

THE
Punjab Legislative Assembly
Debates.

From 1st December 1941 to 26th February, 1942.

Vol. XVIII.

OFFICIAL REPORT.



Lahore :

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1942.

**PRINCIPAL OFFICERS OF THE PUNJAB LEGISLATIVE
ASSEMBLY.**

Speaker.

**The Hon'ble Chaudhri Sir Shahab-ud-Din, Kt., K. B., B.A., LL.B. (Sialkot
South, Muhammadan, Rural).**

Deputy Speaker.

Sardar Bahadur Sardar Gurbachan Singh (Jullundur West, Sikh, Rural).

Secretary.

Sardar Bahadur Sardar Abnasha Singh, Barrister-at-Law.

Deputy Secretary.

Khan Bahadur Hakeem Ahmed Shujaa, B.A.

PUNJAB LEGISLATIVE ASSEMBLY.

LIST OF MEMBERS.

PREMIER.

The Hon'ble Lt.-Col. Sir Sikander Hyat-Khan, K.B.E. (West Punjab, Land-holders.)

MINISTERS.

The Honourable Chaudhri Sir Chhotu Ram, Kt., B.A., LL.B., Minister of Revenue (Jhajjar, General, Rural).

The Hon'ble Sir Manohar Lal, Kt., M.A., Finance Minister (University).

The Hon'ble Malik Khizar Hayat Tiwana, Minister of Public Works (Khushab, Muhammadan, Rural).

The Hon'ble Mian Abdul Haye, B.A., LL.B., Minister of Education (South Eastern Towns, Muhammadan, Urban.)

The Hon'ble Sardar Dasaundha Singh, B.A., LL.B., Minister of Development. (Jagraon, Sikh, Rural).

PARLIAMENTARY SECRETARIES.

Mir Maqbool Mahmood, General (Amritsar, Muhammadan, Rural).

Mrs. J. A. Shah Nawaz, M.B.E., Education, Medical Relief and Public Health (Outer Lahore, Muhammadan Women, Urban).

Raja Ghazanfar Ali Khan, Revenue and Irrigation (Pind Dadan Khan, Muhammadan, Rural).

Chaudhri Tikka Ram, B.A., LL.B., M.B.E., Development (Rohtak North, General, Rural).

Rai Sahib Thakur Ripudaman Singh, B.A., Finance (Gurdaspur, General, Rural).

Shaikh Faiz Muhammad, B.A., LL.B., M.B.E., Local Government and Public Works (Dera Ghazi Khan Central, Muhammadan, Rural).

PARLIAMENTARY PRIVATE SECRETARIES.

Sayed Amjad Ali Shah, O.B.E., (Ferozepore East, Muhammadan, Rural).

Bhagat Hans Raj, B.A., LL.B. (Amritsar and Sialkot, General—Reserved Seat, Rural).

Sardar Jagjit Singh Man (Central Punjab, Land-holders).

Sir William Roberts, Kt., C.I.E. (European).

Nawabzada Muhammad Faiyaz Ali Khan (Karnal, Muhammadan, Rural).

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural).

Sardar Gopal Singh (American), M.B.E. (Ludhiana and Ferozepore, General—Reserved Seat, Rural).

MEMBERS.

- Abdul Aziz, Mian (Outer Lahore, Muhammadan, Urban).
 Abdul Hamid Khan, Sufi (Ambala and Simla, Muhammadan, Rural).
 Abdul Rab, Mian, B.A., LL.B. (Jullundur South, Muhammadan, Rural).
 Abdul Rahim, Chaudhri (Shakargarh, Muhammadan, Rural).
 Abdul Rahim, Chaudhri (South-East Gurgaoh, Muhammadan, Rural).
 Ahmad Yar Khan, Chaudhri (North-West Gujrat, Muhammadan, Rural).
 Ajit Singh, Sardar (South-West Punjab, Sikh, Rural).
 Akbar Ali, Pir, M.B.E. (Fazilka, Muhammadan, Rural).
 Ali Akbar, Chaudhri (Gurdaspur East, Muhammadan, Rural).
 Allah Bakhsh Khan, Khan Bahadur Nawab Malik, M.B.E. (Shahpur, Muhammadan, Rural).
 Allah Yar Khan Dauletana, Mian (Mailsi, Muhammadan, Rural).
 Amar Nath Shah, Lala (Sialkot, Amritsar, General, Rural).
 Amir-ud-Din, Khan Sahib Mian (Inner Lahore, Muhammadan, Urban).
 Anant Ram, Chaudhri, B.A., LL.B., (Karnal South, General Rural).
 Ashiq Hussain, Major, M.B.E. (Multan, Muhammadan, Rural).
 Badr Mohy-ud-Din Qadri, Khan Sahib Sayed (Batala, Muhammadan, Rural).
 Baldev Singh, Sardar (Ambala North, Sikh, Rural).
 Balwant Singh, Sardar (Sialkot, Sikh, Rural).
 Barkat Ali, Malik, M.A., LL.B. (Eastern Towns, Muhammadan, Urban).
 Bhagat Ram Choda, Lala (Jullundur, General, Rural).
 Bhagat Ram Sharma, Pandit (Kangra West, General, Rural).
 Bhagwant Singh, Rai (Kangra East, General, Rural).
 Bhim Sen Sachar, Lala, B.A., LL.B. (North-Western Towns, General, Urban).
 Chaman Lall, Diwan, B.A. (Oxon) (East Punjab, Non-Union Labour).
 Chanan Singh, Sardar (Kasur, Sikh, Rural).
 Deshbandhu Gupta, Lala (South-Eastern Towns, General, Urban).
 Dev Raj Sethi, Mr. (Lyallpur and Jhang, General, Rural).
 Dina Nath, Captain (Kangra South, General, Rural).
 Duni Chand, Lala (Ambala and Simla, General, Rural).
 Duni Chand, Mr., Barrister-at-Law (Lahore City, General, Urban).
 Duni Chand, Mrs. (Lahore City, Women, General).
 Faiz Muhammad Khan, Rai (Kangra and Eastern Hoshiarpur, Muhammadan, Rural).
 Faqir Chand, Chaudhri (Karnal North, General—Reserved Seat, Rural).
 Faqir Hussain Khan, Chaudhri (Tarn Taran, Muhammadan, Rural).
 Farman Ali Khan, Subedar-Major Raja (Gujar Khan, Muhammadan, Rural).

- Fatehjang Singh, Captain Bhai (South-East, Sikh, Rural).
 Fateh Khan, Khan Sahib Raja (Rawalpindi East, Muhammadan, Rural).
 Fateh Muhammad, Mian (Gujrat North, Muhammadan, Rural).
 Fateh Sher Khan, Malik (Montgomery, Muhammadan, Rural).
 Fazl Ali, Khan Bahadur Nawab Chaudhri Sir, O.B.E. (Gujrat East, Muhammadan, Rural).
 Fazal Din, Khan Sahib Chaudhri (Ajnala, Muhammadan, Rural).
 Fazal Karim Bakhsh, Mian (Muzaffargarh Sadar, Muhammadan, Rural).
 Few, Mr. E. (Anglo-Indian).
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi (Sheikhupura, Muhammadan, Rural).
 Ghulam Qadir Khan, Khan Bahadur (Mianwali North, Muhammadan, Rural).
 Ghulam Rasul, Chaudhri (Sialkot Central, Muhammadan, Rural).
 Ghulam Samad, Khan Sahib Khawaja (Southern Towns, Muhammadan, Urban).
 Girdhari Das, Mahant (South-East Multan Division, General, Rural).
 Gokul Chand Narang, Dr. Sir, M.A., Ph.D. (West Lahore Division, General, Rural).
 Gopal Das, Rai Bahadur Lala (Kangra North, General, Rural).
 Guest, Mr. P. H. (Punjab Commerce and Industry).
 Gurbakhsh Singh, Sardar (Batala, Sikh, Rural).
 Habib Ullah Khan, Malik (Sargodha, Muhammadan, Rural).
 Haibat Khan Dahi, Khan (Khanewal, Muhammadan, Rural).
 Hari Chand, Rai Sahib Rai (Una, General, Rural).
 Hari Lal, Munshi (South-Western Towns, General, Urban).
 Hari Singh, Sardar (Kangra and Northern Hoshiarpur, Sikh, Rural).
 Harjab Singh, Sardar (Hoshiarpur South, Sikh, Rural).
 Harnam Das, Lala (Lyallpur and Jhang, General—Reserved Seat, Rural).
 Harnam Singh, Captain Sodhi (Ferozepore North, Sikh, Rural).
 Het Ram, Rai Bahadur Chaudhri (Hissar South, General, Rural).
 Indar Singh, Sardar (Gurdaspur North, Sikh, Rural).
 Jafar Ali Khan, M. (Okara, Muhammadan, Rural).
 Jagjit Singh Bedi, Tikka (Montgomery East, Sikh, Rural).
 Jalal-ud-Din Amber, Chaudhri, B.A. (West Central Punjab, Indian Christian).
 Jogindar Singh Man, Sardar (Gujranwala and Shahdara, Sikh, Rural).
 Jugal Kishore, Chaudhri (Ambala and Simla, General—Reserved Seat, Rural).
 Kabul Singh, Master (Jullundur East, Sikh, Rural).
 Kapoor Singh, Sardar, B.A., LL.B. (Ludhiana East, Sikh, Rural).

- Karamat Ali, Khan Bahadur Shaikh, B.A., LL.B. (Nankana Sahib, Muhammadan, Rural).
- Kartar Singh, Chaudhri (Hoshiarpur West, General, Rural).
- Kartar Singh, Sardar (Lyallpur East, Sikh, Rural).
- Kishan Das, Seth (Jullundur, General—Reserved Seat, Rural).
- Kishan Singh, Sardar (Amritsar Central, Sikh, Rural).
- Krishna Gopal Dutt, Chaudhri (North-Eastern Towns, General, Urban).
- Lal Singh, Sardar, M.Sc., LL.B. (Ludhiana, Central, Sikh, Rural).
- Mazhar Ali Azhar, Maulvi, B.A., LL.B. (North-Eastern Towns, Muhammadan, Urban).
- Mohar Singh, Rao, B.A., LL.B. (North-West Gurgaon, General, Rural).
- Mohy-ud-Din Lal Badshah, Syed (Attock South, Muhammadan, Rural).
- Mubarik Ali Shah, Syed (Jhang Central, Muhammadan, Rural).
- Muhammad Abdul Rahman Khan, Chaudhri (Jullundur North, Muhammadan, Rural).
- Muhammad Akram Khan, Khan Bahadur Raja (Jhelum, Muhammadan, Rural).
- Muhammad Alam, Dr. Shaikh, B.A. (Hons.) (Oxon.), LL.D. (Dublin) (Rawalpindi Division Towns, Muhammadan, Urban).
- Muhammad Amin, Khan Sahib Shaikh (Multan Division Towns, Muhammadan, Urban).
- Muhammad Ashraf, Chaudhri (South-West Gujrat, Muhammadan, Rural).
- Muhammad Azam Khan, Sardar (Dera Ghazi Khan, North, Muhammadan, Rural).
- Muhammad Hassan, Chaudhri (Ludhiana, Muhammadan, Rural).
- Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar, C.I.E. (Dera Ghazi Khan, South, Muhammadan, Rural).
- Muhammad Hassan, Khan Bahadur Makhdum Syed (Alipur, Muhammadan, Rural).
- Muhammad Hussain, Chaudhri, B.A., LL.B. (Gujranwala East, Muhammadan, Rural).
- Muhammad Husain, Khan Bahadur Sardar (Chunian, Muhammadan, Rural).
- Muhammad Iftikhar-ud-Din, Mian, B.A. (Oxon.) (Kasur, Muhammadan, Rural).
- Muhammad Jamal Khan, Leghari, Khan Bahadur Nawab Sir (Tumandars).
- Muhammad Nawaz Khan, Major Sardar, Sir (Attock Central, Muhammadan, Rural).
- Muhammad Nurullah, Mian, B.Com. (London) (Lyallpur, Muhammadan, Rural).
- Muhammad Qasim, Chaudhri (Bhalwal, Muhammadan, Rural).
- Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed (Shujabad, Muhammadan, Rural).

- Muhammad Saadat Ali Khan, Khan Bahadur Khan (Samundri, Muhammadan, Rural).
- Muhammad Sarfraz Khan, Chaudhri (Sialkot-North, Muhammadan, Rural).
- Muhammad Sarfraz Khan, Raja (Chakwal, Muhammadan, Rural).
- Muhammad Shafi Ali Khan, Khan; Sahib Chaudhri (Rohtak, Muhammadan, Rural).
- Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed (Lodhran, Muhammadan, Rural).
- Muhammad Yasin Khan, Chaudhri, B.A., LL.B. (North-West Gurgaon, Muhammadan, Rural).
- Muhammad Yusuf Khan, Khan, B.A., LL.B. (Rawalpindi Sadar, Muhammadan, Rural).
- Mukand Lal Puri, Rai Bahadur (Rawalpindi Division, General, Rural).
- Mula Singh, Sardar (Hoshiapur West, General—Reserved Seat, Rural).
- Muni Lal Kalia, Pandit (Ludhiana and Ferozepore, General, Rural).
- Muzaffar Ali Khan, Qizilbash, Sardar (Lahore, Muhammadan, Rural).
- Muzaffar Khan, Khan Bahadur Captain, Malik M.B.E. (Mianwali South, Muhammadan, Rural).
- Muzaffar Khan, Khan Bahadur Nawab, C.I.E. (Attock North, Muhammadan, Rural).
- Nasir-ud-Din, Chaudhri (Gujranwala North, Muhammadan, Rural).
- Nasir-ud-Din Shah, Khan Sahib Pir (Toba Tek Singh, Muhammadan, Rural).
- Nasrullah Khan, Rana (Hoshiarpur West, Muhammadan, Rural).
- Naunihal Singh Mann, Captain Sardar, M.B.E. (Sheikhpura West, Sikh, Rural).
- Nawazish Ali Shah, Sayed (Jhang East, Muhammadan, Rural).
- Nur Ahmad Khan, Khan Bahadur Mian (Dipalpur, Muhammadan, Rural).
- Partab Singh, Sardar (Amritsar South, Sikh, Rural).
- Pir Muhammad, Khan Sahib Chaudhri, M.B.E., (South-East Gujrat, Muhammadan, Rural).
- Pohop Singh, Rao, M.A., LL.B. (East Punjab, Land-holders).
- Prem Singh, Chaudhri (South-East Gurgaon, General—Reserved Seat, Rural).
- Prem Singh, Mahant (Gujrat and Shahpur, Sikh, Rural).
- Pritam Singh Siddhu, Sardar, B.A., LL.B. (Ferozepore West, Sikh, Rural).
- Raghubir Kaur, Shrimati (Amritsar Sikh, Women).
- Ram Sarup, Chaudhri (Rohtak Central, General, Rural).
- Ranpat Singh, Chaudhri (Karnal North, General, Rural).
- Rashida Latif Baji, Begum (Inner Lahore, Muhammadan Women, Urban).
- Riasat Ali, Khan Bahadur Chaudhri (Hafizabad, Muhammadan, Rural).
- Roshan Din, Khan Bahadur Chaudhri (Shahdara, Muhammadan, Rural).

- Rur Singh, Sardar (Ferozepore East, Sikh, Rural);
 Sadiq Hassan, Sheikh, B.A., Barrister-at-Law (Amritsar City, Muhammadan, Urban).
 Sahib Dad Khan, Khan Sahib Chaudhri (Hissar, Muhammadan, Rural).
 Sahib Ram, Chaudhri (Hissar North, General, Rural).
 Sampuran Singh, Sardar (Lyallpur West, Sikh, Rural).
 Santokh Singh, Sardar (Eastern Towns, Sikh, Urban).
 Sant Ram Seth, Dr. (Amritsar City, General, Urban).
 Sardar Khan Noon, Major Malik (North Punjab, Land-holders).
 Shahadat Khan, Khan Sahib Rai (Jaranwala, Muhammadan, Rural).
 Shah Nawaz Khan, Nawab Sir (Ferozepore Central, Muhammadan, Rural).
 Shanno Devi Sehgal, Shrimati (West Multan Division, General, Rural).
 Shri Ram Sharma, Pandit (Southern Towns, General, Urban).
 Singha, Diwan Bahadur S. P. (East Central Punjab, Indian Christian).
 Sita Ram, Lala (Trade Union, Labour).
 Sohan Lal, Rai Bahadur Lala (North Punjab, Non-Union Labour).
 Sohan Singh Josh, Sardar (Amritsar North, Sikh, Rural).
 Sudarshan, Seth (Eastern Towns, General, Urban).
 Sultan Mahmud Hotiana, Mian, B.A. (Pakpattan, Muhammadan, Rural).
 Sumer Singh, Chaudhri, B.A., LL.B., (South-East Gurgaon, General, Rural).
 Suraj Mal, Rai Sahib Chaudhri, B.A., LL.B. (Hansi, General, Rural).
 Talib Hussain Khan, Khan (Jhang West, Muhammadan, Rural).
 Tara Singh, Sardar (Ferozepore South, Sikh, Rural).
 Teja Singh, Sardar (Lahore West, Sikh, Rural).
 Ujjal Singh, Sardar Bahadur Sardar, M.A. (Western Towns, Sikh, Urban).
 Uttam Singh Dugal, Sardar (North-West Punjab, Sikh, Rural).
 Wali Muhammad Sayyal Hiraj, Sardar (Kabirwala, Muhammadan, Rural).

ADVOCATE-GENERAL.

Mr. M. Saleem, Barrister-at-Law.

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PUNJAB LEGISLATIVE ASSEMBLY.

EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 1st December, 1941.

The Assembly met in the Assembly Chamber at 12 noon of the clock. Mr. Speaker in the chair.

OATH OF OFFICE.

The following members were sworn in—

Khan Sahib Mian Amir-ud-Din (Inner Lahore, Muhammadan, Urban).

Sardar Gurbakhsh Singh (Batala, Sikh, Rural).

Lala Amar Nath Shah (Sialkot-Amritsar, General, Rural).

STARRED QUESTIONS AND ANSWERS.

ARREST OF MR. MAHMOOD ALI.

***7713. Sardar Moola Singh:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Mr. Mahmood Ali, a member of the Panjab Congress Working Committee, has been arrested;
- (b) if so, when and where;
- (c) diet and class given to him, the law under which he has been detained and the period for which he is to be detained?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): (a) & (b) Nawabzada Mahmood Ali was arrested at Lahore on 8th December, 1940, and released on 18th June, 1941.

(c) Does not arise.

HEALTH OF COMRADE MOHAN LAL, DHANWANTRI AND TEHL SINGH.

***7714. Sardar Moola Singh:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Comrade Mohan Lal (Kirti), Dhanwantri and Tehl Singh now detained in Deoli Camp are not keeping good health;
- (b) weight at the time of their arrest and their weight at present;
- (c) the names of the newspapers and journals which are supplied to them;
- (d) the diet given to them;

(e) whether any of these gentlemen applied for allowances for their dependents; if so, the reply of the Government with regard to their applications?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): (a) No. According to the last health reports received from Deoli all of them are keeping good health and have increased in weight.

(b)

		Weight on arrest.	Weight on arrival in Deoli.	Weight on 30-9-41.
			Lbs.	Lbs.
(1) Dhanwantri	..	} Not available {	142	166
(2) Mohan Lal	..		126	186
(3) Tehl Singh	..		118	148

(c) Some sixteen newspapers and journals in various languages are supplied at Government expense. I do not consider it advisable to give the names.

(d) At the rate of 9 annas per diem. Security prisoners have the privilege of supplementing their diet at their own expense and of administering the kitchen arrangements themselves.

(e) An application for family allowance was received from security-prisoner Tehl Singh which after due consideration was rejected. No application from the other two prisoners has been received.

Sardar Lal Singh: The reply relates to their weights in September last.

Parliamentary Private Secretary: Yes, that was the weight on the 30th September.

Sardar Lal Singh: That is two months ago.

Parliamentary Secretary: Yes.

Sardar Lal Singh: Is the Parliamentary Secretary aware whether any of these gentlemen was on hunger strike recently?

Parliamentary Private Secretary: No; as far as I am aware they were not.

Sardar Lal Singh: What is the difficulty in giving more recent information regarding their weight?

Parliamentary Private Secretary: If the honourable member will put the question again, we will give the recent weight.

Sardar Lal Singh: The answer is given to-day, the 1st of December. What was the obstacle in giving to this House information based on more recent reports, say in October or November?

h

Parliamentary Private Secretary: The honourable member should know that it takes some time to collect information. The information was collected when the question was given notice of.

COMRADE TIKKA RAM SUKHU:

*7715. **Sardar Moola Singh:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Comrade Tikka Ram Sukhu is detained in Lahore Central Jail; if so, the date of his arrest, the period of his detention, and the law under which he has been detained;
- (b) the class and diet given to him, the allowance, if any, allowed to his dependents; if not, the reasons therefor?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): (a) (i) He is now detained in the Deoli Detention Camp, Deoli, (ii) 26th March, 1940; (iii) this depends on future events; (iv) rule 26 of the Detention of India Rules.

- (b) (i) He is given the diet prescribed for class II prisoners.
- (ii) None; the provisions of the law under which he is detained do not enjoin the payment of any allowance.

COMMUNAL HARMONY.

*7826. **Mian Sultan Mahmud Hotiana:** Will the Honourable Premier be pleased to state—

- (a) what steps the Government have taken so far to promote communal harmony in the province;
- (b) has the Government spent any money for this purpose?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): (a) and (b). Government have at all times consistently made all possible efforts to promote communal harmony by all means within their power, and the honourable member will no doubt have noticed the special stress laid upon communal harmony in the speeches of the Honourable Premier and those of his colleagues. One lakh of rupees has been provided in the current year's budget for the furtherance of this object, and the question of the way in which this money should be spent is under active consideration.

Mian Muhammad Nurullah: The question is, how much money has already been spent for the object? There is no answer to that part of the question.

Parliamentary Private Secretary: I have stated in the answer that one lakh of rupees has been provided and the Government is considering the ways and means for spending it.

Mian Muhammad Nurullah: May I know whether nothing has been spent so far?

Parliamentary Private Secretary: Nothing.

Sardar Lal Singh : May I know whether the Government is satisfied with the present situation in the province ?

Premier : So far as the communal situation is concerned, Government is not satisfied.

Sardar Lal Singh : Is Government sure that Government is itself not responsible for creating the present situation ?

Premier : On the contrary, Government is doing everything possible to preach and restore communal harmony.

Mian Muhammad Nurullah : How long will the consideration of the scheme take ?

Premier : It is not an easy matter. We do not want to squander away the money. We want to spend it as judiciously and as effectively as possible.

Mian Abdul Rab : Do the Government propose to spend more money and provide more funds during the next Budget for promoting communal harmony in the province ?

Premier : I am afraid it is somewhat premature to make a definite decision, but my own view is that we will have to provide for it in the next year's budget also.

Mian Abdul Aziz : Has the Government considered the question of wiping out the distinction between the urbanites and the ruralites and such like other distinctions, in order to unite the Punjabis ?

Premier : I am afraid that distinction has not been created by Government. Urban people are urban and rural people are rural.

CONVICTIONS UNDER THE DEFENCE OF INDIA ACT.

***7871. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

- (a) the total number of persons in the Punjab up to date :—
 - (i) sentenced to imprisonment under the Defence of India Act for Satyagraha ;
 - (ii) sentenced to imprisonment for other offences under the same Act ;
 - (iii) interned in jails under the Defence of India Rules without trial ; and
 - (iv) confined by order under the Defence of India Rules to their residential limits ;
- (b) whether any of the persons falling under (iv) above are being given any maintenance allowance ; if not, whether the Government has satisfied itself as to their being able to earn livelihood within the confines of the village or town in which they are ordered to remain ; if so, how did the Government so satisfy itself ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : It is not in the public interest to publish these figures. If the honourable

member is anxious to obtain information for his personal use. I shall be glad to furnish it.

Sardar Lal Singh : Is it a fact that the total number is running into several thousands ?

Parliamentary Private Secretary : As I have already stated it is not in the public interest to publish these figures and I have also stated that if the honourable member is anxious to obtain information for his personal use, I shall be glad to furnish it to him.

Sardar Lal Singh : Does not duty come in first and other things afterwards ?

Premier : Public interest comes first. If the honourable member is anxious to get information for his personal use, I shall gladly supply it to him.

Sardar Santokh Singh : Is the number running into several thousands — four figures ?

Premier : The number is not so big as the honourable member thinks.

Sardar Lal Singh : How is the Government going to assure us that they are not playing the role of Hitlerism in catching the people and sending them to prison in thousands ?

Premier : Our role is the role of a democratic Government. The Government was authorised by this House to take action against those persons whose detention is considered to be absolutely necessary in the interests of public peace and maintenance of law and order ; and that is what the present Government has done.

*7872.—Cancelled.

KISAN PRISONERS.

*7873. **Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

(a) the total number of persons arrested in the province during the year 1941 in connection with *Kisan* conferences or *Kisan* movement ;

(b) how many of these persons have been tried judicially and how many detained without trial ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) Thirty-eight.

(b) Part I—Twenty.

Part II.—One. (Seventeen were either released unconditionally or restricted to their village).

MAULANA SAYED HABIB

*7876. **Sardar Ajit Singh :** Will the Honourable Premier be pleased to state whether it is a fact that not long ago Maulana Sayed Habib asked for permission for his typist to prepare his case in consultation with him in Jail for presentation to His Excellency the Viceroy but that the permission was refused ; and if so, the reasons therefor ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah):

Part I.—Yes.

Part II.—The request was granted to the extent that Sayed Habib was informed that he could instruct his typist by means of a letter or that his typist could apply for an interview with him in order to get verbal instructions.

Sardar Ajit Singh: Will the honourable member please note that Maulana Sayed Habib had asked permission in order to obtain facilities for winding up his business?

Parliamentary Private Secretary: But the honourable member has mentioned in the question that Maulana Sayed Habib sought permission for preparing a representation to submit before His Excellency the Viceroy.

Sardar Ajit Singh: My object in asking this question was that since Sayed Habib wanted to wind up his business, the refusal of permission has adversely affected his business. Why was not permission given?

Premier: Permission was given. He was also permitted to have an interview if he so desired.

MAULANA SAYED HABIB.

*7877. **Sardar Ajit Singh**: Will the Honourable Premier be pleased to state whether Maulana Sayed Habib, a detenu in Sub-Jail, Muzaffargarh, applied for allowance for the maintenance of his family; and if so, whether it has been granted; and if not; why not?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): A petition from the wives of Maulana Sayed Habib for the grant of a family allowance has been received and an allowance of Rs. 120 per mensem has been granted by the Government of India.

NOTIFICATION OF RAI SIKHS AS AGRICULTURISTS.

*7833. **Tikka Jagjit Singh Bedi**: Will the Honourable Minister of Revenue be pleased to state what action, if any, has been taken on the representation recently made to him by Rai Sikhs throughout the province that they, who mainly depend for their livelihood on income from lands, be notified as statutory agriculturists and further that they be entered as *Rai Sikhs* in the revenue records and not as *Mahtams* as is done at present?

Parliamentary Secretary (Raja Ghazanafar Ali Khan): No such representation has been received from Rai Sikhs throughout the province. The application of certain Sikhs of the Montgomery district to be recorded not as "Mahtams" but as "Rai Sikhs" has been accepted in principle; and the question of procedure only is under consideration.

Tikka Jagjit Singh Bedi: What about their being recorded as agriculturists? If I may remind the Parliamentary Secretary, there are two parts of this question. A reply to one part has been given. What is the reply to the second part?

Parliamentary Secretary: So far as the reply to the second part is concerned, it is under consideration.

ENCOURAGEMENT OF HANDICRAFTS AND COTTAGE INDUSTRIES.

7796. Rai Bahadur Lala Gopal Das: Will the Honourable Minister of Finance be pleased to state whether it is a fact that a sum of Rs. 20,000 was sanctioned last year, i.e., in 1940 by the Assembly for grants to the persons for the encouragement of handicrafts and cottage industries; if so, the number of applications received to date for such grants and the number and the names of the applicants awarded such grants with the amount of grant in each case?

The Honourable Sir Manohar Lal: First part of the question.—
Yes.

Second part.—87 applications were received out of which 28 applicants were selected for the award of grants. Twenty-one applicants received grants during the last financial year and 7 applicants have received grants during the current year from the current year's grant. A statement showing the amount of grant to each applicant is placed on the table.

Serial No.	Name of applicant.	Amount of grant.
1940-41.		Rs.
1	Lala Ishar Das, B.Sc. (District Amritsar)	1,500
2	M. Abdul Aziz Qamar, F.Sc. (District Amritsar)	500
3	Mr. M. A. Majid Qureshy, B.Sc. (studied up to M. Sc.) (District Amritsar)	1,500
4	M. Abdul Qayum, studied up to Matric (District Gujranwala)	700
5	Lala Tirath Ram, studied up to Matric (District Gujranwala)	1,500
6	M. Muhammad Ali, studied up to Matric (District Gujrat)	1,500
7	M. Ghulam Hyder, Matric (District Gujrat)	100
8	Sardar Jagmohan Singh, B.Sc. (District Gujrat)	2,000
9	The Gurgaon Industrial Company Limited (District Gurgaon)	1,500
10	Lala Washeshar Nath Mohan, Matric (District Jhelum)	1,000
11	M. Abdul Aziz, Matric (District Jhelum)	1,000
12	M. Sultan Muhammad, Matric (District Jhelum)	600
13	M. Qamar-ud-Din Qamar, Matric (District Jhang)	500
14	Lala Amar Nath, studied up to Matric (District Kangra)	1,000
15	Lala Arjan Dev Mehra, B.A. (National) (District Karnal)	1,000
16	Mr. Manohar Lal Sahni (District Lahore) (Holds a diploma from the Institution of the Rubber Industry of Great Britain)	1,000
17	Sardar Gurcharan Singh, Matric (District Lahore)	1,000
18	Sardar Piar Singh, B.A. (District Lyallpur)	1,000
19	Mirza Muzaffar Beg, Matric (District Multan)	1,000
20	Lala Parmanand, Matric (District Muzaffargarh)	300
21	Weavers of Kangra District for the supply of improved handlooms through Deputy Commissioner, Kangra.	800
Total		20,000

Serial No.	Name of applicant.	Amount of grant.
1941-42.		Rs.
22	M. Nazir Ahmed, Non-Matric (District Amritsar)	1,000
23	Sardar Amar Singh, Matric (District Gurdaspur)	500
24	Lala Diwan Chand, Matric (District Jhang)	250
25	Pandit Din Dayal Sharma, Matric (District Lahore)	200
26	Sardar Mohinder Singh Man, B.A., LL.B. (District Lyallpur)	1,500
27	Lala Lila Krishan Kalra, studied up to F.Sc. (District Multan)	500
28	Lala Atam Parkash, Matric (District Multan)	500
Total		4,450

NECESSARIES FOR PRISONERS IN MUZAFFARGARH SUB-JAIL.

*7878. **Sardar Ajit Singh**: Will the Honourable Premier be pleased to state—

- how much ghee, vegetables, milk, sugar, fuel-wood, bed-clothes, toilet necessities, towels, oil and utensils are allowed to A class prisoners in Sub-Jail, Muzaffargarh, per head per month?
- whether shave, hair-cut and washing expenses and charges in connection with sewing and mending of clothes are borne by the Government or by the prisoners;
- whether any change by way of increase or decrease is now intended to be brought about in the items or standard of supplies to these detenus?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): (a) Ghee, vegetables, milk, sugar and fuel wood are allowed to the 'A' class security prisoners according to the scale laid down in paragraph 920, Part III of the Punjab Jail Manual.

Bed clothes are issued according to the scale laid down in paragraph 790 of the Punjab Jail Manual (Correction slip No. 38).

Toilet necessities.—The security prisoners purchase these from their own funds.

Towels.—One each.

Sufficient utensils are supplied for their requirements.

(b) A convict barber was made available for the security prisoners but they refused to utilise his services as he was not up to their standard. Their clothes are washed by a convict *dhobi*. Charges in connection with sewing and mending of clothing issued by the jail are borne by Government but if security prisoners prefer to wear their private clothing, the charges in connection with sewing and mending are borne by the prisoners themselves.

(c) No.

TRANSIT PASS FEE.

***7814. Chaudhri Muhammad Abdul Rahman Khan :** With reference to the answer to the supplementary question asked in connection with starred question No. 6215¹ on 11th March, 1940, will the Honourable Minister for Public Works be pleased to state whether the question re charging of transit pass fee as a lump sum at one station instead of charging at so many stations between the starting station and the terminal station has so far been considered by Government ; and if so, the result thereof ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I regret that the reply to this question is not yet ready. Local bodies have taken some time in supplying information which has now been received. The matter is under consideration of Government and will be decided without avoidable delay.

MOTOR ACCIDENTS IN NAROWAL AND CONSTRUCTION
OF A BY-PASS.

***7815. Chaudhri Muhammad Abdul Rahman Khan :** With reference to the answer to part (c) of starred question No. 7364² asked on 12th December, 1940, will the Honourable Minister for Public Works be pleased to state whether the question of the construction of a by-pass has so far received the consideration of Government, and if so, the result thereof ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The work of improving and metalling the Pasrur-Narowal-Basantar Nallah (Jessor) road, which includes provision for the construction of a by-pass at Narowal, is under consideration of Government.

COURT STRICTURES AGAINST SARDAR DIDAR SINGH, SUB-INSPECTOR
OF POLICE.

***7816. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that strictures have been passed against the conduct of a Sub-Inspector of Police (named Sardar Didar Singh) posted at police station Shabbore, district Montgomery, for instituting criminal proceedings against innocent persons by a 1st class Magistrate at Montgomery in his judgment in criminal case No. 105/3 of 1940, as pointed out by one Kamal Din alias Kalu, of 49-A/21 of police station Shabbore in his petition sent recently to Inspector-General of Police, what action has been taken or is intended to be taken against the Sub-Inspector ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No. The Magistrate 1st class, Montgomery, did record only certain critical remarks against Sardar Didar Singh, Sub-Inspector of Police, which did not amount to strictures. Kamal Din and others made an application containing allegations against the Sub-Inspector, which on enquiry were found to be baseless and did not call for any action against the Sub-Inspector.

¹Volume XII, page 300.

²Volume XIV, page 1025.

INCREASE IN CRIME.

***7825. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that of late crime of every description is on the increase in the province; if so, what special steps the Government have taken so far to check it; and if no steps have so far been taken, reasons therefor?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (i) No. Crime is down by 502 cases as compared with 1940.

(ii) and (iii) Do not arise.

Mian Sultan Mahmud Hotiana : May I know whether this ratio is with regard to every kind of crime or one kind of crime?

Parliamentary Secretary : All crimes taken together.

Mian Sultan Mahmud Hotiana : Is the Government satisfied with the present state of affairs?

Parliamentary Secretary : There is always room for improvement and the Government is doing its best.

REPRESENTATION OF MUSLIMS AND HINDUS AMONG MEMBERS
OF MUNICIPAL COMMITTEE, HANSI.

***7834. Chaudhri Sumer Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the population and voting strength of Muslims and non-Muslims respectively, in Hansi Town, district Hissar;
- (b) the number of seats allotted to the Hindus and the Muslims, respectively, in Hansi Municipality;
- (c) whether it is a fact that two Hindus and two Muslims are nominated as members of the said committee;
- (d) whether it is a fact that in 1936 at the time of general elections the Hindu Tahsildar at Hansi was nominated for one of the two seats which are filled by nominations of the Hindus;
- (e) whether it is a fact that on the transfer of that Tahsildar in 1938, his successor who was also a Hindu, was nominated for that seat;
- (f) whether it is a fact that recently a Muslim Tahsildar has come to hold charge of that Tahsil and that he has been allowed to occupy the Hindu seat in Municipal Committee, Hansi, by virtue of his office;
- (g) whether it is a fact that by this change the present strength of Hindus and Muslims in Municipal Committee, Hansi, has become 5 and 7, respectively;
- (h) whether any representation made by the Hindus of Hansi has recently been received by him against this change in the position of Hindus in the said committee, if so, the action taken or intended to be taken thereon?

Parliamentary Secretary (Shaikh Faiz Muhammad): In accordance with the established convention of this House, this question has been treated as an unstarred question and a reply¹ will be sent to the honourable member.

REMOVAL OF MR. MELWILL, SECRETARY, MUNICIPAL COMMITTEE, DALHOUSIE.

***7850. Malik Barkat Ali:** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that Mr. Melwill, Secretary, Municipal Committee, Dalhousie, was sometimes ago, ordered by the Punjab Government to be removed from his office;
- (b) if the answer to question (a) be in the affirmative, whether he has been removed from his office by the Municipal Committee or not; if not, why not;
- (c) the date of order on which the Punjab Government ordered his removal?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Yes.

(b) Not so far, but the reason for the delay in compliance with Government orders is being looked into.

(c) 14th June, 1941.

Mian Abdul Aziz: In reply to part (b) of the question, you have been pleased to say that the reason for the delay in compliance with Government orders is being looked into. Can you say approximately as to how long it is likely to take?

Parliamentary Secretary: My honourable friend is so involved that I have not been able to follow him. I will answer if he will repeat his question once again.

Sardar Lal Singh: What is the reason of the Government for not carrying out the order for six months?

Parliamentary Secretary: There was no question of the Government carrying out the orders. Orders were issued by the Government. It is the other people who seem to have been guilty of not carrying out the orders. The Government is looking into the matter.

Mian Abdul Aziz: Has the Government been pleased to call for an explanation from those who delayed the matter?

Parliamentary Secretary: The honourable member may rest assured that the Government has called for such explanation.

Mian Abdul Aziz: Thank you.

¹For the answer to this question vide appendix at page 36 *infra*.

RESIDENTIAL QUARTER FOR MR. MELWILL, SECRETARY, MUNICIPAL COMMITTEE, DALHOUSIE.

***7851. Malik Barkhat Ali :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the Municipal Committee, Dalhousie, had rented a house for Rs. 700 for the residence of Mr. Melwill before he was ordered to be removed ;
- (b) whether it is a fact that Mrs. Melwill continued to reside in the house free of rent even after Mr. Melwill had been relieved of his duty for military service ;
- (c) whether it is a fact that an offer to rent the house for the remaining season or failing that on daily rental basis was refused by the said Committee ; if so, the reasons therefor and the action if any, taken by Government in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes.

(b) Yes.

(c) Now that the matter has come to the notice of Government it is receiving consideration.

PUNITIVE POLICE POST IN VILLAGE CHANDI.

***7870. Khan Sahib Chaudhri Sahib Dad Khan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) when the punitive police post was located in village Chandi, tahsil Gohana, Rohtak district ;
- (b) the number of bad characters supposed to be living in the said locality at the time of the location of the said post in the said village and their number at present ;
- (c) how many searches have been made in this village since the location of the punitive police post ;
- (d) how many men from this village have been challaned and for which offences and what has been the number of convictions since the location of the said post ;
- (e) how many cases of dacoity and of other serious offences have been traced to the said village, how many villagers have been challaned for such offences since the location of the post and what has been the result of those cases ;
- (f) how many persons from this village were challaned to be bound down under section 110, Criminal Procedure Code, in 1931 ; 1940, 1941 ;
- (g) how many cuts were made in the canal in this village during 1939, 1940, 1941 ; which officer except the canal officer made inquiries and with what result ;
- (h) the number of absconders and deserters belonging to this village in 1939, 1940 and 1941, how many of them were arrested by the police stationed there ;

(e) how many *pattis* are there in the village and how many bad characters belong to each of the *pattis* ;

(g) whether it is a fact that the strength of the local police has recently been increased because of the fact that of late the number of deserters and absconders belonging to the adjacent village of Chiri has very much increased and that the burden of increased tax consequent upon the above-mentioned reason has been thrown upon the people of village Chandi ; if so, the reasons therefor ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) 1st April, 1939. The post includes village Chiri also.

(b) (i) Seventy-five.

(ii) Ninety-seven.

(c) Twenty.

(d) (i) Sixteen. Four under section 457, three under sections 215/411, one under sections 480/379, two under section 392, one under section 216 of the Indian Penal Code, one under section 19, Arms Act, 1878 and four under section 169, Criminal Procedure Code.

(ii) Convictions nine.

(e) Sixteen. (Five under sections 392/394, six under section 457, two under section 377, two under section 411, and one under section 215 of the Indian Penal Code). Twenty seven persons were challaned, of whom four were convicted and 23 either discharged or acquitted.

(f) 1939...0.

1940...1.

1941...1.

(g) Four in 1939 ; two cases were investigated by Sub-Inspectors of Police, of which one was cancelled and the other remained untraced ; one by an Assistant Sub-Inspector, which was challaned but acquitted ; one by a Head Constable which ended in conviction.

Three in 1940 ; one was investigated by an Assistant Sub-Inspector and the remaining two by Head Constables, but all the cases remained untraced.

None in 1941.

(h) (i) Absconders. Seven in 1939, one in 1940 and none in 1941. All have been arrested, six by the Additional Police and two by the Mehm Police.

(ii) Deserters. None in 1939, 5 in 1940 and 8 in 1941. One has been arrested by the Additional Police and the remainder are still at large.

(i) Bharat Chand Khan 21

Bharat Shatab Khan 4

(j) No. Both the villages have a similar record of criminality, and the strength of the additional police post had to be increased in order to make it more effective. The apportionment of the cost of the post was made according to the respective means of the inhabitants of both the villages.

EDUCATION DEPARTMENT EMPLOYEES AND ANTI-ILLITERACY CAMPAIGN.

***7818. Chaudhri Sumer Singh :** Will the Honourable Minister of Education be pleased to state the names of all the Government employees in the Punjab Education Department, district-wise, who have rendered meritorious services in the anti-illiteracy campaign from the time it was started and the steps, if any, taken by Government to encourage such workers?

The Honourable Mian Abdul Haye : Almost all Government employees serving in the Education Department have done and are doing their best to eradicate illiteracy from the province and my grateful thanks are due to them for their praiseworthy efforts. Government has already recognized and appreciated the good services rendered in this cause and will continue to do so, but it is not feasible to collect and publish names at this stage.

RE-INSTATEMENT OF DEGRADED TEACHERS.

***7821. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of degraded teachers in the Muzaffargarh district who have been re-instated in their posts during Dewan Dharam Chand's tenure as District Inspector of Schools, Muzaffargarh.
- (b) the number of Muslims and Hindus, separately among these re-instated teachers?

The Honourable Mian Abdul Haye : I am afraid I am unable to answer this question on the floor of the house as it savours of communalism.

RESIN.

***7795. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Development be pleased to state—

- (a) whether the resin factory at Jallo in the Lahore district is a Government owned concern or a private limited concern and if it is a private concern, whether Government holds any shares in it;
- (b) whether it is a fact that co-sharers or owners of pine trees in Hoshiarpur and Kangra districts are forced by the Government to sell resin to the Jallo Resin Factory; if so, the grounds therefor and the authority on which they are so compelled;
- (c) whether it is a fact that the rates at which such co-sharers or owners are asked to sell resin to the Jallo Factory are considerably lower than the market rates; if so, why;
- (d) whether it is a fact that Government grants contracts for tapping resin in certain areas owned by Government on the express condition that the resin so tapped shall only be sold to the Jallo Factory; if so, the reasons therefor;

- (e) whether he is aware that the Jallo Factory does not absorb all the resin which it buys and that it sells the surplus resin to some factories at Bareilly at about double the price thereby making huge profits on such transactions ;
- (f) whether he is aware that there is a concern known as the Lakshmi Turpentine Factory at Hoshiarpur ;
- (g) whether he is also aware that the said factory suffers from lack of resin on account of the fact that all the resin has compulsorily to be supplied to the Jallo Factory ;
- (h) whether it is a fact that representations have been made to Government in this behalf ; if so, the action taken so far on them ?

The Honourable Sardar Dasaundha Singh : (a) The Jallo Resin Factory is exclusively owned by Government.

(b) No one is forced to sell resin to the Jallo Factory.

(c) *First part.*—No.

Second part.—Does not arise.

(d) No. The tapping of resin in areas owned by Government is done departmentally.

(e) *First part.*—Yes.

Second part.—No.

(f) Yes.

(g) Government have no knowledge of the affairs of the Lakshmi Turpentine Factory at Hoshiarpur ; in any case, however, no resin from any source is supplied to the Jallo Resin Factory under compulsion.

(h) *First part.*—Government are not aware of any such representations.

Second part.—Does not arise.

Rai Bahadur Lala Gopal Das : I should like to know if it is a fact that the Jallo Resin Factory has been buying resin at 8 to 4 rupees per maund from the zamindars of that ilaqa ?

Minister : I would like to have notice.

Rai Bahadur Lala Gopal Das : May I further ask the Honourable Minister to let me know whether the Jallo Resin Factory is selling its surplus resin at 8 to 9 rupees per maund ?

Minister : I would like to have notice.

Pandit Bhagat Ram Sharma : May I know from the Honourable Minister whether any instructions were issued by the Officer-in-charge of the Forest Department to the local people that they should sell the resin to the Jallo Factory ?

Minister : I would like to have notice. So far as I am aware no such instructions are issued but I would still like to have notice to be more definite.

VETERINARY ASSISTANTS AND SURGEONS.

***7817. Chaudhri Sumer Singh :** Will the Honourable Minister of Development be pleased to state the number of Veterinary Assistants and Veterinary Surgeons in the Ambala Division deputed in its districts, community-wise, and the number of Jats among such officers ?

The Honourable Sardar Dasaundha Singh : The required information is given below:—

Name of district.	NUMBER OF VETERINARY ASSISTANTS AND VETERINARY SURGEONS COMMUNITY-WISE.			Number of Jats among them.
	Muslims.	Hindus.	Sikhs.	
1. Ambala ..	1	—	9	—
2. Karnal ..	6	3	4	—
3. Simla ..	..	2	2	—
4. Rohtak ..	2	11	3	2
5. Hissar ..	6	6	3	1
6. Gurgaon ..	2	10	1	1
Total ..	17	32	22	4
GRAND TOTAL ..		71		—

Rai Bahadur Lala Gopal Das : Mr. Speaker, the Government have established a convention that they are not to answer any questions of this nature on the floor of the House. May I know the reason why they are departing from that convention ?

Minister : I am sorry. I will not give any further information on the point.

An Honourable member : Wherever they like, they can do it.

RECOMMENDATIONS OF UNEMPLOYMENT COMMITTEE.

***7819. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that most of the recommendations of the Unemployment Committee remain unimplemented so far and whether, as it is evident from the statement laid on the table of the House in reply to question No. 7721², only few minor recommendations have so far been carried out ;

¹Working at the Government-Cattle Farm.

²Volume XVII, page 424.

- (b) whether Government have considered the remaining recommendations of the Committee; if so, with what result?

The Honourable Sir Manohar Lal: Every possible step has been and is being taken to implement the recommendations of the Punjab Unemployment Committee. Two statements showing the action taken on some more recommendations of the Committee are laid on the table.

Recommendations of the Punjab Unemployment Committee which have been or are being implemented.

Recommendation No. 8.—Tubewell irrigation in colonies.—Experimental tube-wells have been sunk in the Lahore and Gurdaspur districts. The results are being watched. Due to serious difficulties in getting the plant and machinery from abroad on account of war, it is not possible to undertake tube-well schemes at a large scale at present.

Recommendation No. 20.—Promotion of sheep breeding.—More sheep breeding units have been and are being established in different parts of the Province. It is proposed to extend the scheme further during the next financial year by establishing 74 more sheep units in the various parts of the Province.

(ii) A scheme for the establishment of a laboratory for wool analysis work at the Government Cattle Farm is under consideration.

(iii) The veterinary Department will take up, very shortly pure *Angora goat* breeding operations in the upper Kulu Valley. An *Angora goat* cross breeding station has been established at the Government Cattle Farm, Hissar.

(iv) A scheme for the establishment of a Research Station for the *Lohani* breed of cattle in the Kangra District will be started very shortly.

Recommendation No. 21.—Intensive campaign of "better cattle" propaganda.—Under the Special Development programme 15 refrigerators for the cold storage of goat tissue virus vaccine have been purchased and located at headquarters of Veterinary Hospitals. Five more will be purchased during the current financial year. Those will enable the Veterinary Department to keep a ready stock of the vaccine for issue to district staff as soon as it is required for immunising cattle against rinderpest.

(ii) Cattle shows are organised to create a very healthy spirit of competition amongst the breeders, which is very essential and helpful in the improvement of cattle breeding industry.

(iii) A special scheme for the improvement of cattle breeding is in force in the Kangra District. Under it selected animals are kept on subsidy. Six *Stock Assistants* have been employed this year in this district for the castration of inferior male stock.

(iv) Under the various schemes, 52 *Stock Assistants*, excluding the six mentioned in paragraph (iii) above have been employed to augment the work of the Veterinary Assistants, regarding the elimination of the inferior male stock by castrations, and inoculations and vaccinations against contagious cattle diseases.

Recommendation No. 27.—Appointment of special Horticultural Assistants.—An Agricultural Assistant with special horticultural training has been attached to each Deputy Director of Agriculture and put in charge of the horticultural work of the Agricultural Circle.

Recommendation No. 32.—Extra allowance of water for irrigation to fruit gardens.—An extra supply of water has been sanctioned for 4,400 acres in addition to 5,290 acres which were already in receipt of extra supplies before. Applications for extra supply of another 3,208 acres of garden area are under scrutiny. Under the rules framed by the Irrigation Branch the concession of double supply will admit of being extended approximately to 1 lakh acres in the various canals in the Province.

Recommendation No. 38.—Regulation of Weights and Measures.—The Punjab Weights and Measures Act has since been passed and is likely to be enforced shortly.

Recommendations of the Punjab Unemployment Committee which will be implemented after the Schedule of New Expenditure for the year 1942-43 has been passed.

Recommendation No. 11.—Provide one Agricultural Assistant and two Mukaddams in each Tahsil to do demonstration and propaganda work.—In order to complete the quota of 114 permanent District Work Agricultural Assistants a proposal to employ 30 temporary seed distribution posts on a permanent footing has been included in the Schedule of New Expenditure.

for 1942-43. As regards the Mukaddams, the permanent strength of which is 168, it has been decided to include 71 posts in the Schedule of New Expenditure for 1942-43.

Recommendation No. 17.—Measures to encourage bee-keeping, sericulture and poultry farming.—It has been decided to include in the Schedule of New Expenditure for 1942-43, the expenditure for the continuation of the Poultry Farm, Gurdaspur, for a further period of 5 years from 1st March, 1942, with a gazetted Poultry Officer to supervise the work.

Recommendation No. 20.—Promotion of sheep breeding.—In order to promote the sheep breeding in the various parts of the province, a further sum of Rs. 32,310 has been included in the budget estimates for the establishment of 74 more sheep units.

(ii) A sum of Rs. 1,400 for the development of sheep breeding in the Kangra District has been included in the budget estimates for the financial year 1942-43.

(iii) A further sum of Rs. 2,800 has been included in budget estimates for giving demonstration to the zamindars and sheep breeders in the improved methods of shearing of sheep.

Recommendation No. 21.—Intensive campaign of "better cattle" propaganda.—In order to create a healthy spirit of competition a lump sum amount has been included in the budget estimates for the financial year 1942-43.

Recommendation No. 39.—Co-operative marketing and credit facilities.—A proposal to create a special cadre of managers for Co-operative Commission Shops is under consideration for inclusion in the Schedule of New Expenditure for 1942-43. Besides this another proposal to provide staff for promoting and managing two sales societies at selected centres as an experiment, has been included in the schedule of New Expenditure.

Recommendation No. 39.—Co-operative marketing and credit facilities.—Steps have been taken to improve the working of Co-operative Commission Shops. Two new Commission Shops have been organised in the Multan District.

Recommendation in paragraph 43.—Rural indebtedness and Finance: Co-operative movement.—The recommendations in this paragraph are being implemented continuously so far as circumstances permit and the budget figures of the Department will show that Government are financing the movement liberally.

Recommendation No. 79.—Immediate industrial survey by a committee of experts with a view to establish large scale State Industries.—The industrial survey of the Province continues to make steady progress.

Recommendation No. 101.—Establishment of Provincial Industrial Museum at Lahore.—Proposal for the establishment of an Industrial Museum at Lahore has been approved.

Recommendations Nos. 112 and 113.—Legislation to secure proper hours of work in shops, private offices, etc.—Legislation to secure a fortnight's leave on full pay during a full working year to employees in private offices, etc.—The Punjab Trade Employees Act will shortly be extended to several other places in the Province.

The following activities of the Medical Department which have helped to remove unemployment are worth mentioning:—

- (a) During the year an increasing number of graduates and licentiates have been employed in the Military department.
- (b) More subsidized dispensaries for men and women are being opened.
- (c) More women sub-assistant surgeons are being enrolled.
- (d) A scheme for employment of trained dais is under consideration.
- (e) New tuberculosis dispensaries are being opened for giving more employment to doctors.
- (f) Honorary doctors are being appointed to the Mayo Hospital, Lahore, and other hospitals in district headquarters.

UNSTARRED QUESTIONS AND ANSWERS.

1441-42.—Cancelled.

INTERFERENCE WITH CENSUS ENTRIES BY TAHSILDAR, PHILLAUR.

1443. Malik Barhat Ali : Will the Honourable Minister for Education be pleased to state—

- (a) whether his attention has been drawn to the interference with census entries on the part of Tahsildar, Phillaur ;
- (b) whether it is a fact that the Tahsildar, Phillaur, addressed a communication on the 28th of February, 1941, to the President of the Municipal Committee, Phillaur, to the effect that in column No. 18 Urdu should not be entered and that Punjabi should be entered as the mother tongue, and that in column No. 2 'Jat' (caste) only should be entered and not 'Musalman'.
- (c) whether any action has been taken against the said Tahsildar for this unwarranted interference with census work and, if no action has been taken, the reason why no action has been taken ;
- (d) whether it is a fact that the said Tahsildar has struck off with his own hands the entries of Urdu and Musalman made in the census forms and substituted them by the words Punjabi and caste, whatever it was in any particular case ?

The Honourable Mian Abdul Haye : (a) No.

(b) The letter written by the Tahsildar, Phillaur, to the President, Municipal Committee, Phillaur, was to the effect that "religion" should not be shown in column 8 of the enumeration statement which was meant for details connected with race, nationality and caste and that in column 18 the mother tongue of the person concerned should be given.

(c) No. The Tahsildar correctly issued this letter in exercise of the powers conferred on him by paragraph 86 of the Code of Census Procedure.

(d) Yes. When it was brought to the notice of the Tahsildar that in the case of a few illiterate Muslims Urdu had been entered as their mother tongue he changed it to Punjabee.

PAY OF GAUGE READERS (PANSAL NAWIS).

1444. Chaudhri Muhammad Abdul Rahman Khan : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the maximum pay of a Gauge Reader (Pansal Nawis) in the Irrigation Department is Rs. 15 per mensem, the fixation of which is left to the discretion of the Superintending Engineers, as communicated to the General Secretary, Gauge Readers' Association, Lahore, by the Secretary to Government, Public Works Department, Irrigation Branch, in his letter No. 4296-97-Est.-C., dated the 10th March, 1938 ;
- (b) whether it is also a fact that none of the Gauge Readers in the Majitha Division of the Upper Bari Doab Canal Circle have so far been given the maximum pay of Rs. 15 per mensem, even though some of them are on the eve of retirement ; if so, the reasons therefor ;

(Ch. Muhammad Abdul Rahman Khan).

(c) whether he will be pleased to state the number of the Gauge Readers in the said Division and the years of service each one of them has so far put in with the monthly salary each one of them is at present getting?

The Honourable Chaudhri Sir Chhotu Ram : (a) Yes.

(b) Yes. It has not been necessary, but the question of refixation of pay is now under consideration.

(c) The requisite information is as under :—

Serial No.	Name.	Length of service.	Present pay.		
			Rs. A. P.		
1	Ghulam Rasul	27 years ..	13	8	0
2	Abdul Ghafoor	20 „ ..	12	8	0
3	Karam Bux	21 „ ..	12	8	0
4	Sandhi Shah	26 „ ..	12	8	0
5	Chuni Lal	22 „ ..	12	8	0
6	Muhammad Sharif	24 „ ..	12	0	0
7	Sita Ram	1 year ..	12	0	0
8	Nawab Din	2 months ..	12	0	0
9	Muhammad Sharif	2 years ..	12	0	0
10	Raghuber Singh	1½ „ ..	12	0	0
11	Muhammad Sharif	12 „ ..	12	0	0
12	Barkat Hassan	35 „ ..	12	8	0
13	Muhammad Bux	30 „ ..	12	8	0
14	Chajju Ram	19 „ ..	12	8	0
15	Ran Singh	30 „ ..	14	0	0
16	Abdul Razaq	1 month ..	12	0	0

DEPUTY INSPECTORS OF SCHOOLS.

1445. Chaudhri Sumer Singh : Will the Honourable Minister of Education be pleased to state the total number of Deputy Inspectors of Schools in the Province and the number of Hindu statutory agriculturists among them?

The Honourable Mian Abdul Haye : There are ten posts of Assistant to Inspectors of Schools. Of these two posts are held by Hindus and both of them are non-agriculturists.

LICENCES FOR SALE OF BEEF, LUDHIANA.

1446. Dr. Sir Gokul Chand Narang : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Deputy Commissioner, Ludhiana, has recently issued a large number of new licences for the sale of beef in the town of Ludhiana, if so, the reasons therefor ;
- (b) whether he will be pleased to lay on the table the order of the Deputy Commissioner, Ludhiana, dated the 24th October, 1922, concerning the sale of beef in the town of Ludhiana ?

The Honourable Major Sir Sikander Hyat-Khan : (a) The question of superintending the sale of beef in Ludhiana has been under consideration since 1934, when the Municipal Medical Officer of Health reported that most of the existing beef shops were of insanitary type. Prolonged correspondence took place about the authority which should control such shops, and the terms and conditions under which such control should be exercised. The Municipal Committee eventually resolved not to adopt any by-laws on the subject, and the Deputy Commissioner decided to take action under the rules framed under the Punjab Laws Act. Notices were issued to the beef sellers requiring them to apply for licences and in response 73 applications were received. An Extra Assistant Commissioner was appointed for reporting on these applications after considering the suitability of the locality concerned and the right of each person on the basis of the period for which he had been carrying on his business. The Extra Assistant Commissioner visited all the sites in the company of the President of the Municipal Committee and made his report. The Deputy Commissioner issued licences with effect from the 1st of July, 1941, in respect of 46 premises, which were the only premises reported to be fit for the grant of a licence. No fresh licence has been issued since July, 1941, in spite of the fact that the sellers who were refused licence made representations on the ground that the sale of beef is the only calling which they are competent to practise. There have, therefore, been no new licences nor any increase in the number of sellers of beef.

- (b) No such order is traceable.

LADY DOCTOR, MOZANG DISPENSARY.

1447. Chaudhri Muhammad Abdul Rahman Khan : Will the Honourable Minister of Public Works be pleased to state—

- (a) community-wise the names of the lady doctors posted to Mozang (Lahore) dispensary, during the last 10 years and the period for which each of them remained posted there ;
- (b) the date on which the present lady doctor was posted to Mozang dispensary ;
- (c) the number of female out-door patients treated separately in the male and female departments of that dispensary since the present lady doctor took over charge of the dispensary ;

(Ch. Muhammad Abdul Rahman Khan).

- (d) whether the unpopularity of the present lady doctor for her carelessness and rude treatment to patients has ever come to the notice of the Honourable Minister ; if so, the action he has taken or intends to take to redress the grievances of the public of Mozang in this respect ?

The Honourable Malik Khizar Hayat Tiwana : (a), (b) and (c). A statement is laid on the table.

(d) Government did not receive any complaint against the lady doctor. The Civil Surgeon, Lahore, however, received a few complaints but on enquiry they were found to be baseless.

Statement.

(a)

Name.	Community.	Period.
Dr. Mrs. E. V. Singha ..	Christian ..	From 1st January, 1931, to February, 1932.
Dr. Taj Mahal Begum ..	Muslim ..	From March, 1932, to 15th August, 1932.
Dr. Miss Shanti Devi Dhawan, L.S.M.F.	Hindu ..	From 16th August, 1932, to date.

(b) 16th August, 1932.

(c) 1. *Number of female out-door patients treated at the Mozang Women Dispensary from 16th August, 1932 to 31st December, 1940.*

Year.	New cases.	Old and new cases.
16th August, 1932, to 31st, December, 1932.	7,528	14,779
1933	13,926	31,898
1934	16,534	38,375
1935	17,796	38,606
1936	19,743	41,091
1937	21,878	46,675
1938	22,042	50,734
1939	23,658	54,369
1940	16,415	47,721

Reduction in number of patients in 1940 is due to the levy of one pice for a new out-door ticket.

2. *Number of female out-door patients treated at the Mozang Male dispensary from 1932 to 1940.*

Year.	Number of new patients.	Number of old patients.
1932	4,265	11,346
1933	4,861	11,680
1934	4,791	11,315
1935	4,668	10,950
1936	5,126	10,542
1937	2,975	5,840
1938	3,965	8,451
1939	5,078	14,976
1940	4,100	15,386

MURDERING OF MUSLIMS IN THE HISSAR DISTRICT.

1448. Khan Sahib Chauhndri Sahib Dad Khan : Will the Honourable Minister for Public Works be pleased to state—

- how many Muslims have been murdered in the Hissar district since 1st June, 1938, and how many cases have been registered by the police ;
- how many of these cases have been challaned with the result in each case ;
- how many appeals under section 417, Criminal Procedure Code in the above cases have been filed ; if none, the reasons for the same ?

The Honourable Malik Khizar Hayat Tiwana : (a) 58, Muslims were murdered in the Hissar district from 1st June, 1938, up to date and 49 cases were registered by the Police in connection therewith.

(b) 40 of these cases were challaned with the following results :—

Convicted	7
Acquitted or discharged	17
Pending in court	12
Withdrawn	4

(c) Two of the acquitted cases were originally convicted in the Sessions Court but were acquitted on appeal by the High Court. An appeal was submitted in one of the remaining 15 cases.

[Minister for Public Works].

Appeals were not made in the remaining 14 cases for the following reasons :—

	Number of cases.
(1) Witnesses resiled from their statements	5
(2) Right of self-defence was held to have been exercised by the accused ..	2
(3) Innocent persons were involved by witnesses	2
(4) Witnesses made discrepant statements	3
(5) No direct evidence—circumstantial evidence considered insufficient ..	1
(6) Identification of accused held to be doubtful	1

PUNITIVE POLICE POSTS IN LUDHIANA AND FEROZEPUR DISTRICTS.

1449. Sardar Lal Singh : With reference to the answer to my starred question No. 7226¹ asked on 5th December, 1940, will the Honourable Minister for Public Works be pleased to state the total monthly salary of the Assistant Sub-Inspector, the Head Constable and each of the constables placed on duty in the villages of Chima and Channanwal from 1st February, 1940, to 2nd October, 1940 ?

The Honourable Malik Khizar Hayat Tiwana : The attached statement gives the required information.

Statement showing the total monthly salary of the Assistant Sub-Inspector, the Head Constable and each of the Foot Constables of Chima and Channanwal from 1st February, 1940 to 2nd October, 1940.

	Assistant Sub-Inspector (one).	Head Constable (one).	Foot Constables, (S. G. 3, T. S. 10).
	Rs. A. P.	Rs. A. P.	Rs. A. P.
February, 1940	45 0 0	30 0 0	230 0 0
March, 19 0	45 0 0	30 0 0	230 0 0
April, 1940	45 0 0	30 0 0	230 0 0
May, 1940	45 0 0	30 0 0	230 0 0
June, 1940	45 0 0	30 0 0	230 0 0
July, 1940	45 0 0	30 0 0	230 0 0
August, 1940	45 0 0	30 0 0	230 0 0
September, 1940	45 0 0	30 0 0	230 0 0
October, up to 2nd October, 1940 ..	2 14 0	1 15 0	20 14 0
Total ..	362 14 0	241 15 0	1,860 14 0

Total salary of Assistant Sub-Inspector ..	=362 14 0
Total salary Head Constable ..	=241 15 0
Total salary Foot Constables ..	=1,860 14 0
Total ..	=2,465 11 0

KANUNGOS.

1450. Sardar Ajit Singh : Will the Honourable Minister for Revenue be pleased to state—

- (a) the number at present of Kanungoes, community-wise, in the Multan district ;
- (b) the number of the Sikh Kanungoes among them and that of agriculturists among the Sikhs ;
- (c) whether it is a fact that the Sikh agriculturists are under-represented in the cadre ; if so, why ?

The Honourable Chaudhri Sir Chhotu Ram : (a) 44 : Muslims 28, Hindus 15, Sikh 1.

(b) 1 : he is a non-agriculturist.

(c) Yes. Instructions regarding communal representation in this cadre were issued on the 21st October, 1940. The Sikhs are only 3.4 per cent of the population in this division and it will take considerable time for this community to be fully represented in the cadre.

MOTIONS FOR ADJOURNMENT.

SIKHS IN THE VICEROY'S EXECUTIVE COUNCIL.

Sardar Lal Singh : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the Punjab Government to urge upon the Central Government the necessity of including a Sikh in the Viceroy's expanded Executive Council and thus allaying the bitter feeling among the Sikhs.

Mr. Speaker : What I wish to know is, how the responsibility of the Punjab Government is involved.

Sardar Lal Singh : The minority community in the Punjab has a right to expect from the Punjab Government to safeguard its due rights, whatever they may be, in the Central Government, and if the Punjab Government fails to carry out those duties, I think it is responsible to the House. It is the responsibility of the Punjab Government to safeguard the interests of the Sikhs wherever they may be—here or outside.

Khan Bahadur Mian Mushtaq Ahmed Gurmani : Even in Canada?

Sardar Lal Singh : Canada is another Government. If the Honourable Premier is prepared to get up and say that the Honourable Ministers had no hand in the matter and that they did not go to the length of putting their resignations in the hands of the Governor on this issue, then I think that the question will be settled.

Premier : I think that the suggestion which my honourable friend has made is irrelevant. Apparently he does not read newspapers. A controversy was raised in the press and not only I but my colleagues denied that there was any question of recommending any individual or any community; we only pressed for representation for the Punjab. The appointment of

[Premier].

Executive Councillors is not our concern, but if we had been asked, I can say for myself that I would have been the first to suggest that a suitable Sikh might be appointed. (*Cheers.*)

Sardar Lal Singh : The Honourable Premier is trying to make out that he was not at all aware of the fact that there was a feeling that a Sikh was to be appointed and he must be appointed.

Premier : I am afraid my honourable friend has failed to appreciate that there was no question of any individual being appointed. I fear tomorrow my honourable friend might impeach me on the ground that a Sikh was not appointed Viceroy and that I had not recommended a Sikh. It is the business of the Home Government and His Majesty the King.

Sardar Lal Singh : Does the Honourable Premier admit that he had no hand in the appointment?

Premier : No, I have no voice in the selection of individual members of the Executive Council.

Mr. Speaker : The next motion.

Sardar Lal Singh : What is your ruling, Mr. Speaker?

Mr. Speaker : For an answer to your question please refer to rule 44.

Sardar Lal Singh : For what reasons?

Mr. Speaker : Please refer to the Honourable Premier's speech.

ARREST AND DETENTION OF SAYED HABEEB.

Mian Abdul Aziz : Sir, I ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the arrest and detention of Sayed Habeeb on 2nd August, 1941, under the Defence of India Act.

Mr. Speaker : Was Sayed Habeeb arrested under the orders of the provincial or the Central Government?

Mian Abdul Aziz : He was arrested under the orders of the provincial Government, I think.

Premier : No, he was not arrested under the orders of the provincial Government.

Mian Abdul Aziz : Was the Punjab Government consulted?

Mr. Speaker : The next motion.

PUNITIVE POLICE TAX ON MUSLIM RESIDENTS OF LAHORE.

Mian Abdul Aziz : Sir, I ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the imposition of a punitive police tax on the Muslim residents of Lahore City.

Mr. Speaker : May I know when this tax was imposed?

Mian Abdul Aziz : Notices were received only during the prorogation of the last Assembly session, that is, I might inform you that notices were received during October and the beginning of November.

Mr. Speaker : Will the Honourable Minister of Public Works please state the facts ?

Minister for Public Works : I have got the notification with me. The imposition of the punitive police tax took place on the 11th June, 1940, and there has been the autumn session and the whole of the budget session of 1941 after the issue of that notification.

Mr. Speaker : Was the tax imposed for one year ?

Minister : Yes, it was levied for a period of one year.

Mr. Speaker : And the notification has not appeared again ?

Minister : No, Sir. Notification was for one year. So the matter is neither recent nor urgent.

Mian Abdul Aziz (Urdu) : Sir, the notification provides that the punitive tax will be imposed on the city alone. But it was not clear from the notification as to what would be the amount or proportion of the tax and on whom it would be imposed and who would be exempted and so on. Then this notice was received by the public of Lahore somewhere at the end of October and the beginning of November last. For the present, as far as I am informed, these notices have yet been issued on those on whom Rs. 100 or upward has been imposed, this imposition of tax was limited at first on the city residents alone. But now according to the notices even the residents of suburbs of Lahore have not been spared so far, so that both owners and tenants have received notices of this nasty tax. I, therefore, consider this matter of vital importance and it calls for an immediate discussion at the hands of the honourable members of the House.

Mr. Speaker : The honourable member and his colleagues might have given notice of ordinary resolutions. The subject is so important that it cannot be sufficiently and properly discussed by an adjournment motion.

Mian Abdul Aziz : We beg to draw the attention of the Government by discussing various points and we want to bring them to their notice.

Mr. Speaker : The next annual budget is coming in a few weeks.

Mian Abdul Aziz : That may be entirely a different thing. I may submit that the public did not know anything about it. There is no doubt that the notification did appear. I have read that notification. But at the same time, as a consequence of that notice, the tax is being enforced nowadays when there was no session and about that I want to say something.

Mr. Speaker : The honourable member is a learned lawyer. In my opinion there is no case of urgency. The matter can be discussed under an ordinary resolution or during the budget session.

Mian Abdul Aziz : Notices are now being served.

Mr. Speaker : What action was taken ?

Mian Abdul Aziz : We did all that was necessary. Now the tax is going to be realised.

ACTION TAKEN ON RESOLUTIONS PASSED BY THE ASSEMBLY.

The Secretary : A statement showing action taken by the Government on resolutions passed by the Punjab Legislative Assembly since October 1940 is laid on the table.

*Statement showing action taken by Government on resolutions passed by the
Punjab Legislative Assembly since October, 1940.*

Serial No.	Terms of resolutions passed.	Volume No. and pages of Legislative Assembly Debates.	Action taken.
1	This Assembly recommends to the Government that poor tenants of Attock and other districts who have been rendered homeless or landless by the acquisition of the lands that they cultivated for cantonments or other military purposes, be provided with lands in colony areas on conditions on which the Government has hitherto been granting lands to poor peasants in the Punjab.	Volume XIV (21st November, 1940), pages 219—221 and (23th, November, 1940), pages 480—489.	Lists of tenants deserving the concession are under preparation.
2	This Assembly recommends to the Government to raise whenever necessary and desirable adequate loans for starting wholly or partly state-owned and state managed industries in the province.	Volume XIV (28th November, 1940), pages 490—511 and (16th December, 1940), pages 1234—1236.	The question of the inclusion of certain state-owned industries in the Schedule of new Expenditure for the year 1942-43 is under the consideration of Government.
3	This Assembly recommends to the Government to urge upon the Government of India, the vital importance of recruiting cadets both for ordinary and emergency commissions, from different classes, in the same proportion in which they are represented in the ranks of His Majesty's Indian Defence Forces.	Volume XIV (16th December, 1940), pages 1237—1281.	Copy forwarded to the Government of India, Defence Department, with the remark that the Punjab Government are in full sympathy with the principle underlying the resolution.

Statement showing action taken by Government on resolutions passed by the Punjab Legislative Assembly since October, 1940.—continued.

Serial No.	Terms of resolutions passed	Volume No. and pages of Legislative Assembly Debates.	Action taken.
4	This Assembly recommends to the Government that bunds should be constructed in as many hill tracts as possible to store rain-water for the purpose of irrigation.	Volume XIV (23rd January, 1941), pages 167—175.	The construction of reservoirs to store water for irrigation purposes has long been under examination by the Public Works Department, Irrigation Branch. The two most important schemes of this nature are the Bhakra Dam and a Dam on the Beas. These two schemes are under investigation, but cannot be proceeded with until the settlement of the Sind Punjab Dispute now being argued before a Commission. Not until this dispute is settled, will the Punjab know what storages it is entitled to construct. The investigation of other similar schemes is under consideration.
5	This Assembly recommends to the Government to press upon the Government of India the urgent need of imposing a heavy import duty on foreign cotton.	Volume XV (23rd January, 1941), pages 175—187.	A copy of the resolution passed was forwarded to the Government of India. The Punjab Government strongly supported the recommendation of the Assembly. The Government of India have intimated that the contents had been noted.
6	This Assembly recommends to the Government to undertake legislation which will promote labour welfare without adding to the direct financial commitments of the state.	Volume XV (23rd January, 1941), pages 187—195.	It has been decided that to start with a bill on the lines of the Bengal legislation providing maternity benefits to female workers in factories be drawn up. Director of Industries is drafting a bill.

Statement showing action taken by Government on resolutions passed by the Punjab Legislative Assembly since October, 1940.—concluded.

Serial No.	Terms of resolutions passed.	Volume No. and pages of Legislative Assembly Debates.	Action taken.
7	This Assembly recommends to the Government that a provincial museum for industrial products should be brought into existence at once and similar divisional and district museums should be established gradually as funds permit.	Volume XV (23rd November, 1941), pages 201—206.	The proposal regarding the inclusion of the scheme for the establishment of an industrial museum in the schedule of new expenditure for the year 1942-43 is under consideration.

This information has been published with Punjab Government notification No. 4225-P. G. 41/59708, dated the 17th November, 1941, in part I of the *Government Gazette, Punjab*.

ACTION TAKEN ON CUTS IN THE ESTIMATES.

The Secretary : There being no cuts made either in original or in supplementary estimates presented to the Punjab Legislative Assembly since October, 1940, no statement is being laid upon the table.

PANEL OF CHAIRMEN.

Mr. Speaker : I have to announce that under Rule 10 (1) of the Punjab Legislative Assembly Rules, I have nominated the following four members as members of the Panel of Chairmen :—

1. Khan Bahadur Chaudhri Riasat Ali.
2. Khan Sahib Shaikh Muhammad Amin.
3. Rai Sahib Chaudhri Suraj Mal.
4. Tikka Jagjit Singh Bedi.

LEAVE OF ABSENCE OF MR. DUNI CHAND.

Mr. Speaker : I have to read out to the Assembly the following application received from Mr. Duni Chand, Member of the Assembly, for permission to be absent from the Assembly :—

As required by Rule 33 (1) of the Punjab Legislative Assembly Rules of Procedure, I apply for the the permission of the Assembly to absent myself from the sittings of the Assembly during its forthcoming session.

Premier : Has the honourable member stated any reason? If so, then the House would be justified in granting him permission.

Mr. Speaker : Possibly he gave his reasons in his first application.

Premier : So this is merely an application for extension of leave. I hope my honourable friends who have absented themselves hitherto will

not apply for further leave. They should follow the example of Pandit Bhagat Ram Sharma, and look to the interests of their constituents whom they represent.

Mr. Speaker : The question is—

That the permission asked for be granted.

The motion was carried.

HOURS OF SITTING AND ADJOURNMENT MOTIONS.

Premier : Sir, I move—

That on and from Tuesday, the 2nd December, 1941, to the end of the session on the days of meeting other than Fridays, the Assembly shall meet at 12 noon of the clock and the Speaker shall adjourn the Assembly without question put at 4-30 p. m. on those days.

Mr. Speaker : Motion moved—

That on and from Tuesday, the 2nd December, 1941, to the end of the session on the days of meeting other than Fridays, the Assembly shall meet at 12 noon of the clock and the Speaker shall adjourn the Assembly without question put at 4-30 p. m. on those days.

Mian Abdul Aziz : I should like to say a few words on this motion.

Mr. Speaker : It is only a formal motion.

Mian Abdul Aziz (Urdu) : Sir, no doubt the motion is a formal one, but I wish to address a question to the Honourable Premier in this connection and that is whether the Rules of Procedure were made to be honoured only in their breach.

Chaudhri Suraj Mal : Only one rule is involved.

Mian Abdul Aziz : Yes and this one rule has been broken over and over again. It should either be amended or—

Minister for Public Works : It is more convenient to commence the sitting at twelve noon.

Mian Abdul Aziz : It may be more convenient to you, but we do not get a salary of Rs. 3,000 a month as you do. Nor are we big landlords like you. Besides attending the meetings of the Assembly we have to earn our livelihood. I, therefore, strongly protest against this procedure and oppose the motion under discussion.

Mr. Speaker : The question is—

That on and from Tuesday, the 2nd December, 1941, to the end of the session on the days of meeting other than Fridays, the Assembly shall meet at 12 noon of the clock and the Speaker shall adjourn the Assembly without question put at 4-30 p. m. on those days.

The motion was carried.

Premier : Sir, I move—

That on and from Tuesday, the 2nd December, 1941, the time for taking up an adjournment motion, if any, shall be 4-30 p. m. on days that the Assembly meets other than Fridays and 7 p. m. on Fridays, and that Rule 45 of the Assembly Rules be suspended accordingly.

The motion was carried.

SUPPLEMENTARY ESTIMATES, 1941-42—1ST INSTALMENT.

Finance Minister : Sir, I beg to present the Supplementary Estimates, First Instalment, for the year 1941-42. The demands made therein are made on the recommendation of His Excellency the Governor.

COLONISATION OF GOVERNMENT LANDS (PUNJAB AMENDMENT) BILL.

Revenue Minister (The Honourable Chaudhuri Sir Chhotu Ram) : Sir, I beg to introduce the Colonization of Government Lands (Punjab Amendment) Bill.

Sir, I beg to move—

That the Colonization of Government Lands (Punjab Amendment) Bill, be taken into consideration at once.

It is a very innocuous and non-controversial measure. The reasons for bringing forward this measure have been stated in the Statement of Objects and Reasons and I do not think any further speech explanatory of the objects of this measure is needed.

The motion was carried.

Mr. Speaker : The House will now consider the Bill clause by clause.

The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the Title be the title of the Bill.

The motion was carried.

Revenue Minister : Sir, I beg to move—

That the Colonization of Government Lands (Punjab Amendment) Bill be passed.

The motion was carried.

LEGISLATIVE ASSEMBLY (SALARY AND ALLOWANCES OF MEMBERS) BILL.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I beg to introduce the Punjab Legislative Assembly (Salary and Allowances of Members) Bill.

Sir, I move—

That the Punjab Legislative Assembly (Salary and Allowances of Members) Bill be taken into consideration at once.

Mr. Speaker : The motion moved is—

That the Punjab Legislative Assembly (Salary and Allowances of Members) Bill be taken into consideration at once.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, I rise to oppose this Bill. My opposition is based on principle. My submission is that the Bill in its present form shows that it is intended to pay to each one of the honourable members of this Assembly, whose number is more than 160, not otherwise paid, a salary of Rs. 200 a month (*Interruptions*). I know the full strength of the Assembly, but I am excluding the Honourable Ministers and others who are not going to be affected by this measure.

Mr. Speaker: The honourable member is going too far. The motion before the House is that the Bill be taken into consideration.

Mian Abdul Aziz: I beg to submit that I want to oppose the introduction of this Bill (*laughter*).

Mr. Speaker: But can the introduction of a Bill be opposed? (*Interruptions*).

Sardar Santokh Singh: If I understood aright, the motion is for the consideration of the Bill. The honourable member is entitled to oppose it.

Mr. Speaker: That is why I allowed him to oppose it.

Sardar Santokh Singh: The introduction stage has long passed.

Mr. Speaker: He can move an amendment either for circulation or for reference to select committee.

Mian Abdul Aziz: That will be done subsequently; amendments have been put in by some honourable members. I am opposing the consideration of this Bill.

Mr. Speaker: He may do so. At this stage, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

Mian Abdul Aziz (*Urdu*): Any way the purport of the Bill is that every member will be paid Rs. 200 a month, i.e., Rs. 2,400 a year. Of course there is a provision for deduction on account of absence, but my submission is that our province is already overburdened with various expenditures. In fact I think that the present allowance of Rs. 22-8-0 per diem is too much and that it should be either totally abolished or considerably reduced. The reason for the introduction of this Bill appears to be that there has been no session of the Assembly during the last six months and, therefore, some honourable members of the ministerial party were disgruntled on account of getting nothing whatever during this period. So, in order to pacify these gentlemen it is sought to swell their purses by means of this Bill. As I have already stated our province is overburdened with expenditure and since it is war time we should try to curtail rather than increase our expenditure. The Government should, therefore, withdraw this Bill and bring forward another measure providing for an allowance of Rs. 5 or Rs. 10 a day, and that too only for those days when the Assembly is actually sitting. Nothing else need be paid.

This Bill was first introduced in 1939 and for reasons best known to the Government it had been shelved for two years. Now in the year 1941

[Mian Abdul Aziz],

when the term of the Assembly, if it is not extended, is about to expire there is no reason why this measure should be enacted. With these words I oppose the consideration of this Bill.

Chaudhri Sumer Singh (South-East Gurgaon, General, Rural) (*Urdu*):
Sir, I beg to move:—

That the Punjab Legislative Assembly (Salary and Allowances of Members) Bill be referred to a select committee.

I have moved this motion because there are so many defects in the Bill as introduced and the select committee will remove them and present the Bill in an improved form. Moreover, there is a long list of amendments which if discussed in the House will take an inordinately long time. On the other hand, if the Bill is referred to a select committee all these amendments will be taken into consideration by the committee, and I am sure that when the Bill emerges from the select committee, most of the amendments will have become unnecessary. Thus much valuable time of the House will be saved and this is another reason why the Bill should be referred to a select committee.

Mr. Speaker : Question is—

That the Punjab Legislative Assembly (Salary and Allowances of Members) Bill be referred to a select committee.

The motion was carried.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir,
I move—

That the select committee shall consist of the following members:—

Sir William Roberts,
Khan Muhammad Yusuf Khan,
Sardar Pritam Singh Siddhu,
Mian Abdul Rab,
Chaudhri Sumer Singh,
Chaudhri Muhammad Husain of Gujranwala,
Mian Muhammad Nurullah,
Rai Bahadur Lala Gopal Das,
Khan Bahadur Mian Mushtaq Ahmed Gurmani,
The Honourable Minister for Finance, and
the Mover.

And that the quorum shall be five.

The motion was carried.

ELECTRICITY (EMERGENCY POWERS) BILL.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): Sir, I present the Report of the Select Committee on the Punjab Electricity (Emergency Powers) Bill.

I move—

That the Punjab Electricity (Emergency Powers) Bill as reported by the select committee be taken into consideration.

The motion was carried.

Mr. Speaker : Now the House will proceed to consider the Bill clause by clause.

1 p. m.

Rai Bahadur Lala Sohan Lal : Sir, I have sent in amendments to the clauses of the Bill but I find that they have not been circulated to honourable members. I, therefore, suggest that the consideration of the Bill be postponed till to-morrow.

Mian Muhammad Nurullah : On a point of order, sir, I have also sent a number of amendments, but they are not on to-day's agenda.

Mr. Speaker : When were these amendments sent ?

Mian Muhammad Nurullah : About four days ago.

Sardar Santokh Singh : Sir, I suggest that the consideration of the Bill be postponed till to-morrow as these amendments are not before us now.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : It was for the honourable members to have given notice of amendments in time.

Mr. Speaker : Most of the members expected that the Salary Bill would be taken up and that it would take some time.

Minister : If it is your wish to accommodate the honourable members opposite, I have no objection ; but I do not want to share the responsibility for the postponement of the consideration of the Bill involving the adjournment of the House and costing thousands to the province. So far as I am concerned I am prepared to proceed with the Bill.

Mr. Speaker : As the amendments are not before the House I agree that the consideration of the Bill may be postponed.

The Assembly then adjourned till 12 noon on Tuesday, 2nd December, 1941.

APPENDIX.

(ANSWER TO STARRED QUESTION No. 7884, pages 10-11 *ante*.)**The Honourable Malik Khizar Hayat Tiwana :—**

(a)

		<i>Population (1931 census).</i>	<i>Voting strength at the last general election.</i>
Muslims	..	8,742	2,225
Non-Muslims	..	9,614	2,284
		<hr/>	<hr/>
Total	..	18,356	4,459

(b) The electorate is joint but of the eleven non-official seats, Muslims have got six and non-Muslims five.

(c) No ; two Hindus and one Muslim are appointed.

(d) No ; he was appointed as an official.

(e) Yes.

(f) Yes ; but this is not a Hindu seat.

(g) No. The present strength of Muslims and non-Muslims on the Committee is 6 and 5, respectively.

(h) Yes ; Government are considering the creation of an additional appointed seat to be reserved for Hindus.

PUNJAB LEGISLATIVE ASSEMBLY.

EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 2nd December, 1941.

The Assembly met in the Assembly Chamber at 12 noon of the clock. As there was no quorum, the Assembly adjourned for half an hour and re-assembled at 12-30 p. m. Mr. Speaker in the Chair.

STARRED QUESTIONS AND ANSWERS.

SATYAGRAHIS.

***7716. Sardar Moola Singh :** Will the Honourable Premier be pleased to state—

- (a) the names of Satyagrahis in the Punjab punished by the trial courts with a fine in the present Congress Satyagrahi movement with the amount of fine in each case ;
- (b) how much of the fine so imposed has so far been realised and the manner in which it has been realised ?

The Honourable Major Sir Sikander Hyat-Khan : The amount of time and trouble involved to collect this information will not be commensurate with the object to be achieved.

BABU GURBAKHSI SINGH.

***7717. Sardar Moola Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Babu Gurbakhs Singh, an alleged communist of Mahilpur, in district Hoshiarpur, has been arrested recently ;
- (b) if so, the exact date of his arrest, the reasons for the same, the place where he is detained, the period for which he has been detained and the law under which he has been detained ;
- (c) his weight at the time of arrest and at present ;
- (d) the names of newspapers or journals supplied to him ;
- (e) the names of persons so far allowed to have an interview with him ;
- (f) whether any allowance has been granted to the dependents of the said detainee ; if not, why not ?

The Honourable Major Sir Sikander Hyat-Khan : (a) and (b) Babu Gurbakhsh Singh was arrested under rule 129 of the Defence of India Rules, 1939, on the 7th January, 1941, for having acted in a manner prejudicial to the public safety and the efficient prosecution of the war. He was prosecuted under rule 89 of the abovementioned rules and is now undergoing a sentence of one year's rigorous imprisonment in the District Jail, Sialkot ;

(c) 134 lbs. on the 7th January, 1941, 117 lbs. on the 8th November, 1941.

(d) He is allowed the same opportunities for reading newspapers as other convicts in this Jail, in which six newspapers are available.

(e) He has been allowed several interviews, it is not in the public interest to give names of interviewers.

(f) Does not arise, as he is not a detenu.

ARREST OF MESSRS. MOHAN SINGH, CHAMAN LAL, DALJIT SINGH AND DIP MANMOHAN.

***7718. Sardar Moola Singh :** Will the Honourable Premier be pleased to state whether it is a fact that Messrs. Mohan Singh, Chaman Lal, Daljit Singh and Dip Manmohan, students of the various colleges in Rawalpindi, have been recently arrested ; if so, the exact dates of the arrest of each of them, the reasons for their arrest and the offence for which each of them has been arrested ?

The Honourable Major Sir Sikander Hyat-Khan :

First part.—Yes.

	Name of student.	Date of arrest.
<i>Second part</i>	Mohan Singh	17th February, 1941.
	Chaman Lal	
	Daljit Singh	
	Dip Manmohan	16th February, 1941.

Third part.—On the occasion of the arrest of Jogindar Lal Jain, a satyagrahi, on the 14th February, 1941, a crowd, of which they were identified as members, refused to comply with an order to disperse and became riotous, with the result that in addition to members of the public sixteen police officers received injuries. They were arrested under sections 145/147/142/892/152, I. P. C.

PAYMENT TO VERNACULAR PAPERS OF LAHORE.

***7797. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Government intends to pay or has already paid rupees ten thousand each to some of the vernacular papers of Lahore ;

(c) if the answer to (a) be in the affirmative, the names of the papers and the reasons for the payment ?

The Honourable Major Sir Sikander Hyat-Khan : The honourable member is referred to the answers to starred questions Nos. 6878,¹ 7171² and 7818³.

Malik Barkat Ali : May I ask whether the answer to which the Honourable Premier has referred has anything to do with the present question ?

Premier : My honourable friend should see the answer and then put the question.

Mian Muhammad Nurullah : When was the question referred to answered ?

Premier : I am afraid I have not got the date, but he can easily find out from the proceedings of the Assembly.

Mian Muhammad Nurullah : Was it more than six months ago ?

Premier : Must have been. The Assembly last met in April.

Mian Muhammad Nurullah : Could not any amount have been paid after that ?

Premier : But if my honourable friend will refer to the answer, he will find the relevancy of this present answer.

Malik Barkat Ali : If the Honourable Premier has no objection, will he kindly read out the answers to which he is referring ?

Premier : I am afraid I have not got them here.

Malik Barkat Ali : Will the Honourable Premier be pleased to tell me whether during the year 1941-42 any payments have been made to the following :—

The Hindu,

The Inqilab.,

The Ihsan,

The Shahbaz, and

The Zamindar ?

Premier : I am afraid I cannot add anything to the answer I have already given.

PROPOSALS OF RESOURCES AND RETRENCHMENT COMMITTEE.

***7820. Rai Bahadur Lala Gopal Das :** Will the Honourable Premier be pleased to state—

- (a) whether any retrenchment proposals made by the Punjab Resources and Retrenchment Committee have so far been carried out, if so, the details of such proposals ;

¹ Volume XIV, page 166.

² Volume XIV, page 611.

³ Volume XIV, page 692.

[R. B. L. Gopal Das.]

(b) whether it is a fact that most of the recommendations for retrenchment by that Committee have not been implemented so far ; if so, the reasons therefor ;

(c) whether these recommendations have since been considered by Government ; and if so, the conclusions of Government thereon ?

The Honourable Major Sir Sikander Hyat-Khan : A statement showing the action taken by Government on the recommendations of the Resources and Retrenchment Committee will shortly be laid on the table of the House.

REFUSAL OF SUB-INSPECTOR, SHAH SULTAN, DISTRICT MUZAFFARGARH, TO REGISTER A COMPLAINT REGARDING THEFT OF AN OX.

***7824. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Public Works be pleased to state whether it has been brought to his notice that the Sub-Inspector of Police, Thana Shah Sultan, Muzaffargarh district, recently refused to register a complaint regarding the theft of an ox of one Maulvi Khuda Bakhsh of village Damirwala Shimali on the ground that his son named Ahmed Bakhsh was connected with the *Ahrar* organization and abused and threatened him to ask his son to give up that organization failing which no action would be taken for the recovery of his stolen ox ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Enquiries made from the Superintendent of Police, Muzaffargarh, show that the allegation is baseless. The bullock alleged to have been stolen strayed some three years ago, and the owner did not report his loss at the police station. Even if he had reported the matter, the case was non-cognizable and one in which the police could take no action.

MURDER OF MR. K. C. CHAUDHRI, SUB-DIVISIONAL OFFICER, CHAKWAL.

***7827. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister for Public Works be pleased to state whether any trace of the culprits responsible for the murder of late Mr. K. C. Chaudhri, I. C. S., Sub-Divisional Officer, Chakwal, has been found so far ; and if not, the reasons therefor ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (i) Yes. The identity of the culprits responsible for the murder has been established but they are absconding.

(ii) Every effort is being made for procuring the arrest of the absconders.

Mian Muhammad Nurullah : May I know the real motive of this murder ?

Mr. Speaker : That question does not arise.

REMOVAL OF HINDI NEWSPAPERS FROM OFFICIAL LIST OF APPROVED
NEWSPAPERS

*7831. **Rai Bahadur Lala Gopal Das :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the names of Hindi newspapers, including a Hindi daily from the Punjab, have been removed from the official list of approved newspapers for the purpose of supplying Government *communiqués*, official statements and publications ;
- (b) whether it is a fact that the list of newspapers maintained in the office of the Director of Information Bureau, Punjab, does not contain the name of any Hindi newspaper and whether it is a fact that the said office does not supply information from time to time to any Hindi newspaper in Lahore or in the Punjab, as is done in the case of newspapers in other languages ;
- (c) whether it is a fact that the attention of the Director of Information Bureau, Punjab, has frequently been drawn towards this omission, and whether there is any record of the letters received in this connection by the said Director on behalf of a Hindi newspaper issued from Lahore ;
- (d) whether it is a fact that the Director of Information Bureau subscribes to almost all the Lahore dailies on Government expense and in some cases even several editions and copies of newspapers are subscribed to by him ;
- (e) whether it is a fact that the said Director is not a subscriber to any Hindi newspaper ;
- (f) whether it is a fact that Editors of Hindi newspapers are generally excluded from invitations to official and other public functions held by the Honourable Premier, Ministers and other Government officials ;
- (g) if the answers to above questions are in the affirmative, the reasons for according this treatment to Hindi newspapers ;
- (h) the number of official advertisements given to Hindi newspapers and the amount paid to them on this account during the last year ?

The Honourable Major Sir Sikander Hyat-Khan : (a) No.

(b) No.

(c) No.

(d) Yes.

(e) Yes.

(f) No.

(g) Does not arise.

(h) During the 12 months ending November 30, 1941, 21 advertisements of the value of Rs. 129 were given to Hindi newspapers.

KISAN CONFERENCE.

***7874. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

- (a) how many conferences scheduled to be held by *Kisans* in the province have been prohibited during the year 1941 ;
- (b) how many arrests have been made in connection with the holding of these *kisan* conferences and whether the persons arrested have been tried in the court of law, and, if so, their number ?

The Honourable Major Sir Sikander Hyat-Khan : (a) One.

(b) (i) One under rule 129 of the Defence of India Rules,

(ii) No, and

(iii) Does not arise.

Mian Muhammad Nurullah : Will the Honourable Premier please state whether the Government still dreads the bogey of Russia and the Kisan movement in the Punjab ?

Premier : Government has nothing to dread from Russia. Persons who were arrested infringed the law of the land.

Sardar Lal Singh : You prohibit the meeting of a class of people. How is the law infringed by notifying that a conference will be held ?

Premier : If a conference is banned, then anybody who tries to hold the conference infringes the law.

Sardar Lal Singh : Does the Honourable Premier mean to say that all conferences are not banned ?

Premier : No, not all. Only such conferences which are considered to be conducive to a breach of peace and tranquillity of the province.

Malik Barkat Ali : In view of the fact that Russia is already on our side, will the Honourable Premier please state why he is prohibiting the Kisan conference ?

Premier : What connection has Russia with the Kisan conference ?

Malik Barkat Ali : The Kisan movement is in a line or is at par with the ideology for which Russia stands.

Premier : My honourable friend is obviously not conversant with the aims and objects of the Kisan movement.

Malik Barkat Ali : Will the Premier be pleased to state the objects of the Kisan movement according to the brief supplied to him by the department ?

Premier : The honourable member will have to give me notice.

Mian Muhammad Nurullah : What is the objection to such meetings ?

Premier : Anything which conduces to a breach of peace and tranquillity or anything which is subversive of law and order is objectionable.

Sardar Lal Singh : Is it not possible that *Kisans* can meet for tranquillity and peace ?

Premier : It is quite possible that they may in time learn to realise their mistake.

Premier : There is no objection to Kisan meeting. They meet every day in villages.

KIBAN INTERNET.

(a) the total number of persons in the province so far interned within local limits of their villages or towns in connection with the *Kisan* movement :

(b) the offence for which they have been so interned;

(c) whether Government has considered the question of granting maintenance allowance to them?

The Honourable Major Sir Sikander Hyat-Khan : If the honourable member will specify the period for which the figures are required, Government will consider whether the collection of the information is commensurate with the labour involved.

*7882. Canceled.

SUSPENSION OF LAMBARDARS, SUFEDPOSHS AND ZAILDARS IN GURGAON DISTRICT.

*7855. **Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state the number of lambardars, sufedposhs and zaildars in Gurgaon district suspended during the period of last two years with the reasons for their suspension in each case and state further how many of the suspended lambardars, sufedposhs and zaildars in question have been dismissed and how many of them have been reinstated, giving separately the number of those who are still under suspension with the total period of suspension in each case ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan):—Three statements¹ giving the required information are laid on the table.

FAILURE OF COTTON CROP OWING TO THIEF.

*7883. **Sardar Ajit Singh :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact—

(a) that this year's cotton crop in *Ganji Bar* and *Nili Bar* has been severely attacked by *Tirak* and is almost a failure :

(b) whether the cotton crop in Chaks 3, 4, 5, 6, 9 district Mont-

	523	100	179	182	114
gomery, and in Chaks					

421-277-166, in *Nile*, *Bay* also has been severely

attacked by Tirak :

[S. Ajit Singh.]

- (c) if so, the action which Government has taken to relieve the distress of the sufferers in this respect in the areas mentioned above?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): No special reports have been received from local officers regarding damage to the cotton crop. The extent of such damage can only be known after the girdawari has been completed. The question of relief, where necessary, will then as a matter of course be sympathetically considered.

RETRENCHMENT IN ADMINISTRATION EXPENDITURE.

***7828. Mian Sultan Mahmud Hotiana:** Will the Honourable Finance Minister be pleased to state—

- (a) what steps have so far been taken by the Government to lighten the administration of the province;
- (b) have there been made any cuts in the pay or travelling allowances of the Government servants;
- (c) has any recommendation of the Retrenchment Committee been given effect to?

The Honourable Sir Manohar Lal: A statement showing the action taken by Government on the report of the Resources and Retrenchment Committee will shortly be laid on the table of the House.

JUDICIAL LOCK-UP, PAKPATTAN.

***7829. Mian Sultan Mahmud Hotiana:** Will the Honourable Finance Minister be pleased to state—

- (a) whether it is a fact that during his last visit to Pakpattan it was brought to his notice that judicial lock-up at Pakpattan was insufficient to accommodate the under-trial prisoners;
- (b) whether he is aware that due to insufficient accommodation in the lock-up some of the under-trial prisoners of Pakpattan Sub-Division have to be sent to Montgomery Sub-Jail for safe custody and consequently sometimes the Magistrates posted at Pakpattan have to go to Montgomery to try the cases of such under-trial prisoners which involve extra expenditure from the public revenues;
- (c) if answers to the above be in the affirmative, the reasons why Government has taken no step so far to provide more accommodation for the under-trial prisoners at Pakpattan?

The Honourable Sir Manohar Lal: (a) Yes.

(b) No.

(c) Government have given administrative approval to the construction of a new judicial lock-up at Pakpattan.

EXPENSES INCURRED BY MINISTERS ON THEIR TRIP FROM SIMLA TO BOMBAY.

***7832. Rai Bahadur Lala Gopal Das :** Will the Honourable Finance Minister be pleased to state whether any part of the expenses incurred by the Honourable Sir Sikander Hyat-Khan, the Honourable Major Malik Khizer Hayat Khan and the Honourable Mian Abdul Haye on their trip from Simla to Bombay and back during the month of August, 1941, was directly or indirectly charged to the Punjab Government ?

The Honourable Sir Manohar Lal : No claim on account of travelling or halting allowance for the journey from Simla to Bombay and back has so far been received.

BAR-ROOM AT PALWAL.

***7854. Chaudhri Sumer Singh :** Will the Honourable Minister for Finance be pleased to state whether he is aware of the fact that there is no Bar-room at Palwal and that the legal practitioners there are feeling great inconvenience for want of seating accommodation and, if so, whether he intends to take any action to remove this long-standing grievance of Palwal Bar, and, if so, when ?

The Honourable Sir Manohar Lal : Yes. As there are only six lawyers practising in Palwal no separate Bar-room has been constructed for them. They generally sit in the verandah or outside the court room. This arrangement appears to be working satisfactorily as no inconvenience felt by them has been brought to the notice of Government.

**DEWAN DHARAM CHAND, DISTRICT INSPECTOR OF SCHOOLS,
MUZAFFARGARH.**

***7822. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Education be pleased to state—

- (a) whether he is aware of the fact that Dewan Dharam Chand, District Inspector of Schools, Muzaffargarh, while recommending for the award of special sanads to be granted to certain teachers has completely ignored the Muslim teachers; if so, the reasons therefor;
- (b) whether he is aware of the fact that the applications of those candidates who were to be recommended for the award of sanads were obtained prior to the issuing of the circular and those applicants who submitted their applications after the issuing of the circular were put off with the plea that they did not send in their applications in time and their applications were not tendered on prescribed forms, which were not supplied to the teachers concerned;
- (c) the number of the Muslim teachers who possess the necessary qualifications for the award of special sanads referred to above and whether it is intended to grant them these sanads; if not, the reasons therefor ?

The Honourable Mian Abdul Haye : The question savours of communalism, but if the honourable member puts an unstarred question I shall be glad to answer it.

TRANSFER OF BOOKS ON ISLAMIC LITERATURE FROM SCHOOL LIBRARIES
BY DISTRICT INSPECTOR OF SCHOOLS, MUZAFFARGARH.

***7823. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Education be pleased to state whether it has been brought to the notice of the District Board, Muzaffargarh, that Diwan Dharam Chand, District Inspector of Schools, Muzaffargarh, is wilfully transferring all the books pertaining to Islamic literature from the libraries of the District Board Schools in the district to the library of the District Board office, in order to deprive the students concerned of their benefit ; if so, whether Government propose to take any action in the matter ; if not, why not ?

The Honourable Mian Abdul Haye : Diwan Dharam Chand has been working as District Inspector of Schools, Muzaffargarh, for the last three and a half years, during which period there has not been a single case in which any book pertaining to Islamic literature has been transferred from the libraries of the District Board Schools in the Muzaffargarh district to the library of the District Board office.

CHALLANS OF 'BANASPATI GHEE' SELLERS UNDER PURE FOOD ACT.

***7879. Chaudhri Sumer Singh :** Will the Honourable Minister of Education be pleased to state the number of cases challaned under the Pure Food Act during the period from the year 1936 to 1941, year-wise, regarding Banaspati ghee in the province district-wise, by each local body giving separately the number of cases in which the accused were convicted, and will he further be pleased to state in how many cases dismissed by the lower courts appeals were filed with the result of each such appeal ?

The Honourable Mian Abdul Haye : It is regretted it is not clear what the honourable member actually desires to know. No prosecutions are lodged for the sale of Banaspatine or Banaspati Ghee. Persons can only be challaned if they sell any adulterated food provided it contravenes the prescribed rules.

2. Moreover no standard of purity in regard to this article of food has been fixed and no samples have, therefore, been seized or chemically analysed. In view of this no cases have been challaned. Other points do not arise.

Sardar Lal Singh : So, the net result will be that adulteration goes on increasing.

Minister : The question does not relate to adulteration. It merely asks a question re. sale of Banaspati ghee. Banaspati ghee is not adulterated as such.

Sardar Lal Singh : Does not the Pure Food Act aim at checking adulteration ?

Minister : Yes, it does. The question does not raise the question of adulteration.

Sardar Lal Singh : What is the object of Pure Food Act ?

Minister : It stops adulteration.

Sardar Lal Singh : The net result of all this will be that the adulteration will increase.

Minister : I dare say, but this point was not raised in the question.

AGRICULTURAL PRODUCE MARKETS RULES.

Secretary : Amendments to the Punjab Agricultural Produce Markets Rules, 1940, are laid upon the table.

REPORT OF PUBLIC ACCOUNTS COMMITTEE.

Minister for Finance (The Hon'ble Sir Manohar Lal) : Sir, I beg to present the report of the Committee on Public Accounts of the Punjab Legislative Assembly on the Appropriation Accounts of the Punjab Government for the year 1939-40.

I may also intimate to the House in this connection that Government proposes to give the 8th of December for the consideration of this report.

ELECTRICITY (EMERGENCY POWERS) BILL.

Mr. Speaker : Now, the House will proceed to consider the Punjab Electricity (Emergency Powers) Bill clause by clause.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, may I raise a point of order in connection with the consideration of this Bill? My point of order, to state briefly, is that this Bill is *ultra vires* of this House. The Provincial Government cannot deal with the subject which is proposed to be dealt with in this Bill. If you will kindly look at the Bill itself, it says :

"A Bill to provide for the protection of the public in cases of emergency"

and this is to be done by giving powers to the Government to take over any electricity service in certain circumstances. I would draw your attention to clause 3 of the Bill. It reads as follows :—

"If at any time it appears to the Provincial Government that there is any likelihood of a failure in the continuous supply of a public electricity service or a diminution of such supply, and that such failure or diminution will be to the public disadvantage, or that there is any doubt as to whether the Provincial Government or any other person is the owner of public electricity service, or that it is expedient, during any period of transfer of the public electricity service to the Provincial Government to assume possession and control of such service, the Provincial Government may by order in writing declare its intention of assuming possession and control thereof for and on behalf of such service".

This means that the Government is proposed to be given the power of taking over the control as well as the possession of any electricity service and to regulate the activities of that service and perform the functions of that service. In other words, the object of the Bill is that the ordinary management of an electricity service should be replaced by a Government agency and that in place of the directors of an electricity corporation who should be removed, the control and regulation of the work of the corporation be placed in the hands of nominees of the Government or some other agency that the Government may set up. My submission is that

[Dr. Sir Gokul Chand Narang.]
 such a procedure is denied to a provincial legislature under the Government of India Act. I may, in passing, remark that so far as this Province is concerned, this electricity service is being rendered by two kinds of agencies. One agency is the Government agency. The other agency is the body of non-official corporations which are carrying on electricity service in this Province. You would know that the Hydro-Electric Department is generating a large amount of electricity and is supplying it to a large number of towns in the Province. It is hardly necessary to mention, but for those people who may not know I am just giving the names of a few places which are being supplied with electricity by the Government. For instance, in Amritsar, all the electricity that is being consumed is being supplied by the Government and.....

Premier : On a point of order. May I ask which particular clause my honourable friend is referring to?

Mr. Speaker : Apparently to the whole Bill.

Premier : At what stage are we now? Has the honourable member the right to question jurisdiction at this stage?

Mr. Speaker : Consideration of clauses has not started yet.

Premier : But we have passed a motion for consideration.

Mr. Speaker : I think an objection to a Bill being *ultra vires* of the Assembly can be raised even at this stage.

Premier : Quite so, but which clause of the Bill is he objecting to?

Mr. Speaker : His objection is that the whole Bill is *ultra vires* of this House.

Premier : I am afraid he has no right to do so at this stage. I do not think he can question it at this stage. If there is any particular clause which he thinks is *ultra vires*, he can raise an objection to that clause at the proper stage.

Mr. Speaker : But he is objecting to the *intra vires* of the whole Bill.

Premier : He cannot take that up at this stage, because that is a matter which should have been considered earlier. The House has now decided to proceed with the consideration of the Bill.

Mr. Speaker : I am inclined to hold that an objection to a Bill being *ultra vires* can be taken at any stage.

Malik Barkat Ali : May I draw your attention to the recent ruling in which it has been held that it is not for the Honourable Speaker of the House to decide such legal questions as to whether any particular action was *ultra vires* or *intra vires* because he is not a court? It is for the courts of the country to declare whether a particular legislation is *ultra vires*, but certainly it is not for the Honourable Speaker of the Assembly to declare whether it is *intra vires* or *ultra vires*. I am referring to a decision of the Rangoon High Court delivered in the year 1941 and I would draw your attention to the fact that in reaching that conclusion the Rangoon Court relied on a section of the Government of India Act. I shall presently draw your

attention to that section wherein it is definitely said that the legislature or any House of the legislature or any officer of the legislature shall not have the powers of the court. And the Speaker of the House is undoubtedly an officer of the House. I shall just draw your attention to that section. The argument in the Rangoon Court was that if objection is taken to a certain piece of legislation that it is *intra vires* or *ultra vires* and objection is taken on the other side that it is not so, then such matter can only be decided by a court of law and section 71 of the Government of India Act definitely says so on the point. I have got the section. It is section 71 of the Government of India Act and the sub-section is (3). It runs thus :—

- (3) Nothing in any existing Indian law, and, notwithstanding anything in the foregoing provisions of this section, nothing in this Act, shall be construed as conferring, or empowering any Legislature to confer, on a Chamber thereof or on both Chambers sitting together or any committee or officer of the Legislature, the status of a court, or any punitive or disciplinary powers other than the power to remove or exclude persons infringing the rules or standing orders, or otherwise behaving in a disorderly manner.

It has been held, therefore, on the authority of section 71 (3) of the Government of India Act that it is not for the Speaker of the Legislature to decide whether a certain piece of legislation is *intra vires* or not.

Premier : May I submit that you yourself have on previous occasions ruled that.....

Mr. Speaker : Yes. I do not recollect to have allowed such an objection.

Premier : At the same time I think any member of the House is entitled to point out to the Government that certain provisions of a certain Bill are *ultra vires* so as to avoid waste of time and energy. But this is not the time. The objection should have been raised at an earlier stage. At this stage we should go on with the consideration of clauses and if my honourable friend has any objection to any particular clause on the ground that it is *ultra vires*, we can consider it at that stage.

Dr. Sir Gokul Chand Narang : It is not the question of any particular clause being *ultra vires* or *intra vires*. This stage or any intermediate stage or at the final stage does not matter. You have been pleased to point out just now that the objection can be raised at any stage. You have also been pleased to say that you know that you are not a High Court and that you cannot decide whether a Bill or an Act is *intra vires* or *ultra vires*. But so far as my experience of 18 or 19 years of this House goes, you have always been pleased to give hearing to any member who has thought it necessary to raise such a point. You say you have never thrown out a Bill on the ground that it is *ultra vires*. I remember one instance in which you did so, but it is not necessary to refer to it at this stage. You might have been mistaken then. It is a different matter. (*Mahik Barkat Ali* : Speaker is not a court). He is not a court which simply means that if he gives any finding it will not be conclusive and it will be open to any court to go into this question and that the Speaker's decision would not preclude the courts from exercising their jurisdiction in deciding whether a certain measure is *ultra vires* or *intra vires*.

Malik Barkat Ali : Such an objection does not come within the expression 'point of order'. The Speaker is certainly authorised to decide a point of order. But whether a certain Bill is *ultra vires* or *intra vires* is not a point of order, and the objection that a certain piece of legislation is *ultra vires* does not come within the definition of the expression 'point of order'. The Speaker is certainly the final authority on questions relating to points of order. But this objection does not fall under that category because the objection really raises a question as to whether this legislation is *ultra vires* or *intra vires*. The rules relating to points of order cannot be invoked for the purposes of raising an objection of that kind.

Mr. Speaker : Then how and by whom can that objection be taken?

Premier : Our jurisdiction is defined in these lists and if there is anything which is not included in one list, it is clearly included in the other.

Mr. Speaker : But who can raise the point and who can decide whether it is included in one list or the other?

Premier : It is for you and the House to decide it. No legislature should be allowed to do something which it is not empowered to do.

Mr. Speaker : I do not recollect to have decided this point before.

Dr. Sir Gokul Chand Narang : At least I remember one instance. There may be some other instances also. Objection was taken to a Bill that it was *ultra vires* and you were pleased to throw it out on that ground.

Mr. Speaker : The honourable doctor may be right. My memory is not very retentive now. So, I may be wrong.

Dr. Sir Gokul Chand Narang : My honourable friend has referred to the ruling of the Rangoon High Court. Rangoon is not in India. With due deference to the Honourable Judges of the Rangoon High Court, I would submit that we are not bound by that ruling. Rulings are given by High Courts in all countries, but the question is whether that ruling is binding on this House or on you or on me. With due deference to the Honourable Judges who delivered that ruling I venture to say that I am not bound by it nor is this House bound by it nor is the Speaker bound by that ruling. But my submission is that so far as common sense is concerned and economy of public time and public money is concerned, certainly the proper procedure is that an objection, if it is valid or is considered valid, should be raised, should be heard and should be entertained and adjudicated upon, leaving it to the Government then to consult their legal advisers and act according to their legal advice. But as you were yourself going to point out—

Mr. Speaker : Please proceed with your objection.

Dr. Sir Gokul Chand Narang : My objection is that Section 100 of the Government of India Act precludes the consideration of this Bill by this House. Section 100 says :

Notwithstanding anything in the two next succeeding subsections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act (hereinafter called the "Federal Legislative List").

Now, the Federal Legislative List I, in Schedule Seven to the Government of India Act lays down the subjects which are purely federal and which can only be handled by the Central Government. At item 33 we have this list—

Corporation, that is to say, the incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Federated state and carrying on business only within that State or co-operative societies, and of corporations, whether trading or not, with objects not confined to one unit.

This is a central subject and therefore, my submission is that under section 100 of the Government of India Act it cannot be dealt with by a provincial legislature. In the provincial legislative list, item 33, there is reference to corporations, and as some honourable members from that side might like to know, I, in order to save them trouble, would myself refer to that item. That item is 33 which says—

The incorporation, regulation, and winding up of corporations other than corporations specified in List I; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies.

These corporations like the co-operative societies, charitable societies, educational societies and such other societies, whether they are incorporated or not, are specially to be dealt with by the provincial legislatures, but the corporations which are mentioned in item 33 of the central list, cannot be dealt with by the Central Government. This is the first point to which I want to draw your attention. Now somebody might raise the question that these electric supply companies are not corporations. I do not think that this would ever be seriously raised by anyone on behalf of the Government, but in order to save them the trouble again, I would draw their attention to section 23 of the Indian Companies Act. Section 23, subsection 2 clearly lays down as follows :

From the date of incorporation mentioned in the certificate of incorporation, the subscribers of the memorandum, together with such other persons as may from time to time become members of the company, shall be a body corporate by the name contained in the memorandum, capable forthwith of exercising all the functions of an incorporated company, and so on.....

We find in the note—

A company incorporated under the Act is a statutory corporation and has not, as a corporation, had common law the power to deal with its property

This makes it absolutely clear that all these companies now rendering electric service in the Punjab are corporations. In order to make the matter more clear I may draw your attention to Regulation 71 of Table A of the Indian Companies Act. This says—

The business of the company shall be managed by the directors, who may pay all expenses incurred in getting up and registering the company,.... etc.

This is a very important matter, because in the statute as it exists, the management and control of these companies has to vest in the directors under Regulation 71 of the Indian Companies Act, and therefore, anything which purports to remove these directors from the control contravenes an already existing Act of the Central Legislature, and therefore, for that

[Dr. Sir Gokul-Chand Narang.]

reason also is *ultra vires*. Some people who might be familiar or rather half-familiar with the Indian Companies Act might think that Table A is not compulsory. I was just pointing out that this electricity service which is being rendered in the Punjab perhaps without a single exception, except government, comes under the Joint Stock Companies; they are corporations incorporated under the Indian Companies Act; and as they are corporations and fall under item 38 of the Central List, this Government and this legislative body have absolutely no jurisdiction to deal with that subject which is reserved by the Central Government for itself. I was then trying to point out that these limited companies are corporations. Under item 38 of the Central Subjects Lists companies are not mentioned: corporations are mentioned. I am therefore, trying to point out that these limited companies are corporations. I read out section 28, sub-section 2 of the Indian Companies Act which clearly lays down that these bodies are corporations. I read out from the commentary that these corporations are statutory corporations consisting of the members who signed the memorandum which is submitted to the Registrar of the Joint Stock Companies along with the articles of association for registration. Then I pointed out, in order to clinch the point that this Bill encroaches upon the existing law, which law is the creation of the Central Government. For instance, I pointed out that in Table A Regulation 71 it has been laid down that the control of a company shall vest in the directors, 'shall vest in the directors': it cannot vest in a private individual or any Government or in anybody else; and in another section of the Companies Act, section 88-A, it has been laid down that the number of directors shall be at least 3. Thus it is clear that in the first instance the control must be vested in the directors and secondly that the number of the directors shall not be less than 3. Now what does this Bill propose to do? It is sought by means of this Bill to confer power on the Government to remove the directors of all the companies for reasons which are given in the Bill. If Government thinks that there is a danger of supply of electricity failing they can set this law in motion and take possession of all the belongings of any of these limited concerns which are rendering electricity service in the province, and can assume control and regulation of the companies, which, I would submit, is entirely beyond the scope of this legislative body. Not only this, but even if there is some doubt with respect to the ownership of any electricity service the Government can set this law in motion and take possession of any electric supply service in the province. Therefore, my submission is that this law which is proposed to be enacted by this Government is beyond the scope of this Legislative Assembly and is therefore *ultra vires*. I do not know what will be said in reply by the learned Advocate-General, who, I am glad, has arrived, but I may say that in sections 312 and 316 of the Government of India Act, the references to the federal legislature or Government apply to the existing Central Government. Therefore, no technical objection can be raised that as there is no federation there cannot be any federal list. The framers of the Government of India Act foresaw this objection and therefore they included sections 312 and 316 in the Government of India Act.

This is my objection, sir, to the Bill and in passing, I may point out that the objection has not been raised at a late stage. Of course, it could have

been raised as soon as the Bill was introduced, but it can be raised at any stage. The Bill now is at its earliest possible stage so far as the consideration of its clauses is concerned. I understand that not a single clause has yet been considered. Yesterday only the Report of the select committee was presented and the motion for consideration was passed and no clause was actually considered and the House adjourned for certain reasons which are known to you.

This is my objection so far as my point of order is considered. I may also, before I sit down, say that the Bill is really unnecessary because practically half of the Punjab is being supplied with electricity by the Government itself about which there cannot be any apprehension of its negligence or its failure to supply electricity. Government's resources are unlimited.

Minister for Public Works : The other half of the province is still there, better half.

Dr. Sir Gokul Chand Narang : I do not know whether that is the better half.

Minister : Yes, it is the better half.

Dr. Sir Gokul Chand Narang : Government is always the better half. (*Laughter*). So far as the wretched non-official private corporations are concerned Government cannot in any way take possession of them as a certain section of the Government of India Act, 1935, comes to their rescue. If Government has real and genuine apprehension that the supply might fail, the proper course for it would be to approach the Government of India and have an Act of this nature passed instead of proposing it in this House. That is all I have to say at this stage.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : So far as the legal aspect of this matter is concerned, the Advocate-General is looking into it. I should like to point out purely as a layman that my honourable friend is labouring under a misapprehension and referring to the wrong item of the list. We are taking action to regulate the supply of electricity in the province. Every public utility company is bound under definite rules and regulations to supply uninterrupted energy to its clients and consumers, because if it fails to do so it would cause great inconvenience to the public. For instance, when my friend Rai Bahadur Lala Sohan Lal apprehends a strike in the Lahore Electric Supply Company, he asks the Government to help him to enable him to carry on the functions of the company properly and to fulfil his obligation. Dr. Narang's contention is that Government cannot under any circumstances do so as according to him that would be illegal. My honourable friend referred to List I of Schedule VII and pointed out that we could not legislate in regard to corporations. I should like to point out to him that we are not dealing with corporations in this Bill; we are dealing with the regulation and supply of electricity which is a concurrent subject. If you will look at item 31 of List III you will find, sir, that Electricity is a concurrent subject in regard to which both the central and the provincial legislatures can pass legislation. In an emergency, how could we ensure regular supply unless we had

[Premier.]

the power to take immediate action? That is why electricity was placed in the concurrent list. Supposing an emergency arises here to-day. Does my honourable friend contemplate that we should, when it does arise, approach the Central Government to pass legislation to enable us to act? From the very wording of the operative clause it is obvious that it is no more than a temporary expedient, and Government can take action only if a certain emergency arises. Again, the power to take control is limited to a period of six months at a time, and in the aggregate to not more than two years. Each time Government will have to issue a special notification. It will thus be seen that we are now merely dealing with a matter which relates to item 31 of List III, viz., electricity. We would, if we so desire, go even further, but that is unnecessary at present. My honourable friend's objection is inexplicable. Does he want to forego the right which has been specifically given to this House under the Government of India Act? Does he desire that when a public utility company fails to provide proper and uninterrupted supply of electricity in an emergency we should not be in a position to step in and save inconvenience to the general public? Or, is it his attitude that the public may suffer and, so far as he is concerned, go to the dogs? To my mind we can meet any such contingency only by legislation, and it is our duty and right to do so. If my honourable friend contends that the power Government is taking under this Bill is excessive I would refer him to the Defence of India Rules where he will find that Government can take even more drastic action. But action will be taken only in the interests of the public, i.e., the consumers. Recently we have had to take action against one of the companies—the Rawalpindi Company....

Dr. Sir Gokul Chand Narang : What action did you take?

Premier : We took possession of it.

Dr. Sir Gokul Chand Narang : When was it so?

Premier : Not more than two weeks ago. As a matter of fact the company is carrying on as usual; the Government have only taken control of it temporarily and that control also will be removed as soon as we are satisfied that the orders which Government has issued have been complied with. My point is that Government must take timely action to ensure uninterrupted supply of electricity in the interests of the Companies as also of the public.

Advocate-General (Mr. M. Sleem) : Sir, I think it is not contended by the honourable member that the proposed legislation is not covered by item 31 which deals with Electricity. The honourable member's objection I understand is this—it may be covered by item 31 but nevertheless it is also covered by item 33 of the Federal list, therefore, it is not in the province of the Provincial government. In this connection I would ask you, sir, to notice the words of item 33, it says "Corporation, that is to say, the incorporation, regulation and winding-up of trading corporations, including..." Where does the proposed Bill deal with the incorporation or regulation or winding-up of a trading corporation? I submit that there is no such provision. The company remains in existence. The mere fact that for the

purpose of a continuous supply of energy it is necessary, temporarily to take over the affairs of the company does not mean that the company has been wound up. I may mention here, that even if a legislation incidentally affects matters covered by another item it is *intra vires*. There was a case before the House of Lords—I forget the name of the case. An Act was passed which made it necessary for the people selling milk to obtain a licence. One of the conditions was that only a person resident within a certain area could obtain a licence. There was a penal clause whereby anybody contravening the provisions of the law was to be penalised. In Ireland there was another provision that they had no power to legislate on any matter affecting trade. What happened was this that certain farmers outside that area, who were in the habit of supplying milk, found that because of the absence of the residential qualification they could not obtain licences. There was prosecution and the case was taken to the House of Lords. The question raised there, was that inasmuch as it affected the trade in the area in which the farmers resided it was *ultra vires*. The House of Lords held that it dealt with public health and the mere fact that it affected other matters did not make it *ultra vires*. In fact it is not necessary that that principle should apply in this case. According to my submission even if it incidentally affects the Corporation, incorporation or winding-up, etc. etc. of the Corporation....

Mr. Speaker : What about 'regulation'?

Advocate General : The trading corporation is to carry on its affairs.

Mr. Speaker : When directors are turned out and everything is taken over, where is the 'regulation'?

Advocate General : We are not regulating. My submission is that there is no question of regulating the affairs of the company; the mere taking over does not mean regulating their affairs. Regulation is carrying on in a particular manner.

Mr. Speaker : My doubt is that 'regulating' is a very wide term. If all the powers are taken away, where is the directorship and what is the shareholders' position?

Advocate General : We will not regulate the affairs of the company we will only put certain restrictions. I have already submitted that the House of Lords has held that merely because this provision covers other matters, it does not become *ultra vires*.

Malik Barkat Ali : Incidental effect is not to be taken into account at all; this is also the Federal Court's judgment.

Advocate General : Let us assume that one is not considering item 33 but is merely looking at item 31, Electricity. It would not occur to any one looking at the provisions of this Bill that it attempts to regulate the affairs of any company. It is merely a case of somebody wanting to argue for argument's sake and to exercise his ingenuity. My submission is that merely because this Bill incidentally affects matters which are not within the sphere of the provincial legislature this House is not debarred

[Advocate General.]

from passing this legislation. Here I have got the judgment of the House of Lords :

It is well established that you are to look at the true nature and character of the legislation—the pith and substance of the legislation. If on the view of the statute as a whole you find that the substance of the legislation is within the express powers, then it is not invalidated if incidentally it affects matters which are outside the authorised field.

Malik Barkat Ali : I should like to say a few words on this point. I am afraid I cannot share the views of my honourable friend Dr. Narang. My reasons are these : Firstly, in order to determine whether this legislation is within the mischief of the statute, that is, whether it encroaches on forbidden ground, the first thing that has to be looked into is whether it professes to deal with the incorporation or regulation or winding up of trading corporation. It is perfectly clear that this Bill does not profess to deal with corporations. A Bill can be said to deal with corporations only when it deals with them in a general manner. There is absolutely no provision in this Bill about which it can be said that it falls within the category of this clause namely the incorporation, regulation or winding up of trading corporations. The Bill professes to deal with electricity and electricity is a concurrent subject and it is certainly open to the provincial legislature to deal with matters which occur in the concurrent list. The second point is this. My friend Dr. Narang referred to the Indian Companies Act and said that such and such a provision of the Act laid down that the control of the company shall vest in the directors of the company. That is so. But is there any provision in this Bill which lays down that the control of the corporation or its regulation shall not vest in the directors ? On the contrary the Bill says that whenever on account of any emergency the Government takes over the possession and control of a company it does so only for a temporary period of two years. Therefore, if this clause which has been argued to be in conflict with the provisions of the Indian Companies Act is looked at carefully, it will be found that there is no conflict whatever between the general provisions of the Indian Companies Act and the provision of this Bill by which the local Government is authorised to take over possession and control of the electric company for a temporary period not exceeding two years. My third point is this. It has been very rightly pointed out by the learned Advocate-General that courts which are the final authority to decide whether a particular legislation is *ultra vires* or not, are not concerned with the incidental effects of that legislation. It was held by the Federal Court in 1941 that where a particular subject falls within the provincial field, if legislation on that subject incidentally affects matters which fall within the federal legislative list, this incidental effect will be disregarded by the Federal Court. For these reasons the objection that the Bill is *ultra vires* does not hold good.

Mr. Speaker : Will the honourable member please read clauses 6 and 7 ?

Malik Barkat Ali : Clause 6 says —

As soon as may be after the issue of an order under subsection (1) of section 3, the owner or person in charge of the public electricity service shall make over to the Provincial Government or such person as it may direct, all books, accounts

documents, furniture and all other property, of whatsoever nature or kind, both moveable and immovable belonging to the said service or in its possession or control.

Clause 7 reads—

- (1) During such period as the public electricity service is in the possession and control of the Provincial Government the Provincial Government shall have power to acquire and hold property, both moveable and immovable, and to transfer any property held by it for and on behalf of the public electricity service and to contract and to do all other things necessary for the purposes of its efficient management.
- (2) All debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by the Provincial Government for and on behalf of the public electricity service shall be deemed to have been incurred, entered into or engaged to be done by the said public electricity service.

These clauses leave no room for doubt that during the period of its temporary control and possession the Provincial Government shall really be acting on behalf of or representing that particular electric supply company. I respectfully submit that there is nothing in these two clauses which can be said to fall under the description of item 33 of the Federal List. All that these clauses say is that for a temporary period of two years the control and management of that particular company—

Mr. Speaker : But cannot the same law be enforced week or so after the expiry of the period of two years ?

Malik Barkat Ali : The words 'at any one time' have been put in by the select committee. We do not know whether the House will agree to the retention of these words in the Bill. In the original Bill that was introduced in the House the words are—

the maximum period during which any such order may continue in force shall not exceed two years from the commencement of the first order.

It is the select committee that has introduced the words 'at any one time'. The object I understand is that this period may be indefinitely prolonged. Eventually it comes to this that once the Government takes possession and control of a company for two years it can continue the control for a longer period. My submission is that taking even that extreme view, it cannot be said that this Bill comes within the Federal List, item 33, because it does not professedly supersede the regulation of the trading corporations as a whole, and secondly, that even if the clause is held to be illegal, it cannot suffice to invalidate the whole Bill. My submission is that this Bill does not deal with trading corporations as a whole. What item 33 contemplates is the general law applicable to the incorporation, regulation and winding up of trading corporations as a whole and not with the incidents of any particular individual corporation. The general law with regard to the incorporation, regulation and winding up of companies remains the same. My submission, therefore, is that this Bill does not come within item 33 of the Federal list.

Mian Muhammad Nurullah : While reading clause 6 of the Bill the honourable member who just preceded me has omitted to read the

[Mian Mhhammad Nurullah.]

words added by the select committee. I think he was reading clause 6 of the Bill as originally introduced and not the Bill presented by the select committee. The last three lines of the clause as amended by the select committee reads—

considered necessary by the Provincial Government for the purpose of carrying on the work of the company.

These words make the clause go against item 99 of the Federal List.

Again while raising the point it was suggested that the Madras law was the latest. I would request my honourable lawyer friends to explain to a layman like me what the position would be when clause 12 (1) is there. The civil courts are being debarred. How then will this matter come up before civil courts at all? Therefore the law as enacted in Madras does not cover our case.

Dr. Sir Gokul Chand Narang I was going to say that, after hearing the Honourable Premier and the learned Advocate-General as well as Malik Barkat Ali, I am confirmed in my opinion that this House has absolutely no jurisdiction to proceed with this Bill. I cannot blame the Honourable Premier. He is not a lawyer. He adduced no argument but tried to appeal to sentiment. He said that the Lahore Electric Supply Company had to face a strike and if that strike had progressed and had succeeded, the supply of electricity might have failed and he would have come to the Government for help. Undoubtedly if the strike had progressed and if the wisdom and tact and experience and skill of the managers of the Electric Supply Company had fallen short of the occasion a contingency might have arisen and they might have approached Government for help and it would have been a perfectly legitimate step. The Government is there for protecting all those concerns as well as for protecting the labourers and the workmen, and it is for the Government to see that justice is done to both parties. There would have been no harm. But what has that got to do with the technical point that I have raised? Then the Honourable Premier appealed to my sense of patriotism. I am not a patriot in the sense in which he is a patriot. His idea was that I should at once jump at this opportunity and take possession of the powers which under the law I do not possess and which I am not entitled to exercise. God save me from such patriotism, from encroaching on other people's rights! I am not prepared to follow the example of the Government in this respect. Their policy has opened the eyes of everybody not only in the Punjab but in the other parts of India also. The Honourable Premier said that Government cannot otherwise look into the affairs of the companies. Why not? I have no doubt that Rai Bahadur Sohan Lal and the managers of other companies would be only too glad to welcome him, would even put garlands round his neck and embrace him most cordially if he wants to look into the electric supply companies. They would give him tea parties and so on, and he and the whole of his staff and all his colleagues can go and see how the thing is working. But it is quite a different thing from taking possession of the whole company.

Ag lain ai, te ghar wali ban baithi.

That would be the proverb that would apply to such a case. He would be welcome to pay a visit or to study the working of the electricity service and point out defects if there are any and suggest improvements. The management would be very much obliged, but it is quite different from taking over the whole property and ousting all the directors and shareholders from the statutory powers that they possess. I am not surprised at all at the argument which the Honourable Premier addressed to this House with regard to the case of Rawalpindi. I regret I am not familiar with the Rawalpindi case.

Rai Bahadur Lala Sohan Lal: That was taken over under the Defence of India Rules.

Dr. Sir Gokul Chand Narang: The Rawalpindi Electric Supply Company was, according to Rai Bahadur Sohan Lal, taken over under the Defence of India Rules. I do not know what happened and whether the Government's help and interference were invoked by that company. It may be that that company did something for which the Government could interfere under some law. As a matter of fact, as Rai Bahadur Sohan Lal has pointed out, the Government interfered under the Defence of India Rules. They can shut up Rai Bahadur Sohan Lal under the Defence of India Rules or any other member or members of the company, or any resident of the Punjab. That is open to them. These rules give them the power, rightly or wrongly, to shut up people. They have already shut up so many that they are ashamed to tell the House the actual number of people whom they have shut up. I do not question those powers, but the question is whether an Act like this Bill would be *intra vires* of this House.

The case of the Honourable Premier is really excusable. He, in fact should not have got up to reply to a technical question like this, but I am surprised at the reply which the Advocate-General, the very learned Advocate General has given. I tell you why. He is a very candid gentleman, and I expected that he would support me. If he had come prepared, he might have supported me. He came just now and all of a sudden he was asked to reply. I am sure that he had not read the Bill immediately before making that reply, otherwise he would not have given the reply in the terms in which he did. He says that electricity is included in the concurrent list and can be dealt with by this House and it is incidentally that this measure would touch the regulations of the corporations. He at first was confining himself to incorporation and winding up and so on, but he found the word "regulation" a bit thorny and he fought shy of it until his attention was drawn to it by the Chair. His reply is that if an Act only incidentally touches another subject but deals principally with something else, then for that reason alone, because it incidentally touches another subject, it should not be held *ultra vires*. I subscribe fully and heartily to this proposition. If a motor car passes by and I am, like many people, not walking on the footpath but in the middle of the road and that motor car just grazes my coat or even my body, I would not get angry—rather I would blame myself—I would not get angry with the driver of the car. But if I am walking on the footpath and a foolish driver instead of driving on the road just brings his motor car on the footpath and knocks me down deliberately or

[Dr. Sir Gokul Chand Narang.]

maliciously, that would not be incidental grazing of my coat or my body. When a car is taken out of the road and is driven at 60 miles an hour and makes a pulp of me it is anything but incidental or accidental. This is exactly what this Bill seeks to do. Therefore if the learned Advocate-General had just read clauses 6 and 7 to which pointed attention of Malik Barkat Ali was drawn by the Speaker, I am sure he would not have adopted this argument. If the milk vendor in Ireland broke the law which was valid, he could not question the validity of the law simply because it incidentally touched a matter outside the local legislature's jurisdiction. I do not exactly know what the facts in the case quoted by him were, but I take them as mentioned by the learned Advocate General. The ruling in that case does not apply to the case before us. It would be an entirely different thing if the Government feared that there would be a breakdown of supply of power. It has the power to call up the management and tell them that such and such precautions should be taken or some other measure might be taken to prevent sudden breakdown without ousting the management. If that is done, no one would find fault with it.

What would happen, sir, if this Bill becomes law? The honourable
 2 p. m. members of this House have not seen what powers are sought to be conferred upon Government. With these powers, the Government will compel the management to make over to the Provincial Government or such person that it might appoint all the books, accounts, documents, furniture and all other property of whatever nature or kind, both movable and immovable. If Rai Bahadur Sohan Lal goes to the office to see what is happening there even for a seat he will have to apply to the Government nominee. The Government is taking bodily the whole concern and not merely the regulation of the supply or ensuring the supply of electricity. Then, sir, see further, what happens during the period the Government is in possession of the company. What can it do? It can do all that the directors and shareholders collectively could do. During such period when a public electricity company is in possession and control of the Provincial Government, it shall have power to acquire and hold property. The company might have a reserve of a crore of rupees, the Government nominee might spend it in buying any property at any fancy price. That is what might happen. He might transfer any property to anybody he wants to help for and on behalf of a public electricity company and contract to do all other things which he might consider necessary for the purpose of its efficient management. The position of a company may be made so complicated and difficult that the shareholders and directors may find it difficult to extricate the concern from it. The Government nominee might ruin the funds of the company. He might do anything he likes with the assets of the company during the period they are under his control. I would ask the learned Advocate General, will that be done merely incidentally. The Government nominee will take possession of the whole property? account books and all documents and even the furniture and deal with them as he likes and even enter into contracts. The powers of the directors under the Indian Companies Act are restricted. What directors might not be able to do, the Government nominee might do. What will be the position of the directors and shareholders when a public

service company goes into the hands of the Government? They will be rendered unable to do anything as they will be ousted from the concern. All this cannot be called incidental. Unfortunately, Malik Barkat Ali is not in his seat at the moment; otherwise I would have drawn his attention to clause 6. The Irish judgment has absolutely no bearing on the present case, absolutely no bearing and I make bold to say that I am prepared to rely on that ruling. If it was a mere incidental interference with the management of a company, no objection could have been raised. But here, the Government is there, its nominees are there, the whole of the Indian Companies Act is suspended. All the statutory provisions are suspended. Directors are rendered incapable to carry out the provisions of the Indian Companies Act. I may tell this House that under the Indian Companies Act, it is necessary that general meetings of the company should be held at least once in every calendar year. The Act lays down that if the directors fail to hold a general meeting once at least in every calendar year, they are liable to certain penalties which are very heavy. Then, Sir, under a particular section of the Indian Companies Act, I think under section 131, it is obligatory for the directors to prepare a Balance Sheet every year and send a copy of it to every shareholder. This honourable Government has not realized the effect or the implications of this Bill. If they would have realized the implications of this Bill, even they perhaps with all their reputation, would not have undertaken legislation of this nature. I would, therefore, submit that my objection is perfectly valid. Malik Barkat Ali said that there was nothing in the Act which said that the regulation shall not vest in the directors. He says that the Bill does not say that. It does not in so many words. It simply provides that the whole furniture, the other property of the firm and everything that the company possesses shall automatically pass to the Government and it is the Government that will carry on its business. What will be left for the directors to regulate? Then, Sir, as I pointed out, it will not be for a day or two. Emergency does not last so long, the danger of breakdown does not last very long. According to the Government it may last for six months, then another 6 months, then another six months and then another six months. In this way two years would pass away. Then they will stop for three days and then again adopt the same procedure. What is there to prevent the Government from passing such orders? My submission, therefore, is that such a Bill should not be allowed to proceed.

My honourable friend Malik Barkat Ali said that Mr. Speaker is not a court of law. I may tell him that Mr. Speaker is not a mere wooden chair—though we always say “the Chair”. Mr. Speaker is supposed to be a conscious and conscientious and intelligent being. He is not a mere wooden chair which is not capable of exercising any judgment. My submission is that it is for you to regulate the proceedings of the House. It is for you to see that the time of the House is not wasted on Bills which are outside the province of this Legislature. It is for you to see that the money of the province is not wasted over idle, futile—not to speak of mischievous—legislation. It is for you to see that only proper measures are brought before the House. They say that some electricity supply company may misbehave and may stop supplying electricity and so on and so forth. I have noticed that in the Electricity Act there are provisions which take cognisance

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of such failures and expose the management of electric supply companies to all sorts of penalties if they are found guilty of negligence or of any deliberate mischief which may consequently lead to failure of electric supply. There is a provision for that. Why take up this measure? There are certain other motives, which it is not the time to refer to, why this Bill is being brought forward. I cannot refer to them now because you will say that I should not impute motives. But they are as clear as the day. Why are these electric supply companies in the Province being pursued like this? We all know the reason. Anyone who is a party to this Bill will be a party to encroachment on the rights of these private limited companies, private in the sense that they are non-official, otherwise they are all public limited companies. But I would not go into motives at the moment. I would leave it to people's imagination, conjectures and guesses. They can easily arrive at their own conclusions but my submission is that so far as the Speaker of this House is concerned, it is his sacred duty to see that no improper Bill is brought before this House. Supposing by some mistake a private Bill is allowed to be introduced and that private Bill is on the very face of it absurd and *ultra vires*, e.g., it requires that the Punjab Government should take possession of the Peshawar district because beautiful water-melons, apples, peaches and other fruits grow there in Tarnab Valley, that possession at least of the Tarnab Valley must be taken.—(Laughter).—If in such a case somebody gets up and says that this is beyond our jurisdiction, will you say, "No, I have not the power"? Will you say, "It is for the Peshawar people to go to a court of law and have an adjudication by the court?" On the contrary you will say, "I am not going to allow this proposition to be discussed by the House, it is improper on the face of it", you would put your foot down and save the time of the House and also the money of the Province. It is exactly the same thing here. My submission is that if you are actually convinced—if you do not agree with me it is a different matter—and if you agree with me that this Bill is *ultra vires*, then there is nothing in the Act which prevents you from ruling that the Bill is *ultra vires*. It is quite true that you are not a court, but that is in the sense that your judgment will not be final. The Government can go to a court of law or other people can go to a court of law and they can have an adjudication but certainly it is for you to regulate the procedure in this House and to see that the debate is held on a proper subject which is within the jurisdiction of this House. My friend Rai Bahadur Lala Soban Lal has just pointed out that if an electricity supply service fails, it is open to the Government to cancel its licence and give it to somebody else in whom they have better trust. So that argument advanced by the Honourable Premier really had no force whatsoever. I pointed out generally that in the Electricity Act there are provisions which can prevent abuse of power or negligence on the part of the management. I would not go into the merits again and I would only pray that if you actually agree with me that the Bill is *ultra vires*, then there is nothing in the Government of India Act to prevent you from saying so and throwing it out and telling the Government to take what other course their legal advisers may advise them to take. I thank you very much.

Advocate-General : The honourable member has referred to clauses 6 and 7. He says that because there is this provision of the transfer of property to Government, therefore, it is a law which regulates the affairs of a company. I submit that there is fallacy in that argument. If you take over a company even permanently, you are not regulating the affairs of that company. (*Hear, hear*). Supposing a company is acquired by Government compulsorily. There is no question of regulating that company. Regulation means that there should be amendment of the company law. It is not an amendment of the company law. The company law remains where it is. All that happens during the period during which the Government exercise control of the company, is that they carry on its affairs. It is not a law with reference to regulation.

Dr. Sir Gokul Chand Narang : Is it irregulating? I shall tell him what it means if he would give way for a moment. I gave two instances at least that under the Indian Companies Act a meeting of the Company must be held every calendar year. The directors are bound to call that meeting. The directors are required to publish a balance sheet. It is the statutory duty of the directors. They are driven out, the books, documents and everything has been taken away from them. Can they then do these things? If they cannot do these things, then the regular work of the corporation is irregularised. No one is capable of doing that. That is what I meant, whether, if this Bill is not giving powers to the Government to regulate, is it not giving them powers to irregulate and irregularise everything which is required to be done by the Indian Companies Act. Irregularisation may be considered regularisation though it would be bad regularisation.

Advocate-General : The mere fact that certain provisions of the Companies Act may not be capable of enforcement against the directors, or that they may not be able to hold a meeting would not be regulating their affairs. Regulating their affairs is a very different thing. As to the question of regulating somebody else's affairs, the law says, "You shall proceed in such a manner". I am giving an extreme example. Supposing a company, which exists, is compulsorily acquired by the Government. Naturally it will cease to exist. That will not be a law with reference to regulation of the companies. That is perfectly clear from the provisions of the Government of India Act. There is section 299 about the compulsory acquisition of industrial undertakings. It says that compensation must be given and it says that neither the Federal nor a Provincial legislature shall have power to make any law without giving compensation. It means that in other respects the Provincial Government has the power.

Dr. Sir Gokul Chand Narang : They are in the position of a buyer, only compulsory buyers. Company or corporation does not cease to exist.

Advocate-General : Therefore, taking over the operation permanently is not regulation. That is the argument of the honourable member. He says, 'look at your Bill, it says that the Government can take over for a temporary period.' That does not mean that it would be regulated by the Government. Of course, by regula-

[Advocate General.]

tion it would mean the amendment of the law governing a company, but that is not the case here. Therefore, I submit that, as I read this Bill, it remains a law with respect to electricity and it is not a law with respect to regulation of the affairs of the company. It certainly is not a law with respect to matters mentioned in List I. I may also mention that this power can be exercised by provinces. I do not know whether any other province has exercised this power. But if the House wishes to exercise this power—I am not speaking on the merits of the Bill—wants this Bill to be passed, the power to pass that legislation should not hastily be given up. If it is not clear that the province does not possess the power to pass a legislation it should be left to the Federal Court to decide finally whether this legislation is competent or not competent.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): Sir, I had no mind to make a speech. As far as the legal aspect of the case is concerned you have heard both sides. All I want to say further is that during the course of his remarks, Doctor Sir Gokul Chand went on to say that this Bill had been brought forward with certain special motives. I can assure him that there are no other motives behind this motion except to save the public from inconvenience and trouble in case of an emergency. I repudiate the insinuation that anything else was meant. In case of a threatened breakdown of a utility service it is essential for the Government to have powers to prevent this in time.

The second point which I want to make is that Doctor Sahib went on to state that under this Emergency Bill the powers taken are for six months in every case. I can assure him that if the emergency ends after one day the notice will be withdrawn after one day. But only to meet extreme cases a period of six months has been provided. If the emergency in an extreme case continues after six months or more the maximum period provided is two years. Then in the same strain the honourable member said that this measure was intended to take over the company perpetually because there is a proviso that the maximum period during which such orders may continue in force at any one time shall not exceed two years. My submission is that this Bill would be of great use to the future Government at all times. The Select Committee had, therefore, put in the words 'at any one time'. Suppose there is a default, once the order has been passed it will remain in force for six months. After that if default by that company continues, these powers can be utilised and the period of control extended to two years. But it is only at any one time that action can be taken. If, however, the emergency occurs again after sometime, it would be possible to take action if the words suggested by the select committee are retained. Otherwise a fresh measure would be necessary. Then again, it was stated that if the company is taken over temporarily, it is likely to suffer damage. We have provided compensation. If you look at the provisions you will find that compensation clause is there and if any loss occurs to the company it will be entitled to due compensation. This Bill is merely meant to prevent inconvenience and general discomfort to public by default of such companies or other emergencies which are enumerated in the Bill. It was asked why Government should not use the powers under the licence

as provided in the Indian Electricity Act. We have examined the position and as the members of the select committee know, we did not find the existing powers adequate. That is why this Bill has been found necessary. You will remember that a particular emergency arose when the necessity for this sort of law was realised. So this Bill would be very useful for the future if such an emergency ever recurs.

Before I close my remarks I would like to appeal to you, as it was pointed out by my honourable friend, Dr. Sir Gokul Chand Narang, that if you rule the measure to be *ultra vires*, of the Assembly, there is no remedy open to Government. You are the custodian of the rights and powers of this House. Therefore I appeal to you to give due consideration to the arguments advanced on behalf of Government and hold the Bill to be *intra vires*. If any party is adversely affected by your decision can go to the civil court or the Federal Court and get its grievances redressed. Before you give your final ruling, I would again make an earnest appeal to you not to hold the Bill *ultra vires*, because it is in the public interest that this law should be passed. Therefore, in public interest I would ask you to take all these matters into consideration and rule that this House has the power to pass this Bill. It is in the public interest and solely in the public interest that the Government has come forward with this measure.

Mr. Speaker : The objection taken by the Honourable Dr. Sir Gokul Chand Narang is important as well as difficult ; I have had no previous notice of it. So I will give my ruling after studying the point and discussing it informally with the learned members of this House who have taken part in the discussion.

The Assembly then adjourned till 12 noon on Thursday, 4th December, 1941.

PUNJAB LEGISLATIVE ASSEMBLY.

EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 4th December, 1941.

The Assembly met in the Assembly Chamber at 12 noon of the clock. Mr. Speaker in the Chair.

STARRED QUESTIONS AND ANSWERS.

BOOKS AND JOURNALS BANNED BY GOVERNMENT.

*7719. **Sardar Moola Singh**: Will the Honourable Premier be pleased to state the names and number of books and journals banned by the Punjab Government from 1st April, 1937, to 28th February, 1941?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): Sixteen books and 54 journals were proscribed. It is not in the public interest to disclose their names.

MR. DINA NATH.

*7736. **Sardar Moola Singh**: Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the mouth of Mr. Dina Nath was shut with a handkerchief and he was forcibly removed from the dais on the 18th February, 1941, in Dasuha when he was about to offer satyagraha by shouting anti-war slogans and he was also beaten by the police and members of the Civic Guard; if so, the reasons for the same;

(b) whether it is also a fact that on the same day the local police and Civic Guards lathi-charged the peaceful gathering of people who had come to listen to what Mr. Dina Nath had to say; if so the reasons therefor?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): The answer to both parts of this question is in the negative, but I may add that the arrest was opposed by a disorderly crowd who tried to rescue the arrested person from police custody by show of force, and the police were compelled to arrest seven other persons, who were the ringleaders in the attack upon the police.

SARDAR HAZARA SINGH AND SARDAR TARA SINGH.

*7852. **Rai Bahadur Lala Gopal Das**: Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Sardar Hazara Singh of village Kala and Sardar Tara Singh of village Narla, district Lahore, who were serving in Hong Kong British Police until 3rd March,

[R. B. L. Gopal Das.]

1941, had been brought to the Punjab under police custody and detained under Rule 26 of the Defence of India Rules ;

- (b) whether it is a fact that they are at present being detained in the Lahore Central Jail and are being treated as 'C' class prisoners ;
- (c) whether it is a fact that these prisoners have recently submitted a representation to the authorities that they should be treated like Deoli Detenus and be given better classes ; if so, the action taken or intended to be taken thereon ?

Parliamentary Private Secretary (Sayad Amjad Ali Shah): (a) Yes.

(b) Yes : their diet is as prescribed for ordinary prisoners.

(c) There are no classes under the Punjab Security Prisoners Rules, all are treated alike except in the matter of diet. The applications of these two persons for special treatment were rejected.

Sardar Lal Singh : Are all these people being treated as C class prisoners ?

Parliamentary Private Secretary : There are two and they are being treated as C class prisoners.

Sardar Lal Singh : Is the Parliamentary Secretary aware that these people are educated people and have been outside India ?

Parliamentary Private Secretary : I am aware that they were constables in the Hong Kong Police. I am not aware of other things.

SARDAR UJAGGAR SINGH BILGA.

***7858. Rai Bahadur Lala Gopal Das** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Sardar Ujaggar Singh Bilga, a security prisoner, now confined in the Lahore Central Jail, became seriously ill in July last and was sent to Mayo Hospital for treatment ;
- (b) whether it is a fact that the jail authorities of both the Lahore and Montgomery Jails recommended his release forthwith ;
- (c) whether it is also a fact that he has submitted an application to go out on parole for sometime for private treatment ;
- (d) what orders the Government contemplate to pass in his case ?

Parliamentary Private Secretary (Sayad Amjad Ali Shah): (a) Yes.

(b) No. Only the Superintendent, Lahore Central Jail.

(c) Yes, in May last.

(d) Government considered and rejected his request.

POLICE STATIONS IN THE PAKPATTAN SUB-DIVISION.

*7830. **Mian Sultan Mahmud Hotiana :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that it was the practice since long that except one or two police stations of the Pakpattan Sub-Division all the police stations were attached to the Magistrates at Pakpattan ;
- (b) whether it is a fact that now about five police stations of Pakpattan Sub-Division are attached to the Magistrate at Montgomery ;
- (c) what circumstances have led to this extraordinary change ;
- (d) whether it is a fact that this change is heavily affecting the purse of the public and is causing them great inconvenience of long journey and waste of time ;
- (e) what steps the Government intends to take to remove this difficulty of the public ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) No.

(b) Yes.

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

REFUSAL OF THE USE OF THE PUNJAB UNIVERSITY HALL TO SIR
S. RADHA KRISHNAN.

*7732. **Sardar Moola Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that Sir S. Radha Krishnan, Vice-Chancellor of the Benares University, was refused the use of the University Hall by the University authorities to address students when he visited Lahore in the third week of February, 1941 ;
- (b) if so, the reasons for the same ?

The Honourable Mian Abdul Haye : (a) No such request was made by Sir Radha Krishnan.

(b) Does not arise.

ARRANGEMENTS FOR TEACHING PUNJABI (GURMUKHI) TO
ADULTS IN ADULT SCHOOLS.

*7805. **Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the arrangement that has been made by the Government to teach Punjabi (Gurmukhi) to the adults in the adult schools ;
- (b) the names of the books printed in Punjabi (Gurmukhi) for educating the adults and the number of copies of each of these books printed ;

[Captain Sodhi Harnam Singh.]

- (c) the names of the books printed in Urdu and Hindi, respectively, and the number of the copies of each of such books printed ;
- (d) the number of the teachers engaged for adult education and the number of those among them who teach Punjabi (Gurmukhi) ;
- (e) the total number of the adults who have passed the prescribed examination and obtained certificates ; and the number of those out of them who have received certificates for having learned Punjabi (Gurmukhi) ?

The Honourable Mian Abdul Haye : (a) The anti-illiteracy campaign was started with effect from May, 1938, and the work was carried on by voluntary effort. Books are supplied by the Department free of cost to all adult centres which are open to all communities, and each adult is given the fullest freedom in learning the language of his choice.

			Copies.
(b)	Pandra Paurian	.. ..	35,000
(c)	1. Ilm-ki-Chabi	.. ..	98,000
	2. Qaida-i-Urdu, Yamini	.. ..	165,000
	3. Qaida-i-Urdu, Bedi Shiv Singh	.. ..	30,000
	4. Urdu-ka-Asan Qaida, Abdul Ghani Asghar	.. ..	60,000
	5. Qaida-i-Hindi	.. ..	35,000

(d) 22,554 and 762, respectively.

(e) 67,151 and 10,072, respectively.

Sardar Lal Singh : May I know whether it is a fact that the aid which used to be given by the local bodies has been discontinued for this purpose ?

Minister : No.

Sardar Lal Singh : Is it still continued ?

Minister : No aid was ever given for this campaign.

Sardar Lal Singh : The district boards used to help people who took part in this work.

Minister : I am not aware of that. The grants-in-aid are given by local bodies for primary education and vernacular education.

ENFORCEMENT OF PURE FOOD ACT.

***7880. Chaudhri Sumer Singh :** Will the Honourable Minister of Education be pleased to state the names of the District Boards, Municipal Boards, Small Town Committees, Notified Areas and Cantonment Boards where the Pure Food Act has not so far been enforced with the reasons for not doing so ?

The Honourable Mian Abdul Haye : A statement showing the names of the District Boards, Municipal Boards, Small Town Committees, Notified Areas and Cantonment Boards where the Punjab Pure Food Act, 1929, has not so far been enforced is laid on the table.

The Act is not obligatory but elective. Every effort is being made to persuade these local bodies to apply the Act to their respective areas voluntarily in consonance with the local circumstances.

Statement.

District Boards.

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| 1. Karnal. | 5. Amritsar. |
| 2. Simla. | 6. Sheikhupura. |
| 3. Jullundur. | 7. Jhang. |
| 4. Lahore. | |

Municipal Committees.

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|---------------------|-------------------------------|
| 1. Hansi. | 13. Urmar Tanda. |
| 2. Sirsa. | 14. Nakodar. |
| 3. Bahadurgarh. | 15. Phillaur. |
| 4. Gohana. | 16. Normahal. |
| 5. Palwal. | 17. Banga. |
| 6. Ferozpur-Jhirka. | 18. Zira. |
| 7. Hodal. | 19. Abohar. |
| 8. Ballabgarh. | 20. Baghbanpura-cum-Bhogiwal. |
| 9. Faridabad. | 21. Batala. |
| 10. Shahabad. | 22. Eminabad. |
| 11. Kasumpti. | 23. Hafizabad. |
| 12. Hoshiarpur. | |

Small Town Committees.

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| 1. Jakhai. | 33. Daska. |
| 2. Kalenwali. | 34. Mitranwali. |
| 3. Mandi Dabwali. | 35. Begowala. |
| 4. Mehm. | 36. Sambrial. |
| 5. Hidayatpur Chhaoni. | 37. Bhopalwala. |
| 6. Sohana. | 38. Sahowala. |
| 7. Farrukhnagar. | 39. Jamke. |
| 8. Pundri. | 40. Chowinda. |
| 9. Kangra. | 41. Kalaswala. |
| 10. Nurpur. | 42. Kila Sobha Singh. |
| 11. Garhshankar. | 43. Baddomalhi. |
| 12. Garhdiwala. | 44. Daud. |
| 13. Haryana. | 45. Sankhatra. |
| 14. Jaijon. | 46. Zafarwal. |
| 15. Khanpur. | 47. Qila Didar Singh. |
| 16. Miani. | 48. Sohdra. |
| 17. Sham Chaurasi. | 49. Sangla. |
| 18. Una. | 50. Shahdara. |
| 19. Alawalpur. | 51. Khangah Dogran. |
| 20. Dharamkot. | 52. Shahkot. |
| 21. Ichhra. | 53. Shadiwal. |
| 22. Sur Singh. | 54. Nurpur. |
| 23. Khudian. | 55. Attock. |
| 24. Padhana. | 56. Makhad. |
| 25. Kot Rai Buta Mal-cum-Azamabad. | 57. Lalian. |
| 26. Ram Das. | 58. Ahmadpur Sial. |
| 27. Sultanwind. | 59. Jalalpur Pirwala. |
| 28. Srigobindpur. | 60. Tulamba. |
| 29. Fatehgarh. | 61. Kabirwala. |
| 30. Narot Jaimal. | 62. Daira Din Panah. |
| 31. Dhariwal. | 63. Khairpur Saadat. |
| 32. Qadian. | 64. Jatoi. |

Notified Area Committees.

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|--------------------------|--------------------|
| 1. Fatehabad. | 9. Jalalabad. |
| 2. Nuh. | 10. Muridko Mandi. |
| 3. Hathin. | 11. Sarai Alamgir. |
| 4. Karnal Civil Station. | 12. Dhok Hayat. |
| 5. Kaithal Mandi. | 13. Burewala. |
| 6. Anandpur. | 14. Vehari. |
| 7. Bucho Mandi. | 15. Lodhran. |
| 8. Tankanwali. | 16. Duniyapur. |

Cantonment Boards.

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|---------------------------|-----------------------------|
| 1. Ambala Cantonment. | 9. Amritsar Cantonment. |
| 2. Kasauli Cantonment. | 10. Dalhousie Cantonment. |
| 3. Dagshai. | 11. Bakloh Cantonment. |
| 4. Sabathu. | 12. Murree Cantonment. |
| 5. Jutogh. | 13. Campbellpur Cantonment. |
| 6. Dharmasala Cantonment. | 14. Multan Cantonment. |
| 7. Jullundur Cantonment. | 15. Jhelum Cantonment. |
| 8. Ferozepore Cantonment. | |

COLOURIZATION OF BANASPATI GHEE.

***7881. Chaudhri Sumer Singh :** Will the Honourable Minister for Education be pleased to state whether he has ever considered the necessity for the preparation of the colour, to be mixed in the Banaspati ghee, in the Punjab ; if so, the efforts so far made in this direction ?

The Honourable Mian Abdul Haye : It is not clear what colour is referred to. If Oil Orange E is meant the reply is as under :—

Oil Orange E, the colour to be mixed with Banaspati ghee in the Punjab is produced by direct coupling of Diazo-benzene chlorides with B Naphthol both of which are coal tar derivatives. As no industry at present exists in India for the manufacture of coal tar dyes the prescribed colour cannot be manufactured here.

RESOLUTIONS.

MEASURES TO COPE WITH VICIOUS ACTIVITIES OF MISCHIEVOUS ELEMENTS.

Mr. E. Few (Anglo-Indian) : Sir, I beg to move—

In view of the recent developments in the international situation and the possibility of mischievous elements in the population seeking to create panic or public alarm or promote communal strife with a view to advance their own perverse objects this Assembly urges upon the Government to adopt effective administrative measures to cope with the vicious activities of these elements and, if necessary, to take further powers by means of passing such fresh legislation as it may consider desirable.

Sir, in moving this resolution there is no necessity of a speech in justification, as it is itself self-explanatory. The Empire is engaged in a life and death struggle for its existence, but under the garb of non-violence and non-embarrassment the life of the country through subterraneous channels is being poisoned. Only this morning I read an item of news to the effect that the Madura municipality refused to entertain technicians for war effort. Surely this is non-embarrassment in the real sense ! These unfortunate and misguided people, carry on subversive activities to frustrate the efforts of the Empire to the challenge for its very existence ; they go about carrying out their nefarious activities because they know that their safety is assured by the might of the British Navy which stands sentinel of the seas and through the blood of the Punjabis mingled with others of the Empire that bars the way on land. Is this the time that we should send them encouragement and appreciation of their efforts, or should we go about trying to dissuade the efforts that are being put forward by them ? Do we want Punjabis to be looked on as men or as cowards ? We find here that

everything possible is being done to dissuade people from war effort. As I have already said this resolution is self-explanatory and I will not tire the House by saying anything more except that none are so blind as those that do not wish to see.

Mr. Speaker : Resolution moved—

In view of the recent developments in the international situation and the possibility of mischievous elements in the population seeking to create panic or public alarm or promote communal strife with a view to advance their own perverse objects, this Assembly urges upon the Government to adopt effective administrative measures to cope with the vicious activities of these elements and, if necessary, to take further powers by passing such fresh legislation as it may consider desirable.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, the honourable mover of the resolution has made out no case whatsoever for giving enhanced powers to the Government which this resolution contemplates. It was incumbent on him to show whether any crime or any particular class of crime was going unpunished and that the Government under the present law was unable to cope with it or that there was any emergency for the enhanced powers which the Government seeks to obtain by means of this resolution and eventually by legislation. My submission is that no case whatsoever has been made out for any fresh powers. The law of the land coupled with the Defence of India Rules is sufficient to cope with any emergency that may arise and I again say that it was incumbent upon the mover to prove by facts and figures in what way, if any, has any crime gone unpunished. To my mind the position is clear. The additional power which this Government wants to have is just to curb the Opposition and to gag them. Government had ample powers before and they have been using them always to the best of their advantage. To give them more powers would be suicidal. The record of this Government, this party Government, has not been above reproach; they have been administering the province purely from party points of view and have been misusing the powers which they possessed. The morale of the executive has already fallen on account of the interference at the hands of parliamentary secretaries and parliamentary private secretaries. Most of the officers are not able to raise their heads and they accept the behests of the Government even in small matters. Many things are being done in the name of the Premier without perhaps the Premier being aware of them. This could be expected, and there is perhaps nothing extraordinary for a party Government to rule from the points of view of the party alone. It is, therefore, very necessary that we must weigh the situation very carefully in all its aspects before giving any fresh power to the Government. Instances have come to light where written orders were served on the members sending their resignations from the marketing committees that they will be dealt with this way and that; that civil proceedings will be taken against them; that their agencies will be taken away and so on, and all this for what fault? For having dared to send resignation from the marketing committees! I have got copies of such written orders and in course of time I will read them before the House. Again, sir, instances have come to light where names of the people have been removed from the list of Durbaris for the simple reason that they took part in the Marketing agitation. Let them remove their names by all means. That is no concern of mine. But such responsible

[S. Santokh Singh.]

officers as Commissioners of divisions have passed written orders to the effect that to take part in agitation against legislative measures of the Government amounts to disloyalty. If the Premier wants I can prove what I say, as I have got copies of such orders. To my mind, sir, taking part in the agitation against legislative measures of a government is an unobjectionable thing; and everybody is at perfect liberty to do so in a constitutional manner. I do not mind their removal from the list of Durbaris, but the fact that written orders are given by the Commissioners to the effect that taking part in marketing agitation amounts to disloyal conduct, shows the way in which laws of the land are being administered in the regime of this Government, which calls itself a representative Government and how these powers are being misused. The facts being as they are, Government should be well advised to prove before the public the special need for these fresh powers. Is it or is it not a fact that the laws of the land as they exist at present are sufficient to cope with any situation that may arise? If they are so, I really fail to understand the object of this inspired resolution. It is not a private member's resolution; it is a resolution that comes from the Government; it is an inspired resolution and from the facts in my possession I can prove what I say. I for one fail to understand what made the Government feel the necessity for these powers without which the administration of the province was suffering. In fact influential people with nationalist views are being treated as detenus for a very long time without their being brought before any court of law and if Government has already such vast powers, what do they need more powers for? The resolution as it is worded says—

“..... the possibility of mischievous elements in the population seeking to create panic or public alarm or promote communal strife.....”.

It is therefore such people who have to be dealt with by the new powers which this Government contemplates to have. In this connection, sir, I may take the liberty of pointing out that if there has been any communal strife, this Government has been more responsible for that than any other section of the public. If you look at the speeches that the Ministers of the Government have been making in villages—

Mr. Speaker : Please do not bring in Ministers.

Sardar Santokh Singh : As communal strife is being discussed I am perfectly within my rights to say as to who is responsible for it. I am justified in pointing out that Ministers—

Mr. Speaker : I have no objection to the honourable member saying anything relevant, subject, of course, to the rules of this House. The conduct of Ministers cannot be discussed except by a substantive motion. That is all.

Sardar Santokh Singh : I am not discussing the conduct of the Ministers. I am simply referring to the effect of the speeches that the Ministers have been making in their tours. It is being said that a certain section of the public is responsible for the position that we are drifting to. My reply to this is, that it is chiefly the result of the speeches that some of the members of the Government have themselves been making, whilst out on tour at public expense. I will leave it at that, as I simply wanted to

point out that it is the Government more than anybody else who is responsible for the present state of affairs.

Sir, instances were brought to the notice of the Assembly where letters were sent to the Magistrates by Parliamentary Secretaries, Private Parliamentary Secretaries and others telling them to go a particular way in the matter of decisions of one thing or the other. There is a section of the people who are politically opposed to this Government. To my mind, it is clear that the only idea, the only motive with which this Government seeks to take fresh power is to gag this section of the people and gag the opposition. The opposition in the Assembly after the withdrawal of the Congress Party has become very weak. From 60 in number it has been reduced to 20. Interests of the public are suffering and they are being harassed. With this additional power, which the Government seeks to take, it wants to gag all opposition both in this House and in the province outside, so that it might have things all its own way. For these reasons I oppose this resolution with all the emphasis that I can command.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I was surprised to hear the somewhat vigorous speech of my honourable friend the Leader of the Opposition. I personally was under the impression that we were going to discuss this resolution on merits, and within the limits of the resolution itself. But I am sorry that my honourable friend has read into this something which does not exist, and which I think the mover of the resolution does not want. I may tell him that so far as the Government is concerned we have ample power to deal with any situation. If he had not entered into the debate at this early stage and had allowed some other member from the Government side to explain the position, his speech would have been in a different tone. He has unnecessarily brought in the Marketing Act, because he is directly affected. I know that there are people who say in their speeches that this Pakistani Government has brought in this measure to crush the Hindus. He cannot deny this. His colleagues have said so, he himself has said so. But, my honourable friend is perfectly aware that the Marketing Act is meant to affect the province as a whole. If it benefits the zamindars, it benefits all zamindars whether Hindus, Muslims or Sikhs. If it hampers any one it hampers all alike. All will be affected by this measure. I think it is perverse criticism to describe any of these measures as communal measures.

Sardar Santokh Singh: I have never connected Pakistan with the Marketing Act.

Premier: The honourable member has just said that Ministers give publicity to the view of the Government with regard to this measure. He has just suggested this and now he denies it. I may again point out that Government consider that this measure is not communal but economic and for the benefit of the whole province.

Sardar Santokh Singh: What I said was and I repeat it that I never connected Pakistan with the Marketing Act.

Premier: The honourable member in his speech a few minutes ago criticised the Ministers for creating communal bitterness because of the Marketing Act. Can he deny that? I suggest that he might correct this impression when he gets the report of his speech.

[Premier.]

This resolution as I gathered from the speech of the honourable mover is merely meant to ensure that if mischief-mongers try to create trouble they may be suitably dealt with. My honourable friend the mover of the resolution wants to impress on Government the need for effective action against all those who may try to create mischief or communal strife. Does my friend Sardar Santokh Singh deny the need for such caution? Surely he cannot mean that action should not be taken against mischief-mongers. On the contrary I believe that my honourable friend will be at one with the mover of the motion in pressing Government to take strong action against those who stir up communal strife in the province. In his calmer moments my honourable friend will realise that he was unjustified in making his irrelevant observations. I think Mr. Few deserves our thanks for bringing this resolution in order to bring home to all that the present unfortunate communal bitterness in the province should be removed, if we wish to bring about a more harmonious atmosphere. It is the duty of every one of us including my honourable friend opposite—the Marketing Act and Sales Act notwithstanding—to see to it that every possible endeavour is made to ensure that communal harmony is not only not disturbed but is restored to the same happy pitch at which it stood, before the present bitterness was aroused. I would not name any individual or party, but we all know that there are people who want to exploit communal slogans for their personal ends. This class of people is creating bitterness. Against such people we will use every weapon which we have in our armoury. If need be I will come and ask for more power, and I am sure that no one in this House, whether on this side or that, will deny me that facility.

Now, my honourable friend the mover of the resolution very rightly pointed out that we are passing through critical times and that the situation both in the East and in the West was such that we should take stock again of the position here calmly, with a view to see how best we can further intensify our war efforts and help our gallant soldiers on both fronts who are risking their lives to protect this country from aggression of the Nazi and other enemies of civilisation and of democracy. He cited the instances of Madura, where unfortunately the municipality had denied facilities in their workshop for the training of technicians. Let me assure Mr. Few that so far as this province is concerned there is not a single individual, not a single commercial concern, and not a single workshop, whether owned by the central Government or the provincial Government or by private individuals, which does not provide the fullest possible facilities for training of technicians. (*Hear, hear.*) Irrespective of caste, creed and political differences every concern is prepared to train technical personnel. Punjab can take legitimate pride that in spite of our political differences, it is doing its best in the matter of supplying man power and material, and in training technical and other personnel. I may for the information of my honourable friend, point out—I think he knows it already—that even those who do not see eye to eye with us in matters relating to war have taken contracts for the supply of war materials such as blankets and other articles of wool manufacture. Thus they are helping us in our war effort and all honour to them for doing so in spite of their political differences with the British Government.

Then again, my honourable friend, the mover of the resolution said that certain people have been trying to dissuade individuals and parties from taking their full share in the war effort. Unfortunately that is true. But there again, so far as the Punjab is concerned, I believe that the few misguided people who took up that line at the beginning of the war have now thought better of it. Some of them of course have been detained in custody for that very reason. My honourable friend knows that the Government has got power to take action against such people. Government has used that power but very judiciously and with the greatest care. In order to avoid criticism it has taken some risk in not apprehending persons who were on the border line or if there was the slightest doubt about the nature of their activities. But at the same time I can assure my honourable friend that the action which Government has taken hitherto has had the desired effect, and persons who were wavering on the border line have seen reason and have come into line with the general public opinion in the Punjab with the result that I think we can very justly claim at the present moment that the Punjab as a whole—of course there are exceptions to every rule—stands united behind the war effort of the Government of the province and of its people. (*Cheers.*) That is the position, and in view of that I think my honourable friend will agree with me that we should now divert our attention more towards avoiding communal strife which fortunately has not hitherto taken any untoward turn as in some other provinces; but it might flare up at any moment. Therefore, it is the duty of every one of us to put our heads together and see how we can remove the present unfortunate communal tension in order to restore complete harmony and good will without which, even when we achieve victory in the war, we will not be able to advance one step further unless we become one in the true sense of that word. I am sure that every individual, to whatever community or party he may belong, will support Government in its efforts to bring about communal harmony. So far as we on this side of the House are concerned it is our aim and earnest desire to bring about a cordial atmosphere as quickly as possible. Only we want the help of every party and individual in the House and outside, because each one of us must work in his own circle, at home, in villages, in towns, and in clubs, schools and colleges. It is the duty of every patriotic Punjabi to strive to his utmost for the achievement of the ideal which we have set before us. I can repeat the assurance on behalf of the Government that we will be only too glad to join hands with any party or individual, irrespective of their party or political alignments, to further that object. I also feel that if we put our heads together it may be possible for us to chalk out a line of action, at least for the duration of the war which would enable us to avoid controversy in other fields also. Where there is a will there is a way. I do not see why there should be any difficulty in pooling our resources and energy to achieve the ideal which is nearest to the heart of every patriotic Indian. I for one will be prepared to give my fullest support to any effort to bring together the various communities and to restore communal harmony and goodwill. Let us unite and forget our differences, at any rate for the duration of the war. Let us eschew all controversies, and concentrate our energy and efforts on one thing and one thing alone—and that is to win this war. (*Cheers.*)

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): I am really sorry that it should have fallen to the lot of my honourable friend

[Malik Barkat Ali.]

Mr. Few, to have to move a resolution of this character, the object of which is to arm the Government with fresh powers to kill that little of liberty which remains in this province. (*Hear, hear.*) I do not know whether Mr. Few himself drafted the resolution and moved it of his own accord or whether it was an accident of party discipline, viz., that the party whip asked him to sign this resolution, which has placed him in this predicament.

Mr. E. Few : I take full responsibility for moving this resolution to-day.

Malik Barkat Ali : I am perfectly prepared to accept what my honourable friend says. I have not the least doubt that when he agreed to move this resolution he fully realised his responsibility in doing so. All that I wished to know was whether the idea of this resolution struck him in the first instance or whether it was brought to his consciousness by the party whip. But that need not detain us. In view of the fact that my honourable friend takes full responsibility for moving this resolution, I would certainly reply to the various arguments that he advanced in the course of his speech.

Now, what did Mr. Few say ? He told us that the international situation was becoming very grave and that it was undoubtedly the duty of every subject to help in the war effort. I am glad the Honourable Premier has satisfied him on that point.

The Honourable Premier has admitted in so many words that so far as the war effort is concerned, the Punjab almost to a man stands united in the war effort. If that is so, and if the Government has absolutely no complaint to make on the score that the effort of the Punjab in the matter of helping in the war is being obstructed, surely it does not lie in the mouth of any individual to come forward and say that the recent developments in the international situation demand that the Government should be armed with fresh powers for the purpose of intensifying the war effort.

Premier : The resolution does not say so.

Malik Barkat Ali : Mr. Few said in the course of his speech that he has just to-day read of the incident of the Madura Municipality where a resolution was moved or some attempt was made to obstruct the war effort. I was waiting to hear from Mr. Few those instances in the Punjab corresponding to the Madura effort which might furnish him with justification for putting forward a resolution of this character. Therefore it is clear after the statement of the Honourable Premier that so far as the war effort is concerned, the Punjab Government has no complaint of any kind to offer against the people of the Punjab.

Further I would like Mr. Few to know that already the armoury of Government is wide enough. I hope the honourable member is aware of the fact that there is the Defence of India Act and that there are rules under the Defence of India Act which govern every possible activity of man. There is no possible activity of man of whatever character which does not fall under the Defence of India Act and Rules, and Mr. Few cannot forget that for the purposes of action under the Defence of India Act, whether it is a detention for an unlimited period or whether it is an arrest of the best and the most respected man in the province or the country, there is absolutely

no remedy and the courts are powerless. The Government has the power by *lettre de cachet*, as it were, to spirit away people just as they used to be spirited away in the time prior to the French Revolution. After all what more do you want? There is the weapon of the Press Act. Mr. Few cannot be unaware that this weapon of the Press Act has been used with a vengeance in this province and that the poor man who is the victim of the Press Act has absolutely no remedy. In the first instance, there really cannot be any complaint so far as the Press of the Punjab is concerned. There is undoubtedly the most responsible English section of the Press. Then there is the vernacular press. This House cannot be unaware how certain members of the vernacular press are in receipt of substantial sums of money from the public exchequer, sometimes Rs. 6,000 each, sometimes Rs. 10,000 with the lapse of each financial year. Each press receives a substantial aid from the exchequer under the pretence of publishing thoroughly useless weekly editions, so that that press has thereby shed away the remnant of any sting of which Government might be afraid. Therefore so far as the press of the Punjab is concerned, the press of the Punjab is absolutely harmless. Then there are powers which belong to the Director of Information Bureau of withholding advertisements from any offending paper in the province. In such circumstances I fail to see what are the powers that Mr. Few asks this Government to possess.

Mr. E. Few : To deal with communal mischief makers.

Malik Barkat Ali : This was really the brunt, the main plank, of the speech of the Honourable Premier. I do desire to answer this aspect of the matter. Is it realised on those benches or not that communal peace and communal harmony cannot be brought about by legislation? Have they not realised this elementary proposition that in order to bring peace and concord among a warring people, legislation is the last thing to be resorted to? Do they feel if at all, that they are in earnest and sincere in their professions for creating communal harmony? In my opinion they are not, because it strikes me that the greatest foes of communal harmony and the greatest promoters of communal disharmony are sitting on those benches and it hardly befits those benches to put forward this plea of communal harmony.

Raja Ghazanfar Ali Khan : What does the honourable member mean by "those benches"? Does he mean the Muslim League Party in the Government?

Malik Barkat Ali : I am so glad to learn from my honourable friend that the Muslim League is represented on the Government benches. In that case I would like Sir Chhotu Ram to remember the fact that he is in that position with the support of the Muslim League and request him not to forget that he should be the last man to indulge in vituperative attacks on the leader of that party.

I would go on, as I do not want to be side-tracked from my argument. The Honourable Premier, sweet as he is, seems to think that perhaps sweetness is the solvent of many difficulties. He is quite right. I wish his sweetness were really serious and earnest, but if this sweetness is to be used as a pretext or a pretence for arming him with powers in order that he may take away, as he has done in the past, most respected honourable

[Malik Barkat Ali.]

members of this Assembly and people outside this Assembly,—if communal harmony is to be used as a pretext for bringing forward fresh repressive legislation, then the sooner this pretence of communal harmony is exposed on the floor of this House, the better. I was saying, not without reason, that the greatest promoters of communal hatred in this province are sitting really on those benches to my left. I wish that they had realised that they were doing the greatest disservice to the best interests of this province. I agree with the Honourable Premier and I assure him that there is not a single man sitting on these benches who does not believe with all his heart in communal harmony. I maintain that we on this side are most in earnest and believe in the necessity of establishing communal harmony, but I must say that since the present Government came to power, they have exacerbated the situation.

Raja Ghazanfar Ali Khan : Who are "we"?

Malik Barkat Ali : We only means those members of the House who are opposing this resolution. We feel that this time of war was the time when they should have called hush to all controversy. Now, I put to them the question: Can they put their hands on their breasts and say that during all these years they have not brought forward the most controversial legislation which has thrown the province into the vortex of the bitterest agitation known?

The Honourable Chaudhri Sir Chhotu Ram : *Ha! ha! ha!*

Malik Barkat Ali : That legislation has been passed by those benches and by this Government. Sir Chhotu Ram says *ha! ha! ha!* I can very well understand his *ha! ha! ha!*, because that power and that sanction has yet to be forged which will call him to account for those speeches that he has been making throughout the length and breadth of the Punjab. He may be immune from all punishment for the time being, but remember, there is a Nemesis working and though the Nemesis may be late in coming, yet it will come and see that the enemies of communal peace in this province are completely exterminated and rooted out. I was saying that this plea of communal harmony is a pretence and this Government should really realise that communal peace cannot be brought about through the fetters of fresh legislation. If you really believe in communal harmony, act likewise. What are the powers that you want? There is already a section in the Indian Penal Code—section 153-A—which enacts that whoever brings about hatred or attempts to promote feelings of hatred between the different sections of His Majesty's subjects shall incur a penalty. He can be prosecuted and he can be punished.

So, I want to know from this Government what further powers do they want? Do they want powers to catch people and lock them up without any courts to go into the matter?

Premier : No, we do not want any more powers.

Malik Barkat Ali : If you do not want any more powers, then why have you asked Mr. Few to move this resolution? Why are you supporting this resolution, if you do not want any more powers? Why are you deceiving people in the name of communal harmony? If you

do not want more powers, then there is no difference between us on that question. (*Raja Ghazanfar Ali Khan*: Whom do you mean by "us"? The honourable members who sit on those benches and myself (hear, hear) including those who are opposing this resolution. It does not matter whether they belong to the Muslim League or any other party. There is such a thing as individual liberty. (*Raja Ghazanfar Ali Khan*: Here speaks a Fazi-ul-Haq of the Punjab!) (*Interruptions*.) You perhaps do not seem to realize what individual liberty means. Most people have fought for individual liberty. That is the issue between Hitler on one side and the British Government on the other. You are trying to copy Hitler. (*Interruptions*.) Even during this war, which is a life and death struggle for England, the English people do not permit serious inroads upon individual liberty. You are attempting to encroach upon individual liberty. This war is being also fought for that liberty. (*Interruption*: No.) It may be that among other things England is fighting because England wants to retain all its possessions. England does not want to lose its possessions. But the English people are also professing to fight for liberty. (*Mr. Few*: You are not fighting for liberty.) Yes, I am, in opposing this resolution. But if you wish to have my views on the larger question of the issue involved in this war, I will gladly answer the question you have put to me. I say unhesitatingly that I do believe that there is a distinction between Hitlerism and the methods of Churchill, and that if I were asked to choose, I would certainly choose Churchill in preference to Hitler. I would not copy the ways and methods of Hitler. You are undoubtedly following the method of Hitler in asking for more powers without the check of courts. Now let me ask what are the powers that you want. You must have an idea of those powers. Please tell us that and the nature of the powers you desire. Your powers under the Defence of India Rules are absolutely limitless. Your powers under the Press Act are limitless. I want to know what further powers do you want? What are the reasons given in this resolution for asking for more powers? They are, namely, the recent development in the international situation and the possibility of mischievous elements in the population seeking to create panic or public alarm or promote communal strife with a view to advance their own perverse objects. Well, assuming all these things exist, even then there are powers under the Defence of India Rules to deal with any such situation. Mr. Few has said that all these things exist in this Province. But the Premier to a very large extent has nullified what Mr. Few said by stating on the floor of this House that so far as the war efforts are concerned, he is fully satisfied, and has no complaint whatever.

Mr. Few: The resolution is moved with the object of acting as deterrent to those who are likely to run wild.

Malih Barkat Ali: Mr. Few believes in the method of deterrence, which he thinks will put the people right. I must tell him that it is the right of every man, it is the right of every body to express honestly the views he possesses. Are Defence of India Rules not sufficient for you? What more powers do you require? I submit, sir, that this plea of communal harmony ill-fits with the method of this Government and with the actual working of this Government. We all know what you have been doing for this communal harmony during the last four years. You cannot deceive

[Malik Barkat Ali.]

those now sitting on this side of the House. I trust they will not be deceived. Those who are sitting on that side of the House must support you, because most of them have been nurtured in the loyal faith that they must support the men whom the Governor has put in that position. I submit, sir, that this resolution is undoubtedly a most objectionable resolution and it appears that whoever has inspired this resolution has not at all realised its grave implications. With these words I stoutly oppose this resolution. (*Applause.*)

Dr. Shaikh Muhammad Alam (Rawalpindi Division Towns, Muhammadan, Urban) : Sir, I came about the end of the discussion and the argument which was being advanced in opposition to this resolution by my honourable friend Malik Barkat Ali, a well-known lawyer and a renowned nationalist. Well, sir, it not only surprised me, but it amused me to hear his arguments both as a lawyer and as a nationalist. As a lawyer he has tried unsuccessfully to avoid the issue that is in this resolution. The resolution, if I have read it correctly, and if I understood it correctly, not correctly in the sense as my honourable and learned friend has read it, but in the sense of correctness, this resolution is to prevent those people who are certain to create panic or public alarm. Instead of arguing on the point involved, my honourable and learned friend has gone out of his way in attacking some of the speeches made outside the House by Honourable Chaudhri Sir Chhotu Ram or some other members of the Cabinet and pointing out what they said outside and what they said inside the House. Professions differ from practice not only in case of honourable members belonging to the official benches, but in other cases also. There are many of us—opportunists—who claim that they are communalists and that they do not want this and that they do not want that. They will never do this and that they will never do that. They will sacrifice all their things, even their lives for this and for that. These are our professions in speeches outside this Chamber. But so far as their practice is concerned they do as opportunists do. They know what is the atmosphere prevailing in this country. And in that sense, sir, I will submit that we are not really the leaders of public thought, but we are the followers of public thought. What we want is to please the public and the masses. So, the professions of the honourable members on the Government benches do not differ very much from the professions of those who are not on those benches. But I do not want to do anything of that kind. Therefore, I submit as a lawyer that the issue before us is the point whether it is necessary to stop the creation of panic or public alarm or not. If it is not desirable, we should leave it out of consideration and if it is desirable, then we should say, there is no question of opposition,

we will support this resolution as it has been brought in this House whether by a member of the Government benches or by a member of the Opposition benches. What unfortunately happens, sir, as it is well known to you, to me, and to others in this House and outside the House too, is that there is often opposition for the sake of opposition and support for the sake of support without going into the essence of the thing or without taking really into consideration what is the interest of the people. We support because we have to support and we oppose because we have to oppose. We oppose or support because a certain resolution

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or idea emanates from one side of benches or the other side of benches. This should not be the consideration in supporting or opposing any resolution. But we should really think of the resolution or the idea as it is put forward, on its merits. So, the issue before us is whether it is desirable to stop panic or public alarm or not and, when we are opposing it, what we should take into consideration is whether there is likelihood of creation of public alarm or panic or not. If there is no likelihood of this, there is no necessity of this resolution and if there is likelihood of this, there is the necessity of a resolution and a legislation on that point.

Next, my honourable friend has discussed this resolution in the light of a nationalist and it hardly behoves any gentleman professing to have nationalist feeling not to oppose creation of communal strife. If there is opposition of communal strife, we can very well say that this is not nationalism. Nationalism, if at all, means opposition of communal strife. My friend has been really laying too much stress on the point that it is under this pretext of communal harmony that the Government wants to arm themselves with another measure. If under the pretext of communal harmony it is wrong to say that there should be legislation against communal strife, may I, with your permission, with all humility, bring it to the notice of my honourable friend that it is a greater wrong to prevent communal strife under the pretext of nationalism. (*Hear, hear.*) That is not nationalism. It is curious for me to come forward, take its protection and with this protection say, I am a nationalist, and therefore I am opposing this resolution. In fact it is being opposed because it is put forward from the Government benches, although the work of nationalism, the idea of nationalism, the ideology of nationalism is to oppose communal strife and not to support communal strife. Then it is said that there is sufficient severity in the Defence of India Rules framed under the Defence of India Act and, therefore, so much action can be taken under those rules. Certainly, if there is that severity under those rules and under that Act, then why say that so far as communal strife is concerned, prevent it, work under that legislation and do not work under separate legislation as recommended by this resolution. This also indicates that under those rules and the Act, howsoever those rules and the Act may be, it is not the intention of the Government to work those rules dishonestly under the Act where the same cannot be applied. My friend has said that Mr. Few can be honest. I do not say what Mr. Few would say to that, but when talking so perhaps the honourable member was looking into the looking glass by saying that he should be honest. If Mr. Few is recommended to be honest, I think this is a proof of honesty that instead of applying the rules under the Defence of India Act, he has come out with honesty that those rules would not apply in the circumstances mentioned in this resolution and, therefore, I want a new legislation and that legislation is recommended by this resolution. Therefore, my submission before you is, look at the things as they stand. Do not take into consideration personal rivalries, personal jealousies and personal attacks on those sitting on those benches or on these benches and what they have been talking outside and what they have been talking inside, what they have been actually doing and what they have been really professing. It does not really sound well and it will not bring any dignified or respectable atmosphere on the floor of the House if we talk of such things. What

[Dr. Sh. Muhammad Alam.]

we should really take into consideration is the merits of the thing which is before you and the merits of the thing, as a matter of fact, are not concealed. It is all very well so far as we profess; when we talk in this Assembly or outside. The honourable member said: "I prefer the method of Churchill to the method of Hitler". I do not know whether those friends who say that they prefer the methods of Churchill to the methods of Hitler are at all honest in this profession and in this announcement too, because it suits them to say so. My submission is that it is really hardly intelligible to one who possesses an iota of commonsense that to stop communal strife or to prevent communal strife is being opposed on the point of nationalism because there is severity of Defence of India Rules or severity under the Defence of India Act. So, my submission to my honourable friend and to every body here whom I give credit for possessing sufficient commonsense, is to understand the purport and the essence of the resolution which is before this House, and if we use this commonsense without having much knowledge of law and without asking much protection of nationalism, we can at once say that so far as the merits of the resolution are concerned, the merits later is concerned, if wrong work is done under the protection of this resolution, that wrong work can be adopted and carried under the protection of other laws, also which are already so severe in the opinion of my friends on this side and I will join with them to say that certainly to a certain extent they are severe. My submission is that the wrong working can be opposed on a different ground and not on the ground that because the merits of a thing are good, therefore, we oppose the idea and the resolution because the working of it will be done in a wrong way. This is not the right way of opposing the resolution. Therefore, my submission is that so far as the merits of the resolution are concerned, we should all unanimously go in favour of it. This is a resolution preventing the creation of communal strife as far as the idea is concerned, preventing creation of public alarm as far as the idea is concerned, preventing creation of panic among the people when the war is on so far as the idea is concerned. Nobody can object to those ideas. If, the objection is to the subsequent working of this resolution, we should then adopt a different attitude and my friends and I and others have got the right in this House then to object to the working when any act is done against the spirit of this resolution and not in accordance with the resolution. Taking the resolution on its value with reference to its merits, I think we should unanimously support it and if there is any opposition to this resolution or these ideas contained in the resolution, let there be opposition to those ideas and say that this is what we do not want. We do not want to prevent panic, we do not want to prevent creation of public alarm, we do not want to prevent creation of communal strife, and, therefore, we oppose the resolution. I like these people who are opposing the resolution to be honest to this House. We should try to rise above such sort of pretext. If they are honest they should say that the resolution should be thrown out because they do not want to prevent these things. I would like the members to be honest and say things with honesty whatever consequences or whatever risk they entail, let them say that we do not want it, we want panic, we want communal strife in the country, we want public alarm in the country. They should say this even outside and preach

things which may promote communal strife. Let us say these things frankly and take the risk and take the consequences. With these words I would like to support the resolution.

Sardar Lal Singh (Ludhiana, Central, Sikh, Rural): Mr. Speaker, much has been said in opposition to this resolution. I should very gladly like to answer the pertinent question asked by the honourable member who has just sat down as to why we are opposing this resolution. I should say that we are opposing this resolution not because of the substance of it but because there is a lot of camouflage going on on the floor of the House. Sincerity was never the virtue of politicians. When they utilize the time of the House they should be sincere at least to a certain extent in their motives and in their purposes. The mover of this resolution, the honourable Mr. Few, failed to make out any case whatsoever for the two main parts of this resolution, the war or the communal harmony. He spoke, as far as I remember, just for three or four minutes, but he did not make out any case as to what he wanted. He did not say that war effort was being opposed. I remember one or two words. He simply said, 'under the garb of non-violence.' By that I understand that he wanted to have a fling at the Congressites, the commander of whom has gone beyond his powers not to embarrass the British Government in any way so far as the war effort is concerned. I say that it was an unjust attack on that part of the Indian nation to say that these people under the garb of non-violence are creating public alarm. Neither there is any violence nor any effective opposition to the war efforts. What is going on in this House, not to-day, but for the last one or two years? There is the greatest war in history so far as history can recall. What has the Unionist Government been doing regardless of the fact that India stands to be trampled under the foot of Hitlerism? There has been a series of communal legislation going on for years together without any regard as to whether these people have got any power, any strength in them to help in the war efforts. These marketing legislations and other legislations—I do not mean to say that these legislations are inherently wrong, no. The worst I can say about them is that it is certainly not an opportune moment for such kind of legislation if the war effort is expected from each and every individual. If you expect help in the war effort, I would say that all the communities—I do not mean communities based upon religion, but based upon business, based upon their calling,—they should all join together and the hand which wants to curb their feelings should be stayed so that all people can at this critical time divert their energies towards war effort. The Honourable Leader of the House has said that so far as war effort is concerned all the Punjabis are doing their best. Very well, all the Punjabis are doing their best. It is also admitted that communalism does not stand in the way of war effort. That is what the Premier has admitted. He said that we have got ample powers. Very well, if we have got ample powers, what is the use of wasting the time of this House by saying that the Government should adopt effective administrative measures—a very vague term indeed, administrative measures? It is neither here nor there. What do you mean by it? Somehow you want to force people against their inclination or against their capacity to help the war effort with some effective administrative measures to cope with the vicious activities of these mischievous

[S. Lal Singh.]

elements and, if necessary, to take further powers. The Honourable Leader of the House assures us that they have got every power. In fact they have not hesitated to use those powers. All the people who were even suspected that they entertain in their minds any views that would hinder war efforts they are safely behind iron bars, in Deoli and other places. The Government even declines to answer as to how many people are behind the bars. All these people have been locked up under the Defence of India Act. This is a comprehensive measure and anything and everything can be done under the Defence of India Rules. Not only that, the Honourable Premier says, 'we do not want any powers and that communalism does not hinder war efforts'. I must say then, what do you want by wasting the time of this House and going on with this meaningless resolution about which no case has been made out? On the other hand, people of the most prominent position in this province are neither for war efforts nor are they above communalism. If war effort comes first, people would not resign from the committees appointed for war efforts. But people are willing to sacrifice everything for the sake of communalism when called upon by their leaders to do so. Prominent politicians should put war efforts first. But they put communalism first. Communal leaders must be obeyed, communal feelings must be respected and communalism must be placed first and war efforts second. How do they expect us smaller people to put communalism behind and bring war efforts first? That is the whole question. If you people put communalism first and obey communal leaders first and then come here and say, do not obey communalism, put it back, then I say that this is just an example of camouflage in this Assembly, which I think is not a proper place for such sort of political jugglery. What about politicians? They can employ people, they can use people as they like, and play this game. They can certainly say something here and do something outside. I do not at all mean to injure anybody's feelings. But I certainly ask, how can smaller people be expected to behave better when bigger people behave themselves so badly? I think no case has been made out so far as this resolution is concerned. The Punjab is doing its best so far as war is concerned. War effort is not being at all hindered by communalism (*hear, hear*). A resolution like this is simply meaningless. War effort is not being hindered, the Punjab is doing its best. I fail to understand the meaning of this resolution. It is out of place and should be rejected.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural) (*Urdu*): Sir, I rise to support the resolution under consideration. I am glad to find that almost every section of the House is in sympathy with the object of this resolution. My learned friend Malik Barkat Ali, however, fears that if Government is armed with more powers, such powers may be used against the opponents of the Government. But he has not been able to quote even a single example of misuse of power by Government, in support of his contention. Government already has vast powers under the Defence of India Rules, but even the worst critics of this Government will concede that these powers have never been exercised unjudiciously or in a partisan spirit. Malik Barkat Ali's apprehensions are, therefore, baseless and unjustified. Moreover, the resolution under consideration does not seek to give any further powers to

Government. It merely asks the Government to adopt effective administrative measures to check the activities of mischief-mongers who for their own nefarious ends create public alarm or incite communal strife as such activities at the present critical juncture are likely to impede the war effort of the province. The resolution further suggests the Government to equip itself with further powers, if necessary, to deal effectively with these dangerous activities. This does not necessarily mean that the existing powers of Government are inadequate. If Government wants more powers it will have to satisfy the House that such powers are really necessary. The Honourable Premier has already assured the House that the Government has adequate powers and is determined to maintain the internal security and law and order in the province and that no one shall be allowed to do anything which will hamper the war effort. My learned friend Malik Barkat Ali also suggested that in view of the Honourable Premier's remark that this province stands united behind the war effort, Mr. Few's resolution was unnecessary. The Honourable Premier rightly observed that this province stands united behind the war effort of Government but he did not say that the province was absolutely free from mischief-mongers. It is true that an overwhelming majority of the people in the Punjab is fully co-operating with the war effort of Government. (*Hear, hear.*)⁶ But it cannot at the same time be denied that there are present in this province mischievous elements. Some of them raise unnecessary controversies and instigate communal strife for their own selfish ends while there are others who try to disturb the peace of the province by instigating communal and class hatred and by raising controversies and false alarm with the object of impeding war effort. These internal enemies of the country know that public opinion in support of war effort is so overwhelming and strong in this province that any direct attempt on their part to preach against it will not only prove ineffective but will rouse strong indignation against them. (*Hear, hear.*) These cowards, therefore, find it more convenient as well as effective to achieve their sinister object by arousing the religious sentiments of the uneducated or half educated masses. They mislead people in the name of religion and provoke communal disharmony. Sometimes they appear as friends of poor and labouring classes and incite class hatred. They instigate workers and labourers to strike and raise unnecessary controversies. They try to disturb the peaceful atmosphere of the country so that the attention of the people may be deviated from war effort and they may not be able to put in their full effort for the successful prosecution of war. These activities not only impede the war effort but are also dangerous for the internal security and peace of the country which is so essential at this critical juncture. No sane and patriotic person can oppose this resolution which asks the Government to check such nefarious activities and make it impossible for the mischief-mongers to imperil the peace and safety of our country. In view of the recent developments in the far east the safety of India is seriously threatened and there is a grave danger of the war extending to our own country. It is no time for domestic squabbles. We must shun all controversies and stand united to defend our motherland. All our energy must be concentrated on winning the war. Our first and foremost duty is to defend our country. My learned friend Malik Barkat Ali was also

[K. B. Mian Mushtaq Ahmad Gurmani.]

pleased to remark that if more powers were given to the Government the people will be deprived of whatever little liberty that is left to them in this province. I am amazed at this suggestion. Let my friend Malik Barkat Ali realize that people and Government are no longer two separate *entities*. The Government to-day represents the people of the province and all the authority vested in it comes from the people and is exercised in the best interests of the people. The existence of the Government depends on the will of the people. It cannot remain in office for a day if it loses the confidence and support of the people. The Government thus constituted can never think of curtailing the rights and liberty of the people. It is the fundamental right of every citizen, in a democratic state, to have freedom of thought, speech and action, but it is not an unlimited right. Unlimited freedom is no freedom. It is chaos. It is another name for anarchy. One has a right to freedom as long as it does not interfere with another person's freedom. If it does, it no longer remains a right it becomes an offence. No person has a right to say or do anything which may endanger the safety and security of others. Let us not forget that we are passing through abnormal times which necessitate extraordinary precaution and restraint. In the high mountains there are sometimes conditions to be found when an incautious move or even a sudden loud exclamation may start an avalanche. That is just the condition in which we are passing. It is, therefore, essential that every one should exercise caution and self-restraint, to avoid a catastrophe. It is no use talking of the freedom of individuals at a time when the freedom of the whole country is seriously threatened. We must first of all try to ensure and protect our collective freedom. The freedom of individuals will automatically follow. (*Hear, hear.*) My honourable friend Malik Barkat Ali said, "We, on this side of the House cannot agree to giving more powers to Government." I fail to understand on whose behalf my honourable friend was speaking and what he meant by the pronoun 'we' and the words 'this side of the House'. I must confess that his political alliances and affiliations have always been a mystery to me. He claims to be a Muslim Leaguer but does not belong to the Muslim League Party of this House. He occupies a seat in the rear of the ministerial benches, counsels with the Congress-cum-Akali Party and votes with Dr. Sir Gokul Chand Narang. This phenomenon, I must admit, is beyond my comprehension. Perhaps students of Psychology, Political Science and Constitutional Law, may be able to throw some light on this subject. (*Laughter.*) Did my honourable friend use the pronoun 'we' for himself and Sardar Lal Singh? And what did he mean by 'this side of the House'? Did he mean his own seat? (*Dr. Shaikh Muhammad Alam:* It is a side of the House) or did he mean Barkat Ali-cum-Narang-cum-Lal Singh corner?

I was further amazed at the suggestion of my honourable friend that this Government has a communal outlook and that the Ministers of the Government go about making speeches which create communal bitterness. Malik Barkat Ali alone is capable of making such an unjust remark. The very constitution of this Government shows that it can be anything but communal. It represents all the various communities and interests in this province and no one community has a dominating position in it. No

provincial Government in India, since the inception of provincial autonomy, can boast of a better record of maintaining communal harmony than this Government. During this period of communal tension, when all other provinces were ablaze with communal riots, this Government, in spite of mischief-mongers, preserved communal peace in this province. Nothing could be more uncharitable or unjust than to accuse this Government of communalism. To Malik Barkat Ali I can only say that "everything looks yellow to a jaundiced eye". Malik Sahib advised the Honourable Chaudhri Sir Chhotu Ram that for the sake of his colleagues of the Muslim League Party, he should show greater respect to the Qaid-e-Azam, in his speeches. This advice would be more effective if Malik Sahib himself would also show greater respect and sense of discipline towards the Muslim League. How can one ask outsiders to respect his leader or his organisation when he himself flouts the decisions of his leader and violates the discipline of his organization?

Before I conclude I must give an answer to the remark made by my honourable friend, Sardar Lal Singh. In the course of his speech he sarcastically remarked, "How can those who resign from the National Defence Council on communal considerations ask others to refrain from communalism and intensify war effort?" This remark was perhaps directed to the Honourable Premier, who as we all know resigned from the National Defence Council. Nothing can be more unjust or further removed from truth than to suggest that the Honourable Premier resigned from the so-called National Defence Council on communal considerations. It was quite the reverse. The Honourable Premier made it quite clear when he resigned from the National Defence Council that he did so because he could not accept the membership of that body as a representative of one community. He could only go there as a representative of the whole province. His decision was unanimously approved and endorsed by all members of the ministerial party, including Muslims, Hindus, Sikhs, Christians, and Europeans. The letter of the Governor of Bombay to Mr. Jinnah revealed, that Sir Sikander Hyat-Khan was nominated to the National Defence Council as a representative of the "Great Muslim Community". If Sir Sikander had accepted this position he would have been guilty of breach of faith. How could he serve on that body as a representative of the Musalmans when the Muslim League, the only representative organisation of the Musalmans of India, was kept out of it? In taking that decision he showed a high sense of duty, statesmanship, and political sagacity. He avoided disruption in the ranks of the Musalmans which would have proved detrimental to the war effort. It is due to Sir Sikander's foresight and statesmanship that the Musalmans of India stand united behind the war effort to-day. The decision of Sir Sikander might have disappointed or even annoyed some of his shortsighted English friends but it has certainly helped in keeping the Musalmans united in support of the war effort. I know Sardar Lal Singh would have been happy if there had been a disruption in the ranks of the Musalmans of India but surely it would not have helped the war effort. In the end I must congratulate my honourable friend Mr. Few for having moved this resolution and I hope the House will pass it unanimously.

Chaudhri Jalal-ud-Din Amber (West Central Punjab, Indian Christian) (Urdu): Sir, much has been said in favour as well as against the

[Ch. Jalal-ud-Din Amber.]

present resolution. I do not want to repeat all that. Any repetition of the arguments that have been advanced for or against the resolution would waste the valuable time of the House. I do not disagree with the object with which Mr. Few has moved this resolution. What I differ with is the method which he has proposed to meet any such situation as has been envisaged by him in his resolution. I have stood up to express my difference with him so far as the method proposed by him to cope with any such situation is concerned. I partially agree and partially disagree with the honourable member who spoke before me. I fail to follow the principle laid down in the verse :—

اگر شاہ روز را گوید شب است این
بیان کند گفت اینک ماه و پر دین

I cannot act upon the advice given in this verse and am not prepared to please the present Government by saying about the Punjab :—

اگر فردوس بیرون زمین است—
زمین است و زمین است و زمین است—

I will frankly say what I think of this resolution. Sir, it has been stated that there are fifth columnists present in this province. I cannot agree with it. It appears that an attempt has been made in this resolution to dub the whole province as fifth columnist. It is a wrong insinuation. It cannot be justified in any way. So far as this side of the House is concerned I can say that there are no fifth columnists among us. I also do not say that there are any fifth columnists on the opposite benches. But I do not want to become an opportunist like Dr. Muhammad Alam.

Sir, the aim of this resolution as stated by the members of the Unionist Party is to eradicate the causes of communal strife. But my honourable friend Khan Bahadur Mian Mushtaq Ahmad has observed that Government does not intend to ask for more powers. The object of this resolution according to him is only to draw the pointed attention of the Government to the necessity of removing the scourge of communal strife from the Punjab. This sounds to be a plausible proposition. But it is not based on sound logic. Where is the necessity of bringing this resolution if the Government does not want any more powers and any more weapon to curb communalism? Everybody agrees that communal strife is bad and that it ought to be ended. What is needed is that the Ministers of the Government should give the public a lead in this matter. They should discard all communalism in their own dealings. The Government has already ample powers to deal effectively with the mischief-mongers under the Defence of India Act and the rules made under that Act. My honourable friend Malik Barkat Ali has made this point quite clear in his speech. What more powers does the Government want for removing communalism from the province? The plea put forward by my honourable friend Mr. Gurmani that no more powers are wanted by the Government is based on his own *khushkhiāli* (optimism) and self-deception. I for one cannot agree with him. Surely the Government has something in its mind. Sometimes in the future the Government will fall back upon this resolution and say : "Look

here, the House had asked us in the form of this resolution to check communal strife. We want this special power for this purpose." But may I point out to the Government that external treatment will not heal communalism. Internal treatment is needed for this malady. Outer bandages of legislation will not cure it. The disease has cast its roots much deeper than the Unionist imagine. I am glad that Mr. Few who belongs to a community that can rightly be termed to be the true arbitrator between the contending communities like Hindus and Muslims, has come forward to use his good offices for securing this laudable object. But I will ask the Government to look deeper and discover the true causes of this communal strife. A superficial view will not help us to any great extent. Mere resolutions are not enough. I will quote in the language of a poet who has beautifully expressed the idea which I want to explain in the following Persian couplet, which shows that it is not always by repression but by conciliation that the object in view is gained :

قد آمیخته باکل نه علاج دل باست
بوسه چند بیا موز به شفا می چند

On the one hand the honourable members of the Unionist Party profess sympathy with the Pakistan scheme and on the other they advocate communal harmony in the House.

Nawab Sir Shah Nawaz Khan : Do not fear Pakistan. It is calculated to safeguard the rights of all communities. It will give you ten per cent share.

Chauhdri Jalal-ud-Din Amber : I cannot be carried away by such promises. Surely if you will give one community more than its due, you will rob the other. Why should one community desire to have political ascendancy over another ? If you give us 10 per cent instead of 2 per cent as now wherefrom will you have your 50 per cent ?

Nawab Sir Shah Nawaz Khan : Not 50 per cent but 56 per cent.

Chaudhri Jalal-ud-Din Amber : Still further a proof of the value of your offer :—

نه دوا پر نه دوا یاروں کو کچھ چین نصیب
زیر یاروں نے بہت کمیشن اور کمیشن

If you give up this demand, we will not demand any separate rights. That will be the true spirit of communal peace and harmony. At present your attitude is rather contradictory. In one and the same breath the members of the Unionist Party claim to be nationalists and demand separate rights. They are thus blowing hot and cold at the same time. In the face of the demand for Pakistan and communal representation all talk about communal harmony is nothing but sheer nonsense. It is time they modify their attitude. With these few words, I beg to oppose this resolution.

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muhammadan Rural) (*Urdu*) : Mr. Speaker, I rise to support this resolution. After the convincing speech of my honourable friend Khan Bahadur Mian Mush-taq Ahmad Gurmani there is no need of making any other speech in favour of this resolution. I will, therefore, be content with making only a few

[K. S. Raja Fateh Khan.]

remarks. It was hoped that even the Opposition would entirely agree with the laudable object of securing a communal harmony in the province because communal strife is nothing but a deadly poison for the nation as well as for the country. But it is surprising to note that the honourable members of the Opposition are not prepared to support any motion that comes from the side of the Government even though it may be calculated to promote the best interests of the country. Is there any true Indian who can prefer communal strife to communal harmony? The future of India will be dark indeed without the attainment of communal concord. But when the Unionist party advocates inter-communal harmony in this House, our honourable friends sitting on the opposite benches get up to oppose the motion before the House. Let us consider the novel argument that the Opposition have put forward in opposing this nationalistic resolution. They say that if no new powers are wanted by the Government, why raise this issue in the House? I would reply by saying that there is no harm in repeating a good thing over and over again. That is a good form of keeping in sight the laudable objects. A Persian poet has alluded to this idea in the following couplet:—

نزد خواہی داشتن کرداغ دئے سینه را
گاہ باز بخوان آن قصہ پارینہ را

My honourable friend Chaudhri Jalal-ud-Din Amber is very fond of quoting verses in his speech. Let him be paid back in the same coin.

