہ ہے اور آگے پھر وہ فرماتے ہیں۔

".....the powers which are going to be assumed by the executive, which means substitution of executive for judicial, such powers are likely to be abused, and, in the past, we have instances where such powers have been abused."

کیا آپ کے اس بل میں تصور کی خلاف ورزی نہیں ہو رہی؟ پھر وہ فرماتے ہیں۔

"My Lord, standing here as I do, I say that no man who loves fair play, who loves justice and who believes in the freedom and the liberty of the people can possibly give his consent to a measure of this character."

تو جن کا تصور عدل و انصاف کا یہ تھا آپ ان کے متعلق یہ فرماتے ہیں کہ وہ سب باتیں وقتی تھیں۔ اور وہ اسی انقلابی دور سے متعلق تھیں۔ آج آپ ان کی بنائی ہوئی مملکت میں ان کے اصولوں کی خلاف ورزی کر کے الٹا اپنے کردار کی وضاحت فرماتے ہیں اور اس انداز میں فرماتے ہیں یہ کس قدر شرمناک بات ہے۔

جناب والا۔ قائد اعظم اس حد تک بھی کہہ گئے ہیں اور یہ انہوں نے Bengal Criminal Law

پر ۲۳ مارچ ۱۹۲۵ء کو کہا تھا اور اس وقت کہا تھا جب کہ Amendment Supplementary Bill

حکومت انقلابات سے دوچار تھی۔

“.....If I were an official and if I felt that my life was in danger and I was going to be shot down, even like a dog, I should never be a party to a measure which will endanger the life and liberty of the innocent population as this measure undoubtedly does.”

تو اس کا مطلب کیا ہے؟ آپ اپنے اس بل کو دیکھئے اور اس کے مقابلے میں حضرت قائد اعظم علیہ رحمۃ کے ارشادات کو دیکھئے۔ آج آپ جس شیر کے مارے ہوئے شکار کو شغال کی طرح کھا رہے ہیں اس کے بنائے ہوئے نظریاتی ملک کا آپ یہ حال کر رہے ہیں۔ کس قدر افسوس ناک بات ہے۔

جناب والا۔ ایک دلیل یہ بھی دی گئی ہے کہ یہ ایک محدود قانون ہے اور اس کا احاطہ صرف محدود مقدمات تک ہے یعنی اس کے تحت صرف قتل کے مقدمات آئیں گے اور عدلیہ کے نظام پر اس کا کوئی اثر نہیں ہو گا۔ وہ بدستور قائم رہے گا۔ اس سلسلے میں عرض یہ ہے کہ میری بات انہیں پسند نہیں۔ اس ملک کے عوام کی بات انہیں پسند نہیں۔ اس ایوان کی بات انہیں پسند نہیں۔ میں ان کی اس دلیل کا جواب پھر قائد اعظم کے ارشادات سے دیتا ہوں۔ وہ فرماتے ہیں۔

I cannot possibly stand here and say that because it is restricted in its scope and only deals with offences of murder or attempt to murder, therefore, we shall depart from the normal, ordinary fundamental principles of law.

اس کے بعد آپ کے پاس کیا جواز ہے؟ کیا آپ ان کے ایک ایک لفظ کی خلاف ورزی نہیں کر رہے۔

جناب والا۔ یہاں یہ بھی کہا گیا تھا کہ ہم قانون ساز ہیں۔ ہمارا حق ہے کہ ہم عوام سے متعلق جو قانون چاہیں وضع کریں۔ یہاں ہائی کورٹ اور سپریم کورٹ کے حوالے دے کر یہ کہا گیا کہ انہیں تو صرف قوانین چلانے کا اختیار ہے۔ عقل کل تو صرف ہم ہیں اس لئے ہمیں اس قانون کو منظور کرنا ہے۔ یہ بل نہ کسی Select Committee کے پاس گیا اور نہ ہی اسے Public Opinion elicit کرنے کے لئے بھیجا گیا۔ اور نہ ہی یہ کسی باقاعدہ procedure کے تحت لایا گیا ہے۔ اس کے متعلق بھی میں حضرت قائد اعظم کے الفاظ ہی پیش کروں گا۔ وہ ۱۹۱۹ء میں Indian Legislative Council میں Criminal Law Emergency Powers Bill کے متعلق فرماتے ہیں۔

Quaid-i-Azam said on March 12, 1919 in the Indian Legislative Council speaking on Criminal Law (Emergency Powers) Bill, 1919:—

.....My Lord may I ask a simple question that if that is so, why is it that any Bill is ever allowed to be published at all; why is ever any Bill sent for opinions to local governments, to the High Courts and to the public bodies, why is it ever done, I repeat”

رہ سکتے ہیں اور لاہور ڈویژن میں بھی ویسے ہی کامیاب ہو سکتے ہیں۔

جناب والا۔ آخر میں میں ان سے ایک درخواست کروں گا اور وہ یہ کہ آج آپ اس بل کو منظور تو کر دیں گے مگر میری ایک گزارش آپ مان لیں اور وہ یہ کہ آج بینڈ باجے منگوائیں اور اس بل کو پاس کرنے کے بعد سرکاری پارٹی اپنا جلوس نکالے اور مال روڈ سے بھٹکڑا اور خٹک ڈانس کرتی ہوئی اس بل کو گورنمنٹ ہاؤس تک لے جائے اور عوام کی شہری آزادیوں کو پورے سرکاری اعزازات کے ساتھ گورنر ہاؤس میں دفنا کر آجائے۔

جناب والا۔ حزب اقتدار نے اس تمام بحث کے دوران یہ تاثر دیا ہے کہ یہ قانون ۱۹۰۱ء کے FCR سے بہتر ہے۔ گویا وہ ہمیں بتانا چاہتے ہیں کہ اس معزز ایوان کے Terms of reference محدود ہیں اور ہمارے پاس صرف دو ہی راستے ہیں یعنی یہ کہ ہم اس ۱۹۰۱ء کے FCR کو قبول کریں یا اس ۱۹۶۳ء FCR کو قبول کریں۔ میں یہ گزارش کروں گا کہ اس ایوان کو جب یہ بل منظور کرنے کا اختیار حاصل ہے تو اسے نامنظور کر کے ۱۹۰۱ء والے FCR کو منسوخ کرنے کا بھی اختیار ہے۔ آپ ہمیں اس گورنر کو دھندے میں کیوں پھنساتے ہیں۔ اس کا مجھے اعتراف ہے کہ بعض قوانین کے لئے اس ایوان کے اختیارات انڈین کونسل ایکٹ ۱۸۶۱ء کی دفعہ ۳۲ کے تحت محدود ہیں جس میں گورنر جنرل کے پاس کردہ قانون میں کونسل نہ ترمیم کر سکتی تھی نہ منسوخ کر سکتی تھی۔ لیکن میں یہ بھی مانتا ہوں کہ میجر پارٹی کے اختیارات ۱۸۶۱ء والے کونسل ایکٹ سے بڑھ کر ۱۸۹۲ء کے کونسل ایکٹ سے ملتے ہیں کیونکہ اس کی دفعہ ۵ کے تحت کسی بل یا قانون کو منسوخ کرنا یا اس میں کوئی ترمیم کرنا مقصود ہوتا تھا تو گورنر جنرل کی اجازت ضروری ہوتی تھی۔ چونکہ میرے خیال میں ان کی پارٹی بالابالا اجازت طلب فرماتی ہے اور یہ پارٹی انڈین کونسل ایکٹ ۱۸۹۲ء کی دفعہ ۵ کے تحت برسر کار ہے اسی لئے ان کے لئے ”حکم حاکم مرگ مفاعیات“ کے مترادف ہے۔ میں اس بل کی مخالفت کرتا ہوں اور شدت سے مخالفت کرتا ہوں۔ میں سمجھتا ہوں کہ میرے پاس ایسے الفاظ نہیں کہ میں بتا سکوں کہ اس کے پاس ہونے سے ملک میں کیا کیا نتائج برآمد ہوں گے اور کس شہنشاہیت کی طرف ہم قدم پیا ہوں گے۔



میاں محمد یاسین خان وٹو (ساہیوال)

(یہ تقریر ۳۱ جنوری ۱۹۶۵ء کو اسمبلی کے الوداعی اجلاس کے موقع پر کی گئی۔)

جناب والا۔ ہر ابتدا اپنی انتہا کو لے آتی ہے۔ اس اسمبلی کی عمر کی ابتدا آج سے تقریباً تین سال پہلے ہوئی آج یہ انتہا کے قریب ہے۔ ہم بیگانوں کی طرح آئے تھے مگر یہاں بیٹھے۔ باتیں کیں۔ اعتراضات کئے۔ کبھی سنے۔ کبھی سنائے اور اس سارے عرصہ میں اب یہ کیفیت ہو گئی ہے اگر آج میں یہ کہوں تو کوئی مبالغہ نہ ہو گا کہ ہم اپنوں سے زیادہ اپنوں کی حیثیت سے آج یہاں بیٹھے ہیں اور بیگانوں کی طرح آنے والے آج اپنوں کی طرح جدا ہو رہے ہیں۔

جناب والا۔ عقل انسانی نے بڑے تجربات کئے ہیں۔ بڑے تجربات کے بعد نظام حکومت کے بارے میں انسان اس نتیجہ پر پہنچا ہے کہ حکومت کی پالیسی کا بہترین طریقہ حکومت چلانے کا بہترین طریقہ جمہوریت ہے۔ چاہے پارلیمانی نظام ہو۔ چاہے صدارتی نظام ہو۔ البتہ ایک بات جو اس میں ضروری ہوتی ہے وہ یہ ہے کہ صاحب اقتدار لوگوں کی اس جماعت کو جو اکثریت میں ہوا اپنے پر تنقید سننے کی جرأت ہو۔ اور ان احباب کو جنہیں ہر وقت اقتدار حاصل نہ ہو اور اقلیت میں ہوا انہیں اپنی بات نہ مانی جانے پر جو شکست ہوتی ہے اس کو حوصلہ سے برداشت کرنے کی جرأت ہو۔ اب اس سلسلے میں وہ جماعت جو اقتدار میں ہے یہ ثابت کر چکی ہے کہ اس نے ہر قسم کی تنقید کو بڑی فراخ دلی کے ساتھ برداشت کیا ہے۔ اور پولیس اور تقریر کی آزادی سے جو کچھ چیزیں کہی جانی چاہئیں اور جو کچھ کہی گئی ہیں اس کو حوصلہ سے برداشت

کیا ہے۔ یہ جمہوریت کی ایک بڑی خدمت ہے۔ مگر میں اپنے فرائض میں کوتاہی کروں گا اگر میں حزب اختلاف کی ستائش نہ کروں۔ انہوں نے تنقید کے بارے میں۔ تجاویز کے بارے میں اپنا حق صحیح طور پر ادا کیا ہے۔ مجھے صرف یہ بات عرض کرنی ہے کہ حزب اختلاف نے تنقید کا حق کئی دفعہ سے زیادہ استعمال کیا۔ کئی جگہ پر تنقید تعمیر سے شائد نیچے بھی گر گئی۔ بلاشبہ ان کو تجاویز پیش کرنے اور کئی معاملات پر تنقید کرنے کا حق ہے کسی مسئلہ پر رہنمائی کرنے کا حق ہے مگر میں ان کی اطلاع کے لئے ان کی خدمت میں عرض کروں گا کہ جب جمہوریت کا معاملہ آجائے تو خدا کے لئے اس چیز کو حوصلہ کے ساتھ برداشت کرنے کی روایات قائم کریں۔ یہ ان کی بہت بڑی جمہوری خدمت ہوگی۔ آج مجھے بڑی خوشی ہوتی اگر ہمارے دوست یہاں موجود ہوتے اور یہ ساری باتیں جو ہم ایک دوسرے کے لئے کر رہے ہیں ان میں شریک ہوتے۔

جناب والا۔ جمہوریت میں دوسری ایک بڑی دقت یہ ہوتی ہے کہ ہر وہ شخص جسے کسی اہم سیاسی مقام پر بٹھانے کے لئے عوام منتخب کریں تو اس شخص پر بے پناہ ذمہ داریاں بھی آجاتی ہیں۔ چاہے وہ جگہ ایک ممبر کی حیثیت سے ہو۔ چاہے ایک پارلیمنٹری سیکرٹری کی حیثیت سے ہو۔ یا قائد حزب اختلاف کی حیثیت سے ہو یا وزراء کی حیثیت سے ہو۔ قائد ایوان کی حیثیت سے ہو یا جناب والا سپیکر کی حیثیت سے ہو۔ ان مقامات کی بلندی جوں بڑھتی جاتی ہے توں توں ذمہ داریاں بڑھتی جاتی ہیں۔ جناب والا۔ میرے خیال میں آپ سے زیادہ کوئی شخص اس بات کو نہیں جانتا۔ آپ اس ایوان کے سب سے اونچے مقام پر بیٹھے ہیں۔ کتنے مشکل مرحلے آپ کے سامنے آئے۔ اور ایک یہ مرحلہ کیا کم مشکل ہے کہ کتنی لمبی لمبی تقریریں کیں۔ کئی دفعہ مصائب سے بھرپور تقاریر بہت لمبے عرصے کے لئے آپ نے سنیں۔ اس وقت یقیناً تمام تر نمائندے آپ کے ساتھ ہوتے تھے۔ مجھے اس کا علم ہے کہ (کیونکہ ان دنوں میرا نام بھی اس عہدہ کے لئے لیا جا رہا تھا) اس عہدے میں بے پناہ مشکلات ہیں۔ بہر حال اس مشکل کام کے لئے آپ کو چنا گیا اور آپ نے نہایت کوشش کے ساتھ۔ نہایت قابلیت کے ساتھ اس اہم عہدے کے فرائض کو سرانجام دیا۔ ایک صاحب یہ آپ کی جواں سالی کی وجہ سے آپ کی ناتجربہ کاری کی وجہ سے یہ خیال کر رہے تھے کہ اس عہدہ کے فرائض جہاں دیدہ تجربہ کار اور بزرگ صاحبان اچھے طریقے سے سرانجام دے سکتے ہیں۔ جناب والا۔ میں یقین کے ساتھ کہہ سکتا ہوں کہ اپنے عہدہ سپیکری میں آپ نے ثابت کر دیا ہے کہ آپ جواں سال ہیں مگر یقینی طور پر ایک ایسا ذہن لئے ہوئے ہیں جو پورے تجربات رکھتا ہے۔ جو صحیح طور پر بزرگی رکھتا ہے جس بزرگی کی طرف میرے دوست اشارہ کر رہے ہیں۔ (خوب۔ خوب)۔

جناب والا جس قدر مشکل کام ایوان میں سپیکر کا ہوتا ہے شاید کسی اور شخص کا نہیں ہوتا۔ جتنے

مشکل مرحلے کامیابی کے ساتھ آپ نے گزارے ہیں اس کے لئے اگر میں مبارک باد نہ دوں تو میں سمجھتا ہوں میں اپنے فرائض میں کوتاہی کا مرتکب ہوں گا۔ میں سینئر ڈپٹی سپیکر صاحب اور جونیئر ڈپٹی سپیکر صاحب کا ذکر کرنا بھی ضروری سمجھتا ہوں انہوں نے جب کبھی اس ایوان کی صدارت کی وہ ہمیشہ اپنے فرائض سے خوش اسلوبی سے عہدہ برآ ہوئے۔

اب جناب والا۔ جب بات چل نکلی ہے تو ظاہر ہے کہ پھر قائد ایوان کا ذکر آنا بھی ضروری ہے۔ قائد ایوان کے متعلق یہاں بہت سی باتیں کہی گئی ہیں۔ میں نے ان کے قریب جا کر یہ دیکھا ہے کہ وہ ایک ہی ملاقات میں خدا کا خوف اور اپنی محبت عطا فرمادیتے ہیں۔ وہ آنکھوں۔ کانوں۔ دماغ یا کسی اور چیز کو اپیل کرنے کے بجائے۔ یادوستوں کو اپنے بس میں لانے کی بجائے ان کے دل موہ لیتے ہیں۔

دل بدست آور کہ جج اکبر است

اور جب کوئی کسی کے دل پر قبضہ کر لیتا ہے۔ تو اس کا اس کی ہر چیز پر قبضہ ہو جاتا ہے۔ یہی وجہ ہے کہ شیخ مسعود صادق صاحب بطور قائد ایوان ہر معاملے میں بڑی کامیابی سے عہدہ برآ ہوئے ہیں۔ یقیناً جس نئے تجربے کے لئے اور جن نئے حالات میں انہیں یہ عظیم عہدہ دیا گیا۔ وہ بہت مشکل اور کٹھن تھے۔ تاہم انہوں نے نہایت خلوص، محبت اور اطمینان کے ساتھ اس عہدے سے متعلق اپنے فرائض انجام دیئے ہیں۔

جناب والا یہاں میں اپنے دوسرے بزرگوں کا ذکر نہ کرنا بھی مناسب نہیں سمجھتا۔ بلکہ از حد ضروری سمجھتا ہوں۔ ملک قادر بخش صاحب کی بزرگانہ نصیحتیں۔ ان کے تجربات کے مجموعے اور دیگر معاملات میں وہ جو کچھ بھی فرماتے رہے ہیں۔ اس سے کم از کم میں نے بطور ایک نئے اور نا تجربہ کار آدمی کے بہت کچھ استفادہ کیا ہے۔

