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TO THE
Punjab Legislative Assembly
Debates

From 4th to 15th December 1944

Vol. XXIII

OFFICIAL REPORT



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1945

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 Ahmad Shuja, B.A.

PUNJAB LEGISLATIVE ASSEMBLY.

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

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The Hon'ble Sardar Baldev Singh, Minister of Development (Ambala North, Sikh, Rural).

The Hon'ble Khan Bahadur Nawab Sir Muhammad Jamal Khan Leghari, Minister of Public Works (Tumandars).

The Hon'ble Major Nawab Ashiq Hussain, M.B.E., Minister of War Planning (Multan, Muhammadan, Rural).

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- Prem Singh, Mahant (Gujrat and Shahpur, Sikh, Rural).
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- Shri Ram Sharma, Pandit (Southern Towns, General, Urban).
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- Sita Ram, Lala (Trade Union, Labour).
- Sohan Lal, Rai Bahadur Lala (North Punjab, Non-Union Labour).
- Sohan Singh Josh, Sardar (Amritsar, North, Sikh, Rural).
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- Talib Hussain Khan, Khan (Jhang West, Muhammadan, Rural).
- Tara Singh, Sardar Sahib Sardar (Ferozepore South, Sikh, Rural).
- Teja Singh Swatantar, 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 Hira, Khan Bahadur Sardar (Kabirwala, Muhammadan, Rural).

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PUNJAB LEGISLATIVE ASSEMBLY

TWELFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY

Monday, 4th December 1944

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

STARRED QUESTIONS AND ANSWERS

SECURITY PRISONERS

*8995. **Pandit Bhagat Ram Sharma** : Will the Honourable Premier be pleased to state :—

(a) whether it is a fact that after the repatriation of the security prisoners who were detained in Deoli Camp Jail in 1941-42, the late Sir Sikander Hyat-Khan had agreed as Premier to remove the distinction between the two classes of security prisoners and had undertaken that thereafter there would be only one class, i.e., Class I of Security Prisoners in the Punjab ; if so the reasons for classifying a number of security prisoners as security prisoners class II ;

(b) whether the Government propose to remove the distinction between Classes I and II and accord uniform treatment to all security prisoners ; if not, why not ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) The repatriated Deoli prisoners were all placed in one class and this was, so far as is known, the extent of the "agreement" mentioned, and the question of future policy was not in issue. The classification of Class II was introduced later when it was found that prisoners of much lower status, education and habits of life were being detained and enjoying standards far higher than they were accustomed to outside the jail.

(b) (i) No.

(ii) So as to provide for the cases mentioned in part (a).

Sardar Sohan Singh Josh : Is the Parliamentary Secretary quite sure that all were placed in A class ?

Parliamentary Secretary : Yes, originally all were placed in class I.

Sardar Sohan Singh Josh : Is the Parliamentary Secretary aware that some of them were first placed in A class and they were later on placed in B class ?

Parliamentary Secretary : I am not aware of that. If the honourable member gives notice, I will find out.

Sardar Sohan Singh Josh : Is the Parliamentary Secretary aware that Jagjit Singh Jandiala and Ram Singh Sohingra who were first placed in A class were later on placed in B class ?

Parliamentary Secretary : I am not aware of that. I have already stated that if my honourable friend is particularly anxious to know the position in regard to a particular gentleman, I will find out if he gives notice.

Sardar Sohan Singh Josh : May I know the reasons that made Government place these people in B class ?

Parliamentary Secretary : I have already stated the reason.

Sardar Sohan Singh Josh : Is the Parliamentary Secretary aware that there was a representation from the security prisoners themselves to the effect that all of them should be treated in A class and that there should be no distinction between them ?

Parliamentary Secretary : I have stated that all of them were treated as A class, but later on when it was found that prisoners of different status were being detained, naturally the Government had to start another class. The " agreement " referred to was only for the prisoners detained at that time, and did not concern any future policy.

Chaudhri Muhammad Hasan : May I know whether a promise was given to the prisoners in jail that all of them will be put in A class and treated alike ?

Parliamentary Secretary : There was a sort of understanding with Sir Sikander Hyat-Khan.

Chaudhri Muhammad Hasan : The Parliamentary Secretary has stated that that did not apply for the future. I want to know the difference in the treatment to the prisoners who were at that time in jail and those who came to the jail later. What was that agreement, I want to know ?

Premier : It was not an " agreement " in writing. It was an oral " agreement " arrived at between two parties—Sir Sikander on one side and some gentlemen on the other side. There was no formal agreement.

Chaudhri Muhammad Hasan : Will the Honourable Premier inform me of the conditions of that oral agreement if there were any ?

Premier : It was a sort of undertaking given by Sir Sikander. It was not reduced to writing.

Chaudhri Muhammad Hasan : It may have been an oral undertaking, but what was it ?

Premier : There was no undertaking. It was an understanding about a particular set of people.

Chaudhri Muhammad Hasan : What was the decision arrived at ?

Premier : The Parliamentary Secretary has already given a reply about the decision which applied to a particular set of prisoners. There was nothing laid down for the future.

Mian Abdul Aziz : The Parliamentary Secretary says that there was an undertaking and the Honourable Premier says that there was no undertaking. Which is the correct statement ?

Premier : There was an understanding about a set of prisoners, but nothing was laid down for the future. If you have any record for the future policy, refer it to me. I know of none.

Mian Abdul Aziz : I want to understand one thing. It has been stated on the floor of the House by the Parliamentary Secretary that there was an undertaking and the Premier says that there was no undertaking. I want to know which is the correct statement.

Premier : Both are correct. Understanding, decision, undertaking, all come to more or less the same thing.

Mian Abdul Aziz : What was the decision arrived at ?

Premier : It was acted upon.

Mian Abdul Aziz : What was acted upon ?

Premier : About those Deoli prisoners. That is all over now.

Mian Abdul Aziz : You may have some record as to what that decision was. If no record was kept, it is most strange.

Premier : There is no record available. Everything was in the minds of the two parties.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : I understand that when the Honourable Premier took over the reins of his office, he went through the case and he came to know what the decision or agreement or undertaking—whatever you call it—was. Will he be pleased to let us know just the gist of that ?

Premier : When I went through the case, I found nothing on record, except the assertion from one party, and it was complied with then. I am not denying it,

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : What was that assertion ?

Premier : The assertion is in the question and the reply is in the answer.

CIVIL DISOBEDIENCE DETENUS

***8996. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Civil Disobedience Movement detenus (persons detained under Rules 26 and 129 of the Defence of India Rules in connection with the Congress Movement since 9th August, 1942) are not allowed any interviews with their relatives and friends ;

(b) whether the Government has received copy of the circular from the Government of India issued to Provincial Governments in this connection as stated by the Home Member in the last Session of the Central Assembly advising them to extend this facility to the detenus ; if so, why no action has been taken hitherto on the same ;

(c) whether Government are aware that several other Provincial Governments including Madras, Bombay, Sind and Assam have already allowed interviews to all Congress detenus ;

(d) whether Government propose to extend this facility to Civil Disobedience Movement prisoners now ; if not, why not ;

(e) whether it is a fact that security prisoners of 1942 are allowed two interviews with their relatives and friends every month ; if so, why similar treatment is not being meted out to Congress Civil Disobedience Movement detenus ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) For the honourable member's information, Civil Disobedience detenus have since been allowed to have interviews with their relatives twice a month.

(b) No such advice has been received.

(c) No.

(d) and (e) Do not arise.

Chaudhri Muhammad Hasan : May I know whether persons detained here under rules 26 and 129 of the Defence of India Rules are allowed interviews ?

Parliamentary Secretary : I have already given the reply.

Sardar Sohan Singh Josh : What is the date from which interviews were permitted ?

Parliamentary Secretary : I do not carry all the dates in my head. If my honourable friend gives notice, I shall give the answer.

Sardar Sohan Singh Josh : The answer says, they have 'since' been allowed. Since when ?

Parliamentary Secretary : I have already stated that if my honourable friend gives notice, I shall collect the information.

Chaudhri Muhammad Hasan : I am sure the honourable member would have collected the information when the notice of the original question was with him about the interviews and detenus.

Parliamentary Secretary : The question was simple and I have already answered it.

Pandit Bhagat Ram Sharma : Part (c) of the question asks whether Government are aware that several other provincial Governments have already allowed interviews. So the notice is already there. We want to know from what date the interviews are allowed here in this province and whether there is any difference in the law followed by this Government and that followed by the other provincial Governments.

Premier : That notice is not there. Part (c) has already been answered. If further information is required as regards dates, etc., fresh notice is required.

Pandit Bhagat Ram Sharma : I want to know whether at the time interviews were allowed in other provinces, the Punjab Government was not allowing interviews.

Premier : This Government is not aware about other provinces.

Pandit Bhagat Ram Sharma : Are you prepared to deny this fact ?

Premier : There is no question of denial. Various Governments have allowed interviews from various dates and we have also allowed the interviews. Does the honourable member want that this privilege should be curtailed ?

Pandit Bhagat Ram Sharma : My point is that in the provinces where section 98 is working this concession has been long ago granted whereas this so-called representative Government has been following a retrograde policy.

Premier : We are not aware of the dates when such interviews were granted in other provinces. My friend can write to his friends there and get the information regarding those provinces. As regards the date regarding Punjab he can get it here and then he can compare and decide whether we were behind or in advance of other provinces.

Pandit Bhagat Ram Sharma : I want to know whether at the time interviews were allowed in other provinces, the Punjab Government too was allowing them.

CIVIL DISOBEDIENCE DETENUS

*8997. **Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state :—

(a) whether it is a fact that Government has by one of its circulars issued in July 1943, addressed to the jail authorities in which Civil Disobedience Movement detenus are kept, given the right of supplementation of diet to the detenus at their own cost ;

(b) whether it is a fact that by a subsequent circular a limit of Rs. 5 per mensem has been imposed on the amount which a detenu could spend on such supplementation ; if so, why ;

(c) whether it is a fact that the July circular mentioned in part (a) placed the Civil Disobedience Movement prisoners at par with Security prisoners in the matter of supplementation of diet in all respects ; if so, what has been the effect of the modification of the July circular ;

(d) what action do Government propose to take in the matter now ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : This question is duplicate of question No. 9078¹, and the attention of the honourable member is invited to the answer given to it on 9th March 1944.

COMPLAINT OF SUPERVISORS OF ORDNANCE DEPOT, FEROZEPORE, AGAINST SECURITY POLICE

***9332. Malik Barkat Ali:** Will the Honourable Premier be pleased to state :—

(a) whether it is a fact that Mr. Abdullah Khan, Mr. Taj Din and Mr. Mohamad Yusuf, Supervisors, Ordnance Depot, Ferozepore, submitted representations to the Commissioner, Jullundur division, complaining that the Security Police, Ferozepore, had obtained from them under threats of arrest false statements which they had themselves prepared implicating Pirthi Singh as well as these Supervisors in the strike which had taken place in the Ordnance Depot, Ferozepore, and another which was expected to take place ;

(b) whether any enquiry was made by the Commissioner of the Jullundur division into the allegations made in (a), ; if so, with what result, if not what action do the Government propose to take in the matter ?

Parliamentary Secretary: (Khan Bahadur Shaikh Faiz Muhammad)

(a) Yes.

(b) (first part) Enquiries were made by the Deputy Commissioner, Ferozepore ; (second part) No action was considered necessary.

Malik Barkat Ali: May I know the result of those enquiries? What were the conclusions arrived at by the Deputy Commissioner as the result of his enquiries?

Parliamentary Secretary: The conclusion arrived at was that the allegations were not well founded and therefore no action was considered necessary.

HUNGER STRIKE BY KHAKSAR PRISONERS IN LAHORE CENTRAL JAIL

***9333. Malik Barkat Ali:** Will the Honourable Premier be pleased to state :—

(a) whether he is aware of the fact that seven Khaksars who are imprisoned or are under detention in the Central Jail, Lahore, have been on hunger strike since the 29th February 1944, if so, the reasons for the same ;

(b) whether it is a fact that some of the Khaksars mentioned above are on the point of death, if so, the action Government intend to take in the matter ?

Parliamentary Secretary: (Khan Bahadur Shaikh Faiz Muhammad) : (a) and (b) Seven Khaksar life convicts started a hunger strike on 1st March 1944 in order to secure their premature release. Two of them are still on hunger-strike. Though they are weak, they are not on the point of death.

RELIGIOUS PROCESSIONS IN QADIAN

***9336. Chaudhri Muhammad Abdul Rehman Khan:** Will the Honourable Premier be pleased to state :—

(a) whether it is a fact that the non-Ahmadi Muslim community of Qadian applied to the Deputy Commissioner, Gurdaspur, through Khawaja Abdul Hamid, General Secretary, Tabligh section, of the Majlas Ahrars Islam, Qadian, for permission to celebrate the Id-i-Milad on the 8th March 1944 ;

(b) whether it is a fact that the permission asked for was refused, if so, the reasons for the same ;

(c) whether the Government intend giving to non-Ahmadi Muslims permission to celebrate the Holy Prophet's birth-day by taking out a procession next year, if not, the reasons for the same ;

(d) whether it is a fact that permission is usually granted to Hindus, Sikhs and Ahmadis to take out processions in Qadian to celebrate the anniversaries of their religious heads ;

(Ch. Mohd. Abdul Rahman Khan).

(e) whether Government intend to adopt a uniform policy in Qadian in the matter of granting permission for religious processions, if not, why not ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Mohammad) : (a) No. The application was for 10th March 1944 and not 8th March 1944 and for permission to take out a procession.

(b) Permission to take out a procession was refused as it was not a customary religious procession. An Ahrar *Jalsa* arranged on 10th March 1944 (in connection with Id-i-Milad) at Qadian was not prohibited.

(c) It is too early to reply to this item. It is, however, the policy of Government that the *status quo* is to be maintained in all religious processions and that no innovations are ordinarily to be permitted. Qadian is among the places where all processions are ordinarily forbidden.

(d) As a general rule only Sikhs take out processions in Qadian. Hindus and Ahmedies have not been known to take out such processions.

(e) Religious processions are regulated in accordance with the instructions issued by Government from time to time and each case is dealt with on merits.

DETENUS AND POLITICAL PRISONERS

*9345. **Sardar Kapoor Singh** : Will the Honourable Premier be pleased to state :—

(a) the number of civil disobedience detenus, security prisoners and other Congressite convicts, confined in various jails in the Punjab or elsewhere at present ;

(b) the number of such detenus, security prisoners and convicts in different jails in the Punjab on the 1st of January 1943 ;

(c) the number of such detenus, security prisoners and convicts released in 1943 and 1944 respectively ;

(d) the number of all such political prisoners and detenus who have been released but whose movements have been restricted to certain localities or areas in the Punjab ;

(e) the number of all such political prisoners who have been released but are required to report themselves daily or periodically to the local police in the Punjab ;

(f) the number of those political prisoners, who have been restricted in areas other than those where they had been arrested ?

Parliamentary Secretary : (Khan Bahadur Shaikh Faiz Muhammad) : (a) 73 Civil Disobedience detenus, 100 Security prisoners and 49 Civil Disobedience convicts were confined in various jails in the Punjab on the 15th of November 1944. The cases of Civil Disobedience detenus have recently been reviewed and it is proposed to release about 40 of them.

(b) 459 Civil Disobedience detenus, 150 Security prisoners and 831 Civil Disobedience convicts.

(c) 240 Civil Disobedience detenus, 62 Security prisoners and 763 Civil Disobedience convicts were released in 1943. 211 Civil Disobedience detenus, 110 Security prisoners and 150 Civil Disobedience convicts were released during the year 1944 up to the 15th of November.

(d) 433 on 15th November 1944. The cases of restrictees have recently been reviewed and out of this number the restrictions of 66 more have been removed.

(e) 170.

(f) 89.

Sardar Kapoor Singh : Do the Government realise that the keeping of all these detenus and political prisoners in different jails involves extra expenditure to the Government and the expenditure would be less if all of them are in one jail ?

Parliamentary Secretary : How does it arise out of the answer given ?

Sardar Kapoor Singh : You will understand from my next question. In view of the fact that most of the detenus and political prisoners have been released and there is not a large number now in jails, is it not better for the Government to keep all these detenus and political prisoners in one jail ?

Parliamentary Secretary : This is a request for action.

Sardar Kapoor Singh : Is the Government prepared to take action or not ?

Parliamentary Secretary : If it calls for action, it will be taken.

Mian Abdul Aziz : Why does the Government not consider the advisability of keeping them in one jail ? This is surely a question and not a request.

Parliamentary Secretary : Thank you for improving it.

Sardar Kapoor Singh : Does it not involve extra expenditure if they are kept in different jails ?

Premier : Even if they are put in one jail, the number would be the same. How would it involve less expenditure ?

Sardar Kapoor Singh : If the Honourable Premier had been in jail, he would have found out how it costs more.

Premier : Naturally, I have not got the experience. How can I, therefore, judge ?

Sardar Kapoor Singh : At present the Government requires a C.I.D. officer to censor letters of every detenu. If all the prisoners are kept in one jail, then the cost on C. I. D. staff would surely be saved. This is an important question. Is the Honourable Premier now prepared to put all these political prisoners in one jail especially in view of the fact that their number is not very large ?

Premier : All these matters are considered from time to time. So many questions relating to accommodation, medical attendance, etc., are to be considered. We take them into consideration and then come to the conclusion where a prisoner ought to be kept. No general policy about this matter can be laid down. As to the use of C. I. D. officers, my honourable friend knows that when they—I mean the Congress—were in power, they had to use this very C. I. D.

Sardar Kapoor Singh : Not in the way in which this Government is doing.

Premier : So you did use the C. I. D. You used it in some way.

Sardar Kapoor Singh : The Honourable Premier is using them for the prostitution and prosecution of public men whereas we used the C. I. D. for bringing out culprits who were really dangerous.

Premier : Did you use the C. I. D. for medical purposes ?

Sardar Sohan Singh Josh : May I know whether at the time of transfer of prisoners it is taken into consideration that they should be placed in jails near their homes ?

Parliamentary Secretary : That question was not before the Government at the time the main question was put. Government might consider it if a question is put.

Sardar Kapoor Singh : Prisoners have been restricted in places other than those where they were arrested.

Premier : Their detention in a particular jail depends on so many considerations. There are good communications and, therefore, the question of their being kept near homes does not arise.

Chaudhri Muhammad Hasan : Are the cases of these political prisoners reviewed from the humanitarian point of view or political point of view ?

Premier : All points of view.

C. R. FORMULA

***9346. Sardar Kapoor Singh :** Will the Honourable Premier be pleased to state :—

(a) whether the Government of India invited the opinion or views of the Punjab Government on the C.R. Formula ;

(b) whether any opinion as to the C. R. Formula was sent by the Punjab Government to the Government of India ;

(c) if the answers to (a) and (b) be in the affirmative whether he is prepared to place a copy of such opinion on the table ; if not, why not ?

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

(b) No.

(c) Does not arise.

Sardar Sohan Singh Josh : Did the Government send no opinion of its own accord ?

Parliamentary Secretary : That does not arise out of the answer given.

Raja Ghazanfar Ali Khan : May I know whether the Honourable Premier did or did not express any opinion on the subject in his individual capacity ?

Premier : I was never asked to express an opinion.

Raja Ghazanfar Ali Khan : Is the Honourable Premier not interested in the matter ?

Premier : It does not mean that if I have not expressed an opinion I am not interested in the matter. There may be many occasions to hear my views on the subject.

Mian Abdul Aziz : Did the Honourable Premier not think it proper, in the interest of the Province, that he ought to see all these things ?

Raja Ghazanfar Ali Khan : Is the Honourable Premier aware of the fact that his other colleagues did express opinions on this matter ? Is he aware of the fact that the Honourable Minister of Revenue, the Honourable Minister of Development and the Honourable Finance Minister did express their opinions on the subject in the press ?

Premier : They may have done so.

Raja Ghazanfar Ali Khan : What was the reason for the Premier, the Leader of the Unionist Party, to keep quiet over it ?

Premier : The Assembly question is whether the Government of India invited the opinion or views of the Punjab Government on the C. R. Formula. My other colleagues may have been asked by the Government of India, of which he is aware, but I was not asked nor did I express any opinion. The question is about the Government of India asking me. I was not asked.

Raja Ghazanfar Ali Khan : In answer to a supplementary question the Honourable Premier has said that he is aware that other members of his Cabinet did express opinions on the subject individually. I want to ask the reasons for the Honourable Premier sitting quiet over it.

Premier : I said that they might have expressed their opinion. If some colleague of mine is asked, how can I say anything for him ? To be on the safe side, I said that they might have done that.

Sardar Kapoor Singh : Were the views expressed by the Honourable Ministers for Development and Finance the views of the Cabinet ?

Premier : I have already said that the Punjab Government have not expressed any views.

Mian Muhammad Nurullah : May I know whether this matter was ever considered by the Punjab Government ?

Premier : How does it arise out of the question ?

Pir Akbar Ali : Does the Honourable Premier agree with the views expressed by his colleagues ?

Premier : How can I agree ?

Raja Ghazanfar Ali Khan : Does the Honourable Premier agree with the views of his colleagues ?

Premier : I cannot answer it.

Pir Akbar Ali : Does the Honourable Premier differ from his colleagues ?

Malik Barkat Ali : It is not denied that some of the colleagues of the Honourable Premier have expressed their opinions on the C. R. Formula. May I know how far this is consistent with joint responsibility of the Punjab Government which as Government has not so far expressed itself on that formula ?

Premier : That does not arise out of this question. The honourable member who is a great lawyer, knows that the question is about the Government of India asking the Punjab Government. Why be impatient ? There will be other occasions for speaking on this matter.

Malik Barkat Ali : The Honourable Premier has stated in reply to a supplementary question that some of his colleagues had expressed themselves and had given their individual opinions on this question. I, therefore, want to know from the Honourable Premier whether this expression on the part of his colleagues is at all consistent with the joint responsibility of the Punjab Government.

Premier : There is no question of joint responsibility. Let me make the position clear. Raja Sahib's question was whether I had been consulted by some one informally or otherwise. I said 'no'. Then he asked whether any colleague of mine was consulted. I said that they might have been consulted.

Malik Barkat Ali : Do I take it that the Honourable Premier is up to date unaware of the fact that several of his colleagues have expressed themselves on the C. R. Formula ?

Premier : Let us confine ourselves to the reply to the Assembly question. I cannot discuss the policy here. The question is whether the Government of India invited the opinion or views of the Punjab Government on the C. R. Formula and I said, 'no'.

Mian Muhammad Nurullah : May I ask the Honourable Premier whether he was ignored when his colleagues were asked to express an opinion ?

Premier : Who said that they were consulted ? I said that they might have been consulted, but nobody was consulted officially.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is the Honourable Premier aware that the C. R. formula was agitating the minds of Indians ?

Sardar Sohan Singh Josh : May I know whether the Ministers decided to disagree on this formula ?

Premier : They were never consulted.

Malik Barkat Ali : May I know whether the Muslim colleagues of the Honourable Premier were asked to remain mum on this formula or preferred to remain mum ?

Premier : They were never asked by the Government of India ; so there is no question of their remaining mum.

Malik Barkat Ali : My question was a specific reference to the supplementary questions put by honourable members and the reply of the Honourable Premier as to whether some of his colleagues had expressed themselves on the C. R. formula. Now I want to know whether the Honourable Premier was ever approached by the Muslim members of the Ministry for permission to express themselves on this formula or not ?

Premier : How does this question arise ? The honourable member is trying to unnecessarily confuse the issues, but he cannot. The question is whether the Government of India consulted us or not. I said 'No', we were never consulted. The other question was whether I was verbally asked by some one ; I said 'No'. Then the other question put to me was whether my colleagues were so consulted, I said 'They may have been'.

Sardar Sohan Singh Josh : May I know whether the Honourable Premier has been making any reference to this in his speeches, if so, what ?

Premier : How does this arise out of this question ?

Mian Abdul Aziz : Did not the Honourable Premier, being the Premier of the province and knowing that three of his colleagues had expressed their opinion, think it worth while to consult them or consider their views ?

Premier : I have repeatedly stated that the Government of India did not consult us. The question was whether we have expressed any opinion.

LIGHTING ARRANGEMENT IN JHANG JAIL

*9347. **Sardar Kapoor Singh :** Will the Honourable Premier be pleased to state :—

(a) the nature of lighting arrangement in that portion of the Jhang Jail where ordinary convicts are lodged ;

(b) the nature of lighting arrangement in that part of the jail where Master Kabul Singh, M. L. A., S. Naranjan Singh Talib and Munshi Ahmad Din are lodged ;

(c) whether the Government has received any representation from Master Kabul Singh and the other detenus mentioned above as to the defective lighting arrangement in that portion of the jail where they have been lodged ; if so, what action Government have been pleased to take on the representation ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) Kerosine oil lamps.

(b) Security prisoner Niranjan Singh Talib has since been transferred to the Central Jail, Rawalpindi. Two hurricane lanterns and one table lamp have been provided for the two other security prisoners.

(c) Yes. The provision of electric light is no longer possible, as the Electric Power Company has ceased to function.

Sardar Sohan Singh Josh : May I know how much kerosine oil is provided to them for those lamps ?

Parliamentary Secretary : Sufficient for an individual.

Sardar Kapoor Singh : May I know whether the Government received some letter from the Superintendent Jail, Jhang, saying that he has got material for electric fitting in that part of the jail where Master Kabul Singh and other security prisoners were living ?

Premier : May I put it to the honourable members that electricity is generated not by electric fittings but by the power house, and he should know that the power house has failed.

Mian Abdul Aziz : It has again started.

Premier : If it has started, then it will be arranged.

Sardar Kapoor Singh : May I know when that power house failed ?

Premier : Will Mian Abdul Aziz tell us when it failed ?

Mian Abdul Aziz : I was not there. The Honourable Premier himself went there and he should know about it.

Premier : At that time they were without light because the power house was not functioning.

Sardar Kapoor Singh : Was it not functioning all the time since when Master Kabul Singh has been confined there ?

Premier : Last year it was not functioning.

Sardar Kapoor Singh : May I know whether there was light in that part of the jail where Master Kabul Singh was lodged when the power house was functioning ?

Premier : I am not in a position to say that. Probably they could not put new electric fittings under the Defence of India Rules. Only extensions could be made. There was no intention of not supplying electricity to one prisoner only.

Sardar Kapoor Singh : May I know why he was kept in that portion of the jail where there was no electricity ?

Premier : He was kept in an ordinary place. If my honourable friend gives notice, he will find out everything.

HABEAS CORPUS PETITION OF TEJA SINGH

*9356. **Sardar Sahib Sardar Tara Singh :** (a) Will the Honourable Premier be pleased to state whether his attention has been drawn to a recent judgment of the honourable Mr. Justice Teja Singh, in connection with the *Habeas Corpus* petition presented by Sardar Bachan Singh, Jagirdar, for the release of one Teja Singh who had been detained under Rule 129 of the Defence of India Rules, if so, what action has been taken by the Government against the Police officers responsible for the arrest of Sardar Teja Singh which was declared to be '*mala fide*' by the honourable Judge of the Lahore High Court ;

(b) whether it is a fact that the above-named Sardar Bachan Singh of Bhucho Kalan was arrested under sections 325 and 342 of the Indian Penal Code but was later on released ; if so, the reasons therefor ;

(c) whether it is a fact that after his acquittal Sardar Bachan Singh addressed several applications and telegrams to the civil and police authorities making serious allegations of high-handedness against the entire police staff of the Nathana Police Station where he was kept in the lock-up ; if so, whether any enquiries were made in this connection, and if so, with what result ;

(d) what action, if any, Government propose to take in the matter ?

Parliamentary Secretary : (Khan Bahadur Shaikh Faiz Muhammad) : (a) Government has seen this judgment and after carefully examining it in the light of information contained in secret documents to which the Honourable Judge had no access, came to the conclusion that no action against the police officers was called for.

(b) Bachan Singh was arrested under sections 392/325 and 342, I. P. C. He was granted bail by the Ilaqa Magistrate and tried but acquitted.

(Parly. Secy.)

(c) No. But he did so before his acquittal. An enquiry into his allegations was held and they were not substantiated.

(d) On the facts known to Government no further action is called for.

Chaudhri Muhammad Hasan : When there was a judicial finding of the Honourable Judge of the High Court that the police officer was responsible for illegally arresting that gentleman, why was other evidence required and why did the Government sit in judgment over the finding of the honourable judge ?

Parliamentary Secretary : As I have said, the Government had in its possession certain secret documents which did not come to the notice of the Honourable Judges of the High Court. If those documents had come to their notice, they might have come to a different conclusion.

SUBSIDY GIVEN TO DAILIES AND WEEKLIES

*9366. **Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state :—

(a) whether any subsidy is being given to any dailies or weeklies of the Province at present ; if so, the form and purpose of such subsidy ;

(b) whether the Government has considered the question of stopping such subsidies ; if so, with what result ?

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

(b) Does not arise.

Sardar Sohan Singh Josh : May I know whether the buying of the editions of certain papers is considered a subsidy by the Government ?

Premier : The reply is quite clear. The Honourable member knows that this question was discussed for two days in this very House and there is hardly any need for thrashing any further.

Sardar Sohan Singh Josh : I want to know whether Government considers this buying of editions of certain papers as a subsidy or not ?

Parliamentary Secretary : A very definite reply has been given and there is hardly any need for its repetition.

Malik Barkat Ali : Is it a fact that the purchasing of a number of editions of certain papers is in the name of War Publicity Propaganda ?

Premier : May I say that this very question was discussed here for two days ?

Malik Barkat Ali : I am not aware of that. May I ask the Premier to state whether it is a fact or not that the editions of various papers known as weeklies are being purchased by Government and if so, the amount of public monies being passed on to these papers as price of the so-called war editions ?

Premier : I would refer my friend to the answer given then.

Sardar Sohan Singh Josh : When was that answer given by the Premier ?

Premier : In November 1940.

Malik Barkat Ali : May I ask the Premier to restate the answer or its substance on the floor of the House ?

Premier : The honourable member can go through the relevant proceedings I am not here to paraphrase them.

Malik Barkat Ali : My friend over here wants to know whether these purchase^s of the war editions of the papers are subsidy. Why is Government fighting shy to answer that question ?

Premier : It has been amply answered and I will refer him to those proceedings.

Sardar Sohan Singh Josh : May I know the amount spent on the buying of these war editions ?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : May I know whether that amount has been increased or reduced ?

Premier : It is a fresh question and I want notice.

Khan Sahib Sheikh Muhammad Amin : May I know the names of those weeklies ?

Premier : I have already answered that question.

Sardar Lal Singh : Does Government give subsidy to communist papers ?

Premier : We are not giving subsidy to the communist papers. What other Governments are doing I cannot say.

Chaudhri Muhammad Hasan : What about 'Akali' papers ?

Premier : Subsidy is not given to any paper.

Sardar Sohan Singh Josh : May I know why the 'Ajit' was granted declaration at once by the Government and how is it that when other people apply for a declaration they are not granted ?

Premier : How does it arise out of the question ?

Sardar Sohan Singh Josh : May I know why the Urdu edition of the "Jange Azadi" was not allowed to be published ?

Premier : How do I know offhand ?

Sardar Sohan Singh Josh : May I know what security was demanded by the Government from the 'Jange Azadi' press and paper ?

Sardar Sohan Singh Josh : May I say that when the Premier says that the Central Government may have given something to the communist papers he is speaking with his tongue in his cheek ?

Premier : May I make it plain that I was not insinuating anything. I was merely showing my ignorance. If some people feel otherwise it is not my fault.

DAILIES AND WEEKLIES ALLOWED IN JAILS

*9367. **Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state :—

(a) the names of the dailies and weeklies allowed in the jails in the Punjab for the benefit of the prisoners, detenus and security prisoners ;

(b) whether the above-mentioned prisoners are allowed to have dailies and weeklies of their own choice; if not, why not ;

(c) the reasons for not allowing any dailies or weeklies inside the jails ;

(d) whether the Government has considered the question of removing restrictions in the matter of dailies and weeklies ; if so, with what result ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) The following newspapers periodicals, and magazines are supplied to prisoners including detenus at Government expense :—

(1) Tribune.

(2) Statesman or the Civil and Military Gazette.

(3) Milap Hindi.

(4) Milap Urdu.

(5) Inqilab.

(Parly. Secy.)

- (6) Khalsa Sewak.
- (6) Ajit Urdu.
- (8) Illustrated Weekly of India.
- (9) Weekly Times of London, London.
- (10) Madhuri.
- (11) Chand.
- (12) Saraswati.
- (13) Temperance Magazine.
- (14) Indian Review English Monthly of Madras.

(b) The following newspapers, periodicals and magazines are supplied to detenus at their own expense :—

- (1) The Statesman.
- (2) Adbi Dunya.
- (3) The Pioneer.
- (4) Himayun.
- (5) Naurang Khial.
- (6) Times of India—a daily of Bombay.
- (7) Sind Observer.
- (8) Bombay Chronicle.
- (9) Alamgir Urdu monthly.
- (10) Khayyam Urdu Weekly.

(c) and (d) The present list is considered sufficient. Government does not consider it necessary to allow every paper published.

Sardar Sohan Singh Josh : May I know whether the prisoners have any choice to get any of these papers : *Vr Bharat, Pratap, Akali, Ahsan, the Zamindar, the Niwa-i-Waqat* and the *Communist weekly, Jange Azadi* ?

Parliamentary Secretary : I have given a lengthy list of papers which are supplied. It is impossible for Government to allow every paper to be supplied to the prisoners.

Sardar Sohan Singh Josh : May I know why any of these papers is not allowed to the prisoners according to their own choice ?

Malik Barkat Ali : May I know the considerations which influence the Government in selecting these papers ?

Premier : From a wide range of papers every human being cannot read every paper issued in the country.

Malik Barkat Ali : May I know why the *Zamindar* is not being supplied to the prisoners ?

Sardar Sohan Singh Josh : May I know how it happened that the *Ajit* was at once put on the list when other papers were not taken ? Is it because Sardar Lal Singh has crossed the floor to join the ministerial benches ? (*Laughter*).

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : May I know why the *Dawn* has been so scrupulously avoided ?

SECURITY PRISONERS AND DETENUS

*9368. **Sardar Sohan Singh Josh :** Will the Honourable Premier be please to state in detail :—

(a) the names of the Security prisoners and detenus brought to the Mayo Hospital, Lahore, for treatment from various jails since the last session of the Punjab Assembly till the end of October 1944 ;

(b) the various diseases they were suffering from and the treatment given to them in each case ;

(c) how many of them were treated in the family wards in the Mayo Hospital ;

(d) the number of the detenus who were cured by the hospital treatment ;

(e) whether any of them were released because of the seriousness of their condition ; if so, their names ?

The Honourable Malik Khizar Hayat : It is regretted that information asked for by the honourable member is not readily available, and in the present conditions it is very difficult to undertake to secure it by enquiries as this would impose a burden on already overworked officers and also involve consumption of paper that would be incommensurate with the result to be achieved. If the honourable member has any particular person in mind, Government will endeavour to secure information regarding him.

Sardar Sohan Singh Josh : May I know whether any record of prisoners going from jail to jail is kept in the office of Inspector-General of Prisons ?

Parliamentary Secretary : I want notice of that question.

Sardar Sohan Singh Josh : May I know whether any record of prisoners who come from outside to be admitted to the Mayo Hospital is kept ?

Parliamentary Secretary : If the honourable member asks for information about a specific case, I shall endeavour to supply it to him.

Sardar Sohan Singh Josh : Is there no record ?

Parliamentary Secretary : It is there. The difficulty is that the honourable member wanted information extending over a long period and there are difficulties in collecting that information.

DETENUS

***9372. Sardar Teja Singh Swatantar :** Will the Honourable Premier be pleased to state :—

(a) the number and names of the detenus who have not been released so far ;

(b) the names of the detenus who have been released without any restrictions being imposed on them since the last session of the Punjab Legislative Assembly ;

(c) the number and names of the detenus released since the last session of the Punjab Assembly on whom certain restrictions have been imposed ;

(d) the reasons for imposing such restrictions ;

(e) whether the Government has considered the question of withdrawal of all restrictions imposed on the released persons; if so, with what result ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) (b) and (c) 178, 21 and 198, respectively (up to 1st December 1944), it is not in the public interest to give names ;

(d) to prevent them from acting in any manner prejudicial to the public safety and the efficient prosecution of the war ;

(e) first part yes ; second part, restrictions have been cancelled in several cases.

SECURITY PRISONERS

***9373. Sardar Teja Singh Swatantar :** Will the Honourable Premier be pleased to state—

(a) the number and names of political workers (known as security prisoners) arrested in the general round-up of June 1940, who are still unreleased

(8. Teja Singh Swatanter).

(b) whether the reasons for which they were arrested still exist;

(c) when their cases were last examined by the Government;

(d) whether the Government has considered the question of their release, if so, how many times so far and with what result?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad): (a) 12 (on 1st December 1944); it is not in the public interest to give names;

(b) Yes;

(c) November 1944;

(d) Yes; 8 times; it has been decided to continue their detention.

MR. AMAR NATH VIDYA LANKAR

*9375. **Chaudhri Muhammad Hasan**: Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Mr. Amar Nath Vidya Lankar has been transferred from the Old Central Jail, Multan, to the New Central Jail, Multan, as he is suffering from T.B.;

(b) if so, whether any arrangements for the medical treatment, sanitation and diet exist in that jail for such cases;

(c) whether the medical adviser attached to the above-named jail is an expert in Tuberculosis; if so, his name and qualifications;

(d) since how long Mr. Amar Nath has been suffering from T. B.;

(e) whether Government intend to send Mr. Amar Nath to a sanatorium or release him; if not, the reasons therefor?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad): (a) Yes. It was suspected that he was suffering from T.B. and so he was transferred to the New Central Jail, Multan.

(b) Yes.

(c) Yes. His name is Dr. Abdul Aziz Chawdhry, M.R.C.S. (Eng.), L.R.C.P. (London) D. O. (Oxen).

(d) It has not yet been established that he is suffering from T.B.

(e) C. D. detenu Amar Nath Vidya Lankar has been brought to the Mayo Hospital, Lahore, for examination. When the result of the examination is known, Government will decide what further action should be taken.

Chaudhri Muhammad Hasan: May I know the disease he was found to be suffering from?

Parliamentary Secretary: There was a suspicion of T.B. which has not been established and that is why he has been brought to Lahore.

Chaudhri Muhammad Hasan: What other disease was he suffering from?

Parliamentary Secretary: I have already informed the honourable member that there was a suspicion of T.B.

MUNSHI AHMAD DIN

*9376. **Chaudhri Muhammad Hasan**: Will the Honourable Premier be pleased to state—

(a) the present condition of health of Munshi Ahmad Din confined in the Jhang jail;

(b) whether it is a fact that he has been passing sugar in his urine for the last several months;

(c) whether the Government have considered the question of his transfer to the Mayo Hospital, Lahore, for medical treatment; if not the reasons therefor;

(d) the name of the medical adviser attached to the Jhang jail?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad): (a) Satisfactory.

(b) He had been passing sugar in his urine since the beginning of October 1944. As a result of proper care and treatment the sugar disappeared on 7th November 1944.

(c) As his condition is satisfactory it is not considered necessary to transfer him to the Mayo Hospital, Lahore.

(d) Dr. D. R. Kumar, P.C.M.S., For the honourable member's information, I may state that Munshi Ahmad Din has since been transferred to the New Sub-Jail, Gujrat.

ZAMINDARA LEAGUE

*9387. **Shrimati Raghbir Kaur**: Will the Honourable the Premier be pleased to state—

(a) whether the Zamindara League is the creation of the Punjab Government itself; if not, under whose orders the Government officials, e.g., tahsildars, collectors, police officials and others collect funds for the Zamindara League through lambardars, sufaidposhes and zaidars;

(b) whether it is a fact that the Landowners in the Montgomery district are required to pay five rupees per square of land for the Zamindara League; if so, the reasons therefor?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad): (a) The Zamindara League is a political body and is not the creation of Government. So far as Government is aware, Government officials do not collect funds for the Zamindara League.

(b) Not so far as Government is aware.

Raja Ghazanfar Ali Khan: Is the Honourable Premier aware that the funds for the Zamindara League are being collected by the Revenue Staff along with land revenue?

Premier: Not to my knowledge.

Sardar Sohan Singh Josh: Is he aware that the subscriptions are being written on Dhal Baohh forms?

Premier: I am not aware.

Raja Ghazanfar Ali Khan: Is the Honourable Premier aware of the fact that all the meetings of the Zamindara League were attended by the Deputy Commissioners and other revenue officers?

Premier: The question is whether the Zamindara League is the creation of the Government and the answer is no. There are very many questions on this subject and I would request the honourable members not to anticipate them. When those questions come up they will be replied to.

Raja Ghazanfar Ali Khan: Part (b) of the question definitely seeks information whether landowners in the Montgomery district are required to pay any money for the Zamindara League.

Premier: My reply to part (b) is that I have no information to that effect.

Raja Ghazanfar Ali Khan : Is the Honourable Premier aware of the fact that the Deputy Commissioners of at least 9 districts of the province are doing nothing except collecting funds for the Zamindara League ?

Premier : Entirely wrong.

Sardar Shaukat Hyat-Khan : Question.

Raja Ghazanfar Ali Khan : Will the Honourable Premier be prepared to make enquiries whether the funds of the Zamindara League are being collected along with the land revenue and whether the receipts are being written on Dhal Bachh papers ?

Premier : If anything is brought to my notice, I will certainly look into the matter.

UNSTARRED QUESTIONS AND ANSWERS

REPRESENTATION OF INDIAN CHRISTIANS AMONG PANCHAYAT OFFICERS

1738. Mr. K. L. Rallia Ram : Will the Honourable Minister of War Planning be pleased to state—

(a) whether the Government are aware of the fact that there is no Indian Christian among the 43 Panchayat Officers in the Province ;

(b) whether it is a fact that according to the block system laid down by the Government for various communities, one of these posts must be given to an Indian Christian ;

(c) whether the Government are prepared to take early action in the matter in order to remove this grievance of the Indian Christians of the Province, if not, why not ?

The Honourable Nawab Major Ashiq Hussain : (a) The sanctioned establishment of panchayat officers is 42 (including 5 education officers). Three posts are at present vacant. There is no Indian Christian panchayat officer ; I may, however, inform the honourable member that there are two Indian Christians amongst the assistant panchayat officers.

(b) the block system of recruitment is not being followed in the case of panchayat officers and their assistants. Fifty per cent of vacancies are assigned to Muslims, 25 per cent to Hindus, 20 per cent to Sikhs, 2.5 per cent to the scheduled castes and 2.5 per cent to others (a class which includes Indian Christians).

(c) In view of the above formula, I am not disposed to admit that the Indian Christians are under-represented.

ALLOTMENT OF LAND TO INDIAN CHRISTIANS IN THE THAL PROJECT AREA

1739. Mr. K. L. Rallia Ram : Will the Honourable Minister for Revenue be pleased to state :—

(a) whether the Government are aware of the fact that only forty squares of land have been allotted to Indian Christians in the new 'Thal' project ;

(b) whether this area of land is commensurate with the numerical strength of the Indian Christians of the Province ; if not, the reasons therefor and whether the Government intend to give more land to the Indian Christians ?

The Honourable Chaudhri Sir Chhotu Ram : (a) The honourable member has apparently been mis-informed. No colonization scheme has yet been prepared for the Thal Project and no specific area has therefore yet been reserved either for Indian Christians or any other class.

(b) Does not arise.

RESERVATION OF LANDS FOR WAR SERVICE MEN ON THE KALA BAGH
CANAL

1740. Mr. K. L. Rallia Ram : Will the Honourable Minister for Revenue be pleased to state—

(a) whether a statement is proposed to be issued as to the probable date when the Canal from Kala Bagh will begin to irrigate the plains of the Muzaffargarh district ;

(b) the number of squares of land reserved for those who have served His Majesty the King Emperor in the present war, by way of grants ;

(c) the contemplated schedule of time required for the completion of the project ?

The Honourable Chaudhri Sir Chhotu Ram : (a) A portion of Muzaffargarh district will be irrigated by the Main Line Lower of the Thal Project which is not at present under construction. The question of taking up the construction of this branch will be considered when the construction of the works at present in progress is nearing completion, say in about a year's time.

(b) The honourable member presumably refers to the Thal Project, for which no colonization scheme has yet be prepared, and no specific area has, therefore yet been reserved for any kind of grants.

(c) In view of (a) *supra*, the time required for the completion of the Project cannot at present be estimated.

PAY OF J. V. TEACHERS IN THE EMPLOY OF DISTRICT BOARDS

1741. Mr. K. L. Rallia Ram : Will the Honourable Minister for Public Works be pleased to state whether it is a fact that in some districts like Mianwali, Muzaffargarh and Campbellpur the salary of a trained J. V. teacher is below Rs. 20 per month ; if so, what action does the Government propose to take to make the district boards concerned to give the teachers a living wage ?

The Honourable Nawab Sir Muhammad Jamal Khan Leghari : I have no information but the position may be as stated by the honourable member. Up to last year the starting salary for the J. V. teachers of certain district boards, was, I am informed, below Rs. 20 though some of these boards have since raised the starting salary to that amount. The fixation of salaries for their employees is primarily a matter for local bodies themselves to decide. I may, however, inform the honourable member that Government are considering a proposal for additional grants to enable local bodies to improve existing scales of pay for vernacular teachers.

PRIVATE RECOGNISED SCHOOLS GIVING DEARNESS ALLOWANCES TO
TEACHERS

1742. Mr. K. L. Rallia Ram : Will the Honourable Minister of Education be pleased to state the names of private recognised schools which have and those which have not given dearness allowance to the teachers working under them, stating the amount or percentage of the salary in the case of those which have given such dearness allowance to the teachers ?

The Honourable Mian Abdul Haye : Some privately managed schools have already granted dearness allowance to their teachers while others have not done so yet. Now that the Government has approved this additional expenditure for grant-in-aid purposes, it is hoped that many more schools will give this allowance to their employees. The exact amount or the percentage of the salary that will be given in the form of dearness allowance to teachers will depend upon the discretion of the individual managing committees.

[Minister of Education]

As regards the precise information asked for by the honourable member, I regret that the time and trouble involved in collecting the required information will not be commensurate with any possible benefit to be obtained.

GRANT TO THE EDUCATION DEPARTMENT TO ENABLE PRIVATE RECOGNIZED SCHOOLS TO GIVE DEARNESS ALLOWANCE TO TEACHERS

1743. Mr. K. L. Rallia Ram : Will the Honourable Minister of Education be pleased to state the reasons for not giving extra grant to the Education Department to enable it to distribute it amongst private recognised educational institutions for the purpose of granting dearness allowance to teachers working under them ?

The Honourable Mian Abdul Haye : The honourable member is referred to paragraph 1 of my reply to Assembly question No. 1742 (*ante*) wherein it was stated, *inter alia*, that Government had approved the additional expenditure on dearness allowance in privately managed schools for grant-in-aid purposes.

SLAUGHTER OF MILCH CATTLE

1744. Pandit Muni Lal Kalia : Will the Honourable Minister of Development be pleased to state whether he is aware of the fact that in order to ensure the supply of pure milk and ghee in the country, the Government of India has recently made an announcement prohibiting the slaughter of milch cattle ; if so, what steps have so far been taken by the Punjab Government in the matter ?

The Honourable Sardar Baldev Singh : Yes ; but the prohibition extends to slaughter of cattle in Military slaughter houses only. The Punjab Government is considering the application of similar restrictions in slaughter houses under the control of Civil authorities. Such restrictions are, in fact, already in force in some municipalities. In order to prevent damage to the cattle wealth of the Province the Punjab Government have already imposed restrictions on the export of milch cattle. These are allowed to be exported to other provinces when the Director, Veterinary Services is satisfied that arrangements exist to see that these cattle will not be slaughtered during their dry period so long as they are fit for breeding.

POSTPONEMENT OF THE ELECTION OF THE VICE-CHAIRMAN, DISTRICT BOARD, SIALKOT

1745. Malik Barkat Ali : Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that the election of the Vice-Chairman of the District Board, Sialkot, was postponed from the 22nd June to the 5th July, 1944 ;

(b) if so, the reasons therefor, and whether this was done by the Deputy Commissioner, Sialkot, under instructions of the Punjab Government ?

The Honourable Nawab Sir Muhammad Jamal Khan Leghari : (a) The election was postponed from the 24th June to the 5th July.

(b) It was postponed by the Chairman in deference to the request of several members that it might not be held on a holiday—it seems that the 24th June was being observed as a holiday in the district as the last Saturday of the month. No instructions were issued by the Provincial Government.

HONOURABLE MINISTER FOR REVENUE'S VISIT TO SIALKOT

1746. Malik Barkat Ali : Will the Honourable Minister for Revenue be pleased to state the number of times he visited Sialkot during the months of April, May and June, 1944, with the object of each of his visits ?

The Honourable Chaudhri Sir Chhotu Ram : I regret that the answer to this question is not yet ready.

BANNING OF PUBLIC MEETINGS UNDER SECTION 144, CRIMINAL PROCEDURE CODE

1747. Malik Barkat Ali : Will the Honourable Premier be pleased to state —

(a) the names of the places in the Punjab in which the holding of public meetings was banned during the months of April, May and June 1944, by the District Magistrates concerned, in exercise of their powers under section 144, Criminal Procedure Code ;

(b) the period of time during which these orders remained in operation in each case ;

(c) the purpose why meetings were so banned ?

The Honourable Malik Khizar Hayat : A statement is laid on the table.

Statement

(a) Names of places, where public meetings were banned under section 144, Criminal Procedure Code by District Magistrates	(b) Period of duration of the orders	(c) Purpose of imposing the ban
1. Lahore District..	7th March 1944 to 6th May 1944.	To prevent a disturbance of the public tranquillity likely to result from the holding of an All-India Anti-Satyarth Parkash conference.
2. Lahore Corporation ..	(i) 27th April 1944	To prevent a disturbance of the public tranquillity likely to result from the holding of a meeting to protest against the conduct of the Hindus of Lahore towards the Muslims.
3. Amritsar Municipal Limits..	(ii) 27th May 1944 to 16th June 1944. 28th May 1944 to 17th June 1944.	To prevent a disturbance of the public tranquillity likely, because of the murder of Parma Nand and the burning of copies of the <i>Satyarth Parkash</i> in Chowk Mati, to result from the holding of public meetings.
4. Jullundur City and Cantonment.	5th June 1944 to 11th June 1944.	
5. Towns of Sheikhpura and Nankana Sahib.	29th May 1944 to 4th June 1944.	To prevent a disturbance of the public tranquillity likely to result from the holding of public meetings because of the Chowk Mati incidents and strained relations between Hindus and Sikhs of Nankana Sahib.
6. Gurgaon District ..	23rd June 1944 to 22nd July 1944.	To prevent a disturbance of the public tranquillity likely to result from the holding of public meetings because of strained relations between Meos and Hindu Jats.
7. Tughalwala village (District Gurdaspur) and within a radius of 10 miles round it.	27th June 1944 to 11th July 1944.	To prevent a disturbance of the public tranquillity likely to result from the holding of Ahmadi and Ahrar meetings at about the same time.

CONSTRUCTION OF SILT TANKS.

1748. Chaudhri Ali Akbar : Will the Honourable Minister for Revenue be pleased to state—

(a) whether it is a fact that two silt tanks, one upwards from the Himpur bridge and the other downwards from Sirkian bridge are proposed to be constructed in Division of the Upper Bari Doab as a prevention against silt accumulation, if so, the estimated expenditure to be incurred in respect of their construction ;

(b) whether he is prepared to lay on the table of the House a statement showing the total expenditure incurred in respect of silt clearance during the two years 1942 and 1943 in all the divisions of the Upper Bari Canal except the Madhopur Division, giving separate details regarding each division and each distributary ;

(c) whether the Government have taken any steps to compensate the zamindars in whose lands the tanks are to be constructed ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Yes. The anticipated expenditure to be incurred on both the Silting Tanks, exclusive of land, would be Rs. 3,40,000.

(b) The required statement is placed below.

(c) Yes.

Statement showing total expenditure incurred in respect of silt clearance during 1942-43, 1943-44 of 3 Divisions of Upper Bari Doab Canal Circle, Amritsar

Serial No.	Name of Distributary	EXPENDITURE INCURRED DURING	
		1942-43	1943-44
<i>Majitha Division</i>			
1	Silt clearance of Doburji Distributary	Rs. 874	Rs. 574
2	" " Majitha Distributary	76	480
3	" " Kohali Distributary	546	4,262
4	" " Ranewali Distributary	102	114
5	" " Ghokewali Distributary	203	320
6	" " Majjupur Distributary	175	..
7	" " Sarchur Distributary .. .. .	..	763
8	" " Kotla Distributary .. .. .	..	2,389
9	" " Jethwal .. .. .	..	389
10	" " Aliwal Distributary .. .. .	..	437
11	" " Khaira Distributary	2,355	2,349
12	" " Wagah Distributary	261	659
13	" " Government House Distributary .. .. .	..	797
14	" " Ichhre Distributary .. .. .	..	367
15	" " Pull Distributary .. .. .	..	2,241
16	" " Shalimar Distributary .. .. .	..	314
17	" " Khamba Distributary .. .. .	..	427
18	" " City Distributary .. .. .	..	3,967
	Total	4,592	20,854

Serial No.	Name of Distributary	EXPENDITURE INCURRED DURING	
		1942-43	1943-45
		Rs.	Rs.
<i>Raiwind Division</i>			
19	Silt clearance of Basarke Distributary	573	..
20	" " Doda Distributary	745	..
21	" " Chabhal Distributary	1,534	76
22	" " Amritsar Distributary	581	..
23	" " Jagatpur Distributary	313	..
24	" " Bhuchar Kahns Distributary	2,636	2,877
25	" " Raiwind Distributary .. .. .	..	48
26	" " Thaman Distributary	220	2,311
27	" " Lulliani Distributary	72	..
28	" " Daftu Distributary	73	..
29	" " Rakh Distributary	5,455	876
30	" " Handal Distributary	97	..
31	" " Vahn Distributary	1,854	256
32	" " Chhina Distributary	166	223
33	" " Maujoke Distributary .. .. .	..	76
34	" " Zaffarke Distributary .. .. .	..	494
	Total ..	14,319	6,737
<i>Jandiala Division</i>			
35	" " Khawaspar Distributary	424	311
36	" " Khem Karan Distributary	1,263	3,047
37	" " Rasulpur Distributary	450	2,363
38	" " Patti Distributary	135	2,421
39	" " Tarn Taran Distributary	210	2,811
40	" " Raya Distributary	157	471
41	" " Jandiala Distributary	92	..
42	" " Athwal Distributary	56	..
43	" " Pakhoki Distributary	165	..
44	" " Sirhali Distributary .. .. .	..	644
45	" " Jamarai Distributary .. .. .	..	399
46	" " Chak Mehr Distributary .. .. .	..	186
	Total ..	2,961	12,643
	GRAND TOTAL ..	21,872	40,234

CONSTRUCTION OF A FOOT BRIDGE ON THE UPPER BARI DOAB CANAL

1749. Chaudhri Ali Akbar : Will the Honourable Minister for Revenue be pleased to state—

(a) whether it is a fact that in 1940-41 it was decided to construct a foot-bridge on the Upper Bari Doab Canal at the Main Line milestone No. 108 near village Hab-tawia to enable the inhabitants of the locality to carry their dead bodies to the new graveyard situated on the other side of the canal, but the construction has not been taken in hand so far ?

(b) if answer to (a) above be in the affirmative, what action, if any, the Government are prepared to take in the matter ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Government of the Punjab agreed to the construction of a foot-bridge on the Upper Bari Doab Canal at R. D. 108,800 in 1940-41 as a concession and subject to the condition that the village paid half the cost.

(b) The position remains unaltered.

SIXH REPRESENTATION IN THE OFFICES OF COMMISSIONERS AND DEPUTY COMMISSIONERS.

1750. Sardar Gurbakhsh Singh : Will the Honourable Minister of Revenue be pleased to state the total number and the proportion of the Sikhs working at present in the offices of the Commissioners and the Deputy Commissioners in the Punjab as—

- (a) Superintendents;
- (b) Assistant Superintendents ;
- (c) Head Treasury Clerks ;
- (d) Head Vernacular Clerks ;
- (e) Head Assistants, and
- (f) Stenographers ?

The Honourable Chaudhri Sir Chhotu Ram : The required information is given below :—

Name of post	Total number of posts	Total number of Sikhs working as	Proportion of Sikhs working as
1. Superintendents	34	Nil	Nil
2. Assistant Superintendents	9	One	11.1%
3. Head Treasury Clerks	29	Nil	Nil
4. Head Vernacular Clerks	35	Three	8.5%
5. Head Assistants	13	One	7.7%
6. Stenographers	50	Five	10%

DIRECTOR OF INFORMATION BUREAU

1751. Sardar Gurbakhsh Singh : Will the Honourable Premier be pleased to state—

(a) the names of the officers who have held the post of the Director of Information Bureau, Punjab, since its inception ;

(b) whether it is a fact that the present incumbent of the post has filled from time to time 11 permanent vacancies under him during the years 1937—44 ; if so, how these 11 posts have been distributed, communitywise ?

The Honourable Malik Khizar Hayat : “(a) (i) Up to 1938 the post was filled by P. C. S., officers—

(1) Khan Bahadur Nawab Muzaffar Khan, P.C.S.

(2) Khan Bahadur Shaikh Fazl-i-Ilahi, P.C.S.

(ii) In 1938 the post was advertised and in accordance with the advice of the Public Service Commission Syed Nur Ahmad the present incumbent was appointed. Khan Bahadur Chaudhri Muhammad Hussain held charge of the post for two periods of a few weeks each.

(b) The present incumbent was appointed on July 4, 1938. Since then he has filled five permanent vacancies. One of these was filled before February 1939 by the direct appointment of a Muslim. The other four vacancies were filled by promotion from the temporary staff. The four senior men were promoted and they happened to be Muslims. All appointments made since February 1939 have been made according to the proportions prescribed by Government.

SIKH REPRESENTATION AMONGST SHOP INSPECTORS, ETC.

1752. Sardar Gurbakhsh Singh : Will the Honourable Minister of Finance be pleased to state the total number of—

(a) Chief Inspectors of Shops ;

(b) Shop Inspectors and

(c) Assistant Shop Inspectors in the Industries Department, and the proportion of the Sikhs in all these posts, separately ?

The Honourable Sir Manohar Lal : The total number of :—

(a) Chief Inspectors of Shops	1
(b) Shop Inspectors (including 5 Divisional Inspectors)	62
(c) Assistant Shop Inspectors	Nil

The numbers of Sikhs in these posts are as under :—

Chief Inspector	Nil
Inspectors	9
Divisional Inspectors	2
Total	11

DEPRESSED CLASS QUARTERS AT JAGADHRI

1753. Chaudhri Jugal Kishore : Will the Honourable Minister for Public Works be pleased to state whether it is a fact that the proposals for providing the quarters for the Depressed Class at Jagadhri with well-drained, well-paved and well-lighted streets and lanes have been pending before the Municipal Committee of the city for more than a year now, if so, when they are likely to be carried out and the reasons for this delay ?

The Honourable Nawab Sir Muhammad Jamal Khan Leghari : The Committee has been in correspondence with the Superintending Engineer, Public Health, as regards the construction of side drains in Mohalla Chamaran. The work is estimated to cost Rs. 8,094. The Committee has already paid Rs. 4,360 to the Executive Engineer, First Lahore Public Health Division on this account and as soon as the balance can be found by the Committee, the construction of the drains will be taken in hand.

ELECTRIC SUPPLY AT JAGADHRI

1754. Chaudhri Jugal Kishore : Will the Honourable Minister for Public Works be pleased to state :—

(a) whether it is a fact that the Jagadhri Electric Supply and Industrial Company is charging Rs. 1-8-0 as its minimum charge for electric connection per month even when the house-owner consumes no unit of electricity in any month ;

(b) whether it is a fact that even after the enforcement of the new electrical rules and regulations there are sometimes cases of failure of electricity and frequent fluctuations in the power of the current supplied by the company, if so, what steps the Government intends to take to safeguard the interests of the consumers of electricity at Jagadhri ?

The Honourable Sir Nawab Muhammad Jamal Khan Leghari : (a) By clause (1) of paragraph 3 (b) of the Punjab Electricity Supply (Licensed Undertakings' War Costs) Order 1944, the Jagadhri Electricity Supply Undertaking is required to impose a minimum charge of rupee one and annas eight per licensee's point of supply for lamps, fans, heaters and other domestic appliances.

(b) There have been cases of failure of supply at Jagadhri in spite of the best efforts of the licensees to discharge their obligations. The generating plant was in a deteriorated condition when it was taken over by the licensees from their predecessors. The licensees have spared no efforts to improve the condition of the plant at a considerable cost to themselves and have been endeavouring to supply energy to consumers as far as they can under the prevailing conditions. Original spares are also not available and it has accordingly not been possible for the licensees to recondition the engines to the extent required. The locally manufactured spares and replacements have not proved satisfactory.

The Electric Inspectorate of the Provincial Government has been rendering every possible assistance to the licensees in procuring genuine spare parts, and has been invariably impressing upon them the necessity of proper maintenance to avoid frequent break downs. Due to the efforts of the Electric Inspectorate, the licensees' Mirrles set was overhauled by the makers' engineers in India and the M. A. N. set by Messrs. Volkart Brothers. As it is not possible to obtain prime movers at present due to war conditions, the licensees have to make the best of what they have. It is regretted Government are unable to take any further action in the matter so long as the war lasts.

DEARNESS ALLOWANCE FOR GOVERNMENT PENSIONERS

1755. Chaudhri Jugal Kishore : Will the Honourable Minister for Finance be pleased to state :—

(a) whether it is a fact that Dearness Allowance is being given to Government servants in the Punjab up to a salary of Rs. 250 per mensem ;

(b) if so, whether any pecuniary help is being given to Government pensioners falling within that category at the time of their retirement also, if not, the reasons therefor?

The Honourable Sir Manohar Lal : (a) Yes.

(b) Temporary increase in pensions is being paid to the Punjab Government pensioners drawing pensions up to Rs. 75 with marginal adjustment up to Rs. 80 per mensem. A copy of the orders on the subject is placed on the table.

Order of the Governor of the Punjab, No. 4197-FR-44/102624 (Fin—Regu.), dated Lahore, the 25th November 1944

As the cost of living continues to be high, the Governor of the Punjab has been pleased to extend until further orders, the temporary increase in pensions of all pensioners whose pensions are debitable to the revenues of the Punjab Government sanctioned in the order of the Governor of the Punjab, dated the 13st December 1943, namely :—

- Rs. 3 per mensem in pensions not exceeding Rs. 20 per mensem, and
- Rs. 4 per mensem in pensions exceeding Rs. 20 per mensem but not exceeding Rs. 40 per mensem.

(2) The Governor of the Punjab has also been pleased to sanction, until further orders, a temporary increase of Rs. 5 per mensem in pensions exceeding Rs. 40 per mensem but not exceeding Rs. 75 per mensem with effect from the 1st November 1944, i.e., beginning with pensions payable on the 1st December 1944. Pensions exceeding Rs. 75 per mensem but not exceeding Rs. 80 per mensem shall receive such increase as will bring the total pension to Rs. 80 per mensem.

SIKH OFFICERS IN THE INDUSTRIES DEPARTMENT

1756. Sardar Sher Singh : Will the Honourable Minister of Finance be pleased to state—

(a) the total number of officers attached to the office of the Director of Industries at Lahore and the proportion of Sikhs among them ;

(b) whether it is a fact that one of the two Hindu Assistant Directors is being classified as a Sikh, if so, the reasons therefor ;

(c) the total number of Superintendents in the Industries Department and the proportion of Sikhs among them ;

(d) the total number of Head Masters of Government Industrial Schools and the proportion of Sikhs among them ?

The Honourable Sir Manohar Lal : (a) Total number 4, Sikhs 25 per cent.

(b) One of the Assistant Directors is a Sehjdhari Sikh and not a Hindu. His grandfather was a Keadhari Sikh, and his father, though a Sehjdhari Sikh, was granted the title of 'Sardar Sahib'.

(c) Total number .. 5 Sikhs 20 per cent of permanent Superintendents of Industries.

(d) Total number. .. 27 Sikhs 7.4 per cent.

SIKHS IN THE EDUCATION DEPARTMENT

1757. Sardar Sher Singh : Will the Honourable Minister of Education be pleased to state—

(a) the total number of posts in the P.E.S. Class I and the percentage of the Sikhs among them ;

(b) the total number of Head Clerks in the offices of the Divisional Inspectors of Schools and the Circle Inspectresses of Schools in the Province and the proportion of the Sikhs among them ;

[S. Sher Singh]

(c) the total number of Head Clerks in the offices of the Principals of Government Colleges including the Central Training Colleges for men and women in the province and the percentage of the Sikhs among them ;

(d) the total number of Head Clerks of District Inspectors of Schools in the province and the proportion of the Sikhs among them ;

(e) the total number of Head Examiners appointed for the Vernacular Final Examination for boys in 1942-43 and 1944, respectively, and the proportion of the Sikhs among them ?

The Honourable Mian Abdul Haye :

	Total No.	Sikhs	Percentage
(a)	27	3	11.11
(b)	9	..	..
(c)	9	1	11
(d)	29	1	3.4

(e) Head examiners are not appointed as such, but some paper setters act as head examiners while other act as examiners. Of the 25 paper-setters for 1942, 1943 and 1944, four (16 per cent), five (20 per cent) and five (20 per cent) respectively, were Sikhs.

SIKHS IN THE INDUSTRIES DEPARTMENT

✓ 1758. **Sardar Bahadur Sardar Gurbachan Singh :** Will the Honourable Minister of Finance be pleased to state—

(a) the total number of posts in the Mayo School of Arts and the proportion of Sikhs therein ;

(b) the total number of officers attached to the Industrial Research Laboratory and the proportion of Sikhs therein ;

(c) the total number of officers in the Factories, Boilers' Shops, Arts and Crafts Depot, Stores Purchase Department and the proportion of Sikhs therein ;

(d) the total number of senior posts in the Sericulture Department and the proportion of Sikhs therein ?

The Honourable Sir Manohar Lal :—

(a) *Mayo School of Arts—*

Total number of posts	..	..	..	30
Proportion of Sikhs	..	..	..	13.3 per cent

(b) *Industrial Research Laboratory—*

Total number of officers	..	..	..	1
Proportion of Sikhs	..	..	..	Nil

(c) *Officers employed on inspection of factories—*

Total number of officers	..	..	..	1
Proportion of Sikhs	..	..	..	Nil

Officers employed on inspection of boilers—

Total number of officers	..	..	..	3
Proportion of Sikhs	..	..	..	66.7 per cent

*Staff for the administration of the Trade Employees Act
(Shop Inspectors, etc)—*

Total number of officers	..	..	..	1
Proportion of Sikhs	..	..	..	Nil
<i>Arts and Crafts Depot—</i>				
Total number of officers	..	..	..	Nil
<i>Stores Purchase Department—</i>				
Total number of officers	..	..	..	3
Proportion of Sikhs	..	..	..	Nil
<i>(d) Sericulture Department—</i>				
Total number of senior posts	..	..	..	5
Posts lying vacant	..	..	..	1
Proportion of Sikhs	..	..	..	25 per cent

MR. MAHABIR SINGH

1759. **Sardar Bahadur Sardar Gurbachan Singh:** Will the Honourable Minister of Education be pleased to state whether it is a fact:—

(a) that Mr. Mahabir Singh a clean shaven gentleman, Lecturer, Government College, Campbellpore, was shown as a "Khatri" in the gradation list of the Subordinate Educational Service, Punjab, Part I, corrected up to 1st April 1942, at page 8, serial No. 42, under the heading 'Religion and Caste';

(b) that he entered Government service in 1927 and for full 15 years he continued to be shown as a 'Khatri' in the civil list;

(c) that in the Civil List corrected up to 1st January 1944, he has been shown as a "Sikh", if so, the reasons for this change?

The Honourable Mian Abdul Haya: I regret that the answer to this question is not ready.

SIKHS IN EDUCATION DEPARTMENT

1760. **Sardar Naunihal Singh Mann:** Will the Honourable Minister of Education be pleased to state:—

(a) the total number of officers attached to the office of the Director of Public Instruction, Punjab, and the proportion of Sikhs among them;

(b) the total number of Principals of Government Colleges in the province and the proportion of the Sikhs among them;

(c) the total number of Inspectresses of schools including the Inspectress of Training Institutions for Women in the Province and the proportion of the Sikhs among them;

(d) the total number of the District Inspectors of schools in the Province and the proportion of the Sikhs among them;

(e) the total number of the District Inspectresses of schools in the Province and the proportion of the Sikhs among them?

The Honourable Mian Abdul Haya: (a) Besides the Director of Public Instruction and the Deputy Director of Public Instruction, there are two P.E.S. (Class I) Officers and one P.E.S. (Class II) Officer attached to the office of Director of Public Instruction, Punjab. There is also the Deputy Directress of Public Instruction and the Inspectress of Training Institutions, Punjab. None of them is a Sikh.

[Minister of Education]

(b) The total number of Principals in Government Colleges for men, including Government College and the Central Training College, Lahore, is 12. There are also six Principals of women's colleges including those of Queen Mary College and Lady MacLagan Training College for Women, Lahore. There is no Sikh Principal among them.

(c) The total number of Inspectresses of Schools including the Inspectress of Training Institutions, Punjab, is 5. The appointment of a Sikh Inspectress is under consideration.

(d) The total number of District Inspectors of Schools in the Province is 30 including the post of District Inspector of Schools, Delhi, out of which 4 are Sikhs making a proportion of 13.33.

(e) The total number of District Inspectresses of Schools in the Province is 28 out of which 2 are Sikhs, making a proportion of 7.14.

NON-KESHADHARIES EMPLOYED IN PUNJAB CIVIL SECRETARIAT

1761. Sardar Pritam Singh Sidhu : Will the Honourable Premier be pleased to state :—

(a) the number and names of the non-Keshadharies (without long hair) who have been employed as Sikhs in the Punjab Civil Secretariat since 26th August 1939 ;

(b) the year in which they passed their Matriculation Examination and the school from which they appeared ?

The Honourable Malik Khizar Hayat : (a) There are three Non-Keshadharies who have been employed as Sikhs in the Punjab Civil Secretariat since the 28th August 1939. Their names are :—

(1) Sardar Harjinder Singh ;

(2) Sardar Antar Singh Khanna ;

(3) Sardar Gian Singh Palaha ;

(b) (1) 1937. Arya High School, Ludhiana ;

(2) 1932. Central Model High School, Lahore ;

(3) 1936. Sardar Bahadur Amir Chand High School, Bajwara, District Hoshiarpur.

GOVERNMENT CATTLE FARM, HISSAR

1762. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister for Development be pleased to state :—

(a) the number of clerks, mates and jamadars in the Government Cattle Farm, Hissar, who have been confirmed in their appointments, community-wise, from 1st October 1940 to 31st October 1944 with their names, qualifications and dates of confirmation ;

(b) whether the communal proportion fixed by the Government has been observed in regard to the above confirmations and if not, the action Government intend to take in the matter ?

The Honourable Sardar Baldev Singh : I regret to say that answer to this question is not yet ready.

**REGISTRARS, INSPECTORS, ETC., SERVING IN CO-OPERATIVE DEPARTMENT IN
AMBALA DIVISION**

1763. Khan Sahib Chaudhri Sahib Dad Khan: Will the Honourable Minister for Development be pleased to state the number of Assistant Registrars, Inspectors and Sub-Inspectors in the Co-operative Department serving in the Ambala Division, community-wise, on 31st October 1944, and if any community is under-represented, the steps Government intend to take in the matter?

The Honourable Sardar Baldev Singh :—

First Part	Hindus	Muslims	Sikhs	
1. Assistant	2	2	1+1	A. R. Consolidation working in Ambala and Ludhiana districts.
2. Inspectors	18	30	15	
3. Sub-Inspectors—				
Government paid	30	26	17	
P. C. U. paid	51	33	17	

Second part.—Recruitment to posts in the Co-operative Department is made on a provincial basis according to the percentages laid down by Government, i.e., 50 per cent Muslims, 30 per cent Hindus and others and 20 per cent Sikhs, and transfers from one division to another take place quite frequently. No fixed percentage for each community has been laid down division-wise for purposes of recruitment and postings and, therefore, the question whether any community is under-represented or not does not arise.

DACOITIES COMMITTED IN HISSAR DISTRICT

1764. Khan Sahib Chaudhri Sahib Dad Khan: Will the Honourable Premier be pleased to state :—

(a) the number of dacoities committed in the Hissar District from 1st April 1942 to 31st October 1944, giving the following particulars :—

Names of villages, dates of occurrence, amount of property looted, amount of property traced or untraced, cases challaned or unchallaned, accused convicted or acquitted ;

Name of the officer in charge of the investigations in each case ;

(b) the number of murders committed in the Hissar district from 1st April 1942 to 31st October 1944 with the result in each case ;

(c) the number of deserters and absconders arrested in the Hissar district from 1st April 1942 to 31st October 1944 with the name of the police officer who arrested them, as also the name of the deserters and absconders, together with the names of their villages and the date of their arrest ?

The Honourable Malik Khizar Hayat: The collection of the material required would involve an amount of labour and of stationery which is incommensurate with the benefits to be obtained.

EXTRA ASSISTANT COMMISSIONERS

1765. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Premier be pleased to state how many extra assistant commissioners have been appointed direct or by promotion from 1st April 1937 to 31st October 1944 community-wise in the province, and how many of them belong to each division of the province and how many of them are Muslims from the Ambala division ?

The Honourable Malik Khizar Hayat : In all 172 Extra Assistant Commissioners have been appointed during the period in question. Out of them 42 are Hindus, 88 Muslims, 37 Sikhs, 7 Anglo-Indians and 8 Indian Christians; 18 belong to Ambala Division, 27 to Jullundur, 58 to Lahore, 35 to Rawalpindi and 26 to Multan. The share of the Muslims of the Ambala division is 4.

APPOINTMENTS UNDER THE IMMOVEABLE PROPERTY TAX ACT AND SALES TAX ACT

1766. Sardar Lal Singh : Will the Honourable Finance Minister be pleased to state the total number of (1) District Taxation Officers, (2) Assistant Taxation Officers, (3) Taxation Inspectors and Sub-Inspectors appointed under the Immoveable Property Tax Act and Sales Tax Act, respectively, and the proportion of Sikhs among them; if the proportion of Sikhs is not in accordance with the representation fixed for them by the Government the reasons therefor and the steps Government intend to take to give the Sikhs their due share in the above parts ?

The Honourable Sir Manohar Lal : *First part*—The present position is as follows :—

(1)	17
(2)	7 posts. All are at present vacant
(3) (i).....	17
(ii).....	120

Second part—The proportion of Sikhs in the District Taxation Officers cadre is equal to and in the Taxation Inspectors' cadre exceeds the 20 per cent due to the community. The information regarding Taxation Sub-Inspectors is not readily available.

2. I may point out for the information of the honourable member that the prescribed communal proportions can only be observed at the time of the initial appointments and are duly observed.

JHATKA MEAT

1767. Sardar Lal Singh : Will the Honourable Minister for Education be pleased to state the names of the Government schools and colleges in the province in which Jhatka meat is allowed to be cooked ?

The Honourable Mian Abdul Haye : I regret that the answer to the question is not ready.

DEPARTMENTAL EXAMINATIONS OF EDUCATION DEPARTMENT

1768. Captain Sodhi Harnam Singh : Will the Honourable Minister for Education be pleased to state the remuneration paid to (a) Muslims, (b) Hindus, (c) Sikhs and (d) others, respectively, for working as Examiners, Translators, Proof readers and scrutineers in the following Departmental Examinations of the Education Department for the years 1942-43 and 1943-44 :—

- (1) Vernacular Final ;

- (2) Middle Standard Examination for Indian girls ;
- (3) Senior Anglo-Vernacular ;
- (4) Junior Anglo-Vernacular ;
- (5) Junior and Senior Vernacular Examinations for men and women ?

The Honourable Mian Abdul Haye : I regret I am unable to answer the question as the amount of labour and time which will be spent on collecting the information will be incommensurate with the value thereof.

DISTRICT INSPECTRESSES OF SCHOOLS

1769. Mr. K. L. Rallia Ram : Will the Honourable Minister for Education be pleased to state whether it is a fact that there is a proposal under consideration of Government to give all Inspectresses of Schools the P. E. S. grade irrespective of seniority of efficiency, if so, whether it is intended to do the same in the case of Head Mistresses of Government High Schools, if not, the reasons thereof ?

The Honourable Mian Abdul Haye : No. The proposal is to convert four posts of District Inspectress from the S.E.S. to the P.E.S. (Class II). Six Head Mistresses are already in the P.E.S. (Class II) and there is no proposal to increase this number.

SWITCHING OFF OF STREET AND ROAD LIGHTS IN LAHORE

1770. Mr. K. L. Rallia Ram : Will the Honourable Minister for Public Works be pleased to state whether he is aware of the fact that the street and road lighting in Lahore is switched off at mid-night or so till 5 a. m. and that a number of cases of dacoities, house-breaking and thefts have been reported to have taken place in Lahore during those hours, if so, the steps Government propose to take in the matter ?

The Honourable Nawab Sir Muhammad Jamal Khan Leghari : In order to reduce the amount of coal needed for the generation of electricity the Lahore Corporation are at present providing street lighting until 11 p. m. on moonlit nights and until midnight on other nights. They also turn on the lights again an hour and a half before sunrise. There have been no dacoities in Lahore this year while up to date burglaries by night are 150 less and thefts by night 220 less than in the corresponding period of last year. As matters stand, there is no cause for alarm. If, however, in any area nocturnal thefts or burglaries show a tendency to increase, the hours of street lighting in that area will be extended.