What I want to emphasise is that the international situation has taken such a serious turn that it calls for an earnest endeavour at our hands to forestall the mischief-mongers who might play the fifth column in our land of five rivers and to frustrate their nefarious attempts to create panic or public alarm or promote communal strife with a view to achieve their own selfish ends. We should take stock of the critical situation and firmly deal with the elements having hypocritical propensities. I may also add that our country is now face to face with an unprecedented potential danger and any negligence on our part would bring in its wake, untold miseries to the people. It is, therefore, high time that we urged upon the Government to adopt effective measures to cope with the vicious activities of the mischievous elements and if necessary, to arm itself with additional powers by any such fresh legislation as it may consider desirable.

Then, sir, it has been remarked by some honourable members opposite that the resolution would give a handle to the Government to interfere with the civil as well as individual liberties of the people. I may tell them that they are labouring under a wrong impression. Government has not the least intention to make any encroachment upon the individual freedom of the people. We only want to strengthen the hands of the Government so that it may be able to protect the province from lawlessness promptly. In this connection I may point out to the honourable members opposite that even in the strongholds of liberty, I mean America and England, the Governments of those countries have been compelled by the force of circumstances to acquire extraordinary powers with the sole purpose of securing national safety. Nobody there has complained that the liberties of the people have been trampled under foot. Mr. Churchill has gone to the length of

introducing a measure for conscription of the population of England. Will my honourable friend over there call it an interference with the individual liberty? I am sure saner counsels will prevail with them and they would not question the *bona fides* of the ministerial party for bringing forward this resolution and would also eschew from imputing motives to the Government. With these words I strongly support the resolution.

Mian Sultan Mahmud Hotiana (Pakpattan, Muhammadan, Rural) (Urdu): Sir, on perusing the resolution under consideration, one finds that it is a very simple and an innocuous proposition. It can be divided into two parts. In the first part it has been urged upon the Government that in view of the recent developments in the international situation and the possibility of mischievous elements in the population seeking to create panic or public alarm or promote communal strife, it should take effective measures to cope with the vicious activities of such elements. The second part suggests that the Government should arm itself with further powers, if necessary, by means of passing such legislation as it may consider desirable.

At this stage Mr. Speaker left the chair and Mr. Deputy Speaker occupied it.

So far as communal strife is concerned, our province is somewhat in a happy position as it is almost immune from it. Honourable members are aware that other provinces have, off and on, been the scene of communal fracas. I am, therefore, of the opinion that there appears no necessity for legislating any measure on this account. As a matter of fact our province is much better off in this respect. But I would like to make a few observations in regard to causing of panic or creating public alarm by the mischievous elements, in the province. So far as incidents of murders, thefts and dacoities are concerned, the conditions prevailing here are appalling and they have gone from bad to worse. Law and order have seriously deteriorated in our land. I think this lawlessness is unprecedented. It is shameful that here the crime is inordinately on the increase. It would not be out of place to mention here that to a great extent the present war has also been responsible for this state of affairs. The mischief-mongers have become bold and indulge in all sorts of pernicious activities. I, therefore, think that this resolution which has been moved to-day ought to have been brought forward a year earlier. I would draw the pointed attention of the Government to the fact that it should carry out the recommendations made therein in letter and spirit and see that it does not remain a paper resolution, only to be discussed and passed by this legislature in a leisurely manner. I have no mind to go into minute details but I would elucidate my point by citing a few instances. Mr. Deputy Speaker, the malefactors in the province have become very daring in their depredations. The other day a poor zamindar was taking his produce in a bullock cart to a certain mandi. During the night while plying his cart he became a little drowsy. Two of the band of highwaymen, who was after him, quietly relieved the oxen of their yokes and themselves carried on the cart for a few yards. In the meantime when their accomplices made good their escape with bullocks, they threw off the cart and decamped in the darkness. Now you can fully imagine the predicament in which this poor zamindar was placed. The culprits could not be traced. Again in the Multan district, a person along with his son and 25 other persons was sleeping, when certain

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bad characters, who wanted to wreak their vengeance upon him, caught him unawares and committed a cold-blooded murder. They cut his body into pieces like a minced meat and threw it into the river. Now as the dead body could not be found, the culprits could not be brought to book. What a sorry and regrettable state of affairs! Again if a cow or a sheep is stolen the police readily enters the report and takes upon itself the responsibility of tracing it, though it is a different matter that it may or may not meet with any success. But if a woman is abducted, the police refuse to register the report and say that the aggrieved party should file a suit in some court of law. Now what is the root-cause of this state of affairs? The thing is that our laws are incomplete and fall short of coping with the situation. It is extremely necessary that in order to make them fully effective, they should be overhauled and radically amended. I am of the opinion that such amendments should be made in the existing enactments that even if the stolen property is not recovered, but it is established that a particular person was guilty of theft, he should be severely punished and not let off scot free on the ground of benefit of doubt. Similarly in murder cases the culprits must be given exemplary punishment if the guilt is proved, even though the dead body may not be traceable. I am, therefore, of the view that the remedy of such ills lies in the fact that Government should adopt strong and effective measures and if necessary, pass fresh legislation, to cope with the increased wave of crime. I again urge upon the Government the desirability of removing the defects and lacunæ in the existing laws at the earliest opportunity and thus protect the aggrieved people. It is time that Government took stock of the prevailing conditions. They should not sleep over the matter but take effective steps for protecting the interests of the law-abiding citizens of the province. I am sure the Government is wide-awake and it would not miss the bus. With these words I strongly support the resolution under consideration.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (Urdu): Sir, the resolution now before the House presents a very

2 p. m. simple proposition and in fact I hoped that it would be unanimously carried by all sections of the House. But as usual it has met with stout opposition at the hands of my honourable friends over there. I was rather surprised to hear their speeches based on fallacious arguments. But my astonishment was removed when I was reminded that it had become a habit with them to oppose—for the sake of opposition—whatever emanated from this side of the House. It seems that they have made it a point to offer opposition without caring whether the proposal or the resolution under consideration is useful or not and whether it will be conducive to the best interests of the province. But تو مابقی ان است when they go outside they hold big conferences and even in the press and on the platform they cry themselves hoarse that communal harmony should be restored and that the communal strife which is eating into the vitals of the body politic, should be put down with a firm hand by the Government. This is what they profess outside before the public. But

جون بہ خلوت میں رولڈ آن کار دیوگ، میں کہند

(laughter)

when the resolution urging the Government to adopt effective administrative measures with a view to carry out these noble sentiments is moved on the floor of this House, my honourable friends opposite, in their wisdom, decide to decry it. I really wonder at the chameleon-like attitude adopted by them.

The resolution as it stands is very simple and innocent and I wonder how it has been confused with the Pakistan scheme and the communal award which have absolutely nothing to do with it. Furthermore the wording of the resolution does not indicate at all that it is being brought forward for establishing Pakistan in the province.

The point which amazed me much was the one raised by my honourable friend Mr. Jalal-ud-Din Amber, who is sitting on the opposite benches and that point was with regard to communal award. I may tell my honourable friend opposite that if this question with regard to communal award had been raised by my friend Dr. Narang it would not have amazed me much. Because he, as a matter of fact, does not want us to regain our lost rights that have been snatched away from us by him and men of his type for the last so many years. You would remember, sir, that my friend Chaudhri Jalal-ud-Din Amber was in favour of communal award when he used to sit on these benches. But to-day on account of a small difference between him and the Ministerial party he seems to be very much against the communal award. I think it is the effect of the company he keeps.

As much has been said about the Pakistan scheme from the opposite side of the House I would also like to say with confidence that Pakistan is the only remedy for restoring communal harmony in the province. It is evident from history from Muhammadan rule in India down to the present that the non-Muslims have got more than their due share. *Rawadari* is the confirmed habit of Musalmans. Please have a look at provinces where Musalmans have been in power. You will find that the treatment of the minorities by the overwhelming majority has always been equitable and just and also in the matter of services more than due proportion has always been given to them and their interests have always been safeguarded by the majority. In this very province in spite of the fact that communal award has been established, the Musalmans are not enjoying their due share and they are suffering a good deal as Muslims in power are observing the principle of *Rawadari*. I, therefore, submit that Pakistan is the only remedy for all these communal troubles. If Pakistan is established in the province I may assure my honourable friends opposite that the rights of the minorities will be protected and due share will be given to them as usual. When it has been declared from the platform and the press not once but many a time that if Pakistan is established the minorities would not be embarrassed by the party in power but their interests would be safeguarded in the hands of the majority party, I do not understand why my honourable friends opposite have made Pakistan a bogey. Let me once again assure them that if there is anything by which we can restore communal harmony in the province, it is Pakistan. This is my firm belief and I will stick to it.

Then a reference has been made to agrarian Bills. I would like to say a few words in this connection too. It is most regrettable that my

[K. S. Khwaja Ghulam Samad.]

honourable friends opposite are not honest enough to play a fair game. But they seem to believe in playing a double game like hypocrites. On the one hand they profess themselves to be the well wishers of the poor zamindars of the province and on the other they oppose the agrarian Bills which were enacted with one purpose in view and that was to benefit the poor zamindars and which, as a matter of fact, have proved to be beneficial. I would also submit that my friends opposite admit in their heart of hearts that the agrarian Bills will always stand the poor zamindars in good stead, but for the sake of opposition they are opposed to them and they remark that these measures would not do any good to the zamindar. How strange. Take, for instance, the Restitution of Mortgaged Lands Act. I wonder who on the face of the earth can say that the poor and needy landless zamindar will not derive enormous benefit out of this Act! May I ask why my honourable friends opposite grudge the zamindars if the mortgaged lands are restituted to them? So far as this resolution is concerned I am of the opinion that instead of opposing it we all should be grateful to Mr. Few for moving it at the proper time when war clouds are hovering over the borders of India, by which the hypocrites of the province who say one thing and do another and also those who are creating obstacles in the war efforts will be brought to book. Another object of this resolution is to stop communal riots which have already taken place at certain places. I invite the attention of the House to the Bhawani riots where the murderer broke into the houses of poor innocent men, burnt their houses, injured and killed them mercilessly there and then. I would therefore point out that if this resolution is passed it will protect the country from lawlessness and it will also stop such communal murders and check the nefarious activities set up by communal-minded people who do not hesitate even to go out of the way to hurt helpless people belonging to other communities.

Let me now take the question of powers on which much emphasis has been laid by the honourable members sitting opposite. As you are aware some of the honourable speakers have already remarked that Government have sufficient powers in their hands to penalise the mischief-mongers and to suppress their vicious activities. There is no doubt about it. But my submission is that for maintaining peace and restoring communal harmony in the province it seems to be quite necessary that a separate measure should be adopted by Government to forestall mischief-mongers and to frustrate the nefarious attempts to create panic or public alarm in the province. The Assembly should take stock of the situation and I do feel that it is high time to adopt an effective measure by means of which the communal speeches based on false rumours will have no opportunity to create panic in the various communities and if at all any one under the pretext of leadership starts throwing communal venom against another community, he will not be spared by Government under this legislation. It is in the interests of the province that the vicious activities of mischief-makers ought to be suppressed by Government at the very beginning.

With these few words I lend my full support to the resolution under discussion.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, I must admit at the very beginning of my remarks that I am at a loss to

understand the necessity of moving this resolution in the House. May I know if the powers already vested in Government by the existing enactments fall short of the necessity now felt by them? If those powers are really insufficient to cope with the present situation, Government are welcome to adopt this measure. But I am afraid Government have already equipped and armed themselves with the weapons of laws like the Criminal Law Amendment Act, the Defence of India Act and its rules as well. I may also point out that if this resolution had been brought forward with a view to remove political differences I would have gladly lent it my support. But this resolution savours of Government's strong desire to acquire such a power as would gag everybody who would open his lips against the party in power. I feel that any more power given to Government would be used against their political opponents who come forward to demand their rights. Our past experience shows that those patriots who demanded their legitimate rights had been put behind the bars by Government. What I want to submit is that at present I do not see any necessity of passing this resolution and if need be I would be the first man to support it. Now I fail to understand why more powers are being asked for when Government possess so much power already. In this connection I would like to quote a Punjabi instance which, I think, is quite applicable to our Government who seem to be so desirous of having those powers over again in their hands which already exist. A man asked his servant to put saddle on his horse. His servant replied? "Sir, I have already put it on the horse." The master said "Well put another saddle on it." This is exactly the case with our Government. (*Interruptions.*) Sir, it is a habit with certain people to interrupt a speaker off and on in order to spoil the effect of his speech or to make it sound ridiculous. Anyway, I was submitting that in the presence of effective laws which already exist this resolution is superfluous and absolutely uncalled for and that is why I said that it savours of some ulterior motives. So far as communal dissensions are concerned my submission is that it is not only the differences and quarrels between the various communities that should be condemned but even those who try to create dissensions between the various sections of the same community whether it is Hindu, Muslim or Sikh, are doing a great disservice to the country. In this respect the record of our Government is anything but praiseworthy. During the last five years they have spared no effort to sow the seed of disunity among the different sections of the population of this province. (*Hear, hear.*) Previously there used to be differences between the Hindus and the Musalmans and after a time Sikhs were also made to enter the arena, but that was not all. Then an exceptionally fertile brain created a new set of differences such as agriculturists *versus* non-agriculturists, rural *versus* urban and lastly Unionists *versus* non-Unionists and thus the whole population has been torn as under embroiling all communities and classes. If you want to espouse the cause of agriculturists, I am with you, but you should always remember that the agriculturists and non-agriculturists have too much in common to be placed in separate water-tight compartments, always warring with each other. The same is true with regard to the rural and urban sections of the population. They are inter-dependent on account of common interests, personal relations and mutual responsibilities. If you had tried to bridge the gulf existing between the various sections of

[Mian Abdul Aziz.]

the population no one would have doubted your *bona fides*. But you have been creating further dissensions and unnatural divisions between communities and different sections of the population to serve your own ends. You have pursued the policy of divide and rule so relentlessly that we are compelled to look askance at this resolution. I may be permitted to refer here to the Rowlett Act which was meant to gag the people. It was condemned by all communities and classes throughout India and the Government was compelled to make it a dead letter. Similarly you are using the backdoor method to arm yourselves with fresh powers. If you come forward and declare openly that you do not want anybody to demand his rights during the war we may agree to the proposition. But we are afraid that this resolution will be misused to the detriment of the civil liberties of the people and that is why we are opposing it. I have heard the speeches of my honourable friends Khwaja Ghulam Samad and Mian Sultan Mahmud Hotiana and I make bold to say that there was no occasion to drag the Pakistan question into discussion. Those who favour the Pakistan Scheme are welcome to support it and similarly those who consider it prejudicial to the best interests of the country have the right to oppose it. But there is no point in Hindus opposing a proposition simply because it has emanated from the Muslims and *vice versa*. Such a mentality cannot be appreciated by any person with an iota of commonsense in his head. The Muslims must get their legitimate rights. I am their representative and cannot see their rights being trampled under foot by anybody. But I must deprecate all attempts at widening the gulf between the two communities. My honourable friend Mian Sultan Mahmud Hotiana devoted a good bit of his speech to sections 498 and 379 of the Indian Penal Code. I admire his knowledge of law but I must be allowed to point out that this House is not the proper place for discussing the merits of the Indian Penal Code. I wish he were in the Central Legislature so that he could get the whole Code amended according to his liking. Again he attacked my profession saying that lawyers are playing havoc in this country. Sir, there are four lawyers in the present cabinet and there may be certain others among the Parliamentary Secretaries.

Minister for Finance : The honourable speaker is also a lawyer.

Mian Abdul Aziz : Yes, thank you.

Minister for Revenue : As a lawyer you should advocate a good cause.

Mian Abdul Aziz : That is exactly what I am doing, but there are certain foolish people who always espouse mischievous causes. All that I want to know is why you should seek to put a second saddle on the horse. There are already laws which give you powers which are more than enough to deal with any and every thing under the sun. Then what do you want more powers for ? Anyway, if my honourable friend Mr. Hotiana considers the lawyers so dangerous for society, I would submit that the Unionist Party has the power to enact a law abolishing the profession altogether. You have already encroached on the jurisdiction of law courts and given such powers to the Panchayats, etc., which they are unfit to exercise.

So why not go a step further and complete this nefarious business and abolish the lawyers class also ?

Sir, in view of the claims that the Punjab is the most loyal province, putting up the greatest war effort in the whole of India, I fail to understand how the present war situation can be exploited by putting forward such a resolution. I came a bit late, and, therefore, could not hear some of the speeches made in support of this proposition. It is just possible that some cogent reasons might have been given by the previous speakers but I make bold to say that whatever I have heard does not carry us very far. There was nothing in these speeches except time-worn platitudes and vile attacks on the Opposition. I wish somebody had told us the real reason for putting forward this wonderful resolution. A certain honourable member hinted at the existence of the 'fifth column' in this country. This 'fifth column' is really a strange expression used off and on without its meaning being understood.

Minister for Finance : Please tell us the meaning of this expression.

Mian Abdul Aziz : Sir, it is very strange that the Honourable Minister who is a very learned gentleman and an eminent lawyer wants me to tell him the meaning of the expression 'fifth column'. May I know whether he has not understood it as yet ?

Minister for Finance : Some times I understand it and sometimes I do not.

Mian Abdul Aziz : Anyway he must have understood it to-day and if not I will explain it to him privately. (*Laughter.*) I was submitting that it has become a habit with this Government to arm itself with more and more powers. I did not want to bring in such things, but I am compelled to say that this resolution must give another cause for apprehension to those who might have incurred the displeasure of the Government. God knows what is in store for such people. I myself narrowly escaped the clutches of our benign ministerial Government at a certain time, but that history may not repeat itself in future.

Minister for Education : ہمارے ہی مان کی خبر نہ آئیگی

Mian Abdul Aziz : Exactly, and that is what everybody is afraid of. I thank my honourable friend for supporting me in this respect and thus letting the cat out of the bag. This shows that there is something really black in the matter and that is why I would say to the Honourable Premier and his colleagues :

خداوند نہ دے خدا تجھ سے بچنے کے حق

May God never grant you powers to make life intolerable for the people ! On the other hand, I would pray to God to grant you the good sense to give a wide berth to all such activities as go to create dissensions among the various sections of the population. Then we would be prepared to support you in every matter. I would like to cite another example of the way in which our Government uses the powers given to it. This Government has been trampling under foot the civic rights of the inhabitants of Lahore for the last five years. It has handed over the administration of

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the municipal affairs of the city to one man who is carrying on his work in the most arbitrary manner absolutely unmindful of the wishes and requirements of the people. We have more than once requested the Government to replace the Administrator by the chosen representatives of the people or even its own nominees but all such requests have fallen on deaf ears. In the end I would again request the Government to tell us the real reason and the necessity for bringing forward this resolution. If the reasons are satisfactory we might support the proposition, but under the present circumstances we cannot get rid of the apprehension that these powers are sought to be taken in order further to curtail the civil liberties and rights of the people. With these words, I strongly oppose the resolution.

Premier : Sir, I think my honourable friend Mian Abdul Aziz was not here when I spoke. I would, therefore, crave your indulgence to say a word or two in order to explain to him the Government point of view with regard to this resolution. I said in my speech that the Government had enough powers to deal with the emergencies mentioned in the resolution, and we do not want any further powers at present. I also mentioned that if at any time we considered that further powers were necessary, I had no doubt whatever that the House would be willing to grant such powers to the Government. But I can assure him that for the present the Government does not require any additional powers.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): 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 criminals 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 imprisonment 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.

Raja Ghazanfar Ali Khan (Parliamentary Secretary) (*Urdu*): Sir, unfortunately the object with which I wanted to make a speech has been defeated. My honourable friend Mian Abdul Aziz during the course of his speech more than once remarked that he had not been able to understand the real significance of this resolution. At that time I made up my mind to make a speech for it was just possible that I might succeed in driving home to him the real import of the resolution sponsored by Mr. Few. But it is very much regretted that after firing off his speech he has left the House. During the course of his speech he was also pleased to observe that as he had come late therefore he was not aware as to what the previous speakers had said about the resolution. But as ill-luck would have it he has left the House earlier and has not cared to listen to the view points of others. That means that he would never be able to understand the import of the resolution at all.

Then, another honourable member of the House, Malik Barkat Ali, who vehemently opposed this resolution has also left the House and therefore he will also be not in a position to get a reply to some of the points which he urged during the course of his speech. (*Chaudhri Jalal-ud-Din Amber*: What about the speeches of those who are present in the House?) So far as their speeches are concerned I regard it a great sin to answer to the

[Raja Ghazanfar Ali Khan.]

points raised by them. On the contrary, I assure them that if the mover of the resolution had known that such irresponsible and dangerous speeches would be made in the discussion on this resolution as my honourable friend, Chaudhri Jalal-ud-Din Amber, who has just now interrupted me has made, he would probably have never moved it at all. At least half a dozen members from the opposition have made speeches on this resolution but none of them has made any reference to the question of Pakistan. It fell to his lot to drag in the most controversial question of Pakistan in the discussion on this resolution. If by moving this resolution the desire of my honourable friend was to create an atmosphere of good-will and unity in the province this dream of his has been shattered to pieces by the importation of these two words in the discussion by Chaudhri Jalal-ud-Din Amber. By dragging in these two words, 'Pakistan scheme', he has tried to reverse the very effect of the resolution. In the circumstances, I am not prepared to accede to his request by giving any reply to such like speeches, one of which he has delivered in the House to-day. He is fully aware of the fact that the question of Pakistan is neither before us nor has it anything to do with this House. Besides he is also aware as to what is the attitude of the Muslim League, the only representative body of Muslims in India, towards the question of Pakistan. The Muslim League has more than once declared in clear and unambiguous terms that as long as the war is on they do not want to raise this question at all. Even after hearing such a declaration if anybody raises this question and in the course of discussion of a resolution of this nature, there can be no doubt about his mischievous nature. There is another reason in view of which I do not want to say anything in regard to this question. That is that we have not been called upon to express our opinion on this question at all. I go further and say that during the last four months not a single Honourable Minister, not a single honourable member on this side of the House, has said anything in any public meeting or in any newspaper in regard to this question. I challenge my honourable friends over there to prove whether any member from this side of the House has referred during the course of the last four months to this question in any public meeting held in urban or rural areas. In spite of our silence on the point for the duration of the war, in spite of the fact that we do not want to start any movement which may create discord and disunity among the Hindus and Muslims, if any such discussions on the question of Pakistan are raised the responsibility for the consequences would entirely lie on the shoulders of my honourable friends opposite. In fact, I may point out that their very opposition, rather the hue and cry which they have raised against the question of Pakistan has endeared it all the more to the Muslims and I can confidently assert that this ideal of the Muslims will remain alive as long as my honourable friends live. But as it is the declared policy of the Muslim League that so long as the war is on we should lay aside the question of Pakistan I do not want to say anything further on the point.

Now, Sir, the matter which requires our close consideration is as to what is the real object of this resolution. Let me make it clear that this resolution has been moved by Mr. Few. It has not been sponsored by Government, although it is a fact that many members of my party have appended their signatures to it. But why have they done so? The reason for

this is that it is the earnest desire of the Unionist Party which stands for unity and concord that Government should not allow communal strife to gain ground in the province. I may remind the House that it was in view of that object that the members of this party were far-sighted enough to move a resolution on similar line in the Simla session of the Punjab Legislative Assembly in 1938. In that resolution it was recommended to Government that whenever they saw that any mischief-monger was trying to create trouble in the province or anybody was guilty of promoting communal hatred in the country, they should take the severest possible steps against him. But the honourable members know that in spite of the fact that Government were armed with such effective armaments, still up till now they have not laid their hands on any communalist in the province. Now there was every possibility of the members feeling perturbed over the matter that Government have shelved or forgotten the resolution passed by them or the Government have become less zealous or that any differences have cropped up among their ranks. So in order to guard against these things many members of the Unionist Party have appended their signatures to this resolution. Anyway the opinions which my honourable friends have expressed in regard to this resolution or the conclusions which they have drawn are entirely wrong. Many of the honourable members over there have observed that when the Honourable Premier had himself admitted that so far as the war effort was concerned the Punjab was leading all other provinces and that everything was being done to the successful prosecution of the war, what was the necessity of giving these enhanced powers to Government? I assure them that Government do not stand in need of any such power or special powers for helping their war effort. Our leader, the Honourable Major Sir Sikander Hyat-Khan, on the outbreak of the present war declared on behalf of the Punjab that every possible effort would be made for the successful prosecution of the war which was being waged for the protection of India and civilization itself. After this declaration of our leader every Punjabi regards it his duty and bounden duty to give a practical shape to this declaration. (*Hear, hear.*) So far as the war effort is concerned we do not stand in need of any law or resolution of this nature. Have the honourable members forgotten as to how recruitment was made in the Great War of 1914-19? Have they forgotten as to how subscriptions were collected at the time? At that time the Commissioners, the Deputy Commissioners, the Superintendents of Police and Tahsildars compelled the people by all the means at their disposal to get themselves enlisted in the army. But so far as the present war is concerned officers do not know whether any recruitment is to be made or not. Now-a-days people without any pressure from the Deputy Commissioners or any other officers are coming forward to get themselves enlisted in the army. That is due wholly to the great influence of our leader, the Honourable Major Sir Sikander Hyat-Khan. (*Hear, hear.*) It is wrong to say, therefore, that we want these powers to promote war effort.

Now I take up the question why the Government wants these powers. The answer to this is contained in the very resolution that is now before the House. It is possible that some mischievous elements in the country may try to create panic or public alarm or promote communal strife to gain their own perverse objects at a time when any developments in the interna-

[Raja Ghazanfar Ali Khan.]

tional situation may help it. Supposing the international situation becomes very delicate and directly affects India. Under such circumstances would it not be advisable for the Government to acquire more powers in order to maintain internal peace? Would it not be advisable for the honourable members of this House to arm their Government in their own interests, with extensive powers? Any such powers as are referred to in the resolution would be necessary to protect their honour, life and property. It is, therefore, advisable that if the Government does not already possess any such powers it should get them now. Peace-loving citizens need not fear Government's acquiring any such powers for they will not be used against them. They will be used against those people who will try to interfere with the peace and tranquillity of the country by vicious activities like spreading panic, creating public alarm or promoting communal strife. Under the Defence of India Act Government already possesses vast powers, and these powers are quite sufficient to cope with any situation. Government can use those powers whenever necessary. Under the circumstances there should be no objection to accept this resolution. It only amounts to an assurance to the Government that the House stands by it so far as the crushing of subversive activities is concerned.

An overwhelming majority of the people want that there should be peace and tranquillity in the province and that it should never be disturbed. Acceptance of this resolution would also mean an assurance to the people that the Government and their representatives are determined to maintain law and order in the country. Many people who do want to enlist themselves in the army abstain from doing so on account of the fear that in case of appearance of lawlessness in this country there would be none present to protect their wives and children. This resolution amounts to an assurance to them so far as protection of their near ones and dear ones is concerned. Moreover, a large number of people from my district are in the army. They are at present abroad and are fighting the enemy. They have left their wives, children and property in our custody and it is our duty to protect them. Notwithstanding the fact that an overwhelming majority of the people want peace in the country there are a few who are inclined towards mischief. They are those who have little to do to earn their living. It is they from whom there is danger to the peace and tranquillity of the country. It is said that an idle man's brain is the devil's workshop. They have little work to do to earn their living. They move about in the country making speeches and exciting people to indulge in vicious activities. (*Interruption.*) People of my district are very busy. They have to put in a lot of labour to earn their living. They have little time to listen to the speeches of any such undesirable persons. If at all any such person visits our part of the province he finds that there is none to listen to him. Only those people indulge in such vicious activities who are not interested in the war effort. The Government should arm themselves beforehand to put down the activities of mischievous elements in the population. With these words, I support the resolution now before the House.

Chaudhri Ali Akbar (Gurdaspur East, Muhammadan, Rural) (*Urdu.*): Sir, I have heard all the speeches that have been made for or against this

resolution. I have risen only to give reply to what my honourable friend Mian Abdul Aziz has said. He stated that under the circumstances when, in the Punjab people are coming forth in sufficient numbers to join the army the passing of such legislation, as has been mentioned in the resolution, is quite unnecessary. I enquire from him, who are the people who are enlisting themselves in the army? All those who join the army are agriculturists and all agriculturists are with the Government. Only 1 per cent or 2 per cent non-agriculturists join the army. The rest are all zamindars and they are unanimously with the Government. All the services are the monopoly of the non-agriculturists. It is they who live in towns and are against the war effort. In view of their such intentions this resolution is very necessary. These people do not know the difficulties which the members of the Unionist Party have to face. All Government departments are in their hands and they in co-operation with British officers do a lot of harm to the agriculturists.

Mr. Deputy Speaker : Please speak to the motion.

Chaudhri Ali Akbar : Sir, we are with the Government. Our sons, grandsons and nephews are in the army. So far as the war is concerned we help the Government in every possible way. Notwithstanding all this no one listens to our grievances. But this does not mean that we should abstain from helping the Government. We quite understand this that the British officers are very simple and they are easily led away by people who are against the interests of the zamindars and their Government. The passing of this resolution will have at least some desirable effect on those who are against the zamindars and their Government. This resolution, therefore, is very necessary and it is for this reason that I am supporting it.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural): Sir, I had no intention to speak but the last but one speech that is, the one made by one of the Parliamentary Secretaries has provoked me to say a few words. Let me say at once that I do not impute any motives to the framer of the resolution, whether it is Mr. Few himself, who has framed it, or some members of the Unionist Party who have framed it. The whole thing depends upon how a measure is worked. In the speech made by Raja Ghazanfar Ali Khan there were certain insinuations and implications which, if I have rightly guessed, are likely to produce more alarm and more nervousness than this resolution would allay. So far as the words of the resolution are concerned nobody can find any fault with them. Who is there who does not want that there should be no panic, that there should be no alarm and that there should be no nervousness in the province? Even the biggest idiot would never subscribe to a contrary proposition. Who is there who does not want communal harmony? Members of the minority communities of this province are more anxious, in fact are most anxious that communal harmony should be preserved. Even if they are evil minded, even if they are not wise, if they are not sufficiently noble-minded, it is in their own interest that communal harmony should prevail in the province. Why? Because they know that if communal harmony is disturbed, they will suffer most. Hindus, for instance, know that large numbers of their brethren live in villages which are far flung on the boundaries of the province. Three Divisions, at least, in our province are preponderantly Muslim and if any Hindu is so foolish as to do anything provoking, he will bring misery to his own co-religionists

[Dr. Sir Gokul Chand Narang.]

The same is the case with Sikhs. They may be strong in a few districts, but they also know that thousands of their brethren are living in areas where no help can be sent.

The Honourable Premier said that it was not contemplated to adopt or ask for any new powers. At any rate he has no such intention at the present moment. It was also made quite clear by Mr. Gurmani that it was not the intention of this resolution that the Government should be armed with fresh powers or that any new laws should be enacted. If that is so, what was the necessity of bringing forward this resolution? Mr. Gurmani was pleased to point out that the object of this resolution was, as it were, to awaken the Government to the existing state of affairs and to draw their pointed attention to the need for action. What action? If the action contemplated is to hunt out those who commit murders and those who kidnap women and children everybody would welcome such action. If the Government were to take action to find out any illicit arms, everybody would support them. If the Government were to take action that people from beyond the borders should not be allowed to come and roam about without any control, without any licence, permit or passport, everybody will whole-heartedly help the Government, because apprehension is entertained with respect to their movements in this province, as a matter of fact in all parts of the country. As we are situated close to the danger zone, we are more anxious than people of the other provinces. In fact I have been most anxious and I pointed out in a very important meeting, the Honourable Premier knows it, that this country is one of the most wretched countries on the face of the earth where every Tom, Dick and Harry can come from all parts of the world without any let or hindrance. If we want to go to another country, we must have passports, but here people can come at their sweet will and can carry on their trade licit or illicit without any control from the Government. Moneylenders and petty shopkeepers of the province have been placed under all sorts of restrictions in the form of licence, registration, marketing committees and so on, but these people from outside are free from all control and everybody knows of what mischief they are capable. If the Government want to take some action to prevent any possibility—nay, even likelihood—of mischief being done, they will have our whole-hearted support. But the speech made by the Parliamentary Secretary, Raja Ghazanfar Ali Khan, has thrown out some insinuations. He said there are some people who have not shown sufficient activity towards the war effort; there are some people who are confined to certain particular organisations and who make speeches and so on. If the intention is to provoke the Government or to instigate the Government, if it requires any instigation—I think it does not—if the intention is to instigate the Government to take such action to prevent legitimate activities, religious or any other, then I submit that this resolution will do more harm than good. I may again emphasise that if the Honourable Premier does anything to stop the activities of those people who indulge in mischief for the sake of fun without any sense of responsibility in order to fish in troubled waters, as they say in English, I shall be with him. But if any class or community that feels aggrieved and genuinely so, gives expression to its grievances and its complaints in a

legitimate and lawful manner, I think the Government will be committing a grievous wrong if taking this mandate from a number of people in this House, they do something which would hinder in any way this legitimate activity. In politics there are always differences of opinion and if a difference in political opinion or in economic principles is going to be penalised because a certain section in this House wants the Government to do so, then I would warn the Honourable Premier that this resolution and any action taken upon it will be productive more of mischief than of good. But I hope that there is no such intention and that the honourable parliamentary secretary did not intend what his unguarded words might lead one to conclude from them (*Raja Ghazanfar Ali Khan*: What were those words?) I have already mentioned them. I hope he did not mean that the legitimate activities of any class or community of people or of any organisation would be checked simply because they stand up and clamour for their rights or agitate to ventilate their grievances. If that be not so, then my submission is that this resolution would be considered to be a mischievous resolution not intended to carry out what it professes to carry out. I do not impute any motive. I do not say that this is the intention of the mover, if he is at all responsible for the wording of the resolution or that it is the intention of anybody else. But if this resolution is made an excuse for any such activity on the part of the Government then I would submit that that would be an evil day for the Punjab. Otherwise so far as the checking of communal strife or ending of the activities of those people who want to hinder war effort (*Hear, hear from the Ministerial benches*) or play the role of fifth columnists, if there are any—I do not know of anybody—then the Government will have the support of every one. I hope the Honourable Premier will make the position clear in his final remarks in connection with this resolution.

Again, sir, the honourable member was pleased to state that a number of people have been shut up in jails. I have no case before me to say that they were shut up justly or unjustly, but the fact remains that they were shut up. They must have been shut up under some provision of the law or rules which have the force of law. Under these very rules or laws people who are considered and honestly considered, by the Government to be a source of mischief can be dealt with. I have one case of a member of this House—now ex-member Dr. Satya Pal—whose activities have been restricted and up to now he has not got the right to make any speech or attend any meeting.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: Who restricted his activities, the Congress or the Government?

Dr. Sir Gokul Chand Narang: I do not know on what grounds Government had to restrict his liberty of speech or his liberty of association with any meeting that he may like to attend. If sufficient reasons exist in the case of some one else Government can take action under the same law under which action was taken against Dr. Satya Pal. There is the Indian Penal Code, there is the Criminal Procedure Code and there are the Defence of India Rules, I think all these measures are more than sufficient to give power to the Government to take necessary action, whenever occasion arises for that purpose.

[Dr. Sir Gokul Chand Narang.]

The Honourable Premier was right and it was good on his part to say that it was not contemplated to have any other power or to have any other law introduced in this province. But if there was nothing, as I have said, this resolution was absolutely futile. Now this House has given sufficient warning and made *Takid* to the Government to be up and doing. This resolution can be withdrawn with the permission of the House. It has served its purpose. Most of the speeches made in support of the resolution had very little to do with the subject matter of the resolution but created unnecessary feeling by making reference to things which were entirely outside the scope of the resolution.

Rao Pohop Singh (East Punjab Landholders) (*Urdu*): Sir, it appears from the perusal of this resolution that war has come at the threshold of India. Now if that is the position, it is but natural that mischievous elements in the population would try to take advantage of it by creating panic or public alarm in the country with a view to advancing their own perverse objects. This resolution also points out that owing to certain developments in the international situation, certain people in the country might play the fifth column and promote communal strife. It has, therefore, been urged upon the Government that they should take effective administrative measures to deal with the mischief-mongers firmly. And if in the discharge of this duty Government find it necessary to arm themselves with new powers, they should have them by means of passing such legislation as they may consider desirable. Honourable members should not lose sight of the fact that the resolution does not make it mandatory for the Government to legislate; it merely keeps the door open so that they may, without any let or hindrance, act promptly at times of urgent need. Hence this resolution is extremely innocuous and my honourable friends over there need have no apprehensions about it.

(*At this stage Mr. Speaker resumed the chair.*)

I take this opportunity to congratulate my honourable friend Dr. Narang for making an admirable speech. His lucid and vivid portrayal of the potential dangers confronting the country and the conditions prevailing in the province, brought home to everybody the necessity of taking strong measures by the Government to stem the rising tide of crime. But he was pleased to remark that he would be prepared to accord his fullest support to the resolution if its second part dealing with the taking of further powers was deleted. Here I do not see eye to eye with him. I rather consider it to be most essential and of vital importance. This part of the resolution would bring credit to the honourable members and raise them in the eyes of the public throughout the province. The masses would applaud their keen sense of duty. They would think that their representatives in the legislature fully realise the danger ahead and are unanimously prepared even to give fresh powers to the Government to cope with the lawlessness in the province or any situation that may arise. I am sure this will dispel any doubts lurking in the minds of my honourable friends opposite. Hence this resolution has been put forward only to keep the Government in a state of preparedness to put down with a firm hand, the mischief-mongers seeking to promote communal strife or create bad

blood among the different communities. But I am constrained to remark that my honourable friends over there, have, without taking the merits of the case into consideration, truculently attacked the resolution and imputed motives to the Government. This is very uncharitable on their part. This resolution rather indicates the strong desire on the part of the legislators of the Punjab to maintain law and order in the province. Then if I have understood my honourable friends opposite well, I think they are afraid that if further powers are vested in the Government, it might give the latter a handle to arrest them. I may assure them that that is not the case. Government's armoury is already full. There is a deadly, an all-powerful and a comprehensive weapon in the form of Defence of India Rules. It is so wide that anybody can be hauled up and placed behind the bars under any pretext. Hence the question of their arrest under the new powers sought to be given to the Government, does not arise. I rather think that the honourable members should not attach much importance to this part of the resolution. They should also refrain from imputing motives and questioning the *bona fides* of the Government.

Then, sir, another matter which had absolutely no bearing on the subject had been brought in by my honourable friends and that is the agrarian legislation. They aver that the agrarian laws are to a considerable extent responsible for poisoning the atmosphere of the Punjab, and that they have created communal strife and class hatred in the province. Here I again beg to differ with them. The majority party, that is, the Government could not stand the appalling sight of the poor people being exploited mercilessly by the richer classes who had usurped the rights of the former and also treated them shabbily. By legislating agrarian measures the Government have done no wrong to anybody. They have merely enabled the down-trodden people to enjoy their own legitimate rights. I ask, where is the necessity of Swaraj or provincial autonomy or good government, if the poor people are to continue to be exploited and their rights to be trampled under foot? I firmly believe that communal strife or class hatred cannot be exterminated unless the 'haves' share their comforts with the 'have-nots' or at least recognise the legitimate rights of the poor and stop exploitation. (*Hear, hear.*) I am of the view that agrarian enactments would go a long way to bring about peace, contentment and amity among the people.

It has been said about Chaudhri Sir Chhotu Ram that he has created an awakening in the minds of those people who have been downtrodden for the last so many centuries and whom he has reminded of their rights which have been usurped by others. I ask where is the harm if Chaudhri Sir Chhotu Ram has encouraged the poor peasants to regain their lost rights and has himself fought for their demands in this House. My learned friend Malik Barkat Ali has said that Chaudhri Sir Chhotu Ram has been guilty of creating class hatred by his speeches. He also remarked that time will judge of his action and posterity will pass strictures against him. In this respect I would like to tell my honourable friend Malik Barkat Ali that even the Prophet Muhammad, who on seeing an old woman bent with heavy load offered his services and carried the load himself on his back to her house and who once on seeing a child weeping, being afraid of his master's fury over spilt milk, got him milk from the bazar, could not escape the

[Rao Pohop Singh.]

strictures of his enemies who conspired against him on account of his contempt for idol-worship. They got him shut in a house and wanted to punish him, but by the grace of God the Prophet managed to get away. Sir, what I want to drive at is this that nobody even by forming a clique can harm a person who has been serving mankind in true earnestness. If some of my honourable friends opposite want to threaten Chaudhri Sir Chhotu Ram I may assure them that our Minister is above that. He has passed measures by which the victims of unemployment would be in a position to get employment and by which the poor peasants would be able to have proper price for their grain in the markets. Is it not a fact that from the time when the exchequer came into existence Government have been spending money lavishly on the cities alone and facilities have never been provided to rural people? If to-day Sir Chhotu Ram comes forward and asks us to spare a large amount of money for the benefit of poor zamindars who have been deprived of facilities for centuries together, I do not know where lies the harm. Is it the monopoly of urban people to take advantage of the Government exchequer and not the rural people who pay for it? When he asks this my friends opposite at once stand up on their seats and cry out that Sir Chhotu Ram had created a problem of rural and urban people. I ask, are they justified in making this insinuation against the Minister? Not at all. My submission is that Government should be for those who form the backbone of the country. I may also point out that if attention is invited to any defects in the legislation, Government would be right glad to remove them, but at present my friends opposite should not stand in the way of this simple resolution, whose object is that through the length and breadth of the province it should be made known to the public that the Punjab Assembly is out to punish those who would create communal strife in the province.

With regard to Pakistan I would say that this scheme is not clear as 90 per cent Mussalmans and 90 per cent Hindus do not understand it correctly.

Malik Barkat Ali : It is crystal clear to us.

Rao Pohop Singh : Is it Sir Sikander's scheme or....

Malik Barkat Ali : We are all one.

Premier : But I will never go with you even if it be to heaven.
(Laughter and noise.)

Rao Pohop Singh : As you are aware, Sir, the Muslim League is pitted against other organisations of Hindus, etc. It is possible that any member of these rival organisations of Hindus might suggest to his party that as the Muslim League was working to their great detriment they should attack it or the Muslim Leaguers might take it into their heads that as Hindus were a stumbling block in the way of achieving their aspirations they should try to exterminate them or at least violently remove them from their way. It is this contingency which Government want to avert and for that purpose they have arranged for additional police to cope with the situation.

Then some of my honourable friends opposite made references to the resignation of our Premier from the National Defence Council. I may

point out that our Premier was in favour of going into the National Defence Council. When he was called by Mr. Jinnah to attend the meeting of Muslim League Working Committee and to explain reasons for accepting the membership of the Defence Council he called 76 members of the Unionist Party at Lahore and asked them what to do if Mr. Jinnah asked him to resign from the Defence Council. The 76 members handed over their resignations from Muslim League to the Honourable Premier and told him that if Mr. Jinnah did not permit him to work on the National Defence Council he should convey those 76 resignations to Mr. Jinnah on this particular issue. This is what the Honourable Premier did. He told Mr. Jinnah straight off that as long as he represented the whole province as a Premier and not as Sir Sikander none could command or dictate to him. Further our Premier told Mr. Jinnah that he had accepted the membership on the National Defence Council as a Premier of the Punjab and not as a representative of the Muslim League. When the letter of His Excellency the Governor of Bombay was shown to him in which it was written that he had been taken as a representative of the great Muslim community, he at once replied that he did not want to work on that Council as a representative of the Muslim community. He said that as he was the Premier of his own province he could not exclusively represent the Muslim community. He further remarked that as long as he was representing Hindus, Muslims, Sikhs and even Harijans of his province he would never accept that offer of representing the Muslim community and Muslim community alone. He also said that it was far from him to do that. But it is a thousand pities that my honourable friends opposite instead of cheering this admirable attitude of the Honourable Premier start attacking him in an ungentelemanly manner. I submit that the honourable members sitting over there ought to have appreciated his sportsmanlike spirit, frankness and straightforwardness with which he has made out a good case of our land of five rivers exclusively with a view to preserve communal harmony in this province. As the sole purpose of the resolution is to secure national safety in the province, I would submit that its objects are very simple and innocent. Sir, it is obvious that the preservation of communal harmony in the province is very necessary at this critical time. I wonder how my honourable friends opposite could afford to differ on this point. It is really high time that Government should adopt effective administrative measures to cope with the vicious activities of mischievous elements and should see to it that every mischief-maker is punished for his nefarious attempts to create panic or public alarm or promote communal strife in the province.

With these few words, sir, I strongly support this resolution.

■ **Khan Muhammad Yusuf Khan** (Rawalpindi Saddar, Muslim, Rural) (Urdu): Sir, in spite of the fact that the resolution now before the House has been discussed at length and the Honourable Premier, who is the most responsible of all the members of the House, has fully explained the import of the words in which the resolution is couched, much irrelevant talk has been indulged in by the honourable members opposite. In fact the language of the resolution is absolutely unambiguous. Government is merely seeking to put a stop to the nefarious activities of those persons who want to create panic and alarm among the people. With this end in view the

[Khan Muhammad Yusuf Khan.]

Government will have to use their administrative powers, and it is these powers which they are, as of right, seeking through this resolution.

The interpretation which some of the honourable members have given to the words of the resolution is not what was intended by the mover of the resolution. My honourable friend Malik Barkat Ali has laid a great stress on the fact that this resolution is a direct blow to the liberty of the press. Let me assure my honourable friend that it is not so. So long as the Press is working for and in conformity with the democratic ideals no patriotic person, much less a Government which has inherited those principles as a legacy, can take such an undemocratic action. The honourable Malik Sahib has twisted its words to give this resolution a hideous form so that the public may shrink at the very sight of it and believe that the Unionist Government is making inroads on their civil liberties. He said that large subsidies have been granted to some of the newspapers in order to gag the Press, and went so far as to say that the Press has been debauched by the present Government so much so that it does not reflect the sentiments of the public at all. Unfortunately it is an erroneous and uncalled for attack on the integrity of the Punjab Press. Malik Sahib is certainly not within his rights to level such an irresponsible attack on the Press. Although I do not represent the Press and, besides, the Press is capable of defending itself, yet I am obliged to say that these allegations are baseless. A single glance at the various newspapers is enough to prove the hollowness of these allegations. The Press has, since the war started, given a very intelligent and sensible lead to public opinion. People of all shades of thought in India are unanimous in their denunciation of the Nazis and are as one man desirous of their downfall. When even my honourable friend Malik Barkat Ali has said that if he were asked to choose between the methods of Hitler and Churchill he would certainly go the Churchill way, why should not the Press reflect the true sentiments of the people? But when it is saying exactly what my honourable friend says, he alleges that the Press has been bribed by the Government. Secondly, he says that the Unionist party has bought the support of the Press by advancing big sums of money. I am surprised to hear this preposterous allegation. He should have by now known that the Unionist party does not require any one's support. The personal influence of each one of the members of the party and the effect of its programme for the welfare of the province is enough to win for it a place in the hearts of the people. (*Hear, hear.*) I do not see any reason why our party should seek to enlist the support of the Press by such methods when it is highly esteemed by the public. The Unionist party had first devised a programme in accordance with the wishes of the people and the Press has only followed the trend of public thought and reflected their admiration of it afterwards. These are the real facts and I am at a loss to understand how the Press can be accused of not representing the public thought.

Again, so far as the communal activities of the Press are concerned, not very long ago before the Unionist Government assumed the administration of the Province the front page of every paper used to splash big headlines of even the most minor communal clashes, giving details of the number of Hindus or Musalmans killed or injured. But now such news are not given

so much prominence and do not incite the peoples' minds. This is really what the Press should do and it is in fact doing it.

Then my honourable friend Chaudhri Jalal-ud-Din Amber unnecessarily dragged the Pakistan question into the debate and said that if the Muslims supporting this scheme gave up the idea Punjab would be rid of all communal strifes. May I ask him if he has consulted Malik Barkat Ali, who is second to none in opposing this resolution, whether or not he agreed with us on this issue?

Sir, as my honourable friend Dr. Sir Gokul Chand Narang remarked there is no one so foolish as not to wish to end the communal strife once and for all. Taking all these things into consideration I beg to submit that so far as the language of this resolution is concerned the Government do not wish to do anything which may be repugnant to any other Government. On the contrary they are seeking to do what every Government is in duty bound to do in the interest of the people.

With these words I wholeheartedly support the resolution now before the House.

(Voices : The question be now put.)

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. E. Few : Sir, there is nothing very much for me to say because all the points raised have been met by the supporters of the resolution. My friends on the opposite benches seem to find a mare's nest in every resolution that is moved from this side of the House and they impute to it ulterior motives. The Honourable Leader of the Opposition opened the attack and as is usual with him finds in it the clutching hand of the Marketing Act and therefore, argued on those lines. All his arguments amounted to hot air and, therefore, need no comments. Mian Abdul Aziz in every debate resurrects the ghosts of the superseded Lahore Municipality. Malik Barkat Ali as usual poses as the sole monopolist of "wisdom" and condemns everything not emanating from him.

This resolution is an appreciation of the action of the Government in preserving the tranquillity of the province, and as we do not know what situation we will be faced with to-morrow we have pleaded to Government to arm themselves with the powers to stifle all subversive activities. That is the resolution pure and simple, and as such I think it should get a unanimous vote.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, I had no mind to speak a second time, but my honourable friend Dr. Sir Gokul Chand Narang, who probably was not present when I spoke last, has asked me to explain the object of this resolution. I do not want unnecessarily to detain the House and, therefore, I shall confine my remarks to explaining to my honourable friend as to what I understand to be the object of the resolution. It is this. As the war situation is becoming more serious, it is just possible that it may adversely affect the internal atmosphere of the province. In view of this fact it is suggested that if any mischievous person tries to exploit the present international developments

[Premier.]

for the purpose of creating panic or public alarm or to promote communal strife then Government should take prompt action—administrative action of course—to put a stop to the vicious activities of such individuals. It is further suggested that if and when the Government finds that more powers are needed to cope with the situation it should take steps to ask for those powers. That, sir, is the object of the resolution, and that is exactly what the honourable mover of the resolution has himself said.

Some honourable members opposite, have said that the Government has ample powers already. True, we possess certain powers to deal with such situations, and we have been making use of those powers whenever it has been necessary to do so. I am also satisfied that if and when any further powers are required, I have only to ask the Assembly, which can be summoned at short notice, and which can be relied upon to give us the necessary powers as it has done in the past. But let me make it clear once again that just at present we do not need any additional powers.

Now let me draw my honourable friend's attention to the wording of the resolution which will make it clear to him why I am supporting it. I want him particularly to note the "possibility of mischievous elements in the population seeking to create panic or public alarm or promote communal strife with a view to advance their own perverse objects." These words are self-explanatory and leave no room for any doubt or misapprehension. My honourable friend may rest assured that no one who merely ventilates the legitimate grievances of his community need have any apprehension regarding the object of this resolution. We have never tried to curb legitimate activities and we do not mean to deviate from that policy and practice in the future either. But, let me also make it clear that if anybody tries to promote communal hatred or strife, on the pretext of ventilating grievances or protecting the rights of his community and thus endangers the peace of the province I will not hesitate to take effective action against him. I trust my honourable friend will agree with me that if further powers are needed for this purpose Government should have them. If I am wrong in this the House has a right to say so and I shall abide by your decision. But it is time we realized that war is not so far away from our country as some short-sighted people seem to think. We are not living in those ages when it took an army months to traverse short distances. The aeroplane and mechanical devices have completely transformed warfare with the result that one cannot say when the war may reach our borders or shores. We must take good care that we are not caught napping. If, God forbid, the situation deteriorates and we consider that further powers are necessary to meet it we will not hesitate to request you to give us those powers. We have hitherto given a long rope to communal and other mischief-makers but we cannot allow them to continue their mischief in future if we find that it will endanger the peace and tranquillity of the province. And let me repeat that if and when the necessity arises Government shall use its powers to the fullest extent without the least hesitation. If the House does not approve of that policy it can say so now and turn us out.

In the past certain people have been indulging in activities which I consider to be prejudicial to the best interests of the province, but I have

been patient with them in the hope that having regard to the war situation they will themselves mend their ways. As I have said I have been patient with these people, but you cannot expect any Government worth the name to allow such activities to continue unchecked for any length of time particularly at this critical juncture. We cannot allow mischief-makers to play havoc with the peace of the province. I trust the House will agree with me that it is the duty of every well-wisher of the country to support actively the Government of the day in this matter. (*Applause.*) As I have already stated, we have been using the powers that we possess whenever it has been necessary to do so.

We have appointed special staff for unearthing and recovering unlicensed arms. We are also doing our best to check smuggling of arms from outside the province. We have taken steps in other directions also in order to preserve the peace of the province. There may be differences between us in the sphere of politics, but I am confident that when there is need to curb mischievous elements or to check any move to disturb the peace of the province every honourable member in this House will come forward willingly to lend his support to Government to enable us to nip the evil in the bud. That being the position I see no reason why there should be any difference of opinion between us regarding the interpretation of this resolution. So, while it may not be necessary at present to give effect to the second part of the resolution I make bold to say that no sincere and patriotic person can take exception to the first part. If the first part is opposed the very mischievous elements whom we want to curb may be encouraged by this opposition and may be misled into the belief that they can go on with impunity with their machinations and might even cite the views expressed by say, Dr. Sir Gokul Chand Narang or my honourable friend Malik Barkat Ali. I once again assure the honourable members that I am not particular about the second part of the resolution. Delete it if you will. But the first part should be adopted without any opposition, so that the people outside may know that the Punjab Assembly is unanimous in the matter of putting a stop to the mischievous activities of unscrupulous persons and that there is no difference of opinion on this point. (*Cheers.*)

Mr. Speaker : The question is—

That the following resolution be adopted :—

In view of the recent developments in the international situation and the possibility of mischievous elements in the population seeking to create panic or public alarm or promote communal strife with a view to advance their own perverse objects this Assembly urges upon the Government to adopt effective administrative measures to cope with the vicious activities of these elements and, if necessary, to take further powers by means of passing such fresh legislation as it may consider desirable.

The Assembly divided : Ayes 70 ; Noes 17.

AYES.

Abdul Haya, The Honourable Mian.	Akbar Ali, Pir.
Abdul Rah, Mian.	Amjad Ali Shah, Sayed.
Abdul Rahim, Chaudhri (Gurdaspur).	Anant Ram, Chaudhri.
Abdul Rahim, Chaudhri (Gurgaon).	Balwant Singh, Sardar.
Ahmad Yar Khan, Chaudhri.	Chhotu Ram, The Honourable Chaudhri Sir.

Dasaundha Singh, The Honourable
Sardar.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major
Raja.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazl Din, Khan Sahib Chaudhri.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Ghulam Samad, Khan Sahib
Khwaja.
Gopal Singh (American), Sardar.
Guest, Mr. P. H.
Gurbachan Singh, Sardar Bahadur
Sardar.
Habib Ullah Khan, Malik.
Het Ram, Rai Bahadur Chaudhri.
Inder Singh, Sardar.
Jagjit Singh Bedi, Tikka.
Jagjit Singh Man, Sardar.
Joginder Singh Man, Sardar.
Kartar Singh, Sardar.
Kishan Das, Seth.
Manohar Lal, The Honourable Sir.
Mohar Singh, Rao.
Muhammad Akram Khan, Khan
Bahadur Raja.
Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Hussain, Chaudhri.
Muhammad Hussain, Sardar.
Muhammad Saadat Ali Khan, Khan
Bahadur Khan.
Muhammad Sarfraz Khan, Chau-
dhri.
Muhammad Sarfraz Khan, Raja.

Muhammad Shafi Ali Khan, Khan
Sahib Chaudhri.
Muhammad Yasin Khan, Khan
Sahib Chaudhri.
Muhammad Yusuf Khan, Khan.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Muzaffar Khan, Khan Bahadur
Captain Malik.
Nasir-ud-Din Shah, Khan Sahib
Pir.
Nasrullah Khan, Rana.
Nur Ahmad Khan, Khan Bahadur
Mian.
Pir Muhammad, Khan Sahib Chau-
dhri.
Pohop Singh, Rao.
Prem Singh, Chaudhri.
Pritam Singh Siddhu, Sardar.
Ram Sarup, Chaudhri.
Ranpat Singh, Chaudhri.
Riasat Ali, Khan Bahadur Chau-
dhri.
Ripudaman Singh, Rai Sahib
Thakur.
Roberts, Sir William.
Roshan Din, Chaudhri.
Sadiq Hassan, Shaikh.
Sahib Dad Khan, Khan Sahib
Chaudhri.
Sardar Khan Noon, Major Malik.
Shah Nawaz Khan, Nawab Sir.
Sikander Hyat-Khan, The Honour-
able Major Sir.
Sultan Mahmood Hotiana, Mian.
Sumer Singh, Chaudhri.
Suraj Mal, Rai Sahib Chaudhri.
Tara Singh, Sardar.
Tikka Ram, Chaudhri.

NOES.

Amar Nath Shah, Lala.
Barkat Ali, Malik.
Faqir Chand, Chaudhri.
Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Gurbakhsh Singh, Sardar.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.

Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Nurullah, Mian.
Rashida Latif Baji, Begum.
Santokh Singh, Sardar.
Sita Ram, Lala.
Ujjal Singh, Sardar Bahadur Sardar.

CONTROL OF WHEAT PRICE.

Chaudhri Muhammad Hussain (Gujranwala East, Muhammadan, Rural) (Urdu): Sir, I beg to move—

This Assembly recommends to the Government to convey to the Government of India this Assembly's emphatic protest against the low level of wheat price at which the Government of India have expressed their intention to institute control and further to convey to the Government of India this Assembly's considered view that in order properly and adequately to safeguard the interests of the grower, duty on the import of foreign wheat should be restored to its previous level from April next.

Sir, I would like to make a minor alteration in my resolution and it is this that for the words "April next", the words "December 1941" be substituted.

The permission was granted.

Chaudhri Muhammad Hussain (Urdu): Sir, the necessity of moving this resolution has arisen from the fact that the Government of India have disclosed their intention of controlling the price of wheat at Rs. 4-6-0 per maund. Further, it is clear from the reports that are published in the various newspapers that the Government of India have made up their mind to give a practical shape to this intention of theirs. For instance, the following report published in the *Civil and Military Gazette* is quite relevant to the issue:—

4 p. m.

At the Indian Government's request the British Food Ministry has refrained from buying any more wheat in India until the end of the year as the Indian authorities desire to reduce Indian wheat price to a reasonable level to facilitate official purchases for shipment to Iran and elsewhere. Shipment of wheat already bought by the Food Ministry will however continue as arranged.

Sir, such reports as this go to show that the Government of India is bent upon introducing control at four rupees six annas per maund of wheat. The control of wheat price at this low level will most adversely affect the whole of India because this country is mainly an agricultural country. Its two-third population depends on agriculture. In other words, the two-third population of India is comprised of zamindars and cultivators. Again, of all the provinces of India the Punjab will be the worst sufferer, because the only industry of the Punjab is agriculture. This is the chief source of livelihood in the Punjab. I will, here, quote another report that has appeared in the newspapers about the intention of Government to control the price of wheat. It runs as follows:—

"London, November, 1924. The Indian Government has secured two ships to bring sixteen thousand tons of Australian wheat, one to Bombay and one to Calcutta, to replace Indian wheat shipped from Karachi area to Persian Gulf. Although both exports and imports are tiny compared with the total Indian consumption, it is believed that this move will at least psychologically deflate the unwarrantable bullishness which Indian wheat speculators lately displayed. Anyway, it is stated that the British Food Ministry does not intend to buy further Indian wheat at the current high prices. The price four rupees six annas per maund f. o. b. Karachi is considered quite high enough.

Failing the deflation of the Indian wheat market following the latest developments and a further period of waiting by the authorities, some more drastic official action is considered most probable, for instance abstention by the Purchasing Commission, though only as a last resort.—*Reuter*."

I would like to point out that just as the budget of the Punjab Government depends on the income of the cultivators and zamindars, similarly the budget of the zamindars mainly depends on wheat which is the money

[Ch. Muhammad Hussain.]

crop of the zamindars. Out of every rupee that zamindars earn, fourteen annas come from the price of wheat. If, therefore, the price of wheat is controlled at a low level, the whole income of a zamindar will have been controlled thereby at a low level.

Let us consider in detail the facts and figures relating to this point. About 87 per cent population of the Punjab lives in the rural areas and the main occupation of the ruralites is agriculture. There is absolutely no other source of livelihood open to the rural population of the Punjab except agriculture and if agriculture will yield nothing to the Punjabis, they will naturally begin to starve. But what is the position of the rest of the people? The present war has brought about a golden age for other people inasmuch as they are earning 50 per cent and even 100 per cent profits. Every thing has become dear. The traders are selling things at a profit of 50 to 100 per cent and are amassing wealth. But the zamindars have not benefited by the war prices. The zamindars sold their wheat to the traders at a low price, and now when the next crop of wheat is being sown and looked after by the zamindars, the Government of India has come forward to control the price of wheat. The zamindars cannot store much of their wheat as they have to pay land revenue to the Government and to do so they have to sell half of their produce. Most of the rest is needed for paying instalments of debt to the co-operative banks and for consumption in the house, or paying the servants.

During this war the zamindars have come forward as one man in response to the call of their respected leader to help the Government in their war effort with men and money. They have spared no pains in fulfilling the pledge of unconditional help that the Honourable Premier of the Punjab had given to the British Government as soon as the war broke out. The zamindars convened conferences and meetings in support of the war and its successful prosecution. They offered their own kith and kin for recruitment, and made liberal contributions towards the war loan. No other class can compete with the zamindars in this respect. They have left all other people far behind by offering the largest number of recruits and by giving the biggest sums of money to the war purposes fund and the war loan. But what a poor reward the Government of India is proposing to give them for these meritorious and loyal services! The Government of India intends to control the price of wheat at a low level so that the zamindars may not be able to profit by selling their wheat at higher prices. Is this a fit reward for the loyalty of the zamindars? They did not rise to the clarion call of their leader in order to be treated so shabbily by the Government of India. As a matter of fact the prices of agricultural commodities have been very low for the last 15 years. Wheat has been selling mostly at the rate of one rupee and eight or four annas per maund. After paying land revenue and water-rate much of wheat is not left with the zamindars. May I remind the Government that the zamindars have been in the grip of poverty for the last so many years and it was only now that the prices of agricultural produce were beginning to rise? Hitherto the zamindars have not been able to make both their ends meet and as soon as the prices have shown an upward tendency, Government has come in to deny to the zamindars

his rights. Where was the Government when the prices were so low that the poor zamindars could hardly maintain themselves on agriculture?

You will remember, sir, that only in the recent past stark penury stared the zamindar in his face. He could not even make his both ends meet, what to speak of paying Government dues like land revenue, etc. It is an undisputed fact that when owing to the fall of prices the zamindar was in the grip of poverty, the Government did not come to his rescue and took no substantial pains to help him in tiding over the difficulty. Now I fail to understand why when the price of wheat has gone a little higher, the Government of India have thought fit to control the price. This action taken by the Central Government is most unjustified and uncalled for. The attitude displayed by the Government of India connotes that they cannot tolerate the prosperity of the zamindars. A little rise in the price of wheat has driven them at once to think of controlling the price. I deplore this non-chalant attitude and urge upon them through the Punjab Government the desirability of abolishing this control.

As I have already stated, the Government of India intend to control the wheat price at Rs. 4-6-0. Now if you just take into account the sweat, toil and labour put in by the zamindar throughout the year in order to get his produce of wheat, you will realise that under the price control, he would not be able to get even the cost of production. He starts the process of cultivation in the month of September and it is in April next that he is able to reap his fruit. But it is a thousand pities that the fruit of his labour, that is, the wheat, does not fetch him even the 'just price', while the expenses incurred by him in connection with the labour put in by his children and the remuneration paid to the agricultural labourers, exceed the price per maund of wheat, as fixed by the Government of India. I would not be exaggerating facts if I say that he does not get even a just price of his produce (not to speak of the 'fair price') which is considered to be the amount required just to keep the industry going on. Now wheat is the staple food of the province and the mainstay of the agriculturists. If this industry is allowed to be ruined by such actions of the Government of India, the zamindars will be hard hit and this will bring in its wake untold miseries to the teeming millions of the province. I am, therefore, of the opinion that as this price control of wheat is going to affect the peasantry of the Punjab adversely, the Government of India would be well advised to do away with it.

Again, it is a well-known principle of economics that with the rise of price level the production of that commodity increases and *vice versa*. Now as the price of wheat is going to be controlled, it is but natural that the production of wheat should dwindle away to the great detriment of the rural population. Hence according to this established principle it is justified that the price control of wheat should be cancelled.

Then, sir, let us take into consideration other commodities. Take for instance, gur. Previously it used to sell at the rate of Rs. 2-8-0 per maund and even now, although the war is more than two years old, it is fetching almost the same price. In other words the zamindar who grows sugarcane and produces gur, no longer derives any extra benefit accruing out of the war conditions. I think, he hardly gets the expenses of production. Then

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let us take the case of indigenous cotton (*desi kapas*). It sells as usual at the pre-war rate of Rs. 5 per maund. Its price has not a whit increased. Hence, this, too, has not proved a lucrative business to the zamindars. So far as American cotton is concerned, I do concede, that the zamindar has to some extent earned profits from its sale. But this species of cotton suffers badly from a disease known as 'Tirik'. The result is that its production is restricted as it has not proved a signal success. So out of all staple commodities it is wheat and wheat alone which has proved a paying proposition to the zamindar on account of the little rise in price. But the pity of it is that an increase of Re. 1-8-0 in the previous wheat price level has made the Government panicky and they are determined to institute a control over its price. Again the difficulty is that the Central Government have altogether ignored the expenses incurred by the zamindar on his own person and in connection with the maintenance of his family. They have lost sight of the fact that the prices of other necessities of life are soaring very high. The price of salt has doubled and that of iron from which the agricultural implements are made, has gone up four times. The ordinary 'phala' which could be had before the breaking of hostilities, at a nominal price of two annas now costs twelve annas. But so far no order has been passed by Government for controlling the prices of such articles. It is a glaring injustice that the price of that commodity on which depends the very existence of the zamindars, has been controlled.

Besides, I would like to point out that 27 years ago, during the last Great War, we had to pass through very difficult and delicate times but even during that critical period of four years no control over the prices was instituted by Government. Wheat at that time fetched a price of Rs. 12 a maund. I fail to understand what peculiar circumstances have come into existence which even in the third year of the present war, have impelled the Government of India to control the price of wheat. I may point out that this order will not only spell the ruin of zamindars but will also adversely affect the Government of India. I quite realise that the immediate abolition of this control will bring enormous profits to the speculators and dealers only, but the zamindar will certainly be benefited during the months extending from April to September when he will have harvested his produce of wheat. He will then reap profits on account of the increased price of wheat and will utilise the proceeds in ameliorating his condition, paying off his debts and Government dues, etc., and also in liberally contributing to the war funds.

Then, the pinch of the control of the wheat price will be felt by the Government of India also because their war effort will be hampered, rather it will receive a set back. As the control is tightened the paying capacity of the zamindar will decrease. Consequently he will not be able to invest his surplus money in war loans, or make handsome contributions to the war fund. It is, therefore, high time that the Government of India took stock of the critical situation and realising the susceptibilities of the agriculturists, refrained from instituting a control over the price of wheat at such a low level. In view of the observations made by me, I strongly urge upon the Punjab Government to press the Government of India to desist from their intention of controlling the price of wheat.

Now I would like to deal with the second part of the resolution. It is about the restoration of import duty on foreign wheat to its previous level, so that the Indian wheat may be protected. Then the honourable members are well aware of the fact that two ships carrying 16 thousand tons of the Australian wheat have recently anchored at an Indian port. In this connection I may also point out that the British Government have decided not to import any wheat from India and therefore if the Australian wheat is allowed to compete with the Indian wheat, the latter will be at a great disadvantage and fare badly if the former is not subjected to an import duty at the previous level.

In other words if import duty is not imposed on the Australian wheat it will sell at a cheap price as compared with the Indian wheat. In plain language it means that the poor zamindar will earn absolutely no profit from the sale of his wheat. And if the import duty is imposed at the previous level it would prove beneficial to the interests of India.

My submission therefore is that the import duty on foreign wheat at the previous level should be restored in order to protect Indian wheat, otherwise, as the existing circumstances indicate, India in general and the Punjab in particular would stand to lose much in this respect.

With these few words, sir, I commend my resolution for the acceptance of the House.

Mr. Speaker : Resolution moved :—

This Assembly recommends to the Government to convey to the Government of India, this Assembly's emphatic protest against the low level of wheat price at which the Government of India have expressed their intention to institute control and further to convey to the Government of India this Assembly's considered view that in order properly and adequately to safeguard the interests of the grower duty on the import of foreign wheat should be restored to its previous level from December, 1941.

Syed Amjad Ali Shah (Parliamentary Private Secretary): On a point of order, sir. Thursday is the next non-official day and as there are not many Bills on the agenda, I would propose that this resolution may be taken up on that day after the Bills have been disposed of.

Mr. Speaker : I have no objection if the House agrees. There were two days for private business. One was given to resolutions and the other to Bills. Now, if the House agrees we might proceed with this resolution on the second day after finishing the Bills.

The House agreed.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): Sir, we are thankful to the honourable member from Gujranwala for bringing this resolution which is a very vital and important one from the point of view of the zamindars of this province. Zamindars form about 87 per cent of the population and this resolution concerns the welfare of the biggest majority in the province.

Recently, a few months ago, I learnt that some of our representatives were going to the Government of India where a conference was being called for the purpose of price control. It may be that they may have considered many other points also. Sir, I am very glad that Chaudhri Sir Chhotu Ram is very attentive. He was the person who represented us

[Mian Muhammad Nurullah.]

there. I will request him to give us the view he represented there. I wrote to him a letter but he did not acknowledge it. Other Ministers too do not acknowledge such letters. Why should he be an exception? This letter should have been especially acknowledged because it was sent by a zamindar and contained suggestions on behalf of the zamindars of the province. For my part I am satisfied if he got the letter; it is immaterial if he did not show the courtesy of replying it. I am thankful to the honourable member who moved the resolution for having provided us with an opportunity to express our views on such an important subject. He has amended the resolution and I have stood up to support the amended resolution. I am glad that the change has been made because otherwise the resolution would have become futile.

The honourable mover of the resolution has given many pointed arguments. I want to support him in each argument by giving facts and figures from publications and books either of the Government of India or of the Board of Economic Enquiry. I will show what benefits we get and how much Government is benefited from a rise in prices. It was pointed out by the honourable member that Rs. 4-6-0 is not even what they call a just price in economics. In this connection I have to draw the attention of this House to a book published by the Imperial Council of Agricultural Research on the cost of production in the sugarcane and cotton tracts in India. Ours is one of those tracts. They carried on these experiments in the years 1934—37. During these three years the price of wheat was Rs. 2-2-0, 2-4-0 or 2-6-0; we can take the average price as Rs. 2-4-0. At page 26 you will find the cost of cultivation arrived at by two methods; (a) In Lyallpur district the cost price was Rs. 43-1-4, (b) by another scientific method adopted by a certain professor (named therein) it works out at Rs. 43-2-0. There is no difference between the two and I will take it at Rs. 43 or a little more. Now let us apply the rise in prices and work it out. I would like to stress the point before the House that a rise in price has affected largely the cost of cultivation. In this connection I should like to draw the attention of the House to certain items which are a part of the cost of cultivation.

(At this stage the Assembly adjourned till 2-30 p.m. on Friday, 5th December, 1941.)

PUNJAB LEGISLATIVE ASSEMBLY.

EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 5th December, 1941.

*The Assembly met in the Assembly Chamber at 2-30 p. m. of the clock.
Mr. Speaker in the Chair.*

STARRED QUESTIONS AND ANSWERS.

**BEGAR TAKEN FROM HARNAMA, JAGTA AND CHANAN SINGH,
RAMDASIAS.**

***7779. Sardar Moola Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that mounted police visited village Dhurkot, police station Dehlon, district Ludhiana, on 7th March, 1941 ;
- (b) whether it is a fact that they asked Harnama, Jagta and Chanan Singh, Ramdasias (scheduled caste) of the said village, for *begar* and that on their refusal to give *begar*, the police dragged them out of their houses and beat them ;
- (c) whether it is a fact that then not agreeing to give *begar* even after being beaten two of them, i.e., Jagta and Chanan Singh were kept in police custody and beaten during the night ;
- (d) whether it is a fact that on 8th March, Jagta was let off and Chanan Singh was taken to police station Dehlon and was kept there for the whole of the day and released in the evening ;
- (e) whether it is a fact that the said Chanan Singh and his two companions reported the matter immediately to the Superintendent of Police, Ludhiana, and that no action has so far been taken by the latter in the matter ; if so, why, and what action is intended to be taken by Government in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes.

(b) Allegations to this effect were made in an application submitted to the local authorities ; but when an enquiry was held by a gazetted officer in the village itself, the complainants declined to lead any evidence.

(c) and (d) No evidence has been produced by the complainants on which a decision could be made.

(e) As mentioned in (b) above, an enquiry was held after the application had been submitted.

Sardar Moola Singh : May I know from the Parliamentary Secretary as to what action has been taken against the police officers who beat these persons ?

Parliamentary Secretary : I have already stated that when a gazetted officer went to the place to hold an inquiry the complainants did not lead any evidence.

Sardar Moola Singh : Is it not a fact that pressure was brought to bear on the complainants not to lead any evidence ?

Parliamentary Secretary : No, it is not true. The fact is that the said gazetted officer went there and called upon the complainants to produce their witnesses, but no evidence was led.

Sardar Moola Singh : Is it a fact that the sub-inspector of police misled these people for four days by giving different bungalows as the place where the inquiry was to be held ?

Parliamentary Secretary : It was not the sub-inspector but the gazetted officer mentioned above who asked them to lead necessary evidence.

Sardar Moola Singh : My question is whether the complainants were misled and harassed by the sub-inspector of police.

Mr. Speaker : The honourable member's supplementary question gives rather than seeks information.

Sardar Moola Singh : May I know whether *begar* is being taken in spite of the orders of the Government to the contrary ?

Parliamentary Secretary : My submission is that no *begar* was taken.

Lala Harnam Das : Is the Parliamentary Secretary aware of the fact that a representation was made to the Honourable Premier to institute an inquiry into the matter ?

Parliamentary Secretary : It is the honourable member who should know that.

MR. KARAM SINGH MANN.

*7781. **Sardar Moola Singh :** Will the Honourable Premier be pleased to state the reasons why Mr. Karam Singh Mann, Bar.-at-Law, whose social status is very high, is confined in Sub-Jail, Muzaffargarh, and has not been transferred with other political prisoners to the Deoli Camp where prisoners are afforded more facilities than the Sub-Jail, Muzaffargarh, can claim to afford ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : Mr. Karam Singh is one of several security prisoners who are detained in the various jails in the Punjab and is being afforded the facilities, including A class diet, provided for prisoners of his social status in and outside the Punjab. The provisions of the law under which he is detained do not enjoin transfer to Deoli, and the Punjab Government do not consider it advisable or necessary to transfer him to Deoli for the present.

PUNJAB GOVERNMENT AND THE KHAKSARS.

***7798. Mian Muhammad Nurullah :** Will the Honourable Premier be pleased to state—

- (a) whether an agreement was reached at any time in the past between the Punjab Government and the Khaksars; if so, the terms of any such agreement;
- (b) whether it has been the policy of the Government to release all political prisoners who give undertaking of peaceful behaviour in future;
- (c) whether any prisoners or under-trial prisoners of the category mentioned in (b) has been recently released in the province on giving such assurance;
- (d) whether in pursuance of any such policy Government is prepared to consider the release of Khaksar prisoners also?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): (a) The honourable member will remember that in April, 1940, Government issued a press *communiqué* stating the conditions that must be fulfilled before the order declaring the Anjuman-i-Khaksaran an unlawful association could be withdrawn. When Government received an assurance that these conditions were accepted and would be acted upon, the order was withdrawn and Government agreed to release prisoners other than those convicted of violence or assaults on jail officials. The association has, however, since again been declared unlawful by the Central Government.

(b) and (c) No. The release of prisoners who have participated in political agitation depends on the circumstances of each case, and accordingly some such prisoners have been released, either conditionally or unconditionally for various reasons and after examination of their individual cases.

(d) Government have already been as generous as possible in this respect, and the number of Khaksar prisoners now in jail is very small. All Khaksars arrested as a result of the second declaration of the Anjuman as illegal have since been released.

Mian Abdul Rab : May I know from the Parliamentary Secretary the number of Khaksar prisoners at present in jail?

Parliamentary Private Secretary : I want notice for that question.

Mian Abdul Rab : May I know as to whether it is a fact that the leader of the Khaksar movement is on hunger strike in jail?

Parliamentary Private Secretary : Not that I am personally aware of.

Mian Abdul Rab : May I know whether Government is prepared to recommend his release to the Central Government?

Parliamentary Private Secretary : This question does not arise out of the answer given.

S. KULBIR SINGH.

***7799. Mian Muhammad Nurullah :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that S. Kulbir Singh, a detenu in Deoli Camp, is seriously ill and occasionally faints on account of extreme weakness due to a prolonged illness ;
- (b) whether it is a fact that he is not allowed to communicate details of his illness to his relatives ;
- (c) whether Government have taken any steps to have S. Kulbir Singh examined and treated by his family doctor or any other competent doctor ;
- (d) if answer to (c) be in the negative, whether the Government intend to make arrangements for his treatment in the Mayo Hospital, Lahore ;
- (e) whether the Government is prepared to place facts about his health on the table of the House ?

Parliamentary Private Secretary (Sayad Amjad Ali Shah) : (a) to (e) Security prisoner S. Kulbir Singh has recently been withdrawn from Deoli on account of his illness. He has been admitted to the Mayo Hospital, Lahore, and his case is at present under investigation. His general condition is satisfactory. Relatives of the security prisoner have been allowed to see him in the hospital.

STAFF OF PROVINCIAL STATIONERY OFFICE.

***7737. Sardar Moola Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number, community-wise, of persons with their qualifications recruited for the Provincial Stationery Office which came into existence from 1st April, 1940, who made that recruitment and the manner in which recruitment was made ;
- (b) whether it is a fact that recently a test was held of Junior Clerks in the department for promotion to the senior grade and that some of the junior clerks were not allowed to take the test ; if so, why this distinction ;
- (c) whether it is a fact that out of the six candidates called for to appear in the test for the post of a typist for the said office two were allowed to use their own typewriters for the test while the other four were not allowed the same privilege ; if so, why ?

The Honourable Sir Manohar Lal : I regret that the reply to this question is not yet ready.

AGRICULTURAL PRODUCE.

***7809. Mian Muhammad Nurullah :** Will the Honourable Minister of Development be pleased to state—

- (a) what steps he proposes to take for the disposal of *rabi* crops like wheat to enable the zamindars to sell their produce at world parity prices outside the province ;

(b) what steps he proposes to take to assure continuous supply of Atta and other staples at reasonable prices to labourers and other poor classes in the towns on account of the commercial deadlock;

(c) what other steps he proposes to take to meet the situation?

Parliamentary Secretary (Chaudhri Tikka Ram): The question does not arise as the *hartal* ended in May, 1941.

SUPPLEMENTARY AND TOKEN DEMANDS.

Chaudhri Jalal-ud-Din Amber: Sir, I rise to a point of order. No notice was given that the supplementary grants were coming up for discussion to-day, and the cuts that were given notice of yesterday have not come on the order paper. Perhaps they have been treated as not in time.

Mr. Speaker: Yes, at least two clear days' notice is required for amendments; but was not the supplementary budget placed before this House on the 1st of this month?

Secretary: Not only were the supplementary estimates presented but the list of business for to-day was also issued on the 1st of December and a number of cut motions of which timely notice was given by members appear on the printed list.

CHARGES ON ACCOUNT OF MOTOR VEHICLES ACTS.

Finance Minister (The Honourable Sir Manohar Lal): I beg to move—

That a supplementary sum not exceeding Rs. 3,720 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of charges on account of Motor Vehicles Acts.

The motion was carried.

GENERAL ADMINISTRATION.

Finance Minister: Sir, I beg to move—

That a supplementary sum not exceeding Rs. 8,500 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of General Administration.

The motion was carried.

POLICE.

Finance Minister: Sir, I beg to move—

That a supplementary sum not exceeding Rs. 3,35,840 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of Police.

Mr. Speaker: The demand moved is—

That a supplementary sum not exceeding Rs. 3,35,840 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of Police.

Police atrocities in Ludhiana District.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural): Sir, I beg to move—

That the item of Rs. 2,280 on account of "Pay of Officers", be omitted.

[S. Lal Singh.]

Sir, this additional police has got numerous duties to perform. One of their ostensible duties is to hunt out illicit arms from villages. They go to the villages ostensibly for this purpose. While carrying out these duties they manage to do other things besides, and that is what exactly happened in thana Shaina, district Ludhiana, in May last. I have got a report in my hand which has been signed by the Vice-President of the Municipality, Lala Balwant Rai, by the President of the District Congress Committee, and another gentleman named Khawaja Ghulam Sadiq, Vakil, who is a very prominent Khaksar. All these three gentlemen are of unimpeachable character. These people have complained that the additional police went into villages, Chaoke, Jethuke, thana Shaina, district Ludhiana. Now, Sir, the bad luck of the people of these villages is that these villages are far removed from the central district town of Ludhiana. They are about 50 or 60 miles away and so it is a sort of no man's land. The police officer who is appointed there can fill his own pocket within a few months. When the police went to these villages, they literally terrorised the whole village. They besieged the whole village and did not allow any man to go out for his work. The residents of these villages, men, women and children were so much terrorised by the police that they dared not say a word against them. They actually refused to say anything against the police when enquiry was made.

I will just read to you the opening lines—

مرحہ ۳۱ مئی ۱۹۴۱ کو دفتر کانگرس کمیٹی کے صدر مولوی عبدالغنی صاحب کو یہ رپورٹ ملی کہ علاقہ شہنہ ضلع لدھیانہ میں جہاں صدر ہاؤس سے ۷۰ میل کے فاصلہ پر ہے اور جہاں عموماً اندران ضلع آسانی سے نہیں پہنچ سکتے ملازمان پولیس نے علاقہ شہنہ میں اور خاص کر ضلع جہتو کے چائے وغیرہ میں سخت تشدد کیا ہے گاؤں سیدھے سادھے دیہاتیوں کے گھروں میں جانور پولیس نے ان کے گھروں کی حد بندی ہو۔ انکو اُنکے بچوں اور عورتوں کے سامنے کھڑے اور پولیس قبضہ پر لپکا کر اندر کھینچا اور بعض لوگوں کو فنگا کر کے پخت کے بل لٹا کر مارا ان پر بے رحمی سے تشدد کیا اور انہیں دھڑا کر لٹا کر رکھنے کا الزام لگا کر ان سے روپیہ زبردستی لیا گیا اور دیکھ کر کسی نے عزتی کی مکی۔

I do not want to waste the time of the House but this document has been signed and witnessed by three prominent citizens of Ludhiana. They are all non-Sikhs. They went to the spot and found that the police had committed excesses without any excuse. No unlicensed arm or bomb was discovered in spite of the report and what actually happened was that they terrorised the people and one man died as a result of injuries inflicted by the police. One young lady remained in the hospital for over a week as a result of injuries. This is certainly not the way in which the police should behave. Copies of these statements were sent over to the Government and to responsible police officers. May I know if the Government made any inquiry? So far as I know, no inquiry was made, and I believe these papers were thrown into the waste paper basket. The Government has made it known that if there is a complaint signed by three respectable gentlemen—I think the number is five if I am not mistaken—and they say in the report that such

and such an officer is corrupt, then an enquiry will be instituted. Now, here are three gentlemen who have gone to the length of going to the spot, making enquiries, and taking statements and they have told the Government that the villagers belonging to big villages, whose population runs to thousands, were regularly terrorised and people were injured and all sorts of *zulum* and excesses were committed. No enquiry into those allegations has so far been made. If the Government will even now give an assurance that an enquiry will be made into this matter, I will certainly withdraw the motion. I could, if they like, to draw the attention of the Government—quote such other excesses committed by the police here in district Lahore. This is one example out of the many where the police feel that they are quite safe and people feel that they are unsafe at the hands of the police. ■

Mr. Speaker : Demand under consideration, motion moved—

That the item of Rs. 2,280 on account of "Pay of Officers" be omitted.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): I would be brief. The honourable member, during the course of his remarks, attributed certain atrocities to the police. He said that they committed these atrocities in the villages of Jethuke and Chaoke, thana Shaina, district Ludhiana. The House is aware of the fact that so far as the question of Shaina is concerned, it is almost an obsession with my honourable friend opposite but the real facts are quite different from what he has said. Ordinarily he has been complaining that law and order do not exist in the *ilaga* of Shaina, that dacoits were at large and that the police is not doing anything and that the innocent public is being terrorised by the dacoits and he has been in season and out of season calling upon the Government to mend matters there. But to-day when the Executive and the Police have taken action and have brought to book certain dangerous outlaws, his roll is absolutely changed. He now appears not as a public man who is interested in the preservation of law and order, but as the champion of the cause of those people who had been harbouring these dacoits and supplying them with unlicensed arms and ammunition. I would mention that in this case there were four well-known dacoits named Midha, Moti, Natha and Kaka. They were, as it so happened, related to some Congressmen who happened to be the President and Secretary respectively of the Congress Committees of these two villages. (*Hear, hear.*) These are the facts which my honourable friend opposite dare not deny. Midha was the real brother of Gurditta, the President of the Congress Committee of Chaoke. Sarwan Singh is the Secretary and Chanan Singh, President of the Jethuke Congress Committee. (*Hear, hear.*) So, here we find a strange combination—dacoits and Congressmen hand in hand! (*Hear, hear.*) I do not mean that they are genuine Congressmen but they are those who use the cloak of this great body for the purpose of looting the people and they use it as a defence against the forces of law and order at the time when they are brought to book. (*Hear, hear.*)

Sardar Lal Singh : Were the President and Secretary dacoits?

Minister for Public Works : I said that the President of the Chaoke Congress Committee, Gurditta by name, happened to be the real brother of Midha, who was shot in this raid, and that he was supplying him with

[Minister for public works.]

unlicensed arms and ammunition and getting the booty. (*An honourable member* : So this is non-violence.)

Sardar Lal Singh : Did the Police challan Gurditta for that ? Let the Minister not go on making remarks at random.

Minister for Public Works : I was trying to explain as to what is the relationship between one gentleman and the other. I will give the names of Congressmen who have been challaned and from whose houses unlicensed arms have been discovered—I mean from the houses of the votaries of *Satyagraha*, non-violence and *shanti*. A meeting of the police officers of Ludhiana and the adjoining states took place with a view to round up the dacoits. It was held on the 22nd and it was presided over by the Superintendent of Police of Ludhiana. It was decided at this meeting that simultaneous raids be made in the states and some villages including Jethuke in Shaina Police Station. It was suspected that dacoits were harboured in Shaina. So, raids were actually made. What do we find ? During the course of the raid on the 25th, unlicensed arms and ammunition were discovered from the Congressmen who were arrested there. (*Hear, hear.*) Now the honourable member over there will get the reply. One was Sarwan Singh who was Secretary of the Congress Committee, Jethuke. From his house a double barrel English made gun with five cartridges was discovered and this is his non-violence.

Sardar Lal Singh : When was it ?

Minister for Public Works : It was on 25th May, 1941. Then there was Gurwant Singh, son of Fateh Singh, Gajjan Singh, son of Kahan Singh. Thus there were eight Congressmen from whose houses various sorts of arms and ammunition—I mean unlicensed arms, etc.,—were recovered during the course of this raid. After that, information was received that the dacoits were in an adjoining place. The Police went in pursuit of dacoits and killed Midha and Kaka.

Sardar Lal Singh : Do you mean to say that no arm was recovered from non-Congressmen ? Is it that they were recovered from Congressmen only ?

Minister for Public Works : I said that these people from whose houses arms had by chance been recovered, happened to be Congress workers. I do not mean they were the real Congress workers, but people who use the cloak of the Congress to further their own end. Some of them happened to be office-bearers of the Congress also. (*Hear, hear.*)

Then, Sir, after this, these dacoits were shot and people were rid of these dangerous elements. Some of these Congress people who were naturally annoyed by it ran to Ludhiana and solicited the advice of Abdul Ghani, the president of the Congress Committee there, and perhaps of my honourable friend and others and they started this agitation. Allegations have been made against the police that they had gone to terrorise the public. As a matter of fact, the Superintendent of Police happened to be there in the *ilaga* at the time when these raids were made. People had received some injuries, but not at the hands of police. For instance, Gajjan Singh was

said to have his rib broken by the police, while he himself said that he sustained the injury by falling from a ladder. Others did not come forward to depose anything. Apparently the story was an after-thought. Baseless allegations are made against the police. It is by this sort of help to dangerous element that some honourable members encourage increase in crime and perhaps unconsciously disturb law and order in this province. I would, Sir, through you appeal to the honourable member that in a case of this sort he should sift the truth first and then rush to this House. But they do it without knowing the full facts and thus encourage the outlaws. If the honourable member makes a statement of this sort without fully knowing the facts, all I can say is that this is extremely deplorable.

Sardar Lal Singh : Sir, the Honourable Minister has made his remarks, I should say very respectfully, in an irresponsible manner that such and such people were Congressmen. I dare say that it is only the report of his Police Department.

Minister for Public Works : Yes.

Sardar Lal Singh : Has he got any document in his hand saying that these people were actually four-anna Congress members?

Premier : They were office bearers, president and secretary of the Congress Committee.

Sardar Lal Singh : There are always black sheep everywhere.

Minister for Public Works : That is what I meant myself.

Sardar Lal Singh : You are talking of the exception and not the rule. So far as the suppression of dacoits is concerned, I must say that the work of the police in Ludhiana, not at the beginning, but in the last year or so has been very good, (*Hear, hear from the Government benches*) because a number of them have been shot dead. But that does not mean that the police does not commit excesses. If you will allow me I would say that I brought this fact to the notice of the Superintendent of Police, but I will not say what he said in reply to this because it was an excuse. He did not at all defend the action of those people who had gone there. In fact thana Shehna has a reputation that the sub-inspector of police is addicted to bribery. The Honourable Minister has just mentioned a few Congressmen. There might be one or two Congressmen there.

Premier : He has given eight names.

Sardar Lal Singh : According to the police report.

Premier : There may be more.

Sardar Lal Singh : But here are the people better than the sub-inspector of police, who have said that these excesses were committed. If you do not believe it, it is a different matter. Without enquiry how can you say this? Here is the report.

Premier : Not genuine Congressmen but they are merely posing as Congressmen.

Sardar Lal Singh : Will the Honourable Premier stand up and give his homily or lecture? I will then reply to it. What I was pointing out is this that if one, two, eight or ten people on whom excesses were committed have been discovered doing some illicit work and they happen to

[S. Lal Singh.]

be Congressmen, that does not at all prove that the police is correct there. I will for the sake of the Honourable Minister again point out that I myself went to this village of Makhi in district Lahore in summer last and also wrote a letter to him, about excesses committed by police, but he refused to take any action or even acknowledge the letter. That is the way how the police is being actually encouraged. You say that I am encouraging these people. The Honourable Minister says that they found illicit arms. I admit that they did find some illicit arms. Will the Honourable Minister let me know whether he has provided arms to the people to defend themselves who live in villages surrounded by dacoits? You refuse them licences for arms, you refuse them the permission to possess arms to defend their life and property simply on the report of these half-penny two penny inspectors and sub-inspectors of police. If you refuse arms to respectable people who want to use them for their defence, what will happen? Exactly this that people will resort to illicit arms and this will go on. Unlicensed arms were discovered in Sargodha. Does the Honourable Minister mean to say that all those people were guilty? If you thought them to be guilty, why did you not challan them? You discovered illicit arms in their possession, but you did not challan them. (*Minister for Public Works*: They were arrested.) For the simple reason that your own conscience was not clear. You do not allow them arms and the result is they have to resort to illicit arms. Because illicit arms were discovered, that does not exculpate the police from the charges that I have made. I challenge the Government to go and make enquiry, and if this is found wrong, let the police challan me. I am prepared to say these very things outside this House. I will repeat again that if the Government want to take this challenge, I am prepared to throw it out.

Mr. Speaker : Question is—

That the item of Rs. 2,280 on account of "Pay of Officers" be omitted.

The motion was lost.

Mr. Speaker : The question is—

That a supplementary sum not exceeding Rs. 3,35,840 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of Police.

The motion was carried.

CIVIL WORKS.

Finance Minister : Sir, I move—

That a supplementary sum not exceeding Rs. 72,27,300 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of Civil Works.

Mr. Speaker : Demand moved is—

That a supplementary sum not exceeding Rs. 72,27,300 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of Civil Works.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*) : Sir, it is not always good to oppose the whole demand. But I am constrained to oppose the whole demand because no sufficient notice was

given as to when these demands would come up for discussion. We expected that at least two or three days' notice would be given.

Minister of Finance : I may point out to the honourable member that of this demand for Rs. 72,27,300 no less than Rs. 70,13,900 will be paid to us from the Central Road Fund by the Central Government. The honourable member should bear this in mind. We do not really have to bear this expense ourselves.

Mian Muhammad Nurullah (Urdu) : I am not dealing with that point. Some of the cut motions related to other Civil Works. I have specially in view the construction of new Civil Courts at Amritsar and the construction of a tube-well at the District Jail, Amritsar, mentioned at page 18 of the Supplementary Estimates 1941-42. I can say from my own personal experience that the cost of buildings has doubled recently. I had to construct an office and prepared estimates of its cost. But now I have come to know that every building material has become dear so that whereas originally I had a mind to spend one thousand, now more than two thousand rupees are required. Iron and cement have particularly become very dear. The price of certain articles of iron has gone up ten times its original price. I would urge that even if the estimates are passed by this House, the construction may be postponed till after the war. Why should the Government waste away the money of the public? Things which can be postponed must be postponed till prices become normal. As to the argument that Government of India is contributing towards the construction of certain roads, I may submit that it is the duty of the Punjab Government to get the full value of this money. We should utilize it just as we would utilize our own money. Waste ought to be avoided whether we spend from our own pocket or from the pocket of the Government of India.

With these few words, I oppose the demand relating to Civil Works.

Mr. Speaker : The question is—

That a supplementary sum not exceeding Rs. 72,27,300 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of Civil Works.

The motion was carried.

P. W. D. (B. and R.) ESTABLISHMENT.

Finance Minister : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 1,30,670 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of charges on Public Works Department, Buildings and Roads Establishment.

The motion was carried.

ELECTRICITY SCHEMES.

Finance Minister : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 35,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of Receipts from Electricity Schemes—Deduct Working Expenses (Other than Establishment).

The motion was carried.

MISCELLANEOUS AND EXTRAORDINARY CHARGES.

Finance Minister : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 30,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of Miscellaneous and Extraordinary Charges.

The motion was carried.

EDUCATION.

Finance Minister : Sir, I beg to move—

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of Education (excluding European and Anglo-Indian Education).

The motion was carried.

PUBLIC HEALTH.

Finance Minister : Sir, I beg to move—

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of Public Health.

The motion was carried.

ELECTRICITY SCHEMES—CAPITAL EXPENDITURE.

Finance Minister : Sir, I beg to move—

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1942, in respect of capital outlay on Electricity Schemes (outside the Revenue Account).

The motion was carried.

NORTH-WESTERN RAILWAY LOCAL ADVISORY COMMITTEE.

Minister for Public Works : Sir, I beg to move—

That this Assembly shall elect on such date as may be fixed by the Honourable the Speaker and through the method of proportional representation and single transferable vote, two representatives who shall be members of the Assembly to serve on the North-Western Railway Local Advisory Committee, representing rural interests and the travelling public.

The motion was carried.

Secretary : The Honourable Speaker has fixed Thursday, the 11th December, 1941, as the day for holding these elections. Nominations may be sent to the Assembly Office not later than 3 o'clock in the afternoon on Tuesday, the 9th December, 1941, on proposal forms which may be had from the office.

The Assembly then adjourned till 12 noon on Monday, 8th December, 1941.

PUNJAB LEGISLATIVE ASSEMBLY.
EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE
ASSEMBLY.

Monday, 8th December, 1941.

The Assembly met in the Assembly Chamber at 12 noon of the clock.
Mr. Speaker in the Chair.

STARRED QUESTIONS AND ANSWERS.

MUNSHI AHMAD DIN.

***7801. Sardar Moola Singh :** Will the Honourable Premier be pleased to state whether it is a fact that Munshi Ahmad Din, a well-known socialist leader of the Punjab and now confined in Montgomery District Jail, is not keeping good health since his arrest and that he is suffering from eye trouble ; if so, the reasons for this trouble and the steps that the Government has taken to treat him properly ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : Munshi Ahmad Din was transferred to the Deoli Detention Camp on the 19th July, 1941. Before his transfer to that place he was enjoying good health. He had chronic trachoma, but the trouble was not acute. He was getting the treatment necessary for his ailment. In Deoli his general state of health was reported to be indifferent on the 30th September, 1941. No further report has come and it can be presumed that his case is in no way serious.

SODHI PINDI DASS.

***7802. Sardar Moola Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Sodhi Pindi Dass, a well-known socialist leader of the Punjab, is detained in Deoli Camp ;
- (b) whether it is a fact that he has applied for an allowance to be granted to his dependents ;
- (c) whether it is a fact that his son sometime applied for his release on parole owing to the illness of his mother ;
- (d) if the replies to the above be in the affirmative, the action taken by the Government, and, if no action has been taken, the reasons for the same ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a), (b) and (c) Yes.

(d) No action was taken, because (i) the provisions of law under which Sodhi Pindi Dass is detained do not enjoin the payment of allowances, and (ii) an enquiry revealed that the illness of his mother was not of a sufficiently serious nature to justify releasing him on parole.

MR. RAJBANS KRISHAN.

***7811. Sar dar Moola Singh :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that Mr. Rajbans Krishan, War prisoner, who was permitted to sit for the M.A. Political Science examination this year, addressed a letter through the Inspector-General of Prisons, to the Honourable Finance Minister in January, 1941, containing a list of his University text-books along with a request that these text-books be sanctioned and censored ;
- (b) whether it is a fact that Mr. Rajbans Krishan also addressed a letter in February, 1941, through the Superintendent, Lahore Central Jail, to the Principal, Government College, giving a copy of the said list of text-books, and requesting him to certify that all these books were necessary for his studies in order to facilitate their censorship ;
- (c) whether it is a fact that the C. I. D. censored and withheld both these letters which contained no political reference whatsoever, without informing either the addressee or Mr. Rajbans Krishan ; if so, on what grounds ;
- (d) whether it is a fact that a list of text-books for Mr. Rajbans Krishan was ultimately sanctioned only on April 15, that is only eight days before his examination ;
- (e) if the replies to the above are in the affirmative, the reasons for the same ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) The security prisoner concerned did send a letter as described.

(b) and (c) No.

(d) and (e) It is regretted that there was some delay in sanctioning the list of books required ; this, however, was inevitable, as it contained the names of 71 books. Government were not informed that this security prisoner wished to appear in the April examination till the 4th of April, nor was any application made before April to the University authorities for permission to sit in the examination. On being informed that the application had been accepted by the University authorities, Government issued orders allowing the examination to take place in the jail, and the orders sanctioning the list of books issued immediately afterwards on the 10th of April.

CLERKS IN THE OFFICE OF DEPUTY COMMISSIONER,
GURGAON.

***7888. Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state the number and names of the candidates for the appointment of clerks in the office of the Deputy Commissioner, Gurgaon, in whose cases the age limit was waived while accepting them as candidates during the last three years up to the 1st November, 1941, and the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : There has been no such case.

FAILURE OF COTTON CROPS

*7892. **Chaudhri Ahmad Yar Khan** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware that the cotton crop on Upper and Lower Jhelum Canals in tahsil Phalia, district Gujrat, has been considerably damaged by some disease;
- (b) if so, the manner in which Government propose to compensate the zamindars for the loss so suffered by them?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes, American cotton only.

(b) Kharaba is being allowed under the rules.

CROWN LANDS AT LUDHIANA.

*7898. **Sardar Lal Singh** : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Crown lands comprised in the open park known as the Rakh at Ludhiana which serves as a recreation ground for the citizens are proposed to be sold by public auction; if so, what is the pressing need for this step?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : It is a fact that Government have decided to sell by auction a part of the land comprising the Rakh at Ludhiana. It is not required for any public purpose. Government desires to develop the area with the sale proceeds or a part of it. Adequate provision has been made for sports grounds and open spaces for which an area of 15·77 and 5·40 acres respectively has been allocated in the sanctioned scheme.

Sardar Lal Singh : Is the Parliamentary Secretary aware of the fact that there is no other open space in the Ludhiana town?

Parliamentary Secretary : That is why I have stated in my reply that an open space has been set apart.

Sardar Lal Singh : May I know the necessity for disposing of this land?

Parliamentary Secretary : The necessity is to develop the area by selling off a portion of the land; the proceeds will be utilised for the purpose.

Sardar Lal Singh : There is a lot of other lands round about that place which can be developed.

Parliamentary Secretary : That cannot be the reason to suggest that this land should not be developed.

Sardar Lal Singh : May I know if this land is required for building residential houses?

Parliamentary Secretary : I have clearly stated that a sufficiently large area has been set apart both for the purposes of play grounds and open space for the public to gather.

Mian Muhammad Nurullah : What is the total area for the park and how much has been set apart for the recreation ground?

Parliamentary Secretary : 15.77 acres have been allocated for play grounds while 5.40 acres have been set apart for the purposes of an open space.

Mian Muhammad Nurullah : Are there any other open grounds in Ludhiana ?

Parliamentary Secretary : I am not aware of this.

'A' CLASS DETENUS IN MUZAFFARGARH SUB-JAIL.

***7893. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the 'A' class detenues in the Muzaffargarh Sub-Jail are allowed one cot, one quilt, and one blanket as bed and no other bed clothing are supplied and they have to supply their own beds in captivity ;
- (b) that the detenues are not given underwear toilet necessities, towels, oil and utensils, and they are spending their own money on these necessities of life ;
- (c) that clothes supplied are inferior in quality and too few in quantity and a mis-fit ;
- (d) if the answer to the above be in the affirmative, what do the Government propose to do to remove the grievances of the detenues ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) They are provided with one charpoy, one munj mat, one cotton durrie, one blanket, one quilt, a pillow and a bed sheet.

(b) They are supplied with $\frac{1}{2}$ chhattack of soap for bathing purposes every week. Oil is issued to Sikh prisoners only. No underwear and toilet necessities are supplied by Government. Utensils have been supplied according to the scale sanctioned and the actual requirements of the detenues. One towel is issued to each prisoner.

(c) They generally wear their own clothes. Those who do not are supplied with two suits of clothing each. Any complaint of misfitting clothes are at once remedied. The clothes supplied are the best available from jails which manufacture clothing.

(d) Does not arise in view of the answers given for parts (a) to (c).

'A' CLASS DETENUS IN MUZAFFARGARH SUB-JAIL.

***7894. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the detenues A class in Muzaffargarh Sub-jail are allowed one interview per week and one letter a fortnight ;
- (b) that on account of the distance and non-existence of facilities for travellers lodging in Muzaffargarh the detenues cannot have interviews and have requested the Government to change the orders of interviews and letters, i.e., give them permission to write once a week and interview once a fortnight ;

(c) that if the order is changed the expenditure involved would be only Rs. 0-2-6 per head per mensem ;

(d) do the Government propose to effect the change ; if not, why not ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) :

(a) Yes.

(b) They requested to be allowed to write a letter in lieu of an interview.

(c) Yes.

(d) As a special case the security prisoners confined in the Subsidiary Jail at Muzaffargarh have been allowed to commute not more than two interviews in a month and receive the privilege of writing one special letter for each interview given up by them.

PRISONERS IN MUZAFFARGARH JAIL.

***7895. Malik Barkat Ali :** Will the Honourable Premier be pleased to state whether he is aware of the fact that the prisoners in the Muzaffargarh Jail have to pay from their own pocket for a shave, a hair cut and for the washing, sewing and mending of their clothes ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : *Shaving and hair cutting.*—The security prisoners confined in the Sub-Jail, Muzaffargarh, had at first their shaving and their cutting done by a convict barber. Later they refused his services on the ground that his work was not up to the standard required by them.

Washing.—The clothes of the security prisoners are washed by a convict dhobi and soap for washing purposes is provided by Government.

Sewing and mending of clothes.—Although jail clothes are provided at Government expense for these security prisoners they have preferred to wear their own clothes. Sewing and mending of clothes is done at Government expense.

AJAIB SINGH.

***7900. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

(a) whether one Ajai Singh, son of Kishan Singh of village Butahri, is being detained in Ludhiana Jail ; if so, under what law or for what offence ;

(b) what was the prisoner's weight when he was taken under custody and what is it now, whether it is a fact that an abnormal reduction in his weight has taken place ; and, if so, what are the reasons ;

(c) whether it is a fact that the prisoner was never tried for any offence and that he was arrested merely on suspicion of an unconfirmed unauthenticated report ;

(d) whether it is a fact that others arrested along with him have been since released ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a)

First part.—He is detained in the custody of the Superintendent of Police, C. I. D., Delhi.

[Sayed Amjad Ali Shah.]

Second part.—Rule 26 of the Defence of India Rules, 1939, for reasons connected with the defence of British India, and the maintenance of public order.

(b) (i) 184 lbs. on 1st May, 1941, (ii) 182 lbs. on 1st December, 1941, (iii) no abnormal reduction has taken place in his weight, (iv) does not arise.

(c) *First part.*—Yes.

Second part.—No.

(d) Some of them were released while others were dealt with under rule 26 of the Defence of India Rules.

PUNITIVE POLICE TAX.

*7899. **Sardar Lal Singh** : Will the Honourable Minister for Public Works be pleased to state—

(a) the total amount of punitive police tax realised from villages in Ludhiana and Ferozepore districts during the foregoing two financial years ;

(b) the number of assesses of each of these two districts for these two years ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) *Ludhiana.*—Rs. 20,028-9-0.

Ferozepore.—Rs. 16,078-13-0 (including Rs. 1,128-14-3 realised during the period under report on account of additional police posts at Mudki and Shakur and Mobile forces located prior to the years under reference.)

(b) *Ludhiana.*—4,850.

Ferozepore.—3,888 (excluding the number of assesses for the tax on account of the additional police posts at Mudki, and Shakur and Mobile forces).

MODEL SCHOOLS IN GURGAON DISTRICT.

*7889. **Chaudhri Sumer Singh** : Will the Honourable Minister of Education be pleased to state—

(a) the names of the model schools in the Gurgaon district together with the reasons for establishing them in their present places ;

(b) the reasons for selecting Jatusana in place of Dharuhera previously selected by the officers concerned for the establishment of a model school ?

The Honourable Mian Abdul Haye : (a) Bhondsi, Aurangabad, Taoru, Jatusana, Nagina and Tigaon. The schools were selected in consultation with the Deputy Commissioner and the District Inspector of Schools, Gurgaon, as being more or less central and affording a good chance for development.

(b) A model school was established at Jatusana taking into consideration the situation, enrolment, the chances for development and the military services of the people. At Darnhera the accommodation was insufficient,—the place is not central.

MODEL SCHOOLS IN AMBALA DIVISION.

*7890. **Chaudhri Sumer Singh** : Will the Honourable Minister for Education be pleased to state—

- (a) the names of all the model schools in the Ambala Division along with the name of the majority community residing in the place where a model school is established ;
- (b) whether this selection of the place for the establishment of the model school is based on a certain formula, if so, the nature of that formula ?

The Honourable Mian Abdul Haye : (a)—

No.	District.	Name of Model School.	Name of the majority community residing in the place.
1	Rohtak	Kharkhauda	Sayed.
2	Do.	Dighal	Jat.
3	Do.	Murthal	Jat.
4	Do.	Madina	Jat.
5	Gurgaon	Bhondsi	Hindu Rajput.
6	Do.	Aurangabad	Hindu Rajput.
7	Do.	Taoru	Meos (Muslims).
8	Do.	Tigaon	Gujars (Hindus).
9	Do.	Nagina	Meos (Muslims).
10	Do.	Jatusana	Muslim Rajputs.
11	Ambala	Manimazra	Hindus.
12	Do.	Singh Bhagwantpur	Muslims.
13	Do.	Bilaspur	Hindus.
14	Do.	Mullana	Hindus.
15	Do.	Shahzadpur	Hindus.
16	Hissar	Dabwali Mandi	Hindus.
17	Do.	Tohana	Muslims.
18	Do.	Narnaund	Hindus.
19	Do.	Fatehabad	Muslims.
20	Do.	Bamla	Hindus.
21	Karnal	Samalka	Hindus.
22	Do.	Radaur	Hindus.
23	Do.	Habri	Muslims.
24	Do.	Jundla	Muslims.

[Education Minister.]

(b) The places have been selected, in consultation with the Deputy Commissioners and the District Inspectors of Schools concerned, in view of their central position in their respective tahsils, good enrolment and prospects for development, etc.

UNSTARRED QUESTIONS AND ANSWERS.

BOYCOTT OF HINDUS AND SIKHS IN SARGODHA COLONY.

1451. Dr. Sir Gokul Chand Narang : Will the Honourable Premier be pleased to state whether he is aware of the fact that a petition was sent to the Chief Secretary to Government, Punjab, by the Hindu and the Sikh residents of the Sargodha Colony through the President of the Hindu Sikh Colony Association of Sargodha bringing to his notice the following points :—

- (a) that owing to the Pakistan propaganda conducted by certain officials of the Shahpur district the majority community in the district had started humiliating, insulting and mal-treating the members of the minority community ;
- (b) that a boycott of the members of the minority communities had been started ;
- (c) that some of the subordinate police officials were taking interest in the expulsion of the non-Muslims from the district ;
- (d) that owing to the attitude of the Muslims in general and Muslim officials in particular, the lives of the Hindus and the Sikhs in the district had become intolerable and that they were compelled to resort to *Hijrat* ;
- (e) that in a certain Chak the *Abadkars* broke open the locks of the houses of the Hindus and Sikhs and removed their *bahis* as well as some other articles ;
- (f) that these *bahis* were burnt by the *Abadkars* to extinguish their liabilities ;
- (g) that the buildings of the Hindu and Sikh shopkeepers were demolished and the girders, wooden rafters, doors, windows and pucca bricks were removed by the *Abadkars* who indulged in general loot ;
- (h) that a place which was being used as a Gurdwara for the last twenty years was desecrated and was ultimately demolished ;
- (i) that in spite of the matter having been reported to the police, no action was taken against the offenders but on the other hand attempts were made to stifle the investigation and efforts were made to hush up the matter ;
- (j) the action which has been taken on the prayer of the petitioners that "an independent European Officer be deputed to investigate into the happenings and to determine the responsibility of police officials in the matter "?

The Honourable Major Sir Sikander Hyat-Khan : Part I.—Yes.

Part II.—It is incorrect that any campaign to conduct Pakistan Propaganda has been launched by officials of the Shahpur

district; or that the majority community in the district has in any general sense been humiliating, insulting boycotting or mal-treating the minority community; or that subordinate police officials have been taking an interest in the expulsion of non-Muslims from the district. In so far as the actual petition referred to by the honourable member is concerned, a case has been registered and has been investigated by two Inspectors of Police, one a Hindu and the other a Muhammadan, under the supervision of two successive Superintendents of Police, of whom the latter is a European. The investigation discloses that certain Sikh shopkeepers of Chak No. 35-S.B. in the Shahpur district were boycotted by the Muslim *abadkars* of the Chak in retaliation for the misbehaviour of the shopkeepers in molesting the *abadkars*' womenfolk. Subsequently, the shopkeepers emigrated from the locality leaving behind them only a few articles of trifling value which they were unable to carry. There is no reason to believe that any *bahis* were included in the articles left behind or that they were removed or burnt by the *abadkars*. It is, however, true that some building material was removed by the *abadkars*, though it is contended by them that this has been done legally as a sequel to the purchase of the *malba* of the buildings; and the evidence so far available has not justified any arrest. It is not true that any gurdwara has been demolished or that any attempt has been made to suppress the complaint: certain delays on the part of the subordinate police officers are, however, being enquired into. Meanwhile, the aggrieved persons in this case have been interviewed by the Deputy Commissioner, who is using his good offices in the matter.

CHAUDHRI MEHR CHAND.

1452. Malik Barkat Ali: Will the Honourable Minister of Development be pleased to state—

- (a) whether Chaudhri Mehr Chand who was appointed as Head Assistant in the office of the Director of Agriculture in February, 1941, was an Accounts Clerk in the office of the Government Cattle Farm, Hissar, drawing Rs. 125 per month;
- (b) if the answer to part (a) is in the affirmative, will the Honourable Minister kindly state whether the appointment of Chaudhri Mehr Chand was made by the Director of Agriculture himself acting on his own judgment or in consultation with the then Development Minister;
- (c) is it a fact that by the appointment of Chaudhri Mehr Chand as Head Assistant one Mr. Ghulam Ahmad Sleem, B.A., Assistant in the office of the Director of Agriculture was superseded;
- (d) whether against his supersession Mr. Ghulam Ahmad Sleem submitted an appeal to the Honourable the Financial Commissioner through the Director of Agriculture as required by rules;
- (e) whether this appeal has been withheld by the Director of Agriculture and, if so, why;

[M. Barkat Ali.]

- (f) is it a fact that the said Chaudhri Mehr Chand is a matriculate while Mr. Ghulam Ahmad Sleem is a graduate and has about 22 years to his credit in this very office ;
- (g) is it a fact that Mr. Ghulam Ahmad Sleem prior to his supersession was drawing Rs. 240 per month while Chaudhri Mehr Chand was drawing Rs. 125 per month as Accounts Clerk in the office of the Government Cattle Farm, Hissar ;
- (h) whether the Director of Agriculture when appointing Chaudhri Mehr Chand wrote in his order that he was making the appointment in consultation with the Development Minister ?

The Honourable Sardar Dasaundha Singh : (a) Yes.

(b) The Honourable Minister was consulted on the question whether the post, which was a new one, should be filled by promotion within the office or be thrown open to applicants from other offices as the rules allowed and on the community from which applications should be invited. The actual selection was made by the Director of Agriculture personally.

(c) As the post was filled by selection the question of supersession does not arise.

(d) Yes ; although the rules do not provide any appeal.

(e) Yes ; as no appeal lies.

(f) Yes.

(g) Yes.

(h) No.

SIKHS IN CENTRAL TRAINING COLLEGE, LAHORE.

1453. Sardar Lal Singh : Will the Honourable Minister of Education be pleased to state—

- (a) what is the total number of Sikhs, if any, on the staff of the Central Training College, Lahore, with the names of each one of them ;
- (b) what is the number of Sikh students at present studying in that College ?

The Honourable Mian Abdul Haye : (a)

No.

Names.

3 Mr. M. G. Singh, M.A., Vice-Principal, Central Training College, Lahore.

S. Balwant Singh Anand, M.A. (Pb.), B.A. (Cantab.), Diploma of Education, Lecturer, Central Training College, Lahore.

S. Jiwan Singh, Manual Training Instructor, Central Training College, Lahore.

(b) 22.

SELECTION POSTS.

1454. Malik Barhat Ali : Will the Honourable Premier be pleased to state whether the post of a Head Assistant in Government offices in which this post exists is a selection post in the sense of that expression as defined by the Secretary of State in his despatch No. 83-Services, dated 20th August, 1925, and further clarified by the Punjab Government in their letter No. 7084 (H.—Gazette), dated 29th February, 1932, sent to all Heads of Departments and will he be further pleased to state whether posts held by Ministerial officers come within the definition of Selection Posts ?

The Honourable Major Sir Sikander Hyat-Khan : The conditions of service under the Punjab Government including the principles to be followed in making promotions within the services are now prescribed by rules made for each service separately under the Government of India Act. The honourable member will, therefore, understand that a reply to his question in general terms might be misleading. If he will specify the service or services in which he is interested, an accurate reply will be framed.

HINDI AS MEDIUM OF INSTRUCTION.

1455. Rai Bahadur Lala Gopal Das : Will the Honourable Minister of Education be pleased to lay on the table of the House a statement in the following form :—

1	2	3	4	5
Name of division.	Number of primary schools in the division.	Number of primary schools in which Hindi is the medium of instruction or in which a Hindi teacher is provided.	Number of secondary and high schools in the division.	Number of secondary or high schools in which Hindi is the medium of instruction or in which a Hindi teacher provided.

The Honourable Mian Abdul Haye : I regret that the answer to this question is not yet ready.

ADJOURNMENT MOTIONS.

CONTROL OF PRICE OF WHEAT.

Sardar Lal Singh : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the tense situation arising out of the

[S. Lal Singh.]

artificial attempt made by the Central Government to lower the price of wheat by removing the import duty on wheat and by the impossibility of dealers in wheat market to sell wheat at the price fixed.

Mr. Speaker : Does the honourable member wish to discuss the order of the Central Government ?

Sardar Lal Singh : The steps taken by the local Government in enforcing that order.

Mr. Speaker : Where does the honourable member say that the Government has failed to perform its duty ?

Sadar Lal Singh : A very tense situation has arisen in this province as a result of that action.

Mr. Speaker : Is not, the resolution moved by Chaudhri Muhammad Hussain, still under discussion ?

Sardar Lal Singh : But the situation is such that it cannot brook a moment's delay.

Mr. Speaker : What has the Government to say ?

Premier : As a matter of fact I have not understood the object of the motion. What does the honourable member want to discuss ?

Sardar Lal Singh : I want to discuss the failure on the part of the Government to forestal these measures.

Premier : How could we forestal these measures ?

Sardar Lal Singh : The Government could find out as to how much wheat and ata is required for the province.

Premier : My honourable friend is aware that we could not take action unless it was on an all-India basis. So far as we are concerned the district magistrates have been asked to take action immediately.

Sardar Lal Singh : Is it that the Punjab Government is carrying out the orders of the Central Government and keeping prices low ?

Premier : Punjab Government is doing everything possible to see that the prices are controlled. My honourable friend is aware that the District Magistrate of Lahore issued orders the other day fixing prices of wheat and ata. Similar instructions are being issued by Deputy Commissioners at other places where prices will be fixed on the basis of Lyallpur price.

Sardar Lal Singh : The Punjab Government has not taken the trouble to see whether at that level of price people can afford to sell wheat at all.

Premier : At the moment all the wheat is in the hands of the stock holders or those who deal in wheat ; therefore, we cannot take any action which would make wheat go under or go out of the province. The honourable member must remember that that is one of the problems which we have to face. As I have said it is an all-India question. For the present prices will be fixed on the basis of Lyallpur price. Later on we will make such recommendations to the Government of India as may be necessary in the interests of the province.

Sardar Ajit Singh : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the situation arisen due to the deadlock of business in almost all the grain markets of the Punjab and the failure of the Government in not managing the sale of agricultural produce of the zamindars of the province who are refused purchases after the enforcement of the Marketing Act.

(*Punjabi*) : Sir, the market towns all over the province have been crammed with carts laden to capacity with cotton for the last six or seven days, and for lack of buyers the plight of the animals as well as the cartmen who have thus been stranded is miserable. The responsibility for this state of affairs is entirely that of our Government who have made absolutely no arrangements for the marketing of agricultural produce so far.

Premier : Sir, I have received scores of telegrams to the effect that owing to a paucity in the rolling stock dealers are not getting sufficient number of wagons for disposing off their stocks which have accumulated in their godowns. So long as they are unable to clear their stocks they cannot make any further purchases. The Government is carrying on negotiations with the railway authorities and it is hoped that wagons necessary for the disposal of stocks in hand will soon be available.

Sardar Ajit Singh : This is absolutely incorrect. Only yesterday a meeting of all the factory owners of Montgomery and Multan districts was held in which they said that they wanted to buy stocks of cotton but were prevented from doing so on account of the closing down of markets by the dealers as a protest against the Marketing Act. The weighmen and the labourers had also struck work and practically no business was being transacted in the grain markets. The question of wagons not being available in sufficient numbers does not at all arise.

Premier : The paucity of rolling stock is one of the main causes.

Sardar Ajit Singh : I do not discount the lack of wagons. No doubt it is one of the causes but it is not the main cause. Sir, this state of affairs has been going on for the last seven days. In the Okara Market alone some twelve hundred carts have thus been stranded. The bullocks and the cartmen are starving and by the time a short notice question is replied to in the House there is a danger of cartmen rioting in desperation.

Premier : Sir, I do not understand what the honourable member wants.

Mr. Speaker : So far as I have been able to follow, the honourable member's point is that the produce, especially the cotton of zamindars, is waiting in carts, etc., in the markets; and that there is no one to purchase it; and he wants to know what steps the Government have taken to help the zamindar by having his produce sold off? For this purpose, I think, the honourable member should give notice of a short notice question.

Sardar Santokh Singh : I gave notice of a short notice question on Friday, but it has not been replied.

Mr. Speaker : I am doubtful about the admissibility of the motion, but I will give the benefit of the doubt to the honourable member. The

[Mr. Speaker.]

honourable member asks for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the situation arisen due to the deadlock of business in almost all the grain markets of the Punjab and the failure of the Government in not managing the sale of agricultural produce of the zamindars of the province who are refused purchases after the enforcement of the Marketing Act.

Any objection ?

Premier : Yes, Sir, I object to the leave being given.

Mr. Speaker : Will the honourable members who are in favour of leave being given please rise in their places ?

As less than 30 members rose in their places the leave was refused.

CONTROL OF PRICE OF ATA.

Mian Muhammad Nurullah : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the provincial Government enforcing the control of price of ata without making the necessary arrangements to see that poor people are not refused supply at the rates fixed by Government.

(Urdu) : Sir, the objection raised against the motion moved by my honourable friend Sardar Lal Singh, that control was instituted by the Central Government and the Provincial Government could not do anything in the matter, does not hold good in the case of my motion. It does not relate to the control of prices but concerns itself with the inability of the Government to control the situation arising therefrom. A poor labourer who earns hardly four or five annas a day and has to buy flour in the evening is finding it impossible to get it from any shop. On Saturday the shopkeepers closed down their shops and refused to sell any flour. That evening at the dinner table I was served a plate of rice and curry. On being asked why rice and curry, which I am not in the habit of taking, was served to me my servant replied that he could not get wheat-flour. Now this is a great hardship for the labouring classes whose meagre daily wages make it imperative for them to buy their ata daily. In the regime of our popular Government the poor are deprived even of their frugal fare because it did not make any arrangements for controlling the situation. It was the duty of the Government to warn the shopkeepers by beat of drum and if there were any delinquents it ought to have arrested them so that others might be deterred.

Mr. Speaker : What should be discussed ?

Mian Muhammad Nurullah : My submission is that the Government should have enforced this control of prices only after making necessary arrangements. The shopkeepers contend that having purchased wheat at the rate of 6 seers a rupee they cannot possibly sell it at 8 seers a rupee. Some of them even told their customers to go and get flour at this rate from Sir Chhotu Ram.

Premier : My honourable friend should know that we had the interests of the poor in view in fixing the prices. Only this morning on enquiry I was informed that they were now getting 8 or 8½ seers of flour for a rupee.

Mian Muhammad Nurullah : That may be the rate for to-day, but it was not the rate on Saturday.

Premier : Yes, the rate at present is 8 seers and I hope my honourable friend will be satisfied now.

Mian Muhammad Nurullah : My honourable friend Sardar Lal Singh tells me that even to-day he could not get it at the rate mentioned by the Honourable Premier.

Lala Harnam Das : We cannot get even six and a half seers for a rupee.

Premier : My honourable friends should take it from me that when the poor really encounter any difficulty in getting flour Government will not sit idle. Every action necessary for the purpose will be taken. The Deputy Commissioners in all the districts of the province have been asked to control and fix the prices.

Mian Muhammad Nurullah : How can the Honourable Premier, who eats *dubal roti*, instead of *ata* appreciate the seriousness of the situation ?

Premier : I may mention for the information of my honourable friend that I eat maize now.

JAPAN'S ENTRY INTO THE WAR.

Premier : Sir, I believe you and all my honourable colleagues in this House must have seen in the papers this morning that as was expected Japan has also entered the war arena which brings the danger nearer to our country both from the west and from the east. I do not think that it is necessary for me or for any one here to dilate on that subject or to make any lengthy speeches. But I wish to take this opportunity once again to request all my co-citizens both in this House and outside that we should now make up our minds definitely to hush all controversies and to put up a united front so that this danger which has come nearer to us from both sides, east and the west, may be met not only by the Punjab but by the rest of the country also following the lead of the Punjab and thereby ensure that our country's integrity and safety is not jeopardised. I am sure that every one in this House will endorse my appeal. I also want to reiterate once again on behalf of the Punjab our determination to do our utmost to the best of our ability and resources to help in winning this war.

Dr. Sir Gokul Chand Narang : May I ask a question ?

Mr. Speaker : The Honourable Premier has made a statement and that cannot be discussed, nor can questions be asked about it.

Dr. Sir Gokul Chand Narang : If the Honourable Premier really wants that there should be peace in this province, may we request him to drop all controversial legislative measures also ? That is what I wanted to ask.

Sardar Santokh Singh : I whole heartedly support the appeal that has been made by the Honourable Premier, and I do hope that all communities all over India will do their best to help in the war not only by words, but by deeds, as well and I further hope that the Government by their actions will prove what they preach so that no cause might arise for controversies during these troublous days, and that we may be able in a body to do our best for the prosecution of the war.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE FOR 1939-40.

Minister for Finance (The Honourable Sir Manohar Lal) : Sir, I beg to move—

That the report of the Public Accounts Committee on the Appropriation Accounts and Finance Accounts of the Punjab Government for the year 1939-40, be taken into consideration and adopted, and that the Excess Grants recommended by the Committee be voted.

These demands are made on the recommendation of the Governor. In placing this proposition before the House, I wish, with your permission, to make a few brief observations. You will see from the Report that the Committee sat for 14 days in considering these accounts, and that on 12 of these days the Committee was engaged in an examination of the accounts in detail. May I have your permission to convey my thanks to the honourable members of this House on this Committee for the very keen interest which they displayed in the examination of these accounts. That is particularly so because the year under review was the most difficult year financially that we have passed through. During this year we had budgeted for a deficit of 29 lakhs, because at the time when the budget was framed it was expected that the famine expenditure would be not more than 39 lakhs. It was expected that the famine would not last longer than about five months. As it is, the matter is fresh in the minds of us all, the famine spread with increasing intensity throughout the whole year and ultimately the burden of expenditure that fell on our revenues on account of the famine, when our figures had to be revised, was not less than 72 lakhs. In spite of the fact that the expenditure increased by 33 lakhs on account of the famine, at the time the revised figures were available the deficit was only 20 lakhs more than in the budget, and as the accounts were published you will remember that the total deficit rose only by 7 lakhs to 36 lakhs. The famine expenditure went up by 33 lakhs, but the deficit went up only by 7 lakhs. That I think is a very commendable position, it is the manner in which the finances of this province were scrupulously guarded with the utmost vigilance during that year, particularly from the months of October onwards when the intensity of the famine was fully realised, that we were able to sustain the full onrush and the full attack of the famine on our finances.

You will see that the Committee has expressed after thorough examination and scrutiny its conclusions as regards the year's finances thus. On page 8 you will see the Committee state—

In spite of all this strain on the Provincial finances, we are pleased to note that expenditure on Beneficent Departments showed an increase of Rs. 2 lakhs over 1938-39, and of 15 lakhs over 1937-38.

I am confident that the House will note that fact with distinct gratification. In spite of the fact that we were confronted with a famine of

tremendous intensity such as has not visited this province for many a year, the expenditure on beneficent departments continued to increase. In this connection may I draw your attention to what the Committee has stated about the way in which the finances of the province were managed—

In paragraph 3 above we have made a brief mention of the peculiar difficulties of the year under report. We made a very detailed examination of the Finance Accounts—vide the proceedings of the 12th and 13th meetings held on the 16th and 17th September. Our examination leaves us fully assured that the finances of the Province were managed and controlled, during this difficult year, with the utmost care, skill and ability.—Page 9 of the Report.

That, sir, is a commendation on the part of this Committee which the Finance Department has received with the utmost gratification. You will see at page 10 that the Committee sums up its opinion thus :

We are entirely satisfied with the Finance Accounts for the year 1939-40. The short summary given above can lead to only one conclusion, namely, that in spite of very grave and peculiar difficulties of the year, the custodians of our finances steered them through unscathed, on lines of the soundest possible financial policy.

Among other matters the Committee devoted particular attention to our finances as affected by our Hydro-Electric Scheme, and you will see at page 9 at the top that the position has once again been very clearly stated by this Committee. I have had occasion when presenting the annual budgets to express my opinion in very clear terms about the working of this scheme, but it is eminently useful to have the opinion of a Committee of this House that has gone into this matter with considerable thoroughness. They say—

In our last report we remarked that if only the Hydro-Electric Scheme could be made to return a yield the Punjab could well boast of the soundest possible finances. This year we have gone into the financial results of this scheme in great detail, and invite attention to the proceedings of our 9th and 11th meetings held on the 1st August and 15th September, 1941, respectively, also to a detailed note, Appendix VII, prepared by the Chief Engineer, and a statement, Appendix VIII, furnished by the Accountant-General. The result is that we are satisfied with the manner in which the scheme is being run, but we concur heartily in the suggestion of the Chief Engineer that, in order to safeguard the future of this important undertaking, the Government should take active, and, if necessary, drastic measures to check erosion in the Uhl river catchment area. The Chief Engineer told us that each cusec of water in this river means a revenue of Rs. 45,000 per annum, to the Province.

We must express here our appreciation of the assistance given to us by the Heads of Departments during their oral examination by us.

Sir, the Committee also paid very special attention to the finance accounts to which I have referred already. An important feature of the year has been the manner in which we particularly studied and enforced retrenchment and economy. In our Civil Works, it will be noticed—these are detailed at page 8—that it was because of the heavy savings there that it was possible for us to reduce the large size of deficit that otherwise threatened us. I may refer to just one or two other matters before I conclude, and these are excesses. You will see that among the voted excesses at page 6, the position is stated very clearly. I have on more than one occasion before said that excesses constitute a financial offence though usually unavoidable and ought to be reduced. It is the duty of the Finance Department to see that excesses are reduced to the smallest possible number and the smallest possible amount. You will see that among the voted items, the

[Finance Minister.]

total number of excesses is now reduced to only 3. On the Irrigation—Capital, the House budgeted 15 lakhs, and the excess amount is the negligible sum of Rs. 30 thousand. Similarly, under Superannuation Allowances and Pensions, we budgeted 55 lakhs 78 thousand and the excess amount was only 25 thousand. Under Deposits and Advances, the excess is only Rs. 1,144. Sir, our position in this regard has improved remarkably during the past three years. In 1938-39, the voted excesses stood as high as 10 lakhs; in 1937-38, 1 lakh and 82 thousand, and this year they stand no higher than 57 thousand. Excesses occur because sometimes it is not possible to obtain the vote of the House as certain expenditures have to be incurred towards the end of the year. The House is not directly concerned with it but the "charged" excess amount also is only Rs. 37,526. That also, I believe, constitutes a record in the financial history of this province. These charged excesses constitute 4 items on page 7. You will see that the first two items are not higher than Rs. 326 and Rs. 1,988. It is very difficult to make a correct estimate with regard to Superannuation Allowances and Pensions. But it is much lower than before.

Now, Sir, I will turn to another feature, which has been noted particularly by this Committee, it is the accuracy with which the Budget was passed. In the year 1937-38, the accounts showed a disparity of 4.71 per cent, the next year it was reduced to 4.17. This year the disparity is well below 2 per cent. (*Hear, hear.*)

Now, I have only one more aspect of the accounts which I beg to place before the House and that is, how the debt position of this province is. At page 10 you will see that our capital outlay on Irrigation Works comes to Rs. 37,80 lakhs, and our capital outlay on Hydro-Electric Scheme comes to Rs. 6,89 lakhs, and thus these two items alone between themselves make a total of Rs. 44,69 lakhs. As against this capital outlay of Rs. 44,69 lakhs, the debt of the Punjab stands at Rs. 35,87 lakhs. (*Hear, hear.*) Any province that can show its debt position such as ours would be declared without any further reflexion to have managed its finances in the most economic and prudent fashion.

Not only this, during the year under survey, a loan of Rs. 251 lakhs was raised, but on 31st March, 1940, the increase in the net debt was only Rs. 35,87 lakhs, that is, an increase of Rs. 2,12 lakhs. This represents, if I may say so, the skill and efficiency of the management by which these complicated and difficult affairs were conducted. Sir, at page 10, you will see that in spite of all these additions to our capital outlay, the debts are imposing a very light burden on the future of this province, compared with the burden before.

Now, there is another small matter to which I want to draw the attention of the House, and that is the irregularities, as they are known. These you will find stated at page 7. Sir, during this particular year, the irregularities came only to 6 and the amount involved was as small as Rs. 37,798. This is a very small sum and out of this a sum of Rs. 10 thousand was held to be due to the person to whom the payment was made. And thus it reduces the total amount of possible irregularities to about Rs. 28 thousand out of a budget of 13 crores or thereabouts. It is not surprising,

therefore, that the Public Accounts Committee has been so generous in expressing its appreciation of the working of our finances during the year under review. As I have said, it is a matter of particular gratification to me and I am duly thankful to the Committee for going so carefully through our accounts as they have done examining the books of accounts spreading over hundreds of pages. With these few words, I commend this report to the consideration and adoption of the House.

Mr. Speaker : Motion moved is—

That the report of the Public Accounts Committee on the Appropriation Accounts and Finance Accounts of the Punjab Government for the year 1939-40, be taken into consideration and adopted, and that the Excess Grants recommended by the Committee be voted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, I do not mean to discuss any particular items mentioned in this Report, but my attention has particularly been drawn to a Note of Dissent appended to the Report by one of the members of the Committee, namely, Malik Barkat Ali. At page 11 he has referred to a few points which, I think, deserve the attention of the House and a reply from the Government if the Government chooses to make a reply. He has stated that when he was examining the details of war publicity expenditure actually incurred in 1939-40, it transpired from the Statement supplied to the Committee and the subsequent oral examination of Mr. J. D. Anderson, I.C.S., Joint Chief Secretary to Government, Punjab, that a sum of Rs. 33,909-4-0 was paid in five equal shares during the year under report to a number of papers whose names are given. I believe this is a fact and if it is not a fact, I trust that the Government would make its position clear. If no such money has been given, the question does not arise. If it has been given, then certainly what has been stated by Malik Barkat Ali in the subsequent paragraph does require attention. I shall just read it.

It was stated before us that each of these papers supplied to the Government 1,600 copies of a weekly edition containing such war news as were supplied to them by Government through a special staff engaged for the purpose. These copies, we are told, were distributed free in rural areas through the agency of headmasters to whom these copies were sent by post.

Now, this is very important :—

When Mr. Anderson was being examined, I told him frankly that this expenditure was a total waste and a piece of sheer extravagance, as no one reads these copies, which often remain lying intact with their postal covers unopened in the offices of headmasters, and that really this expenditure was a mode of corrupting the sources of public information in this Province. Now that the Report of the Public Accounts Committee is being finally prepared for presentation to the Assembly, I deem it my duty—

Mir Maqbool Mahmood : On a point of order. I beg to invite your attention to Rule 140 (a) relating to the functions of the Public Accounts Committee. The functions of the Public Accounts are clearly stated therein.

It says :—

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;

There was a regular motion in the House and grant was sanctioned by the House for the purpose for which it was spent and I submit that this is

[Mir Maqbool Mahmood.]

not the occasion to raise a discussion on an earlier decision of the House as to whether it is justified or not. We are considering the Report of the Public Accounts Committee and this is not the occasion to see whether the decision given by the House had been implemented. My honourable friend Malik Barkat Ali has transgressed the functions of the Committee in going into the policy and decision given by this House by passing strictures on certain officers for having implemented those decisions. I submit that this is not the occasion to raise that debate.

Dr. Sir Gokul Chand Narang : If I were questioning the genuineness of any item or the purpose to which it was applied then my honourable friend's objection would be valid. You have asked us to give our opinion whether this Report should or should not be adopted. I am giving you my reasons why some people can legitimately object to the adoption of this Report. It is not a question of objecting to the existence of any particular item or to its application for any particular purpose. So far as my recollection goes, the House never sanctioned and never gave a vote that part of this money should go to X and another part should go to Y and another part should go to Z and so on. The utmost that this House did was that it passed a certain demand which might have included 'publicity.' I may tell you that I am not against publicity. In fact I believe that it is absolutely necessary for the Government to do some sort of publicity particularly in days when there is danger of false rumours and alarming rumours being spread. When the War is on, it is absolutely necessary that correct information should be supplied and I do not grudge the payment of any amount to any of these papers at all. I make it absolutely clear. What I am trying to point out to this House and particularly to the Government is that Malik Barkat Ali says that the object which this House had in sanctioning a certain amount for publicity is not being fulfilled inasmuch as sixteen hundred copies of each of these papers which are sent out, keep lying intact and even their covers are not removed and they do not reach the people for whom these sixteen hundred copies of each of these papers are intended. I think the Government should welcome this opportunity of clearing their position. If it is really so that sixteen hundred copies of each of these papers go out and keep lying in the offices of the headmasters without even the wrappers being removed, it is time that they should see that this expenditure should not be incurred or if it is incurred and there is any objection to any of these papers, that objection should be removed or if there is any negligence on the part of the headmasters to whom copies are sent, notice should be taken of their negligence, or if there is any defect which prevents the correct information reaching the public for whom it is intended, the Government should take measures to remove these defects. That is the object of this Note of Dissent. In any case that is the object with which I have ventured to draw the attention of the Government on the basis of this Note. Whether Malik Barkat Ali was exceeding his powers or transgressing the rules, I am sure he can look after himself and he will point out if he wants to, whether his action was or was not justified. I am particularly drawing the attention of the Government to this. He put this question to Mr. Anderson, the then Additional Chief Secretary, and told him that this money was being wasted. I do not find any reply of Mr. J. D. Anderson.

in this Note of Dissent or anywhere else. If he gave any reply I think Malik Barkat Ali ought to have referred to it or the Government can refer to it and say that Malik Barkat Ali's assumptions or his apprehensions are not well founded and that the papers do not lie un-opened and reach the public for whom they are intended. Then, sir, in addition to that—of course he has put it very bluntly and too plainly—he talks of *hakeai ki doka aur nana ji ka fatiah*. It is according to him, mis-use and abuse of public money if it is being spent on a mission which does not fulfil its object. Then he says that the money thus distributed does not achieve its professed purpose, as nobody reads the stuff so distributed. This is an accusation against the Government and I would like the Honourable Finance Minister to listen to it. He says—

The object is really to corrupt the public press of the province.

Is this the object that the Government has in view? The House should be chary in future in sanctioning such items if the object stated by Malik Barkat Ali is to corrupt the public press of the province. He says that this object is being steadily achieved which means that the press of the Punjab, according to Malik Barkat Ali, is being steadily corrupted. That is what the Government ought to explain, whether the charge is well founded, whether the object of the Government in subscribing to these papers is to

corrupt them and whether that object is being achieved in the sense that these papers are being steadily corrupted. Not only this, he has used much stronger words further on in his note when dealing with the advertisements. He says—

1 p. m.

The result of these practices on the part of the Director of Information, who is taking the fullest advantage of the control he thus exercises over that part of the press of the province which has fallen victim to these practices, is that a large part of the press has been debauched—

That probably means demoralisation or even more than that. It is a much stronger expression than demoralisation.—

.... and what is far more regrettable by the expenditure of public moneys which in these days when the last available pie should be conserved to meet the financial burden enforced by the war can be spent than feeding a few hungry mouths of the press.

I am quoting verbatim from this note. If it is so, then the Government ought to pay attention to it. A definite charge in the most blunt language has been levelled against the Government that the object of the Government in giving this subsidy to these papers is to corrupt them, and that that object is being steadily achieved. It is a very great charge. It is incumbent on the part of the Government to explain it in its own interest and also in the interest of the press because it is a very serious reflection on the press.

Mir Maqbool Mahmood: My honourable friend is entitled at any time to ask the opinion of the Government. But this is not the proper stage to raise such an objection. If he wants to raise any objection he can only do so at a proper time. This expenditure, after full consideration of the facts, has already been sanctioned by this House. The names of the presses were given, under what conditions that sum was given and other detailed matters have been discussed. So the whole question was discussed. That being so, I would submit that this is not the stage to raise a debate of this kind. On that issue I would appeal to you to give your ruling to ask my honourable friend to be pulled up.

Mr. Speaker : Was this item mentioned in the budget ?...

Mir Maqbool Mahmood : There was an item of war in the budget and there was a full debate in the House and all the details were stated by the Honourable Premier and discussed. Further there was a series of questions which were answered.

Malik Barkat Ali : Some honourable members wanted to know the names of the papers which were being paid these amounts, but those names were withheld from them. So far as the point of order is concerned, I really do not see where the point of order comes in, because the motion of the Honourable Finance Minister is that the report of the Committee of Public Accounts be taken into consideration, and to-day is also fixed for the consideration of this report. The report along with the minutes of dissent constitutes one unit. It is open to any member of this House to agree or disagree with the minute of dissent, but none can say why the minute of dissent has been recorded or printed for the consideration of the House. I, therefore, respectfully submit that there is absolutely no question of any point of order involved. If my learned friend challenges the competency of the members of the Public Accounts Committee to append their minutes of dissent or to scrutinise the accounts, then it is not a question which can be said to be the concern of this House. We deal with this question in the Public Accounts Committee. I also draw your attention to Rule 140 of the Punjab Legislative Assembly Rules. Rule 140 makes it clear that it is the function of the Public Accounts Committee to scrutinise the appropriation accounts. Sir, it has been held that the Committee of the House of Commons, the powers of which are identical—the words of the rule defining the functions of our public accounts are the words taken from the rules of the House of Commons defining the powers of the Public Accounts Committee of the House of Commons—while scrutinising the accounts possesses the powers to examine all cases of extravagance. If, however, the narrow interpretation which is now sought to be placed on the powers of the Public Accounts Committee is accepted for a moment, I would submit that the sooner this Public Accounts Committee is dissolved the better, as on that interpretation the Public Accounts Committee has only to see whether the amount that has been sanctioned by this House has been spent against that particular item or not. For that purpose the accounts are checked by the Auditor-General and the Accountant-General and we get their report. The Public Accounts Committee is set up by this House in order that it may satisfy itself that there is no cause of any waste or extravagance on the part of the Government. I, therefore, respectfully submit that my learned friend is wrong. As a matter of fact, he ought to thank me for having given the Government an opportunity of explaining on the floor of the House why these payments cannot really corrupt the press. My honourable friend Dr. Sir Gokul Chand Narang seems to think that perhaps the only question involved is whether these moneys have been spent or not. He may take it from me that these moneys have been spent. In fact, the figures were actually given to us by Mr. J. D. Anderson, who appeared as a witness. In the note with which we were supplied, Mr. Anderson did not give us the names of the papers. He had to be questioned on that point, and it was when he gave us the names of the papers that most

of us were really staggered. I am only dealing with the question of point of order. On the merits I will have my say later on. All that I submit at present is that the motion before the House is to take into consideration the report of the Public Accounts Committee and the report of the Public Accounts Committee with the minute of dissent is before us and the House has got to consider it.

Mian Muhammad Nurullah : What would be the position if we to-morrow sanction one lakh of rupees for war publicity and day after to-morrow one honourable member, say, Sardar Santokh Singh comes forward and starts a paper and appropriates the whole amount? Can we later on question it or not?

Dr. Sir Gokul Chand Narang : I hope my learned friend, the Parliamentary Secretary sitting behind the Honourable Premier, is satisfied with the reply given by my honourable friend, Malik Barkat Ali, regarding his position. I had never any doubt that it was the privilege of every member of the Public Accounts Committee to scrutinise every item of appropriation accounts and other accounts and to express his opinion.

Mr. Speaker : No further arguments are needed.

Dr. Sir Gokul Chand Narang : Thank you, sir. Then I will proceed with my remarks. I hope the Government appreciates my position. I am not attacking the Government and I am not attacking the press. I am only drawing the attention of the Government to the charges which have been brought against it and it is for the Government to clear the position with what object this money was spent and what the result of the expenditure of this money has been so far as the morale of the press is concerned, because the intention, the motive of the Government has been questioned and also the morale of the press has been questioned in this note of dissent. I think both the parties, that is, the press and the Government, should appreciate the position of those who have brought this matter up so that both may have an opportunity in their own sphere to clear their position. Now there is another point: it is very important when we are considering this report. We are not voting on any item: that should be borne in mind. It is embodied in paragraph 2 of Malik Barkat Ali's note of dissent. Malik Barkat Ali has referred to the practice in the House of Commons and has pointed out that it is undesirable for the Honourable Finance Minister to preside over the deliberations of the Public Accounts Committee. He says—

My insistence on the observance of the conventions prevailing in England according to which a leading member of the Opposition presides; notwithstanding that the Government of the day has a majority in the composition of the Committee.

I think it is very fair because when the Finance Minister himself presides, the members are liable to being influenced, not that he would try to influence them, but they would not feel free to express their opinion, as they would if a member of the Opposition was in the Chair. I, therefore, endorse this suggestion of Malik Barkat Ali. This year the Honourable Finance Minister was not unanimously voted to the chair. I think he ought

[Dr. Sir G. C. Narang.]

to have refused the chair when there was a difference of opinion on this point. This is in his note—

It is time that the Government of the day decides to enforce the healthy convention set up by Gladstone and consistently followed since his days, and advises its Finance Minister not to stand for election in a Committee in which admittedly the Government has a majority of members.

That means that criticism could be stifled in the first place because the Committee consists of Government members and, secondly, because the Finance Minister, who is a very powerful dignitary, presided at the meeting, whose own conduct in a way was under examination. There is another point in this and that is with respect to the travelling allowance. I would not say anything to criticise the travelling allowances. In the budget I think it is only the aggregate amount of the Ministers' travelling allowance that is mentioned. I do not think, speaking subject to correction, that the travelling allowance of each Minister is separately shown in the budget. There was a time when each Minister had a certain sum, I think Rs. 5,000 allotted to him as travelling allowance, and ordinarily no one could exceed it, but I do not know what the present arrangement is, but there is one thing which certainly excites a little curiosity and provokes a little criticism. The note says—

Khan Bahadur Mian Mushtaq Ahmad Gurmani also drew separately a sum of Rs. 830.13.0 for visits to Wardha, Hyderabad, Mysore and Bombay. It appears to me that a good deal of the Public moneys that have thus found their way into the pockets of the Ministers and their Secretaries could have been saved.

That is a question of fact whether it could or could not have been saved, but certainly we would like to know something more about it. Even if a Minister had gone to Wardha, Hyderabad and Mysore, we would have liked to know the object of his visit to those distant places. I think it would not be too much to ask the Government to explain what the object of this worthy Parliamentary Secretary was in going to those places. If it is pointed out to me I shall be grateful.

There is another point raised by Malik Barkat Ali. He says—

It is an open fact that the amounts of travelling expenses drawn under the rules exceed the actual expenditure incurred.

That may or may not be so, but generally it is so. I may tell you that some Ministers had to spend more when they went out on tour than what they got from the Government. I do not know about the present Ministers. That is again a question of fact and I would not question it unless the Government wants to clear the position. The points that I have mentioned are important and deserve elucidation and a satisfactory answer on the floor of the House.

Mr. Maqbool Mahmood : I would first deal with the point of order raised by Dr. Sir Gokul Chand as well as by Malik Barkat Ali which referred to the practice here and the practice in the House of Commons. I would confine myself to drawing your attention in the beginning to Rule 140 of the Rules of the Punjab Assembly which are modelled on the practice in the Parliament, which would make it clear that it is not the business or the convention of the House to have a post-mortem examination of how a particular item should have been spent or should not have been spent. They are

concerned merely and exclusively with the question whether the sums given by the House for a particular item had been applied to the purpose for which it was sanctioned. My friend Malik Barkat Ali referred to the position in the House of Commons. I would invite your attention only to one relevant sentence which explains the whole position so far as parliamentary practice is concerned. I am referring to May's Parliamentary Practice, page 554 : it says—

The conduct of the officials of the departments who receive the supply grants cannot be challenged in the committee on the bill

My submission is that if my friend Malik Barkat Ali has transgressed the conventions of the Committee in appending a minute of dissent, we are entitled to ask you, who is the keeper of the privileges and conventions, to see that these rules are not violated.

Mr. Speaker : If it contains such matters as should not have been there, one of the honourable members could have brought those matters to the notice of the House.

Mir Maqbool Mahmood : So far as that is concerned it has been done. I would only submit supposing certain things are stated in the report or the minute of dissent, a member would again raise the point in the House : that means revising the previous decision of the House. Is it open to any member to refer to the previous decision of the House ? We want to be enlightened and I am sure it will be helpful for further consideration of the question.

Mr. Speaker : Does that point definitely arise ?

Mir Maqbool Mahmood : My question is, if the House has decided on a matter and given its definite finding with regard to that particular matter and policy, is it open to any member to raise that very question in a minute of dissent and refer to the question in the House with the purpose of rescinding that decision ?

Mr. Speaker : That would depend upon the facts of each case. If the honourable member refers to Rule 140 he will find—

- (1) In scrutinising the appropriation accounts of the province and the report of the Auditor-General thereon, it shall be the duty of the Public Accounts Committee to satisfy itself—
- (a) that the moneys shown in the account as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged

Mir Maqbool Mahmood : I should like to deal with some of the points of substance that have been raised. I am sure that it does not need repeating that the policy of the Government is to give liberty to the Press in the matter of frank and free discussion within the orbit of the law. It is on more than one occasion that even papers whose names have been mentioned here have openly and freely criticised the Government. This policy will be continued.

Now, Sir, a conference was held to which the representatives of the Press were invited to co-operate in giving publicity to war news—I may add that papers of all shades of opinion were invited even those who openly declared that they would not co-operate. Certain decisions were arrived at in the conference. It was expressly stated that the policy of any paper that offered to co-operate would in no way be interfered with. The papers

[Mir Maqbool Mahmood.]

which offered to co-operate have rendered public service which entitles them to the gratitude of the whole of the province. They were given certain funds to meet the space and the increased price of paper. Does it lie in the mouth of my honourable friend to come forward and say that the co-operation of these newspapers with the policy of the spokesman of the Punjab who has declared in unequivocal terms that we will give the fullest possible support to the war effort is in any way objectionable? Having said so, sir, you will forgive me if I invite the attention of the House to one or two details of the proceedings of the Public Accounts Committee. You will find on page 55 of this report that the Committee met on the 1st of August and discussed the question of certain payments made to the Press for war publicity. The honourable Malik Barkat Ali was himself present in that meeting. In the last sentence of the proceedings of that day you will find that—

The committee obtained the details of certain items from the Joint Chief Secretary, but had no comments to record.

Later on at page 61 you will find that the very first item is the confirmation of the minutes of previous meetings. Not a word of comments. Similarly, sir, I have gone through the whole of the report of the proceedings of the meetings of the Committee and there is no word about the policy of advertisement which my honourable friend has now raised and for which he has gone out of his way.

Mr. Speaker : Was this point not discussed in the Committee?

Mir Maqbool Mahmood : No, sir.

Malik Barkat Ali : Sir, the position is this. When Mr. J. D. Anderson, the Joint Chief Secretary to Government, appeared before the Committee as a witness we asked him to give us the names of the papers among whom this amount of Rs. 38,909-4-0 was distributed. He gave us the names of the following papers :—

Hindu, Inqilab, Shahbaz, Ihsan and Zamindar.

My honourable friend should also note that when Mr. J. D. Anderson was being examined, a question was directly put to him by me. I asked him whether it had come to his notice or not that the copies of those papers often remained lying intact in the offices of the headmasters and whether he realised that that expenditure was a mode of corrupting the sources of public information in this province. These were identically the words that I used on that occasion. Mr. Anderson's reply was, "Sir, I will note this point." There can be no better witnesses of this than the Honourable Minister for Finance and the Honourable Leader of the Opposition who were present. My honourable friend says that these words ought to have appeared in the proceedings. Sir, it was ruled by the Honourable Minister for Finance as Chairman of the Committee that verbatim record of statements of witnesses could not be permitted. It was the desire of many of us, the Honourable leader of the Opposition also desired, that as was the practice in the case of the proceedings of the Public Accounts Committee of the Government of India, the examination of the witnesses should be taken verbatim. We raised that question last year and we raised it this year too, but unfortunately, the Chairman ruled out that it was not necessary.

Parliamentary Secretary (Mir Maqbool Mahmood): Sir, what I stated was that at no stage of the meeting of the Committee the question of advertisement was discussed or referred to.

Mr. Speaker: May I ask the Honourable Minister for Finance to state whether the question of advertisement was raised in the Committee?

Minister for Finance: Mr. Anderson was before the Committee for about 10 or 15 minutes and I am definitely able to say that the question of advertisement was not directly or remotely referred to or mentioned in the Committee.

Malik Barkat Ali: Sir, there are two things which form the subject matter of the minute of dissent. One is the sum of Rs. 33,909-4-0 which was definitely a subject matter of scrutiny and this sum has got nothing to do with advertisements. This amount is paid to the papers for their weekly editions containing war news supplied by Government to the various headmasters in the province. The question of advertisements, I referred to merely to reinforce my argument that the sources of public information are being debauched in this way. Therefore, I cannot understand the objection that advertisements never formed the subject matter of discussion. I know of no rules that can preclude me from making use of my information and experience.

Mr. Speaker: Is the honourable member discussing the report or the Government and conduct of its officials?

Malik Barkat Ali: All that I am submitting is that objection was taken with regard to the expenditure of Rs. 33,994 and odd in the Committee and that this form of expenditure, namely, payments to the owners of various papers of this amount is most objectionable. I maintain that this so-called war publicity expenditure is corrupting the sources of public information in the province.

Sardar Santokh Singh: May I remind the Honourable Minister for Finance that a definite question was put to Mr. Anderson as to the utility of this expenditure?

Finance Minister (The Honourable Sir Manohar Lal): It is a very serious matter. An answer may be well expected. What was Mr. Anderson's position? He said very firmly and in the strongest possible language that this expenditure was properly incurred.

Malik Barkat Ali: All that he said was that he would make a note of it.

Mir Maqbool Mahmood: I was on my legs when you wanted to ask certain information from Malik Barkat Ali. May I now proceed with my speech?

Mr. Speaker: No more discussion on the matter of advertisements. This honourable member may proceed.

Mir Maqbool Mahmood: I am surprised to find that Malik Barkat Ali should assume the spokesmanship of the whole Punjab and call this expenditure a waste of public money and say that these copies are addressed to the various headmasters and they remain lying un-opened in the offices of these headmasters without anyone caring to read them. I submit that

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this is incorrect. These papers are addressed to individuals in the rural areas and not more than one per cent are addressed to the headmasters. People in rural areas read these newspapers with interest and they do not remain lying un-opened in the offices. I say this with personal knowledge of my constituency. People appreciate the services of these papers in the cause which is so dear to the Punjab. I fear that there is some misunderstanding or possibly my honourable friend's bias against certain papers has outgrown his sense of justice and fairplay.

Sardar Santokh Singh : Wherefrom has the honourable member taken the fact that only one per cent of the copies are addressed to the headmasters?

Mir Maqbool Mahmood : My friend should know that I am a member of the Government and I make enquiries from the departments concerned. I speak with full authority because I have made full enquiries.

Sir, the honourable member has referred to certain travelling allowances. I would not refer to all items, but only to the allowance drawn by my friend Mian Mushtaq Ahmad Gurmani. Sir, Mian Sahib undertook this tour in the interest of the province for studying in various provinces the system of basic education and medical relief. He came back with very useful suggestions. You know that he is not in the habit of making long tours but he undertook this tour under our pressure and against medical advice.

Malik Barkat Ali : May I ask my friend when Mian Mushtaq Ahmad was medically advised?

Mir Maqbool Mahmood : Mian Sahib was operated upon for carbuncle and before that he was seriously ill twice.

Malik Barkat Ali : My honourable friend does not realise that this report refers to the year 1939-40 and the operation took place in the year 1941.

Mir Maqbool Mahmood : It was since the year 1937 that we were pressing him year after year to undertake this tour and his medical advisers advised him to take rest. I think if he had listened to that advice of his doctors, possibly this serious operation would not have been necessary. These are the charges levelled by Malik Barkat Ali. He should have been thankful to the Honourable Finance Minister and the Accountant-General for the manner in which the accounts of the province are being ably managed.

I appeal to Malik Sahib that in dealing with matters connected with the press he should not give expression to such views as corruption of the press, especially when they are rendering services in the cause which is so dear to the Punjab. I am sure that my honourable friend with all his speeches if he fights an election on this issue, he will know how the Punjab feels in the matter.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban) : I must really congratulate the Honourable Finance Minister on his departure from past practice. The report of the Public Accounts Committee has been presented to this House on two previous occasions and on both those occasions

he simply contended himself with saying "I present the Report of the Public Accounts Committee." I am glad that we now have had the benefit of a speech from him while introducing this motion. He has drawn the attention of the House to some of the important points on which the Committee concentrated its attention.

Now with regard to the matters discussed in my minute of dissent I should first like to draw the attention of the House and I do so purely as a question of principle, to the convention which exists in the House of Commons regarding the chairmanship of the Public Accounts Committee. The House may take it from me that the Public Accounts Committee in the House of Commons is constituted in exactly the same manner as the Public Accounts Committee of this House. In the House of Commons the Government of the day has a majority and this majority is reflected in the constitution of the Public Accounts Committee. In other words in the Public Accounts Committee the Government of the day enjoys a majority. The Opposition is in a minority. But although the Public Accounts Committee was constituted so far back as the fourteenth century I do not exactly remember the date—it fell to Mr. Gladstone when he was the Chancellor of the Exchequer to introduce this convention that instead of the Chancellor of the Exchequer presiding over the Public Accounts Committee it must be presided over by some other member who was connected with the Opposition for the very good reason that the Chancellor would really not be the appropriate person to perform this post-mortem of the accounts of the year which had come to a close. He felt that in the interests of the country the Public Accounts Committee should be presided over by a member who was not connected with the Government so that there may be a very effective scrutiny directed at the accounts of the Government. The House will agree with me that where the Committee is presided over by the Finance Minister who is himself responsible for the expenses of the Government the scrutiny cannot be as effective as it ought to be.

Chaudhri Ram Sarup : May I know whether the Chancellor of the Exchequer is also a member of the Public Accounts Committee?

Malik Barkat Ali : Certainly. I am indeed indebted to the honourable member for putting this question. As here, so in England, the Chancellor of the Exchequer is the *ex-officio* member of the Public Accounts Committee and he is backed by a majority of Government members and it was purely as a question of principle that Mr. Gladstone introduced this convention—not that there was any legal sanction for it—as it was for the Committee to appoint its own chairman and it used to elect the Chancellor of the Exchequer because of the majority of Government members. A committee with a majority of Government members would naturally have the Finance Minister as its chairman if he desired to be so. But in order to check this desire of the Finance Minister to preside over the deliberations of the Public Accounts Committee he introduced this healthy and salutary convention.

I should also like to draw the attention of the House to this fact that when the Government of India Act was introduced, the Auditor-General issued certain instructions—that is what he told me when I met him in Simla—he told me that he would very much like to see this most salutary

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convention obtaining *at home* being introduced in India and that he had issued instructions to the various Accountants-General to let him know whether that convention had been introduced or not in their respective provinces and if not introduced, to suggest to the members that the Auditor-General desired this convention to be introduced in the various legislatures. I do not mean to cast any reflections on the Finance Minister but I lay emphasis on this point as a matter of principle. This question was raised by me last year also and in my minute of dissent I drew attention of the House at length to the constitution of the Public Accounts Committee. That minute of dissent was signed by Sardar Santokh Singh and by Diwan Chaman Lall. When, therefore, I raise this question again to-day it is not for the purpose of any attack on the Finance Minister.

Mr. Speaker : What is the honourable member discussing now ?

Malik Barkat Ali : I am discussing part 2 of my minute of dissent and acquainting the honourable members of this House that the convention that obtains in England is that a member connected with the Opposition is chosen as the chairman of the Public Accounts Committee and that it is a very healthy and salutary convention.

An honourable member : That is after six hundred years of experience.

Malik Barkat Ali : Do I understand the honourable member to mean that we should wait for another six hundred years ? He probably forgets that as a matter of fact it took England about 1,600 years to introduce the principle of responsible Government, that is, the executive being responsible to the legislature ; yet that principle was introduced very soon in the various Legislative Assemblies under the Government of India Act. I do not think he wants us to go back to that period in England when the Crown was supreme, when there was really no parliament, when the members of parliament had to be fined in order to compel them to attend the meetings. The best course for us is to follow that most salutary and most healthy convention introduced by the Chancellor of the Exchequer, the grand old man, Mr. Gladstone.

Mr. Speaker : Then the honourable member must move a resolution to amend the rules to that effect.

Malik Barkat Ali : No amendment of the rules is necessary, as what I am pressing is the introduction of a convention which involves no change in the rules.

Mr. Speaker : The question before the House is whether the Report of the Public Accounts Committee should be considered.

Malik Barkat Ali : I am also speaking to the motion and making such observations as commend themselves to me.

Mr. Speaker : The honourable member is going beyond the motion.

Dr. Sir Gokul Chand Narang : Is it the motion whether the Report should or should not be considered ? I think the motion is that it should be considered and the House is considering it.

Mr. Speaker : I have noticed an irregularity. The motion is, that the report of the Public Accounts Committee on the Appropriation Accounts and Finance Accounts of the Punjab Government for the year 1939-40, be taken into consideration and adopted. There should have been two motions:—(i) that the report be taken into consideration; and (ii) that the report be adopted.

Malik Barkat Ali : We are on the consideration stage and I am speaking at that stage. This is all I have to say on that matter. There is, however, one other aspect of the matter which it is necessary for me to point out. It is that there have been occasions when we find that we are being handicapped in our scrutiny of the accounts because of the rulings of the Finance Minister.

Mr. Speaker : The honourable member may move a resolution for amending the rules.

Malik Barkat Ali : I do not want to amend the rules. Let them be there. The rules simply say that the members of the Committee will elect their chairman. I have said that a certain convention has been introduced in England and I am stressing the necessity of that convention being introduced here also.

Mr. Speaker : In the face of express rules in our Manual of Business and Procedure, it shall be an unjustified departure, if the convention suggested by the Honourable Malik is introduced. If there were no rules we could have adopted the practice of the House of Commons provided it was not inconsistent with our rules. That is what I have been holding for the last 16 years.

Malik Barkat Ali : I have drawn the attention of the honourable members that under the rules obtaining in England the Chairman of the Public Accounts Committee is elected by the members of the Committee and a convention since the time of Gladstone has sprung up according to which a leading member of the Opposition presides and the Finance Minister does not stand for election.

Mr. Speaker : Why does not the honourable member give notice for amending the rule?

Malik Barkat Ali : I have not been able to make myself clear. I am not pleading for a change in the rules. Our rules are quite in line with the rules as obtain in England. I am content with the rules. I am only appealing to the Government to ask the Honourable Finance Minister to follow the convention set up in England by Gladstone which has since been scrupulously followed by every Chancellor of the Exchequer.

Mr. Speaker : The honourable member is asking that such and such a practice of the House of Commons may be adopted while the question under consideration is that the report of the Public Accounts Committee be adopted.

Malik Barkat Ali : I am only dealing with the circumstances under which that report has been prepared and drawing the attention of the House to certain handicaps.

Mr. Speaker : That is not consideration of the report.

Malik Barkat Ali : I submit that the consideration of this report necessarily involves the consideration of the circumstances under which this report was prepared. It was prepared under the chairmanship of the Honourable Finance Minister. I am now here to emphasise my point drawing attention to certain necessary results of the constitution.

Mr. Speaker : I request the honourable member to discuss the report.

Malik Barkat Ali : I need not continue in the present strain. I think that I have said enough. Now the next matter to which I wish to draw attention is that which deals with the point that has been stressed by my honourable friend Mr. Maqbool Mahmood. Mr. Maqbool Mahmood is perhaps aware or not aware of the fact that the names of the papers and the amounts that were paid to them never came before this House at the time when the budget estimates were under discussion nor had the House any inkling whatever of the fact that the object of this war publicity expenditure was to distribute a portion of the grant among certain favoured papers.

An honourable member : All the names of newspapers are mentioned there.

Malik Barkat Ali : These names were given in reply to a question put to Mr. Anderson. As the examination was not taken down verbatim the result is that this House is not in a position properly to appreciate this report or to consider the defects of the report. If the proceedings are taken down verbatim, as is the practice in the Government of India and as is the practice in the House of Commons, then the House will be in a better position with those proceedings before them to appreciate and understand the report. I submit that it is really very difficult for this House, the matter being of a technical nature, in the absence of fuller proceedings to understand the report.

Mr. Speaker : There will be no difficulty perhaps in adding a rule, to that effect.

Malik Barkat Ali : I will deal with the other question. I was submitting to this House that at the time of the budget estimates the House had absolutely no information whatever as to the lines on which this expenditure would be incurred. Various questions were put on the floor of this House with a view to obtain information and the Honourable Premier made certain statements, but even at the time of making those statements the Honourable Premier was pleased not to disclose the names of the papers. What the reasons were, I need not discuss. I am sure that when the Premier refused to disclose the names of these papers, he was not feeling any qualms or any scruples in the matter. He probably thought that in the public interests the names could not be discussed. As a member of the Public Accounts Committee I had to put a question to obtain the names. I will now deal with the argument of my honourable friend that these papers are doing service to the province. Let me set aside any doubt that he may have in the matter. So far as my position is concerned, I have no objection of any kind to your war effort and he should remember that so far as the war effort is concerned,

a resolution on that subject has been unanimously passed in the House.

2 p. m. Therefore, he was entirely beside the point, when he said that the objection was being taken to this expenditure as it has something to do with the war effort. The question is that expenditure of this kind is really corrupting the press, and as it has undoubtedly corrupted the press, I do appeal to the Government to realise this aspect of the matter. The Honourable Premier has been eloquent in putting his arguments. I certainly give him every credit for his honesty. I am suggesting nothing against him or contrary to the war efforts. He apparently was put in this position somehow or other whether it was by the Director of Public Information Bureau, who was responsible for this or anybody else, or whether it was any proprietor or a person connected with a newspaper or any friend of his. What happened in the last war was that the Government issued a publication by the name of "Haq." That publication never served its purpose. The paper "Haq" to quote the words of the Premier used to be called *Nahaq*, and that was true. Therefore, the Honourable Premier was persuaded into the belief that a paper issued by the Government in its own name and on its own authority would really serve no purpose and that the general reading public would not like to read it. He thought that the best way to achieve this purpose would be through the instrumentality of the general press and so he called a meeting of the press and his position was considered. Now, the Honourable Premier will agree with me that naturally the persons, who want to have such a tempting amount in their pockets, would certainly welcome that idea, and most of them undoubtedly—

Mr. Speaker : The honourable member's position now is that the moneys given to certain newspapers were not sanctioned in the Budget.

Malik Barkat Ali : My submission is that no money was sanctioned against any paper. (*Interruptions*) There is no item in the Budget which says that various papers should be given various amounts.

Mr. Speaker : Were no newspapers mentioned or referred to by name?

Malik Barkat Ali : No, sir.

Mr. Speaker : Is there no express provision in the Budget for any newspaper as such?

Malik Barkat Ali : A provision is there for a much larger amount for war publicity purposes. The present amount is only a very small fraction out of that big sum of several lakhs. A much bigger sum was earmarked to be spent by the Government on war publicity. This is only a part of that lump sum. They have not made it quite clear—

Mr. Speaker : Was this not discussed during the discussion of the Budget?

Malik Barkat Ali : In the Budget no names of papers were given. The item was only for war purposes.

Mr. Speaker : Could not that item include some contributions to certain newspapers?

Mir M qbool Mahmood (Parliamentary Secretary) : At the time of the Budget this item was discussed thoroughly.

Minister for Finance : But no particular papers were mentioned. It was not said that the money will be given to newspapers.

Malik Barkat Ali : Will the Honourable the Premier—

Premier : So far as Budget is concerned, I am not sure, because I have not got a copy of the Budget on hand, but I remember that this matter was raised during the Budget discussion. The question of war publicity was discussed threadbare in this House.

Mr. Speaker : Was any subsidy given to any newspapers ?

Premier : No subsidy has been given to any newspapers.

Mr. Speaker : Will the honourable member discuss this item in the next Budget ?

Malik Barkat Ali : Sir, you were pleased to allow the honourable member to initiate this discussion. He has initiated this discussion. The responsibility of raising this point is not mine. I am only replying to the arguments advanced by Mir Maqbool Mahmood in the speech which he delivered on the floor of this House.

Mr. Speaker : Please be brief.

Malik Barkat Ali : Sir, the Parliamentary Secretary, Mir Maqbool Mahmood, said that it was a part of the war efforts. As regards the war efforts I have already made my position clear. So far as the war efforts are concerned, I have nothing to say against them. He says that it is a matter of public service. This House will agree with me that if the newspapers of the province are giving news in their daily issues properly and correctly and their comments are as they should be, I would certainly be the first person to acknowledge with thanks the service rendered by the press. But my point of objection is this, my criticism is this, what is the effect of these payments ? What is the procedure adopted ?

The procedure adopted is this that the Government supplies the entire material to these papers. They print their daily issues. They publish news and they comment on them as they like. Now, they are required by the Government to prepare a special weekly edition. I have never seen that weekly edition. I never heard about that. I do not know how many honourable members of this House have heard about this weekly edition. May I ask my honourable rural friends if they have ever come across that paper or not ? They profess their ignorance. Who are those persons who read these weekly editions ? About this weekly edition a question was put to Mr. Anderson. The question was, how were these weekly editions circulated and what precautions the Government takes to satisfy itself that these weekly editions are really issued and printed and that they are really printed 1,600 in number and through what agency these weekly editions are distributed ? We were told that the Government supplies the press with addresses of various headmasters, and packages of these special weekly editions are sent out in a particular number, say 100, 200, 300 or 400 to various headmasters. Another question was put to him, has Government taken any steps to satisfy itself whether these headmasters ever distributed these papers amongst those persons whom they were intended to reach ? He replied that he did not know about this and that he would make enquiries..

We are already aware that the "Haq" newspaper, issued during the last war, used to remain unopened, because nobody read it. Similarly, these special weekly editions of newspapers printed in the darkness of the newspaper offices meet the same fate. I daily read *Inqilab*, *Zamindar* and *Dusun*, but I have never in my life read this special weekly edition. I have never been supplied with this special edition. They prepare that edition in the darkness of the newspaper office. The information is supplied by the Government with comments. Mr. Anderson was not in a position to say whether these editions were actually issued from Government offices or not. The Government supplied the newspaper offices with the addresses of the headmasters.

My learned friend, Mir Maqbool Mahmood, in the course of his speech, said that it was hardly one per cent which was sent to the headmasters and the rest was being issued to various people. I made my statement on the strength of the information that was given to us by no less a responsible man than Mr. Anderson himself and I am sure the honourable Leader of the Opposition and the Honourable Finance Minister will support me on this part of the matter. Now confining myself really to that part of the speech in which he says that they are sent out to individual addressees also, may I ask, even now, will he kindly supply this House with the numbers if they have got any list with themselves? I want to know whether the Government keeps the lists of those individual men to whom these papers are sent and if the Government keeps a list of those individual addressees, then what is the number of those individual addressees, because we will then be in a position to know whether really one per cent goes to the headmasters or one per cent to the individual addressees and the remainder to the headmasters. My point was that nobody reads these papers and it is a perfect waste of public money. Further, if the Government is to supply and the headmasters to receive the papers for nothing and the individuals also to receive the paper for nothing, then I would appeal to the Government to realise that it is much better that Government should issue that paper with the material that they supply themselves on their own responsibility. They want to keep it in the dark in order that readers of that paper may not realise that a certain information is information supplied from Government sources. If they know that, naturally the value of the paper goes down at once. In order to escape from that position this method has been adopted. It may be that this method which has been adopted, has been adopted from honest motives. I do not challenge the motives of the Honourable Premier. But the result is that these papers which are getting these moneys have ceased really to be the representatives of public opinion in the province and we have seen how these papers dance to the tunes that are played by the Government. That is a most serious situation in the province that there should be in existence a section of the Press which should dance to the tunes as they are played to them by various officers of the Government. If the Government wants to abuse a particular individual, these papers at once begin to abuse him and so on and so forth. I submit that the responsibility is really that of the Government and in the interests of free expression of public opinion, the Government should discontinue this practice. The Government itself says that the press of the province is co-operating so far as the supply of good, reliable and authentic news is concerned and, as a

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matter of fact, none of the press in the Punjab has been guilty of spreading or disseminating rumours of a dangerous character. If that is the position, my submission is that these payments, no matter what the motive may be, do in effect tend to corrupt the press. There is the other practice which the Honourable Premier might support or not, namely, that of an officer of the Government taking into his own hands the distribution of various advertisements to the papers. What is the effect? The effect is that the press must be under the clutches and influence of that particular officer. It is his sweet will to supply advertisements to A or to B. (Mr. Speaker: Please wind up.) I appeal, therefore, with these words to the Honourable Premier to acquaint himself with the state of public opinion with regard to these payments and to immediately discontinue them and put this expenditure to better purpose, that is, for the purposes of war effort.

There is one matter which remains and that is this. I mean the matter referred to in paragraph 3 of my minute of dissent. The House has read it and the House must have noticed that the Honourable Premier, who is undoubtedly the hardest-worked member of the Ministry in the province who is really the arch and corner stone of this structure, has received Rs. 1,772-12-0 by way of travelling allowance. What do we find in the case of other Ministers? The Honourable Minister of Development (Chaudhri Sir Chhotu Ram) has drawn a sum of Rs. 8,168-13-0, the Honourable Minister of Education has drawn a sum of Rs. 6,769-4-0 and the Honourable Finance Minister himself has drawn a sum of Rs. 4,516-8-0. I believe, in his case in the year previous to this, it was only a few hundreds which he had received. Probably there has been an addition to his responsibilities and I desire to make it clear that the object of this minute of dissent is not in any way to prevent or taboo the travelling done by Ministers. Travelling by Ministers is a most essential part of their duty and I certainly am not objecting to this item or to this method. All I say is that there is a certain amount of ugliness in these figures, particularly when the figures of various Ministers are compared with one other. All I appeal to Government benches is that these are public moneys and in view of the fat emoluments already drawn by the Honourable Ministers—fat as compared with those drawn by Ministers in other provinces—it is time that the Honourable Premier introduces a check on this part of the business. The House will remember that I have drawn the attention of the Government to an item of Rs. 830-13-0 drawn by Khan Bahadur Mian Mushtaq Ahmad Gurmani for his visits to Wardha, Hyderabad, Mysore and Bombay. I have heard what my Honourable friend Mir Maqbool Mahmood has said on that matter and in order that this expenditure may not be misunderstood, I thought it best to append to my minute of dissent the authentic statement that was supplied to the members of the committee by the Government. I draw the attention of the House to page 16 where there is a note under the item relating to expenditure incurred by Khan Bahadur Mian Mushtaq Ahmed Gurmani. It is said there, "the journey was performed to visit Tibbia College, Hyderabad, Dacca, School of Indian Medicine, Madras, and Ayurvedic College, Mysore. Advantage was taken to study the systems of rural medical relief prevailing in other parts of India and to study the working of Wardha

Basic Education Scheme and other systems of elementary education prevailing in India. As the Government is considering the question of reorganisation of the system of elementary education as also the question of reorganisation of rural medical relief in the province, it was considered desirable to study similar systems prevailing in other parts of India." My honourable friend Mir Maqbool Mahmood was under the impression that this expenditure related to a period subsequent to that unfortunate operation.

Mir Maqbool Mahmood : It was before that.

Malik Barkat Ali : But that was in spite of his illness.

Mir Maqbool Mahmood : It led to his illness.

Malik Barkat Ali : I have been regularly seeing him in the best of health since 1937.

Premier : Appearances are sometimes deceptive.

Malik Barkat Ali : Possibly that is why the Honourable Minister of Education was deceived into sanctioning this expenditure. Anyhow, I will proceed. My respectful submission is this, that it is really not that he was ill that he undertook those journeys. If he were really ill he would not have undertaken the journey. I do not know whether my honourable friend's information is well-founded or not that he has been under medical advice since 1937.

Mir Maqbool Mahmood : That is true.

Malik Barkat Ali : I cannot swallow it so readily. That is my difficulty. What have you gained by this expenditure? I would very much prefer a statement from the Government benches as to the gains derived as a result of the experience gathered by Khan Bahadur Mian Mushtaq Ahmed Gurmani, Parliamentary Secretary of the Honourable Minister of Education, and what he saw of the various educational systems of medical relief in force and of the various educational systems in force since the year 1939-40 and whether any report was submitted to the Honourable Minister of Education and whether any steps have up till now been taken to introduce the recommendations of the Honourable Minister. If the Honourable Minister has undoubtedly made a number of recommendations on the basis of those excessive journeys that have been undertaken at considerable inconvenience to himself and if those recommendations have been introduced up to the moment when I am speaking, I will admit that the expenditure has been properly and usefully utilised. But if there are no schemes that the honourable member has submitted to the Education Minister, I should like to know the concrete matters, those particular matters as a result of those tourings which were brought to the notice of Education Minister and the changes that he has introduced in the administration of the various departments in the light of those recommendations.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, I just have a few words to add to what has been said by two honourable members from these benches with regard to the expenditure of 33 thousand rupees as subsidy to these five papers. It will be seen that out of these five papers, four are published and read by the members of Muslim community and the

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ffth is published and read by the members of the other community. Now do I understand that the members of one particular community stand more in need of receiving correct war news than the members of the other? It cannot be asserted with any accuracy that the members of a particular community stand more in need of correct war information and the others do not; why then this proportion of 4 to 1? It must be said that the Hindu papers refused to accept the subsidy. They would not accept to publish anything and everything which Government wished them to. They did not want to have a slur on their independence. In fact, the position of the proprietor of one of the papers *Partap* was made clear on the floor of the House in a letter read out by Lala Deshbandhu Gupta. The fact is clear that if the Government wanted to hide its identity by having these news published in these papers, it cannot hope to succeed when these papers send copies of their issues to members of the other community, that fact itself would be open to the gravest doubt as to the authorship of these publications and would be looked upon with the greatest suspicion. It appears to me that from whatever point of view we may look at this, this amount has not been spent so much on a work of particular utility but to extend the Government patronage in order to crush the spirit of these papers and buy them over; and I think the sooner this is done away with, the better for all concerned.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, before I answer the criticism of my honourable friend, Malik Barkat Ali, I think I might dispose of the arguments offered by my honourable friend the Leader of the Opposition. He has assumed that we want to distribute these papers merely to keep a certain section of the public or a particular community informed. That is not the intention. Does he mean that since the majority of these papers happen to be Muslim papers, they go to and are read by Muslims alone? They are read by everybody in schools, and in libraries by Sikhs, Muslims, Hindus, Christians and Scheduled classes. They are read outside the schools also. They are not distributed to any one community or class, but to members of all communities. I was also asked why we had restricted our choice to five papers. I will deal with this aspect presently. It is not the first time that this question has been raised. It has been discussed on several previous occasions in this House. I will for the benefit of the honourable members opposite repeat presently what I said on previous occasions. Before I take up that point, let me deal with my honourable friend Malik Barkat Ali's criticism regarding procedure in the Public Accounts Committee. He rode a very high horse and cited the Parliamentary procedure and practice. He began by giving us a lecture on how the Public Accounts Committee was originally instituted in the British Parliament and how it developed. He said that this institution was first created in the 14th century, that is in 1341 or some such date which he did not quite remember. Then he went on to say that Gladstone in his time thought it necessary in the public interest to agree that the Leader of the Opposition should be the Chairman of that Committee, so that scrutiny of accounts, for which the Public Accounts Committee was responsible, should be made by not only an unbiased party, but a party which was critical of the Government. This was done to ensure that if there was any excess or extravagance or any infringement of the orders of the Parliament, it

should be brought to the notice of the House. My honourable friend jumped from 14th century to Gladstone's time without even a pause. The practice which was adopted in Gladstone's time is the procedure which he wants us to introduce immediately in this House. He conveniently overlooks the fact that it took the British Parliament approximately 500 years to reach that stage; and he wants us to set up a similar convention after only four years of our existence. Again, my honourable friend in mentioning the Gladstone's tradition or convention, forgot to mention that when that convention was adopted by the Parliament, the Chancellor of the Exchequer, who is analogous to our Finance Minister, had ceased to be a member of the Public Accounts Committee. Therefore, the question of electing the Chancellor of the Exchequer did not arise. Here our Finance Minister is still a member of that Committee. The mere fact that the Finance Minister is in a position of authority and can get information which the committee may require is in itself an important consideration which actuated our decision to include the Finance Minister as a member in the initial stages. After experience of a few decades, not centuries as in the case of British Parliament, when official prestige and authority is no longer necessary, then you may also adopt the convention which Gladstone set up after 500 years of experience. My honourable friend must also remember that the Finance Member is not *ex-officio* president of the Committee. He was elected by the members of the committee as their President. My honourable friend mentioned that this time he was not elected unanimously. True, but who was the solitary member who voted against him? Malik Barkat Ali himself, because he aspired to be the President of the Committee? (*Laughter.*) All the other members voted for the Finance Minister. Malik Barkat Ali voted for himself. (*Laughter.*) Unfortunately he is not here although I requested him to stay on. He was the solitary member who voted for himself and against the Finance Minister, but all the other members voted for the Finance Minister. (*An honourable member:* So he proposed and seconded himself.) He could not find a seconder. Therefore, presumably he proposed his own name. (*Laughter.*) But the Finance Minister was supported by the rest. That is the position. Let us take the instance of other provinces. What is happening there? Everywhere the Finance Minister is the President of the Public Accounts Committee. Even in the Central Assembly, which he cited during the course of his speech, the Finance Member is the Chairman of the Public Accounts Committee.

Can anybody in this House deny that our practice and convention goes much further than any other legislative body in this country, apart from other considerations for the reason that our president is elected? And if the Finance Minister is elected as Chairman by the representatives of the House on the Committee, I do not think that anybody can reasonably object to it or make it a grievance. Next he referred to various portions of his minute of dissent. I beg to submit that the minute of dissent in itself is irrelevant, and *ultra vires*. He had no business to append that minute of dissent and I do hope that the Finance Minister will not allow this mistake to be repeated because it is departure from well established Parliamentary convention. Once we start a wrong convention we never know where it may lead us. I hope in future the Public Accounts Committee will see that no minute of dissen is appended because all that they want to say can be and should be embodied in the report itself.

Mian Muhammad Nurullah : Is it against the convention of the House to point out extravagance ?

Premier : Certainly not. The main function of the Committee is to bring to the notice of the House any excesses or unauthorised expenditure, and extravagance on the part of any department. But this should be done by mentioning it in the report and not in a minute of dissent. The Public Accounts Committee is not a partisan body, it is representative of the whole House. It is the duty of the Committee to report to the House any excess or any item of expenditure which has been incurred without the sanction of the House. The members of the Committee are the agents of the House to see that the orders passed by the House are not exceeded or in any way abused. That is their main function. Any lapse should be mentioned in the body of the report.

Mian Muhammad Nurullah : How can the minority point out that there has been any extravagance ?

Premier : It is merely a question of fact and not a question of making it the basis of political criticism.

Sardar Santokh Singh : Does it mean that the minority is to have no voice ?

Premier : It is not a question of voice. They are there to sift facts. Nobody can deny facts whether it is the majority or the minority. They cannot say that two and two do not make four. If they come to the conclusion that any particular grant has been exceeded, it must be put down as a fact. Nobody can or will deny it. If money is spent which was not sanctioned by the House, it is the duty of the Public Accounts Committee to point out that this money was spent without the sanction of the House. If my honourable friends can point out any fact which is not included because of the majority he has the right to raise the question on the floor of the House ; and ask the Speaker to direct the Finance Minister and the Public Accounts Committee to bring that fact to the notice of the House.

Chaudhri Jalal-ud-Din Amber : Are the duties of the Committee laid down anywhere ?

Premier : They are defined in Rule 148. The members are required to point out excesses in expenditure only. They are only a fact finding committee, they are not meant to be judges. They are not entitled to criticise any decision of this House, all they are required to do is to bring to the notice of the House any lapses or irregularities, excesses, amounts spent without authority, defalcation and other similar matters.

Sardar Santokh Singh : There may be differences even on fact finding.

Premier : There can be no question of difference on facts. Two and two make four. If anybody calls it 5, my honourable friend has a right to challenge him in the House. Nobody can stop him from doing so. I want merely to point out to the members of the House and particularly members of the Public Accounts Committee that they are a fact finding committee and they cannot criticise the decision of the House, for political or other reasons.

Sardar Santokh Singh : May I point out that this report written by Mr. Gwyther, Accountant-General, does not agree with the interpretation of this Rule.

Premier : Mr. Gwyther is not my authority, my authority is this House or the conventions of this House and we are following the conventions set up by the Mother of Parliaments.

Mian Muhammad Nurullah : That is not his personal view that may be the convention followed in the House of Commons.

Premier : That is not correct. Mr. Gwyther cannot dictate to this House. I would ask the House to ensure that the conventions of the House are adhered to ; and I hope that the members of the Committee would see to it that those conventions in future are scrupulously followed.

Sir, I was somewhat amused to find Malik Barkat Ali accusing certain newspapers of corruption. That sounded like the proverb which we have often heard "devil quoting scriptures" (*laughter*). However, that is beside the point. My honourable friend, in spite of the fact that this question has been discussed on several occasions on the floor of the House, has returned to the charge through the devious means of a minute of dissent. I have repeatedly pointed out in this House that there was no question of preference ; it was a question of policy. That policy it was open for any paper to accept or reject. An offer was made to all the papers. A conference was held and certain doubts were raised in that conference. We met those doubts as well as we could meet them, but in spite of that some papers did not find it convenient to accept the offer. It was not my fault. My honourable friend got up and abused the privilege accorded to him in the Public Accounts Committee in order to find out the names of the papers. There were two reasons why I did not divulge the names of the papers. One was that it might create a precedent which might be embarrassing to the newspapers themselves, and secondly, my honourable friend will remember that I always refused to give the rates of advertisements which each paper accepted, for the simple reason again that there was the question of commercial rivalry between the papers and it would be unfair to quote what one particular paper got and what another paper got, because it might have a repercussion on the circulation of the papers. I do not think my honourable friend would expect the Government to take any step which would harm the newspapers which are doing a great service to the province. My honourable friend took advantage of his position as a member of the Public Accounts Committee and published the names of the papers which he calls corrupt papers. He has, however, not taken the trouble to explain why it should be necessary for Government to corrupt newspapers which have been cited by him and his friends ever since we took office as pro-government organs. It was most unfortunate and undignified that my honourable friend should have cited the papers which are assisting in disseminating correct news about the war as corrupt and on the ground that they were receiving government subsidy. There is not an iota of truth in this false allegation. Government is not paying any subsidy to any paper (*hear, hear*). He called the *Shahbaz* a corrupt paper, the *Ehsan* a corrupt paper, the *Zamindar* a corrupt paper, but did not mention the *New Times*—or whatever Times—which he was publishing and which lived only for a month or so,

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and which was daily running after the Director of Information Bureau for crumbs of advertisement. It was most unfair and unfortunate that he should have taken advantage of his position as a member of the Committee, and thought fit to cast unwarranted and unjust aspersions against popular and respected organs of the press (*cheers*).

Sir, let me once again for the benefit of the House repeat what I stated on a previous occasion when this criticism was levelled against the Government. When the war broke out, it was necessary for us to find some means of disseminating correct news to the public in order to avoid any panic or misrepresentation and to see that every nook and corner of the province received correct news. During the last War, as my honourable friends would remember, Government decided to publish a paper of their own and its name was *Haq* which was popularly and commonly known as *Nahaq* as everybody thought that it contained nothing except the official propaganda and nobody read it. We had that experience to guide us and it was considered better to utilise the Press rather than to have a paper of our own which would cost Government lakhs and lakhs of rupees as it had done during the last Great War. Immediately after the outbreak of war, Government felt the need of making news about war available in those areas where newspapers were not reaching in the ordinary way. It was, therefore, decided in September, 1939, to purchase 3,000 copies of the weekly newspaper, the *Fauji Akhbar*, for free distribution in rural areas. Later, this policy was revised, because it was felt that the *Fauji Akhbar* did not make popular enough reading for people other than soldiers and ex-soldiers. Government felt that a newspaper or newspapers, prepared by those who knew the art of presenting news in the most popular form, would serve the purpose better. The editors and managers of all Indian language daily newspapers of Lahore, irrespective of the political or communal complexion of the newspapers, were accordingly invited to help Government's scheme by preparing special weekly editions of their newspapers, containing news about war, but strictly avoiding communal and political controversies or propaganda.

The charge of certain persons against Government that this involved directly or indirectly an attempt to put money into the pockets of Government's political supporters in the press or to influence the policy of any newspaper is absolutely false, as a consideration of the following facts makes clear :—

- (i) Government did not confine its invitation to a few arbitrarily selected newspapers or to newspapers of a particular communal or political complexion, but extended it to all Indian language daily newspapers of Lahore. All were welcome to help on perfectly equal terms.
- (ii) One or two newspapers appeared to suspect that an explicit or implicit part of the terms offered by Government would be that the newspaper concerned should change their ordinary policies so as to suit the Punjab Government. With the special object of removing this suspicion, a conference of editors and managers of practically all Indian language newspapers of Lahore was held where the Joint Chief Secretary

to Government made it clear that the scheme involved no intention of affecting in any way the editorial policy of the ordinary daily issues of any newspaper. They were only being asked to produce for Government for the use of a particular class of readers a weekly edition of their pages containing war news *minus* their communal and political controversies. It had nothing to do with their ordinary daily issues and they were even at liberty to add to this edition extra pages of whatever communal or political stuff they liked and sell the enlarged edition to their ordinary subscribers.

- (iii) The following note recorded on the official file by the Joint Chief Secretary about the proceedings of the conference mentioned above is quite significant. It says—

“The general scheme was put to them (those who attended) as in the D. I. B.'s note of 17th February, 1940. The scheme generally was accepted but there was much discussion about price. I explained that if the price of paper rose greatly Government would of necessity reconsider the position. Meanwhile, Government cannot go to a higher figure than the cost price.”

Some newspapers responded to Government's appeal to help in the interest of the province without seeking profits for themselves. Others were unable to do so. We cannot blame them; but where is the alleged attempt at corruption or helping the political friends in all this?

The newspapers concerned accepted the arrangement in which there was nearly no margin or profit for them. Even, however, if there were a reasonable margin of profit, it would be perfectly absurd for any one to hold that a newspaper which did any kind of business with Government on ordinary business terms, necessarily allowed Government to control its editorial policy. As a matter of fact, there is no newspaper in the province which has ever objected on principle to do business with Government on the same terms on which it would do business with any other customer. This position should not be obscured by the tendency betrayed at times by certain newspapers to impute motives to one another and try to harm one another's reputation owing to trade rivalries among themselves.

Whether the distribution of the weekly war editions of these newspapers in out of the way villages of the Punjab is serving a useful purpose is a question of opinion. Malik Barkat Ali's opinion seems to be that these newspapers are read by nobody and lie unopened with headmasters. This is, however, belied by the fact that we receive frequent inquiries from recipients whose copies miscarry. Incidentally, copies are not distributed in bundles through headmasters but are being posted to individual addressees including, of course, a number of school masters. Malik Barkat Ali is probably judging the fate of these newspapers from what was presumably the fate of the copies of his own *New Times* which closed down after a brief and rather very doubtful and struggling life. Anyway, the object which Government have in view is to keep the countryside acquainted with the general progress of events connected with the war so as to check ill-informed rumours which endangered the peace of several districts during the last war. The distribution of the weekly war editions is only one of the methods intended to serve this purpose. Malik Barkat Ali or any other critic is welcome to suggest better or more economical methods and they will be considered by the Government.

Mr. Speaker : I propose to divide the motion into two parts for obtaining the decision of the House.

Question is—

That the report of the Public Accounts Committee on the Appropriation Accounts and Finance Accounts of the Punjab Government for the year 1939-40, be taken into consideration.

The motion was carried.

Mr. Speaker : Now, the second question is—

That the report of the Public Accounts Committee on the Appropriation Accounts and Finance Accounts of the Punjab Government for the year 1939-40 be adopted.

Premier : Sir, I move an amendment to the motion—

That the Report of the Public Accounts Committee on the Appropriation Accounts and Finance Accounts of the Punjab Government for the year 1939-40, be adopted excluding the minute of dissent which should be expunged.

Pandit Bhagat Ram Sharma : On a point of order, sir. When the whole thing has been discussed, can such an amendment be proposed at this stage and without any notice?

Premier : Minute of dissent is not a part of the Report and it is for the sake of removing any doubt that I have suggested this amendment.

Mr. Speaker : Does the honourable member insist on this point of order?

Pandit Bhagat Ram Sharma : We want your ruling on this point.

Sardar Lal Singh : This is a convention.

Mr. Speaker : The so-called convention can be washed away. Will not a rule be better than a convention?

Premier : No, sir, what is needed is not the insertion of any rule, but adherence to past practice. The Honourable Finance Minister as a matter of courtesy allowed certain members latitude which he should not have allowed. He has no right to allow that latitude. We did not object to it in the first year. It might have become a convention if the honourable members had not abused it. Now we find that it is being abused and so we want that the evil should be nipped in the bud, hence this amendment.

Sardar Santokh Singh : The Honourable Premier should have given notice of the amendment yesterday.

Premier : Mr. Speaker can allow an amendment at any stage. This convention does not exist anywhere, and it should not be allowed here either.

Sardar Lal Singh : A minute of dissent is a part and parcel of a report. Motion before the House is that the report be adopted. The motion of the Honourable Premier amounts to this that this report should be adopted without the minute of dissent. At present the motion before the House is that the report as circulated to the House should not be adopted.

Premier : This report is now before the House and it is our duty to make sure that any matter which has erroneously or inadvertently crept into the Report should be expunged.

Sardar Santokh Singh : May I refer the Honourable Premier to rule 60? The amendment is absolutely irrelevant.

Mr. Speaker : If an amendment is moved without sufficient notice, it is for the Chair to allow or disallow it.

Sardar Santokh Singh : May I appeal to you, sir, that the matter is very important and they have a majority. The question should, therefore, not be decided by the House. You should give your ruling on the point of order.

Pandit Bhagat Ram Sharma : On a point of order, sir. I want to know whether an amendment can be moved at the final stage when the vote of the House is about to be taken.

Sardar Santokh Singh : Sir, the point is, whether any one, even the Premier, is competent to move an amendment at the final stage when the motion is about to be put to the vote of the House.

Mr. Speaker : May I read to the honourable member rule 58 of our rules. It says—

Save as otherwise provided in these rules a member who wishes to move a motion shall give in the case of a substantive motion, at least seven clear days' and in the case of an amendment at least two clear days' notice in writing of his intention to the Secretary: Provided that the Speaker may, in his discretion allow a motion or amendment to be moved at shorter notice or without notice.

I cannot decide offhand whether a minute of dissent is or is not a part of the report. But I do not think that I will be acting wrongly if I allow the proposed amendment to be moved without notice.

Motion under consideration, amendment moved—

That the following words be added at the end 'excluding the minute of dissent, which should be expunged'.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): I want to oppose this amendment at this stage, because last year too there was a minute of dissent appended to the Report of the Public Accounts Committee and there was even a discussion on that and the Report was adopted as presented with the note of dissent. Therefore at this stage it should be detrimental for us as members of this House to remove this portion, that is, the minutes of dissent from the Report. Without these notes of dissent the House will never be able to know the real state of affairs with regard to the finances of any particular year. This is a most important function of the Public Accounts Committee to scrutinise the appropriation accounts, and call for the explanation of the heads of departments (*An honourable member:* That right has not been taken away.) Now if you take away the right of a member of the Public Accounts Committee to append a minute of dissent, then in future no member would dare do his work conscientiously. The House will, therefore, not be in a position to know all those things which they will come to know only if the Opposition is allowed to record its minute of dissent. I was sorry that the Honourable Premier got excited when the remarks of the Accountant-General were read and he said that the Accountant-General was not his authority. I know that the Accountant-General is not an authority who can dictate to the local Government. He has only made a suggestion which the Auditor-General has made to the Government of India. In this connection I should like to draw the attention of the House to the prefatory remarks on the Appropriation Accounts of the Punjab Government, for the year 1932-33 and the Report

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of the Accountant-General thereon. Mr. C. E. Gwyther who was then the Accountant-General also issued a small pamphlet on the subject. If this amendment of the Honourable Premier is adopted then the very function of the Public Accounts Committee will cease. I was handed over a small pamphlet on the subject of the work of the Public Accounts Committee drawn up by the Auditor-General in India. He said that the members could examine and criticise the accounts and then agree with the majority or append a note of dissent. Fortunately or unfortunately we had no necessity to append a note of dissent in former years. Only last year we adopted this practice of appending a note of dissent. If this amendment of the Honourable Premier is adopted, it will be curtailing the privileges of the members of the Public Accounts Committee. The main functions of the Committee are said to be, first to see how far the wishes of the Council have been carried out in the matter of expenditure incurred. In performing this duty it has also to see that no expenditure has been incurred on any new service for which provision was not made either in the original demand or in the supplementary demand voted by the Council. The next important function of the Committee is to see that there has been no extravagance. It is also the duty of the Committee to see that money set apart for one purpose has not been directed to another. The Committee may, if it desires, summon heads of departments as witnesses to supplement information on any point.

Mr. Speaker : Will the honourable member please speak to the motion before the House ?

Mian Muhammad Nurullah : I am just explaining to honourable members the main functions of the Public Accounts Committee which are contained in the prefatory remarks to the Report of the Accountant-General on the Appropriation Accounts of the Punjab Government. I want to show that by excluding the note of dissent you will be curtailing the rights of honourable members of this House and of the Public Accounts Committee. If you will allow me I shall refer to some more remarks on the subject by the Accountant-General.

Premier : The honourable member is most irrelevant. These remarks have got nothing to do with the motion.

Mian Muhammad Nurullah : The Honourable Premier will please allow me to complete these remarks. If he then disagrees with me he can consider them irrelevant.

Premier : If the portion my honourable friend wants to quote has got anything to say about minutes of dissent then he might read them. Otherwise not. He cannot be allowed to read from books which have no bearing on the subject.

Mian Muhammad Nurullah : I am not reading from two annas worth book. This is a publication of the Punjab Government and the remarks I want to quote are of the Accountant-General. These remarks have been laid down for the guidance of the members of the Public Accounts Committee.

Premier : By whom ?

Mian Muhammad Nurullah : By the Auditor-General of India.

Premier : What is the book that the honourable member is reading from ?

Mian Muhammad Nurullah : It is the Appropriation Accounts of the Punjab Government and the Report of the Accountant-General thereon for the year 1982-83. The functions of the Public Accounts Committee then were the same as they are now.

Premier : No. My honourable friend is referring to pre-autonomy accounts and practice. We have outgrown that stage.

Mian Muhammad Nurullah : Here is a quotation from the prefatory remarks—

It should be borne in mind, in considering the Report, that whilst it is framed on the best information available and, in the great majority of cases, after communication with the departments concerned, it is necessarily prepared before the departmental witnesses have been examined, and that it does not possess the same degree of authority or finality as the Report ultimately presented to the Legislative Council — now Legislative Assembly

Mr. Speaker : The honourable member is irrelevant.

Premier : Because these powers related to a time when Finance was not a transferred subject, it was a reserved subject. It has nothing to do with the present case.

Mian Muhammad Nurullah : I must sit down by saying that I strongly protest against this procedure and that I do not want this amendment should be allowed. All our rights are being taken away at this stage as members of the Public Accounts Committee.

Mr. Speaker : The point whether a minute of dissent is an integral part of the Report is a difficult one. At least I have not studied it before. Therefore, I am not in a position to give a considered ruling. But there is one thing which will explain the whole situation to a great extent. I will read out the rule to make it clear that it is not strictly speaking a part of the Report. I will read out parts (5), (6) and (7) of Rule 98—

- (5) The report shall ordinarily be signed by all members of the Committee, but the signature on the report by the Chairman will be sufficient authentication thereof, and if any member is not able to sign the report, a note shall be added to the report giving the reasons why such member could not sign it. If any member desires to record a minute of dissent on any point he must sign the report stating that he does so subject to his minute of dissent and must hand in his minute within such time as may be fixed for that purpose by the Chairman.
- (6) Every such minute of dissent must be confined to a discussion of the matter contained in the bill or in the report and must be free from personal remarks.
- (7) If any such minute of dissent is open to objection under the foregoing provision, the Speaker shall cause it to be returned to the member concerned for the purpose of amendment, and if the member does not, within such time as the Speaker may fix in this behalf, resubmit the minute duly amended, the note shall be deemed to have been withdrawn.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, it has come as a great surprise to me that of all the people in the world it should be the Government of a province who should object to the incorporation in the Report of the Public Accounts Committee of a statement by a member of what he thinks as to how the Government has been spending its money. If there is one thing in the British system of

[R. B. M. L. Puri.]

administration which is its great pride and which is responsible for its purity, it is its system of audit.

Mr. Speaker : The motion before the House is whether the following words be added at the end of the main motion : " excluding the minute of dissent which should be expunged."

Rai Bahadur Mukand Lal Puri : I am merely making introductory remarks. I am coming to the minute of dissent. What I wished to point out was that the Auditor-General even has the right to refuse to pass the bill of the Viceroy and on various occasions fearlessly exercises this right. Several times in the history of audit occasions have arisen when on account of certain customs or other matters the Auditors have successfully objected to items spent by the highest dignitaries, of the Government including Governors, Financial Commissioners, the Judges of the High Courts and even your bill, Mr. Speaker. The Accountant-General of the Punjab will not pass a bill unless it is in order.

Mr. Speaker : Please speak to the motion.

Rai Bahadur Mukand Lal Puri : I am merely pointing out as an introductory remark that one of the devices of British administration to secure the purity of its administration is the Department of Audit which is controlled in the case of Legislature by the Public Accounts Committee. In all the legislatures of the world and specially in the Mother of Parliaments, the Chairman of the Public Accounts Committee is not usually a person in any way connected with the Government.

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

Rai Bahadur Mukand Lal Puri : And the members of the Public Accounts Committee belong to all the parties of the House.

Mr. Speaker : But what is under discussion, is the report of the Public Accounts Committee. One member, whosoever he may be, is not the committee. Therefore to consider his opinion or note of dissent is not a consideration of the Report of the Committee. Consequently I will not allow any further discussion on this point. All that the honourable member may discuss is why the words " excluding the minute of dissent which should be expunged " should not be added at the end of the motion.

Rai Bahadur Mukand Lal Puri : I am merely pointing out that it is for the Public Accounts Committee to examine whether the Government of the province has been spending the money for the purpose for which it has been granted to them or whether it has wrongfully spent it for purposes for which it was not granted.

Mir M qbool Mahmood (Parliamentary Secretary): My honourable friend was not here when this matter was discussed, otherwise he would not have departed from the rule of relevancy.

Rai Bahadur Mukand Lal Puri : Sir, this is a matter of great constitutional importance. This House has appointed the Public Accounts Committee. There are 8 members of this Committee; 6 are members of the Government and 2 belong to the opposition. Now, the function which this House has delegated to the Public Accounts Committee is to see whether

Government has been guilty of any extravagance or not, whether Government has spent money on items on which it was authorised to spend, whether they have done anything which is illegal, irregular or improper. If the other members of the Public Accounts Committee who are not supporters of the Government are not allowed to express their opinion in writing, the Public Accounts Committee would become a farce because the members of Government's party would not like to criticise the expenditure by their own party and may even condone frauds by the members of the Government? Why does the Government wish to prevent a proper criticism of their expenditure? Why does the Government wish to shut the mouths of those who wish to protest against the extravagance or irregularities of the Government. I may point out, sir, that in some democratic countries, the majority of the members of the Public Accounts Committee are members of the opposition. (*Honourable members: Question.*) (*Interruptions.*) In any case (*Laughter*) I am used to these interruptions. I am used to take them on their face value. Before contradicting me, I would request the honourable members to quote facts and figures. (*Interruptions.*)

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

Rai Bahadur Mukand Lal Puri : Sir, what I am submitting is this.

Minister for Finance : By convention the Public Accounts Committee represents the parties of the House in proportion to their voting strength. (*Hear, hear.*)

Rai Bahadur Mukand Lal Puri : If the Honourable the Finance Minister is so fond of following Parliamentary traditions, he should have given effect to the equally well-established convention, that it is the Leader of the Opposition who is the Chairman of that Committee. The honourable members of the Committee raised a point that the Honourable the Finance Minister should not be the Chairman of that Committee and somebody else should preside over the deliberations of that Committee.

Mr. Speaker : The honourable member is irrelevant. I again request him to speak to the amendment now before the House.

Rai Bahadur Mukand Lal Puri : Sir, I am merely replying to the interruptions by the Honourable the Finance Minister. I was pointing out that the Honourable the Finance Minister has not given a correct version. He suppressed a very material point.

Mr. Speaker : I once more request the honourable member to speak to the motion.

Rai Bahadur Mukand Lal Puri : Sir, the point before the House is this—

Mr. Speaker : The question before the House is not whether the minute of dissent is part and parcel of the Report.

Rai Bahadur Mukand Lal Puri : It is not necessary that all the members should sign only one report. It may be possible in certain circumstances that all the eight members might have different views and this is quite possible. Sir, if you give that power to the Government, you will

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be practically reducing the Public Accounts Committee to a cipher. Let me illustrate my point further. Supposing there has been a defalcation, supposing there has been a fraud—

Mr. Speaker : Now for the last time I ask the honourable member to speak to the motion before the House. The amendment before the House is that the minute of dissent should be expunged.

Rai Bahadur Mukand Lal Puri : Sir, I wanted to place before you the practical effect of this motion, if it is adopted. Now, sir, let me give the reasons why this minute of dissent should not be expunged. This point is of very great constitutional importance. A minute of dissent or a minute of amplification is a part of the report. Now, we have to consider the propriety of it. Let us now further proceed and consider whether it is desirable in the interest of the province, whether it is desirable in the interest of proper audit and whether it is desirable in the interest of the finances of the province that any minute of dissent by members should be expunged from the report. Now, sir, as I have already submitted it would be one of the most unjust things for a majority party to do. Therefore,—

Mr. Speaker : The honourable member is again irrelevant. The amendment moved is that the minute of dissent should be expunged.