خان پیر محمد خان صاحب کی بزرگانہ مسکراہٹیں، گردیزی صاحب کی پر خلوص باتیں۔ ہماری محترمہ بہن محمودہ سلیم صاحبہ کا مشفقانہ رویہ۔ میرے بھائی غفار پاشا صاحب اور ہمارے جوان سال وزیر مسٹر جونیجو صاحب کی انتہائی ہمدردانہ اور پیاری باتیں کبھی نہ بھلانے والی چیزیں ہیں (نعرہ ہائے تحسین)۔

علاوہ ازیں مین صاحب کے قانونی نکتے جو انہوں نے ایک ممبر کی حیثیت سے اس ایوان میں بیان فرمائے۔ اور جس کامیابی کے ساتھ انہوں نے وزارت قانون کو نبھایا ہے۔ یہ ان ہی کا حصہ ہے۔

جناب والا۔ میں نے یہ سب کچھ اس ایوان سے متعلق کہنا ہے۔ پارلیمنٹری سیکرٹری صاحبان کا ذکر خود ایک پارلیمنٹری سیکرٹری صاحب نے فرمایا ہے۔ اور انہوں نے اس کے لئے داد بھی وصول کی ہے۔ مگر میں اس موقع اپنے پارلیمنٹری سیکرٹری مسٹر ملنگ خان صاحب کو داد دینا چاہتا ہوں (نعرہ ہائے تحسین)۔ اور اگر مجھے دوسرے وزراء صاحبان اور پارلیمنٹری سیکرٹری صاحبان معاف فرمائیں۔ تو میں ان کی اجازت سے یہ عرض کروں گا کہ جہاں تک میرے ذاتی علم کا تعلق ہے مسٹر ملنگ خان شاید ان پارلیمنٹری سیکرٹریوں میں سے ایک ہیں جنہوں نے اپنے فرائض سے صحیح طور پر عمدہ برآ ہو کر اپنی ذمہ داری کو صحیح طور پر نبھایا۔ کم از کم میں تو ان سے مکمل طور پر مطمئن ہوں۔

جناب والا۔ یہاں اس بات کا ذکر کرنا بھی ضروری ہے کہ ہم اس ایوان میں بیگانوں اور نئے لوگوں کی طرح آئے تھے۔ (ایک آواز۔ آپ نے صرف مسٹر ملنگ خان کا ذکر کیوں کیا ہے؟) میں نے اپنے پارلیمنٹری سیکرٹری کا ذکر کیا ہے۔ کسی اور کا تو نہیں کیا۔ ویسے چوہدری سلطان محمود صاحب کا بھی قائل ہوں۔ اور دیگر اصحاب مثلاً میاں صاحب وغیرہ کا بھی۔ بہر صورت جناب والا۔ جب ہم بیگانوں کی طرح آئے تو ہم ایک دوسرے کے نام پوچھتے پھرتے تھے۔ کسی کے متعلق کوئی کچھ بھی نہیں جانتا تھا نہ کسی کو کسی کی قابلیت کا علم تھا۔ نہ کسی کی تقریر کا اور نہ ہی دیگر معاملات کا۔ پھر ہم نے اپنے دوست خان عبدالرزاق خان صاحب کی مدلل تقریریں اور نہایت اچھے انداز میں کی ہوئی باتیں بھی سنیں۔ رائے منصب علی خان کی ادبیانہ تقریریں سنیں۔ سردار عنایت الرحمن خاں عباسی اور ماسٹر خان گل صاحب کی پر جوش تقریروں سے بھی استفادہ کیا۔ اس کے ساتھ ہی حاجی میر محمد بخش تالپور اور بابو محمد رفیق صاحب و دیگر سوال کنندگان کے سوالوں سے استفادہ کیا۔ کیونکہ وہ اس سلسلے میں ماہر ہیں۔ نیز ہم غلام علی صاحب کی پھل پھریاں چھوڑ دینے والی باتوں سے بھی محفوظ ہوئے۔

جناب والا۔ جہاں ہم نے اتنی اچھی اچھی تقریریں سنیں وہاں ہم قائد حزب اختلاف کی پوری تیاری سے کی ہوئی تقریریں سنیں۔ جہاں ہم نے نوابزادہ افتخار صاحب کی نکیلی تقریریں اور بعض دفعہ تلخ باتیں اور چوٹیں سنیں۔ وہاں ہم نے حمزہ صاحب کے متنازعہ فیہ مسائل اور باتوں سے بھی استفادہ کیا۔ کبھی راؤ خورشید علی خان کی گھن گرج سے بھرپور آواز۔ جو میں کبھی منگمری بار روم میں سنا کرتا تھا۔ وہ پورے جوش و خروش کے ساتھ یہاں سنی۔ رائے منصب علی صاحب سعدی صاحب کی گلستان اور بوستان بھی سنی۔ کبھی ہم نے مولانا غلام غوث صاحب کے عالمانہ دلائل اور قرآن پاک و حدیث کے حوالے سنے۔ اور کبھی اپنی بہن محترمہ بیگم شاہنواز صاحبہ کی بہت سی لمبی تقریریں بھی سنیں۔ اور ان سے بھی محفوظ ہوئے۔ انہوں نے ہمیں ہندوستان اور پاکستان کی تاریخ سے کافی حد تک مانوس کر دیا۔ کبھی کبھی اپنے دوست کرمانی صاحب کی قدرے تیز باتیں سنیں۔ اگرچہ آج کل وہ منقار زیر پر ہیں۔ تاہم وہ بہت کچھ اس

ایوان میں فرما چکے ہیں۔ جس سے ہم نے بہت استفادہ کیا۔

اس کے ساتھ ساتھ ہم نے ایسے دوستوں کی خاموشیوں سے بھی استفادہ کیا جنہوں نے گذشتہ تین سالوں میں اپنے طور پر کبھی اس ایوان کی خاموشی کو توڑنے کی کوشش نہ فرمائی۔ بہر صورت انہوں نے بھی اس ایوان کی خدمت کی ہے۔ کیونکہ اگر وہ سننے والوں کی حیثیت سے یہاں نہ ہوتے تو شاید تقریریں کر نبوالے حضرات کو بہت سی دقتوں کا سامنا ہوتا۔ اس لئے آج وہ بھی ہمارے شکر کیے کے مستحق ہیں۔ بہر صورت کچھ صاحبانِ توہماری باتیں سننے کے لئے موجود رہے۔ جناب والا۔ ایک دفعہ ایک بین الاقوامی اجتماع میں مجھے بھی شمولیت کا شرف حاصل ہوا۔ وہاں پہلی بات یہ کہی گئی کہ ان Parliamentarians کے متعلق ایک بڑی دقت یہ ہے کہ وہ لمبی لمبی تقریریں کرتے ہیں۔ مگر سنتے بہت کم ہیں۔ وہ بولنے والے تو بہت اچھے ہوتے ہیں لیکن سننے والے اچھے نہیں ہوتے۔ بہر حال جو حضرات اچھے تقریر کرنے والوں کی بجائے اچھے تقریر سننے والے ثابت ہوئے ہیں۔ انہوں نے بھی یقیناً پارلیمنٹری روایات کی بہت بڑی خدمات سر انجام دی ہیں۔ جناب والا۔ پچھلے دنوں میں نے اخبار میں یہ بات پڑھی کہ ہماری بہن مسز عائشہ عزیز صاحبہ نے اس سلسلے میں ریکارڈ قائم کیا ہے۔ میں آج ان کا بھی خاص طور سے شکریہ ادا کرنا مناسب سمجھتا ہوں۔

جناب والا۔ میں سمجھتا ہوں کہ بات کچھ لمبی ہو گئی ہے۔ تاہم میں قائد حزب اختلاف کا ذکر دوبارہ اس لئے کرنا چاہتا ہوں کہ انہوں نے صحیح طور پر اپنے فرائض انجام دیئے۔ اگرچہ بعض حضرات نے بہت سی باتوں پر بار بار ایسے اعتراضات بھی کئے جو مناسب حدود سے تجاوز بھی کر گئے۔ اور آج جن کا ذکر کرنا مناسب نہیں۔ لیکن قائد حزب اختلاف جس عظیم عہدے پر اس طرف بیٹھے تھے۔ انہوں نے اس عہدہ بر آہونے کی پوری پوری کوشش کی۔ اور اس کے لئے بڑی محنت سے کام کیا۔ مجھے بڑا دکھ ہوا جب انہوں نے کل یہ فیصلہ کیا کہ وہ آج احتجاجاً ایوان میں نہیں آئیں گے۔ کاش وہ آج یہاں تشریف لاتے کیونکہ اگر کوئی سیاسی قتل ہو یا کسی شخص پر ظلم ہو۔ تو اس کے متعلق صحیح سوچنے والے لوگوں کا رویہ یہ ہونا چاہئے کہ وہ اس کی مذمت کریں۔ حال ہی میں یہ جو سانحہ ہوا ہے۔ قائد ایوان نے بڑے واضح الفاظ میں اس کی مذمت کی ہے۔ اور حکومت یہ کوشش کرے گی کہ جو اشخاص اس ظلم کے لئے ذمہ دار ہوں۔ ان کو قرار واقعی سزا دی جائے۔ لیکن اگر اس قسم کے اکاد کا واقعات ہو جائیں۔ اگر کہیں کینڈی قتل ہو جائے یا حسن علی منصور کے ساتھ کوئی واقعہ ہو جائے۔ تو کیا ان چیزوں کے لئے جمہوریت کی راہیں خود ہی بند کر دی جائیں اور اس کے لئے احتجاجاً سب چیزیں چھوڑ دی جائیں۔ میں سمجھتا ہوں کہ یہ مناسب نہیں۔ یہ ایک ایسا معاملہ ہے جس کے متعلق تحقیقات ہو رہی ہیں۔ نفیث ہو رہی ہے اور سب چیزیں دیکھی جا رہی ہیں۔ بہر حال جس

وقت انہوں نے یہ فیصلہ فرمایا تھا۔ تو مجھے بے پناہ دکھ ہوا تھا۔ ویسے اس واقعہ کے متعلق شیخ مسعود صادق صاحب نے جو کچھ فرمایا ہے میں اپنے آپ کو اس کے ساتھ مکمل طور پر associate کرتا ہوں اور ضمیر احمد صاحب جو ہمارے اخبار نویس دوست تھے اور ان ساتھ اکثر یہاں ملاقاتیں ہوتی تھیں۔ ان کی موت پر بھی میں دلی ہمدردی کا اظہار کرتا ہوں۔ مجھے یقین ہے کہ میری پارٹی کے باقی دوست بھی اس اظہار ہمدردی میں میرے ساتھ شامل ہیں۔ بہر صورت میں ایک بار پھر اس واقعہ کے متعلق عرض کروں گا کہ اس کے متعلق مناسب کارروائی کی جا رہی ہے۔ حکومت یہ کوشش کرے گی کہ جو شخص بھی مجرم ثابت ہو۔ اسے سزا ملے۔ چونکہ یہ ایک باہر کا معاملہ ہے جس کے متعلق قانون کے مطابق کارروائی ہو رہی ہے۔ اس لئے اس کی بنا پر اس ایوان کی کارروائی سے ان کا احتجاج اٹھ کر چلے جانا یقیناً کافی دکھ دینے والی بات ہے۔ اور جمہوریت کے لئے کوئی صحیح روایت نہیں۔

جناب والا۔ میں بہت سی باتوں کا ذکر کرنا چاہتا ہوں۔ لیکن وقت کی کمی کے باعث ایسا نہیں کر سکتا۔ اب میں آپ کی اجازت سے اتنا عرض کروں گا کہ خداوند تعالیٰ کی طرف سے ایسا ہو کہ ہمارے بہت سے دوست دوبارہ منتخب ہو کر یہاں آئیں۔ اور ہماری دلچسپی اسی طرح قائم رہے۔ اور اپنے پھر اپنوں سے آملیں۔

جناب والا۔ آخر میں ایک بات اور نہایت ضروری ہے۔ جس کا اگر میں یہاں ذکر نہ کروں۔ تو کوتاہی ہوگی۔ وہ ہے اس اسمبلی کے سٹاف کے متعلق۔ مجھے یاد ہے۔ کہ خواہ ممبر اسمبلی کی حیثیت سے خواہ بطور وزیر جب میں دو تین Bills کو pilot کر رہا تھا۔ تو مجھے رات کے بارہ بارہ بجے اور دو دو بجے ترامیم دینے کا اتفاق ہوا۔ مجھے اس بات سے خوشی ہوتی تھی کہ اسمبلی کے حضرات انہیں بخوشی قبول کرتے تھے اور میں نے ہمیشہ ان کے ماتھے پر مسکراہٹ دیکھی ہے۔ میں حیران تھا کہ یہ صاحبان کس طرح اس خوبی سے اپنا کام سرانجام دیتے ہیں۔ انہوں نے واقعی بڑی efficiency و غلطوں سے اپنے فرائض کو انجام دیا ہے۔ میں ان کو مبارک باد دیتا ہوں۔ اور وہ صحیح معنوں میں ستائش کے حق دار ہیں۔ ان الفاظ کے ساتھ میں شکریہ ادا کرتا ہوں۔ اور آپ سے اجازت چاہتا ہوں۔



چوہدری محمد انور بھنڈر۔ (سپیکر)

(یہ تقریر ۳۱ جنوری ۱۹۶۵ء کو اسمبلی کے
الوداعی اجلاس میں کی گئی)

محترم قائد ایوان و معزز اراکین! آج سے تقریباً ڈیڑھ برس قبل میں نے اس عہدہ پر منتخب ہونے پر اپنے جذبات کا اظہار کیا تھا اور آج اس ایوان کے آخری یوم کار پر پھر اپنے جذبات کے اظہار کے لئے آپ سے مخاطب ہوں۔ شاید ایک سپیکر کے اظہار خیالات کے لئے یہی دو دن مقرر ہوتے ہیں۔ اس روز جب میں نے اپنے عہدے کا حلف اٹھایا میرے دل و دماغ کی عجیب کیفیت تھی۔ جہاں مجھے آپ کی اس نوازش پر مسرت تھی وہاں اس عہدہ کی کٹھن اور دشوار ذمہ داریوں کا بھی احساس تھا۔ اور آج جب اس ایوان کے آخری اجلاس کا آخری روز ہے میرا دل احساسات اور جذبات سے بھرپور ہے میری زبان ان احساسات کو ادا کرنے کی طاقت نہیں رکھتی۔ اور میرا دماغ ان جذبات کی ترجمانی کرنے سے قاصر ہے۔

جون ۱۹۶۲ء میں مجھے اس معزز ایوان میں بحیثیت رکن شامل ہونے کا شرف حاصل ہوا۔ بعد ازاں پارلیمانی سیکرٹری برائے قانون و اطلاعات کے فرائض مجھے سونپے گئے۔ اور بالآخر جولائی ۱۹۶۳ء میں آپ نے مجھے میرے موجودہ منصب یعنی سپیکر کے عہدہ سے نوازا۔ اس قلیل مدت میں خدائے بزرگ و برتر کے فضل و کرم سے اس معزز ایوان کے محترم اراکین نے غایت درجہ میری عزت افزائی فرمائی اور صوبہ کے سب سے بڑے منتخبہ عہدہ سے مجھے سرفراز فرمایا۔

میں نے اپنی ہمت اور عقل و فراست کے مطابق حتی المقدور کوشش کی ہے کہ اپنے فرائض منصبی کو بطریق احسن سرانجام دوں۔ میں نے اپنا نصب العین یہی رکھا کہ اس عہدہ اور ایوان کے وقار کو کسی صورت میں نہ آنے دوں۔ میں نے کوشش کی کہ حزب اقتدار اور حزب اختلاف کی عزت اور آبرو پر کوئی آنچ نہ آئے اور میں نے اپنا لائحہ عمل یہ رکھا کہ ہر معزز رکن سے ایوان کے اندر یا باہر انتہائی عزت و احترام اور خلوص سے پیش آؤں۔ میں اپنی فہم و راست کے مطابق ہمیشہ انصاف اور غیر جانبدارانہ رویہ رکھنے کی کوشش کی لیکن میرے ان تمام نظریات اور مساعی کے باوجود ممکن ہے کہ کسی وقت کسی معزز رکن کو میرے الفاظ ناگوار خاطر گزرے ہوں یا میرا رویہ نامناسب معلوم ہوا ہو۔ میں خداوند تعالیٰ کو گواہ جان کر عرض کرنا چاہتا ہوں کہ اس دوران میں نے جو بات کی اور جو فعل کیا وہ حسن نیت اور انصاف کے ساتھ کیا۔ لیکن اگر کسی معزز رکن کو میرے کسی لفظ یا فعل پر کوئی گلہ یا وجہ شکایت ہو تو اس کے لئے میں صمیم قلب سے معذرت خواہ ہوں اور رسمی طور پر نہیں بلکہ یہ آواز آج میرا دل میری زبان سے دے رہا ہے۔ اور مجھے امید ہے کہ میری فروگزاشت کو ناہی یا غلطی آپ نے معاف فرمادی ہوگی۔ مجھے تسکین قلب بھی نصیب ہو سکتی ہے کہ آج آپ بخوشی رخصت ہوں۔ میں اپنے آپ کو سرخرو صرف اسی وقت سمجھوں گا جب آپ مجھ سے خندہ پیشانی اور اظہار اطمینان کے ساتھ الوداع ہوں۔