DEBATE ON ANSWER TO QUESTION 9387¹ RE ZAMINDARA LEAGUE

Raja Ghazanfar Ali Khan : I have already sent you notice requesting you to allow half an hour to discuss the answer to this question which is rather important as it requires further clarification by the Government. Rule 12 (2) (b) says—

On notice given at question time, a period not exceeding half an hour after the hour of interruption or after the conclusion of the business, whichever is earlier, may be allowed to a member to raise a debate on any matter of urgent importance which has been the subject of a question on that day.

It will be observed that this rule has been inserted in the rules with a definite purpose the object being that the Opposition should have the facility to get further elucidation of certain matters which arise in the course of supplementary questions and answers. I would therefore request you to allow us half an hour at the end of today's business.

Mr. Speaker : Has the honourable member the leave of the House ?

Raja Ghazanfar Ali Khan : May I place one point before you before you decide to take the sense of the House ? The rule says that you 'shall informally ascertain by voices whether the member has the leave of the Assembly'. The word 'informally' appears only in this rule and nowhere else in the Rules of procedure. In the other rules it is definitely laid down that the Speaker shall ascertain the opinion of the House by the majority of votes, in which case you ring the bell and follow the rest of the procedure. But the word 'informally' has been specifically used in the present case so that you shall decide the point not by the majority of votes but by seeing whether there is a substantial number of members who desire to have this debate. If it was merely a question of the House deciding the question by majority of votes, then the word 'informally' would not have been used. I would request you to bear this point in mind namely that the word 'informally' was specifically put in this rule so that the Opposition may not be at the mercy of the Government which can always command a majority of votes.

Mr. Speaker : The honourable member has not the requisite leave.

SARDAR SHAUKAT HYAT-KHAN'S DISMISSAL

Sardar Shaukat Hyat-Khan : I rise to make a statement on the circumstances of my dismissal and give an explanation as to the reason why I have crossed the floor of the House. I feel that under the rules I am permitted to make a statement.

Premier : May I know under what rule the honourable member proposes to make that statement ?

Sardar Shaukat Hyat-Khan : Rule 38 says—

A member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in explanation of his resignation.

Such statement shall ordinarily be made after questions and before the business on the list for the day is entered upon.

Mr. Speaker : But the honourable member has no right to make a statement or personal explanation in connection with his dismissal.

Sardar Shaukat Hyat-Khan : I have a right to make a personal explanation why I crossed the floor of the House. Rule 39 says—

Any member may, with the permission of the Speaker, make a personal explanation although there is no question before the Assembly.

Mr. Speaker : So far as I have been able to understand the rules, the honourable member is not entitled to make a statement or offer any explanation for his dismissal.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : I do not think we need interpret the rules so strictly as that. The honourable member has to make a personal explanation as to why instead of being on the side of the treasury benches, he is now on the Opposition side.

Malik Barkat Ali : Before you commit yourself to one position or another, I should like to place before you a consideration which has not been advanced so far. Rule 38 says : "A member who has resigned the office of minister may with the consent of the Speaker make a personal statement of his resignation." The rule undoubtedly uses the expression "a minister who has resigned" but my submission is that there is no prohibition in these rules that a minister who has been dismissed cannot make a statement on the floor of this House. If there had been a definite prohibition, I could very well understand the objection taken but if there is no prohibition in the rules and if a minister who has been dismissed under circumstances which created quite a furore throughout the length and breadth of the province, wants to

make a statement, then in view of the importance of the question, in view of the fact that there is no prohibition in the rules and in view of the fact that after all you are the master of procedure in this House, my respectful contention is that there is no bar to your exercising your discretion to allow this Honourable Minister of the Crown who has been dismissed to explain on the floor of this House the circumstances connected with his dismissal and to take this House into his confidence. I hope, you realise that this is a very important question, and undoubtedly when the word "resignation" was used in the rule it was not apparently realised by the rule-makers that besides resignation there was another form of getting rid of a minister, namely, dismissal. The rule is of course there but the discretion is yours and my submission is that it is no answer to say that you have not the power because the rule speaks of "resignation". The rules cannot provide for all the complex and infinite circumstances that may arise. The law cannot provide for every contingency. Contingencies do arise which are not covered by rules and if such contingencies arise, the master of the procedure of the House has got to solve those contingencies. My submission is that in view of the importance of this question you may be pleased to enable the member to make a personal statement on that count, in case it is not covered by the rule. It is in your discretion.

Mr. Speaker : I have seen the gazette notification about the dismissal of Sardar Shaukat Hyat-Khan. I know nothing about his resignation.

Malik Barkat Ali : But Sardar Shaukat Hyat-Khan did put in his resignation.

Sardar Shaukat Hyat-Khan : I emphatically take the stand that I did place my resignation in the hands of the Premier. I wrote this resignation in the Honourable Premier's own room, on his paper and with his ink and I handed it over to him personally on the 18th April, that is, about a week before my dismissal.

Mr. E. Few : Is this House competent to discuss the actions of the Governor? Even if the resignation had been tendered, we can only accept the Government *communiqué* that the Sardar was dismissed.

Premier : I do not want to use language which might offend anybody; but if explanations like that were allowed, then any person who unfortunately is the subject of dismissal can come along and say that he had handed over his resignation on such and such a day to such and such a person. I emphatically say that there was no occasion for his resignation and in fact no resignation was given to me. It is a surprise and a shock of the worst order to hear what has been said. I do not want to say anything more on the subject, but I should like to say one word. The honourable member was dismissed on a particular day and this particular statement of his resignation was not issued till three or four days after his dismissal and as soon as this statement came to my notice, I openly denied it in the press.

Mr. Speaker : This House can not reflect upon the Governor in his personal capacity but an act of the Governor done in his administrative capacity can be discussed by the Assembly. The Honourable members may refer to Rule 68 of our Rules of Procedure.

As to resignation, I have to go by the Gazette Notification about dismissal.

PRIVILEGE MOTIONS

ACTION OF POLICE AGAINST DIWAN CHAMAN LALL IN THE ASSEMBLY BUILDING

Chaudhri Muhammad Hasan : I beg to move—

This House strongly protests against the presence of men belonging to C. I. D. within the precincts of the Assembly Chamber with the object of reporting presence of members of the Opposition and attempting to overawe them; as one instance being the action of police constable No. 2471, namely, Narinjan Prasad, the moment Diwan Chaman Lall came to the Assembly building today at 11-15 a. m.

The action of the police involves the breach of privilege of a member coming to the Assembly building.

Premier : When I got this information I tried to telephone and ascertain what had happened. The information I have been able to collect is that no constable of the name of Narinjan Prasad is in the C. I. D. He might be in some other department. Instructions are that no member of the C. I. D. staff are to enter the Assembly building in order to mark attendance so far as surveillance is concerned.

Raja Ghazanfar Ali Khan : I met Diwan Chaman Lall in the Library and he told me that while he was entering the precincts of this Chamber the police tried to stop him from entering the Chamber. I would request you to take serious notice of the matter. You are the custodian of our rights as far as members are concerned and if honourable members are to be deprived of the liberty of walking into the Chamber unhindered, then you know what would be the result. The best thing is for you to allow this motion so that we may have a discussion thereon.

Malik Barkat Ali : If the privilege motion is admitted, the Honourable Premier can make necessary enquiries and we can after an hour or two take up the motion for discussion. One thing is clear, the essence of the motion is overawing or obstruction offered to a member of the Assembly by the police officer. I respectfully submit that mis-description of the police officer does not stand in the way.

Mian Muhammad Nurullah : The best thing is for you to summon him to this Chamber to make a statement of the facts. He is at present in this building.

Mr. Speaker : Is not the honourable member under restrictions ?

Premier : The honourable member is under restrictions. He cannot take part in politics. I shall make enquiries and then make a report.

Malik Barkat Ali : If the honourable member is within this building he is undoubtedly subject to your orders and no restrictions placed upon him can stand in the way of your summoning him for an enquiry. I respectfully submit that for the purposes of finding out the true facts on which you may be in a position to allow discussion of this privilege motion, it is necessary—now that the honourable member is within the precincts of this building—that you summon him to state the facts.

Raja Ghazanfar Ali Khan : In this connection, I would refer you to a similar controversy. There was a great controversy regarding the control of the Assembly Chamber between the Speaker of the Legislative Assembly and the Government of India. Mr. Patel, the Speaker of the Assembly, ordered the police, visitors, the press and every body out of the Chamber and he called his Secretary and said, 'Go and lock it up. It is under my control'. This controversy assumed an all-India importance. The Government of India had to yield and to admit that the Speaker alone was responsible within the Chamber. This is a very important point and you may postpone your ruling till you have examined it.

Pandit Bhagat Ram Sharma : I beg to ask for leave to make a privilege motion, namely, restrictions placed on thirteen members of the Punjab Legislative Assembly thus debarring them from voicing the interests of their constituents.

My contention is that section 71 of the Government of India gives the right of speech to every member of the Assembly and no legal proceedings can be taken against him if he makes any speech on the floor of the House. But the order of Government restricting certain members only restricts their making speeches, but does not prevent their coming to this Assembly as long as they are allowed to remain within the limits of the Lahore Corporation. But the Honourable Premier contends that these members cannot attend the meetings of this Assembly. Thus the privilege of members is involved in this issue and we therefore wish to discuss this motion.

Mr. Speaker : The question of privilege has been discussed before. Why should it be discussed again ?

Malik Barkat Ali : The point we want to discuss is whether the wording of the restriction order carried with it the prohibition to enter this Assembly. The order only restricts these members from taking part in politics. It is, of course, for you to decide whether attending the Assembly meetings constitutes taking part in politics. But we contend that the attendance by members of the Assembly meetings is a statutory privilege.

Premier : There are many restrictions imposed on the honourable members concerned and we are not a court of law to discuss their meaning.

Mr. Speaker : If Pandit Bhagat Ram Sharma comes to my room and convinces me that a breach of privilege is involved, the matter can be taken up tomorrow.

WHO CONSTITUTE THE OPPOSITION PARTY

Raja Ghazanfar Ali Khan : Sir, the number of Muslim League members in the House is 26 and the number is swelling every day. The number of Congress members who are attending the House is 11. Before this the leader of the Independent Party, who is today conspicuously silent, was considered the Leader of the Opposition although the Congress members were still attending. Our number is much larger. As a matter of fact we should be considered the real Opposition party because our number is large.

Mr. Speaker : The House is proceeding with the ordinary business. For a discussion of the point raised by the honourable member he should come to my room where we can discuss it.

Raja Ghazanfar Ali Khan : We are willing to give way to the Congress Party now. When we are 40 then we shall be the real Opposition Party.

ADJOURNMENT MOTIONS

SUPERSESSION OF DR. MISS KHADIJA BEGUM

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 supersession of Dr. Miss Khadija Begum on the ground that she observes purdah.

Mr. Speaker : What has the Government to say on the facts of the case ?

Raja Ghazanfar Ali Khan : On a point of order. At this stage the merits of the case cannot be discussed. The proper occasion for the Minister to make a statement on the facts would be after the adjournment motion has been admitted.

Minister for Education : Sir, I object to the admissibility of this motion. It is not a matter of urgent public importance. If Miss Khadija Begum has not been appointed it is the case of an individual. It is not of public importance.

Secondly, the post of the Deputy Directress of Public Instruction is a selection post and we have to make a selection from class I officers and we have made that selection. Having made that selection the question of seniority or supersession does not arise. Lastly, my submission is that purdah was no bar to the appointment of Miss Khadija Begum as Deputy Directress of Public Instruction.

Malik Barkat Ali : Did the Honourable Minister ever say that she had been passed over because she observed purdah ?

Minister of Education : Anything said or done outside the House is not relevant.

Malik Barkat Ali : May I submit that the appointment was also made outside this House ? The Honourable Minister has indirectly admitted that purdah did stand in the way of Miss Khadija Begum being appointed as Deputy Directress. Purdah is one of the most cherished institutions of the Mussalmans and it has been treated as a disqualification by the Honourable Minister for the appointment of that lady to a rank to which she was otherwise entitled.

Premier : Sir, unnecessary issues are being brought in this question. The only point to be considered is whether this adjournment motion is admissible or not. My honourable colleague has made it clear that purdah as such was not a bar to the candidate's promotion. Promotions take place every day and while making promotions, suitability of a candidate for a particular job, his qualifications and merits are considered. One particular person is more suitable for inspectorate while another is considered better for a college and if this House were to sit in judgment over the decisions of Government in respect of promotions, etc., the discipline in services would be gone. As I said, Sir, the question of purdah has been unnecessarily brought in this matter. Hindus, Muslims, Christians all are servants of the Punjab Government irrespective of caste and creed and if a non-Muslim has been selected that should not agitate the minds of the honourable members opposite. I may inform honourable members that Mr. Sharif has superseded about 10 people. What I want therefore to impress upon the House is that such matters should not form subject of an adjournment motion as that would lead to indiscipline in services.

Mian Abdul Aziz : On a point of order, Sir. At this stage the Honourable Premier or the Honourable Minister for Education are not entitled to go into the merits or demerits of the case. The question is whether this adjournment motion should be allowed to be discussed or not. Merits or demerits of the case can be discussed while the motion itself is under consideration. The point is whether she was ignored because she observes purdah and we will prove that she was in reality ignored because she observes purdah.

Premier : Sir, I was saying that such questions cannot be discussed on the floor of the House by way of adjournment motions. It was purely a matter of selection. The recommending authority was a European and the Minister a Muslim and I may say that I also agreed to this selection which was made purely on merits and as I have already submitted purdah was absolutely no bar for that appointment. Honourable members cannot be judges as personal files of the Government servants are not available to them.

Malik Barkat Ali : My point has not been correctly grasped. Why she has been superseded is not the point of my adjournment motion. The real thing is that this supersession has taken place because Miss Khadija Begum observes purdah. The Honourable Minister concerned did not deny this fact ; he only said that that reason was given outside this House. May I tell him that supersession is also

something which occurred outside this House? The question is whether the Honourable Minister did take this fact into consideration that she was observing purdah and that that circumstance disqualified her from being selected for the appointment. Whether A was selected or B—that I agree cannot be brought up before this House by way of an adjournment motion. But if the fact of that lady observing purdah was considered to be a disqualification, it becomes a question of public importance. As I submitted before, purdah is a cherished institution of the Mussalmans. The right of selecting A or B is undoubtedly that of the Government but if the Government choose to make purdah—a most established institution of the Mussalmans—a ground for the supersession of a Muslim lady, it gives us a right to bring that matter on the floor of the House by way of an adjournment motion. Therefore the argument of the Honourable Premier that it is a case of selection does not apply. The Honourable Minister has indirectly admitted that Miss Khadija Begum was not selected on the ground of her observing purdah.

Premier : He has not said that.

Malik Barkat Ali : He may not say so on the floor of the House but that was said outside the walls of this Assembly.

Sardar Ajit Singh : On a point of order, Mr. Speaker. The adjournment of the business of the House is asked only when a definite matter of urgent public importance is to be discussed. We cannot afford to discuss each and every individual case here by way of adjournment motions. The Government supersedes one person or other every day. There are many instances of supersessions. Today one Chief Engineer is superseded by another and tomorrow a Deputy Director is superseded by another. In that case it will become difficult for us to proceed with the business of the House.

Minister for Education : (The Honourable Mian Abdul Haye) : I have already stated that there was no supersession and that purdah was not one of the reasons for the passing over of the claims of Miss Khadija Begum. I may say that there are two more ladies senior to Miss Khadija Begum. They do not observe purdah and yet they have not been selected for this post. The main consideration was that these highly qualified people were engaged in teaching work. One was in charge of the Queen Mary College and the other was in charge of the Women's College at Lahore. The third, Miss Khadija Begum, was in charge of the Stratford College. It was considered best to retain them in their present posts and that is why the present person was selected for the post.

Malik Barkat Ali : Did you say to anybody or not that this lady was passed over because she observed purdah?

Minister : No.

Malik Barkat Ali : Then I am satisfied. In view of the Honourable Minister's present statement I do not want to press my adjournment motion.

POLICE LATHI CHARGE ON STUDENTS AT SIALKOT

Malik Barkat Ali : I rise 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 police lathi charge at Sialkot on students on 12th October 1944.

Premier : But no lathi charge took place there.

Mr. Speaker : The Honourable Premier says that there was no lathi charge while the member who asks for leave to move the motion says that there was a lathi charge. After all, if there is to be a debate on the motion it must be on facts. In the face of the contradictory statements, I would like to know if the honourable member, who seeks the leave of the House, has any corroboration in support of his statement of the fact.

Malik Barkat Ali : I have before me a statement in the handwriting of the honourable member who represents that constituency, Chaudhri Muhammad Sarfaraz Khan, as to the circumstances of the police lathi charge on the occasion of the visit of the Honourable Premier to that place. This is the first meeting of the Assembly after that event. I have got the details of the incident in the handwriting of an honourable member of this House. Do I take it that the Honourable Premier denies this lathi charge?

Premier : I have made enquiries and to the best of my information there was no lathi charge. As a matter of fact when I saw the adjournment motion I was surprised and I looked up the papers. As you know, Sir, when there was a lathi charge at Amritsar, the press was so full of the news, whereas there has been no such mention in the case of Sialkot. I have also made enquiries and I find that there was no lathi charge. (*An honourable member :* There was no lathi charge). There is another confirmation of my statement.

Chaudhri Ghulam Rasul : Sir, May I say a word? My honourable friend Malik Barkat Ali has observed that a lathi charge was made by the police on students at Sialkot on 12th October, 1944 and that at the time of the alleged lathi charge Chaudhri Sarfaraz Khan was present on the spot. It is on the basis of the information supplied by the said honourable member that Malik Sahib has tabled this adjournment motion. I emphatically deny the allegation made in the adjournment motion. I was present in Sialkot on that date. No lathi charge was made on the students at all. Besides myself, Bhagat Hans Raj and Lala Amar Nath were also present in that meeting where the alleged lathi charge is said to have taken place. You can inquire from them whether any lathi charge was made on the students at Sialkot on that date or not. To my knowledge Chaudhri Sarfaraz Khan was not present at Sialkot on that date. Let him declare it on oath whether or not he was there on that particular day. We three honourable members of this House can say without any fear of contradiction that no lathi charge has taken place at all. The fact is that the meeting of the Zamindara League was a great success, which fact has pinched my honourable friend over there. (*Hear, hear and laughter.*)

Chaudhri Muhammad Sarfraz Khan : For the information of my honourable friend I may tell him that I was present on that date at Sialkot. Not only that, I was asked to go on the stage of the Zamindara League meeting, but I refused. So far as lathi charge is concerned it cannot be denied at all. It did take place and I stand by my statement.

Mr. Speaker : It is a great pity that the statements on both sides are contradictory on the fact of a lathi charge. It is difficult for me to decide as to who is right and who is wrong. Perhaps both are right and both are wrong. Unless there is corroboration of facts there can be no adjournment motion.

Raja Ghazanfar Ali Khan : May I, before you give your ruling, draw your attention to the practice hitherto followed by this House on such motions? I can quote at least twenty occasions when without asking the member who seeks the leave of the House to move the adjournment motion to prove on the floor of the House that there was lathi charge you have been pleased to allow the motion. This procedure is being departed from only today. The only thing you have got to do is to find out from the honourable member whether the lathi charge did take place. If he is prepared to take responsibility for the accuracy of the statement, then you have got to allow the motion.

Mr. Speaker : Is the honourable member quite sure of the procedure referred to by him?

Raja Ghazanfar Ali Khan : Yes, Sir.

Mr. Speaker : Let me refer the honourable member to page 138 of Campion's book regarding Adjournment Motions. It says :

It must not be framed in general terms, but must deal with a particular case.

It must not deal with a hypothetical case, or be based on uncorroborated report.

Official information must be available.

Malik Barkat Ali : The statement of an honourable member that this thing took place is sufficient for the purpose of an adjournment motion.

Mr. Speaker : Yes. But there is contradiction.

Malik Barkat Ali : If it has not appeared in the press, it does not mean that it has not taken place. As a matter of fact this lathi charge did appear in the press. It may not have appeared in the press which is perused by you, Mr. Speaker. If you would be satisfied with the production of that paper in which this lathi charge was reported that paper can be produced by us.

Premier : I maintain that no lathi charge was made and so no paper reported it.

Malik Barkat Ali : You may not have perused those papers but you cannot say that the details of the lathi charge did not appear in any part of the press.

Premier : It has not appeared in the prominent portion of the press, and my official information is that there was no lathi charge.

Mr. Speaker : On whom was the lathi charge made ?

Malik Barkat Ali : On Muslim students of Sialkot who appeared on that occasion with black bills on their shoulders. They were lathi-charged by the Police on the occasion of a meeting which was being held.

Mr. Speaker : Was anybody hurt? Was anybody injured? Why was not a complaint filed ?

Raja Ghazanfar Ali Khan : The Working Committee of the Punjab Provincial Muslim League in its meeting held here in Lahore passed a resolution condemning the action of the authorities. If that is not sufficient authority for moving an adjournment motion, then I am surprised.

Malik Barkat Ali : I would request you to follow the practice that you have been observing in the past.

Premier : It will be useless to discuss it. There was no lathi charge anywhere.

At this stage Lala Amar Nath Shah got up and began to speak.

Mr. Speaker : It is against rules for a member to stand up and start making a speech without my permission.

Raja Ghazanfar Ali Khan : I challenge you to point out if you remember any of your rulings where you wanted people to come forward to say that they witnessed the actual event. Under the rules, all that is necessary for you to see is that the matter is definite, urgent and of public importance.

Khan Sahib Shaikh Muhammad Amin : With your permission, may I say one word? Suppose a matter is being agitated in the House. A statement is made by one member who says that he saw the thing with his own eyes. Is a denial by Government or by some member sitting on the other side sufficient to debar that adjournment motion? If so, then no adjournment motion will ever be discussed.

Mr. Speaker : If there was a lathi charge, how many people were hurt? Was any report or complaint made ?

Mian Abdul Aziz : Is it a question of anybody being hurt or injured, and was the injury simple or grievous ?

Malik Barkat Ali : There was no question of contradiction ?

Premier : Government does not go about denying everything. I have been denying all this in order to save the time of the House because the discussion will not be fruitful. But if the honourable members are so keen to discuss the assertions and the denials on the part of the House, I would have no objection to the motion being admitted even though I maintain that no lathi charge has taken place.

Mr. Speaker : Malik Barkat Ali 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 police lathi charge at Sialkot on students on 12th October 1944. No objection being taken the adjournment motion will be taken up at 4-30 p.m., if the House agrees. (*The House assented*).

PANEL OF CHAIRMEN

Secretary : For the current session the Honourable Speaker has nominated the following panel of Chairmen :

Nawab Malik Sir Allah Bakhsh Khan

Sardar Bahadur Sardar Ujjal Singh

Mr. K. L. Rallia Ram

Rai Bahadur Lala Sohan Lal.

ACTION TAKEN BY GOVERNMENT ON RESOLUTIONS

Secretary : Statement showing action taken by Government on resolutions passed by the Punjab Legislative Assembly since October 1943, is laid on the table.

Statement showing action taken by Government on resolutions passed by the Punjab Legislative Assembly since October 1943

Serial No.	Terms of resolution passed	Volume number and page of Legislative Assembly debates	Action taken
I	This Assembly recommends to the Government to convey to the Government of India the emphatic opinion of this House that any attempt to control the price of wheat will result in very keen resentment and discontent among the agricultural classes.	Volume XXII—pages 80—118, and 133—161.	The resolution along with a copy of the debates on it was forwarded to the Government of India, Department of Food, for such action as they deemed necessary.

(*At this stage Mr. Speaker left the chair and it was occupied by Mr. Deputy Speaker*).

HOURS OF SITTING

Premier (The Honourable Malik Khizar Hayat) : Sir, I beg to move :

That on and from Tuesday, the 5th December 1944, to the end of the session on the days of meeting other than Fridays the Assembly shall meet at 12 noon and on Fridays at 10 a. m. of the clock and the Speaker shall adjourn the Assembly without question put at 4-30 p. m. on days other than Fridays and at 1-30 p. m. on Fridays.

Mr. Deputy Speaker : Motion moved :—

That on and from Tuesday, the 5th December 1944, to the end of the session on the days of meeting other than Friday, the Assembly shall meet at 12 noon and on Fridays at 10 a. m. of the clock and the Speaker shall adjourn the Assembly without question put at 4-30 p. m. on days other than Fridays and at 1-30 p. m. on Fridays.

Chaudhri Muhammad Hasan: I oppose the motion on the ground that every day the Honourable Premier is changing his position so far as time is concerned. It is not right that the rule should be changed every day. The time should be as fixed in the rules.

Sardar Shauket Hyat-Khan (Attock-North, Muhammadan, Rural): I am not surprised that the Government should bring in a motion of this kind. This is only part of their plan to throttle all lawful activities in the province including those of the elected representatives of the people and to prevent them from attending the House and voicing their feelings. They have several ways of achieving their object. They have before now put some very leading members of this House behind the bars and now other members are being deprived of their attending this House. When the rules were made the time was fixed at 2 o'clock because the lawyer members could not attend the Assembly before that time and now the Honourable Premier is trying to change the rule in order to prevent them from attending the House. Furthermore by this motion the Honourable Premier is trying to deprive my party from voicing their feelings against the Ministry. I therefore very strongly oppose this motion.

Mr. Deputy Speaker : The question is :—

That on and from Tuesday, the 5th December 1944, to the end of the session on the days of meeting other than Fridays the Assembly shall meet at 12 noon and on Fridays at 10 a. m. of the clock and the Speaker shall adjourn the Assembly without question put at 4-30 p. m. on days other than Fridays and at 1-30 p. m. on Fridays.

The Assembly divided ; Ayes 67, Noes 34.

Ayes 67

Abdul Haya, The Hon'ble Mian.	Fazal Karim Bakhsh, K. S. Mian.
Abdul Rab, Mian.	Few, Mr. E.
Abdul Rahim, Chaudhri (Gurgaon).	Ghulam Qadir Khan, Khan Bahadur.
Ahmad Yar Khan, K. S. Chaudhri.	Ghulam Rasul, Chaudhri.
Ali Akbar, Chaudhri.	Gopal Singh (American), Sardar.
Allah Bakhsh Khan, Khan Bahadur	Guest, Mr. P. H.
Nawab Malik Sir.	Gurbakhsh Singh, Sardar.
Amjad Ali Shah, Sayed.	Habib Ullah Khan, K. B. Malik.
Anant Ram, Rai Sahib Chaudhri.	Haibat Khan Daba, K. B. Khan.
Asghar Ali, K. S. Chaudhri.	Hans Raj, Bhagat.
Ashiq Hussain, The Hon'ble Nawab	Harnam Das, Lala.
Major.	Harnam Singh, Captain Sodhi.
Baldev Singh, The Hon'ble Sardar.	Het Ram, Rai Bahadar Chaudhri.
Bhagwant Singh, Rai.	Indar Singh, S. B. Sardar.
Faiz Muhammad, K. B. Shaikh.	Jagjit Singh Man, Sardar.
Faqir Chand, Chaudhri.	Jogindar Singh Man, Sardar.
Faqir Hussain Khan, K. B. Chau-	Jugal Kishor, Chaudhri.
dhri	Lal Singh, Sardar.
Farman Ali Khan, Subedar-Major	Manohar Lal, The Hon'ble Dr. Sir.
Raja	Mohar Singh, Rao.
Fateh Jang Singh, Captian Bhai.	Mohi-ud-Din Lal Badshah, Sayed.
Fateh Muhammad, Captain Mian.	Muhammad Akram Khan, Khan Baha-
Fazal Din, Khan Sahib Chaudhri.	dur Raja.

Muhammad Hussain, K. B., Chaudhri.	Pritam Singh Siddhu, Sardar.
Muhammad Jamal Khan Leghari, The Honourable Khan Bahadur Nawab Sir.	Rallia Ram, Mr. K. L.
Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir.	Ram Sarup, Chaudhri.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Ranpat Singh, Chaudhri.
Muhammad Shafi Ali Khan, Khan Bahadur Chaudhri.	Rashida Latif Baji, Begum.
Muzaffar Ali Khan Qizilbash, Nawab Sardar.	Ripudaman Singh, Rai Bahadur Thakur.
Muzaffar Khan, Khan Bahadur Captain Malik.	Roberts, Sir William.
Nasir-ud-Din Shah, Khan Sahib Pir.	Sardar Khan Noon, Major Malik.
Naunihal Singh Mann, Captain Sardar.	Sher Singh, Sardar.
Pir Muhammad, Khan Sahib Chaudhri.	Sohan Lal, Rai Bahadur Lala.
Prem Singh, Chaudhri.	Sultan Mahmood Hotiana, Mian.
	Sumer Singh, Rao Sahib Chaudhri.
	Suraj Mal, Rao Bahadur Chaudhri.
	Tara Singh, Sardar Sahib Sardar.
	Tikka Ram, Chaudhri.

Noes 34

Abdul Aziz, Mian.	Muhammad Hussain, Sardar.
Abdul Hamid Khan, Sufi.	Muhammad Nurullah, Mian.
Akbar Ali, Pir.	Muhammad Raza Shah Jeelani, Makh-dumzada Haji Sayed.
Allah Yar Khan Daultana, Khan Bahadur Mian.	Muhammad Wilayat Husain Jeelani, Mukhdumzada Haji Sayad.
Amir-ud-Din, Khan Bahadur Mian.	Mumtaz Muhammad Khan Daultana, Mian.
Bhagat Ram Choda, Lala.	Nasrullah Khan, Rana.
Bhagat Ram Sharma, Pandit.	Nawazish Ali Shah, Sayad.
Dun Chand, Mrs.	Raghubir Kaur, Shrimati.
Faiz Muhammad Khan, Rai.	Roshan Din, Khan Bahadur Chaudhri.
Ghazanfar Ali Khan, Raja.	Sadiq Hasan, Shaikh.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.	Sahib Dad Khan, Khan Sahib Chaudhri.
Ghulam Samad, Khan Sahib Khawaja.	Sahib Ram, Chaudhri.
Iftikhar Hussain Khan, Nawab.	Shahadat Khan, Khan Sahib Rai.
Kapoor Singh, Sardar.	Shaukat Hyat-Khan, Sardar.
Kartar Singh, Sardar.	Sohan Singh Josh, Sardar.
Mazhar Ali Azhar, Maulvi.	Teja Singh, Sardar.
Muhammad Ameen, Khan Sahib Sheikh	
Muhammad Hasan, Chaudhri.	

SUPPLEMENTARY ESTIMATES—PRESENTATION

Finance Minister (THE HONOURABLE SIR MANOHAR LAL): Sir, I beg to present the Supplementary Estimates (1st Instalment) for the year 1944-45. Demands made therein are made on the recommendation of the Governor.

Mian Muhammad Nurullah: Before the Honourable Minister proceeds further, I want to raise a point of order regarding the presentation of Supplementary Estimates.

Mr. Deputy Speaker: The Estimates have already been presented.

Mian Muhammad Nurullah: I can raise a point of order at any stage. The point of order is that the Supplementary Estimates are being presented to the House at ten minutes to three of the clock. We lose the right of giving notice of cut motions and discussing them on Thursday. You should extend the time to 3 o'clock tomorrow because two clear days' notice is necessary and we cannot do it by 3 o'clock. You should extend the time.

Finance Minister : This is not an objection to my presenting the Supplementary Estimates.

Mian Muhammad Nurullah : I am not objecting to his presenting the Supplementary Estimates. The question is of giving in amendments by 3 o'clock tomorrow.

Finance Minister : Thank you for your timely intimation.

Sardar Kapoor Singh : I would like to make a request. You will find that these supplementary estimates are to be considered on Thursday.

Mr. Deputy Speaker : That is not the point for discussion.

Sardar Kapoor Singh : I would request you to convey the feelings of the Opposition to His Excellency.

Mr. Deputy Speaker : This is not the stage.

Sardar Kapoor Singh : May I know when that stage will come? The estimates are going to be considered on Thursday.

STATEMENT OF EXCESS EXPENDITURE 1941-42, AUTHENTICATED BY THE GOVERNOR

Finance Minister : 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 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 statement of excess expenditure for the financial year 1941-42, which specifies:—

- (a) the excess grants made by the Punjab Legislative Assembly in its Session held in March 1944, 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	Sum 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.	..	1,628	1,628
12	Jails and Convict Settlements ..	1,70,082	..	1,70,082
32	Stationary and Printing	6,004	..	6,004
33	Miscellaneous and Extraordinary Charges	..	4,935	4,935
	GRAND TOTAL ..	1,76,086	6,563	1,82,649

Lahore :

The 29th March 1944.

B. J. GLANOY

Governor of the Punjab

APPROPRIATION AND FINANCE ACCOUNTS AND AUDIT REPORTS—PRESENTATION

Finance Minister : Sir, I beg to present the Appropriation Accounts and Finance Accounts of the Punjab Government for the year 1942-43 and the Audit reports thereon.

AMENDMENTS TO MOTOR VEHICLES RULES—LAID ON THE TABLE

Finance Minister : Sir, I beg to lay on the table¹ the amendments made in the Punjab Motor Vehicles Rules, 1940

RULES FOR DETERMINATION OF TURNOVER

Finance Minister : I beg to lay on the table¹ the Rules for Determination of Turnover as defined in the Punjab General Sales Tax Rules, 1943.

FRONTIER CRIMES (VALIDATION OF ORDERS, PROCEEDINGS AND ACTS) ORDINANCE, 1944.

Finance Minister : Sir, I beg to lay on the table¹ the Frontier Crimes (Validation of Orders, Proceedings and Acts) Ordinance, 1944.

AGRICULTURAL PRODUCE MARKETS ACT (AMENDMENT) ORDINANCE, 1944

Minister of Development : Sir, I beg to lay on the table¹, the Punjab Agricultural Produce Markets Act (Amendment) Ordinance, 1944.

SIKH GURDWARAS (AMENDMENT) BILL

Sardar Kartar Singh : Sir, I beg to present the Report of the Select Committee on the Sikh Gurdwaras (Amendment) Bill.

AGRIUCULTURAL PRODUCE MARKETS (AMENDMENT) BILL

Minister of Development : Sir, I beg to introduce the Punjab Agricultural Produce Markets (Amendment) Bill.

Sardar Kapoor Singh : Sir, before the Honourable Minister for Development makes his motion for consideration of the Bill, I would like to draw your attention to Rule 84 of our Rules of Procedure. You will find that this Bill was published on the 29th November and it was sent to the members on the 30th November 1944.

Rule 84 says—

When a Bill is introduced or on some subsequent occasion the member-in-charge may make one of the following motions in regard to his Bill.

Then comes the next motion as to the consideration of the Bill. Now I will draw your attention to the proviso. It says :—

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for five clear days before the day on which the motion is made and such objection shall prevail unless the Speaker in the exercise of his power to suspend this Rule allows the motion to be made.

Mr. Deputy Speaker : I hold the objection right and the next motion for consideration will not be moved to-day.

FRONTIER CRIMES (VALIDATION OF ACTS, ORDERS AND PROCEEDINGS) BILL

Finance Minister : Sir, I beg to introduce the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill.

Finance Minister : Sir, I beg to move—

That the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill be taken into consideration at once.

Mian Abdul Aziz : May I submit one thing for the consideration of the Honourable Finance Minister in this connection. Perhaps he is not aware of the fact that two very important criminal revisions, of which I shall just now give the numbers, are already pending in the High Court. One has been referred to a division bench and the other is pending before a single bench. But it has been withheld until the view of the division bench is obtained. The question, as far as I can understand, is that to give retrospective effect is also *ultra vires*. I think if it may be considered proper and if the Honourable Minister in charge may kindly accede to that, this Bill may be kept pending till the decision of the High Court, so that there may not be any conflict and again another Bill may not be brought up before the House. Both cases are from Mianwali. I can give you the numbers. One has been referred by the single bench to the division bench and its number is Criminal Miscellaneous Revision No. 589 of 1944. The names of the petitioners are Maulvi Jan Mohammad and others. The second one, which is held up till the decision of the division bench ruling is Criminal Miscellaneous Revision No. 988 of 1944. The names of parties are Fateh Sher *versus* Crown. Of course, the decision of the one will depend upon the decision of the other. I would, therefore, request that in order to avoid any conflict or future amendment of the Bill, you may kindly enquire from the High Court and you will know as I am told that one of the objections taken thereon is whether it can have retrospective effect or not. I can also give the name of the counsel. One case is with Mr. K. L. Gauba and about the other you have to enquire. I understand Mr. Gauba will be able to tell his name.

Finance Minister : Sir, may I make a submission? Before I came into this House I made some enquiries and what I was told was this that the High Court, so far as the Ordinance is concerned, has at least in one judgment held the Ordinance valid *qua* its retrospective character.

The honourable member would have noticed that the present Bill is in identical terms with the Ordinance. I do not know whether the honourable member is definitely in a position to say that the terms of the Ordinance are now under challenge in the High Court, because the High Court at this stage, when there is no Act of the legislature on which it can pronounce, can only pronounce on the question whether the Governor had the power to promulgate the Ordinance. The High Court could not go into any other matter. I hope I am understood. The matter before the High Court could only be whether the Ordinance promulgated by the Governor was valid. It has been duly held that the Ordinance duly promulgated by the Governor was valid. No other matter would be before the High Court. They would only pronounce on the validity.

The other matter is this that the Ordinance was promulgated on the 28th April 1944 and six months have elapsed; and if we do not have this Bill now passed to supersede the Ordinance we might be placed in an awkward position and difficulties might arise. If the honourable member thinks that those criminal revisions go to challenge the validity of the Ordinance, then I am prepared to hold my hands till to-morrow and find out what the position is.

Mian Abdul Aziz : I want to inform the Minister that I could not get the grounds for revision and therefore I requested the Minister kindly to find out. In order to avoid a conflict I have made this submission. There is another request I want to make. Perhaps he will remember that there was a very important point of law of evidence in which the High Court ruling of the full bench was given entirely on section 27, etc., on which the law was to be amended and a Bill was introduced in this Assembly and a printed copy of that ruling was circulated amongst all the members of this House for their study. In the present case that ruling has not been circulated on which the present Bill is brought. I tried to find out from the All-India Reporter and other reports as also from the full bench ruling referred to in the statement of objects and reasons, that is Hari Singh *versus* Crown, but I have not been able to find it. So it

[Mian Abdul Aziz.]

ought to be circulated so that we may be able to see the real point and the force of this Bill.

Finance Minister : That may be all right because it will be realised at once that the only matter before the High Court would be whether the Ordinance lay within the powers of the Governor. The terms of the Ordinance could not be considered. I have reason to believe that at least on one occasion the High Court has held that the Ordinance was valid. As for the other matter which is exercising the mind of the honourable member I am prepared to hold my hands till to-morrow. I will bring that matter up to-morrow.

DISTRICT BOARDS (AMENDMENT) BILL

Minister of Public Works : Sir, I beg to introduce the Punjab District Boards (Amendment) Bill.

Sir, I beg to move—

That the Punjab District Boards (Amendment) Bill be taken into consideration at once.

Mr. Deputy Speaker : The motion moved is—

That the Punjab District Boards (Amendment) Bill be taken into consideration at once.

Mian Muhammad Nurullah : On a point of order. There is already under the consideration of this House the District Boards Bill and this is one of the clauses of that Bill which is being passed into an Act. It is not proper to leave the first Bill in the lurch and only have this thing passed to meet the urgency which seems to have arisen in the mind of the Government. It would not be fair to leave that Bill aside and take up this clause.

Mr. Deputy Speaker : It is no point of order. The honourable member can move the motion for opinion thereon.

Mian Abdul Aziz : May I point out one thing ? The District Boards Bill has not only been introduced but as a matter of fact 11 clauses have already been passed by this House.

Mr. Deputy Speaker : There will be no objection for the honourable member to advance arguments when discussing the next motion.

Mian Muhammad Nurullah : (Lyallpur, Muhammadan, Rural) Sir, I beg to move—

That the Punjab District Boards (Amendment) Bill be circulated for eliciting opinion thereon by the 1st February 1945.

Sayed Amjad Ali Shah : On a point of order. The notice of amendment given by my honourable friend is dated the 2nd December 1944. According to the rules two clear days notice is required.

Mr. Deputy Speaker : The amendment is in order.

Mian Muhammad Nurullah : Sir, I wish to point out that you were pleased to remark that that was not a point of order and that I could say anything pertaining to that point also while making this motion. Now I have made my motion for the circulation of this Bill for eliciting public opinion by a certain date as is required by the rules. This is a very small Bill indeed but it is the very pith of the big and long Bill containing over a hundred clauses. I happen to have with me the report of the select committee on the Punjab District Boards Bill No. 11 of 1942. Several pages are missing at the end of this report that I have with me but I can see that chapter XV is about repeals and there is a clause No. 156. That is a very long and very comprehensive Bill which has not only been introduced but is being considered. About eleven clauses have already been passed by this Assembly.

It was pointed out by the Honourable Premier and the Honourable Minister in charge of local bodies that Government gave opportunities to non-official chairmen to express their views and most of the non-official chairmen and vice-chairmen expressed themselves in agreement with the Government. The difficulty is that we can get non-official chairmen elected only if we pass a resolution in a certain way specified by the Government and the deputy commissioners rightly or wrongly always interfere. Now, Sir, look into that long Bill.

Mr. Deputy Speaker : That long Bill is not before the House. The honourable member should speak to the present Bill.

Mian Muhammad Nurullah : This Bill is only a portion of that Bill and while speaking on this Bill I must refer to that. What I want to impress upon the House is that it is sheer waste of time of the House to discuss this Bill. The Government should not have brought this Bill at all in the form in which they have done. They ought to have taken that long Bill clause by clause and this Bill would have automatically been passed into an Act. Every time the time of the House is wasted on such amending Bills. In that connection I may refer the honourable members to the debates of our Assembly dated the 26th March 1948. There you will find Urban Immovable Property Tax (Amendment) Bill, Urban Rent Restriction (Amendment) Bill, Restitution of Mortgaged Lands (Amendment) Bill, Land Preservation (Chos) (Amendment) Bill, Trade Employees (Amendment) Bill, Court of Wards (Amendment) Bill and so many other Amendment Bills. What I want to impress upon the House is that in the first instance Bills are passed in hurry without closely examining the implications of the Bills and when they are passed and enforced, practical difficulties come to light and the necessity of amending Bills is felt. That is why I suggest that this Bill should be circulated.

Coming to the Bill itself, Sir, it is nothing but almost a verbatim copy of a clause of the long Bill which we were discussing some time back. If honourable members will look at page 2 of the select committee's report on the Punjab District Boards Bill, they will find clause 8 as follows :—

" 3. (1) All land shall be subject to the payment of a rate, to be called the local rate, at the rate of one anna for every rupee of its annual value, but the Provincial Government may on the recommendation of the Board increase it to such rate as it may think fit :

Provided that the Provincial Government may by notification abolish or reduce any rate imposed under this Chapter or may exempt any land or any class of land from liability in respect of such rate.

(2) The local rate as fixed from time to time under subsection (1) shall be notified in the Official Gazette."

Now I will read what is contained in the present Bill. It runs—

" 2. For section 5 of the Punjab District Boards Act, 1883, the following section shall be substituted :—

' 5. (1) Except as hereinafter provided, all land shall be subject to the payment of a rate, to be called local rate at one anna per rupee of its annual value.

(2) The Provincial Government may, by notification,—

(a) exempt any land or any class of land from the levy of the local rate ; or

(b) in respect of the whole or any part of the area subject to the authority of district board, abolish or reduce, or, on the recommendation of the district board, increase the local rate."

If honourable members compare the wording of this Bill and clause (3) of the District Board Bill they will come to the conclusion that there is absolutely no difference between the two.

Then again I will read the statement of objects and reasons in connection with this Bill, because some of the honourable members may not have read it. It says—

Under section 5 of the Punjab District Boards Act, 1883, the District Boards are empowered to levy local rate not exceeding 12 and not less than 10 pies of every rupee of the 'annual value' of the land. At present a uniform rate of 12 pies is being levied by all District Boards. It is proposed to replace section 5 by a new section which fixes the standard local rate at one anna per rupee of the annual value and *inter alia* empowers the Provincial Government to increase this, upon the recommendation of the District Board.

[Mian Mohd. Nurullah.]

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

Now there could be certain district boards where a rate of only ten pies is enough if they were run efficiently and economically. With the income at this rate they can effect several improvements. But unfortunately in none of the district boards is this being done. I shall again refer to the statement of objects and reasons—

This is in accordance with the recommendation of a committee which examined the present Act sometime ago with a view to replacing it by a measure better adapted to modern conditions and whose labours resulted in the Punjab District Boards Bill (Bill No. 11 of 1942) which is at present pending before the Assembly.

As a matter of fact only the chairmen and vice-chairmen of district boards were consulted from certain points of view, probably from the Government point of view. I may point out that the chairmen and the vice-chairmen of district boards are the creation of the Government, or Government officials. They are not elected freely and that is why I say that their opinion should not be taken as final even though the Government may call that opinion as expert opinion. The public should be allowed to have their say. If the Government wants to be very honest about this, it should discard all official chairmen and replace them by non-official chairmen and then consult them before bringing forward this amending Bill. This amending clause in the Bill is the heart of the whole Bill which is now pending and that is why I suggest that it should be circulated for eliciting public opinion. This is a very important matter from the financial point of view, because it is intended to bring more money to the district boards. Without finances you cannot run a district board. I should therefore like that the Bill be circulated for eliciting public opinion because it is going to touch the pockets of the zamindars. I shall now proceed with the statement of objects and reasons—

Clause 3 of this Bill makes exactly similar provision to that which is now proposed, but as it is feared that the passage of the larger Bill may yet take considerable time—

That is another point I must raise. The larger Bill contains 157 clauses of which 11 clauses have been passed and the remaining clauses are still pending. I do not know whether the Bill will be pushed through or whether it will be drowned in the Ravi. Anyway it is said that it will take considerable time to get that Bill passed and that is why they are bringing this Bill in a hurried manner. It is feared that the passage of the larger Bill may take a considerable time. I do not think it proper that the Government with its majority, though a crumbling majority, should not proceed with that Bill which has been partly considered and get it passed. It is only right that that Bill should be proceeded with now rather than postpone it saying that it will take considerable time to get it passed.

The present Bill is being moved with the object of making the benefit of enhanced local rate immediately available to District Boards whose finances are adversely affected by the conditions created by the war.

One thing that arises from this sentence is that certain district boards are badly off financially. What are the reasons for these district boards being financially poor? I think it is due to inefficiency of the present management, inefficiency of official chairmen. If they are efficient, I do not see why they should not run the district boards with their present finances. Again, even if the district boards are having deficits, why should their difficulties be not overcome by other ways? Why should not the Government offer loans to them and get them back when the boards are in a position to repay them? The Finance Minister has been boasting that he has got a surplus of three crores. If so, why should we go in for this amending Bill and not give large loans out of these three crores to district boards to remove their present financial difficulties? I think that for this reason too the Bill should be circulated for public opinion? The public may have many more alternative suggestions to offer to overcome the present financial difficulties of the district boards. It is the duty of the Government to see whether the financial difficulties of the district boards cannot be overcome by other

means before it comes forward with a measure to get more money from the poor zamindars. It is the duty of the Government also to see that the efficiency of management of the boards is cent per cent.

Again,

It reads :—

..... the present Bill is being moved with the object of making the benefit of enhanced local rate immediately available to District Boards whose finances are adversely affected by the conditions created by the war.

The war is playing a big role in the life of every one, and the role that Government is playing under the cloak of war is not praiseworthy but I will not allude to it. It will leave it there.

Next it is said :—

When, in due course, the Punjab District Boards Bill is proceeded with in the Assembly, it is intended to move for omission of clause 3 therefrom, in case the present Bill is passed and becomes law.

I think it is not fair to take up the Bill in such a half-hearted way, in the way that Government is doing. This is the introduction.

Now I must come to the actual Bill itself. What does the Bill say? The main thing in the Bill is this. The main clause, section 2 of the present Bill says :

Except as hereinafter provided, all land shall be subject to the payment of a rate, to be called the local rate at one anna per rupee of its annual value.

I am sure that these words "annual value" have never been defined by Government. They are adopting the very, very old method, the old system of land revenue on which they fixed the annual value. We have been crying hoarse that the method of fixing land revenue is absolutely wrong in the province. While you are assessing the net assets which give the annual value, you are not making allowances for the labour which the zamindar puts in. Without going into the detail of it, I would like to point out that certain deductions must be made for abiana and other things while making net profits. That is another question of principle, a very important one which we will discuss later on. "Annual value" is defined as assets under the age old method of calculating the "net-assets" under which we are now suffering. That must be changed. That must be changed making the necessary allowance for the labour which the zamindar puts in. After you have put that correct, after you have reformed the land revenue system, you should try to find out the method of financing the district boards. In the district of Lyallpur the land revenue is one crore. You are charging one anna per rupee out of that one crore and calling it "local rate."

An Honourable Member : How much have you paid to the Zamindara League?

Mian Muhammad Nurullah : I cannot say, but I have been hearing that they are charging subscriptions for the Zamindara League. I am not sure whether any of their funds come from the local rates. Probably they do, but I cannot vouch for it. I do feel that everybody is being harassed. When I go out to the public, I hear many complaints about this, but I do not pay any attention.

What I was going to say is that supposing Lyallpur pays one lakh and fifty thousand as annual rental or as annual land revenue in the district, what would be the share of the district board if this measure is passed? It would be one anna per rupee of its annual value, one-sixteenth of the total. It is about 16 lakhs or say 2 crores and 16 lakhs of land revenue. The point is this that if you cannot run district boards efficiently, why should you not go and scrutinise the way in which they are financed and whether with the present income at their disposal you are in a position or not to run them efficiently? You are spending the wealth of the province by selling lands and, grabbing all the money of the people by sale of land when prices are high. You are making them poor. If the Finance Minister can run the province hopefully, why cannot you make efficient arrangements to see that the district boards run efficiently within their income?

Premier : I have not followed the honourable member when he said that people become poor by buying land.

Mian Muhammad Nurullah : You raise the price and people who have got money will come forward and pay 44,000 for a square. Thus you will draw all the money and the people will be left very poor and when the prices fall they will not be able to stand the hardships, as happened in 1933 and 1937, and the prices will come down tremendously. If you give me another opportunity later I will explain. At present I would not digress from the point of view of this Bill.

An Honourable Member : Why do people pay the high price ?

Mian Muhammad Nurullah : People are very simple. They are not so clever they are innocent, they are not educated as you are. You know how to grab all the money and you want to leave them poor.

Premier : Some clever people sell land too.

Mian Muhammad Nurullah : I would like to sell mine too, but only if there is a rich person to buy. My point is that the Government is pursuing a policy which after ten years would leave the zamindars in the lurch. They will be left with no money to finance their agricultural business. The real point with regard to this motion is this, that the Government should first assure that every district board is running as efficiently as possible and that every rupee of the district board is going as far as it can possibly go. If the Government is satisfied that they are doing this and they want more finances then only can they bring in a measure of this type. Now what is it that the Government wants to do ? Under sub-clause 15 (2) (a) it can exempt any land or any class of land from the levy of the local rate. I have always been objecting to such a clause, to such a power being taken by Government which has just been proved to be clever as against the poor innocent zamindars who can never understand the policy of the Government. Now the Government wants to reserve for itself the power to exempt any land or any class of land from the levy of the local rate. Why should it at all make an exception ? If you want to do a man good, to show him a favour there are many ways of doing it. It will be just asking the man to give Rs. 2,000 and allowing him a depot from which he can make Rs. 500 a month.

Mr. Speaker : The honourable member has made a personal remark.

Mian Muhammad Nurullah : I am not personal against anybody. I withdraw. If you ask the honourable members of this House to make an enquiry into this matter you will come to the same conclusion that I have come to, that all these small people in the hands of the officials are being exploited. The point is that I do not like any exception being made in this matter which is a public matter and which concerns everybody. There should not be any power with the Government to exempt whomsoever they like. It is most repugnant to the general principles of democracy. Subsection (b) says :—

In respect of the whole or any part of the area subject to the authority of a district board, abolish or reduce, or, on the recommendation of the district board, increase the local rate.

This sub-clause split into parts, by permutation and combination gives six different powers to the Government—abolish, or reduce, or increase, either in the whole or any part of the area. And I may tell you that with the nominated bloc in the district board as at present constituted, with their official chairmen the Government can have anything it wants done and the pity is that these local self-government institutions which are the very foundations of our local self-government, and which further has led to our so called provincial autonomy, are being crushed. There is an adjournment motion already on the subject of interference in the matter of the election of the Chairman of the District Board of Sialkot. I say if it is real local self-government, give it full freedom. Let those boys as you call them, the members of the district board, make mistakes as they like. Let them learn from their own mistakes. They

may make mistake 4 times or 5 times. They will gradually pick up the administration. They will learn how to run the administration efficiently. I see the vice-chairman of the Lahore district board in his seat. I am also pleading for him. He must be allowed to do as he likes and if he makes mistakes let him do so. Why should anybody interfere with him? That is full fledged democracy. But as it is this interference comes in at every stage. They will never allow you to work as you want. Now what is this last clause?

Mr. Speaker : Please do not go into details. Only discuss the general principles.

Mian Muhammad Nurullah : This sub-clause is most repugnant. It amounts to going behind this legislature. That is why I want the Bill to be circulated. We are the representatives of the public in this province. I do not refer to this section or that section of the House. We the 175 members of this honourable House are the properly elected representatives of the people of this province and drawing salaries. Now what does the Government want to do? It wants to hit all of us at the back and turn us out of the show. Once this Bill is passed, what will be done? The district boards will make their recommendations. It will go to the executive authority running the administration of the province. We will never be consulted regarding this most important matter whether the total tax in the district board should be increased or not. That will be done behind our backs. Therefore I object to this clause being there, because once it is there there will be no limit to the increase. They may increase it to two annas or three annas in the rupee. This will be most absurd, to keep us out of the show. That is why I have sent in another amendment. That recommendation for increase may not be more than fifty per cent in any case.

I, therefore, move my motion that this Bill be circulated for eliciting opinion thereon.

Mr. Speaker : Motion under consideration, amendment moved—

That the Punjab District Board (Amendment) Bill be circulated for eliciting opinion thereon by the 1st February 1945.

Raja Ghazanfar Ali Khan (Pind Dadan Khan, Muhammadan, Rural) (Urdu) : Sir, I rise to support the motion moved by my honourable friend Mian Nurullah. I have some reasons in support of my contention. To start with, I wish to submit that the Punjab Government avoids bringing such bills before the House as are instrumental in ameliorating the hard lot of poor people in general and the poor zamindars and kisans in particular.

Mian Abdul Aziz : *Ghar ka behdi bura* (laughter).

Premier : The clause of this Bill had been passed by this House and the honourable member who is opposing it now supported it vehemently then.

Raja Ghazanfar Ali Khan : Sir, before proceeding further I would like to dwell upon what the honourable leader of the House has said. He was pleased to remark that in my present seat I hold different views to those I held while I was occupying a seat on the Unionist benches, and that I have changed my views with the change of my seat.

Premier : I did not say so. All I said was that this clause was passed and you supported it.

Raja Ghazanfar Ali Khan : In this connection I wish to point out that under the rules I have the privilege to reply to what the honourable Leader of the House has said on the floor of this House. If he does not want me to explain the causes which led me to cross over to this side of the House then I would request him to withdraw his words.

Mr. Speaker : The honourable member is irrelevant.

Raja Ghazanfar Ali Khan : This has happened on the floor of the House. The Honourable Leader of the House has just now stated that.

Mr. Speaker : He may have no hesitation in withdrawing the words that he used.

Premier : All I said was that the clause had been passed by this House and supported by the honourable members who are now opposing it.

Raja Ghazanfar Ali Khan : Sir, if you permit me, I am not hesitant in the least to give in detail the reasons which forced me to come over to this side of the House. If he wants that I should give a personal explanation in this connection, I am prepared to do so.

Premier : I was not asking for any explanation. All I said was that this clause was passed and you supported it.

Raja Ghazanfar Ali Khan : Sir, I do not want to indulge in any details. What I wish to submit is this that the present Government avoids bringing such Bills in the House as are instrumental in ameliorating the hard lot of the poor people. My respectful submission is this that the District Boards Bill is a very important one and no efforts whatsoever have so far been made to rush it through in this House. So far as the District Boards Bill which is pending for the last two years is concerned, I wish to bring this point home to the honourable members that Sardar Shaukat Hyat-Khan, the then Minister-in-charge, also moved it and the House did not take much time in passing certain clauses. However I make bold to submit that I am very keen that the District Boards Bill as a whole be passed into law forthwith. In this connection I wish to point out that a very small piece of legislation is brought before the House, while no reference has so far been made about the larger Amending Bill. In the statement of objects and reasons, mention has been made to the effect that the passage of the larger Bill may yet take a considerable time and that the present Bill is being moved with the object of making the benefit of enhanced local rate immediately available to district boards whose finances are adversely affected by the conditions created by the War. In this connection I wish to submit that previously honourable members used to sit for more than ninety or hundred days in every session and often it would take more than the above mentioned time in proceeding with a Bill. I do not see any reason as to why a small piece of legislation is placed on a scrap of paper with a view to passing it in no time.

Minister of Development : It is all due to paper economy.

Raja Ghazanfar Ali Khan : ہمارے جان نئی آپ کی ادا تہری In this connection I wish to bring this point home to the Honourable Minister of Development that the poor Kisans are undergoing losses worth lakhs and the Honourable Minister brings forth the plea of non-availability of paper.

Mr. Speaker : The discussion should be restricted to the motion that the Bill be circulated for eliciting opinion.

Raja Ghazanfar Ali Khan : I submit that the Government should come forward with some convincing argument as to why it is not bringing the whole of the District Boards (Amendment) Bill before the House. Unless the Government does that, it has no right to ask us to vote upon the present Bill. The Honourable Premier has been pleased to remark just now that the Bill now before the House contains only that clause of the larger Bill which the House has already passed. My contention is that the House passed this clause under the impression that the other clauses contained in that Bill were also going to be enacted into law, and in the presence of those other clauses there was no harm in passing this clause. But now the position is quite different. The Government has taken a single clause out of that Bill and wants to enact it into law. Does the Honourable Premier not realize that one single clause out of a Bill is not the whole Bill? Does it not lie

in the power of the House to refuse a certain Bill even after each and every one of its clauses has been passed? So this argument of the Honourable Premier does not carry any weight. However it reminds me of a man, who like myself was full of shortcomings. He used not to say his prayers. On being asked by a Maulvi as to why he did not say his prayers, he replied that prayer was prohibited in the holy Quran. When he was asked to prove his statement, he quoted the first part of a verse, which runs 'don't go near prayer when you are drunk', and said, "Lo! here is a verse which says don't go near prayer". Similarly the Government has selected only one portion out of the whole Bill. It is the portion which goes in its favour. They call it important because it is important for them. They call it necessary because it is necessary to them. They have taken it out of the whole Bill and ask us to pass it. It is a very queer way of getting a Bill passed. So far as I know throughout the life of the present Assembly there is not a single such instance. If it has become suddenly so necessary to act in such a queer way, let them come forward with some good reason for it. Under the present circumstances, if we refuse to pass this Bill, we are not to be blamed.

There are doubts in our minds why the Government is acting in such a suspicious way, and unless the Government comes out with good reason, we shall be obliged to think that our doubts are real. Let me state my doubt as well. A doubt in our minds is that the Government is very anxious to end the present session of the Assembly as early as possible, and they are not bringing forward the other Bill, which consists of 400 to 500 clauses, because it will take four or five sittings of the Assembly.) (Minister of Public Works: The House can finish it in a minute). I wish he were in Germany. Unfortunately he has been appointed a Minister of a constitutional Government, where rules and laws exist and where absolute despotism or Hitlerism is not practised. (An honourable member: It is practised). They try to practise it, but we will not allow them to do so.

Now I shall put before the House the important points of that other Bill. The first thing it laid down was that the chairman of a district board should be selected from the elected members of the Board. That was quite a good improvement. In its presence we were prepared to pass certain other clauses also which were not very welcome to us. (An honourable member: He is only wasting the time of the House). I quite appreciate my honourable friend's anxiety for time. But, fortunately or unfortunately, we have also been sent here as representatives by some people. I know the value of time and I request my honourable friend to allow me to proceed with my speech.

The present Bill is quite a meaningless measure. All the clauses, except one, are left untouched. For example, except a few safe district boards, all other district boards will have deputy commissioners as their chairmen. Our past experience of the working of district boards is very bitter. Let me state an example of the working of the district boards in the past. There was once a deputy commissioner in Jhelum. The poor man is no longer in this world. He was chairman of the District Board as well. He was very fond of seeing the Rest Houses, where he used to stay during his tour, well-furnished. He took the sum of Rs. 85,000 from the District Board's fund, and without any hesitation bought with it the furniture of the Civil Rest House. If one deputy commissioner could do such a thing, surely others can also do it. The official and non-official members of the district boards are doing such improper things every day that local self-government has been turned into a semi-official institution. I do not want to go into the details of what happened at Sialkot. The Chairman of that District Board fixed a date for the election of the Vice-Chairman.

Mr. Speaker: Please do not anticipate.

Raja Ghazanfar Ali Khan: Sir, we know that we are not going to be allowed any day for non-official business during the present session. The opposition shall

[Raja Ghazanfar Ali Khan]

not be given any opportunity to give vent to their feelings on such matters. Will you not allow us to make use of the opportunities which we have snatched out of the Government hands? I oppose this Bill on principle. When the Government takes a single clause out of a Bill which is pending before the House and asks us to pass it immediately, and advances the argument that it has no time for the rest of the clauses, is it not my right to prove by discussing the other clauses of the Bill that they are more important than this clause and so their being enacted into law is more necessary? I shall only discuss the principles underlying this Bill. I may submit that at present chairmen of the district boards are mostly officials. Besides, there are nominalled members; then there is the official bloc there. We all know that no member of the district board has the courage to say frankly what he wants to say in the presence of the deputy commissioner without incurring his displeasure. The condition of roads under the jurisdiction of the district boards is deplorable. What is more, money belonging to the district boards instead of being usefully employed for the reconstruction and repair of roads is frittered and squandered away on providing furniture for rest houses where district officials stay during their tours. Can there be anything worse than that? In the face of these hard facts how can I trust that the money so realized, by increasing the local rate, would be usefully spent? It will rather be misused. The honourable members should not blink at the fact that Government are contemplating taking wide powers for taxing the poor villagers under the provisions of this small Bill. The words used are that a uniform rate of 12 pies in a rupee would be levied as local rate and that Government would have powers to increase this rate on the recommendation of any district board. No limit has been fixed up to which Government would permit any district board to levy local rate. It may be four annas Re. 1, Rs. 2 or even Rs. 10. This is what is meant by the amending Bill now before the House. Now I ask my honourable friend over there, who a little while ago advised me not to waste the time of the House whether, if I have disclosed the real meaning of the amending Bill, it amounts to wasting the time of the House. Under the provisions of the existing Act neither the Government nor any district board has the right to increase local rate beyond the maximum fixed under the provisions of that statute. But no Government, by means of the amending Bill, is taking this power of increasing the local rate on the recommendation of any district board. You will realize that this is not an ordinary matter. It is a question of getting money out of the pockets of the poor zamindars. How can I empower the Government, knowing as I do the state of affairs obtaining in the district boards, to get more and more money out of the pockets of the poor peasants by increasing the local rate? Why do not my friends bring forward the District Boards Bill, some clauses of which have already been passed by this House? Let them bring that Bill in its complete form and I assure them that we will see it through. I give an undertaking that we will not put obstacles or use dilatory tactics to postpone its passage into a law. We will consider its clauses with an unbiased mind. But instead of bringing that measure *in toto* if my friends take out of it a clause and move it as an amending Bill it will simply mean that they do not want to take the House into their confidence. You are aware that for the last seven years district board and municipal elections have not been held. In the presence of this disturbing feature how can I give this power of increasing the local rate to Government or for the matter of that to the district boards? We are told that elections of district boards and municipal committees have been postponed because of war. It is very strange that countries which are neck deep in war, countries where battles have raged, are holding elections. In America and Europe elections are being held. But it is our misfortune that the Government thinks that if district board elections were held the allies would suffer defeat at the hands of the enemy or that they would retard the war effort in such a manner as would make it impossible to win the war. I request the Leader of the House and Minister in charge of the Bill to give some consideration to the points urged by the Opposition. They should not hesitate to accept suggestions even if they

come from the Opposition. I also request the honourable members on that side, though in view of party discipline they may not vote with us, to at least persuade the Ministers in their own party meetings, to bring in the District Boards Bill which, besides being useful for the zamindars, will go a long way towards developing local self-government and independence amongst the rural folk. They can get the Bill enacted into law in three days. I assure them that if four members leave the Unionist Party per day even then during the next three days they would have a majority in the House. I go further and say that if they ask us to declare a truce for the period we would agree to that. But let them bring forward the District Boards Bill in its complete form. With these words I support the circulation motion moved by my honourable friend.

Nawab Muzaffar Ali Khan Qizilbash (Lahore, Muhammadan, Rural) : Sir, I oppose the amendment moved by my friend from Lyallpur. He waxed eloquent for a long time but it was mostly to get a dig at the Government and at the Zamindara League. He made out only three relevant points and I will try to meet them.

The first point he made was that instead of 10 pies the Government had raised it to 12 pies. I would draw your attention to the Statement of Objects and Reasons and it reads that at present a uniform rate of 12 pies was being levied by all district boards. It is not a fact that we are forcing the hands of any district boards to raise it from 10 to 12 pies. They are already getting 12 pies. We are doing something else and it is this, that in case a district board feels that they do not want 12 pies they can move the Government and have the same reduced even to less than 10 pies. Previously they could not reduce that amount under 10 pies, but now with this fresh power they can even take 4 pies if a district board so wishes. As has been said by my friend from Lyallpur, the district board has a majority of elected members and they represent public opinion and if they so desire they can tell the Government they could run the district board with 4 pies and so reduce the rate.

The other point was that too much power was being given to the district boards and they may misuse it. Here again Government has stepped in to see that a district board does not raise it to an abnormal limit. They might not go to 4 annas in a rupee. The Government is there to keep a check. My friend Raja Ghazanfar Ali Khan said that with this power the Government might raise the tax to any limit. I say that this power has only been kept to keep a check on the district boards who might for their own purposes try to put an extra tax on the people.

The third point was that they might abolish or exempt any land they want from the tax. Previously this power was not there and was causing great hardship. My friend from Lyallpur said that the district boards should be more autonomous and that the official chairmen should go. As you know a Bill is before this House. Already we have passed 11 or 12 clauses. In all probability the rest of the Bill will be before this House very shortly. There is no hurry about it at the moment for the simple reason that the Act cannot be enforced till we have fresh elections. I am sure that before we have fresh local boards elections that Bill will be on the Statute Book.

As for the necessity of bringing immediately this small amending Bill the reason is clear and I will give my own instance. Since the war has started we find it very difficult to run the Lahore district board. I have myself moved the Government more than three times for an increase in our grant. The Government has point blank refused. They have no money to give us. If this power is given to us we could get the money immediately. We have to pay dearness allowance, our roads have got into a terrible state. Our buildings are in a state of ruin. Those tenders which we used to give for Rs. 100 are now given for Rs. 1,000. Prices have gone up 10 to 20 times. Where is the money going to come from? Hence the necessity of this Bill. There was so much shouting against the Government, why bring this clause immediately? We must remember that it is one of the clauses already passed. We passed 11 or 12

[Nawab Muzaffar Khan Qizilbash]

clauses of our main Bill. This is one of the clauses. Raja Ghazanfar Ali Khan said that great power is being given to the district boards. I do not agree to that proposition. I say give even more. This clause in itself is self-sufficient. It does not become meaningless without the Act. It says you will charge so much or you will reduce or enhance the tax. The reason why we are in a hurry to pass it is that the district boards have moved the Government to find out ways and means to increase our revenue and it is one of the ways for increasing our revenue.

As for the Benami Bill and the District Board Bill, I can tell him that they are coming very quickly before this House and many more Bills are also coming.

Raja Sahib said that this Bill will give power to the local bodies to increase the rate from 12 pies to an unlimited amount. I do not agree with him. The members of the district boards are elected and it is common knowledge that elected representatives do not like to tax people especially when they happen to be their voters. So when this power is given to the members of the district boards, how can it be dangerous in their hands? Every time we hear that more power should be given to the elected representatives and that officialdom should go but when such measures are brought forth to give more power to local bodies they are opposed.

With these words, Sir, I oppose this amendment.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural), (*Punjabi*): Mr. Speaker, I propose to express myself on this Bill in Punjabi rather than in English (*Hear, hear*). It shall be in the fitness of things if my remarks are equally intelligible to that section of the House whom it most concerns. Unfortunately at the time of its introduction in the first instance, the Congress party was absent from the House. And as my honourable friend Raja Ghazanfar Ali has remarked their absence facilitated the Government in getting nine of its clauses passed quickly. In the absence of the critical element of the House there was no one here who could enlighten the honourable members as to the implications or intentions of this Bill. Had the Government succeeded in getting this Bill through they would have, in spite all their claims to champion the cause of the zamindars, done more harm than good to them. It is, therefore, meet and proper that I should apprise my learned friends of the dangers of passing such a clause. If we scrutinize the clause we will find that it is nothing but a sugar-coated pill. We are being given to understand that it only seeks to confer upon the Government the power to reduce the local rates whenever necessary. Moreover they would have us believe that this clause is going to benefit a large number of ilaqas. But we know that they are only going to use this power in getting the local rates enhanced in our ilaqas through their deputy commissioners. The fact is that the real intention of the Government is quite different from that laid down in the statement of objects and reasons. The Government has not brought forward this clause in order to provide relief to the distressed areas by bringing about a reduction in their local rates. On the other hand the probability is that they would make the zamindars, who are already paying so much, pay increased local rates through their official chairmen, the deputy commissioners. Otherwise if the maximum that the district boards could levy was 12 pies of every rupee of the 'annual value' of the land and the same was being levied, what was the sense in bringing forward this clause? May I ask the Honourable Minister of Public Works if this clause is not almost identical with section 74 of the Act of 1888, according to which the rate could be 'remitted, abolished or reduced' by the board? The only difference between the two is that section 74 did not empower an increase. Barring this power all the other points contained in this amending Bill are already in existence. Again there is another danger that if this clause is passed section 74 of the Act of 1888 will also remain in force and will thus create a lot of confusion. I would, with your permission, like to read out section 74 so that the Honourable Minister may know that a clause of the nature

that he intends now to get approved by the House, already exists. Section 74 says :—

The Provincial Government may by notification, remit or reduce any rate or tax imposed under this Act or exempt any person or class of persons or any description of property wholly or in part from liability to any such rate or tax and cancel any such remission, reduction or exemption.

It is almost the same as the one under discussion at present. In the presence of two clauses of the same purport there is a possibility of confusion and divergence of opinion. This may lead to land and descriptive property disputes. The disputes will go to the High Court who will declare them illegal. This Government is in the habit of rushing through measures without stopping to think of the implications involved. I fail to understand the necessity or the advisability of bringing forward such a clause for enabling them to raise the local rates.

ADJOURNMENT MOTION

POLICE LATHI CHARGE ON STUDENTS AT SIALKOT

Mr. Speaker : The Assembly will now take up the adjournment motion.

Sardar Kapoor Singh : Before you take up the adjournment motion I should like to draw your attention to Rule 45 of our Rules of Procedure. You will find that after the leave to move the adjournment motion is granted it can be taken up on the same day, if it is Friday at 7 p.m. and if any other day at 6-30 p.m. provided that if the business on the list for the day is concluded earlier, the motion can be taken up at the conclusion of such business. You will also notice that the business for to-day has not yet concluded.

Mr. Speaker : The House has fixed, 4-30 p.m. for discussion of the adjournment motion.

Sardar Kapoor Singh : My point is that the motion cannot be taken up until 6-30 p.m. according to the rules. The business for to-day has not yet concluded.

Mr. Speaker : I shall leave it to the House to decide whether it wants to take up the motion now or at 6-30 p.m.

Raja Ghazanfar Ali Khan : It is not open to the House to decide the question. The rules are clear. The motion can be taken up only at 6-30 p.m.

Sardar Kapoor Singh : If it was intended that the House should take up the motion at 4-30 p.m. a motion to that effect should have been adopted by the House.

Mr. Speaker : When will the half an hour's debate of Raja Sahib come up? Will it be after the adjournment motion is disposed of?

Raja Ghazanfar Ali Khan : You will see, Sir, that the House has no option in the matter of taking up the adjournment motion. Therefore the debate on the question and answer can be taken up now and the adjournment motion at 6-30 p.m. However, it is for you to decide the point and we are only to obey your ruling.

Premier : I move—

That the adjournment motion be taken up now.

Chaudhri Muhammad Hasan : But a motion contravening the rules cannot be moved.

Malik Barkat Ali : If the words 'unless the Assembly otherwise directs' had occurred in the rules then it would be open to the House to adopt a motion that the adjournment motion be taken up now. But unfortunately those words do not occur in the rules and therefore there is no option left either to the House or to the Honourable Speaker. The rule clearly says that if leave to move an adjournment motion is granted it "shall be taken up on the same day; if it is a Friday it shall be taken up at 7 p.m. and if it is any other day it shall be taken up at 6-30 p.m., provided that if the business on the list of the day is concluded earlier, the motion shall be taken up at the conclusion of such business." It is clear that the rule leaves no room for doubt. The only occasion when the adjournment motion can be taken up earlier than

[Malik Barkat Ali]

6-30 is when the list of business for the day is concluded. It is also obvious that the list of business for to-day has not yet concluded. I therefore submit it is neither in the power of the Honourable Premier, nor of any other member of the House nor even in your power to say that the motion be taken up now.

Mr. Speaker : What then is the solution ?

Malik Barkat Ali : Your ruling must be that the motion be taken up at 6-30 p.m. to-day. That is what it comes to.

Mr. Speaker : What about the other matter, the half an hour debate on the question and answer ?

Malik Barkat Ali : That is a separate matter. I am only concerned with my adjournment motion. In view of the objection taken, we are helpless and have to take up the motion only at 6-30 p.m.

Mr. Speaker : There is the notice of Raja Sahib that half an hour be given for further discussion of a question. Are you willing that leave may be given ?

Raja Ghazanfar Ali Khan : I think we need not insist upon that matter, because we shall further involve ourselves in contradiction.

Mr. Speaker : Then the House will now take up the adjournment motion.

Premier : Even after the question hour the Assembly directed that the adjournment motion be taken up at 4-30, according to the usual practice of the House.

Rai Bahadur Lala Gopal Das : I think the working hours of the Assembly are four hours and thirty minutes and we have finished those four hours and thirty minutes, which means that we have finished the day's work to-day and that we are free to take up the adjournment motion. As that work has been finished we must take up the adjournment motion now.

Sardar Kapoor Singh : We have been requesting all these years that the rules should be complied with, but they have been honoured more in their breach than in their observance.

Mr. Speaker : Mr. Barkat Ali.

Khan Bahadur Shaikh Karamat Ali : Sir, you cannot hold that the business on the list for the day is concluded. Therefore I submit that since the business of the day has not concluded, we have to take up the adjournment motion at its proper time, that is, at 6-30 p.m. My friend says that our practice has been to discuss adjournment motions at 4-30. If so, that practice will not have our sanction any more.

Premier : Sir, you have called upon Malik Barkat Ali to speak.

Malik Barkat Ali : The rule says : Provided that if the business on the list for the day is concluded earlier.

Mr. Speaker : The honourable member knows that these rules are hopelessly worded.

Premier : The honourable member was on that committee that drafted the rules.

Sardar Kapoor Singh : If this motion is taken up just now, I will ask 30 or 40 members on this side to come out with me and then return at 6-30 and elect our own Speaker.

Premier : Order, order; no asperations on the Chair.

Sardar Kapoor Singh : According to the rules this adjournment motion can be taken up at 6-30. We will return at 6-30 and discuss the adjournment motion and elect our own Chairman.

Mr. Speaker : If that is the correct practice, you should follow it.

Premier : The House has decided already that the adjournment motion will be taken up at 4-30.

Malik Barkat Ali : The difficulty is that the rule does not allow its discussion now. How can it lie in the mouth of anybody in this House to say that we shall—

Premier : The time for this adjournment motion when leave was given has already been fixed as 4-30, and that is in consonance with our past practice.

Mr. Speaker : The question is whether the adjournment motion should be taken up for discussion now or at any other hour the House may fix. Does the House insist on the motion being taken up at 6-30 ?

Khan Sahib Shaikh Muhammad Amin : The rule fixes it at 6-30. We have no alternative.

Mr. Speaker : The motion may be taken up at 6-30 p.m.

Premier : When the leave was granted, the House decided to take it up at 4-30. Take it up now, otherwise the House loses its right of discussing the adjournment motion.

Malik Barkat Ali : Even if that was laid down, the House cannot alter the rule. There is a particular procedure for altering the rules and no question of practice arises. The rule should have at the end the following words added: " unless the Assembly otherwise directs ".

Mr. Speaker : If the honourable member does not move now he will lose the right of moving the motion.

Malik Barkat Ali : You have to follow the rule. You cannot be a party to the violation of the rules. I therefore beg of you not to be a party to the breach of the rules.

Mr. Speaker : The hour was fixed when the motion was allowed.

Malik Barkat Ali : We go by the constitution and if this was the intention of the rules that this hour can be changed by the Assembly, we should have expected the words 'unless the Assembly otherwise directs'. My submission is that the rule is as clear as day light and whatever inconvenience might be caused to us, the rule has got to be observed.