Rai Bahadur Mukand Lal Puri : The position of the Government, I now understand, is that they do not object to the incorporation in the report of minutes of dissent, but they object to this particular minute of dissent being incorporated in the report. I think it is conceded and the House agrees with me that constitutionally and legally a minute of dissent should form part of a report and in most cases it would be proper in the interest of the province that the criticisms of the disinterested members of the House should not be shut out and that they should be brought to the notice of the House. And in the light of the facts and criticisms made by the members representing various parties, the House would form its own judgment. Now the question remains whether this minute of dissent of Malik Barkat Ali should be expunged. On what grounds is it proposed that it should be expunged? There are three points with which it deals. Is it to be expunged on the ground that it brings to the notice of this House and to the notice of the province as a whole that our ministers, in addition to their salaries—some of them at any rate—are making as much as ten thousand of rupees a year on their travelling allowance alone? Would it not be the duty of a member of the Public Accounts Committee to bring it to the notice of this House, if it were a fact that a particular Financial Commissioner, unlike the other Financial Commissioners, was spending on stationery for example ten times more than the other Financial Commissioners? Would he not be justified in pointing out, for example, if it was a fact, that the cost of printing in the High Court is twice as much as the cost of printing of as much material by the Financial Commissioners? The House should be thankful to Malik Barkat Ali as he has brought to the notice of the House a fact which was attempted to be concealed by the Government itself. You very well remember that time after time, members of this House asked the Honourable Ministers to state on the floor of the House as to how much travelling allowance had been made by a particular Minister

or a particular Parliamentary Secretary in a particular month and the answer given was that they would not reply to that question. If that be the state of affairs, has a member of the Public Accounts Committee been guilty of indiscretion in bringing those facts to the notice of the House or should you congratulate him for doing a public duty to acquaint members of this House with those facts? It is quite possible that the explanation of the Honourable Ministers and Parliamentary Secretaries may be quite satisfactory. But what harm has he done if he has brought it to the notice of the House? That is certainly not a ground on which any House should refuse to include a minute of dissent when the House concedes that ordinarily minutes of dissent should be part of the Report. That is one point. The second point is more important. I am very thankful and in this matter I voice the feelings of a large number of public-spirited and well meaning gentlemen—people of all communities outside the House—that these subsidies which have been granted to the press are a method of corrupting the Press (*Mr. Speaker*: This has already been discussed). Has Malik Barkat Ali done any injury to anybody in the world, or been guilty of any impropriety by enlightening the House on this point and by focussing public attention on it. It has brought out prominently the astounding fact that almost all the leading Muslim papers who are supposed to voice the feelings of Muslims of the province are really not voicing the feelings of the Muslims of the province, but are playing to the tune of those who finance them? I for one did not know that four leading Muslim papers—I mean the only papers which Muslims have in this province were—

Mr. Speaker: The whole thing was explained in detail by the Honourable Premier. He told the House as to what had happened and how? He discussed that matter at length.

Rai Bahadur Mukand Lal Puri: I do not wish to ascribe any sinister motives to the Government. I am merely pointing out an inevitable fact. I know the Honourable Premier might have been told that it is necessary for war effort.

Mr. Speaker: The honourable member is again irrelevant.

Rai Bahadur Mukand Lal Puri: Has Malik Barkat Ali, I ask you, gentlemen, sitting on the Government benches, done any injury to the public interest or has he been guilty of indiscretion in taking you—members of the House—in confidence that all these papers, in one form or another, are being paid that amount? I am not here to say that the Cabinet did that with a view to corrupt them. But the fact must be recognised and it is necessary that this House should know how such a big amount of money is being spent. Would any member of the House be justified in asking that a minute of dissent should not be incorporated in the Report merely on the ground that it is distasteful to some members? This expenditure has a very much unsavoury taste. You wanted me to give the reasons.

Mr. Speaker: The matter has been discussed for three hours.

Rai Bahadur Mukand Lal Puri: Permit me, sir, to address my friends of the opposition that they should not be a party to this matter. They may not always be on the side of this Government. The present Government have merely done so in the time of war. This may unfortunately become a normal procedure for all time. It is necessary to nip the

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evil in the bud. After all, what harm has been done that you should adopt the unusual and extraordinary course of expunging the minutes by certain members? Therefore, I appeal to the House through you that they would be doing greatest harm to democratic government if they allow the voice of people to be stifled like this, if they shut up sources of public information. I suppose if the Report had contained any expression of opinion, favourable to the Government, praising the Director of Information Bureau or the Government, no objection would have been raised. Therefore, if the minutes of dissent on such important matters, which the Statute places within their power, which this legislature has been pleased to entrust them with, are ruled out on the ground that they are unsavoury to the Government, then I say that it is end of the democratic government in this province.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban): The amendment before the House is that the minute of dissent recorded by Malik Barkat Ali and incorporated in the Report of the proceedings of the Public Accounts Committee, that is, minute which has been under discussion in this House for about three hours, should be expunged at this late stage and an amendment has been moved by the Honourable Premier at the time of voting that this should be done. The Honourable Premier was in the House for the last three hours. He took part in those discussions. I would ask the Honourable Finance Minister as to why this point was not raised at the time the Report was being discussed and why was valuable time of this House, and three thousand rupees at least squandered away on this discussion if eventually it was to be moved by no one else but the Honourable Premier that the minute of dissent, which formed the centre of those discussions and on which the whole energy of both sides of the House spent, should be entirely expunged out of the proceedings of the Public Accounts Committee. That is my first objection to the procedure that it has been sought to be followed and I raise my strongest protest against the way in which it has been tried to be brought about. My second point is this. You have been pleased to hold, Sir, that these minutes of dissent are a part of the report of the Public Accounts Committee. Once you have held that these minute do form a part of the Report, I do not think any authority whatsoever is competent to have it expunged from the Report itself. Government might say that they do not approve of it, they might pass a resolution to this effect that they do not agree with it. It will be naturally passed by the majority but the question is, after having held that it formed part of the Report of the Public Accounts Committee, there is no power—least of all, power of vote by the majority party in the House—which can direct that it should be expunged. The Honourable Premier was pleased to make certain insinuations in his speech made before moving the amendment. The amendment was, however, moved without any speech, relying on the support of the majority at his back and without satisfying either the members of the Opposition, or the public outside as to what really are the reasons which make it necessary for the Government to move that this minute of dissent be removed from the report. Is it because of the inconvenient issues that have been raised by Malik Barkat Ali? Is it because they could not justify to the public outside, the payment of 93 thousand rupees: otherwise I do not really see what earthly harm will be

done by allowing this minute of dissent to remain a part of the report, rather than resort to the extraordinary course of having it expunged. You were pleased to read the rule regarding select committees proceedings. What does that rule lay down. It lays down that a member must sign the report subject to certain formalities. All those formalities have been complied with by Malik Barkat Ali. When signing the report he did say that he was doing it subject to a minute of dissent. This minute of dissent was incorporated in the report itself. It is now tried to be made out that the Finance Minister allowed it as a matter of courtesy. I am not, Sir, aware of any such thing. The member exercised his elementary right of appending a note of dissent, and the Chairman of the Public Accounts Committee had to allow it to be incorporated in the report not by way of courtesy but as a matter of right exercised by a member. Once it was allowed to be incorporated, I submit and I do so with all humility that the majority vote is not the authority which should expunge it like this.

Mr. Speaker : Assuming that the minute of dissent of Malik Barkat Ali is a part and parcel of the report of the Public Accounts Committee, the motion is that the report be adopted. Is it not open to the House to say that excepting such and such part, the report be adopted ?

Sardar Santokh Singh : What is the report ? It is the report of the majority that has got to be adopted and not the minority report.

Mr. Speaker : I have already stated that the minute of dissent may be assumed as part and parcel of the report of the Public Accounts Committee. So, the question is that the report be adopted. The amendment moved is that the report be adopted expunging the minute of dissent.

Sardar Santokh Singh : Will it be a minority report or will it be a majority report.

Mr. Speaker : Whatever it is.

Sardar Santokh Singh : Then we can also say that the report of a select committee be adopted barring such and such minute of dissent. I do not know why the minute of dissent should be expunged. I was pointing out that the Honourable Premier was in the House all the time, the Honourable Finance Minister was in the House all the time—

Mr. Speaker : In what form does the Finance Minister wish the motion to be put ? Excluding the minute of dissent ?

Finance Minister : Yes, Sir, excluding the minute of dissent. That is the form.

Sardar Santokh Singh : I was pointing out that the Honourable Finance Minister sent the motion some days back. Why did this thing not occur to him then ? Why did he not make that request earlier that the minute of dissent be expunged ?

Mr. Speaker : Is he estopped now ?

Sardar Santokh Singh : My submission is that taking advantage of the weakness of the members of the other party, will it be open to me to move such a motion ? At this late stage will you give me permission to move an amendment to the effect that the first 10 pages of the report be expunged ? Will it be reasonable for me to move such an amendment,

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knowing that I move in a majority, that the first 10 pages of the report be expunged?

Mr. Speaker : There can be no objection, I think.

Sardar Santokh Singh : I appeal to you, sir, as the custodian of the rights of this House to protect us from the misuse of the powers by the majority. My submission is that if a request like this is made at the fag end of the day when the matter is being put to the vote of the House, Government should not be allowed to move such a motion. Suppose to-morrow they say that Lahore is to be demolished. Even that will be passed. They are in a majority but that is no reason why you, Mr. Speaker, should come to their rescue and allow notice to be moved in the case of such an unreasonable amendment. After all what is the Government afraid of? Why should they feel shy of this exposure? Has it ever been held before that the minute of dissent be expunged? It is a novel procedure. The Honourable Premier was pleased to say that this is a fact finding committee. He could not anticipate any occasion when there could be a difference of opinion. He said that it was a courtesy, that the Finance Minister allowed this minute of dissent to be incorporated. I join issue with him. We never sought any concession. The Public Accounts Committee has got certain rights under the rules. Rule 140 (2) lays down—

It shall also be a duty of the Committee—

(a) to examine such trading, manufacturing and profit and loss accounts and balance sheets—

Well, sir, if they have got powers as these, can we not anticipate that there may be an honest difference of opinion, difference of views between the majority and the minority and if there is a difference of opinion between the majority and the minority, in what way are the latter to give expression to their views, I mean, the minority? Are they debarred or are they to be gagged from giving expression to their views and opinions? Are they to go there simply to sit as statues and work to the dictation of the Finance Minister? That cannot be the position. Surely, a difference of opinion may arise. I have been a member of this committee for the last 3 years. Differences did arise on some occasions. We cannot be gagged for all times not to express our views. We may be humble people and numerically very weak. To my mind this is the reason why this amendment was brought in at this late stage of the proceedings when the matter was being put to the vote of the House. The objection should have been taken from the beginning? Why were three hours wasted? Is the majority vote competent to expunge the note of dissent which has been the centre of the discussion for three hours on the floor of the House? No one is now competent to have it expunged. It should continue to form part of the report. It cannot be expunged. It must remain as it is. Considering the importance of the matter and the seriousness of the situation, I will request you again in all humility to kindly revise your ruling and not allow the amendment to be moved at this stage. Majority should not be allowed to do a thing which is utterly wrong and illegal. The public outside should not be given an occasion to laugh over the proceedings of this House and say that the Government with a view to hide certain misdoings of theirs went so far as to impose their will upon the House and had expunged an inconvenient note of dissent.

from the report. I would request you, Sir, as the custodian of the rights of the House, not to be a party to such proceedings.

Rai Bahadur Mukand Lal Puri : Sir, in view of the fact that the Government has not given any reasons in support of this extraordinary amendment—

(Honourable members : Question may now be put.)

Mr. Speaker : The question is—

That the question be now put.

Pandit Bhagat Ram Sharma : I want to know whether this amendment is not against the well-established conventions of this House.

Mr. Speaker : Which conventions?

Pandit Bhagat Ram Sharma : The convention of embodying the minute of dissent in the report.

Mr. Speaker : It is assumed that the note is a part and parcel of the report. The amendment moved is that such and such part of the report be deleted.

Pandit Bhagat Ram Sharma : My point is that this amendment, as moved, has the effect of violating the conventions of this House.

Mr. Speaker : How?

Pandit Bhagat Ram Sharma : What does expunging mean?

Mr. Speaker : Expunging does not mean omitting. The crux of question arises out of the remarks made by the Leader of the House that the Finance Minister should not have allowed the minute of dissent to be embodied in the report. That is the whole question. This amendment is out of order.

Sayed Amjad Ali Shah : Sir, the whole confusion has arisen because my honourable friends opposite take this report to be like the report of a select committee. There the minutes of dissent come to this House and members move amendments to the Bill, after that the House either agrees to the amendments or opposes them and then the Bill is passed. If we take the report as it is we have the minute of dissent which is incorporated in the report and if you take the report as it is we adopt only the report but we also adopt the minute of dissent which we do not want to do. Therefore what we say is that we adopt this report *minus* the minute of dissent.

Chaudhri Jalal-ud-Din Amber : It should have been made clear what was the intention of the Premier in moving the amendment.

Mr. Speaker : The question is—

That the question be now put.

Pandit Bhagat Ram Sharma : I have raised a point of order and I want your ruling on that point.

Mr. Speaker : What is the point of order?

Pandit Bhagat Ram Sharma : The point of order is that this amendment as suggested takes away a very valuable right of the House. (Interruptions.)

Mr. Speaker : That is not a point of order.

Pandit Bhagat Ram Sharma : You do not allow me to state it: I have not yet stated it in full. I am sorry I was not in a position to make myself clear. There is a well-established convention of adding the minute of dissent to the report of the Public Accounts Committee. (*Honourable members :* There is no convention.) There is a convention. Last year it was attached to the report and there was no opposition.

Mr. Speaker : But that is no point of order. The question is—

That the question be now put.

The motion was carried.

(*At this stage members of the Opposition walked out of the House.*)

Mr. Speaker : The question is—

That the following words be added at the end “excluding the minute of dissent which should be expunged”.

The motion was carried.

Mr. Speaker : Question is—

That the Report of the Public Accounts Committee on the Appropriation Accounts and Finance Accounts of the Punjab Government for the year 1939-40 be adopted excluding the Minute of Dissent which should be expunged.”

The motion was carried.

EXCESS DEMANDS, 1939-40.

Minister for Finance (The Honourable Sir Manohar Lal) : I move—

That an additional sum not exceeding Rs. 30,761 be granted to the Governor to meet the excess expenditure incurred during the year ended 31st March, 1940, in respect of Irrigation (Capital).

The motion was carried.

Minister for Finance : I move—

That an additional sum not exceeding Rs. 25,962 be granted to the Governor to meet the excess expenditure incurred during the year ended 31st March, 1940, in respect of Superannuation Allowances and Pensions.

The motion was carried.

Minister for Finance : I move—

That an additional sum not exceeding Rs. 1,144 be granted to the Governor to meet the excess expenditure incurred during the year ended 31st March, 1940, in respect of Deposits and Advances—Advances not bearing interest.

The motion was carried.

The Assembly then adjourned till 12 noon on Tuesday, 9th December, 1941.

PUNJAB LEGISLATIVE ASSEMBLY.

EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 9th December, 1941.

The Assembly met in the Assembly Chamber at 12 noon of the clock. Mr. Speaker in the chair.

STARRED QUESTIONS AND ANSWERS.

MR. RAJBANS KRISHAN.

***7812. Sardar Moola Singh:** Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that on the day on which the House was informed, in reply to a question by Sardar Moola Singh, that Mr. Rajbans Krishan's health was satisfactory, he had actually been suffering from acute gastro-enteritis and colitis;
- (b) whether it is a fact that owing to his illness Mr. Rajbans Krishan could not sit for his examination for more than one paper; if so, why actual facts regarding Mr. Rajbans Krishan's health were withheld?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Yes.

(b) Yes. The report on the health of Mr. Rajbans Krishan to the effect that his health was quite satisfactory was received by Government on the 8th April, 1941. The second report which disclosed that the prisoner was suffering from gastro-enteritis was received in the Secretariat on the 26th April, 1941. As the question referred to in part (a) was actually asked on April 25th, 1941, the reply given was based on the information available.

COMRADE FAZAL ILAHI QURBAN.

***7835. Sardar Moola Singh:** Will the Honourable Premier be pleased to state whether it is a fact that Begum Fazal Ilahi Qurban sent a representation to the Punjab Government in the second week of August, 1941, requesting the release on parole of her husband owing to the ill-health of his mother and the death of his only daughter; if so, the action taken by the Government in the matter?

Parliamentary Secretary (Mir Maqbool Mahmood): *Part I.*—Yes.

Part II.—The representation was found to be false in so far as it related to the ill-health of the mother of Fazal Ilahi Qurban, who died a year ago. In these circumstances, it was rejected.

MAINTENANCE ALLOWANCE TO SHRIMATI SATWANT KAUR, WIFE
OF COMRADE SAHIB SINGH.

***7836. Sardar Moola Singh:** Will the Honourable Premier be pleased to state whether it is a fact that Shrimati Satwant Kaur, wife of

[S. Moola Singh.]

Comrade Sahib Singh of Sarhana, of district Ludhiana, at present detained in Deoli Camp applied in May last for the grant of allowance for her maintenance; if so, what action has been taken by the Government in the matter, and, if no action has been taken so far, the reasons for the same?

Parliamentary Secretary (Mir Maqbool Mahmood): Sahib Singh and his wife Satwant Kaur submitted petitions to the Punjab Government in June, 1941, for the grant of maintenance allowance to the latter. The request was considered by the Punjab Government and rejected after due enquiries had been made. Sahib Singh was informed accordingly.

SAYED HABIB.

***7896. Malik Barkat Ali:** Will the Honourable Premier be pleased to state—

- (a) whether Government is paying any allowance to Sayed Habib confined in Muzaffargarh jail; if not, why not;
- (b) the special reasons for detaining Sayed Habib in the Muzaffargarh Jail and not in the Central Jail, Lahore?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) An allowance of Rs. 120 per mensem has been sanctioned by the Government of India to the family of S. Habib, with effect from the 24th November, 1941, for the period of his detention.

- (b) It was considered convenient and suitable.

***7901. Cancelled.**

MAULANA SAYED HABIB.

***7902. Sardar Lal Singh:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Maulana Sayed Habib while in Central Jail Lahore, asked for permission for his typist to see him in Jail daily till he could prepare his case for presenting to His Excellency the Viceroy;
- (b) whether it is also a fact that the Government refused the application and directed the detinue to ask his typist to apply for an interview with him, but the Government transferred the detinue to Sub-Jail, Muzaffargarh, before his typist could take advantage of the offer of the Government and that it is almost impossible for the detinue now to prepare his case for submission to the Viceroy at Muzaffargarh, the relative documents being at Lahore;
- (c) what facilities, if any, the Government are prepared to grant to the detinue for this purpose?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Yes.

(b) and (c) S. Habib was informed that he could instruct his typist by means of a letter or that his typist could apply for an interview with him in order to get verbal instructions. These concessions still hold good.

Sardar Lal Singh: Is it not a fact that other prisoners were allowed their assistants and typists inside the jail?

Parliamentary Secretary : I am not aware of any such instances. In all cases I am aware the rules have been complied with and application for interview was put in by the person concerned.

Malik Barkat Ali : Will the Parliamentary Secretary kindly state as to when Sayed Habib was informed? Was he then at Lahore or in Sub-jail, Muzaffargarh?

Parliamentary Secretary : I would like notice of that question.

Sardar Lal Singa : Does the Parliamentary Secretary realise that it is very difficult for the prisoner to write letters and receive replies without the help of the typist?

Parliamentary Secretary : I am afraid my honourable friend has not followed the answer. What I said was that Syed Habib was informed that his typist should apply for an interview and take verbal instructions.

Malik Barkat Ali : Was this reply given after his transfer to Sub-jail, Muzaffargarh, or while he was still at Lahore?

Parliamentary Secretary : I would like notice of the question.

*7903. *Cancelled.*

COTTON CROP.

*7891. **Chaudhri Sumer Singh :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that cotton crop in the province has been damaged this year and the output in Gurgaon district particularly is very insignificant as compared with the area cultivated in this locality? If so; what action does he intend to take to grant relief to the cultivators concerned?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—In a few districts only.

Second part.—Cotton crop in the Gurgaon district has not been damaged, but on account of the early cessation of the rains, the yield is not up to expectation. Relief will be afforded in due course according to the rules where necessary.

MUSLIM CIVIL SURGEONS.

*7897. **Malik Barkat Ali :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of Assistant Civil Surgeons working in the province;
- (b) the total number of Muslim Civil Surgeons in the province;
- (c) the steps which the Government proposes to take to ensure an adequate representation of the Mussalmans among the Civil Surgeons of the province;
- (d) whether there is any proposal under consideration for obtaining the services of the retired Civil Surgeons in the province for the duration of the war?

The Honourable Mian Abdur Maye : As the question savours of communalism I must decline to answer it on the floor of this House. If the honourable member puts an unstarred question I shall collect the information and make it available.

SUPPLEMENTARY STATEMENT OF EXPENDITURE AUTHENTICATED BY GOVERNOR.

Minister for Finance (The Honourable Sir Manohar Lal): Sir, as required by section 81 of the Government of India Act, 1935, I lay on the table the supplementary statement of expenditure (1st instalment) for the year 1941-42 authenticated by His Excellency the Governor.

As required by section 81 of the Government of India Act, 1935, I hereby authenticate the following supplementary statement of expenditure for the financial year 1941-42, which specifies:—

- (a) the supplementary grants (first instalment) made by the Punjab Legislative Assembly in its Session held in December, 1941, and
(b) the sums required to meet the expenditure charged on the revenues of the Province.

SUPPLEMENTARY STATEMENT.

Grant No.	Major head of account.	Supplementary grants made by the Punjab Legislative Assembly.	Sums required to meet expenditure charged on the revenues of the province.	Total.
		Rs.	Rs.	Rs.
6	12—Charges on account of the Motor Vehicles Acts.	3,720	16,140	19,860
10	25—General Administration ..	8,500	42,540	51,040
13	29—Police	3,35,840	..	3,35,840
23	50—Civil Works	72,27,300	..	72,27,300
24	Charges on Public Works Department, Buildings and Roads Establishment.	1,30,670	..	1,30,670
25	XLI—Receipts from Electricity Schemes—Working Expenses.	35,000	..	35,000
29	54—Famine .. ..	..	2,050	2,050
33	57—Miscellaneous	30,000	..	30,000
	63—Extraordinary Charges ..	..	..	..
16	37—Education (Excluding European and Anglo-Indian Education).	10	..	10
18	39—Public Health	10	..	10
28	81-A—Capital Outlay on Electricity Schemes (outside the Revenue Account).	0	..	10
	GRAND TOTAL ..	77,71,060	60,730	78,31,790

B. GLANCY,
Governor of the Punjab.

ELECTRICITY (EMERGENCY POWERS) BILL.

Mr. Speaker : On the 2nd instant, when this House was about to commence consideration of the Punjab Electricity (Emergency Powers) Bill, clause by clause, Dr. Sir Gokul Chand Narang raised the point that the Bill was *ultra vires* of a Provincial Legislature and that, therefore, it could not be considered or passed by this House. The learned Doctor made a long speech in support of his contention; while the Honourable Advocate-General tried very ably to refute his arguments. The Honourable Malik Barkat Ali also took part in the debate and quoted one or two judgments of the Rangoon High Court. But as the point was of considerable importance and I had no previous notice of it, the House was pleased, at my request, to give me time for studying and further discussing the matter informally with the above-mentioned lawyer members of the House. Accordingly, on the 6th instant I held the proposed informal meeting and had a long discussion with the legal luminaries who had come fully prepared. But I regret to say that even this informal discussion did not make me wiser than I was. The question is a complicated one and much can be said on both sides. In doubtful cases, and this case is not free from doubt, my practice has been not to restrain or curtail the jurisdiction of this House. So, following one or two precedents of my own time (see Punjab Legislative Council Debates, Volume X-B, pages 1496-97; and Punjab Legislative Assembly Debates, Volume X, page 1468) I have decided to allow the Bill to be proceeded with. The question whether it is *ultra vires* or *intra vires* of this House, may be decided by courts of law, if the Bill is passed and enforced. So the House will now proceed to consider the Bill clause by clause.

Rai Bahadur Lala Sohan Lal : Sir, as you have given ruling to the effect—

Mr. Speaker : Does the honourable member wish to discuss my ruling?

Rai Bahadur Lala Sohan Lal : No, sir, I know it perfectly well that your ruling cannot be questioned. But I only want to bring an opinion to the notice of the Government. (*Honourable members :* No, no. It is too late.) Sir, I do not want to make a speech at this stage but I would like to bring to the notice of the Government the opinion of the Advocate-General of India.

Mr. Speaker : The honourable member may pass it on to the Honourable Minister concerned.

Rai Bahadur Lala Sohan Lal : In that case I will bring it to the notice of the House at the time of the consideration of the clauses.

Mr. Speaker : The House will now proceed to consider the Bill clause by clause.

Clause 2.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): Sir, with your permission I should like to move my amendment to this clause in a slightly amended form. My amendment will now read—

That in sub-clause (1), lines 2-3, after the words 'Provincial Government' the following words be added:—

'by reason of a threatened wrongful act of omission committed or about to be committed by the licensee or by some one else on his behalf'.

Under this clause the Government is taking very wide powers into its hands under the pretext of protecting the public. I do not say that the public should not be protected in any case. But my point is that the law as it stands at present is enough to safeguard the interests of the public. I have thought it necessary to bring forward this amendment because there must be some act of omission or commission on the part of the licensee for the Government to be on their alert and take action. When there is no such act of omission or commission on the part of the licensee, it does not seem necessary that the Government should possess such powers and proceed according to their whims or according to their wishes. It may happen that on some day something may happen which in the view of the Minister may not be desirable and he may persuade the Government to proceed against that electric supply company. I think that there must be some concrete case of omission or commission from which it may follow or is likely to follow that Government is forced to take action. Under the circumstances the Government should not be entrusted with such wide powers without any act of omission or commission which it can explain to the public.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), lines 2-3, after the words 'Provincial Government' the following words be added:—

'by reason of a threatened wrongful act of omission committed or about to be committed by the licensee or by some one else on his behalf'.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): I oppose the amendment. When you see the various contingencies mentioned in clause 3 (1) it will be clear that under the three circumstances mentioned in sub-clauses (a), (b) and (c) Government can take action for the control of a company. The honourable member by this amendment seeks to curtail that contingency to a "wrongful act". This amendment if accepted will take away the utility of this measure. Besides the amendment will make the clause vague and general. How are the words "wrongful act" going to be interpreted? There will be unnecessary litigation. The clause as it stands is clear and specifies all those three cases in which Government will take such action. This amendment goes against the spirit of the measure and I therefore oppose it.

Mr. Speaker : The question is—

That in sub-clause (1), lines 2-3, after the words 'Provincial Government' the following words be added:—

'by reason of a threatened wrongful act of omission committed or about to be committed by the licensee or by some one else on his behalf'.

The motion was lost.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) : Sir, I beg to move—

That in part (a) of sub-clause (1), line 3, between the words "service" and "or" the words "for the maintenance of street lighting purposes" be inserted.

(Urdu) : Sir, the words proposed by me do not defeat any object of the Bill. But strictly speaking these words strengthen the object of the Bill as detailed in its statement of objects and reasons. You would remember that much stress was laid on the street lighting purpose by the Government when the Bill was first introduced in the House. In order to clarify this point I would invite the attention of the Minister in charge to the statement of objects and reasons of the Bill where he has stated—

The object of this Bill is to provide against a situation, in which, for one reason or another, the public may be put to grave inconvenience owing to the refusal of a licensee under the Indian Electricity Act, 1910, to maintain a continuous supply of electrical energy for street lighting purposes.

On that occasion the Government pressed this point very much but now they are completely changing ground. How strange is it that the very purpose that formed the basis of the Bill and on which so much eloquence was spent by the treasury benches has been relegated to the background without a blush? I presume that the Honourable Minister in charge has not forgotten his definite statements on the floor of this House and I hope he would refresh his memory. I do not think that the Honourable Minister in charge would deny this point when it is there in the statement of objects and reasons in which the Minister in charge says—

In the interest of the public, it is most necessary that Government in the last resort, should be able to assume control of a licensed Electric Supply Undertaking and to provide for the continuance of public street lighting service for a period of six months at a time up to a maximum of two years.

Now it has been clear to the House that here too much stress has been laid on the street lighting only. Now if the words proposed by me are added the object of the measure will not in any way be interfered with nor will they stand in the way of the Government taking necessary powers and using the same. On the other hand the addition of these words will make the object of this Bill more clear and, therefore, I hope, the Government will accept my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in part (a) of sub-clause (1), line 3, between the words "service" and "or" the words "for the maintenance of street lighting purposes" be inserted.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : Sir, the honourable member seeks by this amendment to curtail the emergency to the failure of street lighting only. Street lighting is of course very important, as he said himself, and the failure of it is a great public nuisance. But street lighting is not the only type of electricity supply that there is. As the honourable member himself knows there is a considerable amount of industrial load and electricity used by private consumers. Refusal of supply would be inconvenient and a nuisance for the public in these cases also. Therefore we cannot accept failure of street lighting as the only emergency, because Government has an obligation to protect the interests of private consumers of electricity also. Therefore I must oppose this amendment.

Sardar Saotokh Singh (Eastern Towns, Sikh, Urban): In supporting the amendment moved by Rai Bahadur Lala Sohan Lal, I would like to make one point very clear; and it is that if the Honourable Minister in charge will examine the statement of objects and reasons of the Bill, he will find that the object of this Bill is to take possession of an electricity concern only in the case of a threat of stopping supply of electricity for the purpose of street lighting. You cannot for reasons of private dispute between one party and another take the entire control of an electricity concern. Let the Government understand and realise the implication. So far as the question of proper maintenance of street lighting is concerned, we are willing to give these powers to Government and this is in fact the only object of this Bill. But now Government wants comprehensive powers to take over the concern even if there is a private dispute between one party and another. When we come to sub-clause (b) we find that even in the matter of doubt as to the ownership of public electricity service this Government wants to reserve to itself all these powers. If the Government wants to remain within the framework of the original Bill, it will do well to accept the amendment moved by my honourable friend. It will not in any way restrict their powers in that direction. The object they had in view at the time of introducing the Bill will be fully achieved and this amendment will not stand in its way. I do hope that it will be accepted.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): I support the amendment, as it is one of the most important amendments. In the original Bill the only object was to safeguard the interests of the public or the municipal committees so that street lighting would be supplied to the public, but now the Bill covers a very wide field. Under the new Bill you can take action on any pretext or even excuse and you might say that this company is not desirable or the management is not desirable. Of course breakdowns there have always been and will always be. In fact they will increase during the war, for you cannot get spare parts as people cannot manufacture them in India. Some of the imported machinery is so fine and nice that you cannot get those small parts made here, and therefore there is going to be failures of supply, and the Government on the least excuse will take action. But if Government accept the amendment, then it would be necessary for them only to act when public street lighting is in danger or there is going to be some difficulty that might lead to some inconvenience for the public. Therefore I support the amendment in the hope that the Government will accept it.

Rai Bahadur Lala Sohan Lal (Urdu): Sir, I only wish to say a few words with reference to the argument advanced by the Honourable Minister. He was pleased to say that the Government should have the power to interfere not only when the street lighting was affected but also when the company failed to carry out its obligation in respect of their agreement with some industrial concern, that is when there was a breakdown of industrial load. Similarly he wanted powers to step in in the case of any serious defect in the management. I would like to draw his attention to the provisions of the Indian Electricity Act which authorise the Government to revoke the licence of a company in all such cases. They already have the power to interfere in all such cases and to transfer the licence to another party approved by them. The real object of the Bill, as I have

already said, was to guard against the failure of supply for the purpose of street lighting. But now the Honourable Minister wants to take much more powers than were originally intended. That is the point which I wanted to bring to the notice of the House and now I leave it to the Government to accept or reject my amendment.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): Sir, the last speaker said that Government have already got the power under the Indian Electricity Act of revoking licences. This is a very extreme step. This Bill is just a temporary measure and provides for steps short of revoking the licence in case of an emergency. Besides if the provision is already there, then why worry?

The honourable Mian Nurullah's objection was that there would be difficulties in finding spare parts. He was furnishing another argument why the Act should be enacted because there might be breakdowns. It is true that the Lahore Electric Supply Company threatened to stop street lighting and this is how this Bill was conceived for the first time. I am not here to apportion blame in that particular case, but the fact remains that an emergency did arise some years ago, and the public would have suffered if the streets of Lahore had been darkened. Street lighting is not the only thing. Suppose there is lighting on the streets but darkness in the houses. Should Government not regard that as an emergency? The honourable member's argument is that Government should take control only in the case of a threat of stopping street lighting and not when it is a threat to an industrial load or to a load for home consumption. The force of this argument put forward by my honourable friend does not convince me, and I must oppose it.

Mr. Speaker: The question is—

That in part (a) of sub-clause (1), line 3, between the words "service" and "or" the words "for the maintenance of street lighting purposes" be inserted.

The Assembly divided: Ayes 17; Noes 51.

AYES:

Ajit Singh, Sardar.
Amar Nath Shah, Lala.
Baldév Singh, Sardar.
Bhagat Ram Sharma, Pandit.
Faqir Chand, Chaudhri.
Gurbakhsh Singh, Sardar.
Harnam Das, Lala.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.

Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Nurullah, Mian.
Mula Singh, Sardar.
Santokh Singh, Sardar.
Sita Ram, Lala.
Sohan Lal, Rai Bahadur Lala.
Uttam Singh Dugal, Sardar.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurgaon).

Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Allah Yar Khan Daulatana, Mian.
Amjad Ali Shah, Sayed.
Chhotu Ram, The Honourable Chaudhri Sir.

Dasaundha Singh, The Honourable
Sardar.

Faiz Muhammad, Shaikh.

Faqir Hussain Khan, Chaudhri.

Fateh Muhammad, Mian.

Fazl Ali, Khan Bahadur Nawab
Chaudhri.

Fazal Din, Khan Sahib Chaudhri.

Few, Mr. E.

Ghazanfar Ali Khan, Raja.

Ghulam Rasul, Chaudhri.

Ghulam Samad, Khan Sahib Kha-
waja.

Gurbachan Singh, Sardar Bahadur
Sardar.

Harnam Singh, Captain Sodhi.

Het Ram, Rai Bahadur Chaudhri.

Khizar Hayat Tiwana, The Honour-
able Malik.

Kishan Das, Seth.

Manohar Lal, The Honourable Sir.

Maqbool Mahmood, Mir.

Mohar Singh, Rao.

Muhammad Akram Khan, Khan
Bahadur Raja.

Muhammad Alam, Dr. Shaikh.

Muhammad Ashraf, Chaudhri.

Muhammad Hussain, Chaudhri.

Muhammad Saadat Ali Khan, Khan
Bahadur Khan.

Muhammad Sarfraz Khan, Raja.

Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.

Muzaffar Ali Khan Qizilbash, Sardar.

Muzaffar Khan, Khan Bahadur
Captain Malik.

Nasir-ud-Din, Chaudhri.

Nasrullah Khan, Rana.

Pir Muhammad, Khan Sahib
Chaudhri.

Pohop Singh, Rao.

Prern Singh, Chaudhri.

Pritam Singh Siddhu, Sardar.

Ranpat Singh, Chaudhri.

Ripudaman Singh, Rai Sahib
Thakur.

Roshan Din, Chaudhri.

Sahib Dad Khan, Khan Sahib
Chaudhri.

Sardar Khan Noon, Major Malik.

Shahadat Khan, Khan Sahib Rai.

Sikander Hyat-Khan, The Honour-
able Major Sir.

Sumer Singh, Chaudhri.

Suraj Mal, Rai Sahib Chaudhri.

Tikka Ram, Chaudhri.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir,
I beg to move —

That in part (a) of sub-clause (1), lines 3-4, the words "or a diminution of such supply"
be deleted.

My reasons for this amendment are that this is a very vague phrase. Sup-
posing you are getting electricity on the Mall and certain things happen in the
Power House. When the supply is being disconnected on that account, no
harm is done to any people. It is possible that the voltage of that particular
line might go down and for this purpose there is a provision in the Act. The
Electricity Inspector of the Government is responsible. He checks it and
sees that the line gets its proper voltage. There is bound to be diminution
in the Power House under any supervision however clever it may be.
Therefore, I submit that this phrase is very vague and wide. Nobody
can control diminution. Government has an Electric Inspector whose duty
it is to see that complaints are rectified and things set right. He calls for
explanations of companies.

Mr. Speaker : Question is —

That in part (a) of sub-clause (1), lines 3-4, the words "or a diminution of such supply"
be deleted.

The motion was lost.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) (Urdu): Sir, I beg to move—

That part (b) of sub-clause (1) be deleted.

Now, sir, part (a) deals with those contingencies in the case of which Government can assume possession and control of any public electricity service. Parts (b) and (c) are somewhat related to each other and I, therefore, propose to discuss them together. My submission is that both these parts should be deleted. If you read parts (b) and (c) you will find that they have got nothing to do with the objects of the Bill and the emergencies contemplated therein. As a matter of fact they are entirely out of place. The object of the Bill is, as has been pointed out more than once by the Honourable Minister, to enable the Government to assume possession and control of electric undertakings when in the opinion of Government there is likelihood of a failure in the continuous supply of public electricity service or a diminution of such supply to the public disadvantage, etc., etc. So far as these powers are concerned, Government have taken them under part (a) of sub-clause 3 (1). I fail to understand why parts (b) and (c) have been provided which have no relevancy to the Bill as it stands. It appears as if under the cloak of having these powers Government want to employ this Bill as an instrument for bringing all the electrical services in the province under their complete control. Let me point out that this is the very clause in view of which my honourable friend Dr. Sir Gokul Chand Narang raised his point of order and pointed out that it was *ultra vires* of the Punjab Legislature to enact a measure of this nature. Besides, there are various other clauses of the Bill which will interfere with the working of the electrical supply companies under the Indian Companies Act and Indian Electricity Act. But at present I do not like to repeat those arguments which have been urged and fully discussed on the floor of the House and in the meeting which you were pleased to call the other day. To-day you have given your ruling and have permitted the House to proceed with this Bill. So far as your ruling is concerned, I do not question its legality at all. But as you know the other day when the point that the Bill was *ultra vires* of the Punjab Legislative Assembly was raised, Government requisitioned the services of their Advocate-General to present the official legal point of view. The learned Advocate-General was pleased to hold that this Bill was *intra vires* of the Punjab Legislative Assembly. In spite of that I pursued the matter still further and sought the opinion of the Advocate-General of India. He has very kindly sent his opinion on this Bill to me which I will read out to the House. (Interruptions.) This is the opinion of the Honourable Sir B. L. Mitter, Advocate-General of India, and who is an ex-Law Member of His Excellency the Viceroy's Executive Council.

Let me tell you, sir, that I would have been well within my rights to have pointed out to you the opinion of the learned Advocate-General of India before you were pleased to give your ruling this morning. However it could not be done owing to interruptions.

Now as this Bill, which is *ultra vires* of the Punjab Legislature and in regard to which point my honourable friend Dr. Sir Gokul Chand Narang has fully dealt with, is on the anvil of the House, I think I would be failing

[R. B. L. Sohan Lal.]

in my duty if I do not read out the opinion of the learned Advocate-General of India. The House should know that this is not an opinion of any ordinary lawyer from outside. It is the opinion of no less a person than the Advocate-General of India himself. It is as follows:—

OPINION.

Re. Punjab Electricity (Emergency Powers) Bill.

In considering the *vires* of a legislative measure, the essential thing is the "pith and substance". The pith and substance of "The Punjab Electricity (Emergency Powers) Bill" is the assumption of control by the Government of 'Public electricity service' in certain contingencies. The contingencies are set out in clause 3 of the Bill. The expression "public electricity service" is defined in clause 2 to mean an electric supply undertaking licensed under the Indian Electricity Act of 1910. The subsequent clauses of the Bill detail the manner in which the control of Government is to be exercised, e.g., in the matter of possession of the property of the undertaking, including all books of account, making of contracts, transferring property, keeping accounts, etc. On the assumption of such control, the Directors of the Company who had management of the undertaking under the Indian Companies Act, will be ousted and the regulation of the undertaking will be in the hands of Government. In other words, the licence will, in substance, stand revoked, not under the Indian Electricity Act, but under the provisions of the Bill. The supersession of the powers of Directors of the Company holding a licence, without revocation of the licence, under the Indian Electricity Act falls, in my opinion, within the scope of "regulation" of the Company, which is a trading corporation within the meaning of entry 33 in List I of the Seventh Schedule of the Government of India Act, 1935.

Entry 31 in Part II of the Concurrent List in the Seventh Schedule means generation, etc. of electricity and has no reference to the functions of a trading corporation.

In my opinion, the Bill deals with a matter which clearly falls under entry 33 of List I and is, therefore, *ultra vires* of the Punjab Legislature.

This is the opinion of the Advocate-General of India signed and sent by him to me. I have read it out to you so that the Government and the honourable members of this House may be aware of the legal position taken by the Advocate-General of India holding that this Bill is *ultra vires* of the Punjab Legislature. I do hope that after hearing this opinion Government would stop the enactment of this measure and would thus save the wastage of public funds and the precious time of the House.

Mr. Speaker : The honourable member's speech covers not only the deletion of part (b) but also the deletion of part (c). So both the parts will be discussed together but put to the vote of the House separately.

Rai Bahadur Lata Sohan Lal : Yes, sir. I referred to this very question at the very outset of my speech.

Now, so far as the legal opinion that this Bill is *ultra vires* of the Punjab Legislature is concerned I do not propose to say anything more on the point. As I have already submitted parts (b) and (c) of this clause have absolutely nothing to do with the aims and objects of this Bill. It is possible that the Honourable Minister in charge may be in a position to enlighten us as to what relation these parts have with the emergency powers contemplated under this Bill. For my part I must confess that I have not been able to understand why Government have made a provision for parts (b) and (c). If Government have any fears on that score, let them come forward and tell us, so that the House may be in a position to know where it stands and what kinds of powers Government want to have. I can only say that it is not at all proper for our Government to take unlimited powers to themselves.

Mr. Speaker : Clause under consideration, amendment moved—

That part (b) of sub-clause (1) be deleted.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): I have no mind to enter into the controversy as to whether this Bill is *intra vires* or *ultra vires* after your ruling. You have set that controversy at rest so far as discussion in this House is concerned.

Dr. Sir Gokul Chand Narang: Is that so, sir?

Minister for Public Works: Yes.

Dr. Sir Gokul Chand Narang: So far as the Honourable Speaker is concerned, it is over, but I believe that the Honourable Speaker did not say that it is not open to the House still to hold that it is *ultra vires*. Is that so? I want this information from the Chair.

Mr. Speaker: Does the honourable member know that I have given my ruling?

Dr. Sir Gokul Chand Narang: I am sorry I was not here. I believe you told the House that it was open to the House to throw it out on the ground that it was *ultra vires*.

Mr. Speaker: No. I ruled that as the matter was not free from doubt, I would not curtail or restrict the jurisdiction of the House.

Dr. Sir Gokul Chand Narang: Certainly, that is perfectly right. You said that the point was very difficult and that you would give the benefit of doubt to the discussion being held.

Mr. Speaker: Yes. I have given the benefit of doubt by holding that I will not restrict or curtail the jurisdiction of the House.

Dr. Sir Gokul Chand Narang: Quite right, but supposing the House is convinced.

Mr. Speaker: The House can come to any decision.

Dr. Sir Gokul Chand Narang: Exactly. It is still open to the House to hold that this Bill is *ultra vires* and consequently, I would say that it is open to every member of this House to try to convince the House that it is *ultra vires*, because you have not held that it is *intra vires*. I am sure that the Honourable Speaker has not ruled that it is *intra vires*. What he has said is this that he cannot say at this stage, whether it is *intra vires* or *ultra vires*. As the matter is a doubtful one, he would allow discussion to proceed and he would not restrict the power of this House. But it is open to the House itself to see whether that power should or should not be exercised in a particular measure. If the House is convinced—of course there is no hope of the House being convinced.—I am speaking now from a technical point of view—if the House is convinced that this measure is *ultra vires*, then it is still open to the House to throw out the Bill on the ground that it is *ultra vires* of itself. That is what I want you to make clear, because it is a very material point in the debate.

Mr. Speaker: My ruling cannot prevent the House from coming to a different decision.

Dr. Sir Gokul Chand Narang: So, it is open to every member to argue still that it is *ultra vires*.

Minister for Public Works: In my opening remarks what I said was that you have set this controversy at rest and by that I never meant

[Minister for Public Works.]

that this House has not got the right to throw out this Bill. Undoubtedly it has got that right. What I said was that discussion on the technical side need not be gone into as it will take time unnecessarily. If the honourable member still wants to convince the House that the Bill is *ultra vires*, that is between him and the Honourable Speaker. I never meant to curb anybody's rights and I had no intention to do it.

Rai Bahadur Lala Sohan Lal : That is not between the honourable member and the Honourable Speaker. The Honourable Speaker has given his ruling. Now it is for us to raise this issue and try our best to convince the Government. Probably the Government may understand that this Bill is *ultra vires* and may themselves withdraw it.

Minister for Public Works : When I said that the matter was between the Speaker and the honourable member who spoke last, all I meant was that the question of relevancy or irrelevancy was not to be decided by me. As long as the Chair allows the honourable member to speak, he is at liberty to go on saying what he wants to say whether relevant or not. Beyond that I meant nothing. When I said that I did not want to enter into this controversy, all that I meant was that I considered it unnecessary to reply in detail to the technical objections raised by my honourable friend opposite because that question has been set at rest by the Honourable Speaker's ruling. He has ruled that discussion can go on. The Bill is *intra vires*, therefore, the discussion is going on. Whether it is so or not can now only be determined positively by a court of law. The honourable member, who last put forward the views of the Advocate-General of India, is well advised to have those views in his possession and use them at the proper time. As I stand advised, I consider the Bill to be *intra vires* and that point of view has been put forward by the Honourable Advocate-General of the Punjab Government. According to us the pith and substance of this measure relates to electricity service only. Therefore, looking *prima facie* at the Bill, we hold that it is *intra vires*. I have no intention, at this stage, as I have already said, to go into the technical details. The whole question has already been discussed.

As to the deletion of these two particular sub-clauses, nobody would deny that there would be an emergency in case of failure or threat of a breakdown of electric supply. It might be, as stated in part (b) due to doubtful ownership. As this House is aware, at present we have a big hydro-electric scheme in which we have got surplus power and therefore when certain electricity licences expire, we have got to buy over the concerns. With regard to the question of doubt as to whether the possession is passed from one party to another, the Bill contemplates, without affecting the rights of the parties, that only during the period of transfer when a breakdown of the electric supply is apprehended Government will take over the control. This is an innocent sort of provision which, I think should not have been objected to. The rights of anybody are not adversely affected. They will go on. The Government will merely take over the control of the company temporarily so that there is no inconvenience and nuisance to the public. What would happen? Everything that will be done during that period will be done on behalf of the company. All profits that the Government make will go to the company.

emergency power handed over
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Rai Bahadur Lala Sohan Lal : You are replying only to part (b) and not to other parts.

Minister for Public Works : I am explaining that no hardship will take place. No hardship is going to be experienced by the company on account of its being taken over by the Government. The company will not lose anything because when the company is taken over by the Government and if during that period some profits are earned by the Government, they will go to the company. Under the other clause also, as you know, the company would not be a loser. If some extra income accrues to the Government, the company will be benefited to that extent and that profit will pass on to the company. If there is a loss to the company due to any defect of management by the Government compensation will be awarded to the company to that extent. So far as the provisions of the Bill are concerned, no hardship would be involved to companies at all. What is meant only is that when there is a doubt as to whether the Government is the owner or the company is the owner or there is a dispute or any other emergency, the public, a third party, may not suffer. That is all. In view of these remarks I must oppose this amendment. I do not think there is anything on which my honourable friends opposite need have any worry.

Khan Bahadur Nawab Muzaffar Khan : May I with your permission ask one question? From the speech of the Honourable Minister am I to understand that in no case the company stands to lose but always to gain?

Minister for Public Works : Yes. What I explained was this that during emergency if the Government takes over a company and the profit of the company remains the same as it was before that period, then the company will have no grouse. I may repeat it for the sake of my honourable friend again. The company will not lose anything. Every transaction will be done on behalf of the company and every extra income will go to the company. The Government have no other intention. If due to any defect of management by Government there is any loss to the company, it can claim compensation and to that extent the company will be compensated. What I maintain is that under ordinary circumstances no loss would be incurred by the company by its management being taken over by the Government. This is what I would like to emphasise because this proposition has not been clear to my honourable friends opposite; otherwise they would have, perhaps, not asked for the deletion of sub-clauses (b) and (c), which do not involve any hardship to the company. I oppose the amendment.

Sardar Santokh Singa : Sir, may I ask one question through you?
 Do I understand that Government binds itself for the period of the possession of the concern to give the same dividend as was being declared by the company before it was taken over?
 1 p. m.

Minister for Public Works : I am sorry I have not followed the question.

Sardar Santoka Singh : The question which I put to the Honourable Minister is whether Government binds itself to pay the same amount of dividend which the company declared before Government took it over.

Minister for Public Works : To make myself clear I will read out the clause about compensation. There is an amendment which I intend to accept. The amended clause will read thus—

The Provincial Government shall award compensation if the public electricity service sustains damage by reason of the exercise or the failure to exercise of any of the powers conferred by this Act.

Now I do not think Government can do more. The honourable member asked whether we will bind ourselves, which means binding the tax-payer to pay the same dividend which they have been declaring. Well, sir, there are various ways of declaring the dividend. I need not go into that. No Government can agree to pay the same dividend as was declared by a company. I would say that is positively unfair of my honourable friend opposite to ask. There are many circumstances that come into play in the affairs of a company. There are unforeseen circumstances. What I say is that under ordinary circumstances clause 10 is good enough and there would be no extraordinary loss to the company by Government taking over.

Mr. E. Few : Perhaps the honourable member opposite wants to tie the Government to a dividend after the earthquake has devastated the whole concern. That is what he wants (*laughter*).

Mian Muhammad Nurullah : The whole question has been confused. I want to clarify a little more. The Nawab Sahib put a question to the Minister whether the company would lose by the Government taking over. The reply was that the company would never lose as there was the compensation clause. I may say that compensation comes only when things go wrong and when things are topsy turvy and there is loss. Compensation can cover only loss. The Leader of the Opposition wanted to know whether Government would bind themselves to the dividend which the company declared before. I go still further. The position of the Leader of the Opposition does not satisfy me. I submit that there would be a third position. The third position is that most towns in this province have only been electrified during the last 5 or 10 years. The companies are still in initial stages and at the initial stages no company pays dividend. The Lahore company now worth crores did not pay any dividend during the first 7 years. What will be the position if you take control of a company which is now growing and which will build its load in due course and raise its dividend from 1, 2 to 10 per cent even. That condition is not covered by the position taken up by the Leader of the Opposition. The loss to the company will be great when this Government on flimsy grounds takes control of such a company which is beginning to build its load and naturally and gradually will be in a position to pay handsome dividend and be a sound concern. That case is not covered. I would not like Government to take possession of companies which are in their fifth or sixth year and are growing from boyhood to manhood.

Sayed Amjad Ali Shah (Parliamentary Private Secretary): Sir, I will only confine myself to the question put by the Leader of the Opposition. He asked whether Government would be prepared to bind itself to declare such dividend as the company had been declaring in the past. I would only request him to apply his mind to the question. I am surprised that this question should come from a businessman of the standing of my honourable friend, the Leader of the Opposition. Can any company guarantee to declare the same dividend henceforth what it has been declaring in the past? If a company declares 20 per cent this year, can it bind itself to declare the same percentage next year? When even a company cannot bind itself to declare the same dividend how can it be expected that the Government can bind itself to do the same? My honourable friend knows that dividend depends on circumstances. Government would declare the dividend according to the prevailing circumstances.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Mr. Speaker, I rise to support my honourable friend Rai Bahadur Lala Sohan Lal that sub-clauses (a) and (b) be deleted. I doubt whether Government even has realized the implications of the extraordinary powers which they want to have by these two sub-clauses. Clause (b) says that even if there is doubt as to the ownership of a concern between the Provincial Government or any other person, Government will be justified in taking possession of the concern. They have also provided that no civil court will have any jurisdiction over these matters. Here is clause 12: it says—

No civil court shall have jurisdiction to settle, decide or deal with any matter which is by or under this Act required to be settled, decided or dealt with by the Provincial Government.

It comes to this that if Government has any doubt as to the ownership of a concern, it will be justified, armed with the powers under this Act, to take possession of that concern without any liberty of action being given to the owner, to apply to the civil courts for the redress of his grievances. These extraordinary powers would mean the death of all private enterprise in the province. Does Government realize that with the sword of Democles hanging all the time over their heads, no private concerns would venture to form themselves into a company and start business of electric supply in the province? This is a matter which should engage the serious attention of Government. The enactment of this legislation would curb all private enterprise and stop all trade in this line. With some experience of such affairs, I can say without fear of contradiction that legislation of this kind will kill initiative and retard the industrial progress of the province. Not only that. Clause 3 (c) provides that even if it is considered expedient—and expediency is a very wide term—the Government may take possession of an electric concern. Was this ever intended when the Bill was originally brought before the House? I do not think this was ever the intention of the Government. Expediency for a party Government can arise at any time. Is it fair, is it honest for the Government to take such wide powers in their hands? To me, sir, it looks very strange that even on grounds of expediency and in a matter of doubt, the Government should arm itself with powers to take over a concern altogether. This will mean stoppage of all *bona fide* trade in the matter of electricity and no body would venture to come forward and start such ventures.

[S. Santokh Singh.]

As to the question that I asked of the Honourable Minister, the necessity of it arose when he stated that companies would not be put to any loss. I know the position; I do know that nobody can guarantee certain amount of dividends year after year. But when the Honourable Minister had the audacity to come forward and say that no concern will be put to any loss, the question necessarily arose as to whether Government really contemplated to give the same amount of dividends as were given by that concern in the year immediately preceding its taking over by Government. These extra powers ill-befit a Government who can never run a concern better than a private enterprise. Do the Government really think that they can run a concern more efficiently and economically and can give more dividends than a private enterprise? I do not think so. We know what happened in the case of the Hydro-Electric Scheme, where crores of rupees have been wasted.

Again, sir, so far as any emergency is concerned, I think Government is entitled to reserve certain powers to be used in case of real emergency, but if the Government want to take possession of concerns in a matter of doubt, or on grounds of expediency we cannot but oppose this. I have heard the speech of the Honourable Minister very carefully, but I felt wholly unconvinced. He could not advance a single argument which could necessitate the taking over of a concern on the ground of expediency or doubt. I hope that wiser counsel might still prevail and Government may accept this very reasonable amendment, namely, that this sub-clause be deleted.

Lala Sita Ram (Trade Union Labour) (Urdu): Sir, I rise to offer my strong support to the amendment brought forward by my honourable friend Rai Bahadur Lala Sohan Lal. I am of the opinion that the amendment is of vital importance as the word 'doubt' has been made use of in a very peculiar manner. It appears that the Government have brushed aside all the canons of law and statutes—even the law of common sense—while making this provision. Hitherto the practice has been that the benefit of doubt is given to the accused (*An honourable member from the ministerial benches*: Are you the accused?) (*Laughter*). Yes, the position of the electric supply service has been rendered exactly the same, because you propose to take it over under the pretext of its management, etc., being inefficient. But you go a step further. You do not want to give an opportunity to the electric supply service or for the matter of that to its Directors to explain their point of view. You want to assume possession of the said service on a mere doubt of ownership. I wonder how the Government had the audacity to ignore the existing practice in law. That is, ordinarily if there exists even an iota of doubt in the adjudication of a matter, the benefit of doubt is given to the accused or the other party. But here in the case of proceeding with the legislation of this Bill, the Honourable Speaker has been pleased to give the benefit of doubt to the Government. And the Government, through the provision under discussion, again want to have the benefit of doubt. This action on their part simply surpasses my comprehension. Well, sir, their primary object was to ensure continuity of public electricity service, so that the public at large might not be inconvenienced in case of a failure. We did not stand

in the way of the Government in achieving this object through clause 3 (1) (a). But to assume possession on a mere doubt regarding the ownership of a public electricity service is nothing short of rank injustice.

Then the honourable Leader of the Opposition asked a pertinent question, that is, whether the Government bound itself to declare the same dividend as the company had declared prior to the company's possession by the Government. My honourable friend Sayed Amjad Ali Shah tried to answer this question by putting a counter question, whether a private company could do the same. But my honourable friend conveniently lost sight of the fact that under normal conditions when the Directors once declare the dividend they try to stick to their pledged word. If, unfortunately, the company has to sustain loss in that particular year, they draw on their reserves and give away the dividend declared by them. But here the Government are ready to assume possession of a public electricity service but are not prepared to guarantee the dividend to the shareholders. It means that when that undertaking passes under the management of the Government, the shareholders will be obliged to sustain this loss. Again it is an admitted fact that the state management can never compare favourably with private management. The management of the Hydro-Electric Scheme is an instance in point. In the case of the former only one or two nominees of the Government are placed at the helm of affairs, who care more for their own emoluments than the interests of the service. But the Directors have a direct stake in the service as they have invested large sums of money in that concern. They should naturally do their best for the efficient working of that service. But under this vicious provision the Government would quietly assume possession of the service and the Directors who had sedulously worked to build up the business, would in the twinkling of an eye be deprived of enjoying the fruit of their labour. Again there is no guarantee that after the period of emergency is over, the service would be handed back to the Directors in the same flourishing condition in which the Government assumed possession. Hence there is every possibility of the service being ruined. Consequently private enterprise will be checked.

Then, sir, it was remarked by the Government that they were actuated by good motives in bringing forward this measure. I think perhaps the Honourable Minister uttered these words inadvertently. I say if his words carry any sanctity, he ought to have readily consented to do away with the word 'doubt' and with it the sub-clause.

Besides the Honourable Minister says that he has provided compensation for damages. The pity of it is that none would be able to adjudicate as to how much compensation should be given to a company and on what grounds. What I want to submit is that for providing compensation to a public utility service, again Government are taking powers in their own hands. Even in this matter, as I have already stated, they have not given any power to the civil courts. But to our surprise they would themselves be the judges and themselves be the executing courts. Is it fair and just on the part of the Government? What I want to point out is that the Government have taken extraordinarily wide powers under this

[L. Sita Ram.]

clause and instead of being advantageous, this clause would prove detrimental to the interests of the company and the Government as well.

With these few remarks, sir, I strongly support this amendment.

Rai Bahadur Lara Sohar Lal (Urdu): Sir, I do not think that the references made by the Honourable Minister have any bearing on the clause under consideration. I would submit that the provision under discussion has nothing to do with the main object of the Bill. The Honourable Minister has taken his stand on the opinion of the Advocate-General, Punjab. On this point, sir, I beg to differ with him as I have already stated, the opinion expressed by the Advocate-General of India is clearly in conflict with the opinion of the Advocate-General of the Punjab and it needs no further comments. Another point raised by the Honourable Minister was with regard to profits. In this connection I would like to say that the question of profits does not arise nor has it any bearing on the provision under consideration. Then the Honourable Minister has said that Government can assume possession of the company when the period of emergency is over. I am afraid Government may continue the possession and control of the company under a pretext of doubt or dispute as to the ownership of the company. On the face of it this provision seems to be unjust and unfair. And I am sure this is what they actually aim at. Sir, to assume the possession of an established company that has invested not lakhs but crores of rupees, under a mere pretext of its doubtful ownership seems to be most undesirable and uncalled for. Then, sir, Government have armed themselves with the powers of adjudication and now the disputes of companies of 20 or 30 years standing would no longer be decided by the courts but Government would decide or settle those disputes themselves. I am at a loss to understand this novel method adopted by Government which seems to be so desirous as to snatch away the powers of jurisdiction from the civil courts and I would say with confidence that their persistence in retaining parts (b) and (c) will take away a lot of utility of this measure.

With these words, sir, I commend the amendment for the acceptance of the House.

Minister for Public Works: Sir, first of all I would refer to the speech of the honourable the Leader of the Opposition. He said if that this Government wants to take over the companies when it finds it expedient. He has forgotten to read the whole clause. It is only during the period of transfer of the public electricity service that the Government will assume possession and control of the service. If you read the whole clause, you will find that it is only in cases of doubt during the transfer period that it is considered expedient that the Government should step in. The mover of the motion put forward an argument, why should the Government come in when there is dispute and the matter is in court? I say, that is the time for the Government to come in, because an emergency would have arisen when the dispute is in progress and ownership is not clear. The matter may be decided in favour of the company or against it that is a different thing altogether. I hope this will make the point clear. The honourable member again brought in the question of *ultra vires* and *intra vires* and the opinion of the learned Advocate-General of India was also

quoted. I will just refer to the recent legislation passed in the North-West Frontier Province. I believe my honourable friend has interest in some companies of North-West Frontier Province. If so, why did he not put forward this argument there?

Dr. Sir Gokul Chand Narang : Because he is not a member of that House?

Minister for Public Works : He could have gone to the Federal Court, but he has not done so.

Dr. Sir Gokul Chand Narang : What has he not done?

Minister for Public Works : He has not challenged that statute.

Dr. Sir Gokul Chand Narang : Let the Government take action and enforce the Act, then action may be taken by the other side also.

Minister for Public Works : In these circumstances these clauses (b) and (c) are essential and I insist on their inclusion in the Bill.

Mr. Speaker : The question is—

That part (b) of sub-clause (1) be deleted.

The motion was lost.

Rai Bahadur Lala Sohan Lal : Sir, I move—

That part (c) of sub-clause (1) be deleted.

The motion was lost.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : I beg to move—

That in sub-clause (1), line 21, between the words 'may' and 'by' the words 'after giving an opportunity to the licensee of being heard' be inserted.

Under this clause the Government is assuming too wide powers without any reason. It is very necessary that people who are share-holders, directors or managers should be consulted. These are the persons responsible for starting the company and for taking care of the same, so they should be taken into confidence. According to the highest legal opinion we have learnt that the working of the corporation is going to be affected. I think it would be unjust if no opportunity is given to the persons who are responsible for the management of the affairs. In some countries investment in big companies runs into crores of rupees. In the case of the company of Rai Bahadur Lala Sohan Lal also, investment runs into a few crores. I know that in no case can a plant be put up for less than a lakh of rupees. Therefore, in these cases hundreds and thousands of persons are interested. When you are bent upon taking control of that firm, you should better consult the management and this is what I want through this amendment. I want the Government to give the directors some opportunity to explain their position.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), line 21, between the words 'may' and 'by' the words "after giving an opportunity to the licensee of being heard" be inserted.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : I should like to say just a word in regard to this amendment.

[Minister for Public Works.]

Emergency is a thing which arises suddenly. If an emergency can be anticipated a long time ahead then it would not be an emergency. So, I do not think we can accept this amendment. If the procedure suggested in the amendment is adopted it will delay matters and by that time the emergency might occur and do the mischief. It is, therefore, essential that we should have the power that is provided in this sub-clause. But I may assure the honourable member that no Government would rush to take action unless it is satisfied that there is an emergency and before taking action it can be well assumed that a popular Government is bound to consult or hear the point of view put forward by the company if reasonable. I therefore do not think that an amendment of the sort brought forward by the honourable member is necessary.

Mian Muhammad Nurullah : I do not agree with the Honourable Minister because the very next clause says that even after six months you may have to take it over again. If the emergency is there it finishes in two days. Why should you take it over and over again? The argument of the Honourable Minister is neither convincing nor correct.

Mr. Speaker : The question is—

That in sub-clause (1), line 21, between the words 'may' and 'by' the words 'after giving an opportunity to the licensee of being heard' be inserted.

The motion was lost.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour)
(Urdu) : Sir, I beg to move :—

That in sub-clause (2), lines 2—4, the words "without prejudice to the issue of another such order at or before the end of the period" be deleted.

I have moved this amendment with an idea to curtail such wide and comprehensive powers that the Bill purports to confer on the Government. Without risking a single pie, it will have control over the management, property and administration of a concern on which people might have spent lakhs and crores of rupees. They will have this control for six months during which they can exploit the power of patronage thus obtained to the detriment of the concern. Yet they want the power to repeat such orders over and over again for a period of two years. They have declared with a good deal of gusto that the Government can be relied upon not to continue its control for a single day unless it is absolutely necessary. My submission is that six months is a sufficiently long period during which the Government can easily rectify the defects and ascertain as to how far the company concerned was to blame. In fact I am of the opinion that it should not take more than fifteen days for all that. But I am prepared to agree to six months. The money spent on these concerns does not belong to rich people alone. A good many shares belong to the poor also and it is not advisable to allow any inexperienced person appointed by the Government to play ducks and drakes with the money of these poor people. The Honourable Minister has been pleased to refer to the North-West Frontier Province Public Utility Services Act of 1938, saying that the Government of that province has also taken such powers. Sir, I have got here with me a copy of the Act. Till the day before yesterday nobody ever made any mention of it but since the Minister has referred to it in his speech, I

would like to read out the relative clause so that the House may be able to see for itself that the period of control specified therein is much shorter and also that the Government there has not taken the power to acquire control without giving a chance to the company to make amends as required by the Government in view of the emergency. Clause 3 (1) of the Frontier Act reads as follows:—

3. (1) If, in the opinion of the Provincial Government, it is necessary for the public advantage to secure the continuance of any public utility service, other than a public utility service, owned by Government, the Provincial Government may:—

(a) by order in writing, require the owner or person in charge of the utility service or of anything ancillary thereto, or the person in control of any establishment ancillary thereto, to take or abstain from such action in respect of the supply of such service as may be specified in the order; or

(b) after giving notice in writing to the owner or person in charge of the utility service or of anything ancillary thereto or to the person in control of any establishment ancillary thereto or, if such owner or person has disobeyed or neglected to comply with an order made under clause (a), without such notice, assume control of such service, thing or establishment, and take such order therewith as may, in the opinion of the Provincial Government, be necessary to secure the continuance of such service.

Mr. Speaker: The Honourable member is not now making the motion he has moved.

Rai Bahadur Lala Sohan Lal: Sir, the Honourable Minister was pleased to refer to the Peshawar Act and by way of reply I was quoting the relevant provision of that Act.

Minister for Public Works: I referred to that Act only in connection with the question of its being *ultra vires* or otherwise of the Assembly.

Rai Bahadur Lala Sohan Lal: Anyway sir, I have given my arguments in respect of this period of six months and I need not say anything more. With these words I commend my amendment to the acceptance of the House.

Mr. Speaker: The question is—

That in sub-clause (2), lines 2-4, the words "without prejudice to the issue of another such order at or before the end of the period" be deleted.

The motion was lost.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (Urdu): Sir, I beg to move—

That in sub-clause (2), line 4, after the word "period" the words "so long as such period or periods are allowed to be added to the period for which the license was originally granted" be added.

We are of the opinion that the Government is taking this power not because it is necessary but because they have a majority at their command. In the first instance the control will be taken over for six months and then they can go on renewing the order at their sweet will till the limit of two years is reached. Not only that, they can go even further and take over this control for another period of two years after having restored the management to the company concerned for a couple of days. Thus if the Government are so minded, they can ruin the company and leave it in such a state that it may be impossible for the share-holders to make up this loss in spite of their best efforts. The object of this amendment is that the Government

[M. Muhammad Nurullah.]

may take over the control for any period they like, be it six months, two years or even ten years, but the licensee should be allowed to add that period to the term for which the licence was originally granted.

Sir, if a company has collected, say, 4 lakhs of rupees by selling its shares, some of the money will come from the pockets of poor people and the Government should have no objection to allowing the management of the company a chance to make up the loss which might be sustained on account of the control having been taken over by the Government. It is but reasonable that the company should be permitted to add to the term of its licence the period for which the control was forcibly taken over from it and during which it has nothing to do with the management of its own affairs.

Mr. Speaker : Question is —

That in sub-clause (2), line 4, after the word 'period' the words 'so long as such period or periods are allowed to be added to the period for which the licence was originally granted' be added.

The motion was lost.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I beg to move—

That in the proviso to sub-clause (2), line 3, the words 'at any one time' be deleted.

The words 'at any one time' have been added by the select committee. Formerly you could not take the powers for more than two years, now you can take them for any number of years. The emergency should be removed within a few days or weeks or months, and should not continue for so many years. That is a proof of there being no emergency. If you cannot remove the emergency, then why take the powers at all? If you cannot remove it, that will be an admission of your inefficiency. It shows that there is something else at the back of it. The period should not exceed two years.

Mr. Speaker : The question is :—

That in the proviso to sub-clause (2), line 3, the words "at any one time" be deleted.

The motion was lost.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) (Urdu) : Sir, I beg to move :—

That the proviso to sub-clause (2) be deleted.

This amendment too has been moved because in my opinion the period of six months is more than sufficient.

In the course of my speech on a previous amendment, I was reading to the House clause 3 of the Frontier Act but you were pleased to stop me before I had read out sub-clause (2) on the ground that it was not relevant to the matter under discussion. You will now see that it was quite to the point and relevant to the point then under discussion. I will read out that sub-clause now. It lays down that—

(2) Every order under this section shall specify the period for which it shall remain in force, and no order under this section shall remain in force for more than three months from the making thereof.

Thus the Frontier Act to which a reference has been made by the Honourable Minister, lays down that before taking over control, a notice will be given to the owner or person in charge and that control will be taken

over only if the latter fails to comply with the order contained in the notice. Then sub-clause (2) definitely lays down that such control can in no case be continued for a period of more than three months. But here in our Bill the control can continue practically for an indefinite period. Hence this amendment.

Mr. Speaker : The question is—

That the proviso to sub-clause (2) be deleted.

The motion was lost.

Mr. Speaker : The question is—

That clause 3 stand part of the Bill.

The motion was carried.

Clause 4.

Rai Bahadur Lala Sohan Lal (North Punjab Non-Union, Labour)
(Urdu) : Sir, I beg to move—

That the proviso be deleted.

Clause 4 as it stands is as follows—

A copy of the order, duly authenticated shall be served on the owner or the person in charge of the public electricity service or on any person in charge of any property of which possession or control is to be assumed :

So far as this is concerned I have no objection. What I object to is the proviso of the clause which says :—

Provided that the Provincial Government may, instead of effecting service as aforesaid, cause a copy of the order to be posted on some conspicuous part of the registered office of the public electricity service or, if that be not practicable in some conspicuous place in the area of supply.

This is as amended by the select committee. It means that if at any time Government want to serve any order on the management of any public electricity service under section 3 (1) and they have no chaprasi at their disposal at the time to deliver that order at the registered office of that company or if they do not think it advisable to follow that procedure or if they do not know the whereabouts of its registered office they can simply put up such a notice on any lamp post or any other place which happens to lie within the area of supply of that particular company, and that notice will be considered to have been served on that company. On the very face of it this proviso is absurd. So far such a proviso has not been incorporated in any measure passed by this legislature. My submission is that not to speak of big towns even in small towns areas of supply of such companies extend to several miles. If this proviso is passed it would mean that instead of serving such an order on the Secretary or any other official in the registered office of the company, Government would deem it to have been served on that company even if it was posted on any lamp post. How on earth, I ask, would the management of such a public electricity service know whether any notice has been served on it or not? It appears that Government have taken it for granted that if they post a copy of such an order on any lamp post, it would at once reach the Secretary of the electric supply company concerned. This is wholly unjustified and unfair. In the circumstances I urge the Government to accept my amendment, and delete this proviso.

Mr. Speaker : Clause under consideration, amendment moved is—

That the proviso be deleted.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural)
(Urdu) : Sir, I rise to support this amendment. I am also of the opinion that there is no need of this proviso at all. What I want is that Government should adopt the same procedure for serving a notice on a public electricity service as they adopt when serving a notice on any individual. It may be posted by a registered post or otherwise delivered at the registered office of the company. It is only fair that such a notice should be served in the registered office of the company. The plea cannot be advanced that the offices of the electric supply companies are situated at such places that Government chaprasis find it difficult to locate them. It may be true in the case of Governments because due to the present war, many of them continue shifting their headquarters from place to place. But so far as such public electricity services are concerned it is not the case. Under the circumstances I think the best way is to serve such orders in the offices of such companies.

Mr. Speaker : The question is—

That the proviso be deleted.

The motion was lost.

Mr. Speaker : The question is—

That clause 4 stand part of the Bill.

The motion was carried.

Clause 5.

Rai Babasur Lala Sohan Lal (North Punjab, Non-Union Labour)
(Urdu) : Sir, I beg to move :

That in lines 7—11, the words, "Notwithstanding any obligation or limitation imposed on such service by virtue of any Act or other instrument determining its functions", be deleted.

The clause as it stands is as follows :—

"When a copy of the order is served or posted in the manner provided by the last preceding section, the possession and control of such public electricity service shall be deemed to vest in the Provincial Government."

I object to the part which I now read and propose it to be deleted :

"Notwithstanding any obligation or limitation imposed on such service by virtue of any Act or other instrument determining its functions."

It means that as soon as a copy of an order is served on any public electricity service, its control shall pass on to the Provincial Government, regardless of the fact whether under the provisions of any other Act it has any obligation to discharge or not. To my mind it is not at all fair. Every public service of such nature has many obligations to discharge or has limitations which are imposed on it by virtue of any other Act or instrument determining its functions. It is, therefore, essential that these lines should be deleted so that such public electricity services may be in a position to discharge their duties and obligations properly. With these words I move my amendment.

Mr. Speaker : The question is—

That in lines 7—11, the words "Notwithstanding any obligation or limitation imposed on such service by virtue of any Act or other instrument determining its functions," be deleted.

The motion was lost.

Mr. Speaker : The question is—

That clause 5 stand part of the Bill.

The motion was carried.

Clause 6.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour)
(Urdu) : Sir, I beg to move :—

That in lines 10-11, between the words 'immovable' and 'belonging', the words "which are absolutely necessary for the running of that particular electric supply service", be inserted.

The object of moving this amendment is that while taking the management of any public electricity service in their possession and control, Government should take over only those articles which are absolutely necessary for the running of that particular undertaking. This clause, as the honourable members are aware, deals with the question of transfer of property of such public electricity services in case they are taken over by Government under section 3. The clause as it stands reads thus :—

As soon as may be after the issue of an order under subsection (1) of section 3, the owner or person in charge of the public electricity service shall make over to the Provincial Government or such person as it may direct, all books, accounts, documents, furniture and all other property, of whatsoever nature or kind, both movable and immovable, belonging to the said service and in its possession or control considered necessary by the Provincial Government for the purpose of carrying on the work of the company.

So far as the question of making over to the Government the property of any public electricity service is concerned I may submit that often such a service has control over its branches functioning in other provinces. For example, there is an electric supply company at Rawalpindi which has a branch set up in the North-West Frontier Province. Now under this clause Government of the Punjab will have also power to order that the entire property of the company including the branch functioning in the North-West Frontier Province, be made over to it, and brought under its control. I do not think that it is the purpose of our Government to extend its jurisdiction to the North-West Frontier Province so far as the property of the branch of the electric supply service at Rawalpindi is concerned. Merely because the head office of a public electricity service happens to be in the Punjab, its branches functioning in other provinces should be brought under the control of the Punjab Government cannot be the object of this clause. Our Government can have no right to the property of any such branch of any public electricity service as may be set up under its control in another province. I will have no objection to this clause if the Government agrees to restrict its application only to such property as may be under its direct control at any place within the jurisdiction of our Provincial Government.

Mr. Speaker : Question is—

That in lines 10-11, between the words 'immovable' and 'belonging', the words "which are absolutely necessary for the running of that particular electric supply service", be inserted.

The motion was lost.

Mian Muhammad Nurullah : I beg to move—

That in lines 14-15, for the words 'the company' the words "regularising the supply of the company" be substituted.

(Urdu) : Sir, Rai Bahadur Lala Sohan Lal has got a ruling from the highest legal authority in Calcutta on the point for the benefit of the House and he has read it before the House.

Minister for Public Works : You are misinformed. Now the capital of India is Delhi.

Mian Muhammad Nurullah (Urdu) : Very well, let it be the Government of India. Whatever it is, the position is that he is the highest legal authority in the whole of India and we must have some consideration for that. That authority says that if you want to touch the management of the company, you are liable to be interpreted under section 33 and that section is a subject of the Government of India and not a subject of the Province. Therefore, unless you change this clause and make this amendment, which is in your own interest, this Bill would not be void. If you do not do so, you will be running the risk of this Bill being questioned in a court of law as many of your Bills have been questioned and have thus caused a great deal of worry and expense to the zamindars. Someone will be bound to go to the courts in some cases and then you will be liable to be questioned. Instead of feeling sorry then, why do you not accept this suggestion? It is time that you accept this amendment. Instead of taking up the property and management of the whole work of the company, you should only say that you take up the work for regularizing the supply of the company. 'Supply of the company' would mean only generation. Therefore, if you accept the amendment, you would go out of the clutches of the law and it will be in your own interest.

Mr. Speaker : Clause under consideration, amendment moved is —

That in lines 14-15, for the words "the company" the words "regularising the supply of the company" be substituted.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : I doubt whether this amendment is in order. We have passed clause 3 which lays down three different contingencies and the present amendment seeks to limit it. So, I think it is doubtful whether it is in order.

Lala Sita Ram (Trade Union, Labour) (Urdu) : Sir, this amendment also stands in my name in the agenda. It is very important and I want to submit only one point in connection with the matter which is now under the consideration of the House and regarding which the Honourable Speaker has given a ruling and which has been also put to the vote of the House. It is contended that a Provincial Government can only bring forward a Bill relating to supply and generation of electricity. Any attempt beyond

controlling supply and generation of electricity would amount to an encroachment on a central subject. It is quite possible that later on it may give rise to a dispute. It is not wise to pass a measure of a disputable nature. I gave notice of this amendment in order to draw the attention of the Government to this very important point. If they want simply to control the generation of electric power then they may pass it. But if they want to go beyond it then there is every chance of a dispute arising over it. If they lose the opportunity of amending this provision at this stage, later on the matter will go to a court of law. And any such contingency will neither be good for the Government nor for the tax-payer. Why not amend it now instead of amending it after spending a lot of money on it after a law court has given its decision on it? With these words I support the amendment now before the House.

Mr. Speaker : The question is—

That in lines 14-15, for the words "the company" the words "regularising the supply of the company" be substituted.

The Assembly divided : Ayes 12, Noes 45.

AYES.

Abdul Aziz Mian.
Baldev Singh, Sardar.
Phagat Ram Sharma, Pandit.
Gopal Das, Rai Bahadur Lala.
Jalal-ud-Din Amber, Chaudhri.
Lal Singh, Sardar.
Muhammad Nurullah, Mian.

Mula Singh, Sardar.
Santokh Singh, Sardar.
Sita Ram, Lala.
Sohan Lal, Rai Bahadur Lala.
Ujjal Singh, Sardar Bahadur
Sardar.

NOES.

Abdul Haye, The Honourable
Mian.
Ahmad Yar Khan, Chaudhri.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Chhotu Ram, The Honourable
Chaudhri Sir.
Faiz Muhammad, Shaikh.
Farman Ali Khan, Subedar-Major
Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Gurbachan Singh, Sardar Bahadur
Sardar.
Habib Ullah Khan, Malik.
Haibat Khan Daba, Khan.

Het Ram, Rai Bahadur Chaudhri.
Indar Singh, Sardar.
Jafar Ali Khan, M.
Karamat Ali, Khan Bahadur Shaikh.
Khizar Hayat Tiwana, The Honour-
able Malik.
Kishan Das, Seth.
Manohar Lal, The Honourable Sir.
Maqbool Mahmood, Mir.
Mohar Singh, Rao.
Mohy-ud-Din Lal, Bahadur, Sayed.
Muhammad Akram Khan, Khan
Bahadur Raja.
Muhammad Ashraf, Chaudhri.
Muhammad Hassan Khan. Gur-
chani, Khan Bahadur Sardar.
Muhammad Hussain, Sardar.
Muhammad Shafi Ali Khan, Khan
Sahib Chaudhri.
Muhammad Yasin Khan, Khan
Sahib Chaudhri.

Mushtaq Ahmad Gurmani, Khan Bahadur Mian.

Pir Muhammad, Khan Sahib Chaudhri.

Pohop Singh, Rao.

Prem Singh, Chaudhri.

Ram Sarup, Chaudhri.

Ranpat Singh, Chaudhri.

Ripudaman Singh, Rai Sahib Thakur.

Roshan Din, Chaudhri.

Sardar Khan Noon, Major Malik.

Shah Nawaz Khan, Nawab Sir.

Sikander Hyat-Khan, The Honourable Major Sir.

Suraj Mal, Rai Sahib Chaudhri.

Tikka Ram, Chaudhri.

Mr. Speaker : The question is—

That clause 6 stand part of the Bill.

The motion was carried.

(At this stage Mr. Speaker left the chair and it was occupied by Mr. Deputy Speaker.)

Clause 7.

Sardar Bahadur Sardar Ujjal Singh (Western Towns, Sikh, Urban): Sir, I beg to move—

That in sub-clause (1), lines 7-8, between the words 'immovable' and 'and' the words "essential for the maintenance of electric supply service" be inserted.

Clauses 6 and 7 are the most important clauses in the whole Bill. Clause 7 relates to the acquisition and holding of property both movable and immovable by the Government, and of transfer of any property held by it under the provisions of this Bill. The object of the Bill is to take over electric supply service in cases of emergency or if the service breaks down. The Government may consider it necessary to take possession of the property of the company in the interest of electric supply service. My submission is that Government should not acquire any property which is not necessary for the supply of this essential service. As the clause is worded, it means that the Government can acquire any property. For example, it may take into its head to buy speculative shares of any company which may have nothing to do with the electric supply service or it may buy any immovable property which might prove a loss in the long run, and the acquisition of which may not be necessary for the efficient running of that electric supply service. The Government can buy all that property under the clause as it stands. So, the object of this amendment is that the power to acquire property should be limited to that kind of property, movable or immovable, which is essential for the supply of electric service.

Mr. Deputy Speaker : Clause under consideration, amendment moved is—

That in sub-clause (1), lines 7-8, between the words 'immovable' and 'and', the words "essential for the maintenance of electric supply service" be inserted.

Lala Sita Ram (Trade Union, Labour) (Urdu): Sir, I would like to make a few observations in support of the amendment moved by my honourable friend Sardar Bahadur Ujjal Singh. I may point out at the very outset that this clause has been the moot point between the Government and ourselves. The object of the Government was to regularize the work of the public electricity service in case of its defective and inefficient management and to avoid any contingency resulting in the likelihood of a

failure in the continuous supply of electric energy or diminution of such a supply. But they have not stopped at that. They have armed themselves with powers to assume possession of books, accounts, documents, furniture and all other property, of whatsoever nature or kind, both movable and immovable, belonging to the said service. I ask, in all seriousness, why they should acquire property other than what is essential for the maintenance of electric supply service. If I remember aright, we were told in reply to the point of order, raised by my honourable friend Dr. Narang, that the Government would not interfere with the electric supply service more than what was strictly necessary for its efficient management. But what do we find here? In this connection I am reminded of an anecdote. Once a person gave a sleeveless rotten shirt to another needy person by way of alms. The poor fellow scrutinized the shirt several times. His benefactor asked him as to what made him worry. He replied that he was worried as to how he should make use of it, because apart from the sleeves, it also lacked ~~any~~ ^{any} ~~of~~ that is, the front and back of it were all torn. (Laughter.) Similar is the case here. Government have acquired everything by means of this Bill and yet they say that they have no intention of violating the provisions of the Companies Act or interfering with the sphere of the Central Government. But the pity of it is that their actions belie their professions. Their greed for more powers is unsatiable. I consider that the provision made in clause 7 is really a bolt from the blue for the electric supply services. I, therefore, hold that the amendment under consideration is very reasonable and the Government would be well advised to accept it.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) (Urdu): Sir, I rise to support the amendment put forward by my honourable friend Sardar Bahadur Ujjal Singh. I may point out that an amendment of this character was moved previously, but unfortunately it failed to elicit the point of view of the Government. The Honourable Minister in charge of the Bill kept mum over it, in spite of the fact that he had every facility for obtaining legal opinion about the desirability of incorporating that amendment in the Bill. I am, therefore, of the opinion that the failure of the Government to give cogent reasons for assuming possession of the property of the public electricity service, situated in other provinces or of the surplus amounts invested elsewhere, indicates that we are on surer and unassailable ground. It is obvious that if the Government could make out any case with regard to this matter, they would have at once refuted our arguments and justified their action. But it is a thousand pities that the Government want to have their own way without any rhyme or reason. I have no mind to deal with this amendment exhaustively as I have already given expression to my view on some other occasion. I need not recapitulate those arguments. But I must say, even at the risk of repetition, that propriety demands that Government should state their position as to why they want to grab that property and surplus money of an electric supply service, which is not strictly essential for the purpose of its maintenance.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): I could not have the benefit of hearing the speech of my honourable friend on this amendment, but from what I have been able to gather

[Minister for Public Works.]

from the amendment they want that in sub-clause (1), lines 7-8, between the words 'immovable' and 'and' the words "essential for the maintenance of electric supply service" be substituted. If you read the clause you will find that we have already used words more or less to the same effect. At the end of the sub-clause the words are :

to do all other things necessary for the purpose of its efficient management.

It is a question of drafting. The words "necessary for the purpose of its efficient management" cover various things, movable and immovable property or other things. If I accept the amendment the utility of the clause will be reduced and from the drafting point of view in the interests of the companies themselves the present draft is better.

Sardar Santokh Singh : Will you read the preceding line 'all other things' ?

Minister : 'All other things necessary'. By accepting this amendment the words 'other things' will remain there. The last word covers other things. If you have the amendment it does not mean that other things will be governed by it. I think there is no necessity for this amendment in the interests of the companies themselves. I oppose the amendment.

Mr. Deputy Speaker : The question is—

That in sub-clause (1), lines 7-8, between the words 'immovable' and 'and' the words "essential for the maintenance of electric supply service" be inserted.

The motion was lost.

Mian Muhammad Nurullah : Sir, I beg to move—

That in sub-clause (1), line 10 for the words "and to contract" the words "and to enter into contracts for a period not exceeding the time during which the control has been taken over by the Provincial Government" be substituted.

Sir, what I mean is this that supposing the Government takes over for four years. Let us take a concrete instance of the present day when the price of fuel is very high, having gone up double or treble. If Government takes over for say even one year and buys fuel, that is oil, when the prices have gone high, it will ruin the company, because they might be able to get it at cheap prices after the Government hands over charge after a year. My point is that it should be binding on the Government to enter into contracts for a period not exceeding the time during which the control has been taken over by the Government and no further. The Minister will stand up and say that under clause 10 compensation will be given. I say the question of compensation would arise after many years when the position would be different : the prices may not be the same when they hand over. Supposing they contract for oil at Rs. 50 per maund and when they hand over the price is Rs. 10 per maund after the war, the company will be ruined absolutely. Therefore this should be limited only to the period during which the control has been taken over and no further.

Mr. Deputy Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), line 10 for the words "and to contract" the words "and to enter into contracts for a period not exceeding the time during which the control has been taken over by the Provincial Government" be substituted.

Rai Bahadur Lala Sohan Lal : (North Punjab, Non-Union Labour) (Urdu) : Sir I rise to support the amendment moved by my honourable friend, Mian Muhammad Nurullah. I do not think that the Government after assuming the control of the company will be able to handle the purchase of material, etc., properly. So many contracts have to be decided for the supply of coal, fuel, oil, machinery, etc., and worth lakhs of rupees. In this short period for which the Government will have the control, the officer in charge deputed by the Government will have the power to make such big purchases, and enter into big contracts for the supply of such requirements for much longer period than the Government will be actually in office, which means binding the company unnecessarily for the future which may be adverse to the company's interests. For instance, the officer appointed by the Government may make purchases of coal or oil for a period of two years which may be worth thousands of rupees, although the period of Government's control may be for two months. It means that they would pass the responsibility on to the company for the performance of that contract saying that they had purchased or ordered for that quantity or stock of coal or oil with a view to avoid the contingency of the supply being restricted owing to war conditions. In such cases there can be every likelihood of dishonest transaction being carried out by the persons appointed by the Government to control this service. What have they done to avoid such difficulties? I would, therefore, suggest that this type of work should be left to the company which is the real owner of the service. Now what would happen if our amendment is not accepted? The company will have to suffer for the omissions and commissions of the Government as the responsibility of their contracts and transactions would pass to the company after a period of six months. If the Honourable Minister in charge is really desirous of saving and protecting the public from inconvenience of failure of electricity, as he says, he should at once accept our amendment which is being proposed both for the interests of the public and the Government.

With these few words, sir, I lend my full support to the amendment moved by my honourable friend Mian Muhammad Nurullah.

(At this stage Mr. Speaker resumed the chair.)

Mr. Speaker : Question is—

That in sub-clause (1), line 10, for the words "and to contract" the words "and to enter into contracts for a period not exceeding the time during which the control has been taken over by the Provincial Government" be substituted.

The motion was lost.

Mr. Speaker : Question is—

That clause 7 stand part of the Bill.

The motion was carried.

—
Clauses 8 and 9.

Mr. Speaker : Question is —

That clauses 8 and 9 stand part of the Bill.

The motion was carried.

Clause 10.

Mian Muhammad Nurullah : Sir, I move—

That in sub-clause (1), line 2, for the word 'may' the word 'shall' be substituted.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), line 2, for the word 'may' the word 'shall' be substituted.

Minister for Public Works : The Honourable Malik Khizar Hayat Tiwana : Sir, as I indicated earlier in this House I am willing to accept this amendment.

Dr. Sir Gokul Chand Narang : Are you prepared to substitute the word 'loss' for the word 'damage'?

Minister for Public Works : The word 'damage' is quite clear.

Mr. Speaker : Question is—

That in sub-clause (1), line 2, for the word 'may' the word 'shall' be substituted.

The motion was carried.

Mr. Speaker : Question is—

That clause 10, as amended, stand part of the Bill.

The motion was carried.

Clause 11.

Mr. Speaker : Question is—

That clause 11 stand part of the Bill.

The motion was carried.

Clause 12.

Mr. Speaker : Sub-clause (1) of clause 12.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir I oppose the sub-clause. It provides—

No civil court shall have jurisdiction to settle, decide or deal with any matter which is by or under this Act required to be settled, decided or dealt with by the Provincial Government.

That means that no suit can be filed and courts will never adjudicate on anything which is under dispute under this Act. That has been the general policy of this Government and they have always been afraid of the civil courts. I do not know the reason for this. It would be most unfair and the people would be very hard hit as sometimes Government takes action against them on whimsical grounds and sometimes on no grounds at all. If this sub-clause is allowed to stand, they will not have any right to go to a civil court which is the proper authority to adjudicate on these matters. I, therefore, oppose this sub-clause.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) (Urdu) : Sir, I rise to oppose sub-clause (1) because it restricts and limits the jurisdiction powers of civil courts. It is a pity that it has become a habit with the Government to make attempts for throwing civil courts into the background by limiting and restricting their jurisdiction powers and particularly when they legislate a measure this habit of theirs becomes conspicuous. I do not understand why the Government is afraid of civil

courts. I ask, why do they take these courts as a bogey? Are they under the misapprehension that justice is not done in the civil courts? Or are they afraid of justice? May I submit that neither does this measure deal with agricultural lands nor with one race or the other as the case was in some Bills which were passed by this House some time back. The dispute arising out of this Bill will only be on legal issues between the company and the Government and no particular race or community is affected. The only controversial point is this. The Government want themselves to be the plaintiffs, themselves to be the judges and themselves to be the executing courts. This is what we are opposed to. After the passage of this Bill when the matter goes to the Federal Court, the Government would realize their mistake. In clause 10 the Government have substituted the word 'shall' for the word 'may'. Well and good. But the power to adjudicate whether the compensation is essential still rests with the Government. So far as the powers of the Government are concerned, they are undisturbed. Here I would like to submit that if the Government are honestly prepared to deal fairly and equitably with matters falling under the purview of this Bill, they should not fear the civil courts. And if their motives are noble and honest and if actually they are careful enough to see that injustice is not done to any person, I do not find any necessity for depriving the civil courts of what they have been possessing from time immemorial. As these courts are above board I do not want the Provincial Government to have jurisdiction to settle and decide cases falling under the purview of this Bill.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I rise to oppose the clause now under consideration. I was glad that the Government had accepted a reasonable amendment to a previous clause which made it obligatory and not discretionary on the Provincial Government to award compensation to the public electricity service in case the latter sustains damage by reason of the exercise or the failure to exercise any of the powers conferred by this Act. This was the result of substituting the word "shall" for the word "may" in sub-clause (1) of clause 10. But it has been nullified by this clause because it takes away the jurisdiction of the civil courts and leaves in the hands of the Government the power to decide as to whether any damage has been done and whether any compensation should be awarded on account of that damage. It is a matter of commonsense that a dispute between two parties should be decided by a third party. In the case of other Bills the Government could claim with some justification the right to decide any dispute in respect of any act of commission or omission on the part of its subordinates. But here in this case the Government itself will be a party to the dispute. It is, therefore, reasonable that if the Government is not prepared to refer the disputes under this Act to any lower court, it should have no objection to their being decided by the High Court of Judicature. After having substituted the word "shall" for the word "may" it is necessary that the Provincial Government should not be made the final authority with regard to the question of damage and compensation. With these words I oppose this clause.

Rai Bahadur Lala Gopal Das : Sir, I rise on a point of order. Under a Royal Charter the courts have been given the power to administer justice, and the aggrieved party in any dispute has the right to go to these courts and pray for justice. Now the point is whether this Assembly is

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competent to relieve the courts of the responsibility placed on them by His Majesty the King.

Mr. Speaker : The honourable member did not give me previous notice. Therefore, I cannot give any ruling on the point raised by him. Besides, his objection is vague.

Rai Bahadur Lala Gopal Das : May I give a notice now, sir?

Mr. Speaker : No.

Minister for Public Works : Well, sir, I would not say anything on the point of order raised by my honourable friend. Your previous rulings are enough to enlighten him. As regards the question of ousting the jurisdiction of the law courts, this question has been discussed threadbare and I need not add anything to it. The Government cannot be compared to a private person. The Government has certain functions to perform. If it is considered that what the Government has done is wrong there are other constitutional methods to challenge its decision other than action in a court of law. If in an emergency Government takes certain action, no reasonable member should say that that should become the subject matter of litigation.

He further said that Government has taken upon itself the question of assessing compensation: This, sir, is wrong. The clause makes it clear that compensation will be decided in accordance with the Indian Arbitration Act of 1940 and, therefore, it will not be the Government that will decide. My friend has been taking his stand on the Electricity Act. The provision in the present Bill to decide the question of compensation is the same as in the Electricity Act. I do not, therefore, understand what is wrong with this Bill. I oppose the amendment.

Mr. Speaker : The question is—

That sub-clause (1) of clause 12 stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That sub-clause (2) of clause 12 stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That sub-clause (3) of clause 12 stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That clause 12 stand part of the Bill.

The motion was carried.

Clause 13.

Mr. Speaker : The question is—

That clause 13 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the title be the title of the Bill.

The motion was carried.

Minister for Public Works : I beg to move—

That the Punjab Electricity (Emergency Powers) Bill as amended be passed.

Mr. Speaker : Motion moved is—

That the Punjab Electricity (Emergency Powers) Bill as amended be passed.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban): I rise to oppose the Bill. The Bill as it has emerged from the select committee is quite a different Bill. It has gone far beyond the original intention of the Government. It is not at all the same as it was originally contemplated by the Government. As the title of the Bill shows, it was a Bill to meet emergencies but what we find in practice is that in the name of emergency this Government has by a majority vote taken powers to deal with the situation as if it was of a permanent nature. They want to curb the entire trade of the province in the name of emergency, and put a break in the way of private enterprise. The Bill, as I have just pointed out, was intended to deal with matters of emergency. If we refer to clause 3 we find that leaving emergency alone the Government has taken power to deal with matters of doubt and expediency under its emergency powers. Clause 3 (a) reads that whenever there is any likelihood of a failure in the continuous supply of energy, and not that the continuous supply of energy has actually failed, this Government will according to its whims be entitled to, and has armed itself with, powers to take action under this emergency measure and take possession of the entire concern. If a doubt exists for any reasons, be it that underlying motive be political, there is just the possibility of punishing Government's political opponents by taking action under this Act. Government may say that certain doubts exist in their mind as to the ownership of the concern and under this Act they will be able to take possession of the concern with all the implications thereof. On grounds of expediency also this Government will be able to take control of the private concerns. Therefore this Bill is against the interests of the traders and private enterprise as such. Expediency is a very wide term. Acting under it Government may succeed in destroying the private concerns which have been built up as a result of the efforts of enterprising traders living in this province and outside. I ask with all humility and respect, "is this the way of dealing with emergencies?" Going further, although it is said in the Bill that such an order will not be in force for more than six months, at the same time to nullify the effect of that provision they have added the words "without prejudice to the issue of another such order at or before the end of that period". This means that the Government can at a stretch keep possession of the concern for a period of two years, and that is not all. As was pointed out in the course of the discussion there is nothing to prevent this Government after giving up possession for one day to take it back again and go

[S. Santokh Singh.]

on for another two years. I do ask, is it fair, is it just, is it not iniquitous to act in the way in which this Government contemplates acting? The Act of the Frontier Province has been cited by the Minister in charge himself. But it is definitely provided therein that in the first place a notice will be given to the owner to rectify defects and to see that the apprehended likelihood of failure does not occur and if after that notice, things are not remedied, and brought up to date, then and then alone the Government will take to itself the right of taking possession and that too, only for a maximum period of three months.

These are some of the preliminary objections that were raised in the course of discussion on the Bill. The Government stood firm in their opposition to all reasonable amendments as is their vogue. Whenever they bring forward a measure before this Assembly they come prepared to say that no comma, no full stop, no semi-colon shall be changed as a result of the discussion. It will not be the Unionist Government if it allowed any change whatsoever in the Bills that they bring forward before this Assembly, however reasonable the suggested change may be. My honourable friend on this side felt jubilant when the Government accepted one amendment, that is, the change of the word 'may' into 'shall'. He probably forgot that this was an amendment of which notice had been given by one of their own Parliamentary Secretaries. I feel sure that if this amendment had not been given notice of by a member sitting on their own side, the Government would have point blank refused to accept the same amendment if it came from the Opposition benches alone.

I have shown that the Bill as it has emerged after the second reading is not at all an emergent measure. Government wants to keep into its hands the power to do as they please even when it is a matter of doubt or expediency, and it has been audacious enough to put it, in black and white in this Bill. Several reasonable amendments were given notice of and brought before this House by honourable members on this side of the House, amendments which only sought to take the Bill to the original intentions of the Government. But they all met the same fate. They were contemptuously treated and the Honourable Minister in several cases had them rejected, without putting forward the Government case, and without saying a word. He relied for support not on arguments, not on reason, not on sincerity of purpose, but on numbers which, fortunately for him and unfortunately for us, he has behind him.

You have been kind enough, sir, to allow the consideration of this Bill although there were doubts as to its being *ultra vires* of this legislature. You pointed out that you did not want to interfere with the rights of this House or to curtail them. After the considered opinion of the Advocate-General of India was read out to this House, I had hoped, however, that the Government would go more fully into the legal aspects of the question and avoid the necessity of the law courts having to interfere at a later stage to set aside the measure and putting the parties concerned to unnecessary trouble and expense. But, no, the Government was not prepared even to do so. Anyhow, the Opposition has done its duty in bringing to the

notice of the Government the opinion of such a high law officer as the Advocate-General of India, and if the Government does not accept this advice and persists in passing this measure, without caring to look into the resulting inconvenience and expense that may hereafter be caused, the responsibility will be of this Government and this Government alone. Even in the matter of service of notice a very reasonable amendment was moved that the notice should be sent by registered post. But, no. The Government would not accept the amendment. It feels satisfied by having a provision in the Bill that so long as a notice is put up in some obscure part of the area of supply although that area may extend to five or ten or fifteen miles or as in the case of the Lahore Electric Supply Company to ninety miles, it will be content if in some obscure place a notice is put up informing the company that such and such action has been taken against it. Even this little thing Government would not accept. It was a very reasonable

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and unobjectionable amendment which was given notice of by Mian Nurullah. All that the amendment said was that a copy of the order shall be posted by registered post or otherwise delivered at the registered office of the company. It is really disgraceful, I may take the liberty to say, for the Government to reject even such an amendment. Probably the Government may have a mistaken belief that like the civil courts the post office will become an agency which may act against the Government. Perhaps they think that the post office will not do its duty if letters are sent by registered post. The Government wants to put up the notice in some obscure place of the area of supply. This is the mentality that this Government brings to bear upon all legislative measures. God help the concerns, if they are administered for a number of years by this Government!

Further on, this Government has provided for arbitration, to settle points of differences in the matter of compensation and the amount payable thereunder that may be the subject of dispute between this Government and the owners of companies. But they have failed to realize the implication of this arbitration clause. Without being a lawyer I realize those implications better. When you bring in Arbitration Act of 1940, it implies that the award given by the arbitrator can go to the court, has got to go to the court if one of the parties to the dispute so desires it. Once it is filed in the court, the courts are perfectly competent to invite objections and pass their judgment thereon. On the one hand they provide arbitration under the Act of 1940 and on the other hand they say that these civil courts will have absolutely no jurisdiction. We traders—and there are some traders sitting on those benches also know it too well, that these arbitration awards under the Arbitration Act of 1940, do go to the courts if one of the two parties desires it so. The Government cannot shut out the jurisdiction of the court once they bring in the Arbitration Act. Let them consult their lawyers, and I am sure they will agree with the point of view as I have put it. As things stand these two provisions conflict with and are contrary to each other. On the one hand, you provide arbitration for the settlement of a dispute, and on the other hand you want to shut out altogether the jurisdiction of the civil courts. This is evidently wrong and the sooner the Government takes legal advice the better will it be for them.

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Then Government exploiting in the name of emergency want to take over these concerns wholly and solely. They would not accept the amendment, that they may take over only those things which were necessary for the maintenance of supply and for carrying on the work. The amendment moved by my friend Sardar Ujjal Singh was to the effect that the following words be added in clause 7: "essential for the maintenance of electric supply service". What more power did this Government want? All the powers that were really necessary were conceded by the Opposition. We said, by all means take over the machinery, take over all those articles, which are essential for the maintenance of electric supply service. But no. This Government would not be satisfied unless they had the things entirely their own way. They want to take over every thing root and branch. They come to the legislature in the name of emergency but act as if they are dealing with a permanently bad situation.

Again a very reasonable amendment was put forward by these benches, that if Government during the continuance of the working of these concerns by themselves found it necessary to enter into a contract, they should enter into this contract only for the period for which they were to carry on the working of those concerns. But no. This Government will not be a government if it did not take unlimited powers even in this matter. They would make those contracts or at any rate wish to retain in their hands the power to make those contracts for a considerable period, even when they may not work those concerns for more than a few months. This Government, as I have said, will not be satisfied unless it has the fullest powers of giving contracts extending over several years although it may not be working those concerns for more than a few months. Under the Electricity Act the Government had ample powers to revoke the licence of the licensee. I do ask them with the fullest sense of responsibility as to where was the necessity of bringing in this further measure in the name of emergency. Absolutely not a word has been said on this point.

In the original Bill as it was introduced, the object of this Bill was to provide against the situation in which for one reason or another the public may be put to great inconvenience owing to the refusal of a licensee under the Indian Electricity Act of 1910 to maintain a continuous supply of electric energy for street lighting. This was the only object of the Bill and nothing but this. The Bill says that if there is any inconvenience resulting on the failure of electric concern to give electric supply, the Government may take over certain powers in its own hands under this emergency Act. I ask this Government whether this Bill in the form in which it is going to be passed is in keeping with those intentions, or have they not gone far beyond that limit? If they have gone far beyond that, was it not incumbent upon them to take this House into confidence and to tell us their reasons therefor? Not a word has been said. As I pointed out, the Minister has been content with the votes that he commands rather than relying upon reason and argument.

I have already pointed out, sir, that the provisions of the North-West Frontier Province Act, which was cited by the Honourable Minister in charge of the Bill, are more reasonable. They do deal with emergencies

and emergencies alone and not as just now is being contemplated by this Government. With these words and after having pointed out that the Bill has gone far beyond its original intention and that no emergency has existed for the taking of such powers as the Government has taken, I oppose this Bill and move that it should be thrown out.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, a good deal of what I had to say has already been said by the Leader of the Opposition and this saves my time and trouble and also the time of the House. My first objection against this Bill is on legal grounds of which you have been pleased to take notice and about which you have already expressed your opinion. I have only to say that it has given me a great deal of satisfaction to know that the highest legal authority in the service of the Government of India has endorsed the views which I placed before this House and I may say that when the validity of this Bill comes to be decided in a court of law, perhaps my views will also be endorsed there. Whether a cause of action would arise immediately on the passing of this Bill or when this Bill becomes an Act, is really for the practising lawyers to decide when they are approached for the purpose by the persons concerned. It may, be—I am just throwing out a hint—that when this Bill becomes an Act, after having passed through all the stages, some people who apprehend an action under this Act, as my honourable friend to my right consider that a cause of action has arisen, because a sort of cloud is being thrown upon the title and powers of the Directors of the Corporation which is supplying electricity to the town of Lahore within its area of supply, or some other people who might have similar apprehensions might think that a cause of action has already arisen and they may bring a suit for a declaration and for a perpetual injunction against the Government that no action might be taken under this Act. That is of course premature for me to say. I would content myself only by throwing out this hint, and would not waste the time of the House in dealing with this matter at length.

I have other objections against this Bill. But the first thing that I would say is this. I would make it clear that what I will say will be for somebody else and not for this Government. This Government is not inclined to listen to what we say, but I hope and trust that the authority who is to deal with this Bill in its subsequent stages would at least take the trouble of finding out what we have said about this measure. I hope no injustice would be done and that what we have been saying here with regard to this Bill would be duly brought to the notice of that authority who will deal with this measure and that due consideration would be given to the views expressed by the Opposition in connection with this Bill. I remember, sir, there was a certain measure which came up before the Legislative Council of the Punjab. The Government was adamant and was not listening to the reasons and arguments advanced by the other side, just like this Government, but notice by the higher authority was taken. And then what happened?—that measure never became law. I hope that even now wiser counsels will prevail and this Bill will not become law. After these preliminary remarks my first objection against this Bill is that it is unnecessary; it is entirely unnecessary. The reasons given in the Statement of Objects and Reasons are not adequate to justify the enactment of a

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measure of this kind. I would not read out these objects and reasons which are given in the Statement of Objects and Reasons, as they have been read out by my honourable friend the Leader of the Opposition. My submission is that when this Bill came to be conceived, probably it was conceived by Mr. Miles Irving, at a time when some trouble arose in Lahore between the Lahore Electric Supply Company and the Lahore Municipal Committee. It was then that the honourable member, who was in charge of the administration of the Electricity Act felt alarmed and a sort of a Bill was drafted. I do not remember its provisions. I only came to know that some sort of a Bill was being contemplated and some attempts had been made at drafting it. I do not know who drafted it. It might have been drafted by the Legal Remembrancer at the instance of the Member in charge. It was not a transferred subject at that time. Therefore, I do not know what had been done. I only incidentally came to know that a measure of this kind was being contemplated. I do not know whether it was exactly like this or different, but I suppose it was not so drastic as the Bill with which we are now dealing.

I maintain that this Bill is entirely unnecessary, why, because in the first instance such contingencies are not likely to arise. And we do not legislate for evils which are not likely to arise. We do not legislate for evils of which there is merely a possibility but of which there is not a probability or a reasonable probability. I ask the Honourable Minister in charge of this Bill how many instances are there in this Province of a contingency of this kind having actually arisen. So far as my recollection goes, and I think I am perfectly right in this, Lala Harkishen Lal, the Chairman of the Lahore Electric Supply Company at the time, found that a large amount, perhaps amounting to a lakh of rupees or more, was due or was considered to be due from the Lahore Municipal Committee. The Lahore Municipal Committee had not paid the bills of the Lahore Electric Supply Company. Demands had been made from time to time but no attention was being paid to those demands of the Lahore Electric Supply Company. Naturally, in the discharge of their duties, the directors had to decide and did decide that some drastic action should at least be threatened. That action was 'threatened'. It was purely in the nature of a threat as even then, the Honourable Minister should know, no action was taken. A warning was given to the Municipal Committee—and a formal notice was served—that unless within three months or so—I do not remember the exact time but sufficient time it was—the account of the Lahore Electric Supply Company was settled by the Lahore Municipal Committee, supply of electricity for the purposes of street lighting in Lahore would be stopped.

Mian Abdul Aziz : You have really not realized what the position was.

Dr. Sir Gokul Chand Narang : Well, there was a dispute of that kind. I speak subject to correction.

Mian Abdul Aziz : I was in that dispute. We went to Simla.

Dr. Sir Gokul Chand Narang : I am not referring to the details but there was a claim on one side and a denial on the other.

side and certain reasons were given why so much was not due. There was a dispute and, therefore, the person who was claiming that so much money was due from the Municipal Committee, made a claim and gave out a threat. The Municipal Committee probably said that so much was not due or certain conditions had not been fulfilled by the Lahore Electric Supply Company, and therefore, the Lahore Municipal Committee was not bound to pay the whole amount demanded. This was the nature of the dispute between the two parties. Beyond that instance the only instance that was quoted was of Rawalpindi. I do not know anything about it. Perhaps something occurred between the 15th November and 28th November when I was hundreds of miles away from the province and if anything occurred during those days I do not know because where I then was, I could not get any Punjab papers. (*Interruption.*) My friend says that it was not published in the papers and up to now I do not know what the nature of the trouble in Rawalpindi was, whether it was a strike that was threatened or it was something else. Action was taken under the Defence of India Rules. (*Interruption.*) If what my learned friend says, sir, is correct, the reference to that instance was entirely irrelevant. My learned friend Mian Muhammad Nurullah tells me that the trouble there was that there was an allegation—I would not state it as a fact because it might affect somebody's reputation—that an officer of that company was suspected of having something to do with the enemy and as that officer, according to the Government's view, was not a fit person to remain in service and was not being immediately removed, the Government stepped in and took action under the Defence of India Rules. Now, what has that got to do with the continuation of supply of electricity. I submit that the reference made by the Honourable Premier to this instance has absolutely no bearing on the question before this House. If I am not correct I would be very grateful if any mistake that I may have made is pointed out to me in this respect. The Lahore Electric Supply Company, I believe, came into existence in 1912. This episode took place in 1934, that is, after 22 years. During those 22 years no instance even of a threatened cessation of supply had arisen and even that instance is really no instance because the threat was never carried out and no harm was done to any section of the public or to any department of the Government. Therefore, I take my stand on the well understood principle that legislation should not be resorted to unless there is an actual evil which requires to be remedied and that evil is of sufficient gravity which it is necessary to remove or guard against. As in this case there is no such evil and there is no likelihood of any such evil arising, there is no necessity of legislation of this kind. It is not in the interest of the Government. As I pointed out on that day, the electricity service is being rendered here by corporations. I was told the other day by the Honourable Minister in the course of conversation in a casual remark that there were one or two instances where some individuals had been granted licences and were carrying on electricity service and they did not form corporations. There may be one or two instances, there may be two or three instances, but I would submit that a very large number, if not almost the whole body of electric supply service in this country, is controlled by corporations. And, sir, I would ask you and ask the Honourable Minister as a reasonable person—which I may for a moment at least presume him to be—whether it is in the interest of any person who makes

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his living or his income by supplying certain commodities to stop the sale of those commodities? If a person stops the sale of those commodities, there must be very good reasons. The individual might be foolish, might maliciously stop the supply of electricity to his clients but in the case of corporations it is entirely different. Corporations are not ruled by the whims of a single individual. The corporations are governed by specific rules and articles of association and by specific sections of certain statutes and, therefore, they cannot go beyond those statutes. Therefore, in their case there is still less danger of any such mischief occurring.

Secondly, I would submit that even if such a thing could be contemplated, Government possesses sufficient powers under the existing laws to prevent or punish such delinquents. I pointed out the other day that if a person in charge of an electric supply service maliciously or wantonly stops the supply of current, his licence can be revoked under the provisions of the Indian Electricity Act. I need not take the time of the House by quoting the section verbatim but there it is. Then there are other sections in the Indian Electricity Act to which I did not make reference on that day and to which I might just briefly refer with your permission to-day. Under section 45 of the Indian Electricity Act, whoever maliciously extinguishes any public lamp, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to three hundred rupees or with both. It might be said that it is to punish persons who might wantonly destroy lamps in the streets. Under section 46 it is provided :

Whoever negligently causes energy to be wasted or diverted, or negligently breaks, throws down or damages any electric supply-line, post, pole or lamp or other apparatus connected with the supply of energy, shall be punishable with fine which may extend to two hundred rupees.

Then, further, taking the directors themselves and officers of the company themselves, section 47 says :

Whoever, in any case not already provided for by sections 39 to 46 (both inclusive), makes default in complying with any of the provisions of this Act, or with any order issued under it or, in the case of a licensee, with any of the conditions of his licence, shall be punishable with fine which may extend to one hundred rupees, and, in the case of a continuing default, with a daily fine which may extend to twenty rupees.

There are other provisions which lay down safeguards against the occurrence of any such mischief. Under section 4, which deals with forfeiture and cancellation of licence, the continuous supply is an essential thing. If he fails to keep up the continuous supply of electricity his licence can be revoked. I would, therefore, submit that in the face of these provisions which are already existing in various statutes, it is not necessary to have fresh powers. I will also submit that if it was really necessary to take any further powers, the object which this Bill has in view can be easily achieved by a very simple provision. They have laid great emphasis on street lighting. The whole statement which is appended to the original Bill refers to street lighting, street lighting and to nothing else. If this is the real object that street lighting should not, in any way, be interfered with or stopped, a simple Bill would have been quite sufficient saying that if any electric supply service threatens to stop the supply, the Government will be authorized to step in and take necessary measures to see that the supply is maintained. Beyond that it was not necessary to go; or they might have

provided certain other penalties. Even the Frontier Province Bill is more reasonable than the Bill brought forward by this Government. It provides for notice, it provides for a lesser penalty and it does not go beyond what is necessary.

Then, we come to the various clauses of the Bill. You will see, sir, that three points are kept in view so far as this Bill is concerned. One refers to cases where there is a likelihood of stoppage, the second to cases where there is doubt as to the ownership of electricity service and the third arises if it is considered expedient during any period of transfer and provides that then the Government may do this and that. My submission is that so far as the first point is concerned, that is, likelihood of stoppage, Government certainly cannot assume that the directors of a company will suddenly decide to stop electric supply to the public for the purpose of street lighting. Why should they do so? Some cause would arise, a dispute with some one of which public would have sufficient notice and of which the Government will have sufficient notice. What I mean to say is that it will not be a case of that emergency on which the Government relies for assuming that power. There cannot be such emergency. There would be series of circumstances and general events which would create an apprehension that one day, it may be after 15 days, it may be after one month, there would be no supply of electricity in a particular town. There would be ample time for people to approach the authorities. Even in the Lahore case people immediately approached the district magistrate and the district magistrate issued an order under section 144 of Criminal Procedure Code, which was enforced at once and nobody dared disobey it. Even if there was some doubt as to its legality, everybody knew that if he would disobey it, the district magistrate was bound to take action. Nobody wanted to risk either his reputation or liberty by disobeying it. So that an emergency cannot suddenly arise in a particular corner or in a particular town of the Punjab which would make the Government come down and take possession of the concern. Such a thing cannot happen.

A reference was made by the Honourable Premier to strikes and to such other troubles. My submission is that if a strike takes place in a concern and the directors fail to prevent it, let the Government prevent it. We find in America, the President interferes and takes necessary steps to terminate the strike. Ask the Honourable Minister, supposing he himself was in charge of electric supply company under this Act could he prevent a strike? Can he prevent a number of people from going on strike? Nobody can do that. Certainly nobody can make the people work against their will, they may be put to any inconvenience or they may be punished and may be sent to jail, nobody can prevent them from downing their tools and refusing to work. This Bill cannot prevent strikes. Even the whole cabinet put together cannot prevent the starting of a strike. Suppose in the Lahore Electric Supply Company, the workers do not want to work. You cannot force them to work. So, the argument which the Honourable Premier gave in support of this Bill had absolutely no force in it. This Bill will not remedy that evil. The fact is that this Bill is not intended to remedy such an evil. Not at all. They might say anything they like, but the object is really something different and not prevention of strikes. That is beyond them. If strikes were to justify the enactment of measures

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like this, then it will be a warning to the owners of all factories and all commercial concerns that possession and control of their concerns might also be taken one day. Supposing, my honourable friend Rai Bahadur Gopal Das has a spinning and weaving factory, they might say to him that in these days of war we want so much cloth and there is a danger of some people working in your concern going on strike and as you might not be able to prevent them from strike, we take possession and we shall see that everything is kept all right and the property is safe and if anything goes wrong and you suffer a loss we shall compensate you. That might happen. That argument would apply to every concern if strikes are to be made the basis of Government's interference with private concerns. I would, therefore, again respectfully say that there is absolutely no force in this argument. The Government can assume powers to act as arbitrators in cases of strikes or if there is any dispute between a local body and electric supply service. They can take powers to call both the parties and say, 'our decision on that point for certain time or on certain points will be final'. They can even say that the courts will not be authorized to interfere as long as that emergency lasts. That will serve their purpose and the emergency would be over by then. If they are sincere in their professions there is no justification for keeping that control or possession of any particular concern any longer.

My next objection is that the period for which this control and possession are to be kept is too long, unnecessarily long. Why six months? Does an emergency last for six months? My honourable friend, the Minister in charge, said that emergency can be so sudden that there will be no time for giving notice. When an amendment regarding notice was brought before the House he rejected it on the ground that the emergency might be of such a character that no notice can be given. How can they know, sitting in their palaces and in their offices, that a certain emergency has arisen in a certain place and that they must take action? Coming to the other point about doubt as to ownership, what does doubt as to ownership mean. There is an electricity service conducted either by a private individual or by a corporation. How does the Government come in? How can there be a possibility of any doubt arising as to ownership of an electric supply concern? The only conclusion I can draw from it is that this provision is intended to cover one particular electric supply company. As you know under the terms of the agreement which the Lahore Electric Supply Company had with the Government, a notice of two years had to be given for taking over the concern. Somehow they could not give two years' notice. Government failed to give two years' notice. At least I am told that the notice which purported to have been for two years was not given at the proper time. That is what I hear. Then a Bill was brought before the House that Government may give one year's notice. You will remember that. That Bill was also passed. Every Bill that comes from the side of Government is passed. For reasons best known to themselves they have not taken any action under that Act, because so far as I am aware one year's notice has not been given although the notice given previously was for two years and one year has already passed. My friend tells me that Government itself probably came to the conclusion that notice for one year could not be given. They were doubtful as to the validity

of the previous notice; they were doubtful of the validity of giving one year's notice. Now comes this Bill because what they could not achieve by that provision regarding two years' notice and what they could not achieve by the one year notice Bill they seek to achieve by means of this Bill, by enacting that where there is a doubt whether Government is the owner of an electricity concern or a private corporation or a private individual, Government, without resorting to any legal procedure and without resorting to any court, can take possession and control of that electricity supply concern. What will be the result? When they find that two years are over, notice or no notice, valid or invalid, payment of money or no payment of money, settlement or no settlement, they will say that doubt has arisen whether the Lahore electric supply concern is the property of the Lahore Electricity Supply Company or the property of Government in view of the fact that the period of 25 years has elapsed. They will take their stand on this measure and turn out the Rai Bahadur and his colleagues from the Lahore electric premises and put there an officer of their own. This is according to my reading of the situation the real object of this provision about 'where a doubt arises'. But the third point makes it absolutely clear that in a period of transfer where it is expedient, Government might take possession and control. They probably thought that this plea regarding doubt might not be very popular and some officers of law of the Government itself may say that action under this provision might not be justified, so they have now taken an omnibus clause 'where it is expedient, etc.'. Who is to judge? Neither I nor you nor any court of law. The Government will be the judge whether it is expedient or not. They will say now it is expedient that possession of it be taken, because it is a period of transfer and we do not know on what exact date that possession should pass from the Lahore Electric Supply Company to the Government. They will themselves be the plaintiffs, they will themselves be the judges, they will themselves be the witnesses, and they will themselves be the executing court. They will decide to have it. They will say let it be done and it would be done: let possession be taken and possession will be taken. This is the real object of this third provision 'when it is considered expedient' during the period of transfer. Therefore, so far as this provision is concerned it is obviously aimed at one of the most important, richest, biggest and most useful utility service in the province, namely, the Lahore Electric Supply Company. I would certainly like to hear if the Minister does not agree with me that these provisions are aimed at this particular Electric Supply Company.

My next grievance against this Bill is that it does not provide for notice. If I owe you five rupees and I refuse to pay or if I am unable to pay you will send me at least a postcard asking me to pay, otherwise you will proceed against me in a court of law. Even the village peasant understands this. They say a notice ('lotus') has been served upon them to pay and it is some sort of warning to them that if they do not comply with that notice they might be obliged to pay the costs, and they, I mean honest people, try to make the payment. This Government is going to take over, may be, in certain cases property worth crores and certainly in every case property worth lakhs, and yet they do not consider it proper to give notice. They do not provide for notice even in a case where the

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emergency might not be so serious. We have heard of Minerva rising in full panoply from the sea but we never heard of an emergency cropping up from somewhere necessitating this drastic action by Government, and even where emergency is certainly not apprehended to be so great, even there the Minister was not prepared to accept this amendment. That is a serious defect. I say that the framers of the Frontier Act take the palm over the present Ministry of the Punjab as they showed more consideration, more reasonableness, and more fairness in making provision for a sort of notice. I do not know what the people in civilized countries would think of a measure like this. Of course, we are prepared for the onrush of socialism, Bolshevism and what not. If that is the object of Government it will certainly achieve it, but one day it will redound on their heads and they will themselves have to work like peasants whose blood they are now sucking. Of course, we know all these things, but what I pity most is that Government does not say so plainly that they are going to oust everybody belonging to a particular class of people from their possessions, who have been already deprived of almost everything that they possessed. That seems to be the real object, though of course I cannot say that with positive certainty.

About the service of notice, I must say a word in passing as it is very interesting as well as important. There is a provision in the Civil Procedure Code that if a notice is to be served, it may either be delivered to the party concerned through a process-server or if a person refuses to accept service or evades service it may be posted on some conspicuous part of his dwelling house. Now what this Government may do is that the notice that action has been taken may be served on the directors or owners of an electricity concern by putting it up on any conspicuous place in the area of supply. Now take the case of Lahore for instance, it covers perhaps a hundred square miles or may be more, right from Model Town to Shahdara on one side and from the railway station to Sandha on the other and there are many conspicuous places in this area, as a conspicuous place is a place which can be easily seen. This is one of the methods prescribed for serving the notice and as I said, not notice that action would be taken if certain assurances are not given, but a notice to the effect that this Act has been applied and action has been taken. What will be the effect? From the moment of the posting of a notice of this kind at a conspicuous place in the area of supply, the Government shall be deemed to have taken control so that if notice was posted at 10 o'clock in the morning five miles away from the office of the company, the powers of the directors would be suspended from that moment and if they did anything between 10 o'clock and the time they came to know of such a notice, they would be guilty under this Act. My submission is, sir, that various provisions of the Bill have only to be read to expose their ludicrousness, their absurdity and their drastic character.

Then, sir, we come to sections 6 and 7 where the atrociousness of the Bill becomes all the more patent. Why is it necessary for the Government to take possession of everything that belongs to a corporation in order to

see that the supply of electricity is maintained? I must quote a little from these sections. Under section 6, it is provided—

As soon as may be after the issue of an order under subsection (1) of section 3, the owner or person in charge of the public electricity service shall make over to the Provincial Government all books, accounts, documents, furniture and all other property, of whatsoever nature or kind, both movable and immovable, belonging to the said service.....

And section 7 goes like this—

During such period as the public electricity service is in the possession and control of the Provincial Government, the Provincial Government shall have power to acquire and hold property, both movable and immovable, and to transfer any property held by it for and on behalf of the public electricity service and to contract and to do all other things necessary for the purposes of its efficient management

Why is it necessary to acquire all movable and immovable property? Where will the funds come from? Will the Government bind itself to see that the amount of cash in the hands of the corporation is not wasted, on the acquisition of property and the shareholders of the company are not unduly burdened; that all the obligations which the directors owe to the shareholders and the shareholders owe to the company are not interfered with in any way? I fail to understand why it is necessary to do all this in order to secure a continued supply of electricity, if that is the only object. My submission is that sections 6 and 7 are really the crux of the matter, because they show that so far as the pith and substance of the Bill is concerned, it is not the maintenance of continuous supply of electricity but undue interference with the private corporations and to oust the directors from their legitimate duties and to deprive them of the powers conferred upon them by the Indian Companies Act and by the Articles of Association under which they hold those powers.

Let us proceed a little further. Under section 8—it is very interesting—they say that all officers and servants of the company shall continue to be officers and servants. Probably some apprehension was expressed that if Government took possession of an electricity service concern, they might turn out all the officers and employees of that concern and I must say that so far as it goes it will be some consolation to the employees of the Lahore Electric Supply Company and other companies that they will not be turned out at once as soon as Government takes possession. Now, what I want to ask is, are not the directors officers of the company? What about their rights and powers and functions and duties? I cannot see any provision regarding their powers and their functions. My own view is that the effect of the Bill notwithstanding section 8 shall be that the shareholders and the directors of the company would be deprived of their powers and their privileges. I would not repeat what I said the other day about the necessity of having directors. Suffice it to say that under the law as laid down in the Indian Companies Act it is necessary that every corporation should have a body of directors; it is their statutory obligation. It is also laid down in one of the sections that their number should be at least three and then there are provisions regarding the qualifications of these directors which should be laid down in the Articles of Association. And further it is within the power of the shareholders to appoint the directors, re-elect them and remove them in certain cases. Now, sir, all these powers

(Dr. Sir G. C. Narang.)

will be denied to the shareholders and the powers of the directors will be absolutely taken away from them because if the corporation is under the possession and control of the Government, these directors may not find even seats to sit in the office of the company to see what is going on in the concern. Usually no one can be a director unless he is holder of a number

of shares of a certain denomination. The officer in charge will be a person who will not have any interest whatsoever in the concern. He will only be answerable to the Honourable Minister. He will owe no obligation to the shareholders or to the directors. He will be a small Hitler set up by the Government to carry out its mandates and to carry on the work in the way in which it pleases him to carry it on. That will be a fact. The Honourable Minister in charge of the Bill pointed out with a certain amount of gusto and a certain amount of hits at the Opposition that section 10 makes provision for compensation in case of damage to the Electric supply service. There is no doubt that there is a provision to the effect, that in case of damage to the concern, the Government, according to the amendment would be bound to give compensation. Was it to be a compensation for damage or was it to be a compensation for loss? With due deference to the Honourable Minister of Finance who told the Minister in charge that there was no difference between loss and damage, I may point out that there can be a difference between damage and loss. Damage and loss are not necessarily the same. Grievance of the Opposition on this side was that there should be a compensation for loss, that loss may not be due only to the damage caused to the property of the concern. Loss may be due to various other reasons and various other circumstances. The officer in charge may cause a loss to the company and the shareholders without causing any damage to any property of the concern. This is the distinction which the Honourable Minister ignored. Another fact which he grossly ignored was, for what is the compensation to be paid by the Government? It would be for any damages which may be caused in the exercise or omission to exercise any powers conferred under this Act. There may be loss to the company otherwise, not necessarily by the exercise or omission to exercise powers conferred under this Act. It is the interest of the directors to see that everything they do is to the interest of the concern and the shareholders. The officer in charge cannot interest himself in the concern to this extent. If a boiler bursts or a generator explodes or a turbine goes wrong and there is no money in the coffers of the company and there is no balance standing in the name of the company, what will he do? He will simply write down a report either to the Chief Electrical Engineer to the Government or some one else who is in charge, saying, "Sir, I beg to report that a boiler has gone out of order or a generator has exploded causing damage to the walls. The supply of current has become impossible, etc., I have no money to have these repairs done." Certainly loss will be caused to the company but not by the exercise or omission to exercise certain powers conferred under this Act. What will the directors do in such a case? They will raise money for the purposes of repairs even if there be no money with the company. If there is any balance with the shareholders it will be called urgently. Every director feels it his duty to keep the concern going. I know of cases

where directors have signed pronotes on their personal responsibility to make the concern prosperous in the early stages. The officer in charge is only responsible to see that no damage is caused to the public electricity service by reasons of the exercise or the failure to exercise any of the powers conferred by this Act. Who is going to be responsible for all this? I would submit that the clause regarding compensation is no consolation to those people whose concern will be taken by Government.

This brings me to the last clause. I am not surprised at this, because it has now become a creed with this Government to lead a crusade against the civil courts. It has actually become a sort of religion with them. Whenever they find any opportunity of ousting the jurisdiction of the courts they grab it and oust the jurisdiction of the civil courts. It was pointed out by my honourable friend Sardar Santokh Singh that in section 10 of the Bill they provide for arbitration and in section 12 they shut out civil courts' jurisdiction. No court can take cognizance of any proceedings under this Act. They nullify the provision of section 10 by bringing in section 12. Section 12 is obviously repugnant to section 10.

I am not interested in having these defects removed. If they want an Act with defective provisions let them take risks.

Lastly, I would say that if the Government are so particular to see this Bill come on the statute book, they should see that corporations are exempted from the operation of this Act. I say this for various reasons. One is the legal and technical reason that corporations cannot be touched by this Government under this Bill. Secondly, a corporation can be trusted to be more reasonable, more anxious to show greater sense of responsibility and will not act in a reckless manner so as to deprive the public of the benefits of electric supply service.

With these remarks, I strongly oppose the passing of this Bill, as I consider it not only legally untenable, but absurd in its provisions and mischievous in its present form.

Mr. P. H. Guest (Punjab Commerce and Industry): I wish to say only a few words. First of all I have to state that I intend to vote for this Bill. I do so because I agree with the underlying principle that the Government must be so empowered that they can at a moment's notice secure the continuance of the supply of electric power. On the other hand, I was not at all happy while listening to the discussions on the various clauses. I am glad that the Honourable Minister has accepted one rather important amendment. I feel that it would have been much better if he had been able to accept more amendments so as to make it clear to the business community at large that the only object of this Bill was to secure continuity of supply in extreme cases of emergency. There is a feeling in the province that there is a tendency on the part of the Government to interfere unduly with private enterprise. I do think that the clauses concerned should not have been so stringent.

I should like to emphasize one point. I consider that it is the duty of the Government to create and develop that necessary atmosphere of confidence which will enable industry and business to expand and there is a tendency in this Bill to go to the contrary. I can only hope that the Honourable Minister when he makes his concluding remarks will make it clear to

[Mr. Guest.]

the House that there is not the slightest intention on the part of Government to do anything beyond securing, in cases of absolute emergency, continued supply of electricity and that he will not go beyond that. (*Hear, hear.*) I have no other remarks to make except to ask the Honourable Minister to keep in view these remarks of mine.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): I have heard with attention the criticisms so far levelled against this measure. Most of it was a repetition of the criticism that was offered against the various clauses of the Bill. So, I shall try to deal with the important points only within the short time at my disposal. As to the last speaker I am glad he is in agreement with me, because he says that he is in agreement with the principles of the Bill which he finds to be good. His main complaint is that more amendments were not accepted. He must remember that the most important amendment was to make compensation compulsory instead of its being optional. The change of the word 'may' into 'shall' in this case was a very important amendment which I readily accepted. Now the compensation instead of being optional will be compulsory and that compensation will be decided under the Arbitration Act.

Then, the honourable member referred to the feeling of uncertainty prevailing among the business community on account of undue interference by Government. I am not aware of any such uneasiness, but if there is any, I can assure him that this Bill is not meant to add to it in any way. This Bill will come into operation only when there is an emergency and will continue in operation as long as the emergency exists. As I said the other day, as soon as the emergency is over the Bill will cease to operate. But it is probable that the emergency may continue longer in which case it is essential that the Government should take action as we are here to see that if there is any interruption of the sort in which a town may be thrown in darkness or street lighting may be closed the public does not suffer where that emergency may arise because of a dispute of ownership or other cause, we have to see that the public does not suffer on that account either. I think that the assurance given will satisfy my honourable friend that the Government does not mean any interference with private enterprise. I may also point out that a glance at the clauses of this measure will show that even this interference is not in any way to the detriment of the companies. Suppose an emergency arises or is likely to arise, what happens under this measure is that the Government takes temporary control of the company. That control does not mean anything beyond the fact that the affairs of the company will be managed by an officer appointed by the Government. It was said that he will not be responsible to the shareholders. I concede that, but he will be responsible to the Government which undertakes to manage the concern and if the profits remain the same as they were before the Government took over the control then neither the company, nor the shareholders nor the directors suffer. But if it so happens that there is no profit or if there is any loss, clause 10 of this Bill is there and compensation will be assessed as provided in the Bill and paid to the shareholders. That compensation will not be assessed by the Government itself. It will be assessed under the Arbitration Act. So, there is hardly any hardship involved.

I will now try to deal with the points raised by the Leader of the Opposition. He said, 'how would we know that an emergency is likely to arise?' It is the job of the Government to know when an emergency is likely to arise. Sometimes we get a little notice and sometimes we do not get any notice at all. But in all cases it is possible to anticipate in advance any emergency and to act in time. Next it was said that we have not been able to quote any instances where such emergencies have arisen. But the same honourable member also replied to that criticism. He himself referred to one specific case where this emergency arose and where action had to be taken under the Criminal Procedure Code. That action, of course, averted that particular emergency, but it was said to 'be of doubtful legality'. The order of the magistrate under the Criminal Procedure Code was not fortunately challenged but on that account it cannot be said that the action of the magistrate was sound in law. However, one instance of an emergency was cited by the honourable member opposite himself.

Then they forgot to mention another emergency which arose recently and for which a Bill had to be introduced before this House but actually when the House had met we had come to terms and it was not necessary to proceed with that measure. I am referring to the emergency that arose at Sialkot. I am not referring to the Rawalpindi case, because that is a different sort of case altogether, but Sialkot is a case positively in point where a threat was given by a particular company to throw the town in darkness unless we conceded certain terms. It is not for me to go into the Lahore case, nor am I going to apportion blame, whether in the case of Lahore when a threat of cutting off all the lights was held out, the company was at fault or the municipality was at fault. (Dr. Sir Gokul Chand Narang : That is immaterial.) That is immaterial, as the honourable Dr. Gokul Chand Narang himself says. Anyhow the fact remains that an emergency arose at the time and if it had not been dealt with by the District Magistrate the town would have been thrown in darkness. Who can deny that emergencies of this sort cannot really arise in future? What are we asking for? We are asking for powers to deal with emergencies if they ever arise.

Then it was said that there is a conflict in the Bill as regards the arbitration clause, and barring out the jurisdiction of courts. I am a layman, but so far as I can see there is no conflict whatever. Any one who questions the award in arbitration can go to a court.

During the course of his remarks, Dr. Gokul Chand Narang questioned the provisions of this Bill on legal grounds and supported his contention with the opinion of the Advocate-General of India. Opinions are opinions and nobody is infallible in this world and particularly on technical and legal matters many an opinion differs. Sir, there is a well known saying—I won't quote it—but it means that if you go to a *qazi* alone you will naturally bring a verdict in your favour.

Dr. Sir Gokul Chand Narang : No one consults *qazis* in these days.

Minister for Public Works : That is why I did not quote the saying. It was repeated by some one on those benches.

Dr. Sir Gokul Chand Narang : Why refer to it then?

Minister for Public Works : Such a verdict has not that sanction and status about it as the verdict of a court of law has. If there is a difference of opinion, the matter goes to a court and it will be adjudicated upon and the decision will then be final.

Then the honourable member said, why did we not take action under the Indian Electricity Act? He quoted sections 5 and 27 which have nothing to do with an emergency. We cannot under that Act take control of electric concerns and therefore these powers are necessary.

The honourable Dr. Sir Gokul Chand Narang went on to say that all these legislation and amendments have been made with a particular purpose. First of all he charged the Government of doing this in order to hit a particular company. Whatever might be said about the policy of Government in other respects, I can say that this legislation is directed against no company. It is a general measure. It may cover a case in Lahore, it may cover a case elsewhere, but we are not in this measure specifically aiming at any particular electricity concern.

Dr. Sir Gokul Chand Narang : Can the Honourable Minister really deny that when they were referring to the period of transfer and expediency, they did not have the Lahore Electric Supply Company in their mind?

Minister : Disputes can arise. The policy of Government is to take over the concerns from licence holders when their licences expire. In taking over disputes may arise. It may be that disputes may arise in Lahore. I hope not. A dispute may arise elsewhere. We have all disputes in view, and if a dispute arises the matter will have to be decided in a court of law and it does not follow that for that reason the public of Lahore should be thrown in darkness or otherwise suffer.

Then it was stated that all these measures are being introduced with a view to hitting a particular class of people and to deprive them of their business. Nothing could be further from the mind of Government than any attempt of that sort. Companies are owned by different people. There are different shareholders belonging to different classes and no one class of persons can be adversely affected. Even if the Government buys an undertaking, all the assets of the company will be paid for and shareholders will not be losers. Similarly if any loss is sustained owing to the control of the company having been taken over temporarily by Government, then the compensation clause is there and the company concerned can claim damages.

All that I had to say has been said. I want to assure the House that the provisions of this Bill are far less drastic and far more accommodating for the companies than the provisions of the North-West Frontier Province Act. With these words I would ask the House to pass the measure.

Mr. Speaker : The question is—

That the Punjab Electricity (Emergency Powers) Bill as amended be passed.

The motion was carried.

The Assembly then adjourned till 12 noon on Thursday, 11th December, 1941.

(10) : (boomday 10/12/41) 10/12/41 2/12/41
at
PUNJAB LEGISLATIVE ASSEMBLY.

EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 11th December, 1941.

The Assembly met in the Assembly Chamber at 12 noon of the clock.
Mr. Speaker in the Chair.

STARRED QUESTIONS AND ANSWERS.

MAINTENANCE ALLOWANCE FOR DEPENDENTS OF DETENUS.

*7837. **Sardar Moola Singh**: Will the Honourable Premier be pleased to state—

(a) the number and names of the detenues detained by the Punjab Government under Defence of India Rules who have so far applied for maintenance allowance for their dependents ;

(b) the number and names of the detenues who have been granted the allowance with the amount of the allowance granted in each case giving separately the number and names of the detenues whose applications have been rejected with the reasons therefor ;

(c) the total amount of money disbursed by the Punjab Government on this account so far ?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) 62, it is not in the public interest to give names ;

(b) First part : the only allowances granted were for three persons who did not apply.

Second part : 34, it is not in the public interest to give names ; enquiries did not justify the grant of any allowance ;

(c) Nil, except for the three persons mentioned under (b) first part.

CLASSIFICATION OF PUNJABI DETENUS IN DEOLI DETENTION CAMP.

*7838. **Sardar Moola Singh**: Will the Honourable Premier be pleased to state—

(a) the number at present of Punjabi detenues class-wise detained in Deoli Detention Camp under Defence of India Rules ;

(b) the number of such detenues in the Punjab jails ;

(c) the number of detenues in Lahore Fort ?

Parliamentary Secretary (Mir Maqbool Mahmood): (a)

Class I prisoners 15

Class II prisoners 94

(b) 48.

(c) 6.

COMRADE KARAM SINGH MANN.

***7839. Sardar Moola Singh:** Will the Honourable Premier be pleased to state whether it is a fact that in the third week of May, 1941, Comrade Karam Singh Mann, Bar-at-Law, a detenu in Sub-jail, Muzaffargarh, applied for spectacles on the recommendation of the Civil Surgeon, Muzaffargarh; if so, the action taken by the Government in the matter?

Parliamentary Secretary (Mir Maqbool Mahmood): Yes. Sanction has already been conveyed to the provision of eyeglasses at Government expense for security prisoner Karm Singh Mann.

NECESSARIES FOR DETENUS.

***7904. Sardar Lal Singh:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the A class detenus in Muzaffargarh Jail are allowed one cot, one quilt and blanket as bed and no other bed clothing are supplied and they have to supply their own beds in captivity;
- (b) whether it is a fact that the detenus are not given under-wear, toilet necessities, towels, oil and utensils and they are spending their own money on these necessities of life;
- (c) whether it is a fact that clothes supplied are inferior in quality and too few in quantity and are mis-fits;
- (d) if the answer to the above be in the affirmative, what do the Government propose to do to remove these grievances of the detenus?

Parliamentary Secretary (Mir Maqbool Mahmood): The attention of the honourable member is invited to the reply given to starred question No. *7893.¹

Sardar Lal Singh: All parts of this question are not covered by that reply.

Parliamentary Secretary: If the honourable member will refer to that reply he will find the essence of every part of his question being covered by that reply.

INTERVIEWS WITH DETENUS IN MUZAFFARGARH JAIL.

***7905. Sardar Lal Singh:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that A class detenus in Muzaffargarh Jail are allowed to have one interview per week and to write one letter a fortnight to their relatives and friends;

- (b) whether it has ever been represented to him that on account of the distance and non-existence of residential facilities in Muzaffargarh for those who may go to interview the detenus, Government be pleased to change the order of interviews and letters, i.e., give them permission to write once a week and interview once a fortnight; if so, the action taken on that representation?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Yes.

(b) Yes. As a special case the security prisoners confined in the Subjidiary Jail at Muzaffargarh have been allowed to commute not more than two interviews in a month and receive the privilege of writing one special letter for each interview given up by them.

POLICE RAID ON THE HOUSE OF THE HEAD OF THE AHMADIYYA COMMUNITY.

***7906. Pir Akbar Ali:** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that a police party purporting to act under Provision 38 of the Defence of India Act raided on the 10th of September, 1941, a house at Dalhousie then occupied by the head of the Ahmadiyya Movement, if not, whether he would kindly specify the provision of the Defence of India Act or the Rules under which the police carried out the raid;
- (b) whether the object of the raid was to seize a pamphlet addressed to Mirza Khalil Ahmad, a minor son of the head of the Ahmadiyya Movement, by an unknown person in an unstamped cover, which was delivered to Mirza Khalil Ahmad by the postman only a few minutes before the arrival of the police;
- (c) whether it is a fact that the head of the Ahmadiyya Community, father of Mirza Khalil Ahmad, has declared that Mirza Khalil Ahmad immediately submitted the pamphlet to his father who handed it over to his private secretary with the instructions to despatch it to His Excellency the Governor of the Punjab;
- (d) whether the police were aware of the fact that a pamphlet of this kind was being transmitted through the post; if so, why did they not seize the pamphlet during the course of transmission;
- (e) if the reply is that they could not do it, why did they not ask the postal authorities to destroy it when they have the authority to do so under Postal Regulations;
- (f) whether it is a fact that the pamphlet was snatched from Mr. A. R. Dard and not from the hands of Mirza Khalil Ahmad;
- (g) whether the police had any written authority from a magistrate to seize the pamphlet; if so, the name of the Magistrate;

[Pir Akbar Ali.]

- (h) whether the police had any written authority to enter the house for the purpose of seizing the pamphlet; and if so, what was the specific nature of the authority and by which magistrate was it issued, if not, under what rules the Head Constable with a police force entered the premises on the 10th of September 1941;
- (i) whether the police gave notice to the occupants of the house before entering the house and whether they offered themselves for search before they entered the house;
- (j) whether the police had called any respectable residents of the locality to witness the search of the house; and if so, the name, occupation and addresses of these persons together with the distance in each case of their respective residences or places of business from the house in question;
- (k) the name and rank of the officer who was incharge of the police party and whether he was in uniform;
- (l) whether a head constable not in uniform accompanied the party; and if so, for what purposes and under what authority;
- (m) whether the police had any authority to act in the absence of an officer not below the rank of a Sub-Inspector;
- (n) whether the first police party were followed by a posse of armed police and if so, the object with which armed police were despatched to the house;
- (o) how long after the seizure of the pamphlet did the ordinary and armed police continue to stay at the house and at what time did they finally depart; what was the object of the police to stay at the house for so many hours after the pamphlet had been seized and taken away;
- (p) how long after the seizure of the pamphlet did the police make report of the incident and to whom; whether he would be pleased to lay a copy of the report on the table of the house;
- (q) whether any inquiry was made by the Deputy Commissioner, Gurdaspur, into these incidents;
- (r) whether it is a fact that Pir Ahsan-ud-Din, I.C.S., Deputy Commissioner, Hissar, Mirza Muzaffar Ahmad, I.C.S., Assistant Commissioner, Sargodha, Mr. Slater, I.C.S., Sub-Divisional Officer, Dalhousie, Mirza Nazir Ahmad, B.A. (Oxon.), Mr. A. R. Dard, M.A., Mirza Abdul Haq, B.A., LL.B., Pleader, Mian Ataulleh, B.A., LL.B., Court Auctioneer, Amritsar, Dr. Nazir Ahmad, S.A.S., Baloon, Dr. Hashmatullah Khan, L.E.P., incharge 'Noor' Hospital, the Naib-Tahsildar of Dalhousie, M. Nur-ul-Haq, Graduate of the Punjab University and M. Abdullah Ijaz, Graduate of the Punjab University and the head of the Ahmadiyya Movement himself were among others the witnesses of some or all of these incidents and whether any of them; and if so, who was or were examined during the course of the enquiry by the Deputy Commissioners; what was the reason for not examining all of them;

(d) what were the conclusions arrived at by the Deputy Commissioner, Gurdaspur, and on his report by the Punjab Government and whether he will be pleased to lay a copy of those on the table of the House ;

(e) whether the Government propose to take any, and if so, what action in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I regret that the answer to this question is not yet ready.

Pir Akbar Ali : May I know, if there was no sufficient notice ?

Parliamentary Secretary : The notice was quite sufficient, but the question is of excessive length. The matter is being looked into.

EXCESSES BY POLICE IN VILLAGE JETHUKE, CHAOKA.

***7998. Sardar Lal Singh :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that a police force visited village Jethuke, Chaoka, thana Shaina, district Ludhiana, in May, 1941, for the ostensible purposes of collecting illicit arms and ammunition from the villagers ; if so, the strength of the force and the name and the designation of the officer in-charge of that force ;

(b) whether soon after that visit Government received any complaint from the villagers of Jethuke or from District Congress Committee, Ludhiana, saying that the police had committed brutal excesses on the villagers, had injured several men and women of the village and had terrorised them ; if so, whether Government held any enquiry into the complaint, and, if so, what was the result of that enquiry ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The Ludhiana Police in co-operation with the Patiala and Nabha Police carried out raids in May, 1941, to hunt a notorious gang of outlaws emanating from village Chaoka and helped by the residents of that village. Villages Jethuke and Chaoka were raided in the course of those raids. Arms and ammunition from eight houses in village Jethuke were recovered and a case under the Arms Act was registered in Police Station Shehna (F. I. R. No. 59, dated 25th May 1941, under section 19/11/78).

The strength of the police which carried out the raids in village Jethuke was as below :—

Sub-Inspector	1
Head Constables	2
Foot Constables	19
Members of Civic Guards	27

It was assisted by civic guards and license holders of police station Shehna.

Sh. Faiz Mohd.]

Assistant Sub-Inspector Baha-ud-Din was in charge of the operations.

(b) A complaint was received from the President, City Congress Committee, Ludhiana, alleging certain excesses by the Police. This complaint was enquired into by a Gazetted Officer and was found to be baseless.

Sardar Lal Singh : May I enquire from the Parliamentary Secretary whether any enquiry was held, and who were invited to give evidence ?

Parliamentary Secretary : An enquiry was held at Ludhiana and on the spot by the Deputy Superintendent of Police. All the persons regarding whom any mention had been made by the complainants were called and examined. Those persons who left the place and joined the army could not be examined.

MIAN NIZAM-UD-DIN, MEMBER, MARKETING COMMITTEE, BATALA.

***7907. Sardar Santokh Singh :** Will the Honourable Minister for Development be pleased to state—

(a) whether Government is aware of a communication, dated the 29th October, 1941, that the Agricultural Assistant, Batala, addressed to Mian Nizam-ud-Din, a licensee member of the marketing committee, Batala, on his resignation from that committee threatening him either to withdraw his resignation or threatening to take away the seeds agency from him, besides other civil proceedings and giving him a warning for this offence, also threatening other civil proceedings against other people who had a hand in this resignation ;

(b) whether the said communication by the Agricultural Assistant was addressed with the knowledge and consent of his superiors, and if so, the reasons therefor, and, if not, the action intended to be taken in the matter ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) Yes.

(b) No. The Agricultural Assistant had not obtained the previous approval of his superiors. It is not intended to take any action against the Agricultural Assistant because his action was justified as the resignation of Mian Nizam-ud-Din from the Market Committee which would have been followed by the closure of his shop would have resulted in a serious inconvenience to the zamindars of the Ilaga. It was, therefore, the duty of the Agricultural Assistant to see that the supply of approved seed to the zamindars was not interfered with.

ELECTIONS TO THE NORTH-WESTERN RAILWAY LOCAL ADVISORY COMMITTEE.

Secretary : Regarding the election of two representatives of the Assembly to serve on the North-Western Railway Local Advisory Committee which is to be held to-day, I may inform the honourable members that voting papers containing the names of candidates will be available in the lobby between 2 and 4 p.m. to-day. Honourable members may obtain these papers within these hours and after marking their preferences deposit them in the box kept for the purpose in the lobby.

No voting papers will be issued after 4 p.m. and no marked papers will be allowed to be deposited in the ballot box after 4:15 p.m. The result of the election will be announced in due course.

FEMALE SINGERS' PROHIBITION BILL

Khan Muhammad Yusuf Khan (Rawalpindi. Sadar, Muhammadan, Rural).: Sir, I beg to present the report of the select committee on the Female Singers' Prohibition Bill.

Sir, I beg to move—

That the Female Singers' Prohibition Bill as reported by the select committee be taken into consideration.

Sir, before this Bill is taken into consideration by the House, I may submit that the object of the Bill is only a social reform and it gives me great pleasure that I have presented the report of the select committee on the Female Singers' Prohibition Bill. I am afraid, I must confess, that the object which I had in view had not been fully met by the improvements that have been made by the select committee. I knew of the legal difficulties and other obstacles that were in the way of that committee in adopting the Bill as it originally stood. But, sir, I am confident that this Bill even in the form in which it has emerged from the select committee will achieve some reforms in this respect. Sir, it is a fact that the whole Muslim community will be effected by this reform. Sir, I am particularly thankful to the Muslim press who supported this measure. I must not be oblivious of the fact that even the non-Muslim press did not oppose the measure, and, therefore, my thanks are no less due to them as well. This Bill, when it is passed, will serve the purpose for the time being and it may be a stepping stone for further reforms in this respect. I should not now go into the details of the measure and with these words I move—

That the Female Singers' Prohibition Bill as reported by the select committee be taken into consideration.

Mr. Speaker: Motion moved is—

That the Female Singers' Prohibition Bill as reported by the select committee be taken into consideration.

Sayed Mahy-ud-Din Lal Badshah (Attock South, Muhammadan, Rural) (Urdu).: Sir, the present form of the Bill defeats the very object of the original measure. I think the purpose of this Bill was to enforce strict observance of *Shariat* and to put a stop to the immoralities practised in the name of religion. But it is a matter of regret that these things are conspicuous by their absence from the select committee report. In the original Bill there was a provision to the effect that no female singer would be permitted to sing or dance at or within the radius of three miles of a Muslim shrine. Now that restriction has been withdrawn in the amended Bill submitted by the select committee. Instead, a provision has been made that such musical performances or dances by females are permissible at any place outside the premises of a *dargah* or a Muslim shrine. It means that a thing of this kind which you decry on the floor of this House and want to prohibit, would be permissible on the roadside at a distance of fifty feet from this place. In other words you are justifying the existence of an evil which

[Sayed Mohy-ud-Din Lal Badshah.]
 you are so anxious to exterminate. Again singing by a woman or a girl to the accompaniment of a musical instrument or without it in a Muslim shrine comes to the same thing. I, therefore, hold the view that if the Bill in its amended form is passed by the House, the honourable members would be legalising the singing of a female without musical instruments before the public. Then, sir, *Shariat* does not permit singing either by men or women. If in accordance with the tenets of Islam singing by women is prohibited; it is equally prohibited in case of men. It is a pity that the sponsor of this measure has overlooked this important fact and has omitted to incorporate it in the Bill. Under the circumstances I am of the opinion that the select committee report on this Bill is most incomplete. It is just like a toy placed in the hands of children. It should be carefully reconsidered and its defects removed. I request the Government through you, sir, to remit the Bill to the select committee for making further improvements in it. The Bill as it stands is very defective. I therefore move—

That the Female Singers' Prohibition Bill be recommitted to the same select committee.

Mr. Speaker : Motion under consideration, amendment moved—

That the Female Singers' Prohibition Bill be recommitted to the same select committee.

Khan Muhammad Yusef Khan : So far as I, as sponsor of the measure, am concerned, I have absolutely no objection if the Bill is re-submitted to the same select committee for further consideration.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : In this connection I would just like to point out one matter. I have to reiterate what I said when leave to introduce this measure was given. If the object in referring this Bill to the select committee is to improve it, then I have no objection to the adoption of that course. If the intention is to extend the scope of the Bill beyond the shrines and premises owned by and attached to the shrines, then my submission is that a lot of difficulties would crop up. The original Bill applied to a radius of three miles in which nobody could resort to singing. If that measure were enacted in that form there would be the difficulty that there may be houses of people of different communities who might have marriages and there might be cinemas and theatres in this radius. I would not give any specific examples but I cannot imagine any shrine next to which there is not a house of a non-Muslim within the three miles radius or other people whose rights we cannot interfere with and thus there will be legal difficulties. If that is not the intention, then there is no objection to the Bill being referred to the select committee for any improvement that may be necessary.

Mr. Speaker : The question is—

That the Female Singers' Prohibition Bill be recommitted to the same select committee.

The motion was carried.

POSTPONEMENT OF DEBT REALISATION BILL.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) : I move—

That the Punjab Postponement of Debt Realisation Bill be taken into consideration at once.

(Punjabi) : Sir, my object in moving this Bill for immediate consideration is this. The debtors belonging to all sections of the public and especially the kisans are steeped into debt. They are deteriorating day by day socially and morally owing to this crushing burden. In spite of the fact that they put in hard labour, they are unable to earn their livelihood. Consequently they cannot provide better education for their children. It is, therefore, advisable that the debt realisations be postponed for a period of ten years. I am sure during this period they would be able to ameliorate their condition and make up their deficiency socially and morally.

Mr. Speaker : Motion moved is :

That the Punjab Postponement of Debt Realisation Bill be taken into consideration at once.

Minister for Revenue (The Honourable Chaudhri Sir Chhotu Ram) (Urdu) : Sir, much against my habit I am obliged to oppose this Bill. The reason is this. If payments of debts are allowed to be postponed for 10 years, the result would be that those debts which could die a natural death, would receive a new lease of life. In other words those debts which could lapse by becoming time-barred would never lapse. Besides, if this Bill is accepted, we shall have to extend the period of limitation for the recovery of such debts. I have, therefore, decided to oppose this Bill at its initial stage.

Mr. Speaker : The question is—

That the Punjab Postponement of Debt Realisation Bill be taken into consideration at once.

The motion was lost.

MOTOR SPIRITS (REGULATION OF PRICES) BILL.

Sayed Amjad Ali Shah : Sir, I am not moving my motion to-day.

ANTI-DOWRY BILL.

Tikka Jagit Singh Bedi (Montgomery East, Sikh, Rural) : Sir, I beg to move—

That the Punjab Anti-Dowry Bill be taken into consideration at once.

(Urdu) : I do not want to take much time of the House. What I would like to say is this. The dowry custom has come to such a pass that it has become very necessary to legislate a measure in order to stop this curse borne by the people of this province. Propaganda has been done in this connection and I have come to know from different sources that the people have appreciated this measure and they are confident of the fact that this legislation will save them from heavy expenses of costly dowries prevalent in our province. Unfortunately no match is forthcoming even for well-accomplished girls on account of their parents being poor. This is what we daily observe. The young men and their parents, day by day, are becoming dowry-lovers and it is indeed a great hardship and handicap for those who have daughters and limited sources of income. It is, therefore,

That the Punjab Motor Spirits (Regulation of Prices) Bill be referred to a select committee.

[Tikka Jagjit Singh Bedi.]

our duty to kill this dowry curse that has been eating away the very roots of our economic prosperity since long and proving a constant worry for the parents of girls. We must remove this agony of poor parents and must stop this great drain on the paternal purse. I may also point out in this connection that we have seen certain weddings being dissolved in the courts on account of this curse.

Sir, other Governments have also realised the great necessity of this legislation and similar measures have been adopted by the North-West Frontier Province and the Sind Province. I submit that this august House should also follow the lead given by those provinces and we should give ears to the agonies of those who are groaning under the curse of dowry and whose daughters are being afflicted on account of it. It is, therefore, high time to meet this crying need of the hour.

With these words, sir, I commend my motion for the acceptance of the House.

Mr. Speaker : Motion moved is—

That the Punjab Anti-Dowry Bill be taken into consideration at once.

Chaudhri Ram Sarup (Rohtak Central, General, Rural) : Sir, I want to move an amendment which reads as follows :—

That the Punjab Anti-Dowry Bill be referred to a select committee.

Mr. Speaker : The question is—

That the Punjab Anti-Dowry Bill be referred to a select committee.

The motion was carried.

Premier : Sir, I beg to move—

That the select committee may consist of the following members :—

Shahk Fais Muhammad,

Tikka Jagjit Singh Bedi,

Sardar Balwant Singh,

Sardar Pritam Singh Siddhu,

Rai Bahadur Lala Gopal Das,

Chaudhri Sumer Singh,

Mahant Girdhari Das,

Mian Abdul Rab,

Sardar Indar Singh,

Sardar Santokh Singh,

Mian Muhammad Nurullah,

Chaudhri Jalal-ud-Din Amber,

Khan Sahib Raja Fateh Khan, and

The mover,

and that the quorum of the committee shall be seven.

Rai Bahadur Lala Gopal Das : May I ask one question from the Honourable Premier ? I am very glad to find that this Bill is referred to a select committee. But as it does not apply to Muhammadans, would it not be desirable on the part of the Honourable Premier to have more Hindus and Sikhs on the committee ?

Premier : It can be applied if they pass a resolution.

Mr. Speaker : The question is—

That the select committee may consist of the following members:—

Shaikh Faiz Muhammad,
Tikka Jagjit Singh Bedi,
Sardar Balwant Singh,
Sardar Pritam Singh Siddhu,
Raj Bahadur Lala Gopal Das,
Chaudhri Sumer Singh,
Mahant Girdhari Das,
Mian Abdul Rab,
Sardar Indar Singh,
Sardar Santokh Singh,
Mian Muhammad Nurullah,
Chaudhri Jalal-ud-Din Amber,
Khan Sahib Raja Fateh Khan, and

The Mover.

The motion was carried.

Mr. Speaker : The question is—

That the quorum of the committee shall be seven.

The motion was carried.

THE SIKH GURDWARAS (AMENDMENT) BILL.

Tikka Jagit Singh Bedi : Sir, I do not wish to move my motion in regard to the Sikh Gurdwaras (Amendment) Bill at this stage because I find that some of my Sikh friends in the opposition are not attending this Assembly to-day.

SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT) BILL.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muhammadan, Rural) : Sir, I beg to move—

That the Punjab Suppression of Immoral Traffic (Amendment) Bill be taken into consideration at once.

Mr. Speaker : Motion moved—

That the Punjab Suppression of Immoral Traffic (Amendment) Bill be taken into consideration at once.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural) : Sir, I beg to move—

That the Punjab Suppression of Immoral Traffic (Amendment) Bill be circulated for eliciting public opinion thereon.

Khan Muhammad Yusuf Khan : Sir, I oppose this motion.

Dr. Sir Gekul Chand Narang : You should fix a time.

That the Sikh Gurdwaras (Amendment) Bill be taken into consideration.

Minister for Public Works : No need.

Mr. Speaker : In this case the date has to be specified in the motion. Honourable members are referred to Rule 86.

Sayed Amjad Ali Shah : By the 1st May, 1942.

Mr. Speaker : The question is—

That the Punjab Suppression of Immoral Traffic (Amendment) Bill be circulated for eliciting public opinion thereon by the 1st of May, 1942.

The motion was carried.

COLONIZATION OF GOVERNMENT LANDS (PUNJAB AMENDMENT) BILL.

Tikka Jagjit Singh Bedi (Montgomery East, Sikh, Rural): I beg to move—

That the Colonization of Government Lands (Punjab Amendment) Bill be taken into consideration at once.

(Urdu) : Sir, this is a Bill the import of which, I am afraid, has not been understood by a good many members. I would, therefore, try to explain it as briefly as possible. This measure applies to Colony lands only. Under the existing circumstances if a grantee is convicted of any offence and sentenced to imprisonment for a year or even if he is bound down for that term, the Government can confiscate his land. This is a great hardship for those poor people who, for instance, have sold their ancestral property and settled down in the Montgomery district. They have invested all they had on Colony lands granted to them. Now if any one of them gets himself entangled in a case resulting in his conviction the Government will at once confiscate that land and the poor fellow will be done for. There are always bound to be enmities and quarrels among the people. Now, suppose a man goes to the police and lodges a report that such and such an offence has been committed by certain persons and that he knows the names of only three or four of them but he would be able to identify others whose names he does not know. That would give the police a handle to harass certain innocent grantees and extort money from them. If any one of these grantees goes to the police and pays a good sum as bribe he will be let off and others will have not only to face the music so far as that particular case is concerned but they also run the risk of their lands being confiscated. This is a state of affairs which makes the lives of the poor grantees miserable and even intolerable and which should not be allowed to continue. In view of this I hope the Government will accord a sympathetic consideration to this Bill.

Mr. Speaker : The motion moved is—

That the Colonization of Government Lands (Punjab Amendment) Bill be taken into consideration at once.

Minister for Revenue (The Honourable Chandhri Sir Chhotu Ram) : Sir, this amending Bill raises a very important point of policy. I have not had time to examine the working of the present provision against which a complaint has been made. Some preliminary enquiry has already taken place and I have gone into a few cases to see whether the discretion which now lies with the Colonization Officer to confiscate those grants is

being harshly exercised. I have not been able to get all the information which is necessary for the decision of this case. When that information has been collected and sifted I shall be in a position to say whether the evil exists to a sufficiently large extent to justify this amendment, and whether the discretion which now rests with the Colonization Officer is being exercised with any hardship. If it is found that the evil exists on a very large scale or that the discretion is being used harshly, then I shall introduce a Bill myself to make the necessary amendment. In the meantime if the honourable mover or any other honourable member of the House, interested in this question, sends any information to me or expresses any views to me I shall be very much obliged.

Mr. Speaker : Does the honourable member wish to withdraw this Bill?

Tikka Jagjit Singh Bedi : Sir, as an assurance has been given to me by the Honourable the Revenue Minister I have no hesitation in withdrawing the Bill, but at the same time I would like to remark that one should not be punished twice for the same offence once when the man is sent to jail and again when his land is confiscated. It is not only he who suffers by the confiscation of his land but his children who are his dependents suffer very badly also. I would therefore request the Honourable Minister to treat this Bill very sympathetically and if he can help the poor tenants and the poor grantees I shall be very much obliged to him. Again I submit that I have no hesitation in withdrawing the Bill and I am fully confident that Government will look into it with great sympathy.

The Bill was by leave withdrawn.

RESOLUTION.

CONTROL OF WHEAT PRICE.

Mr. Speaker : The Assembly will now resume discussion on the resolution which was moved the other day by the honourable Chaudhri Muhammad Hussain.

Sardar Lal Singh : Sir, I rise on a point of order. The resolution as worded now has become out of date.

Mr. Speaker : Three amendments are proposed to be moved on that point.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I want to say something on this point since there has been a great change and since last Thursday, the price has been controlled. I move the following amendments so that it becomes in order even to-day. My first amendment is—

That in the 4th line of the Resolution, for the words "expressed their intention to institute", the word "instituted" be substituted.

My next amendment is—

That in the lines 6 and 7, between the words "grower" and "duty", the words "no control be instituted while on the other hand", be inserted.

My third amendment is—

That in the last line, the words "from December, 1941" be deleted.

[**Mian Muhammad Nurullah**]

The resolution, when amended, would read thus—

This Assembly recommends to the Government to convey to the Government of India this Assembly's emphatic protest against the low level of wheat price at which the Government of India have instituted control and further to convey to the Government of India this Assembly's considered view that in order properly and adequately to safeguard the interest of the grower, no control be instituted while on the other hand duty on the import of foreign wheat should be restored to its previous level.

(At this stage Mr. Speaker left the Chair which was occupied by Mr. Deputy Speaker.)

Therefore I would like to speak on the resolution as amended.

Mir Maqbool Mahmood : Sir, may I know whether these amendments proposed by my honourable friend opposite will be put to the vote separately or collectively? It is possible that they may be different as regards certain aspects.

Mr. Deputy Speaker : They will be put to the vote of the House separately.

Mian Muhammad Nurullah : Sir, during the last price control conference some honourable members of this House had been to the Government of India to represent our point of view. I had written a long letter to one of the honourable members which he had not the courtesy to reply. In that letter I suggested many things on which I wish to dilate to-day. In support of my contention that the price of wheat at Rs. 4-6-0 is too low, I will quote facts and figures. In this connection I would draw the attention of the House to a Government publication in which the cost of production of wheat, sugarcane, etc., is given. Experiments were made in Lyallpur, Jullundur and Gurdaspur. The cost of production of wheat during the years 1933-34, 1934-35 and 1935-36 when the prices of wheat was Rs. 2-2-0, Rs. 2-4-0 and Rs. 2-6-0 per maund, worked out to be Rs. 48-1-4 per acre. Since then there has been great rise in the cost of production. I may also quote for the information of the House various items that go to form the cost of production. They are marketing, seed, manure, irrigation, rates, cost of lifting water (not in Lyallpur), rent, rental value, land revenue, implements, miscellaneous, human labour, bullock labour and so on. There are certain articles that are provided to the zamindar from his own farm and there are others that he has to buy from outside. The prices of almost all the articles that he has to buy have almost doubled. Taking this into consideration we will find that the rise in the average cost of cultivation is from 50 to 60 per cent more than it was before and the amount of Rs. 48 which has been calculated to be the cost of production per acre would come to at least 70 to 75 rupees per acre. This divided by the basic settlement yield of 14 or 15 maunds per acre will bring it to about Rs. 5 per maund. I, therefore, strongly protest against the price being fixed at Rs. 4-6-0 which is too low, it does not even cover the cost of cultivation. That was why I gave a notice of a resolution that no control should be instituted on the price of wheat unless the price goes above 5 rupees.

There is another point of view to support my contention. The zamindar has to buy many things; he has to buy sugar; he has to buy clothing, he has to buy salt, kerosene oil, cotton seed, oil cakes, iron implements

and so many other articles of necessity for his use. If you make a list of these articles and calculate the rise in price of these articles, you will find that sugar has gone up from Rs. 12 to Rs. 20. If he was using sugar worth Rs. 12, he would now consume the same amount at a cost of Rs. 20 or 21. Similarly, his cost on clothing has risen from Rs. 70 to Rs. 158, on salt from Rs. 4 to Rs. 8, on kerosene oil from Rs. 4 to Rs. 5, cotton seed from Rs. 25 to Rs. 35 or 37, bags from Rs. 6 to Rs. 10 and so on. I can count so many things. If you take into account all these articles and if he spent roughly speaking Rs. 188 he would now be required to spend nearly Rs. 260—exact calculations with prices as they stand to-day would show an increase of 90 to 100 per cent—practically double and since the latest change in the international situation, the prices have shot up still higher. The price of wheat in 1938 was Rs. 2-6-0 and in 1939, it was Rs. 2-8-0 per maund and bearing in mind the fact that the prices of other articles have doubled, as I have shown the price of wheat should at least be Rs. 5 a maund.

Now, sir, I come to the conditions of the zamindars. They form 87 per cent of the population of the province and if these people stand to gain by a rise in the price of wheat that means that 87 per cent of the population would be benefited and if they are happy, the kamins will prosper, the labourers will prosper and all those who depend upon or are connected with agriculture will prosper. Not only that. Their purchasing power will increase which would naturally help the industries and the urbanites will also flourish so that there will be prosperity throughout the country just as it was during the last few years of the last war.

Again, sir, I will draw the attention of the House to a publication of the Board of Economic Enquiry, Punjab. It contains family budgets of 26 cultivators in the Punjab during the year 1938-39. It will be seen from this report that the average surplus or deficit for that year in the budget of a farmer in Risalewala which is not very far from Lyallpur was as follows. The average income amounted to Rs. 330-15, the expenditure worked out to be Rs. 386-98, which means that there was a deficit of Rs. 6-78. Now if that was the condition then, honourable members can very well imagine what the condition of the zamindar would be now.

Now, sir, I will quote the details of the expenditure of these farmers and you will come to know how the things stand. He has to spend on food, dress, travelling, fuel, medicine, and so on; items which constitute his expenditure. You will find on page 39 of this publication that out of a total expenditure of Rs. 386-98, his own farm supplies things worth Rs. 157-02 for his use and he has to purchase articles worth Rs. 179-91, he has to purchase food worth Rs. 55-58, clothing worth Rs. 56-48 and so on. In the next column you find that his own farm furnishes him 47 per cent and he has to buy articles amounting to 53 per cent of his total expenditure. If we now assume that prices of things which the cultivator has to buy have doubled, it will be very difficult for him to keep his body and soul together and to maintain his family unless price of his produce is allowed to go up. He will have to spend about Rs. 360. It means that he will have to spend Rs. 24 more, as I have shown above, and further he will be divested of his profits. Therefore, if the price of wheat is not allowed to rise and adjust itself according to the law of supply and demand, the result would be that

[Mian Muhammad Narullah.]
 a tenant of Risalewala farm will lose Rs. 825 every year. Upon the price of wheat depends the prosperity of the zamindar. Instead of helping a cultivator during these days of war they are brushing aside his profits and making him run into debt. This Government has been passing legislation during the last years to save zamindars, but if the price is controlled he will be ruined. I have proved that controlling wheat price at Rs. 4-6-0 per maund is absolutely unjust and against the interest of the zamindar. Friends ask me what would happen to labour? I have every sympathy with labour. Unfortunately Punjab is not an industrial province. Had it been so it would have been different, but we are agricultural people. Our main stay is agriculture, therefore we must be treated differently by the Government of India. It is very unfortunate that the Government of India has come down upon the zamindars of the province. They have not made any planned economy. If they had made and planned a scheme they would have put control at least one year before and also controlled many other things. Wheat is the only crop by which we hoped to make some money, price of cotton has already gone down by Rs. 2 within a few days. It may be that the rise in price of wheat is only temporary. In this connection I may point out that there have been fluctuations in the price of wheat. In the year 1929 it was 5-7, in 1930 it was 3-2, in 1936 it was 2-8 and it went up to 8-5 in 1937. In 1938 it again went down to 2-6.

During the last 10 years the price of wheat has been so low that it hardly covered the cost of cultivation. Therefore, the resources of the cultivator have been completely depleted. The present was the opportunity for him to improve his condition and now the Government has come in. I fail to understand why they should single out wheat for price control. Why not rice? It will be interesting to know that we produce more rice than wheat. Total production of rice is 25 million tons while that of wheat is hardly 8 to 9 million tons. Rice is also an important staple crop of India. This control, I think, cannot have the desired effect. I will show how. A shopkeeper may sell one maund of atta and one maund of maize flour and show in his books double price against maize flour—because there is no control on it—and show the scheduled price against wheat flour, while actually he charges more for wheat. That is why I say that Government has not planned the whole thing. Perhaps, it might be urged that the object in view is that this will help in the war effort. I submit that there are other methods which the Government could adopt. They could levy some sort of tax on the sale of produce by big sahukars and landlords. The poor zamindars must be left alone.

Dr. Sir Gokul Chand Narang asks me whether there is surplus stock with the zamindars to sell. I know that we have no crop with us. It has passed out of our hands. But I am against this control because if it is once instituted it will continue to exist and at the time of the next harvest we will suffer. Lyallpur has been very unfortunate. There prevails the sliding scale system of land revenue. Under this system Rs. 8-12-0 is the limit fixed up to which limit with the rise in the price of wheat land revenue also rises and we have to pay more. It is after that limit that some relief comes to the zamindar, but now the Government has come in to control it at a price which under the conditions prevailing is not even a just price.

If you allow prices to go up now as you did in the last war though the zamindars may not benefit immediately because they have sold their stock already, still at the time of the next harvest they may get some benefit. This fixing of the price of wheat at Rs. 4-6-0 is very harmful because we have been suffering from heavy indebtedness and heavy land revenue during the past ten years and this is the time for us to recoup and improve our condition which was a famished one due to the depression of the past ten years. It may be said that wheat is required for military purposes. But the Government can afford to pay the enhanced price. It is essential the Government should see that 87 per cent of the population which depends on agriculture should be kept happy. It is very unfair that Government should control the price of wheat and thus make them unable to make some money. How can you ask him at the same time to give handsome donation and carry on in the war effort? If these agriculturists are kept happy they would supply you good recruits—the man power which is equally necessary. Money you can raise for some time. Money can come from sources private or public. But man power you cannot have so easily. If you really want man power you must keep these zamindars, the back-bone of the Punjab happy and contented. If you do not control the price of wheat at Rs. 4-6-0, if you allow the prices to go up, the zamindars will flourish and naturally they will only be too glad to help the war effort in all respects. That is one reason why the price of wheat should not be controlled.

It may be argued that if price is not controlled labour will suffer. I have great sympathy for labour. I am also sure that my honourable friend Lala Sita Ram will oppose this resolution in the interests of labour which he represents. But in any country with the growth of prosperity, industry must flourish. Profits will go up. If the profits go up labour should have a share of them. (*Hear, hear.*) If an industry which was making profit of 30 lakhs before the war; now on account of the war makes a profit of 80 lakhs, labour should certainly have a share of these extra 50 lakhs. There is no reason why labour should not have a share of these extra profits to earn which the management has done nothing—profits which are due entirely to causes outside their control—to earn this windfall. Labour must be made a partner in any industry and that is how you can solve this question of labour.

Then comes the question of unrest. I submit that if 87 per cent of the population is kept happy there should be no unrest at all. When the price of wheat rose to Rs. 11 during the last war there was no unrest. Next comes the problem of the class of people who are unemployed. In their case it is the duty of the Government to find employment for them and give them reasonable rates of pay. If they can't find work for them they should be given a dole or cheap grain shops opened for them. Then comes the class of people who are drawing regular pay. In their case the rise in price is sure to affect them adversely. Remedy in their case is that their pay should be raised. Government by the sliding scale system of land revenue will get enhanced land revenue on account of the rise in prices. This extra revenue can be spent in giving increased salaries. Therefore the argument that so many people will suffer, that labour will be put to inconvenience and so on, all these fall to the ground, if proper remedies are applied.

[Mian Muhan mad Nurullah.]

I should like to draw your attention to this famous book—Government Price-fixing by Jules Backman—which criticises in a scientific way how things stand at present, what should be done to control prices and what would be the effect of such control of prices, whether it is possible to control prices or not and so on. I should like to read to the House some relevant extracts from this book. They will be useful for the Government of India also.

A different procedure is suggested when the objective is to protect consumers against extortionate prices and to allay social unrest.

That may be behind the mind of the Government of India people who have set up this price control.

This problem usually becomes important during periods of war when shortages of materials are attended by sharp price rises and public resentment against profiteering. This objective may also be important during peace time as evidenced by the system of maximum price fixing in effect in Germany to-day. On the other hand, prices may be fixed at high levels in order to encourage expansion in the production of certain products.

I should like the Honourable Minister for Revenue to listen to these remarks. They will be very useful to him when he attends the next conference with the Government of India. If you let these prices go up, wheat would be cultivated in every acre of inferior land that is now left uncultivated, because after all it will pay the zamindars to cultivate wheat in every available area. Consequently the Government will get more land revenue on land which is now lying waste.

The trend towards national self-sufficiency in connection with wheat, for example, has been attended by the imposition of high minimum prices in many countries.

Did you ever care for the zamindars when the price came down to Re. 1-6-0? Did you stop price falling below Rs. 2? You never cared for the zamindars. When the Provincial Government or the Government of India did not come to their help—then it does not look fair now to control prices at Rs. 4-6-0. The same formulæ should be applied—if no minimum was fixed no maximum need be fixed now.

These high prices give an incentive to producers, with inferior land and equipment to expand their output because of the assurance that it can be profitably sold. During war time the needed supply of important commodities is also frequently attained in this manner.

The more crops there are the cheaper they will become automatically. Then the country will become self-sufficient and the Government also will get increased land revenue :

Finally, the Government may act to fix prices because of fiscal considerations. The aim may be to keep down the cost of acquiring supplies, as in times of national emergency, or as a source of revenue. For example, in Latvia when the price was fixed for flax the effect upon public revenue was an important consideration.

May I know what is the real object of the method that you are now adopting? Each object requires a different technique for the solution of different problems. We have not so far been informed as to what the problem is and what the solution is which they want to adopt. If we know the problem perhaps we may be able to suggest some better solution.

This diversity of objectives requires the adoption of different price-fixing techniques for their attainment. To cite two extreme cases, the reduction of world stocks is usually accomplished through production limitation devices which are the

exact antithesis of the methods used when an increased output is the goal. It is in this variety of aims and purposes that the explanation is found for so many different methods of price-fixing.

Here I would ask the Honourable Minister who represents us in the conference with the Government of India to let us know what is their object and how they propose to achieve it. (*An honourable member: Exploitation.*) I do not know. I should like to read another relevant extract from this book for the benefit of honourable members in this House.

In the preceding paragraphs the leading maximum price-fixing experiments which have been undertaken by Governments were indicated. The question that must now be answered is, what have been the consequences of this method of interference with competitive price making?

When a maximum price is fixed, it can be set at one of three levels as compared with that which would tend to prevail under free competitive conditions: it can be higher, it can be lower, or it can be just equal to it. If the price is to remain fixed for any length of time, it seems likely that the third situation, namely, that the price is just "right", will not exist very long, since, under competitive conditions, the price tends to fluctuate with variations in supply and demand. In addition, it would be unnecessary to interfere with prices if they were to be set at levels equivalent to those which would prevail under competitive conditions.

If the maximum price is fixed higher than that prevailing in a competitive market, no important maladjustments will develop since the price in the market would, in all likelihood, rule at the lower level warranted by competitive forces. There seems to be little question that this would be the case, since persons insisting on selling at the higher maximum price would lose business to their competitors who would sell at the lower prices (in the absence of monopoly or co-operative action).

Mr. Deputy Speaker: Will the honourable member please wind up? He has already spoken for 35 minutes?

Mian Muhammad Nurullah: Please give me five minutes at the most—

"The third case"—this is the case that applies to us—"The third case, namely, that the price is fixed at a relatively low level as compared with the price determined through competitive supply and demand forces, is the important one. The fact that maximum prices are being fixed is usually an indication that prices would be higher in the immediate future if competitive conditions were to determine their level. If this were not the case, there would be no clamour by consumers to have maximum prices fixed and the incentive for doing so would be lacking.

The maximum price-fixing is not always the most advisable method of correcting the underlying maladjustments was emphatically pointed out recently by Carl F. Goerdeler, the former Commissioner of Price Controls in Germany. In view of the extensive adoption of maximum price-fixing in that country, Goerdeler's observations carry particular weight.

"... it is not sufficient to establish maximum prices. Whenever possible a country should not resort to price regulation when it can prevent prices from rising by increasing production".

They are not doing that here. They are acting otherwise.

"Rising prices will immediately stimulate more production and at the same time will reduce consumption.... Whoever attempts.... to set a maximum price must also be prepared to pin wages and public contributions (taxes, social security, unemployment insurances, etc.), at a fixed level".

which the Government of India have not done in this case.

"And this would mean nothing less than creating a planned economy".

In the absence of a planned economy there is no justification to penalize the poor zamindars. I therefore support the resolution moved by my

[Mian Muhammad Nurullah]

honourable friend Chaudhri Muhammad Hussain. I am thankful to him for giving us an opportunity to express our views on the question. I hope the House will pass the resolution after adopting my amendments.

Mr. Deputy Speaker : Resolution under consideration, amendments moved—

That in the 4th line of the Resolution, for the words, "expressed their intention to institute", the word "instituted", be substituted.

That in the lines 9 and 7, between the words "grower" and "duty", the words, "no control be instituted while on the other hand", be inserted.

That in the last line, the words, "from December, 1941", be deleted.

Sir William Roberts (European) : I would like to say something in favour of the general resolution. I am not speaking on the amendment at the moment. If we look on the policy of the Government of India with regard to wheat, we can see that they are extremely uncertain and erratic in their policy and in the control which they have introduced now; they are even inconsistent. About ten years ago in order to enable India to supply Bombay and Calcutta with wheat and in competition with Australian wheat, they introduced an import tax. This was done in the regime of Sir George Schuster, who was then the Finance Member. Then his successor reduced this duty to half and later still took it away altogether. It was reimposed about two years ago by the present Finance Member at Re. 1-8-0 per hundredweight, only just about a rupee a maund, and as you know a couple of months ago all except two annas of this was taken away and only two annas import duty was left and a few days ago this remaining two annas was taken off. By introducing this step the Government of India admitted that Indian wheat required at any rate fair treatment and protection in India. Now if you import Australian wheat into India, the price a week ago, — I have checked up the figures with a reliable Karachi firm — in Karachi was Rs. 5-8-0 a maund, although Australian wheat is not as good in quality as Indian wheat, it is softer and it does not make as good bread. Well, that is the price at which you can import it to India. If the controlled price is Rs. 4-6-0 in Lyallpur, that is equivalent to Rs. 5-2-0 or Rs. 5-3-0 in Karachi. In other words, the Indian taxpayer is going to be asked to subsidize Australian wheat to the extent of five or six annas a maund. Instead of protection the country is asked to spend on the importation of foreign wheat — Empire wheat is foreign to India—at the expense of the Indian tax-payer.

I am not asserting that the price of Rs. 4-6-0 in itself is unreasonable. I do not think it is. But the effect of control when you are not controlling anything else is going to be bad. Take, for example, the question of other matters — steel and cotton goods. The import duties on them are much higher than the import duties on wheat, and although the prices of these have arisen very much more than the price of wheat has risen, these duties still remain. In the case of steel, iron hoops which are used for pressing cotton which were Rs. 9-1-0 per cwt before the war are now quoted at Rs. 81 to 82, that is nine times the pre-war price. In the case of cotton, we in the Punjab still get for the best Punjab cotton only eight annas a pound. The yarn from this used to be sold before the war at ten annas or ten and a half annas per pound. Now it is sold at Rs. 2 or Rs. 2-4-0 a

pound. In other words, even if you allow eight annas as the price of cotton — four annas for the cost of manufacture and four annas for tax and for return on the capital, etc. — there is a clear profit of Rs. 1-4-0 a pound or Rs. 500 per bale. In other words, the Punjab farmer grows the cotton, gins it and bales it for Rs. 200 and the manufacturers sell it as yarn for Rs. 800 a bale and make a clear profit of Rs. 500, that is two and a half times the cost of cotton. And yet the cotton piece-goods or yarn duties have not been removed.

Dr. Sir Gokul Chand Narang : What about E. P. T. of which the wheat growers are probably exempt ?

Sir William Roberts : That effects it too, but there are mills in Bombay which have made a crore or a crore and a half on account of which they pay no E. P. T. because of loss. If you study the E. P. T. law, you will find that a great many mills can escape paying very much. A mill with a large capital does not pay a large profit if it has to pay any debt. Even a mill which has been paying consistently fairly good dividend when they were selling yarn at ten and a half annas per pound is allowed to make that profit and only pay off the excess. There is nothing like the amount taken off them that is taken off the agriculturist by an unnatural fixing of prices.

Take again the position of the growers, you cannot keep one crop separate from other. In the Punjab to the extent of 46 per cent of its produce of cotton, it is *desi* cotton. This *desi* cotton is only used by Indian mills to the extent of 17 or 18 per cent, and all the other 80 per cent finds its way into the foreign markets and these foreign markets are completely closed now. I know that 80 per cent of this crop is grown generally in the eastern portion of the province. The scheme which the Government of India are propounding is to ask the growers to reduce the area of cotton. The only other subsidiary crops he can grow are millets and maize. The price of these will be kept down by controlling wheat. If you keep the price of wheat down you also automatically keep the prices of other commodities down, especially the crops whose prices are affected by the control of wheat prices.

Then again comes the war effort. As pointed out, India is a natural granary for the Middle East, for Persia and also for Malaya. If you allow the prices to go down, it tends to make other people grow less wheat. By artificial import you will restrict this expansion entirely and I know that within six months war situation will be such that the Government of India will have to revise their policy and if they do so, they will be doing it after doing very great damage by trying to control one crop only.

Another point. When this duty was introduced, it was introduced always from year to year. We do not know by the time January and February come, what is going to happen. In the first instance the duty is put on commodities like steel and other things for 3 or 5 years. At any rate some period must be fixed. The farmer never knew from year to year, if it would be taken off or reduced in spring. Neither the growers nor the manufacturers should remain in suspense. Prices enhance on account of Railway freight. About 20 months ago they were enhanced on account of this fact. Memory in this country is very short. Last year the prices

[Sir William Roberts.]

had continued almost at pre-war level and the Finance Department in reply to a question said that there was no intention of putting any further Railway freight increase unless the prices of agricultural produce rose. I think it is necessary to protest against this control because the Government of India are ignoring the interest of 88 per cent of the population of this country by introducing one-sided control. (*Applause.*)

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muhammadan, Rural) (*Urdu*): I rise to lend my wholehearted support to the original resolution. Well, Sir, the present world war which has engulfed almost the whole world, is a precursor of destruction and red ruin. It is bound to unhinge the economic system of our country. As a result of the war conditions, the prices of necessities of life have risen enormously. Now the zamindar of the Punjab mainly grows wheat. In order to keep his body and soul together, he has to purchase the necessities of life with sale-proceeds of his produce. But it is a thousand pities that the Government of India have instituted a control over the price of his wheat. In other words on account of this most unjustified price control the zamindar will get much less for his commodity but will have to pay much more for purchasing other articles, the prices of which are soaring equally high. I consider this action on the part of the Government of India as most unfair, iniquitous and uncalled for. I fail to see why the Central Government should accord this step-motherly treatment to the zamindars. You will observe, Sir, that the zamindars constitute 87 per cent of the population of the province. It is these people who provide the bulk of the total strength of the Indian Army. They have chosen to undergo sufferings and privations at different theatres of war so that the hearts and homes of the Indians may be safe from the depredations of the aggressors. It is they who are shedding their precious blood and laying down their lives unhesitatingly and sacrificing their all in order to preserve the safety and the integrity of our motherland. But what is the reward they are getting in return? The Central Government have been influenced by the hue and cry of a handful of capitalists and traders, with the result that the Government of India have overlooked the sacrifices made by the denizens of the Punjab and have deemed fit to institute control over the price of wheat. I may point out that even the late lamented Dr. Tagore, whose breadth of vision is undisputed, spoke in very eulogistic terms about the sacrifices of the zamindars in every sphere of life. He described those persons who indulge in mere tall talks as unpractical men, because at the time of need they hesitate to make sacrifices. But the zamindar is ever ready to stake his all for the sake of his country. He has proved his worth at the front as well as in his field. He can wield sword and plough with equal dexterity. But the pity of it is that all this has been ignored and the only commodity which is the main source of his income and by the sale of which he could meet his requirements, has been brought under control. I am of the opinion that so long as his standard of living is not raised and his purchasing power not brought into consonance with the former, no restrictions should be placed on the wheat price. He should be allowed to earn profits and thereby ameliorate his condition. We should not think that comforts and other necessities of life are only the prerogatives of the rich. The poor

zamindar is also a human being. He, too, stands in need of decent clothes, good food and respectable house to live. My honourable friends over there perhaps think that the zamindar, like Mahatma Gandhi, can forego such things and pass the days of his life with a *langoti* tied round his loins. They should better get rid of such ideas. I, therefore, hold the view that unless the articles of necessity like cloth, steel, etc., are controlled, his produce of wheat should not be subjected to any restriction. With these words I strongly support the original resolution.

Pir Akbar Ali (Fazilka, Muhammadan, Rural) (*Urdu*): Sir, the object which this resolution wants to achieve, has my fullest sympathy. We have to see whether any benefit accrues to the grower for whom we all profess to do a lot. Now wheat is the staple commodity produced by the zamindars of this province. But let us see what was the price of wheat which prevailed some time ago. It ranged from Rs. 1-8-0 to Rs. 2-8-0 or at the most to Rs. 3 per maund. In other words at the time of harvest i.e., in the months of April and June the prevailing price was at a low level and the zamindar was obliged to sell away his stock to the grain-dealer or the stockist at that price. Evidently he has been deprived of the benefit which the present high prices could bring him. Besides, he can earn profits as a result of rising prices, only if the stock of the grain were lying with him. But he has already parted with it. Then, Sir, after the month of June not a single grain is left with him. He is compelled to sell his produce in order to meet his own requirements as well as the Government dues. I would not be exaggerating facts if I say that when he stands in need of seed for sowing wheat, he has to buy it at a rate much higher than at which he sold his produce. Ordinarily he purchases wheat for this purpose at the rate of 7 or 8 seers per rupee.

In case of industrialists it can be said that they can stock their goods with the hope of disposing them off in future when the prices of those particular goods would rise. But at the same time my friends should also bear in mind the fact that when those goods are sold the possession for industrialists does not stand. Similarly as long as the commodity is in the possession of zamindars it can be sold on the prevalent prices and the moment it is sold the zamindars cannot touch it. The pity of it is that the zamindars can never keep their commodity in their houses for they have to meet several requirements at the time of harvest for which they have been postponing many of their expenses. Now I think this point has been made crystal clear to the House that when the wheat or some other commodity is sold in markets the zamindar has nothing to do with it and if after the disposal of that commodity the prices rise, the benefit would directly go to the Shahukar or the purchaser and not to the zamindar. It is very well known to everybody that at the time of Rabi or Kharif crop the prices are generally low and the zamindars at the same time have to pay the land revenue to the Government exchequer. In addition to this as I have already submitted the zamindars are to purchase other necessities of life at the time of the harvest. They cannot therefore help selling their commodity in the markets at the then prevalent prices. If the Government is really desirous of helping the poverty-stricken zamindars of the province I would suggest to them either to decrease the percentage of the land revenue or to postpone it for the time being. In my

[Pir Akbar Ali.]

opinion these are the appropriate measures to be adopted if ever the Government is keen to do something substantial or practical for the poor zamindars. It has also been argued that most of zamindars keep their commodity in store for selling it at better prices. This argument, I am confident, does not hold good. You are aware of the fact that in this province 83 per cent of the population live on agricultural produce and I would like to ask the advocates of this resolution to let me know as to how many zamindars, out of 83 per cent population can afford to store surplus wheat in their houses. The fact is that only 3 per cent can keep any wheat with them. Therefore to say that most of zamindars stock wheat in their storehouses would be most unreasonable on the part of the Government. Sir, it is all very well to say that this resolution would benefit the zamindars of the province. But as the fact is there I must tell the Government that they cannot by saying so, befool the whole world and I should also point out that this proposition will not solve the prevailing condition in the province. Sir, I am one of those who firmly believe that our Government should urge upon the Central Government to persist in instituting the wheat control. But I am afraid our Government perhaps did not take into consideration the fact that the people would begin to die of starvation, if no control was instituted on the price of wheat. My submission, therefore, is that the Government should not miss this good opportunity but they ought to adopt measures by which the number of already starving people may not be increased. For instance take the case of villages of any district. Even there out of the whole population not 90 but 95 per cent people are so poor and hard up as they have to work for their livelihood from sunrise to sunset and with the small amount of money earned they can hardly keep their body and soul together. Then, I do not understand why my honourable friends are oblivious of the fact that the number of petty zamindars is greater than that of big zamindars or land-holders. Now let us consider whether the price fixed by the Government of India would do any good to the petty zamindars who are suffering from acute poverty. It will not prove beneficial to petty zamindars because the petty zamindars, as I have submitted, have already disposed of their produce in the market or to the big zamindars. Therefore the only man who would ever derive benefit from the passage of this resolution is the proprietor or the big zamindar who may have stored surplus wheat to be sold on higher prices. Now this point has been made clear that those who contend that if the price is not controlled it will be to the good of the petty zamindars, are not saying the correct thing. I think that a person who has any sense of justice and fair play would never like the idea of adopting such a measure by which the limited number of big landlords are benefited at the expense of petty zamindars.

I would also like to say a word with regard to the necessities of life of a zamindar. Let me ask, have my friends ever considered of other necessities of life which in case of zamindars are of equal vital importance as wheat? The honourable mover of the resolution has referred to salt which is one of the most important necessities of life without which none can do. In this connection we must attach equal importance to cloth as well. Have the Government ever considered to take steps to control the

price of cotton which has been selling out at the price say Rs. 5 per maund while the cloth is very dear now-a-days? I do not understand why much stress is being laid on wheat and wheat alone and why no provision is being made for granting more facilities to zamindars so far as other necessities of life are concerned. I am, however, of the opinion that if the Government is really out to help the poor zamindar it should first of all see that there is no dearth of wheat in the province on which the economic prosperity of a zamindar depends and with his prosperity is allied the prosperity of the province. I may suggest that another remedy to bring about prosperity among this class of people is to make serious efforts to raise the price of wheat at the time of harvest when the wheat is generally lying with the petty zamindar and not with the shahukar or stockists. I am sure by doing so the Government can do much service to the zamindars; otherwise measures adopted on wrong lines like the present proposition would do absolutely no good to them. I think I need not repeat this point as the Government is well aware of it already that at the time of the harvest almost the whole wheat goes to the markets for sale. And to protect the zamindar from the highhandedness of Sahukars and the marketing people the Government has already enacted the Marketing Act. But, it is a pity that it has not taken steps to get it strictly enforced in the province. This could help the zamindars a lot. But nothing has been done in this connection so far. If the Government is eager to help the zamindar I would suggest to them to reorganise the beneficent departments such as Co-operative Societies and others which have been established mainly with a view to ameliorating the lot of the poor zamindar. What I want to drive at is that these departments are in name only and their activities are limited. The Government should therefore reorganise them and increase their scope so that they may prove more useful and beneficial to the zamindar; and also help them to get better price for their produce. I am at a loss to understand as to why the Government is attaching importance to one of the necessities of life of a zamindar and neglecting others which are of equal importance. For instance salt. Its price is rising now-a-days. It has been said that owing to the transport difficulties and unavailability of railway wagons, the price of salt has risen. May I ask, when there were no lorries what was the arrangement? How was it carried in those days? My submission is that the Government should look into this matter as well. In the end I may once again sound a note of warning to the Government that the result of this resolution will not be to the benefit of the zamindar although the object which this resolution wants to achieve is admirable. I would, therefore, submit that the Punjab Government should urge upon the Government of India to hold out a solemn assurance that they will remove the control at the time of the next harvest. With these few words, I close my remarks.

Sardar Bahadur Sardar Ujjal Singh (Western Towns, Sikh, Urban): Sir, control of price of an agricultural commodity like wheat and at a rate at which the Government of India has been pleased to fix is likely to affect this province more adversely than any other part of India. It should be remembered that nearly 85 per cent of the people of this province depend directly or indirectly on agriculture and that out of a total output of ten million tons of Indian wheat, this province produces as much as

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three million tons, that is, about 80 per cent of the total Indian production. In considering the subject matter of this resolution two questions arise. Firstly, is the Government justified to institute any control on the price of wheat, and secondly, whether the price fixed by the Government of India, viz., Rs. 4-6-0 at Lyallpur market, is a fair price. Soon after the outbreak of War in September, 1939, the Government of India thought of controlling prices of various commodities. Probably the Government had experience of the last Great War when the prices soared very high and middleman mostly made huge profits. The idea was to check profiteering and people thought that ostensibly the idea at this time was also to control profiteering, but to control the prices of agricultural commodities is entirely on a different footing. A distinction should certainly be made between profiteering and profit earning. Profiteering is selling commodities to consumers at a much higher price than the replacement cost of the said commodity; whereas profit earning is the legitimate gain to a person for his goods due to changes in the demand and supply of those goods. Now, Sir, unfortunately the Government of India did not take into consideration the fact that whereas prices of many other commodities soared very high, for example, steel, drugs, coal, salt, timber and many other things, from 200 to 900 per cent, the price of wheat had only risen by about 50 or 60 per cent since the outbreak of the war. The Government of India thought of controlling the prices, but they did not take into consideration the fact that during the depression period, since 1929 up to 1939, well over a decade, the plight of zamindars has been most miserable. I would like to quote a few figures to show to what extent the growers, the rural population in general, has suffered on account of that unparalleled depression since 1929. If we were to take the price of wheat alone it would be seen that in 1928-29, the total wheat crop of the Punjab was valued at 35 crores and 52 lakhs; and in 1933-34, when the price was not at its lowest level but had risen to Rs. 2-2-0 in markets the total value of wheat crop was 16 crores and 16 lakhs that is a difference of 19 crores and 36 lakhs in one year. If you compare it with the price of 1930-31, the difference would be near about 25 crores. So, for 10 years consecutively, the zamindars of the Punjab have been suffering a loss on account of low price of wheat to the extent of nearly 20 crores a year. But if you take the prices of other commodities also.—I mean the total value of say about 8 or 9 principal crops, it will be seen that the total value of those crops in 1928-29 in the Punjab was 76 crores and 78 lakhs; whereas in 1933-34 it was 40 crores and 11 lakhs, that is, a loss of 36 crores and 67 lakhs a year. I have taken these figures from a publication of the Board of Economic Enquiry, Punjab. Growers have been suffering a loss of nearly 37 crores a year for well over a decade. But the Government of India did nothing to help them. Whereas in other countries Governments came forward with their new schemes for the relief of growers, the Government of India sat watching like an indifferent spectator. All the resources of agricultural population were depleted during the depression period. We have been hearing of distress gold coming out during these depression years and practically all the gold that was offered for sale in the markets was distress gold. When at long last an opportunity has come for the cultivators on account of this war to recoup

their resources, the Government of India has thought fit to deprive them of their legitimate profits. I would like to quote the opinion of the Federation of the Indian Chambers of Commerce and Industry to show that it is not only the agricultural classes who are against the control of prices of agricultural commodities, but the business community also is against it, because on the prosperity of the masses of this country depends the prosperity of the country as a whole. The masses of this country constitute mainly of petty landowners, agricultural tenants and agricultural labourers who are mostly paid in kind. The business people also realise that if the agricultural classes are prosperous their purchasing power would increase and with the increase of purchasing power of the masses, the industrial development in the country is ensured. It is for this reason that the Federation of the Indian Chambers of Commerce and Industry in a letter to the Government of India pointed out in clear words as follows :—

The Committee of the Federation are wholeheartedly in favour of any steps that can be taken to stop profiteering, but to control prices in such a manner that the return to the agriculturists will suffer, would in the opinion of the committee be completely unjustified and the committee feel it their duty at this juncture to bring to the notice of the Government of India and the public at large that it would be unfair to the Indian grower if the return to him for his raw commodities either exportable or consumed in the country is interfered with.

This is a very clear and emphatic opinion of the highest chamber of businessman. Now, Sir, I might be allowed to say that in France, soon after the war broke out, the control was instituted over prices of various commodities, but the French Government took care not to control the prices of agricultural commodities at all, for the simple reason that every country wants to be self-sufficient in articles of food. With regard to the United States of America, I have got in my hands a cutting of the Statesman of the 8th December, 1941, which gives some information about the Bill by which prices are sought to be controlled in that country. The important point in that Bill is that the Executive is prohibited to fix the price level of agricultural commodities below the average of 10 years, 1919 to 1929. The exact words are :

Although the Bill empowers a single administrator to impose ceilings where prices of commodities become inconsistent with the general price structure.....
It further prohibits establishment of farm price ceilings below the average of 10 years 1919—29.

If prices of certain commodities show a particularly high rise as compared with the general rise of prices then there is a case established for controlling the prices of those commodities. For example, if a certain commodity rises by 200 per cent or more, then certainly there is a strong case to control its price. But if the price of a commodity does not rise beyond the rise in prices as in the case of wheat, then no case for control arises at all. Now, Sir, the only justification which can be put forward for controlling the price of wheat, is a rise in the cost of living due to a rise in the general price level. The wage earners and the salaried people may be put to great hardship on that account. I quite admit that when the prices rise generally and consequently there is a rise in the cost of living, wages must simultaneously rise. There is a strong case no doubt for raising the wages. I should certainly say that the industrial people, the business people and all the employers should consider most sympathetically the question of

[S. B. S. Ujjal Singh.]

raising the wages of their employees. The Government and business concerns have already decided to pay dearness allowance to their employees from 5 to 12½ per cent.

Now, Sir, the second question is whether the price of Rs. 4-6-0 per maund fixed by Government is a fair price. I would like to quote the price level which prevailed from 1919 to 1928-29. That was not a period of war. The prices I am going to quote from this book—a publication of the Board of Economic Enquiry, Punjab—are harvest prices which are slightly lower than the prices which generally prevail at this time of the year. The harvest price in 1918-19 was Rs. 5-9-0; it was Rs. 6-10-0 in 1920-21. As a matter of fact the price in 1918-19 and 1920-21 rose to near about Rs. 10 per maund but the harvest price was Rs. 6-10-0. In 1921-22 it was Rs. 5-12-0 and in 1928-29 it was Rs. 4-6-0. The average for these ten years is Rs. 4-14-0 per maund. If the Government of India had been a little more fair they should have at least fixed the price at Rs. 5 per maund, as that represents the average of a fairly long period before the depression set in. As I have already stated, in the United States of America the Government is by law prohibited, to establish control of farm prices below the average of the level of ten years from 1919—29; and the average in the case of the Punjab comes to near about Rs. 5 per maund. Another factor to be considered is the cost of producing wheat. In Lyallpur the cost is about Rs. 47 per acre. On that cost during the depression period the grower has suffered a tremendous loss. Even now at that cost there is not much profit which he makes. Due to the exigencies of war and the natural operation of economic law of supply and demand the profit which he might make is a well-earned gain and this profit should not be denied to him.

Another consideration is whether there is any real justification for controlling the price of wheat more particularly when the prices of other commodities have risen much higher. Sir William Roberts has quoted the price of steel and the prices of other commodities. When the prices of other commodities have arisen much higher why should the Government of India come forward and fix the price of wheat alone at such a low level of Rs. 4-6-0 per maund?

Then the last point is, as I have already stated, this province stands to lose more from the fixation of price of wheat than any other province in India. Is this the reward which the Government of India seeks to give to the people whose gallant soldiers are fighting on the far flung battlefields? Is this the way in which the Government wishes to appreciate the services of the people of this province who are doing everything that is possible in the way of war effort and particularly of that class which depends mainly on agriculture and which has passed through critical times? Had they come forward and fixed the minimum price also during the depression period as was done by the United States of America, which purchased surplus cotton and other agricultural commodities of the growers worth crores of dollars, there would have been some justification for fixing the maximum price now. But when the Government of India did not do anything to help the zamindars in times of distress, there is no

justification whatsoever at this time for them to step in and fix the price for wheat at a low level of Rs. 4-6-0 per maund. We should all unanimously enter our strong protest against this action of the Government of India and I hope that the Punjab Government would strongly urge the point of view of this House in particular and of the province in general before the Government of India. (*Hear, hear.*)

Minister for Revenue (The Honourable Chaudhri Sir Chhotu Ram) : Sir, in August and September last complaints began to be heard that the prices of food grains were soaring very high and that they showed a tendency to soar still higher. At the end of September these complaints became so loud and insistent that the Government of India decided to hold a conference in order to consider the advisability of instituting price control. On behalf of the Punjab Government, the Honourable Sir Manohar Lal, the Joint Chief Secretary, the Secretary in the Labour Department and myself attended the conference. A number of honourable members of this House have expressed a keen desire to know the attitude which was adopted at this Conference by the representatives of the Punjab Government. I do not want to make any long speech. But it will be well to give in a few clear words the attitude which was adopted by the representatives of the Punjab Government and in order to see that no room for misunderstanding is left in the description of that attitude, I have reduced it to writing. That attitude may be explained in the following words :—

(1) That the real remedy was a reasonable increase in the wages of labour ;

(2) that a complete justification for a control of the price of agricultural produce would only arise if a minimum price of such produce were also secured to the grower and a control of the prices of the articles of his requirements were also instituted ;

(3) that in view of the fact that with the exception of a few big landlords the average grower had already parted with his surplus produce the Punjab Government would have no objection to the control of the price of wheat for the time being ;

(4) that having regard to the prices of other commodities which then prevailed, control of the price of wheat should not be thought of until after a level of Rs. 5 per maund at Lyallpur had been reached ;

(5) that this minimum, should be subject to periodical revision in the light of other relevant factors ;

(6) that from the 1st April next import duty on foreign wheat should be restored to its previous level in order to secure to the grower a proper price for the produce of the coming harvest.

That is all I have to say.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) : Sir, I rise to support this resolution. It has already been exhaustively dealt with by my friends, Mian Nurullah and Sardar Ujjal Singh and others. I just want to mention a few side-remarks so that our views may be conveyed to the proper authorities above. The price fixed at Rs. 4-6-0 a maund appears to be on the face of it quite reasonable. That is because the price has been

[S. Lal Singh.]

so low all these years that people have got accustomed to the low price. In fact this low price of Rs. 2-2-0, 2-4-0 or 2-8-0 was not the price that this commodity would have fetched in any self-governing country of the world. As I have said this low price round about Rs. 2 a maund was not the actual price of wheat, it was the sign of the helplessness of the poor zamindar. In any part of the world if the price of such an important commodity becomes so low that the producer begins to suffer, Government comes in. But what do we find here? Here all this time Government kept mum and let the zamindar suffer. I am not at all exaggerating. I have seen in my own village people buying pairs of bullocks every three to four years and, working them to ruination and in a couple of years time they die and the zamindar gets into debt to buy more implements and cattle; that has been the plight of the zamindars. Now an opportunity has come for him to get the real value of his produce and now steps in the Government of India to control the price. Government says that the price at the source will be Rs. 4-6-0 a maund; in the cities, as I understand it, it will be Rs. 4-12-0 and when the capitalist wants to buy it, it may go up to Rs. 5 or so. What will be the position? The position will be that the Government of India would not be prepared to let the zamindar sell at Rs. 5-0-0 and have the reasonable price, but it will allow the middleman to get ten to twelve annas as his profit. Government is not prepared to pay the man who fights for the country, who feeds the country and who makes all sorts of sacrifices for the country, but it will allow the middleman to profit all right. I ask the Government, in whose interests, if it is not in the interests of the middleman and the capitalist, is all this being done? If the Government says that it is being done in the interests of the zamindar, where was the Government all this time when the poor zamindar was suffering? My submission is that it is not in the interests of the poorest of the poor, because, as has already been pointed out by the Honourable Minister for Revenue, the real remedy lies in raising the standard of the poor people and in increasing their salaries so that they may be able to pay the real prices of the commodities. I think this is what Government of India should do. This artificial control is not in the interest of the Indians, I call it artificial because nobody is going to profiteer. The fact is that wheat is required for armies fighting outside India defending Europe, Egypt etc. It seems that the British Exchequer has to pay for this wheat and there is no reason why it should not pay. Now, because they have to pay, the Government of India has come in to control prices at a low level so that it may get it cheap. I again submit that this price control is in the interests neither of the poor consumer nor of the producer.