اراکین محترم! اس موقع پر اس ایوان کی کارگذاری بحیثیت مجموعی بھی پیش کرنا مناسب سمجھتا ہوں اس ایوان کے سات اجلاس ہوئے اور کل ۲۱۶ نشستیں ہوئیں جن میں سالہائے ۶۳-۱۹۶۲ء و ۶۴-۱۹۶۳ء اور ۶۵-۱۹۶۴ء کے سالانہ بجٹ اور ضمنی بجٹ منظور کئے گئے۔ اور جملہ اراکین نے کل ۸۴۵۴۲۵ غیر نشان زدہ ۲۲۵ غیر نشان زدہ سوالات حکومت سے دریافت فرمائے۔ اور اس معاملہ میں میر محمد بخش تالپور صاحب سر فرست رہے جنہوں نے ۹۲۲ سوالات دریافت کئے۔ اور بابو محمد رفیق صاحب نے ۶۷۹ سوالات دریافت فرمائے اور دوم رہے۔

اس ایوان نے تحریک التواء کے میدان میں یقیناً ایک نیا ریکارڈ قائم کیا ہے۔ اور اتنی مدت میں اتنی تحریک التواء اگر دیگر ممالک میں نہیں تو کم از کم اس ملک کی پارلیمانی تاریخ میں پہلے کبھی پیش نہیں کی گئیں۔ کل ۹۳۲ تحریک التواء پیش کی گئیں جن میں سے صرف ۱۲ پر بحث ہو سکی۔

تحریک استحقاق کے سلسلہ میں بھی یہ ایوان پیچھے نہیں رہا۔ اور کل ۱۱۶ تحریک استحقاق پیش ہوئیں۔ ان میں سے ۳ پر بحث ہوئی اور بقایا بحث کے لئے پیش نہ ہو سکیں۔ یا وہ خلاف ضابطہ قرار پائیں۔ یا ایوان نے ان کے پیش کرنے کی اجازت نہ دی۔

اس ایوان میں کل ۷ آرڈیننس مختلف اجلاس میں پیش کئے گئے جن میں سے اس معزز ایوان نے ۷ منظور کر لئے۔

موجودہ اسمبلی کے روبرو ۵۶ سرکاری بل پیش کئے گئے جن میں سے ۴۸ اسمبلی نے منظور کر لئے اور ۸ واپس لے لئے گئے۔

جہاں سرکاری کام کی تکمیل میں یہ ایوان سرگرم عمل رہا وہاں غیر سرکاری کام میں بھی اس ایوان نے گہری دلچسپی کا اظہار کیا۔ اور کل ۶۰ غیر سرکاری بل اس ایوان میں پیش ہوئے جن میں سے دس بل اسمبلی نے منظور کر لئے۔ ایک بل نامنظور ہوا اور باقی بل فیصلہ طلب رہے۔

قانون سازی کے ساتھ ساتھ یہ اسمبلی قرار دادوں کے ذریعہ صوبہ کے مختلف مسائل کے متعلق اپنی رائے سے بھی حکومت کو مطلع کرتی رہی معزز اراکین نے کل ۱۰۵۶ ریزولوشن کے نوٹس دئے جن میں سے ۱۹۵ ایجنڈے پر آئے اور ان میں سے ۱۱ منظور کئے گئے۔ اور ۸ نامنظور ہو گئے۔

ان اعداد و شمار سے واضح ہوتا ہے کہ اپنی مقررہ مدت میں اس ایوان نے قانون سازی، احتساب حکومت اور دیگر ملکی مسائل میں کس محنت اور دلچسپی سے کام کیا ہے۔ ۱۹۶۲ء میں یہ اسمبلی منتخب ہوئی اور مارشل لا کے بعد یہ پہلی صوبائی اسمبلی تھی۔ ملک کے مشہور سیاستدان ایڈورڈ تھے۔ اور بہت سے سیاستدان قومی اسمبلی میں منتخب ہو گئے ان حالات میں صوبائی اسمبلی نئے پارلیمنٹریں لائی اور آج میں فخر سے کہہ سکتا ہوں کہ ان نوجوان اور نئے پارلیمنٹریوں نے نہایت محنت تندی اور خلوص سے کام کیا۔

موجودہ اسمبلی کے دوران چند اراکین کو بیرونی ممالک سے استفادہ کرنے کے لئے بھیجا گیا۔ میاں محمد یاسین خان وٹو ہماری کامن ویلتھ پارلیمنٹری یوسو ایشن کی برانچ کی جانب سے ۱۹۶۳ء میں کوالا پور تشریف لے گئے جہاں انہوں نے ہماری برانچ کی نمائندگی کی۔ بعد ازاں ہمارے سینئر ڈپٹی سپیکر محمد اسحاق خان کنڈی صاحب ۱۹۶۴ء میں انگلستان تشریف لے گئے جہاں انہوں نے ایک تربیتی کورس میں شرکت فرمائی۔ اور پارلیمنٹری تربیت حاصل کی۔ نومبر ۱۹۶۴ء میں اسی برانچ کی جانب سے محمد حنیف صدیقی صاحب جمایا تشریف لے گئے جہاں دنیا کے مختلف ممالک کے منعقدہ ایک پارلیمنٹری کانفرنس میں بحیثیت مندوب شامل ہوئے۔ اور دسمبر ۱۹۶۴ء میں واپس تشریف لے آئے۔ اور اب سید ظفر علی شاہ صاحب ڈپٹی سپیکر آئندہ مارچ میں انگلستان تشریف لے جائینگے۔ جہاں وہ تین ہفتہ کے قیام میں پارلیمنٹری

کورس میں شریک ہوں گے۔ اس طرح ظاہر ہے کہ اس اسمبلی کی میعاد کے دوران کئی اراکین کو بیرونی ممالک کی پارلیمانی زندگی کے مشاہدہ کا موقع ملا۔

ہمارے قائد ایوان شیخ مسعود صادق صاحب نے جس خوش اسلوبی خندہ پیشانی اور تجربہ کاری سے اپنے فرائض سرانجام دیئے ہیں میں اس کے لئے انہیں مبارکباد پیش کرتا ہوں۔ اور ان کا جو تعاون مجھے حاصل رہا ہے اس کے لئے ان کا تہ دل سے ممنون و مشکور ہوں۔ کارروائی اسمبلی کی کامیابی کا راز حزب اقتدار کے لیڈر کی ہنرمندی اور سلیقہ شعاری پر ہوتا ہے۔ ان کی قیادت اور رہنمائی میں حزب اقتدار نے ہمیشہ میرے فرائض منصبی کی تکمیل میں میری معاونت کی اور اس ایوان کے وقار اور پارلیمانی روایات کو برقرار رکھنے میں کوئی کسر اٹھانہ رکھی۔ جہاں انہوں نے ملکی و ملی خدمات سرانجام دیں وہاں جمہوری روایات کو نہ صرف برقرار رکھا بلکہ انکی نشوونما کی۔ اور اراکین حزب اقتدار نے نہایت محنت خلوص اور دیانتداری سے اپنے علاقہ کی نمائندگی کی اور عوام کے مسائل کو یہاں پیش کیا۔

قائد حزب اختلاف خواجہ محمد صفدر صاحب کی شخصیت بھی میرے نزدیک ہمیشہ واجب الاحترام رہی۔ ان کی شرافت اخلاق ذہانت اور متانت نے نہ صرف ایوان کے ہر رکن کو متاثر کیا بلکہ صوبہ کے عوام میں ان کے لئے ایک خاص مقام پیدا کیا۔ انہوں نے جس محنت اور دیانت سے اپنے فرائض کی تکمیل کی وہ بے حد قابل ستائش ہے۔ انہوں نے حزب اختلاف کی قیادت نہایت باوقار طریق سے کی۔ اور اس ایوان میں انہوں نے ہر رکن کو عزت کی نگاہ سے دیکھا۔ بحیثیت قائد حزب اختلاف ان کا تعاون میرے ساتھ رہا۔ اور اس ایوان کی کامیاب کارگزاری خواجہ صاحب کی فراخ دلی قابلیت اور بلند اخلاقی کی بھی مرہون منت ہے۔ ان کی بامعنی مدد اور شاندار تقاریر اس اسمبلی کے اوراق میں ہمیشہ کے لئے محفوظ رہیں گی۔ حزب اختلاف نے بحیثیت مجموعی نہایت محنت اور خلوص سے اپنے فرائض منصبی کو سرانجام دیا۔ ایوان کی کارروائی اور قانون سازی کے معاملہ میں انہوں نے اپنا نقطہ نظر بہت اعلیٰ طریق پر پیش کیا۔ اور اس طرح سے انہوں نے نہ صرف ملک و قوم کے مختلف مسائل حل کرنے کی کوشش کی بلکہ جمہوریت کی خدمت کی۔

میں کونسل آف منسٹرز اور پارلیمنٹری سیکرٹری صاحبان کا خاص طور پر مشکور ہوں کہ انہوں نے نہایت قابلیت اور خندہ پیشانی سے ایوان کی خدمت کی اور پارلیمانی روایات کو برقرار رکھ کر اپنے فرائض منصبی احسن طریق سے ادا کئے۔

میں اپنے ڈپٹی سپیکر صاحبان کا بھی شکر گزار ہوں کہ انہوں نے میری بے حد امداد فرمائی۔ اور نہایت قابلیت اور کامیابی کے ساتھ اپنے فرائض منصبی کو سرانجام دیا۔ مجھے ان کی کارکردگی پر نہایت فخر ہے۔

محترم اراکین! کارگذاری اسمبلی کی مختصر روئیداد پیش کرنے کے بعد اس موقع پر میں قومی پریس کا شکریہ ادا کرنا چاہتا ہوں۔ کیونکہ اگر میں ایسا نہ کروں تو اپنے فرائض میں کوتاہی کروں گا۔ ہمارے قومی پریس نے کارروائی اسمبلی کو جس اعلیٰ اور عمدہ طور پر عوام کے سامنے پیش کیا وہ یقیناً قابل ستائش ہے۔ اور میں اپنی وجملہ اراکین اسمبلی کی جانب سے ان کا شکریہ ادا کرتا ہوں اگر ان کا تعاون ہمیں حاصل نہ ہوتا تو یقیناً ہماری کارگذاری ہمارے حلقہ نیابت کے عوام تک نہ پہنچ سکتی۔ پریس گیلری کمیٹی کے ارکان اور دیگر صحافیوں نے اس سلسلہ میں جس محنت دیانندی اور دلچسپی سے کام کیا ہے وہ قابل داد ہے۔ میرے اس عہدہ کی ذمہ داری سنبھالنے کے روز سے آج تک مجھے پریس سے کوئی شکایت پیدا نہ ہوئی۔ اور اس کا پورا پورا تعاون مجھے حاصل رہا۔ اور ہمارے تعلقات نہایت خوشگوار اور مثالی رہے۔ اور اس طرح سے اگر میں یہ کہوں کہ ہمارے پریس نے جمہوریت کی اور اس ملک کی خدمت سرانجام دی ہے تو عین مناسب ہو گا۔

معزز اراکین! اس موقع پر میں اسمبلی سیکرٹریٹ کے عملہ کی کارکردگی پر بھی اظہار خیال کرنا چاہتا ہوں۔ ہمارے عملہ نے نہایت محنت خلوص اور دیانندی سے اپنے فرائض منصبی کو سرانجام دیا اور شب و روز محنت کر کے اراکین اسمبلی کی خدمت کی۔ اراکین اسمبلی کی طرف سے میرے پاس کوئی شکایت نہ ہوئی۔ اور اس طرح سے اس معاملہ میں مجھے اراکین اسمبلی کے روبرو سرخرو ہونے کا موقع دیا۔ گو عملہ اسمبلی کی اوور ٹائم الاؤنس حاصل کرنے کی دیرینہ آرزو کو حکومت نے شرف پذیرائی نہ بخشا لیکن پھر بھی ان کارکنان کی کارکردگی میں کوئی فرق نہ آیا۔

میں چوہدری محمد اقبال صاحب سیکرٹری صوبائی اسمبلی کا خاص طور پر شکر گزار ہوں جن کی قیادت اور رہنمائی میں عملہ نے بہترین کام کا مظاہرہ کیا۔ انہوں نے جس قابلیت سلیقہ اور خلوص سے میرے فرائض منصبی کی تکمیل میں میرا ہاتھ بٹایا میں اس کو کبھی فراموش نہیں کر سکتا۔ ان کا تجربہ اور ذہانت ہمیشہ میرے لئے مدد و معاون ثابت ہوئے۔ سید امیر علی شاہ ڈپٹی سیکرٹری اسمبلی کی شرافت اور حسن اخلاق و سید محمد اطہر اسٹنٹ سیکرٹری کی محنت اور فہم و فراست بھی یقیناً قابل ستائش ہیں۔ اور ان کے بعد میں اس سیکرٹریٹ کے اعلیٰ سے اعلیٰ افسر اور ادنیٰ سے ادنیٰ ملازم سبھی کا ممنون ہوں کہ ان کا دلی تعاون مجھے حاصل

رہا۔ اور اراکین اسمبلی کی خدمت انہوں نے نہایت سلیقہ، قربانہ اور خلوص سے سرانجام دی۔ لیکن اس کے باوجود بھی اگر کسی معزز رکن کو کسی قسم کا کوئی گلہ ہو تو ان کی جانب سے معذرت خواہ ہوں۔

معزز اراکین! ہم نے تقریباً تین سال اکٹھے گزارے ہیں۔ اور آج ہم ایک دوسرے سے جدا ہو رہے ہیں۔ ہم نے ایک دوسرے سے دوستی اور محبت بھرے تعلقات استوار کئے ہیں۔ ممکن ہے آپس میں کبھی ایک دوسرے سے ہماری کوئی تلخی بھی ہوئی ہو۔ میری آپ سے مؤدبانہ درخواست ہے کہ اب وہ تلخیاں یا ناخوشگواریاں آپ بھول جائیے اور اس دور کی خوشگوار یادیں لیکر ایک دوسرے سے برادرانہ جذبات کے ساتھ رخصت ہوں۔ وقت آتا ہے اور گزر جاتا ہے۔ دن آتے ہیں اور چلے جاتے ہیں مگر نیک اور پر خلوص جذبات اس عہد کی یاد ہمیشہ کے لئے تازہ رکھتے ہیں۔ میری دعا ہے کہ آپ میں سے زیادہ سے زیادہ اصحاب آئندہ اسمبلی کے اراکین منتخب ہوں تاکہ ہم انہی رشتوں کو جو ان تین سالوں میں ہم نے ایک دوسرے سے قائم کئے ہیں دوبارہ اکٹھے رہ کر اور زیادہ مستحکم بنا سکیں اور قوم و ملت کی خدمت کر سکیں۔ لیکن مجھے احساس ہے کہ شاید ایک نیا کے سواروں کی طرح یا ایک مکتب کے طالب علموں کی طرح یا ایک منزل کے مسافروں کی طرح قانون قدرت کے تحت شاید موجودہ شکل اور شخصیتوں کی صورت میں ہم دوبارہ اکٹھے نہ ہو سکیں اور اس احساس کی وجہ سے میں آج مغموم بھی ہوں اور میرا دل اس جدائی پر افسردہ بھی اور اس افسردگی کے عالم میں میں اپنے معزز رفقاء کار اور محبوب اراکین اسمبلی کو الوداع کہہ رہا ہوں۔ جن ارشادات کا میرے متعلق آپ نے ذکر فرمایا ہے میں ان کے لئے آپ کا مشکور ہوں۔

میں ایک مرتبہ پھر درخواست کرتا ہوں کہ میری فروگزاشت یا کسی غلطی کو معاف فرمادیجئے گا۔ میں دست بدعا ہوں کہ آپ سب کا مستقبل درخشندہ ہو اور اللہ تعالیٰ آپ کا حامی و ناصر ہو۔

خدا حافظ



ZAIN NOORANI (Karachi—I)

(Speech made on general Discussion on West Pakistan Budget on 20th June 1966)

Mr. Speaker, Sir, Budget day the world over evokes considerable interest in view of the fact that people keenly await to see whether the Finance Minister would increase taxation or whether he would introduce new taxation. And since the end of the Second World War people all over the world have got used to the phenomenon of a Finance Minister every year bringing in either new taxation or enhancing taxation. Therefore, Sir, if ever a Finance Minister has come forward without any of these measures he has been compared to a '*prima donna*' who has lost her voice on her very first performance. Our Finance Minister, Sheikh Masood Sadiq, has proved to be an exception. He has not only produced a budget with a surplus of five crores but that too after providing for a heavy expenditure of Rs.183 crores on Development. This is no mean achievement. It is an achievement which must be commended and the Finance Minister must be congratulated on this achievement by all Sections of the House. ('cheers') But Sir, I, for one am hesitant in extending this congratulation merely because there is no fresh taxation or no enhanced taxation. The circumstances in Pakistan are different. The entire system of life in Pakistan has changed since the last war with Bharat. The entire concept of life in Pakistan has changed and we, the people of Pakistan, would be willing to give our last pie that we own to the country provided it is spent on further development and for strengthening the nation which Quaid-e-Azam achieved for us and which the President, Field-Marshal Muhammad Ayub Khan, has consolidated and strengthened.