Mr. Speaker : As the House fixed 4-30 this morning, whether the decision is right or wrong, that is the decision of the House and it is also consistent with the practice followed for years.

Sardar Shaukat Hayat Khan : We have followed your ruling and most of the members have left the Chamber.

Mr. Speaker : No ruling was given. The ruling was that the motion should be taken up at 4-30.

Malik Barkat Ali : In view of the fact that you, Mr. Speaker, gave a ruling that this adjournment motion shall be taken up at 6-30—

Mr. Speaker : This is not the way in which honourable members should interpret things. Is it a fact or not that when leave was given in the morning it was decided that the motion should be taken at 4-30 ? The honourable member was here then and he did not raise any objection then.

Malik Barkat Ali : Even assuming that the House decided to take up the motion at 4-30, objection is now being taken that the rule does not permit it.

Mr. Speaker : The House has unanimously decided it. To my mind this is nothing but obstruction. My duty is to allow the honourable member to move the motion if he likes to do so. If he does not like, it is a different matter.

(Malik Barkat Ali did not move the adjournment motion)

Mr. Speaker : The House stands adjourned till 12 noon to-morrow.

The Assembly accordingly adjourned till 12 noon on Tuesday, 5th December

1917

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the year 1917

Witness my hand and seal this 1st day of

January 1917

John J. [Name]



Witness my hand and seal this 1st day of
January 1917

PUNJAB LEGISLATIVE ASSEMBLY

TWELFTH SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY

Tuesday, 5th December, 1944.

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

ZAMINDARA LEAGUE

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : With reference to answer to question No. *9887 asked on 4th December 1944 will the Honourable Premier be pleased to state whether the Zamindara Leagues of district Karnal, Lyallpur and Jhang presented him purses and that he accepted them?

Premier : It does not arise out of the question.

Chaudhri Muhammad Hasan : Is it a fact that the Honourable Premier went to these places and was presented there with purses by the Zamindara League?

Parliamentary Secretary : My honourable friend is anticipating a question. There is another question on this subject and it would be better if my honourable friend would wait for an answer to that question.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is the Honourable Premier aware of the fact that all the meetings of the Zamindara League that he used to attend were held on the platform of the National War Front?

Premier : There will be ample opportunities to reply to these allegations. I would refer the honourable member to the question which is "Whether the Zamindara League is the creation of the Punjab Government and whether the landowners in the Montgomery district are required to pay five rupees per square of land for the Zamindara League". Reply to this question is in the negative and therefore, these supplementary questions do not arise.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is the Honourable Premier aware of the fact that it has been complained both through the Press and on the platform that collections for Zamindara League are being made in the meetings held in connection with the National War Front?

Premier : Reply has already been given to this question.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : With regard to part (b) of the question will the Honourable Premier be pleased to state whether "Dal Bachain" which are distributed in Montgomery district, are being used for the purpose of making collections for the Zamindara League?

Premier : Reply to this question has already been given.

Raja Ghazanfar Ali Khan : May I know from the Honourable Premier whether it is a fact that Government have issued a notification to the effect that in future no officer should make collections in connection with the War?

Parliamentary Secretary : Yes, it is a fact.

Raja Ghazanfar Ali Khan : Is it a fact that slips marked with the headline "War Fund" are being issued for making collections in connection with "Dal-Bachain"?

Parliamentary Secretary : I have no knowledge of it.

Raja Ghazanfar Ali Khan : Is not the person issuing such slips violating the notification of the Government ?

Parliamentary Secretary : How does this question arise out of the answer I have given to the original question ?

Raja Ghazanfar Ali Khan : Is it a fact that the landowners are required to pay five rupees per square of land for the Zamindara League and that they are asked to make this payment with the land revenue ?

Premier : That has already been replied to in the negative. I am not aware of it.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is the Honourable Premier aware of the fact that a few questions were put to Nawab Muzaffar Ali Khan in the Press when the circular issued for the collection of Zamindara League Fund was made by a Government officer in a Government office and also distributed by a Government officer ?

Parliamentary Secretary : How does it arise out of the answer I have given to the original question ?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Yes, the question is about the creation of the Government. If it is not created by the Government then why are these things done by public officials in public offices ?

Mian Muhammad Nurullah : Was the Zamindara League born first or the Punjab Government ?

Premier : The Zamindara League was born when Mian Abdul Aziz was its member. *(Laughter)*.

Mian Abdul Aziz : Then you were not in existence. *(Laughter)*.

Premier : I am much younger and I bow to age. *(Laughter)*.

Mian Abdul Aziz : Thank you very much.

Raja Ghazanfar Ali Khan : Will the Honourable Premier be pleased to state whether it is a fact that since the officials started to collect funds for the Zamindara League in Montgomery district, investment in war loans has stopped there ?

Premier : That does not arise out of this question. The honourable members are bringing in new issues. They can ask all these questions or raise these issues in the course of discussion on other motions when they will get replies. I cannot make them relevant here.

Mian Muhammad Nurullah : How many members of the Cabinet are members of the Zamindara League ?

Mian Abdul Aziz : Is it a fact that whenever a purse has been presented to the Honourable Premier, it has always been presented by Government officials or the deputy commissioners ?

Premier : I would reply to it at the proper time. Again it does not arise out of this question. Anyhow the answer is 'No'.

Shaikh Sadiq Hassan : Does he deny that the collectors or tahsildars are collecting funds for the Zamindara League ? Will he be prepared to take action against any such official if it is proved that he has done any such thing ?

Premier : I said that these questions do not arise at this stage and I said the same thing yesterday that if there is any such thing, we will look into it.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Has any sum for the Zamindara League been presented to the Honourable Premier in any public meeting which was not the meeting of the National War Front ?

Premier : These questions do not arise out of the original question and I do not want to create a precedent here by giving replies to them.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is this Zamindara League the creation of the Government? I am trying to elucidate this information. The question is, has there ever been an occasion on which the Honourable Premier has been presented with any purse in any public meeting which was not arranged by the National War Front?

Mr. Speaker : Which part of the reply given by the Honourable Premier, the honourable member wishes to elucidate?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : The Honourable Premier says that the Zamindara League is not the creation of the Government. We want to get information from him whether, if it is not the creation of the Government, he has ever attended any public meeting, not arranged by the National War Front, in which he was presented with a purse?

Nawab Muzaffar Ali Khan Qizilbash : Yes.

Premier : All these questions are not relevant. My honourable friends are alleging that the Zamindara League is the creation of the Government. There are many people who say that the Muslim League was created for a certain purpose. We are not concerned with their origin.

Chaudhri Muhammad Hasan : You know best the purpose of each.

Pandit Bhagat Ram Sharma : May I know whether it is a fact that the Zamindara League is organised in almost every district of the Punjab either by the Minister for Revenue or by the Premier himself when he goes out on official tour?

Premier : I have already said that these questions are not relevant. But for the sake of honourable member's information I may say that there are a large number of members sitting on this side, who are supporting us.

Pandit Bhagat Ram Sharma : My question is whether the Honourable Premier has been organ sing the Zamindara League when he and his Ministers go out on official tours and travel at public expense?

Premier : We are not governed by Government Servants Conduct Rules. We are Ministers as well as party leaders.

RESTRICTIONS IMPOSED ON CONGRESS M.L.As.

*9389. **Raja Ghazanfar Ali Khan :** Will the Honourable the Premier be pleased to state—

(a) the number of M.L.As. who are still in jail ;

(b) the number of those who have been released but are prevented from attending the meetings of the Assembly ;

(c) the number of Congress Members of the Legislative Assembly who were not arrested after August 1942 ;

(d) the number of Congress Members of the Assembly who have been released and whose restrictions regarding their participation in political meetings and processions have been removed ;

(e) the special circumstances which have induced the Government to remove the restrictions imposed on some of the Congress M.L.As. released from Jail ?

Parliamentary Secretary : (Khan Bahadur Shaikh Faiz Muhammad) :

(a) 9, including one now on parole.

(b) 12.

(c) 11.

(d) 11.

[K. B. Sh. Faiz Muhammad.]

(e) Government consider each case on its merits and in this case were of opinion that further restrictions were unnecessary.

Raja Ghazanfar Ali Khan : What is the criterion for deciding whether a certain M.L.A. should be allowed to enter in the Assembly or not ?

Parliamentary Secretary : There are so many things which are taken into consideration and every case is considered on its merits. It is not possible, in answer to a question, to give all the details which the Government has to consider and then come to a decision on questions like that.

Raja Ghazanfar Ali Khan : I do not want to go into the details. I just want to know under what principle the Government allows one member to come in the House and not another ?

Premier : Cases of all those persons, who are either detained or restricted are considered on merits. They are not considered on the basis whether a certain person is an M.L.A. or not.

Chaudhri Muhammad Hasan : Has the Honourable Premier cared to enquire from the Legal Remembrancer or the Advocate-General as to whether they indulged in any unlawful activity during the time when they were on parole ?

Premier : We get all the information from all the sources that are available. It is not a legal matter. It is a question of executive action.

Chaudhri Muhammad Hasan : Has he received any report either from deputy commissioners or superintendents of police of various districts against any M.L.A. ?

Premier : I cannot give out secret details.

Chaudhri Muhammad Hasan : Do I take it that the Honourable Premier has not received any report adverse to those who are restricted in various places ?

Premier : I am not going to disclose all those details.

Raja Ghazanfar Ali Khan : Will the Honourable Premier be pleased to state whether by attending the meetings of the Legislative Assembly one would be guilty of indulging in unlawful activity ?

Mr. Speaker : That is a question of opinion.

Raja Ghazanfar Ali Khan : Will the be pleased to state whether he has made any attempts to ascertain whether the Congress M.L.As., if released or if restrictions were removed, will associate with the Unionist Party ?

Premier : I would ask the honourable member to go and preach it first in his neighbouring places.

Raja Ghazanfar Ali Khan : Will the Honourable Premier please answer a straight question. I want to ask whether he made such an attempt or not.

Premier : I want to know whether the honourable member did make any attempt to go to those places and tell them.

Raja Ghazanfar Ali Khan : If the Honourable Premier thinks that I am in a position to answer it, I will be glad to do so. What was the question ? Will he please repeat it ? (*Laughter*). My question is a very simple one and it is this. Has he directly or indirectly made any attempt during the last three weeks to find out whether the Congress M.L.As., if the restrictions were removed or if they were released, will support the Unionist Ministry or not ?

Premier : I made no enquiries.

Raja Ghazanfar Ali Khan : May I know whether he had an interview with Mr. Bhulabhai Desai, during his last visit to Lahore ?

Premier : I only met him in a social function, I had no political talk with him at all.

Raja Ghazanfar Ali Khan : Is the Premier aware that Bibi Raghbir Kaur is not allowed to attend political meetings but is permitted to attend the Assembly?

Raja Ghazanfar Ali Khan : May I know the reason for this distinction between different M.L.As., so far as restrictions are concerned; and whether it is a fact that Bibi Raghbir Kaur is not allowed to take part in political meetings but is allowed to attend the Assembly meetings, and if so why other M.L.As. are not allowed to attend the Assembly?

Premier : That supports my contention; each case is considered on its merits.

Raja Ghazanfar Ali Khan : Does the Premier mean to say that attendance at political meetings is objectionable and attendance at the Assembly meetings is not objectionable? If so, how does he think it objectionable for Diwan Chaman Lall to attend the Assembly meetings?

Premier : You can draw your own conclusions: each case is decided on its merits.

Raja Ghazanfar Ali Khan : May I know whether it is a fact that these Congress M.L.As. under restrictions are not even told whether they are allowed to attend the Assembly meetings?

Premier : Conditions of restrictions are known to them and that is the reason why one M.L.A. is here and the other is not.

Raja Ghazanfar Ali Khan : May I know whether it is a fact that the Home Secretary, during the course of a press interview, said that he could not say whether under the conditions as they are the restricted M.L.As. could attend the Assembly or not?

Premier : I am not aware of that.

Raja Ghazanfar Ali Khan : Are such interviews given by the Home Secretary of his own accord or under the direction of the Premier?

Raja Ghazanfar Ali Khan : Is the Premier the sole person to decide which M.L.As. should attend the Assembly, or is it decided by the Premier and his Cabinet?

Premier : The decisions are arrived at by me.

Pandit Bhagat Ram Sharma : May I know what he understands by 'merits' or the circumstances which go to determine the merits of a particular man so that he should qualify to come here and the restrictions removed?

Mr. Speaker : That is a question of opinion or interpretation.

Pandit Bhagat Ram Sharma : There is the question of the circumstances which go to determine the merits.

Lala Bhagat Ram Choda : Is it a fact that certain M.L.As. who are in jail are being told that they would be released if they gave an undertaking that they would support the Unionist Party?

Sardar Sohan Singh Josh : Does the Premier know of any other provincial government which has released M.L.As. and yet prevented them from attending the Assembly?

Mr. Speaker : The Honourable Premier cannot be expected to have this information in his official capacity.

Sardar Sohan Singh Josh : What are the reasons for adopting this special procedure in the Punjab?

Mian Muhammad Nurullah : Will the Honourable Premier permit the restricted M.L.As. to come here and speak from that side?

Sardar Sohan Singh Josh : Does the order served on the released M.L.As. specify that they cannot attend the Assembly ?

Chaudhri Muhammad Hasan : Has the Premier consulted his legal adviser whether Assembly meetings are political meetings ?

Chaudhri Muhammad Hasan : Has any war effort been thwarted in the Assembly during these years ?

Mian Muhammad Nurullah : Will he remove the restrictions on those M.L.As. if they come here and sit mum ?

Sardar Kapoor Singh : May I know whether the District Magistrates who allow some of the Congress members to go outside their districts are reprimanded by Government for giving permission ?

Mr. Speaker : The next question.

MEETINGS ATTENDED BY THE PREMIER

***9396. Raja Ghazanfar Ali Khan :** Will the Honourable the Premier be pleased to state—

(a) the name or names of the persons who arranged the meetings attended by him at Montgomery, Lyallpur, Gujrat and Jhang on the 7th, 8th and 10th July and 30th October 1944, respectively ;

(b) whether any money was spent on the arrangements for these meetings, such as the hiring of furniture, the pitching of shamianas, the erection of gates and the putting up of buntings, etc., from the state treasury, if not, whether this amount was spent out of the National War Front Funds ;

(c) whether these meetings were attended by the Deputy Commissioners and other officials of the districts concerned ;

(d) how many addresses were presented to him at each of these meetings and whether he gave a joint reply to all the addresses presented to him at each of these places and whether any or all of these replies criticised the All-India Muslim League organization and its President, Qaid-i-Azam Mohammad Ali Jinnah ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : In so far as this question refers to the National War Front, I would refer the honourable member to the answer given to question No. 8727¹. The National War Front is financed by the Government of India and the Punjab Government as such has no concern with it.

(a) The meetings were public meetings in the arrangement of which many persons had a hand and it would serve no useful purpose to furnish the honourable member with a list of such persons.

(b) No money was spent from the State treasury.

(c) and (d) The honourable member is fully aware of the facts as the meetings have been amply reported in the press.

Raja Ghazanfar Ali Khan : May I draw your attention to the fact that the answer to this question has been intentionally evaded, and the reference by the Parliamentary Secretary to the previous question has no bearing on the case ? The Parliamentary Secretary may kindly be asked to read out the reply to the previous question to which reference has been made in order to refresh the memory of honourable members ?

Parliamentary Secretary : I have not got the reply with me, but I can assure the honourable member that I have read the reply myself, and it is in accordance with the reply given.

Raja Ghazanfar Ali Khan : Is he aware of the ordinary parliamentary courtesy that such replies should be made available ?

Parliamentary Secretary : Courtesy begets courtesy.

Raja Ghazanfar Ali Khan : I have not been guilty of lack of courtesy. Will he please state, so far as part (d) is concerned, whether at the meeting of the National War Front which he attended, any address was presented by the Zamindara League.

Premier : The reply is there.

Raja Ghazanfar Ali Khan : Will the Honourable Premier kindly state whether the Zamindara League is a political body or not ?

Raja Ghazanfar Ali Khan : Is it a fact that the Zamindara League is a political body which has set forth the Independence of the country as its goal ?

Raja Ghazanfar Ali Khan : Will the Honourable Premier be pleased to state if the Government officials are not debarred from taking part in political meetings under the the Government Servants Conduct Rules ?

Raja Ghazanfar Ali Khan : Will the Honourable Premier be pleased to state whether Government officials cannot take part in the activities of a political body which has the independence of the country for its object ?

Premier : The rules are there. The honourable member can study them.

Raja Ghazanfar Ali Khan : Will the Honourable Premier kindly state if it is a fact that the Commissioner and the Deputy Commissioner as well as other district officials are always present in every meeting of the League ?

Raja Ghazanfar Ali Khan : Does the Honourable Premier consider it befitting his position that abuses should be hurled at the Muslim League in the meeting of the Zamindara League, especially when the Deputy Commissioner of the district is also present ?

Premier : The honourable member has been in the National War Front. He knows what happened at Chakwal. I can say that I never abused any one.

Raja Ghazanfar Ali Khan : May I know from the Honourable Premier if he has not been speaking on the Unionist-Muslim League dispute and the reasons that led to it, in the National War Front meetings ?

Premier : That is not abusing.

Raja Ghazanfar Ali Khan : Will the Honourable Premier be pleased to state whether he discussed the reasons leading to the Unionist-Muslim League rift in the course of his speeches at the National War Front meetings where the Commissioner and the Deputy Commissioner were also present ?

Premier : The honourable member is trying to revive the adjournment motion that was moved in the Central Assembly. This is not the proper place for a discussion of such questions.

Raja Ghazanfar Ali Khan : Will the Honourable Premier be pleased to state whether supervision as to whether the Commissioners and the Deputy Commissioners observe the Government Servants Conduct Rules is a Central Subject ?

Premier : I have already stated that this has been discussed in the Central Assembly. Why should the honourable member raise this question on the floor of this House ?

Raja Ghazanfar Ali Khan : May I know from the Honourable Premier whether all the officers who are in the conspiracy against the Muslim League in so far as they participate in the National War Front meetings where speeches are made against that body, are paid by the Central Government ?

Premier : The word "conspiracy" which the honourable member has used is incorrect and the rest is all irrelevant.

Raja Ghazanfar Ali Khan : Sir, I am not bound by the decisions arrived at by the Central legislature. According to our own rules I have the right to ask if the use of these officers for carrying on the Unionist propoganda from the National War Front platform is an act of propriety on the part of the Unionist Government ?

Raja Ghazanfar Ali Khan : May I ask the Honourable Premier if he will permit criticism of the Unionist Party or the Zamindara League from the National War Front platform as he allows it to be used for maligning the Muslim League and its leader Mr. Muhammad Ali Jinnah ?

Mr. Speaker : The question is hypothetical. Disallowed.

Raja Ghazanfar Ali Khan : Is it a fact that action was taken against a number of officers who took part in a Muslim League meeting ?

Premier : How does it arise out of this question ?

Raja Ghazanfar Ali Khan : Does the Honourable Premier propose to take action against those officials as well who participate in Zamindara League meetings ?

Sardar Sohan Singh Josh : May I know if it is a fact that slogans at the conferences which were attended by the Honourable Premier were 'Britannia rule the waves,' 'Britons are our masters,' etc.

Premier : There are some honorary workers and some paid workers. (*Laughter*).

Sardar Sohan Singh Josh : What do you mean ?

Raja Ghazanfar Ali Khan : I May know from the Honourable Premier whether the use of the National War Front movement as a platform for political controversy is not resulting in impeding the war effort ?

Raja Ghazanfar Ali Khan : May I repeat ? Will the Honourable Premier be pleased to state whether he realises that by bringing in the Unionist-Muslim League controversy in the National War Front meetings, he is impeding the war effort in the Province ?

Raja Ghazanfar Ali Khan : Does the Honourable Premier realise that by doing so he has alienated the sympathies of the Muslim Leaguers from the National War Front ?

Premier : I cannot stop the honourable member from putting irrelevant questions.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Will the Honourable Premier be pleased to state whether he charges travelling allowance for attending the National War Front conferences ?

Premier : It does not arise out of the question.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : May I know from the Honourable Premier whether after charging travelling allowance to the Government he receives purses on behalf of the Zamindara League in the *pandal* of the National War Front Conference ?

Sardar Sohan Singh Josh : May I know whether the main decoration at those meetings which the Honourable Premier attended was the Union Jack ?

Sardar Kapoor Singh : May I suggest to the Honourable Premier that in view of the criticism levelled against him he should sever his connection with the National War Front ?

Mian Muhammad Nurullah : May I know from the Honourable Premier whether it is not a fact that the subscriptions to the National War Front are a subsidiary contribution to the Zamindara League funds ?

Sufi Abdul Hamid : Did the Deputy Commissioner, Ambala, criticise the Muslim League while inaugurating the National War Front conference there ?

Sardar Ajit Singh : Will the Honourable Premier be pleased to state whether it is a fact that the Sindh Government issued a circular permitting Government servants to join the Muslim League ?

Premier : I am not aware of any such circular because it was issued by another Government. The honourable member can find out from there.

Mian Abdul Aziz : May I take it from the reply given by the Honourable Premier just now that his silence in respect of so many other questions implied that he had no answer to them ?

Mr. speaker : The next question.

NATIONAL WAR FRONT CONFERENCES PRESIDED OVER BY THE PREMIER

*9391. **Raja Ghazanfar Ali Khan** : Will the Honourable the Premier be pleased to state the number of National War Front Conferences presided over by him from January 1943 to April 1944, and from May 1944 to 31st October 1944 ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : The National War Front is a non-official organization. The Honourable the Premier is Provincial Leader in his personal and not in his official capacity. The organization is financed by the Government of India and not by the Provincial Government. In this connection I would refer the honourable member to the answers given to Question No. 8727 and supplementary questions thereto.

Raja Ghazanfar Ali Khan : Will you be kind enough to spare half a minute and read my question ? My question is will the Honourable the Premier be pleased to state the number of National War Front conferences presided over by him from January, 1943 to April 1944 and from May, 1944 to 31st October 1944 ?

Mr. Speaker : His reply is that he is not connected with the National War Front except in his private capacity.

Raja Ghazanfar Ali Khan : My question was whether the Honourable Premier has presided over any meetings or not during January 1943 to April 1944, and he answers that the National War Front is financed by the Central funds and is a central subject.

Premier : These meetings are reported in the press. The honourable member knows that perfectly well.

Raja Ghazanfar Ali Khan : Will the Honourable Premier please state whether he considers that there were only two conferences during this long period ?

Premier : The honourable member has been reading the account in the press.

Raja Ghazanfar Ali Khan : Will the Honourable Premier be pleased to state whether he presided over a single National War Front meeting during the period ?

Mr. Speaker : The Honourable Premier says that he is not connected officially with that movement.

Raja Ghazanfar Ali Khan : May I ask him whether he is an elected Leader of the War Front? If nominated, may I remind him that he is an ex-officio Leader of the National War Front? He is not a Leader of the National War Front because he is Khizar Hayat but as Premier of the Punjab.

Premier : I am a Leader of the War Front in my personal capacity.

Raja Ghazanfar Ali Khan : Will the Honourable Premier lay on the table the orders regarding his appointment as a National War Front Leader?

Premier : This House has nothing to do with it.

Raja Ghazanfar Ali Khan : Is he quite certain in his mind that he is not an ex-officio Leader?

Premier : The honourable member is a War Front Leader and he should have known. He was not elected nor was I. There are sec. 93 provinces. Where there is no Ministry still there are Leaders of the National War Front. He knows the position. Why waste the time of the House?

Raja Ghazanfar Ali Khan : Will the Honourable Premier state why he did not care to attend a single National War Front meeting during the previous twelve months, but suddenly from January 1944 he has started attending National War Front meetings every week?

Premier : May I remind the honourable member that he invited me to his headquarters and I fell sick and could not go?

Raja Ghazanfar Ali Khan : Is it a fact that in April 1943 a divisional National War Front conference was proposed to be held at Montgomery, the Honourable Premier who is ex-officio Leader of the National War Front sent a telegram that he could not attend and the Honourable Revenue Minister would be attending that conference, whereupon the District Leader of the National War Front came and had a talk with the Government and said that the Premier as ex-officio Leader must attend and nobody else was competent to do so?

Mr. Speaker : That was in his capacity as Premier of the Punjab. The next question.

KHAWAJA NAZIR AHMAD

***9421. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

(a) the total expenditure incurred by Government in connection with the Criminal cases started against Khawaja Nazir Ahmad, former Special Official Receiver, of the Punjab and Delhi Provinces, upto the date of his acquittal by the Lahore High Court, specifying what amount was spent after the case was lodged in court;

(b) whether the attention of Government has been drawn to the judgment delivered by the Lahore High Court in acquitting Khawaja Nazir Ahmad and in particular to the remarks made about Sardar Bahadur Sardar Bhag Singh, Superintendent of Police, C.I.D., who investigated the case;

(c) whether Government intend to take any action on those remarks, if so, what;

(d) whether it is a fact that Sardar Bahadur Sardar Bhag Singh was re-employed after having retired from service, if so, the reasons therefor?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) I regret that I cannot give the information asked for, as the time and labour involved in collecting it will be incommensurate with the benefit likely to be obtained.

(b) Government have not yet seen the judgement, a copy of which has been called for from the High Court.

(c) In view of the reply to (b), does not arise.

(d) Yes, he was re-employed in the interests of the public service.

MAULVI ABDUL GHANI

*9427. **Chaudhri Muhammad Hasan** : Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Maulvi Abdul Ghani, a detenu in the Sialkot Jail, was transferred to Central Jail, Lahore, for medical treatment ;

(b) whether he has since been released on account of bad health ;

(c) whether he is aware of the fact that Mrs. Abdul Ghani has developed T.B. ;

(d) whether the Government intend to remove the restrictions placed on Maulvi Abdul Ghani confining his movements to the Ludhiana Municipal limits ;

(e) whether the Government are aware of the fact that prior to his arrest Mr. Abdul Ghani was a dealer in gold and silver ornaments and he had to travel a good deal in connection with his business ;

(f) whether the Government have sanctioned any maintenance allowance for M. Abdul Ghani and his family, if not, the reasons therefor ;

(g) whether there are any cases in which detenus and security prisoners have been deprived of their means of livelihood ; if so, the names, places of residence and nature of the business of each of them may be given ?

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

(b) Yes.

(c) This has been mentioned by Maulvi Abdul Ghani in an application.

(d) This depends on whether adequate medical facilities are available in Ludhiana.

(e) Government have no information.

(f) No. It is not the policy of Government to give such allowances.

(g) It is not clear what the honourable member means. A person in detention cannot earn a living.

Chaudhri Muhammad Hasan : Is it a fact that Government received a copy of the report of the medical expert from Ludhiana certifying that Mrs. Abdul Ghani is suffering from T. B. ?

Parliamentary Secretary : I am not aware of it.

Chaudhri Muhammad Hasan : Will he please state whether Government also received a telegram saying that Mrs. Abdul Ghani is suffering from T. B. ?

Parliamentary Secretary : If you give me notice, I shall find out.

Chaudhri Muhammad Hasan : Will the Parliamentary Secretary please state whether medical treatment is available in Ludhiana for T. B. patients ?

Premier : I know that there is one of the best hospitals in Ludhiana. People from all over the Punjab and outside flock there, and the honourable member should know the pride of his town.

Chaudhri Muhammad Hasan : Since when is the Honourable Premier aware that there is a sanatorium for T. B. patients in Ludhiana ?

Premier : There is a good hospital. If it is said that a sanatorium is necessary, that will be considered.

Chaudhri Muhammad Hasan : What is the name of that hospital? he aware of it?

Mr. E. Few : Dr. Brown's Hospital.

Chaudhri Muhammad Hasan : Is the Honourable Premier aware of the fact that the medical experts who have examined Mrs. Ghani have stated that medical facilities are not available in Ludhiana?

Premier : I am not aware of it.

Chaudhri Muhammad Hasan : Is it a fact that the Honourable Premier replied to the representation of the doctor and Maulvi Abdul Ghani that their application had been considered and rejected?

Premier : That is a different issue.

Chaudhri Muhammad Hasan : Is it a fact that the Honourable Premier has delegated the powers to Home Secretary and does he know that the application of Maulvi Abdul Ghani was considered by him only without the Honourable Premier's consultation?

Chaudhri Muhammad Hasan : Is it a fact that the Honourable Premier wants to punish along with internees the family members who depend upon them?

Mr. Speaker : How does that arise?

Chaudhri Muhammad Hasan : Is it a fact that by the internment order Maulvi Abdul Ghani has been deprived of his means of livelihood?

Chaudhri Muhammad Hasan : Is it a fact that Maulvi Abdul Ghani made applications for the medical treatment of his wife and his applications have not been attended to, in fact they have been rejected?

Chaudhri Muhammad Hasan : Will the Honourable Premier be pleased to state the grounds of the rejection of those applications?

Premier : I have already stated that medical facilities are there, but if we learn that suitable medical facilities are not available, the case will be considered.

Chaudhri Muhammad Hasan : Will the Honourable Premier be pleased to state what facilities are there? Has he enquired into the matter? Has he made any enquiries from the local authorities there?

Premier : I said there are very good hospitals in Ludhiana.

Chaudhri Muhammad Hasan : Has he ever cared to go to the civil hospital?

Premier : If that will help the honourable member, I may tell him that I have visited that hospital a number of times.

Chaudhri Muhammad Hasan : And I know that the Honourable Premier was not satisfied with the arrangements in the civil hospital. Is that correct?

Chaudhri Muhammad Hasan : Is it a fact that the Honourable Premier has not made any remarks during his recent visits to Ludhiana that this hospital is giving medical aid to T. B. patients, when he was asked to do so?

Chaudhri Muhammad Hasan : Is it a fact that in the case of M. Abdul Ghani he was transferred from Sialkot jail to Lahore jail on the ground that medical facilities were not available at Sialkot?

Chaudhri Muhammad Hasan : Is the Honourable Premier prepared to consider the desirability of allowing M. Abdul Ghani to come to Lahore?

Premier : He is released at Ludhiana.

Chaudhri Muhammad Hasan : Does the Honourable Premier know that he is restricted also?

Premier : Yes. He is in Ludhiana.

Chaudhri Muhammad Hasan : Is the Honourable Premier aware that he is not allowed to leave Ludhiana for medical treatment ?

Premier : I have said that facilities for medical treatment are adequate at Ludhiana. If at any time we feel that such facilities are not adequate and if the patient applies we do transfer him and there have been many such cases.

Chaudhri Muhammad Hasan : Is it a fact that he was transferred from Sialkot Jail to Lahore jail on the ground that medical facilities were not available anywhere else in the province ?

Premier : But we were discussing the illness of Mrs. Abdul Ghani.

Chaudhri Muhammad Hasan : Kindly read the question. It concerns both Maulvi Abdul Ghani and Mrs. Abdul Ghani.

Premier : Maulvi Abdul Ghani has been set free and Mrs. Abdul Ghani is already free.

Chaudhri Muhammad Hasan : But he is restricted and he cannot leave the place without obtaining the permission of the district magistrate.

Premier : Permission is given when adequate facilities are not available. He should know that there are very good hospitals in Ludhiana. He should be proud of them.

Chaudhri Muhammad Hasan : But my question has not been answered. Was he transferred from Sialkot to Lahore on the ground that there were no medical facilities available anywhere else in the province ?

Premier : I am not aware of that. He has been released since. He is at Ludhiana now.

Chaudhri Muhammad Hasan : Is the Honourable Premier aware on what ground his application for leaving Ludhiana was rejected ?

Premier : I am not aware.

POLICE POST IN VILLAGE SAIRH, TAHSIL NAKODAR, DISTRICT JULLUNDUR

*3431. **Shrimati Raghbir Kaur :** Will the Honourable the Premier be pleased to state—

(a) whether it is a fact that the police post in village Sairh, Tahsil Nakodar district Jullundur, is located in the 'Janjghar' which is part of a Temple and that the inhabitants of the village have objected to it ;

(b) whether it is also a fact that Muslim constables cook meat on the premises, i.e., within the precincts of the temple ;

(c) if the answer to (a) and (b) or either of them be in the affirmative, whether the Government is prepared to shift the police post to some other building ?

Parliamentary Secretary : (Sardar Jagjit Singh Mann) : (a) No. A detachment of the Provincial Additional Police was posted temporarily in Sairh village about a year ago to protect the villagers from Karma, Khushia and Kartara, dacoits who had been terrorising the country side. The detachment was accommodated in the Janjghar which is attached to a deserted temple and a Pujari occasionally sits there. The majority of the villagers are in favour of the retention of the detachment where it is.

(b) No. A building about 20 yards from the Janjgarh is used as kitchen.

(c) The local authorities are considering the possibility of requisitioning some other suitable place to locate the guard.

Chaudhri Muhammad Hasan : It is stated that the temple is a deserted one. Was any enquiry made by the local authorities ?

Premier : Has the honourable member visited that temple to say that it is otherwise ?

Chaudhri Muhammad Hasan : Has the Honourable Premier visited it to say that it is deserted ?

Premier : I have got official information.

Chaudhri Muhammad Hasan : Have any enquiries been made. ?

Parliamentary Secretary : The reply has been given after due enquiry.

Chaudhri Muhammad Hasan : From the district magistrate ?

Parliamentary Secretary : From the local authorities.

DETENTIONS AND RESTRICTIONS OF PERSONS WITHOUT TRIAL

*9432. **Mrs. Duni Chand :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that more than once it has been declared in this House that it is the Central Government and not the Provincial Government that is responsible for the policy underlying the detentions and restrictions of a large number of persons in this province without any trial ;

(b) whether it is also a fact that on the floor of the Central Legislative Assembly it was stated on behalf of the Central Government that the responsibility for maintaining law and order primarily and mainly rests with the Provincial Government and, therefore, it is the Provincial Government which is responsible for the detentions and restrictions in the province of the Punjab ;

(c) if the answers to parts (a) and (b) be in the affirmative whether he will be pleased to place on the table of the House the correspondence on the subject that passed between the Punjab Government and the Central Government, if not, whether he will quote the exact wording of the Central Government's communication on the subject to the Punjab Government ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) & (b). The attention of the honourable member is invited to the statement made by me in the Assembly on the 22nd of March, 1943. This was an all-India matter and had to be dealt with on an All-India basis. Broad principles had been laid down by the Central Government and local action had to be taken by the Provincial Government on the lines of those broad principles.

(c) It is not in the public interest to answer this question.

DETENUS AND PERSONS RESTRICTED WITHIN CERTAIN AREAS

*9433. **Mrs. Duni Chand :** Will the Honourable Premier be pleased to state—

(a) the number of persons detained since 9th August 1942 ;

(b) the number of detenus in different jails of the province at present ;

(c) the number of those restricted within certain areas of the province after their release from jails ;

(d) the number of those still subject to restrictions ;

(e) whether the Government is prepared to abandon the practice of detaining and restricting people without a trial ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) 559.

(b) 73 Civil Disobedience detenus were in different jails of the province on the 15th of November, 1944. Their cases have since been reviewed and it is proposed to release about 40 of them.

(c) 817.

(d) 178.

(e) Such action is taken sparingly but in abnormal circumstances it must be taken as a preventive measure.

Chaudhri Muhammad Hasan : Are the conditions prevailing in the Punjab abnormal that you are required to take action under the Defence of India Rules ?

Parliamentary Secretary : Normal conditions have been prevailing because of the precautions that the Punjab Government has been taking.

Chaudhri Muhammad Hasan : What are the abnormal conditions ? Will he state one ?

Sardar Shaukat Hyat-Khan : Is it that the Muslim League has come to power ? Is that the abnormal condition ?

DETENUS

*9434. **Mrs. Duni Chand** : Will the Honourable Premier be pleased to state—

(a) how many detenues have died since 9th August 1942 in the Punjab jails ;

(b) how many detenues have contracted Tuberculosis in the jails of the province during the period of their detention ;

(c) how many detenues have fallen victims to dysentery in the Punjab jails during the period of their detention ;

(d) how many malarial cases among the detenues have resulted in death in the Punjab jails during the period of their detention ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : It is regretted that the information asked for by the honourable member is not readily available in Headquarter offices in Lahore, and in the present conditions created by the war, it is very difficult to undertake to secure it by enquiries from out-stations, as this would impose a burden on the already over-worked officers and also involve consumption of paper that would be incommensurate with the benefits to be obtained.

FIXATION OF TIME FOR ADJOURNMENT MOTIONS

Mr. Speaker : The proceedings of the Legislative Assembly commenced at 12 noon yesterday under the orders of His Excellency the Governor. After the question hour leave to move an adjournment motion was granted to Malik Barkat Ali and the House unanimously fixed 4-30 p.m. for taking up the adjournment motion. It was in pursuance of this decision of the whole House that the business was interrupted at 4-30 p.m., which could not be done otherwise. At 4-30 when Malik Barkat Ali was called upon to move his adjournment motion, Sardar Kapoor Singh raised the objection that the motion could not be taken up at that hour in the presence of the provisions contained in Rule 45 of the Assembly Rules. This Rule lays down that the time for taking up an adjournment motion shall be on days other than Fridays, 6-30 p. m. and on Fridays, 7 p.m. This Rule proceeds evidently on the assumption that the hours of sitting of the Assembly would be as provided by the Rules of the Assembly. But during the last two or three years, according to its own directions, the Assembly has been sitting, as a rule from 12 noon to 4-30 p.m., and Rule 45 has been interpreted to mean that the time for taking up an adjournment motion shall be the hour of interruption. I think that this interpretation is the rational interpretation and that the enforcement of Rule 45 in its literal sense would cause unnecessary inconvenience to the whole House. I propose to follow the fairly well-established practice that adjournment motions shall be taken up at the hour of interruption, or earlier, if the business on the list of business concludes earlier.

PRIVILEGE MOTIONS IN REGARD TO DETENTION OF CERTAIN CONGRESS MEMBERS

Mr. Speaker : Yesterday Pandit Bhagat Ram Sharma gave notice of four motions which he described as "motions of privilege" in regard to the detention of certain Congress members of the Assembly and with regard to restrictions imposed on some of them. When he sought to move them I ruled that no question of privilege arose in that connection and directed the honourable member to discuss the matter with me in my room. The honourable member has not seen me so far and I therefore conclude that he has no fresh point to urge in connection with his motions.

Notices of privilege motions on this matter were received during previous sessions and I ruled them out of order. I have been able to get Parliamentary support for the view I always held on this subject. I refer to the decision in the case known as Ramsay Case. The honourable member in that case was detained in May 1940 under executive orders and the question of his arrest and detention was considered by the Committee of Privileges of the House "in relation to the privileges of the House". Without going into the details I may just cite the conclusion of the Committee. It is reported as follows :—

Preventive arrest under statutory authority by executive order is not within the principle of the cases to which privilege from arrest applies. To claim such a privilege would be the assertion of a new Parliamentary Privilege. No question of any infringement of the privilege of freedom of speech arose.

In the circumstances the Committee came to the conclusion that the detention of Captain Ramsay did not constitute a breach of the privileges of the House. Subsequently a motion was carried in the House of Commons concurring with the conclusion arrived at by the Committee. I, therefore, maintain that the ruling which I gave yesterday is correct and quite in accordance with the Parliamentary practice.

PRIVILEGE MOTION RE OBSTRUCTION OF DIWAN CHAMAN LALL AT THE GATE OF THE ASSEMBLY BUILDING

Chaudhri Muhammad Hasan : I want to press my privilege motion about the obstruction of Diwan Chaman Lall at the gate of the Assembly Building.

Chaudhri Muhammad Hasan : Mr. Speaker, I would like to cite before you the famous case of Mr. Sandys. He was overawed by the Attorney General and a Committee of Privilege of the House of Commons was set up which made the inquiry there and then and the matter was finally decided. I, therefore, press that we should also adopt the same procedure.

Mr. Speaker : In the first place we have to decide whether there is a privilege. The honourable member is under restriction.

Chaudhri Muhammad Hasan : So far as the Assembly Chamber is concerned, the precincts of the Assembly Chamber are under your control and you do not allow policemen and C. I. D. staff to obstruct the members either from entry or from making speeches and there is no dispute about the privilege of members. I refer you to Parliamentary Debates of the House of Commons 1937-38, Volume 337, page 1915. There it is stated—

Mr. Sandys : Mr. Speaker, Sir, you will recollect that, on Monday last, in a statement which I made in the House, I drew your attention to a request which had been made to me by the Attorney-General to disclose the sources of certain information which I had communicated to the Secretary of State for War. Since then, Sir, there has been a further development in this matter, which makes it necessary for me again to seek your guidance. A Military Court of Inquiry has been set up for the purpose of investigating this very same matter. In my capacity as an officer of the Territorial Army, I have received orders to appear in uniform before this court to-morrow morning for the purpose of giving evidence. The question as to how far it is

permissible to compel a Member of Parliament to divulge the sources of information used by him in the discharge of his Parliamentary duties, is in the process of being considered by this House. In these circumstances I submit to you, Sir, that it is a gross breach of the Privileges of this House that I should be summoned to give evidence before this military tribunal. I accordingly ask you, Mr. Speaker, to declare whether I have not made out a *prima facie* case of breach of Privilege?

The matter that was raised by me yesterday was about the privilege of members. There are no two opinions about the fact that a member was obstructed and a privilege has been violated.

Mr. Speaker : The honourable member would be better advised to wait till I hear from Diwan Chaman Lall and if necessary I will make further inquiries.

Chaudhri Muhammad Hasan : Is it your intention to call Diwan Chaman Lall?

Sardar Kapoor Singh : Would you like to make enquiries from Diwan Chaman Lall?

Mr. Speaker : If an honourable member has the right to come, nobody can stop him and if he is still stopped, he can take legal action.

Sardar Kapoor Singh : There are gentlemen who stop him.

PERMISSION TO DISCUSS ANSWER TO QUESTION No. 9389 *RE* RESTRICTIONS IMPOSED ON CONGRESS M. L. AS.

Sardar Sohan Singh Josh : Sir, before I move my adjournment motion I want to know from you what you have done with regard to my request that half an hour should be given to me to discuss question No. 9389.

Mr. Speaker : That point will be decided at the hour of interruption, i.e. at 4-30 p.m.

ADJOURNMENT MOTIONS

ISSUE OF ORDERS UNDER SECTION 144 AT BATALA

Sardar Sohan Singh Josh : 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 issuing of orders under section 144 resulting in the prevention of the holding of a Diwan this year at Batala, in accordance with the age-old custom of celebrating the marriage anniversary of Sri Guru Nanak Devji, thus interfering in the freedom of worship of the Sikhs?

Mr. Speaker : How is it in order.

Sardar Sohan Singh Josh : The Government has unnecessarily interfered in the freedom of worship of the Sikhs.

Mr. Speaker : Orders under section 144 are judicial orders and they cannot be discussed by this House.

Sardar Gurbakhsh Singh : This thing will occur every day, so it is a matter of urgent public importance and should be allowed to be discussed here. (*Opposition cheers*).

Mr. Speaker : If it is of vital importance, then steps should be taken to get the law revised.

Sardar Sohan Singh Josh : May I know whether Sardar Baldev Singh had any hand in enforcing this section there?

Premier : My honourable friend knows that in such matters it is the District Magistrate who acts and the remedy lies in appeal to the High Court.

Sardar Sohan Singh Josh : May I know whether Sardar Baldev Singh is sitting there to safeguard the interests and freedom of worship of the Sikhs? Was he a party to the issuing of that order and does he feel happy?

Premier : He was not a party, but he feels happy that my honourable friend has begun to think of religious matters.

Mian Abdul Aziz : You have been pleased to remark that the order under section 144 is a judicial order but still we are entitled to discuss it and prove that the section was wrongly used and that it was absurd.

Mr. Speaker : Has any judgment of the court been considered and discussed in this House ?

Mian Abdul Aziz : Certainly, Sir, many a time. As a matter of fact, the applicability of section 144, as has been done in this case, was totally unjustified and we want to prevent it in future. Strictly speaking, it is an executive order.

Mr. Speaker : The honourable member will have to get the law changed.

Mian Abdul Aziz : It is not a question of changing the law.

Raja Ghazanfar Ali Khan : I am not aware of the subject matter of this motion, so, I cannot express any opinion. But I submit that the motion is perfectly in order, and in accordance with past precedents with regard to such matters. If you order now that any action of an executive officer cannot be discussed by means of an adjournment motion, then we cannot help it. I can assure you that it is not a judicial order but it is an executive order.

Mr. Speaker : Will the honourable member take the trouble of reading section 144 ? It is said therein throughout that it is a judicial order and that has been so held even in the Central Legislature and I also have held it as such.

Mian Abdul Aziz : Supposing that an order under section 144 is passed by an executive officer or by an officer in his executive capacity, can anybody go and have it revised by a judicial court ?

Mr. Speaker : Such an order cannot be passed by an executive officer, it can be passed only by a judicial officer.

RE SUPPLY OF WHEAT IN LAHORE

Sardar Sohan Singh Josh : 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 failure of the rationing authorities to provide good quality, cleaned wheat in the city of Lahore from the 30th of July to the present day, resulting in serious hardships to the consumers.

Mr. Speaker : Sardar Sohan Singh Josh asks that leave be granted 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 rationing authorities to provide good quality, cleaned wheat in the city of Lahore from the 30th of July to the present day, resulting in serious hardships to the consumers.

Minister of Development : Sir, I object to this motion. As the House must have seen, the authorities have done all they possibly could to provide good wheat.

Mr. Speaker : Those who are in favour of leave being granted may stand in their seats.

The requisite number of members having stood in their seats, leave was granted and the adjournment motion was timed to be discussed at 4-30 p. m.

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

DISTRICT BOARDS (AMENDMENT) BILL

Mr. Deputy Speaker: The Assembly will now resume consideration of the motion that the District Boards (Amendment) Bill be circulated for eliciting opinion thereon by the 1st February 1945.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjab*): Mr. Deputy Speaker, I was telling my friends yesterday as to what was the real significance of this amendment which Government have sponsored in regard to section 5 of the Punjab District Boards Act, 1888. This amendment consists of two parts. Its first part gives discretion to Government to abolish or reduce or to exempt any land from the levy of the local rate. Its second part gives power to Government to increase the local rate on the recommendation of any district board. As I observed yesterday it is not the intention of the Government to reduce the burden of the zamindars. On the contrary the object of the Government is to increase the local rate. The Government have sponsored this amendment in a manner which tended to show that they were very kind on the zamindars and that they wanted this power to reduce this burden of theirs. Mr. Deputy Speaker, I know that you take keen interest in the working of the district boards. There are honourable members on this side as well as on that side who have been and are connected with the district boards. It is for the information of my Chaudhri friends that I would like to make some observations in regard to this Bill. I hope they would listen to me carefully and if they find that the points raised by me are reasonable they would, particularly my honourable friend Chaudhri Ram Sarup, support me. As I submitted yesterday it appears from the amending Bill, that Government is taking power to abolish or reduce the local rate. This, in reality, is not their intention because these very words are set down in section 74 of the Punjab District Boards Act, 1888. In fact they wanted to add those words which form the second part of the amendment to which I have referred above. They have put down the first part so that honourable members may pass the second part of the amendment which relates to the increasing of local rate without detecting the real intention of Government. The first part of this amendment is already there in the existing Act and if Government wanted to increase the local rate they should have simply moved that the local rate be increased. But instead of acting in a straightforward manner they have adopted this course in order to conceal their real intention. I may tell my friends that although it has been provided in the existing Act that local rate would be levied at the rate of one anna in the rupee but actually two annas in the rupee are being realised. Let them not think that as it is only a question of an anna in the rupee, so it is a trivial matter. The previous bureaucratic Government was very clever indeed. It slowly imposed taxes on the people, so that they should not feel their burden suddenly. It was that Government which enacted the Punjab District Boards Act wherein it has been provided that local rate would be levied at the rate of "one anna for the annual value of the rupee or double the land revenue". It in effect means that instead of one anna, two annas per rupee on land revenue are being charged as local rate. Our Government, the so-called zamindara Government, which boast in season and out of season that their Government is a zamindara Government and that they would lighten the burden of the zamindars, have done nothing to reduce this burden of the poor peasants. The Punjab District Boards Act has been in force for the last forty or fifty years but this Government, at least during their regime, have never even mentioned that the realisation of two annas in the rupee by way of local rate is excessive and that it should be reduced.

Chaudhri Sir Chhotu Ram, who is not here, also considered this local rate of two annas in the rupee as excessive and he even tried to get it reduced. For the information of my honourable friends and more particularly of my zamindar friends I would like to mention that before 1906 the rate was one anna in the rupee. Later on the present Act empowered the district boards to levy local rate between 10 to 12 pie

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in the rupee. But the Government again wants to revert to their former policy, as is evident from the Bill now before the House. According to it the Government will have the power to levy local rate in any district board area at even more than two annas in the rupee. Whereas in the former Act it was laid down that when a district board wanted to increase the local rate they had to adopt a resolution to that effect and pass it on to the Government for approval, but in the present Bill there is a mention neither of a resolution nor of a recommendation from the district board. My honourable friend over there is shaking his head meaning thereby that I am wrong. I will read it out to him :

"(1) Except as hereinafter provided all land shall be subject to the payment of a rate, to be called the 'local rate' at one anna per rupee of its annual value.

(2) The Provincial Government may, by notification—

(a) exempt any land or any class of land from the levy of the local rate, or

(b) in respect of the whole or any part of the area subject to the authority of a district board, abolish or reduce or on the recommendation of the district board, increase the local rate."

Khan Bahadur Shaikh Faiz Muhammad : Now you are satisfied.

Sardar Kapoor Singh : I am sorry, I mis-read it. But the recommendation of the district board can be effective only when all the members of the board are free to express their independent opinion. So long as the district boards are presided over by official chairmen such expression of opinion is not possible. The Deputy Commissioner, who is the chairman, has to take his cue from the Honourable Minister and if he says that the local rate in a certain district board area should be increased it will certainly be increased. The present plight of the district boards is well known to every honourable member in this House. In my opinion no autocracy can compare with the rule of the Deputy Commissioner as the chairman of a district board. If the Government really wanted that the increase in local rate should be made on the recommendation of the district board, they would have been well advised to include the next clause as well in this Bill. But as my honourable friend Mian Nurullah told us yesterday the main reason for postponing the original Bill was that the next clause which was to have been taken up for consideration related to the question of non-official chairmen. The Government should not fight shy of including the next clause in this Bill because it is in that case alone that the members of a board can freely make a recommendation or do otherwise as they think fit. I am very well acquainted with the working of a district board under an official chairman, because I have been a member of one for 18 years. All the 6 Deputy Commissioners that we had as chairmen during that period turned against me on account of my persistence in moving resolutions demanding that the district boards should be presided over by non-official chairmen. The person who ventures to suggest a non-official chairman is in for a lot of trouble at the hands of the Deputy Commissioner.

Mr. K. L. Rallia Ram : On a point of order. The honourable member is discussing non-official chairmen which is not relevant to the amendment before the House.

Sardar Kapoor Singh : I am perfectly relevant. My honourable friend will never find me irrelevant. I should like to inform my honourable friends that my bringing in the question of non-official chairmen is relevant in so far as no recommendation made by a district board under an official chairman can be considered independent.

Mr. Deputy Speaker : The honourable member should not repeat.

Sardar Kapoor Singh : Sir, I was obliged to do so because the whole matter of recommendation hinges on this pre-requisite.

Sir, my friends ask me whether district boards do need money or not. I strongly believe that only those boards need money who take real interest in the funds.

Their members should consider its funds as their own private money and not waste it. Otherwise no district board deserves any aid at all. By passing such measures we should not permit them to waste away the public funds in arranging regal receptions for the ministers and over other such useless matters. If these evils are remedied I will be the first person to stand for such grants which may be used for the betterment of our country.

Sir, in the previous Act there is ample ground for such emergency measures. According to section 30 the district boards are empowered to raise the local rate for all purposes, except schools and roads. If you ever want to tax please tax on a uniform basis. It should in no way lose its uniformity.

Another important thing that I want to emphasise is this that in the previous Act the boards are empowered to raise money but they cannot spend it independently. There are numerous hurdles which do not permit them to act independently. What we find to-day is this that the Government is trying to withdraw all those small powers that were vested in these petty bodies. It is a strange thing that the Government instead of decentralising is now trying to centralise all the power. I am not saying these things for the sake of opposing Government, but I mean what I say.

Honourable members say that it makes no difference. My humble submission is that it makes a lot of difference. Government is now trying to usurp all the powers which it has granted to these bodies. In the previous Act there is no word like "increase". On the one hand the Government is trying to give them this power but it has put no limit to it. I am totally dissatisfied with the term "may increase". These bodies may go on increasing up to any limit. As long as a crystal clear limit is not imposed, I will go on opposing it. I do not want to give instances to prove how money is wasted, lest it should be taken in communal light.

Mr. Deputy Speaker : It relates to local rates only, not other rates.

Sardar Kapoor Singh : Yes, Sir, my point is that tax should be levied on a certain locality where tax is needed and where it is not needed it ought not to be levied. For instance, a certain locality needs a hospital. Here the district board has powers to levy a tax on that locality only. But the Government want something more. They want to levy a tax on the whole land which strictly speaking has nothing to do with the locality where the hospital is needed. Sir, I am of the opinion that the whole locality should not be subject to the payment of local rate. The reason for levying a tax on the whole land is given in the Bill, that is to say, that the Government want money. That is the reason given. But, Sir, the zamindars are already heavily taxed, therefore, it does not seem advisable on the part of the Government to tax them further.

Mr. Deputy Speaker : You have said this so many times.

Sardar Kapoor Singh : You interrupt me only. I was pointing out that it is better that this tax should be levied on a certain locality, instead of it being a uniform tax on the whole land. If, as the Government want, the tax is a uniform one and is levied on the whole land, it amounts to more or less a common fund for the whole area. If it had been like this that a district board could use this fund on certain areas of land for special purposes, things would have been entirely different because then there would have been chances for improving the lot of the poor people. Therefore my submission is that the rate be not charged on all lands but certain kind of lands should be exempted by the statute and exemptions should not be left to the mercy of the Government. I am afraid since the Government have vast powers they can very well raise money by taxing a certain area of land through district boards saying that money is needed for that area and when money is collected it can be spent somewhere else by the district board ignoring the area for which it was actually raised. In

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order to avoid these things I would appeal to the Government not to burden the zamindars alone with this tax. But, as section 30 says this tax may also be levied on the Government servants. But the Government seem to be afraid of levying it on the Government servants. It is not a fair dealing I would say. If they are going to tax the zamindars under this Bill they may tax the Government servants as well because section 30, as I have already submitted, permits them to do so. There should be no discrimination between the two. If money is really needed by the Government, I do not think there is any necessity of bringing forward this Bill, because, under section 30, they have sufficient powers to raise money. When this is the case why bring the Bill? Then, Sir, no clarification has been made by the Government as to why the local rate is being increased. Even the statement of objects and reasons is silent on this point. Therefore, the object of this measure does not seem to be serious, but if there is any it has not been given in the Bill. It may be in their heads. I, therefore, do not understand why the Government want to rush through this measure by adopting a novel procedure. I may again submit that before this Bill is passed by the House, it is very essential to elicit the opinions of district boards and the zamindars concerned on this matter. The Government should, therefore, not be in a hurry in increasing the local rate. The zamindars of the lands concerned should first be consulted on this matter.

With these few remarks, Sir, I support the circulation motion.

Khan Bahadur Chaudhri Muhammad Hussain (Gujrat East, Muhammadan, Rural) (*Urdu*): Sir, I am sorry to remark that most of the honourable members sitting opposite have been side tracking the real issue. Unfortunately the discussion has not been strictly confined to the circulation motion but has gone on wrong lines. I would also say that instead of discussion being raised on the principle underlying the eliciting of public opinion on this measure it has practically reached a stage of second and third reading where notices of amendments are given; whether those amendments are accepted or rejected that is a different thing. The objections raised by the Opposition could have been sent to the Government in the shape of amendments. But I do not understand why my honourable friends sitting opposite have wasted their breath on things uncalled for. The main objection raised by the honourable members sitting opposite is that no limit has been fixed for the increase of the local rate and that it has not been clarified as to up to what limit the Government would increase the local rate on the recommendation of the district board. I do not think such objection can hold good at a stage when circulation motion is under discussion because if they want that some limit be fixed they can do so by giving notices of amendments. What I mean to say is that my honourable friends sitting opposite are at liberty to send as many amendments as they like and therefore at this stage they should not obstruct the business of the House by moving dilatory motions. Now in regard to circulation of the Bill we have two proposals before us. One says that the Bill be circulated till February and the second says till March. Anyhow the question before us is whether the Bill be circulated at all. Now, Sir, as you are aware, the Punjab District Boards Act was passed for the first time in 1883. Now it is 61 years old and no substantial change has been made in it so far, though our society has changed a lot. I am therefore of the opinion that changes at certain places in this old measure are most essential. As you are aware, Sir, a few years ago a committee of experts was held to examine this Bill in which chairmen and vice-chairmen of the district boards were present. This committee worked for more than a year and all this labour resulted in the Punjab District Boards Bill (Bill No. 11, 1942). Then the Bill was referred to a Select Committee. On its being put forward before the House again ten or eleven clauses were passed. This clause which is now the subject of dispute, is present in Bill No. 11 and has been passed by the honourable House in the last session.

I, therefore, see no reason why the Bill be now circulated for eliciting public opinion when it has already been passed by the House. My point is that the Bill came to the House through proper channel. Not only chairmen and vice-chairmen thought over it but it had been before the Select Committee also and after passing through different hands was passed by the Legislature. Now to circulate the Bill when it has gone through all the stages is a thing on which even legal objection can be raised.

Further, my honourable friend in the course of his speech has pointed out that Government have not fixed any limit to the local rate.

2 p.m.
He also pointed out that it was necessary to amend the Bill clause by clause and that it was no use forwarding only one clause before the House. It was also questioned by my honourable friend as to what necessitated the Government to proceed with only one clause while the rest of the larger amending Bill was kept pending. In this connection my humble submission is this that most of the members in this House would be cognizant of the present state of the district boards for most of them happen to be the members of these district boards. The condition of these boards has undergone a great change since 1883, so much so that if there were 10 rules in the old District Board Act, now we find about 700 rules instead, and if there was one hospital or a school at that time, now the number of these has increased immensely in every board. Besides, the responsibilities of these boards have also increased since then to a great extent. (*An Honourable Member*: District boards have been collecting heavy rates from liquors as well). The responsibilities of these boards have increased so much that the expenditure has shot up to a fairly high level. In fact there is no remarkable increase in their income. I really fail to understand, if the financial condition of most of the district boards is not sound, how it is possible for them to succeed in doing any thing in the form of constructing roads, providing medical and veterinary hospitals, etc., with a view to ameliorate the hard lot of the public in general and the village population in particular. Those of my honourable friends who oppose this Bill now do not remember that these measures are specially meant for the uplift of the poor peasants and the citizens have no benefit to reap out of them. These local bodies require money for maintaining schools, roads, hospitals and cattle pounds, etc., and sometimes the provincial Government comes to their rescue by paying some money in the form of grants, which amount at times to twenty thousand rupees. It is very essential to increase these grants. So far as my own district is concerned, I wish to submit that the Government sometimes sanctions cent per cent grants for its education and if the Board spends 3 lakhs of rupees on it, then the Government bears the whole expense. In my opinion the district boards, with a view to enhancing their income, should try to spend large sums for their betterment and this would enable them to demand more money from the Government, and thus the income of the district boards would go on increasing. Under the circumstances it is no use circulating this Bill for eliciting public opinion and the sooner it is passed the better it would be in our interests.

Further, I wish to submit that my honourable friends sitting opposite have not gone through this Bill. It is mentioned there that the provincial Government may exempt any land or any class of land from levy of the local rate. Further, it is added there that the provincial Government may, in respect of the whole or any part of the area subject to the authority of a district board, abolish or reduce or on the recommendation of the district board increase the local rate. So far as the exemption or reduction of the local rate is concerned, I wish to submit that the tax payer or the rate payer would not suffer any loss in the least but they would be benefited instead. As far as the question of increasing the local rate is concerned, I wish to bring this point home to the honourable members sitting opposite that Government cannot make any increase in the local rates without the recommendation of the district board. Now, the question is that the district boards are not in any way in favour of enhancing

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the local rates. In this connection it is their look-out and if they feel any necessity of increasing the rates they might make such recommendation to the Government. According to the constitution of the district boards the elected element consists of three-fourths of the whole number and these elected members are responsible to the public in general and their electors in particular. If in the presence of this elected element and one official or non-official member, recommendation is made to the Government to the effect that certain local rate be increased, then in that case no insinuation can be hurled at the door of the Government. In other words the Government by doing so would be safeguarding the interests of the elected element. The members of the district boards are fully aware of the present position of the district boards. It is for them to see that district boards can do very well without making any increase in the local rate. In case they feel that they are not able to do very well without making some increase in the local rate, they can make the necessary recommendation to the Government and I am sure Government would be ready to accept it. In the circumstances, I wish to request the honourable members sitting opposite not to press the circulation motion but to rush through the Bill without eliciting public opinion thereon. Further I wish to submit that Government by introducing the present Bill do not intend levying any new taxation. If any increase would be made in the local rate it would be done on the recommendation of the district board only. When the district boards would feel that it is essential to increase the local rates, notices would be served and a particular period would be fixed for this purpose. Before making any recommendation to the Government for this increase in local rates, the district boards would invite objections from the voters who have every right to have their say in this matter.

The boards concerned will be given an opportunity to lay before the Government their objections. Those objections will be duly considered and after that the local rate will be, if ever, recommended. That will be the proper time to invite objections. My submission is that this Bill shall be passed as quickly as possible, so that if certain district boards want to increase their income they may do so. I know that the financial position of most of the district boards is not quite good at the present time. I do not want to quote the instance of any particular district board, but still I must say that in most of them, when the Finance Committee meet to prepare the annual budget they find the expenditure so increased that they take it for granted that they will have more income under certain heads. For example, if their expenditure is seven lakhs, in order to show the income of seven lakhs they assume that their income from a certain tax will be increased. If the financial position of the boards is so bad, it is high time that something is done for them, so that they may be able to provide facilities of schools and dispensaries, etc., not only to the zamindars but to the entire rural population. With these words, Sir, I oppose the motion now before the House.

Sardar Teja Singh Swatantar (Lahore West, Sikh, Rural) (*Punjab*): Sir, I rise to support this motion. It is no use repeating all the arguments that have already been advanced in support of this motion. I shall put before the House a few principles and show that it is principally wrong to accept this Bill.

When the whole Bill is pending before the House and some of its clauses have already been discussed, why bring a new Bill containing one single clause out of the other Bill? If they have not got the strength to get the original Bill passed, let them not waste the time of the House by bringing forth such useless measures.

The Government has taken out of the large Bill the most important clause, namely the clause containing the power of taxation without saying anything about the character of the taxing body. If we read section 3 along with sections 8 and 11 of the original Bill, every thing becomes crystal clear. At present the district boards are undemocratic in character. In most of the boards the deputy commissioners are chairmen, and there is a bloc of nominated members everywherr to support the m. Now the Government is entrusting to them the power of taxation without making them democratic in character.

The local bodies were introduced in India as an institution to educate people in democracy. But the present Government is seeing to it that these bodies are turned into semi-official institutions by taking away their powers gradually. The commissioner influences the 'panchayats' and the deputy commissioners are sitting on the heads of the district boards and there is a nominated bloc to help them everywhere. The present Government has proved by all the measures that it has brought before the House that it is undemocratic in character, though democratic in appearance. It is using the local bodies and their funds for its party purposes. We do not object to the increase in taxes provided the money thus collected is spent by the people for the people, and not by the party in power for its own ulterior motives. The present Government is using the Government machinery for its own selfish motives. The patwaris, the tahsildars, the collectors, and even the National War Front are being used for party purposes and to collect money for the party in power, so that they may use it in the coming elections. In these circumstances we have very real apprehensions that this tax is not going to be increased for the district boards, but its income will also go to the Unionist Party funds.

My last point is that the elections of the Assembly and the local bodies are being postponed, which means neither this Assembly nor the present local bodies are representative in the true sense of the word. So an Assembly which is un-representative in character is enacting a law, by which it wants to give the power of taxation to local bodies which are equally un-representative in character. The present Government is dying a natural death and these are like the last efforts of a dying person. It has discovered a very convenient term, viz., 'double the annual value' to hide the real amount of the tax, that is equal to 2 annas a rupee, i.e., 12.5 per cent, and Government is now enacting to increase it further.

The Government has collected funds from the public forcibly. I have documents with me to prove it, and I shall put them before the House at the time of the consideration of the supplementary demands. Such things should not be allowed any longer. The people are already awake and we will make them wide awake by our constant effort.

With these words, I support the motion for circulation now before the House.

Sardar Shaukat Hyat-Khan (Attock, North Muhammadan, Rural.) : Sir, I get up to oppose this measure. As the Urdu saying goes *ghar ka bhedhi* I know more about this Bill than most of the honourable members seem to know about it here. I am surprised that the Honourable Minister in charge of this Bill has brought this clause before the House, knowing full well that the complete Bill is ready which could have been passed in a couple of days. I do not know why they are in such a hurry to get this one clause passed. They do not seem to trust this House, or they do not seem to give democratic rights to their district boards. The Bill was originated by the Premier himself. I do not know again why the Honourable Leader of the House has forgotten the great democratic measure which he brought so proudly before this House only a couple of years ago. That very Premier is there with the complete Bill which he wanted to force through this House and he has not the courage of bringin

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it forward and get it passed by this House, or have it rejected as the case may be. I have seen the Bill and I know every one of the clauses and got some of them passed as well. (*As honourable member: Clause 2*). I will come to that. I have learnt my lesson when I was there. This clause is there to give the district boards a greater chance of making income by which they can run the machinery efficiently. But who is running that machinery and who is running that administration? Not the elected members of the district boards but the nominated deputy commissioners who are there at the sweet will of this reactionary Government and who try to run the district boards at their own will. This clause is just giving another power to those reactionary officials who have been using their might to do things which are unlawful and which should not have been perpetrated by such officials of the Crown. Those Indian Civil Service Officers, to whom these district boards are entrusted as their chairmen, are the very people who are committing things which no properly thinking officer would have ever done. (*Hear, hear.*) Why are the honourable members from that side of the House, who used to be so vocal previously, so silent to-day? Why are they wanting that very clause now which they opposed during the last session and why do they want to go through it in a reactionary manner in this session? Only because they are gagged. I would ask them to vindicate their name and honour and the honour of their constituents whom they represent here.

Chaudhri Ram Sarup: We did not oppose this clause.

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

Sardar Shaukat Hyat-Khan: My honourable friend has forgotten that when I was Minister in charge of this Bill, I had so many discussions with my honourable friend. I would not like to say that he is making a wrong statement now.

Mian Muhammad Nurullah: Had you given them a bait to get them agree to this?

Sardar Shaukat Hyat-Khan: I would not go into the bait of the Ministry. There is honour among thieves. I was talking about this clause which the Ministry has brought before this House. They want to raise the local rate. The minimum of this local rate is one anna and it will go up to any limit. When these institutions are not going to be run on democratic basis and when the nominated people are put there by this Government, how can you expect justice being done to poor peasants who are sweating in toil to earn and spend on things which are so necessary for the upkeep of their families? It is only another fraud that my honourable friend is trying to force through this House in order to throttle the voice of poor peasants and coerce them to pay this tax which no sanethinking peasant would like to give. I would not have opposed this measure, provided the Government had the courage of making democratic bodies run the district boards, provided none of those nominated elements, none of the deputy commissioners sitting at the head and none of the ministerial messengers, had been there to influence the district boards and make them to do things which are not done in any democratic country. Take the case of Sialkot. A whip was issued by the Honourable Minister, who goes there many times to interfere with the democratic rights of the members of the district board in the election of the vice-president. (*Shame, shame.*) (*An honourable member.* You did many things like that). Not even once when I was sitting on those benches. I never issued a whip to coerce the members through deputy commissioners to give votes according to my wish. I always tried to help those poor people, ignorant people. I was there to protect their rights of self-determination and the right of giving their votes according to their conscience. But my honourable friend is forcing them to do things which no Minister in any democratic House has ever done. I am sorry the

Honourable Minister is not here to-day because I would have pointed out to him certain things which he has done. I am sure if he had been here, he would have been ashamed of it.

Another thing which I do not understand about the Bill, which has been brought before us, is why do they want only a small clause to go forward? Why has he not taken the trouble of reading all those notes which are already prepared? He can get up and use those notes. They are absolutely complete. Why does he not get up and say, here is the Bill, let us take the whole Bill and not a clause. If he has any difficulty, there will be so many members in this House who will be too willing to help him. But if he remains mum, we cannot help it. I wish the Honourable Minister would get up now and live up to the name of his office and bring forward a Bill which is ready with all the notes, before the House. Unless he does so, we are helpless. We are only a few people here, we cannot force our will on the Honourable Minister, knowing him so well as I do. In these circumstances, I most strongly and emphatically oppose this Bill and I hope the House will agree with me that the whole democratic Bill should come and not just one clause as the Honourable Minister wants. (*Voices: Question may now be put.*)

Mr. Speaker: The question is—

That the question be now put.

The Assembly divided; Ayes 65. Noes 30.

AYES 65.

Abdul Hye, The Honourable Mian.	Habib Ullah Khan, Khan Bahadur Malik.
Abdul Rab, Mian.	Haibat Khan Daha, Khan Bahadur Khan.
Abdul Rahim, Chaudhri (Gurgaon).	Hans Raj, Bhagat.
Ali Akbar, Chaudhri.	Harnam Das, Lala.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik Sir.	Het Ram, Rai Bahadur Chaudhri.
Amjad Ali Shah, Sayed.	Jafar Ali Khan, Chaudhri.
Anant Ram, Rai Sahib Chaudhri.	Jogindar Singh Man, Sardar.
Asghar Ali, Khan Sahib Chaudhri.	Jugal Kishore, Chaudhri.
Ashiq Hussain, The Honourable Nawab Major.	Khizar Hayat, The Honourable Malik.
Baldev Singh, The Honourable Sardar	Lal Singh, Sardar.
Bhagwant Singh, Rai.	Manohar Lal, The Honourable Dr. Sir.
Brijraj Saran, Kanwar.	Mohar Singh, Rao.
Faiz Muhammad, Khan Bahadur Shaikh.	Muhammad Akram Khan, Khan Bahadur Raja.
Faqir Chand, Chaudhri.	Muhammad Azam Khan, Khan Sahib Sardar.
Faqir Hussain Khan, Khan Bahadur Chaudhri.	Muhammad Hassan Gurehani, Khan Bahadur Sardar.
Farman Ali Khan, Subedar-Major Raja.	Muhammad Hussain, Khan Bahadur Chaudhri.
Fateh Jang Singh, Captain Bhai.	Muhammad Jamal Khan Leghari, The Honourable Nawab Sir.
Fateh Khan, Khan Sahib Raja.	Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir.
Fateh Muhammad, Captain Mian.	Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Fateh Sher Khan, Malik.	
Fazal Karim Bakhsh, Khan Sahib Mian.	
Few, Mr. E.	
Ghulam Qadir Khan, Khan Bahadur.	
Gopal Singh (American), Sardar.	
Gurbachan Singh, Sardar Bahadur Sardar	

Muhammad Sarfraz Khan, Raja.	Ram Sarup, Chaudhri.
Muhammad Yusuf Khan, Khan.	Ranpat Singh, Chaudhri.
Muzaffar Ali Khan Qizilbash, Nawab, Sardar.	Rashida Latif Baji, Begum.
Muzaffar Khan, Khan Bahadur Captain Malik.	Ripudaman Singh, Rai Bahadur Thakur.
Naunihal Singh Mann, Captain Sardar.	Sher Singh, Sardar.
Pir Muhammad, Khan Sahib, Chaudhri	Singha, Diwan Bahadur S. P.
Prem Singh, Chaudhri	Sumer Singh, Rao Sahib, Chaudhri.
Prem Singh, Mahant.	Suraj Mal, Rao Bahadur Chaudhri.
Pritam Singh, Sidhu, Sardar	Tara Singh, Sardar Sahib Sardar
Rallia Ram, Mr. K. L.	Tikka Ram, Chaudhri.
	Wali Muhammad, Sayyal, Hiraj, K. B. Sardar.

NOES : 30.

Abdul Aziz, Mian.	Muhammad Raza Shah Jeelani, Makh- dumzada Haji Sayed.
Abdul Hamid Khan, Sufi.	Muhammad Wilayat Hussain Jeelani.
Akbar Ali, Pir.	Makhdumzada Haji Sayed.
Allah Yar Khan Daulatana, Khan Baha- dur Mian.	Mumtaz Muhammad Khan Daulatana, Mian.
Amir-urd-Din, Khan Bahadur Mian.	Nasrullah Khan, Rana.
Bhagat Ram Choda, Lala.	Nawazish Ali Shah, Sayed.
Bhagat Ram Sharma, Pandit.	Raghibir Kaur, Shrimati.
Faiz Muhammad Khan, Rai.	Roshan Din, Khan Bahadur, Chaudhri.
Ghazanfar Ali Khan, Raja.	Sadiq Hassan, Shaikh.
Ghulam Samad, Khan Sahib Khawaja.	Sahib Dad Khan, Khan Sahib Chaudhri.
Iftikhar Hussain Khan, Nawab.	Sahib Ram, Chaudhri.
Kapoor Singh, Sardar.	Shahadat Khan, Khan Sahib Rai.
Karamat Ali, Khan Bahadur Shaikh.	Shaukat Hyat-Khan, Sirdar.
Muhammad Hasan, Chaudhri.	Sohan Singh Josh, Sardar.
Muhammad Hussain, Sardar.	Teja Singh Sardar.
Muhammad Nurullah, Mian.	

Mr. Speaker : Question is—

That the Punjab District Boards (Amendment) Bill be circulated for eliciting opinion thereon by the 1st February 1945.

The Assembly divided : Ayes 33, Noes : 68.

AYES : 33.

Abdul Aziz, Mian.	Ghulam Samad, Khan Sahib Khawaja.
Abdul Hamid Khan, Sufi.	Iftikhar Hussain Khan, Nawab.
Akbar Ali, Pir.	Kapoor Singh, Sardar.
Allah Yar Khan Daulatana, Khan Baha- dur Mian.	Karamat Ali, Khan Bahadur Shaikh.
Amir-ud-Din, Khan Bahadur Mian.	Mohd. Amin, Khan Sahib Sheikh
Bhagat Ram Choda, Lala.	Muhammad Hasan, Chaudhri.
Bhagat Ram Sharma, Pandit.	Muhammad Hussain, Sardar.
Fateh Sher Khan, Malik.	Muhammad Nurullah, Mian.
Ghazanfar Ali Khan, Raja.	Muhammad Raza Shah Jeelani, Makh- dumzada Haji Sayed.
	Muhammad Sarfraz Khan, Chaudhri.

Muhammad Sarfraz Khan, Raja.	Roshan Din, Khan Bahadur, Chaudhri.
Muhammad Wilayat Hussain Jeelani,	Sadiq Hassan, Shaikh.
Makhdumzada Haji Sayed.	Sahib Dad Khan, Khan Sahib Chaudhri.
Mumtaz Muhammad Khan Daulatana,	Sahib Ram, Chaudhri.
Mian.	Shahadat Khan, Khan Sahib Rai.
Nasrullah Khan, Rana.	Shaukat Hyat-Khan, Sirdar.
Nawazish Ali Shah, Sayed.	Sohan Singh Josh, Sardar.
Raghubir Kaur, Shrimati.	Teja Singh, Sardar.

NOES 68.

Abdul Haye, The Honourable Mian.	Muhammad Akram Khan, Khan Bahadur Raja.
Abdul Rab, Mian.	Muhammad Ashraf, Chaudhri.
Abdul Rahim, Chaudhri (Gurgaon).	Muhammad Azam Khan, Khan Sahib Sardar.
Ahmad Yar Khan, Khan Sahib Chaudhri.	Muhammad Hassan Khan Garchani, Khan Bahadur Sardar.
Ajit Singh, Sardar.	Muhammad Hussain, Khan Bahadur Chaudhri.
Ali Akbar, Chaudhri.	Muhammad Jamal Khan Leghari, The Honourable Nawab Sir.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik Sir.	Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir.
Amjad Ali Shah, Sayed.	Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Anant Ram, Rai Sahib Chaudhri.	Muhammad Sarfraz Khan, Raja.
Asghar Ali, Khan Sahib, Chaudhri.	Muzaffar Ali Khan Qizilbash, Nawab Sardar.
Ashiq Hussain, The Honourable Nawab, Major.	Muzaffar Khan, Khan Bahadur Captain Malik.
Baldev Singh, The Honourable Sardar.	Naunihal Singh Mann, Captain Sardar.
Bhagwant Singh, Rai.	Pir Muhammad, Khan Sahib Chaudhri.
Brijraj Saran, Kanwar.	Prem Singh, Chaudhri.
Faiz Muhammad, Khan Bahadur Shaikh.	Prem Singh, Mahant.
Faqir Chand, Chaudhri.	Pritam Singh Siddhu, Sardar.
Faqir Hussain Khan, Khan Bahadur Chaudhri.	Ballia Ram, Mr. K. L.
Farman Ali Khan, Subedar-Major Raja.	Ram Sarup, Chaudhri.
Fateh Jang Singh, Captain Bhai.	Ranpat Singh, Chaudhri.
Fateh Khan, Khan Sahib Raja.	Rashida Latif Baji, Begum.
Fateh Muhammad, Captain Mian.	Ripudaman Singh, Rai Bahadur Thakur.
Fazal Din, Khan Sahib Chaudhri.	Roberts, Sir William.
Fazal Karim Bakhsh, Khan Sahib Mian.	Sardar Khan Noon, Major Malik.
Few, Mr. E.	Sher Singh, Sardar.
Ghulam Qadir Khan, Khan Bahadur.	Sultan Mahmood Hotiana, Mian.
Gopal Singh (American), Sardar.	Sumer Singh, Rao Sahib Chaudhri.
Gurbachan Singh, Sardar Bahadur Sardar.	Suraj Mal, Rao Bahadur Chaudhri.
Habib Ullah Khan, Khan Bahadur Malik.	Tara Singh, Sardar Sahib Sardar.
Haibat Khan Daha, Khan Bahadur Khan.	Tikka Ram, Chaudhri.
Hans Raj, Bhagat.	Wali Muhammad Sayyal Hiraj, Khan Bahadur Sardar.
Harnam Das, Lala.	
Het Ram, Rai Bahadur Chaudhri.	
Jogindar Singh Man, Sardar.	
Jugal Kishore, Chaudhri.	
Khizar Hayat, The Honourable Malik.	
Lal Singh, Sardar.	
Manohar Lal, The Honourable Dr. Sir.	
Mohar Singh, Rao.	