The constitutional question as to how this price control has come in is very interesting. The so-called centre has no right to fix prices for us, because the centre does not fully represent us. Rice prices in Burma have not been fixed and nobody is profiteering. The whole reason is that the Government of India wants to deprive the poor land-holder even of that normal price or sub-normal price as shown by Sardar Bahadur Ujjal Singh, because the average price of wheat was Rs. 4-14-0. There is no reason why it should have been fixed at eight annas less.

In these days if an ordinary villager wants to put up a Persian-wheel he will have to spend something like Rs. 600. This is three times higher than what he spent before. He incurs this expenditure just to improve his own land and when he reaps the benefit of this expenditure there comes in the Government of India to control the price of his produce. For the control that it has instituted the only term I can use is unfair.

In this connection I will say one thing more. I am told that our Ministry was prepared to resign on one question. I will say to them that if there could be any question for taking up that attitude, it is this. They will have the backing of the whole House.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: I know my friend will welcome the resignation of Government.

Begum Rashida Latif Baji (Inner Lahore, Muslim Women, Urban) (Urdu): Sir, this resolution has been under discussion for the last two days. Several honourable members have spoken on this subject but none of them has been able to make me understand as to what the zamindars stand to gain from it. There is absolutely no surplus wheat with them. How can they benefit from the high rate of wheat price? The only class which stands to gain is the class of money-lenders, shop keepers and the capitalists, who have large stores of wheat for sale. Before the Government of India fixed the price of wheat at Rs. 4-6-0 per maund, the wheat flour was beginning to be sold at the rate of 6 seers per rupee. It is only after the control of wheat price by the Government of India that the wheat flour has become cheap again. The shop-keepers were refusing to sell wheat flour in the hope of selling it dearer when the price of wheat would soar very high. It is a noteworthy fact that the Government of the Punjab did not interfere when the wheat was with the poor zamindars and was being sold very cheap. But now when wheat has gone out of the possession of the zamindars into the hands of the shop-keepers and its rate has increased to the alarm of the citizens, the Government of India has introduced control of wheat price at a certain limit. It has done so with a view to relieving the inconvenience of the public. The stockists of wheat still stand to make a large profits even by selling it at the rate of Rs. 4-6-0. But the control of the wheat price will certainly relieve the tense situation which has been created by the daily rising price of wheat and under which wheat flour was being sold at the rate of five or six seers per rupee with the further threat of its becoming dearer still. With the introduction of this control, the threat of wheat becoming dearer has been removed and the people have been satisfied to some extent.

But this resolution has encouraged the shop-keepers who do not open their shops in the hope that they would be able to sell it dearer still because the Punjab Government is against the control of wheat price. Even when the police forces them to open their shops, they refuse to sell flour more than four or eight annas worth. Men with large families are put to great trouble on this score. Those honourable members who support this resolution ought to be held responsible for this state of affairs. I may tell you that you are not helping the poor zamindars by supporting the resolution under consideration, because they have already sold away

[Begum Rashida Latif Baji.]

their wheat very cheap. When wheat was in their possession, the rate was two rupees per maund. But now when the money-lenders possess it, you have come forward to support an increase in the rate of wheat. The Central Legislature is responsible for the whole of India, and its members know as to which province stands in need of wheat and how much of it is wanted there. The Government of India has to look to the needs of the entire country. It conveys wheat where it is lacking. The price fixed by the Government of India, therefore, must have been fixed after a careful consideration of the needs of the different parts of India. It is essential that prices should be controlled during the period of war. Not only the price of wheat but the prices of all commodities should be controlled. Even such articles as common salt and pulses are also becoming dear. It is absolutely essential, therefore, that the prices of those articles of common use and the necessities of life should be controlled as the increased prices hit the poor particularly hard. We should see to it that the inconvenience of the public is removed and that the stockists do not profiteer. I welcome this wise step of the Government of India which deserves our congratulations, in so far as it has decided to control the wheat price in view of the war conditions. The wheat flour is absolutely essential for the sustenance of the human body.

I think that the honourable members are trying to create trouble and disorder in the province by opposing the control on the wheat price, and by supporting this resolution. It will necessarily lead to agitation and disorder in the Punjab and the cases of dacoity and theft will multiply. You should not be a party to raising the prices of grain. On the other hand it is incumbent on you to keep the people satisfied by controlling the prices of the necessities of life. In the near future the prices of wood, salt and other eatables will also be brought under control. Our Honourable Premier has a great experience of war and war conditions. He tells us that war has now come to the very gates of India. Naturally it means that the price of remaining things will also be controlled very shortly. I would have very much liked if the Government of India had fixed the price of wheat at Rs. 4 instead of controlling it at Rs. 4-6-0 per maund.

Perhaps you do not realise that the poor urbanites can only earn eight annas a day and they have to provide board and lodging as well as clothing to their families out of this very meagre income. They have to finance the education of their children and also to pay for the medical treatment of their families. They can ill-afford to provide milk and butter to their children and are obliged to live on dry bread alone. If the price of wheat goes on increasing, the urbanites will have to go without this dry bread even. It is a great pity that not a single honourable member out of the whole House has got up to raise his voice of protest against this resolution. The people are in the habit of supporting the Government in all its undertakings. None comes forward to represent the views of the poor. If the price of wheat is allowed to soar higher and higher, disputes and riots will take place. You are, therefore, inviting the people to fight with each other by opposing the move of the Government of India to control the wheat price. I am afraid the people will lay down their lives just to secure a single grain of wheat, and riots will occur in the towns. Shops will be

looted. It is extremely regrettable that not a single honourable member has got up to oppose this resolution. I for one have not listened to any speech in which this resolution has been opposed. It has fallen to my lot to shoulder this burden single-handed. In fact I am here to lead and not to follow the male members of the House (*Cheers*). What my honourable friend Pir Akbar Ali has stated does not matter much. His speech was neither here nor there. His was the case of a man sailing in two boats. We want solid facts and a clear lead. All the honourable members are expected to represent the views of the public faithfully. I, therefore, strongly oppose this resolution and in unmistakable terms. My only aim and object in this House is to make the honourable members to listen to the cry of the poverty-stricken people. *Mala fides* can never shake my determination, or thwart my way. I would assert that the price of wheat ought to be controlled. I wonder what the members of the Government of India will think of you when your recommendation will reach them saying that the price of wheat should not be controlled. They will say that the Punjabis are devoid of all common sense and that they have only pumpkin head over their shoulders. (*Laughter*.)

Moreover, the high rate of the price of wheat will not benefit the zamindars at the present stage, because they have already sold away their surplus wheat to the shop-keepers and capitalists. Now if the wheat becomes dear, the capitalists will reap large profits and the poor people will stand to lose.

In view of the foregoing remarks, I beg to strongly oppose this resolution.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I rise to oppose this resolution, which, in fact gives free licence to speculators and profiteers to sell things at their own high prices but at the painful cost of the rank and file of our population.

I am not, in the least, taken aback by what some of my honourable friends have said in favour of the resolution which is bound to harm the poor sections of this province including the tillers of land, labourers, and the urban population. We know it too well, that their attitude has all along been inimical towards the petty zamindars and other poor sections of the population. I must point it out again that the real aim of the Unionists is to benefit the big landlords and zamindars. Their outlook is capitalistic through and through. They are out only to fill their own big bellies. Let us not be misled by their profession of sympathy with the poor. To the poor they have nothing to offer but lip sympathy. Under the pretext of helping the poor, they are helping the big zamindars who are their own kith and kin. Were it not so, they would not have put forward such a resolution before this house. Now, let us examine what they want. Their real aim is to raise the rate of wheat so that the big zamindars who have large stores of wheat may profit by the higher rates. Who has the courage to deny that the petty zamindars do not have any store of wheat at present? They sold their surplus wheat long ago. Now it is the big zamindars or speculators who have large stores of wheat with them and it is they who want to reap large profits. I am glad to note that the Honourable Pir Akbar Ali has represented our views on this subject very clearly. So far as the war is concerned, we are all agreed on its successful prosecution.

[L. Sita Ram.]

But what is the Unionist Government doing for the teeming millions of this province in these hard days of war? The question that now lies before us is whether the rate of wheat at this time should be allowed to rise higher and higher, or whether it should be controlled by the Government. The next question is who stands to gain by a rise in the rate of wheat at this time, big zamindars or the petty land-holders? I may point out that the poor tenants have already made over their wheat to the landlords in the shape of exorbitant 'lagan' or sold it for paying off their other liabilities. The poor tenants or the petty holders do not possess any store of wheat at the present time. It has been the contention of the Unionists themselves that the petty land-holders, whose number is great, have nothing left with them after they had paid their lagan or water-rate. In fact each of them has so much land at his disposal that its yield does not suffice their needs. Even during the harvest period, they are hardly left with sufficient wheat for their own consumption. Time and again the Unionist Government has been dinning it into our ears that pitiful is the lot of the agriculturists in the villages after they had made payments to their landlords, creditors, and the Government in the shape of land revenue and the water-rate. If this is so, how on earth are these poor zamindars going to gain by this resolution? The average cultivator does not possess any surplus wheat. Only the big zamindars and the speculators have stores of wheat now. If the prices will be allowed to soar, these capitalists will profiteer and not the poor agriculturists who will be rather hard hit, because they will have to purchase for their own use the same wheat at abnormally higher rates. The big zamindars receive all their produce at the time of harvest and sell it when the prices soar very high. (*Interruptions from the Unionist benches.*) I was maintaining that it is the big zamindars only who keep stores of wheat at this time. So the argument which my honourable friends have put forward in support of the resolution saying that the poor cultivators will profit by the soaring prices of wheat, does not hold good. On the other hand by bringing this resolution in this House, the Unionist Government has confirmed the fears of the people that this Government is not in favour of any state control but would cause what harm it may be to the public at large as they could sell commodities at their self-quoted prices. Believe it or not, it is this attitude of the Government that has been the sole cause of greater profiteering in the Punjab. I fear that the people outside, with their ears close to the walls of this building, are even now overhearing the Government mind, so that they may fly back to make the high rates still higher.

Sir, I fail to understand why the Unionist Government is opposed to price control. I think it is based on principle, irrespective of the fact that it adversely affects A and B. If you feel that the price of a certain commodity has shot up so high that it exceeds all the proper limits and consequently the public at large, specially the poor people, for whom your heart bleeds, suffer greatly, then it becomes your bounden duty to hail and support the price control instituted by the Central Government. It does not behove my honourable friends over there to sacrifice the interests of the poor for the sake of safeguarding the interests of a particular section of the population. Had your resolution meant to recommend it to the Government

of India that in view of the low level of wheat price controlled by them, they should fix it at a high rate, say Rs. 5 or 6, per maund, it would have been a reasonable stand. But the pity of it is that the resolution put forward by them is unlimited in character. It suggests that the controls should be abolished altogether letting the price of wheat to take its own course. This I consider to be highly detrimental to the best interests of the poor. No sensible person would lend his support to such a resolution. In fact it has been moved at the most inopportune time. My honourable friends overlook the fact that owing to war conditions prices of all commodities have already gone up to the great detriment of the poor. If this control is removed they would be hit the hardest. Is it not a fact that the public in general and the working classes in particular, have been experiencing the greatest difficulty in obtaining flour even for a single meal? With tins and bags in their hands they stand for hours at same flour mill, requesting for a seer or two of flour. I know several persons who have been living upon rice and curry for days together. I am, therefore, of the opinion that under the present circumstances the Central Government have taken a wise step in instituting control over wheat price. As a matter of fact wheat is not the only commodity. Several other articles have also been brought under a rigid control. The Government of India, while resorting to this course, have been actuated by this wholesome desire that opportunists or the speculators should not take undue and improper advantage of the rising prices and that they should refrain from profiteering. I may point out in passing that unfortunately I have to differ even with some of my own colleagues on the Opposition benches in regard to their anti-control attitude. I am a representative of the poor labouring classes, besides being a common human unit. I must look to the needs of all. I believe in the greatest good of the greatest number and I am glad that this opportunity has been afforded to me to give expression to my views in accordance with the dictates of my conscience. Hence I feel that the resolution, if passed, would do incalculable harm to the poor including the small zamindars, who have already parted with their produce.

Now I would like to deal with some of the arguments advanced by the other side. This point has time and again been stressed upon by my honourable friends over there that when wheat sold at such a low price of Re. 1-8-0 or Rs. 2 per maund, the Government of India did not move their little finger to control the price in order to safeguard the interests of the grower and were not at all prepared to fix the minimum price. Why have they now taken into their head to institute a control over the price of wheat when the zamindar was going to be benefitted by the increase in price of this commodity? There is some sense in it that a minimum price should be guaranteed, and it would have been quite reasonable if the Unionist Government had asked the Central Government to fix the minimum rate of wheat which has also been suggested by the Honourable Chaudhri Sir Chhotu Ram when he participated in the discussions of the price control conference, though personally I believe that such a fixing of the minimum price is impossible, because the whole thing moves round the pivot of the greater question of supply and demand. Yet such a move would have been both reasonable and beneficial. But what do we find here? The Unionist Government wants the removal of the control, so that the poor classes should

[L. Sita Ram.]

go to dogs and starve in a province, which is known as the granary of wheat. This reminds me of a story which very appropriately represents the attitude of Punjab Government. There was a shrewd person who wanted to exploit a group of credulous people. One fine morning he woke up and claimed that he was the real younger brother of God and possessed incredible powers like his elder brother. One of the persons who had unfortunately lost his one eye through an accident, wanted to test his claim. He went to him and requested him to restore his eyesight. But the former at once changed his attitude and said that the healing power lay with his elder brother and when the division was made he was given only the right of destroying. He was, therefore, quite prepared to destroy his other eye as well. (*Laughter*). Similarly the Punjab Government would do nothing which might prove beneficial in any way to the poor ; rather they would try, like God's brother in the story, to destroy a thing from which some good was accruing to the public. I say if my honourable friends unanimously resolve for the demand of fixation of minimum price of wheat by the Government of India, I am sure the latter would certainly respond by raising the import duty on foreign wheat. Only the import duty can enable Indian wheat to compete favourably with the foreign wheat and this only can solve their problem. But the difficulty is that my honourable friends want to adopt a course which will definitely prove injurious to the masses. The demand for the removal of price control is most unreasonable and most detrimental.

Then some of my honourable friends tried to alleviate my fears regarding the poor classes, by assuring us that high rates of wheat would simultaneously result in the enhancement of wages of the labouring classes. They should bear this fact in mind that the increase in the wages of labour cannot be brought about in the twinkling of an eye or in a few days. On the contrary the poor labourers are thrown out of employment and much less get increased rates. It is a common experience that when things get dear and prices are raised, people suspend their work and wait for favourable times, with the result that works of all sorts are stopped and the poor labourers are asked to go home and sit inactive and starve. When such is the turn that events take in our country, how can you say that higher wages will enable our labourers to purchase their necessities of life at higher rates ? I shall not discuss the private concerns. But I have a right to ask the Government whether they have allowed dearness allowance in all the departments under them ? Have you enhanced the wages of the labourers in your employ ? Charity must begin at home. The Government must have set a noble example for others to follow.

My honourable friends sitting on the opposite benches have always been getting high travelling bills after comfortable journeys. But have they ever cared to think of the hard lot of the poor railwaymen who drive the engine, build and paint the comfortable coaches in which they travel or others who are responsible for their safe and comfortable journeys ? You get into a 1st class compartment of the Simla Mail at night, pass your night sleeping on a comfortable berth and early next morning you find yourself brought to the foot of Simla Hills. But have you ever cared to know how many railway labourers had been keeping vigil that night for your sake

The engine-driver and his assistants had been facing the rigours and inclemency of the weather; the guard minding his own thankless job. Besides, a horde of pointsmen, clerks, gangmen and coolies working at the intermediate stations had been keeping awake so that you might reach your destination safely, comfortably and yet so quickly. Have my honourable friends done their duty towards these unfortunate labourers? You have brushed aside several of my suggestions regarding the amelioration of the railway labourers on the plea that railway is a central subject and the provincial Government is not in a position to help them. But this is only a lame excuse. My honourable Unionist friends can move the central Government on the rate of wheat, because such a resolution would bring piles of profits to their big zamindar brothers, but it is a pity that they cannot move the central Government on the question of enhanced wages of the poor railway labourers. This resolution reflects their mentality. Their actions belie their professions. Sir, instead of supporting such an anti-control resolution, we owe our thanks to the central Government for such a wise and timely step. I know that had the central Government not taken this step it must have compelled the labour classes, including the railway workers, to go on strike, and they would have been justified in striking work, as they were not able to get bare flour for their dry chapaties. Just imagine what would have been the state of affairs if there had been a railway strike. It is a pity that the Unionist Government instead of helping the poor labourers, are opposing the Government control which has afforded some relief to the poor people.

Sir, we should not lose sight of the fact that times are very hard. If the price of wheat is allowed to rise abnormally, the poor people whose daily earnings range from four annas to one rupee will not be able to make their both ends meet. Not to talk of other necessities of life, they would not be able to obtain two square meals. You will remember that during one of my speeches on the money-lending legislation, I quoted certain couplets composed by me. I cite one of them, again, as it aptly applies to the Government in this particular matter.

غیر بین کی مدد کا ڈھونگ اصلاحات سے خالی
مدد کرتے ہوئے پورے جاگیرداروں کی۔

It will be crystal clear that in the name of poor zamindars, the big zamindars want to derive the real benefit of this resolution. They have stored enormous stocks of wheat and want to reap profit when this control is removed. They should see that we, whom they taunt and dub as profit seekers or capitalists, really feel for the poor and advocate their cause, while the Unionist members, who claim to be the supporters of the poor, are robbing them. To cut short I am a staunch supporter of the fact that the prices should not exceed a certain limit so that the necessary commodities should remain within the purchasing power of the poor, who cannot live on the sugar-coated words of Government but must have something to eat in order to keep their body and soul together. Nobody can deny this fact that the people have been put into a very tight hour and they are under a great difficulty as flour or wheat is not available. When this is the state of affairs, what assurance have you to give that this resolution will not affect the poor masses of our province?

[L. Sita Ram]

Then much stress has been laid on the fact that industrial organisations are not doing anything in the matter and they are not helping the poor by enhancing their wages. It is quite true that certain people are profiteering on account of war conditions. But my honourable friends opposite should not lose sight of the equally hard fact that the industrial organisations and traders are greatly overburdened by a number of taxes. They have to pay to the Government the excess profits tax, the sales tax and the regular income-tax besides a number of other petty taxes. With dearly brought stock and after paying so many taxes, how can industry and business be expected to make huge profits? Here industry and agriculture stand on two different grounds. The former has to pay so many enhanced taxes, while the latter pays only a fixed rate of land revenue and a fixed water-rate. How can you, then, expect industrial organisations to enhance the wages of their workers in the same proportion when the major portion of their profit does not remain in their own pockets?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Who gets it? Labourers?

Lala Sita Ram : No, no, they are getting nothing. My honourable friends opposite are snatching away even a piece of bread from the hands of the poor labourers who hardly earn three or four annas a day. My honourable friend perhaps does not know that to-day the poor labourer is being refused to have flour even worth two annas. The fact of the matter is that owing to high prices of wheat, money is going into the pockets of speculators. I can say with positive certainty that if to-day speculation is stopped the prices will automatically be controlled. I do not think I would be incorrect in saying that the present state of affairs is unintelligibly confused, as on the one hand the Central Government is proposing to institute wheat control with a view to save people from hardships, on the other hand our Provincial Government is raising an emphatic protest against this practical step proposed to be taken by the Government of India. Do my friends opposite realise how the people of our province take it? They will understand that as our Government is not desirous to institute wheat control their recommendations may be accepted by the Central Government. With this point in view the stockists and the speculators, will not readily part with their stocks in the hope of getting more profit by this resolution. (*Interruption.*) Sir, this interruption is to show the true picture of the mentality of my honourable friends sitting over there. I can still safely predict that people will certainly find means to evade the sale of their stock even after the Government control or would sell only bad stuff, as they have the moral anti-control sympathy of their provincial Government with them. Let me remind you of a time-old Punjabi saying here, which after a slight change runs thus:—

جٹ روے یاراں نوں لے لے ناں بہراواں دا -

But I would like to propose an amendment in this good old proverb, and I hope the honourable House will adopt it without any division. I propose that this saying should now read as follows

جٹ روندنا ہن اہنے تائیں لے لے ناں غریباں دا -

Laughter

I was submitting that the people who would benefit by the price of wheat not being controlled, would be the big zamindars, who take all the produce from the tenants. I would, therefore, submit with all the emphasis at my command that it is in the interest of the poor people and the labour class that the price of their staple food, wheat, should be controlled. I may also tell my honourable friends opposite that I am dealing with bare fact as it is to-day. The only section that is feeling the pinch as a result of such control consists of Nawabs and big zamindars only.

Nawab Sir Shahnawaz Khan: A Shahukar of Shahi Mohalla speaking. (*Laughter*).

Lala Sita Ram : My honourable friend the Nawab of Mamdot naturally feels the pinch. (*Laughter from the Opposition*).

My honourable friend has often described me as a big capitalist but in spite of this I am upholding the cause of the poor. He should have congratulated me on this. But it is a pity that the Nawabs and the Jagirdars, who are the real capitalists have not the courage to say a word against this resolution, which is bound to hit hard the poor and the labourers.

With these words, Sir, I strongly oppose the resolution.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : (Muzaffargarh North, Muhammadan, Rural) (*Urdu*) : Sir, before dealing with the resolution under consideration I would like to refer to the speeches of the two honourable members who have preceded me and answer some of their criticisms against the resolution. The honourable member from Lahore has opposed the resolution on the ground that the rise in the price of wheat will hit the poor population of the towns. But she has not considered it worth her while to examine all the aspects of this question and its effects on the economic position of the province as a whole. If she had done so I am sure she would have come to a different conclusion. With due deference to my honourable sister Baji Sahiba I feel hesitant in accepting her advice in the matter of wheat. I do not propose to repeat the mistake of Adam who accepted the advice of Eve in the matter of wheat (the prohibited tree) with serious consequences.

Dr. Sir Gobul Chand Narang : A very mysterious remark.

Begum Rashida Latif Baji : Those were different times. Now I have supported wheat control on account of war conditions.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I am reminded of the old proverb "once bitten twice shy" and I cannot persuade myself to accept the advice of a woman in the matter of wheat. (*Laughter*).

Sir, the objections raised by the honourable member representing labour against this resolution had already been fully dealt with by my honourable friend Mian Muhammad Nurullah. It seems Lala Sita Ram was not attentive when Mian Muhammad Nurullah spoke. The labour leader of Shahi Mohalla wants us to believe that he is opposed to this resolution because it is against the best interests of the peasantry and the labouring classes of the province. I can only repeat the famous Persian line :—

(K. B. Mian Mushtaq Ahmad Gurmani.)

The House is not unaware of my honourable friend's solicitude for the peasantry and labouring classes. His attitude in regard to the indebtedness relief legislation, agrarian Bills and similar other measures for the benefit of the poor and indebted classes is a clear indication of his sympathy with these classes. The honourable member was pleased to suggest that the benefit of high wheat prices will go only to a few big zamindars and that the small cultivator will get no benefit out of it as the latter grows just enough wheat for his own consumption and has no surplus for sale. In the same breath he said that the small cultivator lives on inferior grains and does not eat wheat. Both these statements are self-contradictory. May I ask him as to how the small cultivators and labouring classes will be adversely affected by the rise in the price of wheat if they do not consume wheat? It is true that the poorer classes generally eat inferior grains. The small cultivators whose holdings are already uneconomic cannot afford to eat the wheat they produce. They live on inferior grains and sell their wheat in order to make both ends meet. Their requirements are not merely confined to feeding. They need clothes, medicines and other necessities of life. They have to pay the land revenue, *abiana* and other local taxes. They have, therefore, to sell their wheat produce in order to meet all these requirements and live on inferior grains. They are, therefore, not the consumers but sellers of wheat. How will they be adversely affected by the rise in wheat prices? I cannot understand this logic of my honourable friend. I am sure my friend does not seriously mean to suggest that all the wheat that goes to market for sale is produced only by a few big zamindars. Such a suggestion would be devoid of truth and facts. Wheat is the main rabi crop of the province and is grown by all the zamindars and cultivators alike.

The same is the case with the agricultural labourers and the village artisans. They get their wages in kind. They get a share out of all the crops grown by the cultivators. They too sell the more paying agricultural products and live on inferior grains. They also are sellers of wheat and not consumers. The case of factory labourers and other wage earners in the towns is, however, different. They, of course, have to buy wheat and other grains for their consumption. But it is unreasonable that for the benefit of this class the interests of all the others may be sacrificed. Lala Sita Ram's proposition would amount to "robbing Peter to pay Paul". The rational solution of this problem would be to raise the wages of labouring classes in view of the rise in the prices of essential commodities. The industrialists and other commercial classes are making higher profits on account of war conditions and it would be only right for them to give at least some share out of their enormous profits to the labour. I would ask my honourable friend, the representative of labour interests, if he has made any such appeal on behalf of the labourers, whom he represents here, to the capitalists and employers. I am sure he has not. It does not suit him. He himself belongs to the category of capitalists and employers. He wants to benefit his employees at the cost of poor zamindars and believes in the old Indian proverb :—

حلوائی جی کی دکان اور نائی جی کی قاتلہ -

I am not surprised at the attitude of my nationalist friends on this question. They are in full sympathy with the policy of their white kinsmen—the British capitalists. The white bania and the black bania seem to have made a common cause in exploiting the poor and unprotected cultivators. The affinity of economic interests has overcome the spirit of patriotism of our so-called nationalist friends. It is common knowledge that the British Government is purchasing wheat from India for export to Iran and other middle east countries. Keeping this in view it is not difficult to understand the reasons for wheat control at this juncture. Naturally the British Government does not wish to pay more for Indian wheat. It was hinted in the press only the other day that the Government of India have dissuaded the British Government from purchasing any more wheat from India in order to keep down the level of wheat prices in this country. I cannot understand why the Government of India should control and keep down the price of wheat. They are not controlling the prices of other essential commodities. Does this not mean that they want to keep down the price of wheat because they want to purchase our produce cheaply? The Government of India has not controlled the prices of British and other imported goods. They have not controlled the price of cloth. They have not controlled the price of kerosine oil. They have not even controlled the price of salt which is their own monopoly. How is the wheat grower going to meet his day-to-day needs if the price of his produce is reduced without a corresponding reduction in the price of other essential commodities which he has to buy? The rise in the price of wheat is smaller than the rise in the prices of other essential commodities. The decision of the Government of India to impose a control on the price of wheat is, therefore, most unfair to the agriculturists and is unjustified. Punjab is essentially an agricultural province and this action of the Central Government will seriously jeopardize the economic position and prosperity of this province. It is evident that the British Government have different sets of policies for different countries. Leave alone the dominions of South Africa, Canada and Australia where every help is being given by Great Britain for the disposal of their produce, countries like Egypt are also being helped and compensated for the loss of their markets due to the war. The British Government decided to purchase all the wool from Australia which could not go to other foreign markets on account of war. All the Egyptian cotton was purchased by Great Britain because Egypt could not export her cotton to other European markets. Russia, Turkey and other friendly states are being given economic help, but India and particularly the friendly Punjab is being economically crippled by such measures as wheat control. I can safely say that the help given by the Punjab, both in men and material, is second to no other part of the Empire. Is this the reward for our loyal co-operation and whole-hearted support in war effort? Let the British Government and the Government of India realise that by adopting such measures they will be jeopardizing the war effort of this province. The loyal and friendly zamindars of this province are giving all that they can to the Government in war contributions and war loans. The Punjab has already contributed, within the last two years, a larger sum than the entire contribution of the province during the last Great War. Whatever profits we make or whatever income we earn is not kept to ourselves. It is generously given for the

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prosecution of the war. If our incomes are reduced, our contributions to the war funds will correspondingly decrease. It is surprising that the Government has not thought it fit to control the price of cloth. The cloth which used to sell at 4 annas per yard is selling to-day at 9 annas or more per yard. The Government of India has proved impotent to control the price of mill cloth as it would annoy the mill-magnates. But in the case of poor zamindars and agriculturists the Government steps in with all its majesty to deprive them of their legitimate earnings. Let the Government first control the prices of other essential commodities and bring them on par with the pre-war prices and then think of controlling the price of agricultural produce. I cannot conceive how the zamindars can meet the requirements of their daily life without a corresponding increase in the price of agricultural produce. The present decision of the Central Government is most iniquitous, highly unfair and palpably wrong. The Government has, no doubt, imposed excess profits tax on industrial and commercial incomes but the benefit of this tax does not go to the consumer. He has to pay a higher price for the manufactured goods all the same.

Moreover, the agriculturists are already voluntarily paying excess profits tax in the shape of war contributions. They are willingly and voluntarily sharing their profits with the Government. If the principle of excess profits tax was introduced in the case of agricultural produce that is to say if the profits of middle men were controlled the agriculturists or the original producers would have had no grouse against the Government. If the Government had fixed a maximum limit to the profits of the middle men it would have automatically controlled the retail price of wheat. The Government may prescribe that any one who sells wheat at a higher profit than Re. 1 per maund will be liable to pay a cent per cent tax on such profits to the central exchequer. This will check profiteering. During the period of the last economic depression when the prices of agricultural produce reached the lowest ebb, the Government did not give any relief to the agriculturists. They did not even reduce the taxes. All the other countries of the world gave relief to the agriculturists except the Government of this country. Now when the prices of agricultural produce have increased owing to the war, the Government of India comes forward to reduce them. How does the Government of India justify its action in this respect? If they had helped us during the depression, there would have been some justification for them now to control the rise in the price of agricultural produce. But they believe in "heads you lose, tails we win". There is a great resentment among the agricultural population of this province over this decision of the Government of India. I hope the Government of India will not lose any time to undo the wrong that they have done to the friendly agriculturist population of this province. Sir, I wholeheartedly support the resolution in the amended form as proposed by my honourable friend Mian Muhammad Nurullah.

Sardar Moola Singh (Hoshiarpur West, General—Reserved Seat, Rural) (*Punjab*): Sir, I strongly oppose this resolution. The proposition that has been brought forward in the House makes me feel that the big-bellied members of the House have

not the least sympathy with that poor section of the population which has to sweat and toil for the whole day in order to earn one square meal. The sum and substance of the resolution is that the Government of India have taken a very wrong step in instituting control of the prices of wheat.

Sir, when wheat was harvested it sold at Rs. 2-8-0 per maund. These big-bellied members of the Punjab Assembly did not then raise their little finger to get the price of wheat fixed at a higher level. Where were they at that time? My submission is that two years have passed since the war started. My honourable friend Khan Bahadur Gurmani should have anticipated this scarcity at that time. The price of wheat rose to an abnormal extent during the last war. It reached as high a level as Rs. 10 per maund and people were actually starving. These honourable members ought to have taken steps to see that the wheat of the zamindars did not sell cheap when it was harvested. Now there is no wheat with the poor zamindars. It is now lying in the godowns of the rich banias of Lahore and other big cities. Similarly, big landlords like the Nawab of Mamdot and Malik Khizar Hyat Khan whose granaries are filled to capacity with thousands of maunds of wheat wish to starve poor people like us for swelling their own coffers. Come what may to the poor in the Punjab they want to impress upon the British Government that they are the representatives of the martial classes and are the only people in the country who are helping them in the prosecution of war, with men, money and material. In this connection, I beg to submit that the extent to which the poor in the Punjab have helped in the war efforts has not been equalled anywhere throughout the length and breadth of India. If a survey is carried out, after the war is over, to gauge the extent of war effort put in by the various classes in the Punjab I am sure that the part played by the so-called martial classes will be eclipsed by the sacrifices made by the poorer section of the population of this province. My honourable friend Mian Mushtaq Ahmad Gurmani has contended that this price control will go a long way in retarding the war effort and, therefore, the prices should be allowed to rise. It appears to me that if a control of the prices of wheat is not instituted men of Mr. Gurmani's way of thinking will pray for an indefinite prolongation of war so that they may be able to get higher prices for their wheat and get wealthier still. I beg to submit that if the prices of wheat and other necessities of life are not controlled there is every danger that the poor will be compelled out of necessity to start breaking houses, committing dacoities and murdering these big-bellied Nawabs. A starving man will go to any extreme. I would like to ask a question of my zamindar friend. If they really want the price of wheat to rise to its maximum limit, have they made any arrangements for providing flour at cheap prices to those labouring classes who earn a few annas by sweating the whole day and cannot get even a loaf of bread at night? Quite a number of Bills and resolutions have been introduced in the Punjab Legislative Assembly and we have time and again voiced the grievances of the poor but nothing has been done for the poor and the depressed classes.

Sir, these big-bellied landlords who are in the habit of passing themselves off as growers are not the real growers. They can at best be called consumers, because they live upon our toils; we are the real growers. If they have even an iota of fairness left in them they should distribute their

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lands among the poor and then and then alone will they be entitled to say that they do not want a control to be instituted on the prices of wheat. Now when land and government are in their hands and when they are growing wealthier by exploiting the poor, it does not lie in their mouths to protest against the institution of such a control. Let me warn them that they should not be unmindful of the time of upheaval that is coming, when they will find themselves disposed of their vast acreage and when we will be the masters. Even prophets and saints have foretold and worked for a revolution of this kind.

Sir, the Government of India have shown a great sympathy for the poor and translated it into action by putting up a control on the price of wheat, but I still feel that even a price of Rs. 4-6-0 per maund is very heavy and it should be reduced to Rs. 2-8-0 per maund, so that persons like my honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmami may taste the bitter fruit of amassing riches by exploiting the poor. These people have appropriated all the lands and have done nothing for the poor by way of giving them education or training in any industry. On the other hand they are trying to make the lives of the poor people miserable by bringing forward this resolution, thus protesting against and condemning the step taken by the Government of India. I wish to sound a note of warning to the Government. Your vote on this resolution will show to the world how much sympathy you have for the zamindars. The poor zamindars have no wheat with them now. They have sold all they had in order to meet your demand for land revenue. Having taken away all their wheat you show further sympathy to them by bringing forward this resolution! They have no wheat even to feed their own stomachs. Nor can they borrow any money to buy wheat with. The result will be that rendered desperate by sheer starvation, they will take to committing dacoities and murdering big people like you. If you are really as full of sympathy for these people as you claim to be, then the Nawab Sahib and other biggies should distribute 100 maunds of wheat per family among those people whose votes have made them M.L.As. Then, and only then, you will be justified in demanding a high level of price for wheat. Otherwise you have no right to enhance the misery and privation of the poor zamindars and others who have no land at all. The honourable mover of the resolution has put forward a most inopportune and senseless proposition without giving the least thought to its pros and cons. And if this resolution has been brought forward at the instance of the party then before long the Unionist Party will have to face the music for having tried to make life intolerable for the poor people. It is not beyond the pale of possibility that in sheer desperation the helpless poor will start murdering the rich and harassing the Ministers themselves by sitting in front of their doors as a protest. With these remarks, I strongly oppose the resolution and ask the big-bellied members not to support it. On the other hand they should assure the Government of India that it has taken a very wise step and also that it should have gone a little further and fixed the price of wheat at Rs. 2-8-0 per maund.

Mr. P. H. Guest (Punjab Commerce and Industry): Sir, not being an agriculturist myself, I am not in a position to say how much it costs to grow wheat; but I must treat this resolution from a purely fundamental

stand-point. To-day the whole world is at war, and a great majority of the members of this House have time after time expressed very definitely their views as to how they desire the war to go and what they desire to do in the way of its ultimate victory. Now, Sir, I consider that the first test to be placed on the matter is the test as to how it affects the ultimate victory which we hope for, and it is from that fundamental stand-point that I feel I must oppose this resolution at once. (*Hear, hear from the Opposition benches*). I do not want you to assume that I accept or agree with the Government of India's procedure with regard to price control in general, and as regards price control of wheat I certainly do not agree with their position. On the one hand to fix the price of wheat at Rs. 4-6-0 per maund is to my mind quite a reasonable figure, but what I object to is the Government of India using a double-headed rupee. They merely restrict the maximum price, that is they deprive the grower of the prospects of higher prices, but do not attempt to protect the growers from the disasters of low prices. (*Hear, hear*). Had the resolution been framed giving a criticism of that part of the Government of India's action I think the sponsor would have the complete support of the House. I consider that if the Government of India attempt to prevent too low a fall in the price of wheat it could easily be done. The United States of America bought many commodities in very large quantity during the slump periods, and if the Government of India were only to say that it will be prepared to buy all wheat offered for Rs. 4 per maund that would also help the grower. But we have to consider the resolution as it is worded. We can divide it into two parts. The first part is a protest against the low level of wheat price, and the second part is a desire that the duty on the import of wheat should be restored. Now, why are we protesting against the fixing of the rate at Rs. 4-6-0 per maund? We have heard many arguments and I in my opening words mentioned, which many others have mentioned, that if you fix the maximum you must fix the minimum. That I can quite understand. What I cannot understand is the allegation of low price at Rs. 4-6-0. I am sure that the Government of India decided on this figure after very careful consideration and with due regard to the advice of economists of international repute; but I have not been satisfied myself with that and I thought that I would try to look into the price of wheat in the past. Now, I have with me figures. These refer to the purchase of wheat in the Lyallpur district which I understand can be regarded as the basis for any discussion. These figures are from April, 1934, to October, 1941. These are the actual prices at which wheat was purchased. Now, the lowest price is given for these eight years. I have taken the annual lowest price and I have found that the average of the annual low price for 8 years is Rs. 2-8-0 and the average of the yearly highest prices is Rs. 3-7-0. The mean is Rs. 2-13-0. Now, to give the mover of the resolution every advantage I would only ask you to compare the highest price. The average of the yearly highest prices is Rs. 3-7-0. The Government of India have fixed it at Rs. 4-6-0. A little calculation will show that the control price fixed by the Government of India is almost 30 per cent greater than the average of the highest annual prices for 8 years up to the end of October, 1941.

Khan Bahadur Nawab Muzaffar Khan : Why limit it to 8 years ?

Mr. P. H. Guest : I cannot do it for all time ; I have taken the figures for the last 8 years.

Khan Bahadur Nawab Muzaffar Khan : You should take the average price for the last 20 years.

Mr. P. H. Guest : You are comparing the last 8 years' price with the control price. It gives you a 30 per cent increase over the average. I maintain that 30 per cent increase should allow for the prices of other commodities which we all recognise have increased. I would like the Government to control them as well. Of course compared with the mean price of Rs. 2-13-0 the control price represents an increase of 50 per cent. I can only give you figures of actual prices at which wheat was purchased during the last 8 years. It seems to me that the figure of Rs. 4-6-0 is reasonable. Where the Government of India have slipped up is that they have fixed the maximum. No attempt has been made to fix the minimum. I would like the Government of India to be advised in that point rather than criticising them for fixing the price at Rs. 4-6-0 a maund.

As regards the second part of the resolution which refers to the import duty, if it is considered that Rs. 4-6-0 is low then the desire to put back the import duty is logical. To me it appears that Rs. 4-6-0 is quite reasonable and if you wish to maintain that price there must be some method to ensure that price and it is obvious that we must be prepared to import wheat if necessary. So, the whole crux of the resolution is whether Rs. 4-6-0 is a reasonable price or not. If it is reasonable then there is no necessity for the second part of the resolution. Had the proposers worded the resolution in such a way as to fix a minimum price also, I would have been with them. Since they have not done so, I feel myself opposed to the resolution as it is framed.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : Sir, I stand to oppose the resolution. I listened very carefully to the speech of the Honourable Minister Chaudhri Sir Chhotu Ram as I was expecting something very important from him as to the point of view of the Government. He has given us the salient features which guided him and the Honourable Minister for Finance when they recommended the matter before the Central Advisory Committee. I want to put it to the Honourable Minister as to what steps the Punjab Government have taken so far to increase the purchasing power of an average agriculturist. There can be no doubt about this fact that the increase, and an unlimited increase in the value of food-stuffs is going to adversely affect not only the lowest strata of the people but even the middle classes and only those people who have enough and to spare may not be affected. Those people who can hardly purchase the ordinary necessities of life are surely being hit very hard by this action of the Punjab Government, this so-called popular Government. I want to bring it to the notice of the honourable members of this House that many times resolutions were given notice of by the members of the Congress Party for raising the purchasing power of the people, but I very well remember the attitude of the supporters of this resolution.

At this stage Mr. P. H. Guest fainted and the Assembly adjourned for 15 minutes.

The Assembly re-assembled at 3-45 p.m. with Mr. Deputy Speaker in the chair.

Pandit Bhagat Ram Sharma (*continued*): Sir, I was submitting that we very well remember the attitude of the Government on a resolution which was put before the House, in which it was urged that all uneconomic holdings should be made free of land revenue and taxes.

Raja Ghazanfar Ali Khan: How is the question of uneconomic holdings relevant?

Pandit Bhagat Ram Sharma: I will just explain. To-day, Sir, it is being urged before the House that the price of wheat should be allowed to go high, and the attitude of Chaudhri Sir Chhotu Ram shows that he is in its favour. He is never tired of declaring from the house tops that he is the best friend of the poor.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: That he undoubtedly is.

Pandit Bhagat Ram Sharma: A large number of agriculturists of this province depend on uneconomic holdings. But it seems that he has never given a thought to it. Had he been alive to this fact his attitude to-day would have been quite different.

Mr. Deputy Speaker: Please speak to the motion; do not be irrelevant and personal.

Pandit Bhagat Ram Sharma: I will ask Chaudhri Sir Chhotu Ram and the Honourable Finance Minister to prepare a family budget of a person who is drawing Rs. 16 per month. They will find that after allowing for bare necessities he will have very little left for the purchase of food material, or if they provide first for the purchase of food material there will be nothing left for other items of necessities. I submit that this is the condition of a large number of people in the province. I see no reason why the Government should support such a course, which, if adopted, will be to the detriment of the poor people. With these words I oppose the resolution.

Raja Ghazanfar Ali Khan (Parliamentary Secretary): I will not say much about the last speech because the honourable member had been all the time personal and it is therefore no use trying to answer an irrelevant speech which was entirely outside the scope of the resolution. I would, however, try to answer one or two points raised by the honourable member, Mr. Guest, who, I very much regret is now absent from the Chamber owing to sudden illness. He said that if a resolution had been brought forward containing the recommendation that when the price of wheat fell below a certain level the Government should see that the wheat is sold at a reasonable price then he would have supported it. Perhaps honourable members are aware that several attempts were made (both in the provincial and in the central legislatures) during the last nine or ten years, when wheat was selling very low that the zamindars should be helped but it never occurred to the Government of India that the zamindars should be saved from being ruined on account of the hopelessly low prices. To our great regret the Government of India took no notice of it. On the other hand the great economic experts always tried to make us believe that it was not within the power of any Government to control prices. We were

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always told that it was a question of fluctuating market. But today we suddenly find that the Government of India experts have advised the Government that so far as price of this particular commodity is concerned, that is wheat, it can be controlled by the Government of India and they have accordingly issued drastic orders to control wheat price. However it is no use trying to discuss this subject from the point of view of economic principles or from the point of view of how the zamindars, consumers and the growers will be affected by it. This action, I believe has been taken under the Defence of India Act. Naturally when action is taken under the Defence of India Act all arguments and reasons will not matter. I hope honourable members remember that previously when in this House a resolution was brought forward saying that the Government should put high duty on wheat imported from outside so that the price of wheat may not fall, all those gentlemen who are now opposing the resolution supported that resolution. Was it because of their conviction that that resolution would have no effect that they gave their support to it? To-day when the Punjab Government is making an earnest effort to see that this injustice done to this province is removed I hear discordant notes. What are the arguments advanced against the present resolution? My honourable friend, Sardar Moola Singh could not see any one except *bara petwalas* in this House. Let me assure him that just as the number of physically *bara petwalas* is very small in this House—they are hardly more than half a dozen—yet they are very conspicuous—similarly the number of big landlords in the province is very small although unfortunately they too are very conspicuous. It is really strange that a man with any sense of justice and fairplay will, with a view to cause a certain amount of damage to half a dozen big men in the province, support a proposition which would wreck the financial condition of 80 per cent of the people. I am surprised that the opposition to the present resolution should come from a representative of scheduled caste. As far as I remember, the scheduled caste people, a very large majority of them, are agricultural labourers; and he knows that so far as agricultural labourers are concerned they are paid not in cash but in kind. Therefore if this resolution is going to benefit anybody more than others it is the scheduled caste. (*Rai Bahadur Mukand Lal Puri*: Question.) What does the honourable member question? (*Rai Bahadur Mukand Lal Puri*: I question the statement that the largest number of people who would benefit by this resolution will be the scheduled class.) My statement is that a very large number of scheduled castes are agricultural labourers. Does the honourable member question that statement? (*Rai Bahadur Mukand Lal Puri*: I questioned only the statement that the largest number of people who would be benefited by this resolution would be the scheduled castes. That statement is not only not true in fact but nothing can be farther from the truth.) I should like my honourable friend to tell me whether it is not a fact that a very large number of agricultural labourers belong to scheduled castes. (*Rai Bahadur Mukand Lal Puri*: That is quite right.) I know it is useless on my friend's part to contradict it, because I remember dozens of speeches made by him wherein he said that these people are the rural people and they are agricultural labourers. If they are agricultural labourers, then my second question is: Does he deny that agricultural labourer

is paid in kind and not in cash? If this also is true, then naturally the conclusion is that if the price of wheat is high then those people stand to gain.

Now, so far as other poor people are concerned, they belong to labouring classes, employees in local bodies, in Government, in commercial concerns and factories. I may say that I am voicing the sentiments of members on this side of the House when I say that we have every sympathy for them. But the remedy is not to put down prices of wheat. The remedy lies elsewhere. The remedy is to increase their wages in proportion to the rise in price of wheat. That is the only sound principle on which we should consider this question. Do you not remember that when the price of wheat was just Rs. 2 per maund everybody in the country was suffering acute poverty? Lawyers had no business, shopkeepers were sitting idle, cinemas were empty, taxi drivers, tongawallas and almost all the labouring classes were sitting idle. At that time our commercial experts like Dr. Sir Gokul Chand Narang and Rai Bahadur Mukand Lal Puri were shouting from house-tops that if the zamindar was rich everybody else was rich, richness of this province depends upon the richness of the zamindars. To-day does it lie in their mouth to oppose this resolution which is so reasonable? May I ask them, what attempt was made by anybody to force the Government of India to raise the minimum price of wheat when it was selling at Rs. 2 a maund? It is all very well for Mr. Guest to say that if this resolution contained these two propositions he would have supported it.

4 P.M.

But we know very well that at the present moment the question is not of wheat selling at Rs. 2. It is a question of wheat selling at a reasonable price. I would call it reasonable even when it is Rs. 5 a maund or even a little higher, because after all the word "reasonable" is a relative term. What is reasonable and what is unreasonable? Look at all the things that a zamindar has to buy. Look at the price of cloth which he uses. Look at the price of cattle, utensils, iron, wood, charcoal and so on. After all a zamindar does not live merely on wheat. He has got other necessities of life. The prices of those commodities cannot be controlled. If their prices cannot be controlled it is highly immoral to control the price of this particular commodity, namely, wheat. So far as big zamindars are concerned they are not more than a dozen in the whole province and they will live and thrive irrespective of the price control. So, it is not a question of helping the big zamindars. I am sure my honourable friend Malik Khizar Hayat Khan does not stand in need of the price of wheat being raised to Rs. 6 or more. But it is a question of the province as a whole.

Then Mr. Guest said that we had passed so many resolutions to help Government in its war effort and that this question should be looked at from that point of view. I entirely agree. I am one of those people who do believe that in these difficult times every question must be looked at from that point of view. But what is the relation between war effort and price of wheat? The only relation which I know of is this and I may assure you that what I now say is what so many people are saying. There is a general belief that during this war the British Government have to buy wheat to be sent to foreign countries for consumption by those countries which during this war are allies of the British Government. I do not grudge it. I rather welcome it. That money has to come from the British exchequer and therefore the Government wants to fix the price of wheat as low as possi-

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ble. I am not in a position to accept that statement or to contradict it. But this is the reason which is given by persons, some of whom, I believe are quite well informed or at least better informed than I am. Now, I would like to know whether allowing the wheat price to take its natural course would adversely affect the war effort. Pir Akbar Ali, who comes from Ferozepore district which I understand is one of the rich districts of the province, said that the zamindar does not sell wheat. Let me point out that we people who do not belong to districts where there is canal irrigation if we grow six maunds of wheat we sell four maunds in order to buy other necessities of life. But I may assure you that when we support this proposition now before the House we are speaking neither from a selfish point of view nor from the point of view of greed which is most uncommon among zamindars but is reserved for some other classes. We are looking at it only from commonsense and fairplay point of view. If the Government of India could not consider the question of raising the price level of wheat when it was selling at a ridiculously low price of Rs. 2 a maund, there is no justification for them now to come forward to control the price of wheat. When the price of wheat had come down the income of the provincial Government had fallen down hopelessly and they had to effect a cut of 10 per cent. in the salaries of their employees to meet the deficit. That was no doubt quite fair and just. Now when the price of wheat goes up beyond a certain figure, then it is for the Government to give their employees 10 or 15 per cent dearness allowance. That course is always open to them. Now this control of wheat price will be an additional levy upon those people who are already voluntarily contributing men and money to win this war. Unfortunately, in the Government of India the voice of the Punjab is very feeble. We have not any effective voice there. If the praise by the Government of India of the war efforts of this province is really honest and sincere and not mere camouflage, then at least during these days they should value the opinion of this province more than that of any other province in India. By accepting this resolution the Government will be doing only justice to this province while not doing any injustice to any other province. I do hope that this resolution will be passed unanimously and when this debate is forwarded to the Government of India they will give consideration to our wishes. Luckily in Sir Chhotu Ram we have a very strong and determined advocate to represent us to the central committee. Let the Government of India know that in this matter the entire province or at least 90 per cent of the population from those areas which are serving the Government in these difficult times is behind this resolution and therefore something should be done for us.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural):

If I was convinced that the poor zamindars had sufficient wheat in their houses I would strongly support this resolution. Unfortunately I am not convinced that the poor zamindars have got any surplus wheat in their houses. The wheat is lying either with big zamindars or sahu-kars or with stockists. Therefore I think it is for the benefit of the very people whom these gentlemen represent that it is necessary that there should be control of prices of wheat, because they have parted with their wheat and they have now to live upon wheat purchased in the market and they cannot

afford to pay high prices. It has been said that these are the people who have given their lives, are giving their lives and are contributing to the war. Perfectly true as far as it goes. It is for the benefit of those very people that the control is necessary. There are lakhs of poor zamindars now fighting at various fronts. Their families are left behind. Thousands of those zamindars have probably died in battle and their wives become widows and their children orphans and they have probably nobody to look after them. It is in *their* interest that they should be enabled to get cheap *ata* and cheap wheat. They have nothing to sell. They have to pay for their needs from the little pension that might be given to them by the Government. It is for these people that this resolution should not have been brought forward.

It has been suggested that wages should be increased. It is true that if wages are increased people can buy commodities at higher rates. But have these gentlemen ever considered that the wages cannot be increased in a few weeks or even in a month's time? They have to be raised gradually. But meanwhile the wage-earner and his family will have to face starvation and misery. Therefore raising of wages is no solution of the problem. Sardar Bahadur Sardar Ujjal Singh referred to industries. No doubt people in charge of factories have already granted dearness allowances to their workmen. They have also granted dearness allowances to their other employees. But what percentage of the poor people of this province are employed in these factories? It is a very small fraction. Therefore even if the wages of factory-workers are increased it helps only a very small section and not the whole of the poor people. Therefore the argument based on the raising of wages also really does not help to solve the difficulties.

Then the question is whether the prices are fair. I think the speech of Mr. Guest was really a clincher. His speech was most convincing and illuminating. He said that the average price for the last eight years was Rs. 2-13-3. My honourable friend, Nawab Muzaffar Khan, questioned him, why do you take only 8 years? We have got figures now for more years in the speech of Sardar Ujjal Singh. These figures are for 10 years, from 1918 to 1928, and the average was Rs. 4-14-0. Any one who knows the history of the Punjab and a little history of the world would know that in 1918 and for many years after that, the prices were very high, because people had made a very large amount of money during the war, and when there is plenty of money, the wages rise, the prices of all commodities rise, because people can afford to buy; and there was probably a very large inflation of currency also and that also raised the prices. The prices of land increased, the prices of houses increased and then the prices of every commodity rose very high. He gave the average of Rs. 4-14-0. The average given by Mr. Guest was Rs. 2-13-3. If we take the basic figures for 10 years, then the average comes to Rs. 3-14-0. The price fixed by the Government is eight annas higher than the average price of 18 years. During the 18 years, from 1918 to 1928 and from 1934 to 1941—we do not know anything about the years intervening from 1928 to 1934, those who were in the Government then know that the slump began in 1930-31—the slump was so great that the income of the Government went down by about 2 crores. There was a wholesale reduction in the staff and in the establishment of all departments. Wheat

[Dr. Sir Gokul Chand Narang.]

was selling at Rs. 2 or Rs. 1-8-0 per maund. (*Interruptions*). (*At this stage Lala Duni Chand entered the House and was greeted by Official Benches.*) Now, I have got only one argument of Sir William Roberts to answer. When he was referring to the rise in the prices of other commodities like steel, cloth, etc., I interjected a remark and drew his attention to what is called the E. P. T. Act, that is, the Excess Profits Tax Act. Sir William Roberts knows very well that this excess profits tax is as high as 66·6 per cent. of the excess profit. There has been no control over the rise in prices of other commodities. They have ignored this most important fact because in all that increase of profit the Government takes away two-thirds in the form of excess profit tax. Let the Government control the prices and remove this tax. I am sure all the factory-owners and the industrialists would agree to this proposition. Then there is another factor which Sir William Roberts overlooked and that is the rate of income-tax which was already very high that is 80 pies in the rupee has been increased by 83½ per cent as surcharge. In addition to these two taxes, there is another tax which the industrialists and other people engaged in business have to pay, and that is super-tax. And I may point out, Sir, for the information of the House, that the super-tax ranges from one anna to seven annas in the rupee. When you come to add all these taxes, the income-tax with surcharge, the super-tax with surcharge and the excess profit tax, you will find that very little is really left out of the gross profit which those industries are making. This House may take it from me, I know it from personal knowledge, that there are people who are industrialists and manufacturers who say there is no use of increasing the production, because the Government will take away 87 per cent of the gross profit in the form of excess profit tax, income-tax and super-tax. What better control can there be? Now, our grievance has been that the Central Government has been very hard on industrialists and by introducing this measure they have thus put a very severe damper on the expansion of industries in this country; otherwise during this war the industries would have developed immensely. Now, nobody can venture to put up a new industry.

Another point which Sir William Roberts made was that factory-owners can get 8 per cent or 10 per cent on their capital invested in their industries. Only 8 or 10 per cent on investment in industrial concerns which take years to yield this profit, is really not an excessive profit. If their profits have gone up to 80 per cent or 100 per cent and so on, most of the profit is taken away by the Government and that is much more severe than this control. I think the zamindar should take a reasonable view of the situations. If it was only a matter of few people and only of the Punjab, it would have been a different thing. But here, Sir, 87 per cent of the population, to whom reference was made by one speaker, is, with few exceptions, very poor. This is a real and genuine grievance of the poor people that the prices have risen very high. It is also asked why the prices of other commodities are not controlled. If there is to be any control on wheat prices, we should make an effort that the prices of other commodities should also be controlled, because the poor zamindars have to buy other things like cloths, etc. They may also agitate for the reduction of price of cloth as well. An agitation may be started to control the prices of other commodities also rather than oppose

the control of wheat. As I said in the beginning if I were convinced that it was for the benefit of the poor people who form a large majority of the zamindars I would certainly have no objection to this resolution and would whole-heartedly support it; but unfortunately I am not convinced that this would benefit the poor classes of the population, particularly the poor agriculturists. If this control is removed, there would be an outcry in the villages, there would be an outcry in the towns and there would be a great agitation all over the province and it will do nobody any good. I, therefore, appeal to my friends to give an unbiased consideration to this matter. It is a very important matter. They should not think only of their own pockets, but they should also think of the stomach of poor people who have to buy grain.

Sardar Santekh Singh (Eastern Towns, Sikh, Urban): Mr. Deputy Speaker, the resolution under discussion before the House is full of difficulties. To my mind it does not admit of very easy solution as it is contemplated by one side or the other. We cannot forget that when the prices of wheat went down so low as Rs. 1-8-0 or Rs. 1-10-0 per maund only a few years ago, nobody came to the rescue of the poor zamindar. (*Hear, hear*). Even to-day the price of desi kappas (cotton with seed) is as low as five rupees a maund. This situation has been brought about by no fault either of the trader or of the zamindar but because of the fact that Japan, who used to buy all the desi cotton of the Punjab formerly is no more a buyer. The situation has not been brought about due any fault of the Indians as such but because of certain circumstances over which Indians had no control whatsoever. If on the one hand the zamindar is being compelled to sell his kappas at five rupees a maund when the prices of other articles are as high, there certainly seems no reason why he should not be allowed to benefit by the high prices of wheat. Moreover, if I were convinced that the Government of India was exercising this control in the interest of the consumer, I would be the first man to oppose this resolution, but as things are, I am perfectly clear in my mind, that this thing is not being done in the sole interest of the consumer but because Government wants to buy wheat at cheap rates for military purposes. (*Hear, hear*). I may tell you that three days before the Government fixed the price at Rs. 4-6-0 per maund the same Government were themselves buying very big quantities of wheat at such a high price as Rs. 5-2-0 per maund—delivery at Lyallpur. It was only three days before this control that the Government of India bought wheat for military requirements at Rs. 5-2-0 and they fix the control price at Rs. 4-6-0 three days afterwards. Do they expect that within three days the prices will adjust themselves by twelve or fourteen annas per maund without seriously dislocating the trade? Speaking as a free trader I enter my strongest protest against the unimaginative manner in which the Government has thought fit to bring about this control. As I said, they themselves buy at Rs. 5-2-0 and they fix the price at Rs. 4-6-0. It is unjust, inequitable and unfair. Some of my friends who do not understand much of *satta* think that *satta* always raises the prices. They have not much knowledge of *satta*. In *satta* there are always two parties. On one side there are the bulls and on the other the bears. One party tries on the basis of their knowledge as to the statistical position of a commodity, its supply and demand, and on weather conditions to raise the prices and the other tries to bring the same down so that there is always a tug-of-war between the bulls and bears and the stronger

[S. Santokh Singh.]

of the two for the time being either carries the prices up or brings them down. Some of the world prices are also a factor to be reckoned with. *Sattawallas*, as a result of the purchases made by the Government, bought considerable quantities of wheat in Lyallpur, Okara and Amritsar at Rs. 5 and Rs. 5-5-0 per maund and within two days they have lost lakhs of rupees and nobody has a word of regret for them. If this loss were brought about by their own fault or by their own recklessness, then I would not say a word for them but the Government, as I have said, on the one hand buy at Rs. 5-2-0 and on the other hand try to control the price at Rs. 4-6-0 in the same market and this could not but entirely dislocate the trade. I repeat, Sir, that this is not fair in any way (*Hear, hear*). Let us try to understand at the same time what the result will be if only wheat prices are controlled and prices of other commodities allowed to go up without control. The result will be that there will be lesser production of wheat in the next year. Such things have happened before. Take the case of Kashmir. There lot of linseed used to be sown in years gone by and there used to be so little wheat that it had to be imported and linseed had to be exported out of the State. The Kashmir Government took every possible stringent measure to stop the production of linseed and replace it by wheat. They did not succeed. Why? Because prices for linseed were very high at the time. The moment prices began to decline, the production of linseed automatically ceased in Kashmir and gave place to wheat. This is a matter which has to be entirely governed by laws of supply and demand and I should think that there should be as little interference on the part of the Government with trade matters, as can possibly be the case. The Government of India, I believe, has not taken pains to study the situation nor has the Punjab Government done so. Have they not found by now that the stocks of wheat both in the markets and in the villages are very small as compared with normal years? I need tell you only one instance. Stocks in Amritsar at this time of the year used to be six hundred *kothas* or so of 1,000 maunds each. At the moment they are not more than 150 *kothas*. I know the Government will requisition them and take them over for military purposes. Let them have it. What will then happen? The markets will be drained of wheat. Where will the poor man buy his requirements from? There will be no wheat available for him and above all, the weather has been very bad and dry. It is but natural that even the villagers will keep back their stocks. They will not bring them to the market, and having once allowed the price to rise to Rs. 5-2-0, or more, how you can expect the zamindar in the near future, to bring it to the market if it is to be sold at Rs. 4-6-0, that is, at the price fixed by the Government? Certainly not. There is bound to be this difficulty as a result of the unimaginative manner of this control. How is the consumer to benefit? The small consumer has not got the money to buy his requirements months ahead. And even if he manages that, where is the wheat to be bought from? It is not available to him. There may be a few *kothas* of wheat lying in Lahore. Everyone who is in touch with this trade, knows that Lahore and Amritsar depend for their requirements on outside markets. Where is the wheat now to come from? Just imagine the difficulties that have been created. On an order from the Government of India, the Punjab Government, although, it tries, on the

one hand, to play to the gallery and wants to satisfy the zamindars that it are fighting for a higher rate, the same Government on the other hand immediately fixes the prices at Rs. 4-8-0 at one place, at Rs. 4-12-0 in another and at Rs. 4-18-0 at still another and so on and compels people who had bought only 8 days before at Rs. 5-5-0 to sell it at Rs. 4-6-0. Did it not strike the Government that the best way was to open poor shops? The traders are perfectly willing to co-operate with the Government in this matter. They do feel for the poor and the consumer. As a matter of fact I intend seeing the Deputy Commissioner on my return to Amritsar and I shall tell him that if he wants wheat, he should tell us so, and we shall give one *kotla* or even more for a day if the real intention is to help the poor. But if the intention is to help the Government in making those purchases at reduced prices, I should strongly protest against it. Government wants to buy wheat and that too at its own price. The result will be that the villages and "mandis" will both be drained of wheat. The same thing as happened in Peshawar will be repeated here. We have not got large stocks. Take it from me that the stocks of wheat are really very small as compared with normal stocks of previous years. I just referred to the conditions prevailing in Amritsar. Lahore depends mostly on outside supplies and if Government interfered with it in any manner as a result of this control, I think, rather than benefiting the poor, they will make them starve. These matters are affected by laws of supply and demand, and Government should not poke its nose into them as far as possible. Poor shops can be opened. On behalf of the traders I offer to this Government our fullest co-operation in selling wheat cheaper to the poor people and if this is the only motive with which prices have been controlled, then I see no opposition whatsoever to it. I am perfectly sure that with the co-operation of the traders this Government will be able to effectively sell wheat to the people at cheaper prices.

4-30 P.M.

(At this stage the question of adjournment was raised and the Assembly decided that as the House was adjourned for 15 minutes earlier in the day, so it should continue to sit for another 15 minutes.)

Sir, in order to protect and help the poor people the only remedy is to open cheap shops with the co-operation of traders in all big cities where wheat can be sold to them at the controlled price. The Government of India has badly bungled in this affair. They have thought it right to fix the price on Rs. 4-6-0 basis at Lyallpur, after having allowed it to rise to Rs. 5-2-0 and even more, without caring to study the resultant dislocation of trade. This has caused endless loss to the traders, without in any manner benefiting the consumer and the zamindar. At the same time it cannot be denied that the consumer needs our attention and help, and this can be done by opening cheap shops and offering him wheat at cheap price. I again repeat on behalf of the traders of big cities that I offer the fullest co-operation to the Government in the matter of exercise of this control. We offer to give them wheat at cheap price and in sufficient quantities to meet local requirements. My idea is that it should not be left to the officers of the Government to harass individual traders and take possession of their stocks. There are traders' associations everywhere and, if they are approached they would be prepared to arrange amongst themselves and offer cheap wheat at control rate for the requirements of the poor people with as little

[S. Santokh Singh.]

dislocation of trade as possible. That is the only way by which you can hope to succeed. If we let ourselves fall into the fallacy of making assertions one side or the other that these *sattawallas* are making money or big samindars are making money or poor zamindars are losing it, we will be creating such a hopeless mess out of which it will be well nigh impossible to extricate ourselves, laymen as we are in this trade. It is not an easy affair. Things cannot be studied off-hand, and the trend of these discussions will lead us nowhere. The matter is full of complications and difficulties. Whilst I say this, I would request my honourable friends on the ministerial benches, not to mind about the duty. The duty may be left to take care of itself. Prices in the continental markets are already very high with the new phase of war shipping difficulties and Japan in-between, no consignments of wheat are likely to come from Australia. But if they do come, as the Government was contemplating to bring them, they would cost Rs. 5-8-0 in port markets, in Karachi, Bombay and Calcutta and to bring them up-country would mean Rs. 6-4-0 with the addition of another charge of 12 annas on an average. So the position is very serious and it can only be improved by the co-operation on the part of both the Government and the traders. I may hope the Government will not be slow to grasp the hand that I have extended to them on behalf of the traders. They together can prevent the situation from worsening still further. Fixation of wheat price at a low level has ruined trade, besides harming the zamindars. With these words I agree with the first part of the resolution that the control has been fixed at a lower price. The second part is redundant and unnecessary and need not be insisted upon.

Premier (The Honourable Major Sir Sikander Hyat Khan): Sir, I have no intention of making a speech particularly at the fag end of the day, but some honourable members on this side have asked me to explain the official view point of the Government. I hold my personal views and I believe my honourable friends know what those views are. But they want me to express the Government point of view as such. Before doing so, I would like to congratulate the House and my honourable friend the Leader of the Opposition that for once we find ourselves in harmony in regard to this particular resolution. (*Hear, hear*). I am sure that it is a matter of gratification for both sides of the House to find a stalwart champion of the trading classes joining hands with poor agricultural classes in regard to this particular matter. So far as the position of the Government is concerned, the exact facts, I believe, have already been communicated to the House by my honourable colleague, the Minister of Revenue. He has explained to you what position we adopted at the conference at Delhi. I might for your information say that the view of the Government is that the present level at which this price has been controlled is not equitable. It should have been fixed at a higher level, because, as my honourable friend, the Leader of the Opposition, has pointed out, even Australian wheat, if it is imported into this country, cannot possibly be bought or sold at the price at which the wheat has been controlled under the Government of India notification. However the Government of India have decided to control the price of wheat at Rs. 4-6-0. My own view is that having regard to all the existing circumstances Rs. 5 would have been a more appropriate and equitable rate. I can assure my honourable friends on both sides

of the House that so far as we are concerned we will press that point of view again, at the proper time on the Government of India. (*Hear, hear*). I might, at the same time, point out that there is a tendency in some quarters to use fallacious arguments in regard to the difficulties of the poorer and labouring classes. I entirely agree that during the past few weeks they have been put to a great deal of trouble, not because the price of wheat was not controlled earlier because speculators started speculating in a way which I do not think was honest or justified by factors which govern the prices of commodities. It is true that there has been a certain amount of buying by the Government of India and that may have affected the price and helped the upward trend. But the main reason, I think, is that speculators have deliberately created a bullish sentiment in the market. It is they who are responsible for pushing wheat price up from Rs. 3-4-0 to Rs. 4-0-0 and then rapidly to Rs. 5 and more. I am at some disadvantage because I am not at present in possession of definite data, but my honourable friend the Leader of the Opposition who is conversant with trade and market conditions will, I trust bear me out that the distress, of which we hear so much from certain quarters would disappear if the lag in wages and prices is removed. Whenever there is a violent upheaval in prices there is always a lag between wages and price of commodities, and that lag is accentuated by a rapid rise in the price of food-stuffs and other essential commodities. Therefore I think that distress to a large extent, I should say in the case of 90 per cent people, would be eliminated or at least mitigated, if the employers voluntarily raise the wages of their employees having regard to the present conditions. I believe my honourable friend must have seen the notification of the Punjab Government who are the largest employers. We have already taken action to grant grain compensation allowance to all Government servants drawing Rs. 31 or less. That will cost the Government approximately from Rs. 30 to Rs. 35 lakhs a year. But we do not grudge it.

Rai Bahadur Lala Gopal Das : We have given compensation up to Rs. 75.

Premier : Splendid ! I hope other employers of labour will follow this laudable example. As regards other commodities I might cite just two instances. In the case of cotton, the price of Broach before the war was Rs. 200 and the price to-day is Rs. 224 per candy. Now you look at the price of yarn. It was Rs. 4 before the war and it is nearly Rs. 9 now. You can imagine that where the price of manufactured goods has gone up by 200 to 300 per cent the price of agricultural produce has not increased by more than 10 to 15 per cent. In this case it is 12 per cent. So far as desi cotton is concerned we may have to face a very serious situation next year unless timely action is taken. But we cannot take action independently of other provinces. We will approach the Government of India for help. But at the moment my object in mentioning cotton is to stress the disparity between the raw material and the manufactured article. Price of cloth has gone up by 300 to 400 per cent but the cry of the poor consumer hitherto remains unheard. On the other hand if the price of agricultural produce rises even by 25 per cent, there is a hue and cry from all quarters for immediate control. In the case of wheat, having regard to the existing circumstances, it is justified but it is not going to benefit or bring relief, to the poor agriculturists. At least nine-tenths out of 36 lakhs of cultivators are

[Premier.]

owners of land and 34 lakhs pay less than Rs. 50 land revenue ; and they come within the category of poor classes whom we want to help. From their point of view control of agricultural produce is not going to help them unless there is also control of other necessities and commodities. Salt, as you must have seen, has gone up by 300 per cent. This commodity is produced in this country, but I believe the real reason for this abnormal rise is shortage of wagons. But even so I consider that the sudden jump from Rs. 2 to Rs. 4-6-0 is unconscionable and iniquitable. Nothing has been done yet to control the price of salt. In the case of wheat no time has been lost to control the price. This may lead uncharitable persons to believe that the accusation made by the Leader of the Opposition and by some other members that Government took the action deliberately in order to benefit the Government of India coffers is justified, since they have not allowed the price of wheat to rise up to its natural level—world parity—in sympathy with prevailing price in other countries. They will argue that if that had been allowed price of wheat would have adjusted itself to the price prevailing elsewhere. It is therefore necessary that the prices of other essential commodities should also be controlled to meet this accusation. So far as this resolution is concerned all that I can do is to communicate to the Government of India the views of this House. I also propose to send them a copy of the proceedings of this debate so that they may know the feelings of the representatives of the people of the Punjab—both agriculturists and non-agriculturists—on this important issue. We will also in due course communicate the views of Government about the control of this particular commodity at the time of harvest as also regarding other commodities. I might also point out to the House that the official price is the maximum limit. If after the harvest season the price of wheat comes down from Rs. 4-6-0 there is no remedy for it. It is tantamount to "heads I win ; tails you lose." We will point out to the Government of India that if they want to control wheat price it must in the first place be controlled at a level which is reasonable having regard to the world-parity prices of other commodities. I consider that under the existing circumstances—I do not know what the circumstances will be to-morrow or a month later or at the harvest time—the price should have been fixed near about Rs. 5 rather than Rs. 4-6-0 per maund. And I believe that view is shared by all sections of the House. Therefore, when wheat is next harvested we will try to impress on the Government of India that they should control its price at a reasonable figure and that they should fix not only the maximum but also the minimum price so that the zamindars do not lose both ways.

(Applause).

(Honourable members : Question be now put.)

Mr. Deputy Speaker : The question is :

That the question be now put.

The motion was carried.

Mr. Deputy Speaker : The question is—

That in the 4th line of the resolution, for the words, "expressed their intention to institute", the word "instituted", be substituted.

The motion was carried.

Mr. Deputy Speaker : The question is—

That in lines 6 and 7, between the words "grower" and "duty", the words, "no control be instituted while on the other hand", be inserted.

The motion was carried.

Mr. Deputy Speaker : The question is—

That in the last line, the words, "from December, 1941", be deleted.

The motion was carried.

Mr. Deputy Speaker : The question is—

That this Assembly recommends to the Government to convey to the Government of India this Assembly's emphatic protest against the low level of wheat price at which the Government of India have instituted control and further to convey to the Government of India this Assembly's considered view that in order properly and adequately to safeguard the interest of the grower, no control be instituted while on the other hand duty on the import of foreign wheat should be restored to its previous level.

The motion was carried.

Mr. Deputy Speaker : Before the Assembly adjourns I wish to bring to the notice of the House that the Leader of the Opposition wants to resign from the Select Committee on the Anti-Dowry Bill and suggests that Chaudhri Jugal Kishore be appointed in his place. Is it the pleasure of the House that this change be made?

(Honourable members : Yes, yes.)

The Assembly then adjourned till 2-30 p.m. on Friday, the 12th December, 1941.

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PUNJAB LEGISLATIVE ASSEMBLY.

EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 12th December, 1941.

*The Assembly met in the Assembly Chamber at 2.45 p. m. of the clock,
Mr. Speaker in the Chair.*

STARRED QUESTIONS AND ANSWERS.

DETENUS IN MUZAFFARGARH JAIL.

***7840. Sardar Moola Singh :** Will the Honourable Premier be pleased to state whether he is aware that a representation signed by all the detenus in the Muzaffargarh Jail was forwarded to the Punjab Government in the first week of August, 1941, for the removal of certain grievances of those detenus ; if so, the action taken by the Government in the matter ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The honourable member is probably referring to the demands made by the prisoners—

(1) for suitable arrangements regarding a cook, *dhobi* and barber and for the supply of butter and bread and the installation of an electric fan, and

(2) for trial by a court of law.

Demand No. 1 was acceded to, while the second demand was rejected by Government.

DETENUS IN MUZAFFARGARH JAIL.

***7841. Sardar Moola Singh :** Will the Honourable Premier be pleased to state—

(a) whether the Punjab Government has received the request of Muzaffargarh Jail detenus to treat them like Deoli detenus or they should be transferred to Deoli Camp ;

(b) if so, what action has been taken thereon ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes.

(b) The request was rejected by Government.

¹The sitting commenced fifteen minutes late for want of quorum.

**REFUSAL TO MIAN IFTIKHAR-UD-DIN TO INTERVIEW SARDAR
CHANAN SINGH.**

***7842. Sardar Moola Singh :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Mian Iftikhar-ud-Din, M.L.A., the President, Punjab Provincial Congress Committee, applied for an interview with Sardar Chanan Singh, his personal assistant, who is detained in District Jail, Montgomery, in June last and that he was not allowed the interview ;

(b) if so, the reasons for not allowing Mian Iftikhar-ud-Din to interview his Personal Assistant ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes.

(b) The interview was refused in accordance with the principles prescribed to regulate the interviews of security prisoners.

BOYCOTT OF HINDUS AND SIKHS IN SARGODHA DISTRICT.

***7909. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

(a) whether the District Police or the Deputy Commissioner, Sargodha, received any complaint from the Hindu and Sikh residents of Chak No. 35-S.B., tehsil Sargodha, in or about July, 1941, that a campaign of boycott against them was being pursued by some *Muslim Abadkars* of Chak and its neighbourhood; if so, what was the substance of the complaint ;

(b) whether the district administration made an inquiry into the allegations ; if so, what was the result of the inquiry ?

Parliamentary Secretary (Mir Maqbool Mahmood) : I must decline to answer this question on the floor of the House, as it is in essence an allegation of communal discrimination. The honourable member, however, will find all the facts he requires in the written answer furnished to unstarred Assembly question No. 1451.¹

MR. GURDAS RAM.

***7912. Sardar Baldev Singh :** Will the Honourable Premier be pleased to state—

(a) whether Mr. Gurdas Ram interned under section 26 of the Defence of India Rules had all of his teeth extracted on the advice of an expert during his internment in the Central Jail, Lahore ; if so, whether any arrangement has been made by the Government to provide him with a set of artificial teeth ;

¹Pages 142-143 ante.

- (b) whether he was informed before the extraction of his teeth took place that he would have to get the new set at his own cost ;
- (c) whether he has got any means at his disposal to replace his old teeth by a denture during the unlimited period of his detention ;
- (d) whether he has applied to the Punjab Government for supplying him with a new denture as he is deprived from earning any livelihood during the unlimited period of his detention ; if so, the steps that the Government proposes to take in his case ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Security prisoner Gurdas Ram had his teeth extracted in the interests of his own health as he was suffering from acute pyorrhoea. He represented later that he had not the means to purchase artificial dentures, but Government are not able to accept responsibility for expenditure of this kind, the necessity for which is in no sense due to the prisoner's detention, and accordingly his application for the supply of dentures at Government expense was rejected.

RIOTS AT BHIWANI AND CANCELLATION OF ARMS LICENCES.

***7913. Chaudhri Faqir Chand :** Will the Honourable Minister for Public Works be pleased to state community-wise—

- (a) the number of Hindus and Mohammadans from Bhiwani town challaned under section 107, Criminal Procedure Code, in connection with the riots at Bhiwani in May, 1941 ;
- (b) the number of arms licence holders of each community in Bhiwani town amongst them, and the number of such licence holders of each community whose licences have been cancelled because of their having been challaned under section 107, Criminal Procedure Code ;
- (c) whether licences of other arms licence holders in Bhiwani not connected with riots, have also been cancelled during and after the said riots ; if so, the number of such licence holders and the community to which each of them belongs, with the reasons for cancellation of licences in their cases ?

Parliamentary Secretary (Shaikh Faiz Muhammad) :

(a) Hindus	69
Muslims	22

(b) 11 Hindus and 3 Muslims were holding arms licences. The licences of 4 Hindus and 2 Muslims were cancelled.

(c) The licences of two Muslims not connected with the riots were cancelled as the licensees failed to purchase arms within the prescribed time.

Khan Sahib Chaudhri Sahib Dad Khan : Is the Parliamentary Secretary aware of the fact that some of these cancelled licences were renewed?

Parliamentary Secretary : I want notice of this question.

PAYMENTS MADE TO VERNAOCULAR PAPERS.

***7916. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

(a) the amounts actually paid during the year 1940-41 to each of the following papers :—

- (i) the Inqilab,
- (ii) the Ehsan,
- (iii) the Shahbaz,
- (iv) the Zamindar, and
- (v) the Hindu,

in respect of the weekly editions which these papers supply to Government ;

(b) will he be further pleased to state the amounts so far paid during the year 1941-42 to the above-mentioned papers in respect of their supplies of weekly editions ?

Parliamentary Secretary (Mir Maqbool Mahmood) : For information about the arrangement under which Government are purchasing 8,000 copies of the special weekly editions of certain newspapers of Lahore, the honourable member is referred to the statement made by me on the floor of the House on November 25, 1940. Government do not consider it quite fair to the newspapers concerned to state further details about the business aspect of the transaction.

Malik Barkat Ali : Does the Parliamentary Secretary realize that my question is different and has nothing to do with what he is referring to ? I only want the actual amounts paid to these newspapers during the year 1940-41 and also the amounts paid up to date during the year 1941-42.

Parliamentary Secretary : I have already stated that so far as the policy underlying these payments was concerned, it was stated in a statement made on the floor of the House by the Honourable Premier the other day.

Malik Barkat Ali : I have got nothing to do with the policy. I only want to know the actual amounts paid to these papers. Where does the question of fairness to these papers come in by keeping back this information from this House ?

Parliamentary Secretary : This question was raised by my honourable friend at the time of the discussion of the Report of the Public Accounts Committee. After making his speech my honourable friend thought fit to leave the House. The Honourable Premier made a detailed statement and I have nothing to add to it.

Sardar Ajit Singh : Why does the Government fight shy of giving the figures ? Is it because the amount is too big ?

Premier : Government gave all the information that they had to give. Does my honourable friend want me to repeat what has already been said ?

PUNJABI DETENUS IN DEOLI CAMP.

***7917. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

(a) at whose instance the Punjabi detenues in Deoli Camp were sent over to Deoli ;

(b) whether in view of the unsuitable climatic conditions at the Deoli Camp, the Punjab Government intends to take steps to transfer the Punjabi detenues to some place in the Punjab ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) The Punjab Government in consultation with the Government of India.

(b) As far as the Punjab Government are aware the climatic conditions at Deoli are not at all unsuitable. It has, however, been decided for other reasons to repatriate all Punjab detenues to their own province.

Sardar Lal Singh : Will the Honourable Premier kindly state whether there was any proposal to appoint a tribunal to go into the cases of these detenues ?

Mr. Speaker : This question does not arise.

Sardar Lal Singh : My question is whether Government is going to do anything in this direction. If the Honourable Premier has got any information in this connection, he might give it to the House.

Mr. Speaker : From which part of the answer does this supplementary question arise ?

Sardar Ajit Singh : Will the Honourable Premier kindly state whether he received any instructions from the Central Government that the detenues belonging to the Punjab should be taken back ?

Premier : It appears that my honourable friend does not read newspapers. The Government of India published a statement that the Provincial Governments had consented to take back their respective detenues.

PUNJABI DETENUS AT DEOLI.

***7918. Sardar Lal Singh :** Will the Honourable Premier be pleased to state whether the Central Government has invited the opinion of the Punjab Government on the question of the release of Punjabi detenues at Deoli ; if so, what attitude the Punjab Government has adopted towards this question ?

Parliamentary Secretary (Mir Maqbool Mahmood) : It is not in the public interest nor in accordance with accepted conventions to reveal correspondence which has passed between the Punjab Government and other Governments.

BHAKRA DAM SCHEME.

***7910. Sardar Baldev Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Punjab Government is committed to the Bhakra Dam Scheme or any other equally effective scheme for giving water to the south-eastern districts of the province ;
- (b) when this Bhakra Dam Scheme was contemplated ;
- (c) how much money the Government has already spent in connection with any other such scheme, including survey and other charges ;
- (d) whether it is a fact that two engineers were sent by the Government for studying the Dam Project in America in anticipation of taking steps to materialize this scheme and that they reported in favour of this scheme ;
- (e) whether it is a fact that the recent seasonal canal known as "Tusham Minor" has been so planned as to fit in with the contemplated Bhakra Dam Scheme ;
- (f) whether it is a fact that solemn assurances have been given from time to time to the people of the south-eastern districts that the scheme shall materialize in the near future and that the present war has stood in the way of its prompt execution ;
- (g) the action now proposed to be taken in this respect ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes, in the sense that when the obstacles which now stand in the way disappear, Government is determined to proceed with the scheme without any avoidable delay.

(b) The proposal originated in a note by (Sir Louis Dane) the Lieutenant Governor of the Punjab in 1908 and the first scheme was prepared in 1919.

(c) Rs. 18 lakhs.

(d) The two engineers were sent to America to study the design and construction of dams and their experience will be utilized in due course.

(e) Yes, as far as possible.

(f) The exact position has been explained to the public on several occasions by public pronouncements made by the Honourable the Premier and his other colleagues in the Cabinet and also through the press.

(g) One of the schemes will be undertaken when the present dispute with Sind is settled, negotiations with the Indian States concerned are successfully concluded and finances arranged ; it will probably not be possible to embark on any large scheme until the war is over.

Khan Sahib Chaudhri Sahib Dad Khan : Will the Government consider the desirability of taking some action as soon as possible.

Parliamentary Secretary : Government will take the necessary steps when all the preliminaries are settled.

Dr. Sir Gokul Chand Narang : Is the Revenue Minister satisfied with the progress made in connection with this scheme?

Parliamentary Secretary : That is a matter of opinion.

BACTERIOLOGIST TO GOVERNMENT, PUNJAB.

***7911. Sardar Baldev Singh :** Will the Honourable Minister of Education be pleased to state whether the Bacteriologist to the Punjab Government examines specimens of morbid material sent to him by private aided hospitals free of charge; if so, whether he would be pleased to lay the list of such hospitals on the table of the House and also give the names of those hospitals, if any, which were on this list before but have now been removed together with the reasons for their removal?

The Honourable Mian Abdul Haye :

1st part.—Yes, up to 23rd July, 1941.

2nd part.—A list is laid on the table.

3rd part.—As the examination of morbid material was conducted by the Bacteriologist to Government, Punjab, without any authority, the unauthorized practice has been discontinued.

List of Hospitals.

1. Lahore Maternity Hospital, Lahore.
2. Moolchand Kharaitiram Ayurvedic and Surgical Hospital, Lahore.
3. Sir Ganga Ram Free Hospital, Lahore.
4. Mission Hospital, Montgomery.
5. C. M. S. Hospital, Multan Cantonment.
6. Scotland Church Mission Hospital, Jalalpur Jattan, Gujrat district.
7. Dow Memorial Hospital, Gujrat.
8. New Zealand Mission Hospital, Jagadhri, Ambala district.
9. Salvation Army Hospital, Dhariwal, Gurdaspur district.
10. Mission Hospital, Ferozepore.
11. Rehmatpur Zenana Hospital, Palwal, Gurgaon district.
12. Memorial Mission Hospital, Sialkot.
13. Francis Newton Mission Hospital, Ferozepore Cantonment.

CHOLERA IN HISSAR.

***7914. Chaudhri Faqir Chand :** Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that cholera has broken out in the town of Hissar;

(b) what preventive steps, if any, have been taken by the local officers and the health officer of the town;

[Ch. Faqir Chand.]

- (c) whether cholera inoculations have been resorted to as one of the preventive steps for the prevention of the epidemic; if so, the number of persons daily inoculated from 7th July, 1941, till the 16th November, 1941;
- (d) whether it is a fact that the number of persons inoculated has very much decreased since 10th July, 1941; if so, the reasons therefor;
- (e) whether he is aware that a large number of the people of the town desire to get themselves inoculated but there have been no proper arrangements for the same after the 9th July; if so, what action, if any, Government propose to take to make arrangements for inoculation of all the residents of the affected area whether rich or poor, who desire to be inoculated;
- (f) the name or the designation of the medical officer who is in charge of and supervises the health conditions and sanitation of the town of Hissar at present, and the time since when the present arrangement has been made;
- (g) the details of the arrangements in force for inoculation from the time of the outbreak of cholera up to the 9th July, 1941, and those after the 9th July, 1941?

The Honourable Mian Abdul Haye : (a) Yes, from the 4th July to the 1st August, 1941.

(b) Necessary anti-cholera measures comprising inoculation, disinfection, treatment of cases and their contacts, disinfection of water supplies, improvement in the sanitary condition of the town by increasing the sanitary staff and other sanitary measures were taken to combat the disease.

(c) *First part.*—Yes.

Second part.—A statement is laid on the table. As cholera disappeared from the town on the 1st August, 1941, the necessity of continuing the inoculation work, on an extensive scale, beyond that date was not felt.

(d) No. Vigorous anti-cholera operations remained in force up to the end of July, 1941, when the outbreak of cholera subsided.

(e) No complaint was received by the Public Health Department that the demand for inoculation was not promptly met.

(f) The Civil Surgeon, Hissar, is in charge of the public health duties in Hissar town since the 10th July, 1941.

(g) Every effort was made to carry out inoculations in the town on an extensive scale, specially among the contacts. In the beginning of the epidemic, private medical practitioners also carried out inoculations for a few days on a remuneration of Rs. 10 per 100 persons inoculated. After the 10th July, 1941, inoculation work was pushed on among the contacts and others by the Civil Surgeon and his assistants, and the services of a local medical practitioner were also enlisted for the purpose.

Date.	Cases.	Deaths.	Daily inoculations.	Total inoculations up-to-date.
4th July, 1941	1	1	61	61
7th July, 1941	2	1	51	112
8th July, 1941	2	2	723	835
9th July, 1941	0	0	310	1,145
10th July, 1941	2	0	549	1,694
11th July, 1941	3	2	152	1,846
12th July, 1941	1	0	204	2,050
13th July, 1941	5	1	278	2,328
14th July, 1941	1	3	269	2,597
15th July, 1941	0	0	159	2,756
16th July, 1941	0	0	163	2,919
17th July, 1941	0	0	116	3,035
18th July, 1941	1	1	78	3,113
19th July, 1941	0	0	169	3,282
20th July, 1941	0	0	7	3,289
21st July, 1941	0	0	25	3,314
22nd July, 1941	0	0	40	3,354
23rd July, 1941	0	0	12	3,366
24th July, 1941	0	0	60	3,426
25th July, 1941	1	0	29	3,455
26th and 27th July, 1941	0	0	114	3,569
28th July, 1941	0	0	34	3,603
29th July, 1941	0	0	24	3,627
30th and 31st July, 1941	0	0	..	..
1st August, 1941	1	1	60	3,687
2nd and 3rd August, 1941	0	0	..	..
4th August, 1941	0	0	48	3,735
5th to 11th August, 1941	0	0	..	..
12th August, 1941	0	0	16	3,751
13th and 14th August, 1941	0	0	..	..
15th August, 1941 and after	0	0	330	4,081
Total	20	12		4,081

**SUMMER VACATION IN STRATFORD COLLEGE FOR
WOMEN, AMRITSAR.**

***7915. Sardar Santokh Singh :** Will the Honourable Minister of Education be pleased to state as to why Stratford College for Women, Amritsar, closed for the summer vacation late by one week this year and consequently opened correspondingly one week later as compared with other Degree Colleges in the Punjab including the Government College, Lahore ?

The Honourable Mian Abdul Haye : In accordance with paragraph 4 of Article 214 of the Punjab Education Code the Degree Colleges should ordinarily close for summer vacation from about the beginning of the month of July, but no definite date is fixed. In 1941 the Stratford College for Women, Amritsar, closed for summer vacation on the 12th July as the Intermediate examination result was declared late and the students who joined the III year class, were given the benefit of attending some lectures in order to get instructions to guide them during the summer vacation.

SHORT NOTICE QUESTIONS AND ANSWERS.

DEARNESS ALLOWANCE.

Sardar Ajit Singh : Will the Honourable Finance Minister be pleased to state whether it is a fact that the necessities of life have arisen abnormally due to the war ; if so, whether Government has allowed any dearness allowance to its low-paid servants ; and if not, reasons therefor ?

The Honourable Sir Manohar Lal : Government have revised their Dearness Allowance (called Grain Compensation Allowance) Rules, and judging from the prices prevailing at present, the allowance should be admissible to low-paid Government servants for the month of December.

SCARCITY OF FODDER IN BARANI VILLAGES OF GURGAON DISTRICT.

Chaudhri Sumer Singh : Will the Honourable Minister for Revenue be pleased to state whether he is aware of the fact that there is scarcity of fodder in the barani villages of Palwal Sub-division, district Gurgaon, and the inhabitants thereof, who are very poor and are unable to import fodder from other places, are using branches of trees for fodder in this *ilaga* ; if so, what action does he intend to take for obtaining the supply of fodder at an early date and if no action is intended to be taken, the reasons therefor ?

Parliamentary Secretary Raja Ghazanfar Ali Khan : There is scarcity of fodder in some barani villages in the Palwal and Ballabgarh tahsils of the Palwal Sub-division ; but the situation is not acute. There have been very few cases of cutting of branches of trees and in any case this is a common habit with the people of these tahsils in order to feed their sheep and goats.

Most of the villages concerned are in the Khadar tract where some grazing on the river side is always available. In addition fodder is available from villages which had a normal crop.

Taccavi advances to the extent of Rs. 10,000 for Ballabgarh tahsil and Rs. 15,000 for Palwal tahsil have been sanctioned for the purchase of fodder.

Khan Bahadur Nawab Muzaffar Khan : Comparisons are odious, but may I enquire from the Honourable Minister of Revenue whether conditions in Attock district are not bad? We have had no kharif crops for the last four years, as the Honourable Premier is likely to know. Are any steps likely to be taken to relieve the population?

Parliamentary Secretary : I am very grateful to the honourable member for giving us this information, but if he wants any information he must give notice of a question.

Sardar Ajit Singh : Is the Government prepared, in case of Palwal Sub-division, to obtain the supply of fodder from those people who have stored it with them as the Government in Lahore division is obtaining it from the people in possession of surplus fodder?

Parliamentary Secretary : Sir, I do not follow my honourable friend.

Mian Muhammad Nurullah : May I know from the honourable member who has just asked the supplementary question as to whether the fodder, if obtained from people who are in possession of it, will not decrease their stock?

Parliamentary Secretary : May I inform the honourable member for Attock that so far as the difficulties of fodder are concerned they are confined practically to barani districts, and it is only a difference of degrees. So far as my honourable friend's question is concerned, I do not think that is a barani *ilaqa*.

Khan Bahadur Nawab Muzaffar Khan : My question was whether Government are really aware of the state of affairs in Attock as regards fodder scarcity.

Parliamentary Secretary : I am afraid I cannot answer that question, because the Government has not made any enquiries, but I have no doubt that the conditions are not as bad as stated.

SATYAGRAHI PRISONERS.

Sardar Ajit Singh : Will the Honourable Premier be pleased to state whether he has received any instructions from the Central Government for the release of *satyagrahi* prisoners; if so, what action has he taken so far or intends to take in the matter?

The Honourable Major Sir Sikander Hyat-Khan : In accordance with the press announcement of the Government of India published on the 4th of December, 1941, steps are being taken to release all *satyagrahis* whose offences have been formal or symbolic in character.

ADJOURNMENT.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I move—

That the Assembly on its rising this day be adjourned *sine die*.

The motion was carried.

STATEMENT OF EXCESS EXPENDITURE AUTHENTICATED BY GOVERNOR.

Minister for Finance: Sir, as required by section 81 of the Government of India Act, 1935, I lay on the table the statement of excess expenditure for the year 1939-40 authenticated by His Excellency the Governor.

As required by section 81 of the Government of India Act, 1935, I hereby authenticate the following statement of excess expenditure for the financial year 1939-40, which specifies—

- (a) the excess grants made by the Punjab Legislative Assembly in its session held in December, 1941, and
- (b) the sums required to meet the excess expenditure charged on the revenues of the province.

STATEMENT.

Grant No.	Major head of account.	Excess grants made by the Punjab Legislative Assembly.	Sums required to meet expenditure charged on the revenues of the province.	Total.
		Rs.	Rs.	Rs.
6	Charges on account of Motor Vehicles Taxation, and other Taxes and Duties.	..	326	326
7	Irrigation Works .. ..	..	1,988	1,988
9	Irrigation—Capital	30,761	..	30,761
31	Superannuation Allowances and Pensions.	25,962	15,982	41,944
32	Commuted Value of Pensions ..	..	19,230	19,230
35	Deposits and Advances — Advances not bearing interest.	1,144	..	1,144
	Total	57,867	37,526	95,393

LAHORE:

The 10th December, 1941.

B. J. GLANCY,

Governor of the Punjab.

LEGISLATIVE ASSEMBLY (SALARY AND ALLOWANCES OF MEMBERS) BILL.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I beg to move—

That the Punjab Legislative Assembly (Salary and Allowances of Members) Bill be recommitted to the same select committee to reconsider clauses 2-4, 6 and 7.

The motion was carried.

The Assembly then adjourned sine die.

PUNJAB LEGISLATIVE ASSEMBLY

EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY

Monday, 9th February, 1942

The Assembly met in the Assembly Chamber at 12 noon of the clock.
Mr. Speaker in the chair.

STARRED QUESTIONS AND ANSWERS.

REFUSAL TO DELIVER MONEY ORDER TO MASTER KABUL SINGH
SENT BY MR. SANT PARKASH:

*7843. **Sardar Moola Singh**: Will the Honourable Premier be pleased to state—

- whether it is a fact that Mr. Sant Parkash, Secretary, Congress Assembly Party, Punjab, sent a money order for Rs. 20 to Master Kabul Singh, M.L.A., a security prisoner in Deoli Detention Camp, in the 2nd week of May, 1941, to supplement his requirements;
- whether it is a fact that the Superintendent of the Detention Camp refused to deliver it to Master Kabul Singh and it was consequently returned;
- if so, whether the Punjab Government is prepared to ascertain the reasons for the same and place those before this honourable House?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) A money order for Rs. 19-12-0 was received for Master Kabul Singh from Mr. Sant Parkash in the third week of April, 1941;

(b) Yes;

(c) In accordance with the rules under which he was detained. The remitter was not on the list, which is furnished for approval, by the security prisoner himself, of those relations and friends who are to be allowed to send money.

TRANSFER OF PUNJABI DETENUS IN DEOLI CAMP TO PUNJAB JAILS.

*7844. **Sardar Moola Singh**: Will the Honourable Premier be pleased to state whether it is a fact that on representations received from Punjab Civil Liberties Union and Soviet and Detenus Aid Committee, the Punjab Government has decided to bring back the detenus belonging to the Punjab from Deoli Detention Camp to Punjab jails; if so, when and where?

Parliamentary Secretary (Mir Maqbool Mahmood): It has been decided to repatriate the detenus, but this decision was in no way influenced by representations of private bodies. The detenus have since been repatriated to Gujrat Jail.

**REPRESENTATION BY THE PUNJAB CIVIL LIBERTIES UNION FOR THE
REMOVAL OF THE GRIEVANCES OF DETENUS IN DEOLI CAMP.**

***7845. Sardar Moola Singh:** Will the Honourable Premier be pleased to state whether it is a fact that a representation signed by about 1,100 prominent citizens of Punjab was sent by the Punjab Civil Liberties Union in the last week of July, 1941, to the Punjab Government asking for the removal of the grievances of detenus and 'C' class political prisoners in Punjab jails and in Deoli Camp; if so, the action taken by the Government in the matter?

Parliamentary Secretary (Mir Maqbool Mahmood): The precise representation to which the honourable member refers is not clear from his question. Certain representations were received in August and September and were duly considered.

AUSTRALIAN OFFICERS FOR INDIAN ARMY UNITS.

***7919. Sardar Lal Singh:** Will the Honourable Premier be pleased to state—

- (a) whether it has come to the notice of the Punjab Government from the debates in the Central Assembly that officers from Australia are being recruited to officer Indian Army Units and that the alleged cause for this step is said to be the paucity or non-availability of Indian Officers;
- (b) whether the Punjab Government recently passed a resolution advocating the officering of Indian Army by Indians and in accordance with that whether it intends to protest against this practice to the Central Government;
- (c) whether the Punjab Government endorses this view of the Central Government that Indian officers are not available in sufficient numbers; if so, whether it proposes to take steps to make available and train Punjabi officers;
- (d) if the Punjab Government does not endorse the view of the Central Government whether it proposes to give expression to its views on the matter and try to put a stop to this practice of recruiting European officers from outside?

Parliamentary Secretary (Mir Maqbool Mahmood): (a), (b), (c) & (d) The resolution passed by this Assembly referred to the recruitment of Indian officers in the same proportion and from the same classes as the other ranks, and is, therefore, not strictly relevant to the discussion which took place in the Central Assembly. It is, however, a fact that experience has shown that sufficient numbers of suitable officer recruits are not presenting themselves, and therefore the question of any representation to

the Central Government does not arise at present, but when the Punjab Government are satisfied that sufficient numbers are available and are not being absorbed, they will certainly consider making a representation on the subject.

Sardar Lal Singh : Does the Government admit that sufficient numbers of officer recruits are not forthcoming ?

Parliamentary Secretary : A very large number of officer recruits are forthcoming, but the regulations enjoin a certain standard with regard to language and other things which have necessitated the recruitment of Australian officers. The question of making a representation would arise when the Government is assured that a sufficient number of Indian officer recruits with the requisite qualifications is forthcoming. The question of making a representation with regard to the revision of the regulations would receive consideration.

Sardar Lal Singh : Is the Parliamentary Secretary in a position to state whether there was no correspondence on the subject between this Government and the Central Government ?

Parliamentary Secretary : There was no correspondence on the subject between the Premier and the Government of India.

Sardar Lal Singh : Was there no correspondence at all ?

Parliamentary Secretary : No correspondence between the Government of India and the Punjab Government.

EXPANSION OF VICEROY'S EXECUTIVE COUNCIL.

***7927. Sardar Lal Singh :** Will the Honourable Premier be pleased to place on the table of the House all the correspondence, if any, that passed between the Premier and the Government of India on the subject of the expansion of the Viceroy's Executive Council ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The honourable member seems to be labouring under some misapprehension. Appointment to the Viceroy's Executive Council is not made on the recommendation or advice of the Punjab Premier or of the Punjab Government, and consequently there is no question of any correspondence having passed.

KHAKSAR INQUIRY COMMITTEE REPORT.

***7929. Malik Barkat Ali :** Will the Honourable Premier be pleased to lay on the table of the House the report made by the Honourable Sir Douglas Young, Chief Justice, Lahore High Court, and Mr. Niamat Ullah, retired Judge, High Court of Allahabad, regarding the Khaksar-Police clash and the firing pursuant thereto, which took place on the 19th March, 1940, in the city of Lahore ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No, as it would be deplorable and not in the public interest to revive memories of the details of this unfortunate incident.

Mian Muhammad Nurullah : May I know the date on which the report was submitted to Government ?

Parliamentary Secretary : I want notice for that.

Mian Abdul Aziz : The enquiry was a public one. Why then is it being kept a secret ?

Parliamentary Secretary : To avoid the revival of unpleasant memories.

REMOVAL OF HAKIM LOK NATH FROM LIST OF DARBARIS.

***7968. Sardar Santokh Singh :** Will the Honourable Premier be pleased to state—

(a) whether he is aware of an order, dated the 20th August, 1941 passed by the Commissioner, Multan Division, removing Hakim Lok Nath of Khanewal from the list of Darbaris of the Multan district, if so, the reasons therefor ;

(b) what was the nature of his offence on which this order was passed ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes.

(b) No specific offence. His general behaviour recently has not been in consonance with the dignity conferred upon him.

Sardar Santokh Singh : Is the Government aware that the Commissioner has passed this order removing the gentleman from the list of Darbaris exclusively on the ground that he took part in the marketing agitation ?

Parliamentary Secretary : I am not aware of any particular order to which the honourable member refers, but I have stated that his general behaviour has not been in consonance with the dignity conferred upon him.

Mian Muhammad Nurullah : Will he kindly give any details of his general behaviour ?

Parliamentary Secretary : It would not be fair to the person concerned.

Mian Muhammad Nurullah : Is it fair to make that imputation on the floor of this House when he is absent ?

Mr. Speaker : The next question.

INDIAN I. C. S. OFFICERS.

***7969. Rai Sahib Chaudhri Suraj Mal :** Will the Honourable Premier be pleased to state—

(a) the number and names of those Indian I. C. S. Officers in the Punjab who have been recently appointed in the Executive and Judicial branches of the Government ;

(b) the number and names of such Indian I. C. S. Officers in the Punjab as have been sent from the Executive to the Judicial branch and *vice versa* ?

Parliamentary Secretary (Mir Maqbool Mahmood) : I am afraid I have no idea of the information which the honourable member wishes to

have supplied, and if he will frame his question more precisely, I will endeavour to collect it, but he will find most information in connection with Indian Civil Service officers, published in the latest edition of the Civil List.

DEARNESS ALLOWANCE.

***7985. Khan Muhammad Yusuf Khan :** Will the Honourable Minister for Finance be pleased to state whether the Government has any proposal under consideration to give a dearness allowance to the low paid Government servants, especially chaprasis and other menials?

The Honourable Sir Manohar Lal : The attention of the honourable member is invited to the reply¹ given to a short notice question by Sardar Ajit Singh, M.L.A., on 12th December, 1941.

DEARNESS ALLOWANCE.

***7986. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Finance be pleased to state whether it is a fact that a number of representations have recently been made to Government by and on behalf of the low paid menial staff in various Government offices particularly at Lahore, for the grant of dearness allowance to them; if so, the action taken or intended to be taken in the matter?

The Honourable Sir Manohar Lal : The attention of the honourable member is invited to the reply¹ given to a short notice question by Sardar Ajit Singh, M.L.A., on 12th December, 1941.

ALLOWANCE TO RECORD KEEPERS.

***8048. Mahdumzada Haji Sayed Muhammad Wilayat Hussain Jeelani :** With reference to the answer to unstarred question No. 1489² asked on 29th April, 1941, will the Honourable Premier be pleased to state the designation of the posts held by the officials in charge of the Record Sections of the Punjab Civil Secretariat, Financial Commissioner's Office and the Irrigation Secretariat and also the nature of duties that these officials have to perform with the reasons, why they are not in receipt of a special pay like the official in charge of the Record Section in the Buildings and Roads Secretariat?

Parliamentary Secretary (Mir Maqbool Mahmood) : The respective designations are Superintendent, Records, General Record Keeper and Assistant-in-charge, Records. The nomenclature provides an index to the nature of the posts, but briefly summed up the duties are responsibility for the proper maintenance of the Records and supervision of their subordinate staff. While the nature of the duties performed are substantially the same in all cases, they differ widely in volume and complexity in each office. The rates of pay of these officials are higher than that of the official in charge of the Buildings and Roads record section, where special pay was

[Mir Maqbool Mahmood.]

only granted, as explained in the answer to Assembly Question No. 1489¹, when the status of the post was reduced from that of an Assistant to that of a Senior Clerk.

MASTER KABUL SINGH.

***8054. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Master Kabul Singh, M.L.A., who had recently been released from Deoli Detention Camp owing to ill-health was again arrested by Jullundur Police on December 19, 1941, immediately after his arrival from Lahore ;
- (b) whether it is a fact that Master Kabul Singh is still running temperature, losing weight and is not afforded the same facilities in jail as used to be afforded to him in the Deoli Detention Camp ;
- (c) whether it is a fact that owing to his ill-health Master Kabul Singh was admitted into the hospital on December 23 ; if so, what was the Doctor's report about his health ;
- (d) whether the Government intend to grant any maintenance allowance to his family during the period of his detention ; if not, why not ;
- (e) under what law he is being detained, the period for which he is to be detained and the place where he is detained ;
- (f) the diet given to him ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes.

(b) (i) & (ii). No. (iii) He is being dieted as an A class convicted prisoner and the other facilities afforded to him are not less liberal than in Deoli.

(c) (i) Yes ; (ii) he was suffering from frequency and looseness of motions and enteritis, of which he was cured on 2nd January, 1942.

(d) An allowance of Rs. 10 per mensem has been granted for his family.

(e) (i) Rule 26, Defence of India Rules ; (ii) this depends on future events ; (iii) New Sub-Jail, Gujrat.

(f) Diet prescribed for A class convicted prisoners.

Mian Muhammad Nurullah : Is it a fact that he refused the offer of Rs. 10 a month ?

Parliamentary Secretary : I require notice of that question.

Mian Muhammad Nurullah : Is Rs. 10 a fair and reasonable allotment for a family like his ?

Parliamentary Secretary : In fixing these allowances various factors are taken into consideration including the other sources of income of the person, the income which he used to receive previously and so on

I could not say offhand what were the details taken into consideration in fixing this allowance for him, but if the honourable member is particularly interested, I can get the details if he puts a specific question.

Mian Muhammad Nurullah : Would it not be considered an insult to fix such a small allowance for a person who was a member of this House ?

Parliamentary Secretary : Detenus are not treated as members of the Assembly and in fixing the allowances all factors are taken into consideration, including their previous earnings, their other sources of income, the requirements of the family and so on. On that basis I hope my honourable friend would not advocate that the same treatment should be meted out to all alike.

Mian Abdul Aziz : Is Rs. 10 per year or per month or per day ?

Parliamentary Secretary : It happens to be a monthly allowance.

Mian Muhammad Nurullah : Is it not a fact that even ordinary prisoners are granted more than Rs. 10 a month ?

Parliamentary Secretary : Yes, in certain cases where it is found that there is a large family and there is no other source of income and so on.

COMRADE BHAGAT SINGH BILGA.

*8056. **Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Shrimati Chanan Kaur, wife of Comrade Bhagat Singh Bilga now confined in Campbellpur Jail as a security prisoner, applied to the Punjab Government in the last week of December, 1941, for the release of her husband on parole to enable him to make arrangements for medical aid for his ailing son ;

(b) whether it is also a fact that the applicant asked for an allowance in her application for her family during the internment period of her husband ; if so, the action taken by the Government on the application ?

The Honourable Lieut.-Colonel Sir Sikander Hyat-Khan :

(a) Yes ; Government had earlier agreed to have the child treated in hospital in Jullundur at Government expense and had also agreed to pay the child's mother Rs. 30 a month for her expenses and that of a relative who would have to stay in Jullundur. But after 15 days' stay in hospital she left as she refused to comply with hospital rules about sanitation. However, she was allowed to retain the full Rs. 30 which had been advanced to her.

(b) First part, yes ;

Second part, the matter is under consideration.

[Premier.]

REPRESENTATION OF STATUTORY AGRICULTURISTS AMONG GAZETTED AND NON-GAZETTED POSTS IN THE FINANCE BRANCH OF CIVIL SECRETARIAT.

***8067. Rao Mohar Singh :** Will the Honourable Premier be pleased to state—

- (a) the number at present of gazetted and non-gazetted posts respectively in the Finance Branch of the Civil Secretariat ;
- (b) the number of posts in each class held by statutory agriculturists ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The information is as follows :—

(a) Gazetted	..	..	..	3
Non-gazetted	..	..	..	47
(b) Gazetted	..	..	..	1
Non-gazetted	..	..	..	22

WHEAT PRICES.

***7920. Sardar Lal Singh :** Will the Honourable Minister of Revenue be pleased to state whether the Government of India recently invited the Punjab Government's opinion as to the control of wheat prices, if so, what opinion the Government of the Punjab gave on this subject ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : It is not customary to disclose the contents of any correspondence which may have been exchanged between two Governments, but the honourable member may rest assured that every precaution was taken to safeguard the interests of the grower consistently with the due interests of the consumer.

Mian Muhammad Nurullah : Will the Government define their position in regard to the new crop that will come in April ?

Parliamentary Secretary : I think the Honourable Minister for Revenue explained the position during the discussion of the last resolution and there is nothing more to add to it.

Mian Muhammad Nurullah : Will the Government make a representation so that there may be no control in regard to the coming crop ?

Parliamentary Secretary : It is a request for action.

EXCHANGE OF GOVERNMENT LANDS ON HAVELI CANALS.

***7922. Makhdumzada Haji Sayed Muhammad Wilayat Hussain Jeelani :** Will the Honourable Minister of Revenue be pleased to state—

- (a) how many persons applied for exchange of Government land with their proprietary lands during the last two years on the Haveli canals in the Multan district ?
- (b) how many applications were rejected and filed and how many were recommended to the Government ;
- (c) the names and addresses of those whose applications were rejected and also of those whose applications have been recommended to the Government for favourable consideration ;
- (d) the reasons for this differential treatment ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Two applications were received; in one there was one applicant, in the other seven. (b) One was rejected; the other is still under consideration.

(c) and (d) Each case is decided on its merits. It is not the practice to give names of individuals in such cases.

WARABANDI.

***7925. Chaudhri Faqir Hussain Khan:** Will the Honourable Minister of Revenue be pleased to state whether he is aware that the shareholders of outlet No. 24587, Jethuwal Minor, Amritsar District, first made an application on 19th March, 1941, then again on 8th August, 1941, and third time on 9th September, 1941, to the local Canal Officers for warabandi and that no action has so far been taken thereon, if so, the reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (1) Warabandi of outlet R. D. 24587-L, Jethuwal Distributary, was sanctioned under Section 68 of the Canal Act on 5th March, 1940. Certain shareholders of the outlet submitted an application, dated 19th March, 1941, proposing a new order of turns. This was enquired into and the parties heard on 6th August, 1941. This application was not accepted as there were no specific objections to the sanctioned warabandi and no grounds for altering it.

2. The shareholders subsequently put in an application, dated 6th August, 1941, and in its continuation an application, dated 9th September, 1941, stating certain objections. Notice, dated 26th October, 1941, was served on the parties that enquiry will be held and objections heard on 14th November, 1941, but none of the shareholders attended. The next date of hearing was fixed as 9th December, 1941.

WARABANDI.

***7926. Chaudhri Faqir Hussain Khan:** Will the Honourable Minister of Revenue be pleased to state whether he is aware that no action has so far been taken by the Superintending Engineer and the Executive Engineer, Upper Bari Doab Circle, Baswind Division, on the applications of the shareholders of outlet No. 24587, Jethuwal Minor, dated 1st May, 1941, and 16th June, 1941, against wrong warabandi; if so, the reasons for the delay?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The honourable member is referred to the reply to his Assembly Question No. 7925 (starred) (above). The application, dated 1st May, 1941, was merely a reminder to the previous application, dated 19th March, 1941, which was rejected for want of grounds for revision of warabandi. No application bearing date 16th June, 1941, was received.

DIPALPUR CANAL.

***7948. Tikka Jagjit Singh Bedi:** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Dipalpur (non-perennial) canal did not run with full supply of water from 15th April to

[Tikka Jagjit Singh Bedi.]

15th October, 1941, as it is scheduled to run every year, and that the cotton crop on that canal has almost failed owing to a severe attack of *Tirak* caused by the short supply of water; if so, the action intended to be taken to compensate the zamindars concerned for the loss suffered by them?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The Dipalpur non-perennial canal does not run with full supply in the entire period 15th April to 15th October in any year. During 1941 the supply received by this canal was practically the same as in 1940. The cotton crop on this canal has been good. There has been no widespread complaint of damage on account of *Tirak*. Isolated cases of damage have been dealt with under the ordinary Kharaba Rules.

Tikka Jagjit Singh Bedi: But is it not supposed to run with full supply?

Parliamentary Secretary: There is no question of supposition. It depends upon the quantity of water in the river.

DIPALPUR CANAL.

***7949. Tikka Jagjit Singh Bedi:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of days for which the Dipalpur canal ran with full supply of water during the *kharif* crop this year, that is, from 15th April to 15th October, 1941;
- (b) the number of days for which each distributary of the said canal ran with the full supply of water during the period mentioned above and what was the supply of water both at the head and tail of each distributary;
- (c) whether each distributary at its tail received its supply of water according to its share; if not, the names of the distributaries which received short supply and the reasons therefor;
- (d) whether it is a fact that in case of some distributaries of the Dipalpur Canal, particularly that of Bunga Hayat, the supply of water at the head was full while at the tail the supply was short; if so, the reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) 78 days.

(b) A statement is laid on the table showing the number of days for which each distributary of the Dipalpur Canal ran with full supply at head. The supplies received at the tails of the distributaries are not recorded regularly but the available information shows that the tails of all channels generally got their proper share.

(c) The following distributaries received short supply at their tails at times during the last flow season:—

- (i) Chorkot Distributary.
- (ii) Attari Distributary.
- (iii) Bakerke Distributary.
- (iv) Kul Distributary.

These channels have not yet been remodelled and the shortage at tails will disappear when the distributaries are remodelled in the course of the current or the next year.

(d) No, except in so far as stated in (c) above.

Statement showing the number of days for which the distributaries of Dipalpur Canal ran with full supply during the period 15th April to 15th October, 1941.

Serial No.	Name of Distributary.	Number of days of full supply at head.
1	Chorkot	85
2	Sodhiwala	81
3	Bakerke	86
4	Ganje Upper	84
5	Ganje Lower	81
6	Kul	81
7	Khudian Ditch	76
8	Jaggian	68
9	Chunian	84
10	Pakhoki	71
11	Attari	59
12	Chunian	67
13	Bejanpur	72
14	Jandran	73
15	Jethpur	72
16	Nehranwala	72
17	Dipalpur	73
18	Fateh Muhammad	71
19	Kanganpur	75
20	Chahal	78
21	Kalar Kalan	76
22	Lalugudar	76
23	Manuwalla	82
24	Maruf Minor	81

Serial No.	Name of Distributary.	Number of days of full supply at head.
25	Battak	84
26	Rari	77
27	Shahmad	81
28	Nadha	72
29	Tahar	76
30	Basirpur	74
31	Gulshah	74
32	Chandur	74
33	Sahibewala	74
34	Bunga Saleh	74
35	Bunga Hayat	74
36	Gaja	89
37	Adlike	89
38	Haveli	87
39	Matanwala	87
40	Gillanwala	80
41	Mari	88
42	Bhumanshah	90
43	Musewal	89
44	Nanakpur	89
45	Nizam	71
46	Sohag	85
47	Para	96
48	Malka Hans	87
49	Nurpur	71
50	Ladhuwanga	78

DISTRIBUTION OF LAND IN NILI BAR.

***7950. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that Government

has earmarked 9,000 acres of land in Nili Bar Colony for distribution among those residents of Pakpattan and Dipalpur Tehsils whose lands have been washed away by river action; if so, the hitch, if any, that has arisen in the distribution of the said land and the date when the distribution is likely to begin?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): An area of 7,000 acres of land has been earmarked in the Nili Bar Colony for the purpose. The Commissioner, Multan Division, has been instructed to depute one of the Extra Assistant Commissioners of the Montgomery district to undertake the selection of grantees.

RANGOI CANAL.

***7955. Rai Sahib Chaudhri Suraj Mal:** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that Rangoi Canal in the Hissar District was revived and excavated last year by employing famine labour;
- (b) whether it is a fact that the services of an experienced Engineer of the Irrigation Department were not utilised at the time of excavation of Rangoi last year; if so, why;
- (c) whether it is a fact that for six miles towards the tail the canal was not dug to its original and old bed and that all was not done which was needed for regular flow of water from its head to its tail; if so, why?
- (d) whether it is a fact that some new big outlets were allowed to villages on the upper reach; if so, why;
- (e) whether it is a fact that during the last rainy season the water did not at all reach the villages on the tail although in August water ranging from 6 to 7 feet downward ran in Rangoi for about 10 days; if so, the reasons therefor;
- (f) whether it is a fact that there were several cuts and breaches on the canal when water was running in August last, due to lack of proper management and supervision; if so, the steps taken to prevent such cuts and breaches taking place in future?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Yes, in 1940.

(b) The work was done according to the estimate and design prepared by an Executive Engineer of the Irrigation Department. As the canal is in the charge of the District Board the Irrigation Department could not execute the work.

(c) The attention of the honourable member is drawn to the answer given to Assembly Question No. 7360 (starred)¹.

(d) No.

(e) It is correct that during the last rainy season the water did not reach some villages at the tail. This was due to the facts that, the canal ran for a very short period at a time, there were breaches in several places on the right bank, and there are big outlets which draw heavy discharges.

[Raja Ghazanfar Ali Khan]

(f) (1st part).—No. A few cuts were made and the matter reported to the police. A gang was employed by the district board for the supervision and upkeep of the canal.

(Second part).—The question of strengthening the right bank is being considered by the district board. Action is also being taken to ensure proper supervision during the next season.

RANGOI CANAL.

***7956. Rai Sahib Chaudhri Suraj Mal :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that a few months ago, probably in last July or August, the then Deputy Commissioner, Hissar, and afterwards his successor, made a report to the Commissioner, Ambala Division, recommending the transfer of Rangoi Canal to the Irrigation Department for better management and for the sake of the zamindars on this canal who have been recently very hard hit by famine in comparison to other villages of the district ; if so, what action, if any, is being taken by the Honourable Revenue Minister on this report of the Deputy Commissioner ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The report of the Deputy Commissioner, Hissar, referred to by the honourable member has been received by Government and is being examined.

EXTENSION OF SIRHIND ROPAR CANAL.

***7957. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether the dispute between the Punjab and Sind Governments regarding the distribution of water of the river Indus for the extension of the Sirhind Ropar Canal has been settled by now ; if so, when the work of extension of the Sirhind Canal will be taken in hand ; if the settlement has not taken place so far, when it is expected to be arrived at ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (i) The dispute between the Sind and the Punjab is not yet settled. The Commission appointed by the Governor-General has not yet completed its enquiry.

(ii) In view of (i) does not arise.

(iii) When the Commission has completed its enquiry it will make a report to the Governor-General who will issue orders. It is not possible to say when this will be done.

ALIENATION OF LAND AMENDMENT ACT.

***7964. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether an appeal has been filed to the Federal Court against the judgment of the High Court at Lahore in holding the Alienation of Land Amendment Act relating to the *Benami* transaction and restitution of mortgaged land as *ultra vires* ; if so, the date, if any, fixed for the hearing of the appeal ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Government have filed an appeal against the judgement of the High Court holding the Punjab Alienation of Land (Second Amendment) Act, X of 1938, as *ultra vires*. The Punjab Restitution of Mortgaged Lands Act was held to be *intra vires* by the High Court and therefore no appeal was filed in the Federal Court by the provincial Government. The other party has, however, filed an appeal against the decision of the High Court.

No date for the hearing of the appeal in either case in the Federal Court has so far been fixed.

HAILSTORM AND GRANT OF RELIEF.

***7965. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Revenue be pleased to state whether the Government has received any reports of hailstorms in any part of the province this year; if so, the area affected thereby and the extent of relief granted by the Government to the affected area?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): If the honourable member specifies the period to which his question relates, the necessary information will be collected and supplied to him.

IRRIGATION OF CERTAIN VILLAGES FROM TOSHAM BRANCH.

***7975. Khan Sahib Chaudhri Sahib Dad Khan:** Will the Honourable Minister of Revenue be pleased to state—

(a) the area proposed to be irrigated and actually irrigated in the year 1941 in the following villages of the Hissar district by the new extension canal (Tosham Branch):—

- (1) Mandahal Kalan;
- (2) Mandahal Khurd;
- (3) Sewara;
- (4) Dhanana;
- (5) Mandhana;
- (6) Pur;
- (7) Lohari Jatu;
- (8) Bawani Khara;
- (9) Paposa;
- (10) Jamalpur;
- (11) Kirawar;
- (12) Bhortana;
- (13) Baliali;

[K. S. Ch. Sabib Dad Khan]

(14) Alakpura ;

(15) Saghan ;

(16) Dang Kalan ;

(17) Dang Khurd ;

(b) whether any defects in the level and contour of the canal mentioned in (a) have been brought to the notice of the canal department; if so, what steps have so far been taken to remedy the above-named defects and whether the Government is prepared to remove these defects before the year 1942 especially at village Bahali in Tahsil Hansi?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) The areas proposed to be irrigated and actually irrigated in the year 1941 are as follows:—

Serial No.	Name of Village.	Approximate permissible irrigation in acres.	Actual irrigation in 1941 in acres.
1	Mandhal Kalan ..	674	215
2	Man dhal Khurd..	1,602	1,161
3	Siwana ..	362	250
4	Dhanana ..	2,193	1,355
5	Mandhana ..	431	334
6	Pur ..	1,296	829
7	Lohari Jatu ..	337	253
8	Bawani Khara ..	3,181	1,788
9	Paposa ..	792	419
10	Jamalpur ..	1,429	703
11	Kerawar ..	689	15
12	Bhurtana ..	201	57
13	Bahali ..	1,201	23
14	Alakpura ..	98	2
15	Saghan ..	660	11
16	Dang Kalan ..	44	..
17	Dang Khurd ..	88	..

(b) Complaints have been received from several villages including village Baliai and are at present under investigation. Where these complaints are found to be justified necessary steps will be taken, where possible, to remove existing defects.

CLOSURE OF OUTLETS ON GHAGGAR CANAL.

***7976. Khan Sahib Chaudhri Sahib Dad Khan:** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that the Sub-Divisional Officer, Ghaggar Canal, closed the outlets this year without the order of the Executive Engineer and gave no notice to the lambar-dars or zamindars of his intentions; if so, the reasons therefor;
- (b) whether it is a fact that no water was given to the Ghaggar Canals from the Otu lake at the time when the rice crop in the area badly needed it;
- (c) how much water was given to the Bikaner State this year from May to November, 1941, and how much water was allowed to flow into the Ghaggar canals from the Otu bridge;
- (d) the quantity of water collected this year from May to November, 1941, at the Otu bridge;
- (e) how much *Kharaba* has been allowed in case of each village on the Ghaggar Canals down the Otu bridge?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) No. The outlets and minors on the Ghaggar Canal were tatiled for a short period, with the approval of the Executive Engineer, in order to make up the share of the Bikaner State at the Border. Intimation of the tatiling was given to the lambar-dars of the villages concerned.

(b) No. Whatever water arrived at the Otu Weir was passed into the Ghaggar Canals, but owing to the failure of the monsoon the supplies available at Otu this year were less than usual.

(c) (i) Total supply given to Bikaner State this year between May and November=7,844 cusec-days.

(ii) Total supply passed into Ghaggar canals=24,091 cusecs-days.

(d) The total quantity of water collected at Otu is not calculated, but roughly is equal to the quantity passed into the canals, plus the quantity lost in absorption and evaporation.

(e) A statement is placed on the table.

[Raja Ghazanfar Ali Khan]

Statement showing area remitted by villages on Ghaggar Canals for
Kharif 1941.

Serial No.	Name of village.	NON-FLUCTUATING.		FLUCTUATING.		TOTAL.	
		Area.	Amount t.	Area.	Amount.	Area.	Amount.
1	Mangla ..	11.00	Rs. A. 44 0	95.27	Rs. A. 285 13	106.27	Rs. A. 329 13
2	Kulla Budh ..	7.27	12 13	1.91	2 6	9.18	15 2
3	Ellenabad ..	27.49	44 7	..	..	27.49	44 7
4	Bani ..	52.59	83 4	2.71	3 6	55.30	86 10
5	Kariwali ..	13.81	21 15	..	..	13.81	21 15
6	Kanjarwala ..	75.55	114 2	23.32	29 2	98.87	143 4
7	Chachal Kotli ..	6.38	10 3	13.96	39 4	20.34	49 7
8	Jagmalera ..	32.36	52 3	31.30	39 2	63.66	91 5
9	Amritsar ..	54.28	81 15	.50	0 10	54.78	8 2
10	Sheikhu Khara ..	3.66	6 6	..	..	3.66	6 6
11	Rama ..	7.33	21 4	305.68	876 10	313.01	897 14
12	Muhammad Puria	4.41	6 13	..	..	4.41	6 13
13	Balasar ..	2.54	4 7	..	..	2.54	4 7
14	Bharolanwali ..	25.03	39 2	..	..	25.03	39 2
15	Alipur ..	26.20	40 1	..	..	26.20	40 1
16	Madho Saighana ..	..	..	48.67	134 11	48.67	134 11
17	Malika ..	..	..	45.33	135 2	45.33	135 2
18	Moju-ud-din ..	..	..	63.79	187 6	63.79	187 6
19	Ferozabad ..	..	..	131.21	324 3	131.21	324 3
20	Gidranwali ..	..	..	69.33	231 2	69.33	231 2
21	Keshopura ..	..	..	14.99	43 11	14.99	43 11
22	Kotli ..	..	..	10.51	18 8	10.51	18 8
23	Harni Khurd ..	..	..	26.02	32 8	26.02	32 8
24	Nakora ..	..	..	66.81	196 6	66.81	196 6
25	Abohli ..	..	..	33.83	88 14	33.83	88 14
26	Budhi Mori ..	..	..	5.52	6 14	5.52	6 14
27	Otu ..	..	..	.48	0 10	.48	0 10
	Total ..	349.90	582 14	1,011.14	2,676 4	1,361.04	3,259 2

NON-CLEARANCE OF SARASWATI CANAL.

***7977. Khan Sahib Chaudhri Sahib Dad Khan:** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that on account of the non-clearance of the Saraswati canal the water of that canal did not reach the tail this year; if so, the officials who are responsible for this non-clearance and the action that has been taken or is intended to be taken in the matter; if no action is contemplated, the reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): No. There was a shortage at the tail of the Saraswati Canal because the supplies available at head, except for 6 days in September, were always less than the authorised capacity of the canal. The tail, however, received its share of whatever supplies were available.

The question of responsibility for non-clearance of the canal does not arise.

SUPPLIES TO CANAL OFFICERS ON TOUR.

***7978. Chaudhri Muhammad Abdul Rahman Khan:** Will the Honourable Minister of Revenue be pleased to state whether any instructions were ever issued by Government requiring the Canal Officers to obtain their supplies through contractors and not their subordinates; if so, whether he will be pleased to lay a copy of those instructions on the table of the House and if no such instructions have ever been issued, whether or not it is intended to issue such instructions now?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Yes. The system of supply contractors was, however, abrogated as a measure of economy recommended by the Resources and Retrenchment Committee so far as Irrigation Branch was concerned and the Rest House Chaukidars were made responsible for their work as a part of their normal duties. The latest orders on the subject as contained in Article 2-47 of the Irrigation Manual of Orders (III Edition) issued by the Punjab Government for the guidance of officers of the Irrigation Branch are given below:—

“2.47. Canal Rest House Chaukidars arrange supplies only for Irrigation Branch touring officers and their followers as part of their normal duties, without any additional remuneration and without any exception even though a Chaukidar performs other duties such as those of Mali, Gauge Reader, etc.

(2) In no case should supplies be obtained through Subordinates, Zilladaras and Patwaris as Government looks with extreme disfavour on such a system which is liable to obvious abuse. When it is necessary for an officer to spend a night at a place where the services of a Canal Rest House Chaukidars are not available, he should make his own arrangements but no supplies shall be taken from any person without cash payment.

(3) The Chaukidar should satisfy a touring officer before the latter leaves camp that the camp followers have paid in full for all supplies received.”

STATUTORY AGRICULTURISTS.

***7981. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the definition of an agriculturist, as given in the orders of Punjab Government passed in October, 1919, fixing proportions for recruitment to services, has since been modified ; and, if so, what is the modification ;
- (b) in either case how are statutory agriculturists whose main source of income is (i) either Government service or non-agricultural professions or (ii) who reside in municipal towns, notified areas or small towns, and, who own no land outside these areas, treated for purposes of recruitment to services ;
- (c) the criterion in cases in which a statutory agriculturist, who has several sources of income, of determining his main source of income ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The attention of the honourable member is invited to the answer given to question No. *4121 put by him on 18th March, 1939¹.

(b) All members of tribes notified as agricultural are zamindars (or agriculturists) under the term of the definition as modified.

(c) There is no need in the case of members of such tribes to determine the main sources of income.

Rai Bahadur Lala Gopal Das : What was the object of the Punjab Land Alienation Act ?

Parliamentary Secretary : I do not know what the object was. Probably the object was to give protection to the zamindars, and that is what the answer says.

Rai Bahadur Lala Gopal Das : Yes, to give protection to the zamindars, whether they are big or small !

Parliamentary Secretary : As I have already said there was no distinction made between a member of an agricultural tribe who has got less income or who has got more income. The object of the Act was to give protection to the zamindars as a whole.

RENT FOR OFFICE ACCOMMODATION TO ZILLADARS.

***7987. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Revenue be pleased to state whether the question of rent for office accommodation to canal zilladars which was stated in answer to starred question No. 6491² given on 15th April 1940, to be under the consideration of the Government, has so far been decided ; if so, the decision arrived at ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The question has been under the consideration of Government for some time, but it has not been found possible owing to financial stringency to grant any relief to zilladars in this respect.

LAND REVENUE.

***7993. Sufi Abdul Hamid Khan :** Will the Honourable Minister for Revenue be pleased to state—

(a) for how many years the land revenue of the following villages has been under suspension—

- (1) Urnai ;
- (2) Chhajupur ;
- (3) Telhairi ;
- (4) Malikpur ;
- (5) Ghangheri ;
- (6) Naisi ;
- (7) Jalbera ;
- (8) Tabra ;
- (9) Chanarheri ;
- (10) Lotni ;

in the Thanesar Tehsil of the Karnal District ;

(b) whether it is a fact that these villages were formerly watered by Markanda floods and were thus assessed at *sailaba* rates at the last settlement ;

(c) whether it is a fact that the Markanda floods water has been diverted to the Murtzapur Jheel by the Saraswati Canal Department and the above-named villages have been thus deprived of the use of that water ; if so, the action Government propose to take in the matter and the measures Government are prepared to adopt to give relief to the villagers concerned ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The land revenue has been under suspension for the harvest noted against each village :—

1. Urnai	..	} 4 harvests, i.e., Rabi, 1939, Rabi, 1940, Kharif, 1940, and Rabi, 1941.
2. Chhajupur	..	
3. Talheri	..	
4. Malikpur	..	
5. Gangheri	..	
6. Naisi	..	3 harvests, i.e., Kharif, 1938, Rabi, 1939, and Rabi, 1940.
7. Jalbera	..	2 harvests, i.e., Kharif, 1938, and Rabi, 1939.
8. Tabra	..	2 harvests, i.e., Kharif, 1938 and Rabi, 1940.
9. Chanalheri	..	3 harvests, i.e., Rabi, 1939, Rabi, 1940, and Rabi, 1941.
10. Lotni	..	1 harvest, i.e., Rabi, 1939.

[Raja Ghazanfar Ali Khan]

(b) It is a fact that these villages formerly received spills from Markanda floods but they were not assessed at special ~~sailab~~ rates as the land revenue rate for ~~sailab~~ and barani crops in these villages is the same.

(c) The sailab irrigation of some of these villages has been effected detrimentally by changes in the course of the Markanda and by low supplies in recent years. The question of granting relief to these villages is under consideration.

EXECUTION OF WORKS ON GREY CANALS.

***7994. Khan Bahadur Shaikh Karamat Ali:** Will the Honourable Minister of Revenue be pleased to state—

(a) the total amount of estimates for works sanctioned for execution during this winter on Kingwah and Aghawah Heads, Bachherewah and Barnaswah Heads and on the remaining parts of the Grey Canals with dates and the authority sanctioning the same;

(b) the date of completion fixed for the above works;

(c) the time left for measuring and checking the works executed before the commencement of the coming season for irrigation?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) No works on Kingwah, Aghewah, Bachherewah and Banneswah Heads and on the remaining parts of the Grey Canals have been sanctioned as yet during this winter.

(b) and (c) Do not arise.

GREY CANALS, FEROZEPURE.

***7995. Khan Bahadur Shaikh Karamat Ali:** Will the Honourable Minister of Revenue be pleased to state—

(a) the officer responsible for the proper execution and supervision of the public works sanctioned to be executed on the Grey Canals, Ferozepore;

(b) the authority responsible for checking and passing payment orders of the works executed under the supervision of the officer mentioned in (a);

(c) the amount limit of passing payment orders fixed for the authorities mentioned in (b)?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Sub-overseer under the supervision of the overseer and the Superintendent.

(b) Part I—Overseer and Superintendent.

Part II—Superintendent.

(c) No limit has been fixed in the departmental rules.

CAMP FOLLOWERS OF SUPERINTENDENT, GREY CANALS.

***7906. Khan Bahadur Shaikh Karamat Ali :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether the Government is aware that the present Superintendent, Grey Canals, Ferozepore, is taking his office Accountant with him on tour against the orders of the Government that the Head *Moharrir* should accompany the Superintendent, Grey Canals;
- (b) whether the Government is aware that by effecting the above change in the camp followers, the Grey Canals Fund has been unnecessarily burdoned for paying the travelling allowance to the Accountant on higher rate than the rate permissible in the case of the Head *Moharrir*; if so, the reasons for this change?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) It is correct that the present Superintendent, Grey Canals, is taking the Accountant with him in camp. Under the rules the Superintendent has the discretion to take any member of his staff with him. There are no orders of Government that any particular official should accompany him in tour.

(b) There has been no increase in expenditure. The average monthly expenditure on the travelling allowance of the Accountant has been less than that of the Head *Moharrir*.

MALIKANA IN SARGODHA COLONY.

***8008. Malik Habib Ullah Khan :** Will the Honourable Minister of Revenue be pleased to state the rate fixed per acre of *malikana* in the area where horse breeding was abolished in the Sargodha Colony in 1939?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): With the abrogation of horse breeding conditions in the lower Jhelum Colony, Shahpur district, *malikana* has been fixed at the rate of Re. 0-6-0 in the rupee of land revenue.

Malik Habib Ullah Khan : May I ask what is the rate per acre as purchase price?

Parliamentary Secretary : For those people who pay the price before 31st December, 1942, it is Rs. 40 per acre in half yearly instalments and those who pay up to 31st December, 1944, it is Rs. 70 per acre and those who pay up to December, 1945, it is Rs. 100 per acre.

Malik Habib Ullah Khan : May I ask if this rate has been fixed for other such lands also?

Parliamentary Secretary : What other lands? There is no horse breeding condition in any other colony.

MALIKANA IN LOWER BARI DOAB COLONY.

***8009. Malik Habib Ullah Khan :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that in the Lower Bari Doab Colony, in areas where horse breeding has been abolished, the rate of

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Malikana per acre is Rs. 40 provided the payment is made in one instalment and Rs. 100 per acre if the payment is made in more than one instalment ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Horse breeding conditions have not been abolished in the Lower Bari Doab Colony.

PUNJAB INDUSTRIAL RESEARCH COMMITTEE.

***7989. Rai Bahadur Lala Sohan Lal:** Will the Honourable Finance Minister be pleased to state—

- (a) why no member of the Punjab Legislative Assembly has been taken on the Punjab Industrial Research Committee;
- (b) whether the Government is prepared to take any member of the Punjab Assembly on the above-named committee?

The Honourable Sir Manohar Lal: (a) The function of the Provincial Industrial Research Committee is to form a liaison with the Board of Scientific and Industrial Research constituted by the Government of India in 1940. It was decided, therefore, that the membership should be confined to leading scientists and industrialists of the province.

(b) Does not arise.

PUNJAB INDUSTRIAL RESEARCH COMMITTEE.

***7991. Rai Bahadur Lala Sohan Lal:** Will the Honourable Finance Minister be pleased to state—

- (a) whether it is a fact that the Punjab Government have recently constituted a Punjab Industrial Research Committee;
- (b) whether the Punjab Government have themselves nominated certain persons to serve on this committee;
- (c) whether the Government are aware that there are several organised Chambers of Commerce in the province; if so, the reasons why no representation has been allowed to these chambers on this committee?

The Honourable Sir Manohar Lal: (a) Yes.

(b) Yes.

(c) Government is aware that there are several organised chambers of commerce in the province. Sardar Bahadur Sardar Sapuran Singh Chawla, Mr. Gobind Sarup Kapur and Sheikh Ahmad Sadiq have already been appointed as non-official members and all of them are members of one chamber of commerce or another.

MR. HANS RAJ BHATIA.

***8055. Pandit Bhagat Ram Sharma:** Will the Honourable Finance Minister be pleased to state—

- (a) whether it is a fact that Mr. Hans Raj Bhatia of Suchet Garh shooting case, now confined in Lahore Central Jail has been suffering from a chronic stomach trouble for the last three

or four years ; if so, what is the report of the doctor about his health ;

- (b) whether it is a fact that the prisoner applied in October last to the Punjab Government for his transfer to Sialkot so that he may be able to consult his family doctor ; if so, the action taken by the Government on his application ?

The Honourable Sir Manohar Lal : (a) Prisoner Hans Raj has been suffering from chronic dyspepsia for the last three or four years. His tongue remains fissured and furred and his breath is generally foul. He also suffers from constipation and has difficulty in digesting meals. Various prescriptions have been tried for him without any satisfactory result. He has also been given dietetic treatment.

(b) His application for transfer to the Sialkot District Jail and for permission to consult a private doctor was rejected by Government.

AGRICULTURISTS AND ZAMINDARS AMONG ASSISTANT JAILORS.

***8065. Rao Mohar Singh :** Will the Honourable Minister for Finance be pleased to state whether any proportion of posts of Assistant Jailors has been fixed for agriculturists also, and whether in this category are included even those who are zamindars but are not statutory agriculturists ?

The Honourable Sir Manohar Lal : The class of Assistant Jailors has been replaced by the class of Assistant Superintendents of Jails. In this latter class no definite proportion for the recruitment of agriculturists (which term now includes statutory agriculturists) is prescribed, but at each recruitment the desirability of appointing an adequate number of qualified zamindars is kept in view.

EXTENSION IN SERVICE TO PUBLIC PROSECUTORS.

***8066. Rao Mohar Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether any extension in service was granted to any of the Public Prosecutors in 1941-42 ;
- (b) if the answer to (a) be in the affirmative, the number of those who were granted such an extension ;
- (c) the special reasons for granting such extension ?

The Honourable Sir Manohar Lal : (a) Yes.

(b) One.

(c) In the interest of public service.

STAFF OF THE MUNICIPAL COMMITTEE, REWARI.

***7923. Chaudhri Prem Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the communal proportion in the staff of the Municipal Committee, Rewari, district Gurgaon, is as follows :—

	<i>Muslim.</i>	<i>Hindu.</i>
Secretary	1	..
Inspector, Terminal-Tax	1	..
Muharrir Octroi ..	7	..
Office clerks ..	5	1
Superintendent, Terminal Tax .. ..	..	1
Accountant .. ..	..	1
Clerks, Terminal Tax ..	..	6
Peons	24	10
Total	38	19

- (b) whether it is a fact that for its income from the taxes, the committee largely depends upon the Hindus and that the community does not receive any consideration in the matter of employment on that account ; if so, why ;
- (c) whether it is a fact that no person belonging to the scheduled classes has so far been given a permanent vacancy in the establishment of the office of the said committee and that one Mohan Lal, who belongs to a scheduled caste and who is a matric, has been a candidate for the post of a clerk in the municipal committee since 1936 and has not been provided so far in spite of the fact that several vacancies have since been filled with men junior to him ; if so, why ; and the action Government propose taking in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I must decline with regret to answer questions which savour of communalism on the floor of the house. If the honourable member would put an unstarred question I will endeavour to collect the information for him.

COMMUNAL REPRESENTATION IN SERVICES OF THE MUNICIPAL COMMITTEE, REWARI.

***7924. Chaudhri Prem Singh :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that the share of every community in the services of local bodies has been fixed by the Punjab Government Circular No. 3832-C-39/40214 (L. G.—Comts.), dated 29th November, 1939, but the instructions contained in this circular have not been followed in the case of Municipal Committee, Rewari, district Gurgaon ?

Parliamentary Secretary (Shaikh Faiz Muhammad): Punjab Government circular No. 3882-C-39/40214 (L. G.—Comts.), dated the 29th November, 1939, does not fix the share of every community in the services of local bodies but requires that appointments should always be filled in such a manner as to give no cause of legitimate grievance to any community. The Municipal Committee, Rewari, has informed Government that they are following the principles laid down in the circular.

SUPPLY OF ELECTRICITY TO F. C. COLLEGE.

***7934. Diwan Bahadur S. P. Singha:** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware that an important college with over a thousand students on its rolls and over six hundred students living in hostels is situated on the other side of the canal on the way to Model Town;
- (b) whether he is aware that the staff and students of this college are dependent on electricity for their lighting and water supply which is necessary for drinking, cooking and bathing;
- (c) whether he is aware that the college has a progressive science department which employs electrically driven instruments which for their proper functioning require continuous current;
- (d) whether he is aware that the college is dependent on electricity for working its whole system;
- (e) whether it has come to his notice that there have been four breaks in the supply of electricity between the 3rd and 14th November, 1941, two of which were caused because certain consumers were being newly connected with the electric supply and this gave cause for restlessness to a large body of students in their college;
- (f) whether he is also aware that the college sewers stopped functioning during this period of shut-downs and an accumulation of sullage in the pipe led to an overflow into the manholes to the great detriment of the students;
- (g) what steps he is taking to discover the reason for such abnormal breakdowns and to eliminate the chances of their recurrence?

Parliamentary Secretary (Shaikh Faiz Muhammad): The honourable member is apparently referring to the F. C. College, Lahore. There were four stoppages on the supply of electricity to this institution between the 3rd and the 14th November, 1941. On two occasions, viz., on the 8th and the 14th November the stoppages were due to breakdowns on the distribution system of the Public Works Department, Electricity Branch. The stoppage on the 8th was of two minutes duration only while that on the 14th lasted for more than 7 hours, viz., from 4-20 a.m. to 11-40 a.m. This was due to a conductor on the section of the Lahore Grid Feeder between the Ganga Ice Factory and the Canal Substation becoming detached from the insulator and resting on the cross arm. It took a considerable time to locate

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the fault because at that early hour the staff had to be collected and then about 12 miles of line patrolled.

On two other occasions, viz., on the 3rd and the 7th November, the supply of energy was shut down for 6 and 4 hours, respectively. Prior intimation of these shutdowns was given to the College authorities. These shutdowns were required in connection with the linking of the existing line to the Lahore Grid Duplicate Feeder.

The two breakdowns were beyond the control of the Punjab Public Works Department, Electricity Branch, but it is anticipated that with the completion of the Lahore Grid Duplicate Feeder, the inconvenience caused by such breakdowns will be reduced to the minimum. As regards the two pre-arranged shut-downs the honourable member is informed that the work on the Duplicate Feeder has almost been completed and therefore, it is not expected that it will be necessary to have shutdowns of this nature in future.

Mian Muhammad Nurullah : Is the energy supplied by the Hydro-Electric Department or by the Lesco ?

Parliamentary Secretary : The Hydro-Electric Department.

Mian Muhammad Nurullah : May I enquire whether the shut-downs in the Hydro-Electric Department are as common or I should say ever more frequent than those in private companies ?

PERMITS TO PUBLIC SERVICE VEHICLES.

***7935. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of temporary permits issued in respect of public service vehicles by the Regional Transport Authority, Lahore, after the enforcement of the Punjab Motor Vehicles Rules, 1940, which ultimately resulted in the grant of permanent permits up-till 30th September, 1941 ;
- (b) the names of the permit holders and the routes for which permits mentioned in part (a) above were granted ;
- (c) whether Government are aware that great hardship was caused to owners of the vehicles to whom temporary permits were not granted and the reasons for refusing such permits to each of them ?

Parliamentary Secretary (Shaikh Fiaz Muhammad) : (a) 62.

(b) A statement is laid on the table. ¹

(c) No temporary permit was refused where the owner's application for a permanent permit was unlikely to be refused or where the transitional provisions, described in rule 4-23 of the Punjab Motor Vehicle Rules, 1940, were not applicable to the case of an owner who had been operating prior to the introduction of the new procedure. To have extended the temporary permit procedure to other cases would have caused hardship and dissatisfaction.

¹Kept in the Assembly Library.

SUSPENSION AND CANCELIATION OF PERMITS FOR STAGE CARRIAGES.

***7936. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of permits for stage carriages (i) suspended, and (ii) cancelled by the Regional Transport Authority, Jullundur, up till 30th September, 1941 ;
- (b) the names of permit holders and the reasons for taking action as mentioned in part (a) above ;
- (c) whether it is a fact that the action mentioned in part (a) above is taken by the Authority on the recommendation of the Assistant Inspector-General Traffic, Police ; if so, the rule under which this is done ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) (i) 5.

(a) (ii) 17.

(b) A statement is laid on the table.¹

(c) No, but the attention of the Regional Transport Authorities is drawn to serious cases by the Inspector-General of Police.

INSTRUCTIONS TO THE TRAFFIC POLICE STAFF.

***7937. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether his attention has been drawn to a judgment of the High Court, Lahore, delivered by Mr. Justice Din Muhammad in Criminal Revision No. 774 of 1941 ;
- (b) if the answer to part (a) above be in the affirmative, whether the Government intends to issue instructions to the Traffic Police Staff in the light of that judgment and the action taken by the Government against the head constable Faiz Muhammad ; if no action is intended to be taken in the matter, the reasons therefor ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes.

(b) The judgment does not appear to have affected any accepted interpretation of the Motor Vehicles Act, 1939, and the issue to police officers required to check traffic of any fresh instructions seems to be unnecessary. In view of the technical nature of the legal questions involved no action against the head constable appears to be required but the district officers have seen a copy of the judgment and have doubtless considered this question.

SALE OF BEEF IN LUDHIANA.

***7952. Dr. Sir Gokul Chand Narang :** Will the Honourable Premier be pleased to state—

- (a) whether Mr. G. C. Hilton, the then Deputy Commissioner of Ludhiana, issued in 1922 instructions to the effect that beef was not to be sold in any place except the Beef Slaughter House, Ludhiana ;

¹Kept in the Assembly Library.

[Dr. Sir Gokul Chand Narang]

- (b) whether he is aware that there are numerous shops in the city of Ludhiana where beef is being sold without a licence ;
- (c) whether he is aware that the persons living in the vicinity of these shops have submitted their protest in this respect to the Municipal Committee, Ludhiana ;
- (d) what action, if any, has been taken on these protests ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) No such order is traceable.

(b) There is at present not a single shop where beef is being sold without a licence.

(c) Since the issue of the licences no such protest has been received.

(d) Does not arise.

Dr. Sir Gokul Chand Narang : When were these licences issued ?

Parliamentary Secretary : That is an old old story. I do not know the exact date on which they were issued. But I am aware of this that the licences were issued to fewer than those who applied.

Premier : The number of persons who were granted licences was fewer than the actual number who applied for licences and who were in business already.

Dr. Sir Gokul Chand Narang : Are these renewed from time to time ?

Premier : I am not aware of it, but it was under the Municipal Rules that the Deputy Commissioner asked them to submit applications.

Dr. Sir Gokul Chand Narang : Most of these licences were issued within the last 7 or 8 months. I received a complaint only last summer and the complaint was that licences had been issued by the Deputy Commissioner to the extent of about 50.

Premier : I think it was somewhere in the neighbourhood of 40, in spite of the fact that there were about 80 shops in existence prior to that. Their licences were issued long before the time of the present Deputy Commissioner or his predecessor.

Dr. Sir Gokul Chand Narang : Were there any shops before 1922 ? There were no shops in the city before 1922 and after that Mr. Hilton issued those instructions ?

Premier : There were shops in the city and they were asked to obtain licences.

Dr. Sir Gokul Chand Narang : The question is whether Mr. Hilton had forbidden the opening of any such shops in the city and had confined the sale of beef in the slaughter house only.

Parliamentary Secretary : As I have said no such order is traceable. Various shopkeepers produced pattas and they were actually allowed by him to open shops.

GAMES OF SKILL IN JOHN AMUSEMENT PARK.

***7979. Tihba Jagjit Singh Bedi :** Will the Honourable Minister for Public Works be pleased to state if there was any correspondence between the Senior Superintendent of Police and the Administrator, Lahore Municipality, on the subject of games of skill now being played in John Amusement Park ; if so, will the Government be pleased to lay that correspondence or a gist thereof on the table of the House ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : There was no such correspondence.

SOLAR ECLIPSE FAIR AT KURUKSHETRA.

***7990. Rai Bahadur Lala Sohan Lal :** Will the Honourable Minister for Public Works be pleased to state whether the North-Western Railway authorities requested the Punjab Government to agree to the levy of a special surcharge on the railway tickets purchased at Kurukshetra for different railway stations at the time of the Solar Eclipse Fair held in September, 1941 ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes, but only in respect of all third class single tickets issued to Kurukshetra and to stations within a radius of 16 miles from that station.

PETROL RATIONING ORDER AND PUBLIC STAGE CARRIAGES.

***7998. Sardar Ajit Singh :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that after the enforcement of the Petrol Rationing Order the Public Stage Carriages have been allowed to carry 25 per cent more passengers than these carriages were allowed under the Punjab Vehicles Act and the rules made thereunder to carry before and that the public vehicles meant for carrying goods have not been permitted to carry additional weight for the same reason ; if so, the reasons for this differential treatment ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes. The manufacturers of motor vehicles chassis fix in respect of each type a maximum laden weight which they regard as safe for the vehicle as a whole and for the various components such as tyres, brakes, etc., etc. In addition a general limit has been fixed by rule 6.1 of the Punjab Motor Vehicles Rules 1940, in order to prevent damage to the roads. Even with the addition of the 25 per cent additional passengers the laden weight of the majority of passenger vehicles, and the general limit, are not exceeded, and the concession does not more than cause some inconvenience to the passengers. To raise the laden weight of goods vehicles would, however, cause both the general limit and the laden weight of the vehicles, to be exceeded in most cases.

2. In addition the laden weights allowed in the Punjab are very much more generous than those permitted in the majority of other provinces.

Mian Muhammad Nurullah : May I know whether the supply of petrol is to be curtailed still further ?

Parliamentary Secretary : This question does not arise out of the answer given.

LEASE OF SERAI SULTAN, LAHORE.

***8010. Mian Muhammad Nurullah :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the Administrator, Lahore Municipality, is entering into an agreement for leasing the site of Serai Sultan, Lahore, for a period of 15 years at Rs. 10,000 per annum ; if so, the conditions of the proposed agreement which may be laid on the table of the House ;
- (b) whether it is a fact that the site mentioned in part (a) above was auctioned by the landlord in 1938 for Rs. 4,500 per annum ;
- (c) whether it is a fact that the Administrator is intending to invest Rs. 30,000 from the Municipal funds for constructing sheds, etc., for a general stand, Lahore, at the site mentioned in part (a) above ;
- (d) if the answer to part (b) above be in the affirmative, the reasons for offering double rent for such a long period ;
- (e) whether the Government is aware of the whole situation and whether the Administrator, Lahore Municipality, has obtained the sanction of the Provincial Government for investing public money as mentioned in part (c) above, as required under the provisions of Section 52 (2) (1) of the Punjab Municipal Act, 1911 ; if not, the action that the Government intend to take in this connection ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (d) Yes, but the terms of the agreement have not yet been settled.

(b) Information for 1938 is not available but the site is leased at Rs. 8,000 per annum at present.

(c) Yes.

(d) Does not arise.

(e) Sanction of Government does not appear necessary as the expenditure is covered by Clauses (a) and (c) of Section 52 (2) of the Municipal Act.

TAX.

***8032. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister for Public Works be pleased to state whether in Rohtak, Hissar and Karnal districts a tax varying from Re. 1 to Rs. 8 *per capita* is levied on the Harijans, and, if so, whether it is a local or a provincial tax and what is the legal sanction for it ?

Parliamentary Secretary (Shaikh Faz Muhammad) : No. Harijans as such, are not subject to any tax *per capita* in any of the three districts.

Mian Muhammad Nurullah : Are they subject to this tax in any other district ?

Parliamentary Secretary : The question relates only to three districts. I require notice with regard to any other district.

**STREET LIGHTING AND DRAINAGE SCHEME ON THE ROAD RUNNING
PARALLEL TO THE CANAL.**

***8038. Mian Sultan Mahmud Hotiana:** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether the House-Tax is collected from the houses built on the road running parallel to the canal starting from the canal bridge on the Mall, Lahore;
- (b) whether it is a fact that the said road has not been metalled by the Lahore Municipality so far;
- (c) whether it is a fact that there exists no arrangement for street lighting;
- (d) whether it is a fact that no drainage scheme for this area is contemplated;
- (e) if the answers to (a), (b), (c) and (d) be in the affirmative, the action Government propose to take to provide these amenities to this part of the city?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Yes.

(b) Yes.

(c) Yes.

(d) No.

(e) These are at present private roads and not 'public streets' under the Municipal Act. Action will be taken when they are declared public streets.

CIVIL HOSPITAL, PANIPAT.

***7921. Chaudhri Faqir Chand:** Will the Honourable Minister of Education be pleased to state—

- (a) whether it has been brought to his notice that the Municipal Committee, Panipat, finds it difficult to maintain the Civil Hospital at Panipat;
- (b) if so, whether Government intends to provincialize it; if so, when?

The Honourable Mian Abdul Haye: (a) No.

(b) Does not arise.

LICENCES FOR BANASPATI GHEE.

***7930. Chaudhri Sumer Singh:** Will the Honourable Minister for Education be pleased to state the names of shops in each local body of the Province who have got the licence to sell the Banaspati ghee?

The Honourable Mian Abdul Haye: The information asked for by the honourable member is not available. The labour involved in collecting the information is not commensurate with the results to be achieved therefrom.

PURE FOOD ACT.

***7932. Chaudhri Sumer Singh :** Will the Honourable Minister for Education be pleased to state the names of the district boards, municipal boards, small town committees, notified areas and Cantonment boards where the Pure Food Act as amended in 1940 has so far been enforced and the results achieved thereby in each year and also state the amount of money that is annually spent on the working of the Act in each area ?

The Honourable Mian Abdul Haye : No. 1. A statement showing the names of the district boards, municipal boards, small town committees, notified areas and Cantonment Boards where the Punjab Pure Food Act as amended in 1940 has so far been enforced is laid on the table.¹

2. The results achieved by the enforcement of the Act from the year 1936 to 1940 are tabulated in the statement (No. 2) which is laid on the table.¹

3. Government is not spending anything on the working of the Act. All incidental charges are borne by the local bodies concerned and no information regarding the total expenditure incurred by them each year is available.

COLOUR FOR BANASPATI GHEE.

***7933. Chaudhri Sumer Singh :** Will the Honourable Minister for Education be pleased to lay on the table of the House the information regarding the availability of the colour proposed to be mixed in the *Banaspati* before marketing it and state whether it was ascertained before bringing this Act on the Statute Book that that colour was available in sufficient quantity, and, if not, why not ?

The Honourable Mian Abdul Haye : The colourisation of artificial ghee was prescribed under the Punjab Pure Food Rules and not directly under the Punjab Pure Food Act as the honourable member seems to think.

Inquiries were made regarding the availability of the colour (Oil Orange E) when it was prescribed for colouring artificial ghee, and it was found that it was procurable in India. It was, however, believed that if sufficient quantities could not then be had in India, they could be procured from other countries within a reasonable period of time. The non-availability of the dye is due to the prevailing international conditions which could not be foreseen.

STRATFORD COLLEGE FOR WOMEN AND ANNIVERSARY OF SRI GURU
RAM DAS SAHIB.

***7951. Sardar Santokh Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that Stratford College for Women, Amritsar, used to observe the birth anniversary of Sri Guru Ram Das Sahib as a complete holiday previous to 1940 ;

¹Kept in the Assembly Library.

- (b) whether it is a fact that in 1940 the Principal, Stratford College for Women, Amritsar, did not close the College on the said anniversary and allowed a sectional holiday to Sikh students only, in spite of protests from the Sikh students, and, if so, the reasons thereof?

The Honourable Mian Abdul Haye : No.

- (b) Yes. The college was not closed in 1940 on account of the birthday anniversary of Sri Guru Ram Das Sahib as it is not one of the local holidays observed in the college.

1ST AND 2ND GRADE FEES FOR EDUCATION.

***8031. Mian Abdul Rab :** Will the Honourable Minister of Education be pleased to state—

- (a) whether any cases have come to the notice of the Director of Public Instruction, Punjab, during the last two years in which persons required to pay fees of the I Grade for the education of their children have actually paid II Grade Fees ;
 (b) if the answer to (a) above be in the affirmative, the action taken in the matter ;
 (c) the details of such cases giving names of the persons responsible for disregarding the rules on the subject ?

The Honourable Mian Abdul Haye : (a) Yes.

- (b) Instructions were issued for the levy of fees at the proper (first grade) rates.

(c) The following are the particulars of the cases in which fees were charged at the second grade instead of the first grade rates :—

<i>Name of Student.</i>	<i>Name of School.</i>
1. Imtiaz Majid ..	Government High School, Fazilka. Municipal Board School, Simla.....
2. Muhammad Masood ..	Central Model School, Lahore. Municipal Board Girls School, Simla.
3. Kishwar	Government Girls School, Chauburji Gardens Estate, Lahore.
4. Rashid Ali ..	Government High School, Rewari.
5. Asghari Begum ..	Municipal Board Girls' School, Murree.

In none of these cases was the failure to levy first grade fees due to any disregard of the rules by any official of the Department, but to other causes such as submission of wrong declarations of income by the parents.

Mian Abdul Rab : May I know whether any action has been taken against the persons who submitted wrong declarations ?

Minister : Declarations were submitted by the parents. No action can be taken against them.

Mian Abdul Rab : Were they asked to pay the difference between the first and second grade fees?

Minister : I require notice.

UNIVERSITY INQUIRY COMMITTEE.

***8035. Khan Sahib Sayed Badr Mohy-ud-Din Qaderi :** Will the Honourable Minister of Education be pleased to state—

- (a) whether he is aware of the fact that an inquiry committee was appointed in the year 1931 to overhaul the present system of University education in the Punjab ;
- (b) if so, what were the recommendations made by the aforesaid committee and whether the Government has ever considered those recommendations ; if so, with what result ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) The recommendations made by the Committee are indicated on pages 297—379 of the Report. The implications of these recommendations are far-reaching and of such complex character that it has been possible only to give piece-meal consideration to them with the following results :—

- (i) A whole time Vice-Chancellor has been appointed.
- (ii) A Board of Finance has been constituted.
- (iii) The duration of the course of the degree of LL.B. has been increased to three years.
- (iv) A Training College for Women (Lady MacLagan Training College for Women, Lahore) has been instituted.
- (v) A Standing Committee of the Academic Council has been constituted more or less on the lines recommended by the Committee.
- (vi) Statistical forms and tables, suggested by the Committee, to be filled in by the colleges, have been adopted.
- (vii) Suggestions made to effect certain improvements in the maintenance of the accounts registers and the preparation of the annual budget have been given effect to.
- (viii) The University has decided that no whole-time teacher whether in a Government or in a non-Government affiliated College (demonstrators excepted) should draw less than Rs. 100 per mensem as salary except in the case of life members of a recognised order.
- (ix) The lists of competent examiners are kept by each Board of Studies concerned.

PRIMARY SCHOOLS FOR GIRLS IN GUJRAT CITY.

***8036. Khan Sahib Sayed Badr Mohy-ud-Din Qaderi :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of primary schools for girls in the Gujrat city ;

- (b) whether all those schools are being aided by the Government ;
- (c) whether there is any Islamia girls' school in that city ; if so, whether that is also being aided by the Government ?

The Honourable Mian Abdul Haye : (a) Six.

(b) Grants to primary schools are paid by local bodies and not by Government. Four of the schools are receiving grants from Municipal Committee, Gujrat.

(c) There are three Islamia Girls schools in Gujrat city of which one is aided.

HONORARY DOCTORS IN HOSPITALS AT DISTRICT HEAD- QUARTERS.

***8037. Khan Sahib Sayed Badr Mohy-ud-Din Qaderi :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the Government has appointed some of the medical practitioners practising at district headquarters as honorary doctors to work in the hospitals at district headquarters ;
- (b) whether any such arrangement exists at tahsil headquarters also ; if not, the reasons therefor ?

The Honourable Mian Abdul Haye : (a) Yes, at five hospitals at present. The scheme will gradually be extended to other places in the light of experience gained.

(b) Does not arise.

VERNACULARS FOR MATRICULATION AND VERNACULAR FINAL EXAMINATIONS.

***8039. Sardar Bahadur Sardar Ujjal Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of Hindu, Muslim and Sikh candidates separately who offered Urdu as first Vernacular in the Matriculation and Vernacular Final Examinations held in 1941 ;
- (b) the number of Muslim candidates who offered Hindi or Punjabi in each of these examinations separately as first vernacular ;
- (c) the number of Hindu and Sikh candidates who offered Urdu as second vernacular in the Vernacular Examination held in 1941 ;
- (d) the number of Muslim candidates who offered Hindi or Punjabi as second vernacular in the Vernacular Final Examination held in 1941 ?

The Honourable Mian Abdul Haye : I regret I am unable to answer the question as the time and labour involved in collecting the information will not be commensurate with any possible benefit which might accrue therefrom.

Sardar Bahadur Sardar Ujjal Singh : May I know whether the information could not be collected from the University ?

Minister of Education : You want information as regards vernacular and other examinations. The University has nothing to do with that. The reply is to the entire question and not to any part of it.

VERNACULARS FOR VERNACULAR FINAL EXAMINATIONS.

***8040. Sardar Bahadur Sardar Ujjal Singh :** Will the Honourable Minister for Education be pleased to state the total number of candidates who offered Urdu, Hindi or Punjabi—

(a) as first vernaculars ;

(b) as second vernaculars in the Vernacular Final Examinations held during the years from 1937 to 1941 yearwise ?

The Honourable Mian Abdul Haye : A statement giving the required information is laid on the table.

Statement showing the number of candidates who appeared in the Vernacular Final and Middle Schools Examinations held in the years from 1937 to 1941 taking Urdu, Hindi or Punjabi as their first or the second vernacular.

Year.	FIRST VERNACULAR.			SECOND VERNACULAR.		
	Urdu.	Hindi.	Punjabi.	Urdu.	Hindi.	Punjabi
1937	13,513	743	291	84	1,031	245
1938	13,184	727	254	78	1,072	281
1939	13,010	753	287	234	811	233
1940	13,342	626	96	68	935	329
1941	13,297	660	80	61	1,030	271

VERNACULARS FOR MIDDLE SCHOOLS EXAMINATIONS.

***8041. Sardar Bahadur Sardar Ujjal Singh :** Will the Honourable Minister for Education be pleased to state separately, yearwise, the number of girl candidates who offered Urdu, Hindi or Punjabi—

(a) as first language ;

(b) as second language in the last five Middle Schools Examinations for girls held by the Department of Education ?

The Honourable Mian Abdul Haye : A statement giving the required information is laid on the table.

Statement showing the number of candidates who offered Urdu, Hindi or Punjabi as their first and second vernaculars in the Middle Standard Examinations for Indian Girls for the last five years.

Year.	FIRST VERNAICULAR.			2ND VERNAICULAR.		
	Urdu.	Hindi.	Punjabi.	Urdu.	Hindi.	Punjabi.
1937	1,544	2,218	692	197	370	650
1938	1,563	2,292	727	217	426	653
1939	1,677	2,603	819	223	429	708
1940	1,975	2,965	841	277	393	858
1941	2,394	3,402	1,146	374	569	976

ADMISSIONS TO AGRICULTURAL COLLEGE, LYALLPUR.

***7960. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Development be pleased to state—

- the orders regulating the admission of agriculturists and non-agriculturists in the Lyallpur Agricultural College for the purpose of qualifying for B.Sc. in Agriculture ;
- how are agriculturists defined for this purpose ;
- how many agriculturists and how many non-agriculturists were admitted into the Agricultural College during the last 3 years and how many non-agriculturists were refused admission ?

The Honourable Sardar Dasaundha Singh : (a) Government decides every year the number of students to be admitted to the degree course of the college and the distribution between agriculturists and non-agriculturists.

(b) For this purpose 'agriculturist' means member of an agricultural tribe, so gazetted under the Alienation of Land Act.

(c) A statement is laid on the table.

Statement showing the number of agriculturists and non-agriculturists admitted and refused admission to the degree course of the Punjab Agricultural College, Lyallpur, during the last three years.

Year.	NUMBER ADMITTED.		NUMBER NOT ADMITTED.	
	Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.
1939	70	10	197	93
1940	56	3	197	66
1941	78	11	141	40

Rai Bahadur Lala Gopal Das : What is the percentage of the division ?

Minister for Development : It depends on the discretion of the Government, but usually the ordinary proportion is maintained.

Rai Bahadur Lala Gopal Das : What is that proportion ?

Minister for Development : The proportion is according to the population basis.

Rai Bahadur Lala Gopal Das : What is that basis ?

Minister : It is 50, 30 and 20 per cent.

MARKETING ACT.

*8064. **Sardar Ajit Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that on account of the enforcement of the Marketing Act in the middle of the season, the zamindars are finding it extremely difficult to sell their cotton at reasonable rates ;
- (b) whether it is a fact that the factory owners of the colony markets of Ganji Bar and Nili Bar in general and of Burewala in particular charge very heavy allowances, ranging up to 5 seers per maund ;
- (c) whether it is a fact that the Market Committees of the markets in general and Burewala in particular have failed to get the cotton crop of the zamindars sold at proper rates according to the spirit of the Marketing Act ;
- (d) if the answers to (a), (b) and (c) above be in the affirmative, the steps that the Government are prepared to take in the matter ?

The Honourable Sardar Dasaundha Singh : The information asked for by the honourable member is being collected and will be supplied to the honourable member when ready.

UNSTARRED QUESTIONS AND ANSWERS.

LAHORE ALLOWANCE TO HIGH COURT OFFICIALS.

1456. Chaudhri Sumer Singh : Will the Honourable Minister for Finance be pleased to state when the answer to my starred question No. 7581¹ put on 8rd March, 1941, may be expected to be ready ?

The Honourable Sir Manohar Lal : I regret that the answer to this question is not yet ready.

THEFT OF FIREWOOD IN GOVERNMENT CATTLE FARM, HISSAR.

1457. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Development be pleased to state—

- (a) the number of men, women and boys caught by the cattle farm authorities stealing firewood in the Hissar Government Cattle Farm on 26th November, 1941, with their names, caste and religion and the amount of fine imposed on each of them ;
- (b) whether it is a fact that Muslim women among the persons caught were fined Rs. 8. each and Hindu women were generally set free without fine or with a nominal fine of Re. 0-8-0 or Re. 1 each ; if so, the reason for this discrimination ;
- (c) whether it is a fact that Muslim women were detained up to 7 p. m. in the guard room ; if so, why ?

The Honourable Sardar Dasaundha Singh : (a) and (b). The required information is given in the statement enclosed. No discrimination is ever made between Muslims and Hindus in fixing the amount of compensation which naturally depends on the amount of damage done.

(c) No.

Statement showing the names, caste and religion of men, etc., who were caught stealing wood on 26-11-1941 and the amount of compensation recovered.

Serial No.	Name.	Caste.	Religion.	Time when caught.	Place where caught.	Amount of compensation
						Rs. A. P.
1	Karim-ud-Din..	..	Muslim ..	3 p. m. ..	Chaupalia Bir	3 0 0
2	Kakoo ..	Chamar ..	Hindu ..	6 a. m. ..	Stable Bir ..	3 0 0
3	Mauzoor ..	Biloch ..	Muslim ..	8-30 a. m.	Do. ..	3 0 0
4	Chiragh Din ..	Do. ..	Do. ..	Do. ..	Do. ..	3 0 0
5	Ahsan ..	Dogar ..	Do. ..	11-30 a. m.	Chaupalia Bir	3 0 0
6	Rakhi ..	Do. ..	Do. ..	Do. ..	Do. ..	3 0 0
7	Jaini ..	Do. ..	Do. ..	Do. ..	Do. ..	3 0 0
8	Do. ..	Do. ..	Do. ..	Do. ..	Do. ..	3 0 0
9	Chaudgi ..	Chamar ..	Hindu ..	3-30 p. m.	Lamba Bir ..	2 0 0
10	Bichha ..	Do. ..	Do. ..	Do. ..	Do. ..	2 0 0
11	Sheo Chand ..	Do. ..	Do. ..	Do. ..	Do. ..	2 0 0
12	Liloo ..	Saqqa ..	Muslim ..	2-30 p. m.	Chaupalia Bir	0 8 0
13	Ali Muhammad	Do. ..	Do. ..	Do. ..	Do. ..	0 8 0
14	Heta ..	Dhanak ..	Hindu ..	2 p. m. ..	Chhaoni Bir	0 2 0
15	Harphul ..	Do. ..	Do. ..	Do. ..	Do. ..	0 2 0
16	Patori ..	Do. ..	Do. ..	Do. ..	Do. ..	0 2 0
17	Shanti ..	Do. ..	Do. ..	Do. ..	Do. ..	0 2 0
18	Mam Kaur ..	Do. ..	Do. ..	Do. ..	Do. ..	0 2 0
19	Anchi ..	Do. ..	Do. ..	Do. ..	Do. ..	0 2 0
20	Lachhman ..	Do. ..	Do. ..	Do. ..	Do. ..	0 2 0
21	Sarti ..	Do. ..	Do. ..	Do. ..	Do. ..	0 2 0
22	Chandrawli ..	Do. ..	Do. ..	Do. ..	Do. ..	0 2 0

GOVERNMENT CATTLE FARM, HISSAR.

1458. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Development be pleased to state—

- (a) the number of permanent vacancies in the office of the Hissar Cattle Farm so far filled up since the time the present Superintendent has taken charge of it and the community to which each of the persons appointed to fill up the vacancies belongs ;
- (b) whether it is a fact that the claims of a Muslim candidate for promotion have been overlooked for appointment in the vacancies caused by the retirement of Jagat Narain and promotion of Chaudhri Mehr Chand in spite of the fact that he had been a candidate for six years ;
- (c) whether junior clerks have also been appointed during the period in (i) Angora goat breeding section and (ii) in research section of the said farm ; if so, their number, their names and date of appointment of each one of them ?

The Honourable Sardar Dasaundha Singh : (a) Two. Both were filled by Hindu Statutory agriculturists.

(b) Before the introduction of block system, the recruitment to the posts of junior clerks was made by selection from amongst apprentices under the Punjab Civil Veterinary Department Sub ordinate Service Rules, 1935. According to the system there prescribed the Muslim candidate was not selected.

(c) Only one Junior Clerk, Daya Ram was appointed by promotion from 1-11-1941, under the scheme for breeding Angora goats. No clerk was appointed under the Research Section of the farm in this period.

APPOINTMENT OF LABOURERS IN HISSAR GOVERNMENT CATTLE FARM.

1459. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Development be pleased to state—

- (a) the number of literate labourers recruited for the Government Cattle Farm, Hissar, during the time the present Superintendent has been in charge of it with the names, caste and religion of each of them ;
- (b) whether it is a fact that one Iqbal Ahmed, a matriculate, was rejected while Ishwar Chand, Jagdish Rai and other Hindus were accepted as literate labourers and given jobs in the office of the above-mentioned farm; if so, the reasons for the discrimination ?

The Honourable Sardar Dasaundha Singh : (a) During the time the present Superintendent has been in charge of the Government Cattle Farm, Hissar, four literate labourers were appointed at the Farm in leave vacancies. Their particulars are noted below :—

- | | |
|--------------------|------------------------------------|
| 1. S. Kanwar Singh | .. Sikh. |
| 2. B. Des Raj | .. Hindu, Kayasth. |
| 3. P. Phool Chand | .. Hindu Brahman (Agriculturist). |
| 4. M. Arif Ali | .. Muslim, Sayyad (Agriculturist). |

(b) M. Iqbal Ahmad applied for being appointed as a candidate clerk, but was rejected, as such recruitment was stopped under the orders of Government. He never applied for the post of literate labourers ; consequently the question of discrimination does not arise.

TENDERS OF CONTRACTS IN GOVERNMENT CATTLE FARM, HISSAR.

1460. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Development be pleased to state—

- (a) the number of contracts given by the Superintendent, Government Cattle Farm, Hissar, since December, 1939, and the names of the contractors with their caste and religion and the amount of contract money invested in each case ;
- (b) whether tenders were called for the contracts and, if so, the person who opened the tenders ;
- (c) whether sealed tenders were invited ?

The Honourable Sardar Dasaundha Singh : (a) It is not the practice to give the names of the contractors and the amount of contract money invested in each case, but in all 171 contracts were given by the Superintendent, Government Cattle Farm, Hissar, since December, 1939, as below :—

Hindus	109
Muslims	56
Messrs. Bhupendra Flour Mills, Bhatinda	4
Messrs. Roller Flour Mills, Patiala ..	2
Total	171

(b) Yes ; the Superintendent of the Farm opened them in the presence of the tenderers who cared to come at the appointed time ;

(c) No : but tenders were received in closed covers as usual.

DISMISSALS AND REINSTATEMENTS IN GOVERNMENT CATTLE FARM, HISSAR.

1461. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Development be pleased to state—

- (a) the number of employees in the Government Cattle Farm, Hissar, who have been dismissed so far since the time the present Superintendent has assumed charge of it and the community to which each of them belonged ;
- (b) whether any of the dismissed persons have since been re-instated or re-employed ; if so, the community to which each of them belongs ?

The Honourable Sardar Dasaundha Singh : (a) The number of employees of the Government Cattle Farm, Hissar, dismissed since the present Superintendent has assumed charge of it, is 24, viz., Muslims 7, Hindus 16, and Christians 1.

(b) None of the dismissed men was re-instated or re-employed.

OFFICERS OF THE GOVERNMENT CATTLE FARM, HISSAR.

1462. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Development be pleased to lay on the table of the House a list of officers with their names working at present in Government Cattle Farm, Hissar, including veterinary doctors, Farm Overseers, Daroghas Ber, Dairy men, Dairy Supervisors, Head weighmen, Muqaddams, Jama-dars ?

The Honourable Sardar Dasaundha Singh : It is not the practice to give names but a statement showing the number of Hindus, Muslims and Sikhs under each head at the Farm is laid on the table.

Statement showing the officers working at the Government Cattle Farm, Hissar.

1. 1. *Gazetted Officers—*

Hindus	..	..	..	..	..	2
Muslims	..	..	..	..	..	1
Sikhs ..	..	..	..	..	..	..

2. *Non-Gazetted officers. (Permanent and pensionable)—*

(a) *Ministerial (office staff)—*

Hindus	..	..	..	..	..	9
Muslims	..	..	..	..	..	4
Sikhs ..	..	..	..	..	..	1

(b) *Executive staff (Farm Overseers, Veterinary Assistants, Muqaddams, Compounder, etc.)—*

Hindus	..	..	..	..	..	5
Muslims	..	..	..	..	..	2
Sikhs ..	..	..	..	..	..	2

(c) *Technical staff (Fitters and Tractor Driver)—*

Hindus	..	..	..	..	..	..
Muslims	..	..	..	..	..	4
Sikhs ..	..	..	..	..	..	..

(d) *Inferior Establishment (Blacksmith, Daftri and Peons)—*

Hindus	..	..	..	..	..	4
Muslims	..	..	..	..	..	4
Sikhs ..	..	..	..	..	..	..

3. *Non-Pensionable Establishment—*

(a) *Technical Establishment (Carpenters, Blacksmiths and Nalband)—*

Hindus	..	..	..	..	..	4
Muslims	..	..	..	..	..	3
Sikhs ..	..	..	..	..	..	..

(b) *Live Stock and Cult. [Supervising staff (Jamadars)]—*

Hindus	..	..	..	..	..	6
Muslims	..	..	..	..	..	6
Sikhs ..	..	..	..	..	..	..

(c) *Bir Supervising staff (Forest Guards and Chaprasi)—*

Hindus	..	..	..	..	..	8
Muslims	..	..	..	..	..	10
Sikhs ..	..	..	..	..	..	7

(c) *Miscellaneous. (Head Weighmen)—*

Hindus	..	..	..	..	..	1
Muslims	..	..	..	..	..	..
Sikhs ..	..	..	..	..	..	..

Research Section.

II. 1. <i>Gazetted Officers.</i> Veterinary Investigation Officer—					
Hindus	..	..	..	..	1
Muslims	..	..	..	..	1
Sikhs	..	..	..	..	1
2. <i>Non-Gazetted Staff.</i> (Veterinary Assistant Surgeons, Dairy Supervisor and Clerks)—					
Hindus	..	..	..	..	4
Muslims	..	..	..	..	1
Sikhs	..	..	..	..	1
3. <i>Inferior Service.</i> (Dairy Foreman, Jamadars and Peon)—					
Hindus	..	..	..	..	3
Muslims	..	..	..	..	2
Sikhs	..	..	..	..	..

SUPERSESSIONS AMONG MATES IN THE GOVERNMENT CATTLE FARM, HISSAR.

1463. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Development be pleased to state whether he is aware that in the matter of promotion recently made the claims of some of the senior Muslim mates in the Government Cattle Farm, Hissar, have been overlooked and that junior Hindu mates have been promoted as it has happened in the case of one Faiza, Muslim mate, who has been overlooked for the sake of Kalia, a Hindu Jat appointed as Jamadar ?

The Honourable Sardar Dasaundha Singh : Nobody's claims have been overlooked. Promotion is given by merit.

SALE OF CATTLE IN GOVERNMENT CATTLE FARM, HISSAR.

1464. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Development be pleased to state whether there is any complaint of T. B. disease among cattle in the Government Cattle Farm, Hissar ; if so, how many of them were sold by auction in 1940 and how many have been sold by auction in 1941 with the names of the purchasers ?

The Honourable Sardar Dasaundha Singh : Yes. Forty animals were sold by auction during the year 1940 and sixty-three in 1941. It is not in public interest to give the names of purchasers.

PROSECUTING SUB-INSPECTORS AND INSPECTORS.

1465. Chaudhri Sumer Singh : Will the Honourable Minister for Public Works be pleased to state—

(a) the total number at present of the permanent Prosecuting Sub-Inspectors and Inspectors of Police in the Punjab and the number of Jats among them ;

(b) whether it is a fact that the representation of Jats in this service is nil ; if so, the action intended to be taken to remove the long-standing grievance of the Jats in the matter ?

The Honourable Malik Khizar Hayat Tiwana : (a)

			<i>Jats.</i>
Prosecuting Sub-Inspectors	..	129	10
Prosecuting Inspectors	..	41	1

[Minister of Public Works]

(b) No. Appointment to the rank of Prosecuting Inspectors are made by the promotion of Prosecuting Sub-Inspectors by selection tempered by seniority and not on a communal basis. Recruitment in the rank of Prosecuting Sub-Inspectors is made by the selection of best available candidates without any consideration of the community to which they belong.

HINDU AGRICULTURISTS AND JATS IN PROSECUTING DEPUTY SUPERINTENDENTS OF POLICE.

1466. Chaudhri Sumer Singh : Will the Honourable Minister for Public Works be pleased to state—

- (a) the total number at present of the permanent Prosecuting Deputy Superintendents of Police in the Punjab and the number of Hindu statutory agriculturists as well as Jats among them ;
- (b) whether it is a fact that there is not a single Hindu agriculturist or Jat in the service, if so, the action intended to be taken to remove the grievance of the Hindu agriculturists and Jats in the matter ?

The Honourable Malik Khizar Hayat Tiwana : (a) Nine. Two of them are Statutory Hindu agriculturists.

(b) Does not arise.

CLERKS IN THE DEPUTY COMMISSIONER'S OFFICE, HISSAR.

1467. Rai Sahib Chaudhri Suraj Mal : Will the Honourable Minister of Revenue be pleased to state—

- (a) the number and names of the clerks recruited in the Deputy Commissioner's office, Hissar, during the last two years ;
- (b) the names of those clerks in the above-named office who have been promoted from the junior to the senior grade ;
- (c) the total strength, communitywise, of the clerical establishment in the Deputy Commissioner's office, Hissar ?

The Honourable Chaudhri Sir Chhotu Ram : (a) As regards the giving of names attention is invited to the policy of Government enunciated in the Volume of Secretariate Instructions, Chapter XVI, paragraph 420 Clause (e). The number is 70.

(b) 5 Hindus and 2 Muslims ;

(c) 55 Hindus, 46 Muslims and 2 Sikhs.

SYNDICATE AND SENATE OF THE PUNJAB UNIVERSITY.

1468. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Education be pleased to state the number of fellows and members of the syndicate and senate of the Punjab University respectively and the number of Muslims in each category ; if the Muslims are not adequately represented among them, the steps Government propose to take in the matter ?

The Honourable Mian Abdul Haye : The various communities are represented on the Senate and the Syndicate of the Punjab University as follows :—

	Muslims.	Hindus.	Sikhs.	Europeans and Americans.	Christians and Others.	Total.
Senate	29	25	7	18	6	85
Syndicate	6	4	1	2	4	17

The number of Fellows is 85 of whom 29 are Muslims. Every Fellow is a member of the Senate.

No communal proportions have been fixed either by the Act of Incorporation or the Indian Universities Act in the matter of election and nomination of Fellows.

RETIREMENT AFTER 25 YEARS' SERVICE.

1469. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Premier be pleased to state—

- district-wise, the number of Government servants serving in the Police, Executive and Judicial branches who retired after 25 years' service in the Ambala Division up to date, showing the number of Muslims so retired in each district ;
- whether the subordinate authorities serving in the above-named division referred the matter to the Government before retiring the officials referred to in part (a) ?

The Honourable Lieutenant Colonel Sir Sikander Hyat Khan : I am afraid I have no idea what the honourable member means by the expression Executive and Judicial Branches. If he will frame his question more precisely and give the period for which the information is required, I will endeavour to collect it.

RATE OF GOVERNMENT HOSPITAL FEES FOR CATARACT AND OTHER OPERATIONS.

1470. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Education be pleased to state—

- the maximum and minimum fees charged in the civil and other Government hospitals for cataract and other operations ;
- the respective shares of the Government and the doctors out of the fees so received ?

The Honourable Mian Abdul Haye : (a) A reference is invited to Appendix I of Appendix LIII to the Punjab Medical Manual.

(b) The fees charged for operations are retained by the medical officers concerned in full.

**ARMS LICENCES AND SUPERINTENDENT, GOVERNMENT
CATTLE FARM, HISSAR.**

1471. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Development be pleased to state—

- (a) the number of arms licences standing in the name of the Superintendent, Government Cattle Farm, Hissar, with the names of retainers, their caste and religion ;
- (b) the period for which each retainer has been holding this capacity with the name of his predecessor and the reason for the change ?

The Honourable Sardar Dasaundha Singh : (a) 11 licences. At the moment there are two vacancies , and of the remaining 9 retainers, four belong to the depressed classes, three are Muslims, one is a Hindu, and one is a Sikh.

(c) Four retainers have been working as such since 1937, one since 1938, one since 1940, and three since last year.

Reasons for the changes among retainers are not on record, but they are made by the officers in charge of the different blocks of the Farm in the interest of work.

OVERLOADING OF LORRIES BETWEEN NAROWAL, ZAFARWAL AND SIALKOT.

1472. Khan Bahadur Shaikh Karamat Ali : With reference to the answer to starred question No. 7866¹ put on 12th December, 1940, will the Honourable Minister for Public Works be pleased to lay on the table a copy of the instructions issued by the Superintendent, Police, Sialkot, to his District Traffic Staff, and state the names of lorry drivers challaned for overloading between Narowal, Zafarwal and Sialkot in the Sialkot District and the punishment awarded in each case during the years 1939 up to date ?

The Honourable Malik Khizar Hayat Tiwana : A statement is laid on the table.²

RECORD KEEPERS.

1473. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Premier be pleased to state, communitywise, the number of Record Keepers (General) in each branch of the Civil Secretariat, Lahore ?

The Honourable Lieutenant-Colonel Sir Sikander Hyat Khan : The required information is as follows :—

<i>Branch.</i>	<i>Number.</i>
1. Gazette..	.. One Muslim and two Hindus.
2. Home (General)	.. One Sikh, One Muslim and One Hindu.
3. Judicial	.. One Sikh and One Muslim.
4. Industries & Labour	Two Sikhs.

¹Vol. XIV, page 1025.

²Kept in the Assembly Library.

5. Jails .. Three Muslims.
 6. Electricity ... One Hindu and One Muslim.
 7. Political .. One Sikh and one Hindu.
 8. Passport .. One Hindu and one Muslim.
 9. Home (Military) .. Three Muslims.
 10. A. E. P. Sub Section of the Home (Military) Branch. .. Two Hindus and one Muslim.
 11. Price Control Sub-Section of the Home (Military) Branch .. One Hindu and one Muslim.
 12. Finance/General .. Two Muslims, one Sikh and one Hindu.
 13. Medical .. Two Hindus and one Muslim.
 14. Committees .. Three Muslims.
 15. Boards .. One Muslim, one Sikh and one Scheduled Caste.
 16. Budget .. Two Muslims, one Hindu and one Sikh.
 17. Finance Public Works .. Two Hindus and two Muslims.
 18. Ways and Means .. One Hindu.
 19. Accounts .. One Muslim.
 20. Press Branch .. One Muslim.
 21. Keeper of Records One Muslim.

JAT DISTRICT INSPECTORS OF SCHOOLS.

1474. **Chaudhri Sumer Singh :** Will the Honourable Minister for Education be pleased to state the total number of the District Inspectors of Schools in the Punjab, community wise, and the number of Jats among them ; if their number is nil, the action Government propose to take in the matter ?

The Honourable Mian Abdul Haye :—

Muslims.	Hindus.	Sikhs.	Christians.	Total.
17	7	4	2	30

No. of Jats 2.

The second part does not arise.

ADJOURNMENT MOTIONS.

HARTAL OF TRADERS.

Malik Barkat Ali : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the province-wide hartal of the traders of the Punjab that commenced on or about the 9th January, 1942.

Mr. Speaker : Leave is asked to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the province-wide hartal of the traders of the Punjab that commenced on or about the 9th January, 1942.

Any objection ?

Premier (The Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan) : No, Sir. As a matter of fact nobody will have any objection to this motion being discussed in this House. I welcome this opportunity which my honourable friend by giving notice of this motion has afforded me to make the position clear so far as this unfortunate episode is concerned.

Leave to move the adjournment was accordingly given.

Premier : I wish to inform my friends of the Opposition that subject to their approval we propose to take up this adjournment motion at 2 p. m. to-day. For that reason I beg to move the following motion for the approval of the House—

That unless the business on the list of business for to-day is completed earlier the Speaker shall interrupt the business at 2 p. m. to-day when the adjournment motion will be taken up.

Mr. Speaker : Motion moved—

That unless the business on the list of business for to-day is completed earlier the Speaker shall interrupt the business at 2 p. m. to-day when the adjournment motion will be taken up.

Malik Barkat Ali : So far as 2 o'clock is concerned I regret I cannot accept that proposal. If the Premier has no objection it may be any other time provided it is suitable. If there is any party to-day, it can be after that. Two o'clock is not acceptable to me. I will be busy in a case in the Commissioner's Court at that time.

Diwan Chaman Lall : Sir, may I say a word with regard to the motion moved by my honourable friend the Premier. In regard to the convention which is set up it is a healthy convention of accepting an adjournment motion without having to call for a division on an important matter. I congratulate the House for having established a convention of this nature. With regard to the second proposition it is obvious that we have to accommodate my honourable friend in regard to the time. Therefore on behalf of the Opposition I have already agreed to the alteration of the time from 4 to 2 p. m. We shall be prepared to discuss the motion at any time which is suitable to the Premier and the House. (Cheers.)

Mr. Speaker : The question is—

That unless the business on the list of business for to-day is completed earlier the Speaker shall interrupt the business at 2 p. m. to-day when the adjournment motion will be taken up.

The motion was carried.

Mr. Speaker : If the ordinary business is finished, say, at half-past one, the adjournment motion will be taken up at 1.30 p. m. and if the whole business is not finished by 2 o'clock then it will be taken up at 2 p. m.

Malik Barkat Ali : I beg to draw your attention to Rule 45 which lays down—

If leave is granted, the motion shall be taken up on the same day. If it is Friday it shall be taken up at 7 p. m. and if it is any other day, at 6.30 p. m. Provided that if the business on the list for the day is concluded earlier, the motion shall be taken up at the conclusion of such business.

If the business is not completed at 2 o'clock I submit that it can only be taken up after the conclusion of the business and not earlier.

Mr. Speaker : Rules give power to the House to change those hours: see Rule 12.

Malik Barkat Ali : So far as the House is concerned I respectfully submit that the House has not accepted the proposition.

Mr. Speaker : No I have put the motion to the House and the House has carried it.

Dr. Sir Gokul Chand Narang : I want to ask a question, Sir.
The motion that was put to the House just now was
1 p. m. in the name of Malik Barkat Ali. Supposing he is
absent at 2 o'clock, will Sardar Santokh Singh be allowed to move his motion?

Mr. Speaker : Not to-day.

Malik Barkat Ali : I am already committed at that hour. I am to appear before the Commissioner in a case and on my request he has fixed it immediately after lunch as I was under the impression that this adjournment motion will come at 4.30. But as it is, I think I may not be able to be present at 2 p. m.

Mr. Speaker : In that case the honourable member may withdraw his motion and let Sardar Santokh Singh move it.

Malik Barkat Ali : I do not wish to withdraw it at this stage.

Mr. Speaker : As the House has given the honourable member leave to move his motion, he can withdraw it. In that case I will allow Sardar Santokh Singh to move his motion and I will put it again to the House.

GENERAL SALES TAX RULES.

Minister for Finance (The Honourable Sir Manohar Lal) : Sir, I lay on the table a copy of the Punjab General Sales Tax Rules, 1941, framed under section 19 (b) of the Punjab General Sales Tax Act, 1941.

I also lay on the table a copy¹ of the Draft Amendments to the Punjab General Sales Tax Rules, 1941.

Rai Bahadur Lala Gopal Das : I want to ask one question in this connection. Will we be given an opportunity to suggest any amendments to these Rules?

Mr. Speaker : No.

¹Kept in the Assembly Library.

Rai Bahadur Lala Gopal Das : Under Section 19 (4) of the Act—

Mr. Speaker : Section 19 (4) empowers the House only to annul certain rules.

Rai Bahadur Lala Gopal Das : I want to give notice in regard to the determination of the turnover.

Mr. Speaker : Only an annulment can be moved and not an amendment.

THE CITY OF LAHORE CORPORATION BILL.

Mr. Speaker : The message of His Excellency the Governor returning this Bill with amendments recommended has already been circulated to the honourable members, so it is not necessary to read it again to the House. The House will now proceed to discuss and vote upon those amendments. Question is—

That the following amendments be adopted—

- (1) In clause 2 of the City of Lahore Corporation Bill (hereinafter referred to as the said Bill)—
 - (a) in sub-clause (1), after the word “shall”, the words “save as hereinafter provided” should be inserted; and
 - (b) to sub-clause (1), the following proviso should be added, namely :—

“Provided that the Lahore Improvement Trust constituted under the Punjab Town Improvement Act, 1922, shall exercise in the City of Lahore the same powers and perform the same duties under the Punjab Municipal Act, 1911, the Punjab Town Improvement Act, 1922, and any other law for the time being in force, as if the Municipality of Lahore had not been withdrawn from the Punjab Municipal Act, 1911”.
- (2) In clause 3 of the said Bill—
 - (a) In sub-clause (4), the word “and” where it last occurs, should be omitted;
 - (b) in sub-clause (5), after the word “Corporation”, the word “and” should be added; and
 - (c) after sub-clause (5), the following sub-clause should be added, namely :—

“(6) all the provisions of the Punjab Town Improvement Act, 1922, other than subsection (3) of section 1 of that Act shall apply to the City of Lahore immediately on the commencement of this Act.”
- (3) In clause 5 of the said Bill—
 - (a) in sub-clause (1) for the words “Municipal Act” the words “Punjab Municipal Act” should be substituted; and
 - (b) in sub-clause (20) for the words “Indian Factories Act” the words “Factories Act” should be substituted.
- (4) In paragraph (i) of sub-clause (g) of clause 67 of the said Bill for the words and figures “Indian Arbitration Act, 1899”, the words and figures “Arbitration Act, 1940” should be substituted.
- (5) In clause 104 of the said Bill, after the word “Crown” the words “but excluding property vested in His Majesty for the purposes of the Central Government” should be added.
- (6) In sub-clause (2) of clause 216 of the said Bill, for the words “Indian Factories Act” the words “Factories Act” should be substituted.
- (7) In the proviso to clause 217 of the said Bill, for the words “Indian Petroleum Act” the words “Petroleum Act” should be substituted.
- (8) In clause 220 of the said Bill, for the figures “219” the figures “218” should be substituted.
- (9) In paragraph (g) of sub-clause (1) of clause 260 of the said Bill, for the words commencing “either” and ending “area”, the words “on payment of compensation;” should be substituted.
- (10) In clause 288 of the said Bill, for the words “Provincial Government” the word “Crown” should be substituted.
- (11) Clauses 352 to 354 should be renumbered respectively as clauses 353 to 355.

(12) After clause 351 the following clause should be inserted, namely:—

352. (1) In determining the amount of compensation, the authority assessing the compensation shall be guided, so far as may be, by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894, and as to matters which cannot be dealt with under those provisions, by such rules as the Provincial Government may make in this behalf.
- (2) The authority assessing compensation for any land acquired by or under the provisions of this Act shall exercise all the powers and perform all the functions of a Court of original jurisdiction and (so far as may be) shall follow the same procedure as may be followed by a Court under the Land Acquisition Act, 1894.
- (3) The decision of an authority assessing compensation shall, subject to the provisions of section 356, be final.
- (4) In this section "land" includes immovable property of every kind and any rights in or over such property.
- (13) Clause 355 should be re-numbered as clause 358 and in the clause so re-numbered, the words and figures "in section 349 or" should be omitted.
- (14) Clauses 356 to 375 should be re-numbered respectively as clauses 357 to 376.
- (15) Clause 376 should be omitted.
- (16) In clause 384, for the words "Indian Arbitration Act" the words "Arbitration Act" should be substituted.
- (17) In the proviso following paragraph (d) of sub-clause (43) of clause 396, for the words "Indian Factories Act" the words "Factories Act" should be substituted.
- (18) As a new clause is being inserted after clause 351 and as clauses 352 to 375 are being re-numbered, consequential changes should be made in the body of the Bill.

The motion was carried.

THE COURT FEES (PUNJAB AMENDMENT) BILL.

Minister for Development (The Honourable Sardar Dasaundha Singh): I beg to introduce the Court Fees (Punjab Amendment) Bill.

Minister for Development: I beg to move—

That the Court Fees (Punjab Amendment) Bill be taken into consideration at once.

This is a short amending Bill and the statement of objects and reasons attached thereto makes the purport of it absolutely clear. Therefore no speech is necessary.

Mr. Speaker: Question is—

That the Court Fees (Punjab Amendment) Bill be taken into consideration at once.

The motion was carried.

Mr. Speaker: Now the House will proceed with the Bill clause by clause. Question is—

That clause 2 stand part of the Bill.

The motion was carried.

Mr. Speaker: Question is—

That clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker: The question is—

That the title be the title of the Bill.

The motion was carried.

Minister for Development: I beg to move—

That the Court Fees (Punjab Amendment) Bill be passed.

The motion was carried.

ADJOURNMENT MOTION.

HARTAL OF TRADERS.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): I beg to move—

That the Assembly do now adjourn.

This House is aware that as a sequel to that devil's crop which had been sown by the Honourable Chaudhri Sir Chhotu Ram, the Unionist Government is to-day reaping the harvest in the shape of a hartal the like of which has never been experienced in this province during the last one hundred years and more. Why have the traders of the Punjab resorted to this step which means no small amount of harm or damage to their interests? I shall not discuss the provisions of the Punjab General Sales Tax Act. I will begin the story from the point when there commenced negotiations between the Honourable Premier and the members of his Government on the one side and the representatives of the trading community on the other. Certain decisions were reached as a result of those negotiations, and certain questions were yet pending when the Honourable Premier under a call of duty had to leave the shores of India to see the Indian troops abroad. In his absence the matter naturally fell on the shoulders of Sir Chhotu Ram. Now, I am not one of those who take up the position that the entire responsibility from the beginning to the end for this hartal falls on the shoulders of Sir Chhotu Ram. Sir Chhotu Ram shares that responsibility equally with the other members of the Government for the policy which has led to this state of affairs. But Sir Chhotu Ram instead of carrying on the negotiations where they were left by the Honourable Premier, felt it wise to leave his headquarters on tour. I understand that Sir Chhotu Ram was due to go out on tour which had already been arranged by him. My grievance against him is that when he was face to face with a situation of this kind, when the entire trading community of the province, Hindus, Musselmans, Sikhs and everybody had decided to take this step, was it not his duty as a responsible Minister to remain on the spot and resume the thread of negotiations at the stage where the Premier had left it? On the contrary he leaves the headquarters and goes on tour to places beyond the reach of the traders' representatives and declares there that any further concessions are impossible and that all the concessions that could possibly be given had been given to the traders. This situation continued till the return of the Premier. There were friends who thought that with the return of the Premier things would change. As a matter of fact, I read an article or a letter in a daily in which one of my friends on this side tried to flatter the Premier by calling him "our statesman premier" whose statesmanship, he expected would solve the situation. I do not know whether that friend has realised now or not that there is not a shred of that statesmanship anywhere near or behind the Premier because we know, according to a statement of the Premier himself, that the negotiations have fallen through. Why have they fallen through? Did it not occur to the Honourable Premier, did it not occur to the Government that at this moment when India along with the British Empire was passing through a most critical stage, when actually the war was on our heads, I ask, did it not occur to

any member of this Government in a situation of this kind to realise that whatever the merits of the controversy, whether the Government was right or the traders, this was a time for cessation of all controversies? The only honourable settlement should have been (*An honourable member*: Abdication). There is no question of abdication. The Government should have come forward and said 'we will halt here and agree to let this matter remain in suspense until the war clouds have passed away. Have not such occasions occurred before? Even during much less anxious times situations of this character have arisen and been solved satisfactorily. A constitutional issue of the greatest importance cropped up in English history during the year 1909 when the House of Lords threw out the budget which it had been the privilege of the House of Commons for more than one hundred years to pass without any right of rejection on the part of the House of Lords. Attempts were made to surmount that difficulty. Meetings of both Houses were held without any result. His Majesty the King even intervened but without success. What step did that great statesman who was then at the helm of affairs in England, take? He realised that he was the head of a popular Government. Popular Government did not mean dictatorship. Popular Government is a government that respects the sentiments of the people and tries to accommodate itself to the public mind. The step that he took was this. He said, "The situation has gone too far. All negotiations have failed. The peers of the realm are adamant. I cannot arrest the capitalist supporters in the country whom the budget was going to hit in the shape of the new taxes proposed. Ours is a representative Government deriving its authority from the people. I will, therefore, advise His Majesty to dissolve the House and thus enable us to make an appeal to the real sovereign, viz., the electorate". I ask the Honourable Premier why he does not take a similar step and advise the Governor to dissolve the House. If he felt that he carried with him the public opinion of the whole province, why did he not take this step? This would have enabled him to come back to this House with a larger majority than at present on this very issue. This would have enabled him to decide whether the public opinion was in favour of the beoparis or the Unionist Government. It may be said that the dissolution of the House is out of the question to-day as already the Parliament in its wisdom has passed an amending Act that during the period of the war Governors can go on extending the life of the Assembly. But that does not mean that there can be no dissolution of the Assembly. Normally when the war is going on, surely a dissolution of the House would be out of place. But, are we in a normal situation? The hartal which has been going on for so many days, is growing more and more intense every day. The amending Act can apply only to normal situations so that no elections can be held at the pleasure of the Governor during the war. But surely in a situation as the present which does not exist anywhere else but the Punjab, surely the best advice that the Ministry can give to the Governor is to request him to dissolve the House so that they may go to the electorate and get its mandate on this issue. If the electorate is with the Unionist Party, then there will be an end of the matter. But if the electorate is not with the Unionist Party, then the province would be rid of the Unionist Government and the whole trouble would be at an end.

[M. Barkat Ali]

Another alternative to which the Government could resort would be this. The House may remember that I am not discussing the merits or demerits of the controversy. All that I say is that statesmanship, certainly required that when this situation arose, the Government should have tried to end it. According to the Premier, he actually went to the extent of promising certain concessions and that only two demands were left which were not acceptable to him. If that was so, he should have told the traders, 'Gentlemen, I see the intensity of your feeling, but I consider myself right and you are wrong. However, in view of the times through which we are now passing, in view of the fact that this is a moment when all controversy should cease, I am prepared to suspend the enforcement of this Act until after the war. When the war clouds have lifted, we shall enter on this discussion again. Possibly by that time wiser counsels might prevail with you or with me, but for the present we surmount the difficulty and I shall order the suspension of the enforcement of the Act for the period of the war.' Nothing of the kind was done.

The Honourable Premier has been pleased to issue a statement. He says, I agreed to this thing, namely, that none of my officers shall enter your business premises except at your request. Another concession that he says he made to the traders of the province was that they would be given the alternative of assessment either on the basis of actual sales or on the basis of purchases. This suggestion was also accepted, he says, by the traders. He next says that when it was represented to him that the limit of exemption might be raised to give relief to small traders, "I made it quite clear in the course of our interview that it was beyond my power to concede this request, because it could only be done through the amendment of the Act by the Legislature; but I gave an undertaking that if a suitably-worded representation were made, I would commend it to the Legislature for sympathetic treatment and that it might be possible to persuade the Legislature to raise the exemption limit."

Mian Abdul Aziz : May I enquire with whom that agreement was arrived at and on what date, because that is a very important point ?

Malik Barkat Ali : These are the concessions that have been accepted by the Honourable Premier after his return from his visit to Iran and Iraq. I am not talking of his previous negotiations with somebody, and it would be for the members to ask the Honourable Premier to name the gentleman with whom he entered into certain commitments before he left Lahore. I am referring to the terms of compromise offered by the Premier after his return from overseas. He said, I am prepared to raise the exemption limit from Rs. 5,000 to Rs. 10,000. I am very glad that he did undertake to extend the exemption from Rs. 5,000 to Rs. 10,000 because he would remember that when this Bill was on the anvil of this House, many of us represented to the Premier that Rs. 5,000 as the limit of exemption was very low.

Then there is another concession, he says, which was asked of him. He says it was asked of him that he should give the traders the right of appeal to the High Court. The Honourable Premier in the course of his statement says: "There was no precedent in any measure of taxation for a right

of appeal to the High Court." I am really surprised at the ignorance displayed by the Honourable Premier. I do not know whether he knows it or not, but he should take it from me and from his law advisers, that ever since the amendment of the Income-tax Act many years ago there is a right of appeal given to the income-tax assessee to the High Court on a question of law.

Mr. Speaker : The honourable member's time is over. He could speak only for fifteen minutes.

Malik Barkat Ali : I thought that I had permission to speak for half an hour.

Mr. Speaker : I give the honourable member five minutes more.

Malik Barkat Ali : I was dealing with the question of the right of appeal to the High Court and the learned Premier's taking up the position that there was no precedent in any measure of taxation for a right of appeal to the High Court. I quote his further words. He says:—"Even for the administration of the Income-tax Act, the Government of India had to agree after a good deal of experience to appoint a special tribunal to reduce litigation and avoid delay". Apparently the Honourable Premier is referring to the Income-tax Tribunal set up recently as a result of continued agitation on the part of assesseees, and their representatives in the Central Legislature who insisted that the assesseees should in all fairness be given a right of appeal to an independent tribunal. An appeal against the action of one taxing officer to another superior officer of the same department is really no appeal. It is like an appeal from Philip drunk to Philip sober. This tribunal, they insisted, should consist of persons who have nothing to do with the department of Income-tax, and the Government of India had ultimately to bow down to this very reasonable and very just contention that if the department provides for a right of appeal that appeal should lie not to the officers of the department, but to someone else who is not connected with the department, and it was for this reason that this Income-tax Tribunal was constituted. The right of appeal to the Income-tax Tribunal has been conceded—a tribunal consisting of independent persons who have nothing to do with the taxing department. There is a further right of appeal to the High Court on a law point which was conceded ten or fifteen years ago. The Honourable Premier should have said: I am prepared to set up another tribunal not connected with the department; but he says, "there is no precedent and therefore I am not prepared to accede to your request." I am really sorry that this should have led to the break-up of the negotiations.