Sir, there is no gain saying the fact that we are facing a tremendous challenge on the economic front and therefore, the Budget proposals must be judged from these contexts and the impediments that face us. The two major objectives which we must set for ourselves are: (1) the acceleration of the rate of our economic growth and (2) the bringing into being of a higher standard of life so that in the near future we can create a happier and more prosperous mass of people in this Province.

Now, Sir, if you examine the Budget proposals for the the year 1966-67 which the Finance Minister placed before the House a few days back you will find that the present government has gone out of its way to see that the Budget proposals meet and meet quite honourably these tests which any sane person can make of the present Budget. Sir, in my opinion the major problem which faces this country or rather this Province and which deserves the consideration and the full consideration of the

Government is neither in the scope of agriculture, nor industry, nor keeping any check on the rising spiral of costs of essential commodities but it is the ravages and the danger from salinity. If you examine the figures that have been placed before us you will notice that the recent surveys conducted by the various agencies have proved that over fifty percent of our land has been ravaged by salinity. This is not a new problem. I seem to remember this Assembly discussing this problem for the last many years. Crores of rupees have been spent to counter-act this danger. I am, told, and so are we all, that WAPDA is the agency which is responsible for counter acting this danger. Sir, I may tell you that this is a danger which is not to be treated lightly. This is a war we have got to fight against salinity and in my opinion, speaking as a lay man, except for the various successful surveys that have been held, this mighty Moghal Empire of the 20th Century called the WAPDA has not succeeded in counteracting salinity to the extent that it should and the reason for it is that WAPDA has not been able to build up that efficiency that enthusiasm and that doggedness of purposes which is required to fight a war. Sir, salinity must be fought on an emergency basis. It must be fought on a war footing. All red tapism must be done away with and if it is found necessary you can enhance the powers of the WAPDA. If more money is required you must provide more money. We the people in West Pakistan, will not grudge more money for fighting salinity even at our cost. Let me request you most humbly that next year when you come before us with your Budget proposals you must come with facts and figures to prove that definite progress has been made and that salinity is on the decrease and not on the increase. Please do not come with milk and water explanations of the surveys which WAPDA is conducting.

Next, I congratulate the Government of West Pakistan for having taken a positive action in leading the Province towards an Islamic state of life. The recent announcement of the ban or semi-ban on dancing and music in educational institutions is the first steps towards this. The reference to prohibition to be extended to Karachi and the Southern Zone is the next step. I also congratulate the Government for not having cared for one crore and some odd lakhs which will be lost due to the introduction of prohibition. This is a right move and I only beseech of you to announce the date of prohibition and to enforce it in the strictest sense so that we do not come across people drinking whisky and Rum in silver tea kettles and cups.

The next point which I would like to raise is the allocation which has been made for rural development and welfare. I believe that a sum of Rupees five crores has been provided for this in this budget. For a country like ours, a country where the aim is to bridge the gap between the rural and the urban population this amount of five crores of rupees will be merely a drop in the ocean. However, the redeeming feature is the recent promise made by the Chairman in his broadcast that if this amount is not sufficient, more funds will be provided. I, for one am sure that more funds will be necessary, and I hope the Minister incharge will look into it right from now so that the various rural welfare projects do not get postponed or hampered.

Now, Sir, I come to the basic development reservations. A sum of Rs. 183 crores has been provided in this, out of which very intelligently, and probably aptly, a sum of Rs. 83 crores or so has been reserved for the provincial schemes. This leaves nearly a hundred crore of rupees to be distributed between the various integrated units. Last year, I was a bit vocal about the appropriation for Karachi remaining static for the last six years whereas the appropriations for the other regions have been steadily on the increase. This year I will not raise this question because I have come to believe after a study of the budget figures that Rs. 10 crores or Rs. 11 crores, as has been provided this year, spent and spent properly, are much better than 14 crores of rupees provided on paper and not spent. Therefore instead of asking for an enhanced allocation for Karachi, I will request the Government to see it that these 11 crores of rupees are properly spent in the development of Karachi. However, I must say that I had hoped

that this year at least we would have been given an increased appropriation, but it appears to me that people in Lahore and elsewhere, people who do really matter, are convinced that Karachi is the land of plenty, that there are colossal houses and buildings important people go round in air-conditioned American cars, and that there are multi-millions worth of industries. I admit that this is true. Karachi does have all this, but then, Sir with all the humility at my command, I say that this Karachi Utopia, which you told and think of, is only less than 1/3rd of our Karachi. As for the other 2/3rd, the people living in this 2/3rd live in abject poverty. They live without roads, without lights, without all the basic amenities, which are necessary?

Sir, there are areas in Karachi, which let out such a stink that if you, lucky people of Lahore, were to be taken there you would run miles away, probably to Sheikhpura. One such area let me mention is, what is known as, the Lyari Quarters. This is a heritage which Pakistan received from undivided India. This is the area where the poor Muslims of Karachi used to live, and it was because of this reason that the Hindu overlords of Karachi never developed this area. You will be surprised, Sir to know that 18 years after the creation of this great Islamic State of ours, Lyari Quarters remains as it was, probably the affairs have deteriorated. Sir, the people who have been living in Lyari Quarters were promised time and again that they would be granted lease of their lands. Despite various promises, despite the positive resolution of the Karachi Municipal Corporation, till today this has not been done, and people live in complete confusion as to their status. As to the drainage a line an antiquated one, does exist but the authorities are hesitant to give them connections. Water connections are unheard of, and the women have to travel for miles to the scanty community taps to get the water required for their daily use. This is also a part of Karachi. I am glad to know that the White paper does mention this year that the K.D.A. would start the development of Lyari, and particularly the water and sewerage would be looked into but then I feel that the Government is relying too much on, what is known as, the K.D.A.

Now, Sir, what is this K.D.A. Officially the K.D.A. means the Karachi Development Authority but in my opinion, and in the opinion of 99 percent of the people living in Karachi. K.D.A. is the abbreviation and the polite form of naming huge and gigantic "Frankenstein" monster which has been let loose on the people of Karachi. This is that citadel of bureaucratic rule where the common man has to pay even if he wants to see the chaprasi of the K.D.A. Before I proceed further Sir, lest it leads to any misunderstanding let me make it clear that this K.D.A. is headed by a very honest and an amiable Director General but unfortunately, for some obscure reason, he has got himself entangled in the cobweb of red-tapism, lethargy, inefficiency and the corruption, which abounds around him.

Sir, it has been said that with the construction of the displaced persons colonies in Landhi, Korangi, New Karachi and elsewhere, the housing problem of the people of Karachi has more or less been settled. If you, Sir, take the trouble of going with me to Karachi, I promise that I will prove to you that over 10 lakhs of people are still living in roadside hutments and jhuggis. Go to the K.D.A. and they will tell you that there are no quarters available, and that all the quarters have been allotted. Come with me and I will take you to the appropriate agents of the Administrative Officers of the K.D.A. For anything between 300 and 700 rupees you can get any number of quarters in these displaced persons colonies.

Now, Sir, I come to water. Water is the basic need of the people, it is the duty of every civic organisation to try and provide water just as it is the duty of the Government to provide water to its people. But what does this great K.D.A. do? It demands money, not for the water supplies but for the laying down of the lines for the water connections. The people living in the area known as the 'Murghi Khana' in

Landhi had to pay thousands of rupees last year, and although over a year has elapsed the water connection has even today, not been laid. The residents of Ghizri have been asked to contribute Rs. 75,000 before even a foot of water-pipe is laid down. Now imagine Sir, poor hut-dwellers, poor, fishermen contributing Rs. 75,000 to get a drop of water. This is what the K.D.A. is.

Then we come to the other important question of the quarters built by the K.D.A. in Korangi. Last year I spoke about it and appealed to the Provincial Government to take up with the Centre to take a humanitarian approach of the people living in Korangi quarters and not to charge them the interest on the amount that has been spent. The echos of what I said in this House last year have now reached the National Assembly, and this issue has been raised there also. I once again appeal to the Government, through the very worthy Minister incharge to take up this matter with the Central Government. I even go further this year and say, do not only forego the interest but forego a portion of what you have spent also. Consider it a subsidy. You give subsidy for fertilizers. You give subsidy for seeds you give subsidy for so many other things. None of it comes to Karachi. You will say subsidies are for productive items, but I say that human force is also a productive item.

The shirt you have worn today is also perhaps a result of the productiveness of those very people who live in Korangi. Can't you give them a little bit of subsidy by way of reducing the recoveries of the quarters that you have built? The next point I would like to talk about with regard to Karachi is the abominable standard of the road transport in Karachi. It is a pity, Sir, that while the rest of West Pakistan has at its back and call a Road Transport Corporation which is an off-shoot of a Government Department, Karachi, the premier city, is left in the haze of private enterprise and private transport. Believe me, Sir, that if a survey is made of the transport situation in Karachi, you will find that the standard and the quality of transport in Karachi could be equalled with that of any district in the former Punjab before integration and before the coming into being of the West Pakistan Road Transport. Similarly, I believe, a problem of transport has arisen in and around Lahore with the declaration of the Ravi Bridge as unserviceable. Because of this heavy transport is being stopped on both sides of the bridge. A new bridge is to be constructed, but Sir, how long is that going to take one never knows? Therefore, my suggestion is that either the old bridge be re-inforced till such time as a new one is constructed or a temporary bridge, suitable for heavy traffic, be constructed so that these buses and trucks could go across the banks.

Coming back to Karachi, there is one more problem which faces Karachi and that is the multiple control and the multiple existence of various civic bodies. We have the mighty K.D.A. then we have the K.M.C. then we have the Cantonment Board, then we have the Port Trust, and to crown it all, we have the Railways and the P.W.D. which have lands and rules of their own. Each one of them has land of its own, each one of them is trying to provide amenities and each one of them is trying to create confusion.

Would it not be in the fitness of things if some of them were wound up? Let the Cantonment Board concede all the land within the city limit to the Karachi Municipal Corporation. Let the Port Trust restrict itself to the task for which it has been formed. After all it is not its function to provide luxurious residential plots in the "Laalazar" of the Queens Road area. That area should also immediately be transferred to the proper civic authority, I mean, the Karachi Municipal Corporation. Sir, it would be worthwhile to form a commission to go into the working of the K.D.A. and to find out whether it has been working efficiently or whether it has been a waste of time to have set up this organization. A target should be fixed as to the number of years it would function and gradually, after completing the task set for it. It should be wound up and the functions handed back to the Municipal Corporation. I believe, one more hell is going to be let loose and that is the transfer of water and drainage to the K.D.A. from

the K.M.C. If I were to speak on the problem that it would create and the inefficient manner in which the K.D.A. would function, it would require me over two hours to do so. Sufficient to say, I would request the Minister to reconsider this decision. It is not going to be a good decision worthy of the name of the administration of this Province. I have spoken at length on the K.D.A. because as a Member of the Party to which the Government belongs I feel hurt to say that in this a province where we are proud of the standard of administration which this Government has set up and maintained, the K.D.A. and the manner in which it is functioning, is a cancer on your fair face. Sir, it is high-time that you did some thing about it.

Finally, before I forget, I must present one more bouquet to the Minister for Finance and to the people in the Finance Department for what they have now introduced in as much as they have now linked the collection agency with the Finance Department. This is going to be a very efficient system of budgeting and financing. Sir, after all, the spending department are the people, who control the purse strings and must also know at all times how much money they are going to have in that purse before they do something about spending it.

I thankyou.



ملک خدا بخش بچے

وزیر تعلیم

(یہ تقریر ۲۵ جون ۱۹۶۶ء کو بجٹ پر بحث کے دوران کی گئی۔)

وزیر تعلیم (ملک خدا بخش) - جناب والا۔ میں معزز ممبران کا بے حد مشکور ہوں کہ انہوں نے یہ تحریک پیش کر کے میرے لئے رہنمائی اور میرے لئے غور و فکر کا سامان مہیا کیا ہے۔ بالخصوص آج کی تعمیری تنقید کو میں خوش آمدید کہتا ہوں۔ (اے ہیئر - ہیئر) اور میں تمام معزز ممبر صاحبان کا بے حد مشکور ہوں کہ انہوں نے میری سوچ اور فکر میں نئی اور جدید راہیں کھولی ہیں اور میری معلومات میں قابل قدر اضافہ ہوا ہے۔ تعلیم کے متعلق اتنے معاملات ہیں کہ ان پر جتنی بھی تقاریر کی جائیں کم ہیں۔

جناب والا۔ پہلا سوال محترمہ صاحبزادی محمودہ بیگم صاحبہ نے نہایت ہی اچھا اور وقع سوال پیدا کیا ہے کہ ہماری تعلیم کا مقصد کیا ہے۔ اسلامی تعلیم کس کو کہتے ہیں۔ میں ان کی خدمت میں واضح طور پر عرض کرنا چاہتا ہوں کہ ہماری تعلیم کا مقصد اسلامی تعلیم ہے۔ اسلامی تعلیم کا مقصد یہ ہے کہ وہ تعلیم جو انسان کے جسم اور روح کے تقاضوں کو پورا کرے۔ جس کا end product یہ ہونا چاہئے کہ مسلم technocrat پیدا کیجئے۔ جو صحیح معنوں میں اسلامی انداز فکر اور زاویہ نگاہ رکھنے والے ہوں اور وہ اس قسم کے انسان ہوں کہ وہ معاشرہ پر کسی طرح سے بوجھ نہ بنیں۔ تاکہ وہ اس قسم کی ٹیکنیکل ٹریننگ حاصل کر کے باہر نکلے تاکہ وہ قوم کے لئے سرمایہ بنیں نہ کہ قوم کے لئے بوجھ بنیں۔ (اے ہیئر - ہیئر) ان حالات میں اس پالیسی کو مد نظر رکھتے ہوئے ہمیں جائزہ لینا ہے کہ جو نصب العین ہم نے مقرر کر رکھا ہے ہم

اس کی طرف قدم بڑھا رہے ہیں یا نہیں۔ میں اعتراف کروں گا کہ جتنے تعلیم کے تقاضے ہیں اور جتنے لوگوں کے مختلف علاقائی تقاضے ہیں ان کو پورا کرنے کے لئے ہم اس حد تک کام نہیں کر سکے جس حد تک ہمیں کام کرنا چاہئے تھا۔ وسائل کی کمی اور مسائل کی بہتات کی وجہ سے ہمارے لئے ممکن نہیں ہو سکا کہ آج میں اس ایوان کو نہایت ہی تسلی بخش اور تشفی کے ساتھ جواب دے سکتا۔ بہر حال چاہے میرے نہایت ہی محترم دوست جناب فاروقی صاحب ناراض ہوں میں چند اعداد و شمار کی طرف ان کی توجہ دلاتا ہوں تاکہ انہیں بتادیا جائے کہ موجودہ حکومت کا قدم اس طرف آگے بڑھا ہے۔ جس پالیسی اور جس نصب العین کے متعلق میں نے اس معزز ایوان کو توجہ دلائی ہے (مجھے امید ہے کہ فاروقی صاحب اب اس کو برداشت فرما لیں گے) مختصر الفاظ میں آپ کی خدمت میں عرض کرنا چاہتا ہوں۔ ۱۹۵۲ء سے پہلے کالیں ذکر نہیں کرتا کیونکہ یہ ایک دکھتی ہوئی رگ ہے۔ میں اس کے بعد کے اعداد و شمار کے متعلق ذکر کرتا ہوں۔ ۱۹۵۹ء میں ایجوکیشن بجٹ ۱۳ کروڑ روپیہ پر مشتمل تھا۔ آج اللہ تعالیٰ کے فضل سے ۶۷-۱۹۶۶ء کا بجٹ ۴۰ کروڑ روپیہ پر مشتمل ہے اس وقت لڑکوں کی تعداد ۲۵ لاکھ تھی اب اللہ تعالیٰ کے فضل سے ۴۵ لاکھ لڑکے اور لڑکیاں تعلیم حاصل کر رہے ہیں۔ تعلیمی اداروں کی تعداد اس وقت ۲۱ ہزار تھی آج ۴۰ ہزار ہے۔ انشاء اللہ ۱۹۷۰ء تک ۶۸ ہزار ہو جائے گی۔ اسی طرح ۴ یونیورسٹیاں تھیں اور اس وقت اللہ کے فضل سے ۶ یونیورسٹیاں ہیں۔ اس وقت دو Polytechnic Institutes تھے اس وقت ۹ ہیں اور ۲۱ کی مزید گنجائش رکھی گئی ہے یعنی ۱۹۷۰ء تک ۳۰ vocational schools ہو جائیں گے۔ ۳۶ اب ہمارا ارادہ ہے کہ ان کی تعداد ۱۹۷۰ء تک دگنی ہو جائے۔ پرائمری سکولوں کی تعداد ۸ ہزار تھی آج اللہ تعالیٰ کے فضل سے ۳۵ ہزار ہے۔ تیسرے ۵ سالہ منصوبہ میں ۲۵ ہزار کا مزید اضافہ ہو گا۔ سینکڑی سکولز ۵۰ ۳۰ تھے آج ان کی تعداد ۵ ہزار ہے۔ انٹر میڈیٹ کالج ۴۶ اور ۸۷ ڈگری کالج تھے۔ آج ۱۰۳ وہ ہیں اور ۱۰۳ ہی وہ ہیں۔