Raja Ghazanfar Ali Khan (Pind Dadan Khan, Muhammadan, Rural)
(Urdu) : I move—

That the Punjab District Boards (Amendment) Bill be referred to a select committee.

To start with I wish to submit that the main reason why this Bill should be referred to a Select Committee is that, as we have been experiencing for the last six or seven years, many of the Bills passed by this House have been found to be full of defects. Sir, you are aware of the fact that there is hardly any Bill passed during the last six or seven years, which has not been held to be *ultra vires* by the civil courts. When the Government is asked to furnish reasons for this irregularity they put forth a plea that there was some mistake in drafting the Bill. Under the circumstances it is crystal clear that by resorting to such irregular practices nothing is gained except the wastage of time and public money. (*An honourable member* : You were the Parliamentary Secretary then and you could have set this irregularity right). There is no doubt about it that I happened to be the Parliamentary Secretary but I was not working as the Advocate-General, Legal Remembrancer or the Minister-in-charge of the District Boards (*Interruption*). My main reason is not to delay the passage of the Bill, but I wish to caution the honourable members sitting on the Treasury benches lest, like most of their Acts which they have placed on the statute book during the last six or seven years, the present Bill should also be held *ultra vires*. In the light of the above circumstances my respectful submission is that the Bill be referred to a Select Committee and I propose that the Select Committee should consist of the following members who have agreed to work on this Bill in the said Committee.

Mr. Speaker : The Honourable member need not read out the names. He will please speak to the motion.

Raja Ghazanfar Ali Khan : Very well, Sir. I will not go any further and I will not read out their names. But what I wish to submit is that the Bill be referred to a Select Committee which, I am sure, would improve upon the present draft of the Bill and thus give a proper shape to it. In case the Bill is not referred to a Select Committee, I am afraid, like other Bills passed during the last six or seven years in this House, this Bill might also be held to be *ultra vires* by the civil courts. I would like to request the Minister-in-charge to refer this Bill to a Select Committee. It is no use keeping the larger amending Bill pending. Only one clause has been taken out of this Bill which is now before the House. It is not meet and proper on the part of the Government to pass this small piece of legislation hurriedly without referring it to a Select Committee. I have no hesitation in submitting that my main reason is not to delay the passage of the Bill. (*Interruption*). Perhaps the honourable member is under the impression that we are bringing forward these dilatory motions only to get our allowance from the Punjab Treasury, but this is not the case because we get our monthly allowance and no daily allowance is being given to us now. What I wish to impress upon the House in general and the Government in particular is that the Bill be referred to a Select Committee for eliciting public opinion thereon.

Mr. Speaker : The question is—

That the Punjab District Board (Amendment) Bill be referred to a select committee.

The Assembly divided : Ayes 30 ; Noes 72.

AYES 30.

Abdul Aziz, Mian.
Abdul Hamid Khan, Sufi.
Akbar Ali, Pir.

Allah Yar Khan, Daulatana Khan Baha-
dur Mian.
Amir-urd-Din, Khan Bahadur Mian.

Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Ghazanfar Ali Khan, Raja.
 Ghulam Samad, Khan Sahib Khawaja.
 Ittikhar Hussain Khan, Nawab.
 Kapoor Singh, Sardar.
 Karamat Ali, Khan Bahadur Shaikh.
 Kartar Singh, Sardar.
 Muhammad Ameen, Khan Sahib Shaikh.
 Muhammad Hasan, Chaudhri.
 Muhammad Hussain, Sardar.
 Muhammad Nurullah, Mian.
 Muhammad Raza Shah Jeelani, Makh-
 dumzada Haji Sayed.

Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Wilayat Hussain Jeelani,
 Makhdumzada Haji Sayed.
 Mumtaz Muhammad Khan Daulatana,
 Mian.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Raghbir Kaur, Shrimati.
 Roshan Din, Khan Bahadur, Chaudhri.
 Sadiq Hassan, Shaikh.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Sahib Ram, Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shaukat Hyat-Khan, Sirdar.

NOES : 72.

Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan, Khan Sahib Chau-
 dhri.
 Ajit Singh, Sardar.
 Ali Akbar, Chaudhri.
 Allah Bakhsh Khan, Khan Bahadur
 Nawab Malik Sir.
 Amjad Ali Shah, Sayed.
 Anant Ram, Rai Sahib Chaudhri.
 Asghar Ali, Khan Sahib Chaudhri.
 Ashiq Hussain, The Honourable Nawab
 Major.
 Baldev Singh, The Honourable Sardar.
 Balwant Singh, Sardar.
 Bhagwant Singh, Rai.
 Brijraj Saran, Kanwar.
 Faiz Muhammad, Khan Bahadur, Shaikh
 Faqir Chand, Chaudhri.
 Faqir Hussain Khan, Khan Bahadur
 Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Jang Singh, Captain Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Captain Mian.
 Fateh Sher Khan, Malik.
 Fazal Karim Bakhsh, Khan Sahib Mian.
 Few, Mr. E.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulgm Rasul, Chaudhri.
 Gopal Singh (American), Sardar.
 Guest, Mr. P. H.

Gurbachan Singh, Sardar Bahadur Sardar.
 Haibat Khan Daha, Khan Bahadur
 Khan
 Hans Raj, Bhagat.
 Het Ram, Rai Bahadur Chaudhri.
 Jafar Ali Khan, Chaudhri.
 Jogindar Singh Man, Sardar.
 Jugal Kishore, Chaudhri.
 Khizar Hayat, The Honourable Malik.
 Lal Singh, Sardar.
 Manohar Lal, The Honourable Dr. Sir.
 Mohar, Singh Rao.
 Muhammad Akram Khan, Khan Bahadur
 Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Khan Sahib,
 Sardar.
 Muhammad Hassan Khan Gurchani, Khan
 Bahadur Sardar.
 Muhammad Hussain, Khan Bahadur
 Chaudhri.
 Muhammad Jamal Khan Leghari, The
 Honourable Nawab Sir.
 Muhammad Nawaz Khan, Lieutenant-
 Colonel Sardar Sir.
 Muhammad Saadat Ali Khan, Khan
 Bahadur Khan.
 Muhammad Sarfraz Khan, Raja.
 Mula Singh, Sardar.
 Muzaffar Ali Khan Qizilbash, Nawab
 Sardar.
 Muzaffar Khan, Khan Bahadur Captain
 Malik.

Nasirud-Din, Khan Sahib Pir.	Ripudaman Singh, Rai Bahadur Thakur.
Naunihal Singh, Mann, Captain Sardar.	Roberts, Sir William.
Pir Muhammad, Khan Sahib Chaudhri.	Sardar Khan Noon, Major Malik.
Prem Singh, Chaudhri.	Sher Singh, Sardar.
Prem Singh, Mahant.	Sultan Mahmood Hotiana, Mian.
Pritam Singh Siddhu, Sardar.	Sumer Singh, Rao Sahib Chaudhri.
Ballia Ram, Mr. K. L.	Suraj Mal, Rao Bahadur Chaudhri.
Ram Sarup, Chaudhri.	Tara Singh, Sardar Sahib Sardar.
Ranpat Singh, Chaudhri.	Tikka Ram, Chaudhri.
Rashida Latif Baji, Begum.	Wali Muhammad Sayyal Hiraj, Khan Bahadur Sardar.

Mr. Speaker : The question is—

That the Punjab District Boards (Amendment) Bill be taken into consideration at once.

The motion was carried.

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

Clause 2.

Mian Muhammad Nurullah : I beg to move—

That in the proposed Section 5 (1), line 1, the words "except as hereinafter provided" be deleted.

For the existing section 5 the following section is to be substituted :—

" 5. (1) Except as hereinafter provided, all land shall be subject to the payment of a rate, to be called the local rate at one anna per rupee of its annual value.

(2) The Provincial Government may, by notification,—

(a) exempt any land or any class of land from the levy of the local rate; or

(b) in respect of the whole or any part of the area subject to the authority of a district board, abolish or reduce, or, on the recommendation of the district board, increase the local rate."

I want that the words "Except as hereinafter provided" should be deleted. If they are not omitted and in case sub-clauses 2 (a) and 2 (b) are deleted if the amendments, that are to follow are accepted, then the position would be awkward. I do not want any provision of this sort so that the Government may have any extraordinary authority in their hand. I, therefore, move that these words be deleted.

Mr. Speaker : Clause under consideration, amendment moved is—

That in the proposed Section 5 (1), line 1, the words "except as hereinafter provided" be deleted.

Minister of Public Works : (The Honourable Nawab Sir Muhammad Jamal Khan Leghari) : I strongly object to this amendment on the ground that it does not take into account sub-clauses 2 (a) and 2 (b). If this amendment were passed, it would mean the deletion of clause 2 which I am sure is not the intention of the mover.

Mian Muhammad Nurullah : That is exactly the intention.

Sardar Kapoor Singh : I rise to support my honourable friend Mian Muhammad Nurullah so far as his amendment for the deletion of the words "except as hereinafter provided" is concerned, and I rise for the deletion of the second part. When it is divested of these words it would read "all land shall be subject to the payment of a rate, to be called the local rate at one anna per rupee, of its annual value." My reason for the deletion of the second part is that the second part gives discretion to this Government for reduction, abolition, or exemption and I know from experience

of the last eight years that any discretion given has been misused by them for the persecution of their opponents and for favouring their own men. When we have the provision that all land shall be subject to one anna local rate, in that case every landholder shall feel secure. If the second clause is passed, then there will be danger of increase of local rate. If it is passed, then it would mean that for every rupee of land revenue, they shall charge two annas per rupee of the land revenue which is more than sufficient. If they require money for any special purpose, then they have section 80 of the District Boards Act and according to that Act they can levy a tax upon all people residing in a local area or upon a class of people of that area.

Mr. Speaker : The honourable member is not relevant.

Sardar Kapoor Singh : In that case the peasants and the landholders would be secure from the whims and discretion of this Government. They should not be burdened at this time especially when the Zemindara Ministry has been boasting that they are for the relief of the peasants.

In these circumstances I would ask my honourable friends to support this motion.

Mr. K. L. Rallia Ram : (West Central Punjab, Indian Christian) : Sir, I have been hearing this case since yesterday. A number of arguments have been advanced in support of the contention and I do not wish to repeat them because they have been refuted well by my honourable friend Khan Bahadur Chaudhri Muhammad Hussain. While discussing the Bill, the honourable members, particularly on the Opposition side, should visualise the conditions prevalent in villages and in district boards which have been brought about by this war. The value of the rupee has already been reduced to two annas. District Boards must carry on their work. Their needs at present are very great. They are confronted with many acute problems. I asked a question in the Assembly and the answer is here. I asked whether it was true that in some district boards—Muzaffargarh and Mianwali—teachers were getting Rs. 20? The answer was, 'Yes'. (*An honourable member :* It is not correct). I am relying on the reply which I have got from the department. They are in a better position to know about it than any member of this House. If it is wrong, I am not responsible. Not even that, but I have heard from a reliable source that there are teachers who are getting only Rs. 18 or 14. In these days even a sweeper gets Rs. 30. You are treating your teachers like that, they have made you; but for them you would not have been able to make speeches here. You look down upon those very low-paid teachers and you treat them with contempt. How can you expect a teacher, who has got to maintain a family of three or four to live these days?

Mr. Speaker : To which amendment is the honourable member speaking?

Mr. K. L. Rallia Ram : I have submitted already that the district boards require money. If this clause is passed the whole Bill will be nullified and if it is not done the district boards will be in great difficulty.

Raja Ghazanfar Ali Khan : May I ask my honourable friend to read out the question and answer to which he referred?

Mr. K. L. Rallia Ram : I will read it out. The question is—

Will the Honourable Minister for Public Works be pleased to state whether it is a fact that in some district boards like Mianwali, Muzaffargarh, the salary of a J. A. V. teacher is below Rs. 20?

Mr. Speaker : How is that relevant?

Mr. K. L. Rallia Ram : Raja Ghazanfar Ali Khan has asked me to read the question.

Mr. Speaker : I do not see any relevancy.

Mian Abdul Aziz : The honourable member was referring to the financial condition of the district boards on account of which several of the teachers in various district boards were paid so low that they could not pull on with the present conditions and he said that he would quote his question and the answer thereto. It was on that that we wanted to know what the Government said at that time so that he would be able to pull on with his arguments.

Mr. K. L. Rallia Ram : Sir, I am talking about the effects of this amendment. I am now quite clear and you will agree that I am relevant. There is one thing which is the crying need of the day. We have many schools but there are so many villages without schools.....

Mr. Speaker : How is it relevant ?

Khan Bahadur Shaikh Karamat Ali : Sir, you have in the past given your ruling that in order to build up an argument, one can have irrelevant matter introduced. I find that my honourable friend Mr. Rallia Ram is trying to build up his arguments by introducing a matter which is irrelevant. In the face of your ruling, I do not see any reason why he should be stopped from advancing that matter which is necessary to build up his arguments. He wants to show that the district boards are in a very bad condition.

Mr. K. L. Rallia Ram : If this is allowed then clause 2 (a) and (b) would be nullified. I should say that it is a sort of tactic. My friends opposite spoke about Vice-Chairmen, etc. and that was allowed and my argument is sound. I take my stand on this. The House will realise that without money they cannot carry out any programme which they might have, and one of them is about education which in my opinion is the greatest need of the hour. Secondly, there is the question about giving them dispensaries

Mr. Speaker : I cannot allow these irrelevant remarks to go on.

Mr. K. L. Rallia Ram : If this is done the district boards will be greatly crippled and handicapped these days when their expenditure has gone up very high.

Mr. Speaker : The honourable member is again irrelevant.

Mr. K. L. Rallia Ram : I reserve these remarks for some other occasion and I oppose the amendment with all the force that I can command.

Mr. Speaker : Clause under consideration, amendment moved is —

That in the proposed section 5 (1), line 1, the words 'except as hereinafter provided' be deleted.

The motion was lost.

Sardar Kapoor Singh : (Ludhiana East, Sikh, Rural) : Sir, I beg to move—

That in the proposed section 5 (2), line 1, after the word "may" the words "on the recommendation of the District Board" be inserted.

Sir, you will find from this clause as it stands that in the case of increments, the recommendation of the district boards shall be first considered. In the case of increments it shall be the district board that would first pass a resolution and then they would send that resolution to the Government, and the Government may or may not agree to an increase in the local rates; but on the other hand for reduction, abolition or exemption no such wording is there in the Bill. In the case of increments it is on the suggestion or on the recommendation or on the resolution of the district board that the Government would increase the local rates. In the same way if there is no recommendation by the district board then there should be no reduction or exemption or abolition. It is the district board that is to judge its revenue. Suppose a district board does not want any reduction of its local rate and the Government in spite of that reduces the local rates; in that case the district board would not be in a

position, to adjust its revenue to its expenditure. I know that the powers for reduction exemption or abolition are used on special occasions, but all the same there is the danger that the government might not agree when the district boards would suggest to them or send a resolution to the local government that they want so much reduction or exemption. Without such wording it is not advisable that the Government should be given total power without any recommendation from the district boards that they should have the right to exempt, abolish or reduce their local rates. It would be better if reduction or abolition is effected when such a reduction or abolition is recommended by the district board and not otherwise. This is a very reasonable amendment, Sir, and I am sure the Government will have no objection to it.

Mr. Speaker : Clause under consideration, amendment moved—

That in the proposed section 5 (2), line 1, after the word 'may' the words 'on the recommendation of the District Board' be inserted.

Minister of Public Works (The Honourable Nawab Sir Muhammad Jamal Khan Leghari) : Sir, I rise to oppose this amendment and my reason for opposing it is that there have been certain cases which have been brought to the notice of Government where certain areas within municipal or small town limits were wrongly taxed and disputes arose as to whether the proceeds should go to the district board or the municipal committee or the small town committee. As a matter of fact, the municipal committees are not entitled to any share of the local rate. In order to avoid such discrepancies it has been considered that the Government should have this power.

Sardar Kapoor Singh : The clause as it stands will not solve that problem.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : The attitude of the Honourable Premier and of the Honourable Minister in charge of local self-government show that they want to kill the very fundamentals of local self-government in the province. I fail to understand why the Government is anxious to take away that very power which they have given to the district boards. The amendment moved by my friend Sardar Kapoor Singh is the sanest amendment and I was sure that the Government will have no objection to accepting it. When you give power to the district boards to recommend increase of taxation, why not give them power to recommend its reduction or abolition where necessary. After all you will be the final authority to decide the matter, they will only suggest to you to reduce or abolish a certain tax. If the Government is not prepared to accede to the district boards this much power, the Government is striking at the very root and fundamentals of local self-government. I therefore suggest that this very reasonable amendment may be accepted. After all it is not a question of prestige. I would request the Government to reconsider their decision if they want local self-government and democracy to continue in this province. With these words, Sir, I support the amendment.

Premier : Question may now be put.

Pir Akbar Ali (Fazilka, Muhammadan Rural) (*Urdu*) : Sir, I had no mind to speak on this Bill. But on hearing the Honourable Minister in charge I have changed my mind because as you are aware the civil courts have been taking objection almost to every Bill passed in this House and I am afraid lest this Bill should be a laughing stock for them like the previous ones.

The Minister in charge has remarked during his speech that as certain municipal committees come under the purview of the district boards, so in order to avoid disputes over income between the municipal committees and the district boards this Bill is being rushed through. I am sorry to remark that there is no such reason given

in the statement of objects and reasons. Anyhow to err is human and we can forego the remarks of the Honourable Minister if they are faulty. However this object is not found anywhere in the Bill which, I think, on becoming law would be nothing but a weak legislation and when the civil courts find it difficult to act upon it, the Government will come forward and say that the object of the Bill was not this but something else, that is so much share of income should have gone to the municipal committee and so much to the district board. I do not understand why we should make the civil courts laugh at it and give them chances to say "Look, what this 'Union Nisht' government have done."

Sir I do not say that the present Bill is altogether absurd. But I wish to point out that it has become a habit with the Government to —

Mr. Speaker : The honourable member will please speak to the amendment.

Pir Akbar Ali : Sir, I wish to submit that the amendment now before the House does not fulfil our object in the true sense of the word.

Mr. Speaker : The honourable member will please speak to the motion now before the House.

Pir Akbar Ali : Sir, while supporting the amendment moved by my honourable friend Sardar Kapoor Singh I wish to submit that according to the proposed clause of the Bill, district boards are authorised to increase the local rate only and no provision is made to authorise the very district boards to reduce the same local rate. It is crystal clear from this that Government is very particular to increase the local rate only. It will not be out of place to mention here that this is a zamindara Government. But I am surprised to understand that by this Bill, the brunt falls on the poor zamindars, as it has been provided in the Bill that the district boards can recommend an increase in the local rates but it is not in their power to decrease the local rate. It means that the zamindars are going to be hard hit by this Bill. Increase in local rate is there but no remission is being provided for them. (*Interruption*). It was but meet and proper on the part of my honourable friends sitting on the Treasury benches to have consulted the Honourable Finance Minister about this fiscal measure. I am constrained to remark that almost all the honourable members sitting opposite except Sir Manohar Lal poke their noses into each and every matter.

Mr. Speaker : This is the last time I warn the honourable member. If he does not speak to the amendment now before the House, I will be constrained to ask him to resume his seat.

Pir Akbar Ali : Sir, I was submitting that the amendment now before the House is a very important one and it concerns the poor public in general and the poor zamindars and *kisans* in particular. In the circumstances I impress upon the Government to accept this amendment forthwith. With these words, Sir, I strongly support the amendment now before the House.

Mr. Speaker : The question is—

That in the proposed section 5 (2), line 1, after the word 'may' the words on the recommendation of the District Board' be inserted.

4 p. m.

The Assembly divided ; Ayes 29, Noes 64.

AYES 29.

Abdul Aziz Mian.
Abdul Hamid Khan, Sufi.
Akbar Ali, Pir.

Allah Yar Khan Daultana, Khan Bahadur Mian.
Amir-ud-Din, Khan Bahadur Mian.

Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Ghazanfar Ali Khan, Raja.
 Ghulam Samad, Khan Sahib Khawaja.
 Itikhar Hussain Khan, Nawab.
 Kapoor Singh, Sardar.
 Karamat Ali, Khan Bahadur Shaikh.
 Kartar Singh, Sardar.
 Muhammad Ameen, Khan Sahib Shaikh.
 Muhammad Hasan, Chaudhri
 Muhammad Hussain, Sardar.
 Muhammad Nurullah, Mian
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Wilayat Hussain Jeelani,
 Makhdumzada Haji Sayad.

Mumtaz Muhammad Khan Daultana,
 Mian.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayad.
 Raghbir Kaur, Shrimati
 Roshan Din, Khan Bahadur Chaudhri.
 Sadiq Hassan, Shaikh.
 Sahib Dad Khan, Khan Sahib Chau-
 dhri.
 Sahib Ram, Chaudhri,
 Shaukat Hyat-Khan,
 Sardar.
 Teja Singh, Sardar,

NOES 64.

Abdul Haya, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan, Khan Sahib Chaudhri.
 Ali Akbar, Chaudhri.
 Allah Bakhsh Khan, Khan Bahadur
 Nawab Malik Sir.
 Amjad Ali Shah, Sayed.
 Anant Ram, Rai Sahib Chaudhri.
 Asghar Ali, Khan Sahib Chaudhri.
 Ashiq Hussain, The Honourable Nawab
 Major.
 Badr Mohy-ud-Din Qadri, Khan Sahib
 Sayed.
 Baldev Singh, The Honourable Sardar.
 Balwant Singh, Sardar.
 Bhagwant Singh, Rai.
 Faiz Muhammad, Khan Bahadur Shaikh.
 Faqir Chand, Chaudhri.
 Faqir Hussain Khan, Khan Bahadur
 Chaudhri.
 Farman Ali Khan, Subedar Major Raja.
 Fateh Jang Singh, Captain Bhai.
 Fateh Muhammad, Captain Mian.
 Fateh Sher Khan, Malik.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Khan Sahib Mian.
 Faw, Mr. E.
 Ghulam Qadir Khan, Khan Bahadur.
 Gopal Singh (American), Sardar.
 Guest, Mr. P. H.
 Gurbachan Singh, Sardar Bahadur Sar-
 dar.
 Gurbakhsh Singh, Sardar.

Habib Ullah Khan, Khan Bahadur
 Malik.
 Haibat Khan Daha Khan Bahadur Khan.
 Hans Raj, Bhagat.
 Het Ram, Rai Bahadur Chaudhri.
 Jafar Ali Khan, Chaudhri.
 Joginder Singh Man, Sardar.
 Jugal Kishore, Chaudhri.
 Khizar Hayat, The Honourable Malik.
 Lal Singh, Sardar.
 Manohar Lal, The Honourable Dr. Sir.
 Mohar Singh, Rao.
 Muhammad Akram Khan, Khan Bahadur
 Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Hassan Khan Gurchani, Khan
 Bahadur Sardar.
 Muhammad Hussain, Khan Bahadur Ch-
 audhri.
 Muhammad Jamal Khan Leghari, The
 Honourable Nawab Sir.
 Muhammad Nawaz Khan, Lieutenant-
 Colonel Sardar Sir.
 Muhammad Saadat Ali Khan, Khan Baha-
 dur Khan.
 Mula Singh, Sardar.
 Muzaffar Ali Khan Qizilbash, Nawab
 Sardar.
 Muzaffar Khan, Khan Bahadur Captain
 Malik.
 Nasir-ud-Din Shah, Khan Sahib Pir.
 Naunihal Singh, Mann, Captain Sardar.
 Pir Muhammad, Khan Sahib Chaudhri.
 Prem Singh, Chaudhri.

Prem Singh, Mahant.	Sultan Mahmood Hotiana, Mian.
Pritam Singh Siddhu, Sardar.	Suraj Mal, Rao Bahadur Chaudhri.
Ripudaman Singh Rai Bahadur Thakur.	Tikka Ram, Chaudhri.
Roberts, Sir William.	Wali Muhammad Sayyal Hiraj, Khan
Sardar Khan Noon, Major Malik.	Bahadur Sardar.
Sher Singh, Sardar.	

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I beg to move—

That part (a) of the proposed section 5 (2) be deleted.

Sir, section 5 (2) reads :

(2) The Provincial Government may, by notification—

(a) exempt any land or any class of land from the levy of the local rate; or

What I want to be deleted is "exempt any land or any class of land from the levy of the local rate; or". This would mean that the Government will not keep to itself this extraordinary power of exempting any land or any class of land which they like. They have not so far explained to us why they want this power of exemption with them, and why they do not want to consult with the local district board in the matter of exemption of any land or any class of land. I would like them to explain to us what class of land they want to get exempted and what land they want exempted, and why they won't give this power to the district boards to have their say. It would not be obligatory on the Government to accept their recommendations. Government will still have the right to say whether they agree with the recommendations of the local board or whether they do not. They have the power of veto.

As we did not fully understand the Honourable Minister in charge, I would like to request him to give a fuller explanation as to what sort of land he had in mind. What is the quarrel that had particularly arisen between the municipal committees and the district boards where both these bodies could not find a solution? They can easily find a solution if they like. There are many cases where many members of the board are members of the municipal committees also. The honourable member Pir Nasiruddin Shah; who is just going out, is Vice-Chairman of the District Board of Lyallpur as well as a member of the Municipal Committee. So is your humble member a member of both the bodies.

Premier : Does the honourable member maintain that because there are a certain number of members common to the two local bodies, there is no reason why a dispute between the municipal committee and the district board cannot be settled? If that is his knowledge of local bodies, I cannot help it.

Mian Muhammad Nurullah : I am sorry the Honourable Premier has not understood the situation at all. What I was pointing out was that we common members of the two bodies are in a position to solve the problems as soon as they arise.

Premier : If you solve them, the local Government will say 'yes.' If you do not, the local Government has the power to give its decision.

Mian Muhammad Nurullah : Why do you not let your smaller bodies like the district boards and municipal committees solve their problems? Why do you keep them under your thumb, and compel them to come to you for the solution of their problems which they themselves can solve? In doing so you are killing the very root of local self-government. When we can solve those problems why should you interfere? We do not want your interference.

Premier : It is only when you do not solve those problems that the unpleasant duty has to be performed by the local Government.

Mian Muhammad Nurullah : I wish the Honourable Premier could understand the meaning of this. Could you kindly explain and convince me what is exactly in your mind? I do not know what is in your mind. Probably you have not even read the Bill. It is not your subject. I cannot blame you.

Premier : I know it all right. You go on.

Mian Muhammad Nurullah : I was requesting the Honourable Minister-in charge to let us know exactly what is that land or class of land where the difficulties arise, where quarrels have arisen between the local bodies which they have not been able to solve and which the Government sitting in a Cabinet here alone can solve.

Premier : The honourable member should know that the Cabinet does not settle these matters. It is the Minister in charge. It is only where the local bodies cannot come to a decision that the local Government comes in. I have done that while I was Minister in charge.

Mian Muhammad Nurullah : Now I understand that the Honourable Premier was then in charge of local bodies and it probably struck him then and has come before the House now. Now he has thrown some light on the matter. I understand that there are cases where lands are brought from the district board areas into municipal areas. Honourable members of this House cannot understand how this point arises out of this. My objection still remains. Leaving aside those complaints, why not give full power to the district board or to the joint sub-committee? Government should not be in a position to favour anybody. They should not keep the power of exemption with them. Such powers are often misused. That is why I want to move this amendment.

Mr. Speaker: Question is—

That part (a) of the proposed section 5(2) be deleted.

The motion was lost.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): I beg to move—

That at the end of the proposed section 5(2), the following be added:—

“again to one anna if it had been reduced or abolished.”

The sub-clause says :

in respect of the whole or any part of the area subject to the authority of a district board, abolish or reduce, or, on the recommendation of the district board, increase the local rate.

The provincial Government may by notification do this. They can do any of these things by means of this clause. But I think that they should limit the increase to its proper old level of one anna and nothing more. Otherwise the increase will be limitless. My objection yesterday was this, that they are keeping this Assembly out of the show. Once they have this Bill passed they will use their powers through machinations, through manouvers, through official influence, through crushing the very principles of local self-government in the district boards as they have been doing previously as remarked by Sirdar Shaukat Hayat, the honourable member who was in charge of this very portfolio who said that the officials did interfere in the matter of elections of the chairman and the vice-chairman; if this can be done, why cannot they influence members in this respect, members who are probably not as strong in their views? So why should they have with them the power of increasing the local rates? I think they should first scrutinise whether the local rate is being properly utilised and whether efficiency of annas 16 in the rupee does exist and whether the increase would not be abused and whether this extra money which is taken out of the pockets of the zamindars will be used according to their wishes. If after a proper enquiry and proper scrutiny they come to

[Mian Muhammad NuruUah]

the conclusion that the board is running very efficiently and that every rupee is going as far as it can and is being utilised as much as possible and that they are getting the best advantage of every anna of the local rate, then they should say that as this board is running efficiently the board must be allowed to recommend an addition. Once the recommendation comes, you have the sole choice either to veto it or accept it. So do not keep us out. You are getting unlimited powers by this clause. I want to limit the powers to the same old rate of one anna. That is why I move this amendment.

Mr. Speaker : Question is :

That at the end of the proposed section 5 (2) the following be added :—
“ again to one anna if it had been reduced or abolished ”

The motion was lost.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): I beg to move.

That for part (b) of the proposed section 5 (2), the following be substituted :

On the unanimous recommendation of the District Board with a non-official chairman increase the local rate up to fifty per cent.

Proposed section 5 (2) says:

The Provincial Government may, by notification—

(a) exempt any land or any class of land from the levy of the local rate ; or

(f) in respect of the whole or any part of the area subject to the authority of a district board, abolish or reduce, or, on the recommendation of the district board, increase the local rate.

Now I want certain conditions to be fulfilled. I do not object to the increase, but I allow it only on these conditions.

Premier : Sir, I submit that the motion is not in order.

It being 4-30 p.m. of the clock the Assembly proceeded to discuss the adjournment motion.

PERMISSION TO DISCUSS QUESTION NO *9889.

Re RESTRICTIONS IMPOSED ON CONGRESS M.L.As.

Sardar Sohan Singh Josh : May I know what decision has been taken with regard to my request that half an hour should be given to us for discussing the question of restrictions imposed on Congress M.L.As. ?

Mr Speaker informally ascertained the views of the Assembly and declared the leave was refused.

ADJOURNMENT MOTION

SUPPLY OF WHEAT IN LAHORE

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjabi*): Sir, I move :

That the Assembly do now adjourn.

(*At this stage Mr. Speaker left the chair and it was occupied by Mr. Deputy Speaker.*)

In speaking on this motion to-day I do not propose to dilate upon the fact that the people in Lahore and elsewhere were put to a great many hardships because they did not get their ration cards. Nor do I wish to criticise the policy of the Unionist Government in that they are bent upon causing a breakdown of the Rationing and Procurement scheme, which was thrust upon them by the Central Government after His Excellency Lord Wavell had assumed charge of the Viceroyalty of India. Likewise I will not dwell upon the fact that there could not have been any other solution of the food problem. What I want to lay before the House to-day is all that happened in Lahore after the inauguration of the Rationing scheme. First of all, I would like to tell my honourable friends that the wheat supplied in Lahore was of the worst possible quality. The outcry occasioned by it assumed such large proportion that the Government and the Honourable Minister of Development had to sit up and take notice. Weekly and monthly conferences of the Rationing authorities were started in order to show the public that the Government intended to do something to improve the situation. In spite of this the citizens of Lahore grew louder and louder in their complaints against the Lahore Grain Syndicate, so much so that a warning had to be administered to them. When rationing was first started all sorts of rumours got afloat that foodgrains will get scarce or that other articles of food will not be available in the market. In order to allay public fears the Government issued a notification in which it was promised that the wheat which was going to be supplied to the people, will be of good average quality and that it will not contain more than 2 per cent of other grains. But when wheat was made available to the people it caused a great furore in Lahore. Even the wives of the most important members of the Unionist Party protested against the quality of grain that had been supplied. Mrs. Singha got a letter published in the *Tribune* in which she enumerated the impurities like dust, weevil, barley and small stones contained in the wheat supplied by the depots.

Minister of Development : What else does my honourable friend expect to find in wheat? (*Laughter*).

Sardar Sohan Singh Josh : Complaints started pouring in from all sides that wheat supplied by the depots was wet, black, weevilled and unfit for human consumption. Although rationing arrangements are not good anywhere, yet it seems very strange that the most rotten arrangements should have been made in Lahore where there are three of the highest rationing officers with a large staff assembled around them. Conditions in Rawalpindi and Amritsar although not very satisfactory are still better than those prevailing at Lahore. Now when the outcry against their rationing arrangements has grown in volume, the Government have come forward with the admission that due to lack of experience in such matters there have no doubt been defects in the system which will in due course be removed. The assurance is belated as the people in Lahore have from their bitter experience come to know that all such assurances are nothing but an attempt to throw dust in their eyes. Despite the promises made by the Government through their rationing authorities good quality wheat is not being supplied to the citizens of Lahore. In spite of repeated complaints no effort has been made by the Government to improve the quality of wheat. On account of the poor arrangements for transportation thousands of bags have been spoiled. According to Mr. Jones 30,000 bags got wet while lying on the railway station. If my information is not wrong I understand that the Government is claiming from the Railway Rs. 57,000 as damages. In order to illustrate my point further, I would like to narrate one or two stories. Sir Henry French came to India as an expert on this subject. During his visits to these depots the Government did its level best to hide the real wheat and he was shown the best quality. This was done in the Kashmir building godown. When he visited the Mozang area, there the local authorities failed and the local inhabitants acquainted

[S. Sohan Singh Josh]

him with the whole situation. Things do not rest here. The Unionist Party's paper *The Tribune* broke the silence and was forced to write on October 12th, 1944.

The public has been tirelessly agitating for the adoption by the Government of such measures as may remove the menace. When Sir Henry French visited Lahore, his attention was drawn to the scandalous state of affairs. Of course an attempt was made by a complacent official to minimise the prevailing discontent, but facts cried aloud and to those higher authorities who were not absolutely deaf it was clear that there was something very rotten in the Syndicate management.

Sir, that paper *The Tribune* is controlled by Sir Manohar Lal. The meaning of this article is this that Sir Manohar Lal is telling Sardar Baldev Singh that the state of affairs has gone bad. At last the Government was forced to consider the matter and in the *Tribune* of November 11 it appeared that 18,000 bags had been condemned.

18,000 bags of wheat not found up to the standard fixed by the government and held under objection even after the usual test in the government laboratory are lying in Lahore. At a meeting held on November 6th, 1944 where the Rationing Controller or their representatives were present besides the representatives of the Syndicate and the clearing agents the question of the disposal of this wheat and a large quantity of the same kind at Rawalpindi and only about 80 tons at Amritsar was discussed. Those present at the meeting decided between themselves to give 20 days time to the clearing agents who while acting on behalf of the sellers will clean this rejected wheat so as to bring it to the specifications fixed by the government and this wheat would then be allowed to be sold if brought to the specification failing which the sellers would be asked to take away their wheat. (*The Tribune*, 11th November, 1944).

The Government evaded the issue by issuing a light warning to the Syndicate and that was all. All these arrangements were made to stop hoarding and fight out profiteering. These people are observing all sorts of dirty practices and it seems that they are bent upon starving the people to death. The Government feels fully satisfied by issuing such mock warnings.

Sir, the Government itself admits that the quality of this wheat is not fit for human consumption. The Government is trying to strengthen its party position by purging out all the nationalist, pro-Congress or pro-League elements and placing everything in the hands of their own men, their favourite capitalists and they are assuming the position of monopolists. The Government is totally abusing its position. I will read out a quotation from "Food in the Punjab."

Thirdly, the Punjab Government is attempting to fill the syndicate with its own men and eliminating men whom they suspect are politically hostile to them. In Lahore they eliminated an influential wholesaler from the Syndicate just because he had sympathised with the Mulsim League and had donated to it.

Minister of Development : Who is the author of this book ?

Sardar Sohan Singh Josh : G. Adhikari.

Minister of Development : A communist !

Sardar Sohan Singh Josh : Yes, communists know these things.

Mr. Deputy Speaker : Motion moved—

That the Assembly do now adjourn.

Chaudhri Ram Sarup (Rohtak Central, General, Rural) (*Urdu*) : Sir, I am one of those who never can be prejudiced by one party or the other. I would be the first man to side with the Opposition if they really come out with something good and useful and if the Government are treading on the right path I would be with them as I am at present. My honourable friend Sardar Sohan Singh Josh has remarked while moving his adjournment motion that bad wheat has been provided to the city of Lahore. I agree with him that the wheat supplied was bad. It is also obvious that if good wheat had been supplied to the public at large no complaints would have come to the authorities concerned. But I may point out that with a view to understanding the position correctly

my friends sitting opposite must know as to who are more responsible for introducing rationing. Now when rationing has been introduced men like Sardar Sohan Singh Joshi are finding fault with it. It reminds me of a saying in Vernacular.

چور کھانا سڈھاوا سادھان کو چور

It is quite applicable to the attitude of my honourable friend the mover of the adjournment motion. It is just like telling a thief to break into a house and then telling the house keeper to lay hands on the thief. This attitude of my honourable friend can never be appreciated by us. As you are aware, Sir, when the Punjab Government was opposed to the introduction of rationing in the province Sardar Sohan Singh Joshi and his few friends sitting over there were in support of it. I quite remember the day when my friend Sardar Sohan Singh Joshi stood up and made a fiery speech with much gusto and 'josh' and said that as he was a representative of Communists he would always support the introduction of rationing in the province. Without any fear of contradiction I would say that then Sardar Sohan Singh Joshi and others were befriending the Government of India whose critics they had been previously.

Sardar Sohan Singh Joshi : It is a lie.

Chaudhri Ram Sarup : Is it a lie that you have changed your ideas? Is it also a lie that you said something quite different to what you say now? Is it a lie that your attitude has totally changed since Russia joined hands with the Allies? I am sure you and others like you have followed in the footsteps of Mr. Jamna Das Mehta and Mr. M. N. Roy.

Sardar Sohan Singh Joshi : He is a renegade and traitor like you.

Mr. Deputy Speaker : Do not be personal. (*Voices ; Withdraw, Withdraw*)

Chaudhri Ram Sarup : Let Sardar Sohan Singh Joshi not withdraw his remarks. What he has said really reflects his own mind. I was submitting that there must be something wrong with the quality of wheat rationed in Lahore. But now let us see how it all happened and who is responsible for it. It is very difficult to throw light on this issue without telling the House the changed attitude of my Communist friends sitting over there. Strictly speaking their attitude has never been stable.

Sardar Sohan Singh Joshi : The honourable member should know the facts before making a speech in the House.

Chaudhri Ram Sarup : I may also point out that the only difference between my attitude and that of his is that I would never like to follow him while he may follow our policy. When I say that I hate this policy which he has adopted I would stick to my word. But the case is reverse with my honourable friend. He does not stick to his contentions. He changes his policy and attitude. (*Cheers*) I have already submitted that I would never hesitate to admit the bare facts and truth of the matter. May I ask again whom do my friends sitting opposite hold responsible for all that is happening? I may assert with all the force at my command that men like Sardar Sohan Singh Joshi and those who have supported the introduction of the scheme of rationing have to thank themselves for what is happening. I think the House quite remembers that while the Government was opposed to the introduction of rationing it was the Communists who clamoured for its introduction. We knew the difficulties of the scheme at that time. But it was Sardar Sohan Singh Joshi and his few friends who said "No, rationing is wonderful for the people, the Government must introduce it." They went so far as to attack the Government by saying that since it was a zamindara Government they did not want to introduce rationing in the province as they wanted zamindars to sell wheat at high prices. Now if I say that the persons who mix something in wheat and make it unclean are the brethren of my honourable friend Sardar Sohan Singh Joshi, he should not feel offended over it. (*Interruption*).

[Ch. Ram Sarup]

Very well, Sir, if you want that I should not make any reference about my honourable friend Sardar Sohan Singh Josh, then I drop this matter here. What I wish to submit is this that it was stated in the press that the Punjab Government was not in favour of introducing rationing in the province and in reply to that a statement was published by Nawab of Mamdot, President of the Muslim League to the effect that if the Unionist Government would resign on the issue of introducing rationing, in the province then the Muslim League would be prepared to come forward to form their own Ministry and introduce better form of rationing in the province. It was further stated that the Government of India should not worry if the present Ministry is dissolved on a proposal coming from them. It is crystal clear from this that my honourable friends sitting opposite adopt these ways and means to throw over-board the present Government. Sometimes my honourable friends want the Government to do this and sometimes that. When the scheme of rationing was introduced in the province they asked the Government to take certain steps and now they tell a different tale. So far as the rationing scheme is concerned I wish to point out that if there is anything wrong with this scheme, my honourable friends sitting opposite should come forward with a clear mind and point out the defects which are found in this scheme and at the same time suggest ways and means to make it a success. There is no doubt that some defects do exist in this scheme and the Director of Rationing who is a very just and reasonable officer (and such persons are always prepared to distinguish between right and wrong) himself agrees that there actually exist certain drawbacks in the rationing scheme. If my honourable friends see him personally and discuss the pros and cons of this scheme with him, he will be glad to accept their suggestions provided these suggestions are based on reason and thus with their co-operation he will remove all the defects. It will not be out of place to mention here that it is as much the duty of the public as of the Government to see that the scheme of rationing in the province is worked out to the entire satisfaction of the population. However I wish to bring this point home to the honourable members sitting opposite that if they resort to bad methods, a bad treatment would be meted out to them and if they adopt reasonable methods they would receive a reasonable reply. I am constrained to remark that my friends sitting opposite instead of co-operating with the Government in working out the rationing scheme successfully, are out to put obstacles in the way of the Government. It is clear from this that it is they and not the Government who are responsible for this so-called failure of rationing in the province. So far as the rationing scheme is concerned, I wish to submit that my honourable friends are out to make confusion worse confounded just to get an opportunity to oppose the Government with all the emphasis at their command. Instead of making all-out efforts to find fault with the Government it is but meet and proper on their part to co-operate with the Government in devising ways and means to make the rationing system a success. I have no hesitation in informing the honourable members that if they want to censure one Government, it is but natural that it must be replaced by another. It is with co-operation with the Government alone that they can succeed in removing the defects that exist in the present rationing scheme. I do not intend entering into details any further. What I wish to urge upon my honourable friends is this that if they want to show some real sympathy towards the public at large, then they must start doing it in a better way and the Government would also be ready to advance help in this direction.

Nawab Muzaffar Ali Khan Qizilbash (Lahore, Muhammadan, Rural): Sir before I take up the question of Lahore rationing, I would like to make a reference to a few facts about the manner in which it came to be introduced. Some of my friends opposite have stated that the Governor-General came down to Lahore and straightaway

rationing came about, but the facts are totally different. The Government of India, as we all know, was very keen to bring about rationing in most of the important towns in India, Lahore being one of them. As we had our own autonomous Government it would not be done without our permission. The Punjab Government placed their point of view stating that they were a surplus province and there was no need at all for bringing about rationing in this province as that would affect the zamindars and the prices would fall. It would cause trouble to the public at large and especially in a town like Lahore which had a population of well over 9 lakhs.

Chaudhri Muhammad Hasan : The honourable member is irrelevant.

Mr. Deputy Speaker : He is developing his argument.

Nawab Muzaffar Ali Khan Qizilbash : My communist friends heard that the Punjab Government was not in favour of bringing about rationing and at once started agitation saying that the Punjab Government was most backward in not favouring rationing which according to my Communist friends was something wonderful. At once they came out with a statement criticising the Government and that was followed by a statement by the Nawab of Mamdot. The result was that the Punjab Cabinet went to the extreme and threatened to resign over this issue. Later on, however, they realised that it was just and proper to fall in line with the rest of India and they agreed to rationing, very much against their wishes. It is my honourable friends over there and the Nawab Sahib of Mamdot who should be thanked for bringing about rationing in this province.

Honourable members will realise that to start a machinery to feed a population of over 9 lakhs was not an easy task, especially when we have had no practical experience of it. We had no doubt heard about it but we had not seen it worked. Naturally there were very many difficulties when the whole scheme had to be started. It was postponed once and then again a second time. Fifty thousand bags of wheat had to be purchased every month and then an agency for its distribution had to be set up. We got a Rationing Controller who appointed his staff and with a very elaborate machinery the whole scheme started working. In the beginning we had quite a lot of complaints and most of them were genuine but as time went on things improved. I am myself a producer of wheat in this very district. We are used to a quality of wheat which is called Dara which contains a little Mamni in it, a little gram and also barley and the percentage of gram and barley and other grains is 2 with about $\frac{1}{2}$ per cent of Mamni. In the beginning, Sir, I quite admit the Government was panicky as they had to buy thousands of tons of wheat; the machinery had not begun working and the quality of wheat purchased was not as good as the people of Lahore were used to. Although I grow my own wheat yet I had to buy wheat locally in accordance with the rationing scheme. I found that in the beginning the quality was not up to the mark. As I have already stated things improved as time went on. Even now there might be some genuine cases of complaints and every endeavour is made to remove those grievances. We have an Advisory Committee where we have the representatives of the Mazdur Sabha; my communist friends are also represented and every other interest is represented.

I know of two cases which have been brought to the notice of the Advisory Committee. One was, if I remember right, by Rai Bahadur Durga Das who complained that the quality of wheat supplied was very poor. He had no sample to send to us although the Controller repeatedly wrote to him to do so. Thereupon the Controller himself went to the depot from where that gentleman used to get his quota of wheat and found that the wheat supplied was of the average quality. As for the other case, the facts as mentioned by the honourable member seem to be somewhat different from the facts that came to our notice. It appears that Mrs. Singha cleaned her wheat more than was necessary because she used to give the rejected portion to the poultry.

[Nawab Muzaffar Ali Khan Qizilbash]

Now, coming to the machinery for buying and distributing wheat, I may say that the whole thing is managed by an agency appointed by the Government. That agency does the buying of wheat. After buying that wheat either by the tender system or by some other means, it is handed over to a syndicate whose job it is to collect the wheat from the stations, clean it and distribute it to the different depots. There are Government inspectors whose only job is to take out samples from different wagons and send them to the Government laboratory specially set up for the purpose. In case any wheat is found to be not of the average quality it is rejected. My honourable friends might have noticed from the press that many hundreds of tons of wheat have been so rejected because they were not of the standard quality. I am not here holding any brief for the Government, but it is only right that we must realise the enormity of the scheme. I may say that considering how huge the scheme is, the number of complaints brought to the notice of the Advisory Committee is very few. There may be two reasons for this. One reason may be that the quality of wheat has improved as a result of the close supervision by the Government and its officers. The wheat is nowadays properly cleaned and dusted. That may be one of the reasons why we do not have any complaints now. The other reason may be that the people have got accustomed to the quality of wheat supplied by the depots. I am not saying that only one of these reasons has been responsible for the paucity of complaints. It may be that both the reasons may have operated to reduce the number of complaints.

Now coming to the question of Mr. French, my learned friend made a mistake when he said that this gentleman was a representative of the Government of India. No, he was not a representative of the Government of India. When this gentleman's statement appeared in the press it was contradicted the next day by the Rationing Controller. Further if the mohallahallas had any complaint against the wheat supplied by the depot, there was nothing to stop them from taking samples of the wheat to the Controller. Moreover my friend the Minister has himself made so many visits to the depots. Everybody in the mohalla knows that the Minister is coming. Why have not these mohallahallas brought any complaints to him during his visits? The Honourable Minister visits the depots without giving them any notice so that there may be no hanky panky about it and he has always found the wheat supplied to be of the average standard quality.

There is one other point. Honourable members may remember that in the beginning there was a hue and cry about the quality of wheat and that the syndicate was not doing its job properly. The Government did give a severe warning to the syndicate for inefficient administration. It is for the good of the Government that the scheme should be worked properly and the Government is seeing to it that the scheme is worked in the best interests of the people. If there are any genuine complaints, they must be brought to the notice of the authorities. With these words, Sir, I oppose the adjournment motion.

Raja Ghazanfar Ali Khan: (Pind Dadan Khan, Muhammadan, Rural): (*Urdu*) Sir, before I begin, let me say a few words about the speech of my honourable friend, the Nawab Sahib. Apart from making a few wrong statements and saying a few things contrary to facts, his was quite a good speech, and I congratulate him. He was pleased to remark that the respected leader of our party had issued a statement to the effect that in case the Unionist Ministry would resign on the issue of rationing or control he would be prepared to shoulder the responsibilities of the Government.

Nawab Muzaffar Ali Khan Qizilbash: I never said anything of that sort. What I said was that the statement of the Nawab of Mamdot helped to bring about rationing. I never said anything else.

Raja Ghazanfar Ali Khan (Urdu) : I am very glad to hear that. Then it was my friend Chaudhri Ram Sarup who said it. Well, the least I can say about it, is that it is not correct. The Nawab of Mamdot never issued any such statement. If he had, there was no occasion for us to be ashamed of it, because we as well as every one else know that any Government will prove better than the present one.

Sir, one may well ask as to why and how rationing was introduced here? The honourable members will very kindly recall that some time ago the Punjab Government moved a resolution in the House that the price of wheat should not be controlled in this province. So far as I can recollect this resolution was adopted unanimously by the House. (*Sardar Sohan Singh Josh* : Not unanimously). I perfectly remember that the Honourable Chaudhri Sir Chhotu Ram even held out a threat of resignation if the price of wheat was controlled. Similarly other Honourable Ministers went about declaring that they would not allow the price of wheat to be controlled and that if the Government of India interfered in the matter and forced price control of foodstuffs on them they would, in deference to the express wishes of this House, tender their resignations. But when the time came the same Ministers, who are sitting on the treasury benches now, like loyal and faithful slaves, readily agreed to obey their masters at New Delhi. It is they who are responsible for the introduction and administration of rationing here. Do we not know that my honourable friend *Sardar Sohan Singh Josh* had urged more than once the necessity of introducing price control and rationing in the province? It is these very Ministers who opposed his suggestion tooth and nail on every occasion. But the moment the Government of India showed its teeth my friends like faithful slaves bowed before its orders. Sir, it is this Government which, regardless of the wish of the House, the unanimous decision of the representatives of the people that the price of wheat should not be controlled in the province, yielded before the orders of the Central Government and introduced price control and rationing here. This is how rationing began. I am sorry that some of my friends have deemed it fit to raise a discussion on this issue. We had absolutely no such intention because we know this Government pretty well. At the time when the Honourable Ministers returned from Delhi and were holding out threats of resignation if the price of wheat was controlled my honourable friend the Nawab of Mamdot simply remarked :

نہ خنجر آزمیگا نہ تلوار ان سے

یہ بازو ہر — آزمائے ہوئے ہیں

The prices of foodstuffs were controlled and nothing of the kind happened. Anyway I do not want to take up this issue once again and I leave the matter there. The question now before us is who is responsible for all the trouble caused to the people. Let me make it clear that so far as the administration of rationing in Lahore is concerned, whether people are getting their rations according to their needs or not, whether they are getting proper return for their money or not, we have absolutely no complaint to make. Again we have absolutely no complaint against the Rationing Controller, whose attitude towards the public is sympathetic and highly commendable. But along with this I cannot help remarking that in the Supply Department set up by Government such disgraceful things are happening that one feels ashamed to mention them on the floor of the House. Let me also point out that in appointing the members of the Lahore Grain Syndicate the Honourable Minister has not acted wisely. It was expected of the Minister who himself is a business magnate, who is considered to be an expert in matters relating to trade and business, that he would entrust the working of this Department to men who would run it in a wise, just and fair manner. But we have been highly disappointed to find that in this Department nepotism has been and is the order of the day. I do not think I need advance any further arguments to substantiate this charge. In

[Raja Ghazanfar Ali Khan]

fact the complaints against this Department had increased to such an extent that even the *Tribune*, which in season and out of season does not hesitate to plead the cause of Government, wrote article after article against the mal-administration of the Supply Department. What is the situation at present? Just compare the rates of foodstuffs prevalent in the *mandis* of Lyallpur and Gujranwala with those at which wheat is being supplied to the citizens of Lahore. Then consider the question whether or not foodstuffs could be purchased easily and in large quantities from these *mandis*. Yet Government appointed special agencies for the purchase of wheat and other foodgrains from the zamindars at cheap rates. Although great sympathy is expressed for the zamindars but it is only skin deep. Who cares for the interests of the poor peasants? The fact, Sir, is that the Syndicate after purchasing wheat at cheap rates from the zamindar mixes dirt and dust in it in order to make large profits with the result that the poor people in Lahore are starving. What is our complaint? Our complaint is simply this that the Honourable Minister has not moved his little finger to put a stop to the unsocial activities of these profiteers. He never asked the syndicate to stop profiteering at the cost of the people. He never asked it to get only the profits and that it should not make large profits by providing wheat mixed with dust and dirt to the people. It is sad, indeed, that he cared for ten members of the syndicate and paid no heed to the health and well-being of 9 lakhs of citizens of Lahore. He never, even once, asked the syndicate to make profits but in a just, fair and equitable manner. When the syndicate was set up no tenders were called. No standard was laid down as to how the members of the syndicate would be appointed. The fact is that every one whom the Honourable Minister wanted to please, whom he wanted to favour and whom he wanted to enrich, was appointed on it. Sir, have you ever heard that in a matter of this nature communal and political considerations are allowed to prevail? The persons who had even the remotest connection with the Muslim League were not permitted to become members of the syndicate. Have my friends heard of such a thing ever happening in any civilized country? I say, can any Government run the machinery of the rationing department successfully which accepts thousands of rupees from sugar depot-holders, wheat depot-holders, kerosene oil depot-holders as subscriptions for the Zamindara League? I am thankful to my friend Sardar Sohan Singh Josh for affording us an opportunity, by moving this adjournment motion, to bring such facts to light. Who does not know that if undue pressure is put on the traders, who spare no efforts to make the control a failure and who are always anxious to dispose off their stocks through the black markets, to give subscriptions they will not pay them out of their own pockets particularly when they have no sympathy for the cause for which they are asked to subscribe.

Minister of Development: I ask the honourable member to let me know the name of even one Director from whom subscription has been obtained.

Raja Ghazanfar Ali Khan: I am surprised at the remark of the Honourable Minister. I never used the word "Director" in the whole of my speech. I would request him to just consult his colleague on his left whether I used the word "Director" in my speech or not. For God's sake do not ascribe to me what I have not stated.

Minister of Development: The honourable member has said that money has been obtained from the members of the syndicate for the Zamindara League.

Raja Ghazanfar Ali Khan: No, sir. I never said that.

Minister of Development: The honourable member has stated that money has been taken from the members of the syndicate for the Zamindara League. He may kindly tell the name of the person from whom subscription has been taken.

Raja Ghazanfar Ali Khan : I may tell him that subscriptions have been obtained from thousands of people who are depot-holders in different cities, villages, districts and tahsils.

Minister of Development : At present it is the rationing in Lahore which is under discussion. I ask the honourable member to very kindly tell me the name of any depot holder in Lahore from whom subscription has been obtained for the Zamindara League.

Raja Ghazanfar Ali Khan : I am not here to make wrong allegations. I did not make this remark about any one in Lahore. I am talking about the whole of the Punjab. About Lahore I can say that subscriptions have not been taken from any one for the Zamindara League. I will tell the reason for that as well.

Minister of Development : But it is the Lahore rationing which is under discussion.

Mr. Deputy Speaker : Yes, it is the Lahore rationing that is under discussion.

Raja Ghazanfar Ali Khan : I bow before the ruling of the Chair. I may tell my friend that in addition to Lahore there are several other districts where money has not been taken from the depot-holders for the Zamindara League. I know the reasons for that as well but I do not want to mention them on the floor of the House. Suffice it to say that in those districts the Deputy Commissioners are strong men and therefore the depot-holders of those places have not been asked to subscribe to the Zamindara League Fund. Anyway my submission is that the Honourable Minister should not have rested content with merely administering a warning to the Syndicate for its serious offence. If he had cared for 9 lakhs of people instead of 10, the Lahore Syndicate would never have dared to supply bad and dirty wheat to the citizens of Lahore. I put it to him, is it or is it not a fact that wheat which had been declared to be unfit for human consumption by the Health Department was brought to Lahore and had been distributed by the Syndicate through the retail sellers to the people? If it is so, what steps has he taken to bring the culprits to book? Then what is the method of inspection of wheat? It reminds me of a verse by a distinguished poet which is as follows :

من ترا حاجی بگوئم تو مرا • لان بگو

Exactly this is the procedure which is being followed. One agent purchases wheat and the inspector appointed by another agent checks it and *vice versa*. What a method! I assure my honourable friend that in making these remarks my intention is not to criticise him but my object is only this that he should admit defects and shortcomings obtaining in the Supply Department and try to remove them lest the poor people should come to despise the Government so much that they cry out "any Government is better than this Government".

I would request the Honourable Minister to kindly look at this matter from the point of view of the poor. It is a question of the poor man's simple fare, and should not be left to go by default on account of political considerations. It is a serious matter in the consideration of which all sorts of political and other extraneous considerations should be completely eschewed. They should learn a lesson from the Government of India, whose Supply Department is running so smoothly and in such a business-like manner. In the matter of getting their supplies the Department does not take into consideration the fact whether the supplier is a Congressman, a Maha Sabha-ite or a Muslim Leaguer, so long as the supplies are according to their specifications. The Punjab Government who is so fond of following the Central Government in their most un-popular ventures ought to take a leaf out of their book in this matter. The distribution of depots on political considerations has caused a great outcry and they should realise that they cannot suppress the voice of the people by

[Raja Gbazanfar Ali Khan]

taking recourse to such methods. Such petty machinations and conspiracies are not effective in breaking the spirit of a people. In the end I would request the Punjab Government to run the rationing scheme in a business-like manner and not to bring political considerations to bear upon it.

With these words I support the adjournment motion moved by my honourable friend Sardar Sohan Singh Josh.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, I rise in support of the adjournment motion (*hear, hear and applause*), although I differ from the honourable mover in respect of the view-points he has put forward. That clean wheat is not supplied to the populace at Lahore cannot be denied. That there have been general complaints, that also cannot be denied. But what we have got to consider is as to who is responsible for that? To my mind it is the system that has been in vogue, the system introduced by the Government, that is mostly responsible for it. The wheat that comes into the rationing town has got to be supplied. The Rationing Controller and the Syndicate, cannot supply any wheat other than that bought by the Government, and brought by the Government to the rationing towns of Amritsar, Rawalpindi and Lahore. Now this adjournment motion relates only to Lahore. All the same I am free to confess as a result of my personal experience that conditions elsewhere also are not ideal, though they may not be so bad as they are in Lahore. The fact is that the wheat comes to all these rationing towns from the different parts of the Punjab. Where it is properly cleaned; there have been fewer complaints, but where it was not so completely cleaned; complaints have been many. I am free to admit that complaints more or less are everywhere and that the conditions have not been ideal. Who is responsible for all this? To my mind this system of syndicates, this system of purchase, has entirely failed and it is for the Government to take steps to try some other method. That this system has been defective, I do not deny. There have been two kinds of complaints. One is that proper and good quality of wheat has not been supplied. The second is that the prices of wheat have been very high in the rationing towns as compared with those in other places where there is no rationing. I do not deny, that whereas on the Lyallpur line or Sargodha line the prices were somewhere near Rs. 8, the prices in Lahore were Rs. 9-3-0 or Rs. 9-4-0; and it is this system of purchases and distribution that has been responsible for it. In former years everybody was not used to eat wheat that came from abroad. I assert that the wheat that is being given to the average citizen in Lahore or Amritsar, if properly cleaned, is better than what it used to be formerly. (*Hear, hear*). There is no denying that. The rich classes are not getting that quality to which they were used. (*Premier*: It is a cry of the rich). Let it be put that way. I said so in the Food Advisory Council, and repeat that the average citizen, the poor man, is getting better quality of wheat than he used to get, (*hear, hear and applause*), except when it is not properly cleaned. But his complaint regarding high rates is really *bona fide*. Some steps have got to be taken to remedy that. Let us go into these defects and find out what steps are necessary to improve matters in the present conditions. Wheat has got to be bought mostly from colony towns. It has got to be stored in the rationing centres for some months. Naturally the expenses increase. The transport charges have got to be added to the price that the Government is paying to the seller. It is rather for the Government to reply to this question, but I might add that Government is not making a pie over these transactions. They are selling to the people here at the same price as they buy. They buy in Lyallpur or Sargodha and they add the charges of transport. Proper accounts are kept in the accounts department and the rates are worked out according to those books maintained by the Government. These selling rates apply to everybody.

When wheat was being sold in Lyallpur at Rs. 8 the price in Lahore was fixed at about Rs. 9-8-0. Why? Because in the first instance the transport charges had to be added to the purchase price. Secondly charges for cartage, cleaning, interest, etc., had got to be added and that is chiefly responsible for this increase. Formerly it was not necessary for everybody to keep stocks for 4 to 5 months' requirements. Now Government is being compelled to keep five months' stocks. After all they cannot take any risk in Lahore or Amritsar where there is a huge population and if for two days there is no wheat supply the whole thing becomes topsy turvy. It is therefore the system that has got to be changed. I would suggest that the Government must abolish these syndicates. I am interested in the Syndicate, being the President of the Grain Syndicate of Amritsar and yet I feel that this system has failed and must be changed. Let the Government take it over into their own hands, so that the public may have the satisfaction that there was no profiteering. Profiteering there could not be because the Syndicate cannot charge any more price than what the Government fixes* (*Sardar Sohan Singh Josh*: Plus annas 8 per maund). If you only know the charges that have to be incurred and which I will call working expenses and not profit then at once you will understand the position. Wheat comes to the rationing station, either at Lahore or at Amritsar, it has got to be taken to the godowns, it has got to be stored. Any shortage has to be made good by the Syndicate. Labour has to be engaged and paid for. Godowns have to be rented. It is in fact for the Government to explain all this, but being one of the traders, and chairman of the Amritsar Wheat Syndicate, I have thought it my duty to give the House all this information in order to remove the wrong impression that there is any profiteering. So far as the Amritsar Syndicate is concerned, they have already given an indication to the local authorities that they might be relieved of their responsibilities. I may tell you that the Amritsar Syndicate is going to resign. The system must be changed. It is commonly known among the zamindars and the wheat traders that the quality of wheat in Amritsar and Lahore districts is very inferior. If the Government were to buy that wheat and give it to the people in Lahore and Amritsar, I do not know what the cry would be. After all, somebody was eating this wheat before whereas not a grain of this wheat is being given to them now, as Government is confining its purchases for rationing towns mostly to colony towns, where the quality is superior. To enable the zamindars in the Amritsar and Lahore districts, to sell their crop, special purchases, of this wheat are being made by Government for despatch to the deficit provinces, so that whilst the inferior wheat thus finds its way to deficit provinces the better quality is retained for rationing towns. It is only the businessmen who understand these technicalities. That is why, interested though I am in the Syndicate, I am myself advocating, just for the satisfaction of the public and for the satisfaction of those who take some interest in this matter, that the Syndicates must be entirely abolished and the sooner Government does it, the better (*Hear, hear*). Let the Government take the distribution work in its own hands, let the Co-operative Department of the Government or any other department take it over and they will find that it would be impossible for them to reduce the price, if the present system has to continue. You might not buy all your supplies from colony towns because that costs you eight annas per maund extra. Try to verify the figure for bringing wheat from those colony towns, to the rationing towns, and you will feel convinced. Wherefrom are these eight annas per maund to come, if it is not added to the price that is paid? As I told you, proper accounts are kept in the Accountant-General's Office and the figures can be verified.

Sardar Sohan Singh Josh : Very self-less Syndicate-wallas.

Sardar Santokh Singh : The honourable member does not understand things at all.

Sardar Sohan Singh Josh : I understand better.

Sardar Santokh Singh : Syndicates do want to make profits but they are not allowed to buy even one bag for themselves. They keep to the last mauny separately that is supplied to them by the Government for distribution and this they sell at the rates fixed by the Government. (*Interruptions*). Have the patience to hear me. The price of wheat is fixed by the Director of Food Purchases without any consultation with the Syndicates. They only stock for the Government and sell under Government instructions. If the Syndicate goes wrong, there are Defence of India Rules to punish it. To remove all these misunderstandings, I have suggested that these Syndicates may be abolished if possible from tomorrow and as Chairman of the Amritsar Syndicate I do tell this to the House that we are going to resign our post and have done with it. Whatever stocks are left with us may be disposed of by somebody like Mr. Josh.

Malik Barkat Ali : Provided they are wholesome.

Sardar Santokh Singh : You can take it from me that they are quite wholesome. Much has been said by Sardar Sohan Singh Josh about there being insects in the wheat. My Kisan friend should know that in the eighth or ninth month of the season insects do appear. Nobody mixes them but weevils are there in the eighth or ninth month. At this time of the season there are sure to be weevils and other insects. You cannot do away with them. This is the thing with which you have got to put up. My friend has been saying that 58 thousand rupees were imposed as demurrage by the Railway upon the goods that could not be removed in time. I simply want to tell my friend that that demurrage is to be borne by the Syndicate and not by the Government. The Government will not suffer even to the extent of a pie. It is the Syndicate which has to bear this loss of 58 thousand rupees. My point is that the Syndicate have got to foot the bill for the value of wheat that they get and which they have not purchased themselves. They have to pay this bill at the rate fixed by the Director of Food Purchases for them. They have to pay all the charges over that and adding those charges to the price paid, the Accounts Officer of the Punjab Government instructs them every month that the wheat has got to be sold at such and such a price during the ensuing month. No syndicate can sell at a higher price than that. Accounts are thoroughly checked and if some honourable members have still got suspicions I do not know if anybody will be able to remove them. As I have said, the system may not be all right. Government makes the purchases, deliveries are not in its hands, the sellers are to deliver and they deliver at their convenience. Government buys on contract for delivery within a month or three weeks as is done in the trade circles but the sellers are free to despatch goods, the whole, or in part, any day within the contracted period. If the Syndicate is not able to remove the goods from the railway station within the prescribed time, they are to suffer. The complaint of the syndicates has been that the supplies are not regularised. I have, as President of the Chamber, addressed many a communication to the Government that supplies should be regularised. At one time we may get fifty wagons a day and at some other time we do not get even ten for days together. The Government already make all the purchases themselves. They should also store all the quantities themselves and they must issue all these quantities themselves without any intermediaries. I feel sure that this suggestion will appeal to the Government. They should take in their own hands the entire work of distribution. With this background I support the adjournment motion.

Sir William Roberts (European): Sir, from the wording of this motion one would gather that the quality of wheat supplied these days is something worse than supplied on July 20. If you had a sample of absolutely clean wheat on the 30th of July and even if it were kept under water-tight conditions, there is likelihood of its deterioration from khapra and weevils. It is only if you make constant efforts in cleaning up wheat that you can keep it in good condition. I personally came in touch with the wheat which was being delivered in Lahore in the middle of September and then I had found that the quality was not up to the standard, but when I saw samples again in the middle of October and in the middle of November I found that there was a marked improvement and I think Lahore is now getting far better grain than Bombay and I should have thought that a responsible party like the one which is bringing up an adjournment motion of this kind would give some credit for the improved situation. (*Interruptions*). I do not think anybody on this side of the House claims to be perfect as far as distribution of wheat in Lahore is concerned. When I discussed the difficulties with the Food Department in May last, they said that they had a colossal problem before them and that they were tackling it as best as they could and intended remaining in Lahore all summer. It shows at any rate that the Government realised the great difficulty of the problem. I can say from my personal experience that the quality of wheat is average *darra* wheat as bought by the Co-operative Department. We exported such wheat out of the Punjab during the two years I was Director of Civil Supplies and very few complaints came from abroad. Further, I have seen the grain which was given last year in Bombay and I guarantee that Lahore is getting far better grain now than Bombay City. In Lahore you cannot sell grain with such mixture of other grains as is done in Bombay. There is decided improvement in quality. I have asked hundreds of people and they admit that there is distinct improvement. Once rationing is decided upon then at least 10 per cent of the population must accept a lower standard in their food than they have been accustomed to eat. I am afraid those who are digging holes in the system of rationing are these ten per cent, vocal minority of the total population. I cannot see any substance at all in this adjournment motion. I hope, however, that the wheat next year will be very much better and that Lahore will be better fed.

Chaudhri Muhammad Hasan (Ludhiana, Muhammadan, Rural) (Urdu): Sir, it is clear from the speeches made in connection with the rationing scheme that certain honourable members have justified the Government and others have taken sides with the Controller of Rationing. But it is a thousand pities that none of us has laid down the bare facts of the matter. Before I proceed with my remarks, I would like to refer to a letter published by Rai Bahadur Lala Durga Das in the *Tribune* in which he clearly stated that the Controller of Rationing had no sympathy whatsoever with the masses to provide them with good wheat. I am one with him in saying that the Controller of Rationing has actually displayed complete apathy towards the public grievances. But apart from that I would hold the system as well as the Government and its officials including the Ministers responsible for the bad wheat being supplied to the city of Lahore. To make it more clear I would like to submit that the Government have selected a wrong person for the responsible job of Controller of Rationing who as I have submitted, has no sympathy with the public at large. It is very regrettable that the Controller of Rationing instead of doing something in the interests of Lahore town tried to please the Government by carrying out directly or indirectly the party propaganda in the province while in reality his duty was to serve the masses in such a way as not to afford them an opportunity of making complaints against rationing. I may further point out that for Nawabs and the rich to know where the shoe pinches is very difficult. They are above it. The suffering is for the

[Ch. Muhammad Hasan]

poor and in order to hear their sufferings and grievances one must have a strong heart and a sound mind which unfortunately the stiff-necked bureaucrat Controller lacks. Now, Sir, the incident which I am going to quote is sufficient enough to show you the stuff the Controller is made of. When Rai Bahadur Lala Durga Das sent him the bad wheat supplied at the depot the Controller rudely said: 'You shall have to eat it.' This sort of apathy and misbehaviour do not speak well of the Controller and the Government as well. It is regrettable for both of them. Just imagine, Sir, the Controller has so badly behaved towards an aged, respectable and able lawyer that he had no alternative but to swallow the disgrace. Now if the Controller treats well-off, respectable and good citizens like Rai Bahadur Lala Durga Das, I do not think he will be sparing the poor public at all. I may also point out to the Government that as there is a link of joint responsibility in the Cabinet, such incidents howsoever isolated they may be are sure to bring bad name for them because they speak about the negligence and dereliction of duty on the part of the Government. The moment this allegation was hurled at the door of the Government they ought to have made a sifting inquiry into the matter. But they have not cared to pay any heed to it. To some extent the Premier seems to be justified in sleeping over this matter, because he is helpless where an I.C.S. officer is concerned. Instead of punishing I.C.S. officers for their faults he pays them compliments. I am given to understand, I do not know how far it is correct, that the Honourable Premier is in the habit of getting up while an I.C.S. officer comes to see him in his office. When this is the mentality of the Honourable Premier it is vain to expect him to hear the grievances of the poor against the high-handedness of I.C.S. officers.

Premier : Do I not get up when you come to see me ?

Chaudhri Muhammad Hasan : We both are honourable members of this House. We are alike. It is your duty to get up to respect me as an honourable member of the legislature. I was submitting that the fault does not lie with the scheme and the Controller alone. But strictly speaking, as I have already submitted, the fault is of the Punjab Government who have miserably failed to put a right man at the right place. And now if the Government want this elaborate machinery to work more efficiently as to please both the agriculturists and the non-agriculturists, they should safeguard the interests of the masses at any cost. They should see that the interests of the public at large are not jeopardised.

Now, may I point out that by public health we do not mean the health of the Ministers and their rich friends but we mean the health of the masses. The Government, therefore, should leave no stone unturned in providing them wholesome food. But I am sorry to remark that the supply of bad wheat has adversely effected the public health. Let me therefore now warn the Honourable Premier who always feels pride in boasting war-efforts of the province that if he does not catch the time by the fore-lock at the proper moment and that if the public health is not maintained by providing good quality of wheat to the public, I may take it that all his pretensions regarding war-efforts are incorrect. (*Interruptions*).

Premier : Do not worry yourself. Lahore has been excluded. Public health is all-right. None has starved to death.

Chaudhri Muhammad Hasan : If a tyrant starves to death, it is good. I do not wish the oppressed to die. However my point was that to ignore the facts which I have stated above is not advisable on the part of the Government. My point is that the defaulters ought to have been brought to book by the Minister of Development. But the slavish mentality as I have already submitted does not permit the

Minister in charge to punish the man with whom the fault lies. It is a pity that he is not competent and strong enough to take such a drastic measure against an I. C. S. officer. He is afraid lest His Excellency the Governor should ask him as to why he has censured an I.C.S. officer. In that case his ministry will be at stake. Then, Sir, the interruption made by the Honourable Premier to the effect that no recruitment is done in Lahore, has pained me very much. It means that the general health of the people of Lahore has gone down.

Premier : On a point of order. I never said anything of the sort. The Honourable member can say whatever he likes, but let him not distort what I have said.

Chaudhri Muhammad Hasan : Is that a point of order? It is an undue interruption.

Mr. Deputy Speaker : The point is that something has been wrongly attributed to what the Premier said. He said that they also take recruits from Lahore.

Chaudhri Muhammad Hasan : He never said so.

Mr. Deputy Speaker : But the honourable member says that they take recruits from villages.

Chaudhri Muhammad Hasan : He never said so. I challenge his statement. The honourable Premier seems to have easily forgotten that rationing has been introduced in Lahore city and not in the villages. I am confident that the city of Lahore as compared with other places of recruitment is second to none. He should not be oblivious of the fact that a large number of labourers and technicians are being given to the army by the city of Lahore. What I was submitting before the interruption was made by the honourable Premier was that by defending an incompetent officer the Government would never be able to earn a good name from the public at large. If you consider the adjournment motion carefully you will see that it is not against the rationing scheme but it is against the rationing authorities who are responsible for running the show. There is no doubt that the scheme was good and the Government ought to have worked it out successfully by giving it into the hands of competent officers. But the Government let it pass into the hands of inefficient persons who have been proved incapable of handling it. The result was obvious. Consequently the good element in the scheme was reduced and it was unfortunately replaced by nepotism and favouritism. Hence it crumbled down and I assert with all the force at my command that for this collapse of the rationing machinery every blame is to be put on the rationing authorities.

With these few remarks, Sir, I lend my full support to the adjournment motion now before the House.

Minister for Development : (The Honourable Sardar Baldev Singh) : Sir,

8 p. m. I am glad the House has the opportunity of discussing the quality of wheat supplied by the syndicate in Lahore. There is nothing much left for me to reply as my friend Sardar Santokh Singh has replied to all the points that were raised by the mover of the adjournment motion. I am grateful to Sardar Santokh Singh for having put the case of the Government in such a nice way (*Sardar Santokh Singh* : I never meant to do that). Although Sardar Santokh Singh never meant to support the adjournment motion, yet he could not help it. Sir, my friend Sardar Sohan Singh Josh has referred first to the question of price control. I admit that this is not a relevant matter and should not have been raised during this discussion. With the permission of the Chair I want to state the position of the Punjab Government as far as control is concerned. The position of the Punjab Government has been, is today and I am sure will remain in future that we are not opposed to control as such, but we are opposed to control as long as consumer goods are not.

[Minister for Development]

controlled. If the zamindars of the Punjab get consumer goods at a reasonable and controlled price then we have no objection to fixing the price of the foodgrains proportionate to the prices of consumer goods. I can state without hesitation to-day that if the Government of India or any other agency try to impose control on the grower of the province which has no parity with the prices of consumer goods, the Punjab Government will oppose it tooth and nail (hear, hear). My friend Raja Ghazanfar Ali Khan also put forward this argument. The control price of wheat is Rs. 9-8-0 and there is no denying the fact that the prices of consumer goods has come down to a great extent during the last few months. This is our position to-day. We have made it clear to the Government of India that if the prices of consumer goods are not reduced, then we will be justified in opposing the control of foodgrain prices. I can give one instance. Recently there was some controversy and difference of opinion with the Government of India as regards the fixation of price of kharif foodgrains. The Punjab Government was opposed to lowering a particular level, and I am glad, as you might have seen in the papers, that the price has been fixed at the same level at which it was last year. I want to state it once again that we are not opposed to control: we are in favour of control, provided the prices of consumer goods are also controlled and made available to the people in sufficient quantity (*Sardar Sohan Singh Josh*: They are not being made available).

There was another point also which is not in connection with the adjournment motion and which was made by Raja Ghazanfar Ali Khan. He said that perhaps I was afraid of the it Muslim League (*Raja Ghazanfar Ali Khan*: I never said that). I can declare on the floor of the House that we are not afraid of the Muslim League or any other party; nothing can deviate us from the policy that we have followed in the past, the policy which we consider just and good for the province.