Then there is one thing more. The last request on behalf of the dealers was for the levy of the tax under the Act on various commodities at one single stage. I am really sorry that even under the stress of a situation of this kind which is without parallel in the history of British India, the Honourable Premier should have thrown away the negotiations merely because of this that the assesseees or the traders wanted the tax to be levied at one stage. This was a matter susceptible of negotiations. I would draw the attention of the Honourable Premier to the fact that in Madras itself it has been held by the High Court that this tax cannot be levied at the stage of manufacture. You certainly include manufacture as a stage where

[M. Barkat Ali.]

you will levy this tax. This was a matter really that should have been gone into and not dictatorially thrown away by saying, I shall not listen to you, and by ordering the very next day the arrests of these people—men with the highest stakes, men who pay income-tax amounting to Rs. 80,000 or Rs. 1,00,000, men who can purchase many of his colleagues on those benches, men many of whom can employ those whom he has gathered round himself as his colleagues. And you have allowed those men to be thrown into the jail. You forget what occurred during that stormy period of English history when Charles I actually entered the House of Commons for the arrest of the representatives of the people. The five birds for whose arrest he had ventured into the House, had flown away but Charles had to pay the penalty of that conduct. You have taken a most indefensible step in allowing your authorities to arrest men of such stakes, men of such standing merely because they said that Government was guilty of oppression or that its set anti-urban policy had created a situation the like of which has never been seen in this province, and I am glad that the people have given this Government the only answer that it deserved.

Mr. Speaker : Motion moved is :—

That the Assembly do now adjourn.

Khan Bahadur Shaikh Karamat Ali (Nankana Sahib, Muhammadan, Rural) (*Urdu*) : Sir, I was not in my seat when my honourable friend Malik Barkat Ali, the mover of the adjournment motion, began his diatribe against the Government. However, I have ascertained from my friends on this side of the House, the salient points on which he waxed eloquent in my absence. His main reasons for putting forward this motion were that the right of appeal to the High Court had not been conceded; that the Government had disdainfully turned down the reasonable demands of the traders and that they had been guilty of throwing highly respectable businessmen behind the bars. Before I proceed to refute these allegations, I would like to explain my own position. From the point of view of tradition I am a beopari but in the capacity of a representative of the rural people, I am the staunchest supporter of the zamindars. (*Cheers*). My object in stating this fact is to show that I perfectly understand the minds of both the parties and I am sure no body would doubt my *bona fides*.

It has been argued, when in the case of income-tax right of appeal has been provided why no provision has been made for the right of appeal to the High Court with regard to the Sales tax. As you are aware, Sir, the Honourable Premier in his statement issued the other day made it clear beyond any shadow of doubt, that there existed no precedent in the measure of taxation for a right of appeal to the High Court. Even for the administration of income-tax the Government of India had created a special tribunal to reduce litigation and unnecessary delay. I fully realise the respect and confidence enjoyed by the honourable judges of the High Court. But this does not mean that the ultimate court of appeal, as provided in the Sales Tax Act, will not administer even-handed justice. My honourable friends over there may rest assured that this court would never give any cause for complaint to the public. (*Hear, hear.*)

Then it is very uncharitable on the part of the mover to misstate that the Honourable Premier flatly rejected the reasonable demands of the traders. This allegation is absolutely baseless. I am sure, even the worst adversary of Sir Sikander would concede that he is always open to conviction and amenable to reason. (*Hear, hear.*) It passes my comprehension, especially in view of his lucid and comprehensive statement in the Press, to hear that he refused to accede to the just demands of the traders. I have myself heard the traders saying that their demands have been accepted by the Government. As I understand, they objected to the right given to the taxation staff to enter the business premises of the dealers for the purpose of inspecting stocks and accounts. This demand has been conceded by not allowing the taxation staff to enter any business premises except at the request of the dealers themselves. Similarly, the suggestion of the dealers, that they should be given the option to be assessed either on the basis of actual sales or on the basis of purchases, has been accepted.

Begum Rashida Latif Baji : May I ask the honourable member, if the traders admit that their demands have been conceded why they do not open their shops? (*Loud laughter.*)

Khan Bahadur Shaikh Karamat Ali : The desire to earn cheap popularity in the press and on the platform, stands in their way of calling off the hartal; otherwise they do admit that their reasonable demands have been accepted by the Government. They, being clever, want to take undue advantage of the leniency of the Government. They think that by sticking to hartal they would gradually coerce the Government to accept their unreasonable demands resulting in the repeal of the Sales Act. It is obvious that no Government worth the name can tolerate this state of affairs.

Then this tax is not a new one. It exists in almost all the civilised countries. My honourable friends over there would bear me out that in India it has already been levied in the provinces of Madras and Bengal. There is no difference between the Acts enforced there and our Act, except that the amount of tax imposed here is much less than that of Madras and Bengal. Again, the court of appeal provided in the Madras Act, of which a reference was made by my honourable friend does not materially differ from the ultimate authority of appeal provided in our Act.

Now I come to the last point. My honourable friend, the mover, made a remark which, I think, could only be an invention of his rich and fertile brain. He said that the Government had incarcerated such millionaires and multi-millionaires who could purchase the persons at the helm of affairs of the Government. The remark was extremely unhappy and unfortunate. I can only say that the boot is rather on the other leg. The cap fits my honourable friend only. I may point out that law is no respecter of persons. It must run its course. It treats the rich and the poor, the agriculturists and non-agriculturists alike. It makes no distinction between one profession and the other. There is no gainsaying the fact that the upper strata of the traders roll in wealth. But if in the intoxication of their influence these plutocrats violate the law, then they must be prepared to take the consequences. Government or for the matter of that the law

[K. B. Sh. Karamat Ali]

of the land is not to be blamed, if the traders have been imprisoned. The law must be upheld and respected by one and all. (*Hear, hear.*)

But there is one thing on which I do not see eye to eye with the Government and I am sure the Honourable Premier and my party will give a sympathetic consideration to it. Taxing of a commodity at every stage, even if it goes on changing hands till eternity, does not appear to me a fair deal. I would request the Government to do away with this multiplication of taxation. This is a serious defect in the Sales Tax Act and it should be removed without much delay.

Then I would like to address a few words to my brethren in trade. Their main demands have almost been conceded by the Government. They should act upon the adage *بکے را بگیر دیگرے را دعویٰ کن*. Instead of treading on the painful path of observing indefinite hartal, they should avail of the concessions granted and then go on impressing upon the Government the desirability of giving more. It is high time that they stopped inconveniencing the public and disturbing the peace of the province.

Again, my honourable friends opposite should know that this tax has been imposed strictly with a view to helping the poor and the down-trodden zamindars. They should co-operate with the Government in carrying out the constructive programme of ameliorating the condition of the poor. Besides they are not going to be burdened with a heavy tax. The amount levied is very insignificant. If they just refer to the Bengal and Madras Acts, they would find that the sales tax proposed there is much higher than the one imposed in the Punjab. So far, they have been opposing all the measures calculated for the betterment of the poor. I am sure, now better counsels would prevail with them and they would avail themselves of this golden opportunity of helping their poor brethren by making contributions through this tax. (*Hear, hear.*) Government stand in need of money and they cannot have it from elsewhere except by imposing a tax on them. I know my friends can point out that the Government can secure enough money by applying a cut in the salaries of high officers. But this is not feasible. We feel that our hands are tied in this matter. So long as the present statute is there, we shall have to abide by it. Hence imposition of this tax is inevitable if we have to carry out our constructive programme. They may rest assured that they will not find a better and more lenient taxation measure anywhere than the Punjab Act. Again, I am constrained to remark that my honourable friend Malik Sahib merely wasted his breath because while he made a destructive criticism, he did not put forward any constructive proposal.

My friends opposite should blush at their offering opposition to really good measures, since they have failed so far to add a single item to the programme of construction during a long period of five years, while the Unionist Government put a programme before itself from the very beginning of its career.

One point more and I have done. Some of my honourable friends may consider what I am now going to point out just now as flattery. But it is a fact and it must not be concealed that our Ministry has never brought forward any measure in a vindictive spirit. Whatever has been done by

this Ministry, has been done as a measure of necessity. If my honourable friends sitting over there clear up their minds and do not doubt the *bona fides* of the Government, I am confident they will never find faults with the Government. A limit with regard to turnover has already been fixed in the Act on which no tax will be levied by the Government. Other exemptions have also been granted and when the Honourable Premier has, by promising to raise the limit of exemption from Rs. 5,000 to Rs. 10,000, conceded the demand of the trading community, then why this fuss? If they are violating and defying the law of the land in intoxication of their riches they may take it that this intoxication of theirs will subside very shortly and they will come to their senses very soon. Let me once again submit with all seriousness that our Government have not resorted to this measure in a vindictive spirit but they have done it by necessity. If my honourable friends over there feel like this I am sure this commercial unrest will stop for good.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Mr. Speaker, my honourable friend, Shaiikh Karamat Ali, has entirely misstated the facts in saying that the *beoparies* did not at all co-operate with the Government and that they had all along been trying to have things their own way. Is it not a fact that the leader of the movement had been going with a beggar's bowl from place to place and had gone to Simla a number of times to discuss the matter with the Honourable the Finance Minister and my honourable friend, the Premier, in order to arrive at an honourable settlement? What was the result of all this? The entreaties of the *beoparies* and all their requests fell on deaf ears and went entirely unheeded. This unfortunate measure has brought ruin from one end of the province to the other. The traders resented this measure and very rightly resented it when it was passed. They held a conference in Amritsar on the 19th and 20th April, 1941, where timely notice was given to the Government that unless their demands were conceded, they will begin to observe cessation of business from the 1st May, 1941. They started *hartal* from 1st May, 1941, and the Government in the meantime came out with their *communiqué*. This *communiqué* was not very satisfactory to the traders. It said that the Government will pay due attention to the demands of the traders, in respect of the following— that the Government will frame the rules under this Act after consultation with the representatives of the Beopar Mandal; that in framing the rules the Government would reduce the rigours of the Act as far as possible and that in the matter of charging the tax under the Act at various stages, the Government will in consultation with the representatives of the Mandal try to levy the tax as far as possible only at one stage in order not to ruin the trade and industry of this province. That was in May, 1941. Many months passed after that but the Government did nothing whatever. The wholesale timber merchants of the province made a demand to the Government that they were willing to pay the tax at one and the initial stage. This reasonable request of theirs was not accepted and their demand was entirely ignored. The leader of the movement discussed the matter with the Finance Minister. Certain agricultural commodities were agreed to be exempted from the payment of this sales tax. What has been done by the Government in this connection? Nothing whatever and no concession of any kind has been yet announced. Is not the Government aware that certain agricultural commodities come under the two taxes, namely, the Marketing Act and the

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Sales Tax Act? The Government has exempted wheat, but they did not exempt rice. Is not rice a poor man's food? Is rice the food of a rich man alone? They have exempted *bajra*, *bajra* flour, etc., but they have not exempted barley. Is barley a rich man's food? Is it not a poor man's food?

I may tell the House that in Bombay, there is a Marketing Act but within the period of 14 years of its existence, that Act has been applied by the Bombay Government only to 9 markets, and to a very few articles, but in this unfortunate province, from the very beginning this Act has been applied to as many as 135 markets and all imaginable commodities have been brought within the purview of this Act. The fact is undeniable that on certain commodities tax is paid twice, once under the Markets Act and then again under the Sales Tax Act.

Further, it is a well-known fact that some commodities that are produced in one district are consumed in another district. Take the case of *toria*. It is produced in a few districts of the Punjab, but for the purpose of consumption it goes to all other districts, with the result that it has got to pay the tax in two markets. My honourable friend the Revenue Minister is smiling, there is nothing to smile at. He is responsible for ruining the business and trade of this province and this Government has no considered policy behind this taxation. I say, that the Government has never taken the trouble of going into these matters in a scientific manner. If you take the average price of *toria* at Rs. 3 per maund, you have to pay two taxes under the Marketing Act, one in the market of origin and the other in the market of consumption and it comes to Rs. 1-1-0 per cent. The tax on this agricultural commodity when sold in the market of origin, is 3 pies per maund and we have to add 3 pies to this which will be paid in the market of consumption, and thus in the two markets it will come to 6 pies.

Certain other commodities like rice, *gur*, *shakkar*, etc., come both under the Markets Act as well as under the Sales Tax Act and the result of all this is a tax of Rs. 1-1-0 per cent under the Markets Act and at least Re. 0-8-0 or Re. 0-12-0 under the Sales Tax Act. These commodities have thus to pay taxes to the extent of Rs. 1-9-0 or Rs. 1-13-0 per cent. I ask the Government in all seriousness whether these commodities are in a position to bear a tax of Rs. 1-13-0 per cent, considering the fact that under the Sales Tax Act they will have to pay a tax at least twice or thrice. In the province of Delhi, there is no Markets Act and there is no Sales Tax Act. In the United Provinces there is no Markets Act and no Sales Tax Act. How can the Government expect this province to prosper with all the taxes with which they have encumbered this province with? How can this province stand the competition of the neighbouring provinces? In levying this taxation the Government have the cunning to assert that they are doing this for the protection of zamindars. In fact the zamindar with others, will be under the crushing burden of these two taxes. It is the zamindar who pays the fee under the Markets Act, though indirectly. The sales tax will ultimately be borne by the consumer, and is not the zamindar a consumer of our products? In this way you are not protecting the zamindars. I say in

all seriousness and earnestness that the Government are ruining the zamindars by imposing all these taxes. It is not, however, too late yet. Will not the Government understand and realize the implications?

Now coming to the narration of events, the Beopari Mandal called off the hartal on the 6th March, although the Government *communiqué* was not very satisfactory. Negotiations went on for well nigh six months but nothing substantial came out of them. It is alleged that a very leading representative of the merchants gave an assurance to the Premier that if the two changes were made in the rules, the matter would be set right and that the *beoparis* would appreciate it and acknowledge it in the form of a resolution of thanks. This is what, sir, has been alleged by the Honourable Premier. That may be so, but does not the Honourable Premier know that soon after these changes were announced, the Working Committee of the Beopar Mandal met and unanimously passed a resolution that these amendments were not considered sufficient by the *beoparies* and they would not be satisfied unless more demands of theirs were accepted and if not, they would have no alternative but to resort to hartal again? The hartal was planned in good time. It began on the 9th of January and has been continuing ever since. Government cannot assert that they have been caught unawares. To-day is the 32nd day of this unparalleled hartal, not only in the annals of this province but in the annals of the history of the whole country and there is complete cessation of business all over the province. Unfortunately the hartal came on when the Honourable Premier was not in the Punjab. He had gone abroad. We all know what attitude the Acting Premier adopted in this matter. He refused to talk even to the representatives of the *beoparis*. He would not listen to them. He would not agree to anything. Members of such an important municipality as Amritsar wanted to wait upon him and sent him a telegram that they were willing to come at their own expense to explain the whole position to the Acting Premier but he thought that his tour was more important and he should go on tour. Let me frankly admit that the present attitude of the traders is as much due to the severity of this legislation as to the policy underlying all such discriminatory legislations, and for which policy we, the traders, hold Sir Chhotu Ram as mostly responsible. In fact our conviction is that so long as this gentleman is on the Cabinet of this Government, the commercial community can hope for no peace. The demands of the traders are well-known. I ask now, what are the difficulties in the way of the Government accepting these demands of the traders? Are these demands really such that they cannot be accepted? Is it not a fact that in the other provinces where the Sales Tax Act is in force the exemption limit is twenty thousand? Is it not a fact that in Bengal the exemption limit is twenty thousand?

Premier : Do you know the rate of tax there?

Sardar Santokh Singh : I will come to that. Nothing is unknown to me. They talk of Madras. I ask whether in Madras all these commodities have to pay so much tax. Under the Marketing Act we have to pay seventeen annas on every hundred rupees. Do they in Madras pay a tax of seventeen annas for every hundred rupees under the Marketing Act? To how many commodities does this Marketing Act apply in Madras? Just to a few. To how many commodities does it apply in Bombay? In this

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unfortunate province both the Marketing Act as well as the Sales Tax Act apply to the very same commodity. The same commodity has to pay tax under the Marketing Act twice and under Sales Tax at least two or three times. That is our grievance and I do not see why a sympathetic consideration should not be given to it, and the just grievances of the *beoparies* redressed. If what Lala Behari Lal Chanana has stated in one of his *communiqués* is a fact he said that the Government agreed to exempt pulses and rice from the payment of the sales tax.

Premier : No, no.

Sardar Santokh Singh : My time is very short, otherwise I can prove all this from the press reports. I see no reason why the exemption limit should not be raised to twenty thousand as is the case in other provinces. Further, is not the Honourable Premier aware of the fact that Bombay had also enacted a Sales Tax Act and that they have since withdrawn it? And if Bombay has been in a position to withdraw this Act even after the imposition of prohibition, even when their revenue went down very much, is there any reason why the Punjab Government should not do the same especially when it has no deficit? It should be able at least to postpone the enforcement of this Act till after the war. It is a very simple and reasonable request and I really do not see any reason why the false sense of prestige of the Government should stand in the way of this demand of the *beoparies* being accepted. Let us measure our strength after the war if the question with the Government is of measuring strength. The *beopari* is by nature peaceful, he has shown by his actions that he is perfectly peaceful. During this long *hartal* for a period of 92 days, there has been absolutely no untoward incident. Is it not a matter to be proud of?

Mr. Speaker : The honourable member's time is up.

Sardar Santokh Singh : I want a few minutes more.

Mr. Speaker : Not in my power. Other gentlemen have to speak.

Sardar Santokh Singh : I was saying that this measure could very easily be postponed. There is absolutely nothing which should prevent the Government in accepting such a proposition unless a false sense of prestige stands in their way. The present Government has got nothing to lose by bowing to popular pressure. It is a strong Government with a big majority behind it. The acceptance of *beoparies'* demand will be its strength and not weakness. If it is a Government of the people, for the people, it should yield to popular demand. All these big people could not have turned mad overnight—people who were brought up in luxury, people who by their intelligence and by their hard work had established for themselves positions that enabled them to pay income-tax to the extent of a lakh of rupees per annum each. Can such people easily go mad and begin to court arrest not in hundreds but thousands, for the sake of mere fun? I may warn the Government that strictness in this case will not at all pay. The one right thing that the Government had done was to leave these traders alone. Unfortunately, that policy is being reversed now and these people are being sent to jail in thousands. This must stop, and ways and means found for an honourable settlement with the traders.

Diwan Chaman Lall : May I make a request to my honourable friend ? We on these opposition benches have not heard the Government case. Private members have spoken on behalf of the Government. It is absolutely essential that either the Parliamentary Secretary or my honourable friend the Premier or my honourable friend the Minister should now put the Government case so that we can meet it.

Mir Maqbool Mahmood (Parliamentary Secretary) : Sir, let me state at the very outset that it is unpleasant for us, as it must be for all patriotic Punjabees, to see the present *hartal* continuing in this country and I can assure honourable members opposite that the Government has not examined this important question merely from any question of stubbornness or obstinacy. That the trade in the province has been disturbed for such a long time is consideration enough for any popular Government to reconsider and revise and examine the whole position. We have done that with the best of sympathy and with the best of consideration. Let me briefly state the position: In doing so I will take up first the constitutional point raised by my honourable friend Malik Barkat Ali. He said, let the Government send this question round for public opinion or let them take it to the courts for decision and there deal with this question. We are not afraid of that. But I would content myself by referring to a sentence in Mr. Rajagopalachariar's speech when this question was discussed in the Madras Legislative Assembly. When a similar question was put to him, his reply was, "No taxation measure in the world is ever sent round for public opinion. No Government can function in that manner". And, therefore, I submit that we have taken the responsibility of introducing this Bill with the full support of the Legislative Assembly.

Lala Duni Chand : Is there *hartal* in Madras extending for months ?

Mir Maqbool Mahmood : Because in Madras, if I may say so, it was the patriotic Congress Government that introduced it and the persons there realised their duty to stand by it. I hope that it is the same spirit which inspired the Congress members of that province, as shown from the discussion of the Assembly there, that encourages them here and I hope they would come with us in the lobby and not go to the opposition lobby. I will confine myself to three propositions covering this question. I will take up first the question with regard to the main points that arose between the Honourable Premier and Mr. Chanana. I am sure that the leaders of this House will pay an open compliment to the Honourable Premier for the patience, courage and statesmanship with which he at once offered to examine the question whether it would be possible to make an adjustment. What is the position ? The main points, as we can see from the statement of Mr. Chanana on which agreement could not be reached, are two or three. First, it is said that the right of appeal to the High Court should be conceded. I would ask my honourable friends opposite, is that the issue on which they are prepared to go in the lobby with those who want the continuance of this *hartal* ? I invite them to read the specific section of the Madras Act, which was introduced not by the bureaucratic Government but by the Congress Government. What is the provision there ? Does it give them the right of appeal to the High Court ? Nothing of the kind. The right of appeal which is given to them is to go

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to the Board of Revenue. I would make a present to my honourable friends of section 12 of the Madras Act which is exactly on the same lines as our own Act here with only this difference that we have substituted the words "Financial Commissioner" for the words "Board of Revenue", and the rest of the words, you will find, are just the same. I will appeal to my honourable friends that when they examine this question, let them frankly say whether there is any force in this argument. Again, take up the section with regard to the keeping of accounts. I am sure nobody on this side desires to embarrass the traders by asking them to keep the accounts. The latest announcement by the Honourable Premier makes it clear that there is no dispute on that account. I would invite my honourable friends to read section 13 of the Madras Act where it is laid down as follows :—

Every dealer and every person licensed under section 8 shall keep and maintain a true and correct account showing the value of the goods sold and bought by him; and in case the accounts maintained in the ordinary course, do not show the same in any intelligible form, he shall maintain a true and correct account in such form as may be prescribed in this behalf.

It is also provided that this section shall not apply to petty dealers whose business is such as is not likely to make them liable to taxation under this Act. We have a similar provision in our Act here. If their transactions are not of the type which is covered by this Act, they are not required to keep accounts in this form. Therefore, I am sure that if the position is examined dispassionately, then the point will not be regarded as an item which can have any force in the continuance of the *hartal*. Since 1939—and I say it on good authority—the Act has been working in Madras satisfactorily. The question of keeping accounts is exactly the same here as it is in Madras. If the traders think it to be a hardship here, they should also think it to be a hardship there. I appeal to my honourable friend, Sardar Santokh Singh and others who are in business that in tackling this problem they should not go into party politics but examine this question firmly. What is good there must be good here and what is bad there must be bad here. I appeal to the members of the Opposition that when they have come here to-day with this main issue, let them put their weight on the question whether other provinces have used their power carefully. When we the majority are in favour of a measure, they should go with us in the lobby. This should not be treated as a specific item for the continuance of the *hartal*.

The third point that has been raised is with regard to limitation.

Begum Rashida Latif Baji : What is the percentage of literates in the Madras province ?

Premier : The percentage of literates in the Punjab is less than that of the Madras province.

Mir Maqbool Mahmood : The next point is with regard to the fixation of limit. There again, the Honourable Premier has made a fair gesture. I am sure that the matter has been tackled in the right spirit and he has offered to put it before the Assembly for the consideration which it deserves. Is there any force in the argument that a law passed by the support of the Assembly, a law which is fair and reasonable and which is on the same lines as in other provinces, should not be carried into effect here because it has the

support of the electorates of the province and because it is the Unionist Government which has done so and not the Congress Government? I claim that if any Government, be it the Unionist Government or the Congress Government, would agree to the proposition that a reasonable and fair measure has to be thrown out because a certain party is objecting to it, then it will be an end to democracy, an end to constitutional Government. I am glad to find that the *Hindustan Times*, which does not generally see eye to eye with us, has actually stated with regard to this matter that the continuance of the present *hartal* would mean an end to democracy and constitutional Government. I need not dilate on these matters any longer. I have given out my mind. If those concerned do not remain as obstinate as they are, the Government is still prepared to negotiate with them and adjust matters.

Before I conclude I give one fair, honest and friendly warning that the question concerns not only the traders, but it also concerns the consumers and producers. I must urge and say on behalf of my constituency that it is the duty of the Government to see that the consumers get all the things that they need. They should not suffer on account of the obstinacy of those who want to create trouble in the province. I deem it my duty to appeal to the Government that so far as fair and reasonable adjustments are concerned, they should adopt reasonable methods as they have been doing in the past. But if the attitude of those concerned is only to coerce the Government and not to give to the consumers what they are entitled to, I must say that the Government should behave as Mr. Rajagopalchariar behaved in Madras. We have had the courage to introduce this Bill and to impose this tax and we shall see it through.

Lala Deshbandhu Gupta : May I know whether the electorate is with the Government on this issue?

Mir Maqbool Mahmood : Yes, we are the representatives of the electorates.

Diwan Chaman Lal (East Punjab, Non-Union Labour) : Mr. Speaker, I ask your indulgence to hear what I am going to say. This is, indeed, considered by us to be an important occasion, so important that I was under the necessity of getting special permission of the Congress High Command yesterday to permit me and my party to attend the Assembly in order that we may add our weight to the discussion that is taking place to-day. It speaks volume for the farsighted statesmanship of Maulana Abul Kalam Azad that on this occasion, realising the importance to the province of this issue, he permitted us to join this session. Mr. Speaker, not only is it important because of the province-wide *hartal* which is taking place, this occasion is important because in my opinion and I am certain in the opinion of those who know there is very grave danger in this province to peace and order and that is why I am surprised to hear the two speeches that I have heard to-day from the Government benches.

Not one syllable of constructive thought has issued out of the mouth of either of the speakers. What they say is this 'we are a democratic Government and if there is any defiance we know how to deal with that defiance'. I have been just handed a slip which says while this debate is taking place on this vital issue, my honourable friend's Government have gone and raided the office of the *Beopar Mandal*. I am told, I do not know whether it is

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correct, that the *Beopar Mandal* has been declared an unlawful association. (*Voices from Unionist Benches* : No, no). If the office has been raided, I submit that it is very wrong of my honourable friend to have taken this action while the Assembly is discussing this matter. I should have expected my honourable friend to say some constructive thing on this important matter. I should have expected my honourable friend to have stated "Well, the peace of the province is in danger : there is a province-wide *hartal*, not hundreds, not thousands, but millions of people are being affected by this *hartal*, and I as the Premier of the province or as the Minister in charge of the particular department, am ready to discuss at any hour of the day or night with those who are in a position to deal with this matter". The way to settle this matter is not to be possessed of the little provincial authority : the way to settle is not to exercise the little authority, not in imagining that you are the rightful heirs to Adolf Hitler ; but the way to settle this matter is to sit in a conference with those affected interests and try to bring about an honourable settlement of this issue. Not one word, I regret to say, has been uttered by the Government benches in regard to this issue and this particular aspect of the question. My honourable friend the Khan Bahadur, who made certain charges against the Opposition, is not in his seat to listen to the reply. The newly made Khan Bahadur has got to justify his existence. He said, never did any member of the Opposition produce any measure for the benefit of the poor people of the province. The honourable member must have been speaking with his tongue in his cheeks. Did he not know that time and again members of the Opposition produced Bills for the benefit of the poorer classes ? My honourable friend the Premier is smiling. Here is my honourable friend Mian Nurullah who has been begging on his knees my honourable friend to reduce abiana rates by 50 per cent. Here is my honourable friend who gave notices of Bills for the benefit of the poorer classes of the province : they were not even allowed to be discussed on the floor of the House. Again, my honourable friend the Khan Bahadur says these wretched shopkeepers are being induced—induced by whom?—to keep their shops closed. I am told on reliable authority that this *hartal* costs the commercial community something like 50 lakhs per day. Perhaps one day's loss will cover the tax which my honourable friend is levying. They are not fighting for small things of this nature : they are fighting for a principle. My honourable friend Raja Ghazanfar Ali Khan may smile on this particular argument, but I want him to pay attention to the fact that they are fighting for a principle. My honourable friend has fought for principle : they too are fighting for a principle and that principle is not to be whittled down by off hand speeches of the type that we have heard and the remarks made by Mir Maqbool Mahmood to the effect that the Government is strong enough and whatever happens they can put an end to the matter. We are not considering the right or wrong of this imposition because that is outside the scope of the debate, but statesmanship demands that in the interests of the peace of the province and in the interest of the people of the province an attempt should be made by my honourable friend the Premier to sit down at a round table conference and settle all the outstanding issues. What are the issues of outstanding nature which require settlement ? What did my honourable friend the Parliamentary Secretary say ? He said,

"compare the Madras Bill with our Bill. We have done nothing more than what they did in Madras". Is he serious in his argument? Does he seriously tell this House that in Madras rice is being taxed, potato is being taxed? Is he really serious in his argument that in Madras there is a measure similar to ours? In Madras the measure was introduced because crores worth of revenue was lost to the Madras Government as a result of prohibition. Is there prohibition in this province? Is there any guarantee that the money raised as a result of the taxation will be utilised for the benefit of the people of this province and not utilised, as it has been in the past, for the inflated salaries and travelling allowances of the Government and their hangers-on? This is an issue which far transcends any argument which one may hear from one side or the other on this particular issue. It is an issue of national importance, an issue which goes beyond the realm of mere ordinary controversy between one party and another: this is an issue which transcends all parties. It is a matter of principle to be decided by reference to the nature of the controversy. What is the nature of the controversy? The *Beoparies* say, you have no right of levying the tax in the manner in which you have done it. There are certain differences of opinion. May I take it that the Premier is incapable of sitting at a round table conference with the *Beoparies* and settle this matter?

Premier : How does my honourable friend know that I did not sit at a round table conference for hours and hours?

Diwan Chaman Lal : True, my honourable friend is capable of sitting for long hours, but he should not have given the final reply.

Premier : Let me inform him that I did not give the final reply. It was the other side that gave the final reply.

Diwan Chaman Lal : Even if it was the other side which my honourable friend is referring, may I ask him to sit at a round table conference now and we are prepared to assist him in every manner possible to bring about a settlement of the dispute. I am going to make the offer openly to him that we are prepared to give him every assistance in bringing about a settlement of the issue; but if it is a fact as stated in the report received by me when I stood up to speak, that the Beopar Mandal office has been raided and thousands of people are going to be imprisoned, lathi charge is being made, as I have seen myself with my own eyes a lathi charge being made in Anarkali yesterday, my honourable friend is going about it the wrong way. The right way is not the way of my honourable friend Sir Chhotu Ram. The right way is to let his own judgment and statesmanship become effective instead of allowing himself to be influenced by the fact that there is the question of prestige of Sir Chhotu Ram. I do hope that my honourable friend will bear with me that there is no question of prestige (*Minister for Revenue :* It is a question of principle). When two principles are distinct and different then there is only one method for settling it and that is by sitting at a round table conference until the dispute is resolved. I have a great deal of experience of strikes, my honourable friend has probably none, but I can assure him that the real and the right method of settling a strike is to sit at a round table conference and not break up until you arrive at a satisfactory conclusion for all. This is what I expected the

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Government to do. I thought that they were still keeping the door open and were prepared to negotiate on the basic principle. But instead of that they have taken up the wrong method. I happen to know the position of the *beoparies* and I may tell you that they are not going to be cowed down by any threats that you may give them. Never in the history of the province, except in the time of the civil disobedience movement in 1930 was such a movement witnessed. Do not be misled into the belief that you can cow down these people by taking the action that you are taking. Wiser would it be for you and better for the province and better in the interest of all concerned that you should take the necessary steps to bring this dispute to a satisfactory conclusion. (Cheers.)

Rao Pohop Singh (East Punjab Landholders) (Urdu): Sir, I rise to say a few words with regard to this extremely unreasonable agitation. All that the sponsors of this motion have argued boils down to this that there are some defects in the Punjab General Sales Tax Act. Now, may I ask if there is any extraordinary thing in this? Nothing is free from defects in this world. Nothing is perfect. There have been defects in almost all legislative measures but the extreme step of strikes had never been resorted to. Take for instance the case of the agrarian legislation. If there were some defects, an attempt was made to remove them by constitutional means. Our worthy Premier is ever ready to remove the defects if a strong case is made out. As a matter of fact he has been conferring with the traders of this province for some months past and is even now ready to negotiate with them if any proper constitutional method is adopted by the traders. Several demands of the merchants have already been accepted by the Honourable Premier by amending the rules according to the wishes of the traders. After all what is the significance of this strike? The measure in question is not an extraordinary one. It is just an ordinary measure and is calculated to equalise the burden of taxation on all sections of the population. Hitherto the ruralites had been overtaxed and the urbanites had been lightly taxed. An attempt was made through this measure to tax the rich in order to alleviate the suffering of the poor. But in comes the strike with a great hue and cry from the wealthy sections of the citizens. But the question is, when all the reasonable demands of the traders have been accepted, why have they resorted to strike? There is something deeper in it. There must be some mischief at the bottom of it all. It seems the traders want to oust the stalwart champion of the poor from the cabinet of the Punjab. They are out against the Honourable Chaudhri Sir Chhotu Ram. Their intention is to break this Ministry. Else there is nothing in their agitation. It is a measure that was based on sound principles of economics. It is calculated to lighten the burden of the poor by taxing the rich. That is in a nutshell the whole story.

It is said that this strike is widespread and spontaneous. I will not deny that it is widespread. But I must question if it is spontaneous. Coercive and in certain respects oppressive steps are being taken by traders in order to force all the shopkeepers to observe hartal. I can quote instances. I was told that a certain book-binder was observing strike because if he opened his shop he would be fined Rs. 50 by the traders. Now that is not a step which can be justified by those who claim that this strike

is genuine or spontaneous. Coercion is being resorted to and the small traders are being forced to close down their shops under threat of fines. Small shopkeeper is not being told that he will be exempted from the operation of this Act. The Government has already announced that small shopkeepers whose annual turnover does not exceed Rs. 5,000 would be exempted. But the clever traders keep them in the dark and spread wild rumours that no such exemption would be made.

Another case of coercion relates to the *Hindi Milap* of Lahore. There was an editor who had been working for the last 12 years. But as soon as he wrote against this unreasonable agitation, he was turned out of employment. That is the penalty of speaking truth. An editor who advocated moderation and truthfulness in this behalf has been thrown out of employment. What greater instance of coercion can we expect to find out?

None comes forward to point out what definite defect there is in this measure. The only cry is "Repeal this Act." But we want to know what defects there are in it. This the traders do not explain. Why do they not look towards the poor, half-clad, hungry agriculturists who have hitherto borne the brunt of taxation? Now that the rich are going to be taxed, a great hue and cry has been raised from platforms and in the press. Where were these champions of the cause of the poor when during the *Kisan* movement lathi charges and even firing were resorted to? Do their hearts melt only at the sight of rich people's troubles? They say millionaires and multi-millionaires are being thrown behind the bars. But this argument goes against them. It shows that they advocate the cause of the rich people while we know that the poor *kisans* were also treated in the same way, because the law has to be maintained in all cases. The difference is that the sponsors of the adjournment motion worship the capitalists while the Honourable Chaudhri Sir Chhotu Ram is the champion of the poor, down-trodden tillers of the soil. The present agitation of the capitalists is against the principles of economics. It is calculated to help the wealthy people. The traders want that this measure should be repealed so that the rich people of this province should not pay any tax and the poor agriculturists should go on paying all sorts of taxes.

The honourable members of the Congress have sought the permission of the Congress President, Maulana Abul Kalam to participate in today's discussion, but when the same Maulana Abul Kalam Azad had instructed them not to oppose the passage of the agrarian legislation, they had gone against his explicit orders.

Rai Bahadur Lala Gopal Das : May I ask two questions? The honourable member has observed that the editor of the *Hindi Milap* who had been on the staff of the paper for the last 12 years had been turned out. Does he know how old the *Hindi Milap* itself is? Is he sure that this paper has been in existence for such a long time? My second question relates to the lathi charge.

Mr. Speaker : Order, order. The Honourable Premier is going to speak now.

Premier (Lieutenant-Colonel the Honourable Sir Sikander Hyat-Khan): As I have already said I am glad of this opportunity to be able to clear the position of Government once more. I am afraid that the speeches made to-day on the floor of the House from those benches opposite unfortunately ignored the real issues which were in dispute. They relied on sentimentalism, and a certain amount of cheap gallery speeches, instead of trying to convince me that there still was a case for the dealer and for the Government to consider the representation of the dealer with regard to specific points. My friend, Diwan Chaman Lall, also made a general kind of speech, and I was not surprised at it, because after all being a prominent member of the Congress, he could not possibly in any way fight the principle on which this Act is based, and he naturally had to rely on information which his other friends on those benches had given him.

Now, I should like to say a few words which might ease the situation. I shall base my speech purely on facts and nothing else. But before I proceed I should like to point out that the two points with regard to which my friend Diwan Chaman Lall made assertions against this Government, that is, that the Government had ordered that the Beopari Mandal should be declared an unlawful organisation and that the Mandal had been raided are altogether incorrect. Neither has the Beopari Mandal been declared an unlawful organisation nor has its office been raided. So far as the Government is concerned no order has been passed for declaring the Mandal an unlawful organisation.

The honourable mover of this adjournment motion opened his speech with a peroration. Naturally as a lawyer he is an adept at these things (*Malik Barkat Ali*: I never opened my speech with a peroration). My honourable friend opened his speech with words which should have come at the end of it. He said something to this effect. 'During this war when the whole world is on fire this Government has not postponed the Sales Tax Act'. Has any other Government postponed any taxation measure? My honourable friend said that the Deputy Commissioner has ordered several people to be arrested, millionaires who could purchase the Ministers. But I can assure him that all the millionaires in the world cannot purchase our conscience. (*Hear, hear*). Let me point out that these arrests are most unfortunate and I am sorry, as any citizen should be sorry, that things should have come to such a pass; but who is responsible for all this? They have not been arrested because they agitated against the Sales Tax; they have not been arrested because they wanted to raise constitutional protest against the tax. They have been arrested because they violated the Defence of India Rules which were promulgated two years ago, long before this Act came into force. Honourable members are aware that under the Defence of India Rules processions except processions under a licence or customary religious processions or funeral or marriage processions are tabooed. (*An honourable member*: What about processions in honour of the Premier?) The honourable member must be aware that since this notification was issued there has been no processions for the Premier or for that matter for anybody else; because it is we who promulgated that notification and he can rely on us that we would abide by that notification and we have abided by it. I was pointing out that it was not because of the agitation but because of the infringement of the Defence of India Rules

that action was taken, and because those gentlemen were anxious to be arrested probably to get martyrdom they infringed that rule. Is that my fault or theirs?

So far as I am concerned, my friend, Diwan Chaman Lal asked, 'Why not sit down in a round table conference and settle the matter?' I am prepared to sit at a round table conference or a square table conference or a rectangular table conference. Why, even during the last few days I have been holding conferences with the traders. On my return from abroad, I was taken by surprise when I heard, while at Karachi, that hartal was going on in this province in spite of the fact that the question had been settled before I left. And during these few days I have done nothing except to see the representatives of the traders. I have set aside every other work and focussed my attention on this particular matter, because I was equally anxious that if there was any just grievance, if there was any injustice being done to the traders; if there was any hardship which I could remove without in any way infringing the principle on which the Act was based, I would be only too glad to do so. That is the reason why I myself rang up Lala Gopal Das, but unfortunately he had gone to Kangra. I next rang Raja Sahib. Raja Sahib had arrived only that morning from Lucknow. He very kindly came to me and I spoke to him. At the same time I had another journalist friend who brought to me the leader of the Beopar Mandal. We sat down and discussed the whole question. My first question to him was this: 'My dear friend, we have discussed this question threadbare. Four propositions which you put before me were these—that sub-inspectors should not be allowed to enter the premises firstly, because they may abuse their power and secondly, it would not be in the interests of the traders that their secrets should be probed into by the sub-inspectors and their stock examined. I considered that point to be perfectly correct and agreed to put it in the rules that sub-inspectors should not enter the premises of a trader unless the trader himself was dissatisfied with the assessment and asked the sub-inspector to inspect the stock. A notification to that effect was prepared. I dictated it and said that it should be published as soon as possible. So, the right given to the taxation staff to enter the business premises of dealers was taken away completely, and no inspector would be able to enter any shop, whether of a big or a small dealer, except at the request of the dealers themselves. Then they asked that they should be given the option to be assessed either on the basis of actual sales or on the basis of purchases? They said that where 10,000 maunds of such and such a commodity is bought, you can put a reasonable margin of tax on that. I saw several flaws in that. I saw that there was the possibility of evasion. From the dealer's point of view there was one contingency which might adversely affect instead of helping this particular method. That was that in certain cases if I had sold a commodity at a loss I will still have to pay the tax. When I suggested it, he said at once, give us the option to be assessed either on the basis of actual sales or on the basis of actual purchase. I agreed to the request that they should be assessed either on purchase or on sales.

The third point was with regard to the right of appeal to the High Court. I said that there was no precedent in a taxation measure for a right of appeal to the High Court. Our Act is exactly on the same lines as the Madras Act.

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In Madras the appeal lies to the Board of Revenue which is a statutory board, and the Board of Revenue is just like the Financial Commissioners here. The powers of the Board of Revenue are just the same as the powers of the Financial Commissioners. There is no difference. We have here the Financial Commissioners because we have not got a Board of Revenue. You know that in taxation measures there is no question of a right of appeal to a judicial authority. On a constitutional point anybody can go and question the authority of a law but where even the income-tax is concerned it is only on a point of law one can go to the High Court and not on a question of assessment.

An honourable member : Would you be prepared to concede that demand for appeal either to the District Judge or the High Court ?

Premier : I said that that was impossible because knowing the Legislature it would be impossible for me to get it through the Legislature, as the Legislature would not be prepared to agree to it. That demand was not pressed any further.

An honourable member : Would you object to the granting of this demand ?

Premier : I said that I could not in any way make a departure from what had been laid down in the Act. This question had been gone into threadbare, and the demand was not pressed, I think because I had put forward the precedent of Madras.

So these two points were conceded. The only other point which they said was important, was the raising of the exemption limit. Now in the Act itself the exemption limit is Rs. 5,000. When that point was put to me, I made it perfectly clear to my friend that it was beyond my jurisdiction and power to do, for the simple reason that this was a point which could not be solved without an amendment of the Act and that I had not the power to amend the Act ; it was the legislature only that could do it. As a result of this discussion I was given to understand that the concessions which Government had made would be suitably acknowledged in the form of a resolution which would also embody a request for a sympathetic consideration of the remaining points. I said that if the point as to the exemption limit too came in that form of representation before me, I would not only commend it to the Assembly for sympathetic consideration but recommend to the Assembly that this request with regard to the raising of the limit should be conceded, and I said that it was quite possible that if the representation were suitably worded, I might persuade the Assembly to agree to it.

That was the position when I left. I went away under the impression that the whole thing had been settled. I left a note as to what had been settled, so that if any notification had to be issued it should be issued during my absence. When I returned from overseas to Karachi, my newspaper friends came to meet me, and after remarking how well I was looking they said, do you know that there is a hartal going on ? I asked, what about ? They said, hartal with regard to the Sales Tax. I was flabbergasted, because I could not conceive any reasonable grounds for hartal. I asked whether they knew the facts. They said, all that we know is that there is a hartal

going on. When I arrived, I made enquiries and I found that those very points which had been conceded by me (*An honourable member*: Who was the person who put those points to the Honourable Premier?) Mr. Chanana. When I came back I found that there was some trouble. I am a public man and I know the difficulties of leaders and presidents because there are several people who want to be a drag on such negotiations and there are extremists in every party, and I said that my friend might have found it difficult to get those extreme elements to agree with him, and therefore I asked my common friend to bring him along. (*An honourable member*: Who is that common friend?) Why is the honourable member so anxious about him? He is a friend for whom I have personal esteem. Any way my friend brought him along. I told him that I had a real grouse against him, because the whole thing had been settled and now this hartal has been started. He said that the notification embodying the concessions was not suitably worded. I said I was surprised because after all we had actually discussed the spirit of the whole thing and if there was any doubt with regard to the wording of the notification, of which I had dictated a rough draft in his presence, he should have come and got it rectified, because that was the spirit in which we sat down and came to decisions, and if there is any doubt now I will get it rectified. He pointed out the words which were likely to be misconstrued as giving the assessing authority liberty to assess goods which had been purchased in the previous year. The second point was that the right of entry into business premises for the purposes of section 18 (1) had not been taken away, even though it has been taken away with regard to subsection (2). This is quite wrong and I said that for their satisfaction I am quite prepared to publish a notification making that point quite clear. I cleared all these points. He said that it was all right and he went away.

An honourable member: What about the question of taxation at one stage?

Premier: We discussed that question threadbare and I told him that it was impossible for me to concede it. I said that if any representation was made, we would be only too glad to consider it very carefully, for the simple reason that if we could leave it at one stage, from the administrative point of view as well as from the profit point of view it would be in our interest, because our overhead charges would be reduced if we charged at one stage instead of at four stages. Government would be only too glad to do it subject to two main conditions, viz., that there was no loss in Government revenue, which meant in other words that if it was two annas at four different stages, then it was necessary that it should be eight annas at one stage. The second condition was that Government should be satisfied that it would not put unnecessary burden on, or unnecessarily harass, the smaller dealer. These were the two qualifications which I put, and I said that subject to those two conditions, Government would be only too glad to accept any suggestion for levying the tax at one stage.

After that he went away. When he came back to me again he said that every person and every class of traders were practically satisfied, except the piecegoods merchants of Amritsar who did not like this tax because they thought that if this tax was imposed the trade would fly to other places. Now our maximum rate is annas 4 per hundred. On Rs. 1,000 it will

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be Rs. 2-8-0. He said that Rs. 2-8-0 made all the difference and the trade would on this account fly to Delhi. I tried to explain to him that it would not in the first instance fly to Delhi because the freight from Amritsar to Delhi is itself much more than this margin of annas 2 and secondly I told him that if the trade was likely to fly out of the province I would be the first person to see that it would not fly, because after all we did not want to lose the prosperity of the province and also to lose revenue. So I gave him that assurance. He went away and came back saying that they wanted to discuss with me and asking whether I could give them some time. I said I would only be too glad. So the next day they arrived, six, seven or eight of them,—I was told they were all millionaires or multi-millionaires and leading members of the piecegoods trade. They discussed the question with me threadbare. I said I was not a businessman and I was just a sort of public man and I could not go into these various complexities. So I asked them to tell me in simple words what they wanted, because there was no use trying to hoodwink each other. I only gave them two conditions, firstly that we should not lose any revenue in the aggregate and secondly that it should not oppress the small dealer. They said that the tax should be put at one stage. I said, "very well, prepare your case and come to me. But of course we cannot do it now. I have to publish it in the gazette and it will require at least a month. There is no time left now and for these six months for which we are now taxing, let us go on at this rate and later on we will sit down and discuss the matter threadbare". But I was taken aback when at the end of our discussion they said that that one stage should not be the upper stage, not the wholesaler stage, not the big dealer stage, but the retailer, the small retailer. (*An honourable member* : No, no ; it is wrong).

Mr. Dev Raj Sethi : I have it on the authority of a responsible gentleman that that is not so.

Premier : I am stating a fact about what has passed. I said that so far as this was concerned, it was impossible to shift the burden from the bigger to the smaller man.

Diwan Chaman Lall : How does it ?

Premier : They said that the tax should be at one stage which should not be at the top but at the retail stage.

Pandit Bhagat Ram Sharma : On whom does the tax fall now ?

Premier : I am very glad that my honourable friend has raised that question. When we introduced this legislation in this House, my honourable friend would probably remember, that in my speech I tried to make it clear that we were putting the tax in small bits and at different stages in the hope that something of it might stick and not be passed on to the consumer. That is what I said and my honourable friends and the representatives of the dealers told me that this tax would not remain on the dealers but would be passed on to the consumer. I was sure that they would do everything to pass it on to the consumer.

Diwan Chaman Lall : That is what is being done in every part of the country.

Premier : Then why should they cry when this tax is imposed, if they are going to pass this tax on to the consumer, to the man in the street like you and me? Then why make this fuss? (*An honourable member : Just to help the poor.*)

Diwan Chaman Lall : May I interrupt my honourable friend? I will give him the answer to that question. Does he not realise that if the consumer is burdened to an inordinate extent he will not be in a position to buy goods from either the retailer or the wholesaler and therefore trade will languish and it is for that reason that the traders are anxious that their trade should not languish?

Premier : Please let me explain. After all I know something of business and my honourable friend, Diwan Chaman Lall, has not dabbled to the extent that I have. Let me put a concrete case. He says that trade will languish. He knows perfectly well that the prices of piecegoods were put up 300 or 400 per cent during the last few weeks. He knows perfectly well that what was sold for Rs. 5 has gone up to Rs. 15 or 16. But trade did not languish and if I put on another two annas on that Rs. 15, will trade languish? It is not that.

Diwan Chaman Lall : Does my honourable friend seriously put forward that if the price of say iron which was Rs. 6 a maund has gone up to Rs. 22 a maund, there is the same supply of iron?

Premier : No, it is a question of supply and demand.

Diwan Chaman Lall : The demand always languishes.

Premier : As I have very little time before me, I will now try to wind up. With regard to that particular question on which I was speaking, there was a breakdown and let me make it clear that when they put forward that contention, I said that I could not accept that proposition but if they in their turn persuaded the smaller dealer to accept the tax being put on him instead of on the multi-millionnaire of Amritsar, then I would be prepared to consider it, though my conscience revolts against any such thing, that is, taxing the smaller dealer and relieving the big multi-millionnaire. They then said, "all right; we are eight of us here and we have to consult some others in Amritsar and without that consultation it is difficult for us to come to a decision. Will you give us time till 11 o'clock to-morrow?" Now the question has already been under discussion for 4 or 5 days and I was pressed by everybody, by the press people, by my friends and others to tell them what was happening and they were asking me to make some kind of statement so as to make the position clear to the public at large. I said, "already this is the 4th day but if you insist I will give you time till 9 o'clock to-morrow". They went away and I was hoping that after this full and frank discussion we would devise some kind of formula by which we could achieve our object and we can fix the tax at one stage subject only to the two conditions which I have already mentioned and that we would be able to issue a *communiqué* the next morning announcing to the world that the whole thing had been settled and that the hartal had been called off. But at 6 o'clock that evening my honourable friend, the leader, said that he was sorry he could not persuade the piecegoods merchants to come to an agreement and he was helpless. He informed me that no decision

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had been possible. I thanked him for the courtesy which he had shown to me to come all the way. I said, "It cannot be helped. You have done your very best and I have

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done my very best." That is how the thing ended. The next day the hartal started. This tax, I assure you, Sir, compares most favourably with the tax in other provinces, with Bengal. (*Interruptions*). I assure my honourable friends that if they honestly and conscientiously compare the Madras or the Bengal Act with ours, they will come to know that we have been very fair, more lenient, we have been far more generous and considerate than the Congress Government or the misrepresented Fazl-ul Haq Government. In view of that, I fail to see why all this fuss and unrest has arisen. I should be pardoned for saying that, but I think there would be thousands and thousands of persons, in the streets or in the villages who think that some people among them do not want a settlement. It may be due to some other reasons. I will not be uncharitable, but there are people who say that. I do not want to pry into that matter further. But I may warn my honourable friends that at this juncture we are passing through a very critical time. Our country is in grave danger and something might happen at any time. My honourable friends opposite will bear me out that we are in a very grave danger. This is not the time to create all this unrest and agitation. We are faced with a grave danger to-day and that at a time of crisis like the present such controversies should be hushed.

It is further said that this tax should be put off till the war is over. (*Interruptions*).

Mr. Speaker : The Honourable Premier's time is over. (*Interruptions*).

Premier : You will have to find more money after the War. We will have to face men in the villages, in the street, the men who have been fighting our battles outside our borders and who would come home. At that time every one of us, including the zamindars and the non-zamindars will have to pay a much bigger tax to keep the country contented, to keep them at that standard of living which they will bring back with them from foreign countries. I warn my honourable friends opposite that they should not persist in this attitude otherwise they would be liable to the accusation of their playing into the hands of the 5th column, whether intentionally or unintentionally, wittingly or unwittingly for starting this agitation. I hope that they will see reason and stop this agitation. So far as I am concerned, the offer of Government is there and we shall be prepared to open the negotiations and consider the matter. (*Interruptions and uproar*).

Malik Barkat Ali : On a point of order, Sir. Can the Honourable Premier take more time for his speech than is allowed to other honourable members ? (*Interruption and uproar*).

Mr. Speaker : I told the Honourable Premier that his time was over. (*Interruption and uproar*).

Mir Maqbool Mahmood : The question be now put.

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Raja Ghazanfar Ali Khan : The Honourable Premier has not finished his speech yet. Let him finish his speech.

Mr. Speaker : After two minutes the House has to adjourn. (*Uproar.*)

Malik Barkat Ali : At the conclusion of his speech the Honourable Premier was trying to justify this piece of legislation. (*Interruption, and uproar.*)

Raja Ghazanfar Ali Khan : The honourable member has raised a point of order. He should state his point of order.

Mr. Speaker : I think his point of order was that I had given more time to the Honourable Premier than was due to him.

Malik Barkat Ali : This House will remember that when I made my speech, I did not enter into the merits or demerits of the points at issue. The Honourable Premier thinks that he has done all that he could to meet the just grievances of the traders. As there are only 2 minutes left, I would only like to remind him of the adjuration that Cromwell addressed to the Irish Bishops. He said "I beseech you, Gentlemen, in the bowels of Christ to conceive it possible that you are wrong," and I say to the Premier "you are in the wrong regard being had to this Province—wide *hartal* and agitation irrespective of all distinctions of caste and creed, irrespective of the distinction between the small dealer and the big dealer, a distinction which you tried your best to exploit but without success."

Mr. Speaker : The honourable member is not addressing the Chair. (*Interruption.*)

Malik Barkat Ali : He cannot be in the right, because there is agitation, there is *hartal* in the province from one end to the other, irrespective of distinction of Hindu, Muslim and Sikh (*hear, hear*), irrespective of the distinction between big dealers and small dealers. The Government tried to entrap the small dealers, but they refused to be entrapped. The agitation is unparalleled and should have opened the eyes of the Government. (*Interruption, and uproar.*)

Mr. Speaker : The question is—

That the Assembly do now adjourn.

The Assembly divided : Ayes 44. Noes 90.

AYES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Baldev Singh, Sardar.
Barkat Ali, Malik.
Bhagat Ram, Choda, Lala.
Bhagat Ram, Sharma, Pandit.

Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.

Duni Chand, Mr.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Girdhari Das, Mahant.
 Gokul Chand, Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Hari Lal, Munshi.
 Harnam Das, Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Jugal Kishore, Chaudhri.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Abdul Rahman Khan,
 Chaudhri.

Muhammad Nurullah, Mian.
 Mula Singh, Sardar.
 Muni Lal, Kalra, Pandit.
 Partap Singh, Sardar.
 Raghubir Kaur, Shrimati.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar.
 Sant Ram Seth, Dr.
 Shanno Devi Sehgal, Shrimati.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sudarshan, Seth.
 Ujjal Singh, Sardar Bahadur Sar-
 dar.
 Uttam Singh Dugal, Sardar.

NOES

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Abdul Rahim, Chaudhri (Gur-
 gaon).
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Allah Yar Khan Daulatana, Mian.
 Amir-ud-Din, Khan Sahib, Mian.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Major.
 Balwant Singh, Sardar.
 Chhotu Ram, The Honourable Chau-
 dhri Sir.
 Dasaundha Singh, The Honour-
 able Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major,
 Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazal Ali, Khan Bahadur Nawab
 Chaudhri Sir.

Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Baha-
 dur Maulvi.
 Ghulam Qadir Khan, Khan Baha-
 dur.
 Ghulam Rasul, Chaudhri.
 Gopal Singh (American), Sardar.
 Guest, Mr. P. H.
 Gurbachan Singh, Sardar Bahadur,
 Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Bahadur Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka,
 Jagjit Singh Man, Sardar.
 Jogindar Singh, Man, Sardar.
 Karamat Ali, Khan Bahadur
 Shaikh.
 Khizar Hayat Tiwana, The
 Honourable Malik.
 Kishan Das, Seth.

Manohar Lal, The Honourable Sir,	Nasir-ud-Din Shah, Khan Sahib
Maqbool Mahmood, Mir.	Pir.
Mohar Singh, Rao.	Nasrullah Khan, Rana.
Mohy-ud-Din Lal Badshah, Sayed.	Nawazish Ali Shah, Sayed.
Muhammad Akram Khan, Khan	Pir Muhammad, Khan Sahib Chau-
Bahadur Raja.	dhri.
Muhammad Ashraf, Chaudhri.	Pohop Singh, Rao.
Muhammad Azam Khan, Sardar.	Prem Singh, Mahant.
Muhammad Hussain, Khan Bahadur	Pritam Singh, Siddhu, Sardar.
Chaudhri.	Ram Sarup, Chaudhri.
Muhammad Hussain, Sardar.	Ranpat Singh, Chaudhri.
Muhammad Jamal Khan, Leghari,	Riasat Ali, Khan Bahadur Chau-
Khan Bahadur Nawab Sir.	dhri.
Muhammad Saadat Ali Khan,	Roberts, Sir, William.
Khan Bahadur Khan.	Roshan Din, Khan Bahadur Chau-
Muhammad Sarfraz Khan, Chau-	dhri.
dhri.	Sahib Dad Khan, Khan Sahib
Muhammad Sarfraz Khan, Raja.	Chaudhri.
Muhammad Shafi Ali Khan, Khan	Sardar Khan Noon, Major Malik.
Sahib Chaudhri.	Shahadat Khan, Khan Sahib
Muhammad Yasin Khan, Khan	Rai.
Sahib Chaudhri.	Shah Nawaz, Mrs. J. A.
Muhammad Yusaf Khan, Khan.	Shah Nawaz Khan, Nawab Sir.
Mushtaq Ahmad Gurmani, Khan	Sikander Hyat Khan, The Honour-
Bahadur Mian.	able Lt-Colonel Sir.
Muzaffar Khan, Khan Bahadur	Sultan Mahmood Hotiana, Mian.
Captain Malik.	Sumer Singh, Chaudhri.
Muzaffar Khan, Khan Bahadur	Suraj Mal, Rai Sahib Chaudhri.
Nawab.	Tara Singh, Sardar.
Nasir-ud-Din, Chaudhri.	Tikka Ram, Chaudhri.

The Assembly then adjourned till 12 noon on Tuesday, 10th February, 1942.

1911

1911年1月1日 星期日
1911年1月2日 星期一
1911年1月3日 星期二

1911年1月4日 星期三

1911年1月5日 星期四

1911年1月6日 星期五



1911年1月7日 星期六

1911年1月8日 星期日
1911年1月9日 星期一

PUNJAB LEGISLATIVE ASSEMBLY.

EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 10th February, 1942.

The Assembly met in the Assembly Chamber at 12 noon of the clock. Mr. Speaker in the chair.

STARRED QUESTIONS AND ANSWERS.

ARREST AND DETENTION OF DOOLA SINGH.

*7848. **Sardar Moola Singh** : Will the Honourable Premier be pleased to state whether it is a fact that the Shahpur police arrested one Doola Singh, a foreign trained communist, in the month of September 1941; if so, the place where he is detained at present, his weight, how long the Government intends to detain him, and whether it is intended to try him in an open court and, if not, why not?

Parliamentary Secretary (Mir Maqbool Mahmood) : *First part.*—Dulla Singh was arrested by the Jullundur police in the month of September, 1941.

Second part.—(i) Lahore Fort.

(ii) 138 lbs. on 29th September, 1941, 133 lbs. on 7th November, 1941.

(iii) this depends on future events.

PUNJAB KISAN CONFERENCE AND ARRESTS OF KISANS.

*7849. **Sardar Moola Singh** : Will the Honourable Premier be pleased to state the total number of arrests made at the time of Annual Session of Punjab Kisan Conference held in the 3rd week of September, 1941, at Fatehgarh (Moga), and the law under which such arrests have been made?

Parliamentary Secretary (Mir Maqbool Mahmood) : Ten. One under section 5, Criminal Law Amendment Act, 1935, four under rule 129 and five under Rules 33/34 of the Defence of India Rules.

DEMOLITION OF THE HOUSES AND SHOPS OF SIKHS AND HINDUS IN CHAK No. 35-S. B., TAHSIL SARGODHA.

*7931. **Sardar Lal Singh** : Will the Honourable Premier be pleased to state—

(a) whether it is a fact that in June or July, 1941, several houses and shops of Sikhs and Hindus in Chak No. 35-S. B., tahsil Sargodha, were demolished by some people, if so, what are the details of the whole episode;

(S. Lal Singh.)

(b) whether the district authorities received any complaint to the effect that several houses and shops in Chak No. 35-S. B., tehsil Sargodha, were demolished and the culprits looted and removed all valuables found in the houses and shops; if so, what action did the authorities take on that complaint;

(c) whether the district authorities have so far apprehended any culprits in connection with the above incident; if so, how many and under what law; if not, why not?

Parliamentary Secretary (Mir Maqbool Mahmood): I must decline to answer this question on the floor of the House, as it is in essence an allegation of communal discrimination. The honourable member, however, will find all the facts he requires in the written answer furnished to unstarred Assembly Question No. 1451.¹

Sardar Lal Singh: This is a question of peace and order in the country and whether these people are entitled to action by the police or not. It is really curious for the Parliamentary Secretary to say that it is a communal question. Several such questions have already appeared on the paper. I would therefore appeal to you, Mr. Speaker, that if such questions are to be considered as communal questions, then it is high time that there should be an end to this thing.

Parliamentary Secretary: I have already stated that the information sought by the honourable member will be found in the answer to unstarred question No. 1451¹ but I am not going to break the convention set up that questions of communal nature should not be answered on the floor of the House.

Pandit Bhagat Ram Sharma: I want to ask whether this question is a communal question.

Diwan Chaman Lall: Suppose there are only Hindu and Sikh houses in that particular village. How does it become a communal question?

Parliamentary Secretary: My honourable friend opposite does not know the details of the case, otherwise I am sure that he would not have asked this question. If he reads the answer to the unstarred question referred to by me, he will agree with me that in view of the convention established such a question should not be answered on the floor of the House.

Sardar Lal Singh: The heading of the question which contains the words 'Sikhs and Hindus' has not been put by me. This is put by the Office.

Parliamentary Secretary: If my honourable friend will see part (a) of the question which has been drafted by him, he will find the same words repeated there.

Mr. Speaker: The next question.

'C' CLASS SATYAGRAHIS IN SHAHPUR DISTRICT JAIL.

***8057. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether he is aware that a number of complaints have been made against the unsatisfactory treatment meted out to 'C' class Satyagrahis in Shahpur District Jail;
- (b) whether he is aware that the blankets supplied to these Satyagrahis for winter are insufficient and inferior in quality and consequently they have to pass nights in a restless condition, if so, the reasons therefor;
- (c) the nature of diet supplied to the Satyagrahis mentioned in (a) above?

The Honourable Sir Manohar Lal : (a) Complaints were received off and on and found to be untrue as all Satyagrahi prisoners in the Shahpur Camp Jail were given every facility under the rules and treated with all due consideration. The Assistant Inspector-General of Prisons, Punjab, visited the jail on the 6th December, 1941, and no complaints against the treatment meted out to them were made to him by these prisoners.

(b) Satyagrahi prisoners were given the best blankets in the Jail store room and facilities were also given to them to select their blankets. Most of them were given extra blankets on medical grounds. The Superintendent, Jail, reports that he had visited these prisoners many times during the night and found them quite comfortable. The blankets given to them were quite serviceable.

(c) The diet supplied to these prisoners was satisfactory. The grains supplied to them were of good quality and invariably examined by both the Superintendent and Medical Officer of the Jail before being issued. The diet after preparation was also checked by the Superintendent and always found satisfactory. It was also examined by the Quarterly Jail Board, Inspector-General of Prisons and other official and non-official visitors and found quite satisfactory.

Pandit Bhagat Ram Sharma : May I know from the Honourable Finance Minister whether any of his representatives personally attended or whether he himself visited the jails?

Minister of Finance : I shall be able to answer that question if the honourable member will explain what he means by 'personally attended'.

Pandit Bhagat Ram Sharma : The Honourable Minister has already stated that the Inspector-General of Prisons went to that place. I want to know whether the Honourable Minister himself went to that place.

Minister : No, I was not able to visit the Jail.

Mr. Speaker : The next question.

RELEASE OF SARDAR TEJA SINGH SWATANTAR.

***8058. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state whether any representation made by Mrs. Teja Singh Swatantar, M. L. A., was received by the Punjab Government in the first week of December, 1941, in which the applicant prayed for the release of her husband owing to her illness; if so, the action taken by the Government on that application?

Parliamentary Secretary (Mir Maqbool Mahmood): *First part.*—Yes.

Second part.—No action was considered necessary.

RELEASE OF SARDAR VASDEV SINGH.

***8059. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state whether any representation made in the first week of December, 1941, by the sister of Sardar Vasdev Singh, now confined under Regulation 3 of 1818 as State-prisoner in Lahore Central Jail, has been received by the Punjab Government in which she has prayed for the release of the prisoner on the ground that her husband Sardar Teja Singh Swatantar, M. L. A., is also detained for an indefinite period and there is no one to look after her; if so, the action taken by the Government on that representation?

Parliamentary Secretary (Mir Maqbool Mahmood): *First part.*—No.

Second part.—Does not arise.

DISMISSAL OF IMPERIAL AND PROVINCIAL SERVICE OFFICERS
FOR DISHONESTY.

***8076. Chaudhri Anant Ram :** Will the Honourable Premier be pleased to lay on the table of the House a statement showing for each department separately the number of officers of (a) Imperial and (b) Provincial Services who have since the 1st April, 1937—

- (a) been dismissed for proved dishonesty;
- (b) been allowed to resign for suspected dishonesty;
- (c) been retired under Article 465-A of Civil Service Regulations for—
 - (i) doubtful honesty, or
 - (ii) inefficiency?

Parliamentary Secretary (Mir Maqbool Mahmood): The information which the honourable member requires will be found in the statement of action taken against corrupt officials which is sent to the Assembly each year.

ARREARS OF LAND REVENUE AND TACCAVI.

***7943. Chaudhri Sumer Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the total area of land sold and its price in each individual case during the last three years ending the 1st October, 1941, in respect of recovery of arrears of land revenue and *taccavi* in the Gurgaon District;
- (b) the number of applications of such sales as are still pending;
- (c) whether he would be pleased to lay the following information in regard to above on the table of the house —
 - (1) the name of the defaulter with caste, place of residence and whether agriculturist or not in each case;
 - (2) the amount for which the action has been taken; when the loan was advanced and for what purpose: if it was *taccavi* whether the purpose for which it was taken has been achieved or not;
 - (3) the total area of land of the defaulter in each case;
 - (4) how much area of land has been auctioned and for what amount, what was the market value of such private sales in the *ilaga*;
 - (5) how much area of land remained with the defaulter after the auction; if no land has remained with him the justification for the sale;
 - (6) the action that the Government intends to take to provide for the living of those mentioned in column (5)?

Parliamentary Secretary (Chaudhri Tikka Ram): A statement giving the required information is laid on the table. With regard to (c) Government do not intend to take any action.

LOAN IN ARREARS.

***7944. Chaudhri Sumer Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the total amount of loan in arrears under the Agriculturist Loans Act since 1930 in each case of the defaulters in the Gurgaon district;
- (b) the paying capacity of the debtors at the time the loan was advanced and at present;
- (c) the action Government propose to take in the case of those who cannot repay these debts?

Parliamentary Secretary (Chaudhri Tikka Ram): The collection of the information asked for would involve the expenditure of a great deal of labour which would not be commensurate with the results.

(Ch. Tikka Ram.)

Suspensions and remissions of *taccavi* loans are duly sanctioned according to the rules where necessary. A statement showing arrears of *taccavi* advances, and the relief measures taken during the last three years in the Gurgaon district, is laid on the table of the House :—

Statement showing arrears of taccavi advances and the relief measures taken during the last three years in the Gurgaon district.

Year.	Arrears of taccavi loans.	Amount provided for remission by the Deputy Commissioner.	RELIEF AFFORDED BY	
			Suspensions.	Remissions.
	Rs.	Rs.	Rs.	Rs.
1933-39	13,61,345	43,000	3,59,651	10,949
1939-40	15,40,420	247	6,78,739	247
1940-41	12,10,209	15,000	9,71,304	14,755

WHEAT PRICES.

*7946. **Sardar Lal Singh :** Will the Honourable Minister of Development be pleased to state—

- what measures the Punjab Government have taken so far in respect of the move by Government of India to control wheat prices ;
- the measures the Punjab Government intend to take to protect the interests of the *Kisans* of the Province against the possibility of an artificial depression in wheat prices at the time of the coming *Rabi* crop ?

The Honourable Sardar Dasaundha Singh : (a) The Punjab Government have instructed District Magistrates, to whom powers to fix local prices have been delegated, to fix the local wholesale and retail price of wheat on a derivative basis from the price fixed by the Government of India at Lyallpur and Hapur. The Punjab Government have also issued an order under the Defence of India Rules prohibiting the withholding of stocks of grain and flour from general sale.

(b) A copy of the debate which took place on the resolution relating to the fixation of the price of wheat by the Government of India in November last was forwarded to the Government of India. At the last Price Control Conference held at Delhi on the 6th and 7th February the Growers' point of view was clearly and strongly put in the light of the views expressed during the debate referred to above. The honourable member knows

it well enough that the policy of the present Government is to do all that is possible to safeguard and to further the legitimate interests of the peasants.

Tikka Jagjit Singh Bedi : I want to know from the Honourable Minister whether any reply has so far been received from the Government of India.

Minister : No reply has yet been received.

Sardar Ajit Singh : May I know if the Punjab Government has represented to the Central Government not to control the price of rabi crops ?

Minister : It is difficult to make head or tail of the question (Laughter).

Sardar Lal Singh : What is the Government going to do against the possibility of artificial depression of prices ? The price has been fixed at Rs. 4 or Rs. 4-6-0. When new crop comes in there may be artificial depression made by the people interested. Will the zamindars have to resort to *kartal* like the one going on at present ?

Minister : The honourable member does not seem to understand the true meaning of artificial depression of prices. The Government is doing all that is possible to help the peasants.

BHAKRA DAM.

***7960. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the dispute between the Punjab and Sind Governments with respect to the distribution of water of the river Indus for the Bhakra Dam has been settled ; if so, when the work of the structure of the dam is likely to be started ; if not, when the settlement is likely to take place ;
- (b) whether he would be pleased to lay on the table of the House the correspondence which passed in this connection between the Sind and Punjab Governments ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) The dispute between Sind and the Punjab is not yet settled. The Commission appointed by the Governor-General has not yet completed its enquiry. It is not possible to say when the Commission will complete its enquiry and make its report and when the Governor-General's orders on that report will be received.

(b) It is not in the public interest to release at this stage any correspondence between Sind and the Punjab on the subject of this dispute.

CONSOLIDATION OF HOLDINGS.

***7961. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Development be pleased to state with reference to the reply to Starred Question No. 7588¹ asked in the House on 18th February, 1941, by which date the sub-inspectors employed for the consolidation of holdings are likely to be brought on the permanent cadre ?

The Honourable Sardar Dasaundha Singh : Assembly question No. *7538¹ did not contain any reference to consolidation sub-inspectors. There is at present no proposal under consideration for bringing consolidation sub-inspectors on to the permanent cadre.

FACTORIES FOR WAR MATERIAL.

***7928. Sardar Lal Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) how many factories in the Punjab are engaged in the production of material for war and what are the main articles of manufacture in such factories ;
- (b) whether it is a fact that of all the factories started recently to meet the requirements for the successful prosecution of war, not a single one has been started in the Punjab ; if so, why ?

The Honourable Sir Manchhar Lal : (a) In all 220 factories (112 registered under the Factories Act and 108 others) are engaged in the production of war material and the main articles manufactured are :—

- (i) Woolen and cotton goods including cloth ;
- (ii) Clothing ;
- (iii) Flour ;
- (iv) Hosiery ;
- (v) Munition ;
- (vi) Surgical dressings and instruments ;
- (vii) Furniture ;
- (viii) Paper ;
- (ix) Tools and implements ;
- (x) Stirrup pumps ;
- (xi) Buttons ;
- (xii) Leather goods ; and
- (xiii) Miscellaneous articles such as knives, shovels, nuts and bolts, chemicals, ice cans, toilets paper, spring balances, lanterns, ammunition boxes, packing cases, rubber goods, etc., etc.

(b) It is not possible to ascertain without a door to door survey the number of new factories started in the Punjab to meet war requirements. But 35 such factories have been registered under the Factories Act during the last 15 months. Further, it is understood that the Defence Department besides extending the existing Ordnance Factories have started two clothing factories in the Punjab and propose to put up shortly a Harness and Saddlery factory at Amritsar.

Sardar Lal Singh : Will the Honourable Minister let us know whether the factories which he has mentioned are Registered under the Factories Act or are factories in general ?

Minister : I said at the very start that 112 factories are registered under the Factories Act and 108 are not registered.

REVENUE FROM SALE OF COURT FEE STAMPS.

***7962. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Finance be pleased to state with reference to the reply to starred question No. 6994¹, asked at the last Session, the reasons for the decrease in the revenue realized from the sale of court fee stamps in the whole province?

The Honourable Sir Manohar Lal : The income from the sale of court-fee stamps continues to fall owing to the decrease in the volume of civil litigation consequent on the introduction of certain enactments, viz. (1) the Punjab Regulation of Accounts Act, I of 1930, (2) the Punjab Relief of Indebtedness Act, VII of 1934, with its corollary, the constitution of Debt Conciliation Boards, and (3) the Punjab Debtors' Protection Act, II of 1936. The enforcement of these Acts has made the money-lender reluctant to advance further loans and has led him to enter into compromises out of court or to resort to arbitration. The tendency of debtors to resort to insolvency proceedings, as well as propaganda among rural classes against wasteful expenditure on unnecessary litigation are also to some extent responsible for the decrease in the number of suits filed in courts.

PUBLIC PROSECUTOR, HISSAR.

***8024. Khan Sahib Chaudhri Sahib Dad Khan :** Will the Honourable Finance Minister be pleased to state—

- (a) the date of posting of the present Public Prosecutor at Hissar;
- (b) the number of murder cases conducted by him during the period he has been at Hissar giving separately the cases in which the accused were *Muslims* and the cases in which the accused were *non-Muslims* with the result in each case;
- (c) how many appeals against the orders of acquittal in each of the cases mentioned in (b) have been filed or recommended by him to be filed during this period under section 417, Criminal Procedure Code?

The Honourable Sir Manohar Lal : (a) The honourable member obviously means Mr. B. M. Vaid who has since been transferred. He was appointed as Public Prosecutor at Hissar, with effect from the 28th October, 1932 and worked as such till the 1st December, 1941.

(b) and (c) The time and trouble involved in collecting the information will not be commensurate with any possible benefit to be obtained.

PUBLIC PROSECUTOR, HISSAR.

***8025. Khan Sahib Chaudhri Sahib Dad Khan :** Will the Honourable Finance Minister be pleased to state the scale of pay fixed for the Public Prosecutor posted at Hissar and further state whether the present Public Prosecutor is drawing more than the fixed pay; if so, the reasons therefor?

The Honourable Sir Manohar Lal : The scale of pay fixed for the Public Prosecutor, Hissar, is Rs. 500 per mensem. Mr. S. M. Vaid was recently promoted to the grade of Rs. 650 per mensem but was not transferred to another district with a higher pay, in the interest of administrative convenience. It may be noted that this position obtains in more than one district. He has since been transferred from Hissar and his successor is drawing the pay fixed for the district.

PAY AND ALLOWANCES TO PERSONAL ASSISTANTS OF MINISTERS.

***8033. Rai Bahadur Lala Gopal Das :** Will the Honourable Finance Minister be pleased to state the salary (including allowance) of each of the Personal Assistants of the various Ministers of the Punjab Government and the travelling allowances drawn by each one of them during the last two years ?

The Honourable Sir Manohar Lal : Pay and Travelling Allowances drawn by the Personal Assistants to Honourable Ministers during the financial years 1939-40 and 1940-41 are as follows :—

	Pay.	Travelling allowance.
1. Personal Assistant to Honourable the Premier	19,058 10 0	3,446 3 0
2. Personal Assistant to Honourable Minister of Education	14,085 7 0	2,913 7 0
3. Personal Assistant to Honourable Minister of Development	13,554 10 0	2,352 12 0
4. Personal Assistant to Honourable Finance Minister	11,434 3 0	2,396 13 0
5. Personal Assistant to Honourable Minister of Revenue	8,611 8 0	3,225 9 0
6. Personal Assistant to Honourable Minister of Public Works	8,819 15 0	2,731 5 0

JALLO RESIN FACTORY.

***8047. Rai Bahadur Lala Gopal Das :** Will the Honourable Development Minister be pleased to state—

(a) whether the Jallo Resin Factory is a wholly Government-owned property or whether any shares are held by private individuals, and, if any shares are held by private individuals, the number and the names of those individuals and the number of shares of the Factory held by each of them ;

(b) whether Government have appointed any Managing Agents for the Factory ; if so, the name of such agents, and the remuneration paid to each of them ;

- (c) whether any resin from the Factory is sent to Barreilly; if so, the quality and value of such material;
- (d) whether it has ever been ascertained by Government that the Managing Agents are not following a policy of "profiteering" at the expense of public, and, if it has not been done so far, whether it is intended to do so now to save the public money?

The Honourable Sardar Dasaundha Singh : (a) The Jallo Resin Factory is exclusively owned by Government.

(b) *First Part.*—Yes.

Second Part.—Mr. P. H. Guest of Messrs. Guest and Company, of Lahore.

Third Part.—The terms of the Managing Agency agreement provide for the payment of a 5 per cent commission on the profits of the factory plus a total sum of Rs. 3,300 per mensem which is intended to cover such items as remuneration for services rendered, provision of office accommodation and clerical establishment, secretarial staff allowance and factory management allowance.

(c) No.

(d) *First Part.*—The policy of the factory is determined by a Board of Directors on which Government is represented. This policy has been to keep prices at a reasonable figure.

Second Part.—Does not arise.

Rai Bahadur Lala Gopal Das : What did the Honourable Minister say about the Board of Directors?

Minister of Development : The policy of the factory is determined by a Board of Directors on which Government is represented.

Rai Bahadur Lala Gopal Das : May I know who are the members of that Board?

Minister : I require notice for it.

Sardar Santokh Singh : With reference to answer to part (b), may I know whether it is not an office of profit under the Crown and whether a member of the Assembly is competent to hold it?

Minister : No, it is not an office of profit under the Crown.

GRANT OF HIGHER CLASS TO PRISONERS.

*8068. **Rao Mohar Singh :** Will the Honourable Minister for Finance be pleased to state the number of cases in which he has granted a higher class to prisoners to whom a lower class was assigned by the magistrates ever since the Jail Department has been added to his portfolio?

The Honourable Sir Manohar Lal : It would be exceedingly difficult to collect this information spread over a period of nearly five years, nor is it easy to say what useful purpose can such information serve.

DIET TO PRISONERS.

***8069. Rao Mohar Singh:** Will the Honourable Minister for Finance be pleased to state the average cost of diet per head of ordinary prisoners and of what are usually known as political prisoners separately?

The Honourable Sir Manohar Lal: The average cost of diet per head of average strength of all classes of prisoners, i.e., A, B and C worked out to Rs. 35-0-2 during the year 1940. No separate record of political prisoners' diet expenses is maintained in jails but daily diet expenses of 'A' and 'B' class prisoners are not to exceed Re. 0-7-6 and Re. 0-9-3 per prisoner per day for "Vegetarian" and "non-vegetarian" respectively.

Sardar Ajit Singh: May I know whether political prisoners are allowed to get their food from home?

Minister: Only A class prisoners can supplement the food provided to them by the jails.

Sardar Ajit Singh: May I know whether the detenues who have been transferred recently from Deoli to Gujrat jail are allowed to make private arrangements for food?

Minister: This question does not refer to detenues. I take it that the question referred to ordinary prisoners.

APPEALS AND REVISIONS PETITION IN HIGH COURT OF JUDICATURE AT LAHORE.

***8071. Chaudhri Anant Ram:** Will the Honourable Minister for Finance be pleased to state—

- (1) (a) the number of first appeals ;
- (b) the number of second appeals ;
- (c) the number of revision petitions ;
- (d) the number of murder appeals ;
- (e) the number of other criminal appeals ;
- (f) the number of criminal revision petitions filed in the High Court of Judicature at Lahore in 1930, 1935 and 1940, respectively ;
- (2) the number of insolvency cases (i) instituted in and (ii) disposed of by the High Court of Judicature at Lahore in 1930, 1935 and 1940, respectively ;
- (3) the number of Honourable Judges in 1930, 1935 and 1940, respectively :—
 - (i) whether certain classes of insolvency cases which some-time ago had been withdrawn from district courts have now been restored to them ;
 - (ii) whether there are any prospects of the number of Honourable Judges being reduced to the minimum permissible in the near future ?

The Honourable Sir Manohar Lal :

	1930.	1935.	1940.
(1) (a) Number of first appeals	371	332	227
(b) Number of second appeals.	1,357	1,353	1,701
(c) Number of revision petitions.	797	909	987
(d) Number of murder appeals.	230	263	348
(e) Number of other criminal appeals.	1,174	1,437	1,530
(f) Number of criminal revision petitions filed in the High Court.	1,568	1,734	2,154
(2) (i) Number of insolvency cases instituted.	..	1	8
(ii) Number of insolvency cases disposed of.	..	1	8
(3) Number of Honourable Judges.	9 permanent and 3 Additional besides two Presidents Sikh Gurdwaras Tribunals and 3 members of the Lahore Conspiracy Case Tribunal (for a part of the year).	9 permanent and 4 additional for the whole year and 3 additional up to 25th July, 1935, besides President, Sikh Gurdwaras Tribunals.	11 permanent and 1 additional from 23rd September, 1940 to 31st December, 1940.

(i) No.

(ii) No. The present strength is 11 permanent judges and one additional temporary judge whose term will expire on the 16th July, 1942.

SATYAGRAHA MOVEMENT AND REMOVAL FROM MEMBERSHIP OF LOCAL BODIES.

*7847. **Sardar Moola Singh :** Will the Honourable Minister for Public Works be pleased to state—

(a) the number and names of members of local bodies in the province who have been disqualified so far by the Government and have been removed from the membership of those bodies for having gone to jail in connection with the present congress satyagraha movement ;

(b) the total number of members of local bodies who have so far resigned as a protest against the present policy of the Punjab Government with regard to the present war ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) A statement is laid on the table.

(b) None because of the Punjab Government's war policy, but I might add, however, for the information of the honourable member that some 97 members have resigned in pursuance of the Congress mandate and another 80 have resigned for reasons not known to Government.

List showing the names of members of local bodies in the Punjab who have been removed for conviction under the Defence of India Act and Rules thereunder.

Serial No.	Name.	Local body.
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AMBALA DIVISION.

1	Syed Mutalbi	Municipal Committee, Faridabad.
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JULLUNDHUR DIVISION.

2	Pandit Sham Das, alias Shankar Nand.	Municipal Committee, Hoshiarpur.
3	Lala Om Parkash	Ditto.
4	Pandit Baldev Mittar Bijli ..	Municipal Committee, Urmur Tanda.
5	S. Amar Singh	District Board, Hoshiarpur.
6	P. Bhagwan Dass	Ditto
7	Lala Harbans Lal	Municipal Committee, Nurmahal.
8	Lala Darbari Lal	Ditto.
9	Lala Bhardwaj	Town Committee, Dharamkot.
10	Lala Dina Nath	Municipal Committee, Ludhiana.
11	Mr. Lal Chand	Ditto Moga.
12	Lala Sardari Lal Kapur ..	Ditto Ludhiana.
13	Lala Labhu Ram	Ditto Raikot.
14	S. Kapur Singh	District Board, Ludhiana.
15	S. Mangal Singh	Ditto.
16	S. Kehar Singh	Ditto.
17	S. Sardara Singh	Ditto.

Serial No.	Name.	Local body.
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LAHORE DIVISION.

18	Shaikh Hissam-ud-Din, B.A.	Municipal Committee, Amritsar.
19	Dr. Atma Singh	Municipal Committee, Tarn Taran.
20	S. Mohabbat Singh	District Board, Sheikhupura.
21	S. Labh Singh Jat	Ditto.
22	Lala Rattan Chand.	Municipal Committee, Jandiala.

MULTAN DIVISION.

23	S. Raja Singh	Municipal Committee, Jaranwala.
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RAWALPINDI DIVISION.

L. N. G.

PERMIT OF GENERAL STAND, LAHORE.

*7938. **Maulvi Mazhar Ali Azhar** : Will the Honourable Minister for Public Works be pleased to state—

- (a) the conditions laid down by the District Magistrate, Lahore, in the permit of General Stand, Lahore, regarding charging of fees from vehicles valid up to 15th August, 1941,
- (b) the nature of the allegations made by the President and Secretary, Motor Union, Gujranwala, on 27th May, 1941, and 14th June, 1941, to the District Magistrate and the Commissioner, Lahore, with regard to charging of excessive fees from vehicles plying on Lahore-Gujranwala route;
- (c) whether any inquiry was made into the matter mentioned in part (b) above, if so, the result thereof?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The rates of fees, permitted to be charged at the General Stand, Lahore, valid up to the 15th August, 1941, were as follows :—

- | | |
|--------------------|--|
| (1) Parking fee | (i) Annas four per vehicle per trip for a distance exceeding 50 miles. |
| | (ii) Annas two per vehicle per trip for a trip of less than 50 miles. |
| (2) Management fee | (i) Annas four per vehicle per trip for a distance exceeding 50 miles. |
| | (ii) Annas two per trip for less than 50 miles. |

(b) The complaint was to the effect that the manager was charging eight annas per trip (parking and management fee) in respect of vehicles plying on the Lahore-Gujranwala route although the distance between these two points did not exceed 50 miles.

(Sh. Faiz Muhammad.)

(c) Yes, the manager was called upon to explain the allegation and the point was thoroughly discussed in the presence of the complainants and representatives of the Provincial Punjab Motor Union. The manager explained that before the route permits were granted by the Regional Transport Authority for the Lahore—Gujranwala route, he used to charge four annas per trip, but after the issue of permits, he started charging in respect of most of the vehicles on this route at the rate of eight annas per trip because the permits granted authorised the holders to proceed as far as Sialkot (a distance exceeding 50 miles). The complainants also admitted that occasionally they did book passengers beyond Gujranwala. It was, therefore, agreed that in future the owners of all vehicles on this route would pay fees for a distance of less than fifty miles in the first instance, but if any owner booked passengers for points exceeding that distance he would pay the balance of the fee. The dispute was apparently amicably settled as there has been no complaint since.

GENERAL LORRY STAND AT LAHORE.

***7939. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Public Works be pleased to lay on the table of the house—

(i) the schemes for the permanent establishment of a general lorry stand at Lahore submitted to the District Magistrate, Lahore, by associations and individual persons in March, 1941;

(ii) whether his attention has been drawn to the criticism published in various papers in the Punjab regarding the unsuitability of the present site of general stand, Lahore; if so, the action taken by the Government in the matter, and, if no action has been taken, the reasons therefor?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) The only scheme for the re-organization of the general stand at Lahore submitted in March, 1941, was put forward by the Punjab Motor Union. That body offered to undertake the management of the stand.

(b) Yes. The question of the site was very carefully examined by the District Magistrate in consultation with other officers concerned. He eventually decided that as the present site is the best of those available it should be retained.

GENERAL STAND, LAHORE.

***7940. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether under rule 7-15 (1) of the Punjab Motor Vehicles Rules, 1940, any agreement to undertake the maintenance and the management of the General Stand, Lahore, class (B) had been made between the District Magistrate, Lahore, and the Manager, General Stand, Lahore; if so, when;

(b) if the answer to part (a) above be in the affirmative, whether any condition was laid down in the agreement entitling the

manager to retain the whole of the fees collected at the Stand, as required under sub-rule (3) of rule 7-15 of the Punjab Motor Vehicles rules, 1940, if not, the reasons therefor?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Yes, on the 5th December, 1940.

(b) Yes, a condition to that effect is included in the agreement.

ASSISTANT SUB-INSPECTORS OF POLICE.

***7970. Rai Sahib Chaudhri Suraj Mal**: Will the Honourable Minister of Public Works be pleased to state—

(a) the number of persons enlisted by direct recruitment as Assistant Sub-Inspectors of Police from the Eastern Range, in the year 1941;

(b) whether it is a fact that none of the persons enlisted belongs to the Ambala division; if so, the reasons therefor?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) 11.

(b) Yes. Appointments are made by selecting the best available candidates and no preference can, therefore, be shown to candidates of any particular locality.

Rai Sahib Chaudhri Suraj Mal: May I know whether not a single suitable man was available from the Ambala division?

Parliamentary Secretary: These appointments are not made on territorial basis; they are made by selection. If somebody applied and has not been accepted it should be presumed that he did not come up to the standard.

Rai Sahib Chaudhri Suraj Mal: Will Government impress on the authority concerned to have an eye on every division when selecting men for these posts?

Parliamentary Secretary: This is a request for action.

***7992. Cancelled.**

JOHN AMUSEMENT PARK.

***7997. Tikha Jagjit Singh Bedi**: Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that a police party raided John Amusement Park on the evening of 24th November, 1941; if so, the reasons therefor and the authority under which it was done;

(b) whether the District Magistrate, Lahore, or the Senior Superintendent of Police, Lahore, gave a warning or notice to John Amusement Park that they should not play games of skill in the Amusement Park;

(c) whether it is a fact that the Special Police Guard consisting of one head constable and four constables is posted at the John Amusement Park at the request and cost of Proprietor, John Amusement Park, and these games of skill were being played within their knowledge for the last three months;

[Tikka Jagjit Singh Bedi.]

- (d) whether it is a fact that games which are being run are skill games and are the same which were run in the exhibition organized by the Punjab Government in 1937;
- (e) whether the Government are aware of the fact that in the exhibition at Lahore organised by Mr. Girdhari Lal Manchanda in 1938 the same firm, i.e., John Amusement Park were running at Lahore the same games of skill for a period of more than two months; if so, whether the police made any attempt to prevent these games being played at that time or organised a raid then and, if not, why this differential treatment on the present occasion;
- (f) whether it is a fact that during this raid the police party indiscriminately assaulted the people who had collected round the various side shows in the Amusement Park resulting in injuries to several people? If so, whether an inquiry is intended to be held with a view to taking action against the officials responsible for the excesses?
- (g) whether the Government are aware of the fact that the raid by the police has frightened away even those visitors to the John Amusement Park who do not take part in the games of skill and thus has resulted in depriving the public of recreation and, if so, the action intended to be taken with a view to making it impossible for the police to prevent such an innocent show for the recreation of the public?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Yes, the raid was made as a result of information received that gambling was in progress and in pursuance of this information a search warrant was issued by the Senior Superintendent of Police under section 5 of the Gambling Act, 1867.

(b) Warnings were given to the organizers by the local police that no side betting would be permitted in connection with the various so-called games of skill.

(c) Yes, a police guard was posted there at the request and cost of the proprietor. It was on reports received from these police men that it became known that side betting was being carried on.

(d) Government did not allow gambling at the 1937 Exhibition.

(e) Government were not aware that in Mr. Manchanda's 1938 Exhibition similar games were played for more than two months; no raid was therefore made by the police and the matter of differential treatment does not arise.

(f) The allegations against the police are entirely without foundation and therefore no enquiry is necessary.

(g) The raid has certainly resulted in keeping away gamblers from the Park but the public are still visiting it to avail themselves of the other amusements provided there. As the show had become a public nuisance, police interference was essential.

LEAVE APPLICATIONS OF TEACHERS OF MUNICIPAL SCHOOLS,
LAHORE.

*8029. Khan Bahadur Shaikh Karamat Ali : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of applications for leave on medical grounds received by Lahore Municipality from teachers of all the girls' schools in particular and boys' schools in general under its control, since the present Administrator has assumed charge of the office, and the number of applications among them which have been rejected on the ground that the applications had been sent from home and also the number of applications among these sanctioned without pay even though the applicants were eligible for leave with pay with the reasons for taking such drastic action on these applications,
- (b) whether he is aware of the fact that some of the applicants, who applied for leave on medical grounds during this period, have been required to attend schools under threat of dismissal even though their physical condition did not permit them to do so, if so, the reasons therefor ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) A statement containing the information is laid on the table.

(b) One case only. The mistress concerned was appointed on the 1st December, 1937. From the 25th September 1939 to the 22nd January, 1941, she remained on duty for seven days only in order to get her summer vacation salary.

Statement.

1. Number of applications for leave on medical grounds received by the Lahore Municipality from teachers under its control since the present Administrator assumed charge of the office—

(i) of the girls schools	39
(ii) of the boys schools	41

2. Number of leave applications rejected on the ground that they had been sent from home.

None.

3. Number of applications among these sanctioned without pay even though the applicants were eligible for leave with pay with the reasons for taking such drastic action on these applications.

Two. Leave without pay was sanctioned as the applicants infringed Administrator, Lahore Municipality's general orders regarding leave to the municipal employees.

CASES OF VIOLATION OF THE PROVISIONS OF MUNICIPAL ACT.

*8034. Rai Bahadur Lala Gopal Das : Will the Honourable Minister for Public Works be pleased to state—

- (a) the total number so far of cases brought by the present Administrator, Lahore Municipality, since he assumed office, against citizens of Lahore for alleged violation of provisions of the Punjab Municipal Act and the by-laws of Municipality giving separately the number of cases brought against house-owners for the alleged violation of building by-laws, and the result of each of the cases ;

(R. B. L. Gopal Das.)

(b) the total amount spent on litigation by the Municipality during this period ;

(c) the number of such cases out of them which were successful and the number of those which were dismissed or were unsuccessful ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a), (b) and (c) The information required is contained in the statement laid on the table.

Statement of prosecutions from 1st August, 1940 to 31st December, 1941.

Number of prosecutions launched	6,228
Number of prosecutions in which the defaulters were convicted ..	3,045
Number of prosecutions in which the defaulters were acquitted ..	168
Number of prosecutions compromised	392
Number of prosecutions dismissed	1,962

Total decided 6,167

Pending 61

Total amount of expenditure incurred on prosecutions from 1st August, 1940 to 31st December, 1941 Rs. 3,633-11-0 only.

List of prosecutions under section 195-A and 192 Punjab Municipal Act.

Serial No.	Name of offender.	Date of decision.	Offence.	Result.
1	Siraj Din, son of Allah Bakhsh, Bhondpura, Mozang ..	9-12-40	195-A	Fined Rs. 10.
2	M. Inayat Ullah, son of M. Nanhe Khan, Akbari Road, Anarkali, Lahore	3-12-40	192	Acquitted.
3	Ram Lall, son of Bulaqi Mall, Chowk Rang Mahal, Lahore ..	27-11-40	135	Do.
4	M. Wazir Ali and Sons, Rais, Jail and Mall Road, Lahore ..	3-5-41	192-A	Do.
5	M. Ghulam Muhammad, son of Din Muhammad, Mahabir Gali, Beadon Road, Lahore	14-8-41	195-A	Fined Rs. 200.
6	M. Mehraj Din, son of Imam Din, Katra Rahman Shah ..	20-8-41	195-A	Fined Rs. 100.
7	Lala Dina Nath, Barrister, Queens Road, and Lala Munna Lal ..	Pending	192-A	..
8	Mr. M. R. Malhotra, John's Amusement Park, Lahore ..	20-12-41	195-A	Acquitted.
9	Lala Ram Nath Chadha, Prhalad Street, Lahore	Pending	195-A	..

PROMOTIONS TO SUB-ASSISTANT SURGEONS.

***7988. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Education be pleased to state—

- (a) the names of the Sub-Assistant Surgeons at present serving in the Punjab having military service at their credit and who were ever recommended or given remarks by their respective Civil Surgeons or the Military Officers, under whom they have served, to the effect that they were fit and be considered for promotion to the selection grade or to the rank of Assistant Surgeons, and the action which has so far been taken in each such case to carry out the said recommendations ;
- (b) in cases where no action has so far been taken to carry out such recommendations of the officers concerned, the reasons therefor in each case ?

The Honourable Mian Abdul Haye : As promotion of Sub-Assistant Surgeons to the senior grades or to the rank of Assistant Surgeon is made by selection, Government do not consider it desirable in the interest of public service to disclose the names of Sub-Assistant Surgeons and the reasons for which they have not been promoted. I may, however, add for the information of the honourable member that recommendations made by the Civil Surgeons and Military Officers on behalf of Sub-Assistant Surgeons are always taken into consideration with due regard to their work and conduct.

 VERNACULARS FOR VERNACULAR FINAL EXAMINATIONS.

***8042. Sardar Bahadur Sardar Ujjal Singh :** Will the Honourable Minister for Education be pleased to state the number of Hindu, Muslim and Sikh candidates separately who offered Urdu, Hindi or Punjabi as second vernaculars in the Vernacular Final Examination held in 1941 ?

The Honourable Mian Abdul Haye : I regret I am unable to answer the question as the time and labour involved in collecting the information will not be commensurate with any possible benefit which might accrue therefrom.

 GRANT-IN-AID TO SCHOOLS.

***8072. Rai Sahib Chaudhri Suraj Mal :** Will the Honourable Minister of Education be pleased to state the total amount of grant-in-aid made to high schools in urban and rural areas respectively, during each of the years 1937-38, 1938-39, 1939-40, 1940-41 and 1941-42 ?

The Honourable Mian Abdul Haye : The honourable member is referred to the printed list of grants sanctioned for privately managed and local body schools during the year 1937-38 to 1940-41, a copy of which has already been supplied to him. Information concerning the year 1941-42 will not be ready before the close of the year as the question of award of grants to certain schools in the province is still under consideration.

RECOVERY OF LOANS.

***7945. Chaudhri Sumer Singh :** Will the Honourable Minister for Development be pleased to state—

- (a) the names of the lambardars, sufedposhes, zaildars, in the various districts of the province who have been reported against by the Co-operative Department in respect of the recovery of the loans advanced to them and of those who on enquiry by the collectors of the various districts have been found to be unable to repay their debts ;
- (b) the names and designations of the officials responsible for advances in these cases and whether Government have taken or intend to take any action against the officers concerned ; if so, its nature ?

The Honourable Sardar Dasaundha Singh : I regret that the information asked for by the honourable member cannot be supplied as the time and labour involved in collecting the information will hardly be commensurate with the results to be achieved.

SHORT-NOTICE QUESTION AND ANSWER.

TRADERS' HARTAL.

8124-A. Pandit Bhagat Ram Sharma : Will the Honourable Minister of Finance be pleased to state whether he is aware of the fact that the public at large has been put to great inconvenience owing to the "Traders' Hartal" in the Province since January 9th against the "General Sales Tax Act" ; if so, the action Government propose to take in the matter ?

The Honourable Sir Manohar Lal : *First Part.*—Yes.

Second Part.—The attention of the honourable member is invited to the statement issued by the Honourable the Premier which appeared in the *Civil and Military Gazette* and the *Tribune* on the 7th February, 1942.

Pandit Bhagat Ram Sharma : May I know if the Government have taken any steps to remove the difficulties of the people in procuring their daily necessary requirements including eatables ?

Minister : How does this arise out of the answer that I have given ? A very full statement was made by the Premier on the floor of the House yesterday.

Mian Abdul Aziz : Has the Government made any arrangements ? Do the Government intend to make any arrangements ?

Minister : The question as to what Government may do hereafter does not arise. If by making arrangements, it is intended to ask whether Government has opened any shops, I am in a position to say that no shops have been opened by the Government.

Mr. E. Few : Is the Government aware that a number of shops are open from the back doors ? (*Laughter*).

Mian Abdul Aziz : Back doors are used by the Government.

UNSTARRED QUESTIONS AND ANSWERS.

ASSISTANTS TO INSPECTORS OF SCHOOLS.

1475. Chaudhri Sumer Singh : Will the Honourable Minister for Education be pleased to state the number of assistants to the Inspectors of Schools in the Punjab, communitywise, and the reasons for giving a low percentage to the Hindus in general and the Hindu statutory agriculturists in particular among them ?

The Honourable Mian Abdul Haye :

Muslims	5
Sikhs	3
Hindus	2

The policy of Government in the matter of communal representation in the services is well known, and every effort is made to give due representation to every community.

CLERKS IN DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE.

1476. Chaudhri Sumer Singh : Will the Honourable Minister for Education be pleased to state the total number, communitywise, of the clerks including the Superintendents in the Director of Public Instruction's office and the representation of the Hindu statutory agriculturists of Ambala Division amongst them and also the reasons for giving them such a low percentage ?

The Honourable Mian Abdul Haye : The honourable member is referred to the consolidated statement showing the proportionate representation of the various communities serving in the Education Department Punjab. No Hindu statutory agriculturist from the Ambala Division is serving at present in the office of Director of Public Instruction, Punjab. One was recruited in 1940 but he left for a better job about a year later. In recruiting agriculturists Government, however, makes no distinction between the residents of the various civil divisions

OFFICE OF REGISTRAR, CO-OPERATIVE SOCIETIES, PUNJAB.

1477. Chaudhri Sumer Singh : Will the Honourable Minister for Development be pleased to state the number of clerical posts including that of the Superintendents in the office of the Registrar, Co-operative Societies, Punjab, Lahore, and the number of Hindu statutory agriculturists of the Ambala Sub-Division among them and also state if there be no Hindu agriculturist from the said Sub-Division on the clerical staff of that office, the reasons therefor and the action intended to be taken to give them their due share ?

The Honourable Sardar Dasumaha Singh : 1st Part.—Out of 34 posts 11 are held by Hindus : of the latter one is a zamindar and four are members of statutory agricultural tribes, one belonging to the Ambala division.

(Development Minister.)

2nd Part.—The representation of zamindars being adequate, no action is called for. It is not the policy of Government to reserve vacancies in public services for particular areas.

ESTABLISHMENT IN OFFICE OF DIRECTOR OF AGRICULTURE.

1478. Chaudhri Sumer Singh : Will the Honourable Minister for Development be pleased to state the total strength of the establishment in the office of Director of Agriculture and the number of those posts held by the Hindu statutory agriculturists of the Ambala Division? If the number of the Hindu agriculturists in that office be insignificant, the action that he intends to take to remove the long standing grievance of the residents of the Ambala Division in this respect, and, if no action is intended to be taken, the reasons therefor?

The Honourable Sardar Dasaundha Singh : *1st part.*—Out of the total strength of 47 there are 19 Hindus. Of the latter 7 are statutory agriculturists, 8 belong to the Ambala Division.

2nd part.—The number of Hindu statutory agriculturists being adequate no action is called for. It is not the policy of Government to reserve vacancies in the public services for inhabitants of particular areas.

ESTABLISHMENT IN IRRIGATION BRANCH.

1479. Chaudhri Sumer Singh : Will the Honourable Minister for Revenue be pleased to state the total strength of establishment in the Irrigation Branch (Head Office, Lahore) and the number of those posts held by Hindu statutory agriculturists of the Ambala Division? If the proportion of the latter is very insignificant, what action does he intend to take to remove the long standing grievance of the inhabitants of the Division in this respect, and, if no action is intended to be taken, the reasons therefor?

The Honourable Chaudhri Sir Chhotu Ram :—

First part.—Total strength of (clerical and drawing) establishment (both temporary and permanent) 170

No. of posts held by Hindu statutory agriculturists of the Ambala Division 1

Second part.—Recruitment to headquarters establishment is not made on a divisional basis, and, therefore, no action is called for.

PATWARIS.

1480. Chaudhri Sumer Singh : Will the Honourable Minister for Revenue be pleased to state the number of persons, communitywise, who have been appointed as patwaris in the Gurgaon district since the settlement operation started in that district giving separately the number of Jats, Gujars, and Rajputs among them, and the reasons for disparity in their respective numbers?

The Honourable Chaudhri Sir Chhotu Ram : A statement containing the required information is enclosed.

Statement showing the number of persons communitywise who have been appointed as patwaris in the Gurgaon district since the commencement of the settlement operations (1st October, 1938, to 31st December, 1941).

HINDUS.

Jats	..	..	..	..	4
Gujars	..	..	..	..	..
Rajputs	..	..	..	..	..
Rajputs Gorwa	..	..	..	..	2
Ahirs	..	..	..	..	6
Gaur Brahmans	..	..	..	..	13
Brahmans Chaurasia	..	..	..	..	2
Mahajans	..	..	..	..	1
Bohrs	..	..	..	..	1
Khatris	..	..	..	..	2
Taga Hindu	..	..	..	..	1
Barber	..	..	..	..	1
Chamar	..	..	..	..	1

MUSLIMS.

Fathans	..	..	..	..	2
Sheikhs Qureshi	..	..	..	..	6
Sheikhs Ansari	..	..	..	..	3
Sheikhs Siddiqi	..	..	..	..	1
Bayads	..	..	..	..	3
Rajputs Muslims	..	..	..	..	4
Mees	..	..	..	..	2

Grand Total .. 55

REASONS FOR DISPARITY.

The appointments were mostly from the list of candidates accepted before the settlement operations started. Besides, the patwaris are recruited communitywise and not castewise. This explains the disparity as regards tribal distribution.

MARKET COMMITTEE, KAITHAL.

1481. Sufi Abdul Hamid Khan : Will the Honourable Minister of Development be pleased to state—

- whether it is a fact that there are certain market committees in the Ambala Division, specially at Kaithal in the Karnal district, on which all the members are non-Muslims ;
- whether it is a fact that a Muslim was nominated to serve on the above-named market committee by the Karnal District Board, if so, why the Punjab Government did not take him on that Committee ?

The Honourable Sardar Dasaundha Singh : (a) Yes, as far as Kaithal Market Committee is concerned.

(b) Yes. The position of the Muslim candidate was 10th on the panel of names submitted by the non-official members of the District Board. Since these names had been arranged in the order of priority and only five persons had to be appointed, the person placed 10th could not be selected.

VERNACULAR FINAL AND MIDDLE EXAMINATIONS.

1482. Rai Bahadur Lala Gopal Das : Will the Honourable Minister of Education be pleased to state—

(a) how many boys and girls appeared in (i) Vernacular Final Examination ; (ii) Middle Examination for Girls with—

- (i) Hindi as medium ;
- (ii) Urdu as medium ;
- (iii) Punjabi as medium ;

(b) what was the number of candidates appearing communitywise, in—

- (i) Vernacular Final Examination ;
- (ii) Middle Examination for Girls separately ;

(c) what was the number of Hindu, Muslim, Sikh and Christian examiners and sub-examiners in these examinations separately ?

The Honourable Mian Abdul Haye : It is not possible to give a reply as the honourable member has not specified the year for which these figures are required.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS IN POSTS CREATED FOR WORKING OF URBAN IMMOVABLE PROPERTY TAX ACT.

1483. Rao Mohar Singh : Will the Honourable Minister for Finance be pleased to state—

(a) the number of posts under each designation which had to be created for the working of the Urban Immovable Property Tax Act and which have been filled so far ;

(b) the number of posts out of them which have come to the share of Hindu statutory agriculturists ?

The Hon'ble Sir Manohar Lal :

	Number of posts sanctioned.	Number of posts filled.	Number of posts which came to the share of Hindu statutory agriculturists.
Inspectors	5	2	..
Sub-Inspectors	42	29	2
Clerks	105	63	3
Patwaris	32	22	2
Peons	69	50	4

Information regarding District Taxation Officers, Assistant District Taxation Officers, and staff working in the Amritsar district has been given in answer to Assembly question No. 1484 on the next page and is not included above.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS IN POSTS CREATED FOR WORKING OF THE GENERAL SALES TAX ACT.

1484. Rao Mohar Singh : Will the Honourable Minister for Finance be pleased to state—

- (a) the various classes of posts which have been created, or are proposed to be created under the General Sales Tax Act ;
- (b) the number of posts of each class ;
- (c) the number of posts of each class which have come or which are proposed to be reserved for candidates belonging to Hindu statutory agricultural tribes ?

The Honourable Sir Manohar Lal : (a) and (b).—

Whole time District Taxation Officers	..	15
Assistant District Taxation Officers	..	2 for Lahore and Amritsar districts in addition to 8 Assistant District Taxation Officers to be engaged <i>instead</i> of Inspectors.
Inspectors	.. ..	30
Sub-Inspectors	.. ..	136
Clerks	.. ..	212
Peon	.. ..	220

It is not proposed to create any other posts.

(c)

	Number of posts filled.	Number of posts which come to the share of Hindu statutory agriculturists.
District Taxation Officers	9 (1)	..
Assistant District Taxation Officers	4 (1)	1
Inspectors	18 (1)	3
Sub-Inspectors	113 (9)	9
Clerks	170 (26)	11
Peons	174 (15)	21

The figures in column 2 include those shown separately in brackets regarding joint staff employed in Amritsar district for work under the Punjab Immovable Property Tax Act, and the Punjab General Sales Tax Act.

Hindu statutory agriculturists will be given their due share if suitable candidates are available.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS IN POSTS CREATED UNDER STANDARD WEIGHTS AND MEASURES ACT.

1485. Rao Mohar Singh : Will the Honourable Minister for Finance be pleased to state—

- (a) the various classes of posts which have been or are proposed to be created under the Standard Weights and Measures Act ;
- (b) the number of posts of each class ;
- (c) the number of posts of each class which have come to or which are proposed to be set apart for Hindu statutory agriculturists ?

The Honourable Sardar Dasaundha Singh : As the question of the creation of these posts is yet under consideration, it is regretted that it is not in the public interest to answer this question.

HINDU STATUTORY AGRICULTURISTS AMONG PUBLIC PROSECUTORS.

1486. Rao Mohar Singh : Will the Honourable Minister for Finance be pleased to state—

- (a) the total number of appointments made to fill up the vacancies in the cadre of Public Prosecutors since the 1st April, 1937 ;
- (b) how many, if any, of these appointments have gone to the share of Hindu statutory agriculturists ;
- (c) what was the number of Hindu statutory agriculturists among Public Prosecutors on the 1st January, 1932, 1937 and 1941, respectively ?

The Honourable Sir Manohar Lal : (a) Seven.

(b) One.

(c) (i) 1st January, 1927.—The figures are not available.

(ii) 1st January, 1937.—One.

(iii) 1st January, 1941.—None.

HINDU STATUTORY AGRICULTURISTS AMONG EXCISE SUB-INSPECTORS.

1487. Rao Mohar Singh : Will the Honourable Minister for Finance be pleased to state—

- (a) the number of persons appointed as Excise Sub-Inspectors since the 1st April, 1937, and the number of Hindu statutory agriculturists among them ;
- (b) the number of statutory Hindu agriculturists among Excise Sub-Inspectors on the 1st January, 1927, 1937 and 1941, respectively ?

The Honourable Sir Manohar Lal : I regret that the answer to this question is not yet ready.

**HINDU STATUTORY AGRICULTURISTS AMONG CLERKS IN JAIL
DEPARTMENT.**

1488. Rao Mohar Singh : Will the Honourable Minister for Finance be pleased to state—

- (a) the number of clerks recruited for the Jail Department since the 1st April, 1937 ;
- (b) the number of Hindu statutory agriculturists among the clerks referred to in (a) ?

The Honourable Sir Manohar Lal : (a) 59 clerks have been recruited for permanent appointment since 1st April, 1937 ;

(b) 4 are Hindu statutory agriculturists.

**HINDU STATUTORY AGRICULTURISTS AMONG EXTRA ASSISTANT
COMMISSIONERS.**

1489. Chaudhri Anant Ram : Will the Honourable Premier be pleased to state the total number of candidates selected for appointment as Extra Assistant Commissioners from amongst forms B, C and A candidates since 1st April, 1937, and the number of Hindu statutory agriculturists among the selected candidates ?

The Honourable Lieutenant-Colonel Sir Sikander Hyat Khan : Out of 116 candidates accepted as Extra Assistant Commissioners on the various registers since 1st April, 1937, thirty were Hindus of whom eight were statutory agriculturists.

**HINDU STATUTORY AGRICULTURISTS AMONG CLERICAL ESTABLISHMENT OF
THE HIGH COURT.**

1490. Chaudhri Anant Ram : Will the Honourable Minister for Finance be pleased to state—

- (a) the minimum educational qualification for appointment as a clerk in the office establishment of the High Court ;
- (b) the total strength of clerks in the office of the High Court on the 1st January, 1927, 1937 and 1941 respectively ;
- (c) the number of Hindu statutory agriculturists in the establishment of the High Court referred to in (b) on the 1st January, 1927, 1937 and 1941, respectively ;
- (d) the reasons which explain such meagre representation of statutory Hindu agriculturists in the office of the High Court ?

The Honourable Sir Manohar Lal : (a) (i) Degree examination of any recognised University in India.

(ii) School certificate examination of the University of Cambridge (Senior Cambridge) or an equivalent examination.

(b)

Year.				Total strength of the High Court.
1927	..	..	..	189
1937	..	..	..	186
1941	..	..	..	218

[Finance Minister.]

(c)

Year.	No. of Hindu statutory agriculturists.
1927	3
1937	2
1941	1

(d) The instructions issued on the subject provide for the representation of Hindu zamindars but no hard and fast rules about the representation of Hindu statutory agriculturists have been made.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS IN THE EDUCATION DEPARTMENT.

1491. Rai Sahib Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state the number of posts held by Hindu statutory agriculturists on the 1st January, 1927, 1937 and 1941, respectively, in the following cadres along with the total strength of each of these cadres on these dates :—

- (a) P. E. S., class I ;
- (b) P. E. S., class II (Men's as well as Women's Branch) ;
- (c) S. E. S., A. V. Section (Men's Branch) ;
- (d) clerical establishment in the subordinate offices under the control of the Director of Public Instruction ;
- (e) clerical establishment in the office of the Director of Public Instruction ?

The Honourable Mian Abdul Haye : The honourable member is referred to the consolidated statements showing the proportionate representation of the various communities serving in the different departments of the Punjab Government as they stood on the 1st January, 1927, 1937 and 1941.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS IN MEDICAL DEPARTMENT.

1492. Rai Sahib Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state the number of posts held by Hindu statutory agriculturists on the 1st January, 1927, 1937 and 1941, respectively, in the following cadres along with the total strength of each of these cadres on these dates :—

- (a) Civil Surgeons ;
- (b) Assistant Civil Surgeons ;
- (c) Sub-Assistant Surgeons ;
- (d) Clerical establishment in the Headquarters office of the Inspector-General of Civil Hospitals, Punjab ;
- (e) Clerical establishment in the subordinate offices under the control of Inspector-General of Civil Hospitals, Punjab ?

The Honourable Mian Adbul Haye : A statement giving the requisite information is laid on the table.

Representation of Hindu statutory agriculturists in the Medical Department.

Nature of posts.	TOTAL STRENGTH OF THE CADRE.			NUMBER OF POSTS HELD BY HINDU STATUTORY AGRICULTURISTS.		
	On 1st January, 1927.	On 1st January, 1937.	On 1st January, 1941.	On 1st January, 1927.	On 1st January, 1937.	On 1st January, 1941.
(a) Civil Surgeons	9	9	8	1	Nil	1
(b) Assistant Surgeons (men) ..	145	150	153	6	11	10
Assistant Surgeons (women) ..	Nil	2	7	Nil	Nil	Nil
(c) Sub-Assistant Surgeons (men) ..	667	552	585	31	23	26
Sub-Assistant Surgeons (women)	Nil	33	61	..	1	1
(d) Clerical establishment in the Headquarters office of the Inspector-General of Civil Hospitals, Punjab ..	31	35	35	Nil	Nil	Nil
(e) Clerical establishment in the subordinate offices under the control of the Inspector-General of Civil Hospitals, Punjab.	115	146	150	6	13	12

HINDU STATUTORY AGRICULTURISTS AMONG SANITARY INSPECTORS.

1493. Rai Sahib Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state the number of Sanitary Inspectors on the 1st January, 1927, 1937 and 1941, respectively, and the number of Hindu statutory agriculturists among them ?

The Honourable Mian Abdul Haye :

Year.	Total number of Sanitary Inspectors.	Hindus.	Statutory Agriculturists.
1927	8	5	1
1937	43	24	1
1941	43	22	2

HINDU STATUTORY AGRICULTURISTS IN THE OFFICES OF THE PUBLIC HEALTH DEPARTMENT.

1494. Rai Sahib Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state the strength of clerical establishment of the headquarters office and subordinate offices (separately) of the Public Health Department on the 1st January, 1927, 1937 and 1941, respectively, and the number of posts in these establishments held by Hindu statutory agriculturists on these dates ?

The Honourable Mian Abdul Haye : A statement giving the required information is laid on the table.

Serial No.	Name of office.	Strength of the clerical establishment.	Posts held by Hindus.	Posts held by Hindu statutory agriculturists.	Remarks.
1927.					
1	Director of Public Health, Punjab ..	32	12	2	
2	Assistant Director of Public Health, Punjab (Technical) Vaccination ..	2	..	..
3	Assistant Director of Public Health, Punjab (Technical) Epidemiology ..	2	..	..
4	Assistant Director of Public Health, Ambala Circle ..	2	1	..	
5	Assistant Director of Public Health, Rawalpindi Circle ..	2	..	..
6	Superintendent, Punjab Vaccine Institute ..	4	2	..	
7	Epidemiological Bureau ..	2	..	..
8	Public Health Equipment Depot ..	1	..	..
	Total ..	37	15	2	
1937.					
1	Director of Public Health, Punjab ..	27	10	1	
2	Assistant Director of Public Health, Punjab (Technical) Vaccination ..	2	..	..
3	Punjab Vaccine Institute ..	4	3	..	
4	Public Health Equipment Depot ..	2	..	..
5	Assistant Director of Public Health, Central Range ..	2	..	..
6	Assistant Director of Public Health, Western Range ..	2	1	..	
7	Assistant Director of Public Health, Eastern Range ..	2	2	..	
8	Epidemiological Bureau ..	3	2	..	
9	Chemist, Public Health Department ..	1	1	..	
	Total ..	45	19	1	

Serial No.	Name of office.	Strength of the clerical establishment.	Posts held by Hindus.	Posts held by Hindu statutory agriculturists.	REMARKS.
1941.					
1	Director of Public Health, Punjab ..	34	12	1	
2	Punjab Vaccine Institute ..	7	3	..	
3	Assistant Director of Public Health, Central Range ..	2	..	..
4	Assistant Director of Public Health, Western Range ..	2	1	..	
5	Assistant Director of Public Health, Eastern Range ..	2	2	..	
6	Epidemiological Bureau ..	3	1	..	
7	Chemist, Public Health Department ..	2	2	..	
8	Medical Officer of Health, Factories ..	1	..	..
	Total ..	53	20	1	

**REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG
DISTRICT INSPECTORS OF SCHOOLS.**

1495. Rai Sahib Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state—

- the number of Hindu statutory agriculturists and Hindu non-agriculturists, respectively, at present holding the post of District Inspectors of Schools;
- the number of statutory agriculturist and non-agriculturist Hindus, respectively, in S.E.S. who are at present holding the post of District Inspectors of schools?

The Honourable Mian Abdul Haye :

(a) Hindu statutory agriculturists	2
Hindu non-agriculturists	5
(b) Hindu statutory agriculturists	2
Hindu non-agriculturists	4

**REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG
INSPECTORS, ASSISTANT INSPECTORS OF SCHOOLS AND
PROFESSORS OF GOVERNMENT COLLEGES.**

1496. Rai Sahib Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state—

- whether there is any Hindu statutory agriculturist holding the post of an Inspector of Schools or of an Assistant to an Inspector of Schools in the Punjab ; if so, their number ;
- the number of statutory Hindu agriculturists holding the posts of Professors or Lecturers in the Government Degree and Intermediate Colleges of the Punjab ?

The Honourable Mian Abdul Haye : (a) Nil.

(b) 6.

**SIKH STATUTORY AGRICULTURISTS AMONG INSPECTORS, ASSISTANT
INSPECTORS AND DISTRICT INSPECTORS OF
SCHOOLS.**

1497. Rai Sahib Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state the number of Sikh statutory agriculturists holding P. E. S. posts and further state how many of them are holding the appointments of (i) Inspectors of Schools ; (ii) Assistant to Inspectors of Schools ; and (iii) District Inspectors of Schools ?

The Honourable Mian Abdul Haye :

Number of Sikh statutory agriculturists holding P. E. S. posts 6

(i) Nil.

(ii) 1.

(iii) 1.

**HINDU AND SIKH STATUTORY AGRICULTURISTS IN THE EDUCATION
DEPARTMENT.**

1498. Rai Sahib Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state what action, if any, he proposes to take to secure proper and proportionate representation in the provincial and S. E. service of the Department of Education for Hindu and Sikh statutory agriculturists ?

The Honourable Mian Abdul Hays : The policy of Government in the matter of communal representation and also the representation of zamindars in the service is well known and it is not intended to depart from it.

APPOINTMENT OF HINDU STATUTORY AGRICULTURISTS IN S. E. S.

1499. Rai Sahib Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state the total number of Hindu statutory agriculturists who have been appointed to S. E. S. posts in the A.-V. section since the 1st of April, 1937, and the total number of appointments made in the said cadre since the 1st of April, 1937 ?

The Honourable Mian Adbul Haye :

Total number of Hindu statutory agriculturists appointed
in the S.E.S., A.V. section, since the 1st of April, 1937 11

Total number of appointments made in the S.E. S., A. V.
section since the 1st of April, 1937 146

**ADMISSION OF HINDU STATUTORY AGRICULTURISTS TO CENTRAL
TRAINING COLLEGE.**

1500. Rai Sahib Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state the number of Hindu statutory agriculturists admitted to the Central Training College in each of the years 1937, 1938, 1939, 1940 and 1941 ?

The Honourable Mian Abdul Haye :

Year.	Number of Hindu agriculturists admitted to the Central Training College.
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1937	9
1938	32
1939	25
1940	22
1941	22

The admission form merely requires the candidates to state whether they are agriculturists or non-agriculturists. It is, therefore, not known how many of them were statutory agriculturists and how many of them merely "Zamindars".

APPOINTMENT OF MUSLIM AGRICULTURISTS TO S. E. S.

1501. Rai Sahib Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state whether any, and if so, how many statutory Muslim agriculturists from the Ambala Division have been appointed to S. E. S. (A. V. section) since the 1st of April, 1937 and what proportion they bear to the total number of such Muslims appointed in the same cadre during the same period from other divisions of the Punjab?

The Honourable Mian Abdul Haye :

Total number of statutory Muslim agriculturists from the Ambala Division who have been appointed to S. E. S. (A. V. Section) since the 1st of April, 1937 10

Total number of such Muslims appointed in the same cadre during the same period from other divisions of the Punjab 49

ADJOURNMENT MOTION.**LATHI CHARGE BY POLICE IN LAHORE CANTONMENT.**

Diwan Chaman Lall : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the indiscriminate lathi charge made yesterday by the police in Lahore Cantonment.

Mr. Speaker : Diwan Chaman Lall asks for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the indiscriminate lathi charge made yesterday by the police in Lahore Cantonment.

Has any honourable member any objection to leave being granted?

No objection being taken, leave was granted.

Mr. Speaker : The motion will be discussed after the termination of to-day's business or at 4-30 p.m. whichever is earlier.

WELCOME TO HIS EXCELLENCY AND MADAM CHIANG KAI SHEK.

Premier (The Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan): Sir, it is my privilege and pleasure to extend our warmest welcome to His Excellency Marshal Chiang Kai Shek and Madame Shek on their arrival in India. You must have seen in the papers that they have arrived in Delhi. I think it is up to us as a martial province to extend our warmest welcome to them. His Excellency Marshal Chiang Kai Shek is a great leader of a great and brave nation which has during the past five years been gallantly fighting against an unscrupulous enemy to vindicate justice, freedom and righteousness and has established that free people wherever they happen to be will not be browbeaten by anybody howsoever unscrupulous and powerful he may be. Marshal Chiang Kai Shek is one of those great leaders who are born once during generations to lead their countries. I am sure I am voicing not only the feelings of all sections of the House but also of the province as a whole when I say that we in the Punjab would be glad if they would find time to visit this province so that we can extend to them our warmest welcome and also express personally our feelings of admiration for them and for the great Chinese nation. I have already taken the liberty of sending a telegram to His Excellency and I will with your permission, read it to the House. I hope that the House will endorse the views which I have expressed on behalf of the Punjabis. This is the telegram that I have sent :—

On behalf of the people of the Punjab I extend to Your Excellency and Madame Chiang Kai Shek our warm and cordial welcome on your visit to India which will further strengthen the ties of friendship between your great country and ours. The people of this martial province are proud of their collaboration with the brave Chinese nation, which is so heroically fighting for the sacred cause of freedom, truth and righteousness. We deem it a privilege that our troops are now fighting shoulder to shoulder with your gallant fighting forces in order to re-establish right and justice against the evil forces of aggression, and we look forward with confidence to our joint final victory.

I extend a cordial invitation to Your Excellency and Madame Chiang Kai-Shek to visit Punjab and hope you will be able to do so, and thus provide us with an opportunity of welcoming you to the Punjab and giving expression to our feelings of good-will and admiration for you both and the great Chinese people. (*Hear, hear.*)

Mian Muhammad Iftikhar-ud-Din (Kasur, Muhammadan, Rural) : On behalf of the Punjab Congress I extend a hearty welcome to Marshal Chiang Kai Shek and Madame Chiang Kai-Shek. It is our misfortune that we cannot give him a people's reception as a free country. We have a great admiration for him and for the struggle of the Chinese people. Having been a subject nation for 150 years we know the curse of slavery and therefore can best admire the gallantry and the courage with which they are fighting, trying to prevent in their country what happened here a century and-a-half ago. Our sympathies are completely with the Chinese people and the people of Russia and those of other countries who are fighting for their freedom. Although China and Russia at this time may be allied with powers which are fighting for different objectives, it is perfectly clear to us that the Chinese and the Russians are fighting for the freedom of their own country and through that, that of the world. Their fight is not a fight

for domination or for empire. As such we fully sympathise with their struggle. If any one of us wishes to invest his moral or political capital in these uncertain times when ideologies are being changed and when history of hundreds of years is being made and unmade, here is a sure gilt edged investment. We can not invest our sympathies in this time of crisis in a cause better than the struggle of the Chinese and the Russians. It is our misfortune that we have not been able to aid them as a free country and to render them peoples' help through peoples' leadership, and through peoples' channels. Nevertheless they have our completest sympathies and best wishes. I do not know the nature of Marshal Chiang Kai Shek's visit to this country but in so far as he has come to express his sympathies with our struggle and to receive our sympathies for theirs, we welcome him to our land.

Mian Abdul Aziz : I have only one remark to add. I hope His Excellency will exert his influence with the Government for the freedom of the whole of India, in giving full dominion status soon. A further telegram may be sent to him to this effect.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : I beg to introduce the Punjab Village and Small Towns Patrol (Amendment) Bill. I also move—

That the Punjab Village and Small Towns Patrol (Amendment) Bill be taken into consideration at once.

The motion was carried.

Mr. Speaker : The Bill will now be considered clause by clause.

The question is—

That clauses 2 and 3 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the title be the title to the Bill.

The motion was carried.

Minister for Public Works : I move—

That the Punjab Village and Small Towns Patrol (Amendment) Bill be passed.

The motion was carried.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Premier (The Honourable Lieutenant-Colonel Sir Sikander Hyat Khan) I beg to introduce the Punjab Relief of Indebtedness (Amendment) Bill. I also beg to move—

That the Punjab Relief of Indebtedness (Amendment) Bill be referred to a select committee consisting of—

Minister for Revenue ;

Mr. E. Few ;

(Hon. Prem.)

Rao Mohar Singh ;
 Pir Akbar Ali ;
 Sardar Joginder Singh Man ;
 Khan Sahib Shaikh Muhammad Amin ;
 Khan Sahib Chaudhri Sahib Dad Khan ;
 Khan Bahadur Mian Mushtaq Ahmad Gurmani ;
 Mian Sultan Mahmud Hotiana ;
 Sardar Uttam Singh Duggal ;
 Rai Bahadur Mukand Lal Puri ; and
 Malik Barkat Ali.

The statement of objects and reasons indicates why it is necessary to bring this Bill before the House. One of the reasons is that the Bill which was passed by this House last time is open to doubt with regard to mortgages. Honourable members will remember that we decided that a mortgaged property will be open to attachment provided the charge was on that specific property. Courts have now held that other debts can also be realised from that mortgaged property. To make the point clear we have brought forward this amending Bill. The other point is that there is some doubt with regard to the definition of debt. There again courts have found some difficulty. We have in this Bill tried to clarify the position so as to make it quite clear that a debt which is declared to be such by a Conciliation Board will not be questioned in any other court. These are the two points on which it has been found necessary to bring this Bill in order to clarify the intention of this House and to avoid any further doubts. I hope that the House will help me to get this Bill passed as quickly as possible so that we may restore the *status quo*.

Mr. Speaker : Motion moved—

That the Punjab Relief of Indebtedness (Amendment) Bill be referred to a select committee consisting of—

The Minister for Revenue ;
 Mr. E. Few ;
 Rao Mohar Singh ;
 Pir Akbar Ali ;
 Sardar Joginder Singh Man ;
 Khan Sahib Shaikh Muhammad Amin ;
 Khan Sahib Chaudhri Sahib Dad Khan ;
 Khan Bahadur Mian Mushtaq Ahmad Gurmani ;
 Mian Sultan Mahmud Hotiana ;
 Sardar Uttam Singh Duggal ;
 Rai Bahadur Mukand Lal Puri ; and
 Malik Barkat Ali.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban): Not only do I oppose the reference of this Bill to the select committee, but I beg to move—

That the Punjab Relief of Indebtedness (Amendment) Bill be circulated for eliciting public opinion thereon by the end of March, 1942.

For the present I do not say that I am opposed to this legislation or am in favour of this legislation, but the way in which this Bill has been brought forward means the domination of the High Court decisions and entrusting them to debt conciliation boards. The highest courts of the Punjab have given their verdict, as is clear from the statement of objects and reasons. It seems to me that the very name of the High Court or of the civil courts pinches the ministerial benches. It appears that they want all the judicial functions to be carried out by people some of whom, with all due deference I may say, are illiterate and do not know anything of the law. While judicial decisions have been given on this point, there is no ambiguity which remains and I think if there is any ambiguity it ought to be decided by the highest tribunal and by the judicial courts or by the High Court itself. I beg to submit that the Unionist Party are in a way entering by the backdoor and usurping all the functions which the courts have got. I think the Party is not justified in doing so, and without giving any further reasons I beg to move that the Bill be circulated for public opinion so that we may know even the views of the High Court and of the other judicial officers in this connection.

Mr. Speaker : Motion under consideration, amendment moved—

That the Punjab Relief of Indebtedness (Amendment) Bill be circulated for eliciting public opinion thereon by the end of March, 1942.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Parliamentary Private Secretary) (*Urdu*) : Sir, I rise to oppose the amendment for the circulation of the Bill for eliciting public opinion thereon moved by my learned friend, the honourable member from Lahore. The Bill, as has been explained in the statement of objects and reasons, aims at removing certain doubts which have arisen in consequence of certain judgments of the civil courts. It does not contain any new provision of law on which it may be necessary to elicit public opinion. This Act was passed by the Punjab Legislative Council in 1934. It was subsequently amended by this House in 1940 in the light of the experience gained by the working of this Act. The amending Bill, which is now before the House, is of a technical nature. Its object is to make the intentions of the legislature clear regarding the interpretation of certain provisions of the Relief of Indebtedness Act about which some doubts have arisen in civil courts. It is the duty of the legislature to make its intentions clear when any doubt has arisen in regard to the interpretation of a statute. The legislature alone is capable and competent to clear the position by removing such doubts. How can the public judge the intentions of the legislature? Moreover my honourable friend, the mover of the amendment, has not told the House as to why and on what points he wants to get public opinion. He should have told the House the doubtful points on which he wants to elicit public opinion. My learned friend Mian Abdul Aziz being a lawyer of long standing is obviously in a better position to point out the defects in the Bill than the lay public. When he himself is not able to do so, how can he expect the laymen to help him in this connection? Let my honourable friend Mian Abdul Aziz also realize that this House is the best medium of public opinion. The voice of this House is the public opinion of this province. He is living in the past if he thinks that this House does not reflect public opinion. Perhaps Mian Abdul Aziz would not have moved this amendment if he had realised that by delaying

(K. B. Mian Mushtaq Ahmad Gurmani).
the passage of this Bill he would be doing an incalculable harm to the interests of those whom he represents.

Lala Duni Chand : Have you read the judgment ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : If we had not read the judgment we would not have felt the necessity of bringing in this measure. Perhaps my honourable friend from Ambala did not care to listen attentively to the speech of the Honourable Premier; otherwise he would not have asked this question. I would, in conclusion, appeal to my honourable friend Mian Abdul Aziz not to delay the passage of this Bill.

Mir Maqbool Mahmood (Parliamentary Secretary) : Sir, I have great regard for my learned friend Mian Abdul Aziz who has just moved for the circulation of the Bill. But I suppose he might have been very busy in connection with certain legal cases and this is why he could not afford time to read the clauses of the Bill. The object of this Bill is very simple. It has been introduced with a view to clarifying the provisions which created doubts in the minds of the honourable judges while interpreting them. Hence we want to remove that ambiguity in those provisions so that in future the honourable judges may not experience any difficulty in giving a correct interpretation of our wishes embodied in those sections. If the honourable member had read the judgment of the High Court he would have seen that the honourable judges of the High Court expressed sympathies with the intentions of the Bill but felt unable to give expression to it owing to the ambiguous wording of the provision.

Mian Abdul Aziz : Have you read it ?

Mir Maqbool Mahmood : Yes. Let me now come to the clauses of the amending Bill. Clause 2 seeks to omit the following words of the explanation in clause 7 (2) (iii)—“If any question arises in proceedings under this part of the Act, whether a person is a debtor or not, the decision of a Debt Conciliation Board shall be final”.

When this clause of the parent Act was discussed in the legislature it was passed without much discussion. But the High Court expressed doubts about the definition of the debtor so far as that debt was concerned. I, therefore, submit, that such being the nature of this defect, a mere reference to the Punjab Assembly debates having a bearing on this clause cannot help us in determining the real interpretation. It is in order to clarify the ambiguity in the definition of ‘a debtor’ and a ‘debt’ that the present Bill, which is sought to be referred to a select committee, is being introduced. If my honourable friend had taken the trouble of looking up the High Court judgment, he would not have felt the urge to deliver his speech.

The second point sought to be clarified through this amending Bill largely concerns my honourable friends’ constituents, both agriculturists and non-agriculturists. I remember that during the discussion of this clause in the parent Act, the honourable members opposite including our friends of the Congress paid a compliment to the Honourable Chaudhri Sir Chhotu

Ram, who is well known for his depth of feeling towards the agriculturists for including a provision in the Act which seeks to exempt the property of non-agriculturists as well, from attachment or sale in respect of a decree. If this clause has escaped the notice of my learned friend it would be advisable for him to have a look at it. (*Mian Abdul Aziz*. I will try to read it in your company this evening.) It would give me great pleasure to have his company. Anyway I would invite the attention of my learned friend to sub-section (ccc) the proviso to which contains the above-mentioned protection. It reads as follows :—

(ccc) One main residential house or other buildings attached to it (with the material and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to a judgment-debtor other than an agriculturist and occupied by him : provided that the protection afforded by this subsection shall not extend to property which has been mortgaged.

During the discussion on this clause it was clearly understood by all the honourable members that the protection afforded by this subsection relates only to such property as is not mortgaged. But now owing to the interpretation put upon it by the civil courts as well as by the High Court, it has become necessary, as the Honourable Premier stated, to further clarify this point.

With these words I would request my honourable friend *Mian Abdul Aziz*, for whom I have the greatest esteem, to withdraw his amendment.

Mr. Speaker : Question is—

That the Punjab Relief of Indebtedness (Amendment) Bill be circulated for eliciting public opinion thereon by the end of March, 1942.

The motion was lost.

Mr. Speaker : Question is—

That the Punjab Relief of Indebtedness (Amendment) Bill be referred to a select committee consisting of—

Minister for Revenue.

Mr. E. Few.

Rao Mohar Singh.

Pir Akbar Ali.

Sardar Joginder Singh Man.

Khan Sahib Shaikh Muhammad Amin.

Khan Sahib Chaudhri Sahib Dad Khan.

Khan Bahadur Mian Mushtaq Ahmad Gurmai.

Mian Sultan Mahmud Hotiana.

Sardar Uttam Singh Duggal.

Rai Bahadur Mukand Lal Puri, and

Malik Barkat Ali.

The motion was carried.

Premier : I move—

That the quorum of the select committee be five.

The motion was carried.

SUGARCANE (PUNJAB AMENDMENT) BILL.

Minister of Development (The Honourable Sardar Dasaundha Singh) :
Sir, I introduce the Sugarcane (Punjab Amendment) Bill.

I move—

That the Sugarcane (Punjab Amendment) Bill be referred to a select committee consisting of—

Sir William Roberts.
Chaudhri Muhammad Yasin Khan.
Sardar Balwant Singh.
Sodhi Harnam Singh.
Chaudhri Prem Singh.
Rai Sahib Rai Hari Chand.
Chaudhri Roshan Din.
Chaudhri Tikka Ram.
Mian Muhammad Nurullah.
Sardar Ajit Singh.
Lala Sita Ram.
Chaudhri Faqir Chand.

The purport of the Bill is abundantly clear from the statement of objects and reasons. The Indian Sugarcane Act of 1934 is not comprehensive enough. The problems that arise from time to time concerning the sugarcane industry in our province are not wholly covered by that Act. The interests of sugarcane growers are to be protected and also the supply of sugarcane to the factories is to be properly organised. All these will lead to the benefit of the growers as well as of the factorywallahs. At the same time unhealthy competition between the factory owners is to be prevented. For all these reasons the amendment of the Act is necessary. With these words I commend the motion to the House.

Mr. Speaker : Motion moved is :

That the Sugarcane (Punjab Amendment) Bill be referred to a select committee consisting of—

Sir William Roberts.
Chaudhri Muhammad Yasin Khan.
Sardar Balwant Singh.
Sodhi Harnam Singh.
Chaudhri Prem Singh.
Rai Sahib Rai Hari Chand.
Chaudhri Roshan Din.
Chaudhri Tikka Ram.
Mian Muhammad Nurullah.
Sardar Ajit Singh.
Lala Sita Ram.
Chaudhri Faqir Chand.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : I beg to move—

That the Sugarcane (Punjab Amendment) Bill be circulated for eliciting public opinion thereon by the 30th September, 1942.

I am thankful to a Unionist friend of mine who drew my attention to this Bill yesterday and asked me whether I was taking any interest in it. I told him that as it was going to be referred to a select committee it would be all right and there was nothing to worry about. But he said that I must go deeper into it and try to find out how far it was going to affect the agriculturists. Therefore after leaving the Chamber yesterday I got a copy of the Bill with some difficulty and spent some time last night to study it. After reading it I have come to the conclusion that instead of sending the Bill to a select committee it must be sent to the growers themselves, apart from those of us here who are their representatives for the time being, just as yesterday some members on this side challenged the Government to go to the public on a certain matter, just to find out what view the public held. The Unionists did not accept that challenge, although the first term of their five years is about to end. For this reason it would be in the fitness of things to gather public opinion before sending this Bill to a select committee. I think that would be much better than rushing this Bill in a hurry. We are aware of the results of many a Bill that were passed in a hurry in this House. They are being challenged. In some cases amendments after amendments are moved often by the Unionists themselves. Therefore in this case I request the Government to postpone the enactment of this measure and circulate the Bill till the 30th September. It would not make any difference in effect, because by that date the new crop would not be ready and the present crop is practically going out of our hands already. The present Bill is not going to affect the crop in any case. By that time we would have collected a lot of public opinion. I do not want to take up much of the time of the House on this matter but I do want to give a few reasons as to why the Bill should be circulated.

In the first place my objection to this Bill is that it gives the Government full powers of control over the development of sugarcane industry. Sugar and sugarcane are not much produced in this province. Our needs are much more than our supply. We cannot supply our own needs. It is only the United Provinces in the whole of India that has got a monopoly of this business. I am sorry that instead of encouraging this industry in this province the Government is now trying to crush this industry in its infancy by passing this measure. The Government wants to have full powers in their hands simply to discourage the growth of this industry in this province. That is most objectionable.

I know that in Lyallpur two factories are established, one by Shaikh Sahiban and the other by Lala Madan Lal Ahuja of Amritsar. Lala Madan Lal had to close his factory. He is trying to sell the factory, but so far he has not been able to sell either the land or the machinery or the bricks over there. There was another factory though a small one, which had been put up by Sardar Harchand Singh for crushing sugarcane. That factory has also failed. There appears to have been many difficulties in their way. They could not probably pay their way after the excise duty. Probably the zamindars also did not like the factories. The Government did not help them then and now instead of giving these factories some subsidy, instead of putting them on a sure financial ground and instead of making them paying concerns, they have brought up this measure to

(M. Mohd. Nurullah).

further cripple this industry in this province. This measure will surely deter the factory owners to invest their money on this industry. Sir, you will find that this industry is in a very immature state in this province, because the Government has done nothing to increase the production of sugarcane. You will see that the canes produced here are inferior as compared with the canes produced in other provinces. The percentage of sugar in the canes produced in our province is far too low as compared with the sugar in the canes produced in other provinces. As compared with the United Provinces the sugar in the canes produced here is very low, the quality and quantity of the canes is also very low. The Government should have paid their special attention to this fact also so that the sugarcane produced here would have been of proper quality and quantity. The Government should have safeguarded the industry by subsidies or by financial help or by putting up their own factories. Some factories in the province must have been established and sugarcane grown on greater area so that the demand for sugar can be met within the province. The Government should have encouraged the production of sugarcane in order to meet the demands by reducing abiana at least if not land revenue. But by a measure like this, they are going to tax the cane growers still further. They are going to tax the cane at two pice per maund if sold to factory owners. Due to apathy and discouragement under this Government recently factories have been set up by private individuals in State territories. I do not know why. There must be some reason. The Government should be ashamed that there should be no factory worth the name in this province, in the cane growing areas. Why have those factories been established in areas outside the Punjab to bring prosperity to those areas? It is a matter that requires explanation and a great deal of criticism and I think the people are feeling it. Why have those factories been established in the Kapurthala State and not in the Jullundur District, which is a cane growing area? Why not in the Gurdaspur District, which is another good cane growing area? Why have they gone to the Indian States? Instead of encouraging the establishment of factories in our own province, the Government is going to further cripple this industry by directly taxing the cane growers. If these factories had been established here, and prospered here, they would have been a source of prosperity to this province and the Government also would have been in a position to tax them and make more money to give relief to the poor zamindars, but instead of that you are going to tax the poor cane growers. Let me in this connection read Clause 3-F (1). It runs as follows :—

The Provincial Government may by notification in the official gazette impose a tax on the sale of sugarcane at a rate not exceeding six pies per maund or at a rate not exceeding ten per cent of the sale price, and may, by like notification, exempt from such tax sales in any area, or any class or classes of such sales to be specified therein.

Sir, this tax is bound to affect the growers. It was said on the floor of this House yesterday that the Sales Tax was ultimately bound to affect the consumers. This tax no doubt would be a burden on the growers. In any case it is directly to be paid by the growers. For the present the rate fixed is six pies per maund. Assuming the yield of sugarcane per acre

to be from 600 to 800 maunds, the average would be 700 maunds per acre. At the rate of 2 pice per maund it would be 1,400 pice or it would come to about Rs. 222 per acre. So you are going to tax the cane growers of this province by Rs. 20 or 25 per acre. This is my main reason for opposing this measure and that is why I would like to take the opinion of growers.

Sir, this Bill is going to affect the public very much, especially the growers of sugarcane. I, therefore, request that this Bill should be sent for public opinion. We should know the opinion of the public on this very important measure. Mr. Gurmani said that we are the representatives of the public, but I say that you are not the representatives of the public now any more. We have served the public as their representatives for 5 years. We were sent by the Public as their representatives for a term of five years. That period is over and we cannot claim after that period to be the representatives of the public. The public might like to send some other representatives who might have views different from ours here in this House. It is our duty to consult the public before taking any action of this nature. You are going to put a tax of Rs. 22 per acre on cane growers of this province. You should circulate this measure to take the opinion of the public on this Bill, which is not only going to affect the growers, but will curtail cultivation of sugarcane and growth of sugar industry.

There are some other objectionable features of this Bill. You say that you want by this measure to stop unhealthy competition. You are trying to remove unhealthy competition among factory owners. But by this measure you are trying to cripple the industry and ruin the cane growers. What will be the result of this? The result will be that the growers will not be able to get a good price for their crops of sugarcane. When there is competition, the benefit of it will go to the growers. Now, the price of sugarcane has gone down instead of going up. The price has practically gone down to half. If there is competition, the grower will get a good price for his produce. You are trying to remove the competition and in this way you are trying to ruin us. That will be the result. That is why I say that it is another reason why you should send the Bill for circulation. You are going to reserve a particular area for a particular factory. That would be more ruinous for the zamindar and on that point you must take the views of the zamindars in the villages and towns.

There is another very small point again. They say :—

3-C. (1) The Provincial Government may order a survey to be made of the area reserved for a factory under section 3-B and may recover the cost of such survey from the occupier of such factory.

Why should they recover the cost from an occupier? I say that it is the function of the Punjab Government to regularise survey and put it on a nice basis. Why not share the expenditure when you are going to make two pies per maund for every maund sold in the province? Why not spend something on general survey and come to a definite conclusion about this industry in the province? You should properly encourage that industry and then fix the price. You have not given any idea of the minimum price. You only say in section 3 (2) (b) as follows :—

(b) the price above or below which the terms and conditions on which and the persons to whom or the organizations to which or through whose agency, any variety, grade or quantity of sugar produced in the factory may be sold.

(M. Mohd. Nurullah.)

You are regulating this but I say that you must give us an idea of what the minimum price would be and you must fix that minimum price. You could say that if sugar is sold at such and such a price, the cane-grower in his field will get such and such a price. Unless you do that, it will not be useful for the province and the zamindar. If you want to do it in the interest of the cane-grower, you must consult him on that point also because the minimum price should be fixed. There are many details worth going into but I do not want to take the time of the House and I only suggest that this measure must be sent for circulation. It cannot benefit or harm the grower till the 30th September. Probably there is not going to be an Assembly session till October and by that time new crop will be coming and you would have done what you like. Therefore, I request that this Bill should be circulated.

Mr. Speaker : Motion under consideration, amendment moved :—

That the Sugarcane (Punjab Amendment) Bill be circulated for eliciting public opinion thereon by the 30th September, 1942.

Mir Maqbool Mahmood (Parliamentary Secretary) : Sir, the speech of my honourable friend reminds me of a very important and interesting episode included in Dante's *Lal Divina Commedia*. He goes in his dream through different types of heavens and hells and at one stage he arrives at a place where he finds people riding all sorts of animals, donkeys, camels and horses but curiously enough all these distinguished riders have stiff necks and they cannot turn their necks to the right and left and they only look straight. One of their eyes is closed and one is open. The eye on the left sees nothing but fire and stones and with the eye on the right they cannot see the fruits and other better things. When I listened to the speech of my honourable friend opposite, I was reminded that in the days of Dante there must have been great patriots like my friends opposite who refused to turn their necks to the right side of things. I can assure him that if the Bill was designed with the purpose stated by him or if it contained those defects which he has cited, I for one would not have stood in support of this Bill here. He may be sure that patriotism is not the monopoly of my honourable friend opposite, that we also have a sense of loyalty to our constituents and also a sense of honour and loyalty to our hearths and that we should not be all a blind party to such a proposition if it were introduced only to stifle the cane-grower and to stifle the cane industry in this province, and, therefore, I would appeal to him to see the other side of the picture which, I beg to submit, has induced the Honourable Minister in charge to come forward with this patriotic legislation on which I offer him my sincere congratulations. What is the position ? If my honourable friend opposite had cared to study the question of sugar production in India and the difficulties with which the sugar industry had been faced in the past, he would have found that the objects for which this Bill has been moved were exactly the objects which confronted the United Provinces and Bihar which are the greatest sugar-producing provinces in India today. What did they do ? Both the United Provinces and Bihar Governments brought in legislation for powers on almost the same lines as have been introduced in this Bill and he will, therefore, find that those measures adopted by those provinces helped to encourage the sugarcane industry and at the same time

helped to guarantee the minimum price to the cane producer to which he has been referring. What is the position today? We find that in the Punjab at the moment there is no proper zoning of sugarcane distribution. There is no proper zoning of sugarcane factories. My honourable friend opposite has given thought to the price control movement. I have attended some meetings in that connection recently and if I am not giving a secret I can say that my friend the Revenue Minister had been putting up the case of the Punjab with vigour which elicited the admiration of all at the table. The price control movement is the greatest problem which is facing the countries. The one question is that the cane producer should get a reasonable price for his cane and the other question is that since you cannot import any machinery in this country due to the War, the factories which are existing or which are encouraged to be set up, should not die due to unhealthy competition with each other. These questions are not only provincial questions but they are All-India questions. We should not look with the eye-sight of those men on the camels and donkeys but with the outlook of patriots who have to tackle the problems of this province in the best interests of the community as a whole. It has been found that unless you are going to have some sort of planning for factories areas and cane producers' areas, it is impossible for you either to encourage the sugarcane production or encourage sugar production in the factories.

Mian Abdul Aziz : Do I rightly understand that this measure is only for the war period?

Mir Maqbool Mahmood : I will answer that question presently. The position is that at the moment, fortunately for India, there is a silver lining to the clouds of War but even in peace time these things have been found to be necessary in the United Provinces and Bihar. Luckily for us God has accelerated the problem of planning. My honourable friend again riding the camel with eye on the left, pointed out, "Look at Kapurthala, look at the Punjab, factories of sugar have not been opened here but they have gone to the States, shame to the Punjab Government." If he will look to the map of India, he will find that many sugar factories from the United Provinces have moved to Rampur where I had the privilege of being a Minister. A sugar factory at Bulandshahr finally moved to Rampur. He will find similar cases in Bengal, Mysore and other areas. Why? Some of these factories have gone to the States—all honour to the States for giving this encouragement—because with regard to many matters the provincial governments have not the powers of imposing those price controls and giving encouragement to industries which are on the federal list. If my honourable friend will care to look at the Government of India Act, he will find that there is a provision that while the corporation tax could be imposed on the provinces there is freedom given for ten years in the case of States. The provision is that even after the Federation the corporation tax will not be levied in the States. Shrewd people as the industrialists are—all honour to them—they go where they can get advantages for their industrial development. It is hoped that by bringing this legislation in this province, all facilities will be shown to the sugar industry. I need not detain the House over the clause of the Bill. He has referred to subsection (1) of section 3-F under which it is likely to impose a tax on the cane grower but here again

(Mr. Maqbool Mahmood).

it reminds me of Dante. He has refused to see the second part of the clause where it is said :—

- (2) If any agreement for the sale of cane is entered into before the imposition of a tax under this section, the seller will be entitled to recover from the buyer in addition to, and as part of, the contract price, the amount of such tax to which the seller may be liable.

He will find that it is the necessary corollary of this planning. The legislation is that the minimum price has to be fixed. He will find that this Bill will not work unless the Government has the power and utilises it. If the cane grower does not get a fair price, the Government must come in and impose the minimum price. I think this idea has not struck the fertile and patriotic brain of my honourable friend opposite. The Government, who are the friends of agriculturists will impose it when it is necessary. With these words I appeal to my honourable friend in the best spirit not to impute motives but to try to turn his neck both sides and see both sides of the picture. The measure has been introduced in the best spirit for the improvement of sugar industry and cane production so that we may see in the Punjab the greatest possible improvement of sugar industry as well as cane production.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, I rise to support the amendment that has been so ably moved by my honourable friend, Mian Muhammad Nurullah. The arguments advanced by Mir Maqbool Mahmood make the situation already not very clear, worse confounded. On the one hand he talks of unhealthy competition. He does not seem to realise that sugar industry in this province is not even in its infancy. How many factories are there in the Punjab which require control of this most intelligent Government? No factory worth the name exists. This Bill is objectionable both from the point of view of businessmen as also from the point of view of the grower, from the point of view of business in the sense that at every step Government interference comes in, licences, payment of fees, even in the matter of appointment of managers and all these things. Government practically want to take every power into their own hands, probably on the theory that they are the best people to direct commercial activities of the province. It is objectionable from the point of view of the cultivator or the grower in the sense that once the Government come in, all those royalties and duties that will have to be paid will eventually have to come out of the pocket of the grower. My honourable friend the Parliamentary Secretary has said with a certain amount of pride that Government are making a stipulation that the seller will be entitled to recover the amount of tax from the buyer. I ask him in all seriousness, if he claims to understand business (but I venture to think he does not), out of whose pocket will this tax be eventually paid? Is the buyer going to make a free gift of it to the seller? I say that it will be discounted in the price that the buyer pays to the grower. My honourable friend has compared this province with the United Provinces and Bihar. Those provinces are in a very advanced stage so far as sugar industry is concerned. Here to me it appears that we are putting the cart before the horse. If this Bill is brought in on the analogy of Bihar and the United Provinces Governments, then I submit it is a very wrong principle. This Government should

at least in the beginning leave this industry to take its own course and leave the question of supply and demand to adjust itself, without unduly interfering with the business activities of the people of this province. Now many sugar factories I ask, are there in this province and how many people have come forward to put new factories over here? In the first place, as was pointed out by Mian Nurullah, the yield of sugar from the production of cane in the Punjab is so low that the Punjab cannot make a very successful sugar start. No efforts have been made to increase the yield from sugarcane. At any rate there have been no substantial results. As a matter of fact, during this period of war sugar prices have gone very low, as has been the case with cotton. Cotton price in Bombay has gone down by over Rs. 50 per candy. I do not know how far the sugar price has actually gone down, but reduction in price there has certainly been. (Mir Moqbool Mahmood: They are already very high.) A little time ago I was told by Sir Gokul Chand Narang that there was a slump in the trade, and that very large stocks were lying undisposed in the hands of factories. I am not in touch with the sugar industry and I have not got first hand information. Nevertheless all these things have got to be considered by people who are to be affected mostly. What would the Government lose if they just circulated this Bill for eliciting public opinion of people who are most interested?—And who are these people? both the cultivators who grow cane and businessmen, who may have an idea of putting factories. Would you lose anything by circulating this Bill? My honourable friend is fully aware that so far as the present crop is concerned, it is almost finished. So, Government do not lose anything by sending this Bill for circulation. Why should they then feel shy of circulating it? After all business communities and agricultural associations will have their say. If they care to submit their opinions, well and good, and if they do not, naturally Government may say that as nobody has come forward to state their case it is the right of the Government to impose its will on the people. My honourable friend talked about unhealthy competition in sugar without knowing that there were no sugar factories in the Punjab worth the name, that were competing with one another. There is absolutely no question of unhealthy competition in this case. Moreover it is competition alone that makes the zamindars get higher prices. Do away with the competition, and you do incalculable harm to the zamindars.

Mir Moqbool Mahmood: Will my honourable friend be satisfied if the case of any special interests or any persons who have special points to urge is put before the select committee? This would not delay the passage of this Bill.

Sardar Santokh Singh: It is not a question of delay, but a matter of principle. The underlying principle must be that people should be given an opportunity to state their case. My honourable friend, Mian Muhammad Nurullah, has fixed 30th September as the date for receiving public opinions. If the Government wants an earlier date, I will persuade my honourable friend to change the date. Let it be 30th June. But the question being one of principle, the Bill should be circulated. The only question is that those interested should be given time to have their say. I believe that Government will accept this proposition and will circulate the Bill for eliciting public opinion.

Minister of Development (The Honourable Sardar Dasaundha Singh): Sir, so far as the difficulties of growers are concerned, we are fully aware of them and so far as the problems of owners of factories are concerned, I have been receiving representations from some of them. I am looking into all these very carefully. If anybody else wants to submit a representation, it will be fully considered in the select committee. It is absolutely necessary to have this legislation on the Statute Book at the earliest date, so that before the next crop is ready we should be ready with our legislation. It is for the good of the grower as well as for the good of the owners of factories. Any delay would be disadvantageous to both sides.

Mr. Speaker : The question is—

That the Sugarcane (Punjab Amendment) Bill be circulated for eliciting public opinion thereon by the 30th September, 1942.

The motion was lost.

Mr. Speaker : The question is—

That the Sugarcane (Punjab Amendment) Bill be referred to a select committee consisting of—

Sir William Roberts.
Chaudhri Muhammad Yasin Khan.
Sardar Balwant Singh.
Sodhi Harnam Singh.
Chaudhri Prem Singh.
Rai Sahib Rai Hari Chand.
Chaudhri Roshan Din.
Chaudhri Tikka Ram.
Mian Muhammad Nurullah.
Sardar Ajit Singh.
Lala Sita Ram.
Chaudhri Faqir Chand.

The motion was carried.

Minister for Development : I move—

That the quorum of the select committee be 5.

The motion was carried.

ADJOURNMENT MOTION.

LATHI CHARGE BY POLICE IN LAHORE CANTONMENT.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : Sir, I beg to move—

That the Assembly do now adjourn.

I have been compelled to table this motion for very obvious reasons. As I stated yesterday the Punjab Congress Assembly party was given the necessary permission yesterday to raise the matter of the *hartal* on the floor of this House. After that, although we had done the duty assigned to us,

in the evening after the discussion was over, I was informed that a serious lathi charge had taken place both in the city as well as in the Cantonment. One of the wounded persons was brought to me in a car, for me to see for myself that what the beoparies were saying was correct. I want the House to bear with me when I relate to them the sequence of events that followed. You will recollect, Mr. Speaker, that I was most anxious yesterday on behalf of my party to draw my honourable friend, the Premier's attention to the fact that the peace of the province was being endangered and that steps should be taken to put an end to the situation. Little did I know then that the danger would come not from any other source but from the authorities themselves. I do not know if my honourable friend the Premier has the facts in relation to this lathi charge that took place in the Cantonment, but I am going to give him the version given to me and I am going to give him certain facts in connection with this lathi charge which I hope he will be able to investigate and after the investigation if he finds that any policeman was guilty of dereliction of duty, he will make it a point to bring the particular police man to book and let the province know that it is not the policy of the Government—if it is not the policy of the Government—to cow down the beoparies by show of violence. I cannot believe that it can be my honourable friend's policy to utilise violence against opponents of this nature. Nor can I believe that it can be my honourable friend's policy to bring this dispute to an end by intimidation and show of violence as was exhibited by the lathi charge. There is a genuine dispute and it should be dealt with in a genuine, honest and straightforward manner. Now, Mr. Speaker, with the genesis of this trouble I am not concerned for the moment, nor, as you will realise, was I concerned with it yesterday. I do not know if my honourable friend the Premier knew and I do not think that even the Ministers who sit with him had the knowledge at the time day before yesterday when arrests took place: I doubt very much if he himself knew that this action was taken by the authorities. The great danger lies in the fact that the district authorities will take the matter into their own hands without any reference to the constituted Government, to bring about a serious situation which may result in blood shed in the province. It is for this reason that I am here to-day placing the adjournment motion before you. I have it on very good authority that even the arrests of the Satyagrahis took place without the knowledge of my honourable friend's colleagues. I do not want the situation to arise which will get beyond control—which would be such that when my honourable friend is informed of the details of the situation it may prove to be a serious situation. That is why I tabled the adjournment motion. What did happen? There is a dispute: the Satyagrahis are marching out from their office every day to court arrest. According to the instructions of the Government if they are defying law or the Defence of India Act then the only thing for the Government and for the authorities to do is to arrest those Satyagrahis who are offering themselves for arrest. It has never been alleged that these Satyagrahis were offering any resistance and I have not heard any responsible person saying that any one of the Satyagrahis, who marched to court arrest, had offered resistance to the authorities. If they are not offering resistance to the authorities and they are offering themselves for peaceful Satyagraha for arrest by the authorities because they want to make a province-wide protest, why should

(D. Chaman Lal).

the authorities try to beat them down, cow them down, intimidate them and assault them, and with what object? This action was taken with the purpose of breaking up the movement: they are trying by show of violence to break this movement. As a responsible member of this House, as a responsible citizen of this province, let me warn the Government that if they continue to take this action—I still believe and I do hope that my honourable friend the Premier will enlighten the House in regard to this matter, if these things had been done under the instructions of the Government; and if they are done under the instructions of the Government, let me as a responsible person standing on the floor of this House warn the Government that the consequences will be such as will lead to such a serious situation which my honourable friend will shudder to contemplate. Yesterday when I went to the spot accompanied by one of the wounded persons, suddenly there passed a posse of police marching down the street. The wounded person pointed to the policemen who he said were responsible for the assault that had taken place. Let me tell you what the assault consisted of. The Satyagrahis were marching and one of them was singled out. He was marched a distance of about two furlongs, in the presence of three responsible citizens in a motor car. He was dragged and then left: he was dragged and left in an unconscious condition (*Mr. E. Few*: Is he alive?). If he had not my honourable friend's constitution he would have died. He had a strong constitution. I do hope that my honourable friend, Mr. Few, who represents the Anglo-Indians here, will take the matter seriously. It is a serious matter in all conscience that such brutality should be exercised against peaceful citizens merely because they wanted to protest in regard to this matter. Immediately after this, having obtained the admission of these three policemen—one of whom is named Gajjan Singh—that they were responsible for the assault under the orders of the superior authorities, I went to the *thana* to discover as to what actually happened. I found the Sub-Inspector in charge, named Ghulam Rasool. I asked him whether it was true that the lathi charge was made. He said, "yes". I said "here is a man who was seriously assaulted by your men and he has come here to make a criminal complaint against those who exceeded the authority: will you please take the criminal complaint?" Ghulam Rasool refused to take down the complaint. He said in hitting the innocent he had done no wrong because whatever he had done was done under the authority of the superior officers who were present at the spot. Then I asked his permission to use his telephone so that I may get into touch with his superior officer, the senior superintendent of the police and the courtesy that was shown to me by this sub-inspector is evidenced by the fact that he even refused me to use his telephone. You will find in to-day's *Tribune* the names of these wounded persons. They are, Lala Mohan Lal Aggarwal, Lala Manohar Lal, Sardar Amar Singh, Lala Parbhathi Lal, Lala Tara Chand, Lala Tulsi Ram and Lala Hans Raj. All these injured persons were taken to the office of the Beopar Mandal. There was also a small boy who received injuries and was taken to the Cantonment General Hospital. Then under my instructions they were examined by a very famous and well-known surgeon, Dr. K. R.

Chaudhri, F.R.C.S. I have his report with me and with your permission, I will read it to the House so that it may form part of the record—

Hans Raj, aged 20.

On examination he was found to be in a condition of shock. His pulse was 124, feeble and of low volume, temperature 99° 4 and respiration 28. There was a big hæmatoma—size of a small orange—over his left parietal and occipital region.

He complained of severe headache and stated that he fell unconscious after the blow received on his head. This temporary unconsciousness must have been the result of concussion. The pupils were acting rather sluggishly to the light reflex.

There was a small tender swelling over the right ulna about 4 inches below the elbow joint.

There was a long contusion mark resembling a long blunt weapon (probably a lathi) over the right shoulder. There was another similar contusion mark over the outer aspect of the right arm.

There was a small contused wound on the interior aspect of the right tragus ($\frac{1}{4} \times \frac{1}{4}$)

There was another contusion mark on the lower part of the right scapula.

He was very tender over the 9th and 10th dorsal vertebrae.

There was a small swelling (hæmatoma) over the outer aspect of the right thigh 3 inches below the great trochanter.

There was a small tender swelling over the left ulna about its middle.

The most serious attack was made and I am glad the man did not offer any resistance. I would ask the Honourable Premier to note one particular injury that has been stated in this report and that is "wound on the interior aspect of right tragus". When this man was brought he was wearing a gold ear-ring which was covered with blood and he said that he was dragged by a police man and that terrible injury was caused. If torture is to be resorted to, it should be resorted to openly and not in this particular fashion.

Here is the report about another victim—

Manohar Lal, aged 21.

Pulse 105, temperature 99° 8, appeared in pain, was not able to sit up or stand up without help. He complained as if his whole body had been crushed.

There was a large hæmatoma and swelling ($3 \times 2\frac{1}{2}$) over his right great trochanter.

There were several small superficial bruises over the small of the back and he felt great pain over his lower number vertebrae.

There was a contusion mark over his left external epicondyle.

There was a small bruise ($1 \times \frac{1}{4}$) over his left shoulder. There was a small red patch (1×1) on the left side of his forehead.

He complained of severe headache.

Sardar Amar Singh, aged 23.

He appeared to be in great agonising pain. His pulse was 110, temperature 98° 2.

He could not turn from side to side without help in bed. There was a large swelling (4×3) over the left loin, slightly below the kidney region. There seem to be a large hæmatoma in the deep tissues.

He was also extremely tender over the 3rd, 4th and 5th number vertebrae.

There was a large excoriation ($1 \times \frac{1}{2}$) over the left olecranon.

Tulsi Ram, aged 20.

On examination he was found to be in great pain. His pulse was 108, temperature 99°. He could move with great difficulty in bed on account of the severe pain.

There was a large bruise and swelling (2×2) over lumbo-sacral region of his spine. There was very marked tenderness over this area.

He felt great pain in his neck specially over the 6th and 7th cervical spine. There was a faint lathi mark and slight swelling here.

(D. Chaman Lal).

Parbhati Lal, aged 20.

Pulse 96, temperature 99.

There was a lathi mark over the external aspect of his right arm 4 inches above the elbow. It was horizontal in outline and measured $1 \times 1\frac{1}{2}$.There was a large bruise on his back just below the right scapula. It measured $2\frac{1}{2} \times 2$.

There was a small swelling on the outer aspect of the forearm about its middle.

There was a tender bruise on the front aspect of the knee joint just over the patella. He complained of severe pain in the knee joint but there was no fluid in the joint.

There was a small tender swelling over the right shin bone about three inches below the lower border of the patella.

Mohan Lal, aged 45.

Temperature 99.2, pulse 92.

He complained of great pain in his left leg. He was not able to stand properly on his left leg. He walked with limp. There was a larger tender swelling ($4" \times 4"$) over his left buttock just behind and below the great trochanter. There was a small bruise and slight swelling on the anterior aspect of the left tibia 4 inches below the patella.

There was another contusion mark on the front of the left thigh 2 inches above the upper border of the patella.

Sir, these are the six cases of serious injuries caused by the brutal lathi charge of the police. (*Interruption*). I would ask my honourable friend Chaudhri Sir Chhotu Ram to pay some attention to these details that I am giving and if he is unable to understand the medical language, I will explain to him. And if he does understand, I hope he will agree with me that these matters require serious attention on the part of every Minister, even Chaudhri Chhotu Ram. After I came out of the thana, I saw a crowd and in the midst of the crowd there was a little boy not more than 11 years' old. (*Mr. E. Few*: He should have been at school). Yes, he should have been at school in any decent country instead of being a victim of your police, I quite agree. That poor boy was wounded in the head. He was taken to the hospital and had his wound dressed. His clothes were besmeared with blood. Now I would ask my honourable friend Mr. Few whether it is wise that such things should happen in the province and whether he would be prepared to allow such things to continue to happen in the Punjab. Does he want bloodshed in the province or is he and his Government prepared to give the necessary instructions that in all such cases of peaceful satyagrah such action should be taken as is constitutional? If those people offer themselves for arrest, arrest them, but do not break their heads or indulge in such torture that I have described to the House.

I am sure the Honourable Premier will agree with me that it does no good to the fair name of this province or of this Government that such things should be permitted. He knows perfectly well that if such things are permitted there is the gravest danger to the peace of this province. I do hope that he will take immediate steps first of all to investigate this matter and secondly, to punish those who are responsible for exceeding their authority and thirdly to issue necessary instructions that this peaceful satyagraha must and shall continue to be peaceful even in spite of the district authorities who may attempt to go beyond the powers given to them.

2 p.m.

Mr. Speaker : Motion moved—

That the Assembly do now adjourn.

Premier (The Honourable Lieutenant-Colonel Sir Sikander Hyat Khan) : I do not propose to enter into the merits of the case because my colleague the Minister for Public Works will go into them while winding up the debate. I am sorry to learn that there had been lathi charge. Whether the lathi charge was justified or not will be made clear by my colleague. But there are two points to which I should like to refer. One is the complaint made by my honourable friend that certain officers had taken action in regard to the satyagraha movement without the knowledge of the Ministers. That is perfectly correct.

(At this stage Mr. Speaker left the chair and it was occupied by Mr. Deputy Speaker).

I want to make it quite clear to him that the Ministers are concerned with policies and that it is impossible for them to deal with the actual administrative details and to keep in touch with them. As regards the arrests on the first day it is perfectly correct that neither the Ministers nor I had any knowledge that the arrests had taken place. It was only after the event that I was informed of the situation by the authorities concerned and in the light of their explanation of the situation I told them that their action was justified, for the simple reason that the action was taken not because the traders raised a protest against the sales tax, but because, as I said yesterday, they violated the orders issued under the Defence of India Act with regard to processions. These people had been warned that they should not take out any processions, but since they did not pay heed to the warning and violated the order which had been issued two years ago and which had been renewed only a few days earlier, the Deputy Commissioner was forced to take action for vindicating the law. Therefore, when the matter was reported to me later I fully endorsed the Deputy Commissioner's decision to see that the law was upheld. I would have approved of the Deputy Commissioner's action if any other body or section of the people had done the same. That is the exact policy of the Government and I can assure you that so long as they act within the law, Government will not interfere with the discretion vested in them under the law. That is the reason why neither my colleague nor I was informed until action had been taken by them.

As regards the second point with regard to the lathi charge, I may inform my honourable friend that it is not that the Government asks its subordinates to resort to it. As a matter of fact it deprecates such incidents because after all no Government will encourage the use of force where force is not necessary. I may also assure the honourable member that the district authorities also deprecate these things. They do not like the lathi charges themselves, but unfortunately sometimes the situation is such that it is impossible to disperse a mob without the use of force. My honourable friend must have seen in the papers, I saw it in the *Tribune* the other day, that so far as the second batch was concerned which was led by Maulana Akhtar Ali Khan only a Sub-Inspector went and arrested the whole batch, that is because they did not try to flout or disobey the orders given by the sub-inspector. Therefore, there was no lathi charge. On the other hand he Deputy Commissioner shook hands with the leader. In the present case

(Hon. Premier.)

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I am sorry that action was taken, but it was not because of the satyagraha, but because they floated the order prohibiting the procession. Order under section 144 had been promulgated. Therefore under the law he was obliged to take that action. I should like to make it clear that it should not be confused that the higher authorities countenance or encourage these things. On the contrary their instructions to the subordinate officers are that no force should be used at all and if at all it is necessary, only minimum possible force should be used. Here again my honourable friend related certain incidents related to him by somebody else. It is most unfortunate that injuries should have been caused to certain people in the crowd, but the question whether the police were in the wrong or whether the people who transgressed the law were in the wrong, is to be decided by facts and not by arguments in this Chamber. I agree with the honourable member that we should do everything possible to avoid such incidents and I hope that people who are indulging in this kind of violation of law would themselves try to see that unruly members of the mob who are bent upon creating mischief are kept at elbow's length from the real people who want to make this protest by violating the law. That is what I would advise them.

So far as the satyagraha is concerned, I think it is a misnomer in this case. 'Satya' means truth and 'grah' means determination. The word 'satyagrah' means determination of truth. If a person has to pay a tax and he protests against it surely it is not protest against truth in the sense in which Mahatma Gandhi would use that word "Satyagrah." I think it is confusion of thought to call it 'satyagrah' where there is violation of law when it touches one's pocket. I am sure Mahatma Gandhi will not agree to the use of the word "Satyagrah" to this movement. My sympathies are with those gentlemen who have received any injuries, but I would again appeal to my honourable friend to see that unruly mob, the hooligan element, does not mix up with this demonstration and thus avoid clash or friction with the police whose duty it is to preserve law and order and to see that the peace of the province is not in any way disturbed. (Cheers).

Lala Deshbandhu Gupta (South-Eastern Towns, General, Urban), (Urdu): Sir, I have not only been surprised, but have also been grieved to see that the Honourable Premier has tried to dismiss such a grave matter which makes us hang our heads in shame, so light-heartedly. One aspect of the question which should seriously engage our attention is, whether resort to *lathi* charge is the only method employed by civilized countries for dealing with such breaches of law. Sir, you are aware of the fact that the hartal is being observed for the last one month. Thousands of people have been participating in the public meetings which have been held during this period all over the province to protest against the Sales Tax Act. Processions are also being taken out in many places. But so far not a single instance of violence on the part of the "Hartalis" has come to our notice. Why did then the police interfere with the processionists in Lahore Cantonment? You are aware, Sir, that most of the satyagrahis who have been and are taking part in these processions are men of position and so far no one has even alleged that they were guilty of using violence in any form. Even to-day only 80 miles away from the capital of the province, that is, at Amritsar.

lakhs of people are taking part in the anti-sales tax campaign and so far not a single incident has taken place there from which it could be concluded that the satyagrahis have been avoiding violence in any form. In the face of these facts it ill becomes the Honourable Premier, especially when he claims to be the leader of a popular Government, to take up the ignominious stand and say that the police were forced to have recourse to lathi charge. It pains me to tell the House that along with the satyagrahis an old woman was also beaten by the police. A report to this effect has appeared in the *Tribune* of to-day. I hope the Honourable Premier will not doubt the correctness of a report published in the *Tribune* which is generally recognised as a very responsible organ of public opinion, particularly as the Premier has a very good opinion about the Chief Reporter of the *Tribune*, who is so very cautious in such matters. I wish he had read this report which had been published in to-day's issue of the *Tribune*. (Premier: How do you know that it is the same reporter who has published this report?) Yes, I say from personal knowledge that this report was given by the same reporter. Anyway, it has appeared in a responsible newspaper that apart from the satyagrahis, who were 6 or 7 in number, an old woman who was present at the spot and was witnessing her son being mercilessly beaten, was also belaboured by the police. (Honourable Members: Shame, shame). I ask in all seriousness whether in the presence of such happenings this Government is entitled to call itself a responsible and popular Government even for one day. This incident should be sufficient to put any Government to shame. Instead of defending such brutal assaults of their police on innocent women and children, my friends should feel ashamed. If to-day they do not hesitate to subject our mothers and sisters to this treatment, what grievance can we have against Britishers, who have been ill-treating us in the past? Are you not providing justification for what your masters did in the past? I want to know whether there is any democratic and civilized country in the world where people's representatives rule and such ugly incidents are allowed to happen. Such incidents are unheard of there. But what of the Punjab? At the very time when a tea party was being held in honour of the Honourable Premier, 6 or 7 non-violent satyagrahis and an old woman were being mercilessly beaten by the police in the capital of the province. Their only fault was that they had gathered to protest against an unjust tax. (Interruptions). One may ask the reason, why are these people not allowed to voice their grievances in a non-violent manner? Are they not justified in doing so? It is so strange that while Chaudhri Sir Chhotu Ram is allowed to go about in the province sowing seeds of hatred and discord between urbanites and ruralites, peaceful demonstrations are sought to be stopped by resort to lathi charges. Let me tell you, Sir, that it is mostly on account of his poisonous speeches that affairs have come to such a pass that to-day 49 per cent of the population of the province is up against the Government and is denouncing the sales tax with one voice. If there is any doubt about it, I challenge Sir Sikander to resign on this issue and face fresh elections. If he were to do so he would find that the verdict of the electorates is not with him. To-day Sir Sikander cannot take protection behind this excuse that his Government has been forced to adopt such measures as the traders are flouting the law. When you make such unjust laws in utter disregard of public opinion, the responsibility for this agita-

(L. Deshbandhu Gupta).

tion also lies on you and you alone. You cannot blame the traders for it. They are merely voicing their grievances by observing hartal which is a perfectly legitimate method recognised all the world over for getting one's grievance redressed. I ask, why could not the Government postpone the operation of the Sales Tax Act till after the war? They could have easily done so if they so desired. I want to know if any special emergency has arisen to justify the enforcement of the Act irrespective of the present circumstances? You have indefinitely postponed the elections of district boards and municipal committees on account of war. If you can do that and postpone a hundred other things for that reason, why not the Sales Tax also? It is rather a curious thing that on the one hand my friends are preaching to the people that at this juncture they should not do anything which might disturb the peace and tranquillity of the province while on the other they are enacting such contentious measures for the traders and the business community as are calculated to harm the trade and business of the province. (Interruptions and laughter by Chaudhri Sir Chhotu Ram). My friend over there is laughing, while he should feel ashamed for his conduct in trifling with the trade, industry and commerce of the province. How can he justify his attitude? I cannot understand the difficulty in postponing the operation of this measure for the present. Was there any deficit in the budget which had forced my friends to enforce this Act just now? My honourable friend the leader of "the sword-arm of India" claims to be over-anxious to render every help to the British people in this war against the Axis powers and in pursuance of that object he has taken many emergency powers to cope with the present situation, but one may rightly ask whether he is advancing that object by forcing the traders of all communities to resort to a province-wide hartal for over a month. Is it not disturbing the peace and tranquillity of the province? I am pained to say that attempts are being made even to divide the traders on communal basis by rousing communal passions, to kill the present agitation, instead of trying to meet their demands or to regress their grievances. Let me tell him that this hartal is so very effective that its repercussions are already being felt in other provinces as well. To-day Ahmedabad is observing hartal as a protest against the arrest of traders in the Punjab and the Bombay bullion market has also been closed for the day. But in spite of all these things the Honourable Premier is sitting unperturbed as if nothing has happened at all. I ask, what is the good of resorting to emergency measures for maintaining the peace of the province when Government are themselves causing unrest among the people? If he thinks that there is no unrest in the Punjab at present, then I would like to know what else is unrest. If he is not creating unrest among the traders, what else is he doing? Yesterday he narrated at length what steps he had taken to accommodate the traders and the history of the negotiations but according to my information some parts of his statement were half-truths. Whatever our political differences might be with the Honourable Premier, it gives us no pleasure to say that he makes incorrect statements on the floor of the House. But sometimes we are forced to do so. Take the present case. I am sorry to say that here also the Honourable Premier has tried to misrepresent the case of the beoparis. Many of us did not know what had transpired between the Premier and the beoparis during the last.

negotiations, but we have tried to find out for ourselves as to what was the real position. Since the principal negotiators are in jail we have not been able to get full and complete information. Anyway a statement by Sardar Gurmukh Singh, who pays income-tax to the tune of Rs. 1,45,000 a year and who was present at the time of the talks with the Honourable Premier, has appeared in the press to-day. In his statement he has refuted the charges of the Honourable Premier. As a matter of fact he has pointed out in his statement that the Honourable Premier has misconstrued facts and has tried to misrepresent the beoparis inasmuch as he has stated that the bigger piece-goods merchants wanted the tax to be charged at the retail stage only to the disadvantage of the smaller dealers. It is difficult for us to say as to which of the two statements is correct. But evidently there is some serious misunderstanding and in the circumstances it was hardly fair on the part of the Premier to have laid the whole blame at the door of a class of beoparis. It can be said that in this way he wants to create division among the trading classes. He should have either kept a full record of the talks or not have referred to them at all. But he did nothing of the sort and has made a statement the truth of which has been challenged by a responsible man of Sardar Gurmukh Singh's eminence. It is also surprising that the Punjab Government feels shy in admitting that this tax will ultimately have to be borne by the consumers. Who does not know that the burden of such taxes always falls on the consumers? It is they who will ultimately have to pay it. (*Minister for Revenue*: Then why do you worry?) Because we cannot disregard the interests of the consumers. Moreover we wish to expose—you have not the courage to say so—that you are imposing this tax on the consumers, and it is for this reason that you have devised a circuitous method of realising the tax by charging it at several stages. Your position in this matter is *میں نے یہ کہنا نہیں چاہتا کہ یہ ٹیکس بالآخر صارفین پر پڑے گا*. I am constrained to remark that although this Government claims to be a responsible Government, its outlook has not changed and it is maintaining the same old bureaucratic traditions. Why not admit frankly like the Bengal Government that they want to levy a tax on the consumers? They lack the courage to say so as they cannot face the House in that case. Had they done anything like introduction of prohibition in the province or had they adopted any other constructive measures for the good of the province, they would have been able to justify these taxation measures. But to-day they have no such case. They therefore seek to justify the new tax by calling it a tax on the beoparis. In this manner they are trying to win the sympathies of the non-beopari section of the people for their election purposes. But this cannot alter the fact that every tax levied on traders ultimately falls on the consumers. (*Interruption*). The Government claims to be a popular Government, but I repeat once again that it is following in the footsteps of the previous bureaucratic government. (*Interruptions*). It pains us to see that the Honourable Premier is to-day trying to justify the lathi charges. May I warn him that if his Government continues to resort to such ugly and barbarous methods, they will soon find that they have lost the ground from under their feet? This may soon lead to widespread unrest resulting in serious bloodshed. Sir Chhotu Ram has already driven the banias whom he used to call "cowards" to face the lathi charges so boldly. If Government persists in its attitude, the desperate beoparis may make it exceed-

(L. Deshbandhu Gupta).
 ingly difficult for them to run the Government. Let the Honourable Minister realise the seriousness of the situation. No civilized Government in the world can dare to have recourse to such barbarous methods and in the name of civilisation I would advise the Government to give up their practice. (*Interruption*). You charge the satyagrahis with the commitment of unlawful activities. My answer to you is "Try them in courts and put them in jail". I go further and say that if you are prepared to put them all in jail, ask the Beopar Mandal for a list of the names of all the intending satyagrahis who are prepared to court imprisonment and I am sure it will be supplied to you. If you so desire, they will even report themselves to their local police stations. Why then resort to lathi charge? Mr. Dhani Ram Bhalla, a leading merchant of Anarkali, told me that the police pushed and beat even those who were standing peacefully on the *tharus* in Anarkali at the time of satyagraha? Is it creditable that such things are happening in the metropolis of the province? The Government ought to be ashamed of it.

The Premier tried to justify the Government's action by making a reference to Mahatma Gandhi's interpretation of the word satyagraha. Let me tell the House that Mahatma Gandhi has himself led several "no tax campaigns". To fight against an unjust tax is "satyagraha" pure and simple. If the Sales Tax was a just one, why did the Premier find it necessary to make so many alterations in it and retrace the steps as he has been doing? He did it because the measure was so ill conceived. (*Interruption by the Premier*). You call it a concession! It is like robbing a man Rs. 1,000 and then returning to him Rs. 200 out of that very sum and call it a concession. If the law which you have enacted is just and faultless then stick to it and enforce it. If you find that it is faulty and unjustifiable then insist on it and frankly admit that it is faulty and inequitable. (*Interruption*). I know it for a fact that the Premier himself remarked in private —

چھوٹر دھان ملتان دیان کھنڈی دیان عریضی میروں ملہ نال کھولیاں پڑیاں
 but, he is not prepared to admit this in public. The fact is that even he realises that Sir Chhotu Ram has bungled and brought about this result. The Premier claims that his is a popular Government. If it is so, then it should have no hesitation in frankly admitting its mistakes. It is a pity that the Premier admits everything in private, but in the presence of the Honourable Sir Chhotu Ram his courage fails him to confess the mistakes committed in this connection.

Rao Pohop Singh (Eastern Punjab Landholders), (*Urdu*): Sir, the present hartal is being observed for the last one month and much inconvenience has been caused to the general public on account of it. The Government as we know has at no stage interfered with it except by way of an attempt at a rapprochement with the representatives of the traders. The Government has been trying to avoid most scrupulously any clash with those who observe and preach hartal. None on this side of the House interfered with them. The Government took action in the matter only when it reached that stage where on account of the unreasonable attitude of the traders a peaceful settlement became impossible. (*A Voice*: Is he speaking to the motion?). Read the statement issued by the Honourable Premier. In it he has stated how the traders demanded reasonable and

unreasonable concessions. He did his best to settle this matter but the traders did not listen to reason.

Mr. Deputy Speaker : May I request you to speak to the motion?

Rao Pohop Singh : It has been said that the Government has given a threat to the traders. It is not a fact. Rather it is the traders who gave a threat to the Government. It were the traders who threatened the Government with direct action. It is the law of the land that no procession should be taken out, but the traders have flouted the law and have taken out processions to protest against the enforcement of the General Sales Tax Act. Under such circumstances it is but the duty of the Government to maintain the authority of the law and to stop these unlawful processions. Even under the Congress regime, when the labourers struck work and unlawfully assembled they were dispersed by the use of force. They were even fired at. On that occasion Pandit Jawahar Lal Nehru publicly declared that the authority of the law would be maintained at all costs and by all methods. Similarly if any one will try to break the law in this province by taking out unlawful processions lathi charge will be resorted to and if necessary fire also will be opened at the procession to disperse it. In the Congress provinces those labourers who assembled unlawfully were fired at. Here also as we know, the Khaksars were shot down. Similarly the Kisans, who unlawfully gathered in Amritsar and set up a morcha there, were dispersed by the use of force. Wherever and whenever any one will try to break the law he will be severely dealt with. Pandit Jawahar Lal Nehru rightly said that in order to establish the authority of the law, force has to be resorted to. It was stated by the honourable member who has preceded me that an old woman also received injuries. I am very sorry that she received injuries, but the question is why did she go there?

When persons come out in the open to defy the law of the land, some unpleasant things are bound to take place. I do not know the exact circumstances of the case. (A voice : Then why talk of it without knowing the facts?) I do not want to make any misstatement. That is why I say I do not know the exact situation. But it stands to reason that when people come out of their houses to break the law, such unpleasant things are bound to happen. After all nobody can defend an insult to ladies or harsh treatment of children. But when ladies join processions in order to break the law of the land, the police has to perform its duty. Let us realize that after all the policemen are also the sons of this very soil. If some of us defy the law, some others have to vindicate the law and order. If you had gone to the Anarkali when people were coming out in groups to defy the law, you would have admired the spirit of the police who had to perform the unpleasant duty of maintaining law and order. What method can the police adopt to control the unruly mob? Why should the citizens take the law into their hands first and then complain if they suffer the consequences of it? I am reminded of a Persian couplet which applies to this case :—

در میان قہر دریا تخته بدم کردہ
باز مے کوئی کہ د من تر مکن ہشیار باش

As a matter of fact it was the clear duty of men like Diwan Chaman Lall to appease the traders by telling them that enough agitation and demonstra-

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tion of their views had already been held. There is no mistake about their resentment. The Government have come to know each and every thing that the traders want to say in connection with the imposition of the General Sales tax. There is absolutely no need of making any further demonstration. Their views have been fully communicated to the Government. Now let us sit on a round table conference and allow the leaders of both the parties to settle their differences. But instead of doing this my honourable friend Diwan Chaman Lall has put forward this adjournment motion to engender further heat into the controversy. If he had asked the traders to maintain peace and not to break the law of the land, the Honourable Premier would have certainly called the celebrated leaders of the traders like Sardar Santokh Singh, Diwan Chaman Lall and others to come round and explore further possibilities of amending the Act in question. But instead of doing that, he has come forward to plead the case of those who are out to defy the law of the land and who are determined to go on breaking the law. How can the Government tolerate such a thing? The traders want the Punjab General Sales Tax Act to be completely repealed. It means, that traders do not want to accept the principle of the Act. But that is not going to help them in the matter of getting the defects of the Act removed. The real method is this.

Let the traders come forward and accept the imposition of this tax. After that if they point out some defects in the Act, they will be removed by the Government after due consideration. Our worthy Premier is already taking pains to remove all the defects that may be found in this measure. But one thing is certain. This Act is not going to be repealed. If the traders are banking upon the idea that the Act will be completely repealed, they are sadly mistaken. The General Sales Tax will be levied and it shall be levied. No amount of strikes and threats can deter the Government from its considered economic policy. The economic policy on which the Unionist party is based is this. All sections of the population should equally share the burden of provincial taxation. Hitherto the poor agriculturists have borne the brunt. Now the rich dwellers of cities are also going to pay their quota. That is the well considered policy of the Unionists. The Opposition may take it from me that the Unionist party will never deviate from this right path of lightening the burden of the poor and making the rich pay more and more according to their capacity. Let everybody appreciate this and take it for granted. There should be no mistake about it. The tax in question shall be imposed on the wealthy people. Not only this tax, but several other taxes like it will have to be levied on the rich people in order to equalise the burden of taxation on the various sections of the population. There should absolutely be no illusion in the mind of the urbanites about it. This is the basic policy. There is no running away from it. Let all realize it and fix their programmes accordingly. So far as any defects of the Act are concerned, the Unionist Government is ever ready to accommodate the wishes of the Opposition and remove genuine complaints. But no amount of threats, processions and strikes can win for the traders freedom from payment of this tax. They may go on blackmailing the Government and observing "hartals" for months and months. But the Government will not yield and falter. In fact this tax is calculated to alleviate the burden

of the poor agriculturists. If unfortunately the Government bows down against the pressure of the traders, it will have to yield against the demands of the kisans and zamindars too. No orderly Government will be possible in the Punjab. All the taxes will have to be removed including the land revenue and the abiana. Consequently the whole machinery of administration will come to a standstill. The reason is clear. If the rich are not to pay taxes, why should the poor people go on paying taxes for all time to come?

My honourable friend, Lala Deshbandhu Gupta, was pleased to refer to the example of Hitler having exterminated all Jews from his country. But does he realize why Hitler drove away the Jews from his country? The reason was that at critical times these Jews were in the habit of stabbing the Government in the back in the fashion of my honourable friends here, who are observing "hartals" at this critical juncture when we are engaged in a deadly struggle against a brutal enemy. Our traders are also helping the enemy and hindering the war effort of the Government. The Government is making every effort to concentrate all its energies towards the successful prosecution of the war, while the traders are distracting the attention of the Government by defying the law of the land and by taking out processions and observing "hartals". With these few words, I strongly oppose this adjournment motion.

(At this stage Mr. Speaker resumed the Chair.)

Mrs. Duni Chand (Lahore City, Women, General), (Urdu): Sir, before proceeding with my speech I would like to answer the point raised by the honourable member Rao Pohop Singh. He repeatedly harped on the fact that the Sales tax was extremely necessary and that in future, apart from this tax several other new taxes would be imposed on the trading community. I think that so far as the basic principles of taxation are concerned, the honourable member has betrayed his ignorance about them. As a matter of fact, he does not know the real definition of a tax, nor is he aware of how and under what conditions it is levied. I may mention for his information as to how in days of yore every government observed this healthy principle of taxation. That is, just as water gets evaporated from the sea imperceptibly by the Sun, and that water having been transformed into clouds falls on the earth in showers of rain irrigating thereby the parched lands for the benefit of the people, similarly those governments taxed the people and utilized the proceeds of tax for the betterment of the latter. Thus the governments would meet their urgent needs and the people while paying the tax did not feel the pinch at all. But what is the nature of the tax which our popular Government has imposed upon the traders of the Punjab? In my opinion this tax is only a misnomer. It has been simply designed to loot the people. I call it nothing but *loot khasoot* pure and simple. I would rather say that the present Government under the garb of civilized plunderers, is out to pillage the people and has decided not to leave anything with them for their subsistence even.

Mian Sultan Mahmood Hotiana: On a point of order. Is the honourable lady member speaking on the adjournment motion or on the Sales Tax Act?

Mr. Speaker : It is the lathi charge by the police which is under discussion. The sales tax can be referred to only indirectly. The honourable lady member should speak to the motion and incidentally may bring in taxation.

Munshi Hari Lal : She is replying to the points raised by Rao Pohop Singh.

Mr. Speaker : These points have been discussed more than once. If one honourable member is irrelevant, is it necessary that all those who speak after him should be allowed to be irrelevant?

Mrs. Duni Chand : Then it was remarked by some of the honourable members occupying those benches, that although the Congress gave birth to the Satyagrah movement, yet the traders were making a wrong use of it. I beg to differ with their conclusion. What I feel is that this is a weapon which the people have a right to use at a time when the repression of the Government passes all limits and becomes absolutely unbearable. That is when all other legitimate means of bringing their grievances to the notice of the Government fail, they are compelled to resort to this weapon. I think no government having any pretensions of a responsible and a representative government, can be so outrageous as to lathi-charge the people in a manner the present Government has been doing. The fact of the matter is that its depredations on the public have increased so much that the latter feel unable to tolerate them any further. Again, it appears that it has become a matter of aid with the Government. The enormity of its greed has deprived it of its senses to distinguish between a friend and a foe. I would ask the Government to ponder over the matter dispassionately and just think who these satyagrahis are. They are the same persons whom the Government considers as its best friends. It is they who give unstinted help to the Government in time of need. They make contributions to the extent of lakhs of rupees and fill the coffers of the Government to meet its requirements. Again, it is these persons who give parties in honour of the Ministers. There is a common saying

But strange are the ways of this Government. It has become so callous and indifferent that it has begun to destroy its own friends. The persons at the helm of affairs of the Government should bear this in mind that the traders are essentially peace-loving people. They never quarrel with the Government or dabble in political movements. But in this case their resorting to satyagrah shows that things have come to such a pass that they can no longer endure the atrocious treatment of the Government, and that they have been compelled to take this step. The Government should not lose sight of the fact that the traders are considered to be the back-bone of the State. Any government which treats the trade of its country with scant respect, spells its own ruin. It has, then, to face the dire consequences of its ill-conceived policy.

Then my brother Rao Pohop Singh was pleased to remark that the Government was imposing this tax with a view to ameliorate the condition of the poor zamindars. I ask where were these high sounding professions when the Government mercilessly smashed the heads of the kisans of Am-

ritsar? Were those kisans not poor? What I read from the repressive policy adopted by the Government is that its avariciousness knows no bounds and in order to satiate that unholy desire, it is prepared to sacrifice the interests of others over its own. It wants to grab at any money that is found with the public. It is not prepared even to spare those itinerant venders, who earn six annas per diem and whose children more often than not die of stravation. The Government should take note of the fact that the old order has now changed. But strange enough, it is still clinging and acting upon the old, old policy of 'divide and rule' in order to continue its pilfering of the people. What do we find now? Those lathis which broke the heads of the poor kisans, are now being used to disperse and assault the helpless and peaceful processionists who apart from young men include small children, old persons and in some case women also. This is a state of affairs of which any government worth the name should be ashamed of. I may also point out that a peaceful meeting of the traders was being held at Ambala. There the people did not even take out a procession. But without any cause the police began to beat them with lathis. As a result of this lathi-charge, twenty persons received grievous injuries and six of them were fatally wounded. It pains me to mention that the peaceful traders are being subjected to such an inhuman treatment. They are being spurned, knocked and prostrated. But our Ministers consider it only a joke.

In this connection I am reminded of an old story. A ruler's son used to take pleasure in getting children of the poor people buried in hot sand. The ruler seeing this devilish trait in his son, slew him. He said that a prince who did not consider the children of the poor as his own, was not a fit person to ascend the royal throne, and so he must be done away with. I, therefore, request the Government that it should take stock of this legend and consider the traders as its own kith and kin and also accord them a treatment which becomes a responsible government. But I am constrained to remark that it is blinded with power to such an extent that it refuses to recognize a human being as a human being. It should realize its responsibility. Otherwise a lack of this feeling is sufficient to deal a blow to the prestige of any government. I warn the House that this Government is a friend neither of the peasants nor of the traders. It has one mania and that is to amass money to meet its unlimited and unsatiable demands.

Then, Sir, we are told that the zamindars would be benefited by the imposition of this tax on the traders. But what I feel is that ultimately this tax is bound to prove detrimental to the best interests of the zamindars. The Government is trying to hoodwink them. In reality it wants to utilize this money for its own ends. But how long can the Government go on throwing dust into the eyes of the public? The people now fully understand that this Government has nobody's welfare at heart. Whatever it does, it does to further its own interests. I warn the honourable Ministers because I consider them as my brothers. As a sister in duty bound to give a wise counsel to her erring brothers, I sound a note of warning to them that they should desist from the *loot-khasat* which they are carrying on. When they will be face to face with the dire consequences of

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their misdeed, they will remember the advice of this sister. They would repent when it would be too late because time once lost is never regained. With these words I close my remarks.

(At this stage Mir Maqbool Mahmood stood up to speak.)

Diwan Chaman Lall : We have got only 40 minutes and the Minister-in-charge is likely to take half an hour. I would also like to exercise my right of replv. I request you, Mr. Speaker, to keep in mind that I do not lose my right of reply over this matter.

Mir Maqbool Mahmood (Parliamentary Secretary) : Mr. Speaker I do not think it is necessary for me to state whether any lady or any child had been beaten in the course of this attack. Apart from the merits of the case, it hurts me as much as it hurts any patriotic Punjabee and I am sure that my honourable friends opposite will concede that we on this side of the House as well as my honourable friends opposite should try to create a convention that on such an occasion which is likely to give rise to a clash between the authority and satyagrahis and others, women and children should be kept out and I would appeal to them to use their influence because there may be occasions when party politics may necessitate or economic legislation may necessitate a clash of the authority on the one side and satyagrahis and others on the other. On such occasions it will be fair that we should try to exercise our influence to keep women and children out. My honourable friend, Mr. Deshbandhu Gupta, made a certain statement which made it necessary for me to stand on my legs. Apart from the merits of the motion itself, which will be dealt with by my honourable friend here, I want to invite his attention and that of other friends with him to one or two basic propositions. I assure him that it is not pleasant for any Government, any popular Government, to see that violence is advocated or carried out by anybody. But there are occasions when the best type of governments or the worst type of governments or even the Congress governments with their election manifesto of non-violence, find it necessary in the interest of law and order and in the interest of self-government itself, to resort to violence.

Lala Deshbandhu Gupta : There is no question of violence.

Mir Maqbool Mahmood : I would invite his attention to what he himself stated on dozens of occasions in Amritsar and elsewhere that when there was manifestation, when there was demonstration, the police did resort to violence. I do not know how far it was justified. No popular Government can be happy over such an incident. Even the Congress Government has to resort to lathi charge under circumstances from which they cannot get out. Violence has to be met by violence. That is the proposition. I would invite my honourable friend's attention to a very able and constructive statement made by no less a person than Mr. Rajagopalachari when he was the Madras Premier, on the occasion when Hindi satyagrah was going on there. I will make a present of that statement to

my honourable friends opposite and would appeal to them to bear it in mind when dealing with such a proposition. The statement runs thus:—

To oppose foreign rule is one thing. But has a minority in parliamentary government the right continually to defy the decision of the majority? It was stated that we were offering passive resistance, and so, it should be good enough even now. It would be the denial of the whole parliamentary system of Government if that were allowed. A nation which is subject to foreign domination—I say it here in the clearest terms on the floor of the House—is always at war with the dominating nation, and there is no question of parliamentary rules to be applied to the conflict between the people and the Government in that case. But if, under a system of parliamentary Government we wish to carry on our own affairs, we must accept the limitations of parliamentary practice. A minority, however small, has a right to oppose, has a right to discuss, has a right to demonstrate, has a right to question, has a right to go on writing in the press and try to change the people's mind. Let there be no mistake about it. The other day a leading newspaper misunderstood me and commented. I do not deny the right of continual agitation, whatever the decision may be. But what I do deny in parliamentary government is the right of the minority to defy the Government of the majority and make Government impossible. Once a decision is arrived at, parliamentary system of Government demands that the minority as well as the majority should combine, and there should be no defiance. There need be no end to parliamentary agitations, such as in elections, bye-elections or appeals to the electorate, or in the press or on platform without let or hindrance in any way. But certainly parliamentary government is impossible if the minority can defy majority Government for all time without break. This is against all conventions of parliamentary government.....

So he went on to say that he would be failing in his duty if he would not advocate that proposition. In the course of the same speech, which is dated 18th August, 1938, he examined the question whether that Hindi agitation would be called a satyagrah and he quoted no less a person than Mr. Gandhi who himself said that satyagrah would not be applied to such a proposition.

Then, Sir, what happened in the United Provinces. There was also a Congress Government running and at a certain stage it became necessary against their own election manifesto of non-violence, that they came in clash with a certain party. A certain question was asked in the U. P. Assembly on 20th October, 1939, with regard to an attack on a certain party. The question asked by Khan Bahadur Sultan Alam Khan was, 'will Government kindly tell us how many times police committed violence on the Khaksars?' The answer given by the Minister was 'never'. Then they asked whether any violence was used by the police and the reply was that it was only in reply to the violence committed by the Khaksars.

Diwan Chaman Lall: Do I take it that my honourable friend is alleging that there was violence on the part of satyagrahis in the cantonment? Is he alleging that?

Mir Maqbool Mahmood: I am making the whole position clear. I am taking the proposition from the double angle of vision. In the first place I submit that if a party of satyagrahis comes forward and creates circumstances under which those satyagrahis or those attached with them try to disturb law and order, then it becomes necessary for the government to resort to violence.

Diwan Chaman Lall: I think my honourable friend is not justifying the lathi charge because I take it he has no case. I take it, however, that he is not making an allegation that there was an attempt of violence on the part of satyagrahis.

Mir Maqbool Mahmood : I do not want to commit myself. I understand that the police were there and they were placed in such circumstances under which they were jeopardised and they were forced to take action.

Diwan Chaman Lall : How do you say that ?

Mir Maqbool Mahmood : I was not there. It is a hearsay on your side as well as hearsay on my side. It is not fair for my honourable friend Mr. Gupta to get up and say that because the police used violence, they should be condemned. On such occasions every popular government in the world must bend with the shape of events. If a person bends the shape of events against his own conviction, against his own sympathy, then the police in order to maintain law and order in the country will have to bend their shape also. I assure him that it hurts me honestly that any lady or any child should have been beaten like this. I beg you all to use your influence just as we must use our influence to keep out ladies and children. My honourable friend must also concede that when such an atmosphere is created under which law is defied and it becomes necessary to maintain law and order, then those who defy the law should be prepared to meet the consequences. In this connection I have one other statement to make. One remark was made by my sister, Mrs. Duni Chand, who said that this was the result of the Government going in for loot. If

3 p.m. it had not been my sister I would have used a stronger language. Let me tell her that 50 per cent of the loot is done by her own brethren, i.e., the Congress Government in Madras. I do not want to take up any more time of the House but I would appeal that this question should be considered fairly. So far as the victims of the lathi charge are concerned, whatever the consequences we must all sympathise. At the same time it would be conceded that the police is sometimes placed in such a position that some violence is justified. If those conditions are considered, which we are considering to-day, the police were placed in a difficult position.

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

[At this stage Mr. Speaker called on the Minister for Public Works to speak.]

Minister for Public Works : The Government should put their case at the last moment.

Mr. Speaker : If Diwan Chaman Lall replies to the debate, the Honourable Minister can then speak.

Diwan Chaman Lall : My honourable friend does not know that under the rules even after I have put my case in reply to the debate my honourable friend the Minister is well within his right to reply to my last speech. That is the proper constitutional practice in regard to the debate. That was the reason why I gave way to my honourable friend. We are bound hand and foot by certain rules made by the House. I am quite willing to utilize the time given to me.

Mr. Speaker : Please be brief.

Diwan Chaman Lall : Mr. Speaker, the case that has been put on behalf of the Government, in a nut-shell, is this that where there is violence the Government has a right to meet it with violence. The Congress governments in Madras and in the United Provinces also said something and we heard the quotation word for word. What was said on the floor of the House was that wherever there is violence we must meet it with violence. This is the case. The other point raised by Rao Pohop Singh was this. He said let Diwan Chaman Lall and some people from this side and let the Premier and some people from that side sit at a round table conference and settle the matter. This was the proposition which I myself placed before the House yesterday. I am very glad that my honourable friend has put it on behalf of the Government. We are ready to sit down with the responsible authorities to try to bring about a settlement. We are ready to do so : we are here for that purpose. But that is not the point at issue to-day. The point at issue to-day in this debate is whether the violence indulged in by the police in the Lahore Cantonment was justified or not. Mr. Speaker, I want you to note that not one single word in justification of the violence used by the police force in the Cantonment was uttered by any of the speakers from the Government benches—not one word has been uttered. In fact it could not be justified. My honourable friend the Premier said that the police have a right, if there is a necessity, to disperse a crowd. Let me draw his attention to the fact that there was no crowd to be dispersed at the particular moment. There were 7 satyagrahis who were belaboured by the police. The lathi charge is not made on the crowd : the lathi charge is made against these seven satyagrahis, and the allegation is that one of them was actually dragged a couple of furlongs by the police, beaten and beaten unconscious by the police. That is the charge. There can be no justification for a thing like this. I should have expected my honourable friend over there say 'this is a regrettable incident which has happened'. I mentioned the fact that the action taken against the beoparis three days ago was taken without the knowledge of the Ministry, because these events are happening without the knowledge of the Ministry. If they continue to happen the peace of the Punjab is in danger and the responsibility of every member on the floor of the House is apparent if the peace of the province is in danger. The attack was not against the crowd : there was no menacing crowd to necessitate this sort of violence. The allegation is that these seven people were deliberately dragged and beaten by the police in order to cow down the Satyagraha movement in the Lahore Cantonment. To this allegation no reply has been given. Not only that but I myself have been a victim of discourtesy on the part of the Sub-Inspector in charge of the thana. My honourable friend the representative of the *Tribune*, whose services were utilized by my honourable friend in attempting a settlement of this matter and about whom he mentioned on the floor of the House, was also a victim of discourtesy on the part of that individual. These people were boasting that they did this under the orders of the superior officers. My honourable friend should have condemned that and I should have thought that Mir Maqbool Mahmood would have got up on the floor of the House and condemned this brutal attack on innocent people including a little child of 11 whose head was opened. May I take it that this child was engaged in creating violence against the police force in the Lahore Cantonment, that it became necessary for the brave

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stalwart policemen under the authority of their superior officers to take action against these individuals, a little child, who was dragged, pulled and beaten until they tore open his whole ear and a woman who was beaten with shoes across her face? Is that chivalry on the part of the police? Chivalry is dead. My honourable friend ought to realize these things. I want my honourable friend to be aware of the things that are happening. I am ready to admit that my honourable friend the Premier could not have known it and could not have given instructions for taking this action. Therefore it is incumbent upon him to get up and condemn what has been done and take necessary action against the policemen for this brutal attack on innocent men in the Lahore Cantonment. I have only one word more to say. Not only has it happened in the Lahore Cantonment but I have reports which show that this action has been taken elsewhere as well. My honourable friend Lala Duni Chand has tabled a motion for the adjournment of the House in connection with a lathi charge in Ambala. Are these things going to be allowed and are the district authorities going to be allowed to deal with this matter without any let or hindrance and without any sort of check on the part of the administration?

I draw the attention of the honourable members to this grave menace because if such things continue nobody knows how much bloodshed will take place in the province. This is not a question of the Unionist Government or any other Government; it is not a question of this measure or that measure. All these questions are irrelevant. The only relevant question is this: Are you going to sit still and idle and allow the police to do what it likes or are you going to take any action against these people who carried out all such brutal violence against innocent men? This is what is before the House and I take it that there cannot be a single member on these benches or on those benches who would be willing to permit the police to take law into their own hands and take any action to tame and cow down any movement whether started by the beoparis or by the Unionist Party. If any policeman exceeds the limits of his authority and tries to adopt brutal methods of this nature against innocent people, it is the duty of the administration to take necessary action. I want to know what action they are going to take and what instructions they are going to issue to the Police department throughout the province in regard to such matters. I do hope that there will not be a recurrence of this sort of things. I was myself a witness to the lathi charge in Anarkali. Had I not been there, there might have been much more grave situation. I interrupted and asked the policemen what the devil they meant by doing that sort of thing. Did they want bloodshed? And they stopped and there was no further use of force. But responsible men cannot be found everywhere and at all times. It is the duty of the Government to see that such things do not take place. I am ashamed as a Punjabee and I am sure that the Premier would be equally ashamed of these men who exceeded the limits of decency in brutally attacking the people who had done no wrong and who were merely defying the law in a peaceful manner. They might have been arrested. That is all that you could do under the law and not break down their heads. I would ask my honourable friend to deal with this matter and

give an assurance to this House that such things will not be repeated again (*Cheers*).