جناب والا۔ آپ ان اعداد و شمار سے اندازہ لگائیں۔ جہاں تک ہمارے وسائل کا تعلق ہے آپ کی حکومت نے اپنی طرف سے اپنی صوابدید کے مطابق قدم اٹھایا ہے اور کوشش کی ہے کہ ہم ان مقاصد کی طرف قدم اٹھائیں جن مقاصد کی طرف ان معزز ممبر صاحبان اور اس ایوان سے باہر قوم کا تقاضا ہے۔ بلکہ چند سوال ایسے ہیں جس کے متعلق جناب محمود اعظم فاروقی صاحب اور دیگر اراکین نے اشارہ فرمایا تھا۔ فاروقی صاحب نے فرمایا تھا کہ مذہبی تعلیم کے لئے اتنی قلیل رقم رکھی گئی ہے اور باقی آرٹ کونسل کے لئے اتنی رقم رکھی گئی ہے۔ میں ان کی اطلاع کے لئے یہ عرض کرنے کی جسارت کروں گا کہ محکمہ تعلیم کو اور اس حکومت کو اس بات کا بالکل اور ہر وقت یہ خیال ہے کہ جب تک ہم اپنی نئی آنے والی نسل میں اسلامی

روح۔ اسلامی فلسفہ بیدار اور اجاگر نہیں کریں گے اور اس کی نشوونما نہیں کریں گے اس وقت تک ہماری سالمیت بھی خطرے میں رہے گی۔ (ھیر - ھیر)

اس خیال کے بعد میں آپ کی خدمت میں یہ عرض کرنا چاہتا ہوں۔ کہ موجودہ حکومت نے دینی تعلیم دینے کے سلسلے میں کیا اقدامات کئے ہیں۔ آج مجھے اس ایوان میں یہ اعلان کرتے ہوئے حقیقی مسرت اور خوشی حاصل ہوتی ہے کہ جہاں یہ تعلیم پہلے آٹھویں جماعت تک لازمی ہوتی تھی اس سال سے ہم نے یہ فیصلہ کیا ہے کہ اسے دسویں جماعت تک لازمی قرار دیا جائے۔ اور اسی طریقے سے ہم نے یہ بھی فیصلہ کیا ہے کہ آئندہ سالوں میں دینی تعلیم کو انٹر میڈیٹ اور بی۔ اے سینڈرڈ تک بھی لازمی قرار دیا جائے۔ لہذا میرے خیال میں فاروقی صاحب کے لئے یہ امر اطمینان بخش ہو گا کہ ہم نے اس طرف قدم بڑھایا ہے جس طرف ہمیں قدم بڑھانا چاہئے تھا۔

مسٹر محمود اعظم فاروقی۔ آپ اطمینان بخش بات کریں۔ تو اطمینان ہو جائے گا۔

وزیر تعلیم۔ دوسری چیز اس دینی تعلیم کے سلسلے میں جو کہ ہے وہ یہ ہے کہ جو مشنری ادارے تھے۔ جو دوسرے ممالک کے ہیں۔ اور دوسرے ممالک کے لوگوں نے قائم کئے ہوئے ہیں۔ ان میں بھی ہم نے دینی تعلیم کو لازمی قرار دیا ہے۔ اور ساتھ ہی اس بات کا بھی حکم دے دیا ہے۔ کہ کسی طریقے سے بھی کسی مسلمان بچی یا مسلمان بچوں کو بائبل اور Scripture (جو کہ دوسرے مذاہب کے ہیں) کی تعلیم نہ دی جائے۔ یہ جو دوسرا قدم اٹھایا ہے۔ یہ بھی اس طرف ایک قدم ہے کہ ہم اسلامی تعلیم کی روح کے لئے کوشاں ہیں۔ دوسری بات یہ ہے۔ کہ یہاں پر کہا گیا ہے۔ کہ تعلیم پر کم خرچ کیا جا رہا ہے۔ شاید یہ اطلاع معزز ایوان کے لئے دلچسپی سے خالی نہ ہوگی۔ کیونکہ انہوں نے جو اعداد و شمار اور کوائف ادھر ادھر سے اکٹھے کئے ہیں۔ جو کہ صحیح تصویر پیش نہیں کرتے۔ اور صحیح تصویر یہ ہے۔ اور میں نے پوری ایمانداری اور ذمہ داری کے ساتھ ان اعداد و شمار کو اکٹھا کیا ہے۔ میں نہایت ہی وثوق کے ساتھ اور ذمہ داری سے یہ اعلان کر سکتا ہوں۔ کہ ایک کروڑ کے لگ بھگ رقم دینی تعلیم پر خرچ ہو رہی ہے۔ اور اس میں ان اساتذہ کا خرچ بھی شامل ہے۔ جو ہر سکول میں ایک مقرر کیا گیا ہے۔ اور اس میں وہ اساتذہ بھی شامل ہیں۔ جو ہم نے مشنری سکولوں میں متعین کئے ہیں۔ اس میں وہ رقم بھی شامل ہے جو ہم نے اس سال پانچ لاکھ روپے اس غرض سے رکھے ہیں کہ اساتذہ کو قرأت اور تجوید سکھائی جائے۔ تاکہ اس صورت میں وہ طلبہ کو پڑھانے کے قابل ہو سکیں۔ تو ان حالات میں ایک کروڑ کی رقم کو پانچ دس یا ستر ہزار سمجھنا بے انصافی ہوگی۔

(قطع کلامی)

آپ میرے کمرے میں آئیں۔ تو پھر یا میں اتفاق کر لوں گا یا پھر آپ اتفاق کر لیں گے۔ اس کے علاوہ دینی تعلیم کے متعلق آپ کو سن کر خوشی ہوگی۔ کہ ہم نے تمام نصاب کی نظر ثانی کر کے اس میں اسلامیات اسلامی تاریخ اور اسلامی فلسفہ اسلامی نظریہ حیات اسلامی اخلاق اور مشرقی اقدار کو زیادہ سے زیادہ نشوونما دینے کی جانب کوشش کی ہے۔ چاہے وہ مضمون سوشل سٹڈیز کا تھا۔ چاہے وہ مضمون civics کا تھا۔ چاہے وہ مضمون اردو کا تھا۔ ہم نے یہ کوشش کی ہے۔ اور انشاء اللہ تعالیٰ اگلے سال ہم نصاب کی کتابیں شروع کر سکیں گے۔ کیونکہ ایک کتاب کو لکھنے لکھانے میں تقریباً ایک سال کا عرصہ لگ جاتا ہے۔ اور اس نظام تعلیم کے اجراء کے بعد اس کے نتائج دیکھنے کے لئے اٹھارہ سال کا عرصہ چاہئے۔ اگر اگلے سال بھی میں اور فاروقی صاحب یہاں ہوئے اور وہ مجھ سے اس کے نتائج کے بارے میں پوچھیں تو میں ابھی ان کا جواب دیئے دیتا ہوں۔

آہ کو چاہئے ایک عمر اثر ہونے تک

اس لئے میں بھی اپنے دائرہ عمل میں کوشش کروں گا۔ اور وہ بھی کوشش کریں۔ جو چیز مجھے عزیز ہے۔ انہیں بھی عزیز ہے۔ جو ملک کی ضرورت ہے۔ جو وقت کا تقاضا ہے۔ یعنی پاکستان کی آئیڈیالوجی کا مقصد ہے۔ ان سب کی خاطر ہم سب کو مل جل کر کام کرنا چاہئے۔ اور تعلیم میں سیاست کو نہیں لانا چاہئے۔ اس کو ہمیشہ اس سطح پر رکھنا چاہئے۔ جس سطح پر رہ کر وہ ملک و ملت کی صحیح خدمت کر سکیں۔ تو دینی تعلیم کے متعلق میں نے جو چند باتیں عرض کرنی تھیں۔ وہ عرض کر دی ہیں۔

چونکہ محترمہ نے تعلیم نسواں کے بارے میں کچھ ارشاد فرمایا ہے۔ اور حالانکہ ان کے پاس وقت کم تھا۔ لیکن پھر بھی انہوں نے اس قلیل وقت میں بھی بڑے موثر طریقے پر اپنا نقطہ نظر پیش کیا ہے۔ تو میں آپ کی وساطت سے ان کی خدمت میں عرض کرنا چاہتا ہوں۔ کہ تعلیم نسواں میں تو ترقی کچھ اس نوعیت کی ہوئی ہے۔ کہ ایک تو تمام ملک میں ویسے ہی education explosion آ گیا ہے۔ لیکن اگر خواتین کی تعلیم کے متعلق میں یہ عرض کروں کہ مستورات یا خواتین نے تو اس سلسلہ میں invasion کیا ہے۔ تو یہ درست ہو گا۔ بہر حال ان کو یہ سن کر خوشی ہوگی۔ کہ higher classes میں تقریباً تین ہزار فیصد اضافہ ہوا ہے۔ میں ان کی اطلاع کے لئے عرض کر دوں۔ کہ اس سال ہم نے خواتین کے لئے پرائمری سکولوں کی تعداد دس ہزار کر دی ہے۔ جبکہ ۴۹ء میں ان کی تعداد کل تین ہزار تھی اور ان کے لئے جو مڈل سکول تھے ان کی تعداد دو سو چالیس تھی اور اب ۵۶۵ ہے۔ ہائی سکول پہلے دو سو دو تھے اب تین سو باون ہیں۔ انٹر میڈیٹ کالج پہلے چھ تھے۔ اب اٹھائیس ہیں۔ اور ڈگری کالج پہلے بائیس تھے۔ اب انتیس ہو گئے ہیں۔ (قطع کلامی) اور میں تعلیم نسواں کے بارے میں فنی تعلیم کے متعلق بھی عرض کر دوں۔ کہ ہم

نے ان کے لئے دسویں تک comprehensive سکول اور ایک پولی ٹیکنک انسٹیٹیوٹ اور چند ووکیشنل سکول بھی قائم کئے ہیں۔ جو مشکل مسائل ہمارے راستے میں ہیں۔ اور جن کے متعلق مسٹر انور عزیز نے۔ میرے عزیز نے نہایت مختصر الفاظ میں بالکل صحیح انداز میں فرمایا ہے۔ کہ تعلیم کا مقصد کیا ہے۔ تعلیم کا مقصد صرف حروف شناسی ہے۔ یا ڈپلومہ یا ڈگری حاصل کرنا ہے۔ یا بے روزگاری میں اضافہ کرنا ہے۔ دراصل یہ مقصد نہیں ہے۔ مقصد یہ ہے۔ اور حکومت کی یہ کوشش ہے۔ کہ جو نئی ایک بچہ یا بچی تعلیم سے فارغ ہوتا اس کو اس کی روزی کامیدان بھی سامنے نظر آتا ہے۔ تو اس کا نظریہ تبھی صحیح ہوتا ہے۔ جب اسے اس کے لئے مواقع بہم پہنچائے جائیں۔

آپ صاحبان نے سوالات کے ذریعے بھی اور آج بھی یہ فرمایا ہے۔ کہ بچوں کی بڑھتی ہوئی بیروزگاری کا کیا علاج ہے۔ اس کے لئے تو ہمارے ہاں یہی ایک علاج ہے۔ جو میں نے عرض کیا ہے۔ کہ Muslim Technocrats کا یہ فلسفہ ہے۔ کہ مسلمان میں dignity of labour آنی چاہئے اس کے پاس know-how ہونا چاہئے۔ اس کے سامنے ایک واضح نصب العین ہونا چاہئے۔ اور وہ معاشرے پر کسی قسم کا بوجھ نہ بنے۔ وہ خادم بن کر مخدوم بنے۔ اور یہی چیزیں تعلیم بالغاں کے متعلق عرض کرنا چاہتا ہوں یہ تو تعلیم نسواں کے بارے میں عرض کیا ہے۔ سائنٹفک ایجوکیشن کے بارے میں بھی میرے عزیز دوست ملک محمد اختر صاحب نے بڑے بلیغ اور موثر انداز میں فرمایا تھا۔ تو میں ان کی خدمت میں عرض کر دوں۔ کہ انشاء اللہ تعالیٰ ۷۰ء تک ہم ہر سکول میں سائنس پڑھانے کے قابل ہو جائیں گے۔ اور اس وقت بھی ہم نے فیصلہ کر لیا ہے۔ اور جس طرح میں نے اس Muslim Technocrat کے فلسفہ کے متعلق یہ کہا ہے۔ کہ دسویں جماعت تک اسلامیات لازمی ہوگی۔ اور یہ بھی فیصلہ کر لیا ہے۔ کہ دسویں جماعت تک سائنس بھی لازمی ہوگی۔ اس کے علاوہ ہم پانچ superior science colleges بھی کھولنا چاہتے ہیں اور کھول رہے ہیں۔ اور اساتذہ کے لئے ایک comprehensive سکول بھی کھولیں گے۔ جس کے تحت یہ مقاصد پورے ہوں گے۔

جناب والا۔ اس کے علاوہ چند باتیں جو میرے معزز دوستوں نے کہی تھیں۔ میں ان کے متعلق یہ چند باتیں ان کے گوش گزار کرنا چاہتا ہوں۔ منور ان احب نے پشاور یونیورسٹی کے متعلق خاصا زور دیا تھا۔ میں ان کو یقین دلانا چاہتا ہوں۔ کہ پشاور یونیورسٹی کے کسی شعبے میں بھی تخفیف عمل میں نہیں لائی جائے گی۔ اور میری کوشش بلکہ سعادت ہوگی۔ کہ جس طرح پشاور یونیورسٹی کا ماضی شاندار ہے۔ اسی طرح اس کا مستقبل بھی تابناک ہو۔

میں چند کوائف ان کی خدمت میں عرض کروں گا۔ اس میں آپ نے غلط اطلاع دی ہے۔ کہ

۲۵ لاکھ کی رقم دی گئی ہے ایسی کتنی رقم دوسری جگہ بھی ہیں۔ فنانس ڈیپارٹمنٹ نے مجھے بتایا ہے کہ ۴۳ لاکھ کی رقم رکھی گئی ہے جیسا کہ آپ نے فرمایا ہے کہ ۵ لاکھ دے دیا جائے۔ اس کے لئے عرض کر دوں۔

Mr. Munawar Khan: Yes. There is a provision for five lacs.