Before I take up what improvements have been made in rationing and the supply of wheat I should like to deal with another point raised by Raja Ghazanfar Ali Khan about subscriptions from depot holders. I take this opportunity of stating quite clearly that not a single pie of subscription has been taken from any of the depot-holders or members of the syndicate in this town or any other rationed town. This is a mis-statement of facts and I have no hesitation in denying it.

There is another point which Raja Ghazanfar Ali Khan has raised. He said that certain persons have been denied depots because they were members of the Muslim League. All I can say is that the Minister has got absolutely no hand in giving depots, though I take the fullest responsibility for what has been done by the Ration Controller. The Ration Controller has distributed the depots as he thought best in the interest of Lahore town. Sir, Raja Sahib made another point. He said that a certain member was not appointed on the syndicate because he belonged to the Muslim League (*Raja Ghazanfar Ali Khan*. I never said that). Either there is something wrong with me or with Raja Sahib. One of us is certainly wrong. (*Raja Ghazanfar Ali Khan*: The honourable Minister is misquoting me). I accept the correction.

Coming to the question of the supply of wheat, as my friend Sardar Santckh Singh has already made this point clear, we are doing our best to supply as good wheat as possible. As Sir William Roberts has already stated, one reason for complaint about wheat was that last year's crop was definitely inferior as compared with previous year's crop. Everybody in the province who grows wheat will, I hope, bear me out as far as this is concerned. The Government, however, took such precautions as were possible from the very beginning and the complaints of the public were immediately attended to.

It has always been our endeavour to improve the quality of wheat and steps have been taken from time to time whenever complaints were brought to our notice.

My friend Sardar Sohan Singh Josh was referring to some statement which appeared in the press. I can definitely say that I have never said any such thing about the supply of wheat. Dealing with the press I may state that Sardar Sohan Singh Josh referred to some article in the *Tribune*. I will quote one instance. When I received certain complaints I myself went round to inspect some of the depots. I went to the *Tribune* depot also and saw that the wheat supplied was of good quality. A gentleman there passed on a bowl of defective wheat into my hands and the press photographer took the photograph. The next day this photo appeared in the *Tribune*. As regards the remarks put at the bottom of the photograph I never said anything of the kind. They were wrongly attributed to me: not a word was said by me. As to the other complaints which have appeared in the press, I have no doubt that the Rationing Department did take notice of these complaints and the complaints are getting much less now.

Now, Sir, I would earnestly request the House not to be content on pointing out the defects in the rationing system. I do not claim that the Government has done all that it should have done. The success of rationing does not depend on Government alone. It is as much the duty of the Opposition as of the Government to make it a success and I would assure the members of the Opposition that if there are any defects or if they find out any fault in the distribution or the quality of wheat I shall always be prepared to talk over and discuss the matter with them to find out appropriate remedy of those defects.

Now, Sir, lots of complaints have been made against the syndicate. Sardar Santokh Singh is himself the chairman of the Amritsar syndicate. He has said that he does not like to work the syndicate and is anxious to leave it. As a matter of fact, all those who have some knowledge of business will come to the same conclusion. I quite agree with him. The botheration and the numerous difficulties he has to face as a chairman of the syndicate cannot be realised by a man in the street and by those outside the trade. As regards the margin of 8 annas which is allowed to the syndicate, I can say definitely as I myself have been a businessman, that that margin is a reasonable margin to meet their costs.

Sardar Santokh Singh: Amritsar is getting only annas 7-6, the lowest of all.

Minister of Development: Moreover as regards the syndicate itself I am one of those who have been against the syndicate from the very beginning and the Government is anxious to find out an alternative trading agency which would replace the syndicate. But up till now we have not been able to come to any definite conclusion in regard to this matter.

Dr. Sir Gokul Chand Narang: What about the depot-holders?

Minister of Development: If this work is handed over to the depot-holders that would be transferring it from one trade channel to another. But I am quite prepared to discuss this matter with Dr. Sahib or anybody else who can suggest any other alternative. As I have said before we are anxious to replace this system but our difficulties are numerous in this field. It is not, in the first place, possible to replace a particular trade channel without one, two or even 4 or five months' notice. And then we shall have to make our own storage arrangements and employ experienced staff and so on. The fear is that we might perhaps be in a worse position than now. For these reasons, it has not been possible to replace the syndicate so far but I can say this that when we find a suitable alternative agency we will not hesitate to replace the syndicate.

Dr. Sir Gokul Chand Narang]: Try A. R. P.

Minister of Development : We have tried them.

Some of the honourable members stated in their speeches that bad *ata* which had been rejected had again been supplied. I may inform the House in this connection that no less than Rs. 18,000 worth of *ata* was rejected and the Government passed orders that such rejected *ata* should not be sold in the province. The syndicate is free to sell that *ata* outside the province.

As regards the demurrage charges, I am afraid it will not be possible to say anything on the matter as it is still under the consideration of the Government and no decision has been arrived at so far.

I would like to refer to what was mentioned by Sardar Sohan Singh Josh about the remarks attributed to Sir Henry French. A contradiction to that effect has already appeared. I will now declare on the floor of the House that Sir Henry French was satisfied with the rationing arrangements in this town. (*Hear, hear*). I may inform the honourable members that Sir Henry French in fact expressed admiration for the arrangements in a private letter addressed to Mr. Sodhbans, Chairman of the Indian Chamber of Commerce. If I had a copy of that letter with me I should have read it before the House. If, however, Sardar Sohan Singh Josh is not satisfied, I shall be prepared to show it to him.

I do not claim that rationing is the monopoly of the Government. I am prepared to consult honourable members opposite and if they suggest to me any improvements on the present system, I shall be only too glad to accept those suggestions. As to the quality of wheat, I admit, Sir, that it was not quite good in the beginning and there were numerous complaints. But I am also constrained to remark that most of those complaints were based on political motives. The position today is much better and I can say without any fear of contradiction that the wheat that is being supplied to Lahore is cleaned before it is passed on to the depot holders.

(*An Honourable Member : Question.*)

Minister of Development : The public can make complaints to the Government if they are not getting clean wheat. As far as we are concerned our information is that wheat is passed through the sieve before sending it to the depot-holders. (*Raja Ghazanfar Ali Khan : Wrong information*). The honourable member is welcome to show me the depots where unclean wheat is sold.

Then, Sir, some remarks were made to the effect that Government has not made adequate arrangements for the inspection of wheat when it arrives at the Lahore Railway Station. I may inform the House that as soon as wheat arrives at the Station an Inspector appointed by the Government along with a representative of the syndicate draw out samples from the wagons. These samples are analysed in the Government laboratory and payments are made on the receipt of those analyses.

With these words, Sir, I oppose the motion.

Raja Ghazanfar Ali Khan : On a point of personal explanation, Sir. Two statements have been attributed to me by the Honourable Minister and both are incorrect. I never said that a person was not appointed a member of the syndicate because he was a Muslim Leaguer. The Honourable Minister might have confused my remarks with those of Sardar Sohan Singh Josh. Moreover I never said that Sardar Sahib is afraid of the Muslim League. What I said was that the Honourable Minister of Development thinks that by confining all the work, orders and jobs which are to be given by the Supply Department to the non-Leaguers; he can crush the League in the Province.

(At this stage Mr. Deputy Speaker called on Malik Barkat Ali to Speak).

Premier : Question may now be put, Sir.

Mr. Deputy Speaker : Question is—

That the question be now put.

Raja Chazanfar Ali Khan : On a point of order Sir. Will you be pleased to call upon Malik Barkat Ali to make his speech? He has stood up.

Mr. Deputy Speaker : Closure motion can be moved at any time, even though a member is speaking.

Malik Barkat Ali : The Chair has to decide whether it should be allowed to be put or not.

Mr. Deputy Speaker : I am under obligation to put this motion Question is—

That the question be now put.

Malik Barkat Ali : If you are not going to allow me to speak, the best course for us to record our protest against your ruling is to walk out. You know you called me to speak and merely out of deference to the Honourable Premier you now withdraw your call on me to speak.

(At this stage the Opposition members walked out).

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Deputy Speaker : The question is—

That the Assembly do now adjourn.

The motion was lost.

The Assembly then adjourned till 12 noon on Thursday, 7th December 1944.

1917

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the year 1917

Witness my hand and seal this 1st day of January 1917

John J. [Name]

Superintendent of Schools



Attest:
[Signature] Secretary

PUNJAB LEGISLATIVE ASSEMBLY

TWELFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY

Thursday, 7th December 1944

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

STARRED QUESTIONS AND ANSWERS

SECURITIES DEMANDED FROM NEWSPAPERS

*9485. Chaudhri Muhammad Sarfraz Khan :

*9488. Mian Muhammad Nurullah ;

*9491. K. B. Sheikh Karamat Ali ;

*9494. Nawab Iftikhar Hussain Khan : Will the Honourable the Premier be pleased to state—

(a) the number of newspapers in the Punjab from which securities were demanded during the years 1939, 1940, 1941, 1942, 1943 and 1944, respectively ;

(b) the aggregate amount of securities demanded from the newspapers of the Punjab during each of the above years ;

(c) the number of newspapers whose securities were forfeited during each of the said years and the aggregate amount of the securities so forfeited ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) and (b) In the six years mentioned the Punjab Government demanded securities from 25 publishers of newspapers as given below :—

Year	Number of publishers of newspapers	Aggregate amount
		Rs.
1939	12	15,500
1940	3	2,000
1941	4	7,000
1942	3	3,500
1943	3	3,000
1944	Nil	Nil

Thus the aggregate amount demanded was Rs. 31,000. The amount actually deposited with Government was Rs. 18,000. Out of this amount Rs. 7,500 have since been refunded. The amount now with Government is Rs. 5,500 only.

[K. B. Sh. Faiz Muhammad]

(c) Securities forfeited were as under :—

Year	Number of publishers of newspapers	Aggregate amount
		Rs.
1939	Nil	Nil
1940	Nil	Nil
1941	Nil	Nil
1942	2	2,500
1943	1	500
1944	Nil	Nil

Sardar Sohan Singh Josh : May I know what amount of security was demanded from the Communist newspaper Urdu *Jang-i-Azadi* ?

Parliamentary Secretary : It is entirely a new question. If the honourable member gives me notice, I will find out.

Sardar Sohan Singh Josh : May I know what amount of security was demanded from the Punjabi weekly Communist paper the *Jang-i-Azadi* ?

Parliamentary Secretary : My friend will see that only the aggregate amount of securities demanded was asked. That information has been supplied. If he wants some other information he will have to give notice.

Raja Ghazanfar Ali Khan : Does the Parliamentary Secretary know the names of those papers ?

Parliamentary Secretary : No.

Raja Ghazanfar Ali Khan : Has he not seen them ?

Parliamentary Secretary : I have, but I have not got them with me.

Raja Ghazanfar Ali Khan : Does he remember having seen the names of those papers ?

Parliamentary Secretary : I do not.

Sardar Sohan Singh Josh : May I know whether the presses from which security was demanded included the Desh Bhagat Printing Press of the Communist party.

Sardar Sohan Singh Josh : May I know the reasons that made Government demand securities from these printing presses and the papers ?

Parliamentary Secretary : This question is very wide. Securities are demanded under different sections of the Press Act. It is very difficult to give reasons for various cases.

Sardar Sohan Singh Josh : May I know whether the chief reason was to throttle the press because it has voiced its feelings against the Unionist Government ?

Premier : This does not arise out of the original question.

Sardar Sohan Singh Josh : May I know whether the security was demanded from the Communist papers only because they criticised the Unionist Government mercilessly ?

Premier : May I refer the honourable member to rule 43 and ask him how this question is admissible? This is not admissible at all.

Raja Ghazanfar Ali Khan : Why is the Honourable Premier assuming for himself the power of the Speaker? How can he say that the question is inadmissible?

Mian Abdul Aziz : Is it not for you, Mr. Speaker, to say whether a question is inadmissible or not?

Premier : I am putting forward my opinion to Mr. Speaker for what it is worth.

Mr. Speaker : If the Honourable Premier says that a question is not admissible, he is only drawing my attention to it.

S. MAKHAN SINGH, TRISKA

***9495. Khan Bahadur Maulvi Ghulam Mohy-ud-Din :** Will the Honourable Premier be pleased to state :—

(a) whether it is a fact that S. Makhan Singh Triska was released from jail on 27th July 1944 after 4 years' detention under the Defence of India Rules;

(b) whether it is a fact that after his release S. Makhan Singh was interned in his ancestral village of Triska;

(c) whether it is also a fact that S. Makhan Singh made a representation to the Government to the effect that he had not lived in his ancestral village, Triska, for over 11 years and that he had no means of livelihood in the said village with which he had lost all contact; and that he might be interned in Amritsar;

(d) whether it is a fact that the said representation was rejected by the Government; if so, the reasons therefor?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) He was released on 27th May 1944.

(b) and (c) Yes.

(d) Yes, as the enquiries revealed that he could easily earn his living in Triska. Orders have, however, since been issued restricting him to Amritsar.

Sardar Sohan Singh Josh : May I know who made the enquiry?

Parliamentary Secretary : Government has the usual official agency in the district.

Sardar Sohan Singh Josh : Does the Government know that he has no means of livelihood at all in his village?

Parliamentary Secretary : In that village many villagers are earning their livelihood.

Sardar Sohan Singh Josh : Does the Parliamentary Secretary know that he is being supplied money by charitable institutions?

Premier : May I again draw your attention to the fact that these supplementary questions are not admissible, but for the sake of personal information may I tell the honourable member that in Triska many villagers are carrying on fuel business. He has, however, now been allowed to go to Amritsar.

Mian Abdul Aziz : Will the Premier kindly give a reference to the rule so that we may also be able to see it.

Mr. Speaker : Supplementary questions can be asked only to elucidate facts stated in the answer given by Government.

Khan Sahib Khawaja Ghulam Samad : Referring to the statement by the Premier just now that Makhan Singh was carrying on the business of fuel, may I know whether he knows that restrictions have been placed on the trade of fuel ?

Parliamentary Secretary : How is that admissible ?

Khan Sahib Khawaja Ghulam Samad : The question arises from the answer to the question. May I know whether restrictions have been placed in the district to which Sardar Makhan Singh belongs ?

Premier : The question was whether Sardar Makhan Singh could earn his livelihood in village Triska and I said he could have done so, though according to his request we have allowed him to go to Amritsar. Now, the honourable member has gone on to the fuel trade, not only that but to the restrictions between district and district. Supplementary questions in that way lead us nowhere.

Khan Sahib Khawaja Ghulam Samad : May I know whether Sardar Makhan Singh has any other means of livelihood than fuel trade ?

Parliamentary Secretary : How can we know that ?

Sardar Sohan Singh Josh : May I know when the order allowing him to go and reside in Amritsar was passed, because my latest information is that he was restricted to Triska ?

Premier : Your information may be late. He would either have got the order already or would be getting it soon. Why are you worried ?

Sardar Sohan Singh Josh : I am worried because he is my political co-worker.

Premier : He will be allowed to go there.

Sardar Kapoor Singh : It is to impress upon you the necessity of expediting the matter. The papers may be lying on your table for months.

Premier : They will not lie for months.

DETENUS

*9496. **Khan Bahadur Maulvi Ghulam Mohy-ud-Din :** Will the Honourable Premier be pleased to state :—

(a) the number of convictions which have taken place during the years 1942, 1943 and 1944 for breach of restriction orders imposed on the movements and activities of detenus released from jail by the Punjab Government ;

(b) the number of persons detained by the Punjab Government under the Defence of India Rules since August 1942 ;

(c) the number of persons detained by the Punjab Government under Ordinance III of 1944 ;

(d) the number of persons detained by the Punjab Government under Regulation III of 1918 since August 1942 ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz [Muhammad]) :
(a) None in 1942, 8 in 1943 and 15 in 1944.

(b) and (c) 761 persons were detained under rule 26 of the Defence of India Rules or under section 8 of the Restriction and Detention Ordinance (III of 1944) since August 1942. On the commencement of the Ordinance every order made under rule 26 of the Defence of India Rules was deemed to have been made under the Ordinance.

(d) One.

RULES GOVERNING THE DETENTION OF SECURITY PRISONERS

***9497. Khan Bahadur Maulvi Ghulam Moby-ud-Din :** Will the Honourable Premier be pleased to state :—

(a) whether it is a fact that the rules governing the detention of security prisoners are confidential ;

(b) whether it is a fact that even the prisoners detained thereunder are not permitted to see copies of the said rules ;

(c) whether it is a fact that persons have been convicted and punished for breach of these secret rules, if so, the reasons therefor ;

(d) the number of convictions which have taken place so far under the rules mentioned in (a) ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) Yes,

(b) No. They are shown to prisoners on their arrival in jail.

(c) and (d) One person has been convicted under rule 35 (1) for assaulting a jail doctor but he was acquitted on appeal.

Khan Sahib Shaikh Muhammad Amin : Can anybody else see those rules except the prisoners themselves ?

Parliamentary Secretary : It is for the honourable member to interpret the reply as he likes.

Mian Abdul Aziz : Are honourable members of this House entitled to see those rules ?

Premier : They have to belong to a certain category to see them.

Mian Muhammad Nurullah : Will the Honourable Premier be pleased to lay them on the table of the House ?

Premier : It is a request for action. But the rules concern a certain class of people and if you wish to see them you have to be there.

Sardar Sohan Singh Josh : May I know whether when the Honourable Premier saw those rules he was put in that category ?

Premier : I might be a prospective one.

MALIK ATA ULLAH KHAN, TAHSILDAR

***9506. Sardar Gurbakhsh Singh :** Will the Honourable Premier be pleased to state :—

(a) whether it is a fact that Malik Ata Ullah Khan while Tahsildar at Phalia, district Gujrat, leased his car No. P. B. Y. 5046 to the military authorities at Rawalpindi on Rs. 800 per mensem in 1941-42 ;

(b) whether it is also a fact that while his car was with the military authorities in 1942, he continued to obtain petrol coupons for that car on false declaration and purchased petrol on those coupons for use elsewhere ;

(c) whether it is a fact that an enquiry was made into the above allegations and these were found to be correct ;

(d) if so, whether any action has been taken against the said tahsildar in this connection ; if not, why not ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) Government received reports in January 1943 that motor car PBY 5046 belonging to Malik Atta Ullah Khan, formerly Tahsildar, Phalia, had been supplied by or through his brother Malik Sardar Khan to the military authorities at Rawalpindi on Rs. 8 per day during the period the car remained on duty. The wages on account of the hiring of the car were received by his brother.

[K. B. Sh. Faiz M. I.ammad]

(b) Yes, so far as the reports go.

(c) No judicial or departmental inquiry was made. The latter part of the question does not arise.

(d) The Tahsildar was retired compulsorily with effect from 15th August 1944.

Sardar Gurbakhsh Singh : May I know whether this car was really owned by M. Ata Ullah Khan himself ?

Parliamentary Secretary : He might have owned it.

Sardar Gurbakhsh Singh : It is not a question of 'might have'. Was it owned by him really or not ?

Parliamentary Secretary : It was owned by him and it was given to the military authorities by his brother.

Sardar Gurbakhsh Singh : Was it transferred by him to his brother or was it merely cheating ?

Parliamentary Secretary : That officer has been compulsorily retired since.

Sardar Gurbakhsh Singh : Was it not an offence under the Defence of India Rules ?

Parliamentary Secretary : Yes. But there are so many ways of punishing and he has been punished sufficiently.

Sardar Gurbakhsh Singh : Is the Government prepared to prosecute him in a court of law ?

Parliamentary Secretary : It is not always necessary to prosecute a man under the Defence of India Rules.

Sardar Gurbakhsh Singh : Is it not in the public interest ?

Parliamentary Secretary : It was in the public interest to remove him from public service.

Premier : I may make it clear. I do not know if he has committed an offence under the law. The trouble arose in the misuse of the coupons. There are many cases where we take departmental action because we feel that if we go to a judicial court we may not be successful. So in cases where success in judicial courts is doubtful we take departmental action.

Rai Bahadur Lala Gopal Das : How many gallons of petrol did he obtain on such misrepresentation ?

Premier : I want notice of that.

Rai Bahadur Lala Gopal Das : Is it not a fact that certain people who have committed similar offences have been sent to jail for two or three years ?

Premier : If proof is forthcoming we do that. But this was a marginal case. The car was being used for the army.

Sardar Gurbakhsh Singh : Was the proof not forthcoming simply because he was a Muhammadan ?

Premier : If the witnesses were siding one community or other that is a different question. That happens in some cases unfortunately. But we are to go by proof.

Rai Bahadur Lala Gopal Das : In answer to (b) the Parliamentary Secretary has been pleased to say that petrol coupons were given to the owner of the car and that those were used elsewhere. Is that not sufficient proof to show that the man was misusing these coupons ? Does it not show that a distinction has been made in this case while others committing a similar offence under these rules have been punished ?

Premier : There was a doubt in this case that if it went to the judicial court it may not succeed.

Sardar Sohan Singh Josh : May I know whether the prize for blackmarketing is retirement ?

Mr. Speaker : Disallowed.

Sardar Santokh Singh : Was he made to retire for this offence or for any other offence ?

Premier : When the orders are passed they are passed on merits, on the unsatisfactory record of the official.

Sardar Santokh Singh : Did it take two years for the Government to pass orders ? May I know the reasons for this delay ? The offence was committed in 1942.

Sardar Kapoor Singh : What was the due date for his retirement ?

Premier : May I give the reasons for the delay ? Though the offence was committed in 1942, the report went up to the Government in 1944. If an offence is committed and report does not reach the Government, we cannot be expected to know that an offence has been committed.

WATER RATES ASSESSMENT FOR MAIZE, SAG AND TORIA

***9337. Mahant Girdhari Dass :** Will the Honourable Minister for Revenue be pleased to state :—

(a) whether it is a fact that the Chief Engineer, Irrigation, Punjab, has issued a circular letter to the effect that maize and sag or maize and toria sown together in a field on Dipalpur and Khadir Kharif Canals should be assessed as separate crops as they are crops of different seasons ;

(b) whether it is a fact that such mixed crops were formerly assessed under rule 23 of the rules under the Canal Act ;

(c) whether it is a fact that maize and sag or maize and toria are sown together on the Dipalpur and Khadir Kharif Canals during the month of September or October only on one *Rauni* watering ;

(d) whether it is a fact that the flowing season of the Dipalpur and Khadir Kharif Canals closes on the 15th of October and there is no opportunity to give a second watering to the Maize and Sag or Maize and Toria sown together ;

(e) if the answers to the above be in the affirmative, the reasons why this new departure has been made from rule 23 of the rules under the Canal Act as far as the Dipalpur and Khadir Kharif channels are concerned ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) Yes, but the orders apply to all canals.

(b) Yes.

(c) Yes, generally so.

(d) Yes, but maize sown mixed with sag or toria in September on the Dipalpur Canal and Khadir Branch in some cases receive a second canal watering in October before the canal closes and when water is spare.

(e) Yes, because Rule 23 of the Rules under the Canal Act applies to such mixtures the constituents of which are the crops of the same season. This is the practice on all canals.

DIPALPUR AND KHADIR KHARIF CANALS

***9344. Mahant Girdhari Dass :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact :—

(a) that Dipalpur and Khadir Kharif Canals remained closed up to the first of July this year and that it was only on the second of July that full supply of water began to flow into them ;

(b) that these canals are timed to close on the 15th of October ;

(c) if the answers to (a) and (b) be in the affirmative, the reasons for the decrease of the allowance of water in the canals in question and whether the Honourable Minister is prepared to grant any compensation for the loss due to the shortage of water supplied to lands irrigated by these canals ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) The Dipalpur Canal and the Khadir Branch of the Pakpattan Canal were opened this year on 3rd April and 1st April, respectively, with their share of the available river supply and were raised to indent early in July.

(b) Yes.

(c) There has been no decrease in the allowance of water sanctioned for these canals.

APPEALS TO FINANCIAL COMMISSIONERS

***9364. Mian Muhammad Nurullah :** Will the Honourable Minister for Revenue be pleased to state :—

(a) the number of appeals pending with the Financial Commissioners on 1st April 1943 ;

(b) the number of appeals preferred to them during the year 1943-44 ;

(c) the number of appeals disposed of during the year ;

(d) the number of appeals pending for the last (i) six months, (ii) one year, and (iii) for more than one year ;

(e) the amount of work the Financial Commissioners have to do as Secretaries to Government ;

(f) what steps Government propose to take to relieve them of the work pertaining to the Secretariat ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) number of cases pending with the Financial Commissioners—

On 1st April 1943 481

*On 1st October 1943 446

(b) 570.

(c) 600.

(d) (i) 133, (ii) 192, (iii) 224.

(e) A statement is laid on the table.

(f) Owing to the war most officers are over-worked and it is difficult to see how relief can be given to the Financial Commissioners, but Government is considering the matter.

Statement

It is not possible to give figures showing the volume of work done by the Financial Commissioners as Secretaries to Government as distinct from what they do as Heads of Departments. Roughly speaking they deal with the following subjects as Secretaries :—

Agriculture, Veterinary, Co-operation, Forests, Rural Reconstruction, Debt Conciliation Boards, Development programme, District and Divisional Establishments and administration of the Marketing Act.

*Figures have been given for the agricultural year.

and the following as Heads of Departments and in most cases as Secretaries also :—

Excise, Taxation, Stamps, Settlements, Land Revenue, Colonies, Taocivi, Court of Wards
Treasuries, Copying Agencies, Tahsildars and Naib-Tahsildars, Kanungos, Patwaris, Office
Establishment, Transport, Firewood and Coal.

The Volume of work in the Financial Commissioners' Office has increased enormously in recent years. Receipts in 1911 were 13,169 and in 1943, 85,451, but there has been no proportionate increase in the staff of the office. In 1911 there were 2 Financial Commissioners, 2 Secretaries and an Assistant Secretary. In 1938 a permanent post of Under-Secretary was created and since March 1939 there has been a third Financial Commissioner, with one short interval. The relief given has not kept pace with the increased work. The greater part of the third Financial Commissioner's time is taken up by the war-time duties in connection with control of transport, coal and firewood. His office is semi-independent and receipts in connection with these subjects are not included in the figures for 1943. The result has been that appellate work has fallen into arrears. I may add that this work also has increased both in complexity as appeals and revisions under a number of new enactments come to the Financial Commissioners of which the following are the most important :—

- (1) The Indian Motor Vehicles Act, 1939.
- (2) The Punjab Restitution of Mortgaged Lands Act, 1938.
- (3) The Punjab Alienation of Land (Second Amendment) Act, 1938.
- (4) The Punjab Debtors' Protection (Amendment) Act, 1938.
- (5) The Punjab Consolidation of Holdings Act, 1936.
- (6) Rules framed under section 70 of the Civil Procedure Code and promulgated with Punjab Government Notification No. 2420-R., dated the 26th July 1940.
- (7) The Punjab General Sales Tax Act, 1941.

Mian Abdul Aziz : In reply to part (a) the Parliamentary Secretary has said "number of cases". Cases can include 'original' or 'departmental'. The word in the question is 'appeals'. Is it the *appeals* which are pending or the *cases* are pending? It makes lot of difference.

Parliamentary Secretary : Yes, it means appeals.

Mian Muhammad Nurullah : Appeals pending on 1st April 1943 are 481 and on 1st October 1943 they are 446. So only 35 cases were disposed of in six months. Would it not take six years at this rate to dispose of appeals?

Premier : The appeals are piling up. We are already considering the matter as to what should be done to cope with the rush of work.

Mian Muhammad Nurullah : Is it not a fact that owing to War most officers are over-worked and it is difficult to give relief to them?

Premier : It is difficult but we are considering many difficult matters.

Rai Bahadur Lala Gopal Das : Does the Honourable Premier wish to add another Financial Commissioner?

Premier : The honourable members are pressing me in that direction. It is obvious.

Rai Bahadur Mukand Lal Puri : Would the Honourable Premier consider the desirability of transferring purely judicial portion of Financial Commissioners' work to civil courts rather than burdening the executive officers with judicial work?

Premier : It is a big issue. I will not be able to reply to that in answer to a supplementary question.

Rai Bahadur Mukand Lal Puri : Would it not be the best method of relieving the congestion of work in the court of Financial Commissioners?

Mian Abdul Aziz : Would it not be in the interest of disposal of appeal work by Financial Commissioners if a junior officer is appointed to deal with war work?

Khan Muhammad Yusuf Khan : When the Financial Commissioner is acting as Controller of Transport, does he abide by the policy laid down by the Government?

Premier : That question again does not arise. He is bound down by the policy as far as it is laid down under the law.

Khan Muhammad Yusuf Khan : If the policy is laid down by the Government, is the Government prepared to take action against him in case the case is decided against the policy ?

Premier : That is a hypothetical question. That officer has to administer different laws.

Khan Muhammad Yusuf Khan : Is the Government empowered to take action if there is such a case, that is, if a case is decided against the policy laid down by the Government ?

Mr. Speaker : The next question.

REPRESENTATION MADE BY INHABITANTS OF VILLAGE BHATUA

*9365. **Chaudhri Ali Akbar :** Will the Honourable Minister for Revenue be pleased to state :—

(a) whether it is a fact that the inhabitants of village Alia Chak on the left bank of the Upper Bari Doab Canal near milestone No. 106 have to go a long distance in order to cross the Dhamrai bridge at milestone No. 101 for cultivating their fields on the other side of the canal ;

(b) whether it is also a fact that the inhabitants of village Bhatua on the right bank of the Upper Bari Doab Canal at milestone No. 109 also have to cross the Nanon Nangal bridge when they go to cultivate their fields ;

(c) whether the Irrigation Department has received any representations recently from the inhabitants of village Bhatua to the effect that it is not possible for them to dig out graves in the old grave-yard of the village as at the time of digging the graves get filled up with the sub-soil water and moreover the inhabitants of the village are unable to carry their dead to be buried on the dry land on the other side of the canal for want of a suitable bridge on the canal at milestone No. 108, if so, the action Government intend to take in the matter ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) No. The distance referred to by the honourable member is only about a mile.

(b) Yes. The distance in this case is also about a mile.

(c) No such representation has been received from the inhabitants of village Bhatua recently by Irrigation Branch.

Chaudhri Ali Akbar : It is not correct to say, as has been stated by the Parliamentary Secretary, that the distance between Village Alia Chak and the bridge is only a mile. The said village is situated on the left bank of the Upper Bari Doab Canal near milestone No. 106 and the inhabitants of that village have to cover a long distance in order to cross the Dhamrai bridge at milestone No. 101 for cultivating their fields on the other side of the canal.

Premier : The inhabitants of the village have not submitted any representation to that effect. When they do so the matter will be looked into very carefully.

Chaudhri Ali Akbar : My submission is that the village Alia Chak is situated on the left bank of the canal and Widwan village on the right bank. The zamindars living on the left side of the canal have to go to the right bank for tilling their lands and *vice versa*. The distance between the two bridges, which the inhabitants of both the villages have to cross is three miles with the result that they have to cover a distance of six miles in order to reach their respective fields. If a bridge is constructed in between the two bridges which the inhabitants of the villages referred to above have to cross respectively it will go a long way in easing the situation.

Parliamentary Secretary : As I have stated no such representation has been made by the inhabitants of the villages concerned. If they do so the matter will be considered sympathetically.

IMPOSITION OF ILLEGAL DUES BY LANDLORDS ON THEIR TENANTS

*9378. **Shrimati Raghbir Kaur :** Will the Honourable Minister for Revenue be pleased to state :—

(a) whether he is aware of the fact that landlords in the Punjab, especially in the western districts of the province, impose illegal charges upon their tenants such as *Kharcha* per acre, *Nazarana*, *Chah Khata*, *Andha Thaba* or sack (unmeasured sharing of crop from the common heap by a single lift), *sheereeni* (sweets), *khankah* or *gurdwara* charges, charges to pay up the expenditure incurred over their domestic servants, *faslana* for *patwaris* and for the Police, over and above the stipulated *batai*, obsolete dues and forced *begar* such as *Pakhi* (marriage tax), *malba* (Residence Tax) labour on enterprises outside the scope of their tenure, such as repairs at the canal banks and the roads ;

(b) whether he is also aware of the fact that the landlords assume most of the judicial and executive powers of the Government and impose various kinds of fines and penalties upon their tenants ;

(c) if the Government are aware of the excesses stated in (a) and (b) what steps they have taken or intend to take to secure relief for the tenants ;

(d) whether it is a fact that the Financial Commissioner, Punjab, issued a notification in 1938, in which the conditions of *batai* were clearly stated and all other dues and charges were declared illegal ; if so, whether he is aware of the fact that the landlords are openly violating this notification ;

(e) if the answers to the above parts be in the affirmative the action Government intend to take in the matter ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) The charges to be paid by the tenant to the landlord are a question of contract between the two parties and, therefore, *nazarana*, *kharcha* etc., where charged, cannot be considered illegal.

(b) No.

(c) Does not arise.

(d) No. No letter laying down the conditions of the *batai* of private lands was ever issued.

(e) Does not arise.

Sardar Sohan Singh Josh : May I know whether the Government has taken any steps to regularise the whole thing ?

Premier : The reply is quite clear.

Sardar Kapoor Singh : May I know whether any agreement without consideration is illegal ?

Mr. Speaker : That is a question of opinion.

Sardar Kapoor Singh : May I know whether *nazarana* is a valid consideration for an agreement ?

Mr. Speaker : That is a question of law.

Sardar Sohan Singh Josh : May I know the criterion by which these things are taken by the zamindars from the tenants, i. e. *nazarana*, *kharcha*, etc. ?

Parliamentary Secretary : I cannot go into all these details, but the answer is quite clear.

Sardar Sohan Singh Josh : May I know whether the Government is doing anything to save the tenantry from these rapacious landlords ?

Mr. Speaker : That is a request for action.

Sardar Sohan Singh Josh : I want to know whether the Government has considered this question and arrived at any decision at all with regard to stopping these rapacious landlords from squeezing the blood out of the tenants ?

Premier : This question is not admissible at this stage. If this issue is raised in some other way, my honourable friend will get the reply. It is a question of contract between two parties. If the contract is invalid, it can be challenged in a court and the tenants can be saved from the rapacious landlords. There are many cases where the tenants got their remedy under the Tenancy Act.

Sardar Sohan Singh Josh : May I know, what the Unionist Government with all its crocodile tears for peasantry and tenantry, has done so far to remove these grievances ?

Mr. Speaker : Disallowed.

Chaudhri Muhammad Hasan : Has the Government taken any measure to better the conditions of the tenants who are being burdened by these landlords ?

Premier : That does not arise.

Sardar Kapoor Singh : May I know whether *begar* has been declared illegal by the Government ?

Premier : Yes.

Sardar Kapoor Singh : Would he take any action against those landlords who are taking *begar* from tenants ?

Mr. Speaker : That is a request for action.

Sardar Kapoor Singh : In case the *begar* is being taken by landlords from the tenants, is the Government prepared to take any action against those landlords ?

Sayed Amjad Ali Shah : It is a request for action.

Sardar Kapoor Singh : Because my honourable friend is concerned.

Sardar Sohan Singh Josh : May I know whether *Pakhi* or marriage tax which is charged by landlords is the same all over the province or varies from village to village, from place to place and from landlord to landlord ?

Premier : I have never in my life asked for such a tax, so I am not in a position to say whether it is the same all over the province or whether it is different.

Sardar Sohan Singh Josh : May I know whether the residence tax is the same all over the Punjab or it varies from village to village, place to place and landlord to landlord.

Premier : I want notice.

Sardar Sohan Singh Josh : May I know what is the residence tax and marriage tax that is being exacted by the Honourable Premier from his tenants ?

Premier : I repudiate the insinuation in the question. I shall call upon my honourable friend to produce one man who has got a grouse against me on this account.

Sardar Kapoor Singh : Will he ask other landlords to follow him in this respect ?

Premier : My honourable friends are confusing issues. It is a question of contract. If a landlord pays the man in kind and takes work out of him, it is not *begar*. It is a contract just as you pay somebody in cash for services rendered.

Sardar Sohan Singh Josh : May I know whether it is a fact that at the time when contracts are entered into 'faslana' for the patwaris, is included in the contract ?

Sardar Sohan Singh Josh : May I know whether in the contracts that are made between the landlords and the tenants the 'faslana' for the patwari and the police is also included ?

Premier : It is not relevant and does not arise out of the question. To-morrow somebody might ask from which part of the treasury some one is being paid. The zamindars might be paying some one ; we do not know.

Sardar Sohan Singh Josh : The Honourable Minister was talking about contracts between the landlord and the tenants. I am asking a very simple question whether in those contracts any mention is made of the 'faslana' for the patwari and the police ?

Premier : Those contracts are entered into between the people and we have nothing to do with them. We have no record of them.

Rai Bahadur Mukand Lal Puri : Does the Government know that in the contracts entered into between the landlords and the tenants the landlords usually get a clause inserted relating to payment to the patwari and the police ?

Premier : I will be obliged to the honourable member, who is a lawyer of standing, if he could refer me to any case so that I may take action. It would be a bad contract.

Mian Abdul Aziz : May I know whether the Premier has never known this point which Rai Bahadur Mukand Lal Puri has stated ?

LAND IN VILLAGE DAULATPUR IN HISSAR DISTRICT

***9453. Khan Sahib Chaudhri Sahib Dad Khan :** Will the Honourable Minister of Revenue be pleased to state :—

(a) whether a strip of land situated in village Daulatpur, tahsil Hissar, belonging to Syed Mumtaz Hussain, surrounded on three sides by raj bahas, formerly treated as commanded area, has now been declared as an uncommanded area ; if so, the reasons therefor ;

(b) how much area of the following villages was to be irrigated and how much has been actually irrigated since the extension of the Sunder Canal (Tusham Branch) in each harvest :—

(1) Somera Khera	} Tahsil Hansi
(2) Baliali .. .. .	.. .. .	.. .. .
(3) Sagban	} Tahsil Bhiwani
(4) Dang Kalan .. .. .	.. .. .	.. .. .
(5) Dang Khurd .. .. .	.. .. .	.. .. .

with reasons for shortage of irrigation and steps to be taken to improve the irrigation in these villages ?

Parliamentary Secretary (Chaudhri Tikka Ram) : I regret the answer to this question is not yet ready. It will be communicated to the honourable member, as soon as possible.

SALE OF CROWN WASTE LANDS IN NILI BAR AND LOWER BARI DOAB COLONY

***9471. Sardar Ajit Singh :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that the Government is selling Crown waste "baqaya" land pieces to the extent of 5 acres in a rectangle in the canal colonies of Nili Bar and Lower Bari Doab, if so, what are the terms of its sale by private treaty ?

Parliamentary Secretary (Chaudhri Tikka Ram): The Colonization Officer, Nili Bar Colony is permitted to sell plots of *bagaya* land of 5 acres or less to adjacent grantees only, at their full market value subject to a minimum of Rs. 200 per acre or Rs. 175 in the case of fourth class land, on payment of the price in a lump sum and subject to the usual formalities of execution and registration of conveyance deed by the vendee. The Colonization Officer may sell only land more than 5 miles from the municipal limits of a mandi town and must be satisfied that the sale is clearly advantageous to Government. A similar arrangement for sale of small plots existed in other colonies, including the Lower Bari Doab Colony, upto 1942, but is now no longer in force. Deputy Commissioners and Colonization Officers in charge of other colony areas are at liberty to submit proposals for sale of small plots of land to Government at any time, but there is no regular scheme for such sales except in the Nili Bar Colony.

Khan Sahib Maulvi Ghulam Mohy-ud-Din: Is it a fact that the lands reserved for the 'kamins' are also being sold by Government?

Parliamentary Secretary: This does not arise out of the question.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din: It is for you, Mr. Speaker, to say whether this does or does not arise out of the question.

Sayed Amjad Ali Shah: From which part of the question does it arise?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din: Read the question and you will find.

Premier: There is no question about lands for *kamins* in the original question.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din: There is the question of crown lands. I am asking this information from the champion of the zamindars.

Premier: The honourable member is championing something else.

FAILURE OF COTTON CROP IN NILI BAR AND LOWER BARI DOAB COLONIES.

*3472. **Sardar Ajit Singh:** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that the present cotton crop in the canal colonies of Nili Bar, Haveli Project and Lower Bari Doab is a complete failure due to a general calamity; if so, what action does he contemplate to take in the matter to help the zamindars of these colonies?

Parliamentary Secretary (Chaudhri Tikka Ram): The present cotton crop has been damaged in some areas but there is no complete failure. Government will consider the question of help to the zamindars when full information regarding the damage is received. Information has been called for.

AIDED PRIVATE SCHOOLS IN THE AMBALA DIVISION.

*9324. **Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister for Education be pleased to state district-wise the number of aided private schools in the Ambala division and the amount of grant-in-aid which has been sanctioned for each district of the Ambala division for the year 1944-45?

The Honourable Mian Abdul Hays: The honourable member is referred to the statement of grant sanctioned for aided Indian schools during the year 1938-39 to 1942-43, a copy of which has already been supplied to him. Information about district-wise number of privately-managed aided schools is given therein. Grants for the year 1944-45 have not so far been sanctioned.

SCHOLARSHIPS AND GRANT-IN-AID.

*9325. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister for Education be pleased to state —

(a) the aggregate amount of scholarships given to each community in the Province during 1941-42, 1942-43 and 1943-44 ;

(b) the aggregate amount of grant-in-aid allotted to each community in the Province during 1941-42, 1942-43 and 1943-44 ;

(c) the action Government intend to take in the matter, if any one community has not been allotted its due share in (a) and (b) ?

The Honourable Mian Abdul Haya : I must decline with regret to answer this question because it savours of communalism. A reply will be given if an unstarred question is put.

Raja Ghazanfar Ali Khan : Will the Honourable Minister be pleased to state whether such simple questions, as helping a backward community in education, savour of communalism ?

Mr. Speaker : That is a question of opinion.

Raja Ghazanfar Ali Khan : I am asking the Minister whether it is a fact that the Government have decided that in future even if there is a question relating to the educational welfare of a backward community then they will treat it as a communal question ? Will the Minister be pleased to state whether in the case of such questions they collect information from the department concerned or not ?

Minister of Education : No supplementary questions are put when the question is not answered.

Raja Ghazanfar Ali Khan : May I ask the Minister how he can give a ruling on behalf of the Speaker saying that supplementary questions cannot be asked. My question was supplementary to those questions to which the answer is that they savour of communalism. Do Government get information from the department concerned or not ?

Raja Ghazanfar Ali Khan : Do I understand that the Honourable Minister refuses to reply even to this simple question whether he collected that information from the department or not ?

Raja Ghazanfar Ali Khan : May I know whether on receipt of questions, the Secretary of the Assembly while forwarding them to the heads of the departments concerned writes to them that a particular question savours of communalism ?

Mr. Speaker : No.

Raja Ghazanfar Ali Khan : Is it the Minister or the head of a department who decides whether a question savours of communalism or not ?

Minister of Education : It is the Minister who decides.

Raja Ghazanfar Ali Khan : May I know if it is a fact that the grant to a school at Ambala was stopped simply because Sardar Shaukat Hyat-Khan stayed there for a short while ?

 ECONOMICS AS A SUBJECT IN COLLEGES FOR WOMEN.

*9350. **Mr. K. L. Rallia Ram** : Will the Honourable Minister for Education be pleased to state whether it is a fact that the Department of Education has not included Economics as a subject in Degree and Intermediate Arts Colleges for Women ; if so, the reasons therefor ?

The Honourable Mian Abdul Haya : No. Provision for the teaching of Economics exists in certain Government Colleges for Women.

TIME-SCALE PROMOTION FOR WOMEN TEACHERS.

***9351. Mr. K. L. Rallia Ram:** Will the Honourable Minister for Education be pleased to state whether it is a fact that no provision for time-scale promotion exists for women working in schools under Government control although it exists for male teachers; if so, the reasons therefor?

The Honourable Mian Abdul Haya: Yes. The introduction of a time-scale for women will, it is hoped, be considered in due course. It is to be remembered however, that when all grades of pay for men were revised downwards in 1936, women's pay was unaffected.

GIRLS' SCHOOLS HOUSED IN RENTED BUILDINGS.

***9352. Mr. K. L. Rallia Ram:** Will the Honourable Minister for Education be pleased to lay on the table of the House a list of these government schools for girls in the province which are housed in rented buildings and state what steps, if any, are Government prepared to take to have these schools accommodated in suitable Government buildings?

The Honourable Mian Abdul Haya: A statement containing the requisite information is laid on the table. Steps are being taken to provide funds for the construction of Government buildings in some cases where suitable sites are available. In others efforts are being made to secure suitable sites. In most cases it is not possible to provide Government buildings at present, owing to the difficulties in the way of constructing new buildings.

Statement showing Government Girls Schools housed in rented buildings

Serial No.	Name of the school	Action taken by the Government	REMARKS
1	Government Girls High School, Ravi Road, Lahore.	No suitable site for a building has yet been found in the locality where the school is required.	
2	Government Girls High School, Amritsar.	It has not yet been possible to settle the question of a suitable site.	
3	Government Girls Vernacular Middle School, Zira.	The school opened recently. A suitable site is available but the question of constructing a Government building has not yet been taken up.	
4	Government Girls Vernacular Middle School, Shakargarh.	School opened only recently. The question of constructing a Government building has not yet been taken up. No site has yet been found.	
5	Government Normal School, Gurdaspur.	Only the Normal Classes are in a rented building as the Government building for the Government Girls School is insufficient to accommodate both the Government Girls as well as the Normal Classes. The rented building is spacious and very suitable.	
6	Government Middle School, Isakhel.	The school opened only recently. The question of constructing a Government building has not yet been taken up. No site has yet been found.	

Serial No.	Name of the school	Action taken by the Government	REMARKS
7	Government Girls High School, Okara.	The Municipal Committee has undertaken to put up a building for the school. It has not been able to do so on account of the building material being not available due to war conditions.	Rent for the building at present occupied is paid by the Municipal Committee.
8	Government Girls Middle School Kabuta.	The question of provision of funds will be taken up in due course. A site is available.	
9	Government Girls Middle School, Chakwal.	A suitable site has not yet been acquired.	
10	Government Girls Middle School, Mandi Baha-ud-Din.	Steps are being taken to provide funds for the construction of a school building here during 1945-46.	At present the rent of the building in use is paid by the Municipal Committee.
11	Government Girls High School, Sargodha.	Steps are being taken to provide funds for the construction of a school building during the current or the next year. A site is available.	
12	Government Girls Middle School, Sahiwal.	Accommodated in a suitable rented building.	
13	Government Girls High School, Ludhiana.	Accommodated in a good rented building built for a school.	
14	Government Girls High School, Ambala.	Government has acquired five acres of land for the construction of school building.	
15	Government Girls High School, Rupar.	The question of site for a school building at Rupar is under consideration. Steps are being taken to provide funds for the construction of buildings at Panipat, Rupar and Bhiwani during 1945-46.	
16	Government Girls High School, Panipat.		
17	Government Girls High School, Bhiwani.		
18	Government Girls Middle School, Khanna.	Municipal Committee, Khanna, has credited Rs. 20,200 to Public Works Department. Building will be constructed as soon as building material is available.	

TEACHING OF PUNJABI IN GOVERNMENT COLLEGE, MULTAN.

***9417. Sardar Pritam Singh Sidhu :** Will the Honourable Minister for Education be pleased to state whether it is a fact that for some years past the Sikhs of Multan have been requesting the Government to make arrangements for the teaching of Punjabi (Gurmukhi) in the local Government College and for this purpose applications were made recently to the Education Department through the Principal of the Multan College; if so, the action, if any, taken or proposed to be taken in the matter?

The Honourable Mian Abdul Haye : The request of the people of Multan for making arrangements for the teaching of Punjabi in the Government College, Multan, has been noted by the Department and the question of providing teaching in the college will be considered in May next, when new classes are formed.

GOVERNMENT COLLEGE AT ROHTAK.

***9423. Dr. Sir Gokul Chand Narang :** Will the Honourable Minister for Education be pleased to state :—

(a) whether it is a fact that the Government College at Rohtak is going to be closed ;

(b) whether it is also a fact that a representation was made to the Honourable Premier at Kurali (Ambala district) in September 1944 for the establishment of a College at Rupar and whether he and other Honourable Ministers then present at Kurali promised to give their best consideration to the matter ;

(c) if so, what action, if any, has been taken by the Government and when may a decision on the question be expected ?

The Honourable Mian Abdul Haye : (a) No.

(b) Yes.

(c) The matter is under consideration.

OPENING OF A COLLEGE AT RUPAR.

***9424. Dr. Sir Gokul Chand Narang :** Will the Honourable Minister for Education be pleased to state :—

(a) whether it is a fact that Pandit Ganga Ram Sharma of Rupar sent a proposal to the Municipal Committee, Rupar, in June 1944 to the effect that Punjab Government be requested to return the building now occupied by the Government High School, Rupar, to its original owner, the Municipal Committee of Rupar ;

(b) whether the Municipal Committee, Rupar, passed a resolution to the effect that this building be handed over to the Honourable Sardar Baldev Singh for the opening of a College at Rupar ;

(c) the action, if any, which has been taken in this matter.

The Honourable Mian Abdul Haye : (a) Yes.

(b) Yes.

(c) The Commissioner, Ambala division, was informed in September 1944, that Government was not prepared to open a Government College at Rupar, nor was it willing to close the Government High School either, as it is serving a very useful purpose in that area. It was further pointed out to him that the Municipal Committee, Rupar had protested against the recommendations of the Resources and Retrenchment Committee when the proposal to close down the Government High School, Rupar, along with some other schools was under consideration of Government. Subsequent to this reply representations have been made to the Honourable Premier for a College at Rupar and the matter is under consideration.

INTRODUCTION OF GURMUKHI IN GOVERNMENT HIGH SCHOOL, MURREE

***9470. Sardar Ajit Singh :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the Sikhs of Murree applied for the introduction of Punjabi (Gurmukhi) in the local Government High School and the required number of boys expressed their willingness to take up this subject, if so, why the required sanction has not so far been accorded by the Department ?

The Honourable Mian Abdul Haye : Yes, and the matter is receiving attention.

DISPENSARY AT BAGHBANPURA.

- *9484. Chaudhri Muhammad Sarfraz Khan :
 *9487. Khan Bah. dur Sheikh Karamat Ali :
 *9489. Mian Muhammad Nurull. h :
 *9493. Nawab Iftikhar Hussain Khan : } Will the Honourable the
 Minister for Education be
 pleased to state :—

(a) the population of Baghbanpura, Lahore ;

(b) whether it is a fact that there is no government dispensary in Baghbanpura, if not, why not ?

The Honourable Mian Abdul Haye : (a) About 30,000 or 32,000 according to the rationing records.

(b) Yes, the honourable member will understand that medical relief in Lahore is primarily a matter for the Corporation. I am informed that this body maintains a dispensary for women in Baghbanpura which is open in the mornings, and that the possibility of making arrangements for the treatment of males also at this time is already being considered. The Chief Officer feels that the question of an all day dispensary at this place will have to wait till after the war, and I see no reason to differ from his view.

GIRLS' SCHOOL AT BAGHBANPURA.

*9509. Khan Bahadur Sheikh Karamat Ali : Will the Honourable Minister of Education be pleased to state :—

(a) the population of Baghbanpura, Lahore ;

(b) whether it is a fact that there is no girls' school at Baghbanpura ; if not, the reasons therefor ?

The Honourable Mian Abdul Haye : (a) The honourable member is referred to the last Census report.

(b) There is no recognised high school for girls in Baghbanpura. Government is, however, already considering the opening of such a school there during 1945-46 provided funds are voted and a suitable building is available.

DEPOT-HOLDERS IN VARIOUS TOWNS OF THE AMBALA DIVISION

*9226. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Development be pleased to state community-wise and district-wise the names and number of depot-holders in various towns of the Ambala division showing separately the commodities for which depots have been opened ?

The Honourable Sardar Baldev Singh : I must decline with regret to answer questions which savour of communalism on the floor of the House. I am sorry to have to adopt this attitude but Government consider it necessary in the public interest to establish a convention in connection with such questions. I shall, however, always be prepared to examine any particular instance of disproportionate representation which honourable member may bring to my notice in a more informal way.

Raja Ghazanfar Ali Khan : On a point of order, Sir. The word 'convention' has been used by the Honourable Minister as an excuse for not replying to this question. The only convention that this House knows of is the convention which was started some time ago in not replying to questions which sought information regarding communal representation in the matter of appointment to the various services under the Government. The question which has now been asked has been put for the first time. May I know from the Honourable Minister whether he has started a new convention ?

DISCOURTEOUS REMARKS AGAINST MR. DEPUTY SPEAKER

Sardar Bahadur Sardar Gurbachan Singh (Deputy Speaker): Sir, with your permission I should like to make a personal explanation under Rule 89 and I take this earliest opportunity of doing so on what happened day before yesterday.

Mr. Speaker : The honourable member will please be not too long.

Chaudhri Muhammad Hasan : Before the honourable member makes any statement I should like to point out that an arrangement had been come to between the Leader of the House and the Opposition that at half past one after consulting Malik Barkat Ali, Mr. Deputy Speaker may make a statement if he likes. I think it would be only fair that the Deputy Speaker should not be allowed to make the statement in the absence of Malik Barkat Ali.

Mr. Speaker : I am not a party to any understanding.

Chaudhri Muhammad Hasan : You may be pleased to enquire from the Leader of the House whether that was not the arrangement arrived at.

Premier : But I understand that the rules do not permit giving effect to that arrangement.

Mr. Speaker : Our rules require that the explanation should be made immediately after question time.

Chaudhri Muhammad Hasan : If not to-day, the explanation may be made to-morrow.

Mr. Speaker : But it must be made at the earliest opportunity.

Chaudhri Muhammad Hasan : Supposing Malik Barkat Ali denies the allegation, what will happen ?

Mr. Speaker : It will then be for me to decide whether to accept the allegation or not.

Chaudhri Muhammad Hasan : Then you can hold up the Deputy Speaker from making the statement at present.

Mr. Speaker : No, I cannot.

Chaudhri Muhammad Hasan : Then, do you hold that the allegation the Deputy Speaker proposes to make is correct ?

Mr. Speaker : I will first allow the Deputy Speaker to make his statement. If that statement calls for a reply from Malik Barkat Ali, I shall certainly call on him to make the reply.

Chaudhri Muhammad Hasan : Can you allow the statement to be made in the absence of Malik Barkat Ali ?

Mr. Speaker : Yes, I can. Mr. Deputy Speaker will please proceed with his statement.

Sardar Bahadur Sardar Gurbachan Singh (Deputy Speaker): Reports have appeared in the press, especially the *Civil and Military Gazette* and the *Tribune* as to what happened in the Assembly at the close of the debate on the adjournment motion day before yesterday. If the reports be true the remarks alleged to have been made by the honourable member, Malik Barkat Ali, clearly constitute an attack on the Chair and I wish to clear the position.

At day before yesterday's sitting leave was given to Sardar Sohan Singh Josh to move his adjournment motion and it was decided that it should be moved by him at 4-30 p. m. that day. He moved the motion accordingly at 4-30 and a debate followed. Two honourable members, namely Chaudhri Bam Sarup and Nawab Muzaffar Ali Khan Qizilbash spoke from the Government benches and the opposition

was then given its turn. Raja Ghazanfar Ali and Sardar Santokh Singh spoke on the motion and these honourable members were followed by Sir William Roberts from the Government side. The Leader of the Opposition, Chaudhri Muhammad Hasan, was then allowed an opportunity to speak and finally the Honourable the Minister for Development spoke for Government. It was 6-23 p. m. when he finished his speech. It will thus be seen that eight speeches were made of which four were from the Opposition; and the debate had continued one hour and fifty-three minutes, the time being divided almost equally between the Government and the Opposition, rather I gave the Opposition 15 minutes more than the Government. It was about his time that Sardar Sohan Singh Josh, the mover, sent a message expressing his desire to exercise his right of reply, and I conveyed to him that he could do so if there be no members rising to speak and if there was time left or if a closure motion be moved and carried. After the Honourable Minister for Development had spoken and when there were only six or seven minutes left for the termination of the debate, some members got up and I called upon Malik Barkat Ali to speak. Till then I had no indication that any party was wanting a vote taken on the motion. Before the honourable member could begin, however, after he had got up, the Honourable Premier drew the attention of the Chair to the fact that only six or seven minutes were left and desired that the votes should be taken on the motion. He therefore moved for closure in order that the motion might not be talked out.

It is the unquestioned right of the Chair to accept the closure and there is enough parliamentary authority for the view that a closure could be applied even while a member was addressing the House. (Page 343, May's Parliamentary Practice). (*Raja Ghazanfar Ali Khan*: Question). In the present case the Chair was under an obligation to allow the motion for closure. For, the debate had gone its full length and opportunities had been afforded for both sides to express their views. It would be an abuse of the power given to me by the rules, not to accept the motion for closure at that stage and thereby deny the undoubted right of a party, if it should so decide, to see that adjournment motion proceeded to a division. (*Raja Ghazanfar Ali Khan*: Question). It is, of course, the usual parliamentary game that is played on all such occasions wherein the party likely to lose at the division uses all means at its disposal to see that the motion is talked out and a division averted. In a situation like this, when the parties are at cross purposes, it is the duty of the Chair to act impartially and give due consideration to the chances that have been afforded for speeches on both sides. In this case I was convinced that I would be exposed to criticism of partiality, if after such a full debate I declined to allow the closure and give an opportunity for the mover to exercise his right of reply. For then, the motion would have been talked out in the few minutes that were left.

In this particular case, it so happens that the Government was eager for this division. It may well happen that the Opposition might be anxious for a closure of the debate, and it would, in such a case, equally be the duty of the Chair to allow the Opposition the exercise of this right under exactly similar circumstances. In fact such a situation arose in the Central Legislative Assembly in 1936 when an adjournment motion was moved censuring the Central Government for reducing the duties on textile imports from the United Kingdom without consulting the legislature. The Opposition members in that instance were eager for a division and the Honourable the Finance Member of the Government of India wished to speak. On his being called upon to speak the Opposition members belonging to the Congress walked out of the House. The present case in our Assembly furnishes an exactly parallel on the other side and the Leader of the Congress Party at the centre, Mr. Bhulabhai Desai, in his statement issued immediately after the incident laid stress upon the duty of the Chair to allow the closure motion and enable the House to divide in circumstances which very largely coincide with what happened here day before yesterday.

[Mr. Deputy Speaker.]

I am thus convinced that in allowing the closure I have only exercised my discretion having full regard to the course which the debate had already taken and the opportunities which had been afforded for both sides to participate in it and any charge of injustice as is alleged to have been levelled against me is, to put it mildly highly unfair.

Raja Ghazanfar Ali Khan : On a point of order. At the commencement of the statement you were pleased to remark that he would just explain his position regarding the remarks which appeared in the papers but now you may have noticed that he has gone very much out of his way.

Mr. Speaker : Order, order.

Mr. Deputy Speaker : Malik Barkat Ali, according to the *Tribune* is alleged to have said :

I hold that you do not deserve to occupy the Chair. You are under the dictates of the Premier from whom you take your direction and as a protest against your ruling, we are walking out of the House.

The same honourable member is alleged by that paper to have shouted that the "Deputy Speaker was unfit to occupy the chair."

Characterising me as having followed a weak-kneed policy, the *Civil and Military Gazette* reports the incident thus :

The Opposition parties shouted at this 'undignified attitude of the Chair in toeing the ministerial line'. Malik Barkat Ali, while leaving the House shouted at the Deputy Speaker: "You don't deserve to be in that Chair".

As I did not hear these words myself because of the noise in the House at that time I could not take notice of them. These remarks, if they had actually been made are an extremely undignified attack on the Chair and it is highly unbecoming of an honourable member to have made them. I take it, however, that the heat of the moment and the accentuated feeling that he had been prevented from making his speech by my acceptance of the closure have led the honourable member to these strong and offensive remarks which are alleged to have been made by him.

Honourable members will agree that it is not possible for any one to occupy the Chair and conduct the proceedings in a just and impartial manner without the co-operation of all sides of the House and it is in the fitness of things that the occupant of the Chair is required by parliamentary etiquette to be shown the highest courtesy by all honourable members. It is thus extremely necessary that they should exercise restraint and forbearance, if need be, to keep up the dignity of the Chair.

I hope and trust that the honourable member, Malik Barkat Ali, if he has actually made the remarks which have been attributed to him in the Press, will have no hesitation in withdrawing them with due apologies.

Mian Abdul Aziz : Sir.

Mr. Speaker : I think it is very unfortunate that such an incident took place. I wish it had not taken place. If the facts as stated are correct that Malik Barkat Ali made those remarks which have been quoted from the *Tribune* and the *Civil and Military Gazette*, I think they are most unfair, most unjust and I cannot but condemn them. I very much doubt that Malik Barkat Ali could have been so violent in the use of his language.

Khan Bahadur Shaikh Karamat Ali : Is it fair that you should condemn Malik Barkat Ali in his absence ?

Mr. Speaker : Shaikh Karamat Ali must know that I have not said anything which is wrong. What I have said is that if this is so, then I consider it condemnable and that Malik Barkat Ali should not have used that language at all. Malik Barkat Ali is not here and therefore I cannot ask him to make a statement and I am not in a position to judge whether the statement made is perfectly correct; nor is the House in a

position to do so. When Malik Barkat Ali comes then, if the House agrees and if the Premier agrees—he has already agreed—we may hear Malik Barkat Ali, and decide the matter. All I can say is that it is a very unfortunate matter.

Premier : I entirely endorse what you have said. I appealed to my honourable friend the Leader of the Opposition. I sent for him and talked to him and said that in our party game we might have our quarrels, but the Chair should be kept above party politics. I appealed to him and he agreed with me. He said he would like to consult Malik Barkat Ali.

Mian Abdul Aziz : You have already stated that when Malik Barkat Ali comes, this question will be taken up, but the Premier has stood up and has begun to make a speech. We do not know whether he will condemn the honourable gentleman, but this is no time for him to say anything, and you should not allow him.

Mr. Speaker : The Leader of the House with the permission of the Chair can make a statement at any time.

Premier : Because a reference was made to my talk with the Leader of the Opposition, I thought I should explain what had transpired. When Malik Barkat Ali is here he will of course tell you what he actually said. So far as I am concerned my ears do not belie me—

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : So evidence will be given on the floor of the House.

Mian Abdul Aziz : I rise to a point of order.

Mr. Speaker : I can not allow any point of order. Points of order are sometimes made not with a special object but only to cause delay.

Premier : I was saying what I had heard. I might have heard wrongly. The press may be wrong. But I would appeal to all members of this House that in all these matters we should not stand on mere prestige. If this House is to function efficiently, if democracy is to function efficiently, the Chair must be kept above all these things. If I commit a wrong I would be the first to apologise and make amends and the same will be the case with other members on this side of the House and we expect the same from the other side. I hope that when Malik Barkat Ali comes he will explain the whole thing.

Mr. Speaker : I do not think that Malik Barkat Ali will ever have made such wild remarks. This matter will however be settled immediately after he comes and make a statement.

ALLOTMENT OF THURSDAY FOR GOVERNMENT BUSINESS

Mr. Speaker : The House will now proceed to discuss supplementary estimates.

Raja Ghazanfar Ali Khan (Pind Dadan Khan, Muhammadan, Rural) : Sir, before we proceed further I would like to raise a point of order. My point of order is that the House cannot take the supplementary estimates to-day. The reasons briefly are these. In accordance with the rules passed by this House every Thursday is meant for non-official business unless the House declares to the contrary and during the last seven years—I have tried to go through the records—there is not a single precedent for Thursday being devoted to official work without the House having voted for it. This time a novel procedure has been adopted and it is that these supplementary estimates have been fixed by the Governor on a Thursday. In this connection I would invite your kind attention to rules made by this House as well as by the Governor under section 84 of the Government of India Act. If you will please turn to section 84 of the Government of India Act, you will find it stated :

A Chamber of a Provincial Legislature may make rules for regulating, subject to the provisions of this Act, their procedure and the conduct of their business :

[Raja Ghazanfar Ali Khan.]

Provided that, as regards either a Legislative Assembly or a Legislative Council, the Governor shall, in his discretion, after consultation with the Speaker or the President, as the case may be, make rules—

(a) for regulating the procedure of, and the conduct of business in, the Chamber in relation to any matter which affects the discharge of his functions in so far as he is by or under this Act required to act in his discretion or to exercise his individual judgment;

(b) for securing the timely completion of financial business.

I would like to emphasise part (b). The rest of the section does not immediately concern us. Now I would respectfully beg to submit that the financial business of the House would have been completed if time is given on any other day except Thursday. It could have been easily completed on any day of the week except Thursday. Therefore this fixing of Thursday for supplementary grants is in direct contravention of the rule which has been adopted by this House. I submit that the Governor has no powers to over-ride the rules of business passed by this House just by an executive order which he could not pass under any particular section of the Act. If it is to be held that except for Thursday on no other day could supplementary estimates be discussed, then it would have been a different thing. This is quite apart from the commonsense point of view which would require the Governor to bear in mind that the number of days earmarked for non-official business are already very limited and few and if His Excellency the Governor starts depriving the non-official members of Thursdays, then I say that any chance for the Opposition when they have to ventilate public matters under the rules, would be lost. I submit that the Premier and his colleagues in advising His Excellency the Governor to adopt this most extraordinary and novel course, have deliberately misled him. Probably they did not inform him that Thursday was the only day when non-official business could be conducted. I am sure that if His Excellency had been informed that by having supplementary estimates put down for Thursday he would be depriving this House of the opportunity to decide whether official business should be conducted or not, he would have decided otherwise. I submit that under the rules these supplementary estimates cannot be put for a Thursday and the only business which this House is entitled to do on that day is the non-official business. In this connection I would refer you to the handicap under which we are suffering. It is most unfortunate that your office for the last several years has been proceeding more under exceptions than under rules. Knowing full well that Thursdays are meant for non-official business, they should have—

Mr. Speaker : Which rule is the honourable member referring to ?

Raja Ghazanfar Ali Khan : Rule 35 of our rules and section 84 of the Government of India Act. Rule 35 says :

On Thursdays business other than Government business shall have precedence. On all other days no business other than Government business shall be transacted except with the consent of the Leader of the House :

Provided that on a motion made after a day's notice by a Minister this rule may be suspended and the Assembly may transact Government business on a Thursday.

Our rules do not provide that the Governor will have the right to take away this Thursday from us which is intended for non-official business, nor does the Government of India Act under which the Governor is empowered to frame rules give wide powers to him to frame any rule he likes. His Excellency's powers are limited and restricted under this section, the limitation being that he can only fix a day when he thinks that otherwise the financial business cannot be completed. It will be for you and the House to judge whether the supplementary estimates could not have been taken on Tuesday last or on Friday, that is, to-morrow. My contention is that this is a deliberate and definite conspiracy to deprive this side of the House of this little opportunity of bringing forward any resolution or Bill and it is highly shocking that His Excellency the Governor should be a party to this conspiracy.

Premier : On a point of order. No reference should be made to the Governor.

Raja Ghazanfar Ali Khan : Whatever acts are done by His Excellency, the Governor in his administrative capacity can be questioned on the floor of the House. The Honourable Premier cannot frighten us with the name of the Governor. (*Interruptions*). What I mean to say is that the Leader of the House has deliberately misled the Governor by not informing him of the position. On going through the previous records you will find that there is not a single Tuesday upon which when the Leader of the House brought a motion that next Thursday will be reserved for official business, there was not the strongest protest from the Opposition benches. I wonder if the Leader of this House, while advising His Excellency to fix Thursday for official business, really thought that he was asking His Excellency to do something which will give a very grave provocation to members sitting on this side of the House. Let the Honourable Leader of the House realise that the members of the Opposition have got as much right to bring forward legislation as the opposite side of the House. We are His Majesty's Opposition, we are not traitors sitting here. We are not enemies of the country and the Honourable Leader of the House in alienating the sympathy of every member of this House is doing the greatest injustice not only to the Governor but to the very constitution under which he is working. (*Hear, hear*). If this is the way in which rights are to be trampled under foot by the Unionist Government, then I can assure you that the result will be that the parties sitting on this side of the House may have to seriously consider whether there will be any use their attending the Assembly any longer. (*Hear, hear*). They can cry 'hear, hear', but I tell them that our party is not an orphan party like theirs. The question which we will take up will be an all-India question, it will be a first class constitutional issue and the matter will not lie here. You know very well that we have been behaving in the most constitutional manner.

Mr. Speaker : What is the honourable member's legal contention ?

Raja Ghazanfar Ali Khan : My legal contention is that Thursday, according to our rules, is ear-marked for non-official business and neither the Government nor His Excellency the Governor can deprive this House of the right of conducting non-official business on Thursday. It is only the House itself which, by a resolution, can pass that official business will be conducted on this Thursday. I have very anxiously and carefully gone through various books I could lay my hands upon during the last few days and I could not come across any argument which could validate the presentation of supplementary estimates today.

Sardar Kapoor Singh : I would like to support the honourable member who has just resumed his seat and say something which he has not said.

Mr. Speaker : I cannot allow a discussion on a point of order. The honourable member should not address the House or the Chair unless he is on his legs and I have not allowed him to stand and make a speech.

Sardar Kapoor Singh : As you are on your legs, I cannot be on my legs.

Mr. Speaker : To be very frank I have not been able to follow clearly the point which the honourable member has raised. This has been the practice of this House and this is the law. In Parliament, Government is the master of whole time. They can present and discuss any matter on any day.

Sardar Sohan Singh Josh : But under some procedure.

Mian Abdul Aziz : Under the rules.

Mr. Speaker : Where is the Governor precluded ? When he made the rules, he clearly stated that in exercise of certain powers he was doing it. The honourable member should read Rule 16 of the Governor's Rules.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Please read Section 62.

Mr. Speaker : The Governor can fix any day for a Budget or Supplementary Estimates. (*An honourable member :* A day.) I go so far that he might even fix a Sunday and there can be no objection. Parliament meets on Sundays occasionally when it is necessary. He has the power to change. I will read to you from Jenning's Government of England—latest Edition. There it is laid down, "The time of the House is so marked in the hands of the Government that it is not easy for a private member to find a suitable occasion to initiate a debate." Here, the power under the rules is given to the Governor and the Governor has made Rules that he will allot any day for discussion of Supplementary Grants. My ruling is—

Sardar Kapoor Singh : Before you give your ruling you should hear me.

Mr. Speaker : I cannot allow any further discussion on this point of order. I do not want to waste the valuable time of the members of this House. (*Hear, hear*) (*Interruption*) Order please. I do not want any running commentary upon my ruling.

Mian Abdul Aziz : May I, with your permission, say a word ?

Mr. Speaker : I cannot allow that. This point has struck Raja Sahib only this year. For how many years has he been in this Ass embly ? He should know. He is the master of procedure and practice. My ruling is that there is no irregularity. (*Hear, hear*).

Sardar Kapoor Singh : Sir, may I know one thing from you ? If the discussion on supplementary estimates is finished within half an hour, then are you going to take up the non-official business to-day or not ?

Mr. Speaker : No.

Sardar Kapoor Singh : Do you mean to say that the remaining portion of the day will not be utilised ?

Mr. Speaker : I do not mean anything. The House will decide what to do.

Sardar Sohan Singh Josh : What about my adjournment motion ?

Mr. Speaker : No adjournment motion can be taken up to-day. I would ask the honourable member to read Rule 172 (5), of the Manual of Business and Procedure. It says—

On the last day fixed for the voting of demands for grants the consideration thereof shall not be anticipated by a motion of adjournment or be interrupted in any other manner whatsoever, nor shall any dilatory motion be moved in regard thereto. (Special Procedure, Rule 15).

I would again refer him to Rule 179 (4) of the same Manual. It says :

The provisions of sub-rule (5) of Special Procedure, Rule 15 [Article 172 (5)] shall also apply to the voting of demands for supplementary grants under this rule. (Special Procedure, Rule 16).

So the two rules read show that adjournment motion cannot be taken up to-day.

Sardar Sohan Singh Josh : Then I shall have to take up my adjournment motion to-morrow.

Mr. Speaker : Yes.

SUPPLEMENTARY DEMANDS

IRRIGATION ESTABLISHMENT

Minister of Finance (The Honourable Dr. Sir Manohar Lal) : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 56,530 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of charges on Irrigation Establishment.

Mr. Speaker : Demand moved—

That a supplementary sum not exceeding Rs. 56,530 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of charges on Irrigation Establishment.

Land Reclamation Work

Mian Muhammad Nurullah (Lyallpur Muhammadan, Rural) (*Urdu*): Sir I beg to move—

That the demand be reduced by Rs. 100.

Sir, whenever any M. L. A. goes to canal offices or a tahsil numerous patwaris gather round him. They always complain against their meagre pay. As their pay is so small the question of faslana and illegal gratifications crops up every now and then. I understand that during a joint meeting they asked the Government to redress their grievances within a certain period or they would go on strike. The Chief Engineer invited their representatives to Simla and tried to console them. The lot of patwaris, who are employed on reclamation, is the worst. Their pay starts from seventeen rupees a month with an annual increment of Re. $\frac{1}{3}$ per annum. I totally fail to understand what Re. $\frac{1}{3}$ means. According to my calculation this comes to 5 annas and 4 pies per annum and in this way their total pay in thirty years will go up to rupees twenty seven. They get rupees five and three as other allowances. A new patwari gets twenty-five rupees in all. When their condition is so miserable what good can you expect from them? Empty bellies with empty minds are totally devoid of doing what you want them to do. In my humble opinion all the money spent over them in this poor manner is wasted altogether. Now, Sir, I leave this question to the care of the House to decide how deserving is their case and how serious attention it requires.

Mr. Speaker: Demand under consideration, motion moved—

That the demand be reduced by Rs. 100.

Sardar Ajit Singh (South-west Punjab, Sikh, Rural) (*Punjabi*): Sir, I rise to support the motion. By adopting any such measure, we will be doing a great favour to the zamindars. They will be liberated from a great calamity. In order to fight out their poverty and to supplement their meagre incomes, these patwaris commit all sorts of tyrannies and always devise new methods of torturing people in order to get something. The Government has wisely increased the pay of police constables to Rs. 40 and it will be highly appreciable if the Government adopt a similar attitude in the case of patwaris too and raise their grade to forty or fifty rupees. The moment these poverty-stricken patwaris get relief, I am sure that the evil will naturally die its own death. But so long as the pay of patwaris is not increased they would go on harassing the poor zamindars because they cannot live on this scanty pay of Rs. 17 per month. My contention is that increasing their pay is the only remedy whereby stop can be put to the harassment caused to the zamindars by the high-handedness of patwaris. I may also point out that elaborate efforts have been made by certain people who are deeply interested in improving the lot of patwaris. In this connection let me point out that a deputation also waited on the Chief Engineer at Simla this year and the latter was pleased to give an undertaking to the effect that every possible effort would be made to improve the lot of patwaris. This is undoubtedly a most deserving case and while the pay of a police constable has been increased to Rs. 41, I see no reason why the grade of a patwari should not be revised. My submission, therefore, is that it should be increased at least to Rs. 40 or 50 with three rupees yearly increment.

With these few remarks I strongly support the cut motion now before the House.

Mr. K. L. Rallia Ram (West, Central Punjab, Indian Christian): I have heard for the first time in my life that a patwari is hard up. (*Laughter*). Sometimes I myself envy the lot of a patwari. I know of a street in Lahore which has been named after a patwari because he possessed quite a number of houses in that particular street. A man asked his friend as to what he was doing and on being told that he was a schoo

[Mr. K. L. Rallia Ram.]

teacher remarked 'Still a schoolmaster? I thought you must have become a patwari by now'. It is said of Sir Michael O'Dwyer that he was in favour of enhancing the pay of patwaris but when he was told about the other resources of patwaris he did not pursue the matter. Honourable members might have heard about a Judge of the High Court who had to pay Rs. 250 to a patwari in a mutation case. There are stories about the Ministers who had to give something to the patwaris before they attended to those Ministers' work. Mian Nurullah says that when he goes, patwaris gather round him and tell him that they are hard up. It is usual with such persons to always show that they are hard up and something should be done for them. You will remember, Sir, I was your secretary in the Lahore Municipal Committee for one year. The store keeper was well known for his extra income but he always used to come to me and request me that I should do something for him and when I transferred him from that place, he did not like to be transferred. I shall be only too glad to see that the salary of a patwari is raised but he should at the same time desist from taking illegal gratifications. I know of a Judge of the High Court who said that the patwari was the highest revenue authority in this province. This fact that the Government has not raised the prestige of a patwari and has not appointed more responsible persons to do that work is causing great inconvenience to the public at large. There are very many instances where lands have been given to the wrong persons simply because of the machination of the patwaris. This does not mean that I have no sympathies with the patwaris—if a patwari were to hear what I am saying, he can put me to great trouble. Once I had to sell a piece of land and a patwari had to certify and he made us wait the whole day and did not turn up. The next day I had to make a request to the A. D. M. who got him.

Mian Muhammad Nurullah : May I ask if my honourable friend realises the difference between Irrigation patwari and a Revenue patwari?

Mr. K. L. Rallia Ram : Yes, I know the difference very well. Both of them are birds of the same feather. If their salary is raised I shall be happy but Mian Nurullah must give an assurance that they will behave better and not harass the public.

Mian Muhammad Nurullah : Was any assurance given or demanded when the salaries of policemen were raised?

Mr. K. L. Rallia Ram : The policemen are worse. I do not hold any brief for police men. If any question comes up about the policemen I would say the same thing.