Mr Speaker : May I invite the honourable member's attention to the rule relating to time limit for speeches. It runs :—

No speech during the debate shall exceed fifteen minutes in duration :

Provided that it shall be within the discretion of the Speaker to allow the mover and the Minister answering him to exceed the said limit of time.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : Sir, I am thankful to you for reading out this rule and I am also grateful to my honourable friend opposite for replying to this debate so that I have got an opportunity of putting Government's case before the House. I am glad that the honourable members opposite did not proceed with the adjournment motion of which they had originally given notice. I am referring to the motion relating to the incident of 8th February when a lathi charge is alleged to have taken place. My information is that no such lathi charge took place at all on that day.

Coming to the motion now before the House, the honourable mover has kindly conceded that the policy of this Government is not the policy of violence. He also kindly went on to say that this Government does not intimidate anybody. I say this is exactly our policy. It has been clearly explained by the Honourable Premier that violence or minimum necessary force is only to be used when law is being flouted and when every other attempt to maintain law and order has failed.

Diwan Chaman Lall : That is not the policy. I take it that this has never been the case.

Minister for Public Works : If a law is flouted and all other peaceful means have failed, what is the police to do? (*Some honourable members : Arrest*). They have got to enforce the law. I will state facts and honourable members will see that there has been no departure from that policy which has been enforced in other provinces also. In Congress provinces also they had to go even to the extent of firing whenever it became necessary. Let us hope that it will not be necessary here.

Sir, this hartal has been in force for more than a month and no such incident took place before because there was no violation of the law necessitating any such action by the police. The honourable member from Delhi mentioned that there has been no interference at Amritsar so far. He has furnished the reply which is obvious. As there was no breach of law involved and there was no threat to peace and order, no action was taken. Now what happened on the 9th February was that a crowd of about 150 persons accompanied five satyagrahis and had formed themselves into a procession in contravention of the order passed by the District Magistrate, Lahore, under Section 144, Criminal Procedure Code and also in defiance of the order of Government under the Defence of India Rules. The satyagrahis were, if arrested, to be put into a lorry. The crowd did not let this lorry pass and there was a mild lathi charge in order to disperse the crowd.

Diwan Chaman Lall : If it is a fact that the satyagrahis were arrested and put into a lorry, were these persons belaboured and beaten in the lorry?

Minister for Public Works : The honourable member has not understood me rightly. The satyagrahis and the crowd must have got mixed up.

Diwan Chaman Lall : I will explain the discrepancy which my honourable friend does not understand. These were the seven satyagrahis who were never arrested but were beaten, taken in a lorry and then let out. It was a sort of temporary arrest that was made.

Premier : If they were arrested they would have been taken to the jail.

Diwan Chaman Lall : They were not arrested at all.

Premier : Why does my honourable friend assume that they were satyagrahis ?

Diwan Chaman Lall : Because they were going out under the orders of the Beopar Mandal to offer satyagrah. My point is, why were they beaten at all ? Here is the shirt of a boy full of blood as the result of the beating by the police.

Premier : Was that boy also a satyagrahi ?

Minister for Public Works : My honourable friend is trying to split hairs. What happened was this. A crowd of approximately 150 persons accompanied five satyagrahis in the form of a procession at Lahore Cantonment on the afternoon of the 9th February, 1942. This crowd had gathered in contravention of an order passed under section 144, Criminal Procedure Code and was accordingly ordered to disperse by the Assistant Superintendent of Police, in charge of police arrangements on the spot. The crowd showed no disposition to comply with the order and was accordingly dispersed by means of a mild lathi charge after a short interval. So far as is known, no one sustained any injuries worth the name or was admitted to hospital. (*Cries of 'oh !' and laughter*). The honourable members may laugh. I concede I was not an eye witness myself but I give the official information that I have got with me for the benefit of the House. But it must be remembered that the honourable member who has spoken on this motion has also given the House the version of other people and what he heard from them. Therefore, so far as personal knowledge goes we both are more or less in the same boat. Subsequent to what I have already stated, it is reported that the lorries were prevented from getting away. Naturally this crowd had also to be dispersed.

An Honourable Member : Were the men in the lorry beaten ?

Premier : Was my honourable friend present there ?

Lala Bhim Sen Sachar : The lorry was prevented from going forward and therefore the men in the lorry were beaten. Is that so ?

Mian Abdul Aziz : May I ask a question of the Honourable Minister ? Was anybody put in the police lorry or not ?

Minister for Public Works : I have placed before the House whatever information I have got with me. If any further information is required I will have to collect it. The report goes on to say that subsequent to the facts narrated by me the lorries were prevented and the police had

to see that the lorries proceeded and were not interfered with. (*An honourable member*: Were the arrested persons in the lorry?) I am afraid I am not able to reply to all these questions at once. I have stated the facts.

Diwan Chaman Lall: Is this the report of the sub-inspector of police or of the officer who was in charge of the situation?

Minister for Public Works: This is the official report I have received from the police about this affair.

Sardar Santokh Singh: Does the Honourable Minister believe in the correctness of the report?

Minister: I certainly believe it unless the contrary is proved. If my honourable friend can rely on mere hearsay information I do not see why I should not believe the official report.

Lala Deshbandhu Gupta: Are you prepared to hold an enquiry?

Minister: The mere fact that nothing untoward happened during the past one month necessitating lathi charge leads me to the conclusion that something abnormal must have happened on this occasion which necessitated enforcement of the law by resort to minimum force necessary.

Diwan Chaman Lall: The Honourable Minister has said that the lathi charge was made when the crowd and the satyagrahis were mixed up. How then did he come to know that so many satyagrahis were hurt?

Minister: That is the information I have got. If any more information is wanted I will have to collect it.

Diwan Chaman Lall: May I request the Honourable Minister to hold an enquiry into this matter?

Minister: I will come to that point presently. The honourable member gave a list of some of the persons injured in the lathi charge. After all that is also based on hearsay. So far the injured persons have not reported themselves in any of the hospitals. Naturally the authorities could not have got information on this point. (*An honourable member*: That explanation is false.) I am not saying anything about that version. As far as information with me goes, nobody went to a hospital. Therefore there is no information available on that point. If my honourable friend has got any definite proof in support of his contention he may put it forward and the matter will be looked into.

Diwan Chaman Lall: Where is this proof to be put forward? The Honourable Minister must be aware that I wanted to lodge a complaint but the police in charge of the thana refused to record it. Where else am I to lodge the complaint?

Minister: He must go to proper authorities. He may go to the district magistrate and file a complaint.

Diwan Chaman Lall: Am I to take it that the Honourable Minister is not the proper authority to hold the enquiry?

Minister: I am not authorized by law to hold judicial enquiries and adjudicate on matters in this way instead of a court.

Diwan Chaman Lall: Will he at least give an assurance that he will hold a personal enquiry into the matter?

Minister for Public Works: My honourable friends are so fond of going to courts of law for getting justice. Why should they not now go to the same courts of law which are open to them and get redress if they feel that the action of anybody has exceeded his powers? I can assure the honourable member that if any case is brought to the notice of Government....

An Honourable Member: It has been brought to the notice of the Government even now.

Minister: First prove the case in a court of law.

Diwan Chaman Lall: Now that a case has been brought to the notice of the Government, is it or is it not the duty of the Honourable Minister to make an enquiry into the conduct of his subordinates and tell this House whether that conduct was justifiable or not?

Minister: If we are to go on with these questions and replies, the result will be that I will not be in a position to give the House all the facts that are with me. Never has any legislature decided the correctness or otherwise of incidents of this type by debate. It is a matter for courts of law to decide and if any honourable member can prove in a court of law that any particular policeman or official has exceeded his powers, I can assure him that severest action will be taken against that person.

Mian Abdul Aziz: That point has been thoroughly thrashed out in the House. Under the circumstances is it not the duty of the Honourable Minister in charge to make the necessary enquiries?

Minister: The honourable member wants me to hold an enquiry. I shall certainly hold an enquiry if I feel that there is any substance in the allegations made. There are other courses open and if these allegations can be proved in a court of law, then action will certainly be taken by Government but not before; otherwise as honourable members do in other cases they will come and ask me why I took executive action against a particular official when the matter had not yet been proved in a court of law. Why not say the same thing to-day? Why now ask for an enquiry by me?

An Honourable Member: Is it the policy of Government that every such matter should go to a court of law?

Minister: The Police has to carry out the orders of the Government according to the policy that has been laid down and explained in this House. Government has to see that the law is not flouted or it has to abdicate. The duty of enforcing the law is sometimes unpleasant for the Police, I am sure, as it is unpleasant for me to be defending *lathi* charges but —

Rai Bahadur Mr. Mukand Lal Puri: In view of the assurance that severe action will be taken against the official who has been found by a law court to have exceeded his limits, will Government be pleased to grant sanction to prosecute the sub-inspector?

Minister: The honourable member knows the procedure, and can deal with such a case. If any case comes up to Government through proper channel, it will be considered on its merits after due enquiry, as has always

been done in the past. I cannot promise sanction for prosecution in advance.

Rai Bahadur Mr. Mukand Lal Puri : That is no sanction.

Diwan Chaman Lall : Are you not the proper channel? It is for you to make the enquiry.

At this stage an honourable member waved a blood-stained shirt.

Minister for Public Works : Who knows to whom this shirt belongs and how the child sustained the alleged injury? That is the trouble. Prove this excess in a court of law that the child was really beaten by some police official and the matter will be dealt with according to the circumstances of the case.

The honourable member from Delhi, Lala Deshbandhu Gupta, characterized the statement of the Premier as incorrect. I had thought that the honourable members opposite would deal with this matter in a different way. If the Honourable Premier has shown them consideration, if he has tried to bring about a compromise, if he has tried to meet the negotiators and if he has shown them all patience, I thought that his efforts would not be criticized in this way but commended, instead—

An Honourable Member : Nobody has criticised.

Minister : The member from Delhi said that the statement of the Honourable Premier was incorrect.

Lala Deshbandhu Gupta : Nobody says that.

Premier : You did.

Lala Deshbandhu Gupta : I never meant to say that it was wrong for the Premier to negotiate with the beoparis. I only wanted to point out that the Sales tax was ill conceived and that there was sufficient room for improvement in it.

Premier : My point was that my honourable friend merely said that I had made a misstatement. I said that if this is the reward which I get for all the trouble and for wasting so many days, day in and day out, I would not negotiate with them any further if they go back on their word. I was not alone and I was certain people who were present in that meeting would bear me out that if all those big millionaires of Amritsar had agreed to be taxed at the higher stage, the whole thing would have been settled. It is because they refused, that Mr. Channana was helpless.

Lala Deshbandhu Gupta : You cannot make that one-sided statement. We must also hear Mr. Channana on the point.

Premier : You accept my word. I tell you that that was the position. Otherwise why should there have been a breakdown? If they had accepted, the whole question would have been settled.

Mian Abdul Aziz : It is not a question of disbelieving the Honourable Premier in any way. The question is that he makes an allegation that he has done such and such a thing. The other person says that he has not. The best thing is that both of them should be heard.

Premier : My friend does not know the meaning of the word 'allegation'. I stated a fact. I was present at that meeting. My honourable friend was not.

Minister for Public Works : The honourable members opposite seem to be contradicting each other. If they now accept our version of the case, they should see that better sense prevails and the law of the land is not flouted. No democratic government can function, unless it enforces the law of the land, and if it results in injuries to some persons it may be unpleasant and unfortunate but it has got to be faced. If a government shirks and does not enforce the law, then it must abdicate.

Lala Deshbandhu Gupta : May I know when the Honourable Minister got the news for the first time about this *lathi* charge?

Minister : What I want to tell my honourable friends opposite is that when executive action is taken in a matter of this sort we cannot get the news exactly at the same time the occurrence takes place; that is impossible.

Lala Deshbandhu Gupta : The District Magistrate had no information about the *lathi* charge. The representative of the "Tribune" states that till 10 o'clock in the night he had no information that a *lathi* charge had been resorted to.

Minister : The Government is only concerned with the laying of a policy. The application of that policy to the circumstances of each occasion is, as I have stated before, left to the local officials.

Diwan Chaman Lall : Please permit me three minutes for a reply. It is only fair to me that I should be allowed some time for a reply.

Minister : I have been interrupted all along and have not been allowed to complete one sentence. Coming to the agitation against this tax, I was saying that if they only want satyagrahis to be arrested when they come forward, there will be no difficulty in doing so, nor would any *lathi* charge take place unless police is prevented in the discharge of duty. We cannot accept the contention that because some people do not like this tax, and there are certain other classes who want to bring about equilibrium in taxation, the former should be allowed to defeat the latter. It will not be wise for Government to countenance this and I do not think that they are justified in breaking the law in order to avoid paying their share.

Lala Deshbandhu Gupta : Are you prepared to arrest all the *satyagrahis*, if they report themselves at jails?

Diwan Chaman Lall : May I make a present of this shirt to the Honourable Minister?

Minister : I can assure my friend that if this boy has been in fact injured by anybody who has exceeded his powers, then the most severe action will be taken against him.

An Honourable Member : Will you deal with the matter?

Minister : The law of the land will deal with it. If he is proved guilty in the court, and if the court does not award adequate punishment, then Government will take action against him. Even without going to court if it is shown that anybody was guilty we can take departmental action, but cannot do so on mere allegations. In that case no police force can enforce the law if mere allegations are believed.

Diwan Chaman Lall : You find out if he is guilty or not. It is your duty to find that out. (*Uproar*).

Mr. Speaker : Order, order.

Diwan Chaman Lall : May I make a suggestion to my honourable friends? Will my honourable friends take my challenge? We on this side are prepared to resign on this issue, if you resign your seats and have a general election. (*Applause from the Opposition Benches*).

Premier : Are you sure that all the members on your benches will resign?

Diwan Chaman Lall : I will guarantee to get the resignation of every member on these benches.

Minister for Public Works : I have no intention to introduce heat into this debate. The honourable member knows full well that this majority of the House was returned by the popular electorate in an election and if there is a challenge by election I am sure there will be numbers added to our benches.

Diwan Chaman Lall : Why are you afraid then? Let us have a general election on this issue.

Minister : The trouble is that we are in the middle of war.

Diwan Chaman Lall : So is Egypt in the middle of war and it is having an election.

Mr. Speaker : The honourable members started with personal explanations on both sides and I permitted them. But then they have gone far beyond the limits.

Minister : The adjournment motion should, therefore, be thrown out on merits. I am sorry I am not allowed to speak or complete a sentence.

Mr. Speaker : Question is—

That the Assembly do now adjourn.

The Assembly divided : Ayes 48 ; noes 75.

AYES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Barkat Ali, Malik.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Deashbandhu Gupta, Lala.
Duni Chand, Lala.
Duni Chand, Mr.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.

Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Gurbakhsh Singh, Sardar.
Hari Lal, Munshi.
Harnam Das, Lala.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kishan Singh, Sardar.
Mazhar Ali, Azhar, Maulvi.
Muhammad Iftikhar-ud-Din, Mian.

Muhammad Nurullah, Mian.	Rashida Latif Baji, Begum.
Muhammad Raza Shah Jeelani,	Sahib Ram, Chaudhri.
Makhdumzada Haji Sayed.	Santokh Singh, Sardar.
Muhammad Wilayat Hussain Jeelani,	Sant Ram Seth, Dr.
Makhdumzada Haji Sayed.	Shri Ram Shrama, Pandit.
Mukand Lal Puri, Rai Bahadur Mr.	Sita Ram, Lala.
Mula Singh, Sardar.	Sudarshan, Seth.
Muni Lal Kalia, Pandit.	Ujjal Singh, Sardar Bahadur Sar-
Partap Singh, Sardar.	dar.
Raghubir Kaur, Shrimati.	Uttam Singh Dugal, Sardar.

NOES.

Abdul Hamid Khan, Sufi.	Hans Raj, Bhagat.
Abdul Haye, The Honourable Mian.	Hari Chand, Rai Sahib Rai.
Abdul Rab, Mian.	Harnam Singh, Captain Sodhi.
Abdul Rahim, Chaudhri (Gurdaspur).	Het Ram, Rai Bahadur Chaudhri.
Abdul Rahim, Chaudhri (Gurgaon).	Jafar Ali, Khan, M.
Ahmad Yar Khan, Chaudhri.	Karamat Ali, Khan Bahadur Shaikh.
Akbar Ali, Pir.	Khizar Hayat Khan Tiwana, The
Allah Yar Khan Daulatana, Mian.	Honourable Malik.
Amjad Ali Shah, Sayed.	Kishen Das, Seth.
Anant Ram, Chaudhri.	Manohar Lal, The Honourable Sir.
Balwant Singh Sardar.	Maqbool Mahmood, Mir.
Chhotu Ram, The Honourable Chau-	Mohar Singh, Rao.
dhri Sir.	Muhammad Akram Khan, Khan Ba-
Dasaundha Singh, The Honourable	hadur Raja.
Sardar.	Muhammad Ashraf, Chaudhri.
Faqir Hussain Khan, Chaudhri.	Muhammad Azam Khan, Sardar.
Fateh Khan, Khan Sahib Raja.	Muhammad Hassan Khan Gurchani,
Fateh Muhammad, Mian.	Khan Bahadur Sardar.
Fazl Ali, Khan Bahadur Nawab	Muhammad Hussain, K. B. Chau-
Chaudhri Sir.	dhri.
Fazal Din, Khan Sahib Chaudhri.	Muhammad Hussain, Sardar.
Fazal Karim Bakhshi, Mian.	Muhammad Jamal Khan Leghari,
Few, Mr. E.	Khan Bahadur Nawab Sir.
Ghulam Mohy-ud-Din, Khan Ba-	Muhammad Qasim, Chaudhri.
hadur Maulvi.	Muhammad Saadat Ali Khan, Khan
Ghulam Qadir Khan, Khan Bahadur.	Bahadur Khan.
Gopal Singh (Americian), Sardar.	Muhammad Sarfraz Khan, Chau-
Guest, Mr. P. H.	dhri.
Gurbachan Singh, Sardar Bahadur	Muhammad Sarfraz Khan, Raja.
Sardar.	Muhammad Shafi Ali Khan, Khan
Habib Ullah Khan, Malik.	Sahib Chaudhri.

NOES.

Muhammad Yasin Khan, Khan Sahib Chaudhri.	Pohop Singh, Rao.
Muhammad Yusuf Khan, Khan.	Prem Singh, Chaudhri.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Pritam Singh Siddhu, Sardar.
Muzaffar Khan, Khan Bahadur Captain Malik.	Ram Sarup, Chaudhri.
Muzaffar Khan, Khan Bahadur Nawab.	Ranpat Singh, Chaudhri.
Nasir-ud-Din, Chaudhri.	Roberts, Sir William.
Nasrullah Khan, Rana.	Roshan Din, Khan Bahadur, Chaudhri.
Naunihal Singh Mann, Captain Sardar.	Sardar Khan Noon, Major Malik.
Nawazish Ali Shah, Sayed.	Shahadat Khan, Khan Sahib Rai.
Nur Ahmad Khan, Khan Bahadur Mian.	Shah Nawaz, Mrs. J. A.
Pir Muhammad, Khan Sahib Chaudhri.	Shah Nawaz Khan, Nawab Sir.
	Sikander Hyat-Khan, The Honourable Lieutenant-Colonel Sir.
	Suraj Mal, Rai Sahib Chaudhri.
	Tara Singh, Sardar.
	Tikka Ram, Chaudhri.

The Assembly then adjourned till 12 noon on Thursday, 12th February, 1942.

1911

1911年1月1日 星期日
1911年1月2日 星期一
1911年1月3日 星期二

1911年1月4日 星期三

1911年1月5日 星期四

1911年1月6日 星期五



1911年1月7日 星期六

1911年1月8日 星期日

1911

PUNJAB LEGISLATIVE ASSEMBLY.

EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 12th February, 1942.

*The Assembly met in the Assembly Chamber, at 12 noon of the clock.
Mr. Speaker in the Chair.*

STARRED QUESTIONS AND ANSWERS.

VIDYA SAGAR VADEHRA.

*7856. **Sardar Moola Singh** : Will the Honourable Premier be pleased to state whether it is a fact that the Deputy Commissioner, Sialkot, instructed the Secretary of the Sialkot Electric Supply Company, Limited, in June, 1941, to dispense with the services of one Vidya Sagar Vadehra, an employee of the Company, owing to his political activities ; if so, a copy of the letter written to the Secretary of the Company by the Deputy Commissioner be placed on the table of the House ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : In view of the importance of excluding disaffected persons from employment in key positions in war-time the Deputy Commissioner, Sialkot, suggested to the Secretary, Sialkot Electric Supply Company, Limited, that it might be desirable to remove Vidya Sagar, and this suggestion was accepted. No letter was written in this connection. I may, however, add that at the time of his dismissal, Vidya Sagar was undergoing a sentence of imprisonment after conviction for an offence against the Defence of India Rules.

INTERMENT OF COMRADE HARI SINGH 'KHANDA'.

*7857. **Sardar Moola Singh** : Will the Honourable Premier be pleased to state whether it is a fact that one Comrade Hari Singh 'Khanda', Member, All-India Kisan Committee, who has been interned in his village Gill in Ludhiana district for a period of one year, made a representation sometime ago to the authorities requesting therein that he might be interned in Ludhiana instead of his village to enable him thereby to earn his livelihood during the period of his interment; if so, the action, if any, taken thereon ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : *First part.*—Yes.

Second part.—Orders for his restriction to Ludhiana City have been passed.

KHAN KHUSHAL KHAN, KHAKSAR LEADER.

*8060. **Pandit Bhagat Ram Sharma** : Will the Honourable Premier be pleased to state whether it is a fact that Khan Khushal Khan, a Khaksar

[Pandit Bhagat Ram Sharma.]

leader, now detained in Sub-Jail, Muzaffargarh, is suffering from Tuberculosis; if so, whether Government proposes to take any action in regard to his release before the expiry of his sentence?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): Security prisoner Khushal Khan is not suffering from tuberculosis. The question of his release does not therefore arise.

COMRADE UJJAGAR SINGH BILGA.

***8063. Pandit Bhagat Ram Sharma:** Will the Honourable Premier be pleased to state whether any representation recently made by Comrade Ujjagar Singh Bilga, now detained in Lahore Central Jail, has been received by the Government in which the applicant has prayed for his release on parole to enable him to make some arrangements for his children after the death of their mother; if so, the action taken by the Government on that representation?

Parliamentary Private Secretary (Sayed Amjad Ali Shah):

First part.—Yes.

Second part.—Ujjagar Singh Bilga was released on parole for two weeks on the 27th January, 1942.

PERSIAN WHEEL.

***7947. Sardar Lal Singh:** Will the Honourable Minister of Development be pleased to state—

- (a) whether he is aware of the fact that the installation of a persian wheel for lift irrigation costs now more than double its former price due to the abnormal rise in the price of iron and steel;
- (b) whether Government is contemplating any scheme for affording relief to those who wish to instal persian wheels for the purpose of cultivation in the province;
- (c) whether in the interests of production of grain and cereals in the Punjab, the Punjab Government is prepared to represent to the Central Government the need for granting concession rates in the price of steel and iron to those in the Punjab who instal persian wheels for lift irrigation?

Parliamentary Secretary (Chaudhri Tikka Ram): (a) If the question refers to wholly metal well gear, the answer is in the affirmative.

(b) No.

(c) If the honourable member will make a definite suggestion explaining what kind of concession rates he means, I shall be glad to have it examined, but it must be remembered that the requirements of the Defence Services have first claim on supplies of iron and steel.

EXTENSION OF WESTERN JUMNA CANAL.

***7958. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Revenue be pleased to state whether the work of extension

K. S. Khawaja Ghulam Samad.]

of the Western Jumna Canal is finished ; if so, the names of those villages of the Fatehabad tehsil, if any, that are likely to be irrigated thereby, together with the name of the community which predominates in those villages ?

Parliamentary Secretary (Chaudhri Tikka Ram): As the question savours of communalism, I regret I cannot reply to this question on the floor of the House. It will be treated as an unstarred question and the answer will be supplied to the honourable member¹.

IRRIGATION BY THE EXTENSION OF WESTERN JUMNA CANAL.

***7559. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state, tahsil-wise, the number of those villages of the Hissar and Rohtak districts which are irrigated by the extension of the Western Jumna Canal showing separately the number of such villages as are owned and predominantly inhabited by the Muslims ?

Parliamentary Secretary (Chaudhri Tikka Ram): As the question savours of communalism, I regret I cannot reply to this question on the floor of the House. It will be treated as an unstarred question and the answer will be supplied to the honourable member¹.

HINDU AGRICULTURISTS IN PATWAR SCHOOL AT AMBALA.

***7982. Chaudhri Sumer Singh :** Will the Honourable Minister for Revenue be pleased to state—

(a) the number, names and community of each candidate admitted into the Patwar School at Ambala from the Gurgaon district ;

(b) whether it is a fact that the number of the Hindu agriculturists among them is insignificant ; if so, the action that he intends to take to remove the grievance in this connection of the Hindu statutory agriculturists of the aforesaid district ?

Parliamentary Secretary (Chaudhri Tikka Ram): (a) One 'other' non-agriculturist,

Two Muslim non-agriculturists,

One Muslim agriculturist,

One Hindu agriculturist of a special group.

(b) It is impossible to observe communal proportions in the number of candidates sent to a patwar school from a district, because only such candidates are sent to the school who have not yet passed the patwar examination.

COLLECTION OF LAND REVENUE IN GURGAON DISTRICT.

***7983. Chaudhri Sumer Singh :** Will the Honourable Minister for Revenue be pleased to state—

(a) the total collection of land revenue, year-wise, during the last 20 years in the Gurgaon district, and its proportion to the amount assessed :

¹Vide Appendix, pages 524 *infra*.

[Ch. Sumer Singh.]

- (b) whether he is aware of the fact that this disparity is due to the heavy rate of assessment at the last settlement ; if so, the action Government propose to take to avoid this disparity in figures in the present assessment ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) A statement is laid on the table.

(b) All the relevant facts will be taken into account by Government in fixing the new demands. In Rewari tahsil the demand has been reduced by 41 per cent but orders about the assessment of the other tahsils have not yet been announced and it is impossible to give any indication of the probable demands.

Statement showing year-wise the total collection of land revenue during the last 20 years in the Gurgaon District and its percentage to the amount assessed.

Year.	Demand.	Collection.	Percentage.
	Rs.	Rs.	Per cent.
1921-22	15,82,480	14,56,891	93
1922-23	15,83,368	15,75,040	99
1923-24	15,84,220	15,13,955	96
1924-25	15,83,957	15,64,209	99
1925-26	15,81,894	13,68,842	87
1926-27	15,82,297	14,21,950	90
1927-28	15,80,864	14,67,009	93
1928-29	15,80,977	6,42,508	41
1929-30	15,81,633	6,51,778	41
1930-31	15,82,397	6,22,606	39
1931-32	15,83,690	10,60,289	67
1932-33	15,84,757	8,33,526	53
1933-34	15,85,462	7,31,547	46
1934-35	15,85,377	9,82,882	62
1935-36	15,85,621	11,04,859	70
1936-37	15,74,762	13,26,382	84
1937-38	15,85,449	7,60,008	48
1938-39	15,85,807	5,84,584	37
1939-40	15,86,185	9,15,227	58
1940-41	15,89,663	10,98,296	69

DISMISSAL OF CHAUKIDARS IN VILLAGE BADDOWAL.

*8062. **Pandit Bhagat Ram Sharma** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the services of almost all the chaukidars of village Baddowal in Ludhiana district were terminated by the Revenue authorities of the district in the beginning of the year 1940 ;

- (b) whether it is a fact that these chawkidars were reinstated on a representation made by them to the Tahsildar at Ludhiana ;
- (c) whether it is a fact that they have again been dismissed ;
- (d) if the reply to the above (a), (b) and (c) is in the affirmative, whether Government proposes to intervene in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Yes ; as the chowkidars failed to perform their duties.

(b) No ; they have not been reinstated.

(c) Does not arise.

(d) Does not arise.

INDUS COMMISSION.

***8073. Sir William Roberts:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the cost to the Punjab of the Indus Commission ;
- (b) whether this expenditure includes the cost of salaries of Punjab officers wholly or partly engaged on the work of the Commission ;
- (c) what was the budget provision of the Punjab Government for this Commission for this year and for the year 1942-43, if any figure has so far been decided upon ;
- (d) when this Commission assembled and how many sittings they have had so far ;
- (e) what is ordinarily the length of a sitting of this Commission per diem ?

Parliamentary Secretary (Chandhri Tikka Ram): (a) Not yet known ;

(b) Expenditure so far incurred on Punjab Defence amounts to Rs. 2,20,000, which includes salaries of Punjab Officers wholly or partly engaged on the work of the Commission as well as fees paid to Counsels ;

(c) Budget provision for 1941-42 is Rs. 36,645 which is now being increased to Rs. 2,78,000. Figure for 1942-43 has not so far been decided upon.

(d) The Commission assembled on the 22nd September, 1941 and has so far held two sessions, viz., September-October, 1941, and 19th January, to 2nd February, 1942. In addition there was an informal discussion lasting 2 days in December, 1941.

(e) About 3 hours per diem.

CONFINEMENT OF 'C' CLASS PRISONERS IN SEPARATE CELLS IN SHAHPUR DISTRICT JAIL.

***7859. Sardar Moola Singh:** Will the Honourable Minister for Finance be pleased to state whether it is a fact that a number of 'C' class satyagrahi prisoners in Shahpur District Jail are kept in separate cells ; if so, the reasons for the same ?

The Honourable Sir Manohar Lal : None of the 'C' class satyagrahi prisoners in the Shahpur Camp Jail are kept in separate cells. On a few occasions in the past for jail offences the prisoners have received the punishment of being kept in separate cells, but at present no such prisoner is in cell.

'B' CLASS GENERAL STAND, LAHORE.

***7941. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Public Works be pleased to state —

- (a) whether it is a fact that the District Magistrate, Lahore, when making an order for the establishment of a 'B' Class General Stand, Lahore, in August, 1940, made a condition in the permit, that the Manager would not be required to undertake expensive improvements, but that he would provide temporary covered accommodation for 20 lorries and rest room for drivers and conductors ;
- (b) if the answer to part (a) above be in the affirmative, whether it is a fact that in summer 1941, no covered accommodation was provided except 3 or 4 shamianas only for a couple of weeks ;
- (c) whether the attention of the regional authorities was drawn to the facts mentioned in part (b) above through representations and press ; if so, the action taken by the Government for non-compliance of the conditions of the permit, and, if no action has been taken, the reasons therefor ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes.

(b) The shamianas were provided at the suggestion of the Board of Control which is a representative body, but there is nothing on record to show that these shamianas were retained only for a few weeks.

(c) Yes. The condition relating to the provision of covered accommodation for vehicles was not rigidly enforced because a proposal was under consideration that the site of the General Stand should be taken on a long lease by the municipality and that the latter body should effect the necessary improvements. The execution of this scheme was however postponed at an advanced stage as a result of objections raised by the owners. In the circumstances the provision of a temporary shelter in the form of shamianas was considered to be the most suitable expedient.

POLICE RAID IN VILLAGE MIRGINDPUR.

***7954. Sardar Lal Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that a few days before the 27th April, 1941, the police from Thana Bhikhi Wind, district Lahore, raided village Mirgindpur (*alias Makhi*) ;
- (b) the section or sections of the Indian Penal Code, under which the case was registered with respect to which the police made the raid ;

- (c) whether it is a fact that the Police, not finding any clue to the case in hand, started indiscriminate assaults on men and women of the village and thus actually injured several of them ;
- (d) the other persons, if any, whom the police was trying to apprehend during their stay of several days in the village and the nature of the charge against them ;
- (e) whether it is a fact that police actually kept in detention for about two days and nights four women of the village, namely, Deepo, Jio, mother of Deepo, Guro, wife of Kundan Singh, Gujri and Gabo, if so, the offence for which they were detained ;
- (f) the number of days for which the police stayed in the village ;
- (g) whether it is a fact that several houses including those of Wasawa Singh, Dalip Singh, Nizam Din, Mochi, were forced open and the valuables of these houses scattered and laid waste by the police ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) No. A Sub-Inspector and a Head Constable were, however, assaulted in this village on 24th April, 1941, whilst investigating a burglary case. A case under Sections 307/333/148/149, Indian Penal Code, was registered and an Inspector and his subordinates reached the village the following day to investigate it.

(b) Does not apply.

(c) No.

(d) The Inspector and his subordinates remained in the village to complete the investigation of the abovementioned case in which five accused have been sentenced to 5 years' rigorous imprisonment, each.

(e) No.

(f) Three.

(g) No.

Sardar Lal Singh: Is not the Parliamentary Secretary aware that I myself went to the village and submitted a report giving certain facts? Why was not the report submitted by me taken into consideration at the time of the enquiry?

Parliamentary Secretary: When and to whom was that report submitted?

Sardar Lal Singh: The report was submitted to the Honourable Minister in charge of the police.

Parliamentary Secretary: I am not aware of any such report.

Sardar Lal Singh: That is an indication how the reports of eye witnesses are treated. This shows the negligence of the Government.

Parliamentary Secretary: If a report was sent by the honourable member to the Honourable Minister it must have been passed on to the officers concerned for enquiry.

Sardar Lal Singh : I want to know why the report on which this enquiry was initiated was neglected ?

Minister for Public Works : If the report or the representation referred to by the honourable member was sent to the Minister in charge of Police, that must have been marked to the officers concerned. There is no question of negligence.

Sardar Lal Singh : What I want to know is this. My representation was made to the Honourable Minister over there and that was sent over to the officer in charge but now the reply has come in this form. I want to know, therefore, the reason why the people who make the representations are not called upon to submit what they have seen with their own eyes. There is no value of the enquiry when people who have seen things with their own eyes are not called to explain.

Parliamentary Secretary : The investigation in criminal cases is not a private inquiry. The honourable member and others who had anything to say were at liberty to explain what they knew before the investigating officer.

PANCHAYATS IN GURGAON DISTRICT.

*7984. **Chaudhri Sumer Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number and names of the panchayats constituted under the new Panchayat Act since it has come into force, along with the date of the election of each panchayat in the Gurgaon district ;
- (b) if no election has taken place in the aforesaid district, the reasons therefor ;
- (c) whether any Panchayat Officers have been found negligent in their duty ; if so, the action taken against them ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) A statement giving the number and names of Panchayats constituted under the Punjab Village Panchayat Act, 1939, upto December 31st, 1941, is placed on the table. Elections have been held in the case of the following Panchayats only :—

<i>Name of Panchayats.</i>	<i>Date of Election.</i>
Khandeola ..	10-12-41.
Garauli Khurd ..	8-12-41.
Baslambhi ..	4-12-41.
Sidhraoli ..	2-12-41.
Makelwas ..	6-12-41.

(b) The delay in elections to the remaining panchayats has been primarily due to delay in the preparation of voters' lists by patwaris who have been busy in settlement work. Steps are now being taken to expedite completion of these lists.

(c) Yes, they have been warned.

List of Panchayats (Tahsilwise) notified in the Gazette up to 31st December, 1941.

Serial No.	Name of Panchayat.	Serial No.	Name of Panchayat.
	<i>Gurgaon Tahsil—conold.</i>		<i>Rewari Tahsil—conold.</i>
1	Khandeola.	27	Golkalgah.
2	Mehohana.	28	Hansaka.
3	Mokalwas.	29	Laukri.
4	Khandse.	30	Musepur.
5	Bas Lambhi.	31	Jant.
6	Sidhraoli.	32	Milta Kalan.
7	Garauli Khurd.	33	Budhpur.
8	Bilaspur.	34	Batori.
	<i>Rewari Tahsil.</i>	35	Kishangarh.
9	Aulant.		<i>Ballabgarh Tahsil.</i>
10	Khalilpur.	36	Faridpur.
11	Saharanwaa.	37	Bahbalpur.
12	Mirpur.	38	Sikri.
13	Karaora-Manakpur.	39	Karali.
14	Jatusana.	40	Juan.
15	Kharkhra.	41	Narhaoli.
16	Jadra.	42	Panhera-Khurd.
17	Tatarpur-Istamrar.	43	Panhera Kalan.
18	Lisan.	44	Gonchhi.
19	Bajwas Ahir.		<i>Palwal Tahsil.</i>
20	Booroli.	45	Lekhi.
21	Kanwali.	46	Raidaska.
22	Dhawana.	47	Bhidoki.
23	Lohana.	48	Phulwari.
24	Nangal Mundi.	49	Aurangabad.
25	Siha.	50	Mitsaul.
26	Masit.		

[Sh. Faiz Muhammad.]

Serial No.	Name of Panchayat.	Serial No.	Name of Panchayat.
	<i>Pahool Tahsil—concl'd.</i>		<i>Ferozepur Jhirka Tahsil—concl'd.</i>
51	Patli.	74	Autha.
52	Janauli.	75	Newana.
53	Rajputa.	76	Gulatta.
54	Asawti.	77	Bhaukroji.
55	Rahimpur.	78	Nagina.
56	Karna.	79	Rothath.
57	Alawalpur.	80	Bisru.
58	Alike.	81	Jamalgarh.
59	Ratipur.	82	Khanpur Ghati.
60	Khusropur.	83	Dhanwala.
61	Ferozepur.	84	Ghagas.
62	Silanthi.	85	Kaithwari.
63	Chiraota.	86	Naharpur.
	<i>Ferozepur-Jhirka Tahsil.</i>		<i>Nuh Tahsil.</i>
64	Nimka.	87	Mandarka.
65	Siroli.	88	Kherla.
66	Nai.	89	Ghasera.
67	Mandi Khara.	90	Sabaasheri.
68	Pama Khara.	91	Jhanda.
69	Papra.	92	Tacen.
70	Bhadas.		
71	Laphori.	93	Ferozepur Namah.
72	Paunahana.	94	Ali-Meo.
73	Sirisingalheri.	95	Malai.

ADULT LITERACY.

*7953. **Sardar Lal Singh :** Will the Honourable Minister of Education be pleased to state—

(a) the number of villages in district Ludhiana in which arrangements were made by the District Board for adult literacy in the year 1940-41 ;

- (b) the number of those villages among them where the work is being continued in the current year ;
- (c) whether it is a fact that in many villages the work has been discontinued ; if so, the reasons therefor ?

The Honourable Mian Abdul Haye : (a) Two hundred villages.

(b) Two hundred villages.

(c) Does not arise.

PRIMARY SCHOOLS WITH HINDI AS THE MEDIUM OF INSTRUCTION.

***8053. Rai Bahadur Lala Gopal (Des.) :** Will the Honourable Minister of Education be pleased to lay on the table of the House a statement showing the number of primary, secondary and high schools for boys and girls separately in each division in which Hindi is the medium of instruction or in which a Hindi teacher is provided ?

The Honourable Mian Abdul Haye : I regret that the answer to this question is not ready.

***7963.—Cancelled.**

ADJOURNMENT MOTION.

LATHI CHARGE BY POLICE AT RAMGARH.

Sardar Bahadur Sardar Ujjal Singh : I beg to ask for leave to make a motion for the adjournment of the House to discuss a matter of urgent public importance namely the lathi charge made on the 10th February on peaceful citizens and the dragging of some Sikhs by the keshas by the Police in Ram Garh area and thereby injuring the religious susceptibilities of the Sikh community.

There should be no objection to leave being given to move this motion. I feel that it is in the interest of the Government itself to allow this motion to be moved by me. If they have got any information in their possession, they should place it before us. In case they have no information, then I am prepared to help them as I hold in my hand statements of those who received injuries at the hands of the police and who were so disgracefully handled.

Minister of Public Works (The Honourable Malik Khizer Hayat Tiwana) : I have no knowledge of the incident up to this moment. In view of the fact that we recently had a debate about lathi charges, I do not think any useful purpose will be served in discussing that very matter over again. But I am quite prepared to make inquiries about this incident and after I have done so, I will be in a position to let the honourable member know as to what the facts are. In view of what I have stated I am sure the honourable member would not press his motion for adjournment of the House.

Sardar Bahadur Sardar Ujjal Singh : If the Honourable Minister does not object to leave being given, I will place the facts before the House, otherwise I can supply the complete information to the Honourable Minister.

Minister of Public Works : The honourable member will of course place the facts before the House but my reply is that I have not yet received official information. Let me make further inquiries and get information about this particular incident. If the honourable member so desires, the adjournment motion can be moved later.

ADJOURNMENT.

Premier : I move—

That this Assembly at its rising this day be adjourned to Monday, the 23rd February, 1942.

The motion was carried.

Rai Bahadur Lala Gopal Das : May I put a question to the Government? Why did they think it necessary to summon this House for three days and thus waste public money?

Mr. Speaker Order, order.

RESOLUTIONS.

FINANCIAL COMMISSIONERS.

Chaudhri Nasir-ud-Din (Gujranwala North, Muslim, Rural) (*Punjab*): Sir, I beg to move—

This Assembly recommends to the Government that Financial Commissioners should cease to be Secretaries to Government and may function only as Heads of Revenue and Development Departments.

The object of this resolution is so clear that it does not call for a lengthy speech. It is obvious that if Financial Commissioners are prevented by their work as Secretaries from going on tour, the revenue work suffers and if on the other hand they go on tour then their functions as Secretaries will not be efficiently discharged. In order, therefore, to enable them to run the Revenue and Development departments efficiently I have proposed that they should cease to be Secretaries to Government and may function only as heads of these Departments. With these words, I commend my resolution for the acceptance of the House.

Mr. Speaker : Resolution moved—

This Assembly recommends to the Government that Financial Commissioners should cease to be Secretaries to Government and may function only as Heads of Revenue and Development Departments.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muslim, Rural) (*Urdu*): The resolution moved by my honourable friend Chaudhri Nasir-ud-Din embodies a very reasonable suggestion and merits sympathetic consideration at the hands of the Government. It is a general practice that the heads of various departments also function as Secretaries to the Government. The reason why a departure from that practice is being sought through this resolution is, that Financial Commissioners have lately been over-burdened with additional work on account of the War and the enactment of agrarian legislation. It has become very difficult for them to give much of their time and energy to their work as Secretaries. It was probably because of this that the Government thought it proper to create an additional post of a Financial Commissioner last year, which could not

otherwise have been conducive to the interests of the province in view of the additional financial burden which it entailed. Now if the House were to accept this resolution, a time would come when this post would have to be abolished. But if in spite of this the Government were to appoint new men to work as Secretaries in place of the Financial Commissioners it would come to the same thing. I beg to submit that if Financial Commissioners are to be relieved of their additional burden the mere fact that they are to be so relieved should not be taken as a justification for making new appointments as Secretaries. I would further request the Government that the reasonable proposal set forth in this resolution should be carried to the letter and should not be over-stepped. With these words I strongly support the resolution now before the House.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh, North, Muhammadan, Rural) (*Urdu*): Sir, I beg to move—

That at the end of the resolution the words "provided that this arrangement does not necessitate the creation of any new post and employment of an additional officer" be added.

Sir, if I have rightly understood the position, the object of my honourable friend the mover of the resolution is to relieve the Financial Commissioners of the secretarial work so that they may be able to devote more time to their other important duties. I am sure my honourable friend would not like to change the existing system if such a change entails additional burden on the provincial exchequer. My object in moving this amendment is to make it clear that the change in the duties of the Financial Commissioners should not entail the creation of any new post or additional burden to the provincial exchequer. In view of the increasing burden of expenditure due to war it is highly desirable that we should economise and curtail our expenditure wherever possible. We can ill-afford, at the present moment, to introduce changes which may further increase the cost of our already top-heavy administration. Now let us examine the implications of the resolution from the point of view of both economy and efficiency. My own view is that the proposed change will enhance the efficiency of administration without any additional cost. If we carefully examine the duties of the Financial Commissioners we will find that there is a considerable amount of duplication of work which could be avoided without impairing the efficiency of administration. The position of the Financial Commissioners in the Punjab is analogous to that of the Board of Revenue in other provinces. They are primarily the highest courts of appeal in revenue matters. The Financial Commissioners in the past were in charge of the revenue administration of the province but as new departments came into being they were entrusted to their control and supervision. Later, when the post of Revenue Secretary was abolished, the Financial Commissioners were made Secretaries to Government in Revenue and Development departments. The Financial Commissioners are in charge of revenue, excise, settlement operations, colonizations, forests, co-operative societies, agriculture, veterinary and some other minor departments. Since the passing of the agrarian legislation and new taxation measures they have been entrusted with the appellate work in connection therewith. The work of the Financial Commissioners, has, therefore, considerably increased and if they are to continue as Secretaries of Government, appellate work,

[K. B. Mian Mushtaq Ahmed Gurmani]

which is their primary duty, is bound to suffer. There does not seem to be any necessity of keeping Agriculture, Co-operative Societies, Veterinary and Forests Departments under the control of the Financial Commissioners. All these departments are in charge of senior officers who are specialists in their own lines. Why should these Heads of Departments send their papers to Government through highly paid and already over-worked Financial Commissioners? At present all files returning to these departments are first noted upon by Secretaries to Financial Commissioners before submission to Government. This means duplication of work. If these departments are taken away from the Financial Commissioners one post of Secretary to Financial Commissioners could be retrenched, and the other post of Secretary to Financial Commissioners could be converted into that of a Revenue and Development Secretary to Government. This Secretary will directly deal with the departments of Forest, Co-operation, Agriculture and Veterinary. Thus it will not be necessary to increase the number of officers. The Financial Commissioners will be in charge of only Excise, Revenue and Colonization Departments and will get more time for appellate work. One Secretary will be sufficient to assist them in their administrative work. The Financial Commissioners will get more time for touring in the districts and will be able to maintain direct contact with district officers and to devote their personal attention; for instance in appeal cases they would not need the help of any Secretary and for the administration of Revenue, Colonization, and Excise Departments, one Secretary will be sufficient to assist them in their work. I hope the Government will consider these proposals sympathetically. Sir, I commend my amendment to the House.

Mr. Speaker : Resolution under consideration, amendment moved—

That at the end of the resolution the words "provided that this arrangement does not necessitate the creation of any new post and employment of an additional officer" be added.

Chaudhri Jalal-ud-Din Amber (West Central Punjab, Indian Christian) (*Urdu*) : Sir, I have arisen to oppose this resolution. No doubt the intention with which it has been moved is laudable but I do not think it can help us in achieving the object with which it has been moved. The present system, according to which the Financial Commissioners act, was adopted by the Government for the same purpose. I think it is quite an efficient system and there is no need to change it. What is proposed by the present resolution is that efficiency may be secured without incurring any new expenditure, which is quite impossible. Entrusting the work which is done by the Financial Commissioners to the Deputy Secretaries, will certainly affect the efficiency adversely. In the interest of efficiency you will have to employ secretaries to cope with the work of which the Financial Commissioners will be relieved. This will entail new expenditure for which no one is prepared. Moreover, it does not look nice that their secretaries should deal with the Government over the head of the Financial Commissioners. So far as the secretarial work and the executive duties of the Financial Commissioners are concerned, entrusting them to the secretaries would amount to handing them over to less responsible officers.

Moreover, there are some other departments whose heads also act as secretaries to the Government. Acting on the principle laid down in the resolution they will have also to be relieved of their secretarial work. For example, the head of the Irrigation Department is also Secretary to the Government. Does it mean that he will also be relieved of his secretarial work? What is required is that the work may be done efficiently by experienced hands who may be able to give sound advice to the Government in all administrative matters. The Financial Commissioners are most suited for this purpose. The main purpose of this resolution is better served under the present system than it would be if this new system is enforced which is recommended in the resolution. Moreover, there is an inconsistency in the resolution and the amendment that has been moved to it. The purpose of the resolution is to increase efficiency of work and the purpose of the amendment is to do so without incurring any new expenditure. How can you secure better efficiency without incurring any new expenditure? You want that there should be a saving and also efficient discharge of work. By this resolution you may achieve one of these objects and not both of them. Replacing the present system, therefore, by any new one is not advisable. With these words, Sir, I oppose the resolution now under consideration of the House.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, I rise to support this most salutary resolution. There is no doubt in my mind that if this resolution is accepted and acted upon by the Government it will produce many good results for the public as well as for the Government. I feel a great inner urge to lend my strong support to it, even at the risk of repeating some of the arguments that have been advanced by several honourable members who have preceded me. But there will be no harm in repeating those strong arguments in order to make the point crystal clear. It will only mean additional support to the position of those who have declared themselves in favour of this salutary and beneficial resolution. As a matter of fact our Financial Commissioners are very much overworked officers. They are so much overburdened that sometimes they are unable to attend to their most legitimate duties like the hearing of important revenue appeals which so much concern the valuable rights of the public who knock at their door. It is a great pity that the Financial Commissioners should be given so much work in the secretariat that they should be unable to devote ample time to their revenue work. Many important appeals await their concentrated attention as they are the final authorities in revenue matters. But for want of time they have to rush through this most difficult and complicated work. More often than not they summarily reject or accept appeals and revisions. That is far from fairness and justice. We should provide against this. Then take the increase of work which has been caused by the passage of the agrarian Acts and the world war which is knocking at the very door of India. At first there used to be only one Financial Commissioner in the Punjab. Then later we had two. But now we have increased their number to three. Besides the Revenue and Development Financial Commissioners, we have a third Financial Commissioner for taxation. I do not agree with the argument that if this resolution is accepted we will have to do away with the third Financial Commissioner. I think he will still

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be needed for the work of the secretariat. This important work cannot be left to the charge of Deputy Secretaries some of whom will not be able to rise up to the occasion. If you just look up their list you will find that some of them are not very highly qualified. A mere B.A. cannot be expected to cope with this highly specialised and complicated work. I would propose that the secretariat work should not ordinarily be entrusted to the Revenue or the Development Financial Commissioners. There should be a separate Financial Commissioner for this work, who will forward the Secretariat files to the Ministers after careful perusal and noting. This job cannot be left over to the Deputy Secretaries some of whom are not so capable and efficient. Nor can we contemplate the appointment of any new Secretaries at this critical juncture when owing to war we need have to save every pie that can be spared. The present circumstances do not justify the creation of new posts of secretaries. Our exchequer can ill-afford to bear any additional burdens at this critical period of its history.

I would, therefore, urge that the Financial Commissioners for Revenue, Development and Taxation should take care of their own departments and the work of the Secretariat should be entrusted to a separate Financial Commissioner. In this way they will be able to devote all their time and attention to the work of their own departments of Revenue, Taxation and Development and not be hindered by the secretariat work.

With these words, Sir, I strongly support the resolution which is now before the House.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (Urdu): Mr. Speaker, the resolution before the House is not of little import. It is a very significant and important one. I would, therefore, urge that all the changes and complications that would result from its passage and enforcement by the Government should be clearly understood at this very stage. If the Financial Commissioners cease to be Secretaries to the Government, the Honourable Ministers will have to perform their duties in addition to the ones that they already perform. Consequently their work will increase. The Honourable Premier will have to increase the number of his cabinet Ministers, from 6 to 8 or 9. That will place an additional burden on the provincial exchequer. Failing that, the Government will have to appoint new Secretaries to scrutinize and summarise the files that have to go to the Ministers. This will also entail heavy additional expenditure. Moreover, the Financial Commissioners supervise and control the working of their subordinate offices and departments like the Co-operation Department. At present the Registrar of the Co-operative Department sends his cases to the Financial Commissioners who scrutinise and revise them on behalf of the Government in their capacities of Secretaries to Government. If this duty is taken away from them, the Co-operative Department will be separated from the control of the Financial Commissioners. The Honourable Ministers will have to give more time and attention to the cases of this Department. Now when the war is going on and the Ministers are required to spare more and more time for the war effort and the supervision and the direction of policies, they cannot afford to devote so much time to the reading of files and going through long notes of the subordinate offices. I am afraid the administration will deteriorate if the

Ministers' time is taken up by the files. Their health will be adversely affected by overwork. In addition to this the supervision of the subordinate offices will be relaxed if their work is not forwarded to the Ministers through the Financial Commissioners. If additional posts are created for the supervision of their work, the Government will have to incur heavy expenditure. Thus from whatever point of view the problem is looked at, we come to the conclusion that both the Government and the public stand to suffer if the Financial Commissioners cease to be Secretaries to the Government for the Revenue and the Development Departments. Ministers will have to devote more time to the file work and will be left with little time to control the broad policies of administration. I would, therefore, request the honourable mover of this resolution to withdraw it and consult the Honourable Ministers about the *pros* and *cons* of this resolution. All the complicated questions arising from this should be carefully considered before it is re-submitted for the consideration of the House.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, although I have had no opportunity of hearing the arguments put forward by the honourable mover, yet I confess that I fail to understand the real object of this resolution. I have no hesitation in saying that I smell a rat in this motion. There is some ulterior motive working behind it. It appears as if the Government want to make it a smoke-screen for creating new posts for their own proteges. May I know if the Financial Commissioners have complained of heavy work and have, therefore, expressed their desire to be relieved of the duties attached to the post of Secretary to the Government, Punjab? On the one hand it is being dinned into our ears, that so far as revenue work is concerned, the Financial Commissioner is an authority on the subject. His ripe experience and encyclopedic knowledge in this respect make him eminently suitable for undertaking the duties of a Secretary to Government and also that of a Head of the department. Besides, he has been appointed as the ultimate court of appeal under the recent legislation. Yet it is being advocated by the members of the ministerial party that his services as Secretary to Government should be dispensed with. May I know the persons on whom the Government want to confer these posts?

Mr. Speaker : Please do not ascribe motives.

Mian Abdul Aziz : No, Sir, I am not making any insinuation. I am given to understand that even the honourable mover did not advance any weighty reasons in support of his resolution. I, therefore, fail to see the necessity, especially at this stage, which prompted him to sponsor this resolution. If the Financial Commissioner is expected to submit final reports to the Government and his direct contact with the Honourable Ministers is desirable in the interest of efficient administration, why he should be relieved of the duties of Secretary to Government? These objections based on cogent reasons led even my honourable friend Sodhi Harnam Singh to oppose this resolution tooth and nail. I, therefore, in all seriousness ask the Government to throw some light as to why they have put forward this resolution through Chaudhri Nasir-ud-Din. If the Government want to provide their own men, they should straightaway say so. There is no sense in mincing matters and beating about the bush. If I have correctly guessed the intentions of the Government, then I feel that

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they would be placing an extra and unnecessary burden on the provincial exchequer. Again, if they are really serious about this matter, then some Honourable Minister ought to have moved a resolution of this kind. If my apprehensions are unfounded, then this resolution is absolutely meaningless and it should be withdrawn.

Nawab Sir Shah Nawaz Khan : If my honourable friend feels averse to support this resolution, then he may extend his support to the amendment thereof.

Mian Abdul Aziz : I did not receive the papers relating to the amendment of this resolution. Now I have got them. Well, Sir, after perusing the amendment I have come to the conclusion that even this proposal does not appeal to me. I still feel that no case has been made out for making new appointments and relieving the Financial Commissioners of their secretarial duties. Hence I cannot help expressing my doubts about the desirability of this resolution.

Chaudhri Ali Akbar (Gurdaspur East, Muhammadan, Rural) (*Urdu*) : Sir, I rise to oppose this resolution. I maintain that the present circumstances do not allow us to dispense with the services of high officers of ripe experience and tried intelligence. The Financial Commissioner is an officer who has held several offices and worked as an Assistant Commissioner, a Deputy Commissioner and a Commissioner at different times. He is, therefore, fully acquainted with all the big zamindar families residing not only in every tehsil but also in every village. Honourable members are aware that now-a-days our political adversaries are trying to spread disaffection among the zamindars against the British. But the newly appointed Deputy Commissioners pay no heed to this fact. They do not care to know anything about the big zamindar families. They remain indifferent about them. Consequently some misunderstanding takes place and our opponents get an opportunity to poison their minds. As you are aware, Sir, these big zamindar families have a large number of relations. If one section of a family gets angry and is displeased with somebody, then all the remaining sections of that family get offended and break away relations with him. I am constrained to find that the honourable mover has put forward this resolution at a time when the opponents of the zamindars are out to black-mail them and create ill-feelings against them. Then the argument of the honourable mover that the Financial Commissioner should cease to go on tours is simply astounding and in fact it does not hold water. I can quote instances in support of my contention that whenever the Financial Commissioner goes on tour, he through his tactful handling humours up different sections of the family who had previously fallen out among themselves. He removes their misunderstandings, patches up their differences, and finally brings about an amicable settlement among them. It is crystal clear that the touring of the Financial Commissioner proves beneficial to the zamindars. The acceptance of this resolution would connote that we should keep ourselves clear of the British and sever our relations with them. I consider this course unwise, improper and unnecessary. There is no doubt that with the removal of a Financial Commissioner the income of the Exchequer would increase by an amount equal to his salary. But what is the use of this

economy when lakhs of rupees are being squandered on other things? It is a pity that my honourable friends want to do away with the Financial Commissioner who presents things in their true perspective and does not mince matters, while they are prepared to arrive at a compromise with the traders who talk senseless things and are observing hartal to the great inconvenience of the public.

It has been suggested that a compromise should be made between the Beoparis and the Government. But I would submit that I do not see any necessity of doing so. Why should the Government do it? When compromise was suggested the Government should have told the Beoparis in plain words that as their slate was not clean they were not open to any compromise. That was the proper time to nip the movement in the bud. But now the mischief-mongers have been encouraged and things have come to such a pass that unrest and disturbance have cropped up. Still little has been lost by the Government. I may submit that now is the time to do something in this matter. An alternative is to stick to their words and determination and in my opinion this is one of the best ways to carry the game.

With these words, Sir, I strongly oppose this amendment.

Premier (The Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan) (Urdu): Sir, I have listened to the speeches made in connection with this resolution with rapt attention and I have arrived at the conclusion, after hearing the arguments advanced by my honourable friends, Mian Abdul Aziz and Chaudhri Ali Akbar, that their aim was one and the same, although the reasons given by them were different. Both of them are of the opinion that the resolution should be thrown out.

Mian Abdul Aziz: But we did not consult each other on this point. (Laughter.)

Premier: My honourable friend perhaps does not know—

دل را بدل رهیت درین گنبد سپهر

But I am constrained to remark that both of them failed to make out a case for the rejection of this proposition. My honourable friend, Mian Abdul Aziz, smelt a rat, and enquired about the motive behind this resolution. I am afraid he does not seem to have heard the speech made by the mover of the amendment to the resolution. He said that it would not be necessary to create a new post if the Financial Commissioners were relieved of their secretariat work. As regards Chaudhri Ali Akbar's point of view I think he is labouring under a misapprehension. He thought that we were out to sack the Financial Commissioners and feared that the smooth working of the Revenue Department would be severely disturbed. Let me assure him that nothing of the kind is intended. We do not want the elimination of the Financial Commissioner nor have we any desire to curtail his powers. I therefore, fully agree with the opinion expressed by the last speaker that the services of the Financial Commissioners should be retained intact. But I may point out that at present the duties of Financial Commissioners have increased enormously. I need not go into the reasons leading to the increase in their duties. Honourable members must be aware of the fact that, owing to the passage of new taxation measures, the Financial Commissioner has

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been vested with enhanced powers, as he has been appointed the ultimate court of appeal. Besides, we have had to engage another Financial Commissioner temporarily to cope with the work arising out of taxation and other measures. Now the resolution which has been put forward seeks to relieve the Financial Commissioners of their duties as Secretaries to Government. But in this an important aspect of the matter has been ignored. At present the Financial Commissioners act both as heads of departments and as Secretaries to Government. They can directly maintain their contact with the Ministers and express their opinion on certain matters without going into the usual routine of putting up long notes and submitting them through the proper channels. In other words if a separate Secretary to Government is appointed then a sort of obstruction in the smooth working of the Financial Commissioners will be created, because they will be required to submit their files through the Secretary. Consequently red-tapism will come into operation and the matters which are now decided in a short time will take longer to settle. This shows that the appointment of the Secretary will create a gulf between the Financial Commissioners and Government. The result would be that the Financial Commissioners would work merely as heads of departments and would not take the vigorous interest which they now take in expediting work involving matters of high policy. Naturally the Financial Commissioners, when no longer Secretaries to Government, will think that they need not worry about the policy of the Government because their main function will be to carry out their duties according to the rules laid down by Government. I am sure the misunderstanding that was caused in the mind of my honourable friend will be removed to a great extent by my explanation. Besides, my honourable friends will agree with me that the Financial Commissioners possess great experience by virtue of the various appointments which they have held at various stages in their careers. Now let me give a detailed account of all the things which took place when the Financial Commissioner was merely the Head of the Department and there existed a Revenue Secretary between them and Government. Then the files went from the Financial Commissioner to Government through the Revenue Secretary. If ever Government stood in need of any file in connection with some matter the Secretary had to write U. Os., D. Os., etc., to the Financial Commissioner for the submission of the same. On receipt of the file a duplicate copy had to be prepared in the Secretary's office in order to avoid further correspondence with reference to that particular file. The result was that there was duplication of work in two offices for one and the same matter, and it took months to complete the work. Consequently Government felt the inconvenience caused as a result of having a separate Secretary to Government, and vested in the Financial Commissioner the duty of being Secretary to Government in addition to the duties of the Head of Department. With the elimination of a separate Secretary, the Financial Commissioner could directly see the Ministers, discuss matters personally and avoid delay in executing important matters. The honourable member would observe that if there had been a Secretary between the Financial Commissioner and Government the Financial Commissioner would have to write a note covering many pages which he would be required to submit to the Secretary, who would himself make certain additions to it; and there was the possibility that he might not be able to understand what the Financial

Commissioner wanted to convey to Government. Hence there was a possibility of misunderstanding being created with the necessity of a further reference to the Financial Commissioner for clarification. Hence much waste of time and energy.

Consequently Government decided to abolish the Revenue Secretary to Government. But the Junior Secretary was retained because he was indispensable and very helpful in deciding matters connected with settlement and abiana. Again the Secretary appointed on the Development side cannot be done away with because his retention is equally necessary. Previously he had to deal with the work of four colonies; now as the number of colonies has been raised to six, the work has increased. Hence he can safely say that an additional Secretary should be appointed to give him relief. Then, as the honourable members are aware, we had to appoint a temporary Financial Commissioner in order to execute the increasing volume of work arising out of the taxation measures. When the preliminary work under these measures has been accomplished, then it will become automatic, as it will take the form of routine. Then we will be in a position to dispense with the services of this temporary Financial Commissioner and appoint instead some other officer to carry on this routine work. These are the things which require to be considered dispassionately by the honourable members. So far I myself have not given full consideration to this matter. So far as retrenchment is concerned I would be prepared to consider this question at an opportune moment. At present our hands are full owing to the war, and as the honourable members know work has considerably increased and we have been obliged to enhance the personnel of various departments to cope with the work. After the war it will be possible to make retrenchment.

I, therefore, submit that the Government is not unaware of the fact that they are in duty bound to do something for the poor and in order to achieve that end it is necessary to bring about a reduction in expenditure. But at present, unfortunately for the province, deliberate as well as unexpected happenings have made heavy calls on the provincial exchequer, and despite every effort by the Government, expenditure is steadily on the increase. It is no doubt true that there has been a surplus Budget, but this surplus resulted partly from the fact that Government contrary to its pledges could not afford any relief to the zamindars and partly because they did not grant any reduction in abiana. It may with some justification be said that when there was an increase in the Provincial revenues, the Government ought to have done something by way of satisfactorily relieving the hardships of the poor. But the world situation has created certain problems which are proving a drain on our revenues. Take for instance A. R. P. work. What are we to do if a raid occurs to-morrow? Although I am sanguine that we in the Punjab will never experience such things, yet if somehow the possibility materializes, my honourable friends will come forward and say, "were the Government sleeping, that they did not even make any arrangements for fire brigades?" Fire-fighting items alone require lakhs. According to my estimates the expenditure on A. R. P. arrangements will be reaching a figure of crores by the end of the current financial year. All this expenditure will be incurred in order to protect urban life and property from possible air raids. Moreover we will, apart from appliances, be compelled to maintain a trained personnel for this work. That is not all. Every day we have to

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face new disturbances which are probably a legacy of a democratic constitution. Previously the Government used to be in the hands of the British who knew how to command a meek submission from my friends who can with impunity hurl every abuse on me without any fear of being brought to book. It was a practice then with my friends to dance attendance at the Burra Sahib's bungalow and sing his praises and make him believe that the zamindar was equally rich and could well afford to pay enhanced rates of land revenue if they were increased under the impending new settlement. But to-day a Government returned by a popular vote finds itself on the horns of a dilemma in deciding which section of the population can be taxed without any hardship. On the one hand there is the zamindar who is poor and overburdened with taxation. On the other are our friends living in urban areas who think that Chaudhri Sir Chhotu Ram is their enemy. I would like to assure them that neither Chaudhri Sir Chhotu Ram nor any other member of the Government is in any way inimically inclined towards them. Someone from the Opposition said that Sikandar Hyat was in the pocket of Sir Chhotu Ram. That is a wrong notion and I would like to see it dispelled from my honourable friends' mind. In fact, we are doing everything in our power for the welfare of the poor irrespective of the fact whether they belong to rural areas or urban areas. (*Hear, hear.*)

The poor zamindar has all along been the victim of all sorts of rates and taxes. What have I done for him? In spite of the fact that our Government stood pledged for protecting the legitimate interests of the agriculturists and affording relief to them, how far have I removed the load of a crushing taxation off their shoulders? (*Voices: Nothing so far.*) I invite my honourable friends on the opposite benches to see what used to be spent previously and what this Government is spending on A. R. P. work, on water supply, on Public Health, and by way of grants to municipalities which are all primarily concerned with urban areas. This is being done for my urbanite friends in spite of the fact that the present Government stands pledged to protect the interests of the agriculturists. Still my urban friends have the cheek to blame the Government for enacting taxation measures—for raising funds in order to defray the expenses of all the things I have enumerated—and for throttling poor traders. Let me assure them that I am an humble servant of both the urbanites as well as of those residing in rural areas. Moreover I would ask them not to forget that the very zamindar, who they mistakenly think is the recipient of greater advantages, is risking his life for protecting them from the enemy. It is on account of him that our borders are to-day guarded against an invader. Owing to his services and sacrifices in this crying hour of our need, and the fact that so far we have done practically nothing to help the zamindar, I will see to it that every single pledge given to him is redeemed before I am called upon to vacate this chair. In case of my failing to do so, I would much rather die than witness his disappointment in my Government. (*Hear, hear and cheers.*)

In the end I would again assure the House that when the stress of circumstances lessens and our expenditure falls back to its normal figure, I would reduce the number of and relieve the burden on the Financial Commissioners as would suit the occasion.

With these words I would request the honourable mover to withdraw his resolution.

The resolution was by leave withdrawn.

PEASANTS WELFARE FUND.

Khan Bahadur Nawab Muzaffar Khan (Attock North, Muhammadan, Rural) (*Urdu*): Sir, I beg to move—

This Assembly recommends to the Government to set apart at least 30 lakhs of rupees from the revenues of current financial year with the object of forming a nucleus for a Peasants Welfare Fund.

Mr. Speaker, you would be pleased to recall as would other gentlemen who were members of the Punjab Legislative Council before the present reforms were introduced—that the Honourable Premier who was then a non-official member had in the course of a speech put forward a proposal for setting up a special fund for the welfare of the zamindars. Somehow or other that proposal was not carried out. Again the Honourable Premier adumbrated a scheme last year under which all the amounts of land revenue up to Rs. 5 were to be set apart holding-wise for this very purpose. But this too could not be put into practice. This scheme was no doubt a very good one but it suffered from one great defect that it involved a keeping of unmanageable accounts. My own experience of a similar fund in the Mansehra Tahsil, where land-owners of certain villages have a share in the forest is not a very happy one. Despite the fact that it was only one tahsil I found that keeping accounts of each small co-sharer was a difficult problem. It was practically impossible to keep an account of the numerous eight annas, four annas and two annas small holdings. Even if it were possible to maintain these complicated accounts of small holdings, it was considered that those for whose benefit this fund was brought into being would seldom get their due share. Supposing a share of Rs. 60 can be made available for my use. I shall first have to put in an application at the tahsil headquarters after travelling many miles. I shall then have to grease the palm of the chaprasi and finally I will come to the Sarishta stage. Now this Kaiyat-i-Sarishta is a strange process.

If the palm of the Sarishtadar is greased he gets the work of the zamindar done at once; otherwise poor fellow may have to wait for three or four days more before he can obtain requisite sanction for the money applied for. Then comes the treasurer and the tahsildar in whose presence the sum is supposed to be paid. In this way many precious days of the zamindars are wasted and it is after undergoing so much labour and inconvenience that he gets a petty sum of say 10 to 15 rupees. Again there is another hindrance in the way of giving practical shape to a proposal of this nature. That is that it would be very difficult for Government to see whether a zamindar who gets financial assistance in this manner actually spends it on the object for which he has obtained it. After he has paid to the chaprasi, the Sarishtadar, treasurer, etc., very little would be left with him. He would then think of his wife and children. Having been away from his village for so many days he dare not go back empty-handed to his family. The

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result would be that he would spend the remaining amount in buying presents for his wife and children. In this way after spending almost the whole of this sum he would go back to his village. I doubt very much if the money will be spent on the object for which it was obtained. The proposal referred to above in itself may be a very good one but there appear great difficulties in the way of giving it a practical shape. In the circumstances I think the best course for us would be to set apart at least a sum of 80 lakhs of rupees or as much as can be spared from the revenues of each year for the welfare and betterment of the poor zamindars. So long as that is not done we cannot hope to ameliorate their condition at all.

(At this stage Mr. Speaker left the chair and Mr. Deputy Speaker occupied it.)

Now the second problem which confronts us is as to how this sum of 80 lakhs of rupees, which will be set apart for the aforesaid purpose, could best be expended. This is a very important question and it requires serious consideration on our part. The Treasury benches will forgive me if I point out that the suggestion which was given effect to last year and the year before last was not at all sound. At that time it was suggested that money should be allocated to different departments and they should in their turn carry intensive work of their respective departments in one selected tahsil of each district. For instance, money allocated to the Department of Agriculture was to be spent by it in a selected tahsil of each district to intensify the beneficent activities of the department. Similarly other departments were asked to do the same. But that has not resulted in any good at all. In my district we do not even know what tahsil was selected and what work has been done there. I suppose the Government departments spent the money allotted to them but I doubt if it has made any impression. Under these circumstances I think that along with setting apart of a sum of 80 lakhs of rupees we should devise ways and means as to how best it could be spent for the welfare of the poor zamindars. I am not in a position to make any off-hand suggestions as to how we can make the best use of this fund. I think a strong sub-committee of the House should be appointed to devise ways and means for the most appropriate expenditure of this money. Needs of zamindars of different districts and different ilaqas are different. For instance, there are sub-mountainous regions where the needs of the zamindars are quite different from those of the other ilaqas. In such mountain districts money can be usefully spent in reclaiming land and preventing erosions by planting trees. You are aware of the fact that in the Hoshiarpur district there are chos which make lands uncultivable. Some time back some money was spent on the reclamation of lands in that district. The result is that now those very lands, which have been reclaimed and which previously yielded nothing, are now yielding thousands of rupees. A part of this sum can be spent on the reclamation of lands in the Hoshiarpur district. Similarly we can find out the needs of the other districts. I think the best course for us would be to appoint a sub-committee of the House which should study the needs of different districts and after it has studied their needs money could be allocated from this fund to be spent in those ilaqas. If this sum is allocated to different heads of departments for expendi-

ture as was previously done it would not serve any useful purpose at all. It is, therefore, my suggestion that a sum of 30 lakhs of rupees should be set apart and the Honourable Premier or the Honourable Minister-in-charge may appoint a sub-committee of the House which should devise ways and means as to how best this money could be expended so that the community for which this fund is being created may derive the maximum benefit out of it.

With these words I commend my motion for the acceptance of the House.

Mr. Deputy Speaker : The resolution moved is—

This Assembly recommends to the Government to set apart at least 30 lakhs of rupees from the revenues of current financial year with the object of forming a nucleus for a Peasants Welfare Fund.

Khan Bahadur Raja Muhammad Akram Khan (Jhelum, Muhammadan, Rural) (*Urdu*) : Sir, I rise to support this resolution whole-heartedly. It is very much regretted that a fund of this nature could not be created earlier. Had it been created earlier it would have gone a long way in relieving the distress of the zamindars. I will give you an instance from my own district as to how sometimes zamindars have to suffer on account of unexpected happenings. Under the orders of the Government of India a military base is being constructed at a place named *Kala Base* in tahsil Jhelum and the zamindars of at least eleven villages are being evacuated for meeting the war requirements. These zamindars have not been given lands elsewhere where they can set up their houses and thus settle down. But they have simply been ordered to quit their villages and take away all their belongings. You can well imagine as to what would be the plight of these zamindars who have been ordered to leave their villages in the severe winter season. No doubt they are given compensation for their lands and are permitted the price of malba of their houses but that cannot help them to set up their houses and thus settle down. Had there been a fund of this nature in existence these zamindars could have been provided assistance from it. But as ill-luck would have it no such fund is available at present. Hence great is the need for it. Let me also point out that I sent representations to the Honourable Premier and the Honourable Revenue Minister in which I requested them to visit the spot and thus see for themselves as to how these people were suffering. But I received no reply. I personally made a request to the Honourable Premier and the Honourable Sir Chhotu Ram to visit that ilaqa. The latter promised to visit that ilaqa but he said that he would not be able to go there before February, 1942. Anyway he was good enough to visit that place on 15th December last and promised that with the exception of the zamindars of two villages, who had been ordered to leave their villages on the 19th December, 1941, he would see that the zamindars of other villages get financial assistance up till February, 1942. It is very much to be regretted that so far no such assistance has been provided to them. Neither has any land been reserved for them anywhere nor have they been provided accommodation in the neighbouring villages. Rather I was very much surprised to learn from the Deputy Commissioner that there was no land available in colony areas which could be allotted to these zamindars. Just see, these zamindars are in so much trouble and up till now Government have not taken steps to provide lands to these

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zamindars in the neighbouring villages. Since the advent of the British rule in India this is the first time that the zamindars of my ilaqa have been put to this kind of trouble. But the Government of India cannot be blamed for it because they have to construct this base for the defence of India itself. All the same the Punjab Government cannot be absolved of their duty to find a solution for this problem. These zamindars have been living in their villages since many generations. Even the graves of their ancestors are situated in these villages. Suddenly they have been asked to quit them. No lands have been given to them where they can settle down. They are really in great distress. Had a fund of this nature been created earlier, financial assistance could have been provided to these zamindars for tiding over the period of their troubles. I, therefore, strongly urge upon the Government to accept this resolution and create this fund as soon as possible. With these words I resume my seat.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, I heartily congratulate my honourable friend Nawab Muzaffar Khan for sponsoring this resolution which is, in fact, a very good suggestion for improving the hard lot of the toiling zamindars. However I would specially draw the attention of the Honourable Premier and the Honourable Minister-in-charge to the last portion of the speech of Nawab Sahib wherein he had laid great stress on the point that this money should be expended for meeting the urgent needs of the deserving zamindars and that it should not be frittered away on some excuse or other. Besides care should also be taken that out of this fund 10 to 15 lakhs of rupees are not squandered away on the salaries of the staff to be maintained for its disbursement. We all know that sometimes a zamindar has to undergo many kinds of expenditure if he wants to improve his land. How is he to get the money required for this purpose? Should he borrow? If he were to do so instead of improving his land he would be in danger of losing it in the bargain. It is, therefore, our duty to see that for such purposes he is not forced to borrow money. If this fund is created and is entrusted to the charge of an honest and trustworthy officer, in that case the zamindars could apply to him for the sanction of necessary funds.

As the Nawab Sahib has said it should not happen that this amount should go into the pockets of those zamindars who are well off. Its full value should be reserved for the poor agriculturists. There should be no *Bandar Bant* so that the poor cats may go without any share and the *Bandar* may devour the whole loaf. Nawab Sahib has moved this resolution in the interest of the poor zamindars and its benefit should go to them.

In the end may I suggest, that the committee which has been proposed to be formed should not consist of only members drawn from one particular class or interest. It should represent all whether they are or are not connected with the Unionist Party. I further suggest that after consulting the Honourable Nawab Sahib and other honourable members all matters connected with this committee, for example its personnel, constitution, etc., may be placed before this House.

Once again may I repeat that every precaution should be taken to check any possibility of this amount being distributed among the Government employees. It should not be that—

اندھا دندے ریویزیان مڑ مڑ گھر دیان نوں

With these words I support the resolution under consideration.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women, Urban) (*Urdu*): Mr. Deputy Speaker, I congratulate the honourable member on moving this motion. By moving this motion he has shown sympathy towards the poor zamindars.

I propose that out of this sum of Rs. 30 lakhs which will be provided in the budget for the relief of the poor zamindars, a sum of at least Rs. 10 lakhs be earmarked for the uplift of rural women and children. It would be towards the betterment of the rural masses if the condition of rural women and children is improved. Out of the sum of Rs. 10 lakhs, scholarships may be given to girls for receiving education and learning various arts and crafts. This will help the poor zamindars to increase their income. (*Interruption.*) Although I do not belong to rural areas yet I go into the villages to study the life of the rural people. I once lived in a village for four years and found that rural women often do not have shoes. You think that I only support the cause of the urban people. I have great sympathy for the rural people and I always side with those who are on the right. Nawab Sahib has moved a good and useful resolution. How can I oppose it? I know full well the difficulties of the rural women. It is on account of this that I am proposing that a sum of Rs. 10 lakhs may be set apart for helping the women in rural areas. They should be given scholarships to get education and learn arts and crafts. Rural women have the capacity to learn. They can learn anything. I have taught many rural women needle work and sewing. When I see that they do better sewing and needle work than the urban women I feel pleased. If you will teach them various arts and crafts they will prepare such things the sale of which will bring them more money.

I further say most emphatically that this money should not be spent on giving fat salaries to Government servants. It should be spent for the benefit of the poor zamindars. A committee consisting of ladies may be set up with regard to the money which may be reserved for the betterment of women so that it may suggest ways and means to spend that sum for the betterment of women living in rural areas. With these words I support the resolution now before the House.

Premier (The Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan) (*Urdu*): Sir, allow me to participate in the debate at this stage. I am glad to see that this resolution has been supported by all sections of the House. It was long overdue, and represents a belated move on the part of the Government. If the Honourable Nawab Sahib had not moved it, certainly it would have been moved by some other member of our party and even then we would have supported it as enthusiastically as we are supporting it now. Certainly this resolution deserves whole-hearted

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support. It is high time the Government took active steps for the betterment of those poor peasants who serve all classes of people equally whether they are rural, urban, Government servants or traders. So far as Government policy is concerned, Government have always been in favour of doing all that is possible for the betterment of these poor people. As has already been explained by the Honourable Nawab Sahib and other honourable members, there was a proposal to remit half of the land revenue to all agriculturists who pay less than Rs. 5 annually. If we work out the figures we find that by this remission the peasants will not get more than five pice per head on the average. And with this remission of five pice per head per year, no agriculturist can give better education to his children. Nor can this paltry sum help him to feed or clothe his children better. The total amount that can be remitted to the peasants in this manner is something between 50—60 lakhs. It was in my mind to reserve this amount to give relief to those agriculturists who really deserve help. (*Interruption.*) If the bigger landlords would like to join they can join by contributing towards this fund. Anyhow this is a question of detail and we can devote attention to it later. We will work out such details in consultation with as many representatives of the public as possible. I may assure the honourable Mian Sahib that the Government has finally decided to earmark this amount to afford relief to the poor agriculturists. We will start this fund this year with Rs. 80 lakhs as proposed in the resolution under consideration. But from the next year the full amount of Rs. 55 lakhs will be earmarked for this purpose. We are determined to provide this amount at any cost or sacrifice. If need be, we will economise in other directions and reduce our other items of expenditure in order to be able to provide this amount in the budget for the relief of the poor agriculturists. How can we fail to help them? We are answerable to our Maker and to our people alike. We gave certain pledges to our constituents at the time of the elections and we must be true to them. We have to fulfil those election pledges. In the next budget we will reserve this full sum for the benefit of the agriculturists.

I fail to understand how the question of detail can be raised at this stage. It is not relevant, at the present moment, to ask which particular need of the peasant will be fulfilled by this grant. In fact the peasant is suffering from manifold ills and his needs are numerous. My honourable sister Begum Rashida Latif Baji has suggested that the proposed sum should be spent on female education. Our sisters and daughters really stand in need of education and we must educate them. Not only girls but grown up women should also be educated. But we have to look to the other needs of the peasants as well. Education is not the only thing that they need. The first and foremost need is the need of bread. This must be satisfied first of all. Everything else will come afterwards. The hungry masses must be fed before they are educated or provided with other amenities of life. A glance at the condition of other countries will show that the first attempt towards progress and civilisation has always been to raise the standard of living of the people. We should also make a similar beginning by attempting to raise the standard of living of our people. When this is achieved we will certainly be able to acquire other beauties of life as well. Let 'first

things first' be our motto. Necessity must come before decoration. Have you not heard the famous Urdu couplet, the one hemistich of which runs as under

خدا جب حسن دیتا ہے

(An honourable member - نزاکت اُہی آجاتی ہے)

I purposely refrained from completing the hemistich because the poverty-stricken peasants of this province can ill-afford to think of 'nazakats' while starvation is staring them in the face. Decorations and delicacies come in the wake of 'have got's' and not in that of 'have not's'. All that the empty bellies want is food and not ornaments. Luxuries form the care of those persons only whose bellies are full. The half naked, ill-clad and rustic villagers are only clamouring for bread and that is what we should supply them first. Education, sanitation, hospitals and good roads will come afterwards.

The second point that we should bear in mind in this connection is that a deadly war is going on between the forces of evil and aggression on the one side and those of justice, truth and liberty on the other. Let us not forget those veteran soldiers who are fighting at the outposts of India. Those Punjabis who are offering their lives on the battle field deserve our most anxious care. They are giving their blood so that we may live an honourable life. We also owe a duty towards them and their families. When they return home victorious and with laurels, as God willing they shall, they should not find us wanting in sympathy and love. They are truly serving us in this hour of need and they are serving us irrespective of any distinction of caste and creed. Let us also look to the convenience and needs of their families. The humble dependents of these true servants of the people must be provided with all the amenities of life that we desire for ourselves and our children. This is another reason why we should keep apart this sum of Rs. 30,00,000. We are answerable to both God and man for the welfare of the Punjabi soldiers who are trying to protect us all and make life worth living in this world. I am, therefore, really grateful to Nawab Sahib for having moved this resolution and I lend my whole-hearted support to it.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, so far as the question of giving relief to the poor peasants is concerned there can be no two opinions either in this House or in the province outside. But opinions may and do differ, as to the creation of a special fund in the manner that it is proposed to be done. The honourable mover has himself realised those difficulties. He has made mention of them with a view to show that there are really very great difficulties in this relief being given directly to the poor who most deserve it. I do feel and feel very strongly that these people should be directly benefited by the amount that we earmark for this purpose and that no portion of this amount should be spent either on salaries or patronage in the hands of the Government. Only from this point of view I take the liberty to make one or two suggestions. I should like to benefit only those people who pay land revenue of Rs. 5 or less than Rs. 5. I do know that to give relief to those people we require a very big amount and that is not easily available. But I make a suggestion and it is that either this amount should be allowed to accumulate to such an extent that it may

[S. Santokh Singh.]

be possible to give direct relief at least for one year in every five years to those who pay less than Rs. 5 land revenue or the Government, if it so chooses, should start from the poorest district and give the relief districtwise. They have earmarked 30 lakhs of rupees for this year. This amount should be distributed directly to those people who pay Rs. 5 or less than Rs. 5 land revenue starting from the poorest district according to the discretion of the Government. In this manner the relief will reach straight to those people who deserve it most. There should be absolutely no patronage and no wastage over salaries and it is only then that the poor who do deserve it, can directly benefit by it. I would request the Government to give consideration to this proposal. They might have some other scheme in their mind, but the underlying object should be that relief should reach directly only those people whom we do wish to benefit. The people who do deserve relief are to my mind those who pay Rs. 5 or less than Rs. 5 land revenue. I would suggest, therefore, that before setting apart a special fund the Government, with the aid of a special committee whom they may select, should think of ways and means of giving this relief directly to those people who most deserve it, not by creating a special fund, not by engaging staff, not by spending it over public harmony, but by giving this relief straightaway to the persons whom we do want to help, and to my mind they are only those who pay Rs. 5 or less than Rs. 5 land revenue. I would like, if at all possible, to do away entirely with land revenue in the case of these small peasants, but I know that it requires crores of rupees and that it is not an easy matter to find that amount. These are then the two alternatives—either we should allow the amount to accumulate or we should distribute it districtwise directly to reach the people who really deserve it. With these remarks, I support the resolution that has been moved by my honourable friend Nawab Muzaffar Khan.

Mrs. J. A. Shah Nawaz (Parliamentary Secretary) (Urdu): Sir, the Honourable Premier having been pleased to refer to the question of reserving a portion of this fund for educating women as had been suggested by my honourable sister from Lahore City, I deem it my duty to express my views about it. But before doing that I must congratulate the Honourable Nawab Sahib on his moving this salutary resolution. We are really grateful to him for having afforded this opportunity to discuss the needs of the countryside. The question of educating women is the first and foremost question that we need consider in this connection. Just consider the manifold duties that a woman has to perform as daughter, sister, wife or mother. These duties are so varied and so important that it is the duty of the state to provide every facility for them to get the necessary education for their vocation in life. This brings us to the problem of finding funds. According to the Report of the Unemployment Committee, an economic holding of a cultivator ought to consist of 17·8 acres; but according to the Report of the Unemployment Committee the average holding in the Punjab comprises of 8·11 acres only. When this happens to be the case, women members of the family have to play a great part in solving the economic issue. They have to do all that they possibly can to supplement their small incomes—and do all the spinning. I remember what my grandmother used to tell us that it was considered to be the duty of the women members

of a zamindar's family not only to clothe the whole family but to spin so much yarn that for the marriages of the family members there should be no need to purchase any material for dresses. But all that has changed now. Even the women living in the countryside do not like to make all their dresses for doweries, etc., of home spun materials. Previously khaddar used to be the only cloth used by them. (*Mian Abdul Aziz*:—Curse the fashions of the modern world!) In the good old days all the cloth needed for beddings, like *khes* quilts and pillow cases also used to be home spun. Now even the country women like to use other materials, especially for marriages. Hence the need for training women in rural areas to learn to provide all that they require. If better things are needed, let the women learn how to make them. Modern cottage industries have to be taught and it is for this reason that I lay so much stress on providing suitable instruction for women. The Government ought to be ready to provide a good deal of money for the uplift of women in rural areas.

I must impress this fact upon the House that rural reconstruction can never be crowned with success unless special attention is devoted to the uplift of women in rural areas. Unfortunately this highly important aspect of the matter is generally ignored.

Now let me give a sketch of the model village as I visualise it. All the houses of the zamindars be kept clean so that the dangers of epidemics would be reduced to the minimum and occasional attacks of various diseases would be warded off. Arrangements should be made for imparting instruction to our rural sisters in handicrafts and modern cottage industries so that they may usefully utilise their time of leisure hours which is now often wasted away in fruitless gossip. Besides this they should be taught first aid and how to treat ordinary ailments of children and inmates of their homes. Several ordinary diseases of children handled at an early stage can easily be cured. The knowledge of a little materia medica on the part of women would be most useful. They could easily be taught how to utilise the water in their drains for growing vegetables, etc., for their home consumption. During my trip to Europe I tried to study this problem of how to help in rural reconstruction and I was surprised to find in several countries, especially in France, how much work was being done by women. Women folk in the rural areas utilised waste water in irrigating small strips of land attached to their houses. In a part of it they grew vegetables necessary for domestic use and in the remaining portion they took to horticulture with a view to beautifying and embellishing their houses. The result was that the whole village presented an exquisitely fine picture of flourishing small gardens. I want my rural sisters to work on these lines and convert their insanitary houses into habitations worth living. Apart from this they should be taught how to treat common diseases and injuries of domestic animals. This is extremely necessary in view of the fact that often cattle in the villages die as a result of sheer ignorance on the part of women of the zamindars. On several occasions I have heard of a cow, a buffalo or a sheep dying suddenly of stomachache, etc. The animal suddenly becoming ill, men being away working in the fields, nothing could be done and before their return the animal had expired. Something precious is lost through ignorance which could have easily been remedied by a little veterinary knowledge on the part of the zamindars' wives.

(Mrs. J. A. Shah Nawaz.)

In some of the western countries women's unions are doing excellent work in this connection in rural areas. In our country also a net work of such unions should be organised to achieve this object. Welfare centres should be established in large numbers. In our province there are only 217 welfare centres, just a drop in the ocean. Now what are the duties which the health visitors in these welfare centres are required to perform? A lady health visitor has to train *daïs* residing in the neighbourhood of that centre and impress upon them the desirability of adopting hygienic methods while attending to the labour cases. She has to watch or conduct labour cases and then induce the mother to come to her for advice whenever the child needs treatment or care. Honourable members would be gratified to know that as a result of the activities of these welfare centres, although their number is very small, in the areas where these are working the ratio of child mortality and maternal mortality has come down considerably.

Khan Bahadur Nawab Muzaffar Khan : I think this is a matter which concerns the Medical Department. The Honourable Begum Sahiba should make endeavours to achieve her goal by getting some money earmarked in the budget of that department.

Mian Abdul Aziz : Whatever Begum Sahiba has stated is undoubtedly necessary for the betterment of our womenfolk. But I am at one with my honourable friend Nawab Muzaffar Khan in the suggestion that she should better make efforts for the materialisation of her scheme through the Medical Department.

Mrs. J. A. Shah Nawaz : It pains me to find that my honourable friends feel reluctant to allow women to derive benefit from this welfare fund. This legislature has been in existence for the last five years. Has anything substantial been done by this House for the uplift of my sisters in the rural areas? Our women organisations have been trying their level best through the press and the platform and through representations and conferences to induce the Government to take steps for ameliorating the conditions of women. I would not be indulging in exaggerations if I say that our voice has proved a voice in the wilderness. Sir, we have been crying ourselves hoarse that the present curriculum prescribed for the girls is by no means suited to the needs of our girls and a re-orientation of it is very necessary in order to prepare them for their vocations in life. It is true that primary schools for girls are being opened in rural areas, but that does not serve the object. The primary need of the womenfolk in rural areas is this that such instruction should be imparted to them as may enable them to add to the meagre income of the poor peasants. I am, therefore, of the opinion that industrial schools for women should be opened in the villages. These institutions would help to solve the problem of inadequate incomes and at the same time would help the women to utilise their time usefully. In this connection I may also state that on my return from Europe I had a long talk with Mr. Brayne, the then Commissioner for Rural Reconstruction. He told me that on several occasions he had drawn the attention of the Punjab Government to the fact that *dehāt sudhār* would not yield good results unless amelioration work was undertaken seriously on a large scale amongst the women in rural areas.

I am not one with those honourable members who are of the opinion that any portion of this money should not be spent on school or college education for women. My submission is, instead of imparting school education to them we should instruct them how to become useful and earning members of their families and as mothers, wives and daughters know what their work in life is. Sir, a woman has to be in charge of all the departments in her little kingdom; there is the home department, finance department, and social relations, etc., and unless a woman knows how to handle them, she cannot do her duty. Therefore the school education, namely to read and write alone will not stand her in good stead unless and until she is well-versed in maintaining and managing the household affairs in a scientific and competent manner. I would, therefore, appeal to the Government that a considerable amount of money out of this fund should be spent on providing necessary facilities to the women-folk.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) (*Punjabi*) : Much as I would desire to see agriculturists helped in all possible manner by the Government, I am constrained to oppose the resolution on the ground that it gives a hard blow to the self-respect of our zamindar brethren. I am afraid the resolution will not achieve the object for which it has been put forward, because the Government should first of all take active steps to remove hunger from rural areas round which the afflictions of a peasant are centred. I ask the Ministerial party that as they are in power in this province they should make every attempt to ameliorate the condition of the poor peasants as pledged by them. But it is very disappointing that instead of that a resolution is being brought forward with a view to forming a Peasant Welfare Fund. What an achievement ! I would say that this resolution has reminded me of that mother who gave a toy to her babe when he wept for milk. I think the Nawab Sahib, the mover of the resolution has done exactly the same. Perhaps he is not alive to the pitiable condition of zamindars. To give them relief is well and good, but why should Government let zamindars think of their being dependent on this fund ? Why zamindars should beg for relief from the Government, I do not understand.

Then the number of those people who would receive benefit out of the fund is enormously great and the Honourable Premier while throwing light on this subject, if I correctly understand him, told the House that the benefit would also go to those zamindars who are fighting battles outside. The honourable lady member Mrs. J. A. Shah Nawaz suggested other ways in which the fund should be spent. The honourable mover of the resolution suggested that out of this fund relief be given to peasants paying revenue below Rs. 5. There is thus confusion of thought as to the aims of the fund. The number of people intended to benefit by this fund is so great and the money earmarked by the Government for this fund comes to only 90 lakhs. I think that the establishment of this fund is mere shame when we see that the crying needs of zamindars are not being attended to. Let me give you an instance. My own district, Ludhiana, contributes eleven or twelve lakhs of rupees to the provincial exchequer as land revenue alone. Along with this war fund is being realised from zamindars through tahsildars and other officials who give out that they have been instructed in this

[S. Lal Singh]

connection by the Government to collect one-fourth of the land revenue from the zamindars of the ilaqa. In this way a large amount of money is being realised from the province for this fund. It may be said by the Government that they are not prepared to press the zamindars to contribute one-fourth of their land revenue to the exchequer. But this excuse if advanced by the Government will not hold water. In this and other ways the poor zamindar is being burdened always and much more is taken out of him than the Government can ever hope to give him. As regards the amount of this relief fund, I may repeat that I do not think that 30 lakhs of rupees will be sufficient even for a period of a year to meet the requirements of poor peasants. I would, therefore, say that it is a mere eye-wash and the Government is not well advised in establishing the so-called Peasant Welfare Fund.

It is a pity that the Government has not done anything substantial for the peasantry so far. If they were really desirous to see zamindars helped in all possible manners, they should have adopted what civilized countries have done. For instance, they should have started Peasants Welfare Societies as are found in France and other countries of the world. Instead of that, our Government are establishing a fund just like an Orphanage Fund as if zamindars are orphans. I do admit that the condition of our peasants is economically miserable, but I would be the last man to agree with the Government in a matter like this where self-respect of a zamindar is concerned. I would like to tell my friends sitting opposite that I am absolutely not one with the honourable mover in saying that the zamindars should knock at the Government's door asking them to give them alms from the Relief Fund. I do not want such things to be done. You are aware, Sir, that proprietary rights count much in rural areas. As a matter of fact a zamindar who owns even two kanals of land considers himself a sovereign so far as his self-respect and local dignity is concerned. But by adopting such a resolution, I would say that the Government is kicking out the element of self-respect of zamindar who is being hard pressed from different quarters. I may, therefore, submit that the zamindar requires not such funds to be established, but he requires something much higher and something more dignified. He wants relief by statutory measures because he supports the whole administration while he is himself helpless. It is the zamindar who has to contribute for the war fund and it is the zamindar who has to offer himself as gun-fodder in the battlefield. But still the poor soul suffers a lot at the hands of the Government whose officials squeeze him dry for their own ends. When such is the condition a resolution is being put forward for establishing a Peasant Welfare Fund. and the Government seems to be proud of it. I am at a loss to understand this chivalry of the Government. Instead of passing this resolution by which, as I have already submitted, the zamindar will be robbed of his self-respect, the Government should have brought forward a measure for equitable distribution of taxation. There must have been at least some change in the policy of the Government and I submit that the betterment of the peasant classes can be brought about by several ways, provided the Government are prepared to do something for them in true earnestness. In Europe such relief funds are not in existence but there something substantial is

done for the peasant classes. Every working peasant is insured there and when out of employment he is granted a pension, say 10 shillings a week, out of that policy. What is being done here? The Government shed crocodile tears on the poverty of the zamindars and bring forward a resolution which is to give a hard blow to their self-respect. I would, therefore, request the Government to adopt better methods of providing healthy and wholesome relief to the peasants than they have now done by putting forward this resolution. For instance, as I have already submitted the Government should take up the question of spreading education amongst rural classes and I am perfectly confident that by establishing unemployment insurance funds in rural areas they would be able to do a good deal for the betterment of this class of people. Since I do not want to see the honour and self-respect of zamindars degraded and doomed by the passage of this resolution, I would request its mover to withdraw it in the interests of the peasantry of this province.

Khan Bahadur Nawab Sir Fazal Ali Khan (Gujrat East, Muhammadan Rural) (*Urdu*): Sir, I consider it my duty to offer my thanks to the Honourable Nawab Sahib for moving this resolution. However I would be failing in my duty if I do not at the same time express my thanks to our beloved Premier for lending it his wholehearted support. There is no gainsaying the fact that the plight of the zamindar is worsening day by day. I am not sure whether it will be proper for me to say that although considerable effort has been made to do something for the welfare of the zamindar, yet his real problem has not so far been tackled by the Government. This resolution seems to make a right beginning by aiming to start a fund wherewith the peasants will be able to get money for their pressing needs, not by begging but by demanding as of right. As to what will be the mode of expending this fund on the welfare of the zamindars is a matter that can best be decided by a committee to be appointed by the Government. Suggestions have been made by my honourable sister the Begum Sahiba, but I think crores will be required to give a practical shape to them. In my humble opinion it is not the time when such efforts for the welfare of the zamindars should be called "an attack on their self-respect", as my honourable friend Sardar Lal Singh has done. The crying need at present is their betterment. Personally I think it is difficult for them even to exist. The ills of the agriculturists are the root cause of all the troubles and the turmoil in this world. They do not get a single moment's rest by day or by night, but go on living for others without any protest. The day is not very far when the zamindars will cease to exist as a class. Their already uneconomic holdings are gradually being reduced to still smaller tracts of land. At the present moment at least 85 per cent of the zamindars are merely agricultural labourers tilling the soil for a handful of big landlords. It is the foremost duty of a Government, whatever its form may be, to protect the agriculturists as a class. These hardy folk are the only section of a country's population which takes hard knocks with a smile. All other classes raise an awful hue and cry at even the slightest attempt at taxation. They forget all principles of decency and good citizenship the moment they are called upon to contribute their share towards the cost of administration, etc. On the other hand the agriculturists are

[K. B. Nawab Sir Fazl Ali Khan].

the only class who in spite of their poverty are made to fill the provincial exchequer as well as to defend the country by laying down their lives in the event of a war. To me it appears the greatest of sins not to do anything for them by way of relief. Nawab Sahib, by bringing forward this resolution has done a کارِ ثواب, and deserves our sincere thanks. Now the question as to how this fund should be utilized may be left to a committee. It is for the good of the Government as well as of the country that the zamindar should be jealously guarded. Those who act in a niggardly manner in the matter of working for the welfare of the zamindars and instead of contributing anything from their own pockets, raise unnecessary hue and cry and spread disaffection should know that :

بچو گے نہ تم اور نہ ساتھی تمہارے
اگر ناکِ دُوبی تو دُوبیں گے سارے

It is however gratifying to know that our friends opposite who were in the habit of opposing any proposal which could be beneficial to the poor agriculturists have for once lent their support to this resolution. I think it is a very commendable and noble act on their part. If anyone in this House has not changed it is my honourable friend Sardar Lal Singh, who cannot as a principle support any action or proposal which emanates from this side of the House.

I am confident that the Government also feels for the zamindars and would increase this sum of Rs. 30 lakhs to a higher figure just as the Honourable Premier declared that it would be increased by 55 lakhs next year as the necessity arises.

My honourable sister from Lahore City has raised the question of women in rural areas. Let me tell her that the interest of men and women are inter-linked and it will do no good to differentiate between the two.

Those who are wont to put obstacles in the way of any step that the Government intend to take by belittling their effort, should know that this fund is only the beginning of an effort for the welfare of the peasants.

مشکل ہے گو مرید کا ہاتھ آنا

مگر لازم ہے گھوڑے کو سریتِ دوڑانا

I would request Nawab Sahib not to mind the opposition of Sardar Sahib, because after all our actions reflect our character. The importance of his commendable resolution and his own integrity cannot decrease by the opposition of any person, as has been said by a poet :

وہ ہو بے وفات ترکِ سجدہ ابلیس سے آدم

عدو کی سرکشی سے ذوقِ کب رہے ہو کم میرا

With these words, I strongly support the resolution now under consideration of the House.

Minister of Revenue (The Honourable Chaudhri Sir Chhotu Ram (Urdu): Sir, I tender my sincere congratulations to the honourable Nawab Sahib for moving a resolution which promises more advantages than one. In the first instance, it has opened the eyes of the Government which had

for the past nearly five years been perhaps insufficiently alive to the interests of the agriculturist classes, whereas its predecessors had all along been totally blind. This resolution draws, for the first time in the history of the province, the attention of this Government in a practical and effective manner to the welfare of the peasants whose well being had hitherto been neglected by every one. The second advantage of this resolution has been that it has not only received the approbation of the Ministerial Party but has also received the support of the Opposition. I am glad that in all these years at least one resolution has received the blessings of all sections of the House. But here too Sardar Lal Singh has proved the rule by offering his exception. That he should strike a discordant note was only natural for him. How could he tolerate a resolution aiming at the welfare of the poor being moved by a member of the Ministerial party without his opposition?

Now I would like to make a few observations in regard to the resolution, so that the honourable members of this House may clearly know its implications and may have no doubts whatever as to the intentions of Government. The first point to be noted in this connection is that this sum of 30 lakhs of rupees, which will be set apart for the creation of this particular fund, will be provided from the budget of the current financial year as a first instalment. Let it not be understood that this sum of 30 lakhs of rupees will be the only contribution which will be made towards this fund. As I have already stated this sum of 30 lakhs of rupees will be provided from the budget of the current financial year and in future 50 to 55 lakhs of rupees will be contributed towards this fund every year. Thus this sum will continue to increase year after year. The honourable members should note this matter particularly. Besides, they should keep its implications in view as well. The administration of this fund, to which a sum of 50 to 55 lakhs of rupees will be added every year, will be guided along lines chalked out in consultation with the ministerial party. How this fund will be financed is a matter which can be easily understood. It can be financed in two ways. One source of its finances can be economies effected in the expenses of Government but, the scope for economies being limited, the bulk of the finances will have to be obtained by imposing further taxes. I want to emphasise the point, to which reference has already been made by the Honourable Premier to-day, that Government shall, in whichever manner it is possible for them, set apart a sum of 50 to 55 lakhs of rupees every year for the welfare of that section of the community to whose betterment inadequate attention has been paid in the past. If for this purpose we are required to impose new taxes, we shall not hesitate to do so. If the present taxes prove to be insufficient, new taxes will be imposed, and if need is felt for increasing the rate of the present taxes we will not shirk our responsibility. (*Mian Abdul Aziz*: But will any reduction be made in the salaries and allowances of the Ministers or not?) I have more than once stated that if Mian Sahib and others of his way of thinking can evolve a satisfactory retrenchment scheme by which the salaries of all highly paid officials can be reduced, I assure him on behalf of the Ministers that we are prepared to accept a reduction of five pice per rupee in our salaries if the other highly paid officials accepted a cut of one anna

[Revenue Minister].

per rupee in their salaries. After this assurance I do not think there is any need for anybody to put any further questions on this subject.

The next point which should be clearly understood is that it has not been explained at length in this resolution as to how this fund will be expended. Therefore at this stage it is not fair for any honourable member to criticise as to how and where it will be spent and whether it should be spent on this thing or that thing, etc. What we want at the moment is the recognition by this House of the principle that a big sum should be set apart every year for the welfare of the poor zamindars. At this stage no definite undertaking can be given on behalf of Government as to how precisely and on what specific objects this fund will be expended. The offer of Government at present is simply this that this fund will be utilized for those purposes on which there is the largest measure of agreement. Besides every attempt will be made to consult the honourable members, primarily the members of the Ministerial party, as to how best this fund could be expended so that the community for which this fund has primarily been created may derive the maximum benefit out of it. The suggestions on which there will be maximum agreement will be given effect to. So far as the members of the Ministerial party are concerned, they have already been assured that Government would make every attempt to ascertain their views in regard to the most appropriate use of this fund. Let me also point out that any advice offered or views conveyed to Government by any honourable member of this House will be welcome and will receive due consideration, the object being to collect useful information from all quarters, and those suggestions on which there will be maximum agreement will be given effect to. The determining voice will, of course, be that of the Ministerial party.

Now I would like to deal very briefly with one or two points raised by Begum Rashida Latif Baji. She observed that much had already been done for men and suggested that out of this sum at least 10 lakhs of rupees should be set apart for women in the villages. She used to blame me for creating invidious distinction between urban and rural people, between jats and non-jats, etc. Let me tell her that if I have created any distinction it is only between large classes of people, but she has gone much further than myself and has attempted to create divisions in our households. Anyway there is a principle behind her contention as well. This principle is that if we continue to ignore the rights of any class, be this indifference on the part of Government or any other public organization or section of society, a time will come when it will become essential that some distinction should be made for that class, and that explains my insistence upon special attention being paid to backward classes.

Begum Rashida Latif Baji : What have you done for the women-folk ?

Minister for Revenue : Baji Sahiba has after all accepted the principle that if we shut our eyes to the needs of any one class for a long time, a time comes when it becomes essential that that class should receive special attention as against others.

Begum Rashida Latif Baji : At present I have not raised the question of jats and non-jats.

Minister : But the honourable lady member has attempted to create division in our house.

Begum Rashida Latif Baji : I want to reform your house and not to deform it by creating division.

Minister : Thank God the mistress of the house is a *jatti* (an asset) and not a *chatti* (a liability). Anyway she pointed out in her speech that a part of this sum should be earmarked for the education and general uplift of women in the villages. This question has already been answered by the Honourable Premier: let money come first, culture and manners will follow in its wake. The primary need of the zamindar is that we should try to relieve his hunger. He does not get sufficient to keep his body and soul together. Therefore what we have to see at present is as to how we can relieve his hunger. (*Hear, hear.*) I assure my honourable friends that whatever suggestions they will make for relieving the hunger of zamindars will receive serious consideration by Government.

Pandit Bhagat Ram Sharma : Your speeches alone will not relieve the zamindars of their hunger.

Minister for Revenue : My honourable friend has, I should think, reason to feel that speeches also play a part in politics. They serve occasionally as whips which compel some people to change their course along the road.

Now, Sir, my honourable friend Sardar Santokh Singh during the course of his speech observed that so far as the principle of the resolution was concerned there could not be two opinions about it, but in regard to the fund itself one could very well differ. My submission is that there is no need for him to maintain difference of opinion in regard to the fund either. Nevertheless he may, if he likes, differ in regard to the manner in which the moneys in the fund are to be expended. There is no reasonable ground for any difference as to the fund itself, because the principle underlying the creation of this fund is that it will be expended for the welfare and betterment of those people who have received inadequate direct attention so far. But I assure you of one thing and it is that every care will be taken to save this amount from going into the pockets of mere additional staff, the fullest possible benefit will go to the agriculturists. No avoidable expenditure will be incurred in giving salaries to the Government officials as was generally done with the Special Development Fund. The Special Development Fund, as has been pointed out by the honourable Nawab Sahib, was mostly apportioned among Government Departments. The agriculturists benefited to a very small extent by this fund. Perhaps even four annas in the rupee were not spent on the direct betterment of the poor agriculturists. A major portion of the aforesaid fund was utilized in employing new hands. Where previously there were only ten men to carry out the work of a department, after the creation of the Special Fund their number was increased to twelve. I once again assure Nawab Sahib and other honourable members of the House that this fund will not be spent in the manner of the Special Development fund.

Then, the honourable Begum Sahiba said that even in the houses of the agriculturists home-spun cloth is not used.

Mrs. J. A. Shah Nawaz : I said that on the occasion of marriages for dowry purposes home spun-cloth is not used.

Minister : If you ever visit Gurgaon district you will find that even on the occasion of marriages home-spun cloth is used. (*Interruption*). You waver between the two—what that side of the House wants and what we intend doing. You are a zamindar and your sympathies should be with the zamindars.

Pandit Bhagat Ram Sharma : The Government has awakened like Rip Van Winkle to create this fund after five years of its regime.

Minister : It was in our mind from the very beginning of our regime to create this fund. But due to the obstructive tactics of those benches we got little time to devote ourselves to it. If some mis-guided brethren (*kamle bhai*s) who claim to be representatives of the agriculturists, had not joined the opposition the Government might have been able to create the fund earlier.

Mian Abdul Aziz : Is it open for me to say that there are many *kamlas* (mad men) on those benches? (*Laughter*). (*An honourable member:* There is only one on that side).

Sardar Lal Singh : Create the fund by all means. In fact we want that you should allocate money for it with retrospective effect.

Minister : If the sales tax had been imposed three years ago, we might have done it.

Sardar Lal Singh : Has it been imposed now?

Minister for Revenue : Is there any doubt about it? It was also suggested that the Government was giving this sop to the zamindars to keep them quiet. I say that an amount of 55 lakhs per year is not a small sum. It will be of real benefit for the agriculturists. I am sure they will welcome it.

An honourable member remarked that an extra sum of two annas per rupee of land revenue is charged from the zamindars as a contribution towards the war fund. Let me inform the House through you, sir, that instructions have been issued by the Government to all local officers that no general war levy should be raised from the zamindars.

Sardar Lal Singh : All such instructions remain on paper and no one cares for them.

Minister : Why does not the honourable member invite the attention of local officers to those instructions? Why does he not object to them against such attempts if they are made in his district? Does he lack courage to protest? (*Interruption*). This is not relevant to the matter under consideration. I, therefore, need not reply to it. I was saying that instructions have been issued to the local officers to the effect that they should not make any general levy from the zamindars. Only recently, not more than ten days ago, a reminder has also been issued to them inviting their attention to those instructions. Only such of the zamindars are to be invited to contribute towards the war fund as are well off and can afford to pay. Contributions are invited from the rich zamindars because it is as much their duty to help in the successful prosecution of the war as it is ours. There is absolutely no truth in the allegation that a general levy in the form of an extra two or three annas per rupee of land

revenue is made from all agriculturists. The Government cannot and does not approve any such general levy (*An honourable member*: But the zamindars are forced to pay). I have already said that instructions forbidding compulsion in any form have been issued. Why cannot honourable members invite the attention of local officers to them? If anybody brings to the notice of the Government any instance in which any agriculturist may have been forced to pay towards the war fund, the Government would certainly take action in the matter and call upon the officer concerned to explain his conduct. It would be much better if the honourable members advise the zamindars that instead of giving contributions they should give war loans to the Government. There is the instance of Killa Gift Fund before you. It was created in the Lyallpur district from the repayments of war loans which the people of Lyallpur district had given during the last Great War. Similarly, let the zamindars give war loans now so that after the war when they are repaid by the Government a similar fund may be created for each district for the benefit of the zamindars.

"Then, sir", Sardar Lal Singh said, "why are you seeking to demoralise the zamindars by passing this resolution? The creation of this fund will only promote an inferiority complex among them, inasmuch as the hope and desire of the zamindars to benefit from this fund will lower their sense of self-respect and produce a feeling of dependence among them". In answer to this criticism I can only say that nothing could be further from my mind. The truth is that I have been doing my level best to strengthen a sense of self-respect among zamindars. In fact I have, if anything, been exhorting them to cultivate a sense of superiority.

I am very keen to create a strong sense of self-respect in zamindars. That is why I keep telling them in my speeches that they are the chosen people of God and rank higher than all others. It is they who feed all of us. It is they who are the backbone of the nation. They are the salt of the earth. I have carried this message of self-respect to every nook and corner of the province, so much so that some of my friends have begun to blame me by saying that I have turned the heads of the zamindars and made them conceited and supercilious. If I am accused of preaching an excess of self-respect among zamindars I may, perhaps, plead guilty to the charge. But when a contrary charge is made I must repudiate it. I really believe that the zamindars had been oppressed for a pretty long time and they had been subjected to a humiliating and insulting treatment so long and so consistently that they had to come to believe that it was their lot to bow before everybody. Every Tom, Dick and Harry could frighten them. They had been overawed by all officials, big or small. The time had come when we called a halt to this. Every zamindar had got to be told that he was a member of a sovereign community which was entitled to rule and none could dispute this title. I have preached this sermon from every housetop. Even the deaf have heard it now and zamindars have begun to hold their head high and look everybody in the face. Hitherto they had worshiped false gods and shown subservience to all and sundry. Now they are beginning to cultivate a strong feeling of self-respect. All honour is due to the tillers of the soil who feed and

[Minister.]

sustain the whole of humanity. I have been preaching to the downtrodden zamindars to hold their head high (*Cheers*), and to feel that dignity is theirs by birth. Let others also note it. I, therefore, assure my honourable friend Sardar Lal Singh, that he need not have any anxiety on this score. It is our aim to add to the dignity and self-respect of zamindars. That is why we are trying to improve their economic position which is the real key to a man's sense of self-respect.

Mrs. J. A. Shah Nawaz : May I ask one question ? The Honourable Minister has not been pleased to reply to the one point on which my whole speech was based, that of devoting a portion of this money to provide such instruction for women in rural areas that would enable them to add to the meagre incomes of the zamindars. Will he kindly throw some light on this question ?

Minister : I am thankful to Begum Sahiba for having reminded me of this point. I had partly forgotten and partly thought it unnecessary to elaborate this point because the Government as a whole has not yet worked out the details of any scheme or schemes to which this fund is to be devoted. In the circumstances I could only give expression to my personal views. Some people might take my personal views as the settled policy of the Government and then find occasion to blame the Government. So I did not and do not like to describe at length the various directions in which this money might be spent. Women ought certainly to be anxious to add to the income of the zamindars and they should be given all appropriate facilities for education and culture in due course. But first things must come first. The first and foremost necessity is that of bread. Let this necessity be met first.

Khan Bahadur Sardar Muhammad Hassan Khan Gurchani (South Dera Ghazi Khan, Muslim, Rural) (*Urdu*) : Sir, I would express my views in a plain language as I have very little education. I come from a far-flung district of Dera Ghazi Khan. The resolution moved by my honourable friend Nawab Muzaffar Khan is a very salutary one, inasmuch as it seeks to reserve a sum of Rs. 30 lakhs for the relief of the poor peasants. The Honourable Premier as well as the Honourable Chaudhri Sir Chhotu Ram have stated that they have great sympathy for the backward classes. But it is passing strange that they have not uttered a single word which could indicate that a certain portion of this amount of Rs. 30 lakhs would be spent for the betterment of the district of Dera Ghazi Khan which is so distant from the capital of this province. My honourable sister, Mrs. Shah Nawaz, has demanded some money for the uplift of industries. In this connection I too would like to suggest that several good industries are in vogue in the district of Dera Ghazi Khan, like carpet making. Consequently some money may be given to this district for the improvement of these industries. The sum and substance of my remarks is only this that when a committee is going to be set up for devising ways and means of spending this sum of 30 lakhs, the representatives of this district may also be given a chance to serve on that committee.

I do not wish to encroach upon your valuable time any further and would like to thank you, sir, for having very kindly allowed me this opportunity to represent my views which you have patiently heard. I hope that

the Government would sympathetically consider the humble request that I have made to-day. With these few words, I support the resolution now before the House and resume my seat.

Chaudhri Jalal-ud-Din Amber (West Central Punjab, Indian Christian): Sir, I rise to support this resolution whole-heartedly. I do not think there are any more arguments left; but I would make a suggestion to the inaugurators or the persons responsible for inaugurating and administering this fund. My suggestion is that the definition of the word "peasants" should be extended, because peasants are not only those who pay, say Rs. 5, as abiana or who pay less land revenue or are poor zamindars, but I think the word "peasants" includes the tenants as well as agricultural labourers. There is a class of agricultural tenants as well as labourers — the tillers of the soil — who may not belong to tribes notified as statutory agriculturists but still their whole living may depend on agriculture. What I mean to say is that there might sometimes be a tendency to forget this aspect of the question. This Resolution is more welcome because the present arrangements about taccavi and taccavi loans are not quite sufficient. It is difficult for the ordinary tiller of the soil and ordinary zamindar always to have an opportunity of getting full benefit of taccavi loans. Moreover, taccavi loans do not cover all the cases where the poor peasants require help and assistance. It is, therefore, in the fitness of things that such a fund should be at the disposal of the Government who should be made responsible to administer it. Raja Muhammad Akram Khan gave an instance and I can add many instances to it. I know of cases where wholesale damage is done by hailstorms or some other calamity and the villagers affected are told by those in authority that they cannot get the compensation applied for. You can well imagine how unfortunate and difficult the situation becomes for the poor people. According to the rules, whenever a calamity of that kind occurs, it is not always possible for the zamindars to be fully compensated for the loss incurred. The rules are so tight that they do not cover all sorts of calamities. Many villages damaged by such calamities do not get any compensation at all. This sort of fund will in such cases be competent to assist those villages which have not come under the purview of the authority for the kind of help that they ought to get from the taccavi or from the Government in the way of loans. In practice it sometimes is not possible to help them because the rules on the subject make it so difficult for the authorities to move in the matter. They impose the condition that unless one quarter of the holding of a zamindar is damaged, he will not be entitled to get any compensation. Take the case of a zamindar whose one quarter holding is not damaged but a little less area is damaged. He will not get the compensation applied for though he will equally be requiring that help and assistance. So those zamindars who cannot get help from the Government from that direction, should be able to get it from such a fund.

I do not agree with my honourable friend Sardar Lal Singh that there will be any slur on the self-respect of the zamindars if they are helped in this manner. In other countries there are numerous such institutions which are meant to uplift the poor. Likewise if we also have such a fund

[Ch. Jalal-ud-Din Amber.]

which should be utilised when an occasion arises, then I do not consider that the utilisation of such a fund will in any way damage the self-respect of the person affected. So, I do not agree with my honourable friend over there. (*An honourable member* : Question be now put.) My only suggestion is that there should be no question of help being given to those who pay revenue at a certain level. That sort of demarcation would be unjustifiable. The word 'peasant' should not mean only zamindars or statutory agriculturists but this term should include all those who are the tillers of the soil and are connected with agricultural labour. With these few words I support the resolution.

Khan Bahadur Nawab Muzaffar Khan (Urdu) : Sir, I feel highly gratified to see the wholehearted and unanimous support accorded to my resolution by all sections of the House. My honourable friend Chaudhri Jalal-ud-Din took pains to elucidate the word 'peasant'. To be brief, I may tell the House that by peasant I did not mean merely the proprietor. Tenants will naturally be benefited. There are however details. I feel that proposals formulated hurriedly are apt to prove faulty and defective when they are considered calmly and dispassionately. That is why I made a suggestion for the appointment of a committee which should thoroughly consider the matter in all its bearings and work out the details for utilising this welfare fund in the best possible manner. Besides, the honourable members would get an opportunity to see its working. The various schemes and the amount attached to each will of course be shown in the budget of each year. The honourable members can then discuss the details and suggest improvements in its working. With these words, I again thank the House for giving unstinted support to my resolution.

Minister for Revenue (The Honourable Chaudhari Sir Chhotu Ram) (Urdu) : I have no intention of detaining the House for long on this subject. I would briefly deal with the points raised by my honourable friends opposite. My honourable friend Chaudhri Jalal-ud-Din Amber was at a loss to understand the exact definition of the peasant who was expected to receive benefit under the proposed Welfare Fund. He enquired whether every cultivator, even he who owned no land, came under the purview of the word 'peasant'. He was of the opinion that a person cultivating land taken on lease and a mere tenant also should be considered a peasant for the purposes of this fund. I do not propose to refer him to the dictionary meaning of the word 'peasant'. But I may be allowed to tell the House that the primary intention underlying this resolution is to create a fund for the benefit of those petty zamindars who own land and pay Rs. 5 or less as land revenue to the Government. The limit of Rs. 5 has been fixed because this will be one of the main factors determining the annual amount to be put into this fund. So far as ownership of land is concerned, no distinction has been made between a statutory agriculturist and other agriculturist. The only determining factor to be taken into account is the ownership of land. In other words small holders are the ones primarily and directly entitled to the benefits of this fund.

Chaudhri Jalal-ud-Din Amber : May I know if tenants are eligible to derive benefit under this fund ?

Minister : No, they do not come under the category of peasants for the purposes of this fund, and on principle, as I have already stated, only petty land-revenue payers should be treated as peasants. It is they who would be directly benefited by this fund.

3 p.m.
But the disbursement of the fund will be made in such a manner as also to benefit the tenants indirectly.

The direct benefit of this fund will go to petty zamindars. This is the intention of this resolution.

Mian Abdul Aziz : Are tenants included in the petty zamindars ?

Minister : I have already submitted that the petty zamindars will receive benefit directly from this fund and mere tenants may do the same indirectly. The benefit may go indirectly to the tenants as well, but, strictly speaking, the Welfare Fund is meant for petty land-owners. I may also point out that the main purpose for which this fund is to be created will be served only if a definite amount of money as proposed by the Honourable Premier is added to it annually. If this is not done I am afraid difficulties are bound to arise. For instance, the peasants would worry the Minister of Revenue for giving them relief out of the fund as and when occasion arises, but if annual additions are not made it may not be possible for him to do so. I think, if the small zamindars co-operate with Government in this matter the work of providing them relief, when really needed, can be accomplished in a satisfactory manner.

My honourable friends sitting opposite should also clearly understand that this amount of 30 lakhs is to be provided out of the revenues of the current financial year. The amount of the fund, however, will be augmented by the addition of Rs. 55 lakhs during the next year and in every succeeding year in future. I appreciate the proposal made by my honourable friend, Sardar Lal Singh, because by adopting it we may be able to get things easily done. He rightly pressed for the equalisation of taxation for all classes and even asked the Government to bring a law to this effect on the statute. My friends sitting opposite should pay heed to this suggestion. They should not forget that in order to bring about a more equitable distribution of taxation we may have to bring forward proposals for new taxes, and now that we have imposed a sales tax on commercial classes it is desirable that subversive agitation on their part be stopped forthwith.

Mian Abdul Aziz : May I ask, is it relevant at this stage to say anything about taxes ?

Minister of Revenue : Why not ? Does it pinch you ?

Mian Abdul Aziz : I would request the Honourable Minister to abstain from using unparliamentary phrases. I can pinch more.

Mr. Speaker : The question is—

This Assembly recommends to the Government to set apart at least 30 lakhs of rupees from the revenues of current financial year with the object of forming a nucleus for a Peasants Welfare Fund.

The motion was carried.

RETIREMENT OF OFFICERS OF DOUBTFUL INTEGRITY OR EFFICIENCY.

Chaudhri Ranpat Singh (Karnal North, General, Rural) (Urdu): Sir, I beg to move—

This Assembly recommends to the Government to retire under the rule of 25 years' service qualifying for pension all officers whose efficiency or integrity is doubtful.

I need not say anything regarding this resolution as it is self-explanatory. It aims at sending home those officers who have completed 25 years' service and whose honesty or efficiency is doubtful.

Mr. Speaker : Resolution moved is—

This Assembly recommends to the Government to retire under the rule of 25 years' service qualifying for pension all officers whose efficiency or integrity is doubtful.

Mian Sultan Mahmud Hotiana (Pakpattan, Muhammadan, Rural) (Urdu): Sir, I rise to support the resolution moved by my honourable friend Chaudhri Ranpat Singh who desires the Government to retire after 25 years' service qualifying for pension all officers whose honesty or integrity is doubtful. This is very important because certain officers qualifying for pension sometimes stick to their posts by getting extension from the authorities by approaching them through the back door. This is very undesirable on their part as our well-educated young men have to wait till those posts fall vacant on their retirements. As a matter of fact we have a large number of highly qualified young men but the trouble is that the old and aged officers do not want to vacate their posts for them. Opportunities, therefore, should be afforded to young men to serve the Government efficiently in different departments.

With these few remarks, sir, I whole heartedly lend my support to this resolution.

Mr. Speaker : The question is—

This Assembly recommends to the Government to retire under the rule of 25 years' service qualifying for pension all officers whose efficiency or integrity is doubtful.

The motion was carried.

The Assembly then adjourned till 12 noon on Monday, 23rd February, 1942.

Appendix.

(Answer to starred question No. 7958, page 481 ante.)

The Honourable Chaudhri Sir Chhotu Ram : The Western Jumna Canal Extensions Scheme is in progress. The present scheme does not extend to any villages of the Fatehabad tahsil of Hissar district.

(Answer to starred question No. 7959, page 481 ante.)

The Honourable Chaudhri Sir Chhotu Ram : The number of villages that will be irrigated from the Western Jumna Canal-Extensions Scheme is detailed below :—

Hissar District.—

Hansi tahsil	..	..	..	..	52
Bhiwani tahsil	..	..	..	..	7
					—
Total				..	59
					—

Rohtak District.—

Gohana tahsil	..	..	..	..	6
Rohtak tahsil	..	..	..	..	16
Jhajjar tahsil	..	..	..	..	98
					—
Total				..	115
					—

GRAND TOTAL .. 174

The Extension Scheme is yet under construction, and the villages brought under irrigation depend solely on the levels of land and have no connection with communities.

1911

1911年1月1日 星期日
1911年1月2日 星期一
1911年1月3日 星期二

1911年1月4日 星期三

1911年1月5日 星期四

1911年1月6日 星期五



1911年1月7日 星期六

1911年1月8日 星期日

1911

PUNJAB LEGISLATIVE ASSEMBLY.
EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE
ASSEMBLY.

Monday, 23rd February, 1942.

*The Assembly met in the Assembly Chamber, at 12 noon of the clock
Mr. Speaker in the chair.*

STARRED QUESTIONS AND ANSWERS.

BLACK LISTS FOR INTERVIEW WITH PRISONERS.

***7860. Sardar Moola Singh :** Will the Honourable Premier be pleased to state the names of the members of the Punjab Legislative Assembly, if any, whose names have recently been included in the 'Black lists' of the Punjab Government kept in Punjab Jails?

Parliamentary Secretary (Mir Maqbool Mahmood) : There is no such thing as a black list, which, in regard to jail interviews, implies some sort of absolute ban. Government have directed that in certain cases interviews for which there is no ostensible reason should not be allowed without a reference to Government, but no person is absolutely prohibited from having an interview with a prisoner in jail. It is not in the public interest to publish the instructions issued by Government.

Chaudhri Muhammad Hassan : Will the Parliamentary Secretary be pleased to state the qualifications required to bring an M. L. A. or other person on the black list?

Parliamentary Secretary : If the honourable member is referring to prisoners in the Punjab there is no black list.

Chaudhri Muhammad Hassan : Are persons asking for interview freely allowed to see the prisoners?

Parliamentary Secretary : So far as persons asking for an interview are concerned, in certain cases they are not allowed the interview unless they satisfy certain conditions.

Chaudhri Muhammad Hassan : What are those conditions? Will the Parliamentary Secretary lay them on the table of the House?

Parliamentary Secretary : If persons asking for an interview are relations of the accused or if they are their legal advisors they are allowed to see them.

Chaudhri Muhammad Hassan : Are all lawyers, irrespective of the fact whether they come from Lahore or outside, allowed to interview?

Parliamentary Secretary : I should like to have notice for that.

Lala Deshbandhu Gupta : May I know whether it is a fact that the revised list was circulated throughout the Punjab jails according to which most of the Congress M. L. A's and other prominent workers cannot interview any political prisoner in jail?

Parliamentary Secretary : I am not aware of any such list, but I know there is no definite prohibition of any person under the conditions.

Lala Deshbandhu Gupta : May I know if a list of that nature was circulated without the knowledge of the Premier or of the Minister in charge of the department concerned ?

Parliamentary Secretary : I should like to have notice for that.

Lala Deshbandhu Gupta : Does my honourable friend know that there has been a good deal of agitation on this point in the press ?

Parliamentary Secretary : On the basis of the agitation or the questions asked I have been able to ascertain that no person is debarred to interview a prisoner if he happens to be a relative or his legal advisor whether he be a Congress M. L. A. or some other person.

Sardar Moola Singh : Is the Parliamentary Secretary aware that I am not allowed to see any prisoner in sub-jail Hoshiarpur ?

Parliamentary Secretary : If the honourable member has any relative in jail, he will have the necessary permission to see him.

Chaudhri Muhammad Hassan : Is it a fact that a friend was allowed to interview a prisoner in jail ?

Parliamentary Secretary : I should like to have notice of that question.

Chaudhri Muhammad Hassan : Is it a fact that these instructions issued to various jails are a published document ?

Parliamentary Secretary : If they are public document then they should be public property.

Chaudhri Muhammad Hassan : I said 'published document'.

Parliamentary Secretary : I have not seen it.

Rai Bahadur Mukand Lal Puri : Can a friend interview a convict in jail ?

Parliamentary Secretary : Yes.

Rai Bahadur Mukand Lal Puri : Then why was Sardar Moola Singh not allowed to interview the prisoner ?

Parliamentary Secretary : I think it would not be fair to Sardar Moola Singh if I replied to it.

Lala Duni Chand : Is the Parliamentary Secretary aware that both Mrs. Duni Chand and myself (*laughter*) are on the prohibited list ?

Parliamentary Secretary : I should like to have notice for that.

Lala Duni Chand : May I know if the Parliamentary Secretary has seen the prohibited list, and if so whether he noticed the names of M. L. A.'s. on that list ?

Parliamentary Secretary : I have not seen any such list because the question related to the black list in the Punjab jails : I have made enquiries and ascertained that there is no such black list of persons in the Punjab.

Lala Duni Chand : Is the Parliamentary Secretary aware that the number of Congressmen and others on that black list is almost 500 ?

Parliamentary Secretary : If honourable members ask supplementary questions about questions not asked in the original question they must naturally give us time to look into them.

DISPOSAL OF THE AMOUNT ALLOWED FOR ATTAINMENT OF COMMUNAL
HARMONY IN THE PROVINCE.

***7862. Sardar Moola Singh :** Will the Honourable Premier be pleased to state how the amount allotted in the Budget for the year 1941-42 for the attainment of communal harmony in the Province has been disposed of ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The attention of the honourable member is invited to the reply given to starred question No. 7826¹.

TRAVELLING ALLOWANCE FOR PERSONAL GUARDS OF PUNJAB
MINISTERS.

***7863. Sardar Moola Singh :** Will the Honourable Premier be pleased to state whether it is a fact that the personal guards of the Punjab Ministers travel on Government expenses whenever they go to attend meetings of Muslim League working committee ; if so, the rule or rules of the Travelling Allowance Rules which enable them to charge travelling allowance from the public revenues ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Travelling allowance is normally admissible to Government servants on duty. The duty of personal guards is to protect the person of the Minister concerned wherever he may happen to be.

REPATRIATION OF DEOLI CAMP PRISONERS.

***8011. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

(a) the place or places where it is now proposed to lodge the detenus to be repatriated from the Deoli Camp ;

(b) whether all of them are to be lodged in one place together or in different places ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) New Sub-Jail, Gujrat.

(b) All in Gujrat.

**CANDIDATES RECOMMENDED BY PUNJAB AND N.-W. F. P. JOINT
PUBLIC SERVICE COMMISSION FOR APPOINTMENT IN GOVERN-
MENT SERVICE.**

***8083. Malik Barkat Ali :** Will the Honourable Premier be pleased to place on the table of the House a statement—

- (a) showing the candidates recommended by the Punjab and N.-W. F. P. Joint Public Service Commission for appointment in the various services under the Punjab Government in the order as reported by the said Commission and the candidates finally appointed by the Punjab Government ever since the said Commission started work ;
- (b) whether the order in which the candidates have been recommended by the said Committee has been followed or adhered to by the appointing authority in each case ; if not, the reasons justifying or explaining this departure ;
- (c) the name of the appointing authority in each case ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The collection of the information will involve a disproportionate expenditure of time and labour. If, however, the honourable member wants information regarding a particular service for a specific year, I will endeavour to have the information collected.

**COMPETITIVE EXAMINATION CONDUCTED BY THE PUBLIC SERVICE
COMMISSION.**

***8084. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

- (a) whether in the case of services recruited by means of a competitive examination, there is always an oral or *viva voce* test ;
- (b) the number of marks assigned for this *viva voce* test ;
- (c) whether the members of the Commission who conduct the *viva voce* test are at the time of the *viva voce* test aware of the marks obtained by the candidates in the written test ;
- (d) whether the marks assigned for the oral test are further subdivided into sub-heads ; if so, what are those sub-heads and what are the number of marks assigned under each sub-head ;
- (e) if the answers to questions in (a), (b), (c) and (d) are not capable of being definitely and precisely given in respect of the various services whether he would be pleased to make a general statement giving information on the points raised in those questions ?

Parliamentary Secretary (Mir Maqbool Mahmood) : By the courtesy of the Punjab and North-West Frontier Province Joint Public Service Commission, I am able to give the following information in regard to Punjab examination :—

- (a) Yes. This has been the case in the competitive examinations held hitherto.

- (b) The number of marks vary for different appointments.
- (c) No.
- (d) For facility of marking, such a system has been adopted. The sub-heads and the marks assigned to each sub-head vary for each examination, according to the qualifications required by the particular appointments.
- (e) Does not arise. The system is a well known one for assessing marks at interviews and not peculiar to this province.

COMMUNAL RIOTS IN AMBALA DISTRICT.

***8089. Safi Abdul Hamid Khan :** Will the Honourable Premier be pleased to state—

- (a) the number of communal riots that have taken place each year in the Ambala district, since the inauguration of the provincial autonomy, *re* cow-slaughter on the occasion of 'Id' and the causes leading to these riots as ascertained by court;
- (b) the names of places in that district with population of different communities at which and the years in which such riots took place;
- (c) the number of cases of riots in which compromise has been reached with the nature of the compromise reached and also of cases in which no compromise has been effected with the causes of its failure and the action Government contemplate taking in such cases.

Parliamentary Secretary (Mir Maqbool Mahmood) : In view of the convention about questions which are essentially communal in nature, I have decided to treat this as an unstarred question and to send the honourable member a written answer¹.

SARDAR SAJJAN SINGH MARGINDPURI.

***8102. Maulvi Mazhar Ali Azhar :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Sardar Sajjan Singh Margindpuri, security prisoner in Central Jail, Lahore, submitted representations, dated 25th August, 1941, and 28th October, 1941, to the Government praying therein that Rs. 46-12-0 be sanctioned per annum for the payment of the premium of his Life Insurance during the period of his detention; if so, what decision has been arrived at by the Government;
- (b) whether it is also a fact that Sardar Sajjan Singh submitted a representation to Government, dated 8th December, 1941, praying that maintenance allowance be granted for his family; if so, whether any inquiries have been made to verify the statements made in that representation and what has been found to be the annual income from his lands at village Margindpur

¹ Vide Appendix, page 565 *infra*.

(M. Mazhar Ali Azhar.)

and further whether, as a result of the inquiries, any allowance for the maintenance of his family has been sanctioned ; if so, the amount thereof and ; if not, why not ?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) and (b) Yes ; the matter of the family allowance is under consideration, but with regard to the insurance policy Government can hardly be expected to make provision of this kind.

MAINTENANCE ALLOWANCE FOR THE WIFE AND DEPENDENTS OF
SARDAR TARA SINGH.

***8104. Maulvi Mazhar Ali Azhar :** Will the Honourable Premier be pleased to state—

(a) whether Sardar Tara Singh of village Narala, Lahore, who was serving in the British Police Force at Hong Kong and was detained in Central Jail, Lahore, under Rule 26, Defence of India Rules, in May last, sent a representation, dated 5th December, 1941, to the Government, Punjab, that maintenance allowance be given to his wife and father during his detention ;

(b) if the answer to (a) be in the affirmative, what decision, if any, has been arrived at by the Government ?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Yes.

(b) The matter is under consideration.

MR. K. S. MANN, BAR-AT-LAW.

***8114. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that during his detention in the Civil Lines Police Station, Lahore, from the 13th of December, 1940, to the 15th of March, 1941, Mr. K. S. Mann, Bar-at-Law, a detainee, was not permitted to take meals at his own expense, but was allowed merely to supplement by 3 annas from his own pocket the per diem diet supplied to ordinary prisoners in the Police lock-up from the Police kitchen ;

(b) whether it is a fact that he was permitted to buy only the *Civil and Military Gazette* to the exclusion of all Indian papers including the *Tribune*, *Partap*, *Milap*, *Vir Bharat*, *Ehsan* and the *Zamindar* ;

(c) whether it is a fact that he was kept in solitary confinement 24 hours a day from the 13th December, 1940, to the 1st March, 1941, against the specific advice of the Government doctor who recommended a daily outing for him in the open ;

(d) whether it is a fact that he was not supplied any writing material even for writing an application to the higher C. I. D. officials and that his request for pen and paper for making an application

to the D. I. G. (C. I. D.) having been shelved, he had to make it on the 5th of March, 1941, in pencil on a soap wrapper through the Inspector in charge of Civil Lines Police Station;

(e) if the replies to all or any of the parts above be in the affirmative, the steps Government contemplate taking to punish the offenders in order to prevent repetition in future of irregularities of this nature?

Parliamentary Secretary (Mir Maqbool Mahmood): It is not in the public interest to answer such questions, but I can assure the honourable member that all concessions allowed by the rules were afforded at the earliest possible opportunity.

Pandit Bhagat Ram Sharma: Answer to which part of the question is not in the public interest?

Parliamentary Secretary: Answer to every part of the question.

Rai Bahadur Mukand Lal Puri: Is it against the public interest to let the House know if the Government did not accept the medical advice as given in part (c) of this question, and against the medical advice he was confined in conditions unsuitable to his health?

Parliamentary Secretary: I have already stated that all the concessions allowed by the rules were afforded at the earliest possible opportunity. It is not in the public interest to give a reply to a specific question.

Chaudhri Muhammad Hassan: How is the answer to part (a) of the question against public interest?

Parliamentary Secretary: My honourable friend thinks that I am in a witness box and he is a lawyer cross-questioning me. I have already answered that it is not in the public interest to answer this question. We have satisfied ourselves that all the concessions allowed under the rules have been given.

Pandit Bhagat Ram Sharma: May I know how part (b) is against the public interest?

Mr. Speaker: I disallow the question. When it is said that it is not in the public interest to answer a question, the matter ends there.

Pandit Bhagat Ram Sharma: Are we to take it as a law?

Mr. Speaker: When an honourable member declines to answer a question how can supplementary questions be asked? Supplementary questions are asked to elucidate the answer given.

Rai Bahadur Mukand Lal Puri: Government may decline to give a certain information, we cannot force them. But when they give an answer which is obviously absurd, we can certainly point it out.

Mr. Speaker: When the Parliamentary Secretary says that it is not in the public interest to answer a question, it is not an answer to the question.

Rai Bahadur Mukand Lal Puri: I think the House can question when these words are wrongly used.

Mr. Speaker: By a motion, but not by a question.

Rai Bahadur Mukand Lal Puri : When I ask a question about the Borstal Jail and the honourable member answers about the Central Jail at Multan, certainly I can point it out.

Mr. Speaker : No more arguments please. The honourable member has other remedies, if he cares to follow them.

Pandit Bhagat Ram Sharma : The Parliamentary Secretary did make some general remarks. He has partially answered the question.

Mr. Speaker : If that is so, supplementary questions can certainly be asked about that part of the answer which has been given.

Pandit Bhagat Ram Sharma : Will you kindly ask him to read out the answer once again ?

Parliamentary Secretary : What I said was.—It is not in the public interest to answer such detailed questions, but I can assure the honourable member that all concessions allowed by the rules were afforded at the earliest possible opportunity.

Pandit Bhagat Ram Sharma : And my question was whether he was permitted to buy only the *Civil and Military Gazette* and no other paper. What is the public interest involved in respect of this particular part of the question ?

Parliamentary Secretary : I have nothing to add to the answer already given. No concessions which he was entitled to under the rules were denied to him.

Pandit Muni Lal Kalia : Did those concessions include the supply of any newspaper that he wanted to have ?

Parliamentary Secretary : The honourable member, perhaps forgets to take notice of the fact that he was under police detention. He was allowed concessions as regards his diet, etc., but as regards papers he could not be allowed to have all those papers.

Pandit Muni Lal Kalia : May I ask whether the Parliamentary Secretary is prepared to communicate with members on this side privately in regard to the details which he thinks are not in the public interest to disclose on the floor of the House ?

Mr. Speaker : The next question.

MR. K. S. MANN.

*8115. **Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Mr. K. S. Mann, Bar.-at-Law, was arrested on the 18th December, 1940, and detained under Rule 129 of the Defence of India Rules which provides for detention by the Police for 15 days and by the Local Government for a period of 2 months ;

(b) whether it is a fact that orders for detention of the said Mr. K. S. Mann, Bar.-at-Law, under rule 26(b) of the Defence of India Rules were passed by His Excellency the Governor of the Punjab on the 6th of March, 1941 ;

- (c) if the replies to (a) and (b) above be in the affirmative, the law under which Mr. K. S. Mann was detained from the 28th February, 1941, the day on which his period of detention under Rule 129 of the Defence of India Rules expired, to the 6th of March, the day on which his detention under Rule 26 (b) of the Defence of India Rules was authorised by His Excellency the Governor of the Punjab?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) and (b) Karam Singh 'Man' was arrested on 13th December, 1940 and detained under rule 26 of the Defence of India Rules under an order issued by the Punjab Government on the 20th June, 1940. The order of the 6th March, 1941 merely changed his place of detention.

- (c) Does not arise.

MR. K. S. MANN.

***8116. Pandit Bhagat Ram Sharma:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Mr. K. S. Mann, Bar-at-Law, an 'A' class detainee, at present confined in the Sub-Jail, Muzaffargarh, entitled to the facility of an electric fan applied for it to the Inspector-General of Prisons on or about the 20th of April, 1941, at the beginning of the hot weather, and was supplied a fan only towards the end of September, 1941, i.e., towards the close of the summer season;
- (b) whether it is a fact that the said Mr. K. S. Mann's application for a mosquito net made some time in April or May, 1941, was at first rejected by the Inspector-General of Prisons, and was later accepted only when the applicant had drawn the Inspector-General's attention to the practice followed in Lahore Central Jail;
- (c) whether it is a fact that the Inspector-General, Prisons, Punjab, has rejected an application made by the said Mr. K. S. Mann on the 10th of December, 1941, for winter wearing apparel other than that supplied to ordinary convicts, at the same time stating that in the winter of 1940 the detainees Dr. Gopi Chand, Bhargava, Nawabzada Mahmud Ali, Mr. Rajbans Krishen and others, at the time lodged in the Lahore Central Jail, were supplied winter wearing apparel made to measure;
- (d) whether it is a fact that the said Mr. K. S. Mann made an application to the Inspector-General, Prisons, Punjab, on the 20th of May, 1941, requesting him to have his eyes examined by the eye-specialist before providing him with spectacles which had been recommended by the Civil Surgeon, Muzaffargarh, on the 15th May, 1941, and backed it by numerous reminders including one made verbally to the Assistant Inspector-General on the 8th of September, 1941;

(Pt. Bhagat Ram Sharma.)

- (e) whether it is a fact that the Inspector-General did not even vouchsafe a reply to the application referred to in (d) above inspite of repeated reminders till the 18th December, 1941 ;
- (f) whether it is a fact that the Inspector-General's reply referred to in (e) above made after seven months delay advised the applicant to get his eyes examined by the Civil Surgeon, Muzaffargarh, the report of whose examination had formed the very basis of Mr. K. S. Mann's application referred to in (d) above, and a copy of which report had been with the Inspector-General since the 20th of May, 1941 ;
- (g) whether it is a fact that Mr. K. S. Mann wrote to the Inspector-General on the 19th of December, 1941, repeating his request for examination by an eye-specialist offering at the same time to pay his and his escort's fare to and from Lahore, as well as the specialist's fee ;
- (h) whether it is a fact that Mr. K. S. Mann's letter written to his brother Mr. Jagtar Singh, a student at Lahore on the 3rd December, 1941, giving the details of his application referred to above in (d) and requesting him to make the facts available to some Congress M.L.A.s with a view to seeking information by means of a question in the Assembly as to why the consideration of his application referred to in (d) above, had not concluded even after a delay of 7 months, was suppressed by the Inspector-General of Prisons ;
- (i) whether it is a fact that another letter addressed to his brother Mr. Jagtar Singh on the 10th of December, 1941, containing nothing except a bare reference to his previous letter of the 3rd December, 1941, was also suppressed by the Inspector-General ;
- (j) if answer to the parts above be in the affirmative, the reasons for this discriminate or differential treatment towards Mr. K. S. Mann and whether it is intended to permit him to get his eyes examined by a specialist ?

Parliamentary Secretary (Mir Maqbool Mahmood) : It is not in the public interest to answer such questions, but I can assure the honourable member that all concessions allowed by the rules were afforded at the earliest possible opportunity.

Chaudhri Muhammad Hassan : Will the Parliamentary Secretary be pleased to lay on the table of the House those rules under which concessions were allowed ?

Parliamentary Secretary : No.

Chaudhri Muhammad Hassan : Why not ?

Parliamentary Secretary : It is not in the public interest to do so.

Chaudhri Muhammad Hassan : How will the public interest suffer ?

Parliamentary Secretary : The electorate of the Punjab have placed me in a position to decide as to what is and what is not in the public interest.

Sardar Partap Singh : Will the honourable member lay on the table of the House those rules which are not against the public interest ?

Parliamentary Secretary : If my honourable friend asks for some specific information, I shall be delighted to supply it to him.

Mian Muhammad Nurullah : What does the honourable member mean by 'such questions' ?

Parliamentary Secretary : It means the type of questions that have been asked.

Mr. Speaker : Parliamentary Secretary may decline to answer a question by saying that it is not in the public interest to answer it, but he cannot answer it by saying that 'such questions' are not answered in the public interest.

Mian Abdul Aziz : Can the rules which are made in the public interest for these detainees be considered to be privileged documents ?

Chaudhri Muhammad Hassan : Have these rules been made under some Act ?

Parliamentary Secretary : All rules are made under some Acts.

Chaudhri Muhammad Hassan : They are not private documents.

Parliamentary Secretary : They cannot be private documents, but it may not be in the public interest to lay certain documents on the table of the House.

Chaudhri Muhammad Hassan : Can the honourable member point out a single instance where rules have been withheld from the members of the House ?

Parliamentary Secretary : If the honourable member will kindly refer to the Parliamentary reports and the reports of other parliamentary governments he will find that on many occasions rules are not placed on the table in the public interest.

Lala Deshbandhu Gupta : Under which rule of which Act is this information withheld from the members of the House ?

Parliamentary Secretary : It is the right and duty of the Government not to place certain specific facts on the table of the House.

Lala Deshbandhu Gupta : Under which Act ?

Parliamentary Secretary : Under Parliamentary convention.

Rai Bahadur Mukand Lal Puri : What is the authority for that parliamentary convention ?

Parliamentary Secretary : Parliamentary convention is the authority for that parliamentary convention.

Chaudhri Muhammad Hassan : Is it a fact that the rules were made under the Prisons' Act ?

Mr. Speaker : The next question.

ARREARS OF LAND REVENUE AND SALE OF LANDS IN GURGAON DISTRICT.

***8007. Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state —

- (a) the names of all the defaulters whose lands have been sold during the years 1940-41 in the Gurgaon district to recover arrears of land revenue, arrears of *taccari* and arrears of *abiana* ;
- (b) the amount of arrears in each case for which the sale was proposed and the amount for which the land was actually auctioned giving the area of land auctioned for the purpose and also the area which remained with each defaulter after deducting the area sold ;
- (c) the number of cases of such defaulters which are still pending with all the above-stated particulars ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : A statement giving the required information is laid on the table¹.

DISMISSAL OF LAMBARDARS, ZAILDARS AND SUFEDPOSHES.

***8012. Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of all the lambardars, zaildars and sufedposhes in the Gurgaon district who were suspended or dismissed, as the case may be, for their being indebted to the Co-operative Societies in the Gurgaon district during the tenure of the present Assistant Registrar, Co-operative Societies, Gurgaon, stating the caste, the debt, the paying capacity separately of the persons mentioned above ;
- (b) whether he would be pleased to lay on the table of the House a copy of the circular or letter issued by Mr. Miles Irving, a former Financial Commissioner, regarding debtors of Co-operative Societies, and state the reasons for not following this letter in these cases of suspension or dismissal ;
- (c) how many of the persons mentioned in (a) repaid their debts after their suspension or dismissal and how many of them mortgaged or sold their land to pay off the debts ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) A statement giving the required information is laid on the table¹.

(b) If the honourable member will kindly cite the number and date of the circular or letter I shall endeavour to have it located.

(c) Out of 59 defaulters, 7 paid their debts and 9 made a settlement with the Bank. There is no record to show whether any of the defaulters mortgaged or sold their land to pay off the debts.

¹Kept in the Assembly Library.

KHANPUR RAJBABA.

***8013. Sardar Lal Singh :** Will the Honourable Minister of Revenue be pleased to state whether the Government is aware of the fact that the villages irrigated by the Khanpur Rajbaha in district Ludhiana are suffering from a dearth of water and the zamindars concerned have often represented to the Government to make it perennial; if so, the action Government has taken so far or is prepared to take in the matter?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Government is aware that there is no shortage of water on the Khanpur Distributary in the Kharif season. In fact the supply on this Kharif channel is ample and fully up to the standard authorised for the Sirhind Canal.

Government does not consider it desirable to provide perennial facilities which are not justified on the data of sub-soil water levels, wells available in the area and rainfall.

Chaudhri Muhammad Hassan : Is it a fact that this question was considered by the Canal Committee which sat in Ludhiana on the 24th December, 1941?

Parliamentary Secretary : I would like notice of that question.

Chaudhri Muhammad Hassan : Is it a fact that a recommendation by the Committee has been received by Government with regard to that question?

Parliamentary Secretary : I require notice.

Chaudhri Muhammad Hassan : Is it a fact that the zamindars of the ilaqa have been representing to Government for the last five years?

PROMOTIONS OF AGRICULTURISTS FROM UPPER SUBORDINATES TO
SUB-ENGINEERS, IN THE IRRIGATION DEPARTMENT, PUNJAB.

***8074. Sardar Ajit Singh :** Will the Honourable Minister of Revenue be pleased to state —

- (a) whether there is any percentage fixed for promotions of agriculturists as such from Upper Subordinates to Sub-Engineers in the Irrigation Department, Punjab;
- (b) how many agriculturists and non-agriculturists respectively in the Upper Subordinates cadre have been promoted to the position of Sub-Engineers since 1937, year-wise;
- (c) whether the Government intends to make any promotions this year in the above-mentioned cadre; if so, in what proportion and whether they will be made keeping the claims of the agriculturists and non-agriculturists as such in view; if so, in what proportion;
- (d) the present percentage of the agriculturists in the Sub-Engineers cadre in the Irrigation Department?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Communal and class percentages are not applicable to promotions.

(b), (c) and (d). In view of (a) above the information called for will serve no useful purpose.

HINDU AGRICULTURIST ZILLADARS.

*8075. **Sardar Ajit Singh** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that since the formation of the Nili Bar circle of the Panjab Irrigation Department no Hindu agriculturist Zilladar has ever been selected from the Departmental candidates in the circle; if so, the reasons therefor and the steps Government propose to take to redress the grievance of the ilaqa concerned;

(b) the number of the Zilladars to be selected this year from the Nili Bar Circle from among the Hindus, class-wise?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : I must decline to answer the question on the floor of the House as it savours of communalism.

TAHSILDARS.

*8098. **Chaudhri Anant Ram** : Will the Honourable Minister for Revenue be pleased to state—

(a) the year in which a University degree was prescribed as the minimum educational qualification for direct recruitment as a Tahsildar;

(b) the number of (i) Tahsildars and (ii) Naib-Tahsildars with their educational qualifications who have been promoted to the post of Extra Assistant Commissioner since the 1st April, 1937?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 1929.

(b)			Tahsildars.	Naib-Tahsildars.
B.A.	..	..	15	8
B.Sc.	..	..	4	..
M.A.	..	..	1	..
B.A., LL.B.	..	..	5	..
F.A.	..	..	1	1
Matric	..	..	10	..
Matric and Proficiency in Urdu			1	1
Non-Matric	..	..	..	..
Total			37	5

Sardar Moola Singh : May I know whether at the time of direct recruitment of tahsildars candidates belonging to the scheduled castes are expected to possess a university degree also?

Parliamentary Secretary : The honourable member should know that this question does not relate to the direct recruitment of tahsildars. On the contrary it relates to the departmental promotion of tahsildars and naib-tahsildars.

RETRENCHMENT IN SERVICES.

***7966. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Finance be pleased to state—

- (a) the extent and nature of retrenchment in the various services made so far by the Punjab Government for purposes of economy;
- (b) the measures adopted by the Punjab Government by which the desired economy has been effected;
- (c) whether the Government is contemplating to make any further retrenchment in various services; if so, the steps that the Government is likely to take to achieve that purpose?

The Honourable Sir Manohar Lal : As the House is aware, a Committee was appointed in June 1937 to explore the possibility of securing fresh resources of revenue, and to examine provincial expenditure with special reference to the report of the Retrenchment Committee of 1931, with a view to explore the possibility of securing further economies without impairing the efficiency of the administration, and in particular to investigate whether there was any avoidable duplication or overlapping of activities and whether any economy could be effected by a reorganisation of departments or otherwise. The report submitted by this Committee has been under the consideration of Government and statement showing the action taken on its recommendations will shortly be laid on the table of the House

CULTIVATION OF BHANG.

***8092. Sardar Muhammad Azam Khan :** Will the Honourable Minister for Finance be pleased to state whether he is aware of the fact that there are no restrictions on the cultivation of *bang* in the Dera Ghazi Khan district with the result that the number of people addicted to *bang* has considerably increased in the district; if so, the action Government propose to take in the matter?

The Honourable Sir Manohar Lal : *First part.*—It is a fact that there are no restrictions on the cultivation of *bang* in the Dera Ghazi Khan district. There are 8 other districts in which the cultivation of *bang* has been similarly exempted from the provisions of section 20-1 (b) of the Punjab Excise Act. *Bhang* grows wild in these districts and control over cultivation by Government is therefore difficult. It is not within the knowledge of the Government that there has been any remarkable increase in the number of *bang* addicts in the Dera Ghazi Khan district.

Second part.—Does not arise.

LETTERS WRITTEN AS SUBSTITUTION FOR SUMMONS BY CIVIL COURTS.

***8093. Captain Sodhi Harnam Singh :** Will the Honourable Finance Minister be pleased to state—

- (a) how many letters were written as substitution for summons according to Section 30 of the Civil Procedure Code by Civil Courts in the Punjab from 1931 to 1941, separately, for each year;

((Captain Sodhi Harnam Singh.)

- (b) how many of the above-mentioned letters were sent by post and how many were sent by special messengers ?

The Honourable Sir Manohar Lal : The time and trouble involved in collecting the information will not be commensurate with any possible benefit to be obtained.

ENLISTMENT OF CONVICTS FOR THE ARMY.

***8095. Chaudhri Faqir Chand :** Will the Honourable Minister of Finance be pleased to state—

- (a) the total number of scheduled caste convicts at present in the Punjab prisons ;
(b) whether the Punjab Government have permitted any convicts to enlist for service in the army ; if so, whether any scheduled caste convicts have been likewise permitted and, if so, their number ?

The Honourable Sir Manohar Lal : (a) 792.

- (b) The question of permitting convicts to enlist is under the consideration of Government.

ALTERATIONS IN INTERVIEW ROOM AT SUB-JAIL, KASUR.

***8103. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Finance be pleased to state whether he is aware that on the complaint made by the interviewers certain alterations in the interview room at Sub-Jail, Kasur, were recommended by the Superintendent, Jail, to the Inspector-General, Prisons, in 1940-41 and that the same were approved and the required amount sanctioned by him in May last ; if so, whether these alterations have since been made ; if not, the grounds for delay ?

The Honourable Sir Manohar Lal : Certain alterations in the interview room at Sub-Jail, Kasur, were approved by the Inspector-General of Prisons, Punjab, in 1941. Owing to lack of funds these alterations have not been made so far but it is hoped that they will be carried out during the next financial year when funds are likely to be made available.

HAI SIYAT TAX.

***7967. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state —

- (a) the number of the towns in each district of the Ambala division in which the Haisiyat Tax is enforced ;
(b) whether the Government has received any complaints from the assesses of the Ambala division with respect to the exorbitant rates of the aforesaid tax ; if so, the enquiry made by the Government into the matter and the steps taken to redress their grievances ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) No local bodies, other than district boards, in the Ambala Division, are imposing haisiyat tax at present. Haisiyat tax is in force in the areas subject to the jurisdiction of the District Boards of Hissar and Karnal and is applicable to all parts under the jurisdiction of these two district boards.

(b) No complaint has ever been received against rates of the tax. The second part of the question, therefore, does not arise.

HIGH-HANDEDNESS OF THE POLICE IN VILLAGE MARGINDPUR.

*7974. **Sardar Lal Singh**: Will the Honourable Minister for Public Works be pleased to state—

(a) whether any complaint was received by him against the high-handedness of the Police authorities posted to Thana Bhikwind, district Lahore, practised on the inhabitants of village Margindpur (*alias* Makhia) during the period from the 24th April to the 26th April, 1941;

(b) the action, if any, which Government have taken so far in the matter;

(c) in case no action has been taken in regard to the above-mentioned complaint, the reasons therefor?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Yes.

(b) and (c). An enquiry was held and the complaint was found to be baseless.

Sardar Lal Singh: Is it not a fact that this complaint was made by myself?

Parliamentary Secretary: Quite possible.

Sardar Lal Singh: May I know when the enquiry was held and why the main complainant, that is myself, was not called upon to give evidence?

Parliamentary Secretary: The enquiry was not held in camera. It was open to the honourable member to report himself to the officers making the enquiry and make a statement.

Sardar Lal Singh: What sort of an enquiry is it if the main complainant is not asked to make a statement? I was never asked to give evidence.

Parliamentary Secretary: The honourable member had made a complaint which was sent up for enquiry. It was for him to present himself before the officer and make a statement.

Sardar Lal Singh: Is it a fact that the man who complains is never called upon to give evidence?

Parliamentary Secretary: That was not a judicial enquiry. It was an executive enquiry, and it was open to the honourable member to substantiate his allegation.

SUB-REGISTRARS.

***8076. Chaudhri Ram Sarup :** Will the Honourable Minister for Public Works be pleased to state the names of Tahsil headquarters in the Ambala Division which lost their Sub-Registrars as a result of the recommendations of the Retrenchment Committee in 1931 and 1932 ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The following offices of Departmental Sub-Registrars were abolished :—

- (1) Thanesar, District Karnal.
- (2) Jagadhri, District Ambala.
- (3) Kharar, District Ambala.

The post of Departmental Sub-Registrar, Kharrar, has since been revived.

SUB-REGISTRARS.

***8077. Chaudhri Ram Sarup :** Will the Honourable Minister of Public Works be pleased to state whether any posts of Sub-Registrars have been revived or created for the first time in any part of the Province ; if so, the names of their locality ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I will answer the question if the honourable member will specify a date for the revival or creation of the posts.

AGRICULTURAL TRIBES RESIDING WITHIN MUNICIPAL LIMITS OF KAITHAL.

***8078. Chaudhri Ram Sarup :** Will the Honourable Minister of Public Works be pleased to state the approximate population of the agricultural tribes residing within the municipal limits of Kaithal in the Ambala Division, and whether any member of those agricultural tribes was nominated by the local Government or the Commissioner of the Ambala Division to the Kaithal Municipal Committee on any of the last four or five occasions, when the power of nomination was exercised by the authority concerned ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Population figures of agricultural tribes in the Kaithal Municipality are not available. No member of these tribes was appointed on the committee on any of the last four or five occasions.

LEVY OF HAI SIYAT TAX AND PROFESSIONAL TAX.

***8085. Chaudhri Jugal Kishore :** Will the Honourable Minister for Public Works be pleased to state the name and number of those districts separately in the Punjab where (a) the Haisiyat Tax is levied, and (b) the Professional Tax is levied ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : 1. *Haisiyat Tax* is being levied by 8 district Boards in the Punjab as follows :—

- | | |
|---------------|---------------------|
| 1. Hissar, | 5. Shahpur, |
| 2. Karnal, | 6. Mianwali, |
| 3. Gurdaspur, | 7. Jhang, and |
| 4. Gujrat, | 8. Dera Ghazi Khan. |

2. Profession tax is being levied by the following 20 District Boards :—

- | | |
|-----------------|-------------------|
| 1. Rohtak, | 11. Lyallpur, |
| 2. Gurgaon, | 12. Montgomery, |
| 3. Ambala, | 13. Multan. |
| 4. Ludhiana, | 14. Muzaffargarh, |
| 5. Ferozepore, | 15. Kangra, |
| 6. Lahore, | 16. Hoshiarpur, |
| 7. Amritsar, | 17. Jullundur, |
| 8. Gujranwala, | 18. Sialkot, |
| 9. Sheikhupura, | 19. Jhelum, and |
| 10. Rawalpindi, | 20. Attock. |

Chaudhri Jugal Kishore : Is it a fact that the income derived from the professional tax is more than the haisiyat tax ?

Parliamentary Secretary : I require notice of this question.

PETROL RATIONING.

*8086. **Rai Bahadur Lala Gopal Das :** Will the Honourable Minister for Public Works be pleased to state—

- the quantity of petrol used by each Minister since the petrol rationing was enforced ;
- the basic ration and the supplementary rations given to each of them ;
- the highest basic ration given to the general public, the business-men and the members of the medical profession ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a), (b) and (c). A statement is laid on the table.

(a) and (b)—The basic ration and supplementary ration given to each Minister from the 15th August, 1941, to the 31st January 1942.

Statement.

Serial No.		Basic.	Supplementary.	Total.
		Gallons.	Gallons.	Gallons.
1	The Honourable the Premier ..	132 (2 cars).	204	336
2	The Honourable Minister of Revenue.	66	587	653
3	The Honourable Minister of Development.	66	506	572
4	The Honourable Minister of Finance.	116 (2 cars).	502	618
5	The Honourable Minister of Public Works.	132 (2 cars).	702	834
6	The Honourable Minister of Education.	66	790	856

(Sh. Faiz Mohd.)

(c) 12 units per month for each vehicle which was fixed by the Government of India. Before 1st January, 1942, the unit was equal to one gallon and after that it has been halved.

Mian Abdul Rab : May I know from the Parliamentary Secretary whether the Government is aware of the fact that the petrol rationing system is not being strictly enforced and the general public use motor cars for going to picture houses and for such other luxuries ?

Parliamentary Secretary : I am not aware. The question relates to the consumption of petrol by the Ministers and not by the general public.

Chaudhri Sumer Singh : May I know whether the Honourable Ministers, in the interest of the public, are prepared to travel themselves by rail and give their petrol rations for the use of public vehicles ?

Parliamentary Secretary : Everything that the Honourable Ministers do is in the interest of the public.

Lala Duni Chand : May I know when the supply of petrol will be altogether stopped ?

Mr. Speaker : That question does not arise.

Rai Bahadur Lala Gopal Das : The statement shows that the Honourable Minister of Education has used 790 gallons as supplementary while his basic supply was 66 gallons. Do I understand that he has been going out and wasting petrol on going to cinemas and places of amusement ?

Parliamentary Secretary : This is for six months.

Mian Abdul Rab : Will the Parliamentary Secretary please state whether the Government will consider the desirability of stopping petrol to those persons who use it for purposes of luxury ?

Parliamentary Secretary : It is a request for action.

Rai Bahadur Mukand Lal Puri : Will the Parliamentary Secretary satisfy us that the petrol used by the Honourable Ministers has been used only in the execution of their public duties ?

Parliamentary Secretary : I am not here to satisfy anybody.

Rai Bahadur Lala Gopal Das : What was the average consumption of petrol by the Ministers before this scheme came into force ? Was it then less or more than the present consumption ?

Parliamentary Secretary : Unless you give notice of that question I cannot answer it definitely, but I am sure that the figure must have been much higher.

Sardar Santokh Singh : Is it a fact that the Honourable Premier has only used 386 gallons whereas the Honourable Minister of Public Works has used 884 gallons ?

Parliamentary Secretary : If it is so given in that statement, it must be a fact.

HAI SIYAT TAX.

*8087. **Sufi Abdul Hamid Khan** : Will the Honourable Minister of Public Works be pleased to state whether Government has received any representation at any time from the District Boards in the Province during the last three or four years requesting permission to introduce Haisiyat Tax in place of Professional Tax; if so, the action, if any, taken in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No.

RECOVERY OF TAXES BY DISTRICT BOARDS.

*8088. **Sufi Abdul Hamid Khan** : Will the Honourable Minister of Public Works be pleased to state—

(a) whether he is aware that the officers of the District Boards are by themselves, quite incapable of making recoveries of the tax imposed by them in view of the fact that they have not been invested with powers to recover such taxes without making application to a magistrate having jurisdiction in the matter;

(b) whether he has received any representation at any time during the last three or four years from any District Board requesting that its officers may be invested with such powers; if so, the action Government contemplate taking in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) No though this may be partially true of some District Boards.

(b) Yes, from eight District Boards. Powers were conferred on the tax officers of three of these Boards, as they alone possessed the necessary qualifications.

REPRESENTATION OF SCHEDULED CASTES ON LOCAL BODIES.

*8090. **Lala Harnam Das** : Will the Honourable Minister of Public Works be pleased to state the names of the local bodies in the Province where nominations have been made to represent scheduled castes throughout the Province during the last five years?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I regret that reply to this question is not yet ready.

REPRESENTATION OF SCHEDULED CASTES ON AMBALA MUNICIPAL COMMITTEE.

*8094. **Chaudhri Faqir Chand** : Will the Honourable Minister of Public Works be pleased to state—

(a) the total number of nominated seats on the Ambala City Municipal Committee and the number of such seats to which Hindus have been nominated;

(b) whether it is a fact that no member of a scheduled caste whose population in that city exceeds 4,000 has so far been nominated to any of these seats; if so, the reasons therefor;

(c) whether the Deputy Commissioner, Ambala, has recommended any member of the scheduled castes for nomination; if so, the name of the person so recommended?

Parliamentary Secretary (Shaikh Faiz Muhammad): I must decline with regret to answer questions, which savour of communalism, on the floor of the house. If the honourable member would put in an unstarred question, I will endeavour to collect the information. I may, however, inform the honourable member that Government has issued instructions for giving special consideration to the claims of scheduled castes,—*vide* Punjab Government letter No. 1556-C-38/20859, dated the 4th June, 1938 to all Commissioners of divisions, a copy of which is laid on the table.

Copy of a letter No. 1556-C-38/20859, dated the 4th June, 1938, from the Secretary to Government, Punjab, Medical and Local Government Departments, to all Commissioners of Divisions in the Punjab.

Subject:—Appointment of representatives of Scheduled Castes as members of local bodies.

WITH reference to the correspondence ending with Punjab Government letter No. 4050-C-35/10860, dated the 31st March, 1936, on the subject noted above, I am directed to say that it is the declared policy of Government as evinced from the statements made by the Honourable the Premier on the floor of the Assembly Hall, to give special consideration to the claims of the scheduled castes for representation on local bodies in the province. I am, therefore, to request that in all cases of appointment of members of local bodies the names of some suitable representatives of these castes should be submitted to Government for consideration along with other recommendations. Where, however, you deem it inexpedient or undesirable to give them representation, your reasons for the same should be specified in the letter forwarding your recommendations. I am to add that the instructions set out above will equally apply to nominations on local bodies to be made by you. The Deputy Commissioners of your Division may accordingly be acquainted of these orders.

2. I am also to request that in future Government should be informed of every such nomination made by you from amongst the scheduled castes in the case of 2nd class Municipal Committees and Small Town Committees.

RULES GOVERNING THE POSTING OF DIVISIONAL AND DISTRICT INSPECTORS OF SCHOOLS.

***7971. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Education be pleased to state—

- (a) whether any rules have been framed by the Government under which Divisional Inspectors and District Inspectors of Schools can remain posted in a division or district for a certain period ;
- (b) whether these rules are relaxed in special cases ; if so, the circumstances under which the officers mentioned above remain in their jurisdiction for more than the period fixed ?

The Honourable Mian Abdul Haye (a) No.

(b) Does not arise.

SINKING OF WELLS FOR SCHEDULED CASTES.

***8091. Lala Harnam Das:** Will the Honourable Minister of Education be pleased to state the number of wells sunk at Government expense in the whole of the Province (division-wise) for the use of the members of the scheduled castes together with the total sum spent on them since 1st April, 1939 ?

The Honourable Mian Abdul Haye: Out of the allotment of Rs. 60,000 provided for wells for members of the scheduled castes since 1st April, 1939, grants-in-aid amounting to Rs. 49,967 have so far been

disbursed for the construction and repairs of wells, installation of hand-pumps, provision of tube-wells, diggins and storage tanks. A statement giving details of the works (divisions-wise) is laid on the table. Some of the works are in progress and final report as regards their completion and the actual amount spent on each work are still awaited.

Statement showing the grants given (division-wise) for the construction and repairs to wells, installation of hand-pumps, provision of tube-wells, diggins and storage tanks for use of the members of the scheduled castes in the Province from 1st April, 1939, to date.

Division.	Number of wells to be repaired and constructed.	Government grant.	Number of hand-pumps to be installed.	Government grant.	Number of tube-wells, diggins and storage tanks, etc., to be constructed.	Government grant.
		Rs.		Rs.		Rs.
1. Ambala ..	19	17,748	1	603	..	..
2. Jullundur ..	13	9,953	7	1,102	10	4,601
3. Lahore ..	3	2,809	20	3,994	15	1,699
4. Rawalpindi ..	1	768	..	..	..	..
5. Multan ..	7	6,096	3	594	..	..
Total ..	48	37,374	31	6,293	25	
Total Government grant					..	49,967

WELLS FOR SCHEDULED CASTES.

*8096. **Chaudhri Faqir Chand :** Will the Honourable Minister for Education be pleased to state—

- the number of wells dug up since April, 1939, at Government expense for the use of members of scheduled castes in the Ambala Division ;
- total expenditure Government had to incur in connection with these wells ;
- the expenditure in connection with these wells met by the scheduled castes themselves ;
- the cost of digging up each well separately ?

The Honourable Mian Abdul Haye : (a) and (d). A statement is laid on the table.

(b) Government gave grants-in-aid amounting to Rs. 18,851.

(c) Members of the scheduled castes promised contributions amounting to Rs. 782 with unskilled labour in some cases.

Statement showing the particulars of wells, etc., sanctioned by Government for use of the members of the scheduled castes in Ambala Division since April, 1939.

District.	Name of village.	Nature of work.	Esti- mated cost.	Govern- ment grant.	Contributions promised by the members of the scheduled castes.
HISSAR ..	1. Kharakhri ..	Construction of a well.	2,754	2,754	Free unskilled labour.
	2. Khanda Kheri	Ditto	2,086	2,086	Nil.
ROHTAK ..	3. Bhainswan Khurd.	Improvement of a well.	347	347	Nil.
	4. Guraothi ..	Installation of a hand-pump.	603	603	Nil.
	5. Harsana Kalan	Construction of a well.	785	785	Nil.
GURGAON ..	6. Chita Doongra	Ditto	3,775	3,775	Nil.
	7. Baghaula ..	Improvement of a well.	725	725	Nil.
KARNAL ..	8. Habri ..	Construction of a well.	936	534	Rs. 150 with unskilled labour.
	9. Deg ..	Ditto	983	533	Ditto.
	10. Geong ..	Ditto	618	367	Rs. 100 with unskilled labour.
	11. Umri ..	Ditto	160	99	Rs. 70.
	12. Jundla ..	Ditto	401	268	Rs. 133.
	13. Kalsana ..	Improvement of Chamaran's well.	114	76	Rs. 38.
	14. Kalsana ..	Improvement of Sweepers' well.	177	118	Rs. 59.
	15. Bakana ..	Improvement of a well.	152	102	Rs. 50.
	16. Bakshi ..	Construction of a well.	548	366	Rs. 132.
	17. Arnauli ..	Ditto	934	934	Nil.
AMBALA ..	18. Chahron ..	Completion of a well.	437	437	Nil.
	19. Rampur	Construction of a well.	2,340	2,340	Nil.
	20. Sadiqpur ..	Ditto	1,102	1,102	Nil.
		Total ..	18,351	18,351	Rs. 782 with unskilled labour.

VETERINARY ASSISTANT SURGEONS.

***8046. Chaudhri Sumer Singh :** Will the Honourable Minister for Development be pleased to state—

- (a) the number of vacant posts of Veterinary Assistant Surgeons on the 1st December, 1941, with the reasons for which those posts have remained unfilled ;
- (b) the number of students who passed the final examinations from the Veterinary College, Lahore, this year and who have not been provided in spite of so many vacancies in the cadre of Veterinary Assistant Surgeons with the reasons for not appointing these qualified persons to these posts ?

The Honourable Sardar Dasaundha Singh : (a) The number of vacant posts of Veterinary Assistants on 1st December, 1941, was 50. The appointments were to be made according to the Block System which did not, however, suitably apply to the various communities to which the candidates belonged. This necessitated orders of Government on various points.

(b) This does not arise as all the candidates passing out of the Punjab Veterinary College, Lahore, in June and September, viz., Annual and Supplementary examinations, have been absorbed.

UNSTARRED QUESTIONS AND ANSWERS.

FOOT CONSTABLES IN POLICE FORCE.

1502. Chaudhri Ram Sarup : Will the Honourable Minister for Public Works be pleased to state the number of Muslims, Hindus and Sikhs among the Foot Constables in the Punjab Police Force on the 1st January, 1927, 1937 and 1941, respectively ?

The Honourable Malik Khizar Hayat Tiwana : The following table gives the required information :—

As it stood on.	Total number of Constables.	Muslims.	Hindus.	Sikhs.
1	2	3	4	5
1st January, 1927 ..	17,088	13,137	3,138	765
1st January, 1937 ..	17,781	12,997	3,305	1,447
1st January, 1941 ..	18,540	13,066	3,418	1,995

**COMMUNAL PROPORTIONS IN CADRE OF FOOT CONSTABLES IN PUNJAB
POLICE FORCE.**

1503. Chaudhri Ram Sarup : Will the Honourable Minister of Public Works be pleased to state the communal proportions in the cadre of Foot Constables in the Punjab Police Force on the 1st January, 1942, both when the additional Police is taken into account and when the additional Police is excluded from the calculation ?

The Honourable Malik Khizar Hayat Tiwana : The following statement gives the required information :—

Name of appointment.	Total number of appointments as on 1st April, 1942.	NUMBER AND PERCENTAGE TO COLUMN No. 2.				
		Muslims.	Hindus.	Sikh.	Indian Christians.	Sched u l e d Castes.
1	2			3		
Foot Constables	19,306	19,633	3,675	1,929	38	31
(Regular Police)		70.8	19.0	10.0	0.1	0.1
Foot Constables (including Provincial Additional Police).	22,611	16,047	4,377	2,111	41	35
		71.0	19.4	9.3	0.1	0.1

**MUSLIM AND NON-MUSLIM REPRESENTATION IN LOWER RANKS OF
PUNJAB POLICE FORCE.**

1504. Chaudhri Ram Sarup : Will the Honourable Minister of Public Works be pleased to state the steps Government propose to take to remove the serious disparity between Muslim and non-Muslim representation in the lower ranks of the Punjab Police Force ?

The Honourable Malik Khizar Hayat Tiwana : Attention is invited to the reply given to unstarred Assembly Question No. 1335¹ by Rai Bahadur Lala Sohan Lal in February, 1941. The only disparity is in the lowest rank of the Punjab Police Force and every effort has been and is being made to secure proper representation.

**CLERKS APPOINTED IN HEADQUARTERS OFFICE OF HYDRO-ELECTRICITY
DEPARTMENT.**

1505. Chaudhri Ram Sarup : Will the Honourable Minister of Public Works be pleased to state the number of clerks appointed in the headquarters office of the Hydro-Electricity Department, Punjab, since the 1st

April, 1937, and the number of statutory Hindu agriculturists among them ?

The Honourable Malik Khizar Hayat Tiwana : Twenty clerks belonging to different communities have been appointed in the head office of the Electricity Branch since the 1st of April, 1937. None of them is a statutory Hindu agriculturist.

This figure does not include appointments made in leave arrangements or against temporary posts of short duration.

MUSLIM, HINDU AND SIKH SUB-REGISTRARS.

1506. Chaudhri Ram Sarup : Will the Honourable Minister of Public Works be pleased to state the number of Muslim, Hindu and Sikh Sub-Registrars on the 1st January, 1927, 1937, 1941 and 1942, respectively ?

The Honourable Malik Khizar Hayat Tiwana : A statement giving the required information is laid on the table.

Statement showing representation of various communities among Departmental Sub-Registrars in the Punjab.

		January, 1927.	January, 1937.	January, 1941.	January, 1942.
Muslims	..	31	26	32	35
Hindus	..	11	13	6	7
Sikhs	..	18	10	15	14
Total	..	60	49	53	56

HINDUS AMONG THE SUB-REGISTRARS IN THE AMBALA DIVISION.

1507. Chaudhri Ram Sarup : Will the Honourable Minister of Public Works be pleased to state—

- the steps Government propose to take to remove the inadequate representation of the Hindus among the Sub-Registrars in the Ambala Division,
- whether Government has any intention to revive any of the posts of Sub-Registrars in the Ambala Division, which were abolished about ten years ago ; if so, which of these ?

The Honourable Malik Khizar Hayat Tiwana : (a) I must decline with regret to answer questions which savour of communalism on the floor of the House. I shall, however, always be prepared to examine any particular instances which honourable member may bring to my notice in a more informal way.

- Yes, at Kharar only for the present.

HINDU AGRICULTURISTS AMONG ASSISTANT SUB-INSPECTORS AND
PROSECUTING SUB-INSPECTORS OF POLICE.

1508. Chaudhri Ram Sarup : Will the Honourable Minister for Public Works be pleased to state—

- (a) the total number of the Assistant Sub-Inspectors of Police, recruited in the Eastern Range, in 1938, 1939, 1940 and 1941, respectively, and the number of statutory Hindu agriculturists, among them who belong to the Ambala Division ;
- (b) the total number of Prosecuting Sub-Inspectors recruited in the Province in 1937, 1938, 1939 and 1941, respectively, and the number of statutory Hindu agriculturists among them who belong to the Ambala Division ?

The Honourable Malik Khizar Hayat Tiwana : (a) In the Eastern Range, 12 direct appointments of Assistant Sub-Inspectors were made in the year 1938, 8 in 1939, 10 in 1940 and 11 in 1941. One was a Hindu statutory agriculturist of the Ambala Division.

(b) One direct appointment of Prosecuting Sub-Inspector was made in the province in the year 1937, 8 in 1938, 21 in 1939 and 22 in 1941. None was a Hindu statutory agriculturist of the Ambala Division.

STATUTORY HINDU AGRICULTURISTS IN CERTAIN CADRES OF
POLICE.

1509. Chaudhri Ram Sarup : Will the Honourable Minister for Public Works be pleased to state the total strength at present of each of the following cadres in the Punjab and the number of posts held in each of them by statutory Hindu agriculturists on the 1st January, 1927, 1937 and 1941 respectively :—

- (a) Deputy Superintendent of Police ;
- (b) Inspector of Police ;
- (c) Sub-Inspector of Police ;
- (d) Assistant Sub-Inspector of Police ;
- (e) Head Constable ;
- (f) Prosecuting Deputy Superintendent ;
- (g) Prosecuting Inspector ;
- (h) Prosecuting Sub-Inspector ?

The Honourable Malik Khizar Hayat Tiwana : The time and trouble involved in collecting the information will not be commensurate with any possible benefit to be obtained, but if the honourable member quotes any particular case where the agriculturists' rights have not been safeguarded, necessary information will be collected.

REPRESENTATION OF SCHEDULED CASTES IN P. C. S.

1510. Lala Harnam Das : Will the Honourable Premier be pleased to state the total number of persons who have been nominated to the P. C. S.

(both Executive and Judicial) since 1st April, 1937, giving separately the number of persons belonging to the scheduled castes among them, and, if this number does not include any person belonging to the scheduled castes, the reasons therefor?

The Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan : In the Punjab Civil Service (Executive Branch) 27 persons have been nominated (i.e., recruited direct on the recommendation of the Public Service Commission) since 1st April, 1937, and none of them is a member of the scheduled castes, the reason being that no such candidate suitable for appointment to this service has so far come forward.

Appointments to the Judicial Branch of the Punjab Civil Service are normally nominations but out of the eleven candidates accepted since 1st April, 1937, one is a member of the scheduled castes.

SCHEDULED CASTES IN GOVERNMENT SERVICE.

1511. Chaudhri Faqir Chand : Will the Honourable Premier be pleased to state—

- (a) the total number of members of scheduled castes taken in various services under the Punjab Government since April, 1937, department-wise ;
- (b) whether he is prepared to place on the table of the House a statement showing the extent of the deficiency which Government has yet to make up in the representation of scheduled castes in services before they get their due share of two-and-half per cent ; and the steps he contemplates taking to make up that deficiency ?

The Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan : (a) The honourable member is invited to refer to the Annual Consolidated Statement showing communal representation in Government Departments.

(b) The deficiency is ascertainable from that statement. The process of making up the deficiency must inevitably be gradual.

ADMISSION OF SCHEDULED CASTES TO VETERINARY COLLEGE.

1512. Chaudhri Faqir Chand : Will the Honourable Minister of Development be pleased to state—

- (a) the educational qualifications necessary for admission to the Veterinary College, Lahore, and the normal period which a candidate should ordinarily spend to pass out as a Veterinary physician and surgeon ;
- (b) whether there is any proportion fixed for scheduled castes in annual admissions to the Panjab Veterinary College, Lahore, and whether any candidate belonging to the scheduled castes has ever been admitted to it ;
- (c) whether any special scholarship has been reserved for members of scheduled castes in the above-mentioned college ; if so, the amount of the scholarship ?

The Honourable Sardar Dasaundha Singh : (a) Intermediate Examination in the Arts or Science Faculty of an Indian University or an equivalent test. First Division Matriculates are also eligible for consideration. Normal period of the L. V. P. course is four years.

(b) No. In each of the years 1940 and 1941 one seat was reserved for a member of the scheduled castes but no one applied for admission. In 1939, however, a candidate belonging to that class sought admission and was accepted, but he did not join the college.

(c) No.

ADJOURNMENT MOTION.

ARRESTS OF CERTAIN M. L. AS.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely the arrests of Diwan Chaman Lall, Lala Bhim Sen Sachar, Lala Dev Raj Sethi, Mian Iftikhar-ud-Din and Sardar Chanan Singh, M. L. A's on 22nd February, 1942, at Lahore.

Mr. Speaker : Are these gentlemen going to be tried ?

Premier : I am afraid I am not in a position to give any information at the moment. Some of them may have to be tried. I have got no information about it.

So far as this adjournment motion is concerned, it might be put off, because I have got no information which I can give to the House. I have to make enquiries as to what was the reasons for the arrests of these gentlemen, how and on what occasion they were arrested and the places where these gentlemen were arrested. Unless I get all this information, I am afraid the discussion would not be of much use. The other adjournment regarding the *lathi* charge, I am prepared to admit. I have got information about that and we can profitably discuss it in this House. But so far as the arrests of these gentlemen is concerned, I have got no official information to communicate to the House.

Lala Duni Chand : You want to make more arrests.

An Honourable Member : You need not have any fear.

Premier : Does my honourable friend intend to break the law ?

Sardar Santokh Singh : This adjournment motion may be admitted to-day, but it can be discussed tomorrow.

Premier : Under the rules you cannot admit it today and discuss it tomorrow.

Mr. Speaker : As the official information about the matters referred to in this adjournment motion is not available I will have no objection to its being moved to-morrow.

Sardar Santokh Singh : Our fear is that more members of this House may be arrested so that we may not be 35.

Premier : My honourable member may rest assured, that if more members break the law and are arrested, and tomorrow when this adjournment motion is moved, they do not get 35 members, I will have no objection to that motion on that ground.

Lala Doshbandhu Gupta : Is it not possible for the Premier to get the requisite information by 4-30 p. m. today? The incident happened yesterday at 4 o'clock and it is rather a sad commentary on the Administration that the Premier is not yet aware of the facts and about the arrests of seven M. L. As. including the Leader of the Opposition that took place yesterday under his very nose.

Premier : My honourable friend must remember that nothing can happen under the Premier's nose. If the district authorities take action anywhere, do you mean to say that I get information at once? No. I get information in the normal course and the first time that I learnt of these arrests was yesterday late in the evening and I have not had time to collect the facts or information. I have asked for that information and when that information is available, I am prepared to place it before the House. But if you ask me now to say something, I cannot do so except the fact that these people have been arrested. That is all I know and that you also know. So, it is no use trying to discuss a thing about which you will not get a reply. With regard to the other adjournment motion about the *lathi* charge, I have got the information and that information I would be prepared to place before the House.

Lala Doshbandhu Gupta : May I know from the Premier whether the arrest of the Leader of the Opposition and six other M. L. As. took place without his knowledge?

Mr. Speaker : The motion cannot be considered, as official information is not available. That is the Parliamentary practice.

Lala Doshbandhu Gupta : Whether the information is available or not, the House has a right to discuss a matter of such vital importance in order to show what kind of methods Government is adopting to crush the Opposition. Government wishes to stifle the debate in the House.

Premier : This is an uncharitable insinuation. How can I make a statement unless I know the reason why they have been arrested and under what law they have been arrested?

Lala Doshbandhu Gupta : We want to discuss the far-reaching implication of this very fact that the Premier has got no information about the arrests. This in itself is a sufficiently important matter to be discussed on the floor of the House. The arrest of the Leader of the Opposition has taken place, and six other M. L. As. are under arrest and yet the Premier has no information on the subject. Is this not by itself an important matter to be discussed by the House?

Mr. Speaker : On page 133 of his 'Introduction to the Procedure of the House of Commons' Mr. G. F. M. Campion says :

"(c) Official information must be available."

So, if the official information is not available, I cannot hold the motion to be in order. (*Interruptions*).

Chaudhri Muhammad Hassan : But, sir . . .

Mr. Speaker : No more discussion please. I have given my ruling. The next motion.

LATHI CHARGE BY POLICE ON THE MALL, LAHORE.

Sardar Kapoor Singh : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the indiscriminate *lathi* charge made on peaceful citizens including ladies on the Mall on February 22, 1942, on the occasion of arrests of Beopari Satyagrahis.

Mr. Speaker : Sardar Kapoor Singh asks for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the indiscriminate *lathi* charge made on peaceful citizens including ladies on the Mall on February 22, 1942, on the occasion of arrests of Beopari satyagrahis.

Premier : I have no objection.

Mr. Speaker : There being no objection to the motion, it will be taken up at the termination of the business of the day or at 4-30 p. m., whichever is earlier.

SECRET SITTING.

Premier : In connection with the adjournment motion I wish to move a motion and it is this—

That the session of the Assembly when the adjournment motion is discussed be a secret sitting.

I want a secret sitting because I have several important matters which I would like to place before the House. I wish to inform honourable members that I think that it is in the public interest to have a secret sitting. It is for this reason that I suggest that the House should meet in a secret session.

Mr. Speaker : The question is—

That the sessions of the Assembly when the adjournment motion is discussed be a secret sitting.

(*Members of the Opposition : Why ?*)

I think that the motion has to be put to the House without amendment or debate.

Pandit Muni Lal Kalra : Under what rule is this motion being moved ?

Mr. Speaker : Please refer to Rule 58.

Lala Deshbandhu Gupta : I rise to oppose the motion made by the Premier.

Mr. Speaker : The honourable member cannot be allowed to make a speech against the motion as it has to be put to the vote of the House without amendment or debate.

Lala Deshbandhu Gupta : I am not moving any amendment. I am simply opposing it.

Mr. Speaker : The honourable member may oppose it by vote, but not by a speech.

Mir Maqbool Mahmood : Under Rule 79 it is in the discretion of the Speaker to allow the motion.

Lala Deshbandhu Gupta : May I submit that before you give any ruling on the point, the Opposition has got a right to be heard on the question as to whether a motion like that should be entertained by the House or not? You can thereafter give any ruling, but I hope you will agree that the Opposition has a right to make any observations on a motion that is before the House.

Mr. Speaker : According to parliamentary practice, no discussion or debate can be allowed on the Honourable Premier's motion.

Lala Deshbandhu Gupta : My submission, Mr. Speaker, again is that a motion of this nature seriously affects the rights of the Opposition and, as such the Opposition should at least be given an opportunity to oppose that motion. The very object of the adjournment motion will be defeated if this debate is stifled like this.

Mr. Speaker : But I cannot ignore the parliamentary practice and my own ruling of 1940.

Lala Deshbandhu Gupta : Is there any precedent on the point?

Mr. Speaker : Yes. See page 288 of Volume XIV of the Punjab Legislative Assembly Debates.

Pandit Muni Lal Kalia : May I know whether a short notice like this had ever been given before for a motion of this nature?

Lala Deshbandhu Gupta : Just as Mr. Henderson has already imposed restrictions on the press, you also seek to do the same as regards the publication of the proceedings of the Assembly!

Premier : My honourable friend is labouring under a misapprehension. So far as the press is concerned, they are not immune, merely because they publish the proceedings of the Assembly, from any legal order which may be issued by any competent authority. So, that objection will not hold water. The press is not going to publish anything which it cannot under the law with regard to a subject which has been prohibited by a competent authority. That is the position. If my honourable friends want to know all the facts, they must be conveyed to the House only in secrecy. If they do not want to know all the facts and merely discuss the adjournment motion as usual and make the allegation that a *lathi* charge was made, then I will put forward before them the official version whether the *lathi* charge was or was not made and whether anybody was or was not hurt. If they want to discuss it and waste the time of the House they are welcome to do so. If they want to know the real facts underlying this, then I cannot possibly divulge them except in a secret session and there also I will have to request them to keep those facts to themselves.

Malik Barkat Ali : On a point of order. My point of order is that a motion for the adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance cannot be discussed in a secret session. I draw your attention to Rule 41 of our Rules. The basis of this Rule is that the matter must be of urgent public importance, it must be a definite matter and this motion has been tabled for the purpose of discussing that matter. I also draw your attention to Rule 79, because, I believe, my honourable friend Mir Magbool Mahmood, relied

[M. Barkat Ali.]

on Rule 79 for the purpose of a secret session of the House. You will be pleased to see that Rule 79 gives you only discretion whenever you may think fit to order visitors or representatives of the press to leave the Assembly Chamber. I respectfully submit that barring your discretion in Rule 79, there is really no provision for a secret session.

Mr. Speaker : If I remember aright the honourable member raised a similar objection in 1940. May I invite his attention to the proceedings of the 15th July, 1940 ?

Malik Barkat Ali : Does it relate to an adjournment motion ?

Mr. Speaker : No. But that would not have made any difference.

Malik Barkat Ali : My submission is that your ruling does not relate to an adjournment motion.

Mr. Speaker : My ruling covers every motion proposing a secret sitting of the House.

Malik Barkat Ali : My point is this that at the time when you were delivering your ruling, you had not before you an adjournment motion and the question was never considered by you in that ruling of yours that the ruling would apply even to those motions which relate to the adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance. My submission is this that a secret discussion of an adjournment motion is an unthinkable proposition.

Mr. Speaker : My ruling was that a motion to discuss any matter *in camera* should be put without any amendment or debate, whether it was an adjournment or any other motion.

Chaudhri Muhammad Hassan : Sir, I want to say that—

Mr. Speaker : No further discussion, please.

Chaudhri Muhammad Hassan : On a point of order, and that is this that when we are holding an open session, part of it cannot be secret.

Mr. Speaker : May I draw the honourable member's attention to note No. 1 on May's Parliamentary Practice, page 205, which says : "The House further resolved that the remainder of the day's sitting should be a secret session" ?

Malik Barkat Ali : Is there any precedent for an adjournment motion being discussed *in camera* ?

Mr. Speaker : I have given my ruling, following my own precedent of 1940, and the parliamentary practice.

Lala Deshbandhu Gupta : May I seek information from the Chair ?

Mr. Speaker : No.

Lala Deshbandhu Gupta : May I know whether in giving this ruling you are using your own discretion or whether you feel that under the Rules you are helpless and that you have no other alternative left but to rule that the adjournment motion be discussed in a secret sitting ?

Mr. Speaker : I always follow our own Rules, but where they are silent, I follow the Parliamentary practice. That is the ruling which I gave in 1940 and have repeated to-day.

Lala Deshbandhu Gupta : I want to know—

Mr. Speaker : No more discussion, please.

Lala Deshbandhu Gupta : I do not wish to discuss it any more. We want to understand clearly as to whether you agree with the Honourable Premier that this matter is such that although it is brought before the House through an adjournment motion it should be discussed secretly?

Mr. Speaker : I decline to express any opinion unless there is equality of votes in the House.

Lala Deshbandhu Gupta : May I suggest that the Honourable Premier should agree at least not to discuss it by way of an adjournment motion and that he should fix a day for it? If a matter of such great public importance has to be discussed in a secret sitting why limit the debate to two hours?

Mr. Speaker : The question is—

That the session of the Assembly when the adjournment motion is discussed be a secret sitting.

(When the division bell was ringing).

Rai Bahadur Mukand Lal Puri : Sir, on a point of order about the remarks made by the Premier that the publication of the proceedings of this House with respect to matter prohibited by the District Magistrate will be dealt with under the ordinary law of the land. I want to raise the point of order that this conflicts with the privileges of the House that anything said in this House can be published and anybody publishing it is immune from action by the local authorities.

Mr. Speaker : The honourable member may proceed according to law.

Rai Bahadur Mukand Lal Puri : I am very glad that you agree with my interpretation and have advised me to contest it in a court of law. I think the press would be well advised to publish the proceedings of the House for today and contest it in a court of law.

Mr. Speaker : The question is—

That the session of the Assembly when the adjournment motion is discussed be a secret sitting.

The Assembly divided : Ayes 74 Noss 89.

Ayes

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.

Ali Akbar, Chaudhri.
Allah Yar Khan Daulatana, Mian.
Amir -ud-Din, Khan Sahib Mian.
Amjad Ali Shah, Sayed.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, The Honourable Sardar.

Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab Chaudhri, Sir.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja,
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Guest, Mr. P. H.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Bahadur Chaudhri.
 Indar Singh, Sardar.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Karamat Ali, Khan Bahadur Shaikh.
 Khizar Hayat Tiwana, The Honourable Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Sir.
 Maqbool Mahmood, Mir.
 Mohar Singh, Rao.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Alam, Dr. Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hussain, Sardar.

Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Yasin Khan, Khan Sahib Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasrullah Khan, Rana.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Roberts, Sir William.
 Roshan Din, Khan Bahadur Chaudhri.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Sardar Khan Noon, Major Malik.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Sikander Hyat-Khan, The Honourable Lieutenant-Colonel Sir.
 Sohan Lal, Rai Bahadur Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Suraj Mal, Rai Sahib Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Wali Muhammad Sayyal Hiraj, Sardar.

Noes.

Abdul Aziz, Miati.
 Ajit Singh, Sardar.
 Baldev Singh, Sardar.
 Barkat Ali, Malik.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Deshbandhu Gupta, Lala.
 Duni Chand, Lala.

Duni Chand, Mr.
 Duni Chand Mrs.
 Faqir Chand, Chaudhri.
 Girdhari Das, Mahant.
 Gopal Das, Rai Bahadur Lala.
 Gurbakhsh Singh, Sardar.
 Harnam Das, Lala.
 Jalal-ud-Din Amberi, Chaudhri.

Jugal Kishore, Chaudhri.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Hassan, Chaudhri.
Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur.
Mula Singh, Sardar.
Munir Lal Kalra, Pandit.

Partap Singh, Sardar.
Prem Singh, Mahant.
Raghbir Kaur, Shrimati.
Rashida Latif Baji, Begum.
Sahib Ram, Chaudhri.
Santokh Singh, Sardar.
Sant Ram, Seth, Dr.
Shanno Devi Sehgal, Shrimati.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sudarshan, Seth.
Ujjal Singh, Sardar Bahadur Sardar.

Lala Deshbandhu Gupta : May I request the Honourable Premier that this matter should not be discussed by way of an adjournment motion? Since the House has decided to discuss it in a secret session, the Honourable Premier should have no objection to its being discussed fully in a special sitting without the time limit imposed on adjournment motions.

Premier : So far as this adjournment motion is concerned, I think it can be very easily discussed within two hours. You cannot possibly stretch it beyond the facts which may be placed from that side of the House and the facts which I have to place. Moreover there are other adjournment motions and we can discuss them in due course.

Lala Deshbandhu Gupta : What possible objection can the Honourable Premier have to this request and why should he insist on a two hours' debate on this motion? The scope of adjournment motions being limited it will not be possible to discuss the matter fully within that time limit. The Press could not publish anything about yesterday's sad and ugly happenings and the Honourable Premier has got no other information except that which is supplied to him by the Government officials. This is why I press that the matter should be discussed fully. I do not see why it should be difficult for the Premier to agree to a suggestion like this.

Premier : My objection is not that I do not want the matter to be discussed. My information is not based only on the official version. I have the official version and non-official version also. One of the non-officials, a very respectable young man, says that he was himself struck by a lathi so that my information is not confined only to an official version. I am sure the whole matter can be discussed within two hours. My difficulty is that if I create a precedent of that kind, it may be most unfair to this House and to our successors.

Lala Deshbandhu Gupta : A precedent is already there. On one occasion the Honourable Premier had himself agreed to have a special session when arrests of some members of this House had taken place. Our information in regard to this matter is not based on hearsay. Some of the members on this side are eye-witnesses to what happened yesterday.

[Lala Deshbandhu Gupta.]

(An honourable member : Shrimati Shanno Devi is here). The House will get all the information they can give. I cannot see any reason therefore why the Honourable Premier should object to a full discussion of the question.

Premier : I do not object to a full discussion. The House has accepted to discuss it as an adjournment motion and I do not want to change that decision.

LEAVE OF ABSENCE OF MASTER KABUL SINGH.

Mr. Speaker : I have received an application, dated 12th February, 1942, from the honourable Master Kabul Singh, M. L. A. It runs as follows :—

I beg to submit that I am unable to attend the Assembly as I am being detained under section 26, Defence of India Rules, since December 19, 1941. Kindly grant me leave for the period of my detention and oblige.

Question is—

That the permission asked for be granted.

The motion was carried.

LEGISLATIVE ASSEMBLY (SALARY AND ALLOWANCES OF MEMBERS) BILL.

Premier (The Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan) : Sir, I present the Report of the Select Committee on the Punjab Legislative Assembly (Salary and Allowances of Members) Bill.

I move—

That the Punjab Legislative Assembly (Salary and Allowances of Members) Bill be taken into consideration.

Mian Muhammad Nurullah : On a point of order, Sir. Can the Report of the Select Committee be presented and discussed straightaway ? There is no time allowed between the presentation and its discussion.

Mr. Speaker : The report was circulated a few days ago and the honourable member must have received it. **Question is—**

That the Punjab Legislative Assembly (Salary and Allowances of Members) Bill be taken into consideration.

The motion was carried.

Mr. Speaker : Now the House will proceed to consider the Bill clause by clause. **Question is—**

That sub-clause (2) of clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker : **Question is—**

That clauses 2 to 7 stand part of the Bill.

The motion was carried.

Mr. Speaker : **Question is—**

That sub-clause (1) of clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker : **Question is—**

That the title be the title of the Bill.

The motion was carried.

Minister for Revenue (The Honourable Chaudhri Sir Chhotu Ram) :
I move—

That the Punjab Legislative Assembly (Salary and Allowances of Members) Bill be passed.

The motion was carried.

ADJOURNMENT MOTION.

LATHI CHARGE BY POLICE ON THE MALL, LIAHORE.

The Assembly then went into secret session and all the galleries were cleared. Sardar Kapur Singh moved the adjournment motion and the following members took part in the debate—

*Sardar Kapur Singh,
Begum Rashida Latif Baji,
Chaudhri Kartar Singh,
Shrimati Raghubir Kaur,
Lala Deshbandhu Gupta
and the Premier.*

As the debate was not concluded within two hours it automatically terminated.

The Assembly then adjourned till 12 noon on Tuesday, 24th February, 1942.

APPENDIX.

Answer to Starred Question 8089 at page 531 ante.

The Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan:

(a) One. This took place in village Dera in 1938. The Hindu Gujars of the village objected to kine slaughter within the precincts of the village. The Muslim Rajputs agreed to slaughter their cattle outside the village bringing back the beef in covered baskets. Subsequently, however, the sight of Muslims entering the village carrying baskets of beef provoked the Gujars, who set upon them, and a riot ensued. Both parties were prosecuted, convicted in the lower Court, but acquitted on appeal.

(b) Dera, P. S. Naraingarh. Population 1,090. Hindu Gujars are in majority. The riot took place in 1938.

(c) The above case was not compromised. Since the prosecution of the accused, there has been no repetition of communal rioting in this village.

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PUNJAB LEGISLATIVE ASSEMBLY

EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 24th February, 1942.

The Assembly met in the Assembly Chamber, at 12 noon of the clock. Mr. Speaker in the Chair.

STARRED QUESTIONS AND ANSWERS.

REFUSAL OF GRANT OF INTERVIEW TO MR. SANT PARKASH WITH
COMRADE KARAM SINGH MANN, BARRISTER-AT-LAW.

***7864. Sardar Moola Singh :** Will the Honourable Minister of Finance be pleased to state—

(a) whether it is a fact that Mr. Sant Parkash, Secretary, Punjab Congress Assembly Party, applied for an interview with comrade Karam Singh Mann, Barrister, a former Secretary of the Congress Party, now detained in Sub-Jail, Muzaffargarh (Punjab), in May last in connection with some Congress office work ;

(b) whether it is a fact that his request was rejected by the Punjab Government ; if so, the reasons therefor ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) An application was received in April, 1941.

(b) Yes. The grant of any interview is discretionary, and it is not in the public interest to give reasons.

RELEASE OF CERTAIN PUNJABI DETENUS AFTER THE ANGLO-RUSSIAN
ALLIANCE.

***7865. Sardar Moola Singh :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the Government of India consulted the Punjab Government on the question of release of certain Punjab detenues after the Anglo-Russian alliance on a representation made by some of the detenues detained in the Deoli Detention Camp ;

(b) the names of detenues who made the representation and the gist of the correspondence passed between the Central and the Provincial Government on this issue ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) No.

(b) Does not arise.

TRANSFER OF PUNJABI DETENUS IN DEOLI CAMP TO PUNJAB JAILS.

***7866. Sardar Moola Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that many representations have been made by the Punjab detenues in Deoli Camp and many organisations for the transfer of these detenues to their home district or in the alternative for payment to their relatives the travelling expenses when the latter come to interview the former; if so, what action has been taken so far by the Government in the matter and if no action has been taken, the reasons for the same?

Parliamentary Secretary (Mir Maqbool Mahmood) : It has now been decided to repatriate all Punjab detenues from Deoli.

TRIBUNALS TO GO INTO CASES OF POLITICAL DETENUS.

***8015. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Punjab Government has received proposals from the Central Government to appoint tribunals to go into the cases of political detenues and to report on the desirability or undesirability of their detention;
- (b) the action the Punjab Government has taken or intends to take in the matter?

Parliamentary Secretary (Mir Maqbool Mahmood) : The Punjab Government have been in correspondence with the Government of India with regard to the appointment of a Committee to examine the cases of detenues, and it has now been decided by the Punjab Government that such a Committee should be appointed.

Sardar Lal Singh : When may the results be expected?

Parliamentary Secretary : I understand that a *communiqué* on the subject is about to issue.

Sardar Lal Singh : Is the Parliamentary Secretary aware that this work has already started in other provinces and that prisoners have been released?

Parliamentary Secretary : I have reason to believe that work here also will start very soon.

GRANT OF JAGIRS TO SCHEDULED CASTES.

***8097. Chaudhri Faqir Chand :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that Jagirs are conferred by Government annually;
- (b) if so, whether recommendations for the conferment of Jagirs have been called for by Government this year as well;
- (c) whether it is proposed to confer any Jagirs on any members of Scheduled Castes; if not, why not?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) Recommendations were called for in 1941.

(c) Jagirs are awarded for outstanding public services and for assistance to the administration, and at the moment naturally those who render conspicuous war services have superior claims. If any member of the Scheduled Castes fulfils these conditions and is recommended by the local authorities, his name will receive special consideration.

DIET, CLOTHING AND FAMILY ALLOWANCES FOR DETENUS IN PUNJAB JAILS.

*8105. **Maulvi Mazhar Ali Azhar** : Will the Honourable Premier be pleased to state—

(a) the treatment meted out to the detenus in the Punjab Jails detained under the Defence of India Act of 1914 in the matter of (i) diet, (ii) clothing, (iii) allowances to their dependents ;

(b) whether these detenus are given a prescribed diet or the daily allowance ; in either case the nature of each ?

Parliamentary Secretary (Mir Maqbool Mahmood) : There are no detenus detained in the Punjab Jails under the Defence of India Act of 1914, as no such Act is in operation.

MAINTENANCE ALLOWANCE FOR THE FAMILY OF S. HAZARA SINGH.

*8107. **Maulvi Mazhar Ali Azhar** : Will the Honourable Premier be pleased to state—

(a) whether S. Hazara Singh of village Kala, district Lahore, ex-Police Constable, Hong Kong British Police, now a security prisoner in Central Jail, Lahore, sent a representation to the Government, Punjab, on 5th December, 1941, that maintenance allowance to his family be granted during the period of his detention ;

(b) if the answer to (a) above be in the affirmative, what decision has been arrived at by the Government ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes.

(b) The matter is under consideration.

DELAY IN THE DELIVERY OF A LETTER WRITTEN BY MASTER KABUL SINGH, M.L.A.

*8118. **Pandit Bhagat Ram Sharma** : Will the Honourable Premier be pleased to state whether he is aware that a letter written on the 17th January, 1942, by Master Kabul Singh, M.L.A., security prisoner, in District Jail, Jallundhar, to the Secretary, Congress Parliamentary Party, took twelve days' time to reach its destination ; if so, the reasons for the same ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Yes. The letter contained passages, which might have been open to objection and it was considered advisable to obtain permission for its transmission in its original form, which was given. The letter was in no way urgent and the honourable member will perhaps realise that in time of war the attention of police officers is frequently engaged by matters of greater moment.

FAMILY ALLOWANCE FOR S. HAZARA SINGH, BABA MEHR SINGH,
S. TARA SINGH AND S. SAJJAN SINGH.