وزیر تعلیم۔ اس میں جو رقم ایگریکلچرل کالج کے لئے اور میڈیکل کالج کے لئے ہیں وہ اس میں شامل نہیں۔ ایگریکلچرل کالج کی رقم ایگریکلچرل سیکٹر میں ہوگی۔ اور میڈیکل کالج کی ہیلتھ سیکٹر میں ہوگی۔ بہر حال یہ حساب کی غلطی ہے ممکن ہے آپ غلط سمجھے ہوں یا میری سمجھ میں غلط آیا ہو۔ آپ کو یہ بات سن کر خوشی ہوگی کہ چند روز پہلے جب یہ بات میرے نوٹس میں لائی گئی تو میں نے اسی وقت ایک کمیٹی مرتب کی۔ جو عنقریب پہنچنے والی ہے جو وہاں جا کر وائس چانسلر سے مل کر اس کے لئے مواد تیار کرے گی۔ لیکن یہ بات واضح کر دوں کہ پشاور یونیورسٹی ترقی کی طرف جائے گی۔ تنزل کی طرف نہیں جائے گی۔ سندھ یونیورسٹی کے متعلق جو آپ نے اعداد و شمار دیئے ہیں ان میں غلطی ہوئی ہے۔ دراصل سندھ کی ایگریکلچرل اور میڈیکل institutions میں کچھ جھگڑا ہے۔

مسٹر محمود اعظم فاروقی۔ پبلک سکول کے متعلق آپ نے کچھ نہیں بتایا۔

وزیر تعلیم۔ اچھا کیا آپ نے یاد کر دیا پبلک سکول کے متعلق حکومت نے فیصلہ کیا ہے کہ آئندہ کوئی پبلک سکول نہیں کھولا جائے گا۔ صرف وہ سکول کھولے جائیں گے جو غریب اور عوام کے مفاد کے ہوں یہ comprehensive سکول ہوں گے۔ لیکن یہ یقین رکھیں کہ کوئی پبلک سکول نہیں کھولا جائے گا اس لحاظ سے اگر کسی سکول کے متعلق کبھی سوچا گیا تو وہ صرف military کا سکول ہو گا جیسے کوئی کیڈٹ کالج ہوتا ہے۔ اس وقت ہماری تجویز ہے کہ comprehensive سکول کھولے جائیں • اخواتین کے لئے اور ۳۰ لڑکوں کے لئے۔ میں ممبران سے گزارش کروں گا کہ اگر کوئی اور بھی چیز پوچھنا چاہیں تو مجھے یاد کرادیں۔ تاکہ میں جواب دے دوں۔

ہسٹری کے متعلق ایک محترمہ نے فرمایا تھا تو میں ان کی اطلاع کے لئے عرض کر دیتا ہوں کہ پاکستان کے دو نہایت قابل مورخین نے کتابیں لکھیں ہیں ایک تو اشتیاق حسین قریشی صاحب نے Struggle for Pakistan لکھی ہے۔ اس وقت اس سے زیادہ مستند اور وسیع کوئی کتاب موجود نہیں یہ بچوں کے نصاب میں بھی شامل ہو رہی ہے اور آپ کو دیکھ کر خوشی ہوگی۔ دوسری کتاب ڈاکٹر محمد اکرام ممبر

بورڈ آف ریونیو نے لکھی ہے۔ وہ بڑے مستند مورخ ہیں انہوں نے بھی اسی قسم کی کتاب لکھی ہے۔ میں یقین کرتا ہوں کہ آپ کو ان دونوں مورخین اور مصنفین پر اعتماد ہے کہ ان سے زیادہ معیاری کتابیں نہیں لکھی جاسکتی تھیں۔ کراچی کے کوٹا کے متعلق ہو سکتا ہے کہ کوٹا مخصوص ہو۔ اس کے متعلق میرے دوست ہیلٹھ منسٹر صاحب ہی بتائیں گے۔ انجینئر کے متعلق چھان بین ہو رہی ہے شاید اس قسم کا کوٹا - integration کی خاطر مقرر کرنا پڑے تاکہ سب کو فائدہ پہنچے۔

مسٹر محمود اعظم فاروقی - سب کچھ اس طرف ہے ادھر کچھ نہیں۔

وزیر تعلیم - میرے خیال میں دونوں طرف ہے۔ میرے پاس اس کے کوائف موجود ہیں۔

جہاں تک ریڈیو کا تعلق ہے۔ یہ سنٹرل گورنمنٹ کا subject ہے مجھے خوشی ہوگی اور میں اسے اپنی سعادت سمجھوں گا کہ میں آپ کی تجویز وہاں تک پہنچا سکوں۔ کیونکہ ریڈیو کو تعلیمی امداد کے لئے کارآمد بنایا جاسکتا ہے جیسا کہ پہلے بھی بنایا گیا ہے۔

عورتوں کی یونیورسٹی کے متعلق فاروقی صاحب ایک ریزولیشن لارہے ہیں اس وقت اس پر تفصیل سے گفتگو ہوگی۔ یہ ایک سوچنے کا مسئلہ ہے کہ آیا ایک خواتین کی یونیورسٹی بنادی جائے یا تمام صوبہ کے کالجوں میں کچھ اس قسم کا اضافہ کر دیا جائے۔ کہ ہر جگہ تعلیم نسواں علیحدہ ہو۔ اب دونوں صورتیں آپ کے سامنے ہیں کہ وہ صورت اختیار کرنی چاہئے جس میں فائدہ ہو۔ فرض کریں کہ اس وقت لاہور میں ایک خواتین کی یونیورسٹی قائم ہو جائے تو پھر کراچی میں کیا ہوگا۔ پشاور اور حیدر آباد میں کیا ہوگا۔ اگر آپ ٹوکن کٹ کی طرح چاہیں کہ یہاں ایک ٹوکن یونیورسٹی قائم ہو جائے تو علیحدہ بات ہے۔ لیکن یہ اس مسئلہ کا حل نہیں۔ مسئلہ کا حل یہ ہے کہ تعلیم نسواں کو اس طرح extend کریں کہ ڈگری کلاسز یا پوسٹ گریجویٹ کلاسز عورتوں کے لئے علیحدہ کھول دی جائیں۔ جیسا کہ ہمارا ارادہ ہے اور ہم کر بھی رہے ہیں تو پھر خواتین کی یونیورسٹی کا تقاضا باقی نہیں رہے گا۔ اس پر پھر کبھی تفصیل سے ذکر ہوگا۔ ملک اختر صاحب نے حمود الرحمن کمشنر کا حوالہ دیا تھا۔ اس میں تمام مسائل پر رائے دی گئی ہے۔ اختر صاحب کی بات بڑی موقع معلوم ہوتی ہے اور میں سمجھتا ہوں کہ ہمیں اس پر غور کرنا پڑے گا۔ انہوں نے فرمایا تھا کہ اس امر کی طرف توجہ نہیں دی گئی اور طلباء بڑے مضطرب ہیں ان کو یقین دلاتا ہوں کہ طلباء ہمیں اپنے بچوں سے زیادہ عزیز ہیں۔ ان کی ہر اچھی چیز اور ان کا ہر جائز مطالبہ پر یہ حکومت ہر وقت ہمدردی سے غور کرنے کو فخر سمجھتی ہے۔

میں طلباء سے امید رکھتا ہوں جیسا کہ میں نے کہا ہے کہ ہم انہیں اپنے بچوں سے زیادہ عزیز سمجھتے
ہیں وہ بھی ہمیں کچھ اسی طرح سمجھیں۔



حاجی محمد سیف اللہ خان (رحیم یار خان)

یہ تقریر مورخہ ۲ فروری ۱۹۷۳ء کو صوبہ میں امن عام نظم و نسق کی صورت حال پر بحث کے دوران کی گئی۔

جناب والا۔ پیشتر اس کے کہ میں اپنے خیالات کا اظہار کروں۔ میں ضروری سمجھتا ہوں کہ آپ کی یادداشت تازہ کر دوں کہ پرسوں تحریک التواء کے سلسلے میں جناب نے وعدہ فرمایا تھا کہ پرسوں یعنی آج لاء اینڈ آرڈر کا مسئلہ ڈسکس ہونا ہے اور اس میں میں تمہیں سپیشل ٹائم دوں گا۔

جناب والا۔ میں عرض کر رہا تھا کہ آج جس مقصد کے لئے یہ دن مقرر کیا گیا تھا اس میں سروسز اینڈ جنرل ایڈمنسٹریشن لاء اینڈ آرڈر کی صورت حال جو کہ اس صوبے میں پیدا ہو چکی ہے اس کو ڈسکس کرنا مقصود و مطلوب تھا مگر افسوس کہ سانپ کی طرف تو کسی کی توجہ نہیں گئی اور آج کا سارا دن ہم نے لکیر پیٹنے میں صرف کر دیا۔

جناب والا۔ یہ ملک جو آج سے پچیس سال پہلے قائم ہوا تھا اس کا مقصد ایک فلاحی معاشرے کا قیام تھا اسلامی نظام کا قیام تھا، عوام کی حاکمیت قائم کرنی تھی، قائد اعظم کے اس منشور کو پورا کرنا تھا لیکن پاکستان کی اس جدوجہد کو ملیا میٹ کرنے والا ایک طبقہ سروسز کے نام سے ہے اس نے ملک کا ستیاناس کیا ہے۔ اور ہوا کیا۔

وائے ناکامی متاع کارواں جاتا رہا
کارواں کے دل سے احساس زیاں جاتا رہا

ان کی کاریگری، سروسز کی ہوشیاری اس حد تک کارگر ثابت ہوئی ہے کہ آج تک جو بھی حکومت آتی رہی اس نے ان کا تحفظ کیا، ان کی protection کی، ان کی طرف کسی کی نگاہ نہ گئی۔ کسی نے یہ نہیں دیکھا کہ یہ سروسز، جن کا نام تو سروسز ہے، مگر یہ ملک کی sovereign ثابت ہوئی ہیں۔ انہوں نے پاکستان کی تاریخ میں وہ کردار انجام دیا۔ جو ہندوستان کی تاریخ میں سید بھائی نے انجام دیا تھا۔ پاکستان کی پچیس سالہ تاریخ میں یہی سروسز ہیں جنہوں نے king maker کا رول ادا کیا۔ کسی معاشرے کی اصلاح، کسی طبقے کی اصلاح صرف قوانین سے نہیں ہوا کرتی، بلکہ ضمیر، اخلاص اور ذہن کی تبدیلی سے پیدا ہوا کرتی ہے۔ ہماری سروسز نے یہاں کیا کردار انجام دیا؟ یہ ٹھیک ہے کہ ہر حکومت، جو بھی آئی اس نے لوگوں کے آنسو پونچھنے کے لئے کچھ اقدام کئے۔ لوگوں کو یہ تاثر دینے کے لئے کہ سروسز ہمارے ماتحت ہیں، کسی نے ۳۰۳ کی لسٹ نکال دی اور کسی حکومت نے ۳۱ سو کی لسٹ نکال دی۔ یہ حربے یہ تاثر دینے کے لئے نہ کافی ہو سکتے ہیں اور نہ ان حربوں سے ان لسٹوں کے اجرا سے اس قسم کی تطہیر آپ کر سکتے ہیں کہ سروسز آپ کے ماتحت ہیں۔ عمل اس کے برعکس ہے۔ عمل سے سروسز نے ثابت کر دیا ہے کہ سروسز حکومت کے ماتحت نہیں، بلکہ حکومت سروسز کے ماتحت ہے۔ یہ چیز ناقابل تردید ہے کہ پچھلی حکومت کے وقت میں سروسز نے عوام میں یہ تاثر دیا تھا اور ہر شخص یہ کہتا تھا کہ اس ملک کی حاکمیت سروسز کے پاس ہے، سی ایس پی کلاس کے پاس ہے، وہ سی۔ آئی۔ اے کی ایک منظم جماعت کی طرح اس حکومت پر مسلط ہے اور جب سروسز نے دیکھا کہ ان کے سابقہ کردار سے عوام میں ان کے خلاف نفرت پیدا ہو گئی ہے اور عوام انہیں اپنا دشمن سمجھنے لگ گئے ہیں تو اب اس عوامی حکومت کے دور میں، جس میں شاید آپ لوگ یہ سمجھتے ہوں کہ ہم نے سروسز پر قابو پالیا ہے، سروسز سرنگوں ہو گئی ہیں، مگر میں آپ کو یقین دلاتا ہوں کہ سروسز اب بھی سازش میں ہیں، پہلے بھی سازش میں تھیں۔ اس سروسز نے اپنے اس تاثر کو ملیا میٹ کرنے کے لئے کہ جس کے ماتحت عوام نے سروسز سے نفرت کرنی شروع کر دی تھی، عوام میں یہ بات کہنی شروع کر دی ہے کہ ہم تو حکومت کے ماتحت ہیں، جو حکم ہوتا ہے ہم اس کی تعمیل کرتے ہیں۔ میں نے اپنے گناہ گار کانوں سے بڑے بڑے عہدیداروں سے سنا ہے کہ اگر کوئی غریب ان کے پاس الاٹ منٹ کے لئے جاتا ہے کہ ہمیں پلاٹ دو تو بجائے اس کے کہ وہ سمجھائیں کہ بھائی حکومت ایک پالیسی بنا رہی ہے، ایک جامع پالیسی بن رہی ہے یا یہ پروگرام نہیں ہے یا اس میں اس قسم کا کوئی فلاحی مقصد ہے، وہ صاف کہتے ہیں کہ دیکھو جی، آپ کے گورنر صاحب نے الاٹمنٹ بند کر دی ہے آپ کے فلاں منسٹر نے الاٹمنٹ بند کر دی ہے۔ ہمارے پاس نہ آؤ، ان کے پاس جاؤ۔ ان کا مقصد یہ ہے کہ یہ تاثر پیدا ہو کہ جو بھی ملک میں برائیاں

ہیں۔ جو بھی معاشرے میں خرابیاں ہیں، ان کے ذمہ دار وہ لوگ نہیں، بلکہ ان کی ذمہ دار حکومت ہے۔ حالانکہ یہ مقصد نہیں ہوا کرتا۔ اصل ذمہ داری ملک کے نظم و نسق کی، ملک کے لاء اینڈ آرڈر کی اس ادارے پر ہوتی ہے جو مستقل طور پر اس ملک میں قائم ہوتا ہے اور وہ سروسز ہوتی ہیں۔ حکومتیں آتی ہیں، حکومتیں جاتی ہیں، حکومتیں پر ٹپل بناتی ہیں، مگر حکومت کے پرنسپل حکومت کے قانون کی implementation سروسز کیا کرتی ہیں۔ یہاں اب معاملہ بالکل برعکس ہے۔ جب بھی کسی خرابی کی نشاندہی کی جاتی ہے تو یہ سروسز بہانہ بنادیتی ہیں کہ جناب، عملہ کم ہے۔ جناب مراعات کم ہیں۔ میں ایک مثال جناب والا کو دیتا ہوں۔ ایک رئیس زادہ تھا جو دودھ پیا کرتا تھا۔ اسے روزانہ ایک پاؤدودھ پینے کی عادت تھی۔ اس نے ایک نوکر رکھا۔ ایک آنے کا دودھ آتا تھا تو وہ نوکر اس میں سے ایک پیسہ بچالیا کرتا تھا اور اس کے برابر اس میں پانی ڈال دیا کرتا تھا اس طرح پاؤدودھ پورا کر کے لادیتا تھا۔ اس پر رئیس زادے نے دیکھا، کہ بھائی یہ تو ملاوٹ شروع ہو گئی، کیوں نہ میں اس پر ایک سپروائزر رکھ دوں جو اس کی نگرانی کرے۔ تاکہ یہ جو پیسہ بچاتا ہے یا پانی ملاتا ہے یہ بند ہو جائے۔ سپروائزر صاحب آئے، انہوں نے نوکر سے پوچھا کہ یہ بتاؤ کتنا بچاتے ہو۔ جواب ملا۔ ایک پیسہ روز۔ کہا آج سے ایک پیسہ میرا بھی نکالنا ہے۔ دو پیسے کا دودھ اور دو پیسے کا پانی۔ دوسرے دن اس رئیس نے دودھ پیا تو پہلے سے بھی پتلا، پھر اس نے ایک انسپکٹر رکھ دیا (تہقہ)

کہ یہ ان کا انداد کرے گا۔ جب وہ انسپکٹر صاحب آئے تو انہوں نے کیفیت پوچھی۔ کہ سناؤ کیسی گزر رہی ہے۔ جواب ملا۔ کہ جناب اب تک تو پیسہ پیسہ ہمیں بچ رہا ہے۔ دو پیسے کا دودھ آتا ہے اب جو آپ حکم کریں ہم ویسے تعمیل کریں گے۔ اس نے کہا آج سے پیسہ میرا بھی نکالنا ہے۔ اب ایک پیسہ کا دودھ آئے گا اور تین پیسے کا پانی اس میں ملے گا۔ اس کے بعد جناب رئیس زادے نے دیکھا یہ تو الٹ سلسلہ ہو گیا، اب اس پر کوئی اور کمشنر بٹھائیں۔ اس نے چوتھا ایک آدمی مقرر کر دیا۔ وہ جب آیا تو اس نے کیفیت پوچھی۔ اب پیسہ تو ایک بچا ہوا تھا اور اس میں آدمی ہو گئے چار۔ اس نے کہا کہ بھائی پیسہ اب میرا بھی بچانا ہے۔ انہوں نے کہا کہ جناب اس ایک پیسے کے دودھ سے کم از کم رنگ تو بدل جاتا تھا اب یہ تو ہم نہیں کر سکتے کہ چاروں پیسے بچالیں تو اس کو کیا منہ دکھائیں گے۔ دودھ کا رنگ کیسے بدل دیں گے؟ اس نے کہا یہ میرا کام، تم بری الذمہ، تم میرا پیسہ دے دو۔ وہ حیران کہ دیکھیں یہ کیا کاریگری کرتا ہے۔ اس نے جناب اپنا پیسہ لے لیا۔ اب چار پیسے چاروں ملازموں میں تقسیم ہو گئے۔ رئیس زادے ناشتے کے لئے اٹھتے ہیں، اخبار پڑھ رہے ہیں۔ وہ جوان کے senior most کمشنر لگائے گئے تھے وہ جناب جاتے ہیں اور حلوائی کی دکان کی کڑہائی سے انگلی لگاتے ہیں اور وہ ملائی لے آتے ہیں۔ جب رئیس زادے اخبار پڑھنے کے لئے بیٹھتے ہیں تو وہ پاس پہنچ کر مکھی جھٹکنے کے بہانے ان کی موچھوں کو ملائی لگا دیتا ہے۔ تھوڑی دیر کے بعد ان کو کچھ دودھ کی خواہش ہوئی۔ اس نے پکارا دودھ لاؤ تو وہ صاحب آئے۔ انہوں نے کہا جناب

دودھ تو آپ نے پی لیا ہے۔ انہوں نے کہا۔ نہیں میں نے تو نہیں پیا۔ اس نے کہا۔ صاحب آج تک آپ کو دودھ ناخالص ملتا رہا ہے۔ آج ہی تو آپ کو خالص دودھ ملا ہے اور آپ کا ہاضمہ اس سے تیز ہو گیا ہے۔ یہ شیشہ دیکھئے۔ بالائی ابھی تک آپ کی مونچھوں پر لگی ہوئی ہے۔ میرے بھائی، میرے واجب الاحترام وزراء، میری واجب الاحترام حکومت میں آپ کو بتا رہا ہوں کہ آپ اس گھنڈ میں نہ رہیں کہ آپ نے نثرول کر لیا ہے۔ آپ یہ نہ سمجھیں کہ آپ نے نظم و نسق کی صورت حال پر قابو پا لیا ہے بلکہ آپ کی مونچھوں پر بالائی لگائی جا رہی ہے۔

(فقہہ اور نعرہ ہائے تحسین)

پہلے ایک پیسے کا دودھ ملا کر تاتھا اب وہ بھی ختم ہو چکا ہے اور اب سوائے بالائی کے آپ کی مونچھوں پر کچھ باقی نہیں ہے خدا کی قسم

بیگم ریحانہ سرور (شہید) - پوائنٹ آف آرڈر۔ جناب والا۔ ان کے پانچ منٹ ختم نہیں ہوئے۔

مسٹر سپیکر۔ انہوں نے پہلے ہی خود اس بات کو واضح کر دیا تھا۔

حاجی محمد سیف اللہ خان - جناب والا۔ سچی بات تو یہ ہے کہ آج کا دن مقرر کرنے کا مقصد یہ نہیں ہے۔

Mr. Speaker: I would like to extend this time to 1.00 P.M.