Raja Ghazanfar Ali Khan (Pind Dadan Khan, Muhammadan, Rural) (*Urdu*): Sir, a few words and I have done since I do not wish to make any speech on the motion now before the House. I would like to submit for the information of the House that the Muslim League Working Committee has issued a manifesto in which it has been provided that a suitable increase should be made in the salaries of all the low-paid Government employees. (*An honourable member*: That is a vote-catching device). In this manifesto much stress has been laid on the enhancement of the salaries of patwaris, constables and teachers. It will not be out of place to mention here that we have undertaken a special responsibility to increase the salaries and the status of patwaris, constables and teachers. Again, Sir, I wish to bring this point home to my honourable friends that when the Muslim League comes into power, the first and foremost thing for it would be to raise the status and increase the salaries of the low-paid Government employees in general and patwaris, constables and the teachers in particular.

Mr. Speaker : The question is—

That the demand be reduced by Rs. 100.

The Assembly divided : Ayes 88, Noes 66.

Mr. Speaker : I expect the honourable members not to waste the time of the House by frequently calling for division.

AYES

Abdul Aziz, Mian.	Muhammad Nurullah, Mian.
Akbar Ali, Pir.	Muhammad Raza Shah Jeelani, Makh-
Allah Yar Khan Daulatana, Khan Bahadur Mian.	dumzada Haji Sayed.
Amir-ud-Din, Khan Bahadur Mian.	Muhammad Sarfraz Khan, Chaudhri.
Barkat Ali, Malik.	Muhammad Wilayat Husain Jeelani,
Duni Chand, Mrs.	Makhdumzada Haji Sayed.
Ghazanfar Ali Khan, Raja.	Mumtaz Muhammad Khan Daulatana,
Ghulam-Mohy-ud-Din, Khan Bahadur Maulvi.	Mian.
Ghulam Samad, Khan Sahib Khawaja.	Nasrullah Khan, Rana.
Iftikhar Hussain Khan, Nawab.	Nawazish Ali Shah, Sayed.
Kapoor Singh, Sardar.	Raghibir Kaur, Shrimati.
Karamat Ali, Khan Bahadur Shaikh.	Roshan Din, Khan Bahadur Chaudhri.
Kartar Singh, Sardar.	Sadiq Hassan, Shaikh.
Mazhar Ali Azhar, Maulvi.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muhammad Ameen, Khan Sahib Shaikh.	Santokh Singh, Sardar.
Muhammad Hasan, Chaudhri.	Shaukat Hyat-Khan, Sirdar.
Muhammad Hussain, Sardar.	Sohan Singh Josh, Sardar.
	Teja Singh, Sardar.
	Uttam Singh Dugal, Sardar.

NOES

Abdul Haye, The Honourable Mian.	Gopal Singh (American), Sardar.
Abdul Rab, Mian.	Gurbachan Singh, Sardar Bahadur Sar-
Abdul Rahim, Chaudhri (Gurdaspur).	dar.
Abdul Rahim, Chaudhri (Gurgaon).	Habib Ullah Khan, Khan Bahadur
Ali Akbar, Chaudhri.	Malik.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik Sir.	Hans Raj, Bhagat.
Amjad Ali Shah, Sayed.	Hari Chand, Rai Bahadur Rai.
Anant Ram, Rai Sahib Chaudhri.	Harnam Singh, Captain Sodhi.
Ashiq Hussain, The Honourable Nawab Major.	Het Ram, Rai Bahadur Chaudhri.
Badr Mohy-ud-Din Qadri, Khan Sahib Sayed.	Indar Singh, Sardar Bahadur Sardar.
Baldev Singh, The Honourable Sardar.	Jafar Ali Khan, Chaudhri.
Balwant Singh, Sardar.	Jogindar Singh Man, Sardar.
Brijraj Saran, Kanwar.	Jugal Kishore, Chaudhri.
Faiz Muhammad, Khan Bahadur Shaikh	Khizar Hayat, The Honourable Malik.
Faqir Chand, Chaudhri.	Kishan Das, Seth.
Faqir Hussain Khan, Khan Bahadur Chaudhri.	Lal Singh, Sardar.
Farman Ali Khan, Subedar-Major Raja.	Manohar Lal, The Honourable Dr. Sir.
Fateh Muhammad, Captain Mian.	Mohar Singh, Rao.
Fazal Din, Khan Sahib Chaudhri.	Muhammad Ashraf, Chaudhri.
Fazal Karim Bakhsh, Khan Sahib Mian.	Muhammad Azam Khan, Khan Sahib
Few, Mr. E.	Sardar.
Ghulam Qadir Khan, Khan Bahadur.	Muhammad Hassan Khan Gurchani,
	Khan Bahadur Sardar.
	Muhammad Hussain, Khan Bahadur
	Chaudhri.
	Muhammad Jamal Khan Leghari, The

Honourable Khan Bahadur Nawab Sir.	Pir Muhammad, Khan Sahib Chaudhri.
Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir.	Prem Singh, Chaudhri.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Prem Singh, Mahant.
Muhammad Shafi Ali Khan, Khan Bahadur Chaudhri.	Pritam Singh Sidhu, Sardar.
Muzaffar Ali Khan Qizilbash, Nawab Sardar.	Ram Sarup, Chaudhri.
Muzaffar Khan, Khan Bahadur Captain Malik.	Ranpat Singh, Chaudhri.
Nasir-ud-Din Shah, Khan Sahib Pir.	Riasat Ali, Khan Bahadur Chaudhri.
Naunihal Singh Mann, Captain Sardar.	Ripudaman Singh, Rai Bahadur Thakur.
Nur Ahmad Khan, Khan Bahadur Mian.	Sardar Khan Noon, Major Malik.
	Sher Singh, Sardar.
	Singha, Diwan Bahadur S. P.
	Sultan Mahmood Hotiana, Mian.
	Tara Singh, Sardar Sahib Sardar.
	Tikka Ram, Chaudhri.
	Wali Muhammad Sayyal Hiraj, Khan Bahadur Sardar.

Mr. Speaker : The question is—

That a supplementary sum not exceeding Rs. 56,530 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of charges on Irrigation Establishment.

The motion was carried.

GENERAL ADMINISTRATION

The Honourable Mian Abdul Haye (Minister of Education) : I beg to move—

That a supplementary sum not exceeding Rs. 1,50,590 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of General Administration.

Mr. Speaker : Motion moved—

That a supplementary sum not exceeding Rs. 1,50,590 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of General Administration.

Raja Ghazanfar Ali Khan : If you will be kind enough to permit, I would like to take my cut motions Nos. 1, 2, 3 and 5 together, because they relate to a subject which is common and I think time of the House will be saved if all these cut motions are treated together.

Mr. Speaker : They are all out of order.

Raja Ghazanfar Ali Khan : In that case may I take cut motion No. 1 to discuss the question of continuous extension being given to the Central Legislative Assembly?

Mr. Speaker : That is not a provincial subject.

Raja Ghazanfar Ali Khan : I beg to submit that if the Central Government calls upon me to perform a certain duty, have I not the right under the constitution to tell them what I think of it? It is only an expression of opinion.

Mr. Speaker : The Punjab Government is only an agency. Money, the Central Government will pay.

Raja Ghazanfar Ali Khan : I submit that the Central Government cannot give me orders. They can ask me to do certain jobs for them. We are prepared not only to do those jobs for the Central Government, we are even willing to pay money from our own pocket which we shall recover later on from them. Therefore, I submit that when money is being taken from the Treasury of the Punjab Government even for a single day, I think we have the right to express an opinion whether that

money should be used or not. If you agree to this simple proposition, then I submit that my amendment is in order. If your ruling is that when an order comes from the Central Government then we have no option but to carry it out.

Minister of Finance : Request.

Raja Ghazanfar Ali Khan : If the Minister comes before the House and asks us to allow him to use certain money out of the Punjab funds to comply with the request made by the Government of India, is it not the right of the House to say whether that request should be complied with or not? I think my amendments are quite in order. So I will take them one by one.

Mr. Speaker : Amendments Nos. 1 to 5 are quite in order and also out of order. These amendments want that the Punjab Government's money should not be spent at the request of the Government of India, though that money will be returned by them. If anybody raises any objection that the money should not be spent and the reason for that is that it relates to elections which he does not want, then that much only can be discussed. But further discussion of the internal affairs of the Government of India relating to elections cannot be discussed. They are not provincial matters.

Raja Ghazanfar Ali Khan : I shall confine my remarks only to that.

Mr. Speaker : How can you do it?

Raja Ghazanfar Ali Khan : I will only discuss the point that we do not want this money to be spent for this purpose. The moment I begin discussing the internal affairs of any Government, you can call me to order. The Speaker has got full powers to see that the debate is conducted on proper lines and in accordance with rules. This is a token cut. The object of the cut motion is not to censure or oppose anything. But the object is to bring to the notice of the authorities concerned, the views the members of the Assembly hold on the subject. Supposing for instance a resolution were to be moved by this House that it recommends to the Government of India that the elections for the central legislature may be held immediately, then you will not be able to rule it out.

Minister of Finance (The Honourable Dr. Sir Manohar Lal): The first amendment is with the object of discussing what is called the question of continuous extension as is being given to the Central Legislative Assembly. We have no responsibility in the matter of giving this extension. This matter lies entirely within the power of the Governor General, and it will be hopelessly improper for us, to put it mildly, to discuss a matter with which we are not concerned in any manner whatsoever.

1. That the item of Rs. 700 on account of Pay of Officers—Preparation of Electoral Rolls be reduced by Rs. 10.

REMARKS.—To discuss the question of continuous extension being given to the Central Legislative Assembly.

2. That the item of Rs. 8,570 on account of Pay of Establishment—Preparation of Electoral Rolls be reduced by Rs. 10.

REMARKS.—To discuss the defects in the Electoral Rolls as in force in the Punjab particularly the way the secrecy of ballot is being violated.

3. That the item of Rs. 1,500 on account of Travelling Allowances—Preparation of Electoral Rolls—be reduced by Rs. 10.

REMARKS.—To discuss the desirability of Government taking steps to remove the chances of corrupt practices indulged in at the time of elections to the Legislatures.

4. That the item of Rs. 18,520 on account of preparation of Electoral Rolls be reduced by Rs. 10.

REMARKS.—To discuss the preparation of Electoral Rolls of the Constituencies of the Central Legislative Assembly.

5. That the item of Rs. 18,520 on account of preparation of Electoral Rolls be reduced by Rs. 10.

REMARKS.—To discuss the failure of the Punjab Government to represent to the Government of India that General Elections should be held as early as possible.

[Minister of Finance.]

We are undoubtedly asked by the Central Government to see that electoral rolls are prepared, but in this we are acting absolutely as their agents, as indeed is the case with every other province; in doing this work this Government will not lose a penny because we shall be re-imbursed later. Therefore the first amendment is hopelessly out of order. Our opinion is not invited in regard to any proposals which the Governor-General in the exercise of his powers under the old Government of India Act may have in contemplation as regards the extension of the Central Assembly and it will be wholly impertinent on our part, completely otiose to attempt to express an opinion on this subject. If for instance this kind of argument were to be permitted in order to give jurisdiction to us to discuss a matter which lies entirely outside our province, you might as well allow everything under the sun.

Raja Ghazanfar Ali Khan : I want to ask, has this House the power to reject this grant or not?

Minister of Finance : The amendment is being raised with a particular object. The object is to discuss the propriety on the part of the Governor-General to extend the life of the Central Assembly from year to year and this is not open to us to do.

Raja Ghazanfar Ali Khan : If I have the right to oppose the entire demand, have I not the right to give reasons in doing so? My honourable friend has given only superfluous attention to the point I have raised and has used the word 'impertinent'. It may be impertinent for them to say 'no' to the Government of India but it is not impertinent for us to oppose the grant and give reasons.

Mr. Speaker : The honourable member is certainly entitled to give reasons why this request of the Government of India should not be accepted and he may give any reason he likes. But relevancy is the criterion and I shall have to see that he is not irrelevant. It will be irrelevant to discuss elections to the Central Assembly.

Sardar Kapoor Singh : If the provincial Government does not prepare the lists for 5 years what shall be the consequence of any by-election after all? Because when there are no lists in the Punjab automatically there will be no by-election for the Central Assembly from the Punjab province. In that case you will find that after some time as the vacancies occur there shall be no by-election. In that respect we can express our opinion. I think that is what my honourable friend has in mind.

Mr. Speaker : I consider that all these amendments are out of order.

Raja Ghazanfar Ali Khan : So far as the second cut motion is concerned, it is not the responsibility of the Central Government but it is entirely the responsibility of the Provincial Government.

Mr. Speaker : No.

Raja Ghazanfar Ali Khan : Let the Honourable Minister get up and deny it. The appointments of presiding officers, Election Commissioner, Tribunal, etc., are under the control of the Provincial Government. If the Honourable Finance Minister will get up and make a statement that the Punjab Government receives instructions from the Central Government as to where the polling stations are to be constituted, and what are the dates to be fixed for nomination, etc.—

Mr. Speaker : All these details are irrelevant.

Raja Ghazanfar Ali Khan : The first cut motion was not ruled out of order but I acceded to your wishes. You never gave your ruling against it. But so far as this is concerned, this is entirely the concern of the Provincial Government. There are certain defects which it is within the power of the Punjab Government to remove and I want to draw the attention of the Government to those defects and see if I can influence them to remove them. The Central Government has got nothing to do with

it. If I am allowed to proceed with the speech I am sure you will agree with me that the defects pointed out can be removed by the Punjab Government.

Mr. Speaker: The honourable member may oppose the whole demand if he likes.

Raja Ghazanfar Ali Khan: Very well.

Mr. Speaker: The next amendment is that of Sardar Teja Singh Swatantar

Malik Barkat Ali: May I request you to kindly grant me an opportunity of having my say in regard to the statement which I understand has been supplied to you by the Deputy Speaker of this House?

Mr. Speaker: When I permitted the Deputy Speaker to make his personal explanation I did not think that it would be so long. Under the rules, to-day being the first and perhaps the last day of Supplementary Demands nothing else should be taken up. That was a mistake made and now, when the honourable member has to meet the allegations made, he will surely take time in reply which, under the rules, cannot be allowed. This can be done at 3-45 p.m.

Malik Barkat Ali: I do not propose to be very long.

Mr. Speaker: There is a rule to the effect that on the last day of voting on demands for grants, the consideration thereof shall not be anticipated by a motion of adjournment or be interrupted in any other manner whatsoever, nor shall any dilatory motion be moved in regard thereto.

Malik Barkat Ali: You have already allowed a statement to be made.

Mr. Speaker: I have tried to explain that I did not know that it would take so long. I know that your statement must be longer than his. How can I allow?

Malik Barkat Ali: It will be very short.

Mr. Speaker: All right, it can be made at about 3-45 p.m..

Raja Ghazanfar Ali Khan: As my honourable friends are so anxious to go to "Jails and Convict Settlements", I do not press my motion because it would impede their progress.

Sardar Sohan Singh Josh: We are not moving either.

Mr. Speaker: Question is—

That a supplementary sum not exceeding Rs. 1,50,590 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of General Administration.

The motion was carried.

JAILS AND CONVICT SETTLEMENTS

Finance Minister (The Honourable Dr. Sir Manohar Lal): I move—

That a supplementary sum not exceeding Rs. 1,80,780 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of Jails and Convict Settlements.

Mr. Speaker: Motion moved is—

That a supplementary sum not exceeding Rs. 1,80,780 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of Jails and Convict Settlements.

Police staff for Gujrat Special Jail

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (Punjabi): Sir, I beg to move—

That the item of Rs. 39,780 on account of Entertainment of Police Staff for duty both inside and around the boundry walls of the Gujrat Special Jail, be omitted.

[S. Sohan Singh Josh.]

Sir, if you were to look at page 15 of the Supplementary Estimates you will find these words contained in the accompanying note :—

Owing to the detention of security prisoners in New Sub-Jail, Gujrat, it is necessary to have for the duration of war a Special duty staff, as detailed in the Schedule, for the safe custody of prisoners and safety of the jail from attacks from outside as also suppression of mutiny, etc., etc.

Sir, before I proceed with my remarks on this matter I would like to mention the fact that when political prisoners from Muzaffargarh and other jails were transferred to the Deoli camp, leaders and workers of labour and other political organisations from all over the country were also being kept at the camp. Consequently the C. I. D. from every province in India had to be gathered together and posted there. After the hunger-strike was over, this staff was disbanded and the Punjab Government posted their batch to the Gujrat Special jail. In August 1942 the Government made wholesale arrests of Congress workers and numerous jails were packed with them. Yet during the unrest, occasioned by these indiscriminate arrests, and in those unsettled days, the Government did not get scared of the possibility of mutiny in jails nor did they think it necessary to appoint a special staff for suppressing any "insurrection".

During the August movement a large number of people were arrested. Jails were glutted with political prisoners. When the movement was at its height and many people were being interned for political reasons at that time no such fear was entertained by the Government. Multan, Sialkot and many other cities were the centres of such political concentrations. But I am sure that at that crucial hour Government did not stand in need of such measures. I do not remember the exact date but in 1942 Government asked for such special grants and at that time these very words were used. I am at a loss to understand how there could be any need of such staff now when the movement has lost all its fury and prisoners are being released. Every day we hear that so many political detenus have been released and so many people have been allowed not to report at the police stations. Although the Government is not withdrawing the restrictions imposed upon the Congress M.L.A.'s who are the real representatives of the people, yet the Government says that they are doing a great deal in that respect. The conditions that I find to-day give no cause for such fears as "mutiny" in the jails or other things of that sort. The Congressites are not the kind of people to hatch such ditry conspiracies and to stab the Government in the back. If they ever do a thing, they will do it openly. Our Government do not know what to do in these circumstances. I can easily call their administration a wooden bureaucracy. They take no notice of the changing conditions. The staff is not needed. Government believe in increasing the police force. Sometimes they create new police posts and sometimes they revive or maintain old ones. At the end they do not know what to do with that unnecessarily increased police force. They attach these useless units to these jails under special heads. Every district has got its own C. I. D. staff, and as far as Censorship and arrangements for interviews are concerned, they can easily conduct them. This staff is totally useless and this money is altogether wasted. They are doing no useful work. I want to draw the attention of the House to their censoring of letters. When I was in jail I wrote one or two harmless letters to my friends and those letters never reached their destination. We write very simple letters but I do not know how these C. I. D. people interpret them. Formerly, quite harmless things were censored. And when there was an agitation against this stupid attitude of the officials, the letters were restricted to twenty lines. Then set forms were adopted and now black, press ink is applied and the letters are blackened to such a degree that it becomes totally impossible to make out anything.

As far as interviews are concerned very novel methods are adopted. A table is laid between the prisoner and the man who seeks the interview and an inspector of police sits between them. Very ordinary questions are disallowed.

3 p.m.

Mr. Speaker : Is the honourable member discussing the Gujrat jail or all jails ?

Sardar Sohan Singh Josh : I happened to be there, that is why I am discussing the Gujrat jail.

Premier : I am glad the honourable member is pointing out the concessions that the Government has given to the Congress.

Sardar Sohan Singh Josh : I am talking about the police and their behaviour. I am not discussing the jail officials.

My point is that even at the interviews allowed to security prisoners nothing is permitted to be discussed except the birth of a child or conditions of weather. In the presence of a policeman how could a prisoner ask anything more than simple questions such as "How is my aunt and how is my father". And if they happen to inquire about their relatives more than this they are at once asked by the policeman not to do so. Let me further point out that no exemption is given to female relatives who come for an interview with security prisoners. Over and above that, no privacy is allowed even to a sister or a wife of the prisoner at the time of interview. You will be surprised to know that in spite of the fact that the Government have an approved list of the relatives allowed to interview the prisoners, the permission of the D. I. G., C. I. D., is still essential. I may further elucidate this point by saying that a man being on the approved list will not be allowed to interview the prisoner so long as he does not get permission from the D.I.G., C.I.D., To leave persons who are on the approved list to the mercy of the D.I.G., C.I.D., is totally undesirable. It is arbitrary on the part of the Government.

Now I would like to draw your attention to another restriction put on interviews and that is this. No interview is allowed before a fortnight. My submission is that this period of 15 days should be lessened. In case of death of a near relative or some other calamity in the family the prisoner is not allowed to go home even for a short period. I think, it has been made clear that even ordinary facilities like this are not made available to the security prisoners. Even the rules are silent regarding these facilities and you will be surprised to know that no provision has been made in the rules regarding these facilities. As I have already submitted, the permission for interviews with the prisoners is entirely in the hands of the D.I.G., C.I.D., and the approved list, in most cases appears to have carried no weight. In this matter what carries weight is the sweet will of the D.I.G., C.I.D., In order to illustrate this point I would like to refer to the instance of that fine old gentleman, Sardar Rur Singh M.L.A. He has only daughters and, therefore, his house is being looked after by his sons-in-law. And it pains me to remark that one of his sons-in-law was not permitted by the jail authorities to interview Sardar Rur Singh. He made every possible effort to see the old man but all in vain. The reason for not permitting him to interview Sardar Rur Singh was simply this, that the C. I. D. was against the permission being granted to his son-in-law. My submission, therefore, is that so long as this sort of attitude is not changed the increasing resentment of the public cannot be stopped. I may also submit that ordinary facilities regarding interviews should not be denied to the relatives of the prisoners. I have already pointed out that not merely friends but even near relatives are not allowed by the C. I. D. authorities to interview the prisoner. Therefore, the restrictions regarding interviews must be relaxed.

[S. Sohan Singh Josh.]

My next point is with regard to a very important matter and that is this. People going to interview the prisoners in jails find no waiting room or shelter to stay in during the night. No hotel is made available to them by the Government. They have to wait for hours together in the sun. My submission is that some money should be spent for the convenience of these people. When such is the state of affairs, the Government in all fairness should agree with me in saying that the amount under this head is not actually well spent. I can, therefore, say with all the force at my command that this large amount of money should not be granted to the Government because I am sure it would never be spent on providing facilities to the security prisoners, but it would be spent on shadowing the prisoners and watching their movements as the C.I.D. has already been doing at different places. I am confident that the police staff is being employed simply for harassing and shadowing the prisoners. Of course, we cannot expect anything better from this Government. Instead of spending a certain amount of money on the construction of sheds or shelters for the relatives of the prisoners who come for interviews or spending on affording certain facilities mentioned by me already to the prisoners, the whole amount of money will go for making additions in the C. I. D. staff which is considered to be the most important agency of the Government for carrying out their repressive policy in the province.

Now, Sir, I would also like to place certain complaints before you regarding the family allowances granted to certain prisoners.

Sayed Amjad Ali Shah : We are discussing the police for Gujrat jail.

Sardar Sohan Singh Josh : I am discussing the behaviour of the police in Gujrat jail.

Premier : On a point of order, Sir. We were discussing the additional police for Gujrat. The honourable member has gone on from hotels to punitive police and to letters and from letters now he is wandering to allowances. I would request that the honourable member be asked to speak on the demand.

Sardar Sohan Singh Josh : Sir, regarding family allowances, I wish to place before you certain instances which are sure to expose the Government and I think if the Government have the least self-respect for themselves they would hang their head in shame and would never utter a single word in reply. As you are aware, Sir, Kisan Morcha was started in 1939. There was no war at that time. It broke out later. During the Kisan movement some people were sent to jail and their term of punishment was over long ago. But the Government have detained some of them fearing that they might hamper the war-effort. I would, however, say that the Government have done so without studying their mind whether they are at all planning to hamper the war-effort. In this connection I can give you the instance of Baba Kesar Singh and Master Gajjan Singh. They have been kept behind the bars since the Kisan movement. To detain a prisoner for years on mere presumption is no fairness. Now coming to family allowances I would like to submit that allowances given to security prisoners are very meagre and I can quote instances in this connection where families of even M.L.A's are given ten rupees a month as their allowance. Number one is the case of Sardar Kabul Singh who was previously granted ten rupees but when he made a lot of agitation and went on hunger strike saying that he would die but would never accept ten rupees allowance, then the Government considered his demand and increased the allowance. Besides this, no allowance has been given to Sahib Singh of Nabha State and Tehl Singh Bhangali in spite of their repeated requests. And it is really a great pity that no money is being spent by way of allowances on the families of security prisoners. Let me also point out that on account of the reports of the C. I. D. staff which is now

being increased under this demand many a prisoner has been denied even release on parole. Some have lost their parents in jails and others their near relatives but no parole was granted to them because of the concocted reports of the police and now the Government are asking for more money for them. I remember one case of Abdul Aziz of Rawalpindi whose mother was practically on her death bed but the Government did not release him even on parole. Things do not end here. His mother died and the poor fellow asked for 15 days parole so that he could attend to certain ceremonies in regard to the demise of his devoted mother. But his request was rejected and he was not given even 15 days parole to go home and do the needful. Callousness has gone to such an extent and I would say without hesitation that the prisoners are practically left to the mercy of this stone-hearted and inhuman police staff for whom I think not a single pie should be given to the Government. There are a hundred and one instances which can throw sufficient light on the misbehaviour of the police staff. A security prisoner Sardar Karam Singh Dhoot, a simple and honest old man, is suffering from incurable heart attacks according to the report of the doctor. But he has not been released because of the reports of this police staff which is going to be increased by this demand. Here is another instance of Tilak Raj Chada and Boota Singh Babbar Akali who have not been released so far.

Mr. Speaker : No further instance need be given.

Sardar Sohan Singh Josh : Very well, Sir, I will not give any further instances, and I will try my best to confine my remarks to the motion now before the House. So far as the condition of the Security Prisoners detained in the various Jails of the Province in general and the Sub-Jail Gujrat in particular is concerned, I wish to point out that the treatment accorded to them is most undesirable. Even ordinary facilities allowed to them under the rules are being denied to them. It will not be out of place to mention here that no proper medical aid is being afforded to them. I am constrained to remark that the detenues for want of medicines and better medical aid boycotted the doctors and this caused the death of so many detenues. Further I wish to point out that the police staff stationed in the Jail does not perform any duty in the true sense of the word except harassing the detenues in some form or other. The staff is also busy in censoring the newspapers before these reach the detenues. Only yesterday a list of the newspapers allowed to the detenues, was placed on the table of the House. So far as the newspapers supplied to these detenues are concerned, I wish to point out that they have neither been provided with any national paper nor has any Communist paper been allowed to them. With these words, Sir, I place my cut motion before the House and request my honourable friends sitting on the Treasury Benches to accept it.

Mr. Speaker : Demand under consideration, amendment moved is—

That the item of Rs. 29,780 be omitted.

Premier (The Honourable Malik Khizar Hayat) : As regards the technical and financial aspects of the demand I leave them to my honourable colleague the Finance Minister to deal with if necessary and I shall briefly reply to some of the points raised by Sardar Sohan Singh Josh. He brought in many irrelevant things. For instance, he criticised the levying of the punitive police tax. He knows full well the reasons for that action by the Government. It is only when a village becomes turbulent—

Sardar Sohan Singh Josh : You have dubbed the whole of Ferozepore district as a criminal district.

Premier : The demand relates only to the police necessary for the Gujrat jails and my honourable friend suggested that there should be some sort of hotel or a restaurant outside the jail for the use of visitors. I can tell him that there are plenty of facilities available there ; there are *nانبائس* from whom those visitors can buy things. If he thinks that a shed is necessary, I shall look into the question. He also said that

[Premier]

the policy of the Punjab Government has been very liberal in regard to releases. He had to confess that the jails are empty. Does he deny it ?

Sardar Sohan Singh Josh : Yes.

Premier : Now he denies it. I have some figures with me which I would like to quote. These are up to the 15th of November and there have been many releases since then which have to be deducted. We had up to the 15th of November 1944, 108 persons detained in our jails. In United Provinces there were 117, in Madras 305, in Bihar 275 and in Bengal the figure stands at 1,270.

An objection was raised the other day that people are released but they are restricted. In that connection I may inform the House that there are only 20 persons who have been restricted and in the neighbouring province, North-West Frontier Province, there are 36. I do not want to detain the House with other figures. My honourable friend's contention was that if the number of prisoners was less the number of security staff and watch and ward arrangement should also be less. I do not think that is logically correct. The security staff is not engaged to look after the prisoners inside the jail ; they are posted outside the jail and the jail has to be protected whether there are 500 prisoners or 5 prisoners. He also was eloquent over the word 'mutiny' used in the memorandum. My honourable friend forgets that we have to be very careful and have to guard against every contingency ; there might be an attack from outside ; he knows that we are passing through troublous times. During the last Great War the worst period came when the war was about to finish and victory was in sight. I may also inform my friend that all such expenditure is carefully scrutinised by the Finance Department and as soon as it is realised that even one man can be retrenched, it is done.

Then, Sir, he talked of Abdul Aziz. I may inform my honourable friend that there was another brother of Abdul Aziz who was looking after his mother. The lady was 90 years of age and she unfortunately died.

Coming to the demand itself, Gujrat is a very important jail and has to be properly looked after. All the expenditure has been carefully scrutinised and I would request the House to sanction this demand.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*) : Sir, I do not wish to repeat what my honourable friend Sardar Sohan Singh Josh has already said in the course of his speech. What I wish to submit is this that Government propose to station a special police staff in the Sub-jail Gujrat for the safe sustudy of prisoners and for the suppression of mutiny. You are aware of the fact, Sir, that the creation of mutiny both inside and outside the jail is against the principle of the Congress. It is an open secret that non-violence is the creed of Congressmen. In fact Congress have made non-violence to be their principle for all times to come. It will not be out of place to mention here that if Congressmen are oppressed and tortured they will never try to pay back in the same coin. I really fail to understand how when Congressmen have been following the principle of non-violence strictly, the police staff which is going to be stationed there, is unnecessary. Instead of keeping the so-called close watch on the jails, the police staff already existing there is busy in harassing the detenues in some way or the other. It is really no use stationing any police staff inside or outside the Jail when it is as clear as the day that Congressmen, who are the strict followers of the principle of non-violence, can never cause mutiny, etc.

Premier : Is it not a fact that Jai Prakash Narain escaped from jail and is it not necessary to keep close watch on jails, where the friends of my honourable friend are detained ?

Sardar Kapoor Singh : The Honourable Premier has kept him in the Fort of Lahore, where besides being detained in security, the Security Prisoners daily get fists.

Premier : My honourable friend cannot deny that Mr. Jai Prakash Narain escaped from the Jail with his friends.

Sardar Kapoor Singh : That is the story of the Honourable Premier. Sir, I was submitting that the police staff already existing in the jails of the province in general and the Sub-Jail Gujrat in particular, harass the detainees. The innocent news which they receive from their relatives and friends, are being blacked out by the staff without any rhyme or reason. All the complaints which they submit to the authorities through letters, etc., are torn to pieces and their cry for redressing their grievances is just a cry in the wilderness. Similar is the case so far as the interviews are concerned. If any relative, friend, or any honourable member of the House happens to seek interview with any security prisoner, the staff intentionally avoid making any arrangement or informing him about it. So far as the censorship of letters coming from and going to the security prisoners is concerned, I wish to point out that innocent news are being blacked out without any rhyme or reason.

Allow me, Sir, to read a few lines from the letter of Master Kabul Singh which I have received quite recently. He writes, "I started from Jhang on the 19th and reached here on the 20th instant. Chaudhri Kartar Singh had arrived here two days before". The next sentence is blackened. Then he says, "Here I am better than before owing to the society of friends." Now, Sir, you can very well imagine that the sentence which is blackened could not have contained any revolutionary matter in it. At the most in that sentence he might have asked as to the condition of friends who are outside jail. This shows that the real purpose of censorship is that these prisoners may not complain against their treatment in jail to their friends outside.

Now I shall say a few words about the permission granted to the friends and relatives of the prisoners to see them. If the wife of a prisoner goes to see her husband after getting the proper permission, she is forced to leave her two months' old child outside because that child had not been granted the permission. How unreasonable. I have documents with me to prove what I say. I can place them before the House if you like. The Government say that the jails are not hotels. We do not ask them to turn them into hotels for us. We just ask for the rights to which we are entitled according to the rules made by the Government themselves.

The third aspect of the censorship is that the books sent to the prisoners are kept by the authorities for a very long time, say for six months or more, on the plea that they must be read before they are delivered to the prisoners. Must they take six months to go through them? Is that their efficiency? That is exactly what happened to the books sent to Dr. Gopi Chand.

I am not in favour of a single pie being given to the police. This sum should be spent on buying medicines and providing other facilities to the prisoners who are dying due to lack of proper care. The police there do not need any money. They earn enough by their shares from the fruits and sweets taken to the prisoners by those who go to interview them. No police are needed for jails. Let the Ministers post them outside their residences if they are afraid of the Muslim League.

Mr. Speaker : The question is—

That the item of Rs. 39,780 on account of Entertainment of Police Staff for duty both inside and around the boundary wall of Gujrat Special Jail be omitted.

The Assembly divided: Ayes 88, Noes 66

AYES: 88

Abdul Aziz, Mian.	Muhammad Sarfaraz Khan, Chaudhri.
Abdul Hamid Khan, Sufi.	Muhammad Wilayat Husain Jeelani.
Akbar Ali, Pir.	Makhdumzada Haji Sayed.
Allah Yar Khan Daulatana, Khan Bahadur Mian.	Mumtaz Muhammad Khan Daulatana, Mian.
Amir-ud-Din, Khan Bahadur Mian.	Nasrullah Khan, Rana.
Bhagat Ram Choda, Lala.	Nawazish Ali, Shah, Sayed.
Bhagat Ram Sharma, Pandit.	Prem Singh, Mahant.
Duni Chand, Mrs.	Raghubir Kaur, Shrimati.
Ghazanfar Ali Khan, Raja.	Roshan Din, Khan Bahadur Chaudhri.
Ghulam Samad, Khan Sahib Khawaja.	Sadiq Hassan, Shaikh.
Iftikhar Hussain Khan, Nawab.	Sahib Dad Khan, Khan Sahib Chaudhri.
Kapoor Singh, Sardar.	Sahib Ram, Chaudhri.
Mazhar Ali Azhar, Maulvi.	Santokh Singh, Sardar.
Muhammad Ameen, Khan Sahib Shaikh.	Shaukat Hyat Khan, Sirdar.
Muhammad Hasan, Chaudhri.	Sohan Singh Josh, Sardar.
Muhammad Nurullah, Mian.	Teja Singh, Sardar.
Muhammad Raza Shah Jeelani.	Uttam Singh Dugal, Sardar.
Makhdumzada Haji Sayed.	

NOES 66

Abdul Haye, The Honourable Mian.	Habib Ullah Khan, Khan Bahadur Malik
Abdul Rab, Mian.	Haibat Khan Daha, Khan Bahadur Khan.
Abdul Rahim, Chaudhri (Gurdaspur).	Hans Raj, Bhagat.
Abdul Rahim, Chaudhri (Gurgaon).	Hari Chand, Rai Bahadur Rai.
Ahmad Yar Khan, Khan Sahib Chaudhri.	Harnam Das, Lala.
Ali Akbar, Chaudhri.	Het Ram, Rai Bahadur Chaudhri.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik Sir.	Indar Singh, Sardar Bahadur Sardar.
Amjad Ali Shah, Sayed.	Jafar Ali Khan, Chaudhri.
Anant Ram, Rai Sahib Chaudhri.	Jogindar Singh Man, Sardar.
Ashiq Hussain, The Honourable Nawab Major.	Kabul Singh, Master.
Badr Mohy-ud-Din Qadri, Khan Sahib Sayed.	Khizar Hayat, The Honourable Malik.
Baldev Singh, The Honourable Sardar.	Manohar Lal, The Honourable Dr. Sir.
Bhagwant Singh, Rai.	Mohar Singh, Rao.
Brijraj Saran, Kanwar.	Muhammad Ashraf, Chaudhri.
Faiz Muhammad, Khan Bahadur Shaikh	Muhammad Azam Khan, Khan Sahib Sardar.
Faqir Hussain Khan, Khan Bahadur Chaudhri.	Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
Farman Ali Khan, Subedar-Major Raja.	Muhammad Hussain, Khan Bahadur Chaudhri.
Fateh Khan, Khan Sahib Raja.	Muhammad Jamal Khan Leghari, The Honourable Khan Bahadur Nawab Sir.
Fateh Muhammad, Captain Mian.	Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir.
Fazal Din, Khan Sahib Chaudhri.	Muhammad Sarfraz Khan, Raja.
Fazal Karim Bakhsh, Khan Sahib Mian	Muhammad Shafi Ali Khan, Khan Bahadur Chaudhri.
Few, Mr. E.	Muhammad Yusuf Khan, Khan.
Ghulam Qadir Khan, Khan Bahadur.	Muzaffar Ali Khan Qizilbash, Nawab Sardar.
Gopal Singh (American), Sardar.	
Guest, Mr. P. H.	
Gurbachan Singh, Sardar Bahadur Sardar.	

Nasir-ud-Din Shah, Khan Sahib Pir.	Ripudaman Singh, Rai Bahadur Thakur.
Naunihal Singh Mann, Captain Sardar.	Roberts, Sir William.
Nur Ahmad Khan, Khan Bahadur Mian.	Saradar Khan Noon, Major Malik.
Pir Muhammad, Khan Sahib Chaudhri.	Sher Singh, Sardar.
Prem Singh, Chaudhri.	Sultan Mahmood Hotiana, Mian.
Pritam Singh Siddhu, Sardar.	Sumer Singh, Rao Sahib Chaudhri.
Rallia Ram, Mr. K. L.	Suraj Mal, Rao Bahadar Chaudhri.
Riasat Ali, Khan Bahadur Chaudhri.	Tara Singh, Sardar Sahib Sardar.
	Tikka Ram, Chaudhri.

Finance Minister (The Honourable Dr. Sir Manohar Lal) : Sir beg, I to move—

That a supplementary sum not exceeding Rs. 1,80,780 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of Jails and Convict Settlements.

The motion was carried.

MISCELLANEOUS DEPARTMENTS

Finance Minister : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 6,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of Miscellaneous Departments.

The motion was carried.

EDUCATION (EXCLUDING EUROPEAN AND ANGLO-INDIAN EDUCATION)

Finance Minister : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 11,21,970 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of Education (excluding European and Anglo-Indian Education).

The motion was carried.

VETERINARY

Finance Minister : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 14,400 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of Veterinary.

The motion was carried.

REVENUE EXPENDITURE CONNECTED WITH ELECTRICITY SCHEMES

Finance Minister : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 16,910 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945 in respect of other Revenue Expenditure connected with Electricity Schemes.

The motion was carried.

FAMINE

Finance Minister : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 5,85,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of Famine.

The motion was carried.

MISCELLANEOUS

Finance Minister : Sir, I beg to move.

That a supplementary sum not exceeding Rs. 2,71,820 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of Miscellaneous.

Mr. Speaker : Motion moved—

That a supplementary sum not exceeding Rs. 2,71,820 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of Miscellaneous.

Electoral Rolls under the Sikh Gurdwaras Act

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural); (*Punjabi*)
Sir, I beg to move—

That the item of Rs. 4,550 on account of preparation of electoral rolls under the Sikh Gurdwara^s Act be reduced by Rs. 100.

My object in moving this cut motion is to criticise the dilatory policy of the Government in the preparation of electoral rolls under the Sikh Gurdwaras Act. The last Gurdwara elections were held in 1939. Under the provisions of the Sikh Gurdwaras Act fresh elections should have been held after three years, i.e., in 1942. But so far no such elections have been held. I do not know what has passed between Sardar Baldev Singh and the Akali leaders or what conspiracy has been hatched as a result of which Gurdwara elections which were due in 1942 have not been held so far. My submission is that the failure of Government to hold Gurdwara elections which they were in duty bound to hold under the provisions of the Sikh Gurdwaras Act amounts to interference in the Sikh religion. I frankly tell them that not a single Sikh would ever tolerate the Government preventing them from holding these elections. I would like to impress upon the Government the fact that during the Gurdwara movement, the Sikh people after a heroic struggle and by making innumerable sacrifices, succeeded in getting the Gurdwara Act passed. According to this Act the life of the committees was fixed at three years after which period fresh elections were to be held. This right of managing the affairs of their Gurdwaras in a democratic way which was gained at the cost of great sacrifices is being threatened to-day. The interference of this Government is responsible for this delay in the holding of elections. This interference on the part of this Government is striking at the very root of the democratic right of the Sikh people to express their individual opinions in the matter of the management of their places of worship. This Government has absolutely no right to undo everything for the attainment of which so much Sikh blood was spilled. In fact the Akali movement aimed at doing away with the influence of the Government which had crept in on account of the misdeeds of the mahants, and establishing the democratic control of the Sikh community over their Gurdwaras. Another object of the movement was that the Gurdwara funds which were being utilized for party propaganda should be devoted to the spread of education among the Sikhs. The Punjab Government is responsible for retarding the progress of the Sikh people by tampering with their religious freedom and interfering in their religious affairs. By preventing the holding of elections the Government has brought about a state of affairs in which the Shromani Gurdwara Parbandhak Committee which had automatically ceased to exist three years ago, is no longer a representative body to-day. Neither is this Assembly representative in the true sense of the word. The Government should hold the district board and Assembly elections so that these bodies may be able to arrive at decisions in conformity with the changing circumstances around them. The argument advanced by the Government that the holding of elections will impede war effort does not hold water. We have seen elections held in America and in my opinion instead of adversely affecting their war efforts they have rather strengthened the United Nations. If the Government wish to clear their position they should hold the elections that they have been postponing so long and should declare that they have absolutely no hand in preventing the elections of Gurdwara committees from being held. But how can we expect such a thing from a Government which cannot get electoral rolls prepared before 1945 thus practically preventing the Sikhs from exercising their right to vote ?

Minister of Education : May I point out that if you read subsection (8) of section 11 you will find that the electoral rolls will be valid for any election ?

Sardar Sohan Singh Josh : Sir, may I know from the Government on what grounds the elections have not been held ? They have no right to interfere in the affairs of the Sikh community when according to the Act in force there should have been fresh elections three years ago.

Minister of Development : What right has the honourable member got ?

Sardar Sohan Singh Josh : As an insignificant and humble servant of the Sikh Panth I have every right to insist upon the holding of elections in which the interest of the Panth lies. If the drunken sots and profligate millionaires have the right to become self-appointed defenders of the faith, has not a humble man like me the right to offer his humble services to the Panth ?

(As it was 3-45 p. m. guillotine was applied)

Mr. Speaker : The question is—

That the item of Rs. 4,550 on account of preparation of Electoral Rolls under the Sikh Gurdwara Act be reduced by Rs. 100.

The motion was lost.

Mr. Speaker : The question is :—

That a supplementary sum not exceeding Rs. 2,71,820 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of Miscellaneous .

The motion was carried.

LOANS TO MUNICIPALITIES,—ADVANCES TO CULTIVATORS, ETC.

Mr. Speaker : The question is :—

That a supplementary sum not exceeding Rs. 50,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1945, in respect of Loans to Municipalities,—Advances to Cultivators, etc.

The motion was carried.

MEDICAL

Mr. Speaker : The question is :—

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 1945, in respect of Medical.

The motion was carried.

PUBLIC HEALTH GRANT

Mr. Speaker : The question is —

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 1945, in respect of Public Health.

The Assembly divided : Ayes 70, Noes 26

AYES, 70

Abdul Haye, The Honourable Mian.

Abdul Rab, Mian.

Abdul Rahim Chaudhri (Gurdaspur).

Abdul Rahim, Chaudhri (Gurgaon).

Ahmad Yar Khan, Khan Sahib Chaudhri.

Allah Bakhsh Khan, Khan Bahadur Sayed.

Nawab Malik Sir.

Amjad Ali Shah, Sayed.

Anant Ram, Rai Sahib Chaudhri.

Asghar Ali, Khan Sahib Chaudhri.

Ashiq Hussain, The Honourable Nawab Major.

Badr Mohy-ud-Din Qadri, Khan Sahib

Sayed.

Baldev Singh, The Honourable Sardar.

Balwant Singh, Sardar.

- Bhagwant Singh, Rai.
 Brijraj Saran, Kanwar.
 Faiz Muhammad, Khan Bahadur Shaikh.
 Faqir Chand, Chaudhri.
 Faqir Hussain Khan, Khan Bahadur Chaudhri.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Captain Mian.
 Fazal Din, Khan Sahib Chaudhri.
 Few, Mr. E.
 Ghulam Qadir Khan, Khan Bahadur.
 Gopal Singh (American), Sardar.
 Guest, Mr. P. H.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Gurbakhsh Singh, Sardar.
 Habib Ullah Khan, Khan Bahadur Malik.
 Haibat Khan Daba, Khan Bahadur Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Bahadur Rai.
 Harnam Das, Lala.
 Het Ram, Rai Bahadur Chaudhri.
 Jafar Ali Khan, Chaudhri.
 Jogindar Singh Man, Sardar.
 Jugal Kishore, Chaudhri.
 Khizar Hayat, The Honourable Malik.
 Lal Singh, Sardar.
 Manohar Lal, The Honourable Dr. Sir.
 Mohar Singh, Rao.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Khan Sahib Sardar.
- Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hussain, Khan Bahadur Chaudhri.
 Muhammad Jamal Khan Leghari, The Honourable Khan Bahadur Nawab Sir.
 Muhammad Nawaz Khan, Lieutenant Colonel Sardar Sir.
 Muhammad Sarfaraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Bahadur Chaudhri.
 Mula Singh, Sardar.
 Muzaffar Ali Khan Qizilbash, Nawab Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Nasir-ud-Din Shah, Khan Sahib Pir.
 Naunihal Singh Mann, Captain Sardar.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Prem Singh, Chaudhri.
 Prem Singh, Mahant.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Rashida Latif Baji, Begum.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Rai Bahadur Thakur.
 Roberts, Sir William.
 Sardar Khan Noon, Major Malik.
 Sher Singh, Sardar.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Rao Sahib Chaudhri.
 Suraj Mal, Rao Bahadur Chaudhri.
 Tara Singh, Sardar Sahib Sardar.
 Tikka Ram, Chaudhri.

NOES, 26

- Abdul Aziz, Mian.
 Abdul Hamid Khan, Sufi.
 Akbar Ali, Pir.
 Allah Yar Khan Daulatana, Khan Bahadur Mian.
 Amir-ud-Din, Khan Bahadur Mian.
 Bhagat Ram Sharma, Pandit.
 Duni Chand, Mrs.
 Ghazanfar Ali Khan, Raja.
 Ghulam Samad, Khan Sahib Khawaja.
 Iftikhar Hussain Khan, Nawab.
 Karamat Ali, Khan Bahadur Shaikh.
 Muhammed Ameen, Khan Sahib Shaikh.
 Muhammad Hussain, Sardar.
 Muhammad Nurullah, Mian.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
- Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Wilayat Husain Jeelani, Makhdumzada Haji Sayed.
 Mumtaz Muhammad Khan Daulatana Mian.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Raghbir Kaur, Shrimati.
 Roshan Din, Khan Bahadur Chaudhri.
 Sadiq Hassan, Shaikh.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shaukat Hyat-Khan Sirdar,
 Sohan Singh Josh, Sardar.

BUILDINGS AND ROADS ESTABLISHMENTS

Mr. Speaker : The question is—

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 1945, in respect of charges on Buildings and Roads Establishment.

The Assembly divided : Ayes 71, Noes 26

AYES 71

- | | |
|--|---|
| Abdul Haye, The Honourable Mian. | Lal Singh, Sardar. |
| Abdul Rahim, Chaudhri (Gurdaspur). | Manohar Lal, The Honorable Dr. Sir. |
| Abdul Rahim, Chaudhri (Gurgaon). | Mohar Singh, Rao. |
| Ahmad Yar Khan, Khan Sahib Chaudhri. | Muhammad Akram Khan, Khan Bahadur Raja |
| Ali Akbar, Chaudhri. | Muhammad Ashraf, Chaudhri. |
| Allah Bakhsh Khan, Khan Bahadur Nawab Malik Sir. | Muhammad Azam Khan, Khan Sahib Sardar. |
| Amjad Ali Shah, Sayed. | Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. |
| Anant Ram, Rai Sahib Chaudhri. | Muhammad Hussain, Khan Bahadur Chaudhri. |
| Asghar Ali, Khan Sahib Chaudhri. | Muhammad Jamal Khan Leghari, The Honourable Khan Bahadur Nawab Sir. |
| Ashiq Hussain, The Honourable Nawab Major. | Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir. |
| Badr Mohy-ud-Din Qadri, Khan Sahib Sayed. | Muhammad Sarfraz Khan, Raja. |
| Baldev Singh, The Honourable Sardar. | Muhammad Shafi Ali Khan, Khan Bahadur Chaudhri. |
| Balwant Singh, Sardar. | Mula Singh, Sardar. |
| Bhagwant Singh, Rai. | Muzaffar Ali Khan Qizilbash, Nawab Sardar. |
| Brijraj Saran, Kanwar. | Muzaffar Khan, Khan Bahadur Captain Malik. |
| Faiz Muhammad, Khan Bahadur Shaikh. | Nasir-ud-Din Shah, Khan Sahib Pir. |
| Faqir Chand, Chaudhri. | Naunihal Singh Mann, Captain Sardar. |
| Faqir Hussain Khan, Khan Bahadur Chaudhri. | Nur Ahmad Khan, Khan Bahadur Mian. |
| Fateh Muhammad, Captain Mian | Pir Muhammad, Khan Sahib Chaudhri. |
| Fazal Din, Khan Sahib Chaudhri. | Prem Singh, Chaudhri. |
| Fazal Karim Bakhsh, Khan Sahib Mian. | Pritam Singh Siddhu, Sardar. |
| Few, Mr. E. | Rallia Ram, Mr. K. L. |
| Ghulam Qadir Khan, Khan Bahadur. | Ram Sarup, Chaudhri. |
| Gopal Singh (American), Sardar. | Ranpat Singh, Chaudhri. |
| Guest, Mr. P. H. | Rashida Latif Baji, Begum. |
| Gurbachan Singh, Sardar Bahadur Sardar. | Riasat Ali, Khan Bahadur Chaudhri. |
| Gurbakhsh Singh, Sardar. | Ripudaman Singh, Rai Bahadur Thakur. |
| Habib Ullah Khan, Khan Bahadur Malik. | Roberts, Sir William. |
| Haibat Khan Daha, Khan Bahadur Khan. | Sher Singh, Sardar. |
| Hans Raj, Bhagat. | Sultan Mahmood Hotiana, Mian. |
| Hari Chand, Rai Bahadur Rai. | Sumer Singh, Rao Sahib Chaudhri. |
| Harnam Das, Lala. | Suraj Mal, Rao Bahadur Chaudhri. |
| Het Ram, Rai Bahadur Chaudhri. | Tikka Ram, Chaudhri. |
| Indar Singh, Sardar Bahadur Sardar. | |
| Jafar Ali Khan, Chaudhri. | |
| Jogindar Singh Man, Sardar. | |
| Jugal Kishore, Chaudhri. | |
| Khizar Hayat, The Honourable Malik. | |

NOES : 26

Abdul Aziz, Mian.	Muhammad Sarfraz Khan, Chaudhri.
Abdul Hamid Khan, Sufi.	Muhammad Wilayat Husain Jeelani,
Akbar Ali, Pir.	Makhudumzada Haji Sayed.
Allah Yar Khan Daulatana, Khan Bahadur Mian.	Mumtaz Muhammad Khan Daulatana, Mian.
Amir-ud-Din, Khan Bahadur Mian.	Nasurullah Khan, Rana.
Duni Chand, Mrs.	Nawazish Ali Shah, Sayed.
Ghazanfar Ali Khan, Raja.	Raghibir Kaur, Shrimati.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.	Roshan Din, Khan Bahadur Chaudhri.
Ghulam Samad, Khan Sahib Khawaja.	Sadiq Hassan, Shaikh.
Iftikhar Hussain Khan, Nawab.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muhammad Ameen, Khan Sahib Shaikh.	Shaukat Hyat-Khan, Sirdar.
Muhammad Hussain, Sardar.	Sohan Singh Josh, Sardar.
Muhammad Nurullah, Mian.	Teja Singh, Sardar.
Muhammad Raza Shah Jeelani, Makh-dumzada Haji Sayed	

The Assembly then adjourned till 10 a.m. on Friday, 8th December 1944

PUNJAB LEGISLATIVE ASSEMBLY

TWELFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 8th December 1944.

The Assembly met in the Assembly Chamber at 10 a.m. of the clock. Mr. Speaker in the Chair.

STARRED QUESTIONS AND ANSWERS.

DEPOT HOLDERS IN VARIOUS TOWNS OF THE AMBALA DIVISION.

Raja Ghazanfar Ali Khan : With reference to the answer to starred question No. 9226¹ asked on the 7th December 1944, may I ask the Minister for Development whether there is any precedent for his replying to questions regarding distribution of works by any department by the answers that the question savours of communalism? If there is any convention it means that the practice has gone on for a number of years. My contention is that this is the first time that he has started this practice. I would ask him whether he is aware of any previous occasion where a similar reply was given to such a question.

Mr. Speaker : So far as my memory goes answers have been refused on the ground that they savoured of communalism.

Raja Ghazanfar Ali Khan : That was about communal questions. This question is about business.

Mr. Speaker : The Minister can say that he does not wish to answer that question in the public interest or he may remain silent.

Raja Ghazanfar Ali Khan : Is the Minister for Development aware of any occasion where a question relating to such matters was not answered on the ground that it savoured of communalism?

Minister for Development : I have no information. If the honourable member wants any further information he should give fresh notice of a question.

Mian Muhammad Nurullah : May I ask the Minister for Development how this question savours of communalism, especially this part of the question 'to state district-wise the names and number of depot-holders in various towns of the Ambala division showing separately the commodities for which depôts have been opened?' We want an answer on the floor of the House to this portion of the question.

Premier : May I say a word about this question in reply to Raja Ghazanfar Ali Khan? It has been an old practice in this House that questions savouring of communalism are not answered, and this is the reply which my honourable friend, the objector, has himself given to a very large number of similar questions. As to whether a particular question savours of communalism or not, it is for the Minister to judge. He is to judge whether it is in the public interest to refuse to answer a question.

Chaudhri Muhammad Hasan : Are you to be the judge, Mr. Speaker, or is the Minister to be the judge?

Premier : Nobody can extract an answer from a Minister if he does not want to answer; he is himself the judge.

Chaudhri Muhammad Hasan : Then he should say that he refuses to answer.

Premier : May I add one word more ? The object is not to keep back any information from the House. If the honourable member puts an unstarred question the government will furnish the reply and in the course of the general discussion that reply can be brought against the Government and the Minister can reply. We are sticking to our old practice of not discussing on the floor of the House the question as to how many Hindus, Muslims and Sikhs are there in a particular department. If the honourable member puts an unstarred question he will get a reply provided the information is worth collecting.

Chaudhri Muhammad Hasan : We want the question to be answered on the floor of the House. Whether a particular question is communal or not, the decision should be left to you, Mr. Speaker, and not to the Minister, otherwise the Minister may get up and say that every question put from this side savours of communalism and may therefore refuse to answer. So I would submit that you should be the judge whether a particular question savours of communalism or not. To leave it to the discretion of a Minister is dangerous and should not be allowed.

Khan Sahib Khawaja Ghulam Samad : It is a question of privilege. I tabled this question during the budget session of the Assembly. It was admitted by you as a starred question. It was brought on the list as a starred question. I wonder how at the eleventh hour it is said that it is a communal question. About the convention of the House I would submit that that convention is with respect to questions which savour of communalism in services.

Mr. Speaker : The honourable member is now placing before the House the question of privilege.

Khan Sahib Khawaja Ghulam Samad : It is a privilege to ask questions. My question which does not savour of communalism is rejected on the ground of communalism ; it is a lame excuse.

Raja Ghazanfar Ali Khan : If you will read the question you will see that it does not savour of communalism.

Mr. Speaker : I cannot allow discussion.

Raja Ghazanfar Ali Khan : The Honourable Minister should either reply in the negative or give a proper reply.

Mr. Speaker : Some of the honourable members have been kind enough to suggest that I should decide whether a question savours of communalism or not. I may tell them that the Speaker has no power to do so.

Raja Ghazanfar Ali Khan : According to the constitution it is in your power.

Mr. Speaker : No.

Raja Ghazanfar Ali Khan : That reply being unsatisfactory, what is the remedy ?

Mr. Speaker : The honourable member may proceed under rule 12 (3) (b).

Shaikh Sadiq Hasan : Will you leave it to the Ministry to decide whether a question savours of communalism or not ?

Mr. Speaker : Either the Ministry or the House can decide this matter. At any rate it is not for me to do so.

VEGETABLE PRICES

***9339. R. B. Lala Gopal Dass :** Will the Honourable Minister for Development be pleased to state :—

(a) whether he is aware of the fact that the prices of vegetables in Lahore have gone up very high ;

(b) whether it is a fact that the matter was brought to the notice of the Director of Civil Supplies and other Civil Supply officers in Lahore several times during the past six months or so, and each time the officers replied that 'the matter was under consideration', but no practical or effective steps have so far been taken to regulate the prices of vegetables ;

(c) whether the Punjab Government took up this question with the military authorities who make huge purchases of fruits and vegetables in Lahore markets ; if so, with what result ;

(d) the steps which Government have taken or propose to take to make vegetables available for the civilian population at reasonable rates ?

The Honourable Sardar Baldev Singh : (a) Yes. The prices of vegetable in Lahore have certainly risen compared with pre-war prices, but except in short periods of acute local shortage the rise has not been out of proportion with the rise in the general price level.

(b) The matter has been under constant examination in the Civil Supplies Department. Owing to the seasonal nature of these crops, their perishability and the wide variations of quality, a rigid control of prices is impracticable.

(c) and (d) The Punjab Government have been in consultation for some time back with the Military authorities with a view to the co-ordination and regulation of military and civil purchases. A system has been worked out and is already in operation which is designed to ensure that military purchases are only made in areas in which surplus stocks are available, and at rates fixed in consultation with the local civil authorities. At the same time the Military authorities are taking energetic and effective steps to produce more of their own requirements of vegetables and other commodities themselves. It is hoped that these measures by easing the strain on the civil markets will result in better supplies and lower prices for civil needs.

Sardar Sohan Singh Josh : May I know whether the military people are supplied vegetables at the same price at which the civil population is ?

Minister for Development : They are left to buy in the open market.

WHEAT SYNDICATE

***9340. R. B. Lala Gopal Dass :** Will the Honourable Minister for Development be pleased to state :—

(a) at whose instance the Syndicate for distribution of wheat in the rationing area of Lahore was formed ;

(b) the extent of Government's control over this organisation and the scope of its responsibility ;

[R. B. L. Gopal Das]

(c) whether any assurances, particularly in respect of profits, etc., have been given to the Syndicate, if so, what are they ;

(d) the names with addresses of all the directors of the Syndicate ;

(e) what procedure was adopted for the nomination or appointment of the directors ;

(f) how many of the directors have sufficient actual experience of the wheat trade in Lahore and how many of them are outsiders with their principal places of business in other towns of the Punjab ;

(g) whether it is a fact that a large number of complaints have been made by the citizens of Lahore regarding the bad quality of wheat rationed to them, in many cases mixed with dust, stones and other impurities ;

(h) what action have the Government so far taken against the Syndicate for supplying bad and dirty wheat which was in some cases utterly unfit for human consumption ;

(i) whether the Government have considered the question of abolishing the Syndicate, if not, why not ?

The Honourable Sardar Baldev Singh : (a) Government. The object was to appoint an efficient body chosen from the trade to do the work of wholesale distribution in the Lahore rationed area.

(b) The main functions of the Syndicate are to do all wholesale work in connection with the distribution of wheat in the rationed area. It is responsible from the point of receipt of supplies at the railway station to the point of distribution to retail depots and establishments. Its field of activities thus covers such items as the receipt of supplies, their transport from the Railway station to godowns, storage in godowns, payment for supplies, cleaning of supplies to make them fit for distribution, distribution to retailers, etc.,

Government control exercised through the local rationing authorities is complete in the sense that all the Syndicate activities in the matter of allotment of supplies and distribution are under the detailed supervision and are performed under the direct orders of Government officers.

Should members wish to have greater details, their attention is invited to a pamphlet of instructions to the Food Grains Syndicate placed on the table.¹

(c) No. The Syndicate works on a margin which is added to the f.o.r. destination price of wheat. An assurance in general terms has, however, been given in respect of the date of termination of rationing operations, which will be wound up in such a way as to provide for the disposal of stocks in hand with the Syndicate at the time.

(d) A list is laid on the table.

(e) The Syndicate was framed by agreement among the local wholesale traders and the first 16 directors were selected by the promoters to represent the various grain trade or milling concerns at Lahore.

(f) All the directors have sufficient actual experience of the wheat trade at Lahore and none of them is an outsider.

(g) Yes. Several complaints were received, particularly at the commencement of rationing. Their number has steadily decreased and is now small.

(h) The honourable member's attention is drawn to the Press note dealing with the matter of which a copy is laid on the table.

¹Kept in the Library.

(1) The matter is under the consideration of Government. In this connection, it must, however, be realised that the Syndicate performs important administrative functions which it would be extremely difficult to replace without long and careful preparation.

Serial No.	Name and address of the Directors of the Syndicate
1.	Lala Hari Chand of Messrs. Hari Chand-Madan Gopal, Merchant, Nicholson Road, Lahore.
2.	Lala Mohan Lal of Messrs. Rai Bahadur Lachhman Das-Mohan Lal and Sons, Merchant, Paper Mandi, Lahore.
3.	Lala Roshan Lal of Messrs. Ram Chand and Sons, Merchant, Badami Bagh, Lahore.
4.	S. Kalyan Singh of Messrs. Jawahar Singh -Kalyan Singh, Merchant, Chuni Mandi, Lahore.
5.	Lala Tirath Ram of Messrs. Sawaya Mal-Sant Ram, Merchants, Tank Rattan Chand, Lahore.
6.	Lala Ram Parshad of Messrs. Hardyal Mal Chet Ram, Merchant, Akbari Mandi, Lahore.
7.	Lala Amar Nath of Messrs. Mian Chand-Amar Nath, Merchant, Akbari Mandi, Lahore.
8.	Lala Prem Nath, of Messrs. Prem Nath-Pran Nath, Merchant, Circular Road, Lahore.
9.	S. Sant Singh of Messrs. Sant Brothers, Merchant, Sheranwala Gate, Lahore.
10.	Sh. Raffi-ud-Din of Food Stuff Supply Co., Merchant, Lahore Cantonment.
11.	S. Jawahar Singh of Messrs. Jawahar Singh-Bikram Singh, Merchant, Akbari Mandi, Lahore.
12.	M. Abdul Aziz of Messrs. Ali Muhammad, Abdul Aziz, Merchant, Akbari Mandi, Lahore.
13.	M. Sohna of Messrs. M. Sohna and Sons, Merchant, Bhati Gate, Lahore.
14.	M. Karim Bakhah of Electric Roller Flour Mills, Merchant, Lahore.
15.	M. Feroze Din of Sardar Muhammad-Feroze Din, Merchant, Lahore.
16.	Haji Ghulam Nabi of Muslim Brothers, Merchant, Akbari Mandi, Lahore.

Press note

Since the start of rationing at Lahore, there have been several complaints from consumers and in the Press against the quality and clearness of the wheat distributed through retail depôts. Strong criticism has been directed against the Lahore Grain Syndicate which is responsible under the Rationing Controller's supervision for wholesale distribution. Government have made thorough inquiries and after considering all the reports received have come to the conclusion that the Syndicate's organisation has been defective, and that it has displayed inefficiency to a degree which justifies action against it. This action would normally take the form of confiscation of a portion of the security deposited with Government, by the Syndicate. In considering this question Government thinks it just to consider also the fact that the Syndicate has already suffered a considerable loss on account of the atta produced by the Badami Bagh Flour Mills, which was withdrawn from distribution under the Rationing Controller's orders. This atta is valued at Rs. 13,000 and whatever steps may now be taken for its disposal, an absolute loss of at least half that amount will result. In addition the Syndicate's delay in clearing wheat from the Railway Station have exposed it to heavy claims by the North-Western Railway on account of wharfage and demurrage. In view of these considerable losses and of the fact that the Syndicate was undertaking at considerable pressure a task which was completely new, Government is of opinion that its shortcomings have already been adequately punished by incurring these losses. Government, therefore, do not propose to impose a fine in addition but are issuing a severe warning to the Syndicate that any future deficiencies will meet with severe action. In addition, the Badami Bagh Flour Mills which is associated with the Syndicate and which produced atta found to be unfit for distribution is to suffer suspension for a period of one month of its authority permitting it to export and import wheat from or into the rationed area.

2. Action will continue to be taken by Government and by the Rationing Authorities to see that mistakes made by the Syndicate and other concerned in distribution are not repeated.

WHEAT PRICES

***9341. Rai Bahadur Lala Gopal Dass :** Will the Honourable Minister for Development be pleased to state :—

(a) the statutory maximum price of wheat fixed by the Punjab Government for Lahore early in 1944 before the introduction of rationing ;

(b) whether it is a fact that this price of wheat was further increased twice after the introduction of rationing ; if so, the reasons for such increase ;

(c) whether it is a fact that assurances were given by officers of the Punjab Civil Supply Department that the maximum prices of wheat in the rationed areas would be reduced if the market price would fall and that such discrepancies as may arise would be adjusted ;

[R. B. L, Gopal Das]

(d) whether it is a fact that the price of wheat in the Mandis of the Punjab and in the non-rationed towns fell considerably and there was at times a difference of two rupees or more between the price at which wheat was supplied to the consumers in Lahore and the prices prevailing in the non-rationed areas of the Punjab during the months of August—September; if so, the reasons why the Lahore public was forced to pay such high prices of wheat;

(e) whether it is a fact that wheat was bought at comparatively cheap rates outside Lahore and sold in Lahore at a very much higher price, if so, who reaped the huge profits thus made possible?

The Honourable Sardar Baldev Singh : (a) (i) The statutory maximum price fixed by the Punjab Government for Lahore prior to the introduction of rationing was Rs. 10 per maund wholesale for wheat of fair average quality with a premium of 4 annas per maund for superior varieties. This price came into effect from 3rd April, 1944.

(ii) The statutory maximum price was raised to Rs. 10-8-0 per maund for fair average quality wheat with a premium of 4 annas per maund for superior varieties with effect from 4th July, 1944. This was still prior to the introduction of rationing.

(b) The Statutory Maximum Price fixed on 4th, July 1944, has not been increased after the introduction of rationing and it still holds good.

(c) It is not clear from the question whether the statutory maximum price referred to in the previous questions is meant or the price of issue in rationed areas. If the former, no assurance of any kind was given that it would be reduced; in fact Government made it clear more than once that the statutory maximum price fixed was not an actual price but a maximum which would hold good for the whole year and above which it would be an offence to sell wheat.

If, however, the question refers to the price of issue of wheat in the rationed area of Lahore the officers of the Supplies Department did explain how such price would be determined from time to time. It was pointed out that the actual price of issue fixed would depend on the rate at which purchases of wheat had been made in the producing areas. To the average rate of purchase over a given period would be added the necessary incidental charges incurred in making wheat available at Lahore. In this connection it was stated that the price would be based on the actual rate of contracts made from time to time. For details attention is invited to a copy of a Press Note issued on the 19th of June, 1944, and placed on the table which explains the position.

(d) while the figure of Rs. 2 per maund specifically mentioned is on the whole an over estimate, it is true that there has been a disparity between the prices of issue fixed in the Lahore rationed area and the prices prevalent in non-rationed towns and in Punjab mandis. This disparity was not very marked in August but became so during September when there was a sudden fall in wheat prices. Reasons for the disparity are :—

(i) It is a mistake to compare mandi wholesale prices with those fixed for issue in the Lahore retail area, i.e., retail price in the consuming area since under any system whatever certain expenditure on freight, handling charges, storage, etc., would be incurred in making wheat available from the mandi to the consumer at Lahore. A margin, therefore, must always be added to the mandi price in determining a fair price for Lahore.

(ii) with the introduction of rationing it is essential that the supply position should at all times be adequately safeguarded. It is, therefore, necessary to store substantial stocks in advance of consumption. This involves extra expenditure on

storage, so that to the normal margin mentioned under item (i) above must be added an extra item.

(iii) The main reason, however, for the disparity in prices has been that purchases of stocks for the rationed area were made during the earlier part of the crop year at the market rates prevalent before the sudden fall of prices. These stocks are being distributed in the rationed area and the price of issue is fixed on the basis of the price paid for the wheat at the time of purchase, and not on the basis of current market prices.

(e) The price of issue fixed at Lahore is based on the price of purchase plus actual expenses of handling, including a small margin of profit for the Syndicate. In view of the answer given to the previous question it is clear that the question of huge profits as a result of the disparity of prices does not arise. No such profits are being made.

Press Note.

Fears have been expressed both with regard to the price at which wheat will be available to the consumer and its quality in rationed areas. It seems, therefore, necessary to state briefly and clearly Government plans for rationed areas on these two points.

In the matter of price Government will, in the first place always be bound by the maximum statutory wholesale and retail prices fixed for distribution. It would obviously be inequitable and incorrect to distribute wheat at higher prices, and this maximum limit will, therefore, be operative throughout rationing distribution. The actual price, however, it is hoped will be lower than the statutory maximum, depending on the rates at which wheat is purchased in producing areas.

In each rationed area wholesale distribution of wheat is to be in the hands of a Syndicate, as representative as possible of the existing wholesale trade. The Syndicate's functions will start from the point of receipt of supplies at the railway station right down to distribution to the retailer. It will thus cover all processes such as clearing at the railway station, paying for consignments, cleaning, storing, distribution, etc. The Syndicate will not, however, be responsible for making its own purchases in producing areas. Contracts will be made on its behalf by the Director of Food Purchases, acting under the orders of the Punjab Government. The object of concentrating purchases in one hand is to eliminate competition and thereby secure the best wheat available at the cheapest prices possible.

The question of price is to be considered in this background. The price of wheat to the consumer will at any time comprise two items, first the f.o.r. destination price of wheat and second additions to it to cover the wholesaler's and retailer's expenses including a small margin of profit. The f.o.r. destination price will be price at which wheat is purchased by the Director of Food Purchases plus freight plus the commission payable to the clearing agent, who guarantees and is responsible for the fulfilment of the seller's contract. The wholesale margin will be an amount fixed per maund to cover the wholesaler's expenses. These include expenditure on a large variety of activities; for example, clearing goods at the railway station, cartage from the railway station to the godown, unloading and stacking at the godown, godown rent, interest on money advanced for the purchase of wheat, insurance, clearing, administrative expenses on organization and staff, profit, etc. In the case of wheat-atta the margin will also include expenses on milling. The retailer's margin covers a similar variety of expenses. The intention is to fix a price of issue to the consumer each month, the wholesaler's and retailer's margin being constant while the rate of purchases varying according to market conditions.

The position will be made clearer by considering the example of Amritsar. The prices of issue fixed at present are based on a f.o.r. destination price of Rs. 8-15-0 per maund including freight and clearing agent's commission. The wholesale margin is Re. 0-7-6 per maund and the retail margin Re. 0-5-6 per maund, so that the consumer will get wheat at Rs. 9-12-0 per maund, which price compares favourable with current retail market prices at Amritsar of wheat of corresponding quality. At Lahore the wholesaler's margin has been fixed at Re. 0-8-3 per maund and retailer's margin at Re. 0-6-9 per maund. The price of issue at commencement of rationing has not yet been fixed. In the case of atta there will, of course, be an additional margin to cover milling charges.

Turning to the question of quality some misunderstanding has arisen from the interpretation of the term "fair average quality". To the layman this seems to suggest a middling variety of wheat out of that produced by the province. This interpretation is not correct. It is a technical term which is not to be interpreted literally. Fair average quality: means in effect the best wheat available of the sort generally produced in the Punjab; it is the kind of wheat a consumer, wanting good quality wheat normally purchases. The term excludes special varieties such as C591 but apart from this it is the best quality of wheat in general production.

A strict system of inspection of wheat has been devised in order to ensure the requisite standard. Each consignment received by the Syndicate will be examined by a Government Inspector and a representative of the Syndicate. A sample will be taken and forwarded to the Central Foodgrains Laboratory at Lahore. Here it will be analysed and the extent of the final payment to the seller will depend on the result

of this analysis. If the wheat is above 'fair average quality' the seller will be paid the extra amount due to him; if it is below, a deduction will be made for the contract price. In this way allowances are to be mutual and the seller is given an incentive to send the best quality wheat.

The conclusion is that the price of wheat to the consumer in rationed areas will vary from time to time depending on the market rates in areas of purchase, an effort being made to make purchases as cheap as possible and quality will be assured by a system of scientific analysis directly supervised by Government.

AGENTS FOR FOODGRAINS

***9483. Chaudhri Muhammad Sarfraz Khan :** Will the Honourable Minister of Development be pleased to state :—

(a) the number of agents appointed by the Government to buy foodgrains from the Punjab markets in 1942-48 ;

(b) whether it is a fact that purchases were made direct by the Government and passed on to agents ;

(c) If so, whether the distribution was equal among all the agents, if not, why not ?

The Honourable Sardar Baldev Singh : (a) The number of purchasing agents appointed by Government in 1943 was six.

(b) Purchases were normally made by the purchasing agents but some direct offers were also accepted and then cleared through the agents.

(c) the distribution of such offers amongst agents was not in exactly equal quantities. The main reasons were :—

(1) The expressed wishes of sellers whose offers were accepted regarding the agent with whom they would like to deal. This was the main consideration.

(2) The performance of each agent in respect of efficiency of organisation, economic purchases and prompt despatches as well as outstanding unfulfilled orders and despatches at a given time were considered before asking them to undertake additional work.

Malik Barkat Ali : May I know the names of the agents appointed by the Government in 1943 ?

Minister : I am afraid I have not got the list of agents appointed in 1943 just at present. I can give their names after some time.

Raja Ghazanfar Ali Khan : Is the Honourable Minister aware of the fact that a much higher price was paid to the agents ?

Minister : I cannot accept what the honourable member says.

Sardar Sohan Singh Josh : May I know the amount of purchases made by the Government and those made by the agents ?

Minister : I want notice of that question.

Raja Ghazanfar Ali Khan : Is it a fact that the Government left it to the traders to have their transactions made through their own agents ?

Minister : In most cases it was left to the traders.

Sardar Kapoor Singh : Is the Honourable Minister aware of the fact that those agents were selling and purchasing without getting any licence under the Food Grains Control Order ?

Minister : I am not sure but it was true in one or two cases in some other connection.

Sardar Kapoor Singh : Will the Honourable Minister try to find out whether some of the agents never got any licence under the Food Grains Control Order ?

Minister : If the honourable member gives notice, I shall find out.

Bhagat Hans Raj : Is it a fact that Raja Ghazanfar Ali Khan was one of the agents when had wheat was purchased ? (*Laughter*).

Raja Ghazanfar Ali Khan : On a point of personal explanation, Sir. I was not one of the agents who were appointed to make purchases for the Government. I had only two shares in that Company in which the Honourable Premier and the Honourable Minister for Development also has shares.

Minister : I am very glad to have an opportunity to clear that point. I may inform the House that I was not a shareholder in that firm. Raja Sahib and another gentleman whose name I do not want to disclose on the floor of the House persuaded me.

Mr. Speaker : Order, order. That does not arise out of the question.

Premier : The honourable member has said that I was a shareholder in the firm. Before I had anything to do with the company and before that company had been brought on Government list, Raja Ghazanfar Ali Khan asked me to take a share as a token of sympathy for a zamindara show. I think the share was worth Rs. 1,000. As soon as I heard that the firm had applied for a Government licence, I at once disposed of the share and washed my hands of it.

Raja Ghazanfar Ali Khan : May I point out that not only did I transfer the shares but I have nothing to do with that company any longer.

Premier : Then why mention the incident at all that I also bought a share ?

Sardar Kapoor Singh : May I know whether the company which was appointed as agents for the purchase of foodgrains had under the Foodgrains Control Order any licence or not ?

Minister : I am not sure. If the honourable member gives notice, I will reply.

Sardar Kapoor Singh : In case that firm had no licence, will the Honourable Minister like to be prosecuted ? (*Laughter*).

Sardar Kapoor Singh : Will the Honourable Minister please state whether he had a share only in this company which was mentioned by Raja Ghazanfar Ali Khan or he had share in any other company also ?

Minister : I have already replied that as far as I am concerned I have no share in this company, nor am I interested in any other company. Raja Sahib may be interested.

Raja Ghazanfar Ali Khan : I am not interested at all. It is a wrong statement made by the Minister that I am interested in any company. I am not interested in any company either directly or indirectly.

AGENTS FOR FOODGRAINS

*9492. **Nawab Iftikhar Hussain Khan :** Will the Honourable the Minister of Development be pleased to state :—

(a) the number of agents appointed by the Government in 1942-48 to buy foodgrains from the Punjab Markets and the names of the firms so appointed ;

(b) whether it is a fact that purchases were made direct by the Government and passed on to the Agents ;

[Nawab Iftikhar Hussain Khan]

(c) if so, whether the distribution of foodgrains was equal among all the agents ; if not, why not ?

The Honourable Sardar Baldev Singh : The honourable member is referred to the reply given by me to starred question No. 9483¹, asked by Chaudhri Muhammad Sarfraz Khan.

WHEAT

*9505. **Rai Bahadur Lala Sohan Lal :** Will the Honourable Minister for Development be pleased to state :—

(a) the total amount of wheat purchased by the Punjab Government in the years 1943 and 1944 ;

(b) the dates on which these purchases were originally made ;

(c) the prices at which the stock was bought ;

(d) the present price of wheat ;

(e) the approximate price at which this stock can be sold ;

(f) the recurring expenses like storage charges, etc., which have been or are being incurred by the Government ;

(g) whether these stocks have become unsaleable or unuseable ; and if the stocks have deteriorated, the total loss which the Government has sustained on this account ;

(h) whether any stock is still lying undisposed of ; if so, how much ;

(i) the total amount of loss incurred by the Punjab Government so far on the purchase of wheat from the beginning of the year 1943 up to date ?