***8119. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state whether it is a fact that S. Hazara Singh, Baba Mehr Singh, S. Tara Singh and S. Sajjan Singh, Margindpuri, have recently sent a representation to the Punjab Government requesting that some allowance be granted for their families; if so, the action taken by the Government thereon?

Parliamentary Secretary (Mir Maqbool Mahmood) : Hazara Singh, Tara Singh and Sajjan Singh have applied individually for family allowances and their cases are under consideration. No application has been received from Mehr Singh.

COMMUNAL REPRESENTATION AMONG ZILLADARS.

***7972. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of zilladars, community-wise, in the province;
- (b) the steps intended to be taken by the Government to give a due share to the under-represented communities among the said zilladars?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : I must decline with regret to answer questions which savour of communalism on the floor of the House.

SUSPENSION OF LAND REVENUE DEMAND.

***8049. Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state the amount of land revenue demand for kharif 1941 recommended by the Deputy Commissioner, Gurgaon, for suspension and its proportion to the total demand for kharif for that year?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : It is not in the public interest to reveal the recommendations of the Deputy Commissioners. Suspensions have, however, been granted to the extent of Rs. 5,01,670. This amount is 61.5 per cent of the land revenue demand of the district for kharif, 1941.

RECOVERY OF ARREARS OF TACCAVI LOANS, AND LAND REVENUE.

***8050. Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state whether it is fact that the local authorities in the Gurgaon district have been pressed by the Government for the recovery of old taccavi arrears, land revenue arrears and abiana arrears from the zamindars in that district at a time when the paying capacity of the latter has gone down and is going down; if so, the reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Gurgaon is one of the districts where there are heavy arrears on account of land revenue, abiana and taccavi. In order to reduce these arrears, instructions have been issued to the Deputy Commissioner, Gurgaon, as also to the other Deputy Commissioners, to improve collections if possible or to take steps for the remission of irrecoverable balances under the rules.

IMPOSITION OF *Kauri Kamini* AND *Tarafi* CESSSES ON CHAMARS
OF VILLAGE GWALARA.

*8101. **Chaudhri Faqir Chand** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware that cesses called *Kauri Kamini* and *Tarafi* are forcibly extorted by local zamindars from twenty Chamar families of village Gwalara in tahsil Panipat of district Karnal ;

(b) the authority for the imposition of these cesses ;

(c) whether Government proposed to take steps to bring about the abolition of the cesses of the type mentioned in (a) ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No. They were recovered according to the decree of a competent court.

(b) The *Wajib-ul-Arz*.

(c) Does not arise.

Sardar Moola Singh : May I ask the Parliamentary Secretary if he is aware that in the Ambala Division cesses like *Kauri Kamini* and *Tarafi* are extorted by the local zamindars from the scheduled castes ?

Parliamentary Secretary : I have already said that in the settlement operations of 1880 these cesses had been duly sanctioned and laid down in the *Wajib-ul-Arz*. The appeal lodged against this decision by the scheduled castes was rejected.

Sardar Moola Singh : What about the tall talk of the Government which always claims to be doing a lot for the *achhuts* ? Is this the way to help them ?

Mr. Speaker : Disallowed.

DEPRESSED CLASS COLONY AT SHANTINAGAR.

*8123. **Diwan Bahadur S. P. Singha** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether the grant made in Chak No. 72/10-R., Shantinagar, district Multan, which was established as a depressed class colony, was made to help the missionary work of the Salvation Army or as a help to a poor and backward section of the Indian Christian community ;

(b) the exact status of the Salvation Army *vis-a-vis* the Government and the cultivators who are paying the instalments fixed by Government through the Salvation Army Property Company, Limited ;

(c) whether it is a fact that (i) 4 squares of land in Chak No. 72/10-R. have been reserved for village extension and sanitation ; and 7 acres for cemetery, (ii) whether it is a fact that the price of this land mentioned in (i) has been distributed over the *thotas* and is being realised from the so-called sub-lessees along with their price instalment for the agricultural land in their possession, (iii) whether it is a fact that the land along

[D. B. S. P. Singha.]

the village left for sanitation and extension has been brought under cultivation mainly ; if so, the yearly income from such land and whether it is kept by the Company itself or made over to the sub-lessees, (iv) whether it is a fact that no *ihata* is entered in revenue papers in the name of any Christian sub-lessee but is entered in the name of the Salvation Army Property Company, Limited ; and there is no mention of *Shamilat Deh* connected with this Chak in the Revenue papers ;

(d) whether it is a fact that the Christian Grantees, officially called sub-lessees, are required to pay by the Salvation Army Property Company, Limited, in addition to the instalments of the price of the land in their possession, and proportionate share of the price of the village site and vacant land and the land under cemetery, an additional amount for the following purposes :—

- (i) *Dharath* and school fund at Rs. 14-1-0 per square per annum ;
 - (ii) Salvation Army corps fund at Rs. 10 per square per annum ;
 - (iii) Dispensary fund at Rs. 10 per square per annum ;
 - (iv) Sweeper and Chaukidar fund at Rs. 5 per square per annum ;
- and that these village dues are given preference over the land revenue by the Salvation Army Company ;

(e) whether it is a fact that in addition to these compulsory funds mentioned in (d) above the sub-lessees are also expected to make voluntary "thanks giving" contribution at the two harvest seasons and another voluntary subscription under the name of "self sacrifice" ;

(f) whether it is fact that the Salvation Army Property Company Limited, charges site rent from the village kamins and from the shopkeepers and also commission from shopkeepers on the purchases made by them from the *zamindars* ;

(g) whether it is a fact that no account is furnished to the Government for the *Dharath* Fund ; and if the answer be in the affirmative, whether a statement can be furnished indicating the use of the *Dharath* Fund and if possible the use of the other funds also ;

(h) whether it is a fact that a number of leases during the last few years have been cancelled on account of failure of lessees to pay annual instalments due from them ; if the answer be in the affirmative, the number of such leases cancelled, and the names of the lessees to whom these forfeited lands have been allotted ;

(i) whether it is a fact that some of these forfeited lands have not been allotted but appear in the name of the Company itself ; if the answer be in the affirmative, the total area of such land as appears in the name of the Salvation Army Property Company, Limited, in the Government papers ;

- (j) whether it is a fact that the sub-lessees are required to pay to the Salvation Army Company instalments annually while the Company pays to the Government on behalf of the Chak after lapse of 10 years the amount due on account of the instalments according to the terms originally settled and now after the expiry of five years; if so, the manner in which interest on the money earned by the company on account of the accumulated instalments is utilised;
- (k) whether it is a fact that the sub-lessees are charged interest on the instalments in arrears at 12 per cent per annum; if so, whether this 12 per cent per annum interest is passed to the Government or retained by the Salvation Property Company itself?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) The grant of land in Chak No. 72/10-R (Shantinagar) was made to the Salvation Army to whom it was left to select such sub-tenants or sub-lessees as were, in their view, likely to prove suitable cultivators under themselves.

(b) The exact status of the Salvation Army *vis-a-vis* the Government and the cultivators is clearly outlined in paragraph 236 of the Punjab Colony Manual, 1933 (copy enclosed).

(c) (i) The area reserved for *abadi* is 46½ acres which consists of portions of four squares of land. The area reserved for cemetery is 1 acre, 1 kanal, 1 marla.

(ii) The reply is in the affirmative.

(iii) The area left for village extension has been brought under cultivation. The average yearly income of Rs. 800 is not utilised by the Company but is spent solely for the benefit of the sub-lessees through the medium of school dispensary, etc.

(iv) The answer is in the affirmative.

(d) There being no priority of contract between the Indian Christian cultivators and Government it would be incorrect to describe them as grantees.

The answer to (i), (ii), (iii) and (iv) is in the affirmative with the exception that these funds are not given preference over land revenue. The charges are levied under clauses 6 and 16 of the sub-lease deeds executed by the sub-lessees.

(e) It is not correct that sub-lessees are expected to make voluntarily subscription under the name of "self-sacrifice" in addition to the "Thanks giving" contributions which the sub-lessees are expected to make twice a year at the time of harvests.

(f) The answer is in the affirmative.

(g) No account is furnished to Government of *Dharat* Fund. The use of the *Dharat* and other Funds has already been indicated in the answer to part (c).

(h) The answer is in the affirmative. Cancellation of leases is covered by clause 22 of the sub-lease deeds referred to above. The information regarding the number of such leases is not available.

(i) The answer is in the affirmative. The total area is in the name of the Salvation Army Company and measures 2,043 acres.

[Raja Ghazanfar Ali Khan.]

(j) The answer is in the affirmative, and the money earned by way of interest is utilized towards the management expenses.

(k) The answer is in the affirmative. The interest so charged is not passed on to Government.

PUNJAB COLONY MANUAL (EDITION 1933).

The conditions of lease.

236. The Salvation Army after some demur agreed to hold direct from Government. The payment of the purchase money is spread over thirty years, 5 per cent being payable at entry, 5 per cent after five years and 30 per cent after ten, twenty and thirty years. Until the completion of the transaction the Salvation Army Property Company is the tenant of Government holding under a statement of conditions issued under section 10 of the Colony Act. The actual cultivators of the land are sub-tenants of the Company holding on a thirty years' lease. The Company when it desires to settle in its proteges forwards a list of the proposed tenants to the Colonization Officer, who then passes an order under section 19 of the Colony Act, which is submitted to the Commissioner for final sanction. This order expressly disclaims any responsibility to the sub-tenants on the part of Government for the fulfilment by the Company of the conditions under which it holds the land.

INDUSTRIAL MUSEUM.

***7999. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Finance Minister be pleased to state whether any Industrial Museum has been established in the Punjab to give effect to a Resolution passed for this purpose by the Punjab Assembly on 23rd January, 1941 ?

The Honourable Sir Manohar Lal : Yes, it has been decided to establish an Industrial Museum in the Punjab. It will not, however, be possible to allot funds for the purpose during the year 1942-43 on account of more important and urgent schemes.

RELEASE OF CONVICTS AND NON-CONVICTS FROM CENTRAL
JAIL, LAHORE.

***8026. Sardar Lal Singh :** Will the Honourable Finance Minister be pleased to lay on the table of the House a statement showing :—

- (a) the names with full home addresses of the convicts and non-convicts released from the Central Jail, Lahore, on the 8th of August, 1941, after the expiry of their sentences ;
- (b) the section under which each one of them was detained in the Jail ;
- (c) the date when each one of them was admitted into the Central Jail, Lahore ;
- (d) the weight of each one of them on their admission and on their release ;

- (e) the names of the railway stations for which the railway passes were issued to each one of them ;
- (f) the time when they were allowed to go out of the main Jail gate ;
- (g) whether they were produced before the Superintendent, Jail, before their release ; if not, the grounds therefor ?

The Honourable Sir Manohar Lal : (a) to (f) A statement giving the required information is laid on the table.

(g) Yes : they were produced before the Superintendent and the Deputy Superintendent in accordance with the instructions contained in the Punjab Jail Manual.

List of prisoners released from Lahore Central Jail

Serial No.	Name and parentage.	Home address.	Date of admission.
1	Karnail Singh, son of Atma Singh.	Kotla Gujran, Police Station Majitha, Amritsar.	2nd April, 1941 ..
2	Wassan Singh, son of Sunder Singh.	Rai Kalan, Police Station Khalsa, Lahore.	23rd July, 1941 ..
3	Iam Din, son of Bhola ..	Akbari Gate, Police Station Naulakha, Lahore.	28th July, 1941 ..
4	Din Muhammad, son of Umar Din.	Garhi Shahu, Police Station Naulakha, Lahore.	29th July, 1941 ..
5	Umar Din, son of Jhanda ..	Chaukiwindi, Police Station Burki, Lahore.	22nd July, 1941 ..
6	Labhu, son of Arura ..	Sadhoke Kahna, Lahore ..	2nd August, 1941 ..
7	Fateh Din, son of Haku ..	Kachapura, Police Station, Naulakha, Lahore.	6th August, 1941 ..
8	Mehnga, son of Arura ..	Putligarh, Amritsar ..	5th August, 1941 ..
9	Sajjan Singh, son of Ganda Singh.	Margindpur, Bhikiwind, Lahore.	26th June, 1941 ..

List of prisoners released on

10	Rehmat, son of Sube Khan..	Shahbaza, Lopoki, Amritsar	31st July, 1941 ..
11	Pritam Singh, son of Narain Singh.	Rattangarh, Amritsar ..	2nd August, 1941 ..
12	Sadhu Singh, son of Mayya Singh.	Ditto ..	Ditto ..
13	Narain Singh, son of Mayya Singh.	Ditto ..	Ditto ..
14	Dalip Singh, son of Surain Singh.	Ditto ..	Ditto ..
15	Surain Singh, son of Mayya Singh.	Ditto ..	Ditto ..
16	Jaswant Singh, son of Amar Singh.	Manakienwala, Zira, Ferozepore.	29th July, 1941 ..

List of prisoners (under-trial)

17	Abdul Qadir, son of Allah Ditta.	Lohari Gate, Lahore ..	7th August, 1941 ..
18	Jamal Din, son of Bashir Ahmed.	Mozang, Lahore ..	8th August, 1941 ..
19	Kartar Singh, son of Lal Singh.	Kucha Arura, Katra Ghulam Amir, Amritsar.	16th July, 1941 ..
20	Kapura, son of Dina ..	Shahzada, Kahna, Lahore	15th July, 1941 ..
21	Kaiso, son of Dina ..	Ditto ..	Ditto ..
22	Khushi, son of Bura ..	Ditto ..	Ditto ..

on 8th August, 1941, on the expiry of their sentences.

Section under which detained.	Weight on admission.	Weight on release.	Railway Station for which pass issued.	Time.
490, I. P. C.	137	138	Kotla Gujran	8-5 a. m.
Court Martial	114	114		8-5 a. m.
7.14.79, Municipal bye-law	102	102		8-5 a. m.
16/26, 11/16, 16/20, Hackney Carriage Act.	102	102		8-5 a. m.
323/325/34, I. P. C.	137	137		8-5 a. m.
107, Cr. P. C.	122	122	(Released on furnishing security)	6-15 p. m.
107, Cr. P. C.	107	107	Ditto	6-15 p. m.
420/126, I. P. C.	112	112	Amritsar. Released on grant of 3 days' special remission by the Superintendent on the same day after-noon.	6-15 p. m.
Sub-rule (2) of 1939 D. G. I. Rules.	117	127	Gharinda	6-50 p. m., when he was re-arrested by the Police in connection with another case under the Defence of India Rules.
Bail on 8th August, 1941.				
454, I. P. C.	117	117		6-15 p. m.
418, I. P. C.	117	117	Butari	6-15 p. m.
Ditto	119	119		6-15 p. m.
Ditto	123	123		6-15 p. m.
Ditto	112	112		6-15 p. m.
Ditto	117	117		6-15 p. m.
326/34, I. P. C.	111	111	(Released on probation)	7-0.
Released on 8th August, 1941.				
368, I. P. C.	137	137		6-15.
363, I. P. C.	123	123		6-15.
107/151, Cr. P. C.	151	153		6-15.
326/325, I. P. C.	114	117		6-15.
Ditto	102	100		6-15.
Ditto	130	133		6-15.

NON-OBSERVANCE OF FIXED HOURS OF WORK IN FACTORIES IN
EASTERN PUNJAB.

***8100. Chaudhri Faqir Chand :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether he is aware of the fact that factories in the eastern Punjab do not observe the timing fixed under the Factories Act, with the result that the labourers and employees working in them have to bear great hardship, and have to work even on Sundays ;
- (b) the steps Government propose taking to ensure compliance with the provisions of the Factories Act ?

The Honourable Sir Manohar Lal : (a) The question suffers from vagueness and does not admit of a definite reply. However, there is no reason to believe that factories in the Eastern Punjab are not observing the provisions of the Factories Act relating to working hours. The honourable member is probably not aware of the fact that 120 registered factories have in consequence of urgent and large demands for war materials been exempted from the provisions of the Act relating to working hours and the factories he has in mind might well fall under this category. All these exemptions have been granted by Government subject to the payment of overtime wages at the rates prescribed under the Act. All cases of unauthorized employment of labour in factories detected by the Inspectors are promptly put in court.

- (b) Does not arise.

KHUSHAL KHAN.

***8117. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Khushal Khan, a detainee at present confined in the Sub-Jail, Muzaffargarh, who weighed 142 pounds at the time of his admission to the Sub-Jail in March, 1941, has lost 20 pounds, now weighing only 122 pounds ;
- (b) whether it is a fact that this big drop in his weight is due to the heat and dust of Muzaffargarh ;
- (c) whether it is a fact that he has developed Tuberculosis of the intestines ;
- (d) if the replies to (a), (b) and (c) above be in the affirmative, the action Government intends taking in the interest of his health ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) He was admitted into the Subsidiary Jail, Muzaffargarh, on the 19th March, 1941. His weight on admission was 142 lbs. His weight went down to 124 lbs. but rose again to 129 lbs. on the 3rd January, 1942, when his general condition was reported to be very good. His weight on the 19th February, 1942, was 130 lbs.

(b) No. Probably the decrease in the weight occurred as a result of his having an attack of cough, sore throat, and fever.

(c) No.

(d) Does not arise.

IMPOSITION OF HOUSE TAX BY MUNICIPAL COMMITTEES.

*8079. **Chaudhri Ram Sarup**: Will the Honourable Minister of Public Works be pleased to state the total number of municipal committees in the province, and the names of those among them which have imposed a house tax on the houses situated within their limits?

Parliamentary Secretary (Shaikh Faiz Muhammad): There are 128 municipal committees in the province. A statement showing the names of those committees which have imposed house tax, is laid on the table.

Name of Municipal Committee.	Name of Municipal Committee.
1. Rohtak.	23. Sheikhupura.
2. Bahadurgarh.	24. Shalkot.
3. Sonapat.	25. Gurgaon.
4. Rewari.	26. Jalandhar.
5. Karnal.	27. Miani.
6. Panipat.	28. Khushab.
7. Kaithal.	29. Sardodha.
8. Shahabad.	30. Phillaur.
9. Ambala City.	31. Dillanwali.
10. Ambala Cantonment.	32. Murree.
11. Kalka.	33. Campbellpur.
12. Simla.	34. Mianwali.
13. Kasumpti.	35. Lyallpur.
14. Dharamsala.	36. Jaranwala.
15. Lahore.	37. Kamalia.
16. Amritsar.	38. Tandlianwala.
17. Khem Karan.	39. Gojra.
18. Tarn Taran.	40. Chak Jhumra.
19. Dalhousie.	41. Dera Ghazi Khan.
20. Pathankot.	42. Dajal.
21. Dina Nagar.	43. Mithankot.
22. Hafizabad.	

MUNICIPAL COMMITTEES AND WATCH AND WARD AGENCY.

*8080. **Chaudhri Ram Sarup**: Will the Honourable Minister for Public Works be pleased to state the names of those municipal committees in the Province which have been relieved of the obligation of maintaining their own agency of watch and ward?

Parliamentary Secretary (Shaikh Faiz Muhammad): I regret the reply to this question is not yet ready.

MUNICIPAL COMMITTEES AND WATCH AND WARD AGENCY.

*8081. **Chaudhri Ram Sarup**: Will the Honourable Minister for Public Works be pleased to state the amount which each of the municipal committees in the Province relieved of the obligation of maintaining its own agency of watch and ward was paying in this connection to the Government at the time when this relief was being afforded to it?

Parliamentary Secretary (Shaikh Faiz Muhammad): I regret the reply to this question is not yet ready.

COST OF ADDITIONAL POLICE AT SUR SINGH.

*3106. **Maulvi Mazhar Ali Azhar**: Will the Honourable Minister for Public Works be pleased to state—

- (a) what were the different items taken into consideration at the time of calculating the estimated costs of the Additional Police Post quartered at village Sur Singh, tahsil Kasur, district Lahore, in August, 1940, and the amount allotted to each of these items for the 1st year;
- (b) the total estimated cost of this police post for 1st year;
- (c) the total amount assessed for the 1st year's cost and the date when this assessment was sanctioned for recovery by the Revenue authorities;
- (d) whether any representation from the inhabitants of the village was received in March or April, 1941, requesting the Government to calculate the actual cost of this post before recovery; if so, with what result;
- (e) (i) what were the different items taken into consideration before calculating the actual cost for the 1st year; (ii) what was the amount spent under each item; (iii) what was the actual total amount spent by the Government for the 1st year including charges for interest, etc.;
- (f) whether the actual costs for the 1st year were calculated before sanctioning assessment; if not, the grounds for the same;
- (g) what was the total amount recovered from the inhabitants of this village;
- (h) what were the arrears to be recovered by the 15th of December, 1941?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a)—

Items.	Estimated cost.		
	Rs. A. P.		
(1) Pay of establishment	4,944	0	0
(2) Conveyance allowance for one Sub-Inspector	960	0	0
(3) Contingencies	494	8	0
(4) Clothing and equipment allowance	1,080	0	0
(5) Leave contribution	618	0	0
(6) Pension contribution	612	8	0
(7) Hutting charges	500	0	0
(b) Rs. 8,608-4-0.			

(c) Rs. 8,651-6th June, 1941.

(d) No.

(e) (i) and (ii)—

Items.	Expenditure.
	Rs. A. P.
(1) Pay of establishment	4,050 7 0
(2) Conveyance allowance for one Sub-Inspector.	310 10 0
(3) Contingencies	285 12 0
(4) Clothing and equipment allowance	1,080 0 0
(5) Leave contribution	618 0 0
(6) Pension contribution	612 8 0
(7) Hutting charges	72 2 0
Total	6,979 7 0

(iii) The difference between the estimated cost and the actual cost represents the charges for superintendence, the provision of trained men in place of recruits, armament and interest charges during the period of recovery of the cost.

(f) The cost was calculated in accordance with the prescribed scales.

(g) Rs. 7,500.

(h) Rs. 1,151.

SALE OF BANASPATI GHEE.

***7973. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

(a) whether the experts have proposed any colour for mixing in the Banaspati Ghee ; if so, what is that colour ;

(b) whether he is aware that the Banaspati Ghee is being sold throughout the Province without the mixture of any colour ;

(c) the action that the Government intends to take to expedite the enforcement of the Pure Food Amendment Act, with reasons which have prevented its enforcement so far ?

The Honourable Mian Abdul Haye : (a) Yes. The colour proposed to be mixed with Banaspati Ghee is known as oil orange E.

(b) Yes.

(c) The dye (oil orange E) proposed for colourisation of Banaspati Ghee is not available in sufficient quantities in India owing to the present international conditions. Efforts are being made to find an alternative colour. The enforcement of the Punjab Pure Food (Amendment) Act, 1940, will be made effective as soon as a suitable dye is found or oil orange E is made available in sufficient quantities in its pure form.

ROYALTY RECEIVED BY TEXT-BOOK COMMITTEE.

***8014. Sardar Lal Singh :** Will the Honourable Minister of Education be pleased to state—

(a) the total Royalty received by the Text-Book Committee for each of the years 1930—35 and 1936—40 ;

(b) if there is a progressive decrease in this Royalty, the reasons therefor ?

The Honourable Mian Abdul Haye : (a)—

					Rs.
(i) 1930-31	..	..	..	..	54,000
1931-32	..	..	..	..	54,000
1932-33	..	..	..	..	54,000
1933-34	..	..	..	..	54,000
1934-35	..	..	..	..	72,000
1935-36	..	..	..	..	41,500
(ii) 1936-37	..	..	..	..	41,500
1937-38	..	..	..	..	15,000
1938-39	..	..	..	..	14,000
1939-40	..	..	..	..	14,500
1940-41	..	..	..	..	13,800

(b) The main reasons for the decrease in the amount of the Royalty probably are :—

(i) the reduction in the term of the contract from 5 to 1 year with effect from 1937-38.

(ii) Restriction by Government to the effect that no text-books already in use in the primary and middle classes of schools in the Punjab are to be changed till the new scheme for the prescription of text-books is enforced.

(iii) Business reasons.

 MEDICINES FOR DISPENSARIES.

***8051. Chaudhri Sumer Singh :** Will the Honourable Minister for Education be pleased to state whether he is aware of the fact that the money

allotted in their respective budgets by the various local bodies in the Gurgaon district for the purchase of medicines has not been utilized for the purpose so far in spite of the fact that 8 months of the current financial year have passed and that the dispensaries under their control are being run with the insufficient stock of the previous year; if so, the reasons therefor, and the action that is intended to be taken against the officers responsible for this delay?

The Honourable Mian Abdul Haye : A part of the annual supply and all sundries has already been supplied to most of the dispensaries in the district in November and the beginning of December, 1941. Besides at places where there was shortage of some of the drugs of common use, small emergent indents and local purchase of bazaar medicines had been sanctioned by the Civil Surgeon of the district. There has thus been no serious shortage anywhere.

The reason for the delay this year was mainly due to fluctuation in prices and suspension of booking by goods trains owing to the international situation. The question of action does not therefore arise.

ADJOURNMENT MOTION.

ARREST OF CERTAIN M. L. A.'s

Pandit Bhagat Ram Sharma : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the arrest of Diwan Chaman Lall, Lala Bhim Sen Sachar, Mr. Dev Raj Sethi, Mian Iftikhar-ud-Din and Sardar Chanan Singh, M. L. A.s, on 22nd February, 1942, at Lahore.

Mr. Speaker : Pandit Bhagat Ram Sharma asks for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the arrests of Diwan Chaman Lall, Lala Bhim Sen Sachar, Mr. Dev Raj Sethi, Mian Iftikhar-ud-Din and Sardar Chanan Singh, M.L.A.s, on 22nd February, 1942, at Lahore.

Parliamentary Secretary (Mir Maqbool Mahmood) : No objection, Sir.

Mr. Speaker : The motion will be taken up at 4-30 p.m. to-day or after the business of the day is finished, whichever is earlier.

GENERAL SALES TAX (AMENDMENT) BILL.

Minister of Finance (The Honourable Sir Manohar Lal) : Sir, I beg to introduce the Punjab General Sales Tax (Amendment) Bill. I also beg to move:—

That the Punjab General Sales Tax (Amendment) Bill be taken into consideration at once.

[Finance Minister.]

In making this motion, it is not necessary for me to say but a few words. The occasion for this Bill is amply stated in the statement of objects and reasons. The Honourable Premier has explained on more than one occasion the position of Government as regards the amendment proposed. It consists of two parts—firstly, raising the limit of exemption from Rs. 5,000 to Rs. 10,000, and secondly, to make necessary amendments so that taxation at only one stage may be possible. While the rules contemplated imposing of the tax at one stage, the Act as it stood would not have permitted it because no higher rate than annas 4 would be possible even if imposed at only one stage. It would now be possible to place the tax only at one stage and at an appropriate rate.

Mr. Speaker : Motion moved is—

That the Punjab General Sales Tax (Amendment) Bill be taken into consideration at once.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*):
Sir, I beg to move —

That the Punjab General Sales Tax (Amendment) Bill be referred to a Select Committee with instructions to report by the 3rd March, 1942.

My object in moving this motion is that if this Bill is referred to a Select Committee the numerous misunderstandings which have been created by the Government and which are responsible for the province-wide agitation will be removed. I do not mean to delay this Bill. My motion is not a dilatory motion. Moreover the Committee, after a few days' deliberation, will be able to find out a way of reconciling the demands put forward by the traders and the attitude taken by the Government. On the other hand, if the Government proceeded with the passage of this Bill without referring it to a select Committee there is a danger of the present state of unrest being protracted. This would mean the negation of the object underlying this amending Bill. I, therefore, request that this Bill should be referred to a Select Committee.

Mr. Speaker : Motion under consideration, amendment moved is—

That the Punjab General Sales Tax (Amendment) Bill be referred to a Select Committee with instructions to report by the 3rd March, 1942.

Sardar Moola Singh (Hoshiarpur West, General Reserved Seat, Rural) (*Punjabi*): Sir, I rise to support the motion for referring this Bill to a Select Committee. From the very day that this Act—I mean the Punjab General Sales Tax Act—came before this Assembly an agitation has been going on against it throughout the province. I cannot sufficiently express the adverse effect it has had on the people of the Punjab.

Mr. E. Few : I rise on a point of order. Is it within the scope of this Assembly to discuss a Bill that has been passed or only the portions that are sought to be amended?

Mr. Speaker : Only those sections of the Act on which amendments have been moved.

Sardar Moola Singh : Sir, the amendment to the General Sales Tax Act as has been moved by the Government covers the whole Act.

Mr. Speaker : No.

Sardar Moola Singh : At least a very vital portion of that Act is contained in this amending Bill. Since the enforcement of this Act, the traders have....

Mr. Speaker : Please do not go beyond the scope of this Bill.

Sardar Moola Singh : Sir, I am stating the objects of this Bill.

I was submitting that the beoparis have from the very day of its enforcement started a hartal and the Government have done nothing to arrive at a compromise with them. The efforts that have been so far made are not sufficient and I would submit that even this amending Bill does not go far enough. The amendments proposed to be made are not at all in consonance with the demands put forward by the beoparis. I would, therefore, urge upon the Government that instead of passing this amending Bill they would do better if they bring about a termination of this hartal which has occasioned the daily use of brute force in the shape of lathi charges and on account of which poor people have to go without food. In my opinion it is a great sin on the part of the Government to take no steps for resolving this muddle when they know that the poor people are suffering great hardships.

With these words, I support the motion moved by my honourable friend Sardar Ajit Singh that this Bill be referred to a Select Committee.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural (Urdu) : Sir, there are at present two motions under consideration in this House. One seeks that the Bill be taken into consideration and the other suggests that it should be referred to a Select Committee. I rise to oppose both these motions. The present Bill has been introduced with the object of amending the General Sales Tax Act which was passed by this Assembly in 1940. That the Act has not been enforced so far is due to the fact that the urban population has in various ways offered opposition to this Act making it difficult for the Government to carry out its provisions. The traders had once before resorted to hartal and in the negotiations that ensued the Government had promised to make the necessary amendments. But this conciliatory attitude on the part of the Government only encouraged the traders to increase their demands. Last month they again resorted to hartal which still continues and the traders intend to continue it so long as the Act is not repealed. Such a hartal is unprecedented in the history of the country. The traders have achieved a united front by which they intend to nullify the object of this Act and to discourage the Government from passing any further legislation of this kind. Before saying anything about this amending Bill which has been introduced by the Government, I would like to recall the pledge given by this Government at the time of the general elections. We were given to understand that during their term the Unionist Government would seek to

[Capt. Sodhi Harnam Singh.]

equalize the incidence of taxation as between the urban and the rural population of the Province. Chaudhri Sir Chhotu Ram also promised to equalize the incidence of taxation and even to relieve the burden of the zamindars. Since that time our Government has been passing measures one after the other which have always been vehemently opposed by the urban population, so much so that even the High Court declared the Restitution of Mortgaged Lands and the Benami Acts as *ultra vires* of the Assembly. The Relief of Indebtedness Act was passed in order to provide relief to poor agriculturists from the sahukars or money-lenders who had started a reign of terror in the Province. Here too amendments were demanded and eventually amendments had to be made which have set the objects of this legislation at naught. After it, came the Urban Immovable Property Tax Act, by which the Government sought to receive $\frac{1}{4}$ th or 25 per cent of the annual rental value of property. It was so very vehemently opposed by the urban people that Government had to bend before them and instead of imposing this tax at the rate of 20 or 25 per cent they were content to levy it at the rate of five per cent only. Then the Sales Tax Act was passed by this Assembly. I may tell the House that this tax was not in fact imposed on the traders. On the contrary its burden was to fall on the consumers and the traders were, so to say, asked to collect it. But even this Act has so vehemently been opposed that Government have been forced to open negotiations with the trading classes in order to come to a settlement. This agitation against the Sales Tax Act has created a furore in the province and the Government are knuckling down under it. However when the trading classes came to know that Government were prepared to yield some ground they all the more strengthened their hartal and refused to budge an inch from the position which they had taken up. I warn the Government that if they yield to the pressure of any one section in this way they will not be able to carry out their pledges which they had made to the public. I do not say that they should not remove the defects of any measures passed by them. By all means let them do so. But it is not at all proper for them to bring in amending Bills under pressure of any section of people. This tends to show to the people that the Government are weak. I would therefore urge upon the Government to see that such weakness is not shown by them. Otherwise it would create difficulties in their way. At present we urgently stand in need of money and without money we cannot hope to meet the emergency created by the war. (Rai Bahadur Lala Gopal Das : How much money do you want?). My friend should not bother about it. He will know presently how much money we want. My submission is that before bringing in amending Bills of this nature Government should make sure as to how much money they want to collect from the urban classes. If in spite of this amending Bill Government would get the required money, in that case they may get this amending Bill passed. On the contrary, if they think that they would lose some of the revenue which they propose to collect by means of this measure then they should drop this Bill altogether. As I have already submitted, this tax has not been imposed on the tooparis. Its burden will mainly fall on the consumers. I therefore see no reason why this taxation limit be raised from Rs. 5,000 to Rs. 10,000. The honourable members are aware of the fact that even if a zamindar possesses 2 acres of land, still he has to pay one-fourth

of his net assets to Government by way of land revenue. Now if the zamindars start agitation against the realization of land revenue, will Government, taking into account the concessions which they are offering to the business community, reduce the rate of their land revenue as well? This question has been raised times out of number on the floor of the House that the rate of land revenue and abiana should be reduced. But so far our cry has proved to be a cry in the wilderness. Against this it is very unfortunate that Government have yielded to the pressure of the beoparis and have brought in this measure raising the taxation limit from Rs. 5,000 to Rs. 10,000. This is a clear proof that Government want to mete out differential treatment to the urban classes as compared with the rural people. Who does not know that nine-tenth of the income of the province, the major part of which is spent on providing facilities to the urban people, comes from the pockets of the zamindars? Moreover at the time of every settlement the rate of land revenue is increased. There is not a single instance on record where it has ever been lowered. But against this, when any measure is passed for taxing the urban people it is not given effect to by Government. I ask why is this differential treatment meted out to the urban people? Why are they allowed to go scot free? Why are they not taxed? The money which is being contributed by the zamindars to the provincial exchequer is being recklessly spent on providing every kind of facilities to the urban people. If any hospitals are opened they are opened in the cities so much so that urbanites drawing a salary of Rs. 100 a month are also in a position to get medicines free of charge. On the contrary if zamindars press for the opening of any subsidized dispensary they are asked to contribute some money towards its establishment. Do Government think that justice is being done to the poor zamindars? In addition, colleges, schools and in fact every kind of educational facilities are provided to the urban people. But against this if zamindars press for the opening of Anglo-Vernacular Schools in the villages they are asked to raise funds for that purpose first and it is then and then alone that Government would open 8th standard classes in the villages. On the top of all this Government have brought in this Bill to placate the trading classes. I really fail to understand why they are so favourably disposed towards the urban classes. Let me point out that Government have limited the income of the zamindars by imposing control on the price of wheat. Against this the income of the trading classes has risen two, three or four times but Government have neither taken steps to stop this profiteering nor have they imposed any tax on them. When the income of the zamindars has been limited it was also necessary for the Government to have imposed more taxes on the urban classes rather than to bring in this measure by which they seek to raise the taxation limit from Rs. 5,000 to Rs. 10,000. Only the other day I read in a newspaper that a crore of rupees will be spent on the A. R. P. arrangements in the province. I think this money will be mainly spent for the protection of the urban people and I therefore suggest that instead of spending a crore of rupees from the provincial finances on the A. R. P. arrangements Government should enact a law by which this money could be collected from the urban people.

Mr. Speaker : The honourable member is irrelevant.

Captain Sodhi Harnam Singh : Sir, my point is, why should the zamindars be asked to bear all the burden ? The urban people who mainly benefit from the facilities provided by Government should also contribute their fair share towards the provincial exchequer. It is the duty of the Government to see that the burden of taxation is equalized on all sections of the public. With these words, I oppose both the motions now before the House.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women, Urban) (*Urdu*) : Sir, on seeing this amending Bill I thought that by introducing it Government had taken a very wise step inasmuch as they had shown their willingness to agree to those very demands of the traders for the acceptance of which they had to undergo so much trouble. But I have been very much disappointed to hear the speech of Captain Sodhi Harnam Singh. His speech shows that there are still some honourable members in the Unionist Party who do not even hesitate to fan the fire and start the conflagration once again. This attitude of theirs is highly condemnatory. Sometimes the question of urban and rural people is raised on the floor of the House and at other times the poverty of the zamindars and the riches of the urbanites are brought under discussion. I do not know where the attitude of the honourable members will lead us to. Although this is not the proper occasion for giving a reply to the poisonous speech of Sardar Sahib still in order to satisfy his curiosity I would like to deal with some of the points raised by him. He has asked why, when a zamindar, regardless of the fact whether he possesses one acre or twenty acres of land, is asked to pay land revenue, the urban people should not be made to pay taxes. He is a big zamindar but he does not know that all the lands belong to the State and zamindars are only tenants. (*Voices : No, no.*) Sir, this law has the sanction of centuries behind it. In fact all the agricultural lands belong to the State and that is the reason why land revenue is realized from the zamindars. This argument is not at all relevant in the case of the Sales Tax.

Next I would submit, Sir, that not only in this province but everywhere in the world any person whether he be a millowner, landlord or shopkeeper, is a trader. Any person who sells or purchases is a trader. Now I ask my zamindar brothers whether they do not sell the produce of their lands, whether they do not sell their cattle, whether they do not sell to the shopkeepers in the towns ghee, gur and shakar. When you sell all these articles, then why do you not put yourself in the same category of traders with the shopkeepers ? The shopkeepers purchase things from you and sell them on to other people. In reality you are the biggest traders. The real thing is this that since the time the present Government have come into power they have divided people into so many classes. These people, Sir, cannot realize the difficulties of the towns people. The rural people have all the articles of consumption. Wheat, milk and butter are produced by them. But the condition of the urban people is not the same. The Government stocked lakhs of maunds of wheat for the consumption of Lahore and notwithstanding all this there are so many houses in the city of Lahore who have not got even an ounce of wheat flour and there are many people who go without any meals. Many depots have been opened by the Government in the city. There is so much rush of people at these depots that often

some people lose their *parchies* which are issued to them to permit them to purchase flour. In this way they lose their money without getting flour. There is much demand of wheat flour everywhere in the city. In the first place the depots are very few and then they remain open for a very short time. Thus very little relief is arranged for by these depots for the people. (*Interruption.*) How many depots have you visited to study the conditions prevailing there yourself?

Mr. Speaker : Please speak to the motion.

Begum Rashida Latif Baji : On the one hand, the public has been faced with the wheat famine and on the other, the traders are suffering losses to the tune of lakhs. Moreover, the Government is also upset over these problems. Under such circumstances it is the duty of all honourable members to show foresight and advise Government how to overcome the present difficulty. They should show sympathy to the traders.

Sir, when this legislation was moved in this House I advised the Government not to move it for the time was not opportune to bring in any such legislation. It was not proper to move such a legislation at a time when the war was going on. I told the Government that there was every likelihood of its spreading an agitation among the people. I advised them to postpone it for the time being. When I found that the Government was bent upon passing it I requested them to at least raise the exemption limit, but the Government did not accept my advice. Now they have themselves brought in the same amendment which I had moved at that time. There are only three demands of the traders. The first is that they may be given the right of appeal. The second is that they want that the exemption limit may be raised to Rs. 20,000. The third is that the tax may be imposed at one stage only. Had the Government accepted these demands on the 8th, it would have settled the whole question and would not have created all this unpleasantness. Had the Government accepted these demands at that time it would have not lowered their prestige. Rather any such act would have raised their prestige. (*Interruption.*) True prestige is that which is based on popularity and not that which is founded on lathi charges. Had these demands been accepted at that time the sympathy of the public would have been with you. And if the traders had continued their agitation even after the acceptance of their demands, we would have condemned them and told them that their agitation was unjust and meaningless. But you rejected their demands. And now no one can say to what length the traders may go to agitate against this legislation. They are free people. They are under nobody. Although at present they are putting up with all the repressive measures which the Government are adopting against them this cannot go on for all times. They will not continue to bear all the hardships to which they are being subjected at present by the Government. (*Interruption.*) How wonderful! There is a verse—

”ہم آہ بھی کرتے ہیں تو ہو جا تے ہیں بدنام

وہ قتل بھی کرتے ہیں تو چرچا نہیں ہوتا“

[Begum Rashida Latif Baji.]

Sir, in view of the conditions obtaining in the province at the present time I have given notice of an amendment to the effect that the exemption limit may be raised to Rs. 18,000.

Mr. Speaker : The amendment is not before the House.

Begum Rashida Latif Baji : Sir, it has been said that by the income which will accrue by this source the towns will be protected against air raids. I say, let the Government withdraw this Act. We will undertake the work of protecting the towns ourselves. Double the amount of the income expected from the General Sales Tax can be collected from the city of Lahore alone for the protection of all the towns of the province. Let the Government withdraw the General Sales Tax. We will arrange for the money required for protection against air raids privately. Let the Government not worry in this behalf.

Then it was said that all hospitals, schools and colleges are located in the towns and all the facilities of life are also available to the people living in urban areas. But let me tell you, Sir, that in the towns if there is one Government hospital, there are ten others which are established by the urban people by their own money. Similarly for every government school or college in a town there are ten private schools or colleges which are run by the funds of the towns people. It is the urban people who spend money on these schools, colleges and hospitals from their own pocket. They are not a burden on the Government exchequer. The honourable member sitting here is a very big landlord. Let him inform the House as to how many schools and hospitals he has opened in his locality. These big traders, who receive *lathi* blows daily, have opened many schools and hospitals. They earn as well as spend on the public. But you zamindars live on the earnings of others and do not spend anything on the poor people. This is the reason why the rural areas are backward. Sir, I do not want to say anything against anybody but the honourable members make such speeches that after listening to them I feel constrained to contradict their remarks in order that they may get rid of the idea that the urban people or the traders are in any way different from the rural people. They are all traders. Some carry on trade in shops and others in their open fields. They are all one and the same. It is our duty to try our best to maintain the dignity of the traders who are our brethren.

Mir Maqbool Mahmood (Parliamentary Secretary): Sir, this is a very serious and very important piece of legislation and the time at which we are considering it is most delicate. I would appeal to both sides of the House through you that we should tackle this problem with that seriousness and earnestness which it demands from the representatives of the province in this House. This is not the time of light-hearted talk nor is it the time when any side of the House should stand on false notions of prestige. The province is in the grip of a very serious situation and I submit with all the emphasis I can command that the time demands constructive statesmanship from both sides of the House and we should try and join our heads together in order to find an honourable and fair settlement of the present difficult

situation. It is in this spirit that I rise to speak on this motion. The proposal of my honourable friend the Minister in charge, as he stated in the statement of objects and reasons, is a corollary of the negotiations which took place between the Honourable Premier and Mr. Bihari Lal Chanana and as a part of those negotiations, and those of us who have followed the statements issued thereafter will find that it was stated by Mr. Chanana, that with regard to certain undertakings given by the Premier, that is, raising of the minimum limit at which this tax shall be imposed and the right to levy it at one stage, all that the Premier stated was that he would recommend to the Assembly to pass it and that the Premier did not give any definite undertaking to see it through. He said "I cannot place full reliance in that statement". The natural corollary is that the Honourable Premier as the constitutional head of the popular Government could not take over himself to be a dictator and say "I shall impose it". He could not do it. The next and most obvious step open to the constitutional head of the popular Government was to place it before the Assembly with his recommendations. This was done at the earliest opportunity. Now with regard to the proposal of my honourable friend on this side that the Bill be not taken into consideration, I can respect the reasons which he has adduced in support of his argument and his reasons in a nut shell are these. He says that the elected members of the House after careful and serious consideration only a few months ago passed a certain measure and that measure in no way is novel or a departure from similar measures passed in other provinces. We debated it, divided, and passed that measure. Now that measure is law and it becomes the popular Government to enforce it, otherwise it is the end of the constitutional Government. That is the proposition which in theory and essence is sound. I have every sympathy with the argument of my honourable friend. But I would appeal that under a popular Government and in circumstances in which we are placed there is a greater sense of responsibility than merely delivering the goods on the basis of the measure that has been passed, and it is to keep in touch with the public opinion in the country. If the Government finds that in the working of this measure certain amendments are needed it behoves the Government with courage, farsightedness, to come forward and make the amendments which are necessary in order to meet the situation (*Captain Sodhi Harnam Singh*: Did you reduce the land revenue also?) I can assure my honourable friend that when the time comes I shall be with him in asking for a reduction in land revenue. The Land Revenue Committee, which was appointed by the Government, have made certain recommendations. I would appeal to my friend here with due deference that in dealing with this question, we should keep that magnanimity that becomes the first popular government of the Punjab. Let us prove that we all lent our support in passing this measure but that there is a greater patriotism and greater prestige and that though we have the majority we are ready to deliver the goods in accordance with the will of the House and that we are prepared to come forward to make any reasonable improvements in the measure. I am sure that both sides will join in complimenting the honourable the Premier in coming forward to implement the measure. I would appeal to my Honourable friend Sodhi Sahib that this is a delicate matter and that we should lend our wholehearted support to the Premier so that it may be said that he has

[Mian Maqbool Mahmood.]

our willing help and support for the dictum which we have placed before the House.

With regard to the proposition from the other side that the Bill be referred to a select committee I would also like to make an appeal. It is this, that normally reference to select committee implies two purposes: one is to delay the passage of a particular measure and the second is if the measure could be improved in the select committee with regard to certain provisions. Now knowing the object behind the Bill and appreciating the purpose of the Bill that it is only limited to specific provisions which arose out of the undertaking given by the Premier, it is not for the select committee to have that undertaking embodied in the form of a legislation. Therefore we should not refer the Bill to the select committee or unnecessarily delay the passage of the Bill, because I feel that the situation in the province demands that the sooner we pass it the better. I am sure that so far as the drafting is concerned there is no controversy. As far as the limit of taxation is concerned, the limit suggested in this measure is the limit which is in force in Madras and in Bengal and which, if I may remind him, is the limit supported by my honourable friend Sardar Santokh Singh and my friend Sheikh Sadiq Hassan. With regard to the rate of incidence of taxation they will find that our Bill compares favourably with the Bills in other provinces in India. That being the position, I would appeal to my friends not to take to ordinary parliamentary tactics to oppose anything that comes from the treasury benches, but let us freely and frankly pass the measure as soon as possible, without any detailed discussion or debate pass the amendments in the spirit in which they have been conceived. Let us all use our influence within our sphere to see that the present unfortunate situation ends. In the speech of my sister reference has been made to the unfortunate situation outside this Assembly. I need not go into the details of what has happened. I am sure I can say with all the emphasis that I can command that it is a matter of genuine remorse to the Government as well as to every patriotic Punjabi that things should happen as they have happened and I would appeal to both sides of the House not to start recriminations at this stage. Let us all do our best so that we may solve the present situation.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, I rise to support the select committee motion. By this I do not mean to delay the passage of the amending Bill, but I do it in the hope that the select committee should meet as a sort of round table conference where we may dispassionately consider whether some formula can be found which may be acceptable to both sides in order to put an end to the troubles, misfortunes and miseries from which the province is suffering, from one end to the other, under this unfortunate Act. It is in this hope that I extend my support to the select committee motion. My honourable friend Mir Maqbool Mahmood said that so far as the functions of the select committee were concerned there was no hope of any good being done. If that is really the position and this amending Bill is the Government's last word on the subject I agree that it will serve no useful purpose to enact the farce of a select committee. All the same even though it may be hoping against hope I would suggest that a select committee may be called to consider it. I know that the Bill will

not be long delayed if the select committee meets at an early date. My hope still is, that in the select committee we may be able to discuss the matter dispassionately and try to evolve a formula to arrive at some settlement. I am deliberately avoiding all reference to the question of settlement as is said to have been arrived at between the Premier and Lala Behari Lal Channana. It is asserted on one side that a settlement was made while the other side denies it and says that no settlement was ever made. So far as the question of charging the tax at one stage and its maximum rate is concerned Government cannot assert that such a thing was even talked of, much less that a settlement was actually arrived at. So far as we know this maximum rate of one rupee was never talked of in the negotiations that took place between the Government and the traders.

I p. m. I would say, Sir, that it is the duty of all sane and well-meaning persons to come forward and help in arriving at an honourable settlement. The position is too serious for words, and the speeches like the one delivered by my friend Sardar Harnam Singh are, if I may take the liberty of saying, bound to create mischief. The situation is already most deplorable. I ask what does the Government lose by agreeing to this select committee motion especially with the stipulation that I make, that the meeting of the select committee be called to-morrow where the matter may be discussed dispassionately and the Bill as reported by the select committee be taken into consideration by this House in a day or two? I think this is a very reasonable motion and I commend it for the acceptance of the House with all the emphasis that I can command.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Sir, I rise to support the motion of the Honourable Minister for Finance that the Bill be taken into consideration at once. I congratulate the Honourable the Premier in bringing forward this Bill because in my humble opinion it provides a substantial relief to the small shopkeepers and removes the grievances of the traders who wanted the tax to be raised at one stage only and not at all the stages. I also congratulate him on another point which is, I think, more important than these substantial concessions. Those of us who have got long experience of the legislatures would remember that before the provincial autonomy whenever any Government enacted any law howsoever strong that law might be, the Government refused point blank to consider any amendment to it unless and until it was put into operation for some time.

Rai Bahadur Mukand Lal Puri: Question.

Raja Ghazanfar Ali Khan: Give any instance.

Rai Bahadur Mukand Lal Puri: Several instances.

Raja Ghazanfar Ali Khan: I would request my friend not to contradict my statement unless he can prove it to be wrong.

Rai Bahadur Mukand Lal Puri: It is very difficult to give any instance offhand at this time, but does he not remember that before the provincial autonomy, even His Excellency the Governor used to veto or send back some Bills? Now there is the threat of the Cabinet's resignation.

Raja Ghazanfar Ali Khan : My honourable friend will not be able to give any instance which will contradict my proposition. I find that he has given an instance which further supports what I have said that whenever a popular Assembly passed a measure the Governor never vetoed it and I do not remember any instance where a Government having enacted a law have agreed to amend it unless the law has been given a fair trial. (*Rai Bahadur Lala Gopal Dass : Rowlatt Act.*) It was not a measure passed by any legislative assembly. My honourable friend is so impatient that he will not even follow my arguments which I am trying to advance.

I was submitting, Sir, that I congratulate the Honourable the Premier because of this bold departure from the previous procedure. Previously the Government always used to resist on ground of prestige and dignity. I am one of those who believe that at least one substantial change which the provincial autonomy has brought about is that the prestige of the people, the prestige of the public is much more valuable and stands on a much higher level than the prestige of the Government. (*Hear, hear.*) Therefore, Sir, I was from the very beginning of the opinion that if the Government would be convinced that it was reasonable to amend the Bill to a certain extent, it would not stand on the false question of prestige. There may be difference of opinion in regard to the concessions contained in this Bill, but I am sure that there would be no two opinion about this gesture of the Honourable Premier that he does not believe in false prestige and if there is a proof that there is a change of vision it is certainly here.

When the leader of the independent party, Sardar Santokh Singh, got up to speak I listened to his speech with great attention. I have a great regard and respect for him. He knows about all these complications ; he is in the know of what is in the minds of those people who have unfortunately gone on such a prolonged hartal. I expected that he would say, that now that the measure has been brought forward in this House, he would like it to be referred to a select committee so that he and the Minister in charge might consider if any change could be made in the Bill and meanwhile he would ask the traders to open their shops. But he did not say anything of that kind. So it is a very strong argument in favour of this Bill being passed at once because the tension which unfortunately exists in the province and particularly at Lahore and which everybody regrets, has reached such a high pitch that the Government should give the concessions which they consider are reasonable at once and without loss of time. A delay of even one single day in such circumstances is inexpedient. Sardar Santokh Singh should be delighted to see that Government is in such a hurry in meeting the demands of the traders and stopping the hartal. What is the object of a round table conference ? What is the object of putting your heads together or sending this Bill to a select committee ? I am sure that those gentlemen who talk of round table conferences, who talk of putting our heads together at this time are not talking with the sense of responsibility which attaches to an honourable member of this House.

An Honourable Member : The suggestion is, let us try to consider all the avenues of settlement in a select committee rather than rush this Bill through this House.

Raja Ghazanfar Ali Khan : The select committee has to deal with the Bill and not with the question of the settlement. So far as the speech of my honourable friend Sodhi Harnam Singh was concerned, I personally think that there was a good deal of force in the argument he advanced. I am very sorry that the adjective used by Sardar Sahib was not befitting. He said that the speech of Sodhi Harnam Singh was mischievous. I concede that our tempers now are different from what they are under normal conditions. Therefore even a small argument at the present moment in favour of putting some taxation on the urban people may appear mischievous. But when it is proved that the zamindars are paying so much to the Government exchequer the urbanites should not resent if they are also asked to pay something towards the Government revenue. What is a matter of profound regret to us all is our knowledge that when such a Bill was passed by the Madras Government—if I am not mistaken it was the Congress Government that got the Bill through the legislature there—there was no hartal, no strike and no kind of public agitation. Mr. Rajagopalachariar for whom every Indian has got such respect was the Prime Minister who was responsible for bringing forward a similar measure in Madras. When that is the case, I fail to see why in the Punjab there should have been such serious trouble. I can assure you that I am one of those people who want to see peace and tranquillity in the province, to see that everybody is contented and happy and who hate people being lathi-charged and public liberty being curtailed.

Rai Bahadur Mukand Lal Puri : Why do you not prevent it ?

Raja Ghazanfar Ali Khan : That is what I am coming to. If a similar agitation as the one at present here had been started in Madras when this Bill was passed there, I would probably have thought that there was something wrong in the Bill itself. But when I find nothing happening in Madras where a Bill with more serious and stringent provisions has been passed but there is such a tremendous upheaval in this province alone, I think that the reasons for it must be found in some other direction. Let me tell the House plainly what I feel in the matter personally and not as Parliamentary Secretary. I feel that unfortunately there is no consistency here in politics. It appears that wherever the Congress happens to be in the Opposition they must create trouble and agitation. If political trouble starts they must fan that trouble. That is one reason. Another reason is this. I hope honourable members will pardon me if I indulge in a little bit of plain talking. Do they remember the speeches made and the questions put by them two years ago in connection with that unfortunate Khaksar movement ? Did they not complain that the Government was sitting quiet ? Did they not ask why the Government did not arrest the Khaksars in the Juma Masjid when they defied the order under section 144 ? Now the same gentlemen complain against the Government for arresting people who defy the order by taking out processions. I would ask them to consider the question dispassionately like responsible members. When they considered any measure justified to prevent the Khaksars from defying the order under section 144 they should have the courage to get up and say that the Government should adopt the same measures to stop this agitation. (Cheers.) So far as the hartal is concerned or the holding of peaceful

[Raja Ghazanfar Ali. Khan.]

demonstrations, I agree that the people have a legitimate right and I would appeal to Government that even now if they think that they can go a little beyond this Bill or that they can show some considerations which they may believe to be reasonable or just they should do so without hesitation. They should not stand on prestige. But if they are convinced in their minds that whatever concessions they have given are enough and that they should not give any more concessions it is their duty to see that the law of the land is respected by the people.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, the amendment of the General Sales Tax Act is of paramount importance at this juncture and you will please excuse us if we discuss it at some length. There is a well-known adage in Hindustani—

دین کا بھولا اگر شام کو گھر آجائے تو سے بھولا نہیں سمجھتا چاہئے

If the Government genuinely realize their mistake, as they evidently do in bringing forward this amending Bill, they should not do it in a niggardly manner by merely effecting amendments in three sections of the General Sales Tax Act, but they should be prepared to go the whole hog. The Honourable Minister in charge will perhaps recall that during the discussion on the present Act we beseeched and urged the Government to accept these very amendments which have now been embodied in the present Bill. But the Government intoxicated with power and having a comfortable majority at their back rejected them. We should consider this matter in a calm and cool manner and not in the spirit which was exhibited by the honourable Parliamentary Secretary, who has just resumed his seat, in the course of his fiery speech. The speeches of both the honourable Parliamentary Secretaries presented a strong contrast. While the one put forth his view point in an able, appealing and courteous manner, Raja Sahib presented his case in quite the opposite manner. My submission is that the Government should view this matter not in the light of any one trying to make mischief or some such thing. On the other hand they should approach this subject calmly and dispassionately. They should not persist in their attitude on the ground that if they gave way the prestige of the Government would be lost. Anyway I do not think that I need say anything more on the point. I would only request the Government to give their careful consideration to this matter and try to find out a solution by which this trouble could be avoided. They should not ignore the protests of the traders merely because they have an overwhelming majority at their beck and call. On the contrary while settling this question they should, in order to keep up the dignity and fair name of the Government, keep in view the interests of all classes. I know that under such circumstances the affected persons start agitations as well. But it is entirely wrong to say that such agitations are engineered by interested persons wilfully as one of the Parliamentary Secretaries has thought fit to level this charge on the members of the Congress party to-day. I think this charge is entirely wrong. It is clear from the fact that the people participating in this agitation against the Sales Tax Act do not belong to one political party or to any one community. There are thousands amongst them who are opposed to the Congress. There are thousands amongst them who are opposed to the Muslim League. There

are thousands amongst them who are against the zamindars. There are thousands amongst them who are pro-zamindars. That is not all. All the traders right from the big business magnates down to the smaller traders, regardless of the fact whether they are Hindus, Muslims, Sikhs, Christians or Harijans, have gathered together on one platform to protest against this tax. As a matter of fact the traders can rightfully boast that they have the support of all communities and all sections of political opinion. This is the first example in the whole world when hartal has been observed for 46 days not in one place but throughout the length and breadth of the province. This is not a matter at which we should feel pleasure. It is rather a matter of regret for us that the traders have been forced to observe hartal. But we can draw a conclusion from this hartal and that is that the complaints of the traders are fair and just and that is the reason why all of them have combined together to observe the hartal. Sir, it is often said that as the zamindars are paying a lot of taxes, so should the urbanites be also made to pay some taxes. This attitude of my friends reminds me of the story of the famous hunchback woman who, when asked whether she would like her hunch to be removed or whether she would prefer that all the people should become hunchbacks, replied that she would prefer the latter suggestion ! Similarly my friends also want to bring the urbanites to the level of the rural people. I do not say that they should not do anything to ameliorate the condition of the poor zamindars. I have stated time out of number on the floor of the House that I am a zamindar myself and I have every sympathy for my zamindar brethren. But I ask my honourable friends who claim to be the representatives and well-wishers of the zamindars whether they have ever considered this question that the interests of the urbanites and the ruralites are inter-related. Neither any zamindar can do without the urban people nor any urbanite can do without the ruralites. The articles manufactured by the urbanites are purchased by the zamindars and the produce of the zamindars is bought by the urbanites. As a matter of fact their very existence depends on each other. It is wrong to say that any one of the parties can do without the other. These are hard facts which require careful consideration on the part of my honourable friends. If they think that they are the members of the Unionist party and it is the considered policy of the Unionist party to impose taxes on the traders and therefore they would not budge an inch from the position which they have taken up, that is quite a different matter. But if, however, they honestly place these facts before the members of their party and calmly consider them they would come to the same conclusion to which I have just now alluded. (*An honourable member* : How is this relevant) ?

Mr. Speaker : The honourable member may not be irrelevant but he is going too far.

Mian Abdul Aziz : I will obey your orders. I assure you that I am not at this stage trying to create sensation, but I want to create harmony. It is the platitudes and sometimes soft language of my honourable friend Mir Maqbool Mahmood which create an atmosphere which makes everybody join the Unionist party. It is not the conduct of the Unionist party but it is their words that weigh with the members. That was a little digression.

(Mian Abdul Aziz.)

Sir, we have been told by the Honourable Premier that negotiations had been going on between him and the traders to settle this dispute and at one time settlement was quite within sight when the attitude of some of the traders stood in the way of their coming to a mutual settlement. No doubt this statement of the Honourable Premier had been contradicted by the traders, but it is possible that the Premier may be in the right or the case may be quite the reverse of it, as has been pointed out by the traders. But this does not mean that we should leave this matter here. It requires very serious consideration on our part. My submission is that if the Honourable Premier thinks that at one time settlement was about to be reached between him and the traders, cannot he consider this matter again and come to a settlement with them and thus end the deadlock? The Government should not sleep over this matter. It is their duty to see that at this juncture the feelings of the people are not estranged in any way. They may enforce section 144 in the city or issue an order that after a certain date the locks of the shops will be broken open. They are at liberty to do so. But the result of such a policy will be disastrous for the Government. After all this matter can be settled by mutual agreement. I fail to understand why, when the matter can be settled by mutual agreement, Government want to keep up their false sense of prestige by show of force. It is their duty to show due regard to the interests of all classes.

(At this stage Mr. Speaker left the Chair and Mr. Deputy Speaker occupied it.)

Besides, the statements that have been issued by the Honourable Ministers from time to time have also added fuel to the fire which was already burning very fiercely. Their recent order that if the traders will not resume normal business before a particular date their shops shall be broken open, is also not a sagacious one. On account of this order the situation has further deteriorated. A revision petition has been lodged against the aforesaid order in the High Court and the High Court has issued an injunction to the effect that the shops of such of the traders as refuse to open them should not be forcibly opened before the 26th instant. The aforesaid order of the Government on which the High Court has issued the injunction referred to by me was not well advised.

The motion moved from this side of the House recommending that this Bill may be entrusted to a select committee has not been made with the intention of delaying the passage of this amending Bill. On the other hand, we are anxious to see that this matter is settled as soon as possible, for on account of it the public is made to suffer a great hardship. It was said that back-door dealing is going on and the people can make their purchases. This is absolutely wrong. If there is any back-door dealing going on it is on the Ministerial side for the benefit of their own people. No one sells anything to the poor people. To-day is the 46th day of the hartal. There has never been such a complete hartal at any time in the past. No political organization whether the Congress, the League or the Mahasabha has ever succeeded in persuading the people to observe such a hartal. No political leader has been able to do it in the past to protest against any grievance of the people. It, therefore, shows that the people are really hit hard by this Act and they have been forced to launch such a strong protest.

against it. No one can force them to go on hartal and if they are observing it so strictly it is because of their genuine grievances against this Act. Now the question is how to overcome this difficulty. Government allege that the rural people pay taxes while the urban people do not pay any, and that it is but just that they should also be made to pay something towards the public exchequer. But the way which they have adopted to tax the urban population is not a proper one. It has made the Government very unpopular. The Government has always claimed that it is a popular Government but it could not have incurred more unpopularity by any other measure than by the General Sales Tax Act.

So far as the suggestion relating to calling a round table conference to settle this affair is concerned, I may say that it is a very sound proposal provided the gentlemen who may sit on it to consider this matter are unbiased, have no prejudices and no fixed ideas of keeping the prestige of the Government. They should be men who only care to approach a settlement beneficial to both the parties.

Here I may briefly refer to our yesterday's discussion over the adjournment motion. I hope we will all concede that yesterday all of us were very frank and open-minded in discussing the adjournment motion and matters relating thereto. We discussed it dispassionately. We know that the hartal is being observed for the last 46 days. How is it that it was only on the 46th day that the people who assembled to protest against the Act became violent and it required the authorities to use force to disperse them? Why did they not become violent on the previous 45 days?

Mir Maqbool Mahmood : On a point of order. I am very reluctant to interrupt my honourable friend who is on his legs. But we are discussing not the whole of the hartal situation and the lathi charges. We are only discussing the Bill which my honourable friend has introduced and whether it should be taken into consideration at once or postponed.

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

Mian Abdul Aziz : I am sorry to have referred to this matter. But I wish my honourable friend had been here when the honourable members from that side of the House made speeches and criticised the Opposition and made references to the matter to which I have referred briefly in reply to their remarks. Sodhi Harnam Singh and Raja Sahib mentioned all these things in their speeches. I wish the honourable member had objected to them as well. Even the Honourable Deputy Speaker advised them to be brief in their references to hartal and lathi charges. I assure you that by such interruptions you cannot confuse me or deter me from saying what I think I am justified in saying.

At various times the Government have referred to the Acts of Madras and Bombay and said that if those Acts are in force in those provinces there is no reason why a similar Act should not be enforced in the Punjab. Let the Government bring in a Bill exactly on the lines of those Acts and I assure them that we would be too glad to accept it. You have taken only those portions of the aforesaid Acts as are advantageous from your point of view and left out those which are for the benefit of the public. You have taken

[Mian Abdull Aziz] the cream and left the dreg. (*Interruption.*) I have used the word "dreg", so that you may enjoy in your imagination its taste. Let the Honourable Minister in charge call for one or two representatives of the traders and tell them that he is willing to enforce the Bombay or Madras Act instead of the present one. I assure him that if he is prepared to do it the whole matter can be settled in two minutes. (*Interruption.*) I represent an urban constituency and as such I have to place before the House what the urbanites think of this Act. I am being constantly interrupted by ironical remarks. If my arguments are not palatable to the Unionists, they are quite welcome to refute them by giving cogent reasons in support of their own position. But they should not go on interrupting me in the middle of my speech.

Does the Unionist Ministry think that if the Punjab General Sales Tax Act is repealed, the prestige of the Government will suffer? Not at all. Far from deteriorating, their prestige will certainly be increased. After all, it is not a bureaucratic regime. It is a popular Government. If it will yield to public opinion, its prestige will not be lowered. It will, on the other hand, be increased. The Ministry will raise itself in the eyes of the public. That is all that a popular Government can aspire to. It has no axe of its own to grind. It has to carry out the will of the people. If the people do not want a certain measure, remove it off the Statute Book. There is no disgrace. The disgrace lies in refusing the public what they want. This is a popular Government; let it become more popular with the public. There should be no fear of losing prestige on this score. I would respectfully request the honourable members sitting on the treasury benches to consider if they have done anything during the last 4 years for the good of the citizens except passing taxation measures which are going to break the back of the dwellers of the towns? The people of Lahore are groaning under heavy taxation. In all they have to pay as many as 14 different taxes. It will take me too long to detail them here one by one. I would ask the honourable members sitting on the treasury benches to think dispassionately if they are not really overburdening the traders. However, even if the money raised through these taxes had gone directly to the benefit of the poor cultivators, the urbanites might have borne the burden with pleasure. But the pity is that no help is being given to the poor zamindars in the shape of reduction of land revenue and abiana. In spite of all this the urbanites are being fleeced. Let us just consider what will be the position of the *arhtis* when the zamindars will approach them. They will say that they have to pay so many taxes, like the octroi tax, the general sales tax, the urban property tax and so on. How can the shopkeepers sell things cheap? They will have to purchase at low costs from zamindar or sell dear. After all they cannot bear a loss in order to please their customers. They cannot receive less than their cost price. I am not a shopkeeper myself. But being a representative of the dwellers of Lahore, I deem it my humble duty to ventilate the grievances of my constituents. (*Mian Sultan Mahmud Hotiana:* You are also a shopkeeper as you practice law and earn thereby.) (*Laughter.*) What an argument! It is simply atrocious. (*Renewed laughter.*) The Bombay Act imposing tax on general sales has, I understand, now been very wisely withdrawn. The

prestige of that Government has not been decreased thereby. Similarly if our Government agrees to repealing this Sales Tax Act, their prestige will not suffer. I would, therefore, urge that the Punjab Government should also take a leaf out of their book and repeal the Punjab General Sales Tax Act altogether and thereby end the whole agitation which is disturbing the peace of the province. It will not mean that all other laws will have to be repealed. That is an idle fear. Neither the prestige of the Government nor the other laws will suffer. It is only a question of conciliation and appeasing of the situation? After all the Government is not fighting a battle against the traders. Who are the traders? They are the humble subjects of the Government and pay enormous amount of income-tax. How can the prestige of the Government suffer by yielding before the pressure of public opinion? Traders are not the enemies of the Government. They have handsomely contributed towards war collections. No question of dignity should arise in dealing with the people so long as they are not the declared enemies of the Government. Things should be taken and studied in their true perspective. Once it is done, the baseless fears will melt like anything.

My honourable friend Mir Maqbool Mahmood was pleased to remark that destructive criticism should be discarded and constructive criticism adopted instead. May I ask if there is any destructive aspect or element in all that I am saying? If I am bringing the complaints of the people to the notice of the Government, I am only doing something constructive because that will lead to better understanding between the Government and the people. Bitterness will be removed and conciliation will take its place. That is certainly a constructive step rather than a destructive scheme, which Government is adopting.

It was suggested by Diwan Chaman Lal the other day that he was prepared to hand over the lists of all intending satyagrahis and let the Government send them to jails directly. But I am sorry to note that instead of doing that the Government has adopted a policy of repression. I was not an eye-witness to what happened on the Mall Road the other day. There are two versions about it. One is the official version and the other is the version of the public. We hear from the public that the processionists were not creating any disorder. But on came the police with lathis and began to beat the innocent citizens.

Let me also make a passing reference to what my honourable friend Sardar Harnam Singh said about my honourable friend Sardar Santokh Singh. He has made an improper attack on my honourable friend. (Voices: He is absent. Do not attack him in his absence.) All right, I leave the matter here.

(At this stage Mr. Speaker resumed the Chair.)

In the end I make an appeal to the treasury benches to calmly consider the situation and do all they can to appease the traders. With these few words, I strongly support the motion that is at present under the consideration of the House.

Sardar Bahadur Sardar Ujjal Singh (Western Towns, Sikh, Urban): Sir, I am really very sorry that my honourable friend Sodhi Harnam Singh should have made such a frivolous speech on the subject of sales tax. I also

[S. B. S. Ujjal Singh]

wish that my friend and old colleague Raja Ghazanfar Ali Khan had made a more conciliatory speech on such an occasion. The situation is far too serious, more serious than many of us seem to imagine. The entire trading community at this moment is arrayed against the Government. There is bitterness in the country, there is complete cessation of business throughout the province and we see heads being broken daily. Men who have been leading a most comfortable life, men who are no political agitators, are courting arrest willingly. Besides this, it is not a question of mere taxation, for I can imagine that these traders are probably losing every day more than what the Government expects to collect in one year. There is something more behind this ferment and I wish the Government to go carefully and sympathetically into the whole question. These traders seem to be fighting for their self-respect, for their very existence. It is not a mere question of taxation that has made the millionaires to come forward and court arrests. The motion that has been moved by my honourable friend on this side suggests that a more serious effort might be made again to bring the traders and the Government together for finding an honourable solution. It seems that the words 'too late' are writ large on the face of the Unionist Government. I remember that I did my best to improve the measure, when the Sales Tax Bill was under consideration. I tried my utmost then as a humble member of the Government, that certain reasonable suggestions might be accepted. But the Government at that time did not favourably consider them. I recall one incident; at the ministerial party meeting some of my suggestions were accepted by the party but still Sir Chhotu Ram would not allow amendments to be moved to give effect to those suggestions, and it was only by the intervention of the Honourable Premier that I was allowed to move those amendments. What I mean to convey is this, that if the very concessions that the Honourable Premier is now prepared to concede, were given when the original Bill was being considered, this agitation would not have assumed the formidable proportion that it has assumed at the moment.

Mr. Speaker : Please do not bring in conversations which did not take place in the House but outside it.

Sardar Bahadur Sardar Ujjal Singh : I was just referring to them by the way. There are many improvements that are required to be made in the Sales Tax Act and which this amending Bill does not contemplate. It is only at the select committee stage that a few members from this side—the Honourable Premier, the Minister in charge and some other members from Government benches—could sit together and find a reasonable solution. The trouble is, that none of the members of Government knows anything of business or of marketing conditions. I dare say if they had understood the difficulties of traders and the reactions of such a measure on business, they would have willingly accepted the reasonable amendments that some members had moved at the time of the passing of the Act. I make an appeal to the Honourable Premier to rise to the occasion. It is within his powers to end this intolerable situation now prevailing in the country. He will be showing his strength if he were to concede the reasonable demands of the traders. Magnanimity is certainly no sign of weakness. He will be raising himself very high in the estimation of the

public if he were to accept their reasonable demands. He should realise that there is real bitterness in the minds of the traders and this bitterness will lead to the ruination of the province. I know that whatever amendments we might move on the floor of the House will be rejected outright unless the Premier is in a mood to accept them. There are certain very reasonable amendments which if he were to accept, he might be able to end this unhappy state of affairs in the province. For example, there is the need of a provision for appeal to the High Court in the amending Bill. Such a provision exists under section 21 of the Bengal Act. Then again, the exemption limit has to be raised. The exemption limit in Bengal is 20 thousand. I beg of the Premier to realise the gravity of the situation and accept these suggestions. Then there is the question of levying the tax at one stage. The maximum limit of one rupee is far too high. The limit should be reduced to eight annas. I quite admit that for every trade, it would not be possible to levy the tax at one stage. In certain trades it is essential to levy the tax at one stage. I appeal again to the Honourable Premier that he should consider these points in a sympathetic manner. If he wants time to consider them in a calm and quiet atmosphere, the only way would be to accept the motion that this amending Bill be recommitted to a select committee. It is quite possible that in the select committee a reasonable and honourable solution might be found of the whole trouble. I hope and trust that Government will accept this motion and thereby open the door for further negotiations with a view to end the present lamentable state of affairs in the province.

Premier (The Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan) : Sir, I am afraid I have not been able to listen to all the speeches

that were made with regard to this amending Bill to-day, but I did listen to the concluding portion

of the speech of the honourable member Sardar Ujjal Singh. I must respectfully, but at the same time emphatically, point out to him that he has repeated exactly the same arguments and the same mis-statements which are largely responsible for the present trouble of the poorer class of traders. I say so with all responsibility because my honourable friend is perfectly aware that it is not the question of prestige "which has stood in the way of Government listening to the reasonable requests or representations of any class of traders". My honourable colleague, the Finance Minister, has been negotiating with them for the last 15 months, yet the honourable member opposite asks 'why not wait for another 10 days'. He will remember that when this Bill was introduced I made it quite clear on the floor of the House that so far as Government were concerned they would always be prepared to listen to any representation from any quarter or any section of traders and give it a sympathetic consideration to remove any real hardship or disability which exists either in the Act itself or in the provisions of the rules. That undertaking was given by me, and repeated by me on several occasions, and yet my honourable friend has the audacity to get up in this House and say that the Government is trying to stand on its prestige, that the Government should not be arrogant and that the Government should not do anything in, what he called, "the intoxication of power," which is crippling the poor trader. I am afraid that this is a most unjust and unwarranted insinuation against the Government; because

[Premier]

as I have said I have declared on scores of occasions, and I do so again, that it is the duty of the Government to listen to and to consider representations constitutionally made by any section of traders or for that matter from any section of the population with regard to this Act or any other Act. So far as the Sales Tax Act is concerned, my honourable friend has again, and I think, unjustly, suggested that the Punjab Act is a harsh measure. Apparently he wants this statement to be republished through the press. This might bring him a certain amount of praise from a section of the press but such misstatements have done and can do an immense amount of mischief. If my honourable friend is honest, he should have stated that this Act, which we have passed, compares most favourably with the Acts passed by the other provinces. The concessions which we have given have not been conceded by any other province. The exemption limit in Madras is ten thousand rupees and it is to bring it up to that limit that I have brought this amending Bill.

Sardar Bahadur Sardar Ujjal Singh : In Bengal it is twenty thousand rupees.

Premier : My honourable friend has mentioned Bengal again. He however conveniently failed to point out to the House, in his speech that while the incidence of tax in the Punjab is only four annas at the higher stage, Bengal levies Rs. 1-9-0 at one stage. Is my honourable friend prepared to accept that rate? Is he prepared to give me an undertaking on behalf of the traders that they will be prepared to accept Rs. 1-9-0 at a single stage instead of four annas? If so, I will raise the exemption limit to twenty thousand rupees. Is he prepared to accept my offer?

Sardar Bahadur Sardar Ujjal Singh : My respectful submission is that it is on a smaller number of articles and at one stage only that the sales tax is levied in Bengal. I have no authority to agree to anything.

Premier : If my honourable friend is in a position to give me an undertaking on behalf of traders that I can levy a tax of Rs. 1-9-0 on those articles on which it can be levied at one stage, Government would be prepared to raise the exemption limit to twenty thousand rupees. Is he prepared to accept that? I wait for an answer.

Sardar Santokh Singh : Are the Government prepared to accept the Bengal Act *in toto*? Will they do it?

Premier : No. I have been asked whether I will be prepared to accept a proposal to raise the exemption limit to twenty thousand and I have stated that I would be prepared to do so provided they agreed to the incidence of Rs. 1-9-0 imposed in Bengal.

Sardar Santokh Singh : Traders might be agreeable to accept the Bengal Act *in toto*.

Premier : The honourable member for Amritsar says "might be". He is not sure of his own ground.

Mr. Speaker : I cannot allow a dialogue.

Premier : That is how issues are confused, and that is how they throw dust in the eyes of poor traders who are suffering for the sins of their leaders.

I have told you that so far as our Act is concerned, any just tribunal, any honest person, any fair-minded person, if all the Acts are placed before him will find the Punjab Act more favourable and generous to the traders than the other Acts. We have put a small rate at different stages with a view to avoid any hardship to the smaller trader. This will not embarrass the traders in any category, big or small. But some sections of the trading classes consider that it would be from their point of view, more convenient and advantageous, if it is levied at one stage. When the suggestion was made to me the Government at once issued a statement, not now, but several months ago, and it has been repeated again and again, that Government would be prepared not only to consider but to accept that suggestion — please note these words — not only to consider sympathetically but to accept that suggestion subject to two conditions 'first, that Government will not lose revenue and secondly, that it would not press on smaller retail dealers. These are the two conditions which I put forward. Subject to these conditions my honourable colleague the Finance Minister is prepared to entertain applications not only from the piece-goods and timber trade but from any section of the trade; and if these two conditions are fulfilled, he will not only consider them but accept them. This is fair enough and clear enough. With regard to one-stage taxation two sections of trade represented their case — the piece-goods trade and the timber trade — and suggested that the tax should be at one stage. I accepted that suggestion and it is for that reason that this amending Bill has been brought before you. You have suggested that the theoretical limit is very high. The limit proposed in the amending Bill is the maximum limit, and Government could have with justification fixed that limit at a higher figure; even taking the example of Bengal, which the honourable member himself cited we could have inserted Rs. 1-9-0 as the maximum limit. We did not, however, do so, and fixed it at one rupee as it is not the intention of the Government to harass anybody. We consider that for the present this maximum limit of Re. 1 would be sufficient for the purpose we have in view. But I can assure the honourable member opposite that with regard to the two trades — piece-goods and timber trades — who have approached Government, it is not the intention to assess the tax at anywhere near the permissible maximum. (*Hear, hear.*) If he will look at the Bill he will find that the maximum limit is one rupee. It does not, however, mean that the Government will levy the maximum rate. (*An honourable member:* But it gives power to the Government.) Government must certainly have that power because it is not difficult to visualise that there may be a particular commodity on which even the full one rupee may be comparatively a smaller levy as compared with certain other articles which cannot bear the burden of even half that amount. It follows, therefore, that Government must have the fullest possible latitude to fix the rate on a particular commodity at one stage at a rate which will be fair and equitable and not impose an undue burden on that particular trade, and at the same time ensure that the revenue is not unduly affected. As for the two trades — piece-goods and timber — I have already given an undertaking that if they so desire the tax will be levied at one stage, and I have also mentioned to them the figure which is much below the maximum proposed in this amending Bill.

[Premier] I do not propose to enter again into a controversy regarding the merits and demerits of the Act, and particularly at this juncture when efforts are being made by public-spirited gentlemen to end the controversy. I may, however, be allowed to request my trader friends in all earnestness to consider the matter dispassionately. They have themselves stated repeatedly that it is not the tax to which they object, but to certain provisions in the Act which they consider to be cumbersome and which they think might result in causing harassment and inconvenience to the traders. They have also said that their self-respect will be hurt by this Act. It is hardly necessary to point out to them that that argument is fallacious and will not bear scrutiny even for a moment. We all pay income-tax; does that in any way affect our self-respect? The traders in at least 60 other countries pay sales tax and several other taxes. Similar Acts are in force in Madras and Bengal. I therefore do not see how the question of self-respect comes in. On the contrary, self-respecting people in all civilised countries accept taxation measures as an inevitable concomitant of self-government, and they help the State by taxing themselves when the State requires additional money for running the administration or for special purposes. Self-respecting people all the world over are paying and will continue to pay taxes.

As for immunity from harassment, the only request in this behalf — and I emphasise the word 'only' — made to me was that the right of entry to the inspectors should be withdrawn as it would cause embarrassment to the traders if they are allowed to enter their business premises; it might lead to corruption and avoidable harassment. It was also suggested that this might detrimentally affect their business because their trade secrets would leak out. It was pointed out that all these and other abuses might creep in and while the right of entry to the inspectors would result in unnecessary harassment to the traders, it would not in any way benefit the Government as it would lead to corruption and the money which should go into Government coffers will find its way into the pockets of the inspectors. This was the only request to me originally and I promised not merely to look into the matter but to accept it on behalf of the Government. I gave a definite understanding to that effect several weeks ago, even before I left India for the Middle East. That understanding has since been implemented. During the course of my conversation with the traders, several other suggestions were mooted. Some of them emanated from me as we were discussing the problem not in a partisan spirit but with a desire to eliminate or at any rate mitigate the rigours of the Act. During the course of these discussions it was suggested that the tax should be levied at the option of the dealer either on sales or purchases. This was accepted. It was also suggested that smaller dealers cannot and do not keep accounts and that something should be done to solve their difficulty. I told them that Government would be content if they keep a very simple form of accounts giving the total turnover in a year without any details. It was said that even that may be difficult for the small retailer. So we devised the licensing system whereby a businessman with a turnover exceeding the exemption limit can on payment of a licence fee avoid the formality of keeping even simple accounts. On the first occasion, however, he will have to satisfy the licensing authority that his turnover did

not exceed the exemption limit, which when this Bill is passed will be Rs. 10,000 instead of Rs. 5,000 allowed in the original Act. The scale of fees for a licence, has been fixed on the average of the maximum and minimum turnover in each grade, that is, Rs. 10,000 to Rs. 15,000 and from Rs. 15,000 to Rs. 20,000; and the fees have been calculated and fixed at a rate lower than that permissible under the Act. For instance, dealers whose turnover is Rs. 19,900, will pay the average of Rs. 15,000 to Rs. 20,000 grade, that is to say, they will be paying on a turnover of Rs. 17,500 and not on Rs. 19,900. We have fixed a lump sum fee. The highest fee that a dealer with a turnover of Rs. 19,999 in the Punjab will have to pay is Rs. 36 while in Madras it is Rs. 48. In view of these incontrovertible facts, I hope that the honourable members on the Opposition benches will have the fairness and decency to get up and say that the provisions of the Punjab Act and the rules framed thereunder are more considerate and generous than in the Madras Act. We have fixed a maximum fee of Rs. 36 as against Rs. 48 in Madras. Moreover, we have issued orders that in the case of those traders who are not assessed to income-tax, Rs. 36 shall be the maximum fee leviable. When the Bill is passed, the exemption limit will be raised to Rs. 10,000. Thus those dealers whose turnover ranges between 10 and 20 thousand will have to pay only licensing fee and that fee cannot exceed the maximum limit of Rs. 36 whether they produce their accounts or not. Is this additional facility not generous? We have gone further and agreed to extend the facility of obtaining a license to dealers with a turnover up to Rs. 40,000. They will pay a graduated licensing fee. This has been provided for in the rules. As for dealers who pay income-tax, they have to keep regular accounts in any case for income-tax purposes. In their case Government has made it clear, not once but repeatedly, that their income-tax accounts will be accepted as the basis for calculating their turnover. What more do you want? For small dealers we have provided a system of licensing fees; they can pay the fee and need not keep accounts. In regard to the income-tax payers it will not be necessary for them to keep any separate accounts for the purposes of sale tax; their turnover will be assessed on the basis of their income-tax accounts. In view of these concessions, how can any hardship result so far as the question of maintaining accounts is concerned? You do not find these concessions either in Madras or Bengal. We have prohibited entry of inspectors into the business premises, while in Madras there is no such prohibition. We have provided that no inspector should enter a shop. As for maintaining accounts I have explained to you that it will not be necessary for any class of dealers to keep separate accounts for the purpose of the sales tax. Now what are the other difficulties or troubles about which traders are apprehensive? Nobody has pointed them out to me. They asked only for one concession and we have conceded several concessions. A request was made that certain merchandise should be assessed at a single stage. We have conceded that demand and also assured them that the incidence will be kept at the lowest possible figure. This is a very generous concession. Instead of taking the aggregate of the tax at 5 or 6 stages we will base it on the figure for 4 or even 3 stages and may allow further reduction in view of the fact that collection charges at one stage only will be comparatively smaller. After all these generous concessions

[Premier]

I naturally expected that the leaders of the traders, who are shrewd business men, would see that small dealers are not misled by irresponsible people. But what has happened? What is happening? Mis-statements of all kinds, untruths of all kinds, misleading posters and speeches, are the order of the day. Government is being accused of sins which it has not committed. All this is being done to dupe and mislead the smaller traders and create an agitation which is wholly unwarranted. We have done everything possible to meet the demands of the traders. I have met their representatives not once but several times and after every discussion they have gone away satisfied, at any rate they professed that they were satisfied. But the very next day some other issue is raised. I have been called a weak-kneed, spineless, Premier. I do not worry about these fulminations. Accusations, unfair and unjust, criticism unwarranted and baseless, have been hurled against Government. Filthy abuse has been shouted in processions and at meetings. It is a matter for deep sorrow and regret to me that women-folk—your mothers, sisters and daughters—whom I respect as much as you do—have been encouraged to join in these abusive demonstrations. All kinds of epithets have been levelled against the Government and individual members which we do not deserve. Still I have no quarrel against them and I do not bear any grudge against them because I know perfectly well that they are not responsible for this unseemly conduct. They have been misled. Credulous traders, small shopkeepers, the women and the urchins who abuse us are all dupes and victims of misrepresentation and lying propaganda. They do not know the facts. It is the duty of the responsible leaders who come to me and talk glibly of concessions and hardships to apprise the people of the truth. I wish the leaders of the trading community assert their influence. It is no use merely asking the Government to be magnanimous. We have given them greater concessions than they themselves asked for. They owe it to the province, the trading community and to themselves to stop this unwarranted agitation and the mischievous propaganda based on lies. I must warn them again that it is not the genuine trader who is at the root of this trouble; there are other influences at work. These other influences may not be able to mislead Lala Sita Ram or Rai Bahadur Gopal Das—Lala Gopal Dass is not concerned, as cotton and cotton mills do not fall within the scope of the Act—or Sardar Santokh Singh, as they are capable of distinguishing between right and wrong. But the man in the street is easily misled and if these big men do not exert their influence they will be accessories to the nefarious machinations of mischief-mongers who for the sake of mischief, and from other sinister motives are trying to keep this agitation alive. Therefore, I appeal to the leaders of the trading classes most earnestly and emphatically to see reason and stop this unnecessary agitation which is creating bitterness; and let me warn them that if they allow this bitterness to spread they will be doing great harm to themselves, to their province and to their country. I can assure you that so far as I am concerned, I am always prepared, and my colleagues also are prepared to consider sympathetically any reasonable demand which is put forward in a constitutional manner, relating to the sales tax or any other matter. It is our duty to do so; while we are in office it is our duty to remove the genuine grievances of any section of the public. At the same time let me

point out that this agitation which I suspect, and not only suspect but have reasons to believe, is being kept alive by forces other than genuine traders, will not be allowed to continue, especially at a time like this when the whole country must be tranquil and calm in order to concentrate our energies on one object, that is, the safety of our country, the safety of our hearths and homes and the safety of our mothers, sisters and daughters. We are passing through most difficult and critical times. If at such a time reasonable and respectable citizens do not come forward to help the Government, then they themselves will be responsible for the trouble and suffering which the agitation may bring in its wake. They will later be sorry that they did not listen to my advice and allowed things to drift to a stage when they will be helpless and the adventurers and mischief-makers will hold the field.

As I have said before, it is my duty to see that the peace and tranquillity of the province is not allowed to be disturbed by any section of the public. I have reasons to believe that nefarious conspiracies are afoot to create trouble by means of hartals and other similar methods. Hartal is a very convenient instrument to use for disturbing peace; and they will not hesitate to use other methods to create trouble and chaos. To-day they are exploiting the traders, to-morrow they will use the students, the labourers; and they may even try to use the zamindars against the traders to create unrest on a large scale. So far as I am concerned, I will not allow any section or any community, whether traders, students, zamindars or labourers, to disturb the peace and tranquillity of the province at this juncture, and if anybody tries that game he will do so at his own risk and cost. (*Hear, hear and cheers.*)

Some Honourable Members : Question may now be put.

Mr. Speaker : Question is—

That the question be now put.

The motion was carried.

Mr. Speaker : Question is—

That the Punjab General Sales Tax (Amendment) Bill be referred to a select committee.

The motion was lost.

Mr. Speaker : Question is—

That the Punjab General Sales Tax (Amendment) Bill be taken into consideration at once.

The Assembly divided : Ayes 65, Noes 16.

AYES.

Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Allah Yar Khan Daulatana, Mian.
Amir-ud-Din, Khan Sahib Mian.

Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, The Honourable Sardar.
Farman Ali Khan, Subedar-Major Raja.
Fateh Khan, Khan Sahib Raja.
Fazal Din, Khan Sahib Chaudhri.

AYES—CONCOLD.

Fazal Karim Bakhsh, Mian.
 Hew, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Guest, Mr. P. H.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Het Ram, Rai Bahadur Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Tiwana, The Honourable Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Sir.
 Maqbool Mahmood, Mir.
 Mohar Singh, Rao.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hussain, Sardar.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.

Muhammad Yasin Khan, Khan Sahib Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Sardar Khan Noon, Major Malik.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honourable Lieut.-Colonel Sir.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Tara Singh, Sardar.
 Wali Muhammad Sayyal Hiraj, Sardar.

NOES.

Abdul Aziz, Mian.
 Baldev Singh, Sardar.
 Bhagat Ram Sharma, Pandit.
 Duni Chand, Mr.
 Faqir Chand, Chaudhri.
 Girdhari Das, Mahant.
 Gopal Das, Rai Bahadur Lala.
 Harnam Das, Lala.

Jalal-ud-Din Amber, Chaudhri.
 Jugal Kishore, Chaudhri.
 Muhammad Nurullah, Mian.
 Mula Singh, Sardar.
 Prem Singh, Mahant.
 Santokh Singh, Sardar.
 Sita Ram, Lala.
 Ujjal Singh, Sardar Bahadur Sardar.

Mr. Speaker : The House will now consider the Bill clause by clause.
Clause 2.

Shaikh Sadiq Hassan (Amritsar City, Muhammadan, Urban)
 (Urdu) : Sir, I beg to move—

That in the proviso, line 15, for the words "one rupee" the words "annas twelve" be substituted.

Sir, I feel that the Government deserves to be heartily congratulated on giving concessions to the traders even after the passing of the Sales Tax Act. The amending measures which have been put forward by the Government indicate that they have been actuated by sincere motives to help the beoparis. But I think it would be in the fitness of things if the Government are pleased to accept the amendment suggested by me. In fact it is an improvement on the provisions contained in the amending Bill. Besides, the acceptance of my amendment by the Government would, to a great extent, assuage the feelings of the traders and also tend to end the present unfortunate deadlock. The Government have proposed that they should be empowered to levy a tax at one stage to the extent of one rupee per cent. But I would like to bring this fact to the notice of the Government and particularly the Minister for Finance, that they have already provided in the original Act that a tax of 4 annas per cent would be imposed on certain goods at different stages. It redounds to the credit of the Government that the zamindars and the manufacturers are exempted. That is, the agricultural produce and industrial products as enumerated in the parent Act have already been exempted. After the exemption of producers and manufacturers, only wholesale dealers and retailers are left. They provide two stages for the levy of this tax. If the tax on a commodity at the rate of four annas per cent is calculated, it amounts to 8 annas per cent after the commodity has passed through these two stages. Suppose for the sake of precaution we presume that it will pass through one more stage, say through the middleman, although it would be very rare. Then after three stages the tax will come to 12 annas per cent. This is the amount which I have suggested in my amendment. I am sure this will be acceptable to the beoparis as well. I may make it clear that I do not hold any brief for the traders; nor have I been carrying on any negotiations with them on this point. But I think they are sensible people and anything reasonable must appeal to their sense of fairness.

Then, this tax is the first of its kind so far imposed in the Punjab. We do not know how this is going to affect the traders, whether adversely or otherwise; this time will show. But the contention of the traders is that as a result of a tax of rupee one per cent the trade would be hard hit and that it would shift to places outside the Punjab, for instance, Delhi, etc. I cannot say how far this statement is correct. But all the same this is what the beoparis seriously feel. I think it is human nature that nobody likes to be taxed. Everybody wants to resist a new tax vehemently. As this tax touches the pockets of the traders, they feel the pinch very much, and hence this hartal, unlawful processions, no-tax campaign, etc.

I would like to sound a note of warning to the traders as well. They should realise that as a result of their hartal, the people of the Punjab in general and the poorer sections in particular, are being put to great inconvenience and untold hardships. The Government as well as the traders are equally responsible for this sorry state of affairs. This hartal has caused serious unemployment among the labouring classes. The poor people who managed to eke out their living by earning daily wages or depended upon their daily income, are face to face with starvation. I think, from the humanitarian point of view and for the sake of the poor, it is incumbent upon the traders to call off the hartal. They should open

[Sh. Sadiq Hassan]

their shops to enable the starving people to purchase at least the necessities of life. I admit that it is open to the beoparis to resort to the weapon of hartal with a view to get their grievances redressed at the hands of the Government. They are also at liberty to get their shops auctioned in order to achieve their end. They may make any sacrifice for this purpose but they have no right to starve the poor people by causing unemployment. It is horrible to conceive starvation staring the indigent persons in the face. The same argument is applicable to the Government also. Hence the sooner this deadlock is resolved the better. I am, therefore, of the opinion that the Government would be pouring oil on troubled waters if they see their way to accept my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in the proviso, line 15, for the words "one rupee", the words "annas twelve" be substituted.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) : Sir, may I first move the amendment standing in my name ?

Mr. Speaker : The honourable member need not move his amendment. He may make a speech. His amendment, if he desires, will be put to the vote of the House separately ; but it will be discussed along with the amendment just moved.

Sardar Ajit Singh (Punjabi) : Sir, if the Government are really actuated by sincere motives to resolve the present deadlock, they should accept the reasonable demands of the traders. Two of the important demands are to the effect that the exemption limit should be raised to 20,000 and that there should be one point tax. Now when the Government have been pleased to accept the suggestion of levying tax at one stage, they have put the tax at a heavy rate of rupee one per cent. You will remember, Sir, that the maximum rate of tax as laid down in the original Act is 4 annas per cent. It is obvious that the difference between these two rates is too much and is bound to affect the traders adversely. But it would be in the fitness of things and I am sure my beopari friends would support my suggestion, that we and the Government should meet half way with regard to this matter. The object can be achieved easily if the Government feel disposed to accept my amendment which seeks to impose a tax amounting to eight annas per cent, at one stage. I may point out that the proposal of the Government as contained in this amending measure is very harsh and stringent. If the Government would persist in having their own way, the trade of the province would be hard hit. It would fly to the neighbouring States to the great detriment of the trading community, and the prosperity of the province would be jeopardised. I, therefore, appeal to the Government to see their way to accept this wholesome amendment.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : The amendment that stands in my name and that of Sardar Ujjal Singh is a little different from the one that has been moved already. My amendment is that instead of Re. 1 in the case of tax at one stage, eight annas be substituted and that commodities which are taxed under the Marketing Act should not have to pay at one stage a tax of more than four annas. It is agreed on all hands that a tax of Re. 1 is too much indeed, and is out of all proportions. The Honourable Premier was pleased to say that it was

only maximum rate for which they were taking power of this House, but I do ask in all respect, whether it is necessary to take powers which it is not the intention of Government to exercise or to use, and whether under the present deplorable conditions it will help to restore the peace and harmony of the province. My view is that this tax of Re. 1 if passed by the Assembly in the same form in which the Bill has been brought up before it, will add fuel to the prevailing fire. Some of us had the privilege of private discussions with the Honourable Premier more than once and we talked in great detail over all these matters. I must admire the patience and the sympathetic hearing that the Honourable Premier gave us, but I am constrained to say at the same time that where he was sympathetic he was not at all liberal. If he had been liberal to the same extent as he was sympathetic, I believe all this trouble would have by now ended. The Honourable Premier takes his stand on the settlement that is said to have been arrived at between him and the leader of the movement before the Honourable Premier left for abroad. Much water has since flowed below the Ganges and it is very sad that this is not at all being considered by the Government. The Honourable Premier says that where the beoparis made one demand he conceded four. This, Sir, with all due deference, I am not able to understand. Do I understand that within the period of thirteen months during which the negotiations were going on between the Government and the beoparis, the beoparis preferred only one demand? It appears to me incomprehensible. Do I understand that all those thirteen months were wasted for nothing? When the original Bill was being discussed in the Assembly, we were told that a very low rate of taxation, that is, four annas per stage, was being imposed. Now by taking power in their hands to tax at one stage and that at Re. 1 per cent, Government stand self-exposed. The tax according to the Government now is not four annas as it was tried to be explained at the time the Bill was being discussed but as much as Re. 1. It is stated on the one hand that Government will not exercise this power at the maximum rate, and that they will impose at one stage a tax much lower than Re. 1. If I am not giving out any secret, the Honourable Premier himself suggested that in the case of piece-goods eleven annas per cent may be levied at one stage. In the case of timber, from what I understood from my honourable friend, Sardar Ujjal Singh, the Finance Minister, it appears, was prepared to go to annas 8. I do ask in all seriousness, what is the sense in raising this rate to Re. 1 per hundred? Government maintain that this Bill is being brought in deference to the wishes of the traders. Now I ask whether any one of the traders has ever expressed his consent to be subjected to a tax of Re. 1 per 100 at one stage. Was this rate of Re. 1, maximum though it is, ever discussed at all with the leader of the movement? From all that I know, this point was not at all discussed, and when the Honourable Premier himself was prepared in the case of piece-goods trade to levy a tax of only annas 11, I really do not see the wisdom of the Government taking power to tax at Re. 1 per cent at one stage. We the representatives of traders pointed out to the Premier that the Government would be making a great deal of saving in expenditure if they taxed people at one stage. This point the Premier was pleased to concede. He did realise this and agreed that there would be a lot of saving in expenditure if the tax was

[S. Santokh Singh] imposed at one stage. Now I do ask him with all respect whether, after realising what a great saving the Government will have by having the tax at one stage, he still thinks it necessary to impose a tax at as high a rate as Re. 1 per cent. I for one cannot agree to it. The Honourable Premier was pleased to say that our Act is far milder than the Acts in other provinces. I had the audacity at that time to ask him whether the Government was prepared to accept word for word—in toto—the Bengal Act. I do make that enquiry again with all the emphasis that I can command, whether the Punjab Government, if it thinks that its Act is far milder than the Acts in other provinces, is prepared to accept in toto—word for word—the Bengal Act. If it expresses its preparedness to do so, I think I will be in a position, if not at this moment say by to-morrow or this evening, to tell him authoritatively on behalf of the beoparis that they on their part, are prepared to accept that. Does the Government say that it agrees to it? Is the Honourable Premier prepared to accept that? Let him say 'yes', and I assure him that before this evening I will be in a position to tell him authoritatively on behalf of the traders whether that offer can be closed. The position now is this. It is being said on behalf of the Government that they were imposing a very low rate of annas 4 at successive stages. The position of the traders in this respect has been and is, that in the long run it would come to much more than Re. 1 and this has been proved by no less than the Government itself, because when the question of one stage has come, it is not prepared to accept anything less than Re. 1. One of the members of the Government party itself has given notice of an amendment to the effect that the rate should be reduced to annas 12. Time alone will show whether the Government is prepared to accept this very reasonable amendment or not. They say that Re. 1 is only the maximum. But I ask, why take powers to impose a rate which you do not wish to impose? Are you by taking these powers contributing your quota towards restoring peace and harmony in this province which is so very necessary at this present juncture? It is said on behalf of the Government that the Bengal Act is harsher and the Madras Act still more so than our Act. I put it to the Government in all seriousness, whether there is any Marketing Act in Bengal and whether in Madras the Marketing Act applies to all those commodities to which the Marketing Act of this province applies. I would say, certainly not. In Madras the Markets Act applies to a very few commodities whereas in our unfortunate province it has been applied not only to 135 markets but to almost every imaginable commodity including onions, chillies and what not. My request to the Government is that these commodities have got to pay double tax already under the Markets Act which comes in several cases to as high a figure as Rs. 1-1-0 per 100. Is it now the intention of the Government to burden those commodities again with an additional general sales tax of Re. 1? Now if you take my figures as correct—and I do challenge the Government to show that my figures are wrong—a commodity has to pay in all Rs. 2-1-0 including the sales tax of Re. 1 per hundred. Now I ask whether the Government thinks that the trade and industry of this province are in such a strong position as to be in a position to pay such a high rate of taxation as Rs. 2-1-0 per 100. And where is the guarantee that under these conditions, the trade of this province will not shift to the neighbouring native states? I know that during the

period of the cessation of business in our mandis last time, some of the mandis of the native states had the very best of time. I know it for a fact that Phagwara (Kapurthala) which formerly never had an arrival of more than 2,000 maunds of wheat on an average per day, began having 20,000 maunds per day. I do want to know whether with all this taxation the mandis will not shift to the native states and whether the mandis of Jullundur and Kartarpur will not be absolutely ruined by trade shifting to the neighbouring state of Kapurthala which is only at a distance of 12 to 15 miles. This is only by way of example. There are many more mandis in our province which are in close proximity of native state mandis and I ask the Government whether it has given any serious thought to these things. I had explained all this to the Honourable Premier and he told me at the time that after six months or so, when he would be in a position to know what amounts of marketing fees would be raised under the Markets Act, he would review the situation and that if circumstances demanded he would not only reduce the marketing fees from 8 pies to one pie per maund but would even abolish the fees altogether in the case of several commodities. It is in consideration of that, that I have made a very fair proposal that until that is done, the commodities which have to pay two fees under the Marketing Act, one at the point of production and the other at the point of consumption, should not be charged a sales tax of more than annas 4 per cent. I ask in all seriousness, is that an unreasonable rate? We do not say that we do not pay the tax, but are making these suggestions to the Government, in consideration of the importance of the matter and the fact that the trade of the province is not in such a prosperous condition as to be able to pay a tax of Rs. 2-1-0 per cent, so that, Government may be pleased to order that so long as a certain commodity has got to pay fees under the Marketing Act, that particular commodity will not be subjected to a sales tax of more than annas 4 per Rs. 100, at one stage. To my mind, Sir, this is the most reasonable proposal and if it is not accepted it will bring ruination to the trade of this province. Distinctions between zamindars and non-zamindars in matters like this need not be made. The situation is already sufficiently grave and as I said this morning, it is the duty of all of us to make our quota to bring about an amelioration in the present deplorable situation. This is the reason why I would request again the Honourable Premier to give this matter the most serious consideration. If he does feel satisfied that these commodities are not in a position to pay such a heavy tax, he may be pleased to accept this request. The amendment that I am moving is to the effect that so long as a commodity has got to pay fees under the Markets Act, it should not be charged sales tax of more than four annas per cent. I may tell you, Sir, that I have in my hand a bundle of telegrams that I received yesterday from most of the "mandies", probably some of the other members have also received these telegrams, because they are sent to several addresses. It may be that the Honourable Premier has also received these telegrams. Everybody in these telegrams expresses grave concern at this heavy rate of taxation that is being imposed upon commodities and which will in the long run not only bring ruination of the traders but the ruination of the producer as well. The producer may not at the moment be in a position to realize that for himself, but the time

[S. Sontekh Singh]

will not be long, when he will find that he is the greatest sufferer. In the statement of objects and reasons of this Bill, it is given that this amending Bill is being introduced in deference to the wishes of the traders. I would ask the Honourable Premier whether he has satisfied himself that this very small concession will satisfy the trading community and restore the peace and tranquillity of this province, which is most necessary at the present moment to restore. To my mind, Sir, the position is quite clear and it is, that the small concessions that have been proposed to be given to the trading community by this Bill fall far short of their expectations. On the contrary, the rate of one rupee for every hundred rupees, the maximum proposed to be adopted under this Bill, to my mind, will add fuel to the prevailing fire which should have been the concern of everybody in this province at the moment, to try to avert. This Bill, Sir, will not bring about a better situation. More concessions are necessary. Once the Government believes that it will not be necessary for them to impose so high a rate of one rupee on all commodities, I do ask, what prevents them from reducing it in the present Bill to a more reasonable level? Why not do it once for all and allay the anxiety of the traders, instead of doing it in dribblets? Government must in their own interests consider the situation most calmly and seriously. Nothing, as I said before, can deter them from passing this Bill in its present form. The Government have got a big majority; we are no match for them as regards members. Reasons and arguments are, however, all in our favour. I do hope the heart of the Honourable Premier will melt in view of the heavy sacrifices that the traders are making and have made all this time. The traders have lost not lakhs but crores of rupees during this period. The Honourable Sir Chhotu Ram or any other Minister may feel the pleasure that the beoparies are ruining themselves, but I know it for a fact, that the time is not far distant when they will begin to realize that by passing this measure, they are not only ruining the trade of the province, but also the zamindars. I would again request the Honourable Premier not to insist upon the tax of one rupee for every hundred rupees. There would be considerable saving in the expenditure by imposing the tax at one stage. He must not look into these matters like a *bania* (laughter). He should be liberal. I would ask a favour of him, although I personally know that he is a very hard negotiator, and it is, that he should not insist upon the last ounce of blood of the people in fixing this high rate of one rupee per cent. It would be an entirely wrong policy to fix the rate at Re. 1, with a view afterwards to show that he was making concessions and reducing it to below rupee one. The Honourable Premier was prepared to impose a rate of eleven annas for piece-goods, and if he now fixes it at one rupee it will not better the present situation and improve the present conditions. Confidence begets confidence. Let him repose confidence in the traders and in their turn they will have confidence in the Government. There is no sense in having as high a rate as rupee one. This could be and should be reduced to annas eight, and on commodities which have also to pay fees under the Markets Act, to annas four. With these words I commend the amendment that stands in the name of Sardar Ujjal Singh and myself.

Mir Maqbool Mahmood (Parliamentary Secretary): Sir, I have listened with most anxious consideration to the speeches of my honourable

friend Shaikh Sadiq Hassan and also of my other friend from Amritsar, Sardar Santokh Singh. With due deference to both of these Amritsar celebrities, I feel it my duty to place certain facts bearing on this amendment for their consideration and that of the House. In the first place it appears to be forgotten that this amendment is moved in spite of what the Honourable Premier said that in assessing this tax at one stage two points have to be borne in mind, that is, that the Government do not lose what they would ordinarily expect from this revenue and I am sure that the Honourable Premier will be the first to concede that it also implies that the Government by levying the tax at one stage would not like to take more than they would have taken if the assessment were at various stages. That is number one. Number two is that the incidence of the tax is not passed on to the smaller trading people. When these two principles are applied, I feel confident that in actual working it may not be necessary to levy the assessment anywhere near one rupee. Therefore, at this stage, so far as the principle is concerned, let it be conceded that the House does not want the levying of this tax at any one stage to go beyond one rupee. I feel that in many cases it would give the Government less than they would have got in ordinary circumstances. Secondly, under our rules any propositions or any rules which the Government may frame on this subject are liable to be published four weeks before their enforcement and there will be ample opportunity in the meantime to negotiate and to come to a settlement as to whether one rupee should be assessed or should not be assessed. That is the first submission I want to make.

My honourable friend Mian Abdul Aziz stated in the course of his speech to-day that he would be quite happy if the Madras Act were introduced in the Punjab and now I have heard my honourable friend Sardar Santokh Singh repeat the same thing with regard to the Bengal Act. I have great respect for what they state but I appeal to them that when they make such statements they should make sure of the correctness of what they talk. I would, with your permission, invite your attention to some salient features of the other Acts bearing on this clause and other clauses but particularly relating to this clause. The Madras, Bengal and Bombay Acts were referred to. I shall now deal with the Madras Act. I have taken pains not only to go through the Act but also the Rules and I can say without fear of contradiction that Sardar Santokh Singh, if he sits at table with me and compares the Acts, would in his usual fairness, and not as a party leader, concede that the Punjab Act is better than the Madras Act so far as at least seven fundamental items are concerned and I will, therefore, for his benefit, deal with these items one by one.

Sardar Santokh Singh : I stand by all that I have said about the Bengal Act.

Mir Maqbool Mahmood : Let me take the Madras Act. In Madras the dealer is defined not only as a person who sells goods but also as a person who buys goods. Here in this province we are only levying this particular tax with regard to those dealers who sell goods but not with regard to those dealers who buy goods. That is the first point. Secondly, they will find that the number of items exempted in Madras are terribly smaller than those exempted under the Punjab Act and this is an important matter to which

[**Mir Maqbool Mahmood**]

I beg to draw his attention. You will find that in Madras wheat, wheat-flour, gram, gram-flour, maize, maize-flour, bajra and bajra-flour are not exempt, while under the Punjab Bill they are all exempt.

Rai Bahadur Mukand Lal Puri : They do not eat wheat.

Mir Maqbool Mahmood : So far as Madras Act is concerned, they will find that ginned cotton and unginned cotton has not been defined but we have defined ginned cotton and unginned cotton and further still my honourable friend will find that in Madras newspapers and periodicals are not exempt while we exempt them here. The third point to which I invite his attention is that in Madras only finished products which are manufactured in the province, if they go out of the province are liable to rebate of half the tax. Here, in this province, not only the finished products, but even other produce is also exempted. The agricultural produce is privileged to take that benefit and, as I have said, there the rebate is limited to only half of the tax, here the rebate may even cover the whole of the tax. I beg to invite the attention of my honourable friend to the fact that in this clause sufficient power is retained by the Government to help the industry in *bona fide* cases. In Madras a day is allotted for the payment of tax but there fifteen days' grace is allowed, while here it is thirty days. I need not waste the time of the House with regard to the court of appeal. There it is the Board of Revenue because there is no Financial Commissioner there and here it is the Financial Commissioner, but the Board of Revenue does not mean a bench of honorary magistrates sitting together. It means even a single senior member of the Board sitting as such.

Then, take the incidence of taxation. The amendment now proposes exemption up to ten thousand rupees. Here, again, our exemptions are much too many as compared to Madras. Our ten thousand means much more than ten thousand as compared with the limits elsewhere. Their rate of taxation in the case of turnover from ten thousand to twenty thousand is five rupees per mensem while here in the case of persons who are not paying income-tax, while the turnover may be even more than twenty thousand, it has been declared to be 30 rupees which is very much lower than in Madras and, with regard to cases where the limit of twenty thousand is exceeded, it is eight annas per cent in Madras at each stage while here it is four annas at each stage subject to a maximum of one rupee.

With regard to the punishment prescribed in Madras, the fine comes up to one thousand while here it comes to five hundred. In Madras a matter can be compounded up to one thousand rupees while here it can be compounded up to five hundred rupees.

Sardar Santokh Singh : On a point of order. In that manner I could also quote chapter and verse to show, that the other Acts were more lenient. My honourable friend should confine himself to the amendment under discussion. I could also quote instance after instance. May I, through you, ask him to read the list of exemptions of Bengal? I did not go into them in detail because the whole Act was not under discussion, otherwise I could as well say as many things.

Premier : Whether true or not!

Mir Maqbool Mahmood : If I followed my honourable friend correctly, he referred not to one clause but to the whole of the Bengal Act. He talked of taking the Bengal Act verbatim and applying it to the Punjab. If he made that statement, he should be prepared to listen how far the Bengal Act is worse from the point of view of traders than the Punjab Act. I would invite his attention to that particular Act. In the first place let me remind my friend opposite that in Bengal cotton is not exempt. Then take the rate of taxation there. I know he might have been enamoured by the list of exemptions, that is, the articles given therein, but if he will go through all the lists he will find that our articles are not worse off on the whole and if articles like kerosene and others are exempt, there is no bar to this Government considering these matters if a reasonable case is put up. So far as the rate is concerned, he will find, as the Honourable Premier pointed out, that while here the maximum has been fixed at one rupee, there the flat rate is Rs. 1-9-0.

Mr. Speaker : May I point out that the honourable member is going beyond the scope of the amendment? What is now under consideration is the amending Bill and the amendments which have been moved to the clause of that Bill. We are not considering the Punjab Sales Act, the Madras Sales Act or the Bengal Sales Act. Only clause 2 and amendments thereto are under consideration.

Mir Maqbool Mahmood : I had to revert to it in reply to the arguments advanced by my honourable friend opposite who talked so much about the Bengal Act. If this is your ruling, I would only confine myself to the clause under consideration.

Sardar Santokh Singh : I confined myself strictly to the amendment.

Mir Maqbool Mahmood : For the benefit of my honourable friend I will invite his attention to the fact that in Bombay there is the Marketing Act and there the flat rate of taxation on general sales is higher than that of the Punjab.

Sardar Santokh Singh : Has not the Bombay Act been withdrawn? Is my honourable friend aware of that? Let him take it from me that the Bombay Act is withdrawn.

Mir Maqbool Mahmood : I am not aware of it. But with regard to Bengal, does he deny that the flat rate is not Rs. 1-9-0 which is very much higher than the Punjab rate? He has referred to the Marketing Act....

Sardar Santokh Singh : The Bombay Act applied only to three articles.

Mir Maqbool Mahmood : I am referring to the Bengal Act. Does he deny the rate of tax at Rs. 1-9-0 there? It is much higher than the Punjab rate. Does he deny that Bengal imposes tax even on important commodities like cotton, but we have exempted that commodity?

Sardar Santokh Singh : Cotton is imported into Bengal. It is not produced there.

Mir Maqbool Mahmood : If he looks at the list of exemptions he will find that even jute is not exempted there.

Sardar Santokh Singh : Would you read out the list of exemptions ?

Mir Maqbool Mahmood : I am prepared to make a statement that jute is not exempted there.

Mr. Speaker : I cannot allow an irrelevant discussion.

Mir Maqbool Mahmood : My submission is that when examining a matter of this nature we have to examine it on some principle or basis. The first principle is that if in any manner we are assessing the traders here more than similar traders in other provinces who are taxed, then certainly that is a matter for the consideration of the Government. But my thesis is that it is not so. The second point is that if that is the position, as has been stated by the Opposition, the traders should be treated more leniently. In this connection let me tell my honourable friend, Shaikh Sadiq Hassan, that he is not pleading the cause of poorer traders. If his suggestion is accepted then it would be primarily paid by the richer traders. If that is the position my honourable friend, who in his heart is always anxious to help the poor people, will not advocate the cause of richer traders. I am sure he would be the first to concede that if the tax is levied at one stage it will fall primarily on richer traders and therefore, it would not be fair to reduce that tax even below the limit which has already been brought down. The richer trader should not benefit at the expense of the poor for whose benefit this tax is levied. I am sure that if the incidence of the return of this tax is going to benefit the poor traders, as it is going to benefit, then he should support the Government rather than plead the cause of richer traders.

Shaikh Sadiq Hassan : I believe in graduated tax.

Mir Maqbool Mahmood : That being the position, I am sure, if he examines his amendment with a calmer thought in a calmer moment, he will not press it. I need not take the time of the House. In the present Bill a fair limit has been put. This is the result of very fair negotiations and it is a very serious and very important piece of legislation. Let all of us concentrate our energies on that side of the question and not merely on debate.

Sardar Bahadur Sardar Ujjal Singh (Western Towns, Sikh, Urban) : Sir, I would confine my remarks to the amendment that stands in my name as well as in the name of Sardar Santokh Singh and not cover the whole ground of the Act as has been done by my honourable friend, Mir Maqbool Mahmood. I must say at the very outset that it must be borne in mind that the Punjab is the only province in the whole of India, where the Property Tax Act, the General Sales Tax Act and the Agricultural Produce Marketing Act, have been passed and enforced in quick succession. In no other province in India all the three Acts have been placed on the statute book. Under the Marketing Act certain commodities have to pay fees and those fees are one pice per maund which comes to 6 annas per hundred. So certain commodities like rice, gur, shakkar, sarson, are already paying a tax of Re. 0-6-0 per cent, and on these, sales tax will also be levied. Then, Sir, we have to see whether the limit of rupee one, which the Government proposes in this amending Bill as the maximum limit when the tax has to be levied at one stage, is a fair limit or not. If we were to tax all the commodities at one stage we will have to adopt the Bengal method which is a different

method from the one that we have adopted in this Act. So we will have to confine ourselves to only certain trades where the tax has to be collected or levied at one stage. In those certain trades the commodities generally do not change hands more than once or twice or at the utmost three times. Now, if those particular commodities generally pass hands twice or at the utmost thrice, there is no reason why such a high limit should be fixed. In all fairness it should be reduced to 8 annas per hundred rupees. There is another reason for this. The Government, while levying the tax at one stage, gains in collection charges. The collection charges are bound to be reduced to a great extent in the case of those commodities where the tax is levied at one stage and for that reason too, I think the revenue of the Government will not fall if this rate of 8 annas is accepted. Then, Sir, with regard to those commodities which already pay the fees under the Marketing Act to the extent of 6 annas per cent, if those commodities have got to pay sales tax as well, an additional burden will be thrown on the producer to the extent of 6 annas per hundred.

Premier (The Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan) My honourable friend's argument, I am sorry, has not convinced me. There are only two ways of fixing the assessment. One is by fixing a flat rate. If my honourable friend were to suggest that I should fix and apply a uniform rate to all commodities, there would be serious objection to his proposal but if my honourable friend considers that we ought to formulate our proposals for assessing particular commodities on the price of the commodity, as also take into account the stages through which it passes and the collection expenses, then naturally he cannot expect us to fix a rigid figure for all commodities. We can fix a lower figure in the case of low priced commodities and a higher figure in the case of other commodities. But he must also remember that we are taxing turnover and not commodity. I gave two instances in which, I said, we do not propose to go even near the maximum limit, but at the same time unless we decide to have a flat rate for all commodities, which is not feasible—the amount must vary in the margin permissible under the Act. Personally I think that there are very few commodities which can be conveniently assessed at one stage; in the case of others the dealer would prefer to have the tax spread over several stages. Of those commodities which can be assessed at one stage we have already agreed to assess two—namely, piece-goods and timber—at a single stage if they so desire. We will have to fix the rates for others, if any, on the same basis, taking into account the number of stages they normally pass through.

Sardar Bahadur Sardar Ujjal Singh: You will never be able to levy a tax.

Premier: That is to be seen. I said that in some cases we may have to assess it on the basis of 3 or 4 stages while in the case of others it may be only two stages or five. From the point of view of the dealers there will be an advantage in not fixing the tax at one stage in the case of commodities which are not easily controllable. As for the tax at one stage we must have a fair margin to vary it in the case of particular commodities to avoid hardship. The maximum will be Re. 1 and the minimum four annas or even three annas.

Sardar Bahadur Sardar Ujjal Singh: It cannot be four annas; it is going to be a higher figure if it is to be levied from the first consignee

[S. B. S. Ujjal Singh.]

only ; the small dealer or retailer will not be taxed. You levy at one stage on the first consignee who will pay the tax. He is generally either a wholesale dealer or a big dealer.

Premier : I do not agree with my friend. Since he has used the word 'consignee' I should like to make myself clear. It may be necessary to exempt the first consignee and levy at the second consignee stage. I will give you an instance. Take the Amritsar market for piece-goods. They import goods from outside the country and other provinces either from mills direct or from wholesale dealers. Now in the case of these-goods they will be taxed at the first consignee stage ; but there are other dealers, for instance, in south-east Punjab, who do not go to Amritsar : they go to Delhi which is close to them and they buy piece-goods and bring them into the Punjab. In their case it would be not the wholesale but the retail stage.

Sardar Bahadur Sardar Ujjal Singh : It will be the first consignee stage all the same.

Premier : It will be the first consignee within the province. Therefore you cannot limit it to the wholesale dealer only. Each case will have to be considered carefully to decide at which stage and at what rate the levy should be imposed. All these considerations will have to be borne in mind. I can assure my honourable friend that Government have no intention of assessing at the maximum limit unless they are satisfied that the maximum limit, in spite of the considerations mentioned, will be equitable. As I have said, we will also take into consideration the fact that collection charges may be reduced and, if so, we will give the dealers the benefit of this factor in fixing a rate.

The honourable member for Lahore Mian Abdul Aziz raised the point that if the Madras Act is more rigorous and cumbersome and the Punjab Act is more generous, then why not accept the Madras Act ? I will be prepared to accept the Madras Act as it stands word for word if my honourable friends opposite will agree to it.

Sardar Santokh Singh : I made the offer about the Bengal Act ; I never said anything about Madras. (*Laughter*).

Premier : My friend Mian Abdul Aziz said, why don't you accept the Madras Act ? I accept his offer here and now, and as I have said I will accept the Madras Act word for word without any change. Do the members opposite agree ?

Sardar Santokh Singh : If your Act is not harsher, why not accept the Bengal Act ?

Premier : If my friends are anxious to accept the Bengal Act with its flat rate I will accept to raise the limit to 20,000. But they must accept the Bengal flat rate of Rs. 1-9-0. I repeat the offer.

Mian Muhammad Nurullah : May I ask a question from the Honourable Premier ? Will he be prepared to postpone the Act till the end of the war if it is a question of money only ? If you get that money will you be prepared to postpone the Act ?

Premier : No, I am not prepared to postpone it.

Mr. Speaker : Question is—

That in the proviso, line 15, for the words "one rupee", the words "annas twelve" be substituted.

The motion was lost.

Sardar Santokh Singh : I beg to move—

That in the proviso, line 15, for the words "one rupee", the words "eight annas and in the case of commodities which have to pay marketing fees under the Punjab Agricultural Produce Markets Act, four annas" be substituted.

The Assembly divided : Ayes 18, Noes 65.

AYES.

Ajit Singh, Sardar.
Barkat Ali, Malik.
Bhāgat Ram Sharma, Pandit.
Faqir Chand, Chaudhri.
Girdhari Das, Mahant.
Gopal Das, Rai Bahadur Lala.
Harnam Das, Lala.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Muhammad Nurullah, Mian.
Muhammad Raza Shah Jeelani,
Makhdumzada Haji Sayed.

Muhammad Wilayat Hussain
Jeelani, Makhdumzada Haji
Sayed.
Mukand Lal Puri, Rai Bahadur.
Mula Singh, Sardar.
Rashida Latif Baji, Begum.
Santokh Singh, Sardar.
Sita Ram, Lala.
Ujjal Singh, Sardar Bahadur Sar-
dar.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gur-
gaon).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Allah Yar Khan Daulatana, Mian.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Balwant Singh, Sardar.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, The Honourable
Sardar.
Faiz Muhammad Khan, Rai.
Farman Ali Khan, Subedar-Major
Raja.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fateh Sher Khan, Malik.
Fazl Ali, Khan Bahadur Nawab
Chaudhri Sir.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Ghazanfar Ali Khan, Raja.

Ghulam Mohy-ud-Din, Khan Baha-
dur Maulvi.
Gopal Singh (American), Sardar.
Guest, Mr. P. H.
Gurbachan Singh, Sardar Bahadur
Sardar.
Habib Ullah Khan, Malik.
Haas Raj, Bhagat.
Harnam Singh, Captain Sodhi.
Het Ram, Rai Bahadur Chaudhri.
Jafar Ali Khan, M.
Jagjit Singh Man, Sardar.
Jogindar Singh Man, Sardar.
Karamat Ali, Khan Bahadur
Shaikh.
Khizar Hayat Tiwana, The
Honourable Malik.
Manohar Lal, The Honourable Sir.
Maqbool Mahmood, Mir.
Mohar Singh, Rao.
Mohy-ud-Din Lal Badshah, Sayed.
Muhammad Akram Khan, Khan.
Bahadur Raja.
Muhammad Amin, Khan Sahib
Shaikh.

Muhammad Ashraf, Chaudhri.	Pohop Singh, Rao.
Muhammad Azam Khan, Sardar.	Pritam Singh Siddhu, Sardar.
Muhammad Hussain, Sardar.	Ram Sarup, Chaudhri.
Muhammad Sarfraz Khan, Chaudhri.	Ranpat Singh, Chaudhri.
Muhammad Sarfraz Khan, Raja.	Roberts, Sir William.
Muhammad Yasin Khan, Khan Sahib Chaudhri.	Sadiq Hassan, Shaikh.
Mushtaq Ahmad Garmani, Khan Bahadur Mian.	Shah Nawaz, Mrs. J. A.
Muzaffar Khan, Khan Bahadur Captain Malik.	Shah Nawaz Khan, Nawab Sir.
Nasir-ud-Din, Chaudhri.	Sikander Hyat-Khan, The Honourable Lieut.-Colonel Sir.
Nasrullah Khan, Rana.	Sumer Singh, Chaudhri.
Nawazish Ali Shah, Sayed.	Suraj Mal, Rai Sahib Chaudhri.
Pir Muhammad, Khan Sahib Chaudhri.	Tara Singh, Sardar.
	Tikka Ram, Chaudhri.
	Wali Muhammad Sayyal Hiraj, Sardar.

Mr. Speaker : Question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : I beg to move—

That in line 3, for the word "ten" the word "twenty" be substituted.

I have no intention to make a long speech in support of this amendment, because much has been said about it when the other clause was being considered. But I should like to refer to one remark of Sardar Bahadur Sardar Ujjal Singh who quoted the precedent of the Bengal Act as far as the exemption limit of Rs. 20,000 was concerned. My friends opposite are always fond of quoting precedents. I would just draw their attention to this precedent in Bengal and hope that there will be no hesitation in accepting this particular amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in line 3, for the word "ten" the word "twenty" be substituted.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*) : Sir, I rise to support the amendment that has been moved by my honourable friend Pandit Bhagat Ram Sharma. I think if this taxation limit, which Government have raised from 5,000 to 10,000 rupees, is further raised to 20,000 rupees it will save many smaller traders from the operation of this tax. If this amendment is accepted the result will be that many smaller traders, who after working from 8 in the morning to 10 in the evening, earn their daily bread with great difficulty will be exempted from the operation of this Act. Let me tell my friends that if such traders are not relieved of the fear of being taxed they will have to employ one or two clerks for keeping a true and correct copy of their accounts. Naturally their expenditure will increase. Even at present their income is very small. The fact of the matter is that they earn their livelihood with great difficulty. If this fear of being taxed remains hanging on their heads, it will not only make

their lives miserable, but it would involve them in financial difficulties as well. The result of such a policy will be disastrous for the Government, because they would lose the sympathies of the smaller traders. I therefore request the Government to very kindly accept this amendment which is very reasonable and thus raise the taxation limit from 10,000 to 20,000 rupees. If they do this, I am sure, they would win the sympathies of 60 to 70 thousand smaller traders. With these words I whole-heartedly support the amendment.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women, Urban), (Urdu): Sir, the amendment of which I have given notice of is as follows:—

That in line 3, for the word "ten" the word "eighteen" be substituted.

I have intentionally provided the word "eighteen" in it because I knew that on behalf of the Opposition notice of an amendment had been given to the effect that for the word "ten" the word "twenty" be substituted which would not be acceptable to my brethren over here. Then, Sir, notice of another amendment had been given by a member of the Unionist Party to the effect that for the word "ten" the word "fifteen" be substituted. Keeping all these amendments in view, I decided to follow a *via media* and gave notice of this amendment in the hope that it would be acceptable to both parties. If Government accept this amendment in that case only those traders would be exempted from the operation of this tax whose turnover exceeds Rs. 49 daily. Generally the net profit of such traders comes to from Rs. 2-8-0 to Rs. 3 daily, which as compared to the expenses of the cities is very small indeed. After all they have to pay the rents of their shops and houses. They have to incur expenses for educating their children, for providing clothing to them and for keeping themselves clean as well. Similarly, there are many other expenses which they have to bear. The honourable members representing rural areas should not think that this income is in any way substantial. Those people who live in the cities have to undergo many kinds of expenses. Let me tell them that when they themselves come to the city they have to incur many kinds of expenses which they are not required to undergo in the rural areas. Consequently, they should not think that this income is much. On the contrary all the traders who fall under this category, are poor people and it is only fair that we should exempt them from this tax. The honourable members should know that all the big traders, who are offering themselves for arrest, are not going to jail for their own interests. They have elected to go to prison for the sake of the poor traders. For instance, Sardar Gurmukh Singh has been arrested, not because he wanted any facilities for himself or wanted to escape this tax, but because he wanted these traders to be exempted from the tax. Similarly, Bihari Lal Chanana elected to go to prison for the sake of the poor traders. The turnover of such traders is not Rs. 40, and Rs. 50 or even Rs. 100. They, in fact, do business in lakhs. After all what is the reason why they are undergoing all this trouble? They are making these sacrifices for the sake of the poor traders or in order to maintain the dignity of the trading classes in general. It was only fair that Government should have agreed to their demand and had levied this tax only on those traders whose turnover exceeded Rs. 20,000. This sum of Rs. 20,000 appears to be a big sum. But if we take into consideration the net profit of

[**Begum Rashida Latif Baji.**]

those traders, whose turnover is Rs. 20,000, we would find that it is a very small sum so much so that with this limit a trader can maintain his position with great difficulty. My submission is that income-tax has been imposed on the basis of net income but it is a curious thing that the sales tax has been levied on the basis of turnover. That is the reason why people are against it. (*Interruptions*). Mr. Speaker, I request you to very kindly ask the honourable members not to interrupt me when I rise to make a speech. This is truth. You do not like it. I am neither a toady nor a flatterer. God has given me brain. I have not sold my conscience. I have come to this House after fighting an election against the opposition of the Unionists. Well, Sir, I was saying that the amendment which has been moved by me is that the exemption limit may be raised to Rs. 18,000. A sale of articles worth Rs. 18,000 annually means only a sale of articles worth Rs. 50 daily. This outturn is not much. If a cloth merchant sells only two *thans* of *latha* daily it means an outturn worth Rs. 50 per day. Now how much profit can he earn out of a sale of two *thans* of *latha*? Moreover, the urban people have to incur a large amount of expenditure. They have to pay the rent of their houses as well as shops. Also the articles of daily use sell at high cost in towns. And in case a shopkeeper has started his business on borrowed capital, he has also to pay interest on it. Now imagine for yourself how much a shopkeeper can earn after meeting all these expenses? There was a time when I moved that the exemption limit may be raised to Rs. 10,000 and the Honourable Chaudhri Sahib shook his head in disagreement with me. But to-day on his own initiative, he has agreed to raise it to Rs. 10,000. It would have been much better if he had agreed to my proposal at the time, when I had moved my amendment to raise the exemption limit to Rs. 10,000. Now I request him to raise the exemption limit to Rs. 18,000. The condition of the poor shopkeepers is very bad and there is none among them, who can pay so much tax. I have witnessed with my own eyes all the cases of hardship which I have placed before this House. Many women sold their ornaments in order to help their sons to open up shops because they could not get Government services. Please do not stand in the way of such poor women who have found a way to employ their sons in the aforesaid way. I request the Government to accept my amendment.

Sayed Amjad Ali Shah (Parliamentary Private Secretary): Sir, I

4 p. m.

only want to say a few words and invite the attention of my honourable lady friend to the speech which she made on the 27th of January.

Begum Rashida Latif Baji: Please do not call me "friend", but address me as "sister" (*laughter*).

Sayed Amjad Ali Shah: But she is old enough to be my aunt (*laughter*). I was drawing attention to the speech which she delivered on the 27th of January, 1941, on the same subject. She then said:—

Sir, I rise to support the amendment moved by Khawaja Ghulam Samad Sahib, which seeks to get turnovers up to Rs. 10,000 instead of those up to Rs. 5,000 exempted from the payment of this tax.

This is what she then said. May I also draw the attention of the House to the speech of the Honourable Minister for Development when he said :—

Sir, all the speakers on the other side have tried to advance various arguments in support of the proposition that the minimum of Rs. 5,000 should be raised to Rs. 10,000 for the purpose of exemption.

Now, when we have raised the minimum from Rs. 5,000 to Rs. 10,000 we have amendments tabled that this minimum should be raised from Rs. 10,000 to Rs. 18,000 or even Rs. 20,000, and if we accept the limit of Rs. 20,000 there will be still further amendments to raise it to Rs. 30,000. I do not see any force in the argument advanced by the honourable members who have spoken, and I think the limit of Rs. 10,000 is a very fair one and the House should accept it.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural): After listening to the speech and a very learned speech of the Parliamentary Secretary, one is reminded of that old Persian couplet—

هر چه دنیا کنند کنند نادان
لیک بعد از هزار رسوائی

You will remember that on the floor of this House we cried hoarse over this matter that the lower exemption limit is very low and most of us wanted that it should be somewhere near Rs. 20,000. When we saw that the Government was adamant, we contested this matter step by step till, you will remember, Sir, that I pointed out that Rs. 5,000 is an absolutely impassible limit, because, I said, even the *ganderiwala* or the *sangtreewala* or the ordinary hawker would not be exempt. Once you have accepted the principle underlying the amendment now proposed that there should be an exemption limit of Rs. 10,000, is it not proper that even at this stage you might consider this matter in a cool-headed manner? Your idea no doubt is that persons who are living on the bare margin of subsistence should not be made to pay the tax. There is no sanctity in Rs. 5,000 or Rs. 10,000 or Rs. 18,000 or 3,000 or Rs. 7,000. The principle which the Government has accepted now is that people who are living on the bare margin of subsistence should be exempted from this tax, and I therefore, rise to support the amendment which has been proposed by the lady member here who says that the exemption should be Rs. 18,000 which means that any person who sells articles worth Rs. 40 a day, should be exempt. If a shopkeeper sells articles worth Rs. 40 a day, what is the gross profit that he makes. On a sale of Rs. 40 he would on an average make a profit of Rs. 4. Out of that Rs. 4 he has in the first instance to pay a rent for the premises in which he is selling his wares and that you know in towns is a very considerable item of tradesman's expenditure. Then he has to pay interest on the borrowed capital. Then he has sometimes to employ a servant to assist him, whose charges, he has to pay. Apart from all this, he spends the whole day there himself, and without taking into account the labour that he himself contributes to his business, he does not make more than Rs. 1½ a day. Do you want that a person getting Rs. 1-8-0 or Rs. 2 which includes his own labour and on which he has to maintain a family should be taxed? The amendment of the lady member is very reasonable, and I think the Honourable Premier would be justified in taking a hint from the speech made by one of the Congress members that if you accept a reasonable amendment of that type you will very

[R. B. Makand Lal Puri]

likely be taking away the very sting which has given support to this agitation which is being carried on outside.

I, therefore, most strongly and respectfully bring this amendment to the notice of the Honourable the Premier. He should know that the feeling on this point is not only confined to the Opposition, but it is, although not so forcibly expressed by them, certainly shared by members of his own party. I notice an amendment in the name of my honourable friend, a leading Unionist, Shaikh Sadiq Hassan from Amritsar who suggests that the limit should be raised to Rs. 15,000. There is no charm in either Rs. 15,000 or Rs. 20,000. I think the limit suggested by the lady member is very reasonable as it only exempts persons who live on a bare margin of subsistence. If you do not accept it, you will alienate the sympathies of a large number of persons.

Shaikh Sadiq Hassan (Amritsar City, Muslim, Urban) (Urdu): Sir, in obedience to your instructions I will be very brief in my observations. Our Honourable Premier has really furnished a striking proof of his magnanimity by raising the exemption limit from Rs. 5,000 to Rs. 10,000 according to the undertaking he had already given to the traders. This amply proves the gentleness of his heart. His one object throughout has been to conciliate and compromise instead of crushing the agitation by force. This object is really commendable. But if he accepts my amendment the whole problem will be solved to the entire satisfaction of all concerned. What I want is this. A graduated rate may be imposed with the result that if the sale is more, the rate of tax should be higher. I mean a sliding scale should be introduced. The benefit of it will be twofold. On the one hand the revenue will not be adversely affected. On the other, the poor shopkeepers and petty dealers will be saved the burden of taxation. This is an excellent way to afford relief to the small dealers as well as to collect revenue from the wealthy traders. The rate of tax will be very slight in the case of petty dealers while it will be high in the case of millionaires. It will not pinch anybody. After all the Premier is not only the leader of a party. He is also the head of the whole province of the Punjab. The burden of helping the poor lies on his shoulder and he owes this duty to both man and God, who has given him all these powers in the land. Graduated tax will be light in the case of the poor and heavy in the case of the rich. Thus it will be the best possible method of levying this tax. If he is prepared to leave those traders alone whose turnover does not exceed Rs. 15,000 or Rs. 20,000 the rate of tax may be annas 4, and annas 8 in the case of traders with a turnover of one lakh rupees. The people will be very pleased with this method. Let us not lose sight of the fact that there are thousands of poor and unemployed persons in the cities even as they are in the villages. The dwellers of towns are not all rich people. The money raised through this taxation should be spent on the poor people of the towns as well as on the villagers. The one constant cry of the poor urbanites is that the Government have done nothing so far to afford relief to them. If attention is not paid to these crying people of towns, the Government will be condemned by them even as it is being condemned by the beoparis. I would, therefore, appeal to the Honourable Premier to raise the exemption limit from ten thousand to fifteen or eighteen or twenty thousand rupees. With these few words, I commend my amendment for the acceptance of the House.

Premier (Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan), (Urdu): Sir, my honourable friend Shaikh Sadiq Hassan has suggested the imposition of a graduated rate of taxation. But may I ask him to throw some light on the implications of his suggestion? He himself is a businessman and he ought to know that if a certain tax is imposed on the big traders, they will certainly pass on that burden to the petty dealers and the consumers. Is there any guarantee that they will not pass on that tax to the poor people?

Shaikh Sadiq Hassan: If my suggestion is carried out, it will be impossible for the big traders to pass on the burden of taxation to the consumers. The rate of tax will vary with the rise and fall of the turnover of the different traders.

Premier: I am at a loss to understand the point raised by my honourable friend. But it is a question of common sense that a trader will never agree to sell his articles at a price which will be less than the cost price. That is the fundamental principle of business. No shopkeeper will sell things below cost and go on bearing recurring losses. He will add the tax paid to the cost price of an article. He may be compelled to sell an article at par. But he cannot sell it for Rs. 9 if it costs him Rs. 10. And why should he do so?

Shaikh Sadiq Hassan: In my humble opinion the incidence of taxation will fall on the rich beopari and not on the consumer. It is known to everybody that money begets money. The rate of tax will be nil up to Rs. 15,000 and from Rs. 15,000 up to one lakh it will be four annas and up to two lakhs it will be eight annas per hundred rupees. That is only an example. On account of competition the rich beopari will not be able to pass on his burden to the consumer.

Premier: This explanation does not make me a bit wiser than I was before. I have not been able to follow it.

Shaikh Sadiq Hassan: I am sorry I cannot fully explain my point. The fault is mine. I confess it.

Premier: Every man of common sense will readily concede—though the experts may differ—that the sole business of a trader is to make some profit and not to go on incurring losses. Everything that he will be required to pay besides the cost price, will be forthwith added by him to the cost price itself. We may lay down in the Act that it will be a crime to pass on this taxation to the consumer. But that will be honoured only in the breach. Traders know their business better than we imagine and better than we do. They will certainly pass on any burden that we may place on them. Let the rate of tax on a turnover exceeding one lakh be annas four and in the case of two lakhs or more, annas eight only. Supposing an article costs a trader Rs. 90 and he wants to sell it for Rs. 99. But as he will have to pay a tax of annas four on it, he will add this sum to Rs. 99 and charge Rs. 99½ for it. He will hardly be satisfied with it. He will make it a whole figure and charge Rs. 100. We have often seen that if a tax of one anna and three pies is charged, the bania charges one anna and six pies instead of one anna and three pies. In many cases even before the actual imposition of a tax, the beoparis begin to charge higher prices than usual. That is common knowledge to all of us. My honourable friend

[Premier]

Sardar Santokh Singh has also admitted these points, and I need not dilate on them any longer. (*An honourable member*: Then make as many concessions as possible. It will help the poor consumer.) I am glad this point has been raised just to facilitate my purpose. Far from embarrassing me, it will make the object of the Bill clear. Every one exhorts us to help the poor. The villagers cry for help and the dwellers of the towns also cry for help. The honourable members of this House repeatedly ask us to afford relief to the poor in the villages as well in the towns. May I ask where the money is to come from? It will not come out of the air. Somebody will have to pay if we mean to help the poor. That is why this Bill was passed. That again was the reason why we were reluctant to levy the tax at any one particular stage only. Any such imposition of tax will make the rich beoparis pass on that burden to the smallest seller and shopkeeper, who will recover the tax from the consumer.

Similarly if an exemption is made in the case of sale of cloth and if the turnover of a trader is Rs. 20,000, he will come forward and say "My sale of cloth amounts to Rs. 500 and the remaining turnover of Rs. 19,500 represents my sale of other articles. Hence I do not come under the limit of Rs. 20,000". We will have to leave him alone.

Now the exemption limit of rupees ten thousand which we have proposed in this amending measure is quite fair and reasonable. The arguments advanced by my honourable friends to enhance it to a higher figure do not hold water. It appears that they have not given their careful consideration to our proposal. If they will dispassionately consider the matter, they will realise that the present exemption limit though ostensibly put at 10,000 really comes to a much higher figure, in some cases to 15,000 and in others to 20 or even 30 thousand rupees. I will just cite an instance to elucidate my point. Suppose the total turnover of a retailer amounts to Rs. 15,000, which includes a turnover of cloth worth five thousand. It is obvious that the latter turnover will be excluded while making assessment and the dealer will be assessed only on Rs. 10,000. In other words the exemption limit in his case would come to Rs. 15,000. I am sure I have made myself clear about this moot point.

Now I have no mind to take much time of the House and I appeal to all sections of the House to pass this Bill unanimously so that this unfortunate situation which has raised its head, may end and the poor people saved from the sufferings and privations to which they have been unnecessarily put.

Mr. Speaker: The question is—

That in line 3, for the word "ten", the word "twenty" be substituted.

The motion was lost.

Begum Rashida Latif Baji: Sir, I beg to move—

That in line 3, for the word "ten" the word "eighteen" be substituted.

The motion was lost.

Shaikh Sadiq Hassan: Sir, I beg to move—

That in line 3, for the word "ten" the word "fifteen" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 3 stand part of the Bill.

The motion was carried.

Clause 4.

Mr. Speaker : The question is—

That clause 4 stand part of the Bill.

The motion was carried.

Clause 1.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Title.

Mr. Speaker : The question is—

That the title be the title of the Bill.

The motion was carried.

Finance Minister : Sir, I beg to move—

That the Punjab General Sales Tax (Amendment) Bill be passed.

The motion was carried.

(At this stage Mr. Speaker left the Chair and Mr. Deputy Speaker occupied it.)

ADJOURNMENT MOTION.

ARREST OF CERTAIN M. L. A's.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural)
(Urdu) : I beg to move—

That the Assembly do now adjourn.

Sir, the object of this adjournment motion is to discuss the unjustifiable arrest of five eminent honourable members of this august House. Their names are :—

Lala Bhim Sen Sachar, Leader of the Opposition,

Diwan Chaman Lall,

Mr. Dev Raj Sethi,

Mian Muhammad Iftikhar-ud-Din, and

Sardar Chanan Singh.

With your permission I would like to add to this list the names of Shrimati Shanno Devi and Munshi Hari Lal. The former was arrested yesterday in the evening when she went out after having attended the Assembly session. The name of the latter was inadvertently omitted from the draft of the adjournment motion. Now I have included them in the list.

Sir, quite a number of things were brought to light in the course of yesterday's debate on the adjournment motion in respect of the incident

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which occurred on the Mall, Lahore, on the 22nd February. I do not propose to waste the time of the House in recounting them. I will only concern myself with the presentation of that portion of the facts which have any bearing on the subject matter of the adjournment motion now under discussion.

Sir, I am giving it on the testimony of such prominent journalists as Mr. A. C. Bali and Mr. Virendra, from whom any misstatement or untruth cannot be expected, that when Mr. Henderson confronted the Satyagrahis on the Mall he was dead drunk. It was under the influence of liquor that he called Mian Iftikhar-ud-Din a 'swine'. (*Cries of 'shame'.*) With your permission, Sir, I would like to give vent to the feelings that are surging in the minds of us all on this side of the House, at the insult offered by a white man, a member of the so-called steel-frame service, to an honourable colleague of ours. He is not fit to be called a civilized man, who, under the influence of *alcohol* uses the word, 'swine' with respect to a prominent member of this House. He is, I should say, worse than a swine himself.

I want to impress this fact on the Government, that Mr. Henderson who is the District Magistrate in the Metropolis of the Punjab is not fit to remain a public servant. If the Honourable Premier and his colleagues have any sense of responsibility they should not let such an officer remain in the province. It is our duty to bring such disgraceful incidents to the notice of the Premier. Whether he realizes his duty or not is his own outlook. In my opinion a public servant who being in the position of a District Magistrate showers abuse on men and women under the influence of liquor badly needs a major operation of his diseased brain. He should at once be sent to the Mental Hospital. If this white official is mentally deranged to the extent of ordering a lathi charge on peaceful citizens and hurling abuse on respectable people, he should be sent to the Burma War front for giving a better account of his brutal nature. (*An honourable member: Repeat these words out of the Chamber.*) Sir, an honourable member says that I should repeat these words outside this Chamber. I would like to tell him that those who have the courage to say these words here have also the guts to repeat them outside the Chamber. They are not afraid of the prison-walls, for that is the worst you could do to them. He should not forget that our consciences have not become dead. We have the courage to express what we feel.

Sir, before I acquaint the House with the facts that have come to my knowledge in respect of these arrests I would like to say a few words with regard to the arrest and subsequent release of certain respectable pressmen. It was in order to hide the criminal nature of his mad act that the District Magistrate resorted to their arrest. Again, he ordered the arrest of some honourable members of the Assembly who were present there with a view to prevent them from giving an eyewitness account of the happenings that evening. Surely they did not break any law for which they have been confined.

Now I would like to say a few words in regard to the position of our Government in this matter. These arrests were made under Rule 129 of the Defence of India Rules. Exactly twelve hours after these arrests had been effected a question was put to the Honourable Premier which elicited the reply that he was not aware under what law they had been arrested.

With your permission, Sir, I would like to refer to a portion of the rule under which the arrests were made. It lays down that any officer or Magistrate who makes use of Rule 129 should immediately report to the Government the action taken by him and in this connection the word "forthwith" is used in the Rule. The exact words are—

- (2) Any officer who makes an arrest in pursuance of sub-rule (1) shall forthwith report the fact of such arrest to the Provincial Government, and, pending the receipt of the orders of the Provincial Government, may subject to the provisions of sub-rule (3), by order in writing, commit any person so arrested to such custody as the Provincial Government may by general or special order specify.

There can be no doubt that what the Premier said in reply was quite correct. But its necessary corollary is that the District Magistrate did not care to send a report to the Government. This in itself is enough to make his act appear illegal. The Defence of India Rules are so wide in their application that even the Honourable Ministers themselves could be arrested under them. If Mr. Henderson takes it into his head to-day that he should arrest Chaudhri Sir Chhotu Ram he can easily do so.

Malik Barkat Ali: No, he cannot.

Pandit Bhagat Ram Sharma: There is a provision in the rules, which gives him the power to apprehend a person who is "about to act in a manner prejudicial to the public safety." I was submitting that this section is so very wide that under its provisions anybody can be taken into custody. If the Honourable Premier and the Honourable Ministers have any courage let them institute legal proceedings against the arrested M. L. As. in a court of law. After all the courts are yours. Why are you afraid of them? Let this case be tried in a court of law and legal proceedings instituted against the arrested honourable members. If you do so and it is proved that they took part in the agitation then you will be at liberty to send them to jail. *(Interruptions.)* I was submitting that if really our honourable colleagues, who have been taken into custody, were guilty of committing an offence, the Government should have the courage to sue them in a court of law, record evidence and provide them an opportunity to defend themselves. It is not a matter on which they should feel upset. After all you are governing the province in the name of democracy. You have trodden underfoot the rights of the people in a hundred and one ways and you have done all sorts of things which no good Government should have done. If you have done all these things in the name of democracy, why do you fight shy of giving effect to elementary principles of democratic government? According to these principles nobody can be imprisoned unless he infringes the ordinary law of the land. But what is the reason that you have thought it fit to take action against these honourable members, who are held in great esteem throughout the length and breadth of the province, under the provisions of an extraordinary section of an extraordinary law?

Now, I want to tell you as to why these honourable members have been arrested. The Budget Session was to commence from the 23rd February, 1942. One day before the commencement of the session six honourable members of this House belonging to the Opposition Party were arrested. From this it is abundantly clear that the present Government do not want that those honourable members who differ with them and who want to criticise their work, should remain in this Assembly. The members of the

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Cabinet have become so very touchy that they are not even prepared to listen to fair and just criticism. Beyond that there can be no other reason for the arrest of the honourable members of this House. One may ask, if the Honourable Ministers cannot listen to fair and reasonable criticism, do they want to introduce Hitler Shahi in the Punjab by doing such things in the name of democracy? Sir, through you I want to apprise the House of my feelings on the point and that is that at present the policy pursued by the Punjab Government is being condemned throughout the length and breadth of the province. (*Hear, hear.*) I do not know whether or not the honourable members of the Punjab Government are aware of it. But at least we rightly feel that the principles of their Government are being condemned in every nook and corner of the province. So far as politics are concerned, the present Government have shown ignorance about them and they have absolutely failed to run the administration of the province efficiently. As a result of this we see that many respectable people of the province have been taken into custody without any fault of theirs. I challenge my honourable friends, who are so very fond of democracy and who think that they are governing the province in the name of democracy, to resign their seats on this issue of arresting the people under the Defence of India Rules and seek fresh elections. If they do so they would find that the electorate is not with them. (*Honourable Members*: We are prepared to do so.) (*Khan Bahadur Mian Mushtaq Ahmad Gurmani*: If nobody has taken you to task for your shifting tendencies I assure you no one will say anything to us.) I assure my honourable friend that I have not changed the ticket on which I sought election. Any way at present we do not know what statement will be made on behalf of Government in reply to the adjournment motion. But so far what we have come to know is that the Government will take this ground that the arrested M. L. As. have been taken into custody because they took part in the agitation and that they had been going to see the lathi charges of the police on the peaceful satyagrahis. Let me tell you that if any honourable member of the House goes to a place in the capacity of a representative of his constituency to see for himself the whole incident and to get first hand information so that he may come here and apprise the House of the real situation, that does not mean that he also took part in the agitation. No stretch of imagination can force us to come to this conclusion. If Government want to arrest people merely because they sympathise with the traders and rightly feel that Government are in the wrong and beoparies in the right, in that case they shall have to arrest many members sitting on those benches as well. I can confidently assert that anybody who possesses a bit of commonsense will at once say that the demands of the trading classes are reasonable. So far as the honourable members of this House are concerned, it is their duty to see, whenever any such procession is taken out, that Government do not use force or violence and that the officials are not guilty of taking any illegal action. I ask, do Government want that the honourable members of this House should not do their duties? If they continued to arrest the honourable members of this House in this way, they would imprison all the honourable members of the Opposition in no time. As I have already pointed out, it is the first and foremost duty of the honourable members to represent their constituencies. I ask, when any honourable

member representing any constituency feels that the situation in his constituency has become very grave and hears that lathi charges are being made, is it not his duty to go there and find out the truth? (*Premier: But you will certainly not go there.*) Sir, the Honourable Premier has pointed out that I will not go there. Let me tell him that a great responsibility rests on his shoulders. He is the Premier of the province and it was his duty to have gone there. I was in no way duty bound to go there. Anyway I have also received this information that Diwan Chaman Lall, Lala Bhim Sen Sachar and all other honourable members with the sole exception of Mian Muhammad Iftikhar-ud-Din, who was taken into custody on the spot, were arrested from their respective houses. This amply shows that it was an after-thought on the part of the authorities to have ordered the arrest of the honourable members. If they had done any offence while they were present on the spot, they could have been arrested at that very time. The only conclusion that we are forced to draw is that it was an after-thought on the part of Mr. Henderson to have ordered the arrest of the honourable members. Let me tell you Sir, that the Leader of the Opposition, Lala Bhim Sen Sachar was arrested at the time when he was studying the agenda papers in his house for the meeting of the Assembly which was to be held the next day.

Mr. Deputy Speaker : The honourable member will please wind up. He has already taken more than 20 minutes.

Pandit Bhagat Ram Sharma : Sir, I bow to your ruling and resume my seat.

Mr. Deputy Speaker : Motion moved—

That the Assembly do now adjourn.

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muhammadan, Rural), (*Urdu*) : Sir, I have risen to oppose the adjournment motion which is now under consideration. I am sorry to remark, Sir, that the advocates of non-violence have resorted to an agitation to promote which they are using filthy language. Every individual who is participating in the agitation calls bad names to the members of the Unionist Party. With my own ears I have heard the mob of agitators hurling abuses at the Ministers. I fail to understand why the agitators do not act according to the Persian proverb—

الجه بر خرد نه زندی بر دیگران زند

Use of unparliamentary language howsoever mild is regarded in this House as insulting to the members but use of filthy language against the Premier of the province is not taken objection to by the honourable members of the Opposition. Is it not disgraceful for the whole province that its Premier should be abused like that? The Congress members and other leaders of the hartal have never advised the agitators not to use obscene language against the members of the Government. A blame has been laid by the Opposition at the door of the Government that they have by creating the present situation earned a *lanat* for themselves. When they use the word *lanat* for the Government they unwittingly extend its application to all. It is below the dignity of any honourable member of this House to use the word *lanat* for any one. I request them not to use any such disgracing language

[K. S. Raja Fateh Khan.]

for any one. I also advise to them prevail upon the agitators to abstain from having recourse to the use of obscene language. Now I come to the question of the application of the General Sales Tax Act. The Government wanted to give relief to the heavily burdened agriculturists and in order to do so they had no other alternative than to realise some amount from the urban people who are comparatively far richer and who pay very little towards the public exchequer. Various statements to this effect were issued by the Government and they are there and you can see them. Is it not proper on the part of the Government to do something to help those who work day and night in order that others could live comfortably? The poor agriculturists work for the people who live in towns, they fight against the enemies of the country to defend it, they court hardships even death in order that we may live in peace. While the urbanites sleep comfortably under silk quilts or move about in cars, the zamindars fight far away from their country to defend them. The well known poet Tagore said in reference to the urban people that it would be much better if they could be changed into the Beduines of Arabia so that they could wield the sword. He expressed this wish with regard to the urban people and not with regard to the rural people for the rural people are already warlike. These words of that great poet apply to the urban agitators who forget to help the poor and down-trodden people, at whose cost they live luxuriously.

I once again protest against the use of the filthy language against our Honourable Premier and other members of his Cabinet. To abuse the Honourable Premier amounts to abusing the whole province. And it is regrettable that the Congress members have been hearing all such abuses with equanimity and have not taken objection to them. Tolerating any such abuses shows lack of self-respect. With these words I oppose the adjournment motion.

Pandit Shri Ram Sharma (Southern Towns, General, Urban), (Urdu): Sir, at present a great war is being fought in defence of freedom and democracy. Among those who have raised the banner of freedom and democracy the Britishers are the foremost. They claim that they are the defenders of freedom and democracy against the aggressive Nazis. But what do we see here? The agents of Britishers who have formed the present Government in this province are busy in burying the democratic ideas deep underground. They are engaged in digging a deep grave for democracy—a grave out of which it could never come out. When Hitler came to power, we understand, he confiscated the property of his opponents, arrested them and put them in prison and also put many of them to death. The same thing is being repeated here. The total number of Congress members in this House is 32. Out of these thirty-two, seven were arrested a few months back, seven have been arrested the other day including one lady member who was arrested only yesterday in front of this Assembly Chamber. Seven of the legislators have been put into jail, without any reason or rhyme. So almost 50 per cent of the Congress M. L. As. are behind the bars. Does this represent the spirit of democracy? Do these activities of the Punjab Government paint the beautiful picture of democracy in action? It ill-behoves this Ministry to indulge in tall talk in praise of democratic institutions. Our Ministers cannot

5 p. m.

take pride in their war effort against Hitlerism when they actually practise Hitlerism themselves. It is often said that when Hitler came to power his first achievement was to annihilate his opponents. He arrested them, and shot them or threw them behind the bars. This Unionist Government is doing the something in this province. But the difference is only this, that whereas Hitler committed these atrocities in the beginning when his power was on the increase, our Government is committing these brutalities when its end is nearing. Surely it ill-becomes a waning power to tyrannize the people just before losing all authority. After all what is the reason for these arrests of M. L. As. ? Do the Government believe that these hartals are going to help the enemy ? The purpose of the hartals is quite different. A wrong colour is being given to this agitation by the Government. Let not the Neroes of the Punjab fiddle while the world is burning. Our Honourable Ministers should not be unmindful of what is happening all around in the world. Just consider what is going to happen in the next few days. No one knows what will happen in the immediate future. The Leader of the Opposition in the Assembly has been arrested as also the President of the Punjab Provincial Congress Committee, Mian Iftikhar-ud-Din., M. L. A. These respected leaders and other arrested M.L.As. of the Punjab had gone to see for themselves how the Government machinery was working. If we bring adjournment motions we are asked as to whether we were the eye-witnesses to a certain incident. But if we go to see how the officers of the Government treat the peaceful satyagrahis, we are rudely handled by the police. Even the honourable members of this House are ill-treated by the local officials. A naked dance is being conducted by the present Ministry, which claims to be democratic in form and spirit. One has only to recall what happened on the Mall Road the other day. Peaceful citizens including the President of the Punjab Congress and the Leader of the Congress Assembly party were arrested and abused by the District Magistrate of Lahore. As a representative of the public, I deem it my duty to bring before this House the facts of the case and show how the arrests were made on the Mall Road under the orders of the District Magistrate of Lahore. Our only purpose in going there to the spot was to have first-hand information so that we may not be blamed in the House that the reports of the public were unfounded. If we see a thing with our own eyes, we can speak with authority and refute the fabricated story of the Government officers. It was with this object that we had gone there. Our aim was not to agitate or abet the agitators. Our object was to see the Government officers at work. Now we are in a position to bear witness to what happened there before our own eyes. We are not afraid of going to jail. Jail is not a terror for us. We are prepared to say outside what we say here on the floor of the house. In fact we always make speeches outside and do not conceal the truth in those speeches. Even when section 144 is enforced we do not shrink from doing our duty of speaking the truth.

I will now proceed briefly to state what happened before our eyes. Before doing so I will read out to you a document which is an affidavit executed by three representatives of the press. Their names are given in the end. This is what they state on oath. Incidentally this will serve as a certificate of good conduct to the Government. It will make the Government hang its head in shame when it is read out.

[Pt. Shri Ram Sharma.]

The following affidavit was filed by Sjt. A. C. Bali of the 'Tribune' and Sjt. Virendra, M.A., Managing Director 'Partap' Lahore :—

We hereby declare and say that Mr. Henderson, District Magistrate, Lahore, caught hold Mian Ifkhar-ud-Din, M.L.A., President, Punjab Provincial Congress Committee, by the shoulder and addressed him and the undersigned and several other respectable gentlemen who were present on the occasion of ladies' demonstration outside General Post Office yesterday (the 22nd February) afternoon in the following words :—

District Magistrate.—“Who are you?”

A voice.—“He is an M.L.A.”

District Magistrate.—“I will finish your Assembly in a day and I will smash Lahore to-night; you swine you have no business to be here.”

Mian Sahib.—“What do you want me to do?”

District Magistrate.—“You are under arrest.”

He asked the police to take hold of him.

He then caught hold of Mr. Virendra, M.A., and asked him who he was. When Mr. Virendra replied that he represented the 'Partap', the District Magistrate said: “You are also arrested.”

The next man whom he caught personally was Mr. A. C. Bali of the 'Tribune'. Mr. Bali told him that he must know that he was dealing with the Press.

District Magistrate.—“I do not care for the Press. You all must go to prison.”

Next to Mr. Bali was standing Mr. Hukam Chand of the Associated Press of India who was also told by the District Magistrate that he, too, was under arrest. While all of them were being marched off to the prison van, the District Magistrate told Mr. Hukam Chand not to publish a single line without his permission. Then a minute after we saw the Police let loose on the peaceful crowd which was chased in all directions before we were put in a lorry and taken away to the Fort. We saw the lathi charge on the crowd and some of the ladies who were screaming and running away out of fright. We also saw two young men writhing with pain on the ground.

So long as we were there, about 10 minutes after the first lathi charge the behaviour of the crowd was absolutely peaceful and no provocation whatsoever was given to the police. The crowd was about three thousand and consisted of women as well as men.

In our presence before resorting to the lathi charge no order declaring the crowd to be unlawful assembly was pronounced either by the District Magistrate or by any other official. The Police-men present were between two to three hundred.

These are the actual facts of the case. They are the true incidents; good or bad, it is not for me to pass any judgment. Let any man look at them and form his own opinion. The pity is that Mr. Henderson has been able to do all this here in Lahore under the very nose of the Ministry. What atrocities may not be committed in distant corners of the Punjab! I leave it to the judgment of the honourable members. Far be it from me to exaggerate the facts. The scene of these brutalities was not far from this grand and beautiful building where now the Premier will proceed to justify the actions of Mr. Henderson. I had gone to see for myself what was happening. Even after the assurance of the Honourable Premier yesterday that the police of the Government was to use the minimum force for dispersing unlawful crowds I can show photographs of the police at work yesterday in the Dhani Ram street near Anarkali. Here are some of them. (*At this stage the photographs were laid on the table.*)¹ They show how half a dozen constables are dragging and beating a satyagrahi. Not only this. I have another unquestionable proof. Here are some of the blood-stained clothes of the satyagrahis whom the police had mercilessly beaten and wounded on the 22nd February on the Mall. (*Clothes besmeared with blood were unfolded one by one by the honourable member.*) I am at this stage reminded of an Urdu couplet which says—

دربے میں بارو رز مہر چہرے کا کشن کا خون کیون
جو چپ رہے گی زبان خنجر لہو دگرے کا آستین کا

¹Kept in the Assembly Library.

This bundle of clothes besmeared with blood speaks volumes about the chivalry of your officers who mercilessly lathi charged the peaceful procession consisting of women and children. I am constrained to remark that these blood-stained clothes are a standing blot on the fair name of this so-called popular Government. They indicate the shameful deeds of a person of whom my honourable friends over there seems to be very proud. Then, Sir, calling "swine" a person, no less than Mian Iftikhar-ud-Din, reflects on the culture and character of Mr. Henderson.

Mr. Deputy Speaker : The honourable member's time is up.

Pandit Shri Ram Sharma : I won't take long. I would finish in two minutes. Well, Sir, it is deplorable to find that when public men like the Leader of the Opposition and others went to see how the authorities dealt with the peaceful demonstrators, they were arrested by the District Magistrate. He did not stop at that. Two representatives of the Press were also taken into custody in a very rude manner. As a result of this shabby treatment meted out to the press representatives, the Punjab Advisory Committee of the Press passed a resolution condemning the action of Mr. Henderson in the strongest terms. I feel the Government, too, cannot escape this condemnation. It is they who are responsible for this sorry state of affairs. We demand a full and fair explanation from them as to why these seven M.L.As. have been arrested.

Then, Sir, very specious arguments have been advanced by the ministerial benches. They say that this tax has been imposed to make a provision for those brave sons of the Punjab who are fighting our battles in different theatres of war. I say, the traders who have nothing to do with the Congress, do not deny this. They say if the Government stand in need of money for those stalwarts, they are prepared to contribute four times the amount they want to assess by this tax. But what is the treatment meted out to them? They are kicked, dragged, beaten black and blue with lathis by brave and chivalrous persons like Mr. Henderson. I am of the opinion that if the gallant District Magistrate is fond of making a show of his shameful deeds of bravery, the Government would be well advised to despatch him to some war front. I think, his proper place was at Singapore and now at Rangoon front. The Government should lose no time to commission him to some theatre of war in order to enable him to display his chivalry.

Then it is said that the injured persons were properly looked after by the authorities. It is absolutely incorrect. The police acted in such high-handedness that they snatched away injured persons from the volunteers who were looking after them. I am constrained to see my honourable friends over there exulting at the action of Mr. Henderson. I warn these block editions of Henderson that if they encourage him to this extent, they will rue the day when the same treatment, and even worse treatment, is meted out to them by Government servants of this type.

Begum Rashida Latif Baji (Inner Lahore, Muslim Women, Urban), (Urdu) : Sir, being a resident of the Lahore City, I vouch for the truth of the facts that have been stated on the floor of the House. Although I was invited to participate in the procession, yet I could not do so owing to my being

[**Begum Rashida Latif Baji.**]

pre-occupied in the search for flour for my poorer sisters. As you are perfectly aware, Sir, Lala Bhim Sen Sachar is the Leader of the Opposition, Mian Iftikhar-ud-Din is the President of the Punjab Provincial Congress Committee; Diwan Chaman Lall is the Deputy Leader of the Opposition and the other gentlemen are the honourable members of this august House. Now what we have to consider is whether the ill-treatment meted out to these gentlemen at the hands of the authorities was justified. I am of the opinion that while talking to such eminent persons, they should not bid good-bye to courtesy and urbanity. Then let us take the case of Mian Iftikhar-ud-Din. Can any Honourable Minister say that Mian Sahib can ever be guilty of an uncivil act or rowdism? And yet an officer of the Government abused him. This was clearly unbecoming on the part of that officer to indulge in vituperations against him. Then, is it expected of Diwan Chaman Lall, the very embodiment of urbanity, that he should use harsh words against anybody? Hence I consider that by maltreating these gentlemen publicly, the police have committed a shameful and most uncivilised act. But it is all the more objectionable that the Government should place them behind the bars without getting them tried in a court of law. I submit that these gentlemen did not go there to create any agitation or disaffection among the people. They merely went to the spot to see how the police authorities dealt with the unarmed and peaceful processionists and what treatment they accorded them. But what came to pass was this. These gentlemen were put under arrest and sent to jail. I can say with the fullest confidence that it is not a crime to go to the scene of occurrence. You will observe, Sir, that during the war the representatives of the Reuter go to the front line and see things in their true perspective with a view to report the same and yet they are not arrested. But what did happen here? When Messrs. Bali and Virender went to the scene in the capacity of the representatives of the Press, they were taken into custody and maltreated. Although they were let off afterwards, yet the fact remains that they did receive shabby treatment at the hands of the authorities.

Then my brother Raja Fateh Khan remarked during the course of his speech that their leaders ignored the persons who abused them. They rather heard these vituperations with patience.

Khan Sahib Raja Fateh Khan : Although the Honourable Premier takes no notice of these abuses, yet the whole province feels them.

Begum Rashida Latif Baji : It is a law of nature that whosoever is guilty of an offence or commits a sin, must receive condign punishment. But where is it laid down that without any cause or provocation, the officers of the Government should vilify eminent persons like Lala Bhim Sen Sachar, Diwan Chaman Lall, Mian Iftikhar-ud-Din, etc., ill-treat them, throw them into the prison and to crown all do not have them tried in a court of law? Everybody here is aware of the fact that Lala Bhim Sen Sachar is held in great esteem by one and all in this House as well as outside it. Only the day before yesterday, the Honourable Premier said that he felt very sorry at the incarceration of such a sober and temperate person as Lala Bhim Sen Sachar. Besides, the most exceptionable thing is that these gentlemen have been arrested on the eve of the budget session. You are well aware, Sir, that in any Legislative Assembly, where the Opposition is conspicuous by its absence

the deliberations and the discussions that take place, are bound to be insipid and devoid of interest. This would naturally serve no useful purpose. The business of the Opposition is to offer constructive criticism of the shortcomings of the Government with a view to removing them, and make such proposals, which if accepted, would result in the amelioration of the condition of the public. I may point out that the people are greatly agitated against the Government for imprisoning these gentlemen without any reason. I am sure if the Honourable Premier is really sorry at the incarceration of these public men, then it is incumbent upon him to make amends by having them tried in a court of law so that we may come to know of the fault for which they have been made to suffer this indignity. I feel that to indulge in tall talks and refrain from translating one's word into practice, is not a good policy. The word of an honourable person carries weight only if it is carried into effect, otherwise it proves a mere waste of breath. The honour of this House lies in the fact that the honourable members of this House should be respected. If some honourable members want to see a crowd, they should not be thrown into the prison for merely seeing it. In other words it means that mere presence of a person at the scene should not be considered sufficient to declare him guilty of infraction of law. Apart from this the government officials, howsoever high salaries they may draw, no longer command any respect as compared with these distinguished gentlemen, because after all they are merely the paid servants of the Crown. But it is a matter of great regret that if anybody visits a crowd to see things personally and feels a little sympathetic towards it, he is apprehended without any reason. This action of the officers is untenable and undoubtedly unjustified.

Sir, I fail to understand what harm the presence of these honourable members at that place could do to anybody. If it was the intention of the District Magistrate to ask these gentlemen to make themselves scarce it could have been done in a more gentlemanly way. But it is hardly gentlemanly to call bad names and to order a lathi charge on a non-violent assemblage of people especially when the attack was so brutal that even women and children were not spared. When I visited the hospital I saw a child—who is the son of a Sindhi shopkeeper—who had received a nasty cut on the head while he was returning from his evening walk in the company of his uncle. His father was here to-day and requested me to arrange for an interview with the Honourable Premier so that he may be able to show his injured son to him. But while assuring him of our fullest sympathy I dissuaded him from his purpose on the plea that it was not an opportune moment for doing so. Whenever a question in regard to the lathi charge is put to the Government they merely express their regret but take no action in the matter. The result is that the highhandedness of the police goes on unchecked. Yesterday there were only 46 injured persons in the Moolchand Charitable Hospital but the number has now increased to 53 in spite of the fact that quite a number of them have gone to their homes after receiving medical attention. There I also saw one Teja Singh who had been badly mauled by the police. He told me with tears in his eyes that apart from receiving lathi blows he was dragged by his hair and filthy abuses were showered on him. Nowhere in the civilized world are unarmed peaceful citizens treated like gangsters and murderers as is being done in our

[Begum Rashida Latif Baji.]

province. Whereas the Government has miserably failed in tracing dacoits and murderers, and the number of such cases is by no means small, they have shown an unenviable zeal in lathi charging peaceful citizens and spilling the blood of women and children. The police is intended for the suppression of bad characters. (*Interruption*). My honourable brother is a gentleman. God forbid that they should lay hands on him. They are there to keep law and order in the province by hounding down the dacoits and murderers.

Again Sir, when I heard that the ladies were going to take out a procession I approached the authorities with the request that the police may not be sent that day. They very kindly acquiesced at that time but God knows what happened afterwards which caused them to change their mind. I would take this opportunity of requesting the Honourable Ministers that if they want to rule creditably they would be well advised to win the love and regard of the people rather than to rule by brute force. If they are bubbling over with energy and force it would do them good to utilize it in fighting Hitler and Mussolini. For God's sake do not make your own countrymen the victims of your unbounded repression. Those of my honourable brothers who went to witness the lathi charge have been put behind the bars. I can assure the Government that they are innocent and they should at once be set at liberty. This is the budget session and their presence in the House will be of immense good to the Province inasmuch as they would offer constructive criticism and advice. Democracy after all means that there should be a party in power and a party in Opposition so that all business transacted by the House and every Act passed should be discussed threadbare before it is enforced. I, for instance, do all in my power and to the best of my ability to offer sound advice to the Government. Similarly the Opposition tenders constructive criticism and thus prevents the Government from taking a wrong step.

I have also to address a word of complaint to the Congress party who have been absent from this House for reasons best known to themselves. I beg to submit that it is a wrong policy and they ought not have absented themselves because it is their duty to warn the Government against following a wrong course.

Sir, I have every sympathy for those who were arrested without any rhyme or reason and with these few words I give expression to that feeling of sympathy for them. (*Cheers*.)

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): Mr. Deputy Speaker, it is a very serious issue which faces the House to-day and I assure honourable members that it is from no narrow or paltry standpoint of party advantage, party interest or party tactics that I have risen to take part in this debate. Every member of this House, I feel, whether he sits on the treasury benches or on the ministerial party benches, whether he sits on the Opposition benches or whether he sits on these Independent benches, has a grave responsibility in the matter and it is the consciousness of that responsibility that has compelled me to speak.

Mr. Deputy Speaker, I should have really liked very much to hear the Government version of the case, but I am sorry to point out that in an

important matter like this, the Government spokesmen do not take the earliest opportunity of placing their version of the case before the House so that the House may be in a position to decide how matters stand. The House has heard the case in support of the adjournment motion from the honourable mover of the motion. I should have really expected that immediately after the mover of the motion had spoken, some responsible Minister of the Crown would get up and state the version that has been supplied to them by their officials. Nothing of the kind has been done. The honourable member who spoke to support the Government case pointed out to the House that the whole of the province was abusing no less a person than the Premier and that the gravamen of the offence of these Congress members is that they heard those abuses and did not protest. Should I then understand that the Government case is that these 5 or 6 honourable members have been arrested because they heard people abusing the Premier and kept quiet? My honourable friend who advanced this argument stated in the course of his speech that he himself heard with his own ears the volley of abuses against the person of the Premier. Then I ask, why was he not arrested? If anybody takes it into his head to abuse the Premier, then does it follow that because the Premier has been abused by the masses or by the hartalists, therefore the Leader of the Opposition, Lala Bhim Sen Sachar, Diwan Chaman Lall and these gentlemen should be arrested? I am sure that this is not the Government case. It has been stated by the honourable mover that these arrests have taken place under rule 129 of the Defence of India Rules. Rule 129 of the Defence of India Rules lays down—

Any police officer not below the rank of head constable, or any other officer of Government empowered in this behalf by general or special order of the Central Government, may arrest without warrant any person whom he reasonably suspects of having acted, of acting, or of being about to act,—

(a) with intent to assist any State at war with His Majesty, or in a manner prejudicial to the public safety or to the prosecution of war.

Now I want to know what is the Government case. Is it the Government case that these honourable members have been arrested because the District Magistrate of Lahore reasonably suspected that they had acted, were acting, or were about to act with intent to assist any State at war with His Majesty or in a manner prejudicial to the public safety or to the efficient prosecution of war? And if that is the case, I put it to the honourable Premier, when this report was made to him, did he realise or did he not realise that this could never have been the case? Would he believe for a moment that men like Lala Bhim Sen Sachar or Diwan Chaman Lall or Mian Iftikhar-ud-Din or those two other honourable members who have been arrested, have been arrested by the District Magistrate because they really acted or were acting or were about to act in a manner prejudicial to the public safety or to the efficient prosecution of war or with intent to assist any State at war with His Majesty? Clearly, that cannot be the case. It would be insulting the intelligence of this House to suggest that these honourable members had acted or were acting or were about to act with intent to assist any State at war with His Majesty. Is it the Government case that though it is not a charge against them that they had deliberately acted with intent to assist any State at war with His Majesty, they had acted or were acting or were about to act in a manner prejudicial to the public safety

[M. Barkat Ali.]

or to the efficient prosecution of war? What is that concrete act of theirs—I put it to the honourable Premier in all seriousness, we want to know that particular concrete act—which is the basis of this order? Is that concrete act of theirs the mere suggestion that these honourable members sitting on this side of the House have put forward to the Honourable Premier and others sitting on the Treasury benches to seek a solution of this terrible hartal which has been going on? If that is the case and they have honestly believed as many of us believe that the cause of the hartalists is just and right and that their protests are perfectly reasonable and perfectly constitutional,—is that any offence? I trust the Honourable Premier, with that grave responsibility that rests on him largely, will bring cool reflection to bear upon the situation. It is no good telling us that if anybody breaks the law, it is the first and elementary duty of the Government to see that the law is enforced. My honourable friend, Mir Maqbool Mahmood quoted the other day Mr. Rajagopalchariar, forgetting that his remarks were meant for a different situation. But I am at one with him and I will make a present to him of a statement made by a much bigger person than Mr. Rajagopalchariar. I should like to remind the Honourable Premier of the situation that arose in 1912-13 in England when the Liberal Government of that day announced that they would grant complete Home Rule to Ireland even to the extent of subjecting Ulster to the control of the Parliament at Dublin. Ulster protested as much as it could, but to little purpose, with the result that the Ulsterites under the leadership of a man like Sir Edward Carson who rose later on to the position of an Attorney-General in the cabinet of the day, decided to offer armed resistance to the forces of the Crown. (*Hear, hear.*) The streets of Belfast were humming with marchings and with drillings and with military displays. How did the Premier of that day, how did Mr. Asquith act in that situation with the bazaars of Ireland full of the cry, “Ulster will fight and Ulster will be right”? Well, I will tell you how Mr. Asquith acted. He at first made a great speech at Ladybank and I make a present of his speech to the Honourable the Premier. This is what he said—

We are not and shall not be intimidated by the threat of force. I have more than once expressed the hope and the belief that the new system of Government in Ireland would be brought into operation without any recourse, or any need for recourse to the armed forces of the Crown, but if a statute deliberately enacted by Parliament were to be met by organised and armed resistance it would clearly be not only the right but the duty of the executive to assert the authority of the law by every appropriate and adequate measure.

What was the reply of Mr. Bonar Law to this statement of Mr. Asquith? I will read out his speech so that the House may be in a position to understand how the parties were pitted against each other and how they dealt with each other. Mr. Bonar Law said in the course of his speech—

If Ulster is to be coerced, surely it is not the Government, it is the people of this country who should have to decide whether she has to be dragooned or not. (*Hear, hear.*)

Premier : What about your Pakistan?

Malik Barkat Ali : I stand by Pakistan. (*Hear, hear.*) But where do you stand?

Premier : I do not stand by Pakistan.

Malik Barkat Ali: Mr. Bonar Law proceeded :—

Now Mr. Asquith said at Ladybank that he was not to be deflected from his course by threats of resistance. I have shown to you that I at least realise how serious the position is, and I have no wish, and I shall be careful not, if I can help it, to make it more serious. But if Mr. Asquith thinks it useful at a time like this to use that language—

and we are living in far more critical times to-day than England was in 1912-13—

Then I must give him my answer. He is perfectly right. It is the duty of the Government to assert the authority of the law, and to put down disorder on one condition—that what the Government do, or propose to do, is just, and, what is more important, that in doing it they are not exceeding the power which was entrusted to them by the voters. Their view is a new view for the Liberal party—that the executive Government because it is the executive Government, can do no wrong and has a right to demand, whatever it does, passive obedience of the citizens of this country. They are wrong. In a free country the executive Government is limited in its right, just as the citizens of this country are limited in their rights. If that view be right, then no tyranny which ever existed in the world would ever have been overthrown. Lord North was the head of the executive Government and determined to carry out the law, and he lost the American colony and the ground on which the American colony rebelled was childish in comparison with the injury which is threatened to Ulster. It was a question of taxation, and it was not a practical question, it was a question of principle for the amount was almost nothing. Lord North never proposed not only to drive out men who had the same rights as you and I have, but having driven them out, to hand them over bound and captive, to the hands of those whom they regard as their enemies. King James II also was the head of an executive Government and he had the letter of the law behind him.

Mark these words, "letter of the law."

He made sure of that. He arranged to have Judges, who would give decisions in support of what he intended to do, but he was acting legally, and in support of his action he collected the largest paid Army which had ever existed in England. But his own Army would not fight for him and he lost his Throne. We hear a great deal about the contempt of the law, of bringing the law into contempt on account of what is happening in Ulster. It is perfectly true, and at a time like this, when the respect for the law is being undermined from other causes it is a terrible truth. But it is not enough to say that that is the result of what is happening in Ulster. The question is, on whom does the responsibility rest? Does it rest upon men to whom no other means have been left of asserting their rights or does it rest upon the Government, which, by exceeding its powers, has ceased itself to be the constitutional Government of this country? (Cheers.)

What did Mr. Asquith do in this situation? I trust that the Honourable Premier will follow in the footsteps of this great statesman. What did Mr. Asquith do? I have read out to this House his pompous declarations. But what did he do? He never allowed his executive to lay their hands on Sir Edward Carson who was the head of that organisation of armed resistance to the forces of the Crown. He never allowed his executive to lay their hands on those thousands and thousands of followers of Sir Edward Carson. He thought that the highest statesmanship demanded a different treatment and what was the result? There were no arrests and the Ulster question was settled to the satisfaction of all concerned, in the spirit of that British statesmanship of which it has been said that whenever there has been a question of solving any political problem anywhere, British statesmanship has never failed in any part of the world. I appeal to the Honourable Premier to do the right thing. The House and the Honourable Premier are probably aware that there is very little love lost between him and me and

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yet I have never made any secret of my views that he is really the one bright star in the midst of that impenetrable gloom which is shrouding the treasury benches. (*Hear, hear and applause.*) I appeal to him to rise to the height of the occasion and not let all those great hopes with which he started and that great work which he may have accomplished, to be blasted and torn to pieces by the obduracy, the stupidity and the blindness of some of his colleagues.

Premier (The Honourable Lt.-Col. Sir Sikander Hyat Khan (Urdu): Sir, of all the adjournment motions which have been moved in this House from time to time after the introduction of provincial autonomy, none has pained me more than the present one. I have felt very little trouble in speaking on any of the adjournment motions which were moved previously, but I do certainly feel embarrassed while speaking on the adjournment motion which is now before the House. The reasons for which this adjournment motion has been moved have greatly shocked me. Its subject matter is not only important but is also very delicate, for it concerns people among whom are included some of my personal friends. Although on account of political differences they thought it right to occupy those benches instead of these, yet they are as dear to me as brothers. It is most unfortunate that my honourable friends selected to move this adjournment motion an honourable member of the Opposition who lacks in manners, decorum and decency—a person who does not know how to address decent people in a decent way. Simply in order to play to the gallery, the honourable member resorted to the use of indecent language. The language he used while introducing this adjournment motion was so obscene that in his calmer moments when he reads the report of his speech he will himself feel shame over it and repent his Billingsgate language. (; ;). His language was so abusive that I am sure the reporters must have felt it too, and it is possible that they may deem it proper to omit the loathsome portions of his speech. (*Interruptions.*) I do not want to be personal.

Lala Deshbandhu Gupta: I would point out that the use of the words "Bazari language" by the Honourable Premier is more objectionable than the remarks made by the honourable member to which he took objection. He should be more sorry for the remarks made by a responsible officer of his Government in the presence of thousands and thousands of persons.

Premier: May I proceed if my honourable friend has finished? The honourable member has protested against the use of the word "بازاری" by me. I used it only in reference to the objectionable language used by the honourable mover of the adjournment motion.

Pandit Bhagat Ram Sharma: I did not say that. You can refer to the report. This is a wrong statement.

Premier: I am not addressing these words to you. I am only addressing those who are decent and understanding. If my honourable friend, Lala Deshbandhu Gupta had been here when the honourable member was addressing the House I am sure he would have objected to the use of the language employed by the honourable mover of this motion and would have warned him and stopped him from indulging in any such language. The

district magistrate ordered the *Lathi Charge* and for it I am being blamed. What a pity that for no fault of mine not only I have been called *Lanati* but the whole House has been dubbed as *Lanati* (accused).

Pandit Bhagat Ram Sharma : I say that I never uttered that word. It is a wrong statement.

Premier : Sir, when the honourable member uttered that regrettable phrase I noted it down. He said that not only he but the whole public is unanimous in calling me a *Lanati*. Perhaps the honourable member does not understand the meaning and implications of the word "*Lanati*."

Pandit Bhagat Ram Sharma : I did not use that word.

Premier : I am glad to find that the honourable member now feels regret for having used such language (*Interruption*). Very well. If you think that we are accursed then those people of the province whose servant I am (and I may also say that I regard myself as your servant also, although you may not think so) will call you 'accursed' and not me. (*Interruption*). Perhaps my honourable friend does not understand the meaning of the word "*Lanati*". Please acquaint him with the meaning of the word "*Lanati*". It appears my honourable friend has not a sound knowledge of the Urdu language and, therefore, he does not exactly understand the meaning of various Urdu words. If my honourable friend Lala Deshbandhu Gupta had been here when the honourable member was making his speech he would certainly have stopped him from indulging in foul language. When the honourable member was making his speech I was intently looking at your faces and the expression on them showed that the language he was employing was disgusting to you all. And it appeared that out of fear lest you might obstruct or break the flow of his eloquence you did not want to interrupt him to tell him to use decent language.

The next gentleman who spoke on the adjournment motion was Pandit Shri Ram Sharma. If he laid any facts relating to this matter before the House, I am sure mention of them must be made in these notes of speeches which have been given to me by my honourable friend here. As my previous experience of his speeches told me that he too was in the habit of importing heat into the discussions I left the Chamber for I feared I might be provoked into saying something in reply which might defeat the very purpose of this adjournment motion. After all I am just a human being like you all and not an angel.

Coming to the adjournment motion under discussion, I may submit, sir, that not only these honourable members are entitled to call upon me to explain the facts relating to this matter, but also the honourable members sitting on this side of the House have a right to ask me to explain the circumstances leading to this regrettable incident. My idea was to give the cold facts first and express my personal opinion about them afterwards. But the honourable members of the Opposition want me to put the cart before the horse by giving my judgment before detailing the actual facts of the case. That is what they want me to do. I wonder why they wish to avoid the narration of the real events as they occurred. I hope they will not try to side-track the real issue and lead me to controversies which are not quite germane to the point under discussion. I would like them to realise their grave responsibilities with regard to this

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important adjournment motion. I for one will not take this adjournment motion in any light-hearted manner and I hope the honourable members of the Congress would also show the necessary courage and patience to listen to the account of events in a dispassionate manner. The time of expression of views will come after the facts are grasped by both the parties. But in the absence of real knowledge or first hand information, it will be impossible to carry on this debate. After all an adjournment motion is not a child's play in which responsible members of this august House can afford to indulge. It is a very important matter. The honourable members should rarely make use of this privilege. But I am sorry to say that the number of notices of adjournment motions has already reached the awkward figure of 100. In any case they are not less than 70 or 60. Surely this heavy number of adjournment motions shows that the honourable members who gave so many notices were not serious. If such a large number of adjournment motions continue coming before the House for discussion, they will lose all importance. Nobody would ever care about them. It would become a matter of routine shorn of any real interest. I would, therefore, warn my honourable friends opposite to be careful in giving notices of adjournment motions in the future. They should rarely use this privilege. In the past when they were made aware of this extravagance on their part, they managed to control their fancies with the result that the number of adjournment motions decreased. Now again, they stand in need of curtailing the number of these motions. I can quite realise their difficulties, they are sometimes obliged to justify their coming to this House. At that time they have of course to make a free use of this privilege and table a large number of adjournment motions. But now that they have been allowed to attend meetings of this House without any restriction, they need not indulge in these tactics. (Lala Deshbandhu Gupta : Question ?) I can very well realise the anxiety of the honourable member. I was simply stating facts as they were. Now of course the situation is quite different. Just consider it as a parenthetical clause. I hope the honourable members sitting on the opposite benches will calmly and dispassionately consider the facts and not try to interrupt me so often. After all, why should they try to avoid the discussion of facts and indulge solely in the expression of opinions ? They want me to state every thing at once. They insisted the other day that I should at once admit this adjournment motion. But my difficulty was that I was not in full possession of the facts. Quite contradictory reports were current. It was essential to sift truth from untruth. Moreover, the official version was quite at variance with what others said. I thought it fit to tap all the sources of information, official as well as non-official. The difference between the various accounts was so great and so striking that I was not satisfied with the meagre information that was available to me at that time. I wanted to wait for full accounts from the officers concerned. If there had been an undisputed version of facts in my possession I would not have hesitated to admit the adjournment motion at once for discussion. One of the greatest puzzles for me was, why and how Mian Iftikhar-ud-Din had gone in the midst of an unlawful assembly of agitators. I knew for certain that he had no sympathy with this agitation at all. I was quite sure about it. Besides, even the Congress was not concerned with this agitation in its official capacity. Hence my difficulty was very great to explain how all

the Congress members joined this unlawful agitation, with which they were not officially concerned. Particularly Mian Iftikhar-ud-Din had absolutely no sympathy with this unreasonable agitation. Why and how did he also join the lawbreakers? That was the question to which I could find no answer at that time.

The fact of the matter is that the district magistrate did not recognise Mian Iftikhar-ud-Din.

Lala Deshbandhu Gupta : Did he not recognise him?

Premier : No, he did not.

Lala Deshbandhu Gupta : It is rather strange that Mr. Henderson forgot Mian Iftikhar-ud-Din so soon. If I mistake not it was by his court that a big fine of Rs. 6,000 was imposed upon Mian Sahib. He could not recognise him as he was heavily drunk at that time.

Premier : By making this remark, my honourable friend has broken no new ground. He is repeating the same baseless insinuation against the district magistrate, which has appeared in the press. I fail to see why he should put this question to me. Everybody knows that it was given out in the newspapers that Mr. Henderson arrested Mian Iftikhar-ud-Din. Now suppose he did know Mian Sahib. Even the knowledge of this fact makes no difference. Mian Sahib was arrested because he refused to make himself scarce from an assembly which had been declared unlawful under the orders of the district magistrate. When Mr. Henderson asked him to disperse, the Mian chose to defy the order. It is obvious that no officer of the Government could tolerate the flouting of law under any circumstances. Hence the district magistrate was compelled to put Mian Iftikhar-ud-Din under arrest. I am really surprised to see my honourable friends opposite asking me time and again why Mian Sahib was taken into custody along with ladies. The answer is quite plain. It is because he was found to be a member of an unlawful assembly. I may assure the House that the authorities had not the slightest intention to harass him or to put him to any indignity. My honourable friends over there are shaking their heads. Do they accept it or not that Mian Sahib was present in that unlawful crowd? If he was, then he must take the consequences.

Then, Sir, I was on my own account anxious to know how and at whose instance the Mian was present at the scene. I am fully aware that he is not a rowdy sort of person. He is a very sensible man. But why did he join that crowd, especially when he was the President of the Provincial Congress Committee? It is a matter of common knowledge that the head of the Congress organisation declared in unambiguous terms that it had nothing to do with this agitation and that no congressman would be permitted to participate in the activities of the Beopar Mandal. In view of this declaration it could never occur to me that the Mian would ever go there in the capacity of an agitator. I think if my honourable friend Sardar Kapoor Singh were here, he would be in a position to explain the presence of Mian Sahib at that unlawful assembly.

Pandit Shri Ram Sharma : If you just permit me, Sir, I would throw some light on this matter. The Honourable Premier has cried himself hoarse that while pressing for an adjournment motion only eyewitness accounts should be given. Mian Sahib had gone there to see things in their true perspective.

Lala Deshbandhu Gupta : Mian Sahib was there to watch from close quarters the behaviour of the officials towards the peaceful sattyagrahis.

Premier : Have my honourable friends assumed the role of Khudai faujdars. ? They have absolutely no right to sit in judgment on the actions of the Government and its officials. Why should they try to take the law in their own hands ? I may tell them that we realise our responsibility more than my honourable friends can imagine. If they had seen things at the spot, it was their bounden duty to telephone me to take necessary action or precautions in order to avoid the occurrence of any untoward incident. As regards the adjournment motion, I do maintain that facts and eyewitness accounts are a pre-requisite for moving it.

Sardar Kapoor Singh : If you just allow me, Sir, I may assure the Honourable Premier that I and Lala Bhim Sen rang him up at his residence, but we could not get him there.

Premier : I ask when, where and at what time the crowd assembled there and who directed it to that place ? When was *lathi* charge made ? I should like to have straight answers to these queries.

Sardar Kapoor Singh : I again assure the Honourable Premier that I and the Leader of the Opposition tried to get him at the telephone with a view to inform him of the whole situation. But unfortunately he was out.

Premier : How could you expect to find me at home ? Persons of your ilk do not allow me to have a moment's respite at home. (*Laughter.*) The fact is that I was closetted with Raja Sahib at his residence. At 3-30 p.m. I took leave of him in order to attend to some other urgent and important matter. At about 6-30 or 6-45 p.m. when I was returning I came to know of this unfortunate happening. The Deputy Commissioner personally came to me and related the whole affair. Now these things could come to my knowledge only if somebody conveyed them to me. I could not have a revelation about them. My honourable friend Sardar Kapoor Singh says that he tried to inform me of the situation on the telephone. I bluntly ask, him, where did this crowd start from and when ? Now my honourable friend looks blank. I have already stated that various batches of genuine satyagrahis numbering about 43, were arrested at different places in the city. But whence did this particular crowd, which has been alleged to be in the neighbourhood of 15 thousand strong (but according to my honourable friend Mr. Gupta, two or three thousand) start ? Under whose direction did this crowd come, particularly when the Beopar Mandal had definitely conveyed it to me that it had no hand in engineering this demonstration ?

Lala Deshbandhu Gupta : Is that any justification for the arrest of those persons ?

Premier : For God's sake let me proceed.

Lala Deshbandhu Gupta : You are putting a direct question.

Premier : I am not putting any direct question.

Lala Deshbandhu Gupta : You did say that the Beopar Mandal made a certain statement and you want a reply from us.

Premier : Are you a member of the Beopar Mandal ?

Lala Deshbandhu Gupta : I am not, but you are addressing us.

Premier : I am not addressing you. I say my information is that the Beopar Mandal was not responsible for that demonstration. It may be wrong or right.

Now what surprises me most is how, when my honourable friends were attending a meeting, this news reached them in advance that a procession of this kind had gone out and such happenings would take place. It is clear that some one who had a hand in this matter must have informed them. My honourable friend over there remarks that they always receive information beforehand. Very good. Then what did they do ? They persuaded Mian Sahib since he was the President of the Congress, to rush to the scene to defy the law. But it affords me great pleasure to say that saner counsels prevailed with Sardar Kapoor Singh and he did not come down from Mr. Sachar's office to join that unlawful assembly, otherwise he, too, would have been absent from this House. (*laughter.*) But so far as Mian Sahib is concerned, my idea was that it being Sunday, he must be busy enjoying the holiday, basking somewhere in the sun and taking rest. It is I, poor soul, for whom there is no holiday to enjoy. Sunday or no Sunday, holiday or no holiday I must work. So I thought why Mian Sahib should bother about going to see a crowd with which he had no sympathy at all. He never offered himself to go with the 10 *jathas* who were arrested earlier. What I fail to understand is how these honourable members happened to be on the spot at that particular time. My honourable sister Shrimati Shanno Devi, who was not there when the arrests were made, had been working with the satyagrahis for the last ten days. But I know definitely that Mian Ittikhar-ud-Din had no sympathy for the satyagrahis. My only wonder is how the Mian Sahib happened to be there. Otherwise the circumstances under which he was arrested are very simple. He arrived at the scene at a moment when the mob had been declared an unlawful assembly. He was rightly or wrongly asked by the Deputy Commissioner to make himself scarce. As he did not comply with the order he was arrested. The district magistrate was well within his rights to arrest any one who did not disperse after the order to do so had been given. How can I censure this action of the district magistrate ? (*Interruptions.*) Please have patience and hear what I have to say.

Lala Deshbandhu Gupta : Yes, go on justifying the Deputy Commissioner's actions.

Premier : This is an uncalled for insinuation. There is nothing to justify. The position of the district magistrate is clear. When the mob was declared an unlawful assembly, those who did not disperse were taken into custody. Besides the honourable members of this House there were certain pressmen amongst the crowd. Now my honourable friends might ask, 'Did not the Deputy Commissioner know them ?' It is probable that he did not. I am told Mr. Hukam Chand of the Associated Press and Mr. Bali of the Tribune were also among the crowd. Unfortunately they were arrested but later on when it was discovered that they were members of the Press they were let off. I would advise my friend Mr. Bali that he should henceforth get a permit from me before he ventures into such gatherings. The district magistrate has expressed his regret before me over this affair and I wish to convey it to my friends of the Press. Along with others Munshi Hari Lal, M. L. A., was also arrested. While the arrests

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were being made, my honourable sister Shrimati Shanno Devi had probably some more urgent call to attend to and she left the spot. The ladies forming part of the procession were also asked to disperse, which they did, barring some ten or fifteen of them. These ladies were again asked to disperse and following their refusal they were arrested and very politely escorted to the jail-van. All this does not constitute an unfortunate incident. (Interruption). What does my honourable friend say?

Lala Deshbandhu Gupta : I want to submit that the mover of the motion wants to exercise his right of reply and only fifteen minutes are left.

Mr. Deputy Speaker : If there is time the mover of the motion will reply.

Premier : Anyway, Sir, I was submitting that there was nothing extraordinary in the Deputy Commissioner's exercising his powers under the law of the land. I as well as my honourable friends are sorry, that these ladies were inconvenienced but it was not the Deputy Commissioner's fault that they stayed on for reasons best known to themselves and had to be taken into custody. Maybe they were directly interested in the matter. So far as the incident of their arrest is concerned I would assure my friends opposite that neither the Government nor the Deputy Commissioner feel any pleasure in performing such unpleasant duty. He must needs be a mad person who courts trouble.

Why should the police arrest these ladies and gentlemen who were supposed to be enjoying their well-earned rest after a strenuous week? They were there for some purpose and that purpose is clear enough. My honourable friend Deshbandhu Gupta denies that the Congress had anything to do with this procession of the satyagrahis. The Beopar Mandal too had no knowledge of it. Who then, may I ask, was responsible for organising this procession? Yesterday my honourable friend Malik Barkat Ali asked, when all the responsible quarters denied responsibility for organising the procession who were the persons responsible for it? There must be some one who organised it, it could not have started all by itself. So far as the ladies' procession is concerned I have definite information about the lady who started it. She seems to have followed the arrest of her husband and organised the ladies demonstration. She is not here and I do not intend to disclose her name. As for the four honourable members of the Assembly and Mian Iftikhar-ud-Din I have so far failed in my efforts to know who gave them the information about this procession. How did they happen to be there? Did some one ask Mian Iftikhar-ud-Din to be present in his capacity as the Congress President? The attitude of the Congress in this agitation was non-committal. All that they could do was to bring about a rapprochement between the Beoparies and the Government. What were they doing there? Were they present there to bring about a reconciliation between the mob and Mr. Henderson? Why were these gentlemen sent there and for what purpose? Who were the persons who instigated them to go to the spot? When according to the statements made by the honourable members opposite responsible persons from the mandal were present, where was the necessity for sending Congressmen to the spot who allegedly had no sympathy with their cause? I am in possession of the necessary information, but I do not propose to divulge it. Mian Iftikhar-ud-Din

constituted himself or was made a God's deputy and he was arrested and those along with him shared his fate. My honourable friends say, why were those persons arrested who were not there? The Deputy Commissioner's reply is that they were reasonably suspected of furthering this movement and fomenting trouble. In the interest of public peace and with a view to ending this agitation he used his powers. He was the man responsible for the peace and order in the district. Had he neglected to do his duty my friends over there would have demanded his head on a charger and brought forward an adjournment motion to this effect.

In the city of Lahore and even outside, rumours are afloat that a number of persons were actually killed in these lathi charges. Dame rumour is also busy that the satyagrahis would be fired upon to-day. When the Congress is not responsible for circulating such rumours and when the Beopar Mandal denies responsibility for the same, who then, in the name of all that is sacred, is responsible for this rumour-mongering. (*Voices? The Press.*) Nothing of that sort has appeared in the press.

Lala Deshbandhu Gupta : When you throttle the press such rumours are bound to spread.

Premier : I know the part played by the Press which my friend believes to be the paragon of all virtues under the sun. Maulana Abul Kalam Azad recently issued a statement from Calcutta in which he expressed regret over the action taken by the Punjab Government in resorting to lathi charge and expressed the fear that such a thing would lead to disaster. But the last sentence in which he had prohibited the Congress from taking part in this agitation and expressing any sympathy with the traders except to the extent of bringing about a reconciliation between the Government and the traders, has not been published in any paper. Is this the attitude of a responsible Press or that of a dishonest and irresponsible Press? The most responsible of papers in Lahore did not care to publish this statement in full. It was by the merest chance that I received the full statement on the telephone through a very reliable news agency of Calcutta. Again, Master Tara Singh, in a statement exhorted the people to call off the hartal but no newspaper save the Civil and Military Gazette gave it any publicity. The Press cannot plead ignorance of these statements when they were actually published in some papers although only partially. Besides, they published the first part of the statement of Maulana Abul Kalam Azad and deliberately omitted its second part in which he had advised the Congressmen to dissociate themselves from the trader's hartal. This speaks of the honesty of the Press of this province. The district Magistrate also informed me that he had received information that two of the arrested persons were directly involved in the agitation. But later on when he came to know that they were journalists he expressed regret and ordered their release. In the face of these facts it ill becomes my honourable friends to make unfounded allegations against him.

Mr. Deputy Speaker : May I know how long the Honourable Premier will take to finish his speech? The Opposition is anxious to exercise the right of reply.

Premier : I have got something more to say and it is important.

Lala Deshbandhu Gupta : The debate has to be concluded and carried to a vote.

Premier : Please do not interrupt me and allow me to finish. As I have already pointed out the whole assembly was declared as unlawful and anybody who was present there at the time was a member of that unlawful assembly and was liable to be arrested. My friend Mian Iftikhar-ud-Din was there and he was arrested. I do not think that he could have done any mischief but because he was present there he was arrested. (*Pandit Shri Ram Sharma :* What about the other six honourable members ?) These are the plain facts and all this action was taken in view of the gravity of the situation. I have also received information that the responsible members of the Beopar Mandal had nothing to do with the behaviour of the crowd because at that time there was no jatha there to offer satyagrah. All the jathas had been arrested previously. But the crowd was there and the situation became very grave. My friends say that it was a peaceful crowd. But I assert that it was not so. Anyway the first breach of law which the crowd committed was that it tried to proceed on to the Mall against the definite order of the district magistrate to the contrary. The crowd reached the General Post Office on the Mall and it was at that place that it was stopped by the police. Now if the police had allowed the crowd to proceed it is possible that it might have gone to the Government House and demonstrated there or would have further proceeded to my bungalow and demonstrated there. Now I ask whether the Deputy Commissioner was not well within his rights to say that it was his duty to prevent any breach of law. If he had allowed the crowd to proceed on to the Mall, do you think I would have let him go scot free ? In that case I would have certainly taken action against him for neglecting his duty. Therefore whatever he did was quite justified. Let me also tell my friends that when the crowd reached the General Post Office on the Mall it was stopped by the Indian Police Officers, your own kith and kin. The women who headed the procession were cordoned off by the police and the rest of the crowd was ordered to disperse. But it refused to do so. Then this peaceful crowd, as has been alleged by my honourable friends, threw brickbats on the police. A Sikh constable was seriously wounded and Inspector Chuni Lal also sustained injuries. After this glaring breach of law, the crowd was declared to be an unlawful assembly and it was dispersed after a mild lathi charge. Let me tell my friends that during this lathi charge many people received injuries by falling into the ditch which is situated near the General Post Office. If my honourable friends go there and see the situation for themselves they would see the point. If there are some persons who may still doubt the accuracy of my statement I ask them to go there followed by a crowd of say 200 or 400 persons who should press them from behind and if they fall in the ditch and do not sustain injuries they may come to me and tell me so. These are the unfortunate circumstances under which the Deputy Commissioner was forced to take action.

Then Sir, another remark has been made by my honourable friends which is really very regrettable. It has been pointed out that when the Deputy Commissioner arrived on the scene he was drunk. I do not claim to be a doctor to be able to say what amount of liquor can turn one's head but I can tell you this much that when he came to me at 6-45 p.m. he was quite sober. I could not find out whether he was drunk or not. He sat near me. All the same my friends have laid this charge against him. May I tell my friends that now when the agitation has somewhat subsided the

district magistrate has reconsidered his previous order and after carefully reviewing the whole matter has ordered that all the women who were arrested on that day should be released. Similarly, he has also ordered that the honourable members belonging to the Congress Party who were arrested should also be released by dusk to-day. These are all the facts which I wanted to lay before the House.

Lala Deshbandhu Gupta : Wholly wrong. The information supplied by the district magistrate is absolutely false.

Seth Sudarshan : What about the insult that was hurled at Mian Iftikhar-ud-Din by the district magistrate ?

Premier : Let me tell my friends that if a person says that he has not abused anybody, his statement should be accepted. The Deputy Commissioner has clearly said that he has not abused Mian Iftikhar-ud-Din. So it is better for us to drop this matter.

In the end I should say that in my personal capacity I am only Sikander Hyat Khan, an ordinary man. But I may tell them that as the Premier of the Province I have certain responsibilities to discharge as also certain claims on my friends opposite. If they do not respect me as the Premier of the province, how do they expect the British officials to show respect to me ? If their mothers and sisters abuse my mother and sisters, and they connive at it, how then do they expect the British officials to listen to me ? If their mothers, sisters, daughters and children shower scurrilous abuses on me and they do not prevent them from doing so not for the sake of Sikander Hyat Khan but for the sake of maintaining the dignity of the Premier of this province, what can they expect of me ?

Honourable Members : Question may now be put, Sir.

Mr. Deputy Speaker : Question is—

That the question be now put.

The motion was carried.

Mr. Deputy Speaker : Question is—

That the Assembly do now adjourn.

(Division being demanded, the bell was rung.)

Lala Deshbandhu Gupta : We do not want to press for a division. I want to point out to the Honourable Premier that the remark which he made in regard to the Press having partially published the statement of Maulana Abul Kalam Azad is incorrect. I have got a copy of the daily *Partap* with me and I find that the whole statement is published and the name of the agency is also given. The only remark which has not been published is that "the Punjab Government is treading on dangerous lines." *(Interruptions.)*

Mr. Deputy Speaker : Question is—

That the Assembly do now adjourn.

The motion was lost.

The Assembly then adjourned till 12 noon on Thursday, the 26th February, 1942.

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PUNJAB LEGISLATIVE ASSEMBLY

EIGHTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 26th February, 1942.

The Assembly met in the Assembly Chamber at 12 noon of the clock. Mr. Speaker in the chair.

STARRED QUESTIONS AND ANSWERS.

SARDAR TEJA SINGH SWATANTRA, COMRADE IQBAL SINGH AND
COMRADE BHAGAT SINGH BILGA.

***7857. Sardar Moola Singh :** Will the Honourable Premier be pleased to state the condition of health of Sardar Teja Singh Swatantra, M.L.A., Comrade Iqbal Singh, and Comrade Bhagat Singh Bilga now detained in Campbellpur jail, and to state when the case of their release was considered last ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The health of state prisoner Teja Singh Swatantra and of detenu Bhagat Singh Bilga is reported to be good. Detenu Iqbal Singh Hundal is suffering from varicose veins and is in indifferent health.

Detenus Iqbal Singh Hundal and Bhagat Singh Bilga are detained under the Defence of India Rules and if they desire to show cause against their further detention their cases will be examined by the Committee recently appointed. As regards state prisoner Teja Singh Swatantra the question of his release is considered periodically along with the cases of other persons similarly circumstanced.

SHEIKH HISSAM-UD-DIN.

***7868. Sardar Moola Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Sheikh Hissam-ud-Din, an Ahir leader is at present detained in Muzaffargarh jail;
- (b) whether it is a fact that the Sheikh has been ill since September last;
- (c) whether it is a fact that a representation for his release has recently been rejected by the Government;
- (d) if the reply to the above be in the affirmative, the reasons for the same ?