کیونکہ ابھی لیڈر آف دی ہاؤس۔ وزیر قانون اور لیڈر آف دی اپوزیشن نے بھی اپنے اپنے خیالات کا اظہار کرنا ہے۔ اور آپ نے مجھے وعدہ یاد دلایا تھا کہ تحریک التواپیش نہ کی جائیں۔ اسی لئے میں نے ایسا نہیں کیا اور آپ لوگوں کو ایک خاص ٹائم لاء اینڈ آرڈر کے مسئلے کو زیر بحث لانے کے لئے دیا ہے۔

حاجی محمد سیف اللہ خان - جناب والا۔ یہ دن اس لئے نہیں ہوا کرتے کہ بحشیں کی جائیں اور بحشیں اس لئے نہیں رکھی جاتیں کہ ہم آپ کو ہدف تنقید بنائیں یہ ہمیں نشانہ بنائیں یا ہم ایک دوسرے کے خلاف بحث کریں۔ اور جو چور ہے۔ جو سانپ ہے وہ نکل جائے۔ بنیادی نشان دہی اس سانپ کی کرنی ہے۔ نشان دہی اس مرض کی کرنی ہے۔ یہ دن اس لئے مقرر کیا جاتا ہے کہ اس جمہوریت کا نسخہ تجویز کیا جائے۔ اس جمہوریت کا علاج تجویز کیا جائے۔ ہوتا یہ رہا ہے کہ ہم آپس میں لڑ

جھگڑ کر باہر نکل جاتے رہے اور جن کی نشان دہی کرنا مقصود ہے وہ روز ہنتے ہوئے باہر ہوتے ہیں۔ جناب والا۔ میں آپ کو بتاؤں کہ جب تک ہم اس بارے میں سروسز کو کنٹرول کرنے کے لئے اپنے آپ پر قابو نہیں پائیں گے جب تک ہم اپنا محاسبہ خود نہیں کریں گے اس وقت تک ان چیزوں کا انسداد نہیں ہو گا۔ اور یہ ایک مسلمہ اصول ہے۔ نو شیرواں نے کہا تھا ایک دفعہ اس کے لئے کوئی شخص جاکر نمک لے آیا۔

مسٹر سپیکر۔ حاجی صاحب تقریر تو آپ کی بڑی دلچسپی ہے مگر وقت ہمارے پاس محدود ہے اگر آپ اس کی concrete form پر آجائیں تو بہتر رہے گا۔ ہم حکامتیں سنانے کے لئے پھر کسی وقت آپ کو موقع دیں گے۔

حاجی محمد سیف اللہ خان۔ مجھے یقین ہے کہ جناب آپ ہمیشہ وعدہ ایفائی کرتے ہیں۔ جناب والا۔ میں عرض کر رہا تھا کہ اصل کام سروسز کو قابو میں لانے کا ہے اور یہ اس وقت تک قابو میں نہیں آسکتا اس وقت تک آپ ان کو کنٹرول نہیں کر سکتے جب تک آپ اپنے اوپر قابو نہ رکھیں۔ پہلا تہیہ اور پہلا عہد جو ہمارے ارباب اقتدار یعنی ہماری حکومت کرے وہ یہ ہے کہ وہ قطعی طور پر کسی ملازم کو کسی قسم کا غلط کام کرنے کی ترغیب نہ دے۔ چاہے اس میں ان کا کتنا ہی ذاتی فائدہ کیوں نہ ہو۔ چاہے ان میں ان کا کتنا ہی سیاسی فائدہ کیوں نہ ہو۔ اگر آپ ان سے کسی مصلحت کی بنا پر کسی تقاضے کی بنا پر ایک پرچہ غلط کرائیں گے تو یاد رکھیں کہ اس بدلے میں وہ سونا حق پرچہ دیں گے۔ اگر آپ ان سے ایک کام بھی غلط کرائیں گے تو وہ اس precedent کی بنا پر سو غلط کام کریں گے اور جب تک آپ اپنے اوپر قابو نہیں پائیں گے اس وقت تک ان کی نشان دہی نہیں ہوگی۔

دوسری اصل چیز جو کرنے کی ہے وہ یہ ہے کہ اس وقت جتنے بھی قوانین ہمارے سامنے ہیں، ہمارے ہاں بنے ہوئے ہیں ان میں بیشتر قوانین انگریزوں کے وقت کے بنے ہوئے ہیں۔ جن کے وقت تقاضا یہ تھا کہ وہ ایڈمنسٹریشن میں خود بھی دیانت داری کرتے تھے اور دوسروں سے بھی توقع رکھا کرتے تھے کہ یہ بھی دیانت دار ہوں گے۔ اسی لئے انہوں نے اختیارات کی بہتات discretion پر رکھی اور جس قانون کو بھی آپ اٹھا کر دیکھیں اس میں principles سے زیادہ discretion موجود ہے کہ وہ جس طرح چاہیں اپنی discretion کو استعمال کریں لہذا ان قوانین میں جن میں سے سروسز کو کو بے پناہ اختیارات بے پناہ discretion حاصل ہو چکی ہے discrimination کریں۔ پان کی discretion کو ختم کریں۔ ایسے اصول بنا کر دیں، انہیں ایسی تجاویز بنا کر دیں اور ایسے قوانین بنا کر دیں کہ وہ اپنی discretion استعمال نہ کر سکیں اور اگر استعمال کرنے کی ضرورت بھی ہو تو وہ سامنے نظر آ جائے۔

discretion دیانت داری پر مبنی ہے۔ prema facie on the record ہو کہ یہ

اب ہمارے ملک میں دو terms کا بے جا استعمال ہوا ہے good faith اور دوسرا discretion کہ جس نے یہ ساری تباہی مچائی ہے۔ آپ ازراہ کرم اگر قانون بناتے وقت اصول بناتے وقت انہی چیزوں کو مقدم رکھیں تو میں نہیں سمجھتا کہ ہمارے صوبے کی اصلاح کیوں نہ ہو جائے۔ پولیس کا کردار آپ لے لیں۔ آپ دیہاتوں میں جائیں۔ اگر چوری کا پرچہ کوئی شخص دینے کے لئے جاتا ہے تو ایس ایچ او کو بھی بخار آ جاتا ہے عملہ بھی جناب اس کو ایسی جھڑکیاں دیتا ہے کہ خدا کی پناہ۔ جاؤ کاغذوں کا دستہ لے کر آؤ۔ فلاں کام کر کے آؤ۔ اور کوشش کرتے ہیں کہ چوری کا پرچہ نہ ہو کیوں کہ اس میں تنگ دو کرنی پڑے گی۔ تفتیش کرنا ہوگی۔ خاک چھاننا ہوگی۔ باہر گھومنا ہو گا اور وہ بد معاش وہ چور وہ ڈکیت جس کی وہ خود سرپرستی کرتے ہیں ان پر ہاتھ ڈالنا ہو گا اور اس کے برعکس اگر دو شریف شہریوں کی ناگمانی طور پر اتفاقیہ لڑائی ہو جائے تو وہ ۷۰ اکوے ۳۰ میں بدلنے سے دریغ نہیں کرتے۔ آپ پولیس کے نظام کو بھی بدلیں۔ پولیس کو جو بے پناہ اختیارات آپ نے دے رکھے ہیں۔ کہ وہ جس وقت چاہے جیسے چاہے جس شہری کو چاہے گرفتار کر سکتی ہے۔ ان پر نظر ثانی کریں۔ ان کے اختیارات کو اس طرح سے محدود کریں کہ وہ برائیوں کا انسداد بھی کریں اور اس کے ساتھ ساتھ وہ کسی سے بے رحمی، بے عزتی یا کسی قسم کی زیادتی بھی نہ کر سکیں۔ اس کے لئے بہت سی تجاویز ہیں اگر آپ نے خواہش کا اظہار کیا۔ اگر آپ کی نیت یہ ہوئی کہ صوبے میں ان چیزوں کا انسداد ہو تو میں اپنی خدمات ہر وقت دینے کے لئے حاضر ہوں۔ اور جتنی بھی تجاویز ہیں موجودہ دائرے میں رہتے ہوئے معمولی ترامیم کرتے ہوئے ہم ان سب کے منہ میں لگا میں ڈال سکتے ہیں۔ بشرطیکہ ہماری نیت ہو۔

آپ دیہاتوں کے پاس جائیں ہر زمیندار ہر چھوٹا بڑا کاشتکار جو ہماری آبادی کا ۸۹ فیصد ہیں۔ ان کا تعلق زیادہ تر پٹواری سے انتقال کے سلسلے میں رہتا ہے۔ آپ جا کر دیکھیں کہ غریب آدمی پٹواری سے انتقال درست نہیں کر سکتا۔ کیفیت یہ ہے کہ سینکڑوں روپے دینے کے باوجود اگر تھوڑی سی اس کی خوشنودی حاصل نہ کریں اس کی حمایت حاصل نہ کریں تو معمولی سے ایک نمبر کے ہیر پھیر سے ہماری لاکھوں کی بیج اور قیمتی جائیدادیں وہ ایک منٹ میں زیر زبر کر سکتا ہے۔ اس پر نظر ثانی ہم کر سکتے ہیں۔ قانون موجود ہیں انکی implementation کی ضرورت ہے ان کے لئے تجاویز کی ضرورت ہے ان کے لئے تدابیر کی ضرورت ہے۔ آپ اگر اپنے ریونیو ایکٹ کو صحیح معنوں میں نافذ کر دیں تو بہت سی خرابیاں دور ہو سکتی ہیں اور اس پٹواری کے بہت سے اختیارات کم ہو سکتے ہیں۔ بہت سی خرابیاں دور ہو سکتی ہیں۔ بشرطیکہ ریونیو ایکٹ کی دفعہ ۴۲ کو صحیح معنوں میں implement کر دیا جائے۔

جناب والا۔ جہاں تک انتظامیہ کے انسداد کا تعلق ہے وہیں آپ یہ بھی کوشش کریں کہ آپ اپنے آپ کو قابو میں رکھیں۔ خدا را میں تنقید کے لحاظ نہیں کہہ رہا۔ میں تنقید کے انداز میں نہیں کہہ رہا۔

آپ دیہاتوں میں جا کر دیکھیں۔ میں اپنی تحصیل کے واقعات آپ کو بتا سکتا ہوں آپ نے کہا تھا particular instance دیجئے۔ آئیے آپ کو میں لیاقت پور دکھاؤں کہ ہماری انتظامیہ مفلوج ہو کر رہ گئی ہے۔ انتظامیہ کو کوئی اختیار یا حق نہیں رہا کہ وہ کوئی فیصلہ کر سکے۔ عدالتوں میں جا کر فیصلے dictate کرائے جاتے ہیں۔ اور بعض لوگوں کے پاس تو ایسے اختیارات آچکے ہیں۔ اگرچہ وہ نہ تو عوامی نمائندے ہیں اور نہ ہی انہیں عوام کا اعتماد حاصل ہے مگر انہوں نے دو کانیں کھول رکھی ہیں۔ میں خدا کی قسم کھا کر کہتا ہوں کہ میری تحصیل میں یہ عالم ہے کہ ہر مہینے کھانڈ کے ڈپو تک بدلتے ہیں۔ ہر مہینے ڈپو کی بولی ہوتی ہے۔ ایک ڈپو ہولڈر آتا ہے اور کہتا ہے کہ میں تمہیں ۱۰ سیر مہینے کی چینی مفت دوں گا اگر ڈپو پر ایک بوری مجھے ملتی ہے۔ وہ بھی آرڈر کرا کر جاتا ہے وہ ابھی پانچتا ہی نہیں دوسرا ۲۵ سیر کی بولی دے کر دوسرا آرڈر لے لیتا ہے۔ تیسرا ۳۰ سیر کی بولی دے کر تیسرا آرڈر لے آتا ہے۔ ذاتی طور پر جا کر توجہ مبذول کرواتے ہیں۔ جا کر بتاتے ہیں کہ یہ ہم آپ کے فائدے کے لئے بتا رہے ہیں۔

مسٹر سپیکر۔ حاجی صاحب آپ اندازاً کتنا وقت اور لیں گے۔

حاجی محمد سیف اللہ خان۔ میں صرف دو تین منٹ لوں گا۔

ہم جا کر کہتے ہیں کہ ہم آپ کے فائدے کے لئے کہتے ہیں۔ مجھے یقین ہے کہ حکومت آپ کی ہے ملک ہم سب کا ہے۔ حاکم آپ ہیں رعایا ہم سب ہیں۔ یہ چیز لازم و ملزوم ہے کہ جب رعایا رہے گی تب حاکم رہے گا جب ملک رہے گا تب حاکم رہے گا۔ اور اگر رعایا نہ رہے۔ حاکم نہ رہے۔ ملک نہ رہا تو مجھے بتائیں کہ ہم کہاں کے رہیں گے۔ ہم جو کچھ بھی کہتے ہیں اس انداز سے کہتے ہیں کہ

درد دل سے لوٹا ہوں کس کو میرا درد ہے
میں لفظ درد ہوں جس پہلو پہ الٹو درد ہے

جناب والا ہم آپ ہی کے فائدے کے لئے کہتے ہیں۔ مجھے یقین ہے اور میں یقین کامل سے کہہ رہا ہوں کہ آج اگر ہم ناکام ہو گئے۔ آج اگر آپ کی حکومت ناکام ہو گئی تو یہ ملک خطرے میں پڑ جائے گا۔ اگر آج آپ نے اس کا انسداد نہ کیا۔ اگر آج آپ نے یہ نہ سوچا تو یاد رکھئے پھر نہ کوئی دوسری قیادت فی الحال نظر آرہی ہے اور نہ مستقبل کی روشنی نظر آرہی ہے۔ آپ جس رو میں بنے چلے جا رہے ہیں۔ میں سمجھتا ہوں کہ اس رو پر اب آپ کو سروسز نے لگالیا ہے۔ سروسز نے آپ کے سامنے ایسے گھٹنے

ٹیکے ہیں۔ سروسز آپ کے سامنے اپنے آپ کو اتنا زیادہ موڈ بنارہی ہے کہ آپ کو یہ گمان پیدا ہو گیا ہے کہ شاید آپ نے غلبہ حاصل کر لیا ہے۔ شاید ان پر قابو پالیا ہے۔ ہمیشہ کہا کرتے ہیں اور ہمارے ہاں کالیک مقولہ ہے کہ ظالم کے دو وار ہوا کرتے ہیں پہلے وہ سر کو تھمتا ہے اور بعد میں پاؤں پکڑتا ہے۔ سروسز نے اس ملک میں پہلے سر کو تھکا اس میں بھی کچھ حد تک کامیابی ہوئی پھر جب آپ لوگ آ گئے۔ انہوں نے سوچا کہ آپ کو اس طرح سے دبانا۔ آپ کو اس طرح سے قابو کرنا آسان نہیں ہے اب ان کے پاؤں پڑوا اور ان کو پاؤں سے گھسیٹو۔