The Honourable Sardar Baldev Singh : It is assumed that information is being sought only regarding the wheat purchased for the Provincial Reserve and not regarding wheat procured by the Punjab Government and for export to deficit areas.

(a) In 1943 for the Provincial Reserve of 1943-44, 60,131 tons were purchased. In 1944 for the 1944-45 Reserve, 42,831 tons were purchased.

(b) Purchases of the 1943 crop were made on the various dates between June and September 1943 and those of the 1944 crop between May and November 1944.

(c) The 1943-44 Reserves were bought at prices ranging from Rs. 9-4-0 to Rs. 11 per maund, and for 1944-45 Reserves at prices from Rs. 7-13-0 to Rs. 9-4-0.

(d) The honourable member is doubtless aware that the market price of wheat varies from day to day and from market to market. The prices for *dara* wheat of the current crop at Lyallpur have recently been quoted in the neighbourhood of Rs. 8-12-0.

(e) Most of the 1943-44 Reserve has already been sold. It may be assumed that the residues can be sold at an average prices of at least Rs. 7-8-0 per maund and possibly more. The price to be fetched by the 1944-45 Reserve will depend on how and when it is ultimately sold and no estimate of the price can be made at the present stage.

(f) The running expenditure on storage is booked under various sub-heads and the abstracting of the information asked for would involve a degree of labour incommensurate with the value of the information if collected.

(g) *First part*—No.

Second part—Some deterioration of stocks is a normal incident of storage, but the accounts have not yet been closed and it is not possible at this stage to state how much loss has been sustained specifically on account of deterioration.

(h) Omitting quantities sold which are in course of being delivered, the unsold residues are approximately 6,700 tons. Action is being taken to sell these stocks also as soon as possible.

(i) The accounts of these operations are not kept by calendar years. The transactions relating to the Foodgrains Reserve of 1942-43, which included some foodgrains other than wheat, yielded a profit of over Rs. 38 lakhs. The losses anticipated on wheat in the 1943-44 scheme are due primarily to the introduction of price control after stocks have been bought at higher prices and are likely to be about Rs. 23 lakhs. It is too early to give any estimate of the financial results of maintaining the 1944-45 Reserve. Taking the storage operations as a whole it appears that the Punjab Government has so far incurred no net loss.

PRIMARY SCHOOL JAME MOHAMMADIA QADIAN

*9334. **Chaudhri Muhammad Abdul Rahman Khan** : Will the Honourable Minister for Public Works be pleased to state :—

(a) whether it is a fact that a primary school has been in existence at the Jame Mohammadia in Qadian, District Gurdaspur, since 1934 ;

(b) whether it is a fact that a grant-in-aid was sanctioned for the said school in 1935 and the District Inspector of Schools informed the school and its manager to that effect, if so, the total amount so far received by the school as grant-in-aid and if no money has been received by the school so far the reasons therefor and the action Government intend taking in the matter, if no action is intended, the reasons therefor ;

(c) whether Government intends to give the amount of grant-in-aid so far due to primary school at Jame Mohammadia, if so, when, and if not, why not ;

(d) what action, if any, is contemplated to be taken against the Municipal Committee, Qadian, for its failure to give the afore-mentioned grant-in-aid to the said school so far, if no action is contemplated, the reasons therefor ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) Yes; no grant was actually paid to the school by the Small Town Committee Qadian, owing to its financial embarrassments. The Committee is being moved again through the Deputy Commissioner, Gurdaspur, to pay the grant due to the school.

(c) No ; as under the existing rules Government does not pay grants direct to individual vernacular schools, but only subsidises the funds of the local bodies concerned for their expenditure on grants to such schools.

(d) The reply to this part of the question is already given in (b) above.

MUNICIPAL COMMITTEE, QADIAN

*9335. **Chaudhri Muhammad Abdul Rahman Khan** : Will the Honourable Minister for Public Works be pleased to state :—

(a) whether it is a fact that there is a Municipal Committee in Qadian, District Gurdaspur ;

(b) whether it is a fact that the committee has seven members comprising five Ahmadis, one Hindu and one Sikh ; if so, the percentage respectively of Hindus, Sikhs, Ahmadis and non-Ahmadi Muslims in the population of Qadian ;

[Ch. Muhammad Abdul Rahman Khan]

(c) whether it is a fact that non-Ahmadi Muslims have no representative on the said committee ;

(d) whether it is a fact that the Ahmadi have got the names of many Ahmadi registered in the list of voters who do not generally reside in Qadian ;

(e) whether it is a fact that the list of voters also contains the names of many Ahmadi who are not duly qualified voters ;

(f) if the answers to (a), (b), (c), (d) and (e) above be in the affirmative, the action Government contemplate taking for giving due representation to non-Ahmadi Muslims on the Qadian municipal committee ; if no action is contemplated, the reasons therefor ?

The Honourable Sir Jamal Khan Leghari : I must decline with regret to answer questions which savour of communalism on the floor of the House. If the honourable member will put down an unstarred question instead, I shall endeavour to collect the necessary information for him.

FOUL WATER RESERVOIR IN KAROR LAL HUSSAIN, DISTRICT MUZAFFARGARH

***9338. Khan Sahib Sardar Muhammad Azam Khan :** Will the Honourable Minister for Public Works be pleased to state :—

(a) whether he is aware of the fact that the proposed site of the foul water reservoir as also of the foul water drain in Karor Lal Hussain, District Muzaffargarh, is situated near the Jami Masjid and that the students who take their lessons in the Holy Quraan in the mosque as also those who come there for prayers will be put to great inconvenience on account of this besides the resultant sacrilege ;

(b) if the answer to (a) above be in the affirmative, what action the Government propose to take in the matter in view of the unrest which the proposed scheme has caused among the Muslim public of the locality ?

The Honourable Sir Jamal Khan Leghari : (a) and (b) The district authorities report that foul water at present stagnates about 20 karams from the Idgah (not Juma mosque) in Karor Lal Isam. To remove the nuisance caused the municipal committee have prepared a scheme for a foul water drain reservoir at the spot which should be a great improvement on existing arrangements. The work is estimated to cost some Rs. 6,000 (a third of which will be paid by Government), and it is proposed to be carried out by the Public Health Branch Engineers. The honourable member will see that what is being proposed is that the existing nuisance near the Idgah should be remedied.

REPRESENTATION OF HEARNE ROAD IMPROVEMENT COMMITTEE TO THE CHIEF EXECUTIVE OFFICER CITY OF LAHORE CORPORATION

***9343. Rai Bahadur Mukand Lal Puri :** Will the Honourable Minister for Public Works be pleased to state :—

(a) whether it is a fact that five members of the Hearne Road Improvement Committee met the Chief Executive Officer of the City of Lahore Corporation and explained the grievances of the said locality to him ;

(b) whether the Chief Executive Officer caused an enquiry to be made and whether the allegations made were correct, if so, with what result ?

The Honourable Sir Jamal Khan Leghari : (a) Yes.

(b) Yes. The two main requests were for side drains and the remetalling of the road. Estimates for remetalling have been sanctioned while the proposal for side drains is under consideration.

Rai Bahadur Mukand Lal Puri : How long does the Honourable Minister think the proposals will take to fructify? The matter has been pending for eight or ten years.

Minister : The Corporation have various schemes under consideration and in hand. The difficulty at present is that we cannot get enough coal tar and other materials owing to the war and that has upset our programme. As soon as the materials are available, the metalling of the road will be taken up. I do not think it will take very long.

Rai Bahadur Mukand Lal Puri : May I request the Honourable Minister to ask the Administrator to expedite the matter?

Minister : He will expedite it as far as possible.

HEARNE ROAD IMPROVEMENT COMMITTEE

***9353. Rai Bahadur Mukand Lal Puri :** Will the Honourable Minister for Public Works be pleased to state :—

(a) whether it is a fact that the late Mr. Jalal-ud-Din Amber, M.L.A., President of the Hearne Road Improvement Committee, Lahore, made a representation, dated 21st November 1941, to the Administrator of the Lahore Municipal Committee regarding the deplorable condition and want of drainage, etc., on Hearne Road, Lahore; if so, what action, if any, did the Administrator take on this representation;

(b) whether he would be pleased to lay a copy of this representation on the table of the House?

The Honourable Sir Jamal Khan Leghari : (a) Yes, I would in this connection invite the honourable member's attention to the answer given to part (b) of starred question No. 9349¹.

(b) A copy is laid on the table.

From Jalal-ud-Din Amber, Esquire, M. L. A., President, The Hearne Road Improvement Committee, Lahore, to H. J. B. Taylor, Esquire, I. C. S., Administrator, Lahore Municipality, Lahore, dated the 21st November 1941.

SUBJECT :—Remetalling and Drainage of Hearne Road.

WITH reference to the previous correspondence ending with letter No. 3400, dated the 5th of July 1941, from the Secretary, Lahore Municipality on the above subject and the reply thereto by the Secretary of the Hearne Road Improvement Committee, dated the 23rd of July 1941, I beg to be excused for drawing your personal attention to this matter as this case involves several legal and technical points which require further elucidation and deserve your kind attention and consideration. Due to the representations made to you by the Secretary of the Hearne Road Improvement Committee, you were pleased to visit the surroundings and wrote to the said Secretary as follows in your letter No. 2171, dated the 6th May 1941.

"Your letter, dated the 3rd May 1941. I visited Sanda Road and surroundings a few days ago in company with the Municipal Engineers and have made arrangement for the improvement of that locality as soon as funds permit".

This letter, however, was followed by letter No. 3400-G., dated the 5th July 1941, from the Secretary, Lahore Municipality, in which an intimation was sent that it is proposed to widen the 20 feet wide Hearne Road to 50 feet and the owners of the properties on its either sides are required to contribute 15 feet of their lands. This matter was discussed by the owners of the bungalows and they do not agree to part with any piece of their land for the widening of the road for the following reasons :—

(1) That the construction of buildings on Hearne Road was started about 18 years ago. The layout plan was sanctioned once and having been found defective was materially altered. This altered layout plan of the 50 feet wide road is still defective as it is bound to ruin several bungalows on account of the reduction of their compounds on the road side to nothing. The Lahore Municipality all these years took

absolutely no action to make the road 50 feet wide. On the contrary a 20 feet wide road was constructed by the Municipality some 10 years ago—Street Lights were supplied, sweeping and watering of the road were sanctioned. To all intents and purposes the Municipal Officers in the past did not think it right, expedient or practicable to construct a 50 feet wide road. By constructing 20 feet wide road the Municipality apparently gave up the idea of widening it to 50 feet. The point to be considered in this connection now is what has happened now that the Municipality proposes to widen the road. So far as my knowledge goes conditions now are more in favour of the road being kept 20 feet wide. The owners have been in possession of the land, now being demanded by the Municipality, for over 10 years. It is neither necessary nor advisable to dispossess them.

(2) It has been held by Civil Courts in several cases that the Municipality cannot interfere with the ownership of the lands in possession of the owners. Dr. B. L. Bhatia's case of Hotu Singh Road decided by Bakhshi Sber Singh, Sub-Judge, 1st Class, Lahore, is a case in point. As reported in the *Tribune*, December 8th, 1940, the Judge held that:—

“The mere fact of the preparation and sanction of the lay-out plans does not vest the private property of others into the Municipality for the purposes of roads. If the committee wants to widen the road it should acquire the land for the purpose and it cannot take possession thereof or assert any right thereon without such acquisition”.

Your office can produce a number of such cases if you like to see the same.

(3) Having no powers to get land free of cost from the owners the Municipality has only one course left open and that is to acquire the land under Land Acquisition Act. That it is neither necessary nor desirable will be apparent from the following:—

(a) There is no congestion in the Hearne Road locality of buildings. About 25 bungalows situated on the road are two to four kanals in area and all along the road 50 feet width including the road has been left out without any building.

(b) The owners of the bungalows have no complaints what-so-ever to make nor they have ever made a demand to widen the road.

(c) Other people living on North have Onkar Road to use. On the South there are fields with Sanda Road running by side of the fields. On the East there are only two bungalows. On the west there are a number of buildings but they have two 50 feet wide roads for their use, namely, Shri Krishna Road and Guru Tegh Bahadur Road. As such it will not be of any practicable use or benefit to other inhabitants around the locality to widen Hearne Road.

(d) I may further add that there are as many as seven other roads or streets leading to Krishna Nagar running parallel to Hearne Road, viz.:—

(1) Road by the Northern side of the District Board, Brahm Vidayala Road.

(2) Road by the Southern side of the District Board. It has to be constructed as per lay-out plan.

(3) Jhangi Ram Street.

(4) Dayanand Road.

(5) Prem Street.

(6) Onkar Road.

(7) Sanda Road.

Not one of these roads which form accesses to Krishna Nagar localities is 50 feet wide and with eight roads including Hearne Road situated within short distances, there is no urgency or advisability of the Hearne Road to be widened 50 feet.

(e) In case the Municipality decides to acquire the land under Land Acquisition Act it will have to pay immense amount of money as the price of land in Krishna Nagar has risen to rupees five to six hundred a “merla” on main road. The Municipality will therefore, not be well advised to spend so much money for the purchase of land.

(f) Several bungalows are so constructed that their front compounds will be reduced to nothing, if Hearne Road is widened 50 feet and as such the inhabitants will be put to great hardships. The vehicular traffic, noise on the road within a few feet, the dust and heat of the pucca road so near will make several bungalows uninhabitable, and will reduce the bungalows locality to a common street locality. The front compounds at present used by the inhabitants for sleeping out in hot weather when reduced to nothing will further add to the difficulties of the inhabitants.

In view of the points stated above I beg, on behalf of the owners of the bungalows on Hearne Road to request you to very kindly waive aside the question of widening the Hearne Road and to kindly give effect to your orders for the improvement of the locality contained in your letter No. 2171, dated 6th May 1941, quoted above in the opening paragraph of this letter.

In making this request I beg to bring the following points for favour of your consideration:—

(1) Hearne Road and the compounds of the bungalows are converted into one sheet of water several inches deep in rainy weather. On account of pucca roads having been built in the adjoining area of Krishna Nagar, the rain water which used to be saturated on Kuchha roads now flows to Hearne Road and the

bungalows become islands making it impossible for the inhabitants to go in or out without wading through the water.

(2) Apart from the inconvenience caused by the rain water the place becomes malarious and unhealthy.

(3) Some of the buildings have already shown signs of dampness on the walls as a large quantity of rain water is diverted from Krishna Nagar and is saturated in the compounds of the bungalows. If no drainage is provided within a short time the buildings are likely to suffer considerably making the Municipality liable to damages.

(4) That the Municipal Committee has built metal roads for less than 20 feet wide near Dev Samaj in Ram Nagar and between the Government Secretariat and the office of the Director of Agriculture where two tongas pass with difficulty. The latter is the main road to Krishna Nagar. When the Municipality has raised no objection to constructing these two roads I fail to understand why the question of widening Hearne Road should have been raised.

(5) Hearne Road has been built by the Municipality, it was metalled about ten years ago. Repairs though extremely unsatisfactory have been made off and on during the past ten years of its existence. It is a Municipal Road and as such the Municipality should keep it in proper condition. On the contrary it is lying out of repairs and is in awful condition. Storms of dust are raised when any lorry or motor-car happens to pass on the road. Watering once a day cannot keep the road free from dust specially when it is out of repairs and is filled up with mud which is washed down from all sides for want of drainage.

(6) Hearne Road Abadi is the oldest Abadi in Krishan Nagar. It possesses about 25 bungalows of two to four kanals each and as such deserve better road. Thanks to your wisdom and kindness Krishan Nagar with buildings of smaller areas has been provided with Tar Roads and drains. The inhabitants of Hearne Road will be highly grateful if you will kindly extend your helping hand and remove a long standing complaint of awfully bad road. The road is hardly two furlongs long and its construction with drainage will not be very costly.

The owners of the bungalows on Hearne Road have been paying all Municipal Taxes and as such beg to claim better treatment so far as the road and drainage are concerned.

In case you may desire to discuss any point in this connection I will be glad to meet you with two other residents of this locality if you will be pleased to let me know the date and time.

Thanking you in anticipation.

GRIEVANCES OF RESIDENTS OF HEARNE ROAD

***9354. Rai Bahadur Mukand Lal Puri:** Will the Honourable Minister for Public Works be pleased to state—

(a) whether any representation, dated 2nd December 1943, was made by Mr. Manohar Lal Puri, the present President of the Hearne Road Improvement Committee to the Chief Executive Officer of the Corporation of the City of Lahore regarding the grievances of the residents of Hearne Road; if so, whether he would be pleased to lay a copy of this representation on the table of the House;

(b) what action, if any, was taken on the above representation?

The Honourable Sir Jamal Khan Leghari: (a) Yes. A copy is laid on the table.

(b) I would in this connection invite the attention of the honourable member to the answer given to part (b) of starred question No. 9843*.

Letter from Manohar Lal Puri, B.A., (Retired) Deputy Director-General of Police, Hyderabad Deccan, Secretary, the Hearne Road Improvement Committee, 17, Hearne Road, Lahore, to W. G. Kennedy, Esquire, Chief Executive Officer, City of Lahore Corporation, Lahore, dated the 2nd December 1943.

On behalf of the owners of the bungalows and residents of Hearne Road, I beg to submit as follows:—

(1) That Section 47 of the City of Lahore Corporation Act imposes obligatory duties on the Corporation for—

(a) The construction or laying out of drains for effectually draining the City,

(b) and the levelling, maintenance and improvement of public streets.

(2) That although Hearne Road was built by the Lahore Municipality over 15 years ago and although it is a public street within the meaning of the Corporation Act, the Lahore Municipality in its time and the present Corporation have both signally failed to make any arrangement to drain the said road or to maintain it properly.

(3) That the construction of roads and sewerage for Krishan Nagar has added further troubles for the residents of Hearne Road as the rain water of Krishan Nagar in rainy days flows down to Hearne Road making the road and compounds of the bungalows thereon one sheet of water 3 to 6 inches deep making it difficult for the inhabitants to stir out so long as the water is not merged in the soil.

(4) Over and above this the filthy sewerage water of Krishan Nagar also flows to Hearne Road over-flowing the drains of Krishan Nagar making the locality insanitary and unhealthy.

(5) Some of the bungalows on Hearne Road have already shown signs of dampness caused by the over flow of water to the bungalows and the buildings are being damaged.

(6) That when there are no rains the vehicular traffic raises dust storms making the place unhealthy and uninhabitable.

(7) The responsibility for all this falls on the Lahore Municipality and also on the present Corporation for the following reasons :—

(a) That the Lahore Municipality when building the Krishan Nagar roads failed to build rain water-drains in Krishan Nagar.

(b) That the sewerage drain built was not capacious enough to take the sewerage and rain water away with the result that the drains get filled up with rain water and over flow on the road and surrounding low-lying localities.

(c) That the Municipality and the Corporation have failed to pay any attention to the inconvenience caused and damages done to buildings and sanitation.

(8) That by his letter, dated 3rd May 1941, the Secretary of the Hearne Road Improvement Committee brought this state of affairs to the notice of Mr. H. J. B. Taylor, the Administrator, who visited the locality and sent the following reply by his letter No. 217-IG., dated 6th May 1941 :—

“ I visited Sanda Road and surroundings a few days ago in company with the Municipal Engineers and have made arrangements for the improvement of that locality as soon as funds permit ”.

This letter clearly proves that the Administrator did find things radically wrong with the locality. Nothing was done for six months and a detailed representation was again sent to the Administrator by letter, dated 21st November 1941 and three of the owners of the bungalows met him personally on 29th November 1941 but instead of giving relief he was pleased to demand five feet of land on either side of the road free of cost to widen the road as according to the lay out plan the road should have been 50 feet wide but he said he would build the road and drain with 30 feet wide road. This was confirmed by the Municipal Engineer's letter No. 2154-E, dated 4th December 1941.

Some of the owners of the bungalows, however, refused to give five feet of land free of cost for the following reasons :—

(a) That under the existing law the then Municipal Committee or the present Corporation had or have no powers to demand land in the possession of private persons free of cost for widening a public street built over 15 years ago.

(b) That the Civil Courts of the Province have held in several cases which went up to them for decision that the Municipality had no such powers and that if the Municipality considered it necessary to widen any road the land acquired could be acquired under the Land Acquisition Act.

(c) That a number of roads in Sant Nagar and other localities with a width of 15 and 20 feet have been built by the Municipality with drains and if the question of widening the roads raised prominently at first in those cases has been waived, there is no reason why that question is pressed in the case of Hearne Road.

(d) That Hearne Road is already a public street and should under section 47 of the Corporation Act be drained and maintained.

The Municipality in fact practically gave up the question of widening Hearne Road when the existing twenty feet road against the fifty feet lay out plan width was metalled over 15 years ago. This point is further supported by the fact that the Municipality failed to take possession of the land now being demanded for widening the road when permitting the construction of the bungalows. It is too late now to dispossess the owners of the land which has been in their possession for about twenty years.

(e) There is absolutely no necessity for Hearne Road to be widened. There are as many as seven roads already to go to Krishan Nagar from the eastern side.

(9) The Administrator was informed that all the owners were not prepared to part with land free of cost and requested him to pay a visit to the locality to see the reasonableness of the owners' difficulties but he never replied the letter.

(10) It is difficult to imagine why Mr. Taylor took up an absolutely illegal attitude in demanding land without cost and now that you, sir, have taken over charge I respectfully beg of you to kindly examine the case from the legal, sanitation and damages points of view and to kindly remove the long standing causes of trouble by ordering the construction of the road with underground drainage on the existing road. In case

you also are not prepared to do so, you may please acquire the land required for widening the road under the Land Acquisition Act and do the needful after widening the road.

I may add that the prices of lands in the locality have gone up to about Rs. 800 a maria and it will be very costly affair for the Corporation to pay for the lands. The best course, therefore, under the circumstances, appears to be to re-metal the road and provide a drain on its present width. You, Sir, are in fact the best judge to decide as to what course to adopt but surely the people of the locality expect and request that the present state of the road should end.

An early reply is solicited.

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**DERA-ROYAL TRANSPORT AND NORTHERN-DERA TRANSPORT COMPANIES,
DERA GHAZI KHAN**

***9357. Khan Sahib Sardar Mohammad Azam Khan :** Will the Honourable Minister for Public Works be pleased to state :—

(a) whether it is a fact that complaints have been made to the authorities concerned against the two Motor Transport Companies, namely, the Dera Royal Transport and the Northern Dera Transport working in Dera Ghazi Khan District, if so, what action has been taken in the matter ;

(b) whether it is a fact that the public of the Dera Ghazi Khan District are being put to serious inconvenience for lack of accommodation in lorries of the companies in consequence of the carrying of heavy luggage in passenger lorries against rules and charge of fares much in excess of the prescribed rates, if so, what action does Government propose to take in the matter ?

The Honourable Sir Jamal Khan Leghari : (a) Some complaints were received by the Regional Transport Authority, Multan, but they were from the shareholders of the two companies who were not satisfied with the management. They, however, decided to have the matter settled by arbitration.

(b) A few complaints were received by the Regional Transport Authority, Multan, recently and are pending inquiry.

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CIVIL DISOBEDIENCE DETENUS

***8998. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that persons detained under Rule 26 of the Defence of India Rules and treated as Security Prisoners, 1940, Class I, are allowed the following privileges :—

- (i) fortnightly interviews with relatives and friends,
- (ii) to write four letters per week and to receive all in-coming letters,
- (iii) maintenance and clothing allowance of Rs. 20 per mensem,
- (iv) family allowance according to the status and requirements of the dependents ;
- (v) unlimited number of books, magazines, periodicals with right to return at will,
- (vi) writing material *adlibitum*,
- (vii) out-door games at government expense,
- (viii) furniture, including chair, stool, table and cupboard,
- (ix) use of their own electric table fans and electric or oil table lamps,
- (x) supplementation of diet up to Rs. 10 per mensem as well as the right to obtain supplementary meals from relatives and friends ;

[Pt. Bhagat Ram Sharma]

(b) whether it is a fact that Civil Disobedience Movement detenus detained under Rule 26 of the Defence of India Rules are totally denied the privileges mentioned in part (a), sub-parts (i), (ii), (iii), (iv), (v), (vi), (vii), (viii) and in respect of (a) part (v) the number of books is limited to five per month with no right to return at will and in respect of (a), part (x) the right of supplementation of diet is limited to Rs. 5 per month with no right to obtain supplementary diet from relatives and friends ; if so, the reasons for the same ;

(c) whether Government now propose to place the Civil Disobedience Movement detenus on a par with the Security Prisoners Class I and in all respects mentioned above ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a), (b), (ii)—(viii) and (x) and (c). The honourable member's attention is drawn to the reply given to Assembly question No. 9067¹ asked by Lala Bhagat Ram Choda on 3rd March 1944.

(b) (i) for the honourable member's information, Civil Disobedience detenus have since been allowed to have interviews with the near relatives twice a month.

Sardar Kapoor Singh : What are the reasons for discrimination between detenu prisoners and security prisoners ?

Parliamentary Secretary : I am not here to give reasons. I am here to state facts.

Chaudhri Muhammad Hasan : Has it been defined what relatives can interview detenus ?

Parliamentary Secretary : I have stated 'near relatives' which is a common m.

Chaudhri Muhammad Hasan : What does the Parliamentary Secretary mean by near relatives ?

Parliamentary Secretary : 'Near' means near and 'relatives' means relatives.

Sardar Shaukat Hyat—Khan : Is it on the British style or on the Indian style ?

Parliamentary Secretary : Both ways.

Sardar Kapoor Singh : Has the discrimination been made by the Punjab Government or by the Government of India. I mean discrimination as to treatment of Civil Disobedience detenus and security prisoners.

Parliamentary Secretary : How does it arise out of the question ?

Sardar Sohan Singh Josh : How many letters are allowed to the second class prisoners per week ?

Parliamentary Secretary : There is no reference to any letters in my reply.

Sardar Kapoor Singh : Part (c) of the question refers to item (ii) in part (a) of the question. So, there is reference to letters.

Parliamentary Secretary : If the honourable member had heard my answer, he would have known that so far as part (c) is concerned, I referred him to an answer given on 3rd March 1944.

Sardar Kapoor Singh : Is there any change in those rules ?

Parliamentary Secretary : The position is the same.

Pandit Bhagat Ram Sharma : May I know from the Parliamentary Secretary whether he is prepared to give an answer to part (c) ? I want to have up-to-date information as to the attitude of the Government with respect to two types of security prisoners.

Parliamentary Secretary : I have referred my honourable friend to answer given to starred question No. 9067¹ of 3rd March 1944.

Chaudhri Muhammad Hasan : So far as treatment is concerned, may I know whether one year ago these security prisoners as well as detenus were on par with each other ?

Mr. Speaker : Disallowed.

Sardar Sohan Singh Josh : Are the second class prisoners given the same amount of writing material as the A class prisoners ?

Parliamentary Secretary : How can I say without previous notice ?

Sardar Kapoor Singh : Do the Government consider the detenu prisoners more dangerous than the political prisoners ?

Sardar Sohan Singh Josh : May I know whether any of the second class security prisoners have been given maintenance and clothing allowance of rupees twenty ?

Parliamentary Secretary : So far as all these questions are concerned I have referred the honourable member to the reply given about ten months back.

Sardar Kapoor Singh : Are the security prisoners favoured because they are friends of my honourable friend, Sardar Sohan Singh Josh ?

Sardar Sohan Singh Josh : Are the second class security prisoners allowed any books whatsoever or not ?

Parliamentary Secretary : Please refer to the answer given in March last.

Mr. Speaker : The next question.

CIVIL DISOBEDIENCE CONVICTS

*8999. **Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the Civil Disobedience Movement convicts are not allowed interviews, books other than religious scriptures and newspapers, which are allowed even to the ordinary 'C' class prisoners; if so, why and what action, if any, is proposed to be taken in the matter;

(b) whether it is a fact that notwithstanding Government's assurance cots have not been provided to Civil Disobedience Movement prisoners confined in the Old Central Jail, Multan; if so, why, and what action do Government propose to take in the matter ?

Parliamentary Secretary (Khan Bahadur Sheikh Faiz Muhammad) : The attention of the honourable member is drawn to the reply given to Assembly question No. 9071² asked by Lala Bhagat Ram Choda on the 7th March 1944.

¹Volume XXII, page 269.

²Volume XXII, page 371.

Pandit Bhagat Ram Sharma : I want to bring to your notice, Mr. Speaker, that the Government has resorted to a novel method of evading questions. They always refer us to certain questions which have no bearing on the question now asked. The reply to the question referred to by the Parliamentary Secretary does not contain the answer to my present question. He may be asked to read that answer referred to by him.

Parliamentary Secretary : If the honourable member will read the question I am ready to answer.

Sardar Kapoor Singh : Have cots been provided to these detenus or not ?

Parliamentary Secretary : The answer to that can be found in the reply I have referred to.

Sardar Kapoor Singh : That answer is wrong. At that time no cots were provided.

Parliamentary Secretary : I distinctly remember that cots were mentioned in that question.

Sardar Kapoor Singh : In that answer it was stated by the Government that no cots were provided. They are provided now. All the same your answer is wrong. The answer should not be the same.

Premier : May I draw your attention to Rule 48 of this House ?

Sardar Kapoor Singh : The whole thing is being evaded.

Premier : The honourable member is drawing inferences.

Pandit Bhagat Ram Sharma : I submitted that the answer which the Parliamentary Secretary has referred to is not the answer to this question. I request that the Parliamentary Secretary may be asked to read the answer.

Raja Ghazanfar Ali Khan : I quite understand that so far as the Government are concerned, you cannot force them to answer. Could you very kindly oblige the Opposition by asking the Secretary that whenever a reference is given to a previous reply, a copy of the previous answer should be supplied to the member putting the question ?

Mr. Speaker : I think that is not an unreasonable suggestion. Whenever reference is made to a previous reply its copy thereof may be supplied to the honourable member.

Premier : I will get that examined whether it is possible.

Sardar Sohan Singh Josh : May I know from the Parliamentary Secretary whether there are any Civil Disobedience prisoners of A or B class who have not been supplied with cots so far ? Does he know anything about it ?

Parliamentary Secretary : I can say that a very large majority—almost all of them—have been supplied with cots.

Sardar Sohan Singh Josh : May I know whether it is a fact that second class prisoners are not provided with cots ?

Parliamentary Secretary : I would like to have notice.

Sardar Kapoor Singh : May I know whether cots were supplied to the detenus when the first answer was given ?

Parliamentary Secretary : When the first answer was given, cots were not there, but the Government had said that an attempt would be made to provide them with cots. Since then cots have been provided.

CIVIL DISOBEDIENCE DETENUS AND CONVICTS

***9000. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state whether it is a fact that Civil Disobedience Movement convicts and Civil Disobedience Movement detenus are given the same clothing as provided to the ordinary 'C' class convicts; if so, whether Government intends to provide better class clothing to them; if not, why not?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : The attention of the honourable member is drawn to the reply given to Assembly question No. 9070¹ asked by Lala Bhagat Ram Choda on the 6th March 1944.

DETENUS AND POLITICAL PRISONERS

***9348. Sardar Kapoor Singh :** Will the Honourable Premier be pleased to state—

(a) the number of civil disobedience detenus, security prisoners and Congressite convicts released in 1943 and 1944 respectively, but whose movements have been restricted;

(b) whether these restrictions have been imposed by the Punjab Government on their own initiative or on the suggestion, direction or instructions of the Government of India?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) 102 in 1943 and 236 in 1944.

(b) Broad principles had been laid down by the Central Government and local action was taken by the Provincial Government on the lines of those broad principles.

Sardar Kapoor Singh : With regard to part (b) of the question may I know whether the Government of India gave definite instructions to the Punjab Government that all the detenus released should be restricted?

Parliamentary Secretary : I have already replied that broad principles had been laid down by the Central Government and local action was taken by the Provincial Government on the lines of those broad principles.

Chaudhri Muhammad Hasan : Will the Parliamentary Secretary be pleased to give the number of Congressite convicts who have been restricted?

Parliamentary Secretary : My honourable friend will get this information from the reply to another question which is coming up.

Chaudhri Muhammad Hasan : Has the Parliamentary Secretary collected information in this case or not?

Parliamentary Secretary : The honourable member should have patience.

Chaudhri Muhammad Hasan : If that information is given just now, then it will not be necessary to ask for that information again.

Sardar Kapoor Singh : Is the Parliamentary Secretary aware that about 90 per cent. of the detenus released are under restrictions in the Punjab?

Parliamentary Secretary : I cannot say.

Chaudhri Muhammad Hasan : Will he please give the number of Congressite convicts separately who have been restricted.

Parliamentary Secretary : I have given the number already.

Chaudhri Muhammad Hasan : That is the number of civil disobedience detenus, security prisoners and Congressite convicts. I want separately the number of Congressite convicts only.

Parliamentary Secretary : In order to get this information the question should have been put in a different form.

Chaudhri Muhammad Hasan : Part (a) of the question is quite clear. It asks for—

the number of civil disobedience detenus, security prisoners and Congressite convicts in 1943 and 1944 respectively.

Now, I ask the Parliamentary Secretary to kindly give separately the number of Congressite convicts who have been restricted.

Parliamentary Secretary : There is nothing in the question to indicate that a separate list for all these prisoners is required. Only the number of civil disobedience detenus, security prisoners and Congressite convicts released in 1943 and 1944, but whose movements have been restricted, is required.

Chaudhri Muhammad Hasan : I draw your attention to the language of the question. It is 'number of detenus, security prisoners and Congressite convicts'. Therefore, I request the Parliamentary Secretary to give me separately the number of Congressite convicts who have been restricted. Why does he try to evade the answer? Let him say that the answer is not ready.

Parliamentary Secretary : If you ask for the number separately, please give me notice and I shall be glad to collect that information.

Mian Abdul Aziz : The Parliamentary Secretary is wrong. If he takes the trouble of reading the question he will find in part (a) that the number of civil disobedience detenus, security prisoners and Congressite convicts is asked. That shows entirely that there are three different classes on which information is sought. Will he kindly now say whether he is prepared to give the number separately? Perhaps he has not got that information with him.

Parliamentary Secretary : I am grateful to Mian Sahib for throwing a flood of light, but my reply is the same.

Sardar Kapoor Singh : May I know whether the Parliamentary Secretary's attention was drawn recently to the statement made by the Speaker of the United Provinces Legislative Assembly that no restriction has been placed in United Provinces and other provinces on the detenus who have been released?

Parliamentary Secretary : There are so many cases.

Sardar Kapoor Singh : Is he aware that about 95 per cent detenus released are under restriction in the Punjab?

Parliamentary Secretary : I cannot say off-hand.

Sardar Kapoor Singh : Has his attention been drawn to the press reports that it is only in the Punjab where restrictions have been put upon the released detenus and in no other province?

Parliamentary Secretary : My attention has not been drawn to it. But so far as the Punjab is concerned, it is much ahead of any other province in releasing the detenus and giving them so much latitude.

ADJOURNMENT MOTION.

SARDAR MUNSHA SINGH.

Mr. Speaker : I want to know whether adjournment motions are to be taken up on Fridays. According to the practice of the House the business is to end at 1-30 p.m. Does the House wish the adjournment motion to be taken up at 1-30 and thus

deprive the Muslims of their Juma prayers? If it is not to be taken up at 1-30 should the Assembly adjourn at 1-30 and re-assemble later?

Raja Ghazanfar Ali Khan : My submission is that these are little points, that it is a Friday, that it will be inconvenient for members to come again. They are not in accordance with the rules of business. I would request you as the custodian of the rights of the House to see that the rules are observed. You will be setting a most objectionable precedent in this House if you deprive us of the right of moving an adjournment motion on a working day. We are prepared to come at 4, 6 or 8 o'clock. The rules should not be allowed to be overridden by a few members.

If you decide that on Fridays no adjournment motion can be moved, then you will be setting a most deplorable precedent? The Opposition will not agree to it under any circumstances.

Sardar Kapoor Singh : It will be better to take up this adjournment motion, at 6-30 according to the rules.

Raja Ghazanfar Ali Khan : The Honourable Leader of the House, who happens to be a Muslim, should have realised that by moving the motion that on Fridays the Assembly should meet at 10 a.m. instead of 2-30 the Muslims would be put to great inconvenience by having to give up their right of moving an adjournment motion or not dispersing for Juma prayers.

Premier : May I say something as reference has been made to me? I was surprised to find members of the Muslim League objecting to an adjournment motion being taken up to-day at the end of the business in order to give facilities to Muslim members of both sides to say Juma prayers.

Raja Ghazanfar Ali Khan : Nonsense.

Mr. Speaker : Order, order.

Premier : Strong words do not take away the logic of facts. I do not mind strong words. I welcome the right of Muslims to say their prayers, but what harm would have been done to the Muslim cause if instead of the adjournment motion being taken up to-day it is taken up one day later? If my learned friend insists that it should be taken up to-day why observe the rules of this House? We have to observe first of all the rules of Almighty God. Islam is not the monopoly of any political junta nor of that Fascist leader—*Opposition Members :* Very eloquent). I do not mind compliments! It was to suit the convenience of Muslims that the hours of business have been changed on Fridays. If I am not wrong one of my ex-colleagues raised this issue that the right of the Muslims to say Juma prayers should not be taken away. I discussed it with the members on both sides then. It was mutually agreed by this very House at an earlier session long before this cleavage when the so-called custodians of the Muslim rights did not raise any objection and they agreed with me that on Fridays the Assembly should meet at 10 and adjourn at 1-30 in order to give facilities to the Muslim members for Juma prayers because some of them took longer and could not return; that is why the adjournment motion was not to be taken up on Fridays. My suggestion is that we should adjourn at 1-30 so that the Muslim members may say their prayers and the adjournment motion can be taken up on the next day. If my friends insist on creating difficulties in the way of Muslim members saying their prayers, well, Sir, I may make a declaration that every Muslim member on these benches will rise and go for prayers. If the adjournment motion is taken up I will leave it to my honourable friends the Sikhs and the Hindus to look after the adjournment motion.

Mr. K. L. Rallia Ram : Out of respect for the Muslims we will not remain here.

Sardar Shaikat Hyat-Khan : I am surprised that the Leader of the House should take up the courage to get up and pose himself as the custodian of the rights of the Muslim nation.

The Honourable Premier has said that the Muslim members will not be able to be present when the adjournment motion will be discussed. He has taken it for granted that it will be discussed at 1-30 p.m. Why can he not get up and say that the Opposition will get a chance to vindicate their right of putting forward an adjournment motion at 4-30 p.m.

Premier : Sir, the time was fixed by mutual agreement. The intention was that some of my Mussalman friends take long in saying their prayers and it will not be possible for them to come back at 4 p.m. It is a question of convenience to all members of the House to catch their trains and enjoy a long week end. The other alternative is to take up the adjournment motion on the following day.

Mr. Speaker : According to our rules the adjournment motion should be taken up when the business of the day is interrupted.

Mian Abdul Aziz : Why not let this side of the House also have their say ?

Mr. Speaker : I cannot allow any further discussion on the point. If the House is unanimous in taking up the motion at 4 p.m. that can be done.

(Voices : No, No.)

Raja Ghazanfar Ali Khan : Sir, we have to say our prayers at 1-30 and it is out of the question for us to take part in the discussion of the motion if it is taken at 1-30. The only alternative is to take up the motion at 4-30 when such of the members as have to say their prayers can come back. If the Honourable the Leader of the House is not agreeable to this then I suggest, Sir, that after 11-30 to-day he should not proceed with the Government business and that time can be utilized for the discussion of the adjournment motion. I beg to submit, sir, that we are deliberately being put to a dilemma. If we do not disperse at 1-30, we will not be able to say our prayers and we are under no circumstances going to miss our prayers. There are about 80 adjournment motions and we have to discuss them one on each day as long as we are meeting and now we are being deprived of discussing a motion to-day. I dare say that the Leader of the House fixed 10 o'clock having this in his mind. Again I say, Sir, that we are prepared to come at 4-30.

Mr. Speaker : The House can re-assemble at 4 p.m.

Raja Ghazanfar Ali Khan : Yes, sir, we are prepared to come at 4. If that is not acceptable to him, the Premier should not proceed with the business on the agenda after 11-30 when this adjournment motion can be taken up. If that is not done, I would request my Hindu and Sikh friends of the Opposition to remain here while we go to say our prayers and Sardar Sohan Singh Josh will move the motion.

Mr. Speaker : First let Sardar Sohan Singh Josh move for leave of the House to make his motion.

Sardar Sohan Singh Josh : 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 authorities to provide adequate medical treatment for Sardar Munsha Singh the Babbar Akali leader detained in Gujrat Jail, resulting in his death on 25th October 1944.

Mr. Speaker : What is the Government's information on the point ?

Premier : Munsha Singh was a security prisoner confined in sub-jail at Gujrat.

Sardar Sohan Singh Josh : On a point of order. The Honourable Premier is making a speech. He has simply to say whether he objects to it or not.

Khan Bahadur Shaikh Karamat Ali : He cannot discuss the merits of the motion at this stage.

Mr. Speaker : He is not doing anything of that sort. It is my duty to ascertain if any official information is available.

Sardar Shaukat Hyat-Khan : The mover may also be allowed to state facts.

Mr. Speaker : No. I cannot alter the rules. If every member who gives notice of an adjournment motion is going to make a statement there would be no end.

Mian Abdul Aziz : The Premier should also be not allowed to make any statement on the merits of the case.

Mr. Speaker : I am not allowing the Premier to go into the merits of the case. I am only asking him to let me know whether any official information is available or not.

Khan Bahadur Shaikh Karamat Ali: You have said, sir, that you want some corroboration from the Government about the facts stated in the adjournment motion. I want your ruling for our future guidance as there is nothing in the rules to the effect that you should refer for corroboration to the Leader of the House only.

Chaudhri Muhammad Hasan: Corroboration will come from this side of the House and contradiction from the other side. You cannot have corroboration from the other side.

Mr. Speaker : According to *Campion* an adjournment motion cannot be hypothetical or be based on uncorroborated report. Further official information must be available. If I am allowed to ascertain from the official benches whether the alleged facts are correct or not I will be constrained to disallow the motion without giving reasons.

Premier : In order to save the time of the House you have asked the official spokesman to state the facts, so that if the facts are not as are alleged in the adjournment motion you may disallow it and thus avoid the waste of the time of the House. I shall therefore place before you whatever information is available with me, but before I do so I may say that I do not object to the adjournment motion if you consider it admissible.

Munsha Singh was a security prisoner confined in the sub-jail, Gujrat. His health was good and he never complained of any illness. He fell ill suddenly on the evening of 25th September 1944 and was attended by the Medical Officer at 9-25 p.m. He had a severe pain in the abdomen and as it was not relieved, the supervising Medical Officer Dr. Puri was sent for and he attended him in the jail at 10-45 p.m. He diagnosed a case of acute intestinal obstruction. For further treatment the security prisoner was removed to the Civil Hospital, Gujrat, at 11-47 p.m. and everything possible was done to treat his illness. The Inspector-General of Prisons was informed telegraphically and also the relatives of the prisoner. None of the prisoner's relatives turned up and the prisoner refused to undergo an operation until the evening of 26th September when he agreed to do so as a last resort. He signed a statement to this effect. He was immediately operated upon but died at 1-30 a. m. on 27th September 1944. Throughout his illness he was attended by medical officers and their staff. All possible medical aid was given to him.

Mr. Speaker : What has the honourable mover of the motion got to say now ?

Sardar Sohan Singh Josh : I should like to have the motion discussed if you deem it admissible. I am entirely in your hands.

Mr. Speaker : Leave is sought to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely,

[Mr. Speaker]

the failure of the authorities to provide adequate medical treatment for Sardar Mungha Singh, a Babbar Akali leader detained in the Gujrat Jail resulting in his death on the 25th October 1944. As no objection is raised, the motion will be taken up for discussion to-day. But the question is when it should be taken up.

Chaudhri Muhammad Hasan : At 4-30 p.m.

Premier : No, at 1-30 p.m.

Shaikh Sadiq Hasan : My friend wants to deprive us of Juma prayers and that is why he is suggesting that the adjournment motion be taken up at 1-30 p.m.

Mr. Speaker : According to our rules of procedure the motion can be taken up only at 1-30 p.m., that is at the time of interruption of business.

Chaudhri Muhammad Hasan : I appeal to the Honourable Premier that for the convenience of the Muslim members of the House he must agree to take up the motion at 4-30 p.m. Just now he said that he did not want to deprive the Muslim members of the right of saying their prayers. All the Muslim members on this side of the House are agreed that it should be taken up at 4-30. I hope that the Honourable Premier will not insist on its being taken up at 1-30. If he does not agree to our request then the Muslim members on this side will be away from the House at the time, because we must say our prayers. We will request the Hindu and Sikh members on this side to carry on the discussion.

Mir Maqbool Mahmood : I take it that it is the desire of the Leader of the House not to smother this adjournment motion and that if the time suggested by the Leader of the Opposition is permissible under the rules he will not come in the way. That being the position, I will invite his attention to Rule 65. It says that the adjournment motion shall be taken up, if it is a Friday at 7-30 p.m. and on any other day at 6-30 provided that if the business of the day is concluded earlier than the motion shall be taken up at the conclusion of such business. If the intention of the Leader of the Opposition is not to deprive this side of the House of the right of moving the motion, then we may take it that the business will conclude 1½ hours earlier than originally fixed. That would avoid our having to break the rule. My suggestion is that the work for the day may be concluded an hour earlier when the adjournment motion can be taken up.

Premier : I have no objection to the suggestion of Mir Maqbool Mahmood to conclude the business of the day one hour earlier, if the Opposition is prepared to help us to finish the business by then, so that the adjournment motion can be taken up thereafter.

Mir Maqbool Mahmood : Provided that the Leader of the House does not insist upon taking up all the motions on the order paper to-day. They can be taken up on subsequent days.

Premier : My honourable friend has just arrived. He cannot get over the word 'concluded.'

Raja Ghazanfar Ali Khan : For this mess the Honourable Premier is responsible.

Mr. Speaker : Unless the House unanimously agrees to any other time the motion will have to be taken up at 1-30 p. m.

Raja Ghazanfar Ali Khan : The Muslim League will under no circumstances agree to meet at 1-30.

Sardar Kapoor Singh : I beg to move that the adjournment motion be taken up at 4-30 p. m.

Sardar Shaukat Hyat-Khan : Take the opinion of the House.

Sardar Sohan Singh Josh : Sir, not wishing to interfere with the right of worship of my Muslim friends I would like to submit that we the Sikh and Hindu members on this side of the House will also leave with the Leader of the Opposition in order to give our Muslim friends the time for saying their prayers.

Chaudhri Muhammad Hasan : Sir, I request you to join with me in appealing to the Leader of the House—

Mr. Speaker : I am not going to appeal to any one.

(Raja Ghazanfar Ali Khan rose to speak).

Mr. Speaker : I think the noise is unbearable any longer. I give you this final warning. Honourable members should behave in parliamentary manner.

Raja Ghazanfar Ali Khan : Sir, with your permission I was going to submit—

Mr. Speaker No, I cannot allow any further discussion.

At this stage Muslim League members left the Chamber.

Chaudhri Muhammad Hasan: Please join with me as a Muslim and appeal to the Honourable Leader not to deprive the Muslim members of their right of saying their prayers.

Premier : The Honourable Leader of the Opposition knows that I have suggested that this adjournment motion be taken up on Monday. There is the question of Muslim members for whom I have put this motion. The Muslim members go to various mosques. Petrol is not available. They cannot return immediately. That is why I suggested that the adjournment motion may be taken up on Monday. Heavens will not fall if it is postponed till Monday. I have not objected to the motion; what more is wanted? I would say that there are Hindu and Sikh members in my Party. After the prayers they have their programme. This is the week-end. I consulted the Leader of the Opposition and he agreed to having the meeting at 10 a. m. The Leader of the Opposition had agreed to this so that honourable members can have a long week-end. They can go and come back on Monday. After all Sardar Munsha Singh is dead and is now a stone. Why do you not agree to that?

Chaudhri Muhammad Hasan : The Leader of the House is adamant and does not want to give us time for our prayers. I would request my honourable friend to allow the moving of the adjournment motion to-day. We Muslim members can return at 4-30. My friend is absolutely wrong when he says that he consulted me at the time he wanted to move that the House should meet on Friday at 10 a. m. He should agree to 4-30 p. m. Everybody will be here. Juma prayers will be over at 3, but in case he does not agree and his Hindu and Sikh members also want to deprive us of our Juma prayers, then I would take leave of them for saying my Juma prayers. Under no circumstances will I be present but my Hindu and Sikh friends will be present here; they will take part in the adjournment motion and see the result.

Mr. Speaker : No more discussion please. Honourable members may privately settle among themselves and then let me know their decision. Meanwhile the House will proceed with the business of the day.

LEAVE OF ABSENCE OF SARDAR HARI SINGH

Mr. Speaker : The following application has been received from Sardar Hari Singh, Member of the Assembly, for permission to be absent from the meetings thereof :

As I have not yet been permitted by the Punjab Government to attend the Punjab Legislative Assembly sittings, I beg the House to grant me leave of absence from the present session of the Assembly.

The question is—

That the leave asked for be granted.

The motion was carried.

THE FRONTIER CRIMES (VALIDATION OF ACTS, ORDERS AND PROCEEDINGS) BILL

Mr. Speaker : The Assembly will now resume discussion on the motion that the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill be taken into consideration.

Minister of Finance (The Honourable Sir Manohar Lal) : I have only one more word to say. The other day Mian Abdul Aziz raised the point that certain issues connected with this proposed Bill were under the consideration of the High Court and I promised that I would examine that matter. I have since considered it. Nothing pending in the High Court touches this Bill. Therefore I request that the motion that the Bill be taken into consideration at once be proceeded with.

Mr. Speaker : Motion moved is—

That the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill be taken into consideration at once.

Sardar Kapoor Singh : This is an Act of the 19th century and it would have been better if the Government had repealed it. It has not been done so far.

(At this stage the members of the Muslim League Party re-entered the Chamber amidst applause).

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : I beg to move—

That the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill be circulated for eliciting opinion thereon by the 14th of February 1945.

In the first place I have to admit that I do not know much about these regulations. These regulations, as I understand, apply only to a very few districts in this province and I also understand that the Deputy Commissioner of those particular districts has the power to take away from any magistrate any case under trial and give it to what they call a *jirga*. In English a *jirga* means a council of elders. Then that *jirga* will have a summary trial and pronounce a judgment. If the Deputy Commissioner is not satisfied with that judgment he reports the matter to the Commissioner of the *Ilaga*.

Minister of Finance : May I rise to a point of order? We are not here trying to revise or amend in any manner whatsoever the Frontier Crimes Act. The Frontier Crimes Regulation of 1887 was duly re-enacted by the Regulation of 1901 and we are not trying to amend that Regulation in any manner whatsoever.

Khan Bahadur Shaikh Karamat Ali : May I know whether Validation Act does not imply that there may have been excesses or omissions which it is intended to rectify?

Minister of Finance : The honourable member if he would kindly read the statement of objects and reasons, would see that this Bill is for a very limited object. He will see that under the Regulation of 1887 which was the initial Regulation—

An honourable member : Is the Honourable Minister making a speech again ?

Minister of Finance : I am entitled to object. The honourable member from Lyallpur was talking about the Regulation. We are not seeking directly or indirectly to amend the Regulation. That is not before us at all.

Mian Muhammad Nurullah : I cannot understand very well how, unless I explain the text of the Regulation to the honourable members of this House, I will be able to oppose the present motion. How can I refer to that particular portion or particular amendment that the Honourable Finance Minister wants to accept, without explaining the whole text of the Regulation which many of the honourable members may not have read ? I was only trying to explain how the Regulation works and also to explain to honourable members of this House what it is.

Premier : The honourable member is discussing the Frontier Crimes Regulation. This is just a validating Act to protect our officers from past action.

Mian Muhammad Nurullah : If this Bill concerns only the Frontier Crimes then I have nothing to say, but if it concerns the Frontier Crimes Regulation then I can discuss it.

Premier : The object is to validate certain actions of the past. That is all. It has nothing to do with Frontier Crimes Regulation and *jirga* all over the world.

Mian Muhammad Nurullah : I was just saying that the Deputy Commissioner reports the matter to the Commissioner of the *iloga* and the Commissioner then gives a judgment and, according to the Regulations, those judgments are published in the *Punjab Gazette* in a particular manner and I think it was due to certain irregularities of the procedure of putting these things in the Gazette that the High Court gave a ruling that some of the acts done are not proper. The ruling of the High Court has not been provided to us and we do not know much about it. Unless the judgment of the High Court is placed before us, we cannot say what the actual position is. We have before us the statement of objects and reasons which says :—

The Frontier Crimes Regulation, 1887, was repealed and re-enacted by the Regulation of 1901. Under the Regulation of 1887 notification No. 1156, dated 15th November 1887, was issued by the Punjab Government providing for the application of those sections of the Regulation which were not of general application to certain classes of persons.

We are absolutely in the dark as to what those 'classes of persons' are. Then it is stated—

The Chief Court of the Punjab in 25 Punjab Record 1915 held that the notification issued under the Regulation of 1887 was still in force after the coming into operation of the Regulation of 1901 by virtue of section 24 of the General Clauses Act. This judgment has now, after thirty years, been upset by the recent Full Bench decisions of the Lahore High Court in *Hari Singh, etc., versus Crown* (Criminal Revision No. 1494 of 1943) with the result that the innumerable proceedings taken and orders made under the notification of 15th November 1887, became invalid. To remedy this situation, the Frontier Crimes Regulation (Validation of Orders, Proceedings and Acts) Ordinance, 1944, was promulgated which would soon cease to be in operation under the provisions of section 88 (?) of the Government of India Act. The present Bill is intended to continue the protection afforded by the said Ordinance after it ceases to be in operation.

As I have said already we have not been given judgment of the High Court re *Hari Singh, etc., versus Crown*. Secondly, the statement of objects and reasons says that the result is that innumerable proceedings taken and orders made under the Regulation of 1887 became invalid. We have nothing before us about these innumerable cases. We ought to have been supplied with some explanation because, after all, they want our thumb impression on it. Further, I am told that an ordinance was issued. Under these clouds of war and during these days of hardship, ordinances are usually issued. I will try to say something as to why our consent is necessary to ratify those ordinances. Why not go on governing with the ordinances as you are doing in many other matters ? I know that sometimes the ordinances are very

[Mian Muhammad Nurullah]

ridiculous. I must read to you this Ordinance. It is : The Frontier Crimes (Validation of Orders, Proceedings and Acts) Ordinance, 1944. It is Ordinance No. I of 1944.

WHEREAS an emergency has arisen which makes it necessary to establish the validity of certain orders, proceedings and acts of authorities and persons under the provisions of the Frontier Crimes Regulation, 1901 :

NOW THEREFORE in exercise of the powers conferred by section 88 of the Government of India Act, 1935, the Governor of the Punjab is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Frontier Crimes (Validation of Orders, Proceedings and Acts) Ordinance, 1944.

(2) It shall come into force at once.

2. All orders made, proceedings taken and acts done by the Provincial Government, by any authority subordinate to the Provincial Government, or by any person, which were made, taken or done, or which purported to be made, taken or done, in the exercise of the powers derived or believed to be derived from the provisions of the Frontier Crimes Regulation, 1901 (hereinafter referred to as the "said Regulation"), by virtue of Punjab Government notification No. 1156, dated the 15th November 1937, or in execution of or in compliance with any orders made or sentences passed by the Provincial Government or by any authority subordinate to the Provincial Government in the exercise or purported exercise of powers as aforesaid, shall be deemed to be and always to have been, validly made, taken and done, and for the purposes of the said Regulation and of any other law for the time being in force, all such orders, proceedings and acts shall be as good and valid, as if the said notification had issued under the provisions of section 1 of the said Regulation.

Mr. Speaker : The honourable member can discuss the general principles. I cannot allow the Ordinance to be read here.

Mian Muhammad Nurullah : Unless I read, how can I give my opinion on it ?

No suit or other legal proceeding shall lie in any court against the Provincial Government, or any authority subordinate to the Provincial Government or any person, for or on account of or in respect of any such order made, proceeding taken or act done as aforesaid, whether in the exercise or purported exercise of powers as aforesaid, or in execution of or in compliance with orders made or sentences passed in the exercise or purported exercise of such powers.

This is the Ordinance which we are now being asked to ratify. It would not be a healthy practice to govern always with ordinances and then asking the legislatures when they meet, to ratify them. If there had been any irregularities, then the session of the Assembly should have been called very early. Why did they not call a session of this honourable House earlier ?

Mr. Speaker : Is the honourable member then opposed to the passing of this Bill ?

Mian Muhammad Nurullah : I am explaining that this thing should go out for public opinion. If they had called the session earlier probably I would not have talked in this way. What was the special reason for delaying the session of the Assembly ? In the ordinance it is said that certain things were happening which they want to stop and which they want to ratify because of the ruling of the High Court that was given 6 months ago. What was there to debar the Government from calling the meeting of this House earlier ?

Mr. Speaker : The honourable member is not relevant.

Mian Muhammad Nurullah : Now, Sir, I come to the question as to how many acts and proceedings are said or purported to have happened. We have no knowledge or information whether they were one thousand or two thousand. What sort of acts of omission and commission there were and whether they were legal or illegal and whether they were objectionable from the point of view of the public or from the point of view of honourable members of this House, we have no knowledge. Why should we be asked to ratify those things ? It would have been better for the Government to send such a Bill for circulation so that the public could see what sort of thing they want and why. Therefore, I move that this Bill be circulated for eliciting public opinion.

Mr. Speaker : Motion under consideration, amendment moved is—

That the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill be circulated for eliciting opinion thereon by the 14th February 1945.

Mr. Speaker : Raja Ghazanfar Ali Khan may move his motion for reference to a select committee. Both these motions will be discussed together but will be put to the vote of the House separately.

Raja Ghazanfar Ali Khan : Sir, my honourable friend, Mian Abdul Aziz, is a lawyer and knows more about this subject. To save the time of the House I just move my motion—

That the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill be referred to a Select Committee.

I will give the names after the motion is carried.

Khan Bahadur Captain Malik Muzaffar Khan (Mianwali South, Muslim, Rural) (*Urdu*) : Sir, I rise to oppose this motion.

Mian Abdul Aziz : It is wrong, Sir, to oppose a motion when it is not supported.

Mr. Speaker : No, the honourable member is perfectly within his rights.

Khan Bahadur Captain Malik Muzaffar Khan : Though not a lawyer, still I can express myself. I had a very good opinion about my friend, Mian Muhammad Narullah, but after hearing his speech just now I am obliged to change it. His speech had absolutely no connection with the Bill now before the House. This Bill wants to bring in an amendment so that the law is adjusted according to a recent ruling of the Lahore High Court and the purpose behind it is to solve the difficult position which has thus been created. But the honourable member had all the time been talking about irrelevant points. He should have centred his remarks around the motion now before the House and not about the whole Bill as he has done.

Raja Ghazanfar Ali Khan : Will the honourable member kindly let us know what was the case before the High Court which has made the enactment of this Bill necessary?

Khan Bahadur Captain Malik Muzaffar Khan : I would like to bring to the notice of my honourable friend the facts about a murder case which was committed in our ilaga not very long ago. The case was referred to a jirga, but on an appeal being filed in the High Court by the relatives of the deceased some difficulty arose. Therefore it is very necessary that such defects in the law are removed and that is why the Government is bringing forward this measure. There is no need to circulate the Bill for public opinion.

Sardar Shaukat Hyat—Khan (Attock North, Muhammadan, Rural) : Sir, I must say that after having read the statement of objects and reasons of this Bill, I am left in a dilemma. No one can clearly make out what the Honourable Minister in charge wants us to understand. All I understand now is that it is primitiveness personified. There was a primitive Act known as the Frontier Crimes Act and now the Government is trying to amend some of its part which was known to be even more primitive than the Act itself. What really happens is this. According to this Act certain things are done which should not have been permitted under this very reactionary and very undesirable legislation. The High Court very rightly corrected the proceedings and said that the action taken by the Jirga against the people concerned was illegal and unlawful. Now our Ministry, the great lovers of democracy, have got up to get the votes of those members who themselves do not understand the meaning

[S. Shaikat Hyat—Khan]

of this Act. All they are getting is the support for another illegal act of getting things ratified now after they have been definitely pronounced wrong by the High Court. All I can say is that this Bill as well as the Frontier Crimes Regulation are most undesirable and most undemocratic and are intended only to curb the rightful activities of the people living in British India. The Jirga system, as you very well know, is a system which has been tied to old days of feudal *raj* in this country. It is a way by which you can curb the lawful activities of the people living in the towns of the Punjab. Now our Ministry, instead of getting up and repealing this Act, instead of removing the wrongs that are done under it, is bringing forward this Bill to validate the wrong that has been done under this Act. They should be ashamed of any legislation which goes back to 1887. Here we are living in twentieth century and now are the days of democracy when we should fight for the rights of the people. But our Government is trying to destroy our rights that are given to us by the British Government. I would very respectfully request the Honourable Minister in charge that instead of trying to validate this Act and putting forward this Bill before the House, he should boldly get up, as a custodian of the rights of the people of the Punjab, and repeal the Act itself and withdraw this legislation.

Sayed Amjad Ali Shah (Parliamentary Secretary): Sir, I was surprised that the first motion should come from an old parliamentarian like my friend Mian Muhammad Nurullah. If it had come from a backbencher I would have understood it.

Mian Muhammad Nurullah: I am a backbencher.

Raja Ghazanfar Ali Khan: It is a question of eyes and no eyes.

Sayed Amjad Ali Shah: Although my friend is occupying a bench at the back, yet as far as parliamentary standing is concerned my friend is very much a front bencher, if I may say so. The motion of my friend Mian Muhammad Nurullah is for the circulation of this Bill for eliciting opinion thereon. If he had only taken the trouble to read the papers supplied by the Assembly office to us he would have seen that this Bill embodies an ordinance which was promulgated on the 23rd May 1944. So this Bill is already in force since 23rd May 1944. I cannot understand what my friend will gain by moving this motion after 8 months.

Sardar Kapoor Singh: Then why bring in this Bill?

Sayed Amjad Ali Shah: If my friend reads the Government of India Act he will find that an ordinance must be brought.

Raja Ghazanfar Ali Khan: We can reject it.

Sayed Amjad Ali Shah: Yes, certainly. I was only pointing out that the motion of my honourable friend Mian Muhammad Nurullah is not necessary. I could not understand what he would gain by circulation of this Bill at this stage when it has been before the province for the last 8 months. If I have correctly understood the position of my friend—

Raja Ghazanfar Ali Khan: You have once corrected yourself.

Sayed Amjad Ali Shah: My friend will find me correct every time. The position of my friend is this: we know nothing but you are wrong!

Raja Ghazanfar Ali Khan: You do not tell us anything.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): My honourable friend the Parliamentary Secretary was surprised on account of the circulation motion but I am surprised that the Government have not repealed or cancelled the notification made by the Punjab Government on the 15th November 1887, No. 1156, as that notification has been the subject of discussion by the High Court on different occasions. Instead of coming for the validation it was necessary, if the Government wants that the Act should

no longer be applicable in the Punjab in future, that the Government should have cancelled that notification at once. It was only after that that the Government could have come for validation ; otherwise what will be the result ? The High Court has decided by a recent ruling that that notification is not at present applicable after the amending of that Act in 1901. It is possible that another case might come before the High Court and a full bench might give its ruling because there is the possibility that the notification of 1897 still continues to be inoperative. In that case it is necessary for the Punjab Government that they must declare clearly that the Act is repealed and that the notification is cancelled and it is only in that case that the High Court ceases to interfere. That would end the matter once for all. It is for this reason that I would ask the Government to be clear once and for all that this Act shall be repealed either by a Bill or by the cancellation of the notification which makes it operative in the Punjab.

Khan Bahadur Shaikh Karamat Ali (Nankana Sahib, Muhammadan, Rural) : Sir, I rise to support the amendment tabled by Mian Muhammad Nurullah. With regard to that I would say that despite the best efforts made by the honourable member opposite (not now present) we have not been made wiser or able to understand what the position of the Government is with regard to the matter which is before the House. You will be pleased to find from the Statement of Objects and Reasons that it is put in such a succinct manner that it does not inform us what are those materials and those cases which have compelled the Government to put before the House this validation Bill. It is really amazing that this House, having the highest responsibility devolved on it, should endorse a position of which they are not at all informed. We ought to have been informed about the cases that took place in the past, and in the light of the judgment of the Punjab Chief Court noted in 1915 No. 25 Punjab Record, we should have been in a position to know what the Government wanted us to do under the present circumstances. Now the High Court has given another ruling in 1948 and the reference is to Criminal Revision No. 1494, with the result that innumerable cases that took place are said to have been of an irregularly bad nature. The members of this legislature are called upon to ratify the illegalities, irregularities and omissions of certain officers of the Government about which they have no material in their possession. We should have been informed of the circumstances under which these officers had to take decisions of that irregular or illegal character. I would say that it is possible that they may have in the past committed certain excesses or done something which no law allowed or countenanced ; but without being in possession of the material on account of which the officers were held guilty not only of irregularities but illegalities. I do not see any justification for this House, on whose shoulders the highest responsibility devolves, to be a blind party to the ratification. Sir, the motion tabled just now is of the highest importance in so far as it would go to regulate the mistakes of the people affected by it. Apart from it, members of the bar and the judiciary should be in a position to assist us in understanding the position of the Government. Therefore I would submit that there is no justification for this House either to endorse or to ratify what has been done in the past. The cases in which the High Court has pronounced judgment appear to show that all that was done in 1925 could not be held regular. This shows that those officers were guilty of the lack of knowledge which they should have applied to the circumstances present before them.

In view of these remarks I beg to submit that the Bill be circulated for the purpore of eliciting opinion thereon.

Mian Abdul Aziz (Outer Lahore, Muslim, Urban) (*Urdu*) : Sir, on Monday when the Honourable Minister in charge of the Bill introduced it in the House, I pointed out to him that two cases under the Regulation were still pending before the High

[Mian Abdul Aziz]

Court. He was pleased to make enquiries and later on informed me that the present Bill was not concerned with the point of law now under consideration by the High Court. Well, the point to be considered at the moment is as to how this Bill is going to affect certain cases if it is passed into law. The very first thing which I want to bring to the notice of the House is that through this Bill the Government seeks validation of certain acts done by its officers during the last sixty years. Now what are those acts which are sought to be legalised by this measure? If we are going to validate certain irregularities and unlawful acts that have taken place during the past sixty years, we should bear in mind that by doing so we will have accepted the underlying principle and would be bound by it. I cannot comprehend that by presenting this piece of paper, half the size of a foolscap page, the Honourable Minister seeks to validate the irregular acts of the *jirgas* and wants to set at naught the orders passed by the High Court against such irregularities. It was the duty of the Government to have published and circulated amongst M. L. As. the Regulation of 1887 and that of 1901 as also the various notifications issued from time to time, along with this Bill. Possibly some honourable member from that side of the House might raise this objection that being a lawyer it is to be presumed that I must have these Regulations in my library. Although I do not have any copy, yet for argument's sake I say what if ten or twelve lawyer members of the House were in fact in possession of these Regulations? The rest of the 160 members have neither the Regulations nor the notifications. Do the Government want them to legalise and validate all these irregularities with their eyes shut? The Honourable Minister in charge is himself a lawyer of repute and I do not see how he can expect that in the absence of all these necessary documents we can conscientiously take part in the discussion of this Bill? The Honourable Minister, in whose ability and scholarship I do not have the least doubt, should have at least circulated the judgment in the case *Hari Singh versus Crown*, which has been decided by a Full Bench. Although only ten or twenty honourable members in a House of 175 belong to the legal profession, yet it has been the practice to supply judgments in such cases to the honourable members. I remember that about four years ago printed copies of a Full Bench decision bearing on the matter were made available to the members in connection with the amendment to the Evidence Act. Similarly the judgment in *Hari Singh versus Crown* case should have also been published along with this Bill. Personally I have not been able to find this Full Bench Ruling up till now. On principle it is impossible for us to affix the seal of our approval to the validation of irregularities committed under both these primitive Regulations enacted at the time of the advent of the British, without having seen those Regulations. I wholeheartedly agree with the circulation motion moved by my honourable friend Mian Muhammad Nurullah. I doubt very much if my honourable friend Captain Malik Muzaffar Khan, who was so full of praise for this Bill, has ever seen these Regulations, which have been condemned by the High Court. If he had consulted me I would have shown him what irregularities are being done under them. You are aware, that this is not the first time that a cry has been raised against these pernicious Regulations. Innocent people are mostly condemned without any evidence whatsoever and without even a file having been prepared. The members of the *jirga* declare innocent persons guilty on the flimsiest of rumours and hearsay. Such primitive highhandedness is intolerable in these times when modern legislation has reached such a progressive stage.

These old Regulations date back to those old days when there was no settled law in those districts. Now-a-days such Regulations are totally undesirable. The Honourable Minister told us that an ordinance after six months becomes invalid and therefore it is necessary to get the sanction of the Legislature and give it the shape of an Act. If I am not mistaken, Sir, the Government is rushing it through for this

very purpose. But I totally fail to understand, Sir, why during the past eight months they did not think fit to summon the Legislature and to place this measure before it. In my opinion the Government ought to have placed this measure before the House somewhere in May. They must know that if this lawlessness has prevailed in these localities for the last forty or fifty years then in the coming one or two months it will make no difference. In the meantime this measure can be circulated for eliciting public opinion. The Government should acquaint us with all the notifications, copies of Hari Singh's case and all the other relevant papers. We cannot for a moment ignore the Select Committee. It is altogether essential and also useful to a great extent. The Honourable Minister in charge will be in a position to place before the committee full details and much useful work can be done at that stage.

With these words, Sir, I support the motion moved by my friend Mian Muhammad Nurullah and the other motion moved by my friend Raja Ghazanfar Ali.

Mir Maqbool Mahmood (Amritsar, Muhammadan, Rural) : We recognise that there are certain circumstances when it becomes necessary to bring in urgent laws in order to get over administrative difficulties arising from the rulings of courts. But the motion before the House raises two very important issues for which we consider it necessary that the Bill should either be circulated for eliciting opinion or should be referred to a select committee. I shall presently place before the House those two points. In the first instance we wish to suggest that a convention should be started that in all cases where special reasons are not shown to the contrary, when the highest courts declare *ultra vires* certain actions of the executive or certain notifications issued by the executive, there should be no indecent haste in passing legislation to circumvent such declarations. We suggest that in all such cases as a matter of convention it should be circulated for eliciting opinion or referred to a select committee and there should be no attempt on the part of the executive to throttle the decisions of the highest court of justice by introducing measures in such indecent haste. This convention is particularly important when laws which are intended to be validated are not those passed by the legislature or by a responsible Government but are the inheritance of the days of bureaucracy and of a type of which any civilised nation might feel ashamed. (*Hear, hear*). Many tragedies are committed in this House. But none is so bad as the present one and I am surprised that the Honourable Finance Minister who in spite of his surroundings has the courage to stand for the rule of law and the dignity of the courts should make such a motion. This is my first submission.

My second point is this. It may be said that administrative difficulties have arisen that make it necessary to rush through this measure. What is the position according to the Government of India Act? The Ordinance passed by the Governor will be in force for six weeks from the day on which it is laid before the legislature. What are the motions before us?

And what are the means that we have before us? It was open to my friends opposite to suggest that the circulation shall be completed by a certain date, by the end of December or the 1st week of January. They have not done so. What was the second motion? Raja Ghazanfar Ali says, let the matter be referred to a select committee with instructions to report by January. Even that is being opposed and this again is unfortunate because of all others it is opposed by the Finance Minister who is a supporter of law. Political disputes have a certain value but higher than that it is his duty to see that the rights of the public are not flouted. With these words I would even now appeal to the Honourable Minister in charge of this Bill to accept the motion that the Bill be circulated for public opinion.

[Mir Maqbool Mahmood]

There is one other point. An ordinance was issued on the 28th April 1944. The judgment of the High Court had been given some months before. But what happened in the meantime? There will not be a chaos if the measure is not taken up for another two months. Heavens won't fall. The executive authority won't come to a standstill. I hope he will accept this reasonable request.

Minister of Finance (The Honourable Sir Manohar Lal): Sir, a notification continued in full operation from the year 1887 up to a recent decision of the High Court in 1948, and as far back as 1915 the Chief Court held that that particular notification which was issued under the Regulation of 1887, which was merely re-enacted in 1901, was in full effect and force. This situation was changed only quite recently by a pronouncement of the High Court and that made it necessary, in order that all acts performed by virtue of the notification should be protected, for the Governor to promulgate an Ordinance. That Ordinance was promulgated as far back as the first week of May and has actually continued in existence and is in force today. For full eight months everyone in the Punjab who wished to take any interest in the affairs of this province has been well apprised of the position and has been duly conscious that an Ordinance has existed. The provision about the Ordinance is under section 88 of the Government of India Act:

An Ordinance promulgated under this section shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but.....

Therefore the Ordinance of the Governor has the full force of an Act of which we have been duly conscious all these eight months. Therefore it puts aside at once the need of circulating this Bill, which is in exact terms as the Ordinance, for the purpose of eliciting public opinion. All public opinion that was necessary on the issue has already been elicited, if any public opinion wanted to make itself felt.

An ordinance shall be laid before the Provincial Legislature and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature.

If we do not pass this Bill, which is in the exact terms of the Ordinance with the force of an Act, then in six weeks' time, we shall be in a position that there will be no provision to protect acts under the Regulation of 1901. Much has been said about the Regulation itself, and I must say that that is totally irrelevant. We are not concerned today with the Regulation. We may have our opinions about it. Some of us like the Regulation and others do not, but the Regulation has stood as the law of the land ever since 1901 and a great deal has been done under the Regulation which would have been perfectly valid but for the recent pronouncement of the High Court.

Take further the view of the High Court. Three Honourable Judges sitting together in a Full Bench pronounced on the validity of the ordinance and the acts taken under the ordinance. The Full Bench was composed of the Honourable Mr. Justice Teja Singh, the Honourable Mr. Justice Diwan Ram Lal and the the Honourable Mr. B. B. Beckett. I am referring to the Full Bench judgment of the High Court in the case, Dost Mohammad, son of Ahmad, *versus* the Crown. I will quote the last two sentence from the judgment:

But even if I agreed with him I would still hold that the case is affected by the Ordinance and the proceedings taken and the orders made therein, including the order of reference to the Council of Elders and the order whereby the Deputy Commissioner convicted ladies, are validated thereby. Any other construction, in my opinion, would defeat the very object with which the Ordinance was promulgated.

We are therefore passing no new or fresh law. By this legislation we are only setting right certain orders and proceedings taken under the Regulation. We are not pronouncing on the merits of the Regulations itself. If any honourable member thinks that the Regulation should no longer be a part of the law of the Punjab, it is open to him

to bring a proper Bill, a proper and competent legislative measure by which to impeach the Regulation itself, but it must be admitted by everyone that so long as the Regulation is in existence orders and proceedings taken thereunder must be held valid, and it is the imperative duty of Government to see that those orders and proceedings are duly protected.

The occasion was taken here by some honourable members to say that the Governor's ordinance has only validity for a short time. Its validity is a continuous one and the ordinance has to be placed before the Assembly and steps have to be taken within six weeks thereafter.

Mian Abdul Aziz : If the ordinance is continuous, then what is the hurry ?

Minister of Finance : It must cease to be operative within six weeks after I have laid—as I did the other day—the ordinance on the table of the House. Some honourable members ask, why did the House not meet two months ago or four months ago ? I do not know ; that lies without the purview of my motion. And this is not the occasion to canvass the holding or the not holding of the Assembly during the last six months. What I am asking the House is to see that certain acts and proceedings taken under a Regulation in force in this Province are properly protected, as indeed they are protected today by virtue of the Governor's orders. We are now asking you to do what the Governor has done as the Governor's ordinance will not remain in effect after a particular period. I would request the House to address themselves entirely to this limited matter which is before them.

Mian Muhammad Nurullah : Why can we not meet a month later ?

Minister of Finance : No, you cannot do it.

Mr. Speaker : The question is—

That the Frontier Crimes (Validation of Orders, Proceedings and Acts) Ordinance 1944, be circulated for eliciting public opinion thereon by the 14th of February 1945.

The Assembly divided : Ayes 37, Noes 69

AYES 37

Abdul Aziz, Mian.	Muhammad Hussain, Sardar.
Abdul Hamid Khan, Sufi.	Muhammad Nurullah, Mian.
Akbar Ali, Pir.	Muhammad Raza Shab Jeelani,
Allah Yar Khan Daultana, Khan Bahadur Mian.	Makhdumzada Haji Sayed.
Amir-ud-Din, Khan Bahadur Mian.	Muhammad Wilayat Hussain Jeelani,
Bhagat Ram Choda, Lala.	Makhdumzada Haji Sayed.
Bhagat Ram Sharma, Pandit.	Mumtaz, Muhammad Khan Daultana,
Duni Chand, Mrs.	Mian.
Ghazanfar Ali Khan, Raja.	Nasrulah Khan, Bans.
Ghulam Samad, Khan Sahib Khawaja.	Nawazish Ali Shah, Sayed.
Girdhari Das, Mahant.	Raghbir Kaur, Shrimati.
Gopal Das, Rai Bahadur Lala.	Roshan Din, Khan Bahadur Chaudhri.
Iftikhar Hussain Khan, Nawab.	Sahib Dad Khan, Khan Sahib Chaudhri.
Kapoor Singh, Sardar.	Sahib Ram, Chaudhri.
Karamat Ali, Khan Bahadur Shaikh.	Santokh Singh, Sardar.
Kartar Singh, Sa. dar.	Shaadat Khan, Khan Sahib Rai.
Maqbool Mahmood, Mir.	Shaukat Hayat-Khan, Sirdar.
Mazhar Ali Azhar, Maulvi.	Sita Ram, Lala.
Muhammad Hasan Chaudhri.	Sohan Singh Josh, Sardar.
	Teja Singh, Sardar.
	Uttam Singh Dugal, Sardar.