Parliamentary Secretary (Mir Maqbool Mahmood). (a) No.

(b) Yes. His illness was not, however, serious.

(c) Sheikh Hissam-ud-Din was released on the 15th of November.

(d) Does not arise.

BLACK LISTS FOR INTERVIEWS WITH PRISONERS.

***7869. Sardar Moola Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that new 'black lists' have recently been prepared by the Punjab Government regarding interviews with political prisoners in Punjab jails ;
- (b) whether it is a fact that the names of Dr. Gopi Chand Bhargava, Malik Barkat Ali, M.L.A., member, All-India Muslim League Working Committee, Maulana Zafar Ali, M.L.A. (Central) and Mr. K. L. Gauba, Barrister-at-Law, have been included in the revised lists ; if so, the grounds for which the names of these four gentlemen have been included in the revised black lists ;
- (c) whether, besides the names mentioned in (b) above, the names of any other M.L.A.s (Punjab) or other persons have also been included in that list, if so, the names of those honourable members ?

Parliamentary Secretary (Mir Maqbool Mahmood) : There is no such thing as a black list which, in regard to jail interviews, implies some sort of absolute ban. Government have directed that in certain cases interviews for which there is no ostensible reason should not be allowed without a reference to Government, but no person is absolutely prohibited from having an interview with a prisoner in jail. It is not in the public interest to publish the instructions issued by Government.

INTERVIEWERS OF S. SAJJAN SINGH MARGINDPURI.

***8108. Maulvi Mazhar Ali Azhar :** Will the Honourable Premier be pleased to state—

- (a) whether S. Sajjan Singh Margindpuri, security prisoner, submitted a representation, dated 11th August, 1941, from Muzaffargarh jail to the Deputy Inspector-General, Punjab C. I. D., containing names of his blood relations including that of his four brothers to be approved for interview ;
- (b) whether the list approved by the Deputy Inspector-General for the interviews does not contain the names of three of his brothers ; if so, the reasons for the omission ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) and (b). Sajjan Singh sent an application on the 9th August, 1941 (not 11th August, 1941) containing, among others, the names of two step-brothers, and a brother-in-law. The name of one stepbrother was included in the approved list, but enquiries revealed that the other was not related to Sajjan Singh, as alleged, and that the brother-in-law was not a suitable person to be brought on the approved list.

MAINTENANCE ALLOWANCE FOR THE FAMILY OF SYED HABIB.

***8109. Maulvi Mazhar Ali Azhar :** With reference to the answer to Starred Question No. 7877¹ given on 1st December, 1941, will the

Honourable Premier be pleased to lay on the table of the House a copy of the rules which have been framed by the Government regarding the grant of maintenance allowances to the detenus' families confined in jail under Rule 26, Defence of India Rules, and also state when these rules were framed and when it is intended to enforce them?

Parliamentary Secretary (Mir Maqbool Mahmood): Cases vary very greatly and each case has to be considered on its merits. No rules have, therefore, been framed and it is not intended to frame any.

PUNJAB REFUGEE FROM COLONIES.

***8110. Sardar Lal Singh:** Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that owing to the spreading of the war in the Far East, large numbers of Punjabis have returned to the Punjab from different colonies like Burma, Malaya and East Indies;
- (b) whether he is aware of the fact that many of the persons mentioned above are in a bad plight as they have left their assets behind in those countries;
- (c) if the answers to parts (a) and (b) be in the affirmative, the steps Government propose to take to give relief to the persons mentioned above?

Parliamentary Secretary (Mir Maqbool Mahmood): Government have no very precise information about the numbers or plight of Punjabis who have returned from the places mentioned though it is known that some have done so. So far as is possible Government will endeavour to accommodate able-bodied persons in employment such as in the additional Police, and of course recruitment to the army is always open to such persons. Moreover Punjab Government will render every possible assistance required in the matter.

TRANSFER OF SECURITY PRISONERS TO SPECIAL JAIL, GUJRAT.

***8120. Pandit Bhagat Ram Sharma:** Will the Honourable Premier be pleased to state whether it is a fact that the Punjab Government is making arrangements to transfer all security prisoners at present confined in different jails in the Punjab to Special Jail, Gujrat, where all security prisoners in the Deoli Camp have already been repatriated; if so, how long will it take for the Government to complete the arrangement?

Parliamentary Secretary (Mir Maqbool Mahmood): *First Part.*—No.

Second Part.—Does not arise.

RESTRICTIONS ON INTERVIEW WITH SECURITY PRISONERS.

***8121. Pandit Bhagat Ram Sharma:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that some restrictions have been placed recently on the interview of security prisoners who have

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recently been repatriated from Deoli Detention Camp to Gujrat Special Jail;

- (b) whether it is a fact that interviewers are required to supply a copy of their photo to C. I. D. before they go for interview; if so, the reason therefor;
- (c) whether he will be pleased to lay a copy of the rules, if any, governing interviews with these security prisoners?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) and (b) The Deoli rules governing interviews have been generally adopted in the Punjab. Instructions were issued recently requiring interviewers to produce photographs so as to avoid the possibility of a person not on the approved list interviewing the prisoner. These instructions have since been cancelled.

(c) It is not in the public interest to supply a copy of the rules governing interviews.

SARDAR NARAYAN SINGH TALIB.

***8125-A. Sardar Gurbakhsh Singh:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Sardar Narayan Singh Talib, Editor, "Desh Darpan" of Calcutta, was arrested at Railway Station, Amritsar, on the morning of 6th February, 1942; if so, the provision of law under which he was arrested;
- (b) whether he was arrested under the orders of the Punjab or of Bengal or that of the Government of India;
- (d) whether it is a fact that since his arrest he has been detained in the Lahore Fort;
- (e) the general state of his health now; and the class in which he has been placed;
- (f) whether he is being confined in a solitary cell in the Fort; if so, the time for which he remains confined in that cell during the day;
- (g) whether or not it is intended to try him in an open court?

Parliamentary Secretary (Mir Maqbool Mahmood): I regret I am not in a position to answer this question as it is not in the public interest to do so.

RELIEF FOR DAMAGE TO CROPS.

***8000. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that maize, chari and fodder crops were totally damaged this year for want of timely rains in the Ambala tahsil in the Ambala district; if so, the steps taken so far by the Government to give relief to the sufferers?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): First Part.—The damage was considerable but not total.

Second Part.—Rupees 80,485 have been suspended out of the land revenue demand of the tahsil for kharif, 1941.

FAMINE.

***8001. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the famine conditions that are still prevailing in the *barani* tracts of the Hissar, Rohtak and Gurgaon districts for want of rains in those *ilagas* ; if so, the steps taken so far by the Government to give relief to the sufferers in those *ilagas* ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Famine conditions do not prevail in Rohtak and Gurgaon districts but only in some 250 villages in the Hissar district. Relief is being distributed to those living in these villages who are in need of it.

Khan Sahib Khawaja Ghulam Samad : May I know the nature of relief which the sufferers from famine are receiving ?

Parliamentary Secretary : Gratuities.

Khan Sahib Chaudhri Sahib Dad Khan : Is the Parliamentary Secretary aware that Assistant Commissioners in charge of gratuitous relief do not allow such relief to *purdah nashin* women on the ground of *purdah* ?

Parliamentary Secretary : This question does not arise out of the answer. I would like to have notice of this question.

SCARCITY OF WATER.

***8002. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware of the scarcity of water in the Ambala city and its suburbs and that the water level is below the normal in that territory ;

(b) whether he is aware of the fact that the wells sunk in that part fail after a short period and the money spent by the *zamin-dars* is thus wasted ;

(c) the steps Government has taken so far to give relief to the sinkers of wells mentioned in (b) above ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) Yes. It is, however, not clear from the question whether it relates to wells sunk for the supply of drinking water or for irrigation purposes.

(c) No relief can be given to those who sink wells knowing the conditions in the area. Whenever crops fail on account of difficulties of irrigation, suspensions and remissions are given according to rules.

APPOINTMENT OF CLERKS IN DEPUTY COMMISSIONER'S OFFICE, GURGAON AND WAIVING OF AGE LIMIT.

***8052. Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state the number and names of all the clerks

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(appointed either as temporary or permanent) in the office of the Deputy Commissioner, Gurgaon, in whose cases the age-limit was waived while making the appointment during the year 1940-41 and the reasons therefor are also the names of all those in whose cases this was not done and the reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): There are eight clerks in whose case the age-limit was waived. Four of them were accepted as candidates during or before the year 1931. In the case of the remaining four clerks the limit was waived because one of them, a first division matriculate, was related to a peon who managed to give him education with great difficulty, another was a good typist, another had worked satisfactorily as a *Taccavi Moharrir* and the fourth one was an F.A. and was the son of a school master who had been murdered by an excited mob in a communal riot during the year 1938. All other clerks who were appointed in permanent or temporary capacity were within the prescribed age-limit. The question of waiving it, therefore, does not arise.

As regards the giving of names, attention is invited to the policy of Government enunciated in the volume of Secretariat Instructions, Chapter XVI, paragraph 420 (e).

SUB-JAIL, KASUR.

***8023. Sardar Lal Singh:** Will the Honourable Finance Minister be pleased to state—

- (a) whether any alterations in the interview room of Sub-Jail, Kasur, were proposed by the Superintendent, Jail, to remove certain grievances of the interviewers and they were approved by the Inspector-General of Prisons in April or May, 1941;
- (b) whether the amount required for the alterations was also sanctioned by the Inspector-General of Prisons in May last;
- (c) if the answers to parts (a) and (b) be in the affirmative, whether the proposed alterations have been made; if not, the grounds for the delay;
- (d) whether the Government is prepared to bring about the required alterations; if so, when?

The Honourable Sir Manohar Lal: (a) Yes.

(b) No.

(c) and (d) Proposed alterations have not been made so far for lack of funds, but it is hoped that they will be carried out during the next financial year when funds are likely to be made available.

LEVY OF TRANSIT TOLL BY MUNICIPAL COMMITTEES.

***8082. Chaudhri Ram Sarup:** Will the Honourable Minister for Public Works be pleased to state—

- (a) the names of the municipal committees in the Province which at present levy a transit toll;

(b) the amount levied by each of these committees in the shape of this toll in 1940-41 ;

(c) whether it is the intention of Government to abolish this toll ?

The Honourable Malik Khizar Hayat Tiwana : (a) No such levy known as transit toll is imposed by any municipal committee in the Province.

(b) and (c) Do not arise.

ADMISSION OF CHILDREN OF PUNJABI REFUGEES INTO PUNJAB SCHOOLS.

***8111. Sardar Lal Singh :** Will the Honourable Minister of Education be pleased to state—

(a) whether he is aware of the fact that according to the Punjab Education Code students who have not had their education in the primary and middle classes through the medium of the recognised vernaculars cannot be admitted to the high schools ;

(b) whether he is aware of the fact that the medium of instruction in countries like Burma, Malaya, East Indies, Hong Kong, etc., being English, the children of the Punjabi refugees from those countries find the doors of the Punjab schools closed to them, although they possess a knowledge of English much higher than that available in the Punjab schools ;

(c) if the answers to parts (a) and (b) above be in the affirmative the action that the Government propose to take in the matter ?

The Honourable Mian Abdul Haye : The heads of the institutions in the Punjab have been instructed to afford facilities to Indian students who may be evacuated from Burma, Malaya, etc., in the matter of admission to schools even if they have not studied a particular subject taught in this Province.

ADJOURNMENT MOTION.

NON-RELEASE OF SHRIMATI SHANNO DEVI, M.L.A.

Lala Deshbandhu Gupta : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the vindictive treatment meted out to Shrimati Shanno Devi, M.L.A., by the Government inasmuch as she has not been released along with other M.L.A.s who were arrested on 22nd February in Lahore and have since been set free.

Lala Bhim Sen Sachar : On a point of order. There are other motions which have not been so far discussed.

Mr. Speaker : Those motions will not be taken up, because the budget discussion will commence in a few days.

Premier : The case of Shrimati Shanno Devi is distinct and different from the case of other honourable members. The other day during the course of the discussion on the adjournment motion, the lady member was

[Premier.]

present here, that is on Monday, and it was after that that she was arrested. My information is that there are allegations against her of actually being responsible for arranging the *jatha* of ladies and that on one of these days, she herself admitted, she was present not only for two days but for ten days, she actually instigated the mob which was declared unlawful and which was ordered by the officer concerned to disperse, not to disperse and defied the police. These are the two allegations which have come to my notice during the short time at my disposal. You will, therefore, realise that her case is quite different from that of other honourable members who were arrested on that day.

Lala Bhim Sen Sachar : May I give some information with respect to the points mentioned by the Honourable Premier? With respect to one of the allegations, viz., that she incited the crowd to unlawful action, I have personal knowledge. I was telephoned to and I reached the spot myself after the occurrence and learnt there that the police had made a rush on the crowd, the lady was standing there—

Premier : On which day? The incident which happened on Friday?

Lala Bhim Sen Sachar : Is it in regard to Sunday?

Premier : It is not in regard to that.

Lala Bhim Sen Sachar : It is in regard to an earlier day then. If you permit me, I will place all the information before the House.

Mr. Speaker : Had a short notice question been asked as to why differential treatment was shown to the lady member, the requisite information would have been easily secured.

Lala Deshbandhu Gupta : I have my information from Shrimati Shanno Devi herself. She herself wanted to speak that day but unfortunately she could not get a chance to do so. I am satisfied on the basis of first hand information I got from her as well as from other sources—I was myself present at several demonstrations along with her—about the vindictive treatment meted out to her. If you permit discussion of this adjournment motion I hope to be able to make out a case that the treatment meted out to her is really vindictive. Sir, it is a matter of sufficient public importance to be discussed on the floor of this House particularly in view of the fact that she is a member of this House and you will agree, Sir, that a certain amount of responsibility attaches to the Government that when they take action against members of the Assembly they should at least satisfy this House that they have a good case. The other day the Honourable Premier had to admit that he was not aware even of the arrest of the Leader of the Opposition. When such things are happening without the knowledge of Ministers themselves I think it is only fair that the matter should be thoroughly discussed on the floor of the House. I am perfectly sure, Sir, that I shall be able to convince the House and yourself that my contention is correct.

Parliamentary Secretary (Mir Maqbool Mahmood) : I submit that there appears to be some misunderstanding about the purport of this adjournment motion. The motion is not with regard to the arrest of Shrimati Shanno Devi. It is to the effect that the Government has not released

her along with other persons. It is obvious and hardly needs any argument that this lady was not arrested along with other M.L.A.s and that her case is different from theirs. I am sure that the Opposition case is not that she has been arrested along with others, but it is that while they had been released, she is not. But they were arrested at different times and her case is different from the case of others and what the adjournment motion seeks to establish is that the Government have not released her as they have released others who were arrested at different times and under different circumstances. From the point of view of the purport of the adjournment motion, therefore, it seems to be out of order.

Pandit Bhagat Ram Sharma : On the 23rd instant just after the arrest of Shrimati Shanno Devi I put in notice of an adjournment motion, but I see that it does not appear to-day on the agenda.

Diwan Chaman Lall : Mr. Speaker, with due deference to you and to my honourable friend, Mir Maqbool Mahmood, may I suggest to him that the argument that he has raised with regard to this motion is untenable. My honourable friend's main objection is that since Shrimati Shanno Devi was not arrested at the same time along with other honourable members of this House, therefore, her case is on a different footing. Is he not aware that other honourable members of this Assembly also, each one of them, were arrested at different times and at different places? Is he not aware of that? Perhaps even that news has not percolated through the strong walls that have been erected by the Ministry around themselves by allowing the local authorities to do exactly what they like. Secondly, my honourable friend probably is wanting to allege that the circumstances of this case are different. Who is going to judge that? Who is going to pre-judge that issue? Has he any information on which he can base that judgment of his? Was she arrested on the basis of some secret information which is in possession of my honourable friend? My honourable friend says that the circumstances of her arrest are different. Let us be perfectly frank and clear about this matter. We know that the arrests of certain honourable members of this House took place with certain other individuals.

Mr. Speaker : The sum and substance of the motion is why the honourable lady member has not been released, while the other honourable members of this House have been released. As already stated a short notice question in this connection would have elicited the requisite information from the Government.

Diwan Chaman Lall : True, but a reply to that short notice question would have led to the adjournment motion. Upon the answer given by the Government on a short notice question the position would have been exactly the same. Their position would not have been different. The question now is this, why has not Shrimati Shanno Devi been released along with the other six honourable members of this House? The Government has to answer this. It is for the Government to give reasons, why Shrimati Shanno Devi has not been released along with other honourable members of this House. I fail to understand why Government is shirking its duty. The Government should take this opportunity to clarify its position. Why a short notice question and then an adjournment motion? Why not this adjournment motion straightaway?

Premier : Why not adopt the method suggested by the Honourable Speaker?

Diwan Chaman Lall : What is that method?

Mr. Speaker : A short notice question.

Diwan Chaman Lall : Mr. Speaker has suggested a particular method. An answer given by the Government to a short notice question can form the basis of an adjournment motion. What has happened now would happen a little later. Why shirk the discussion at this stage? I understand that in my absence and in the absence of my other colleagues, who were also in jail, the question of our arrest was raised by an adjournment motion. When that question was capable of being raised by an adjournment motion and not by a short notice question, why is not the same issue, that is the arrest of Shrimati Shanno Devi, not capable of being raised by an adjournment motion? Why a short notice question first in this case? The question whether her arrest is justified or not, is a simple one. Why was a similar question discussed on the floor of this House the other day by an adjournment motion? You have a precedent with regard to that. Why go back on the precedent in this case? You have a precedent with regard to the arrests of other honourable members of this House. Here is a case exactly on all fours with the case that has already been discussed.

Premier : Not exactly on all fours with the other honourable members.

Lala Duni Chand : Sir, the objection is taken that Shrimati Shanno Devi was arrested at different time. May I inform the House that other honourable members were not arrested at the same time. They were arrested at different times and at different places. So, there is no force in the argument that she was not arrested at the same time with other honourable members of this House. As a matter of fact she was to be arrested at one and the same time along with other honourable members of this House, but she could not be arrested, as she could not be traced at that time.

Lala Deshbandhu Gupta : I do not wish to seek information through this adjournment motion. In fact I have got the information already and on the basis of that information, I have come to the conclusion that the treatment meted out to Shrimati Shanno Devi is distinctly vindictive. I want to establish that; if it were a question of merely seeking information, I would have certainly tabled a short notice question. If you would kindly refer to the speech of the Honourable Premier made the other day you will find that he had himself stated that Shrimati Shanno Devi would also have been arrested at that time, that is, on the 22nd February, but she was not traceable.

Mr. Speaker : The honourable member's own motion says: "to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the vindictive treatment meted out to Shrimati Shanno Devi, M.L.A., by the Government inasmuch as she has not been released along with other M.L.A.s." So, the real point is why she has not been released while other honourable members of the House have been released.

Lala Deshbandhu Gupta : My submission is that her case is on all fours with all those honourable members of this House who have been released. As the Honourable Premier had stated, she was also to be arrested on 22nd February. As she was to be arrested along with other honourable members, she should have been released with them. But she was not released due to certain reasons which this motion seeks to discuss. Perhaps Mr. Henderson is very much against her and the Honourable Premier has not been able to persuade him to release her. The detention of the honourable lady member in my opinion is due to the vindictive treatment by one of the Government officials.

Dr. Shaikh Muhammad Alam : Sir, so far as any adjournment motion is concerned for the arrest of Shrimati Shanno Devi or for her non-release, I would not object to it ; but I am surprised, that so far as any of the adjournment motions is concerned, my honourable friend of the ability of Mr. Deshbandhu Gupta and others always think that they are in order. It surprises me really all the more that my honourable friend, Diwan Chaman Lall, with all his legal knowledge and other abilities would not see the point which you Mr. Speaker, have repeatedly pointed out.

You will kindly see that if you allow this motion, as it stands in the language as it is put in the adjournment motion, then you will be prejudging the whole case and you are allowing some definition of the word "vindictive" which is uncalled for. You have repeatedly pointed out to the question of vindictive treatment meted out to Shrimati Shanno Devi by the Government inasmuch as she has not been released. So, if that is kept in view that the vindictive treatment is only inference of the fact that she is not released, then you are prejudging the whole case whether the release of others was justified or it was unjustified or whether the case of non-release amounts to vindictive treatment or not. I think it is open to my honourable friend to modify this adjournment motion or, as suggested by the Chair, to ask a question and, as mentioned by my honourable friend Diwan Chaman Lall, based on the reply given to that short notice question, move an adjournment motion, but certainly, I hope he will agree with me, the adjournment motion, as it stands, is not in order. A gentleman of his understanding, of his calibre and of his intelligence ought to know that this is not in order. If any other gentleman who is not connected with legal propositions is still insisting that this is in order, then it is a different thing; but this thing coming from a friend like Diwan Chaman Lall, I think, it is surprising to me that he still insists that the adjournment motion is in order.

Diwan Chaman Lall : There is a great deal of surprise in store for my honourable friend Dr. Muhammad Alam. There are many things that are surprising that are taking place.

Dr. Shaikh Muhammad Alam : Certainly there are many.

Diwan Chaman Lall : I think he will understand the analysis, if I may use that word in preference to any other, that my honourable friend Dr. Muhammad Alam has given of this particular motion. What is the issue? The issue is that a matter of great importance, of recent occurrence and of public interest has taken place.

Dr. Shaikh Muhammad Alam : And include "vindictive" because—

Diwan Chaman Lall : I will come to it. If the honourable member wants to correct me I will sit down.

Mr. Speaker : No interruption please.

Diwan Chaman Lall : A matter of importance, of recent occurrence and of public interest is taking place, namely, the continued detention of Shrimati Shanno Devi, M.L.A., and her non-release along with the release of other members of this honourable House. Is it or is it not a matter of importance, of recent occurrence and of public interest? And won't the action of the Ministry in the matter of the treatment meted out to Shrimati Shanno Devi be characterised as vindictive? If it is a matter of public interest, if it is a matter of importance, if it is a matter of recent occurrence and if the responsibility of the administration arises out of it, then I submit that the motion is in order and it is immaterial whether you have got information or not to justify the action taken by the Government. The motion has been put in in order that the Government may be given an opportunity to justify their conduct. The motion would either be withdrawn or the motion would be talked out or the motion would be voted upon. The primary issue in regard to this adjournment motion is whether, according to the rules, it is in order or not. It is immaterial to me, it is immaterial to this side of the House what justification my honourable friend discloses. He may justify himself completely. We shall be very glad to hear of his justification but what is essential is, does this motion come within the four corners of the rules governing the adjournment motion? If it does, I submit, Mr. Speaker, that it must be admitted.

Mr. Speaker : In the House of Commons adjournment motions are generally based upon answers to questions. In this case also, a short notice question could have been asked, nay it can be still asked. I have a great regard for the honourable lady member; but there is no harm in following the right procedure.

Lala Bhim Sen Sachar : I would make a submission which is relevant to the securing of your consent. What I want to submit is this, that the Honourable the Leader of the House has given all the information that we could possibly get on the basis of a short notice question. The Honourable Leader of the House has said that there are two grounds which are responsible for the differential treatment in the case of this lady member. Number one, that she is alleged to have arranged the ladies' procession. Number two, that on a certain date she incited an illegal assembly to break the law. With respect to number one, it is less than fifteen minutes before I entered this Chamber that I was told that the ladies of the procession were willing to give it in writing that Shrimati Shanno Devi had nothing to do with the formation of that procession. Yesterday I received a telephone message while I was sitting in a meeting and the telephone message was from the Jailor in which I was told that there is documentary evidence in existence which would show that Shrimati Shanno Devi had absolutely nothing to do with that procession of the ladies. With regard to number two, that is, the alleged incitement of the crowd, as I wanted to say at the

beginning, I was myself present on the spot in response to a telephone call, to the effect—

Premier : Call from whom ?

Lala Bhim Sen Sachar : Some public men.

Premier : Was she there when you arrived ?

Diwan Chaman Lall : She had been there for six days and keeping the peace which the police could not keep.

Premier : You are a private constable.

Diwan Chaman Lall : We are better than that. We are public servants and not the servants of Mr. Henderson.

Premier : Public servants without the public.

Diwan Chaman Lall : And I repeat not servants of Mr. Henderson.

Lala Bhim Sen Sachar : I went there and this was brought to my notice—(1) that Shrimati Shanno Devi had received *lathi* blows and (2) that an Inspector of Police there had threatened her with arrest.

Mr. Speaker : These arguments are premature at this stage.

Lala Bhim Sen Sachar : These facts are being given with a view to secure your consent.

Mr. Speaker : Do the honourable members mean that if this matter is discussed by an adjournment motion, the lady member will be released to-day or to-morrow ?

Premier : No, sir.

Mr. Speaker : Then where is the urgency ?

Diwan Chaman Lall : We want to know the reason why she is being differently treated and what is the justification for it. The Honourable Premier has already given a reply to the contemplated short notice question. I have got the reply and that is a sufficient ground for the admission of the adjournment motion. He has given the reply and there is no other reply that my honourable friend can give to the short-notice question.

Premier : Why not ? I have told the Honourable Speaker already that this is my information. I will make a detailed enquiry. How can I say what actual acts or series of acts she has committed ? I have to make a detailed enquiry before I put the facts before the House.

Diwan Chaman Lall : That is of course surprising. Although a colleague of his has been arrested by Mr. Henderson under Rule 129 of the Defence of India Rules, yet my honourable friend still pleads to-day, after several days, ignorance of the fact as to why that colleague of his has been arrested and he still wants to continue to make an enquiry. The only enquiry that he had to make he has already made and nothing more can be said in reply to a short-notice question which is contemplated by the Honourable Speaker.

Premier : I have made no enquiry.

Diwan Chaman Lall : He has spoken with knowledge and that is the only enquiry which he has made.

Premier : I have told the Honourable Speaker that this is my information. But I have not made any official enquiry.

Diwan Chaman Lall : My honourable friend says he has not made any official enquiry. This is immaterial.

Premier : How ?

Diwan Chaman Lall : My honourable friend makes an enquiry when it suits his purpose. I have submitted that whatever answer he could have given to the contemplated short-notice question has been given by him on the floor of the House. I, therefore, request you to allow the ordinary democratic procedure to be adopted and this matter to be discussed on the floor of the House. To-morrow the budget session will begin and no adjournment motion will be allowed thereafter. There is no reason why my honourable friend should insist that this adjournment motion should not be discussed on the floor of the House. This is merely stifling the press, stifling the public and stifling this House. I submit that my honourable friend should be the last person to utilise this weapon in his hand.

Premier : My honourable friend is always accustomed to judge others according to his own standard. I have already pointed out that I could not make an enquiry. How could I make the enquiry when I had no information of this adjournment motion until about 5 minutes before I came to this House ? How can my honourable friends expect me to make the enquiry in this matter ? How can my officers give the detailed facts in such a short period ? Do you mean to say that they have nothing else to do except to look after the offenders ? If my honourable friend breaks the law he will be arrested. (*Interruptions.*)

Diwan Chaman Lall : There is no need for the officers to keep you in the dark. (*Interruptions.*)

Mr. Speaker : If she has been arrested for committing an offence and is going to be tried for that offence, the case shall become *sub judice* before long. So, if the case is going to a court of law, I will not allow the adjournment motion. The Honourable Premier has just stated that there are some allegations against her and that she is said to have committed an offence.

Diwan Chaman Lall : And yet strangely enough he says there is no enquiry.

Premier : You did not give me time.

Mr. Speaker : The question is whether she is going to be tried ; unless the Government is positively of that opinion, I will allow the adjournment motion. (*Cheers from the Opposition benches.*)

Lala Deshbandhu Gupta asks for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the vindictive treatment meted out to Shrimati Shanno Devi, M.L.A., by the Government inasmuch as she has not been released along with other M.L.A.'s who were arrested on 22nd February in Lahore and have since been set free.

Any objection ?

Premier : That is not correct that she was arrested along with other M. L. A.'s. I have already submitted that so far as my information goes, she is not going to be tried. But it may be possible that she may be tried for committing some other offences. My information is only an informal

one and I have not been able to get any official information as I had no time to do so. But if my honourable friends still ask for information, I am prepared to give the necessary information. I cannot positively say whether she is going to be tried or not because I do not know the actual facts.

Mr. Speaker : Has the Honourable Premier any objection ?

Premier : Yes, I think this motion is out of order too.

Mr. Speaker : I have held the motion to be in order. Those who are in favour of the requisite leave being given may please rise in their places.

(As the requisite number of members stood in their seats, the leave was granted.)

Mr. Speaker : The motion will be taken up at 4-30 p. m. to-day or earlier if the business of the day is finished.

SUPPLEMENTARY ESTIMATES.

Minister for Finance : Sir, I beg to present the Supplementary Estimates, Second Instalment, for the year 1941-42. I beg to submit that the demands made therein are made on the recommendation of the Governor.

SOCIAL REFORMS BILL.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) :
(Urdu) : Sir, I beg to move—

That leave be granted to introduce the Punjab Social Reforms Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Punjab Social Reforms Bill.

Any objection ?

An honourable member : Yes, sir.

Captain Sodhi Harnam Singh : Sir, I would like to say with regard to this Bill that in all countries social reforms are carried out by the help of legislation. All harmful customs are suppressed by law. We know Kamal Pasha carried out reforms in Turkey by legislation. We also know that Akbar the Great suppressed the inhuman custom of *sati* by law. Similarly, if we want to get rid of harmful customs we can do so by having recourse to legislation.

I may also add that it is no intention of mine to interfere with the religion of any community by this Bill. If there be anything in this Bill as may amount to interference with the religion of any community, I would be only too glad to omit it. Honourable members can decide what provisions of this Bill are wholesome and beneficial. They can retain such provisions and omit those which they may consider as likely to cause interference with the religion of any community. With these words I beg leave to introduce the Punjab Social Reforms Bill.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women, Urban) (Urdu). Sir, whether it is the question of social reforms or moral reforms, the Muslims are bound by the enjoinings of the holy Quran. They do not stand in need of any reformative legislation in the presence of the Quran. Similarly, their personal law does not stand in need of any amending Bill. The Quran is a comprehensive book and it does not allow any legislation intended to amend the personal law of the Muslims or to change any Islamic customs or rituals. The wisdom contained in the Quran is not only sufficient for this little province of ours but it is sufficient for the whole world. The application of the moral principles embodied in the holy Quran is universal and not restricted to any one province. Study the Quran and you will find in it everything which has been incorporated in the Bill. In clause 3 of the present Bill showing of *Vari* or *Jahaz* has been prohibited. The Quran is also against any such show and prohibits it. From the Islamic point of view show is a sin. Not only that but a *Namaz* offered hypocritically is also condemned. In the same way dancing of women and taking liquor have also been prohibited. Islam also ordains against presents which are offered hypocritically, selfishly or are taken by coercion. But if anything is offered out of sympathy, then it is all right and anybody who may try to stand in the way of any such offer, sins. Widow marriage has also been allowed in Islam. Strong restrictions have also been laid on polygamy. The details relating to these restrictions are to be found in the Quran. Laws relating to divorce are also there in the Quran. Had Sodhi Sahib studied the holy Quran he would have found all these things contained therein too. The purpose of religion is not to misguide people. Its purpose is to guide them on the path of good. Religion influences people to follow the right path. We Muslims live and die for our religion. Islam enjoins upon us to obey its commandments. It is so comprehensive that no reform is possible through an outside agency. We do not stand in need of a reformer from without. Reform is needed only where there is room for it. Islam is perfect and stands for reform and peace. It, therefore, quite naturally does not require the services of any great preacher of reform and peace. We Muslims, in fact, do not stand in need of the Bill intended to be introduced by Sodhi Harnam Singh in the House. If he had only studied the Quran, he would have actually known that all the social reforms that he has proposed in his Bill, are already included in the holy Book. I do not suggest that he should not try to bring about reforms with a view to do away with certain social evils obtaining in his community. But what I want to impress upon him is that he should not try to bring Islam within the scope of this Bill. The honourable member has no *locus standi* to suggest such a thing when even the great Muslim leaders are not competent to make any reform law repugnant to the spirit of the eternal law embodied in the Quran. Islam completely accords with nature and reason. Islamic laws are as immutable as human nature itself. People who have reformed themselves have done so after having got their clue from the holy book of Islam. Let them have a look at their reforms and then study the Quran, they would find that the much boasted reforms introduced by them fall in line with the teachings of the holy Quran, and this is a good augury. Mention of *sati* is made in the Bill. In times immemorial *sati* was in vogue in India. Infanticide was the order of the day in Arabia, but the holy Prophet (Peace be upon him) taught respect for human life, and not only raised the status

of women in society but created certain rights for them. I hope that the Honourable Premier being a Muslim himself and a representative of Mussalmans and knowing that Islam needed no reforms, would not permit the honourable member to introduce his Bill in the House.

Captain Sodhi Harnam Singh : Sir, I want leave to withdraw the motion.

The motion was, by leave, withdrawn.

REGISTRATION OF SHEPHERDS BILL.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) : Sir, I move—

That leave be granted to introduce the Punjab Registration of Shepherds Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Punjab Registration of Shepherds Bill.

Is there any objection to leave being given ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : I object to leave being granted.

Sardar Lal Singh : Sir, I asked for leave to move this Bill about three years ago. At that time a promise was held out to this House that Government would try to meet this wrong done to the zamindars. The whole trouble is due to there being a class of people called the Odes who do not pay a single pie as revenue to the Government. They keep sheep in hundreds and thousands who graze on other people's lands and cause lot of destruction in the growing fields. The Government promised to enquire into the matter to meet the grievances of the kisans. Accordingly, a committee was constituted who made enquiries and I think that more than twenty thousand rupees were spent. The committee made a report which was circulated, but no opportunity has so far been given to us to discuss that report. Nor has any action been so far taken on its recommendations. The wrong that was being done to the kisans is growing from bad to worse inasmuch as this tribe has become lawless. These Odes have got firearms and other illegal weapons and cause lot of trouble to the zamindars. If the Government is really anxious to remove this long-standing grievance of the kisans, it should come forward and support this Bill which has been brought forward to settle that vexed question.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : Sir, I have heard the arguments advanced by the honourable mover of the Bill. In his speech he has only mentioned about the Odes, but in the Bill itself he has gone far beyond that trouble of Odes inasmuch as he wants to destroy the sheep-rearing industry. He wants everybody who owns more than 10 sheep, even though he may be a proprietor and graze them on his own land, to take out a licence. (*Sardar Lal Singh :* The Honourable Minister is going into the merits of the Bill.) No, I am discussing the principle of the Bill. The honourable member goes still further and wants that even a chaukidar may be empowered to arrest a person who possesses 11 instead of 10 sheep. I think he reduces a shepherd to a position worse than that of a member of criminal tribes. I have never come across a measure worse than this.

[Minister of Public Works.]

As regards the question of Odes, the honourable members will recollect that a committee of this House was constituted to go into it. Its report was circulated among members and some of the recommendations of that committee are already under examination. As soon as Government comes to the conclusion that any legislation is necessary, it will be only too glad to bring forward a measure to that effect. Sheep rearing industry is a very profitable and subsidiary industry for agriculturists everywhere and the honourable member wants to kill that important industry altogether with one stroke of the pen by this measure which does not restrict itself to the problem of Odes alone but goes much further. I, therefore, oppose this Bill.

Mr. Speaker : Question is—

That leave be granted to introduce the Punjab Registration of Shepherds Bill.

The motion was lost.

FEMALE SINGERS' PROHIBITION BILL.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muhammadan, Rural) : I beg to present the report of the select committee on the Female Singers' Prohibition Bill. I also move—

That the Female Singers' Prohibition Bill as reported by the select committee be taken into consideration.

The motion was carried.

Mr. Speaker : The House will now proceed to consider the Bill clause by clause.

Clause 2.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (Urdu) : Sir, I beg to move—

That in clause 2, line 3, the word 'recognised' be deleted.

Sir, the word 'recognised' as used in line 3 of the clause under consideration, is extremely misleading. If it is retained in its present form, it will result in creating bad blood among different sections of the Muslims, holding conflicting views on this point. Some people would threaten to lay down their lives even, if any restrictions were placed on a certain shrine which according to them was no longer recognised in the sense conveyed by this provision, while there will be others who would press for the strict prohibition of singing or dancing of women or prostitutes in that particular shrine. I, therefore, feel that in order to avoid any misunderstanding that may be caused, the amendment suggested by me should be accepted by the House.

Mr. Speaker : Clause under consideration, amendment moved is—

That in clause 2, line 3, the word 'recognised' be deleted.

Khan Muhammad Yusuf Khan : I agree with the honourable mover of the amendment. If this word is retained it will lead to a lot of litigation as to the interpretation of the word 'recognised'. I, therefore, accept the amendment of my honourable friend.

Pir Akbar Ali (Fazilka, Muhammadan, Rural) (Urdu) : Sir, the amendment which a little while ago was moved and consequently accepted by the sponsor of the Bill, has rendered this clause absolutely meaningless.

As a matter of fact I was going to suggest for the deletion of the whole clause as it contained no sense. The amendment has made confusion worse confounded. The object of this Bill is to prohibit singing or dancing of women or girls to the accompaniment of musical instruments in Muslim shrines. But there is a serious flaw in it and no attention has been paid to it. That is this. So far as singing of men in any manner is concerned the Bill is silent on this point. In other words, there will be nothing to debar them from singing there even with musical instruments. Their singing in this fashion would not infringe the law and it would be considered justifiable. But women singing to the accompaniment of musical instruments would be penalised. I fail to reconcile this discrepancy in this measure.

Now adverting to the clause, it reads thus :—

For the purposes of this Act the expression 'Muslim shrine' shall mean a recognised shrine of a recognised Muslim saint and shall include the premises—

By whom is the 'Muslim saint' to be recognised? (*An honourable member* : By the Muslim community.) Where is it stated in the Bill? There is nothing in the Bill to show that the Muslim saint is to be recognised by the Muslim community. Again, what is meant by 'recognised'? Further, who is a saint? In the whole of Islamic literature there is no reference to any saint. There are Christian saints, and saints in Hindu mythology. But there is no such saint in Muslim literature. Moreover a "Muslim shrine" is nowhere defined. (*An honourable member* : How do you define 'Muslim'?) I shall answer that question when it does actually arise. What I want to drive at is that if the word 'recognised' is deleted, the clause would become more meaningless.

Mir Maqbool Mahmood : The word 'recognised' which occurs first, that is, in line 3, of the clause is to be deleted and not the one occurring in the next line.

Pir Akbar Ali : This does not help us in any way. It rather makes the matter still worse. Besides, the deletion of the word does not solve the difficulty which has been created by the occurrence of undefined words like 'Muslim saints' and 'shrines'.

I beg to submit that the title as amended by the select committee is even more ambiguous and meaningless than was the case with the original Bill. Originally it was to be an Act called the Female Singers' Prohibition Act which in itself was a meaningless term in so far as music in any form is prohibited by Islam. Now the form has been changed to 'Music in Muslim Shrines Act' which conveys the sense of introduction of music and not its prohibition. The drafting in both the cases is deplorably bad. Does it mean that music in Muslim shrines only is taken exception to by Islam, and its practice otherwise is permissible? There are innumerable other defects in this Bill and I wonder why such nonsensical Bills are allowed to be introduced at all. Is it the only subject in which our amateur legislators should be permitted to try their hand? Surely religion should be the last subject on which any legislator should be permitted to start his career. This is clearly an interversion in religion. The whole thing is so ridiculous. It would appear that Musalmans do not want females to sing and dance to the accompaniment of musical instruments at the shrines of their saints but they have no objection to males doing so even if they are juveniles of

[Pir Akbar Ali.]

ten or twelve years. This is nothing but a *tamasha*. If the honourable mover wished to attain fame he should have very easily done so by doing something commendable, but this is certainly not an intelligent way of achieving his end. No true Muslim can say that music by males to the accompaniment of musical instruments is at all permissible in Islam. If my honourable friend intends to bring about a reform according to the tenets of Islamic law (*shariat*), why does he discriminate between music by females and music by males? He should propose the prohibition of music by both. Again, strict regulation of music in Muslim shrines only is open to objection in so far as it restricts music in shrines and may mean that music is permissible in mosques. Besides, shrines are not confined to this province only. They are found in large numbers in every part of India and I do not think that our provincial Government are at all competent to legislate on a subject of all-India importance. My honourable sister from Lahore rightly stated that every subject relating to Islam was covered by the Quran, the Islamic law (*shariat*) and tradition (*hadith*) and there was no need of further legislation. In my opinion every sentence in this Bill is anti-*shariat*. (*Hear, hear.*) I would like to make it clear that I am not opposing this Bill because it has been introduced by my honourable friend Khan Muhammad Yusuf Khan. I oppose it because it is clearly stated in the Quran that:—

لا إكراه في الدين

(There is no compulsion in religion.)

I do not think persons like my honourable friend or myself are competent to embark on reforming the religion or are free to indulge in such irresponsible intervention. In Ferozepore, Hindu Purbias take out *tazia* in connection with the martyrdom of Imam Hussain. They scrupulously avoid turning their backs towards the *tazia*. It may not appeal to others but it is their belief and they think that their salvation lies in it. Even if you do not subscribe to this view you have no right to inflict your own beliefs on others. It is not only my honourable friend who has introduced a meaningless and badly drafted Bill but other Bills on to-day's paper are equally bad and uncalled for. My honourable friend Sodhi Harnam Singh seeks to bring about social reform and others seem to be endeavouring on the same lines. May I ask if there is no other subject or problem left except religion on which they can try their hand? With these words I beg to oppose the Bill now under discussion and if need be, I would point out the numerous defects and drafting mistakes contained in it at the third reading stage.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) (*Urdu*): Sir, it pleased as well as pained me to hear the speech of my honourable friend Pir Akbar Ali. It was a source of pleasure inasmuch as he was waxing eloquent on a very interesting subject which reminds me of a Persian hemi-stitch:—

بشہ کے دم ز عشق زند بس غیمت است

To hear a gentleman of my honourable friend's age and piety advocating the cause of the singing girls would I think afford pleasure to all. My honourable friend has, in the course of his speech, raised certain uncalled

for objections which do little credit to his vast experience and learning. In the first instance, this Bill does not aim at legislating in accordance with the *shariat* as my honourable friend believes. Secondly, it is not an intervention in any one's religious beliefs or customs. The aim of this Bill is on the other hand very limited in scope. It is a general custom among the Muslims to hold annual meetings (*Urses*) on the anniversaries of Muslim saints. These meetings or gatherings were primarily intended to recount the life works of these saints and to exhort people to lead their lives on the model of these noble souls. But with the passage of time and the carelessness of Mutwallis certain objectionable and immoral practices crept in these annual gatherings and thus militated against their real object, viz., preaching and prevailing upon the people to practise true tenets of their religion. The object of this Bill is merely to stop such objectionable practices at these holy places.

Pir Akbar Ali: Will you please define a 'holy place'?

Raja Ghazanfar Ali Khan: It is no use my continuing the speech when my honourable friend is giving a running commentary while sitting in his seat. In this way neither he nor I can hear what the other is saying. I was submitting, sir, that the object of this Bill is to stop these misguided people from practising such objectionable things as singing and dancing at these shrines. My honourable friend went one better in innovations when he suggested that boys of 12 may sing and dance at these places. Such a thought had not occurred to any one before and if, God forbid, any Muslim takes it into his head to put this suggestion into practice, my friend Khan Muhammad Yusuf Khan shall have to introduce another Bill for prohibiting it.

Again, sir, I was surprised and pained to hear a reference to *tazia* at Ferozepore. I fail to understand what connection there can be between the *tazia* at Ferozepore and the restricting of music in Muslim Shrines Bill. My honourable friend stated that Hindu Purbias scrupulously avoid turning their backs towards the *tazia*. How is it relevant to the prohibition of music in shrines? The fact is that however learned a lawyer may be it is natural for him to indulge in such irrelevancies when he does not find any sound argument in support of his case. Apart from this irrelevant uncalled-for remark the Pir Sahib also advanced the argument of:

لاکڑہ فی الدین

Which Muslim does not know that compulsion in the matter of religion is a sin? But we are not compelling any one to do anything religious. We are merely wanting to free the meetings held on anniversaries of Muslim saints from the taint of music and dancing by prostitutes. We are not preventing anybody from enjoying music and dancing or practising it himself. He can do so, if he so wishes, with pleasure but not in a shrine, because it is said that:—

واعظان کیں جلوہ در حراب و مسجد می کنند

جس بہ خلوت می روند آن کار دیگر می کنند

Then my friend, Pir Sahib, objected to the retention of the word "recognised" in line 3 of the clause under consideration. He has asked as to who will recognise whether a saint is a saint. What a nice point

[Raja Ghazanfar Ali Khan.]

my friend has scored ! I do not know what has happened to him that he has forgotten that the saints of different communities are recognised by the communities concerned. Does he not know that the saints of the Hindus are recognised by the Hindus and the saints of the Sikhs are recognised by the Sikhs ? Similarly, it will be the Muslims who will recognise their saints. In short my submission is that this clause or the Bill as a whole does not go against the interests of any sect, much less of any community. Instead of opposing it Pir Sahib should have rather congratulated Khan Muhammad Yusuf Khan for sponsoring it. Let me tell him that he could have reasonably objected to it only if he had sought to prevent him or anybody else from taking these female singers or dancers to his bungalows. What we want to do by means of this Bill is that the female singers or dancers be prohibited from going to the shrines of Muslim saints for singing or dancing purposes. Such places are 10 or 12 in number only. With the exception of these places they can go anywhere they choose. With these words I request my friends not to oppose this clause.

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muhammadan Rural) (*Urdu*): Sir, I am very sorry that I have to oppose my friend Pir Sahib. If he had opposed this Bill because of its defective language I also would have to some extent agreed with him that the defects should be removed and that it should not be passed in its present form. But I do not see eye to eye with him when he says that this Bill should not be enacted at all. Let me tell him that this Bill does not interfere in the religion of anybody, much less of the Musalmans. In support of his contention my friend quoted a verse of the Holy Quran which is as follows :

وَأَكْرَاهُ فِي الدِّينِ that is, there is no compulsion in religion. I fail to understand how this verse applies in this case. We are not interfering in the religion of anybody. We simply want to prohibit female singers from going to the shrines of Muslim saints for singing purposes which act is not only un-Islamic but is a sheer heresay.

Mr. Speaker : The motion before the House is that in line 3 the word "recognised" be omitted. The whole Bill is not under discussion.

Khan Sahib Raja Fateh Khan : While speaking on this amendment my friend made an allegation against us that by enacting this measure we were so to say interfering in the religion of Muslims. This is an absolutely baseless allegation. At present I am pointing out to him that we are in no way interfering in religion. On the contrary we are doing a great service to the Muslims by placing this measure on the Statute Book. My submission is that if Pir Sahib thinks that the enactment of this measure amounts to interference in religion what would he say in regard to this injunction of the Holy Quran which is laid down in the following verse :—

إِنْ مَكَانُكُمْ فِي الْأَرْضِ أَوْ إِلَى السَّجْدَةِ وَالْإِسْلَامِ وَالْمَعْرِفَةِ وَنَهْدًا عَنِ الْمُنْكَرِ

If this is a fact that the Muslims have been enjoined by the Holy Quran to do all these things when they get political power, how does it become him to oppose such Bills the object of which is to cut at the root of evil customs that have been imported in Islam by interested persons. I think by opposing this Bill he is doing a positive disservice to Islam. I really regret very

much that he adopted this attitude which he should not have adopted. Then my friend referred to the taking out of a *tazia* at Ferozepore by a certain sect of the Muslims. Let me tell him that unfortunately at present some differences exist between this sect and the other Muslims just as the whole Islamic world differs with the community of my honourable friend on principle.

Mr. Speaker : I have already pointed out that the amendment under discussion is whether in line 3 the word "recognised" should be omitted or not. But the honourable member is still discussing the whole Bill. This he should not do.

The question is—

That in clause 2, line 3, the word "recognised" be deleted.

The motion was carried.

Mr. Speaker : Question is—

That clause 2 as amended stands part of the Bill.

The motion was carried.

Clause 3.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*) : Sir, I beg to move—

That in clause 3, line 2, for the words "to the accompaniment of" the words "with or without" be substituted.

Sir, if women or girls are allowed to sing or dance in Muslim shrines it will defeat the very purpose for which this Bill has been moved. The object for which the honourable mover has brought in this Bill is to prohibit women from going to the shrines for the purpose of singing or dancing there. But if they are permitted to go there and to dance or sing there without being accompanied by musical instruments it would not help to carry out the real purpose for which this Bill has been moved. Sometimes women having the profession of singing and dancing go to shrines and sing *na'ts* there. Many people take objection to their singing *na'ts* in dancing clothes even in shrines. Therefore, it would be much better if by the substitution of the words "with or without" in place of the words "to the accompaniment of" you stop singing and dancing by these women at shrines absolutely. Moreover, by the substitution of these words even those people who instigate women to visit shrines and sing there will also become liable to be prosecuted. I, therefore, request the honourable mover and other honourable members to consider my amendment and to accept it.

Mr. Speaker : Clause under consideration, amendment moved—

That in clause 3, line 2, for the words "to the accompaniment of" the words "with or without" be substituted.

Mian Abdul Rab (Jullundur South, Muhammadan, Rural) (*Urdu*) : Sir, I have risen to oppose the amendment moved by my honourable friend Khan Sahib Khawaja Ghulam Samad. I think that this Bill should be passed in the form in which it has been moved by my honourable friend Khan Muhammad Yusuf Khan. If we accept the amendment moved by the Khawaja Sahib it would amount to prohibiting all women or girls from visiting shrines. The real purpose of the Bill is to stop dancing and singing or the accompaniment of musical instruments as is done by professional

[M. Abdul Rab.]

singers. According to the amendment of Khawaja Sahib even if an old woman would like to recite a *na't* at a shrine she will not be allowed to do so. For these reasons I oppose this amendment.

Raja Ghazanfar Ali Khan (Parliamentary Secretary) (Urdu): Sir, I rise to oppose the amendment moved by my honourable friend Khawaja Ghulam Samad. There is a difference of heaven and earth between the purpose with which the honourable mover has brought in this Bill and the purpose which Khawaja Sahib wants to attain by his amendment. I oppose this amendment first for the reason for which it has been opposed by Mian Abdul Rab. Mian Abdul Rab said that even an old woman will not be allowed to recite a *na't* at a shrine. I say that all women whether old or young will not be allowed to sing *na'ts* if this amendment is accepted. The police would bounce on any one who would sing any *na't*. This amendment if accepted will cause unnecessary botheration to women. There is a well-known couplet of Akbar Allahabadi—

افین شوق عبادت بھی ہے اور گانے کی عادت بھی

نکلتی ہیں دعائیں ان کے مہنہ سے تھوڑی بن کر

(Laughter.) I have said nothing of the sort. I have only quoted an Urdu couplet of a very celebrated poet, Akbar of Allahabad, which is as follows:—

نہیں شوق عبادت بھی ہے اور گانے کی عادت بھی

نکلتی ہیں دعائیں ان کے مہنہ سے تھوڑی بن کر

My point in quoting this couplet was only to show that prayer may not be necessarily in prose. It can also be in verse. If incoherent words are liked by God He will also like that prayer which is expressed in beautiful words arranged in rhythmical order. In this connection it will be necessary to remember that a Muslim is enjoined to recite Quran in a tone that will have a certain amount of appeal and attraction in it. A bad voice may not be shunned by God. But surely a good voice too will not be disliked by Him. All I want to emphasise is that we should not restrict the offering of prayers to those only who use prosaic sentences and forbid those who want to express their deep feelings and prayers in verses. Instruments are to be shunned altogether. But singing should not be stopped. No person should be allowed to sing to the accompaniment of musical instruments. But people should be allowed to recite *na't* without a *baja* but in sweet melodious voices. Sometimes the innermost sentiments of people naturally take the shape of verses and they begin to sing all of a sudden. We should not forbid this spontaneous and sincere expression of feelings. As to the use of *bajas*, I am emphatically of the opinion that it should be stopped altogether. With these few words, I close my speech.

Pir Akbar Ali (Fazilka, Muhammadan, Rural) (Urdu): Sir, I had absolutely no mind to intervene in this debate at the present stage. But the different speeches made about the music before the Muslim shrines have roused me to make a few observations. The view expressed by my honourable friend Raja Sahib is very strange indeed. A little while ago when the Bill proposed by my honourable friend Sodhi Harnam Singh

about the reform of social customs was under consideration, a strong resentment against it was shown by Muslims. But now they are again suggesting the same things which they detested in the Bill introduced by my honourable friend Sodhi Harnam Singh. Raja Sahib has supported the singing of *thumris* (songs) at the shrines of Muslim saints to the accompaniment of musical instruments. (*Raja Ghazanfar Ali Khan*: Question.) I was carefully listening to him when he was speaking. He is in favour of musical instruments like the *baja* being used at the shrines of the Muslims. How can he call it lawful according to the *Shari'at*? On the one hand Muslims regard these places holy, and on the other hand they want to commit unholy things there. They want that at Data Sahib or other such holy places they may sing to the accompaniment of *bajas* and other musical instruments. That is strictly forbidden in Islam. I challenge Raja Sahib to quote any authority in support of his contention that just as it is allowed to recite the Holy Quran in melodious voice, it is also lawful in Islam to sing with *baja*. (*Raja Ghazanfar Ali Khan*: I never said so.) All of these honourable friends of mine like Mian Abdul Rab, Raja Ghazanfar Ali Khan and Mian Muhammad Yusuf regard *baja gaja* as essential.

Mir Maqbool Mahmood: On a point of order. My friend Pir Akbar Ali seems to be working on wrong premises. The difference between the two amendments proposed is this: One side says that the lady concerned can sing without the accompaniment of instruments. The other party says that she should not be allowed to sing with or without an instrument. So far as the *baja* part is concerned, both parties agree that it should be removed.

Pir Akbar Ali: As the proposed amendment seeks to justify singing with *baja*, I am saying that this is against the law of Islam. But Raja Sahib thinks that singing with *baja* is allowed in Islam.

Mir Maqbool Mahmood (Parliamentary Secretary) (*Urdu*): Sir, I had no mind to make any speech with regard to this clause of the Bill. But my honourable friend Pir Akbar Ali's remarks have obliged me to clear the position. There seems to be a great misunderstanding about the different amendments that have been proposed. I am at this time reminded of a Persian couplet which aptly applies to the present case and which runs as under:—

ما مریدان رخ بسوائے کعبہ چون آریں
رخ بسوائے خانہ خمار دارد پیر ما

It is surprising indeed that my honourable friend Pir Akbar Ali is opposing this amendment while it was hoped that he would welcome this amendment. He has grossly misunderstood the position of Raja Ghazanfar Ali Khan as well as that of Mian Muhammad Yusuf. (*Pir Akbar Ali*: Raja Sahib can look after himself. Why should you try to interpret him?) Under the rules an honourable member cannot speak twice on the same motion and my honourable friend should know that Raja Ghazanfar Ali Khan has already spoken and cannot get up again to clear the confusion created by Pir Akbar Ali. That is why I am trying to make the position of Raja Sahib clear. It is a pity that the Bill should be opposed by Pir Akbar Ali while its object is to prohibit dancing and singing with *baja* at the shrines of holy Muslim saints.

[Mir Maqbool Mahmood.]

Now the question under discussion is whether girls or women should be permitted to sing or dance to the accompaniment of musical instruments in Muslim shrines and at the tombs of Muslim saints.

2 p.m.

So far as *baja* is concerned, I am sure, all sections of the Muslim members are agreed, that it should be absolutely prohibited. As regards dancing with or without musical instruments, I think I would be voicing the feelings of all the honourable members, if I say that it should under no circumstances be permitted in any Muslim shrine. But there is one point on which I beg to differ with Raja Sahib, and that is this. I am one of those persons who admire and do not decry music as an art. If it is practised with a view to promoting and perfecting the art, I think it should be permissible purely from this point of view. But as we have to observe the sanctity of 'mazars', 'maqbaras' and tombs of Muslim saints, the use of musical instruments should be scrupulously eschewed. But there should be no bar or restriction on mere singing. It would not be out of place to mention here that on certain occasions I had an opportunity to see singing being permitted in Muslim shrines not only in Madras but also in Delhi.

Now in order to reconcile my honourable friends holding divergent views on this point, I would suggest the following amendment in the clause.

3. If any woman or girl sings to the accompaniment of a musical instrument or dances with or without a musical instrument in a Muslim shrine, she shall be guilty of an offence.....

I am sure this will have the approval of all, because it fully meets the objections raised by my honourable friends Raja Sahib, Mian Abdul Rab and others.

Khan Sahib Khawaja Ghulam Samad : Sir, though the object of my amendment is fulfilled to a certain extent, yet I would propose at the same time that if these words be added in the amendment proposed by my honourable friend, the Parliamentary Secretary that "if any woman or girl putting on ordinary clothes"—

Mr. Speaker : Is the honourable member prepared to withdraw his amendment?

Khan Sahib Khawaja Ghulam Samad : My object is that if a dancing girl—

Mr. Speaker : I cannot allow the honourable member to move another amendment.

Khan Sahib Khawaja Ghulam Samad : With regard to a dancing girl—

Mr. Speaker : The honourable member is requested to resume his seat. I cannot allow him to move another amendment.

Khan Sahib Khawaja Ghulam Samad : But I can say something in reply to my amendment.

Mr. Speaker : Certainly, if he does not wish to withdraw his amendment.

Khan Sahib Khawaja Ghulam Samad : I do not. As I have already submitted, this amendment is acceptable to me if these words are added, "if any woman or girl sings or dances".

Mr. Speaker : Does the honourable member wish to withdraw his amendment?

Khan Sahib Khawaja Ghulam Samad : Sir, I beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

Khan Sahib Khawaja Ghulam Samad : Sir, my amendment to the amendment before the House is—

If any woman or girl sings to the accompaniment of a musical instrument with *pishtar* or dances with or without a musical instrument in dancing clothes. (*Laughter.*)

Mr. Speaker : I cannot allow any amendment to be moved unless it is handed over to me in writing. Does the Honourable Mir Maqbool Mahmood stick to his amendment?

Mir Maqbool Mahmood : Yes, sir, I stick to my amendment.

Mr. Speaker : The question is—

That in clause 3, lines 1 to 3, for the words "or dances.....a musical instrument" the words "to the accompaniment of a musical instrument or dances with or without a musical instrument" be added.

The motion was carried.

Mr. Speaker : The question is—

That clause 3 as amended stands part of the Bill.

The motion was carried.

Clauses 4 and 5.

Mr. Speaker : The question is—

That clauses 4 and 5 stands part of the Bill.

The motion was carried.

Clause 1.

Mr. Speaker : The question is—

That clause 1 stands part of the Bill.

The motion was carried.

Title.

Mr. Speaker : The question is—

That the title be the title to the Bill.

The motion was carried.

Khan Muhammad Yusaf Khan (Rawalpindi Sadar, Muhammadan Rural) (*Urdu*) : I move—

That the Music in Muslim Shrines Bill be passed.

Sir, my honourable friend Pir Akbar Ali has raised certain objections during the course of his speech which call for a reply from me. The object of this Bill is to put a stop to certain objectionable practices such as singing and dancing on the tombs of saints and holy persons whose lives are a guiding star for us. It is our duty to see that such immoral and improper practices are stopped. I am one of those persons who would wish to prevent every kind of music in such places whether it is by females or by males. But so far as the music by the latter is concerned it is difficult to stop it because some people think that singing by males in the form of Qawwali, in such places is absolutely essential. In order to prohibit music by females as well as males it would have been necessary to introduce a Bill which struck at the very root of music and declared it as illegal. But I purposely refrained from taking a step which would bring about a cleavage between

[Khan Md. Yusuf Khan.]

certain sections of our community. I, therefore, sought to prevent music at least to that extent to which most people were agreed, viz., in so far as music by female singers was concerned. The second objection raised by my honourable friend was that for prohibiting music I have sought the help of this measure and thus have been guilty of intervention in religion. This is an absurd and silly objection and I do not propose to give any reply to it. But may I know why my honourable friend tolerates the intervention of the Indian Penal Code in so far as it provides punishment for adultery and that of the Gambling Act which prohibits gambling. I do not see any reason why an immoral act should not be penalized through legislation when religion as well as public opinion considers it as such.

I am indebted to the House for helping me in bringing this measure on the Statute Book, the necessity of which was felt by all the right-thinking Muslims in the province. I also take this opportunity of thanking my non-Muslim friends who have abstained from taking any part in the discussion and have been patiently sitting through in the capacity of spectators.

While moving that the Bill be now passed I expect that it will receive the unanimous assent of the House and I am also confident that my honourable friend Pir Akbar Ali who exhibited a useless and unnecessary youthful zeal although an old man in opposing this measure will not withhold his vote.

Mr. Speaker : Motion is—

That the Music in Muslim Shrines Bill be passed.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan-Woman, Urban) (Urdu): Sir, I am very glad that this Bill is going to be passed. (Hear, hear.) I congratulate the honourable mover on taking this right step in the right direction. I am fully aware of the fact that these female singers and dancers do not sing and dance out of pleasure. On the contrary it is their men-folk who compel them to dance and sing so that they may live on their incomes. My brother has really done a great service to the women-folk by sponsoring this measure. Nevertheless I have been very much surprised to hear the speeches of some honourable members to-day. My brethren, Mir Maqbool Mahmood and Raja Ghazanfar Ali Khan observed that we should encourage the art of singing. They should know that they are Mussalmans and according to the tenets of Islam both singing and dancing are forbidden. It is a matter of great regret that those persons who call themselves Mussalmans want to encourage female singers and dancers. However, it is a matter of great satisfaction that in this House a Bill has been introduced under the provisions of which the female singers have been prohibited from going to the shrines of Muslim saints for singing and dancing purposes. They will be permitted to go to the graveyards and shrines of their saints not for singing or dancing purposes but for *fata-khani*. Just as they can go to the graves of their fathers, mothers and brothers for *fata-khani*, similarly they would be permitted to go to the shrines of Muslim saints as well. The honourable members are aware of the fact that when the annual *urses* are held, people in order to revive the memory of their saints spend thousands of rupees and start free kitchens. Many people among whom female singers are also included go there.

Although the female singers go to these places out of their love for the saints and sing there enthusiastically, still the onlookers do not think that they are singing out of their love for the dead saints. The result is that people gather round them and instead of inculcating in them any love for their saints they dive headlong into evils. After the enactment of this measure, when the female singers will be prohibited to go to the shrines of Muslim saints for singing or dancing purposes, naturally people will return from such places as gainers and they will bring with them some good ideas. Sir, five years have passed since this Assembly came into being and so far all the Bills which have been introduced in this House have been considered seriously. But it is a pity that when this Bill was taken up to-day, although it is a very good one, and mention was made of a female singer, then all the members began to say, *ah, ah* and *wah, wah*. I do hope that just as my brother Khan Muhammad Yusuf Khan has taken a step in the right direction similarly other honourable members would bring forward similar measures so much so that a day will come when there will not be any female singer in the Punjab. Let me point out that it is the men who compel their women-folk to get training in singing and dancing and the sin of this lies on their shoulders. They do so in order to live on their incomes. Many female singers and dancers come to me and tell me that I should procure some employment for their women-folk so that they should get rid of the nuisance of singing and dancing. In short they are compelled to sing and dance and thus earn money. It is a matter of gratification that my brother has sponsored this Bill. If such Bills are continued to be sponsored it is hoped that a time will very shortly come when there will be no female singer and dancer here in the Punjab. Sir, I am surprised why some of my brethren have thought it fit to oppose this measure to-day. I do not know why they are opposing it. Is it that any female singer had approached them and had persuaded them to oppose this Bill? I may point out that the majority of the votes of my constituency consists of the votes of female singers and dancers. I do not know how Government have come to respect them inasmuch as they have cut down the votes of the Muslim ladies and have allowed the votes of the prostitutes to remain as they were. Sir, you will be surprised to learn that out of a total of 1,000 votes 500 votes are those of the female singers and dancers and the rest are those of other Muslim ladies. All the same not a single female singer has approached me to oppose this Bill (*Premier* : The lady member must have recommended the case of the female singers and dancers.) On the contrary I protested against this fact time out of number but nobody listened to me. Sir, you as well as the House will remember that I opposed the right of vote being given to so many female singers. It is therefore not correct for the Honourable Premier to say that I recommended their case. I may tell him that I stand in need of nobody's votes. Whatever I do I do honestly. I honestly feel that this measure is a good one. If it had not been a good measure I would never have supported it. The honourable members know it perfectly well that I never support a wrong thing. Anyhow my brother deserves thanks for moving this salutary Bill, and I pray that other honourable members may follow the good example set by him so that a day may come when not only in the Punjab but also in the whole of India no female singer should be found and women should be respected and honoured.

[Begum Rashida Latif Baji.]

and men instead of living on their earnings should become their supporters and protectors. With these words I support this Bill whole-heartedly.

Pir Akbar Ali (Fazilka, Muhammadan, Rural) (*Urdu*): Sir, at present the Bill is undergoing its third reading and the next step will be that it will be passed. Now if you refer to its short title you will find that it reads thus, "The Music in Muslim Shrines Act". It means that this Bill introduces music in the shrines of the Muslim saints rather than prohibit it. I drew the attention of the House to this defect on the very first occasion of the introduction of this Bill but so far no attention has been paid to it and this mistake of drafting has not been rectified.

* If you refer to the short title you will find that this Bill will be called, "The Music in Muslim Shrines Act". It means that this Bill introduces music in the shrines rather than prohibit it. It is merely a defect of drafting and it could very easily have been removed provided my friends had so desired. Let me tell you, sir, that when we go outside this House we hear people saying that the members of the Unionist Party cannot even draft their Bills correctly. My friends may not feel it but at least I must admit that I feel greatly ashamed when I hear such a thing. Anyway if they do not want to remove this defect it is their outlook.

Besides, my submission is that it is possible that those honourable members who are feeling happy to-day may have to repent to-morrow. This Bill amounts to an interference in religion and by enacting it my friends are setting a bad example for their successors. To-day they have an overwhelming majority at their back and they can enact this measure. If to-morrow any other party comes into power, it will have every right to enact any law pertaining to our *shariat* and this precedent which my friends in their ignorance are setting will be quoted by that Government in its favour. As a matter of fact this Bill is unnecessary. Music is always and everywhere a sin no matter whether the musician be a male or a female. My friends are only prohibiting the female singers to go to the shrines of the Muslim saints for singing purposes. But so far as the male singers are concerned they are at liberty to sing at such places. If my friends had any love for maintaining the dignity of such shrines they should have prohibited singing, whether by males or females, altogether. But they have not done anything of the sort. They have simply prohibited the female singers to go to such shrines for singing purposes and have not imposed any restriction on the male singers at all. Let me tell them that by enacting this Bill they are creating a bad precedent for future Governments. It is not such a Bill without which we cannot do or without which Islam cannot flourish. As a matter of fact there are many other matters relating to our *shariat* in regard to which Bills could have been introduced. For instance, there is the question of inheritance. If my friends have any love for Islam let them introduce a Bill giving effect to Muslim Inheritance Law here in this province. But so far as this Bill, which will very shortly become law, is concerned it will not bring about that social reform which my friends seek to achieve by placing it on the Statute Book.

Then, sir, there is yet another point which should be borne in mind and that is that the Punjab Legislative Assembly is enacting a Bill in regard

to a matter which concerns the whole Islamic world. The shrines of Muslim saints in regard to which this Bill is being enacted are *wakaf* properties and my friends have no authority to enact any Bill in regard to these *wakafs* without the consent of the trustees. This is a matter which relates to Islamic *shariat* and the Punjab Government have no authority to enact a measure in regard to these *wakafs*. Let me tell my friends that these shrines are not confined to the Punjab only. They exist throughout the world. The measure which my friends are enacting will apply to the shrines of the Punjab only. I ask, who will care for this law outside this province? Do my friends think that the whole Islamic world is confined to the Punjab only? After all, what effect will this measure have even in Delhi or Ajmere Sharif? In those shrines singing and dancing will be done by the females and my friend Raja Gazanfar Ali Khan and others instead of going to the shrines in the Punjab will go there. I do not think that this Bill will serve any useful purpose at all. I would, therefore, request my friends to drop this measure finally. With these words I oppose this Bill.

Premier (The Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan) (Urdu): Sir, I fully endorse the opinion expressed by Pir Akbar Ali. But let me tell him that this Assembly is not entitled to amend or modify the personal law of the Muslims. My honourable friend, Khan Muhammad Yusuf Khan, has moved this Bill as a social reform Bill and not as a religious Bill. It is quite possible that other provinces may also follow the lead given by us in this respect and may pass similar Bills. It is a wholesome measure and I congratulate the honourable mover on having brought it forward before this House. If this Bill after it becomes an Act, meets with the approval of the public, the possibilities of other provinces passing similar measures will increase. But if it fails to get the approval of the public, it will become a dead letter as is the case with many other Bills. We know that the Sarda Act was passed by the Central Assembly but the public did not like it. The result is that it has now become a dead letter. I again congratulate Khan Muhammad Yusuf Khan on having brought forward this Bill. He has been working hard on this Bill for the last two or three years and to-day his labour has borne fruit, for the House is inclined to accept this measure.

Mr. Speaker: The question is—

That the Music in Muslim Shrines Bill be passed.

The motion was carried.

HINDU CHARITABLE AND RELIGIOUS ENDOWMENTS BILL.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural): I beg to move—

That the Punjab Hindu Charitable and Religious Endowments Bill be referred to a Select Committee consisting of—

Minister of Finance.

Mahant Girchari Das.

Lala Sita Ram.

Lala Harnam Das.

Rai Sahib Rai Hari Chand.

[R. B. L. Gopal Das.]

Chaudhri Ram Sarup.

Pandit Shri Ram Sharma.

Lala Bhagat Ram.

Mr. Dev Raj Sethi.

Sardar Pritam Singh.

Sardar Bahadur Sardar Ujjal Singh.

Sardar Kartar Singh Giani.

(Urdu): Sir, this Bill was first introduced in this House in 1938 by my honourable friend the late Rai Bahadur Lala Binda Saran. In December, 1940, this House agreed to circulate it for eliciting public opinion. This Bill has again come up for consideration to-day. A large number of opinions have been received on it. I have read them all. Those that are against it can be divided into three categories. In the first group are the Udasis. They have claimed that they should be excluded from the purview of this Bill. The Udasis say that in case they are excluded from the purview of this Bill, they will not oppose it. A few representatives of the Udasis met me and I assured them that I would exclude their religious places of worship and *akharas* from the operation of this Bill. I again gave this assurance on the floor of this House that if any gurdwara or dharmshala of the Sikhs has been included in this Bill by mistake, it will be excluded and that if the Sikhs think that there is any provision in this Bill which in any way adversely affects them, I will be only too glad to modify that provision.

The second group which has opposed this Bill consists of the Mahants who have vested interests. It is but natural that they should oppose this Bill, because it aims at removing the evils which have crept in our places of worship through their neglect of duty. After this Bill is passed into law, they will no longer have their own way in the matter of spending the income from the property attached to shrines.

Minister of Revenue: When were you helping on the occasion of the Sikh Gurdwara Bill?

Rai Bahadur Lala Gopal Das: The Honourable Minister is wrong in making that imputation. Sir, public interest demands that we should not care for the opposition of people who have vested interests. We must prefer public interest to the benefit of people with vested interests. I may tell the House that I also assured the Mahants that in the case of such of them as are good and use the income from the property attached to the shrines for good purposes, there will be no undue interference.

The third group which has opposed this Bill consists of persons who are not Mahants themselves, but who are directly or indirectly supported by the Mahants. These people may not be directly affected by this Bill, but indirectly they are affected and some of the Mahants, I think, have prompted them to oppose this Bill. I appeal to the House that they should not care for the opposition of such people and should only care for the good of the Hindu public.

Some persons argue that they do not want that the Government should interfere in religious matters. In this connection they made a reference to

the declaration made by Queen Victoria to the effect that no interference would be made with the religion of any person in India. But may I ask them whether, during the last forty or fifty years measures of reform of this character have not been enforced by the Government? Their first objection against this Bill is that the control of Hindu shrines will pass into the hands of the Government, which will then interfere in our religious matters. But in my opinion this objection is not valid. The control of our temples will rather come into the hands of the community under the provisions of this Bill. There is the precedent of the Gurdwaras Act. We also want to reform administration of our temples. The existing legislation on the subject is insufficient and inadequate. In this opinion I am supported by Lala (Barn Nanyan, P.C.S., Judge, Small Cause Court, Delhi, who says at page 2 of the volume containing the opinions collected on the Bill—

“The Law laid down in the Religious Endowment Act, 1863, for bringing suits against Trustees and Mahants is costly and dilatory. Before a suit can proceed the sanction of the Executive Authority is necessary.....”

Another objection raised against this Bill is that it is anti-religious. Now I am not aware of any Shashtra which prohibits the removal of corruption from our religious places. I challenge anybody to show me any reference from the Hindu scriptures which forbids the reform of mismanaged temples. If any one show me such a reference, I will certainly modify my views according to it. But I am sure there is no such religious mandate. It stands to reason that we should try to remove corruption from our religious places. In addition to the precedent of the Sikh Gurdwaras Act, I would point to the case of Orissa, where an Act was passed in 1939 on similar lines. The said Act was amended in 1941. In some other provinces also similar measures have been or are being enacted. In the North-West Frontier Province there is a Muslim Waqf Act similar to the Sikh Gurdwaras Act and my Bill. I, therefore, hold that those who have raised objections against my Bill have done so only for the sake of opposing it. There is no genuine objection against this measure. Just consider, for instance, the objection of Bhai Parmanand. I cannot comprehend his adverse criticism. When I was fighting elections to the old Legislative Council, Bhai Parmanand was supporting my candidature and delivered speeches in my favour. He used to speak of our temples as obsolete institutions which he wished to be razed to the ground. But his present attitude towards this Bill is entirely inconsistent with his previous convictions. By publicly opposing this measure he has merely cut a sorry figure and has not been able to put forth any convincing objection against this Bill. Apart from this cry of religion in danger, a great hue and cry is also being raised to the effect that Yogis and Viragis will be dispossessed of all their rights in the temples. Nothing of the sort is going to happen. Those temples which are at present under the control of the Yogis will remain under their control and those in which Viragis have a hand, will remain under Viragi control. I find that the aims and provisions of this Bill are deliberately being misrepresented by some persons who have their axes to grind. Whenever any reforms are sought to be introduced, the culprits always raise false alarms in order to retain their power to indulge in corruption or escape the consequences of their misdeeds.

[R. B. L. Gopal Das.]

The Delhi Bar Association says at page 9 of the Volume of Opinions :—

"As usual, interested persons will raise the cry of 'religion in danger' but there is nothing in the provisions of the Bill which might be construed to mean that any scheme of religious worship or observance of rituals will in any way be interfered with by the Central Board. In fact all Dharamsalas and places of worship will be put under the control of their Shri Mahants. Their accounts will be checked and their power of alienation of trust property will be curtailed but the Board will not interfere in their internal management or with their scheme of worship."

I will now deal with some other objections that have been raised against the Bill. One criticism is that some definitions given in it are defective. I am open to conviction. If there are any such defects, let competent authorities correct them. I will be rather too glad to see such improvements made in my Bill. Let the definition of the word "Hindu" be modified or amended according to competent Shastric authorities. I have no objection to this. It will be the duty of the Select Committee to remove all such defects. I hope the members of the Select Committee will go into these matters thoroughly and suggest the necessary improvements. I am quite sure that the rights of Sanatan Dharmis will be duly safeguarded and their views will be fully considered in the Select Committee.

I will now proceed to quote the opinions of the various persons and institutions which are contained in the volume of opinions on the Punjab Hindu Charitable and Religious Endowments Bill. I am glad to say that about 85 per cent of the opinions received are in favour of my Bill and only about 15 per cent are against the measure.

First of all, I would bring to your notice the opinion of Mr. Justice Skemp, an ex-President of the Sikh Gurdwara Tribunal and a Judge of the Lahore High Court. He says :—

"From experience of Sikh Gurdwaras obtained, as President of the Sikh Gurdwaras Tribunal, I am convinced that it is the duty of the Government, in order to prevent grave abuse, to exercise some control and supervision over religious institutions and especially over religious endowments. This Bill appears to follow the general scheme of the Sikh Gurdwaras Act. I welcome it as a starting point."

Then come the District and Sessions Judges. All those officers who have given expression to their views on this important Bill, have wholeheartedly approved of the principle underlying this wholesome measure. Honourable members would be interested to know that all the District and Sessions Judges, excepting one, who could not send his opinion owing to illness, have expressed themselves in favour of this Bill.

Besides, out of five Commissioners, four have definitely supported this Bill, while one has expressed his inability to offer his opinion. So far as Deputy Commissioners are concerned, 25 have signified their approval of the principle of the Bill. They state that they circulated this Bill in their respective districts for eliciting public opinion and found that the consensus of opinion was unequivocally in favour of this measure being put on the statute book. In their opinion the Bill would prove extremely useful to the Hindus in regard to the better administration and amelioration of their religious and charitable institutions. They even urge that this measure should be passed into law without any avoidable delay. In this

connection the opinion of the Deputy Commissioner of Gurgaon requires particular mention. It reads thus—

"In my opinion the Bill appears appropriate and is likely to prove useful for the amelioration of religious institutions, administration, supervision, personnel, moral and finances of some of which have deteriorated to such a lamentable degree that their outlook is reduced to a shameful mockery and their working to a state of great corruption. It is high time that a reform in the present conditions were introduced. The proposed Bill would tend to curb the undesirable activities of the present system and go some steps towards the desired end."

The Additional District Magistrates, too, have supported the Bill in equally strong terms. For instance, the Additional District Magistrate, Karnal, opines—

"The Bill is a very wholesome measure designed to remove a long felt want of the Hindus professing the Sanatan Dharam faith, for the amelioration and better administration of their religious and charitable institutions."

Four Bar Associations have extended their wholehearted support to the principle underlying this Bill. Besides, 12 district boards have expressed their opinion in favour of this measure and none of the district boards have struck any discordant note in regard to the principle of the Bill. Then, Sir, 38 municipal committees have sent in their opinions. Practically all of them are in favour of this Bill. One of them has gone so far as to suggest that the scope of this Bill is very narrow and limited and should be further extended. In this connection I would like to point out that the highest judicial tribunals of the land have given their verdict in a certain suit that a Sanatan Dharmi could only remain a Sanatan Dharmi if he believed in the tenets of the Sanatan Dharma. If once he disassociated himself from this, he had no right to interfere in the working of Sanatanist institutions. It has now been suggested by a certain section of the public that the scope of the Bill be so enlarged as to admit again the Sanatan Dharma renegades, if they so desire. Those who do not have faith in the Sanatan Dharma cannot claim any voice in the administration of Sanatan Dharma institutions. If they claim full faith they are welcome.

Furthermore, 33 notified area committees and small town committees and six cantonment boards, excepting Sialkot which did not express its opinion, have given their whole-hearted support to the Bill. Apart from this, hundreds of Mahabir Dals, women's associations and public meetings of Hindus have supported it unreservedly. The House will be interested to know that 480 public meetings were held and hundreds and thousands of persons participated in them to express their warm and unstinted support to this measure.

In view of these facts, which speak volume for the Bill, I am sure nobody can dare thwart or flout public opinion which is overwhelmingly in favour of the measure. These are the days of democracy. If this land of ours is really being governed democratically, then I have the fullest confidence that this Bill will have a smooth sailing in this legislature.

It would not be out of place to mention here that the number of signatories to the memorials submitted for and against this measure is 85,712 and 17,000, respectively. The honourable members would see that the opposition that has been offered to this Bill is negligible. It pales into insignificance before the opinions of the vast majority of Hindus who are

[B. B. L. Gopal Das.]

in favour of this measure. The main opposition has come from the Udasi Mahants who have represented that they should be excluded from the scope of the Bill. After giving a careful consideration to this matter, I have decided to accept their point of view. Consequently, after their exclusion, the opposition will be reduced still further giving thereby added strength to our case.

In the end I would like to make it abundantly clear that so far as the interests of the Sikhs are concerned, I am prepared to give an undertaking that they will be fully protected. If my Sikh friends consider the Bill defective in certain respects as adversely affecting them, then an endeavour will be made to remove the defects after it has been referred to a Select Committee.

Sir, I would now like to acquaint the House with the grounds on which this measure has been opposed from certain quarters.

3 p.m.

Some years back when my late lamented friend R. B. Binda Saran introduced this Bill, a pseudo-journalist came to me with the request that I may take him along with me to the late Rai Bahadur. On being asked as to his intention, he told me that if the Rai Bahadur would grease his palm, his measure would not be opposed. Naturally I refused to take him to the late Rai Bahadur. He then went to Rai Bahadur Lala Binda Saran himself and repeated his demand, which was, of course, disdainfully rejected.

Lala Deshbandhu Gupta : Sir, as my honourable friend has referred to "a journalist" I would request him, in fairness to my journalist friends, to disclose his name.

Rai Bahadur Lala Gopal Das : It will not be proper for me to do so.

Lala Deshbandhu Gupta : You should at least let us know whether he is a representative of any local paper?

Rai Bahadur Lala Gopal Das : No, Sir.

Lala Deshbandhu Gupta : Is he not the non-official publicity agent of the Government known as Mr. Bharti?

Rai Bahadur Lala Gopal Das : I do not think so. Well, sir, my late lamented friend Rai Bahadur Binda Saran died in February, 1940, but a few days before his death, he entrusted his Bill to me. Again, my journalist friend had the audacity to confront me with the same demand and added that my safety lay in accepting his demand. I told him that even if I was called upon to lay down my life in a righteous cause I would gladly do so. As a result of this emphatic refusal, my disgruntled friend tried to incite various bodies against this measure, but I am glad to say that he met with little success in his nefarious mission.

I am confident that those of my Hindu friends who have studied this Bill carefully will not oppose it. Apart from safeguarding the interests of the Hindu community by preventing the funds and property of our temples from falling into wrong hands, it does not propose to strengthen or weaken the hold of any particular person or body of persons. The object is merely to bring our temples to the same level of prosperity and usefulness as was in evidence in the days of Hindu kings in ancient times.

Although there is no possibility of any large-scale opposition to this measure, I may add that I am always prepared to remove any misunderstanding that any one may have in this behalf, and to consider favourably all reasonable suggestions offered.

With these words, I move that the Bill be referred to a Select Committee^e so that it may be improved upon as a result of their deliberations.

Mr. Speaker : The motion moved is—

That the Punjab Hindu Charitable and Religious Endowments Bill be referred to a select committee consisting of—

Minister of Finance.

Mahant Girdhari Das.

Lala Sita Ram.

Lala Harnam Das.

Rai Sahib Rai Hari Chand.

Chaudhri Ram Sarup.

Pandit Shri Ram Sharma.

Lala Bhagat Ram.

Mr. Dev Raj Sethi.

Sardar Paritam Singh.

Sardar Bahadur Sardar Ujjal Singh.

Sardar Kartar Singh Giani.

Premier (the Honourable Lieutenant-Colonel Sir Sikander Hyat-Khan) (*Urdu*) : Sir, I congratulate my honourable friend Rai Bahadur Lala Gopal Das on continuing the noble task of Temple Reform which was originally undertaken by my friend the late Rai Bahadur Bindra Saran. I, however, take this opportunity of clarifying the oft-repeated policy of Government with regard to measures of this kind. It has more than once been declared that the Government will adopt a policy of neutrality in respect of measures relating to any particular community, provided they fulfil three conditions. First, that such measures should not adversely affect the interests of any other community. Secondly, that they should not interfere with the lawful administration of the Province. And lastly, that the mover of such a Bill should have at his back an overwhelming majority of the community for whose benefit the proposed measure is to be enacted. So far as I am aware, there has been considerable opposition to this Bill in the Press as well as in other quarters. Even my honourable friend himself has acquainted the House with the fact that opinions, in direct contradiction to his own, have been expressed by certain associations although he and his supporters are in a majority. I am not competent to dwell upon the reasons for this opposition nor have I the right to do so. The fact remains that there are people who oppose this measure, however small their number may be.

I am told that there are some prominent people among those who criticize this measure. They complain that certain defects in this Bill have not been removed, nor has any assurance been given that they will be removed. Moreover the opinions of the judges of the High Court, the leaders of the Sikh community and various other prominent people belonging to the Hindu community have not been obtained. It is due either to the fact that they have had no opportunity of studying the Bill, which is a voluminous affair, or that they do not see eye to eye with the

[Premier.]

principles embodied in this Bill. Anyhow I would advise my honourable friend Rai Bahadur Lala Gopal Das to remove their misunderstandings and to win their assent before referring the Bill to a Select Committee. Moreover there does not seem to be complete unanimity over this measure even among the members of this House. Those supporting this measure may be in a majority but the hostile section comprises quite a large minority. They do not agree with certain clauses of the Bill. And probably for this reason not only one but many important sects of the Hindus raised their voice against this Bill. To ensure that their rights are not adversely affected by it, I would request my honourable friend Rai Bahadur Lala Gopal Das not to press his motion for the present but to postpone it for some time. In the meantime he should try to win over the hostile sections of the Hindus. In my opinion, the best method to settle this matter is to refer it to a Committee representative of both sections of opinion. If he agrees to this suggestion, I would ask the Minister for Education to set up a committee in which due representation would be given to the prominent members of both sections of opinion so that they may sit together and discuss those matters on which there is a difference of opinion. In this way we would be able to discover what are real differences and what are mere misunderstandings, and then efforts can be made to settle those differences in the best possible manner, so that the Bill may be taken up by my friend opposite on behalf of the Hindus and be passed.

So far as the policy of Government in regard to such Bills is concerned, it is the duty of Government to find out, before any such Bill finds its way on to the Statute Book, whether or not it affects the interests of any other community. In regard to this matter as well the Committee referred to above will satisfy itself that this Bill does not affect the interests of Muslims, Christians, etc. etc. I think that my friend also does not wish that this Bill should in any way affect the interests of any other community; what he wants is only to reform Hindu religious endowments. In the circumstances I would request him not to press his motion at this time. On the contrary he should accept my suggestion so that the proposed committee may be set up and consider thoroughly the points of difference that exist in regard to this Bill among the different sects of Hindus. Besides, in that committee every effort should be made, so far as possible, to remove those differences so that the Bill may get, if not unanimous support, at any rate the support of an overwhelming majority of the representatives present. After this committee has settled these differences it will be then, and then alone, proper for us to proceed with this Bill. If my friend presses his motion at this stage it is possible that the Bill may be dropped for the present, and instead of proceeding with it quickly, unnecessary delay may be caused in its way. My friends know perfectly well that Government have also to discharge some responsibilities in this behalf and they cannot afford to proceed with a measure of this nature straightaway, affecting as it does the whole Hindu community and probably other communities as well. With regard to measures relating to any particular community, Government have to see that they will not lead to the disturbance of the peace and tranquillity of the province. Under these circumstances, I would request my friend not to press his motion but to accept my suggestion. If

he is prepared to agree to my suggestion he may give to the Minister for Education the names of the members whom he wants to be nominated on that committee. If he can also give the names of the opponents of the Bill that will facilitate our work a good deal. The Honourable Minister will then set up this committee and due representation would be given to both sections of opinion. When this committee is constituted and agreement is arrived at between the Hindu members of this House, as well those who will be invited to serve on that committee from outside this House, I am sure that no trouble will arise. If my friend presses this motion at present, when the opposition to this Bill still exists, I do not think it will be in any way unjustified on the part of the members sitting on this side of the House to vote against this motion. So far as the position of my party is concerned I have made it clear. As a matter of fact we do not deem it proper to exert pressure on the members of our party in regard to a matter on which difference of opinion exists amongst them. I would therefore request my friend to drop his motion and accept my suggestion, and refer this Bill to a committee so that after an agreement is arrived at in that committee this Bill may be speedily passed.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) (Urdu): Sir, I would like to congratulate the Honourable Premier on the position he has taken up in the opening part of his speech in regard to this Bill. He has accepted that very principle which so far, it was considered, Government was not prepared to agree to, viz., that those measures which relate to the religion of any particular community should be dealt with by the members of that very community and not by others. In this spirit of tolerance we can never think that any misunderstanding can arise between various communities or that their mutual relations which should always remain harmonious, can ever be strained. If this step which Government have taken in regard to measures of this nature is extended in its scope, we can certainly come to the conclusion that religious matters are not such as can create disharmony or differences among different sects, groups or communities. We can take a lesson from this small matter and proceed further on its basis. If we do that we would be in a position to say to the people that they have nothing to do with each other in religious matters. Just as we can say, while sitting in this Assembly Chamber, that this matter relates to the religion of Hindus Muslims or Sikhs, similarly we would be able to point out to the people at large that they should not come to blows on petty matters in the name of their respective religions. This is, how we can solve our communal wranglings. After we had found out a solution for our communal quarrels we would be then in a position to carry out our economic programme for the welfare of both the country and the Government. That is how we can proceed on our onward march and carry forward the spirit of tolerance which the Honourable Leader of the House has shown to-day.

I, however, very much regret to say that I cannot agree with the suggestion of the Honourable Premier which he has made in regard to the bill now before the House. He himself has admitted that this bill relates to a particular community and he has congratulated the mover on sponsoring it and carrying it further. He has also expressed the opinion that its effect will be salutary. It is no doubt the desire of the Honourable Premier

[L. Bhim Sen Sachar.]

that there should be unanimity amongst the different sects of the Hindus in regard to this Bill, but I ask, is it possible that at any stage all the sects of the Hindus will come to a unanimous agreement on the point and that there would be no difference of opinion about it? This is, Sir, exactly how the Secretary of State for India is in the habit of arguing that so long as we will not come to an agreement between ourselves even Dominion Status cannot be conferred on India. (*Hear, hear.*) My submission is that this Bill has already been published and circulated for eliciting public opinion thereon and it has remained before the public for a pretty long time and people have expressed their opinions about it. These opinions are contained in a big book and a supplement to that book has also been published. Not only that, 80 or 85 per cent of the opinions expressed in these two books, as has been pointed out by the mover, are in favour of this Bill. When that is so, what is the reason that this Bill should not be taken up? Why should it be postponed? Merely because a small minority does not like it? After all what is the principle underlying this Bill? The principle underlying it is that better arrangements should be made for the expenditure of funds of the religious endowments of the Hindus. I do not think anybody can differ with this principle. In my opinion the mover of the Bill should be congratulated on bringing in so salutary a measure. Besides, he has also made it clear that he has neither any quarrel with anybody nor would he like to pick one. This spirit is indeed praiseworthy and it is in this spirit that such legislation can be taken up.

Then the honourable mover of the Bill also said that he would willingly include representatives of the Sikhs in the Select Committee so that they could point out anything objectionable in the Bill from their point of view and that he would be too glad to amend it accordingly. The honourable mover of the Bill is anxious to remove all differences of opinion relating to this Bill. I request the House to allow it to go to a Select Committee. If anybody has any objection against the Bill, he can raise it there. I thought the Honourable Leader of the House will carry out further the spirit with which he began his speech and would accept the present motion. But I find that he is not willing to do so. It appears that he wants to go a particular way but his followers do not allow him to proceed that way, but pull him back. It is only on such occasions that a leader has to prevail upon his followers and win them over to his point of view. I request the Honourable Leader of the House to prevail upon his followers to allow this Bill to go to a Select Committee. One should not discard one's fundamental principles merely because some people do not agree with them. The Honourable Leader of the House said that as there is divergence of opinion on this motion, members of his party are free to vote for or against it. If he thinks that this Bill is for the good of the public then he should also convince others of the same and prevail upon them to vote in favour of the present motion. If he does this, his would be an effective leadership. I, therefore, request him to prevail upon the members of his party and tell them that they should help him to create that atmosphere which he wants to create in this province. He wants to set up a convention in this House by making this Bill a stepping stone for it. He wants to do it in order that members may have the moral courage to vote for what they may consider as proper and justified. The

only way to achieve this laudable purpose is to carry his following along with him so that instead of hindering him in his good work it may prove helpful.

Premier (Honourable Lieutenant-Colonel Sir Sikander Hyat Khan) (Urdu): Sir, the honourable member misrepresents me by saying that I made that statement under the influence of some one else. The main object is to get this Bill passed. And as there are some people who do not look with favour on this Bill I suggested that it would be much better to try to find out whether their opposition is based on sound principles or not. The honourable Rai Bahadur Lala Gopal Das has also admitted that there are some people who are opposed to the passage of this Bill. Under the circumstances, when we know that there is opposition to the present Bill, it would not be advisable on my part to ask members of my party to give their votes in its favour. Moreover, as under the rules it is not open to us to nominate non-members to a select committee, I suggested that a conference may be called to discuss this Bill and all parties may be given representation on it so that various points of view—both for and against the measure—could be presented there. In my opinion, therefore, it would be easier to reach a settlement in a conference than in a select committee. Moreover, as this Bill does not relate to the community to which I belong and relates to religious affairs of another community, I feel myself in an awkward position in deciding whether to ask the honourable members of my party to vote for it or against it. I will appoint the Honourable Minister concerned as the Chairman of the conference, and in addition to those gentlemen whose names the honourable mover may suggest, I will also nominate four or five members who may be in a position to represent the point of view of those who are opposed to the passage of this Bill. I will also nominate the Legal Remembrancer to serve on the proposed conference so that he may advise regarding the provisions of this Bill from the administrative point of view. After a decision has been reached in the conference it would be very easy to get the Bill passed by this House. At that time I will ask the Sikh, Christian and Muslim members to remain neutral and leave the decision entirely to the Hindu members of this House. But so long as there is any possibility of a difference of opinion on this Bill I do not want it to be placed before this House to be passed by the help of the votes of the majority party. If we pass it with the help of the majority party our action will always be criticised and it will be said that this Bill was also passed by the help of the majority party as the Gurdwara Act was passed previous to it. If you accept my proposal the convention which will be set up will always rest unshakably on a firm basis. I want this Bill to be passed as early as possible and it can only be done by calling a conference to consider it. If a majority of the members of the Conference decide in favour of the Bill it will take no time to get it through this House.

Lala Duni Chand: I want to know from the Honourable Premier whether he wants to postpone this thing in the same way as he wants to postpone the establishment of *swaraj*?

Premier: I do not want to postpone *swaraj*. All I want to postpone is *soor-raj*.

Diwan Chaman Lall : What did my honourable friend say?
Soor-raj!

Premier : I say that I never stood in the way of *swaraj*.

Diwan Chaman Lall : I hope he will stand in the way of *soor-raj*.

Premier : I will.

Diwan Chaman Lall : Yes, I hope he will. Mr. Speaker, what I want to say is with regard to the remarks of my honourable friend. I am not speaking on the Bill as a whole, but because this is an important matter which affects the conventions of this House, I want to say a word or two. The significance of this has been made clear by the remarks made by my honourable friend the Premier. Do I take it that the convention that was established was this—

Premier : No convention was established.

Diwan Chaman Lall : There is no convention !

Premier : No convention has been established, but I want to establish a convention.

Diwan Chaman Lall : So there was no reference made to a previous occasion.

Premier : Yes.

Diwan Chaman Lall : That is what I want to know.

Premier : I always said that a convention should be set up on those lines. No convention has yet been set up by this House in any such measure.

Diwan Chaman Lall : I take it that when the Premier expresses a desire that a convention of this nature should be set up and nobody on the floor of the House either from this side or that side, objects to that particular convention, that desire to set up that convention should be acceptable to the general body of this House, namely, that in a matter of this kind affecting either the Hindu religion or the Sikh religion or the Muslim religion, there should be no interference in legislative matters on the part of the adherents of other religions.

Premier : There should not be.

Diwan Chaman Lall : Yes, there should not be. All right. Then I take it that this was my honourable friend's desire. But now he has put a different proposition before this House. The proposition that he has put before the House is this that although it was his desire that in a matter relating to, say, Hindu religion, no adherent of Islam, no follower of the Guru and no follower of Jesus Christ should interfere in the promulgation of any law or discussion of any law excepting only those who are adherents of the particular religion affected—that was the original proposition—now he says: 'No, what I want to do is this; first of all, go outside the precincts of this House, imagine that you are not the members of the Legislature but that you are public men, convene a conference and I will very kindly give you the services of the Honourable Sir Chhotu Ram or it may be the Honourable Sir Manohar Lal, to preside over this representative conference and at that conference you should come to some definite

conclusion. Thereafter if I find that the differences are not of a major nature and that the conclusions arrived at by this conference are of a satisfactory nature to me, then and only then I stay my hands—

Premier : I am afraid my honourable friend is doing me grave injustice.

Diwan Chaman Lall : I do not want to do him any injustice.

Premier : What I actually said was that we should set up that convention and nobody would be happier than myself in setting up that convention. In this case there has been opposition from a large number of Hindus as well as Sikhs; and therefore I suggested, in order to establish that convention, that we should have a small conference in which those differences could be settled. I wanted Rai Bahadur Gopal Das to agree to convene a conference at which some agreement could be reached so far as the Sikhs were concerned and so far as a substantial majority of the Hindus were concerned, and then if they will come to the House we will be able to set up that convention which we desire.

Diwan Chaman Lall : I have not said anything tantamount to doing the slightest injustice to my honourable friend. I am afraid my honourable friend was not here when my friend the mover and the originator of the Bill behind me was speaking. He would have known that so far as Sikhs and Hindus were concerned, my friend gave the fullest assurance on his behalf and on behalf of the entire House that there would not be a single step taken in regard to any disadvantage to the Sikh rights and that the Sikh members of the House and the Sikhs outside would be entirely satisfied that Sikh rights were fully protected. My honourable friend cannot say that I have done him any injustice if he looks at the proposition which was placed before the House. There are three points (i) that he resiled from the original proposition, namely, that in all such matters there must be a free vote of honourable members belonging to the particular religion affected.

Premier : Subject to certain conditions.

Diwan Chaman Lall : No, there were no conditions at that time.

Premier : My honourable friend is not doing me justice. The conditions were (i) that the particular community agreed to the measure, (ii) that it did not impinge on any other community's rights and (iii) that it did not in any way affect the administration.

Diwan Chaman Lall : The three propositions which my honourable friend has put down will become operative after the measure comes from the select committee and my honourable friend is satisfied that there are no differences of opinion. That is what your proposition lays down—

Premier : The condition is there.

Diwan Chaman Lall : As far as my honourable friend's proposition is concerned that there should be no difference of opinion that is an impossible proposition.

Premier : I never said that.

Diwan Chaman Lall : Supposing there is one gentleman who is apparently in favour of the proposition and there were ten thousand against

[D. Chaman Lal.]

it, then how are we to guard against that sort of thing? We want to guard against that sort of thing. It is impossible to get unanimity. My honourable friend wants something which is impossible. You should leave it to the free vote of the House. There are here representatives of the Sikhs and the Hindu community who will be able to thrash out every aspect of the matter. There are Sanatanists, there are Arya Samajists, there are reformists and there are iconoclasts like myself. We are all representatives. My honourable friend should leave it to the good sense of honourable members to come to some sort of solution which would represent the majority opinion in the province. That could only be done if honourable members were left free to discuss the details of the measure, avoid all the unnecessary pitfalls and take evidence and then produce a measure. My honourable friend will only accept the measure which avoids all the three pitfalls which he mentioned on the floor of the House. He only asks: stop all your legislative activities, consider yourselves as mere representatives of the public and not the representatives of the people in the legislature and do not worry about your duties as legislators, go back to those who are objecting to the measure for various reasons particularly because of the vested interests involved, try to satisfy them and then come on the floor of the House and I, the Premier of the Punjab, in spite of the convention which I would like to get established, will consider whether you have sufficiently placated those vested interests and if you have done that you will be called upon to vote. That is an impossible proposition. He should realise that the best method is to let the measure go to the select committee, let the committee thrash out the differences, let the committee avoid all the pitfalls which he has mentioned, let the committee come to a considered opinion in regard to the provisions of the measure which are in the interest of the Hindu community. I would submit that if I were called upon to discuss whether dancing girls should be permitted in particular premises I will not be in a position to give my views in regard to that measure. It would be foolish to ask me to sit on a committee or to ask me to exercise my vote in reference to a particular measure which affects only one particular religion. Similarly here is a measure which affects vitally the Hindu community. I am not discussing the measure; I am only talking of the point which the Premier raised. There are provisions of a most serious character which should be utilised for the uplift of the Hindu community. It is obvious that there will be vested interests and powerful vested interests who will object to this particular measure. Is it right that the activities of the reformists who belong to the Hindu community should be stopped and come to a stand still until the Premier has satisfied those vested interests? Can anybody be governed by a proposition like that? I would appeal to my honourable friend the Premier not to press an impractical suggestion like this on the floor of the House but to accept that convention. It is not a healthy suggestion. In all such matters which affect the religious sentiments or the duties of a particular community, honourable members belonging to a particular community alone should be called upon to give their verdict in reference to the measure before the House. I would appeal to him not to press this proposition which he has placed before the House. He should permit the measure to go to the select committee and then see what happens in the select committee. In regard to Sikh interests I have already

pointed out that my honourable friend has given the most complete assurance that not a single Sikh interest will be affected by the provisions of this measure. We have decided to see that there shall be one leader of the Sikh community sitting in the select committee to see that the interests of his community are duly protected. I do expect that my honourable friend will agree to the proposition.

My honourable colleague has just drawn my attention to the fact that there are in this House to-day sitting in the Ministers' gallery some very important Mahants whose interests are likely to be affected by this measure.

Mr. Speaker : Reference to galleries is not in order.

Diwan Chaman Lall : I am sure that my honourable friends realise that the time has come when we should reform these great endowments and charitable institutions and utilise them for the benefit of the people. We should not hesitate to bring about these reforms because there are a few powerful Mahants who are utilising these institutions and who are occupying a particular place somewhere in this House.

Mr. Speaker : I may again point out that reference to galleries is out of order.

Diwan Chaman Lall : I do agree. (*Lala Duni Chand :* Some of them have elephants). And most of my friends over there keep white elephants (*Laughter*). Probably that is the reason why they are in sympathy with these Mahants.

I do hope, Mr. Speaker, that in view of what I have said, I am sure, my honourable friend will agree to the proposition and refer the Bill to a select committee and await its verdict before he exercises his veto in regard to this measure. This is a very important measure as far as the Hindu community is concerned and as far as the reformists' activity in the province is concerned. I may not be in agreement with all the provisions of this measure, but it occupies a very important place in the reform scheme of the Hindu community. My honourable friend will, I hope, realise that we are not pressing our point merely for the purpose of debate, but it is a very important and a vital issue. My honourable friend should, therefore, hold himself in patience till the select committee has given its verdict which may be entirely different from the Bill that is now before the House. He should not tie down our hands. He should permit this measure to have its ordinary course and refer it to a select committee which may after taking the necessary evidence satisfy itself that the major portion of the community in the province is behind this measure.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (*Urdu*): Sir, I have no intention of detaining the House for long. I would briefly state my point of view on the proposition now before the House. I may point out at the very outset that the suggestion for the appointment of a committee put forward by the Honourable Premier is very sound and really commendable. I am in complete accord with that proposal.

Then, Sir, so far as the question of Sikhs under the provisions of this Bill is concerned, my honourable friend Rai Bahadur Lala Gopal Das has apprised us that he is prepared to exclude the Udasis from the purview of

[Capt. Sodhi Harnam Singh.]

this measure. But I am afraid that in this connection some difficulty is bound to crop up, which it would not be possible to overcome even in the Select Committee. Now, Sir, when the Sikh Gurdwara Act was passed the Udasis contended that as they were not Sikhs but Hindus, the said Act could not apply to them. In fact they represented to the High Court that they could not come under the operation of that Act, and hence they should be declared as Hindus. Consequently the High Court gave its verdict in their favour. But strange enough, when the Bill for the better administration of temples is being sought to be enacted into law, they have raised a great hue and cry that they no longer belong to the Hindu fold. They consider themselves as Sikhs and hence claim to be exempt from the operation of this Bill. In view of these facts it would be difficult for the Select Committee to decide whether the Udasis are Hindus or Sikhs. In fact it is beyond their power to do so. I am therefore of the opinion that we should act upon the suggestion made by the Honourable Premier. That is, a committee should be appointed, with the Minister-in-charge as its chairman. It should thoroughly go into the matter and make sifting enquiries from the Udasis. I am confident that this committee would succeed in finding out whether the Udasis should be considered as Hindus or Sikhs. Besides, there is another important matter which requires careful consideration at the hands of this committee. It is the question of safeguarding the rights of Harijans in regard to their entry into the temples. I think it is our imperative duty to protect their rights in this connection and nobody should be allowed to usurp them.

I feel that before the Bill is referred to a select committee, such important matters should be thrashed and decided by that committee. I do not think this Bill would suffer any harm if its reference to a select committee is delayed by another month or so. I would in all seriousness advise my honourable friend, Rai Bahadur Lala Gopal Das, that in view of the whole-some suggestion of the Honourable Premier he should not proceed with his Bill in haste. I am sure he would see his way not to press his motion.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) (Urdu): Sir, I have risen to offer my whole-hearted support to the motion now before the House, and I have, therefore, to make a few observations in this connection. This point needs no further elucidation as my honourable friend, Rai Bahadur Lala Gopal Das, has made out a very strong case for the reference of this Bill to a select committee. During the course of his speech he told us that the public opinion, received after its circulation, was overwhelmingly in favour of the Bill. He mentioned that from 80 to 85 per cent of the opinions supported this measure. Hence it is crystal clear that so far as Hindu community is concerned, an overwhelming majority of its members in this province favour the enactment of this legislation.

As regards the provisions of this Bill, I find, after a cursory perusal, that they require to be improved upon. I am sure that when the Bill is referred to the proposed select committee, these defects would be removed. But at the present moment no useful purpose would be served by discussing them on the floor of the House.

Then I would like to congratulate the Honourable Premier on the declaration of his policy in regard to the religious matters concerning different communities. He told us that the Government would not interfere with any religious legislative measure provided (i) that it had the fullest support of the vast majority of the people belonging to that particular religion, (ii) that the measure did not affect the rights and interests of any other religion or community and (iii) that it did not cause any hindrance in the administration of the province. Now you will observe, Sir, the Bill under consideration fulfils all these conditions and hence it is a fit measure to be entrusted to a select committee. Then, so far as the suggestion of the Honourable Premier regarding the appointment of a special committee is concerned, I frankly admit that I do not see any necessity for it. I feel that the honourable members of this House, representing the Hindu interests, can serve the same purpose. They are equally the accredited representatives of their co-religionists. They are quite competent to settle this question. I am, therefore, of the opinion that the select committee appointed under the chairmanship of the Honourable Minister-in-charge and assisted by the Advocate-General would be able to thrash the provisions of this Bill out, and suitably amend them wherever they are found likely to interfere with the administration of the Government or come in conflict with the interests of any other community.

Thirdly it was pointed out in this connection that Sikhs are also affected ; but my honourable friend, Rai Bahadur Gopal Das, has made it clear that he has no intention of encroaching upon the rights and privileges of the Sikh community. Wherever Gurdwaras or any other religious property or body is affected, he will have those references and provisions deleted from the Bill and that is why he has taken two Sikh members on the Select Committee, so that they may be able to look after the interests of their community.

Now as regards the contention that there should be complete unanimity or cent per cent agreement in this matter, I beg to submit, that what we have seen in the past, shows that we are never cent per cent unanimous on any issue. We, in this country, have missed the bus several times because there has seldom been complete agreement (*interruptions*). Nawab Sahib should consider how, when more talented and learned personalities have not come together on more important and bigger issues, we can expect it on points in hand. So even if there is a small opposition to this measure, for that opposition the wishes of the overwhelming majority should not be sacrificed.

Again the Honourable Premier has suggested that he would ask the Honourable Minister of Education to call a representative committee of all the sections of the Hindu community both for and against this measure in order to decide the issue. This object can easily be realized through the deliberations of the Select Committee, and I think my honourable friend, Rai Bahadur Gopal Das, will have no objection to including the names of persons whom the Honourable Premier may desire to be included.

Rai Bahadur Lala Gopal Das : I am willing to increase the number of the members on the Select Committee instead.

Rai Bahadur Lala Sohan Lal : I, therefore, do not propose to take further time of the House but with these words I support the motion for referring the Bill to a Select Committee.

Pandit Shri Ram Sharma (Southern Towns, General Urban) (*Urdu*) : Sir, I rise to support the motion moved by my honourable friend, Rai Bahadur Lala Gopal Das, that the Hindu Charitable Endowments Bill be referred to a Select Committee. You are aware, Sir, that we the members of the Congress have been away from the House for a number of months. When the conditions changed and we came out of jails, we found that the Hindu public felt strongly the delay in the passage of this Bill, which had been on the anvil for about four years. As representatives of the public we were approached by the supporters of this measure with the request that we may lend our support in ending the delay and expedite its reference to the Select Committee. As members of the Congress we felt it necessary to place the matter before the Congress High Command, when I last went to Wardha. We were told that as there was a sort of a dictatorship in the Punjab it would not be of any use to support this Bill. Even Mahatma Gandhi questioned me in regard to the chances of this Bill getting through. Remembering the declaration made by Honourable Premier both in and out of the House that the Government was committed to a policy of neutrality in respect of measures affecting a particular community, I told him that such a convention was already in existence. Notwithstanding the fact that the Rules of Procedure permitted every member of the House to have his say, honourable members belonging to other communities do not take part in the discussion on purely religious measures. For instance, to-day the Bill prohibiting music by dancing girls has been under discussion and although there could have been no bar to our participating in the debate we abstained from doing so. This long established convention of non-interference in the religious matters concerning other communities has so far been scrupulously adhered to. It was on the strength of the Premier's declarations as well as on our personal experience in the House that I assured the Congress High Command that the Punjab Government would not interfere with this Bill. I also told them that the principle underlying the Mandir Bill was the same democratic principle which was so much boasted of by the British and the Unionist Governments. A few mahants deemed a property of lakhs, held in public trust, to be their personal property and the Bill intended to deprive these selfish people of their lucrative income and to entrust this property to the representatives of the public. I think no one can find fault with the principle of the Bill. The Congress also finds that its principle does not clash with their ideal and the Hindu community feels the necessity of such a measure. Therefore, we think it is our duty to support it.

In view of the facts that I have just mentioned, I fail to understand why the Honourable Premier feels it necessary to go back upon his words as he means to do by his round-about suggestion. In doing so he is probably taking a leaf out of Mr. Amery's book who always expresses the willingness of the British Government to grant dominion status provided the different sections of the Indian population arrive at some agreement among themselves. We all know what sort of an agreement is required of us and here too we are told that a strong minority is opposed to this measure.

We were under the impression that the Honourable Premier would treat this Bill on the same footing as he had been treating other Bills of this nature. But I have been very

much surprised to find that he has made a departure from that established convention and has come out with a new suggestion to torpedo this Bill. Let me tell my friends that while explaining the position of the Congress party of the Punjab to Mahatma Gandhi, I pointed out to him that this matter related to the Hindu members and if we did not attend the session of the Punjab Legislative Assembly, we would be held responsible for killing this Bill. I also said that the object of this Bill was very laudable and that no one could say that the management of the funds of the religious endowments of the Hindus should not be taken away from a few mahants and be handed over to a board so that the public would have some voice in the administration of those funds. Besides, I pointed out that by remaining aloof from the parliamentary work the Congress members of the Punjab Legislative Assembly would not be in a position to take part in the discussion on the Bill and when their constituents would know that their representatives had not taken any part in regard to an important measure which affected them most, what would they say about them? Anyway when it became clear that by the presence of the Congress Party in this Assembly something tangible could be done and that by its absence this Bill could be dropped we sought the permission of the Congress to attend the session of the Punjab Legislative Assembly and we got that permission.

Now, Sir, my submission is that nobody differs from this Bill because it is based on a democratic principle. As regard the details of the Bill one can very well differ. After all, all the Hindus cannot be expected to subscribe to the views of the Sanatan Dharma. Naturally differences will arise in regard to the details of this measure, but they can be settled amicably in the select committee. The honourable members are fully aware of the fact that the object of referring a Bill to a select committee is to remove its defects as well as to settle the differences in regard to it if there are any. This method should have been adopted in regard to the measure now before the House as well. But for some reason or other the Honourable Premier does not appear to deem it proper to accept the motion of the mover of the Bill for referring it to a select committee and has put forward an alternative suggestion of his own. Sir, nobody can say that sufficient time has not been given for the consideration of this Bill. So far as I remember, at least 3 or 4 years have passed since this Bill was first circulated for eliciting public opinion thereon. As a matter of fact it has remained before the public for a pretty long time and the people have expressed their opinions about it and now it is but reasonable that it should be proceeded with in select committee, a motion to which effect has been made by my honourable friend Rai Bahadur Lal Gopal Das. But instead of following this procedure the Honourable Premier has put forward a novel suggestion. He says that as some differences still exist among the different sects of the Hindus, so in order to settle those differences it should be referred to a committee representative of both sections of opinions and after that committee has settled those differences then this Bill will be allowed to be proceeded with in a select committee. This is exactly how Mr. Amery is in the habit of arguing in regard to India. The Honourable Premier has adopted this attitude in order to postpone the enactment of this measure. In my opinion this suggestion is absolutely useless and it will not serve any useful purpose at all. My submission is that this is not the only Bill of its kind

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which has been introduced in this legislature. As a matter of fact many Bills of this nature, which related to the religion of other communities have been moved and passed and in regard to those Bills the Honourable Premier never made any such suggestion. Only a little while ago a Bill which sought to prohibit the female singers from going to the shrines of the Muslim saints for singing and dancing purposes was being discussed in this House. There was difference of opinion in regard to it among the honourable members of this House. I myself heard an important member of the House saying, "no, no". All the same this Bill passed through all its stages. Now one can reasonably ask if in spite of difference of opinion such Bills can be taken up and passed, why cannot this Bill be taken up, especially when there is no difference of opinion in regard to it among the Hindu members of this House? When there is no difference of opinion, at least apparently, among the Hindu members of this House, why should not this Bill be taken up? Do Government want to postpone it because some vested interests outside this House are opposing it? That only means that the Honourable Premier wants this Bill to get out of his way. After all what is the reason why he is meting out this step-motherly treatment to a Bill which relates to the Hindu community? As I have submitted a little while ago a religious Bill, in regard to which there was difference of opinion, was being discussed in this House and a very important lawyer member was opposing it vehemently. Yet in spite of that difference of opinion that Bill was passed and the Premier did not care to make any such suggestion as he has made in regard to the Bill now before the House. Let me tell him that if he wants to do justice he should mete out equal treatment to all the communities. If, however, he wants to behave like Mr. Amery in the matter of Bills relating to other communities that is a separate matter. Anyhow he has suggested that this Bill should first be referred to a committee on which due representation would be given to both sections of opinion, i.e., the supporters and opponents of this Bill. As I have already pointed out there is no difference of opinion among the Hindu members of this House. The suggestion of the Honourable Premier, therefore, means that an opportunity should be provided to the hirelings of the mahants to voice their opposition to this Bill. Is this what he means? I ask, why should not the same treatment be accorded to this Bill which has been accorded to other Bills of similar nature? What is the reason why a departure should be made in this behalf? This is a Bill in regard to which no Hindu can reasonably differ. I am constrained to remark that this suggestion has been made to provide an opportunity to the opponents of this Bill, who are outside this House, to voice their opposition in regard to it so that the Honourable Premier may be in a position to take advantage of it. Is that what he means? Besides, he has not explained whether this committee will be a formal or informal one. What he has stated is that this committee, which will be presided over by the Honourable Minister for Education, will consist of both sections of opinion. It will then consider the points of difference in regard to this Bill. The honourable members are aware of the fact that this Bill relates to the Hindu community; if on this committee representation is given to the Hindus whether they are selected from this House or from outside that is something that we can understand. But what we cannot understand is why Mian

Abdul Haya should be appointed as its president. If the Honourable Premier had appointed him as the president of a committee to consider a Bill relating to the Muslim community that could have been understood by us. For instance, only a little while ago a Bill relating to the shrines of the Muslim saints was being discussed here and if the Honourable Minister for Education had been appointed as the president of the committee to consider that Bill, he, being a Muslim and a lawyer, would have performed the duties entrusted to him very efficiently and could have dealt with that Bill in the best possible manner. But I ask, why should he be made the president of this committee? I do not know under what special circumstances the Honourable Premier has thought it fit to propose his name for the presidentship of this committee. He has not got any special knowledge of the subject. At this stage the merits of the Bill are not under discussion. Nor will they be discussed in the committee proposed by the Honourable Premier. Had this been a question of settling some details about law points I could have then understood that there was some justification for the suggestion of the Honourable Premier. The Bill relates to the religious endowments of the Hindus and it is a curious thing that the Honourable Minister for Education has been proposed as the chairman of the committee on which not only representation would be given to Hindu representatives of this House but to other sections of the Hindus as well. This is what I cannot understand. I am constrained to remark that a strange treatment is being meted out to this measure. There must be some reason behind it. Let me tell you that we have not been elected to this House on any communal ticket. We have come here as the representatives of the Congress. But that does not mean, that as soon a person becomes a Congressite he forsakes his religion. The fact is that Congressmen do not place their religion in their forefront. They do not exploit its name as some of my friends do. On the contrary, they think that whatever is good from the point of view of their country and nation is good for them. It is in this spirit that we have come to participate in the discussion on this bill. We on our part think that this Bill which has been introduced in this House for reforming the religious endowments of the Hindus is based on a democratic principle. The object of sponsoring this measure is to make better arrangements for the expenditure of the funds of the religious endowments of the Hindus. This does not in any way conflict with our national position. Then, Sir, fortunately or unfortunately, representatives of the people are elected on communal lines. Naturally they have to see to the interests of their electorate as well. In these circumstances, we do not think it is in any way objectionable on our part to take part in the deliberation of this bill. Anyhow, as has been pointed out by an honourable friend, the Congress Government of Madras also enacted a similar measure in their province. Under the provisions of that Act the Hindus of the Madras Presidency have been authorised to make arrangements for the management of their religious endowments according to a panchayat system. Not only that, the Congress Ministry of the United Provinces passed a Bill in regard to the temple of Badri Nath. That is a big *tirth* and lakhs of Hindus go there every year. Previously the mahants of that place made arrangements for the expenditure of funds of that temple. The result was that lakhs of rupees were wasted.

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In the United Provinces the Congress Government in their own way passed a measure regarding Badri Nath and appointed a committee in charge of the property attached to the Badri Nath shrine. Only a few days back I happened to read a report of the said committee in the newspapers. The said committee has effected a saving of thousands of rupees and they are spending the income from the said shrine on matters of public utility. When we found that this Bill was for the benefit of the Hindu public, we decided to support it. A similar measure was introduced in the United Provinces Legislature by a Hindu Minister during the Congress regime there. But as the Congress decided to withdraw from the legislature with the result that the Congress Ministry came to an end as elsewhere, the aforesaid measure could not be proceeded with. We are always ready with our support in all matters concerning the welfare of the public. Another reason which led us to decide in favour of this measure was the declaration which emanated from the Honourable Premier to the effect that non-Hindu Unionist members would abstain from voting this way or that. These three reasons were responsible for the decision of our party to come in for the support of this Bill.

So far as the underlying principle of this Bill is concerned, I think no one has objection to it. The opposition to this Bill which is mainly due to some interested parties is of no consequence. Some difference of opinion always remains howsoever wholesome a measure may be. It has been stated that this Bill has been opposed by a large number of people. May I tell this honourable House that that opposition will always be there, for it comes from people whose interests are going to be affected by this measure? It is but natural that they should oppose it. What we should be concerned with is the desire to remove all defects from this measure. And to attain this object it would be proper to entrust it to a select committee. Rai Bahadur Lala Gopal Das has said that he would be too glad to know its defects and to remove them. In the circumstances there is no need to call a conference to discuss it. You cannot prevail upon those people whose interests will be affected by it, to support it. A person who is in possession of an income of ten lakhs from the property attached to a shrine will in no case agree to the passage of this Bill. In addition to the mahants there are some other people who indirectly derive benefit from the income of shrines. These people are under the influence of the mahants. They also oppose this measure. Perhaps it was in view of these people that the Honourable Premier suggested that a conference may be called to consider this Bill and people who are not members of the Assembly may also be invited to participate in its proceedings. He further suggested that this conference will be held under the chairmanship of the Honourable Minister for Education. This is an indirect way of telling that he is not in favour of this Bill. You can in no way please the mahants and the pujaris who are deriving income to the tune of crores of rupees from the shrines. Previously when this very Bill was sponsored by the late Rai Bahadur Lala Binda Saran, a select committee was to be considered. The mahants at that time approached the Honourable Ministers as well as other members. They saw in this connection the Leader of Opposition as well as other Congress M. L. A's. If this Bill is referred to a conference they will again start

influencing the members of that conference. They will exert their influence to oppose this measure. The whole Hindu public cannot be unanimous in supporting this measure. The Honourable Premier is following exactly the tactics of the British which they adopt to refuse independence to India. The Britishers say, let Indians evolve a common formula, let them agree amongst themselves, let Hindus, Muslims and scheduled castes agree and then they will have no hesitation in granting Dominion Status. Similarly the Honourable Premier is telling us to come to him after getting the consent of all people and then he would help us. He saw that there was no Hindu member in the House who may be opposed to it and, therefore, he now says that we should consider it outside the Assembly in a conference where people of all shades of opinion would be invited in order to disagree amongst themselves. This is only a method to create a rift among the Hindus. I may be permitted to remark that so long as it remains up to the Honourable Premier to judge whether the Hindus are all united with regard to this measure, nothing can be achieved in this direction. This Bill has remained before the public for such a long time that no other Bill has remained before them. We have received so many opinions on it that they form two books. It has been told by Rai Bahadur Lala Gopal Das that 85 per cent of the opinions are in favour of the Bill. I have not tried to count for myself as to how many opinions are in favour and how many against it. But suppose there are 25 per cent opinions against it. Even those opinions are not genuine. For example, on page 143 there is item No. 372. Under it are enumerated bodies and persons who passed resolutions against the Bill under consideration. There are 147 names of bodies and persons who are shown as opposed to the passage of this Bill. They all belong to the Ambala Division and 80 per cent of them belong to one district alone, namely, district Rohtak. The honourable mover of the Bill has acquainted the House with regard to those opinions that are in favour of the Bill. I will inform the House with regard to the opinions that are against it. According to the estimate of the honourable mover they are about 15 per cent of the total opinions received on the Bill. But let me tell you that these 15 per cent opinions which oppose the Bill are not genuine. Most of the bodies who have sent in these opinions do not exist. They exist only on paper.

A noteworthy point in this connection is this, that almost all those Sanatan Dharmas Sabhas that are alleged to have opposed the measure in question belong to the districts of Rohtak and Hissar. Now this point is not without significance. There is something deep at the bottom of it. Particularly the district of Rohtak has a great deal to do with it. I do not wish to name the Honourable Chaudhri Sir Chhotu Ram in this connection, who according to his principle should have supported this Bill, but now seems to be opposed to it. But I would straightaway challenge anybody to prove if all these institutions really exist and are not bogus. I also come from the same district and I can say on the basis of my personal knowledge that my district does not abound in these Sanatan Dharma Sabhas. Bogus names must have been entered in this book. As a matter of fact these institutions do not exist. No meetings were held to approve or disapprove this Bill. But bogus institutions and bogus meetings have been referred to as having opposed this Bill. Hence if these unreal and imaginary

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opinions are subtracted from the total number of adverse opinions, we will come to the conclusion that far less than 15 per cent opinions are against this Bill. Hence the estimate of the mover of this Bill is a modest estimate. When he said that 85 per cent opinions were in favour of and 15 per cent against the measure, he had included in this 15 per cent adverse criticism, the opinions of all those institutions which really did not exist except in the imagination of some clever persons. (Diwan Chaman Lal: The Honourable Premier should attend to this.) My honourable friend Diwan Chaman Lal is anxious that the Honourable Premier should pay heed to what I am saying. But I have no such illusions. Whether he listens or does not listen to what I am saying, I will go on with my speech because even if he hears he will willingly ignore all this. Anyway what I was saying was this that the Sanatan Dharma Sabhas of Rohtak District which were alleged to have opposed this Bill do not exist in time and place. They are only the mental figments of some people. They must have cropped up overnight to disappear soon after recording their opinion against the proposed Bill. In fact there were no such institutions and they held no meetings to consider the merits of the measure in question. All opposition to this Bill is unreal and imaginary. Out of the 15 per cent opinions said to be against the Hindu Charitable Bill, several opinions are fictitious. We are being deceived and hoodwinked. If even 4 out of 125 Sabhas of Rohtak which are said to have opposed this measure are proved to be really in existence and not imaginary I will withhold all support to this Bill. During the last fifty years the Sanatan Dharm Pratidinhi Sabha, Punjab, could not form even ten Sanatan Dharm Sabhas in Rohtak district while this Bill has created hundreds of Sanatan Dharm Sabhas. I am sure there is not an iota of truth in the statement that so many meetings were held in Rohtak district to oppose the proposed Hindu Charitable Endowment Bill by the so-called Sanatan Dharm Sabhas. These institutions do not exist. These are mere names, created at the instance of a political mahant with the money of a big mahant. They are fictitious. If at all they exist they exist in the imagination of some people who hold meetings in the chamber of their imaginary world which melts away into nothingness at the very touch of reality. (Premier; What about the opposition from Rawalpindi?) I wonder if you are so much concerned with that. What troubles you most is the opposition from Rohtak and I am exposing the reality of that opposition. As a matter of fact religious mahants and political mahants have conspired together against the passage of this Bill, and created imaginary obstacles.

Mian Abdul Aziz : May I ask the honourable member through the Honourable Speaker as to what is the meaning of political mahant ?

Pandit Shri Ram Sharma : You may see some one sitting between the Honourable Premier and the Finance Minister. (Laughter.)

Sir, I was submitting that a misunderstanding had been created in the mind of the mover of this Bill by the publication of adverse opinions of those Sabhas which do not really exist. Hence it is wrong to suppose that 15 per cent of the opinions that have been collected go against the proposed Bill. In reality there is very little opposition to it. The majority

of the adverse opinions have been attributed to those Sabhas which have no reality. Most of them belong to the district of Rohtak and must have been shown existing under the inspiration of some political mahant of my district. Consequently the proportion of adverse opinions is not 15 per cent. It is really much less than that, consisting of only the interested mahants. This Bill has received, not 85 per cent but 100 per cent support of all the persons and institutions that were consulted about it. More than 85 per cent of opinions collected go in its favour.

ADJOURNMENT MOTION.

NON-RELEASE OF SHRIMATI SHANNO DEVI, M. L. A.

Mr. Speaker : The Assembly will now take up the adjournment motion.

Premier : On a point of order, sir. In the morning when the admissibility of the adjournment motion was under consideration, I was asked whether Shrimati Shanno Devi was going to be tried for any offence in a court of law. I replied that I had no definite information on that point. Whatever information I possessed, was to the effect that she had been detained. Then another ground on which this adjournment motion was sought to be moved was that she had been differently treated by the Government. At that moment I had no knowledge of the facts relating to this matter.

Lala Deshbandhu Gupta : May I rise on a point of order ?

Mr. Speaker : But the Honourable Premier also is raising a point of order.

Pandit Bhagat Ram Sharma : He is making a speech. It is not a point of order.

Premier : Now, sir, I am informed that the district authorities intend to challan the lady and produce her in a court of law. The delay that has been caused is due to the fact that as she is a member of the Legislative Assembly, the district authorities considered it advisable to consult the Government before prosecuting her. That is why differential treatment has been meted out to her in the matter of release. Besides, she has been guilty of infraction of an order which had been served on her long ago. There are other facts also in my possession but I am not prepared to divulge them at this stage.

An honourable member : What crime did she commit ?

Premier : She violated a ban which was imposed upon her in September, 1940, restraining her from participation in any meeting or procession, and by being present at the scene on that day she defied that order. It is on this account that the district authorities wanted to challan her. I understand they have sent a reference to Government in this connection. It has not yet reached me officially and hence this delay in challenging her. But all the same she is going to be tried in a court of law.

Mr. Speaker : What has the Government to do with it ?

Premier : Sir, the Government have nothing to do with it. It is the district authorities who have to take action in the matter and Government have no intention of interfering with or overriding the decision of the authorities concerned. She has been arrested for committing a breach of law and for that she is going to be prosecuted. I, therefore, submit that if the discussion of the adjournment motion is allowed at this stage, it will prejudice the case of our honourable sister. Besides, the discussion will be *ultra vires* in view of the fact that the case is *sub-judice*. Hence I consider this adjournment motion out of order.

Mr. Speaker : The point of order of the Honourable Premier, so far as I have been able to gather, is that he has no information as to what action is proposed to be taken against Shrimati Shanno Devi. His only information is that she is going to be challaned and a reference has been made to the Government; but that the Government will leave it to the authorities, who have arrested her, to act as they like. The inference drawn is that if she is going to be challaned, any discussion on this adjournment motion might prejudice the enquiry. That is his point of order.

Lala Bhim Sen Sachar : The case may not yet be challaned.

Mr. Speaker : Is the Honourable Premier certain that she will be challaned?

Premier : Sir, I have already submitted that the district authorities—

Mr. Speaker : The Government might yet decide that she may not be challaned.

Premier : The district authorities would take action on their own account. They wanted to take action but as she happened to be a member of the Legislative Assembly, they perhaps thought it advisable to consult Government. I have told them that so far as the Government is concerned in these matters it will not interfere. Therefore, they propose to put her case in a court of law and it will be decided there.

Mr. Speaker : Is the Honourable Premier prepared to state definitely that she will be challaned? To say that the district authorities may or may not do so is not definite or decisive.

Premier : It is not a question of may or may not. The district authorities are going to prosecute her in a court of law for the breach of that order. Government can always withdraw a case against anybody but I will not commit my Government to anything at the moment. (*An honourable member :* The case is going on.)

Diwan Chaman Lall : May I restrain the enthusiasm of my honourable friend? He says that the case is going on. Where is the case going on? My honourable friend opposite has very ineffectual advisers. My honourable friend does not know up to this moment whether the challan would be presented in court and whether, if the challan is going to be presented, the Government will order the withdrawal of that challan.

Premier : So far as the withdrawal is concerned, it rests with Government to do so, but so far as the question of challan is concerned she is going to be challaned.

Diwan Chaman Lall : He has raised three different points and I am afraid, with the temper of the House as it is, my honourable friend has been shifting his ground.

Mr. Speaker : The statement made by the Honourable Premier is not definite and positive. So far as he is concerned, that is quite all right but the challan is in the hands of the district authorities. This is what the Honourable Premier has stated. Therefore, the district authorities may or may not challan.

Premier : I have said that they are definitely going to challan her.

Mr. Speaker : I held the motion to be in order on the basis of certain facts. Now the facts are said to be different.

Premier : I most respectfully beg to submit that it is unfair and unjust to say that those facts were changed. I submit those facts were not then available.

Diwan Chaman Lall : May I draw your attention to two or three issues that arise out of the statement made by my honourable friend? (*Interruption.*) I wish my honourable friend would hold himself in peace for a moment. My honourable friend has raised two or three issues. He said this morning that he was not aware that the police were going to take any action. The reason he gave was that the police wanted to consult the Government because an honourable member of this House was involved. I wanted to know whether this honourable member of this House has been in police custody or jail custody for the last 5 days. If the police were so anxious to consult my honourable friend before proceeding against this honourable member, it is exceedingly strange that only after the admission of this adjournment motion this particular issue is raised on the floor of the House. Why did the police not consult my honourable friend before and proceed against this honourable member? Why is this issue being raised only after the admission of the adjournment motion on the ground that there is no case that is *sub-judice* at this moment? When the Honourable Speaker was pleased to admit this motion on the ground that there is no *sub-judice* proceeding going on at the present moment that decision was just and right (*Premier :* Why?) Mr. Speaker, you will realise how the Honourable Premier turned and twisted and twisted and turned in order to prevent this motion from coming before this House and not having succeeded according to the Rules of Procedure of this House and having failed to convince you of the inadmissibility of this particular motion, is now proceeding to make two divergent statements, two different statements. The first is that as far as the Government are concerned, they have to consult the police and that the Government have not made up their minds as to what they are going to do. That was the first statement that he made on the floor of the House. (*Interruptions.*) I am not giving way.

Mr. Speaker : Please be fair.

Diwan Chaman Lall : I am perfectly fair and the proceedings taken down by the reporters will bear me out in every particular. The second statement made by the Honourable Premier is this that the police are going to challan the lady. So, this is definitely within the knowledge of my

[D. Chaman Lall.]

honourable friend that the lady is going to be challaned. I submit, that it makes no difference whatsoever if it is within the knowledge of my honourable friend or not, whether the lady is going to be challaned or not. But up to this particular moment when this adjournment motion has been accepted, the proceedings are not *sub-judice*. My honourable friend shakes his head. He may be an authority on prosecuting people but he is certainly not an authority on constitutional procedure. May I draw your attention to a very relevant case in point in the Central Legislature when Pandit Moti Lal Nehru moved the adjournment of the House, not when the Government were still contemplating and considering whether they should or should not proceed against those prisoners who were known as the Meerut conspiracy trial prisoners, but when they had actually effected the arrests of a large number of them and indeed when some more arrests were being effected at that particular moment? He moved the adjournment of the Legislative Assembly and that motion was considered to be in order. Here we are in a much better position. The lady has not been challaned, no proceedings in a court are pending at the present moment. The lady was arrested 5 days ago and the police have not challaned her and for the last five days, according to the admission of my honourable friend, they have not had the decency even to inform my honourable friend as to what was the law under which she was arrested. Now my honourable friend says that the police will challan the lady. At the present moment no proceedings are pending in a court of law. Therefore, I submit that you are well within your rights in holding the motion in order and in permitting us to discuss the issues raised by this adjournment motion. I do submit that my honourable friend has not been fair to the House.

Mr. Speaker : Please do not be personal.

Diwan Chaman Lall : He should have permitted the discussion of this matter on the floor of the House. He knew that on the last occasion many of us were not present to discuss this matter. Now we are present here to discuss this adjournment motion and he should permit us to lay the facts connected with the arrest of this lady member before the House. He should be only too willing to accommodate the Opposition in respect of this matter, a matter which on his own showing is not barred by the Rules of Procedure which we have to follow in this House.

Premier : I am afraid my honourable friend has confused the main issue. The issue before us as I have already made clear is that she is going to be prosecuted in a court of law. It would not be fair for me to divulge any information because it is likely to prejudice the case. So far as the question of accommodating the House is concerned, you are aware that we have always welcomed these motions. During the last week two adjournment motions were moved and I did not even object to them but accepted them. But in this particular case the matter is going before a court and is therefore *sub-judice*. If you set up such a precedent, then it would be a most embarrassing precedent. You can, of course, give a ruling, but you can also revise that ruling. Once you give a ruling of that kind that the merits of those cases which are *sub-judice* can be discussed on the floor of the House, then there would be no bar at any time to an adjournment motion, even.

with regard to a murderer, on the ground that because the accused is not challaned and the police is only making investigation, therefore we must have an adjournment motion here and the merits and demerits of that case discussed, published in the press, thus prejudicing the case. I personally think that it would be a gross abuse of the privileges of this House to try to pre-judge a case like this because it may do immense amount of harm to the lady concerned.

Diwan Chaman Lall : May I ask whether this lady was arrested under Rule 129 of the Defence of India Rules ?

Premier : Yes, but she also committed breach of some other rule.

Diwan Chaman Lall : It is an after-thought.

Premier : It is not an after-thought. It is a written order.

Diwan Chaman Lall : She was arrested for breach of certain rule and nothing else ?

Premier : She committed a breach of an order. Notice was served and she knows that that order was in force.

Diwan Chaman Lall : Until this morning was there anything on her record ?

Premier : There are several things on her record. I have got them here.

Diwan Chaman Lall : I would request my honourable friend to be charitable to a person who is not present, specially a lady member, and not to make insinuations of this nature. I am asking a straight and plain question and I want a straight and plain answer. Until this morning was there anything on record, anything else but rule 129 of the Defence of India Rules ? I submit that she was arrested under Rule 129.

Premier : It is not the question of arrest which may have been under one section, without debarring her prosecution under other sections.

Mr. Speaker : I enquired more than once this morning whether the case was likely to be challaned or not. The Honourable Premier was not in a position to answer that question quite definitely one way or the other. Being deprived of that help which I desired, I held the motion to be in order. Now the suggestion is that because she is to be challaned, therefore, the motion is out of order. No doubt, if I committed a mistake I can correct it, I think it is an inherent part of my privileges. The question is not clear that she will be challaned. It is admitted that she has been arrested under section 129 and under no other section of the ordinary law or of the Defence of India Rules. No remand has been made so far as I know. If the case was remanded to the police or some investigating officer, then also, there would have been perhaps possibility, if not probability, of the case being challaned. That information is also not available up till now. Under these circumstances the only suggestion I make is that, following the exceptional precedent of the House of Commons, it is open to the House to postpone this motion till tomorrow and in the meantime let the Government also collect full information. I am only suggesting this course. If this is done perhaps the whole difficulty might be solved.

Lala Bhim Sen Sachar : The difficulty is that it will tantamount to giving time to the executive to do what they propose to do. The arrest was made under clause 129 of the Defence Rules and if there is any challan which they are trying to put in they have thought of this after the admission of the adjournment motion.

Mr. Speaker : That is a question of fact. If it is true that the information was not available in the morning and it is available now and if it is a fact that that information is correct—

Lala Bhim Sen Sachar : The position is that the adjournment motion was admitted on facts brought out by your repeated enquiries.

Mr. Speaker : If those facts are correct ?

Lala Bhim Sen Sachar : The motion relates to the action of the Government under clause 129 and that stands up till now. Now they want to put in a challan and they want to be vindictive. It is for you to protect the privileges of the House—

Mr. Speaker : The honourable member is ascribing certain motives. If it is correct that she is going to be challaned—

Mian Abdul Aziz : Sir, with your permission I wish to say something. The position is this that under clause 129 of the Defence Rules there is no challan at all. Up to this moment it is not known whether she is going to be challaned for any other offence or not. The only thing to be seen is whether it is *sub-judice*. At present it is not *sub-judice*. Therefore there can be no obstacle in the way of this motion.

Mr. Speaker : If it is probable that the case is likely to go to a court of law ?

Lala Deshbandhu Gupta : Sir, on the other hand, the probability is that after hearing the debate on the adjournment motion Government might give up the contemplated prosecution. The case up to the present moment is not *sub-judice*. There is nothing to presume that there will be a challan. I do hope to establish that the arrest was not made from the purest of motives.

Mr. Speaker : Please do not ascribe motives.

Lala Deshbandhu Gupta : That is contained in the adjournment motion itself. I of course hope that after the discussion of the motion they will revise their decision and not think of prosecuting her. All these arguments are in favour of allowing a discussion of the adjournment motion.

Mr. Speaker : Is the information is correct ?

Lala Deshbandhu Gupta : That does not stand in the way.

Pandit Muni Lal Kalia : The position is that if the information of the Government is correct on the point that she is going to be prosecuted, even in that case I will draw your attention to the fact that the postponement of the discussion will be prejudicial to her case,

Mr. Speaker : That was only a suggestion ; I did not at all insist on it. That is not my ruling.

Pandit Muni Lal Kalia : That will facilitate her challan in the court.

Sardar Partap Singh : Sir, if you will look at the question from my point of view, you will agree that the motion should be allowed. The point is this that Shrimati Shanno Devi was arrested under section 129 of the Defence of India Rules ; several other M. L. A.'s were also arrested under section 129 but were released and only Shrimati Shanno Devi was not released. The adjournment motion relates to that fact.

Mr. Speaker : That might be due to her prosecution.

Sardar Partap Singh : She was detained under rule 129. If to-day the Government make up their mind that she should be challaned in a court, then in that case she should have been released and might have been re-arrested. I wish to draw your attention to this fact that so long as she was not released after her arrest under section 129.

Mr. Speaker : The honourable member has not followed the point.

Diwan Chaman Lall : Mr. Speaker, three things are clear in regard to what has happened : what is clear is this that up to the present moment there are no *sub-judice* proceedings in a court of law. The only bar is whether there are any *sub-judice* proceedings or not. There are none up to the present moment. The second point is that her arrest was made under Rule 129 of the Defence Act which precludes a challan : there can be no trial of the accused before a court of law. The detention is for a period of 15 days at the complete mercy of the officer ordering the arrest, and he has thereafter to report to the Provincial Government and the Provincial Government has thereafter to decide.

Mr. Speaker : Has the lady been produced before a court of law ?

Diwan Chaman Lall : No, nor is there any possibility whatever : the law precludes the possibility of her being produced before a court of law. She is under detention under Rule 129 of the Defence of India Act. Therefore there is no possibility of any challan. They may decide later on to do it but nothing so far.

Mr. Speaker : Under these circumstances I have no option but to allow the motion to be discussed.

Lala Deshbandhu Gupta (South-Eastern Towns, General, Urban).
(Urdu) : I move—

That the Assembly do now adjourn.

I am grateful to you for ruling out the objection raised by the Government benches and permitting discussion of my motion. It is regretted that the Honourable Premier is not in his seat to hear the Opposition's case. This morning when I gave notice of the adjournment motion I had expected

5 p.m.

that before the discussion started the Honourable Premier would get up and declare in the House that Shrimati Shanno Devi has also been released, and thus end the matter there. But I am disappointed to see that no such declaration has been made from that side of the House. Further, I expected the Honourable Premier to get up and congratulate the honourable Leader of the Opposition for attending this House for the first time in his capacity of Leader of the Opposition and would also express regret for the treatment which he and other honourable members of the House received at the hands of Mr. Henderson. I was

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thoroughly disappointed to see that the Honourable Premier neither declared that Shrimati Shanno Devi had been released nor congratulated the Leader of the Opposition for entering this House for the first time as Leader of the Opposition. I was further disappointed to find that he did not express any regret to the honourable members who were arrested by Mr. Henderson most unjustly and who have since been released, on the other hand, the Honourable Premier took strong exception to the remarks made by my honourable friend Diwan Chaman Lall in this connection. This was very disappointing indeed. I never expected this from the Honourable Premier who to my mind was very polite and considerate. Coming to the motion let me repeat what I said in the secret sitting of this Assembly the other day that in criticising the actions of the Government the Opposition's motive is not to irritate them or to bring them into disrepute. They criticise the Government in order to correct them and to bring to their notice the defects in their policies. The Government should not, therefore, take a narrow view of things and suspect the *bona fides* of the honourable members of the Opposition when they criticise them. We only say things which we think to be right and in public interest. The attitude of the Government is such that I am sorry to remark that all my expectations have fallen flat, and to expect any better treatment at the hands of the Government would be hoping against hopes. It was expected of the Honourable Premier to express regret for the trouble and inconvenience caused to the several honourable members of the House who were arrested for no fault of theirs. But he has thought it advisable to keep silent in the matter. An honourable lady member is still in jail and the Honourable Premier seems bent upon keeping her behind the bars. All this shows that there is something wrong with the mentality of the Government. The Government is committing blunders one after the other. They wish to defend the conduct of their officers regardless of the fact that the officers by their highhandedness are bringing bad name to them. The Government have not only shut their eyes to the lawlessness of their officers, but it appears, have given them a free hand to commit all sorts of irregularities in the name of law and order. I must warn the Government against it. No good will come out of it. On the other hand, this will recoil against them and make them unpopular. The Opposition cannot harm the Government to the extent to which their own officers can do by indulging in illegal activities. An officer like Mr. Henderson by indulging in abusive language towards respectable persons like Mian Iftikhar-ud-Din and accredited representatives of the Press and affecting their arrests did more harm to the Government than the whole Opposition could perhaps do. I fear if he is not checked he will make the Unionist Party more unpopular and then you will have to rue the time. You must not allow such officers a free hand to do whatever they like. Such high officers who are getting such fat salaries as Rs. 2,000 per mensem should be made to behave in a responsible manner. The Government should take him to task for his misconduct.

Now let us cast a cursory glance on what has happened during the last few days.

[At this stage Mr. Speaker left the chair and Mr. Deputy Speaker occupied it.]

The first *lathi* charge was made on peaceful satyagrahis on the evening of 10th February in Lahore and when Mr. Bali of the Tribune telephoned to Mr. Henderson to find out the facts Mr. Henderson pleaded ignorance. The matter was discussed by the House and the members of police denied the allegation altogether. This made it necessary for members of the Opposition to watch these demonstrations and collect first-hand information for themselves. Things went on peacefully for some days, but this was perhaps too much for Mr. Henderson and the police. They decided to change their tactics. Instead of arresting, they began to make *lathi* charges on the peaceful processionists. They chased the ladies' procession on the 22nd outside the General Post Office to give a practical demonstration of their new methods. Some honourable members of this august House were present there to watch the conduct of the police. Perhaps this infuriated Mr. Henderson who wanted to direct the *lathi* charge personally, unhampered by the presence of M.L.As. and representatives of the Press. He lost his balance altogether and in a fit of frenzy went to the extent of abusing respectable persons like Mian Iftikhar-ud-Din and members of the Press. He called them "swine". He ordered a *lathi* charge on a peaceful crowd of people consisting of men, women and children without giving them any warning to disperse. "I will finish your Assembly in a day. I will smash Lahore to-night." Such were the nonsensical expressions in which the District Magistrate of Lahore, Mr. Henderson, indulged. One can imagine what must have been the reaction of the people to this shameful behaviour of Mr. Henderson. No self-respecting person can stand such abuses. Blood begins to boil in one's veins on such occasions. And let me tell you, Sir, that all this happened in broad daylight, in the capital of the province and before a large crowd of people. Let us remember that it is such officers who bring the Government into disrepute and give a bad name to the ministry. They are not the friends of the administration of the province. They are worse than its enemies. They undermine the faith of the public in the Government and will ultimately bring about its downfall. Mr. Henderson's attitude towards the Press was most insulting. When he ordered the arrest of the Press representatives, he was expressly told by Mr. Bali, "Please remember that you are dealing with the Press". "Never mind" retorted Mr. Henderson and said that he did not care for the Press. He further told Mr. Hukam Chand of the A. P. I. soon after his arrest that "not a line should go to the Press without his permission." In spite of all this he pleaded that he did not know that they were representatives of the Press. Could there be a bigger lie than this? It had been my faith up till now that European officers may commit mistakes, but they would never tell lies. But I have been rudely shocked and disillusioned by the behaviour of Mr. Henderson's flat denial of the knowledge that he was dealing with Pressmen. Mian Iftikhar-ud-Din who is not only a responsible member of the House but is also the President of the Punjab Congress, says that he was called a "swine" by Mr. Henderson. But Mr. Henderson instead of apologising for his misbehaviour advances the plea that he did not recognize him. The fact that soon after this ugly incident he imposed a general censorship on the Press betrays his guilty conscience.

Mr. Deputy Speaker : The honourable member will please speak to the motion.

Lala Deshbandhu Gupta : I am speaking to the motion. I am pointing out that the action of the Deputy Commissioner was premeditated. I am perfectly relevant. Mr. Deputy Speaker, you may rest assured that whenever an occasion for appreciating the services of some official will arise I shall readily do so. But at the present moment I am dealing with a man who has *badnamed* the whole province by his shameful conduct. It is a great pity that the Honourable Premier has thought it fit to justify an utterly unjustifiable action of the District Magistrate. The right course for him was to get up and straightaway declare in the House, "I am very sorry for what Mr. Henderson has said and done and it will never be repeated in future". Instead of doing this he seeks to defend an officer who is a standing disgrace to the province. The Premier would have enhanced his dignity by condemning the misbehaviour of Mr. Henderson. He should not have doubted the statements of Mian Iftikhar-ud-Din and Mr. Bali and put reliance on Mr. Henderson's version. There is no room for doubt that Mr. Henderson did abuse and roughly handle respectable persons and further ordered a severe *lathi* charge on a mixed crowd of men, women and children for which there was no justification whatsoever. Then in order to hide all this he imposed a general censorship on the Press and ordered the papers not to publish a single line about it without his permission. He feared that he would be exposed by the newspapers, hence he adopted this extraordinary course. The tragedy of the situation is that all this happened in the capital of the province and under the very nose of the Premier. The attempt to gag the Press was most senseless and absurd. The District Magistrate committed a series of blunders. His first folly was the arbitrary arrest of Press representatives and his misbehaviour towards them for which he had to express regret. The arrest of Mian Sahib and five other members of the House was his second folly for which Government had to make amends by releasing them.

Another absurd order passed by him was to the effect that the shops of the traders observing *hartal* would be broken open by the police which the High Court had to set aside. The order relating to the Press has also been quashed by the High Court. It gives us no pleasure to say hard things against any official. But we cannot help condemning their actions if such high salaried officers are guilty of gross misbehaviour.

Coming to the arrest and continued detention of Shrimati Shanno Devi I must say that not only there is no justification for her arrest, in my opinion the authorities should have been grateful to her for the timely help given by her in keeping the crowd peaceful. May I know as to what was her fault? I can say on the authority of a report appearing in the *Civil and Military Gazette* of 21st February, 1942, that Shrimati Shanno Devi was instrumental in maintaining peace and order among the people. Here is what the paper said—

"Shrimati Shanno Devi who was prominent in controlling the shouting and gesticulating crowd was also threatened with arrest....."

This is the testimony of a responsible paper and there is no reason why the Honourable Premier should not believe it. This relates to the happenings of the 21st. Let me also quote from the statement issued by Diwan Chaman Lall which was published in the *Civil and Military Gazette*

of the 22nd instant, which confirms that Shrimati Shanno Devi was assisting rather than hindering the work of the police. The statement reads as under—

"The position in regard to the beoparis' hartal has assumed an aggravated aspect, one evidence of which is the unprovoked and brutal assault on Shrimati Shanno Devi in my presence yesterday. Shanno Devi was instrumental in helping to avoid a clash between the crowd and the police. When a batch of satyagrahis refused to move, after a similar batch had been previously batoned and dragged, it was Shanno Devi who with folded hands asked the batch to get up and march into the prison van. She was obeyed at once.

She achieved peacefully in an instant what the police achieved with difficulty and after the use of a great deal of force. And the reward she received was that she was beaten by certain policemen who made an indiscriminate charge with lathis on the crowd when there was no necessity to do anything since there was no batch on the road.

This unprovoked assault on a member of the Assembly in the circumstances in which it was made, resulting in severe injuries to the person of a lady who was helping to preserve the peace, will naturally rouse the indignation of the entire province."

My object in laying stress on this point is simply this that my honourable friends sitting on the treasury benches do not take the least trouble for knowing the true facts : the moment we give notice of an adjournment motion, they at once jump to the conclusion that our object in moving the adjournment motion is to blackmail the Government officers. They never realize that our whole object is to reform the administration and to give them an opportunity to clear their position. We point out the defects in the administration so that they may be removed. There is no other purpose behind it. The conditions that prevailed in Lahore on the 22nd and 23rd reminded us of the martial law days. But the Government instead, of setting its house in order take unnecessary offence when we draw its attention towards the sad happening.

A popular Government anxious to retain the goodwill of the people should welcome such criticism which helps them to set matters right. I was, therefore, very much disappointed to see that the Honourable Premier adopted various methods to avoid discussion of this adjournment motion. That was hardly fair on his part. He should not have tried to thus stifle the debate in the House. Our observations and criticism may not be palatable to him to-day, but he should not forget that we wish to improve the administration by pointing out all the defects that come to our notice. The other day he ironically called us *khudai faujdars* (God's deputies). I do not see anything wrong in our acting as *khudai khidmatgars*; and why should we not do so? While the whole province is ablaze and the very guardians of law and order commit acts of lawlessness, does he expect us to shut our eyes and sit at home? The liberty of the press and people is being wildly attacked and the Premier asks us to stay indoors. Let him know that we are servants of the public and will reach wherever and whenever we find it in danger. He should not expect us to shut ourselves in our houses while the people of this province are exposed to the highhandedness of the police? It is our clear duty to be present wherever and whenever the public is likely to be subjected to the atrocities and brutalities of the police.

Nawab Sir Shah Nawaz Khan : But where had the Congress gone when the Khaksar tragedy and the Shahidganj firing took place?

Lala Deshbandhu Gupta : I welcome the question asked by the learned Nawab Sahib. If he had been patient for a while he would have received the answer to his query. I was myself coming to that point. I hope my honourable friend will have the fairness to admit that whatever the Congress does, does openly. Its record of work (**کمال**) is an open book. There is nothing secret about its creed, aims and policy. No one can deny that the Congress has been first and foremost to offer its unstinted help and wholehearted support to every legitimate and just cause. When the Khilafat was in trouble who fought for its integrity? Was it not the Congress?

Mr. Deputy Speaker : The honourable member should speak to the motion.

Lala Deshbandhu Gupta : I am perfectly relevant. My honourable friend is unnecessarily getting restive. You will agree with me, Sir, that I have stated nothing but the truth. I am replying to the argument advanced by the Honourable Premier that Shrimati Shanno Devi should not have gone there. I want to tell him that it was the call of duty that prompted her to be present on the scene. If she had not gone there, she would have been guilty of negligence of duty towards the public. The Honourable Premier may dub us as "*khudai faujdars*" (**خدا کی فوجدار**) or call us by any other name but the fact remains that we are servants of the public and the service of the people is the mission of our lives. (Hear, hear.)

The Honourable Premier has accused us of not following the instructions of Maulana Abul Kalam Azad in this behalf. He must know that Congressmen understand their President more than an outsider can do. But my honourable friend forgot to tell us what the venerable Maulana told him about the high-handedness of Mr. Henderson and his police. Did he not tell the Honourable Premier that if he did not change his nonchallant attitude towards the Congress members of the Punjab Assembly and persisted in his policy of harassing them, he (the Maulana) would himself have to come down to Lahore to defy his orders and court arrest. This should have opened his eyes. (Interruptions.) My honourable friends should remember once for all that it is our duty to help the down-trodden and the oppressed irrespective of the fact that they belong to one community or the other. Wherever Government would resort to repression of any class of peaceful and non-violent people, our sympathies will always go to the oppressed. I have already cited the instance of Khilafat. Let me mention some more examples. When atrocities were committed by the police on peaceful Sikh satyagrahis at Guru ka Bagh, the Congress did not lag behind in espousing the cause of the Sikhs. (Interruption.) Please have patience, I am only justifying our claim of being *khudai faujdars*, (laughter). My honourable friends may remember that when the authorities of a certain Indian State sought to tyrannise its subjects and interfered in the Akhand Path at Jaito, Pandit Jawahar Lal went to their help and got himself arrested. Why go far, only the other day when the kisans organized peaceful demonstrations against the land revenue policy of the Government at Amritsar, it was not my honourable friends occupying the ministerial benches who supported their cause, but public-spirited Congressmen like my friend Sardar Partap Singh who went there to help the oppressed kisans. There is only

one limitation and that is this that we believe in non-violence and as such cannot associate ourselves with those who indulge in violent activities.

Nawab Sir Shah Nawaz Khan : But the pity of it is that my honourable friends did not go to render any help when the Khaksars and Shahid-ganj firings were going on.

Lala Deshbandhu Gupta : I know it is the Khaksar question which is troubling his mind. Let me clear the position of the Congress in this connection. So long as the Khaksars remained non-violent and stood for the service of the public they had the sympathy of the Congressmen also with them. But the sympathies of the Congress were alienated when they preached and resorted to violence for the attainment of their object. The Congress did not bargain with them as the Premier tried to do with a view to exploit them for his own political ends. But the Khaksars saw through it. What happened in Lahore when the Khaksars came in clash with the Unionist Government. Could my honourable friend expect from Congressmen, the votaries of non-violence, to uphold the violent propensities of the Khaksars? I am sure my honourable friend needs no further elucidation of this point. I may, however, tell him that when Alama Mashraqi resorted to hunger strike in Vellore Jail to get his grievances redressed, I, a humble Congressman, was the first to raise my little voice against the Government. I interviewed Dr. Pattabhi Sitaramayya, a veteran Congress leader, who had been with him in jail and for the first time published the Allama's grievances in the Press, which has already resulted in his release.

Mr. Deputy Speaker : Alama Mashraqi is not under discussion. The honourable member should speak to the motion now before the House.

Lala Deshbandhu Gupta : I am perfectly relevant, Sir.

Mr. Deputy Speaker : What the honourable member is stating is irrelevant to the matter now before the House. (*Interruption.*)

Lala Deshbandhu Gupta : Sir, I wonder why my honourable friends are getting impatient. They should have the patience to hear at least facts. I am saying nothing that may be contrary to facts. I want these things to penetrate deep into their hearts, so that they may not remain indifferent to the excesses made by their officers and police on peaceful people. I was surprised to see that the Premier took exception to Shrimati Shanno Devi's presence at the scene of occurrence on the 22nd February. When he was told that the lady member had been watching the satyagrah for the last six days in the capacity of a public servant, he said then her crime was all the more serious.

An honourable member : You must bear in mind the position in which she was working.

Lala Deshbandhu Gupta : That I have already stated. She was there in the capacity of a public worker and not an agitator. Then, Sir, to show as to why it was necessary for responsible M.L.As. to watch the conduct of the police, I would like to cite an incident as a specimen of the highhandedness of the police. This incident took place about ten days

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back in Sargodha district and a regular complaint has been made by the victims of the police "zalum" to the District Magistrate and yet nothing has been done by Government. I would read out some passages from the report of this incident for the information of the honourable members. It runs thus—

مورخہ ۱۶-۲-۴۹ کو موضع راجہ کے ۱۷ ستیہ گراہیوں نے ستیہ گراہ کیا اور ان کو گرفتار کر کے تھانہ سٹی سرگودھا میں لے گئے جہاں محمد حیات تھانیدار ساہیوال پہلے سے وہاں موجود تھا۔ اس نے تمام ستیہ گراہیوں کو نہایت بیدردی سے پیٹا۔ پھر رات کے وقت ان کو لاری میں بند کر کے ان کے گاؤں موضع راجہ میں لیجایا گیا۔ تھانیدار محمد حیات بھی ساتھ گیا اور وہاں رات کے وقت گاؤں کے بدمعاشوں کے اور ستیہ گراہیوں کے رشتے داروں کو بلایا۔ ستیہ گراہیوں کو پھر ان کے رشتہ داروں کے سامنے پھر زور کوہ کیا۔ ان کو اور ان کے رشتے داروں کو فحش اور گندی گالیاں دیں۔ نیز بدمعاشوں کو مخاطب کرتے ہوئے کہا کہ ان کی دکانیں اور گھر لوٹ لو۔ ان کی عورتوں کی بے عزتی کرو۔ ان کی بہو بیٹیوں کو بے شک اٹھا لے جاؤ۔ اور ان کی بیعتی کرو۔ میں تمہاری پشت پڑھوں۔ تمہیں کوئی کچھ نہ کہیں۔ ستیہ گراہیوں کو دھمکایا۔ اور کہا اگر اس مار پھٹ اور بے عزتی کی باہر اطلاع دو گے تو تمہیں لتوا دیا جائیگا۔ اس کے بعد ان کو وہاں موضع راجہ میں چھوڑ کر چلا گیا۔

Khan Bahadur Nawab Muzaffar Khan : On a point of order. I do not think the honourable member is relevant.

Mr. Deputy Speaker : I have repeatedly pointed out that the honourable member is irrelevant.

Khan Bahadur Nawab Muzaffar Khan : He is quite irrelevant.

Lala Deshbandhu Gupta : The Chair is quite competent to take care of itself. I do not think it needs the protection of Nawab Muzaffar Khan. Does my honourable friend want me to suppress the facts?

Khan Bahadur Nawab Muzaffar Khan : No, we do not want that he should suppress the facts. But we do expect relevancy from him.

Lala Deshbandhu Gupta : Sir, I am replying to the question asked by the Honourable Premier as to why should members of this House go there and behave like *khudai faujdars*. He said that we had no right to go to a scene of occurrence and see things personally. I am only trying to show that it was necessary for us to do so. The main charge against Shrimati Shanno Devi is that she went to see *lathi* charges made by the police and it is for this that she has been locked in jail. You will agree with me, Sir, that atrocities and acts of oppression and repression cannot remain hidden for long. They must come to light one day. I can quite realize that a narration of such incidents is not palatable to my honourable friend Nawab Muzaffar Khan. But, Sir, we have to perform this painful duty and he should do me courtesy of hearing me. There is yet another incident which I would like to mention. It is to the following effect :—

(۶) مورخہ ۱۷-۲-۴۲ کو موضع خدرکہ کے ۲۱ ستیہ گراہیوں نے ستیہ ٹھہرا کیا۔ ان کو پولیس نے گرفتار کر لیا۔ ان سب کو آدھی رات کے قریب لاری میں بند کر کے شہر سرگودھا سے ۱۲ میل کے فاصلہ پر جنگل بیابان میں جبکہ بارش پوس رہی تھی اور سخت ٹھنڈی ہوا چل رہی تھی لے جا کر لاری سے اتار دیا۔ جہاں پولیس اور سوک گارڈ کے آدھی ان کو کھیر کر کھڑے ہو گئے۔ اور غنڈے ۳۰ ۲۵ کے قریب جنگل پہلے سے ہی انتظام کر رکھا تھا۔ ان سب نے ستیہ گراہیوں پر ہلا بول دیا۔

Khan Bahadur Nawab Muzaffar Khan : I appeal to the Chair. The honourable member is irrelevant. This has nothing to do with the motion before the House.

Lala Deshbandhu Gupta : I am perfectly relevant. If my honourable friend does not like me to read out the details of the incident, I will not do so, but I must state the facts.

Khan Bahadur Nawab Muzaffar Khan : The honourable member is merely indulging in pleasantries. It is nothing but a joke. He does not seem to be serious about it. I draw the attention of the Chair that the honourable member is irrelevant.

Mr. Deputy Speaker : The honourable member persists in irrelevance. His time is up.

Lala Deshbandhu Gupta : You must give me time to conclude my speech. I am winding up.

Before concluding let me tell the House that we have it on the testimony of Mian Itikhar-ud-Din that on the 22nd February when some respectable ladies were being arrested on the Mall, Mian Sahib himself sent for

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Shrimati Shanno Devi to be of help in controlling the situation that had been created by the ladies' demonstration. As soon as she arrived at the scene, Mr. Taneja, the Magistrate on duty requested her to persuade the arrested ladies to enter the police-van and himself conducted her to that place. Our honourable sister went there and helped to save the situation at the request of the magistrate. But what was her reward? Mr. Henderson threatened to arrest her then and there. Due to Mr. Taneja's intervention it could not be done there, but Mr. Henderson got her arrested the next day.

Mr. Deputy Speaker : That is not relevant to the motion.

Lala Deshbandhu Gupta : Sir, if you do not want me to mention Mr. Henderson's name, I would gladly call him by some other name. (Laughter.)

Well, Sir, the Honourable Premier has alleged that Shrimati Shanno Devi was the organiser of the ladies' procession. Here is a certificate from some of the prominent ladies who participated in the procession. Some of them belonged to the household of Mr. Devi Das of Messrs. Cheap John and three or four were from Mr. Dhani Ram Bhalla's family. They say that Shrimati Shanno Devi had nothing to do with the demonstration. I beg to submit, Sir, that under the circumstances I cannot help concluding that Shrimati Shanno Devi's continued detention is due to vindictiveness on the part of the Government.

Mr. Deputy Speaker : Motion moved—

That the Assembly do now adjourn.

Khan Bahadur Nawab Muzaffar Khan (Attock North, Muhammadan, Rural) (Urdu) : Sir, my honourable friend Mr. Deshbandhu Gupta has said nothing relevant to the subject-matter of his adjournment motion excepting the few concluding words. The whole of his speech otherwise has been replete with stupid, harsh and unkind words. I do not propose to give a reply to them because I am not prone to lose temper like he does. I shall merely quote an instance of an incident that happened during the last annual session of the Anjuman-i-Himayat-i-Islam, Lahore.

Pandit Bhagat Ram Sharma : Is it relevant to the subject under discussion?

Khan Bahadur Nawab Muzaffar Khan : Yes, it is, I am coming to the point. Well Sir, that poet, whose name I will not mention here began reciting a poem concerning :—

گاندھی اور گاندھی جی کی بکری

This caused great resentment among those of us on the stage. We requested the chairman of the Anjuman to stop the poet from reciting a poem which was likely to ridicule a great man of another community. Every one was keen to hear a popular poet but we could not tolerate the idea that a revered and prominent leader of a party or a community should be ridiculed from our platform. This was our mentality. Compare this,

with the attitude of Hindus and Congress leaders. The Honourable Premier was abused by the processionist but not a single voice or protest was raised against this disgraceful behaviour. What can we expect from the men when their representatives like my friend Pandit Bhagat Ram Sharma themselves call our revered leader as *مفتی*? I concede that we have no sense of shame left in us, but it should not be forgotten that there are persons who would not be able to put up with such provocative words. Goodness knows what might happen if these people allow their feelings to get the better of them. I would not return my honourable friend's complaint in kind but would only appeal to him that when we do our level best to respect their leaders they should at least think twice before uttering such shameful words.

In conclusion I just want to say that no case has been made out by my honourable friend opposite and, therefore, I oppose the adjournment motion now under consideration.

Pandit Bhagat Ram Sharma : On a point of personal explanation. It has just now been alleged against me that I used the word—

Mr. Deputy Speaker : He has not said anything against you. (Voices : He did.)

Lala Bhim Sen Sachar : Sir, in order to keep a proper atmosphere, I think it is only fair that the honourable member should be allowed to offer a personal explanation as the Nawab Sahib has referred to him. Under the rules a member is allowed to make a personal explanation. It is only fair.

Mr. Deputy Speaker : All right. What has the honourable member to say?

Pandit Bhagat Ram Sharma : Sir, the honourable Nawab Sahib stated that I had used the word, *مفتی* in respect of the Leader of the House. The Nawab Sahib has done a great injustice to me. I never used this word for any honourable member, much less for the Honourable Premier. A reference to the official reporters' notes can be made in this connection. I merely referred to the principles of administration of the Government.

Khan Bahadur Nawab Muzaffar Khan : Sir, as my honourable friend has denied having used that expression, I withdraw my words.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Woman Urban) (Urdu): Sir, you are aware of the fact that the number of lady members of this House is five. But at present four of us are sitting in this House and our fifth sister has been confined in jail by Government. What is the reason of her imprisonment? I will tell you in a moment as to why she has been jailed. My sisters and my brothers are fully aware of the fact that we women have a great sense of duty and so far as possible we do our duties very carefully. Consequently with her sense of duty uppermost in her, Shanno Devi went to the spot where the women processionists had gathered in order to do what she regarded as her duty. As a punishment for that Government arrested her and has put her behind the bars. I was under the impression that when Government have released other

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honourable members, they would also release my sister Shanno Devi as well. After all she did not commit any offence; she did not abuse anybody; she did not beat anybody. On the contrary, she herself was beaten by the police. I think so far neither any such blame has been laid on her nor she can be accused of any such blame that she abused anybody or addressed any one in indecent language or made an inciting speech, etc. etc. When she had not committed any such offence I do not know why she had not been released so far. She is also an honourable member of this House and it was only fair that Government should have ordered her release as well. I may point out that great regret is being expressed at the arrest of Shanno Devi and other ladies in the circle of educated women. You are aware of the fact that the sense of self-respect has revived among the educated women and they know what is self-respect. As a result of the arrest of women in Lahore all the women's colleges were closed. Not only private women's colleges but also the students of the Lahore College for Women did not attend their classes for one day. On the second day, the Principal of the College thinking that the students would not attend their classes as a result of the arrest of women, herself closed the College for one day because the students intimated to her that as a protest against the arrest of women they would not attend their classes. The Principal of the Lahore College for Women is very wise and she does not persist in her attitude. She thinks that in these days everybody takes part in politics, so in deference to the wishes of the students she closed the College for one day. My daughter studies in that college and she said to me that in order to protest against the arrest of women her college had been closed for one day and that she would not attend it that day. In short all the women's colleges remained closed in order to protest against the arrest of women in Lahore. It is a matter of great regret that respectable and innocent women of the province are arrested without any rhyme or reason. Just ask the people as to how much Shanno Devi is respected in the province. (A voice: In order to get a holiday girls do such things) (Laughter). It is not a matter to be laughed at. On the contrary, it is a matter of great regret that innocent and respectable women are arrested here in the province. Is it a matter of pleasure? Is it not a matter of shame for us that Government arrested and threw into prison seven honourable members of this House without any reason, and then released six but kept a woman member still in the jail? I for one think that the rights of women are being trodden underfoot. Government have released Diwan Chaman Lall, Mian Iftikhar-ud-Din, Lala Bhim Sen Sachar and other honourable members but have kept Shanno Devi in jail. Do they want to suppress the voice of women because of their weakness? This is sheer *zulam* and injustice (Hear, hear.) Sir, the other day in the course of my speech I requested Government that they should release those honourable members against whom no legal proceedings could be instituted. But nobody listened to my request. Similarly I requested the Honourable Premier on that day and I request him to-day also that he should pass orders for the release of Shanno Devi. Her arrest has not only created uneasiness among ordinary women but the educated women are also feeling very uneasy. I ask why was she not arrested on the spot? If she had committed any offence she should have been arrested there and then. Can anybody tell me that

she slapped or abused or harmed or addressed any indecent language to anybody or that she made any inciting speech? If she had committed any such offence it was proper for Government to have arrested her on the spot. It is no argument to say that she was arrested because she went along with the women processionists. If she went there what was the harm? As a representative of the public, was it not her duty to have gone there and ascertained the facts for herself? (*Interruptions.*) Sir, my submission is that all the women of Lahore regardless of the fact whether they are Hindus, Muslims, Sikhs or Christians are sympathising with her. The Government should have taken this extreme step after careful consideration. It would be well for them to release Shanno Devi even now. It is no argument to say that she had been arrested because she was present among the women processionists. She went there to look after the interests of the women processionists. As the representatives of public we have every right to go with such processions and to see that bad treatment is not meted out to the public. If we cannot help the people at the time of their need, what is the use of our being their representatives? As a matter of fact we women have a great sense of duty. For instance, the other day on account of scarcity of wheat flour people were very much hard pressed. I myself brought many sacks of flour and distributed them among the poor. Similarly it was the duty of my sister to have gone with the women processionists in order to see that nobody molested them. She had been arrested because of her sense of duty. Can there be more *zulam* than this? It is only fair for Government to pass orders for her release. With these words I support the adjournment motion now before the House.

Lala Duni Chand (Ambala and Simla, General, Rural): Sir, I shall try my best not to injure the susceptibility of my honourable friend, Nawab Muzaffar Khan. For him I have very great respect. I shall wait and see what response the members of his party are going to offer to this adjournment motion regarding the arrest of Shrimati Shanno Devi. I want to state two facts of which I have got personal knowledge. I was present at the time when Shrimati Shanno Devi was with us. Mr. Taneja, the Magistrate on duty, came up to us and took her to the place where the mob was gathering in order to explain the position to that mob. She was taken there in my presence and from that place she was not allowed to return to us. It comes to this that she was arrested because she responded to the call of duty made upon her by the Magistrate on duty. Another fact that I want to mention about Shrimati Shanno Devi is that when the Honourable Premier was speaking the other day, she made frantic efforts for about five minutes and implored the Honourable Premier to give her two or three minutes to explain her position and attitude, but I was sorry to observe that the Honourable Premier, who was expected to be very fair to that lady member, would not give way to her. He spoke for about 30 or 40 minutes, but he did not give Shrimati Shanno Devi even two minutes to explain her position, attitude and the circumstances. She has been arrested and has not been released along with other honourable members of this House. These are true facts and they are within my personal knowledge and one of them within the knowledge of the House. How can it be said that she was rightly arrested when she was not given an

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opportunity to explain herself? She wanted to explain that she was quite innocent in that matter. The fact is that she was arrested under Section 129 and the Honourable Premier has added insult to injury when he said that he was going to prosecute her. Sir, I was sharing with my honourable friend Lala Deshbhandhu Gupta the belief that before the adjournment motion is taken up, the Honourable Premier will make an announcement or a declaration in the House to the effect that Shrimati Shanno Devi has already been released. That surprise has not been sprung upon us by the Honourable Premier. I was going to read the mind of the Honourable Premier as to when he was going to make an announcement that Shrimati Shanno Devi has been released, but I have been disillusioned. Sir, there is one dismal thing, one sickening thing, that I have been observing during the tenure of office of the present Government for the last 5 or 6 years. During this period there has not been a time when the Honourable Premier has been able to run his Government without putting behind the iron bars sometimes half a dozen members of this House and sometimes a dozen and sometimes even more than that. I want to submit before the Honourable Premier and I would be very respectful in asking whether there is any instance in the whole of India when members of a Legislative Assembly have been arrested in this fashion in which the Government of the Honourable Premier, Sir Sikander Hyat-Khan, has been arresting. There is not a single instance throughout the whole of India of this kind. Some members in other provinces might have been arrested for offences involving moral turpitude, but there is not a single instance throughout the whole of India, where even a single member of a Legislative Assembly has been arrested for such reasons for which the members of the Punjab Legislative Assembly have been arrested. Sir Sikander Hyat-Khan has demonstrated that he could not carry on the Government of this Province without arresting lady members of this House. This is an inference that can legitimately be drawn from the action of the Premier. This is the truth about India. Take the case of other parts of the world. I am aware of one instance when the members of a Legislative Assembly were arrested wholesale. I am referring to the Russian Duma. All the members of the Duma of Russia were arrested with one stroke of the pen. That is the only instance I know of in the history of the world. So many times Sir Sikander has been praising some of the members of this House. Remember how he used to bestow encomiums upon Sardar Hari Singh and other members of the House. But Sardar Hari Singh is still rotting in the detention camp for the last two years or so. I feel that he is cutting at the very root of democracy, the greatest advocate of which he claims to be. Is it, I ask, democracy? If I mistake not, from thirty to thirty five members of this House have been arrested by his Government from time to time while he has always been harping on democracy. Is this the proof of democracy given by him that so many members of this House should have been arrested during the last five years? I ask him to pay attention to this fact. It is not within our programme to defy law. It is not within our programme to encourage the defiance of any law however 'lawless' law it might be. There are good many laws made by the Punjab Government which are lawless, but, as I have said, it is not in our programme to defy any of those laws. The

point that I beg to place before the Premier is, what are the reasons for the creation of an atmosphere of this nature in the Punjab. The issue is whether the people of the Punjab are mad and they are troubling Sir Sikander's Government for nothing. That is one way of looking at the question. The other question is whether the Government of Sir Sikander is justified in taking such action. Notwithstanding all the claims that the Government and the representatives of Sir Sikander's Government have been making from time to time, I venture to say that the policy of the Punjab Government is one of continued repression. He has never pondered over the question whether the policy that his Government has been pursuing during the last five years or so is a fair one, or the contrary is the case. The point that I want to place before the House is whether they agree with me that it is the policy of the Government out and out that has created the present state of affairs in the Punjab. It is the policy of discrimination, it is the policy of class warfare, it is the policy of setting one community against the other, it is the policy of dividing one community from the other, it is the policy not to take into consideration the right and the wrong. It is this policy which has been responsible for the present state of things. If Sir Sikander, like a politician, like a statesman, had taken into consideration the two sides of the question, he would not have been confronted with the difficulties with which he is being confronted at the moment. He must be in a very sorry plight when he has to call upon the police to effect so many arrests. If he wants to take any advice from this responsible House, then I would say that he would be well advised if he were to change his policy altogether. It is absolutely correct when I say that if the Punjab Government had pursued the policy of fairness, justice to all communities and discrimination between right and wrong, he would not then have found himself in the plight in which he finds himself to-day. Can he ease his conscience when he recollects that during the last five years of his office he has been making so many arrests, his Government has been responsible for so many *lathi* charges and other things, for arresting so many members of the Legislative Assembly? His recent policy has been responsible to put responsible people behind iron bars. A ban has been imposed upon six hundred people and none of them can see those behind the iron bars. If he goes on pursuing that policy, time is not far off when he will find himself in more and more awkward position. Our efforts have been to get him out of that awkward position but if he does not pay heed to this advice, then he will suffer. History proves that men intoxicated with power have never taken cognizance of the real state of things. I give one instance and then I finish my speech. I do not mean any ill-will to Sir Sikander Hyat-Khan. Does he know that to-day in France two previous Premiers and several ex-ministers are being indicted by the people of France? (*Interruption.*) Does he know that men much more powerful and much more influential than himself are in the docks to-day and nobody knows what kind of sentence would be passed against them? This Province is more powerful than Sir Sikander Hyat-Khan. If he goes on exasperating the people of this Province, then he must take into consideration the future. I do not want that any such fate should befall him and I want that he should not continue this policy of exasperating and doing wrong to the Punjab and to the people of the Punjab.

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muhammadan, Rural) (Urdu): Mr. Speaker, there are two alternatives before the Government and it must choose one of these two courses of action that are open to it. The first is that it should maintain law and order in the Punjab and see to it that law is respected by everybody. The second is that it should yield before the forces of lawlessness and disorder. If the Government is to adopt the second line of action, it will have to resign at once because no Government would be worth its name if it allows a free hand to the breakers of law and order. A chaos will be created in the province in which none will be safe. If the Government were to respect personalities and law breakers were to go scot free merely because they were wealthy persons, no orderly Government will be possible. At least a Government can never do so. It is known to everybody that the law does not respect persons. But if the Government were to go against this practice, it will have to make room for a better Government than itself. It is incumbent on any Government to see that law is respected by all people, be they rich or poor. I hope the Honourable Premier will bear in mind this humble suggestion of mine at the time of adopting any one of the above mentioned two courses of action.

6 p.m.

Before resuming my seat I would like to reply to my honourable sister who said that female education had enlightened our women who were now aware of their rights and wanted to protect them against the inroads of the Government. I wonder if the object of education was to encourage ladies to come out of their houses and parade in open streets. If colleges have misled our women into believing that their sphere of activity is not in the homes but in the bazaars, I am very sorry for those who are responsible for running such colleges.

Reverting to the real issue, I would like to urge upon the Government to realise their responsibility and fulfil it. The necessities of life have been locked up by the traders and they are withholding them from the needy public. I wonder if the law of the land permits such a horrible action on the part of the traders. The duty of the Government is clear. It has to vindicate the law and make people respect it. In doing this the Government should not consider whether the lawbreakers are rich and wealthy. Law is no respecter of persons.

With these few words, Sir, I close my speech.

Mir Maqbool Mahmood (Parliamentary Secretary): Sir, I had no mind to intervene in this debate, but certain statements made in the course of the debate have made it necessary that I should also express my point of view. In the first place, let me advert to one statement made by my honourable friend, Lala Deshbandhu Gupta, in which he said that he was surprised that one of the Premier's *sharafat* and *husn-i-ikhlaq* should not have welcomed the Leader of the Opposition on his first official presence here and that he should have expressed sympathy with our distinguished colleagues, who had been put behind the bars but are now with us to-day, with regard to that matter. I am afraid my honourable friend was not here when that adjournment motion with regard to those honourable members was discussed in the House and if he was here he would remember that the first statement made by the Honourable Premier on that occasion

was that he had never found it so difficult for him to get up and speak on an adjournment motion as he did on that particular occasion and he referred in particular to his great regard, affection and even respect for the honourable Leader of the Opposition and some of the other friends who had been put behind the bars with him the other day. Not only that, he charged Seth Sudarshan, the whip of the opposite party, to convey that message to the honourable Leader of the Opposition. I am sure my honourable friend, Lala Deshbandhu Gupta and others on his side as well as on this side will agree that the Honourable Premier is not in the habit of wasting his words in hypocrisy or flattery. Those who have the privilege of knowing him are aware and can say without fear of contradiction that we have never seen him so morose and sorry as he was when those members were arrested including the Leader of the Opposition. Now they are out — and I am sure we are all happy that they are out — that incident according to Parliamentary practice should end there. I hope that my friends on both sides of the House will join their heads together and see that such incidents do not take place again in this province.

With regard to the motion before the House, I am afraid there has been a great deal of unjustified mud-slinging. I was sorry to find that my honourable friend, Lala Duni Chand, with his usual and consistent irrelevancy has tried to roam all over the world including Russia and has maligned the Government and the Honourable Premier of all sorts of sins of omission and commission. He went to the extent of declaring that nowhere in any province so many M. L. As. had been put behind the bars as has been done in this province by Sir Sikander.

Lala Duni Chand : Is it a wrong statement of fact ?

Mir Maqbool Mahmood : If my honourable friend were as patient as his better half, he would have got the answer.

Lala Duni Chand : I sympathise with you. *(Laughter).*

Mir Maqbool Mahmood : I ask my honourable friend opposite whether it is the Government of the day which is responsible here or in any other province for any offence committed against the law of the land ? If any M. L. As. or any others, be they howsoever high or low, commit an offence and are arrested, then it is obviously not the fault of the Government concerned.

Lala Duni Chand : Government is responsible for good things and also for bad things.

Mir Maqbool Mahmood : My honourable friend has such a way of expression which is not followed by people who have ordinary commonsense like myself. I regret, therefore, that I cannot soar his heights. *(Interruptions.)* I am prepared to concede that I lack commonsense which my honourable friend opposite has, but because of his age I respect him and I will not retort. I was saying, will my honourable friend cite one instance of any other province where so many M. L. As., for one reason or the other, have taken into their heads to defy the law ? *(Interruptions.)* All I submit is that when we are considering a motion of this nature, let

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us not import unnecessary gunpowder and all those things, such as personal prejudices or party prejudices, particularly at the time when we are face to face with a very serious national and international situation.

Now, Sir, coming specifically to the point at issue. What is that our friends of the Opposition have said in support of the proposition before the House. It is said that one distinguished lady of this House, who is our distinguished colleague, has been arrested and that because the Government has released or has seen that others have been released and she is not released so far, therefore the House must adjourn. We have also been given certain instances that on the 22nd, when this particular incident took place, Shrimati Shanno Devi was there, that she has been there with good intentions and to help in the matter.

This is all that has been stated. I am sure that my friends of the Opposition and even the mover of the motion will have the fairness, commonsense and courtesy to realize that when other M. L. As. were released — who are more vocal and whom I pay compliments all the time for bringing up most shakv arguments against Government — why was it that a particular lady was not released? How could we see that when other members were released this particular lady was not released? Now, Sir, if my friends will have the patience they will find that in all such cases it is not open to Government at once to go into the merits of the evidence to be adduced on both sides. In such cases Government is not to congratulate the executive but at the same time they are not out to see that the executive should be attacked rightly or wrongly. I can say without fear of contradiction that so far as I am concerned, our sympathies are definitely with our friends who are behind the bars and our genuine sympathy is with them. But when you are administering the law of the land it is your duty, apart from your personal sympathy, to see that you are properly doing your duty in executing the law with your personal relations. In this particular case our opinion is that it is not one but there are various things which stand against this particular lady. There is one other point which has to be borne in mind. Since September, 1940, this particular lady had been served with a notice that she could not participate in processions or public speeches. That order still stands. If in defiance of that order without obtaining the permission of the authorities she goes about defying the order, obviously she breaks the law. However much sympathy we may have, nobody will think that so far as the law stands she could not be arrested under the orders of the magistrate on duty; if she happened to be on the spot against the law it does not condone her action in any particular. I will not say whether she was right or wrong. I need not go into the facts of the case. I have mentioned one instance; I am sure there are various other instances which could be brought forward, but I have instructions from the Premier that if I make a statement here in support of the allegations without the whole evidence before the House it might go against the lady herself. In fairness to her it will not be proper to give all the details at this stage. These are the circumstances (i) that if on some condition other M. L. As. were released there must be some justification for her not being released and (ii) that the order referred to just now stands and

her presence on the spot, with whatever intentions, was defiance of law. (*Lala Duni Chand*: Is it an apology on behalf of Mr. Henderson?) (*Interruptions*). I can give all assurance to my honourable friend that I hold no brief for Mr. Henderson. If he is found to have transgressed his powers — we have no data before us to support that — then I for one would not be here to defend him.

Diwan Chaman Lall: Let him be prosecuted first.

Premier: Prosecute everybody for doing his duty.

Diwan Chaman Lall: Does the Premier consider that he has done his duty?

Premier: He has done his duty.

Diwan Chaman Lall: Does my honourable friend the Premier consider that Mr. Henderson in calling Mian Iftikhar-ud-Din a swine has done his duty?

Premier: We are not discussing that question.

Diwan Chaman Lall: We are discussing that question.

Premier: We are discussing the adjournment motion. I say it with full authority that whether it is Mr. Henderson or anybody else, if he is found transgressing the law, action will be taken against him, however high that person may be.

Diwan Chaman Lall: In calling my friend, the President of the Provincial Congress Committee and a member of the House, a swine, has he done his duty? My friend ought to be ashamed of it.

(*Voices*: order, order) (*Interruptions*).

Mir Maqbool Mahmood: I would appeal to my honourable friend Diwan Chaman Lall not to get excited unnecessarily. We have information that the word uttered just now was not uttered by Mr. Henderson.

Diwan Chaman Lall: Your information is untruthful. It is a lie. I do hope that my honourable friend is not going to accept the word of Mr. Henderson as against the word of Mian Iftikhar-ud-Din in a sworn affidavit in the High Court.

Mir Maqbool Mahmood: We are only discussing the arrest of Shrimati Shanno Devi. I am sure that on this question my friends on the Opposition will agree that if there are any matters against her it will be the Court to decide that—

Diwan Chaman Lall: There are no matters against her.

Mir Maqbool Mahmood: I know nothing personally.

Diwan Chaman Lall: If you do not know then do not stand up.

Mir Maqbool Mahmood: That matter should be placed before a court of law to decide in spite of my sympathy with Shrimati Shanno Devi. This may be very unpleasant to one's sentiments to take up that line with regard to the debate. I submit that this has been placed before the House and we cannot say how far it is justified: this has to be decided by a court of law. That being the position we shall be assuming the duty of the court if this House were to enter into the details of the case and take the law into their own hands.

Lala Duni Chand : The only handsome thing is to apologise and leave it at that.

Mir Maqbool Mahmood : There is one other point which I would refer. I was surprised to find my friend Mr. Deshbandhu Gupta, for whose integrity I have great respect, to have made a statement of a wild nature that Maulana Abul Kalam Azad had issued a statement that if the Punjab Government did not change their policy then he would come to the Punjab to defy the law.

Lala Deshbandhu Gupta : I never said that. What I said was that Maulana has told the Premier that if this highhanded policy of arresting Congress members of the Assembly and suppressing the civil liberties of the Province continues, he will himself come to Lahore and offer himself for arrest. My friend should ask the Honourable Premier whether it is true or not.

Mir Maqbool Mahmood : The statement made by my honourable friend was that if this policy continued he would come to Lahore. I ask my honourable friend opposite what is the policy of this Government in regard to this matter?

Lala Deshbandhu Gupta : The policy is Henderson Raj.

Mir Maqbool Mahmood : Our policy in regard to the Sales Tax Act is similar to that of the Congress Government in Madras with this difference that while there public spirited people suggested reasonable amendments to the Act and once it was passed they followed it, here in this province the position is quite different. The same party who should have supported the measure which is exactly on the same lines as that of the Madras are doing quite the reverse. When you examine these things you should examine them dispassionately and with fairness that these matters deserve.

Sir, before I conclude, I would like to make one submission to my honourable friends opposite. Let us on both sides not unnecessarily get flared up on these adjournment motions. Let both sides realize that we are face to face with a very serious danger both in India and outside. We are passing through difficult times and there are more important things on which we should concentrate our attention....

Lala Duni Chand : Is this your peroration or is it still to come?

Mir Maqbool Mahmood : Why should my peroration sting my honourable friend if he does not want to listen? If he wants to ask any question, I am prepared to give way. He made wild statements in his speech, but I did not interrupt him and I am entitled to this much courtesy from him that when I am placing my point of view he should at least listen to it.

My honourable friend said, 'the Premier enquired from me, was I a *khudai faujdar*? I say it is the duty of every public servant on public occasions to see that nothing untoward happens'. Nobody challenges the right of any public servant to try to assist in the settlement of any difficult situation. But, if there is evidence or if there is material to prove that that public servant has not on one occasion but on many occasions tried to utilize that position not in any way towards settlement but in a manner which would complicate matters, I think every one will bear me

out that it is the duty of Government to put a stop to her activities. This particular lady was served with an order that she was not to be present on such occasions. That is the reason why the presence of other honourable members was not resented.

Diwan Chaman Lall : An afterthought.

Premier : No. Notice was served on her in 1941.

Diwan Chaman Lall : Was she not detained under Rule 129 which has nothing to do with this order?

Premier : That is because courtesy was shown to her. They could have prosecuted her straightway.

Diwan Chaman Lall : She is being treated as a security prisoner. Is that the courtesy that is being shown to her?

Premier : The courtesy was that she was not prosecuted straightaway.

Diwan Chaman Lall : She is being detained under Rule 129. That is all. There is no other charge against her.

Mir Maqbool Mahmood : She was present in a public procession.

Diwan Chaman Lall : He should know that mere presence is no offence. That is his legal knowledge!

Mir Maqbool Mahmood : My honourable friend conveniently forgets that she had been served with an order not to be present in any public procession.

Diwan Chaman Lall : She was not present in any procession.

Mir Maqbool Mahmood : What was it? Was it a *tamasha*, a *meta* or an exhibition?

Diwan Chaman Lall : It was a brutal charge by your police on innocent women and children.

Mr. Deputy Speaker : Order, order. I cannot allow that dialogue.

Mir Maqbool Mahmood : Sir, I do not want to enter into any details in this case. My honourable friend said that she was present in that demonstration.

Diwan Chaman Lall : I never said that. Does he know what he is talking about?

Mir Maqbool Mahmood : My honourable friend is an expert in linguistic exercises. I am sure that he made a statement that she was present there in that demonstration.

Diwan Chaman Lall : I am being charged with having made a statement which I never made.

Some honourable members : Question may now be put.

Lala Bhim Sen Sachar : Sir, I have had no opportunity to speak. I have to make very important statements.

Mr. Deputy Speaker : Question is—

This the question be now put.

The motion was carried.

Lala Deshbandhu Gupta (Urdu) : Sir, while moving the adjournment motion I pointed out at the very outset that the atmosphere in which this motion should have been discussed was unfortunately lacking and that my learned friend the Premier was mostly responsible for it. Instead of acceding to the demand of the Opposition for the discussion of this motion, as it was expected of him, he made an attempt to get it ruled out of order, and thereby deprived the House of discussing the matter. But I am an optimist and I still hope that the Honourable Premier will consider this question dispassionately and even now would take the right step and release Shrimati Shaano Devi.

Now, Sir, with your permission I would like to deal very briefly with two or three points raised by my friends of the Treasury Benches. The first point which the new spokesman of the Government made out was the old argument, that as these people break the law, therefore it was the duty of the Government to arrest them to maintain law and order in the province. I want to tell my friends who are responsible for the maintenance of law and order in the province to-day that it is their subordinates who are breaking the law and bringing the Government into disrepute. The Government is keen to arrest public men on the slightest excuse but when its own subordinates resort to lawlessness the Government instead of punishing them begins to shield them. Besides I may tell him that there is nothing essentially wrong in breaking law. Sometimes matters come to such a pass that one cannot do without breaking the so-called laws. At such times it becomes the duty of every self-respecting person to, defy law. This defiance of law takes the form of non-violent resistance, so far as we are concerned. But there are people in this country who do not hesitate even to go a step farther. The Honourable Premier will admit that his Qaid Azam of the Muslim League, to which body he owes allegiance, is reported to have said that if Hindus did not agree to the Muslim demand of Pakistan the Muslims would create an unprecedented revolt. It does not lie in the mouth of the Unionist Government to-day to stigmatise as law breakers and justify the high-handedness of its officials on that ground. We rightly feel that the circumstances were such that it was no offence to defy the law. The fact of the matter is that my friends have not tried to understand our point of view. I have already submitted that whenever and wherever there is oppression, it is the duty of the Congress to raise its voice of protest against that oppression. At present the condition of our province is such that civil liberties of the people are being trampled under foot. Instead of effecting arrests lathi charges are made on crowds consisting of peaceful men, women and children; the press of the province has been gagged; honourable members of the House and accredited representatives of the press are subjected to foul abuse by a responsible officer and are being arbitrarily arrested. In the circumstances there is no other alternative left for the Congress, the biggest national body of this country, save to protest strongly against this serious inroad of the civil liberties of the people. That is the duty which the members of the Congress Party of the Punjab have been performing and that is the duty which our sister was discharging and for which

she has been arrested and detained. It was against this policy of repression that even Maulana Abul Kalam Azad, the President of the Congress had to warn the Premier in so many words that if his Government persisted in their policy, he would have to come to the Punjab himself and court arrest by way of protest. This supports my contention that under such circumstances defiance of law does not only not constitute an offence but becomes a moral duty. It follows, therefore, that my sister, Shrimati Shanno Devi, also has not committed any offence.

Sir, the object of my adjournment motion is to show that to continue to keep Shrimati Shanno Devi in jail would be tantamount to vindictive treatment on the part of the Government. It may be that the Premier himself is not vindictive. I may even say that the Honourable Premier does not want to keep her in jail, as was apparent from his attitude which he adopted in respect of other members of this House whom he has released. But his personal attitude makes little difference if he finds himself unable to act as he wishes. The fact that seven honourable members of the House including the Leader of Opposition was arrested without any reference to or any knowledge of him shows how utterly helpless he is. My strong suspicion is that Shrimati Shanno Devi has not been released as Mr. Henderson is not willing to do so and the Premier is helpless before him. I honestly feel that the Honourable Premier does not want to keep her in jail but there is some other power which is far more powerful than he which is compelling him not to release Shrimati Shanno Devi. This is the point and the kernel of the whole adjournment motion. If my apprehension is well founded and matters have come to such a pass that the ministry finds itself helpless before the white gods who are carrying on the administration of the province, without consulting the ministry's wishes, I wish to assure my friend the Honourable Premier that in spite of our political differences we will do all that lies in our power to strengthen his hands in this matter if he takes us into his confidence and places his difficulties before the House. Let me tell him that we can tolerate his mistakes but what we cannot tolerate is that instead of the Ministers their white subordinates should rule the province. My friend has expressed his regret that a lady member of this House had been arrested and that she was still detained in jail. But my submission is that mere regret will not do. If he wants to maintain his prestige in the province let him take courage and set right the wrongs committed by his subordinates. Let him show that courage does not consist in breaking the heads of peaceful women and children but that real courage means putting down with a strong hand such officials who under the garb of maintaining law and order in the province themselves indulge in lawlessness and bring bad name to the province.

I want to know from him whether to release the six honourable members of this House was an act of mercy. If so, he may have some justification for keeping Shrimati Shanno Devi behind the bar. But this is not an act of mercy. He has merely tried to rectify the blunder committed by one of his subordinates. This being so he has the courage to admit that one of his subordinates had committed a blunder in arresting several honourable members of the House and that he has made amends by releasing them. If he makes a declaration like that he will raise himself in the eyes of the whole province

[L. Deshbandhu Gupta.]

and also earn the appreciation of the Opposition. He should go one step further and also order the release of our sister who has committed no offence and who is still being kept behind the bars. He should not mind the displeasure of Mr. Henderson, if her release displeases him. If she is not released we shall be justified in saying that she is being made the victim of the vendetta of an officer, who considers himself to be all powerful.

I repeat, Sir, that if the Honourable Premier makes amends for the high handedness of his officers by expressing regret for what they have done, this will enhance the prestige of his Government. It would have had a salutary effect if he had on the very first day stated in this House that he would institute an open enquiry into the matter and punish all such officers who were found to have acted wrongly. By making such a statement he would have created wholesome impression on the public mind. But he would not do so in spite of repeated requests made from this side of the House. I want to warn him that if at a critical time like the present one he will show such weakness it will have a very bad effect on the administration. The erring officers will feel encouraged and will do things which will not only bring a bad name to the Government but will also land it in great difficulties.

Sir, the purpose of this adjournment motion is to protest against the arrest and continued detention of Shrimati Shanno Devi. She has not committed any offence by watching the demonstration against the General Sales Tax Act. If that is an offence many of us are also equally guilty. It is a pity that the Government is kept in the dark about such happenings. There was a *lathi* charge in Lahore on 10th February. The matter was brought before the House by us but to our surprise the Premier and other members of his Government were in the dark about it. These officers do not give them even such information. It looks they do not care for them. On the subsequent day I myself watched the satyagrah. The stayagrahis peacefully offered themselves for arrest at the police station. The sub-inspector would neither arrest them nor ask them to go. I requested him to let the people go or to arrest them. Instead of listening to me he bluntly told me that he did not care who I was. He would not listen to even a judge of the High Court, not to say of an M.L.A. This is how their officers behave towards members of this House who try to gather first hand information by being present on such occasions.

Mr. Deputy Speaker : Only two minutes more.

Lala Deshbandhu Gupta : I do not want to take much time. The Ministry should have patience. The purpose of this adjournment motion is not to irritate them or to harass them. The Honourable Premier should alter his methods of work and not always rely on files. He should try to find out the truth for himself and see where the fault lies and who is responsible for the same. He should see whether the law was administered properly or unfairly.

Let me conclude by requesting the Honourable Premier again to release our sister Shrimati Shanno Devi. If he does not release her, people will think that she was being detained unlawfully and that the white bureaucracy was all powerful and was having a revenge upon her. I hope the Honourable Premier will consider this matter dispassionately and respond to my appeal. With these words I resume my seat.

Premier The Honourable (Lieutenant-Colonel Sir Sikander Hyat-Khan): Sir, I had no intention whatever of taking part in this debate before the motion was taken up, because as I explained, my lips were sealed for the simple reason that the lady member concerned was likely to be prosecuted in a court of law and I did not want to prejudice her case or for that matter to prejudice the prosecution case. But I have been accused by my friend, Mr. Deshbandhu Gupta, of being a very weak sort of person whom any district magistrate can coerce or over-awe and can lead anywhere he likes—(Interruption)—yes and other subordinates also—while on the other hand, my friend Lala Duni Chand, an experienced gentleman, with experience of years behind him, experience of Congress and other political parties, experience of administration, experience of bar, has tried to depict me as a Russian Dictator. Now it is for them to decide which of them is correct. (Lala Duni Chand: You can play both roles at different times). I suggest to the Honourable Leader of the Opposition, the new Leader of the Opposition, whom I take this opportunity to welcome in this House, for he was not here on the opening day for reasons beyond his control—(Lala Deshbandhu Gupta: and also beyond your control)—certainly—I conveyed my message of welcome to him and I hope it was delivered to him because it is customary and conventional that on an occasion like this when a new Leader is elected he should be welcomed by the Leader of the House.....

Lala Bhim Sen Sachar: I am under a handicap to give a reply.

Premier: I know my honourable friend's feelings. He would like to reciprocate.

Now so far as this allegation is concerned, I think my honourable friend, the mover of the adjournment motion, has been most unfair to me and most unfair to the District Magistrate. I can assure him that there is a difference between the cases of those of our colleagues who were arrested and released and the case of the member who is still in confinement. One simple difference is—I am not going into other details for the reason that I have already mentioned: I do not want to do anything which might in the slightest degree prejudice the case—is this. My honourable colleagues who were released the other day had not committed a breach of any Government order, while this particular lady member and colleague of ours unfortunately did infringe an order passed on her in September, 1940. (Diwan Chaman Lal: Alleged to have). Exactly, that is my information. Therefore she is to be prosecuted in a court of law and it is for the law courts to decide whether she was guilty of that offence or not. So I wish to say nothing about it now. But I take this opportunity to say one thing. A great deal of uncharitable insinuations has been made against the District Magistrate. I am not worried about myself, my shoulders are broad enough. I have had experience of mud-slinging for five years and I know that on every occasion that mud-slinging was unwarranted and unjustified. It does not harm me at all. If it harms anybody it harms my honourable friends on account of their lack of sense of proportion. So far as the District Magistrate is concerned, he did nothing more than his duty, and if he had failed to discharge his duty simply because the person concerned happened to be a member of the Assembly, I think he would not be worthy of the position he holds; in fact, he would be unfit to hold it. For instance, if anybody

[Premier.]

breaks the law and incites the mob to do an unlawful act, and the District Magistrate, because that person is a member of the Assembly, does not bring that person to book, then I think that that District Magistrate does not deserve to be retained in his office for a minute longer. It is not a pleasure to anybody, any executive officer, to take action against anybody, much less against members of this Assembly, but if anybody flouts the law or breaks the law or commits an offence against the law of the land, then it is the duty of the executive officer to see that the law is respected. Law is no respecter of persons. All kinds of unwarranted, uncharitable, unfair, unjust charges have been made against the District Magistrate, merely because he tried to do his duty under difficult conditions. If that is to be the trend of the speeches of my honourable friends, then I can assure them that they would be weakening the prestige of the authorities and that in turn might lead to weakening the position of authority and if there is any trouble, if there is any unrest, if there are any riots, then they would find it impossible to discharge their duties.

Diwan Chaman Lall : Is it not correct that my Honourable friend himself is satisfied that the District Magistrate's action against six honourable members of this House was unjustified ?

Premier : I am afraid that my honourable friend has put me a question which is not relevant to the present motion. It is not my duty to sift the evidence. If their cases had gone to law courts, it would have been for them to decide. But as far as I am concerned, with regard to this particular case, I am informed that this lady has infringed an order passed against her in 1940 and if that is correct then it will be for the law court to decide what action it should take and whether any punishment should be awarded to her. As a matter of fact the only differentiation which the District Magistrate has made between this lady member and other members is that in her case he has not taken the action to prosecute her immediately but he thought it advisable to wait until he had obtained the advice of Government and it was a courtesy shown to her because she happened to be a lady member of the House (*ironical laughter*). That is the only difference which had been shown and had it not been for that she would have been prosecuted on the very first day.

Now I should like to remind my honourable friends opposite that they must remember that we are not living in normal times. The position in this country and outside is most delicate. To try to pillory officers who try to do their duty under difficult conditions, is, I think, a most criminal folly and it is likely to lead to a situation which my honourable friends themselves might not like. I want to warn them once again that they must try to behave as responsible people at all times and particularly at this juncture. We are passing through very critical times. We are living at a time when our country, our motherland is in danger and might any day be in greater danger than it is to-day.

Diwan Chaman Lall : Why don't you take that lesson in respect of yourself ?

Premier : I have taken it but my honourable friend must learn that this is not the time to slacken our efforts or try to meddle in other people's affairs.

Diwan Chaman Lall : What ?

Premier : What business has the Congress in this affair, especially when it has said that it has no hand in this agitation ?

Diwan Chaman Lall : If my honourable friend takes it into his head to break the heads of people, does he mean to say that everybody must keep quiet ?

Lala Deshbandhu Gupta : What did the Muslim League do ?

Premier : If there is any unlawful demonstration, it is not their business to interfere.

Diwan Chaman Lall : It is the business of every public man to see that women and children are not maltreated. If your women and children are maltreated it is our duty to protect them. (*Interruption*). If the wives and sisters of the beoparis want to demonstrate it is their business. It is our duty to see that such action is not taken by the police.

Premier : If that is the attitude which you take up, if that is the spirit in which you want to pass through these critical times and to defend your motherland—

Diwan Chaman Lall : The spirit must be the Henderson spirit !

Premier : So far as we are concerned, it is the duty of the Government to see that people do not disturb peace and tranquillity and not only Mr. Henderson but every district magistrate in the province who does his duty in order to preserve peace and tranquillity will have my fullest support.

Diwan Chaman Lall : In doing illegal things.

Premier : Doing legal things.

Diwan Chaman Lall : And my honourable friend considers it legal that women and children should be beaten and an honourable member of this House who goes there should be arrested.

Premier : Order, please.

Diwan Chaman Lall : Who are you to call me to order ? My honourable friend should be thoroughly ashamed of himself standing up to support the action of the police. He ought to be thoroughly ashamed.

Munshi Hari Lal : The Honourable Premier should not arrogate to himself the powers of the Speaker.

Diwan Chaman Lall : On the other hand, my honourable friend should have got up and said that he was sorry for what had happened.

Premier : Why should you persuade your women and children to demonstrate ?

Diwan Chaman Lall : Does it add to your prestige to drag people and beat them ?

Premier : Where have the men gone ? Instead of trying to ease the situation my honourable friend wants to encourage it. It is a most disgraceful way. It is prejudicial to their country that at this time they want to create this disturbance and engage in unlawful activities.

Diwan Chaman Lall : On a point of order. May I ask you, Mr. Deputy Speaker, whether my honourable friend is in order in making a

[D. Chaman Lall.]

charge against the honourable members on this side of the House of having indulged in illegal activities.

Mr. Deputy Speaker : He is only replying to the debate.

Premier : It is criminal folly in these days to encourage any movement which is likely to affect the peace and tranquillity of this province. (Dewan Chaman Lall: You are doing it your self) and if anybody wants to take law into his hands and encourages such unlawful activities, he will be severely dealt with. (Applause).

Mr. Deputy Speaker : Question is—

That the Assembly do now adjourn.

The Assembly divided : Ayes 22, Noes 48.

AYES.

Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mr.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Hari Lal, Munshi.
Jugal Kishore, Chaudhri.

Kapoor Singh, Sardar.
Kishan Singh, Sardar.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur.
Muni Lal, Kalra, Pandit.
Partap Singh, Sardar.
Sahib Ram, Chaudhri.
Shri Ram Sharma, Pandit.
Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Allah Bakhsh Khan, Khan Bahadur
Nawab Malik.
Allah Yar Khan Daultana, Mian.
Amir-ud-Din, Khan Sahib Mian.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, The Honourable
Sardar.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.

Fazl Ali, Khan Bahadur Nawab
Chaudhri Sir.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Ghazanfar Ali Khan, Raja.
Habib Ullah Khan, Malik.
Indar Singh, Sardar.
Khizar Hayat Khan Tiwana, The
Honourable Malik.
Manohar Lal, The Honourable Sir.
Maqbool Mahmood, Mir.
Mohar Singh, Rao.
Mubarak Ali Shah, Sayed.
Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Hussain, Khan Bahadur
Chaudhri.
Muhammad Hussain, Sardar.

NOES--CONCLD.

Muhammad Sarfraz Khan, Chaudhri.	Ranpat Singh, Chaudhri.
Muhammad Sarfraz Khan, Raja.	Sadiq Hassan, Shaikh.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Sardar Khan Noon, Major Malik.
Muzaffar Khan, Khan Bahadur Captain Malik.	Shah Nawaz, Mrs. J. A.
Muzaffar Khan, Khan Bahadur Nawab.	Shah Nawaz Khan, Nawab Sir.
Nur Ahmad Khan, Khan Bahadur Mian.	Sikander Hyat Khan, The Honourable Lieutenant-Colonel Sir.
Pohop Singh, Rao.	Singha, Diwan Bahadur S. P.
Pritam Singh Siddhu, Sardar.	Sohan Lal, Rai Bahadur Lala.
	Sumer Singh, Chaudhri.
	Suraj Mal, Rai Sahib Chaudhri.
	Tara Singh, Sardar.

The Assembly then adjourned till 2-30 p.m. on Friday, the 27th February, 1942.

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