جناب والا۔ ان الفاظ کے ساتھ میں نہایت موڈ بانہ گزارش کروں گا کہ یہ ملک ہم سب کا ہے۔ یہ علاقہ ہم سب کا ہے۔ ہم سب ملک کران ۲۵ سالہ خرابیوں کو دور کریں۔ محض حوالے دینے سے محض یہ کہہ دینے سے کہ سابقہ نظام کی خرابیاں ہیں کام نہیں بنے گا۔ ارے بھائی سابقہ نظام خراب نہ ہوتا تو ملک دو ٹکڑے کیوں ہوتا اور اگر اسی روایت کو ہی قائم رکھنا ہے تو جو باقی ملک ان کی بد اعمالیوں کی وجہ سے بچ گیا ہے آپ بھی اگر آج بد عمل ہو گئے تو پھر کیا ہو گا۔ آپ کو شش کریں ہم آپ کے شانہ بہ شانہ ہیں۔ ہم آپ کی جائز تعمیر میں جائز مقام پر اپنی پوری طاقت کے ساتھ پورا پورا تعاون کرنے کے لئے تیار ہیں۔ آپ معاشرے کی اصلاح کریں۔ معاشرہ کو بنائیں۔ طبقاتی نفرت ختم کریں۔ بجائے اس کے کسی طبقے کو ابھاریں۔ کسی طبقے کو اٹھائیں۔ آپ سب کو بھائی بھائی بنائیں المسلمون ملت واحدۃ مسلمان ایک ملت ہوتی ہے۔ ہم سب بھائی ہیں۔ آپ معاشرہ کے اندر خلوص۔ جذبات اور برادرانہ اخوت پیدا کریں تاکہ قوم کسی ایک صورت میں نہ نکلے جس سے طبقے ابھریں۔ طبقے طبقے ہی رہتے ہیں وہ قوم نہیں بن سکتے۔ قوم اس وقت بنتی ہے جب تمام طبقے یکجا ہوں۔

(نعرہ ہائے تحسین)



سید تابش الوری (بہاولپور)

(یہ تقریر موصوف نے ۲۶ نومبر ۱۹۷۳ء کو زرعی سپلائز کارپوریشن بل پر کی)

جناب سپیکر! ہمارے سامنے اس وقت ایگریکلچرل سپلائز کارپوریشن پنجاب کے نام سے جو بل پیش کیا گیا ہے وہ حکومت کے تضاد فکر و عمل کا شاہکار ہے۔ اگرچہ دعویٰ یہ کیا گیا ہے کہ اس بل کا مقصد زرعی ترقی کے ساتھ ساتھ کاشت کاروں کو مختلف قسم کے بیج اور کھاد کی سہولتیں فراہم کرنا ہے۔ لیکن عملاً اس کارپوریشن کا جو ڈھانچہ تیار کیا گیا ہے اور اس کی کارکردگی کے لئے جو دائرہ عمل متعین کیا گیا ہے اس کے پیش نظر ہم یہ کہنے میں حق بجانب ہیں کہ یہ کارپوریشن اپنی مقصدیت کے اعتبار سے تشنہ اور اپنی افادیت کے اعتبار سے نامکمل ثابت ہوگی۔

جناب والا۔ اس کارپوریشن نے پورے پنجاب کے ایک خاص شعبہ تجارت کو اپنی تحویل میں لے کر عوام کو بنیادی حقوق سے محروم کرنے کا منصوبہ بنایا ہے۔ آپ بہتر طور پر جانتے ہیں کہ ہمارے موجودہ دستور میں بنیادی حقوق کے تحت یہ حق دیا گیا ہے کہ ہر شخص کو تجارت کی آزادی ہوگی۔ اس سلسلے میں جو متعلقہ آرٹیکل ہے اس میں واضح طور پر کہا گیا ہے کہ ایسی شرائط جو قانون کے ذریعے مقرر کی جائیں اگر کوئی ہوں تو ہر شہری کو کوئی جائز پیشہ یا مشغلہ اختیار کرنے یا کوئی بھی جائز تجارت یا کاروبار کرنے کا حق ہوگا۔ اور جناب والا۔ اس سلسلے میں جو مواقع مقرر کئے گئے ہیں اور کرنے کا حق کسی کو نہیں ہے۔

مسٹر سپیکر۔ توپھر آپ کا یہ استدلال آپ کو پرنسپلز کی طرف لے جاتا ہے۔

سید تابش الوری۔ جناب سپیکر۔ میں صرف سرسری طور پر اس کا ذکر کرتے ہوئے یہ کہنا چاہ رہا تھا کہ اگر تجارت، کاروبار یا صنعت میں کوئی کسی قسم کا انضباط کا عمل ہی آنا ہے تو وہ بھی آزادانہ مقابلے کے مفاد کے پیش نظر لایا جاسکتا ہے۔ یہ میرا نکتہ تھا جس کے پیش نظر میں یہ بتانا چاہ رہا تھا کہ اگر ہم کسی شعبے کو سرکاری تحویل میں لینا چاہتے ہیں تو اس کا مقصد بھی بنیادی طور پر دستوری تقاضوں کے مطابق یہ ہوتا ہے کہ وہ آزادانہ مقابلے کے مفاد کے پیش نظر ہو۔ اب جناب والا۔ صورت یہ ہے کہ ہم ایک طرف یہ دعویٰ کر رہے ہیں کہ اس ملک میں ہم سوشلسٹ معیشت قائم کرنے کے لئے آئے ہیں اور اس بنیاد پر ہماری اس حکومت نے اپنے تمام حال و مستقبل کے پروگرام مرتب کرنے کا عہد کیا ہے۔ لیکن ہم عملاً یہ دیکھتے ہیں کہ دوسری طرف جناب فیروز قیصر جو مرکزی حکومت کے اقتصادی مشیر کی حیثیت رکھتے ہیں انہوں نے یہ اعلان فرمایا ہے کہ وہ ملی جلی معیشت اور آزادانہ تجارت میں یقین رکھتے ہیں اور یہ حکومت یہ یقین دلاتی ہے کہ اس سلسلے میں آئندہ کسی قسم کی کوئی کارروائی ایسی نہیں کرے گی جس سے یہ حق اور یہ موقف متاثر ہو۔ لیکن دوسری طرف اس کارپوریشن کے تحت یہ حق سلب کیا جا رہا ہے۔ آزادانہ تجارت کا یہ حق سلب کر کے کارپوریشن نے کھاد کی پوری تجارت کو اپنی تحویل میں لینے کا اعلان کیا ہے اور اس اعلان کا پس منظر یہ ہے کہ اس کے ذریعے ایک خاص قسم کے گروہ کو سیاسی مفادات حاصل کرنے کے لئے فائدہ پہنچایا جائے۔ جناب والا۔ اگر مقصد یہ ہو کہ تمام پرائیویٹ کاروبار کو حکومت اپنی تحویل میں لینا چاہتی ہے تو یہ ایک مقصدیت اور افادیت کے اعتبار سے یقیناً انقلابی قدم کہلایا جاسکتا ہے۔ لیکن ہم دیکھ رہے ہیں کہ حکومت دعویٰ سوشلسٹ معیشت کا کر رہی ہے لیکن عملاً وہ جو کام کر رہی ہے اس سے ایک خاص قسم کے سیاسی اور گروہی مفادات کی عکاسی ہوتی ہے۔ ہم یہ دیکھ رہے ہیں کہ اس کارپوریشن کے تحت کھاد کی تجارت کو قومیا نے کا اعلان کیا گیا لیکن ابھی اس اعلان کی سیاہی بھی خشک نہیں ہوئی تھی کہ پچاس فیصدی کھاد کی تقسیم کا کام پرائیویٹ ادارے کے ہی سپرد کر دیا گیا۔ جناب والا۔ یہ وہ دو عملی ہے جس سے اس بات کا اظہار ہوتا ہے کہ حکومت جو اپنے اعلانات کرتی ہے وہ خود ہی اپنے عمل میں اس کا متضاد عمل شروع کر دیتی ہے۔

جناب والا۔ آپ بہتر طور پر معلوم ہے کہ جب یہ کارپوریشن قائم کی گئی تو اس سلسلے میں تمام کھاد کی تجارت کو اپنی تحویل میں لینے کا اعلان کر دیا گیا اور اس پر بڑے فخر و مباہات کا اظہار کیا گیا۔ لیکن آپ کو بھی معلوم ہے اور اس ہاؤس کو بھی معلوم ہے کہ ایک خاص بیرونی دباؤ کے تحت داؤد ہر کوئیس کی کھاد کو پچاس فیصد تک اپنے ذاتی انتظام کے تحت فروخت کرنے کا اختیار دے دیا گیا اور اس طرح سے اس

کارپوریشن کی جو اجتماعی صورت تھی جو افادیت تھی مقصدیت تھی وہ متاثر ہو کر رہ گئی ہے۔ اب دو عملی کی کیفیت ہے ایک طرف کارپوریشن کھاد تقسیم کر رہی ہے اور دوسری طرف وہ پرائیویٹ ادارہ کھاد تقسیم کر رہا ہے۔ اور جناب والا۔ یہ عجیب صورت ہے کہ ہم یہ دیکھ رہے ہیں کہ ہم خود اپنے ملک کے شہریوں کو تو استحصال کا شکار کر رہے ہیں۔ ان کو تو تجارت کے حق سے محروم کر رہے ہیں لیکن بیرونی اداروں کو، بیرونی افراد کو خود استحصال کی اجازت دے رہے ہیں۔ جناب والا۔ یہ ایسی دو عملی ہے، یہ ایک ایسا تضاد ہے جسے کسی صورت میں بھی برداشت نہیں کیا جانا چاہئے اور موجودہ حکومت جو عوامی، جمہوری اور سوشلسٹ ہونے کا دعویٰ کرتی ہے اسے اس قسم کے کسی دباؤ کا شکار نہیں ہونا چاہئے۔ جس کے نتیجے میں ہم اپنے ملک کے صنعت کاروں کو تو محروم کر دیں اور باہر کے صنعت کاروں کے لئے ہر قسم کی آزادی اور ہر قسم کا لائسنس عطا کر دیں۔

جناب والا۔ اس کارپوریشن کے ذریعے نہ صرف یہ کہ اس تجارت کو اپنی تحویل میں لیا گیا ہے بلکہ ایک اتنا بڑا عملہ۔ اتنا بڑا ڈھانچہ اس مقصد کے لئے متعین کیا گیا ہے جو کسی صورت میں بھی اس محدود مقصد کے لئے Justify نہیں کیا جاسکتا۔ جناب والا۔ اس وقت کارپوریشن کے سپرد صرف دو کام ہیں۔ کھاد اور بیج کی تقسیم۔ لیکن ہم یہ دیکھ رہے ہیں کہ اس سلسلے میں بھی اس نے اپنے فرائض کو ابھی تک پورے طور پر ادا نہیں کیا۔ اور آزادانہ تجارت کے تحت جو کھاد اور بیج زیادہ آسانی سے فراہم کیا جا رہا تھا وہ اب فراہم نہیں کیا جا رہا۔ بنیادی طور پر میں اس وقت اپنے اس نکتے پر اپنی توجہ مرکوز رکھنا چاہتا ہوں کہ ہم کسی صورت میں بھی اپنے دستور کے تقاضوں سے انحراف نہیں کر سکتے اور اس آزادانہ تجارت کے اصول کو خیر باد نہیں کہہ سکتے جس کا ہمارے دستور نے استحقاق ہمیں دیا ہے۔ اس وقت ہم جس قسم کی ان کارپوریشنوں کے ذریعے نیشنلائزیشن کی مہم پر کاربند ہیں وہ اصل میں نیشنلائزیشن نہیں ہے بلکہ officialization ہے اور اس کا مقصد صرف یہ ہے کہ تمام کاروبار پر قبضہ کر کے آپ ہمارے ملک کا جو talent ہے جو ہمارے ملک کی فہم و فراست ہے اور جو ہمارے ملک کا سوچنے سمجھنے والا اور کام کرنے والا طبقہ ہے اس کو اقتصادی طور پر غلام بنایا جائے۔ اور ایسی فاشٹ معیشت قائم کر دی جائے جس کے تحت عام کاروبار اور معاش تمام ذرائع پر قبضہ کر کے لوگوں کو مجبور کر دیں تاکہ وہ ایک پارٹی کی اس کی حکومت بنانے میں مدد و معاون ثابت ہوں۔ اس فاشٹ معیشت کا انجام ہمارے ملک میں اس سے پہلے بھی جب کبھی اس سلسلے میں کوشش کی گئی تباہ کن ثابت ہوا اور اب بھی تباہ کن ثابت ہو گا۔ جناب والا۔ میں سمجھتا ہوں کہ اگر واقعی یہ ایمانداری کے ساتھ سوشلسٹ معیشت پر یقین رکھتے ہیں تو انہیں تمام کاروبار کو تمام ملکیتوں کو قبضے میں لے کر ایک حکومت کی ملکیت کا اعلان کرنا چاہئے۔ ورنہ یہ آدھا تیز اور آدھا بئیر کی جو موجودہ صورت ہے یہ کسی صورت میں بھی اس ملک کی اقتصادی اور معاشی نظام کی بحالی میں مدد

معاون ثابت نہیں ہو سکتی۔ اس وقت صورت یہ ہے کہ لوگوں میں بے یقینی اور اضطراب کی کیفیت ہے۔ ایک طرف اعلان کیا جاتا ہے کہ ہم آئندہ کسی بھی تجارت کو، کسی بھی صنعت کو، کسی بھی کارخانے کو اپنی تحویل میں نہیں لیں گے اور دوسری طرف فوری طور پر ہم یہ دیکھتے ہیں کہ مختلف کارخانوں کو تحویل میں لے لیا جاتا ہے۔ یہاں تک کہ ملک کے سب سے بڑے سربراہ کی یقین دہانی کا بھی خیال نہیں کیا گیا۔ ہمیں معلوم ہے، آپ کو بھی معلوم ہے کہ یہاں چیمبر آف کامرس میں وزیر اعظم بھٹو نے اعلان کیا تھا کہ آئندہ کسی بھی کارخانہ یا کسی بھی تجارت کو قومی تحویل میں نہیں لیا جائے گا۔

جناب والا۔ کارپوریشنیں پہلے ہوتی تھیں۔ خود یہی کارپوریشنیں اصل میں ویسٹ پاکستان ایگریکلچرل ڈیولپمنٹ کارپوریشن کی جانشینی کا شرف رکھتی ہے۔ جناب والا۔ اب تک تجربہ یہی ہے کہ جو ادارہ یا تنظیم یا کوئی صنعت یا شعبہ تجارت حکومت نے اپنی تحویل میں لیا ہے وہ خسارہ کا شکار ہو گیا ہے۔ اس سے پہلے ویسٹ پاکستان ایگریکلچرل ڈیولپمنٹ کارپوریشن بھی اسی لئے ناکام ہوئی کہ وہ اپنی مقصدیت کے اعتبار سے نامکمل تھی اور یہ کارپوریشن جو اب ایک محدود مقصد کے لئے قائم کی گئی ہے اس کی ناکامی بھی اس لئے واضح طور پر نظر آتی ہے کہ اس میں بھی جو بنیادی اصول ہیں، جو بنیادی مقصد ہے، جو بنیادی افادیت ہے اس کو نظر انداز کر دیا گیا ہے۔

جناب والا۔ میں سمجھتا ہوں کہ اگر رائے عامہ معلوم کرنے کے لئے یہ بل متداول کرایا جائے تو لوگ نہ صرف اس بات سے مکافقہ طور پر آگاہ ہو سکیں گے اور اپنی رائے دے سکیں گے کہ یہ جو حکومت کے اعلانات ہیں ان کا عمل اس سے متضاد ہے بلکہ یہ بھی معلوم کر سکیں گے کہ آئندہ اس ملک میں زرعی، تجارتی اور صنعتی ترقی کے لئے اس کے اقدامات کس قسم کے ہونے چاہئیں۔ رائے عامہ حقیقت میں قوت کا کہہ کی سی حیثیت رکھتی ہے اور اگر ہم نے اس مرحلے پر اسے نظر انداز کیا اور اس کو ہم نے یہاں قابل اعتناء نہ سمجھا تو یاد رکھنا چاہئے کہ ہمارے جتنے بھی اقدامات ہیں وہ کاغذی ہوں گے۔ وہ صرف ہوائی ہوں گے اور ان کے اثرات ہمارے ملک کی معیشت، ہماری زراعت اور ہماری صنعت پر اس اعتبار سے نہیں ہو سکیں گے جس طرح سے ہم دعویٰ کر رہے ہیں۔

جناب والا۔ ان الفاظ کے ساتھ میں آپ سے اور آپ کے توسط سے اس ایوان سے درخواست کرتا ہوں کہ یہ ایک نہایت اہم موضوع پر بل پیش کیا جا رہا ہے جس کا تعلق اس ملک کی ۸۵ فیصد آبادی سے ہے۔ اس لئے اس میں کسی جلد بازی کے بغیر اور ٹھنڈے دل سے غور و فکر کرنے کے بغیر اگر ہم نے یہ بل پاس کر لیا تو اس سے نہ صرف برے اثرات مرتب ہوں گے بلکہ قومی سرمایہ کا ضیاع بھی ہو گا اور اس طرح سے ہمارے ہاں اچھی کارپوریشنیں قائم کرنے کا تجربہ ناکام ہو جائے گا بلکہ وہ ایک دفعہ پھر ہمارے

ملک میں مسلط ہو کر آئندہ کے لئے حکومت کے ایسے اقدامات کو مخدوش بنادے گا۔ لہذا میں درخواست کرتا ہوں کہ اس بل کو رائے عامہ معلوم کرنے کے لئے متداول کرایا جائے۔