NOES 69

Abdul Haye, The Honourable Mian.	Jafar Ali Khan, Chaudhri.
Abdul Rab, Mian.	Jogindar Singh Man, Sardar.
Abdul Rahim, Chaudhri (Gurgaon).	Jugal Kishore, Chaudhri.
Ahmad Yar Khan, Khan Sahib Chaudhri.	Kuizar Hyat, The Hon. Malik.
Ali Akbar, Chaudhri.	Lal Singh, Sardar.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik Sir.	Manohar Lal, The Hon. Dr. Sir.
Amjad Ali Shah, Sayed.	Mohar Singh, Rao.
Anant Ram, Rai Sahib Chaudhri.	Muhammad Azam Khan, Sardar.
Asghar Ali, Khan Sahib Chaudhri.	Muhammad Hussain Khan, Gurchani, Khan Bahadur Sardar.
Ashiq Hussain, The Honourable Nawab Major.	Muhammad Jamal Khan Leghari, The Honourable Khan Bahadur Nawab Sir
Badr Mohy-ud-Din Qadri, Khan Sahib Sayed.	Muhammad Nawaz Khan, Lieutenant Colonel Sardar Sir.
Baldev Singh, The Honourable Sardar.	Muhammad Sarf az Khan Raja.
Balwant Singh, Sardar.	Muhammad Shafi Ali Khan, Khan Bahadur Chaudhri
Bhagwant Singh, Rai.	Muhammad Yasin Khan, Khan Sahib Chaudhri.
B.ijraj Saran, Kanwar.	Mula Singh, Sardar.
Faiz Muhammad, Khan Bahadur Sheikh.	Muzaffar Ali Khan Qizilbash, Nawab Sardar.
Faqir Chand, Chaudhri.	Muzaffar Khan, Khan Bahadur Captain Malik.
Faqir Hussain Khan, Khan Bahadur Chaudhri.	Naunihal Singh Mann, Captain Sardar.
Farman Ali Khan, Subedar Major Raja.	Nur Ahmad Khan, Khan Bahadur Mian.
Fa eh Khan, Khan Sahib Raja.	Pir Muhammad, Khan Sahib Chaudhri.
Fa eh Muhammad, Captain Mian.	Prem Singh, Chaudhri.
Fateh Sher Khan, Malik.	Prem Singh, Mahan .
Fazal Din, Khan Sahib Chaudhuri.	Pritam Singh Siddhu, Sardar.
Fazal Karim Bakhsh, Khan Sahib Mian.	Rallia Ram, Mr. K. L.
Few, Mr. E.	Ram Sarup, Chaudhri.
Ghulam Qadir Khan, Khan Bahadur.	Ripudaman Singh, Rai Bahadur Thakur.
Gopal Singh (American), Sardar.	Roberts, Sir William.
Guest, Mr. P. H.	Sardar Kh n Noon, Major Malik.
Gubachan Singh, Sardar Bahadur Sardar .	Sher Singh, Sardar.
Habib Ullah Khan, Khan Bahadur Malik.	Sumer Singh, Rao Sahib Chaudhri.
Haibat Khan Daba, Khan Bahadur Khan.	Suraj Mal, Rao Bahadur Chaudhri.
Hari Chand, Rai Bahadur Rai.	Tara Singh, Sardar Sahib Sardar.
Hanum Singh, Captain Sodhi.	Tikka Ram, Chaudhri.
He Ram, Rai Bahadur Chaudhri.	Wali Muhammad Sayyal Hiraj, Khan Bahadur Sardar.
Indar Singh, Sardar Bahadur Sardar.	

Mr. Speaker : The question is—

That the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill be referred to a select committee.

The Assembly divided : Ayes 89, Noes 68.

AYES 89

Abdul Aziz, Mian.	Bhagat Ram Choda, Lala.
Abdul Hamid Khan, Sufi.	Bhagat Ram Sharma, Pandit.
Akbar Ali, Pir.	Duni Chand, Mrs.
Allah Yar Khan Daultana, Khan Bahadur Mian.	Ghazanfar Ali Khan, Raja.
Amir-ud-Din, Khan Bahadur Mian.	Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.

Ghulam Samad, Khan Sahib Khawaja.	Mumtaz Muhammad Khan Daultana, Mian.
Girdhari Das, Mahant.	Nasrullah Khan, Rana.
Gopal Das, Rai Bahadur Lala.	Nawazish Ali Shah, Sayed.
Iftikhar Hussain Khan, Nawab.	Raghbir Kaur, Shrimati.
Kapoor Singh, Sardar.	Roshan Din, Khan Bahadur Chaudhri.
Karamat Ali, Khan Bahadur Shaikh.	Sadiq Hasan, Shaikh.
Kartar Singh, Sardar.	Sahib Dad Khan, Khan Sahib Chaudhri.
Maqbool Mahmood, Mir.	Sahib Ram, Chaudhri.
Mazhar Ali Azhar, Maulvi.	Santokh Singh, Sardar.
Muhammad Hasan, Chaudhri.	Shahadat Khan, Khan Sahib Rai.
Muhammad Hussain, Sardar.	Shaukat Hyat-Khan, Sardar.
Muhammad Nurullah, Mian.	Sita Ram, Lala.
Mubammad Raza Shah Jeelani, Makh-dumzada Haji Sayed.	Sohan Singh Josh, Sardar.
Muhammad Willayat Hussain Jeelani, Makhdumzada Haji Sayed.	Teja Singh, Sardar.
	Uttam Singh Dugal, Sardar.

NOES 68

Abdul Haye, The Honourable Mian.	Haibat Khan Daba, Khan Bahadur Khan.
Abdul Rab, Mian.	Hari Chand, Rai Bahadur Rai.
Abdul Rahim, Chaudhri (Gurgaon).	Harnam Das, Lala.
Ahmad Yar Khan, Khan Sahib Chaudhri.	Harnam Singh, Captain Sodhi.
Ajit Singh, Sardar.	Het Ram, Rai Bahadur Chaudhri.
Ali Akbar, Chaudhri.	Indar Singh, Sardar Bahadur Sardar.
Allah Baksh Khan, Khan Bahadur Nawab Malik Sir.	Jafar Ali, Khan, Chaudhri.
Amjad Ali Shah, Sayed.	Joginder Singh Man, Sardar.
Anant Ram, Rai Sahib Chaudhri.	Jugal Kishore, Chaudhri.
Asghar Ali, Khan Sahib Chaudhri.	Khizar Hayat, The Honourable Malik.
Ashiq Hussain, The Honourable Nawab Major.	Lal Singh, Sardar.
Badr Mohy-ud-Din Qadri, Khan Sahib Sayed.	Manohar Lal, The Honourable Dr. Sir.
Baldev Singh, The Honourable Sardar.	Mohar Singh, Rao.
Balwant Singh, Sardar.	Muhammad Azam Khan, Sardar.
Bhagwant Singh, Rai.	Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
Brijraj Saran, Kanwar.	Muhammad Jamal Khan Leghari, The Honourable Khan Bahadur Nawab Sir.
Faiz Muhammad, Khan Bahadur Shaikh.	Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir.
Faqir Chand, Chaudhri.	Muhammad Sarfraz Khan, Raja.
Faqir Hussain, Khan Bahadur Chaudhri.	Muhammad Shafi Ali Khan, Khan Bahadur Chaudhri.
Farman Ali Khan, Subedar-Major Raja.	Muhammad Yasin Khan, Khan Sahib Chaudhri.
Fateh Khan, Khan Sahib Raja.	Muzaffar Ali Khan Qizilbash Nawab Sardar.
Fateh Muhammad, Captain Mian.	Muzaffar Khan, Khan Bahadur Captain Malik.
Fateh Sher Khan Malik.	Naunihal Singh Mann, Captain Sardar.
Fazal Din, Khan Sahib Chaudhri.	Nur Ahmad Khan, Khan Bahadur Mian.
Few, Mr. E.	Pir Muhammad, Khan Sahib Chaudhri.
Ghulam Qadir Khan, Khan Bahadur.	
Gopal Singh (American), Sardar.	
Gurbachan Singh, Sardar Bahadur Sardar	
Habib Ullah Khan, Khan Bahadur Malik.	

Prem Singh, Chaudhri.	Sher Singh, Sardar.
Prem Singh, Mahant.	Sumer Singh, Rao Sahib Chaudhri.
Pritam Singh Siddhu, Sardar.	Suraj Mal, Rao Bahadur Chaudhri.
Rallia Ram, Mr. K. L.	Tara Singh, Sardar Sahib Sardar.
Ram Sarup, Chaudhri.	Tikka Ram, Chaudhri.
Ripudaman Singh, Rai Bahadur Thakur.	Wali Muhammad Sayyal Hiraaj, Khan Bahadur Sardar.
Roberts, Sir William.	
Sardar Khan Noor, Major Malik.	

Mr. Speaker : The question is

That the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill be taken into consideration at once.

The motion was carried.

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

CLAUSE 2

Sardar Kapoor Singh (Ludhiana, East, Sikh, Rural) : Sir, I beg to move—

That in line 1, between the words "all" and "orders", the words *bona fide* be inserted.

Sir, according to this Bill all the orders made, proceedings and acts done are being made valid by the Government when it suits them. This Act applies to certain tribes in the Frontier and certain districts in the Punjab. According to this Act certain offences are triable by the Jirga, which consists of persons belonging to that locality, not only persons of that locality but also persons who have no knowledge of the Act itself. Most of them are illiterate. For that reason there is always a possibility of the Jirga not knowing the law at all and at the same time being influenced by the local officials and of persons being tried *mala fide* and at the same time maliciously too. In such cases it is extremely necessary that only those acts or proceedings or orders should be made valid which are *bona fide*, but those acts or orders which are *mala fide* or malicious, should not be made valid and the person concerned must have the right to bring a suit or legal proceeding against those persons, or the Jirga or Government officials, who have acted maliciously or *mala fide*. For that reason it is one of the most important amendments and I hope it will be accepted by the Honourable Finance Minister.

Mr. Speaker : The amendment moved is—

That between the words 'all' and 'order' the words 'bona fide' be inserted.

The Assembly divided : Ayes 81, Noes 69.

AYES 81

Abdul Aziz, Mian.	Kapoor Singh, Sardar.
Abdul Hamid Khan, Sufi.	Karamat Ali, Khan Bahadur Shaikh.
Akbar Ali, Pir.	Kartar Singh, Sardar.
Allah Yar Khan Daultana, Khan Bahadur Mian.	Maqbool Mahmood, Mir.
Bhagat Ram Sharma, Pandit.	Mazhar Ali Azhar, Maulvi.
Duni Chand, Mrs.	Muhammad Hasan, Chaudhri.
Ghazanfar Ali Khan, Raja.	Muhammad Hussain, Sardar.
Ghulam Samad, Khan Sahib Khawaja.	Muhammad Nurullah, Mian.
Ittikhar Hussain Khan, Nawab.	Muhammad Raza Shah Jeelani, Makh-dumzada Haji Sayed.

Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.	Sadiq Hassan, Sheikh.
Mumtaz Muhammad Khan Daultana, Mian.	Sahib Dad Khan, Khan Sahib Chau- dhri.
Nasrullah Khan, Rana.	Sahib Ram, Chaudhri.
Nawazish Ali Shah, Sayed.	Shahadat Khan, Khan Sahib Rai.
Raghibir Kaur, Shrimati.	Shaikat Hyat Khan, Sirdar.
Roshan Din, Khan Bahadur Chaudhri.	Sohan Singh Josh, Sardar.
	Teja Singh, Sardar.

NOES 69

Abdul Haye, The Honourable Mian.	Jugal Kishore, Chaudhri.
Abdul Rahim, Chaudhri (Gurgaon).	Khizar Hayat, The Honourable Malik
Ahmad Yar Khan, Khan Sahib Chaudhri.	Lal Singh, Sardar.
Ali Akbar, Chaudhri.	Manohar Lal, The Honourable Dr. Sir.
Allah Bakhsh Khan, Khan Bahadur	Mohar Singh, Rao.
Nawab Malik Sir.	Muhammad Ashraf, Chaudhri.
Amjad Ali Shah, Sayed.	Muhammad Azam Khan, Sardar.
Anant Ram, Rai Sahib Chaudhri.	Muhammad Hassan Khan Gurohani.
Anant Ram, Khan Sahib Chaudhri.	Khan Bahadur Sardar.
Ashiq Hussain, The Honourable Nawab	Muhammad Jamal Khan Leghari, The
Major.	Honourable Khan Bahadur Nawab Sir,
Badr. Mohy-ud-Din Qadri, Khan Sahib	Muhammad Nawaz Khan, Lieutenant-
Sayed.	Colonel Sardar Sir.
Baldev Singh, The Honourable Sardar.	Muhammad Sarfraz Khan, Raja.
Balwant Singh, Sardar.	Muhammad Shaif Ati Khan, Khan
Bhagwant Singh, Rai.	Bahadur Chaudhri.
Brijraj Saran, Kanwar.	Muhammad Yasin Khan, Khan Sahib
Faiz Muhammad, Khan Bahadur Shaikh.	Chaudhri.
Faqir Chand, Chaudhri.	Mula Singh, Sardar.
Faqir Hussain, Khan, Khan Bahadur	Muzaffar Ali Khan Qizilbash, Nawab
Chaudhri.	Sardar.
Ferman Ali Khan, Subedar-Major Raja	Muzaffar Khan, Khan Bahadur Captain
Fateh Khan, Khan Sahib Raja.	Malik.
Fateh Muhammad, Captain Mian.	Naunihal Singh Mann, Captain Sardar.
Fateh Sher Khan, Malik.	Nur Ahmad Khan, Khan Bahadur Mian.
Fazal Din, Khan Sahib Chaudhri.	Pir Muhammad, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Khan Sahib Mian.	Prem Singh, Chaudhri.
Few, Mr. E.	Prem Singh, Mahant.
Ghulam Qadir Khan, Khan Bahadur.	Pritam Singh Siddhu, Sardar.
Gopal Singh (American), Sardar.	Rallia Ram, Mr. K. L.
Gurbachan Singh, Sardar Bahadur Sardar	Ram Sarup, Chaudhri.
Habib Ullah Khan, Khan Bahadur Malik	Ranpat Singh, Chaudhri.
Haibat Khan Daha, Khan Bahadur	Rashide Latif Baji, Begum.
Khan.	Ripudaman Singh, Rai Bahadur Thakur.
Hari Chand, Rai Bahadur Rai.	Sardar Khan Noon, Major Malik.
Harnam Das, Lala.	Sher Singh, Sardar.
Harnam Singh, Captain Sodhi.	Sumer Singh, Rao Sahib Chaudhri.
Het Ram, Rai Bahadur Chaudhri.	Suraj Mal, Rao Bahadur Chaudhri.
Indar Singh, Sardar Bahadur Sardar.	Tara Singh, Sardar Sahib Sardar.
Jafar Ali Khan, Chaudhri.	Tikka Ram, Chaudhri.
Joginder Singh Man, Sardar.	

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

ADJOURNMENT MOTION

Mr. Speaker : Order, order. It is now time for the adjournment of the House. Have the honourable members come to a settlement when the motion for the adjournment of business should be taken up for discussion?

Sardar Sohan Singh Josh : With reference to the adjournment motion tabled by me, an unfortunate situation has arisen. We asked for accommodation in order that the Muslim members of the Assembly should be enabled to say their Juma prayers. We pressed the Premier to accept our suggestion that the motion be taken up at 4-30 p.m. after the Juma prayers are over. The Premier, by his refusal to accept this suggestion, has shown that he is not willing to accommodate the House.

Mr. Speaker : Is the honourable member going to move his adjournment motion now?

Sardar Sohan Singh Josh : No, sir, I want to give reasons why I do not propose to move it.

Mr. Speaker : The honourable member need not give reasons.

The Assembly then adjourned till 12 noon on Monday, 11th December 1944.

PUNJAB LEGISLATIVE ASSEMBLY

TWELFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY

Monday, 11th December 1944.

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

STARRED QUESTIONS AND ANSWERS

CIVIL DISOBEDIENCE DETENUS AND PRISONERS FROM DELHI

*9350. **Sardar Kapoor Singh** : Will the Honourable Premier be pleased to state—

(a) the number of civil disobedience detenues and prisoners from the Province of Delhi who have been detained in the Punjab Jails ;

(b) whether there has been any correspondence between the Punjab Government and the Chief Commissioner of Delhi recently regarding their transfer to Delhi ;

(c) the number from amongst the above detenues detained in the camp jail at Ferozepore ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : These prisoners are detained under the orders of the Central Government. Questions about them cannot be asked on the floor of this House, and should be addressed to the Government of India.

Sardar Kapoor Singh : May I know whether these prisoners are treated by the Punjab Government under the Punjab Jail Rules ?

Parliamentary Secretary : They are treated by us under the instructions of the Government of India.

Sardar Sohan Singh Josh : May I know who is responsible for the health of these prisoners ?

Parliamentary Secretary : God Almighty.

Sardar Kapoor Singh : May I know whether the Punjab Government inform the Central Government if at any time any of these prisoners fall ill ?

Parliamentary Secretary : Naturally.

Sardar Kapoor Singh : May I know whether the Punjab Government informed the Central Government that Lala Deshbandhu Gupta was ill ?

Parliamentary Secretary : That matter concerns the Central Government and questions relating to them should be put to them.

Sardar Kapoor Singh : The Parliamentary Secretary has just said that the Punjab Government informs the Central Government about the illness of these prisoners. I want to know if information to that effect was given in the case of Lala Deshbandhu Gupta.

Parliamentary Secretary : I have nothing to add to the answer already given.

Sardar Sohan Singh Josh : May I know if any of these prisoners breaks the Jail Rules, whether the punishment is determined by the Punjab Government or the Central Government ?

Mr. Speaker : That is a hypothetical question. Disallowed.

CRIMINAL PROCEEDINGS AGAINST MR. JAI PARKASH NARAIN

*9362. **Sardar Kapoor Singh** : Will the Honourable Premier be pleased to state—

(a) whether any investigation by the Police is being made against Mr. Jai Parkash Narain for a criminal offence ;

(b) if so, whether this investigation is being conducted by the Punjab Police or by some other body of police ;

(c) whether the Punjab Government intend to proceed against him in a court of law after the completion of investigation ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a to c) Mr. Jai Parkash Narain is detained under the orders of the Government of India. Questions regarding him cannot be answered on the floor of this House and should be addressed to the Government of India.

Sardar Kapoor Singh : I only want to know whether the investigations are being conducted by the Punjab Government or by the Central Government. If they are being conducted by the Punjab Government, the Central Government will say that it is not a Central subject.

Parliamentary Secretary : I have nothing to add to the answer already given.

Sardar Kapoor Singh : May I know whether the Punjab Government has ever written to the Central Government that Mr. Jai Parkash Narain should be transferred from this province because the tax payer of the Punjab may not be burdened with the cost of the investigation ?

Mr. Speaker : The next question.

M. L. A's. DETAINED IN JAILS

*9369. **Sardar Sohan Singh Josh** : Will the Honourable Premier be pleased to state :—

(a) the names of the M. L. A's. detained in the various jails in the Punjab, up to date ;

(b) the period of detention undergone by each one of them up to date ;

(c) the names of the M. L. A's. who applied for parole and the action taken on their application in each case ;

(d) the names of the M. L. A's. who applied for family allowances to the Government and the action taken on their applications in each case ;

(e) whether the Government has considered the question of the release of these M. L. A's. if so, how many times so far, and with what result ; and if not, the reasons therefor ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) :—

(a) and (b).	Sardar Rur Singh	..	4 years and 5 months.
	Sardar Harjab Singh	..	4 years and 5 months.
	Sardar Kabul Singh	..	2 years and 11 months.
	Chaudhri Kartar Singh	..	2 years and 8 months.
	Mr. Dev Raj Sethi	..	2 years and 8 months.
	Pandit Shri Ram Sharma	..	2 years and 8 months.
	Sardar Partap Singh	..	2 years and 8 months.
	Mian Iftikhar-ud-Din	..	2 years and 1 month.
	Lala Desh Bandhu Gupta	..	2 years and 8 months. (He is detained under the orders of the Chief Commissioner, Delhi).

(c) Sardar Rur Singh, Sardar Harjab Singh, Chaudhri Kartar Singh, Sardar Kabul Singh and Mian Iftikhar-ud-Din applied for parole. Sardar Kabul Singh and Mian Iftikhar-ud-Din were released on parole; the applications of others were rejected.

(d) Sardar Rur Singh, Sardar Kabul Singh, Sardar Harjab Singh and Chaudhri Kartar Singh. Three of them were granted maintenance allowance while the application of Sardar Rur Singh was rejected.

(e) The cases of detenus are reviewed every six months. Their continued detention has been considered necessary.

Sardar Sohan Singh Josh : May I know why the application for parole made by Sardar Rur Singh was rejected?

Parliamentary Secretary : On merits.

Sardar Sohan Singh Josh : Will the Parliamentary Secretary please define the word 'merits'?

Parliamentary Secretary : No, Sir.

Sardar Sohan Singh Josh : May I know why no family allowance was given to Sardar Rur Singh?

Parliamentary Secretary : Because he did not deserve any.

Chaudhri Muhammad Hasan : Was any enquiry made by the Government about the financial position of the family of Sardar Rur Singh?

Parliamentary Secretary : Yes.

Chaudhri Muhammad Hasan : By whom was the enquiry made?

Parliamentary Secretary : I cannot give the name of the officer.

Chaudhri Muhammad Hasan : I want his designation.

Parliamentary Secretary : District authorities.

Chaudhri Muhammad Hasan : Was it the District Magistrate or the Superintendent of Police?

Parliamentary Secretary : Both.

Sardar Sohan Singh Josh : Is any allowance being given to Pandit Shri Ram Sharma?

Parliamentary Secretary : He has been detained under the orders of the Chief Commissioner of Delhi.

Sardar Sohan Singh Josh : I am not talking about Deshbandhu Gupta. I want to know whether any allowance is being given to Pandit Shri Ram Sharma?

Parliamentary Secretary : I have no answer to give.

Sardar Sohan Singh Josh : May I know the allowance that is given to Chaudhri Kartar Singh?

Parliamentary Secretary : I would like to have notice of that question.

Sardar Sohan Singh Josh : The notice is already there with the Parliamentary Secretary. Please look at part (d) of the question.

Parliamentary Secretary : The allowance is given in deserving cases and not in other cases. There is no reference to the amount of allowance in the question.

Sardar Sohan Singh Josh : Has Sardar Partap Singh made any application for an allowance or for parole?

Parliamentary Secretary : I want notice of that question.

Mian Muhammad Nurullah : What is the criteria of deserving cases?

Parliamentary Secretary : We have to rely on the report of the district authorities. If a person has means of livelihood, no allowance is sanctioned.

Sardar Sohan Singh Josh : Did Mr. Dev Raj Sethi ever apply for parole ?

Parliamentary Secretary : I cannot say offhand.

Mian Muhammad Nurullah : Have there been any cases in which the Government have differed from the report of the district authorities in regard to deserving cases ?

Parliamentary Secretary : In many cases they have.

Mr. Speaker : The next question

RESTRICTION IMPOSED ON THE MOVEMENTS OF CERTAIN PERSONS

*9370. **Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state :—

(a) the number of persons in the Punjab whose movements have been restricted in some way or other since the last session of the Punjab Assembly ;

(b) the number of persons who, after their release, have been restricted in their movements ;

(c) the number of persons out of those whose movements have been restricted who have been ordered to go to the police stations to report every Sunday ;

(d) whether the question of the withdrawal of the restrictions mentioned above was ever considered by the Government, if so, when and with what result ;

(e) whether the Government has ever contemplated the withdrawal of the restrictions imposed on the persons mentioned in (a) re going to the police stations to report ; if so, with what result ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) 168 since the 1st of April 1944.

(b) 129 since the 1st of April 1944.

(c) 182 since the 1st of April 1944.

(d) Their cases are reviewed periodically. Restrictions of 188 persons have been removed since the 1st of April 1944.

(e) Yes. The condition requiring restrictees to report at Police Stations has been waived in the case of 84 restrictees.

Sardar Sohan Singh Josh : May I know the reasons why so many persons have been restricted ?

Parliamentary Secretary : In the public interest.

RESTRICTIONS IMPOSED ON CERTAIN M. L. AS.

*9371. **Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state :—

(a) the names up to date of the M. L. A's. who have been restricted within the confines of the Punjab ; the period for which they have been so restricted together with the names of the places and areas to which their movements are restricted ;

(b) whether any of the M. L. A's. whose movements have been so restricted applied for a maintenance allowance or removal of restrictions imposed on their movements ; if so, their names and the result of their applications ;

(c) whether the question of lifting the restrictions from the M. L. A's. named above was ever considered by the Government ; if so, when and with what result ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) A statement is laid on the table.

(b) No application was received from any of the restricted M.L.A.'s. for the grant of maintenance allowance. Applications for the withdrawal of restrictions were received from Lala Duni Chand of Ambala. His restrictions were not removed, but he was given reasonable facilities.

(c) All cases of restrictees are reviewed at regular intervals and each is decided on its merits

Statement

No.	Name of M. L. A.	Period of restriction	Area of present restriction
1	Lala Duni Chand of Lahore ..	2 years and 3 months ..	Lahore Corporation.
2	Lala Duni Chand of Ambala ..	2 years and 2 months ..	Municipal limits of Ambala City.
3	Pandit Muni Lal Kalia ..	2 years ..	Municipal limits of Ludhiana.
4	Chaudhri Krishan Gopal Dutt..	1 year and 10 months ..	Limits of Police Stations City, Cantonment and Sadr Sialkot
5	Dewan Chaman Lal ..	One year ..	Lahore Corporation.
6	Shrimati Shanno Devi ..	10 months ..	Ditto.
7	Munshi Hari Lal ..	10 months ..	Municipal limits of Multan City.
8	Mr. Bhim Sen Sachar ..	10 months ..	Lahore Corporation.
9	Sardar Channan Singh of Orara	8 months ..	Lahore district.
10	Seth Sudarshan ..	5 months ..	Lahore Corporation.
11	Dr. Sant Ram Seth ..	2 months ..	Municipal limits of Amritsar City.

Sardar Sohan Singh Josh : May I know the reasons why the Leader of the Opposition has been restricted ?

Parliamentary Secretary : It is not possible for me to disclose reasons.

Sardar Sohan Singh Josh : May I know why Seth Sudarshan has been restricted ?

Parliamentary Secretary : I cannot disclose the reason.

Sardar Sohan Singh Josh : May I know why Dewan Chaman Lall has not been allowed to come here and attend the Assembly ?

Sardar Sohan Singh Josh : May I know the reasons which stand in the way of allowing Shrimati Shanno Devi to attend the Assembly ?

Parliamentary Secretary : I cannot go on repeating the same answer.

Sardar Sohan Singh Josh : May I know whether it is because their attendance will swell the numbers of the Opposition and thus put the Ministry out of office ?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is it a fact that Dewan Chaman Lall is allowed to practise in the High Court ?

Parliamentary Secretary : I do not know.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is Government aware of the movements of Dewan Chaman Lall ?

Mr. Speaker : The next question.

SECURITY PRISONERS AND DETENUS IN THE PUNJAB

*9374. **Sardar Teja Singh Swatantar**: Will the Honourable Premier be pleased to state:—

(a) the names of the security prisoners and detenues in the Punjab who applied for family allowance since the last session of the Punjab Legislative Assembly;

(b) the names of the persons whose applications were rejected and the reasons for rejecting them;

(c) the procedure followed by the Government in deciding such questions?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad): (a) and (b) Nine security prisoners; It is not in the public interest to give their names; enquiries indicated that such allowances were not necessary in eight cases. The other applicant got an allowance.

Under the rules governing the detention of civil disobedience prisoners they are not ordinarily granted family allowances. The time and labour involved in ascertaining how many of them applied for such allowances will be incommensurate with the benefits to be obtained.

(c) Family allowances are granted in deserving cases to dependents of security prisoners who have insufficient means of livelihood. Each case as it arises is referred to the officers of the district for enquiry.

Sardar Sohan Singh Josh: May I know as to how many were actually allowed any allowance out of these nine persons?

Parliamentary Secretary: Only one.

Sardar Sohan Singh Josh: May I know his name?

Parliamentary Secretary: I have already stated that it is not in public interest to give names.

Sardar Sohan Singh Josh: May I know the reasons for the rejection of other applications?

Parliamentary Secretary: Each case has been considered on merits and decided.

Sardar Sohan Singh Josh: What are the factors considered in deciding on merits?

Parliamentary Secretary: All relevant factors are taken into consideration.

PRESENTATION OF ADDRESSES BY MUSLIM LEAGUE TO THE HONOURABLE
PREMIER

*9392. **Raja Ghazanfar Ali Khan**: Will the Honourable Premier be pleased to state whether he received any address on behalf of the Muslim League during the period beginning from the 1st of January 1939, to the end of October 1944; if so, how many addresses were presented to him, the places at which they were presented to him and whether such meetings were arranged through and attended by the officials of the districts in question?

Premier: I am not prepared to state on the floor of the House how many addresses were presented to me, nor where they were presented, as this has nothing to do with my official functions; nor can I from memory give information about meetings held over a period of six years.

Raja Ghazanfar Ali Khan: A part of the question relates to the officials. Will the Honourable Premier say at how many of these meetings officials were present?

Premier: How can I say how many of these meetings I attended?

Raja Ghazanfar Ali Khan : Will the Honourable Premier please state whether there was a single meeting during those years which was attended by him ?

Parliamentary Secretary Khan Bahadur Shaikh Faiz Muhammad : I think if the Honourable member goes through the records of the Muslim League, he will get the information.

Raja Ghazanfar Ali Khan : I think that not a single meeting was ever attended by him.

Parliamentary Secretary : It is open to the honourable member to think whatever he likes.

Raja Ghazanfar Ali Khan : Does the Parliamentary Secretary remember how many Zamindara League meetings were attended by the Premier ?

Parliamentary Secretary : That has nothing to do with the question. It does not arise out of the answer given.

Raja Ghazanfar Ali Khan : Will the Parliamentary Secretary be pleased to state whether it is a fact that Government officials are allowed to attend the Zamindara League meetings, but they are not allowed to attend the Muslim League meetings?

Parliamentary Secretary : It does not arise out of the answer.

Raja Ghazanfar Ali Khan : It does arise. The question asks about Premier's presiding over the Zamindara League meetings and attending the Muslim League meetings.

Parliamentary Secretary : There is no mention of the Zamindara League in the question.

Raja Ghazanfar Ali Khan : Do I understand that the Premier is deliberately avoiding answering any of the questions ?

Premier : I do not know whether my memory will help me, but this question does not arise out of the answer. If the matter is put in another form, I will scratch my head and see if I can remember anything.

Mr. Speaker : The next question.

COLLECTION OF SUBSCRIPTIONS FOR ZAMINDARA LEAGUE THROUGH OFFICIAL AGENCY

*9393. **Raja Ghazanfar Ali Khan :** Will the Honourable Premier be pleased to state :—

(a) whether it has been brought to his notice that subscriptions for the Zamindara League have been and are being collected through official agency in the districts of Montgomery, Lyallpur, Gujrat, Sialkot, Jhang, Multan, Ludhiana, Gujranwala and Jullundur, if so, what steps he has taken to prevent the officials from indulging in this practice ;

(b) whether any instructions have been issued in this connection, if so, whether he would be pleased to lay on the table of the House a copy of those instructions ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) The attention of the honourable member is invited to part (a) of the answer given to Assembly question 9387¹

(b) No.

Raja Ghazanfar Ali Khan : May I remind you that you very kindly promised that in future whenever Government gives a reference to an answer given to a previous question, a copy of that answer will be supplied to us ? In this case I have not been supplied with the answer.

Parliamentary Secretary : This answer was given only three days back.

Raja Ghazanfar Ali Khan : Apart from that, may I draw your attention to the fact that that question never referred to the districts of Montgomery, Lyallpur, Gujrat, Sialkot, Jhang, Multan, Ludhiana, Gujranwala and Jullundur ?

Parliamentary Secretary : The answer is the same. A clear and definite answer was given and it was followed by a large number of supplementaries. I am afraid I cannot repeat the answer.

Raja Ghazanfar Ali Khan : Will you decide whether Government are entitled to give reference to an answer given to one of the numerous supplementary questions while answering a certain question.

Premier : I do not think I have any powers to interfere on this point. Speaking generally, of course, information has to be sometimes collected and sometimes reference has to be made to previous records. Both things are done everywhere. Sometimes facts are stated, sometimes reference is made to an answer.

Raja Ghazanfar Ali Khan : My point is this. The Government are of course entitled to make a reference to an answer which they have given at one of the previous meetings. But are they entitled to refer to an answer given to one of the supplementary questions ? This is an absolutely unheard of thing. It will help the House very much if you give a definite ruling on the subject.

Mr. Speaker : If information on any point is given why should it be repeated ?

Raja Ghazanfar Ali Khan : You were pleased to state that in future whenever Government gives reference to an answer, a copy of that answer should be supplied to the questioner concerned. Will you direct your office to supply us with a copy of the answer to the supplementary question in case that is referred to in the Government's reply ? Again, may I submit that in this case the question and answer to which the Government has referred have nothing to do with the present question. No district was mentioned in that question and none of these things mentioned in this question were referred to there.

Mir Maqbool Mahmood : Unless I have misunderstood the Parliamentary Secretary, I understood him to give answer only to part (a) of the question. Will he kindly state whether any reply is given to part (b) of the question ?

Parliamentary Secretary : The answer to part (b) is in the negative.

Mir Maqbool Mahmood : That is, no instructions have been issued. May we take it that no complaints have reached the Government that officials have been collecting funds for the Zamindara League ?

Premier : My honourable friend is assuming that complaints have reached Government. No complaints have reached the Government. Certain very vague allegations have been made by my friends. If my friends have something very definite up their sleeves, they can tell us and Government will be glad to enquire.

Sardar Sohan Singh Josh : May I know whether any protest has been received from Amir Padshah, Chak No. 56, 10-R, Tahsil Khanewal, District Multan, in this connection ?

Premier : No such protest has been received by the Government.

Sardar Sohan Singh Josh : May I know whether Chaudhri Jamal-ud-Din, Chak No. 102-10-R, has protested against the forcible collection of money for the Zamindara League ?

Premier : No protest has been received by the Government.

Sardar Sohan Singh Josh : May I know whether Chaudhri Abdullah Khan, Chak No. 107, 10-R, has made a protest against the forcible collection of funds for the Zamindara League ?

Premier : I do not know what the honourable member means. I have stated that no protests of any kind have so far been received by the Government.

Sardar Sohan Singh Josh : The Honourable Premier said that he wanted specific cases and I am bringing these specific cases to his notice. May I also know whether Chaudhri Allah Ditta, Chak No. 107, 10-B, and Khushi Muhammad, Chak No 102—10-B, have made any protests in this connection?

Premier : I have received no such protests from any quarter.

Mir Maqbool Mahmood : May I enquire whether Government officials are not free to assist in the collection of funds for the Zamindara League?

Parliamentary Secretary : I would like the honourable member to refer to the Government Servants Conduct Rules.

Mir Maqbool Mahmood : Will the Government take action against any official who is proved to be taking part in the collection of funds for the Zamindara League?

Premier : That is a hypothetical question. The honourable member was not here when I stated that if any instances are brought to my notice I would enquire. I do not know what sort of names they have got and for what they have protested.

Mir Maqbool Mahmood : May we take it that under the Government Servants Conduct Rules if any official assists in the collection of funds for a political party, the Honourable Premier is prepared to take action against him?

Premier : If any specific instance is brought to my notice I shall enquire and take action if necessary.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is the Honourable Premier aware that complaints are being made in press and on platform that officials are helping in the collection of zamindara funds?

Premier : Certain political parties have alleged that. But if any genuine case is brought to my notice I shall look into it.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : If certain political parties have made complaints, has the honourable Premier made efforts to know whether the complaints were correct or not?

Mian Muhammad Nurullah : May I enquire whether it is the usual practice of the official to issue *talbana*? I have got one in my hands which is issued to the whole village.

Premier : Unless it is enquired into how can we say anything? The honourable member does not say for which League it is. There are many leagues. There is the Muslim League, there is the Khalsa League and so on. If it is brought to my notice I shall certainly look into it and see to what it refers and whether it is a genuine one or whether it is a made-up thing.

(At this stage Mian Muhammad Nurullah signed the copy of the *talbana** and laid it on the table).

Sardar Kapoor Singh : May I know whether the Punjab Government received a complaint from the depot-holders of Shahabad, district Karnal, that they were compelled to pay for the Zamindara League funds?

Parliamentary Secretary : I require notice.

Premier : Are these supplementaries admissible? I have given a general reply that if there is any complaint it should be referred to Government, and the Government will look into that. How can I say offhand whether anybody protested?

Sardar Sohan Singh Josh : They are confusing the Zamindara League with the Muslim League and making collections from the people. (Laughter).

Premier : This is a great improvement upon what was being said.

Raja Ghazanfar Ali Khan : Is the Honourable Premier aware of the fact that three or four days previous to his visit to Gujrat, the Deputy Commissioner, Gujrat, called a meeting of a few leading men and read out a list that he had already prepared and in which he had already marked out two thousand rupees in the name of one of our M. L. A's, two thousand in the name of another of our M. L. A's, and one thousand in the name of another M. L. A. ?

Premier : No, sir. I am not aware of it. Here are those M. L. A's, and you can ask them whether they have contributed. How can I coerce M. L. A's. ? I am dependant on their vote and not they upon mine.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Will the Honourable Premier be prepared to have an independent inquiry into this matter ?

Premier : That is a request for action.

Mr. Speaker : Order please. Supplementary questions are asked only to elucidate the answers given to the original questions.

KHAN BAHADUR CHAUDHRI NAZIR AHMAD

***9394. Raja Ghazanfar Ali Khan :** Will the Honourable Premier be pleased to state :—

(a) whether the Provincial Organizer, National War Front, receives regular reports from various districts of the Province about the activities of the District Leader of the National War Front ;

(b) the number of National War Front meetings addressed by Khan Bahadur Chaudhri Nazir Ahmad, ex-District Leader, National War Front, Montgomery, during 1943 and 1944 ;

(c) whether the removal of Khan Bahadur Chaudhri Nazir Ahmad from the District Leadership of the National War Front was proposed by the District Adviser, i.e., the Deputy Commissioner or the Provincial Organizer, National War Front, or was the initiative taken by the Provincial Leader himself ;

(d) whether it is a fact that Chaudhri Nazir Ahmad's work as a District Leader was commended by the Provincial Leader ;

(e) the causes of Khan Bahadur Chaudhri Nazir Ahmad's removal from his office ;

(f) whether his attention has been drawn to the statement published in some of the papers to the effect that his removal from the District Leadership was not on account of his apathy towards the National War Front but because he was not willing to co-operate in organizing the Zamindara League in the Montgomery District, if so, what action does he propose to take in the matter ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : The National War Front is a non-official organization. The Honourable the Premier is Provincial Leader in his personal and not in his official capacity. The organization is financed by the Government of India and not by the Provincial Government. In this connection I would refer the honourable member to the answers given to question No.* 8727¹ and supplementary questions.

Raja Ghazanfar Ali Khan : Will the Honourable Premier be pleased to state if it is a fact that all the Deputy Commissioners of the Province are District Advisers of the National War Front ?

Premier : It does not arise out of the answer given.

Raja Ghazanfar Ali Khan : May I ask the Honourable Premier to give direct reply to the simple question whether all the Deputy Commissioners of the Province are ex-officio District Advisors of the National War Front ?

Premier : I do not want to establish the rule of irrelevancy ("Oh!" from Opposition benches) and that is why I am not denying it.

Raja Ghazanfar Ali Khan : May I ask whether you are going to give powers of the Chair to the Honourable Premier ? It is only the Speaker who can give a ruling.

Premier : About the admissibility of the question I draw the attention of the Honourable Speaker to the fact whether it is admissible or otherwise. As to the question itself, it is my right to answer and say what I want to say.

Mr. Speaker : But has the Honourable Premier not said that it does not arise ?

Premier : It does not arise out of this question. This is not admissible.

Raja Ghazanfar Ali Khan : Is the Honourable Premier aware of the fact that the Deputy Commissioner of Montgomery is a District Advisor of the National War Front ?

Raja Ghazanfar Ali Khan : Will the Honourable Premier be pleased to state whether officials of the Punjab Government, whenever they attend meetings of the National War Front, get their travelling allowance from the funds of the Punjab Government ?

Premier : National War Front is not a matter about which questions can be asked here.

Raja Ghazanfar Ali Khan : Why not ?

Premier : Because I am not responsible to the honourable member for that. That is the simple reason. According to the mandate of this House, it is the official policy of our Government to give wholehearted support for every War effort. So far as the National War Front is concerned, I refuse to answer any question because this is not the concern of this House.

Raja Ghazanfar Ali Khan : It is very much the concern of this House. May I ask, Mr. Speaker, whether the House is not entitled to ask a question whether the Deputy Commissioners are or not ex-officio district advisors under the orders of the Punjab Government ?

Premier : It is the official policy of the Government to give wholehearted support.

Dr. Sir Gokul Chand Narang : Why don't you say "Yes" ?

Raja Ghazanfar Ali Khan : May I ask whether it is a fact that some deputy-commissioners are the district leaders of the National War Front ?

Premier : Again I refuse to answer this question and my reason is that my honourable friend is bringing in the National War front here. I would say that it is the bounden duty of every official of the Government to offer full support and to further the efforts in connection with the prosecution of war, whether in his advisory capacity or official capacity. These are the orders of the Punjab Government and this is the mandate of this House and by that I stand.

Raja Ghazanfar Ali Khan : On a point of order. I will request you to kindly let us know whether the Leader of the House is entitled to make a speech on the war efforts instead of answering a question. My question is whether it is a fact

[**Raja Ghazanfar Ali Khan**]

that deputy commissioners are or are not the leaders and ex-officio advisors and whether they are appointed by the Government of India or by the Punjab Government. If they are appointed by the Punjab Government, is it not the responsibility of the Punjab Government to answer all the questions in connection therewith?

Mir Maqbool Mahmood : On a point of order. I would like to have your ruling on this point that when the funds of the provincial exchequer are being used on those movements and those activities by way of contribution, travelling allowances etc., are we or are we not entitled to ask questions with regard to that matter? The Honourable Premier may say that he does not find it convenient or in public interest to answer such a question. But are we or are we not entitled to ask questions with regard to matters on which the funds of the province, directly or indirectly, have been spent? I would solicit your ruling.

Malik Barkat Ali : After you have admitted a question, is it open to the Honourable Premier to say that the question is irrelevant? You have been pleased to admit the question and the position taken up by the Premier is that all these questions are irrelevant and therefore he refuses to answer them.

Mr. Speaker : He does not object to it on the ground that it is not relevant. I think he is refusing to answer the question.

Malik Barkat Ali : He says that all these questions are irrelevant.

Mir Maqbool Mahmood : We solicit your ruling on the question whether we are entitled to ask questions with regard to a matter or a movement on which funds of this province are spent.

Premier : My honourable friend should know that there are no funds from the provincial exchequer that are being spent on this movement.

Mir Maqbool Mahmood : What about the travelling allowance that they are getting? Obviously the funds of the province are spent on that account. I am sure the Honourable Premier will not take an untenable position.

Premier : Furtherance of prosecution of war is their job and they are doing it. My honourable friends should not put National War Front label on these questions. I shall reply them if they are put in some other form.

Raja Ghazanfar Ali Khan : May I know whether the deputy commissioners are ex-officio district advisors or not?

Premier : Yes, they are to advise anybody who comes forward to give some help in the prosecution of the war.

Raja Ghazanfar Ali Khan : I am not objecting to it. I do not know why the Honourable Premier is getting excited over it. I put a very simple question. Do I understand that he admits that they are the ex-officio district advisors? Then my next supplementary question is whether at the time of the removal of Nazir Ahmad the Deputy Commissioner, Montgomery, made any recommendation to this effect?

Premier : That does not arise out of this question, nor is it customary to disclose the recommendation made to Government.

Raja Ghazanfar Ali Khan : When that recommendation by the Deputy Commissioner was made to the provincial leader, may I know whether he agreed with him in his non-official capacity? Is the Honourable Premier prepared to reveal it or not? Am I to understand that he assumes that after he is no longer the Premier, he will be the provincial leader of the National War Front?

Premier : That will be seen.

Mr. Speaker : The next question.

PUNITIVE POLICE POST

*9418. **Sardar Teja Singh Swatantar**: Will the Honourable Premier be pleased to state—

(a) whether he has recently received a representation signed by 815 inhabitants of villages Balaspore, Machhika and Himmatpura, Thana Nihal Singhwala, District Ferozepore, praying for the removal of the punitive police post stationed there, for the upkeep of which inhabitants have to pay a sum of Rs. 21,200 annually, because Arjan Singh, a notorious fugitive dacoit has been killed and there is no further danger to public peace and order of the localities mentioned above;

(b) if so, what steps the Government has taken so far or intends to take in the matter?

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

(b) Unfortunately there has been little improvement in the conduct of the inhabitants and Government therefore has regretfully decided that the post must continue.

MEETING OF ALL-INDIA MEO PANCHAYAT, NUH

*9422. **Malik Barkat Ali**: Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the District Magistrate, Gurgaon, banned the holding of the meetings of the All-India Meo Panchayat, Nuh, to be held at Firozpur-Jhirka, on 12th November 1944;

(b) the reasons for the above order and whether he would be pleased to place a copy of the said order of the District Magistrate, Gurgaon, on the table of the House?

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

(b) To prevent breach of peace arising out of meetings of rival groups of Meos. A copy of the said order is placed on the table.

Order

Whereas it has been made to appear to me that rival groups of Meos are proposing to hold meetings at Firozpur-Jhirka on 12th November 1944.

And whereas it has been further made to appear to me that there is likely to be a breach of peace in case such meeting or meetings are permitted to be held,

I, Kapur Singh, I.C.S., District Magistrate, Gurgaon, therefore, in virtue of the powers vested in me under Section 144, Cr. P. C., order that from 12th November till 30th November 1944, no meetings consisting of more than five persons shall be held in the tahsils of Nuh and Firozpur-Jhirka.

Provided that any gatherings held within the precincts of mosques or other places of worship for purely religious purposes, and other meetings of a customary nature such as those held on occasions of marriages and deaths, etc., shall be exempt from this order.

Given this day, the 9th of November 1944, under my seal and signature.

KAPUR SINGH

District Magistrate, Gurgaon

HUNGER-STRIKE BY SECURITY PRISONERS IN MULTAN JAIL

*9425. **Sardar Teja Singh Swatantar**: Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Sardars Jagjit Singh, Rattan Singh, Bhagat Singh and a few other security prisoners went on hunger-strike in the District Jail, Multan, during this year; if so, why;

[S. Teja Singh Swatantar.]

(b) whether there were any grievances which were sought to be redressed if so, their nature ;

(c) whether they made any representation to the Government demanding certain necessary facilities and amenities ; if so, the nature of these demands ;

(d) whether they were tried in a court of law for going on hunger-strike ; if so, the result of the trial ;

(e) whether any of their demands have since been conceded ; if so, their nature, and if not, why not ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) and (b) Yes. They demanded better class treatment to which they were not entitled.

(c) Yes. They demanded to be treated as class I security prisoners and complained of inadequate medical facilities.

(d) Yes. Each of them was sentenced to four months' rigorous imprisonment for the offence of hunger-striking.

(e) No. They were not entitled to better class treatment on account of their social status, and medical facilities are adequate.

Sardar Sohan Singh Josh : May I know whether the Parliamentary Secretary is aware that Sardar Jagjit Singh was kept in class (A) for two years ?

Parliamentary Secretary : Is my honourable friend giving information ?

Sardar Sohan Singh Josh : May I know the reason why Sardar Jagjit Singh was degraded from class A and put in class B ? May I know whether it is a fact that Sardar Jagjit Singh was kept with A class prisoners in the Gujrat jail for a very long time ?

Parliamentary Secretary : My honourable friend is giving information.

Sardar Sohan Singh Josh : May I know whether he is aware that Sardar Jagjit Singh was kept in Deoli jail also along with other prisoners in the same class ?

Parliamentary Secretary : Thank you for this information.

Sardar Sohan Singh Josh : May I know why he, being a graduate of the Punjab University and a man of social status, was not placed in class A ?

Mian Abdul Aziz : If I rightly understood it, the reply was that on account of hunger-strike some of them were convicted. May I know under what section they were convicted ?

Parliamentary Secretary : Under the Jail Manual Rules. The magistrate who tried them knows it.

Sardar Sohan Singh Josh : May I know whether they applied to the Superintendent for giving them better treatment ; otherwise they would go on hunger-strike ?

Parliamentary Secretary : They might have.

Sardar Sohan Singh Josh : May I know when the proper notice was there why those cases were started ?

Parliamentary Secretary : When they gave that notice, they went on hunger-strike. Law had its course and they were convicted.

Sardar Sohan Singh Josh : May I know whether in the opinion of the Government a graduate is not entitled to a better treatment ?

Parliamentary Secretary : Opinions cannot form a subject-matter of questions.

PROFESSOR INDER PARKASH ANAND

*9428. **Chaudhri Muhammad Hasan** : Will the Honourable Premier be pleased to state—

(a) whether Professor Inder Parkash Anand has lost weight since his confinement in jail ;

(b) his weight at the time of his arrest and his weight now ;

(c) whether it is a fact that interviews with Professor Inder Parkash Anand are not allowed even to his near relatives ;

(d) if so, the reasons therefor ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) Yes. There was a decrease in weight but there has been a slight improvement and his health is good ;

(b) lbs. 200 and lbs. 160 ;

(c) Yes ;

(d) For reasons which cannot be disclosed on the floor of this House.

Chaudhri Muhammad Hasan : How many interviews altogether were allowed to his near relatives ?

Parliamentary Secretary : I cannot give this information off-hand.

Sardar Kapoor Singh : Did you treat him as a detenu or as a security prisoner ?

Parliamentary Secretary : If he is a detenu he was treated as a detenu and if he is a security prisoner he was treated as a security prisoner.

Chaudhri Muhammad Hasan : May I know on whose reports his interviews with his relatives have been disallowed ?

Parliamentary Secretary : Official agency.

Chaudhri Muhammad Hasan : The jail or the police agency ?

Parliamentary Secretary : All sources of information are available to the Government. After considering the information received the Government decides the case.

Chaudhri Muhammad Hasan : May I know to what place he belongs ?

Parliamentary Secretary : How can I say offhand ? The original question does not give rise to this supplementary question.

Chaudhri Muhammad Hasan : In which jail is he confined at present ? Is it not in the public interest to give an answer to this ?

Parliamentary Secretary : This information was not asked in the original question.

Chaudhri Muhammad Hasan : From which jail did the Parliamentary Secretary get the information ?

Parliamentary Secretary : From the jail in which he is confined.

Chaudhri Muhammad Hasan : Has he received the report from the headquarters ?

Parliamentary Secretary : How is it the concern of the honourable member opposite ? It is for me to be satisfied with the information supplied to me, and to see the details and the files.

Malik Barkat Ali : I want to know whether the Parliamentary Secretary merely reads out the answers supplied or makes any attempt to acquaint himself with the facts of the case so that he may be in a position to answer the supplementary questions ?

Parliamentary Secretary : I fully acquaint myself with the facts of the case. If the honourable member means to insinuate that I have not gone through the file then I say that I have gone through the file.

Malik Barkat Ali : How is it then that the Parliamentary Secretary even is not in a position to say whence Professor Inder Parkash Anand hails?

Parliamentary Secretary : How can I say that he belongs to such and such village without previous notice?

Malik Barkat Ali : Can he state on the floor of the House whether he has really studied the file of Professor Inder Parkash, and if so whether the file does not mention the village whence Professor Inder Parkash hails?

Shaikh Sadiq Hassan : May I know if his blind father will ever be allowed to interview him?

Parliamentary Secretary : It is a request for action.

Mr. Speaker : The next question.

DETENUS RELEASED ON PAROLE

*9435. **Mrs. Duni Chand :** Will the Honourable Premier be pleased to state with reference to the detenus detained in the Punjab in how many cases release on parole was applied for, in how many cases it was granted and in how many cases it was rejected since 9th August 1942?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : Parole was granted in 37 cases. The other information is not readily available and its collection would involve time and labour incommensurate with the benefits to be obtained.

RESTRICTED PERSONS

*9436. **Mrs. Duni Chand :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that nearly all the persons other than the M.L.A.'s, who have been restricted within certain areas have been required to report themselves to the police stations concerned at fixed hours; if so, the reasons therefor;

(b) whether it is a fact that in certain cases the persons restricted have to travel long distances, for instance from 5 to 20 miles; if so, the action Government intend to take in the matter?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) No. In some cases restrictees are required to report periodically at the police stations concerned. This is done in order to keep track of their whereabouts without incurring additional expenditure. The number of such orders has been greatly reduced.

(b) Generally police stations are within a reasonable distance, but where they are not, other arrangements are made.

SECURITY PRISONERS AND OTHER DETENUS

*9437. **Mrs. Duni Chand :** Will the Honourable Premier be pleased to state—

(a) the number of security prisoners still in the Punjab jails;

(b) whether it is a fact that the security prisoners and other detenus are differently treated during their confinement in the jails; if so, the reasons therefor?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) 100 (on 23rd November 1944);

(b) Security prisoners are treated in accordance with the Security Prisoner's Rules. The treatment of other detenus varies with the circumstances of the detention.

GHAZI HUSSAIN BAKHSH

*9456. **Shrimati Raghbir Kaur** : Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Ghazi Husain Bakhsh of Lahore, now detained in the Old Central Jail of Multan, is suffering from Tuberculosis ;

(b) whether it is a fact that he has been vomiting blood for some time ;

(c) whether the Government intend to release him ; if not, the reasons therefor ?

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

(b) No.

(c) Orders for his release are being issued.

MR. KRISHAN LAL BHATIA.

*9457. **Shrimati Raghbir Kaur** : Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Mr. Krishan Lal Bhatia of Hindu Technical Institute, Lahore, is now interned in Sargodha ;

(b) whether it is a fact that when he was arrested in August, 1942, he was a final year student of the Victoria Diamond Jubilee Hindu Technical Institute, Lahore ;

(c) whether he has applied to the Government to be allowed to come to Lahore to prosecute his studies ;

(d) the action the Government intends to take or has taken on his application ; if no action is intended, the reasons therefor ?

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

(b) This was mentioned in one of his applications.

(c) and (d). He applied for permission to visit Lahore in order to appear in the final year examination of the Institute in May, 1944. The application was not received in sufficient time. He was informed that he would be given permission to appear at the next examination if he so desired.

SUB-INSPECTOR, RUPAR

*9460. **Chaudhri Muhammad Hasan** : Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Mr. Ram Sukh, B.A., son of Lala Dina Mal, of Rupar sent telegrams to the Honourable Premier, Inspector-General, Police, Deputy Inspector-General, Police, Ambala Division, Superintendent, Police, Ambala and Sub-Divisional Officer, Rupar, complaining against the corrupt practices of the station house officer (sub-inspector), Rupar ;

(b) if the answer to (a) be in the affirmative, the action, if any, which was taken against the said sub-inspector ;

(c) whether any officer was deputed to enquire into the allegations against the sub-inspector ; if so, the name of the officer and his designation ;

(d) whether it is a fact that five persons submitted an application to the Deputy Inspector-General, Police, Ambala, requesting the institution of an enquiry against the sub-inspector now stationed at Rupar ; if so, whether an enquiry was made ; if not, the reasons therefor ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad): (a)

Yes.

(b) No action was taken.

(c) A Deputy Superintendent of Police was deputed to enquire into the allegations.

(d) An application signed by Ram Sukh and one other person was sent to the Deputy Inspector-General of Police, Ambala. In addition there were three thumb-impressions on it. An enquiry had already been conducted by the Deputy Superintendent of Police and the allegations had not been substantiated. The Deputy Inspector-General saw no reason whatsoever to accede to the request for a further enquiry in which the gazetted officer on the spot should not be associated as he was satisfied that the complaint was baseless.

MIAN IFTIKHAR-UD-DIN, M. L. A.

***9498. Khan Bahadur Maulvi Ghulam Mohy-ud-Din :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Mian Iftikhar-ud-Din, M.L.A., President, Provincial Congress Committee has been detained since August 1942 under the Defence of India Rules ;

(b) whether it is a fact that until February 1944 he was not allowed any interviews even with his wife and children ;

(c) whether it is a fact that the Committee appointed by the Government to review the cases of detenus recommended his release in 1944 ;

(d) whether it is also a fact that during the last hot weather Mian Sahib underwent an operation ;

(e) the number of Congress M. L. A's. who were detained after August 1942 ; and the number of those among them who have been since released ;

(f) the number of Congress leaders who have been released on the ground of ill-health ;

(g) whether the Government propose to release Mian Iftikhar-ud-Din ; if not why not ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad): (a) Yes. He is on parole since the 22nd of August 1944.

(b) No interviews were allowed with persons detained in connection with the Civil Disobedience movement until February 1944.

(c) No.

(d) Yes.

(e) First part 18.

Second part 12.

(f) 16.

(g) Government's intentions cannot be disclosed.

Raja Ghazanfar Ali Khan : Will the Parliamentary Secretary please state when the Premier last examined the case of Mian Iftikhar-ud-Din regarding his release ?

Parliamentary Secretary : I want notice for this question.

Raja Ghazanfar Ali Khan : May I ask the Premier whether he is in a position to state if Mian Iftikhar-ud-Din was one of those who were opposed to the August resolution ?

Raja Ghazanfar Ali Khan : Will the Premier be pleased to state whether he has any knowledge of the grounds on which Dr. Mahmood was released by the Government of India ?

Premier : I wish I could enquire from the Government of India : I wish I had the power to do it.

Raja Ghazanfar Ali Khan : Will the Premier state what considerations he had before him when he decided that certain M.L.A's. should be released from jails ?

Raja Ghazanfar Ali Khan : Will the Premier state why Mian Iftikhar-ud-Din is not being released while 10 or so M.L.As. belonging to the Congress have already been released ?

Premier : Each case is considered on its own merits. We have to see the circumstances of every prisoner : we cannot treat them all alike.

Malik Barkat Ali : Will the Premier be pleased to state the distinctive features of the case of Mian Iftikhar-ud-Din on account of which he could not be released ?

Malik Barkat Ali : Will the Premier state whether it is open to Mian Iftikhar-ud-Din to attend this Assembly ?

Malik Barkat Ali : Will the Premier be pleased to state what are the restrictions under which Mian Iftikhar-ud-Din cannot attend this Assembly ?

Premier : The restrictions are communicated to each gentleman. If the honourable member puts a question he will get the details of the case.

Raja Ghazanfar Ali Khan : Will the Premier please state whether during the last few weeks he has put any restrictions on Mian Iftikhar-ud-Din ?

Mr. Speaker : The question hour is over.

Raja Ghazanfar Ali Khan : We will continue the supplementary questions on the next day.

UNSTARRED QUESTIONS AND ANSWERS

LOW SALARIES IN PRIVATE RECOGNISED SCHOOLS

1771. Mr. K. L. Rallia Ram : Will the Honourable Minister for Education be pleased to state whether he is aware of the fact that a number of private recognised schools in the Punjab are giving to their senior teachers, viz., B.T.'s and S.A.V.'s far below the minimum salary which has been fixed for those working in Government High Schools ; if so, what action, if any, Government intend to take in the matter ?

The Honourable Mian Abdul Haye : It is probably true that a large number of privately managed anglo-vernaacular secondary schools are not paying their senior teachers in accordance with the revised scale of salaries introduced for teachers in Government service but Government has no authority to compel the managements of these schools to adopt the same scale. Government, however, hopes that the managements of these schools will be able to introduce similar grade in these schools as soon as possible.

DISFIGURING OF WALLS BY ADVERTISEMENTS

1772. Mr. K. L. Rallia Ram : Will the Honourable Minister for Public Works be pleased to state whether he is aware of the fact that a large number of walls and buildings in Lahore and other cities are being disfigured by the firms which print their advertisements in big letters on them ; if so, the action Government intend to take in the matter ?

The Honourable Sir Muhammad Jamal Khan Leghari : This is a matter of opinion. So far as indecent advertisements are concerned, these are prohibited under the Punjab Suppression of Indecent Advertisements Act, 1941. As regards other advertisements, municipal committees and the Lahore Corporation have power by by-law to regulate their posting. Lahore and Simla, amongst other local bodies, have framed by-laws in this matter, and I am informed that in Lahore discussions are proceeding as regards the possibility of having standardised name boards on the Mall. It is an offence in all municipal areas, and in Lahore, for a person to post notices or placards to a building without the consent of the owner. As regards the action proposed to be taken, the honourable member will see that the matter is one primarily for local bodies.

TONGA FARES

1773. Mr. K. L. Rallia Ram : Will the Honourable Minister for Public Works be pleased to state whether he is aware of the fact that the citizens of Lahore are experiencing great difficulty in connection with "transport" as the tonga-drivers demand much higher fares than the authorised rates and refuse to take passengers by lame excuses; if so, the action Government intend to take in the matter?

The Honourable Sir Muhammad Jamal Khan Leghari : This is sometimes stated. Whenever a specific report is made to the Corporation, action is taken against the tonga driver, his licence usually being suspended.

A DAM NEAR ROHTAS

1774. Sardar Tara Singh : Will the Honourable Minister of Revenue be pleased to state:—

(a) whether it is a fact that the Government propose to build a dam near Rohtas;

(b) whether the Government has received any representations to the effect that the building of Gurdwara Choha Sahib and the land attached to it at Rohtas will be adversely affected by the construction of the proposed dam;

(c) whether Government are aware of the fact that this step will lead to a countrywide resentment and strong agitation by the whole Sikh community; if so, the action Government intend to take in the matter?

The Honourable Chaudhri Sir Chhotu Ram : (a) The feasibility of constructing a dam is under investigation.

(b) Yes.

(c) The scheme is in the investigation stage only.

REPRESENTATION OF SIKHS ON DISTRICT BOARD, MULTAN

1775. Sardar Ajit Singh : Will the Honourable Minister of Public Works be pleased to state:—

(a) the total amount of local rate realized in the Multan district in 1943-44

(b) the local rate paid by the Sikhs in 1943-44 in the Multan district;

(c) the total number of elected and nominated members of the District Board
Multan;

(d) the number of elected and nominated Sikh members of the District Board
Multan;

(e) if the Sikhs, and particularly the Sikh zamindars of the *ilaga* are not adequately represented on the said district board, the action Government intend to take in the matter?

The Honourable Sir Muhammad Jamal Khan Leghari: (a) The total amount of local rate realized in the Multan district in 1943-44 according to information available in the Secretariat is Rs. 6,81,018.

(b) This information is not available.

(c) The total number of elected members on the District Board, Multan, is 84 and of nominated members 16, of whom 10 are non-official nominated members.

(d) There are two Sikh members on the Board, one of whom is elected and the other nominated.

(e) According to their population and voting strength they are adequately represented.

REPRESENTATION OF SIKHS ON THE MUNICIPAL COMMITTEE, MULTAN

1776. Sardar Ajit Singh: Will the Honourable Minister for Public Works be pleased to state the total number of elected and nominated members of the Multan Municipal Committee, community-wise and in case there is no Sikh member on the committee the reason why the Sikhs are not represented on the said municipal committee?

The Honourable Sir Muhammad Jamal Khan Leghari: A statement giving the constitution of the Municipal Committee, Multan, is laid on the table. There is no Sikh member on the committee as in accordance with the prescribed formula of population-cum-voting strength, the Sikhs are not entitled to any seat.

Constitution		24 Members	
Elected	.. ..	20 Muslims	.. 10
		Hindus	.. 10
Appointed	.. ..	4 Non-officials	3 (Hindu 1 Muslims 2)
		Official	1

LITERACY CERTIFICATES AWARDED TO ADULTS BELONGING TO THE SCHEDULED CASTES

1777. Chaudhri Jugal Kishore: Will the Honourable Minister for Education be pleased to state:—

(a) the number of literacy certificates awarded during the last financial year to adults belonging to the scheduled castes in various districts of the Ambala division;

(b) if the number of literacy certificates mentioned above be very small, as compared with the number of illiterates in their population, the action Government intend to take in the matter?

The Honourable Mian Abdul Haye: I regret that the answer to the question is not ready.

RESIDENT SCHOLARS BELONGING TO THE SCHEDULED CASTES

1778. Chaudhri Jugal Kishore: Will the Honourable Minister for Education be pleased to state—

(a) the number of resident scholars belonging to the scheduled castes in the province on the 31st March 1944 in the hostels of Government schools for boys and girls, respectively;

[Ch. Jugul Kishore]

(b) whether any restrictions are placed on the resident scholars mentioned above as such; if so, the action Government intend to take in the matter?

The Honourable Mian Abdul Haye: I regret that the answer to the question is not ready.

SUPERINTENDENTS AND ASSISTANTS IN PUNJAB CIVIL SECRETARIAT

1779. Khan Bahadur Maulvi Ghulam Mohy-ud-Din: Will the Honourable Premier be pleased to state—

(a) the number of Hindus, Muslims and Sikhs among the Superintendents and Assistants in the Punjab Civil Secretariat;

(b) if any community is under-represented in the above cadres, the action Government intend to take in the matter;

(c) whether it is a fact that certain Assistants were recruited direct to the Punjab Civil Secretariat or taken on transfer as such from other offices of the Government;

(d) if so, the number of such Assistants, community-wise?

The Honourable Malik Khizar Hayat: (a) The information is available in various Government publications.

(b) Direct recruitment is made on the communal block system and any disparities that exist will gradually be removed in course of time.

(c) Yes.

(d) Muslims
Hindus
Sikhs

2 }
2 } From 1st March 1942 up to date.
1 }

FOOD-GRAINS AND FOOD SUPPLIES BRANCHES AT THE PUNJAB CIVIL SECRETARIAT

1780. Khan Bahadur Maulvi Ghulam Mohy-ud-Din: Will the Honourable Premier be pleased to state:—

(a) how many Muslim and Hindu Superintendents, respectively, are employed in the Food-grains and Food Supplies Branches at the Punjab Civil Secretariat;

(b) the number of Muslim and Hindu subordinate clerks separately, against whom bad reports had been made by Superintendents of Food Purchase and Food Supplies Branches and other branches of the Secretariat, and the names of such Superintendents with the communities to which they belong?

The Honourable Malik Khizar Hayat: (a) (i) Muslims, 3.

(ii) Hindus, 5.

(b) The Secretariat clerical establishment now includes 527 Assistants and Clerks. To examine all these personal files (some of them covering periods of 20 years or more) in order to supply the information demanded would involve more labour than the advantage to be achieved would warrant.

PUNJAB CIVIL SECRETARIAT

1781. Khan Bahadur Maulvi Ghulam Mohy-ud-Din: Will the Honourable Premier be pleased to state the steps Government intend to take to make up the deficiency of the Muslim members of the Punjab Civil Secretariat establishment and what steps are intended to be taken, the reasons therefor?

The Honourable Malik Khizar Hayat : The honourable member is doubtless aware that the prescribed percentages are 50 per cent Muslims, 20 per cent Sikhs and 30 per cent Hindus and others. According to the block system of recruitment these communal proportions are strictly enforced at the time of initial appointment. Subsequent promotion in service is governed by merit and the suitability of individuals for particular posts. Muslims are getting their full proportion of appointments in the services on this principle as are the other communities.

GOVERNMENT HOUSE

1782. Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Will the Honourable Premier be pleased to state :—

(a) whether it is a fact that a very junior Hindu has been appointed Superintendent in the Government House over the head of a large number of Musalmans who are far senior to him ; if so, the reasons therefor ;

(b) whether it is a fact that the number of Muslim Superintendents is already very small in the Punjab Civil Secretariat ; if so, the action Government intend to take in the matter ?

The Honourable Malik Khizar Hayat : (a) Yes. This was a special case in which the appointment was made without prejudice to the claims of those who were passed over. It was made because the official appointed is familiar with the work done in the Military Secretary to His Excellency the Governor's office and as Military Secretary to His Excellency is about to return to military duty, it was felt to be essential that this post should be filled by an official with long experience of the working of his office. It is proposed to review the situation in October next.

(b) It is a fact that the number of Muslim Superintendents is far less than that of Hindus, but this is because most of the senior men in the cadre are Hindus. This disparity will gradually disappear in the course of time in view of the communal block system of recruitment.

PUNJAB CIVIL SECRETARIAT

1783. Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Will the Honourable Premier be pleased to state whether it is a fact that the Muslim members of the Punjab Civil Secretariat staff recently made a representation to the Government against the deficiency of the Muslims in the grades of Superintendents and Assistants ; if so, the action taken on the said representation ?

The Honourable Malik Khizar Hayat : A printed representation was received in January 1942 from certain Muslim Superintendents, Assistants, Senior Clerks and Junior Clerks regarding the paucity of Muslim representation in the higher grades of the Secretariat Service, but no action was taken on this representation in view of the fact that the deficiencies complained of could not be set right without injustice to the vested rights and interests of the senior members in the Service. Communal proportions can only be enforced at the time of initial appointment and this policy is being rigidly adhered to. All subsequent promotion in Service is governed by merit and the suitability of individuals for particular posts as explained in an official *communiqué* issued on the 18th June 1941.

FINANCE DEPARTMENT

1784. Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Will the Honourable Premier be pleased to state :—

(a) the number of Muslim and Hindu officers respectively, employed in the Finance Department of the Punjab Government ;

[K. B. Maulvi Ghulam Mohy-ud-din]

(b) if any community is under-represented among the officers mentioned above, the action Government intend to take in the matter?

The Honourable Malik Khizar Hayat : (a) The number of Muslim and Hindu officers employed in the Finance Department of the Punjab Government is one and five respectively.

(b) Appointments in the Finance Department are not made on communal considerations.

WITHDRAWAL BY MALIK BARKAT ALI OF DISCOURTEOUS REMARKS
AGAINST MR. DEPUTY SPEAKER

Malik Barkat Ali : Sir, I am thankful to you for the opportunity that you have been pleased to give me to offer my explanation in regard to the complaint that has been lodged with you on the floor of the House as Speaker of this Assembly. I have gone through the press reports and the statement made by the Honourable the Deputy Speaker. I must at the very outset say that his statement is a garbled version of what actually took place in the House.

Mr. Speaker : Please do not criticise the statement. I do not want the controversy to be prolonged. The honourable member has only to say whether what is stated in the newspapers about the language that he used is correct or not. The whole matter will finish in no time.

Malik Barkat Ali : I will gladly accept what you have been pleased to say. But in view of the fact that I take objection to many portions of the statement which was read out on the floor of the House, I would request you, Sir, to allow me to say to what extent that statement is right and to what extent it is wrong. The Honourable the Deputy Speaker has said in that statement that he gave the fullest opportunities to the Ministerial benches as well as to the Opposition to have their say on the adjournment motion. I am not in the least challenging the *bona fides* of the Deputy Speaker in making that statement. This House will bear me out that when Sardar Sohan Singh Josh who was moving the adjournment motion, had hardly completed his 15 minutes time when objection was taken by the Ministerial benches that his time was up and immediately, despite Sardar Sohan Singh Josh's protests, he was ordered by the Deputy Speaker to resume his seat—possibly one more minute was given. You will remember, Sir, our standing practice that the member who moves an adjournment motion is given more time than that provided for under the rules. After Sardar Sohan Singh Josh, Chaudhri Ram Sarup rose to speak from that side. He began to indulge in a series of personal recriminations with Sardar Sohan Singh Josh.

Sardar Lal Singh : On a point of order, Mr. Speaker. The honourable member is unduly long in dealing with a matter which is quite simple.

Malik Barkat Ali : It is not so simple as the honourable member thinks it to be. I am not going to be dictated by him.

Sardar Lal Singh : In what way is the honourable member concerned with what other members have said?

Captain Bhai Fatehjang Singh : The question at the moment is whether the honourable member opposite used unparliamentary expressions by saying that the Honourable Deputy Speaker was not fit to hold the Chair. The honourable member by his arguments is trying to justify that he used those words for certain reasons. We are not concerned with that. What we are concerned with is whether he used those words or not and if he did whether he is now prepared to withdraw them?

Malik Barkat Ali : Then, Sir, Chaudhri Ram Sarup was followed by Nawab Muzaffar Ali Khan Qizilbash who indulged in a number of irrelevancies by telling us that the Punjab Government was opposed to rationing, etc.

Premier : How is that relevant ?

Mr. Speaker : The honourable member cannot make such remarks about another honourable member of the House. He should withdraw them.

Malik Barkat Ali : What I was submitting, Sir, was that the honourable member made a speech and objection to it was taken from this side of the House, but no notice was taken of that objection.

Premier : Are we having a paraphrase of the debate that took place the other day ?

Malik Barkat Ali : My point is that the Honourable the Deputy Speaker has stated that four members spoke on behalf of the Ministerial benches and four from this side which is incorrect.

Mr. Speaker : That has nothing to do with the words used by the honourable member.

Malik Barkat Ali : That has a great deal to do with the remark I made, but if you hold, Sir, that that has nothing to do, I bow to your ruling. I was stating the circumstances which led to my making the remarks. The Honourable the Deputy Speaker was under the impression that he gave equal time to both sides of the House.

Mr. Speaker : His impression can be wrong. What then ?

Dr. Sir Gokul Chand Narang : The honourable member wants to show that the Deputy Speaker deserved the remarks that were made by the honourable member. He is making it worse.

Malik Barkat Ali : I want to correct the statement of the Deputy Speaker. The Deputy Speaker called on me to speak and immediately after I rose, Raja Ghazanfar Ali Khan rose to make a personal explanation and after he had made that explanation, I rose to speak. Then my friend Sayed Amjad Ali moved that the question be now put. The Honourable Deputy Speaker passed him over and took no notice of his intervention. My respectful submission is this: it is in fact stated by the Deputy Speaker in the course of his statement that he was perfectly within his rights in asking me to resume my seat without making any speech and he has quoted a passage which apparently must have been supplied to him, I take it, from May's Parliamentary Practice, namely that technically it is open to the Speaker or whoever is the occupant of the Chair to put the closure motion even when a member is in the midst of his speech. As that statement has been made by the Deputy Speaker I respectfully ask you to kindly give a ruling for the future as to whether when an honourable member has been called upon by the occupant of the Chair to speak, a motion like this, namely, 'that the question be now put' can be put.

Sardar Gurbakhsh Singh : That question does not arise. The question is whether the remarks attributed to him were actually uttered by him.

Malik Barkat Ali : I refuse to take notice of what the honourable member says. The facts of the case on which that passage from May's Parliamentary Practice is based were not placed before the House. I just wish to draw your attention as well as the attention of the House including that of the Deputy Speaker to the rulings that have been given by the Speaker of the Central Assembly on this very question.

Mr. Speaker : I do not allow that.

Malik Barkat Ali : It is a very important matter in this sense.

Mr. Speaker : Can that be a reason why the honourable member uttered the remarks attributed to him ?

Malik Barkat Ali : I will frankly explain my position. I do not want to indulge in any rhetoric or lengthy discussion. I respectfully ask you to state on the floor of the House as to whether when a member is actually called upon by the occupant of the chair to rise and speak, there can be an interruption by a closure motion. Such an interruption was held in the Central Assembly as an impertinent interference.

Mr. Speaker : I do not agree.

Malik Barkat Ali : My request is that before you give your considered ruling you will be pleased to listen to the rulings of the Central Assembly Speaker. The question is a very important one. I shall just read a few of them.

Mr. Speaker : But that is not the question before the House.

Malik Barkat Ali : I respectfully submit that the statement read on the floor of the House quotes May's Parliamentary Practice and so far as that quotation is concerned I desire to draw the attention of the Deputy Speaker and of everybody else in the House to these rulings for future guidance.

Mr. Speaker : My learned friend must know that every case is decided on its own merits.

Malik Barkat Ali : Perfectly right. My only complaint to you on this point is that when Mr. Amjad Ali intervened, the Deputy Speaker ignored it and called upon me to speak. It was only when the Honourable Premier intervened that he turned round and said let the question be now put. His judgment may be good, bad or indifferent. He has got to be obeyed. I am quite prepared to accept it. But what I desire to bring to your notice and through you to the notice of the Deputy Speaker is that there are rulings to the contrary.

Mr. Speaker : May be. The Deputy Speaker might have acted more tactfully, but I do not think he acted illegally in doing what he did and the honourable member had no business to make the remarks that he did.

Malik Barkat Ali : You are quite right. Technically speaking he might have been legally right. But we are here considering the question from the constitutional point of view, from the point of view of parliamentary practice as interpreted and followed both in Parliament and in this country in the Central Assembly. I respectfully submit that it was laid down in one of those rulings—

Mr. Speaker : Is the honourable member discussing the conduct of the Chair ?

Malik Barkat Ali : No, Sir. I am not discussing the conduct of the Chair. I am only discussing—

Mr. K. L. Rallia Ram : My honourable friend seems to be arguing as in a court. I ask him one question. I do not propose to go into the question whether the ruling was right or wrong. Supposing the honourable member had uttered the remarks to a judge, 'you are not fit to occupy the chair', what would have been the effect? That is the real point. We need not enter into the merits of the case. The question concerns the dignity of the House which you have been maintaining so well and which the Deputy Speaker has maintained in your absence.

Mr. Speaker : Instead of raising a point of order the honourable member has made a speech.

Malik Barkat Ali : I assure you that I did not mean any disrespect to the Chair—a Chair which has stood adorned all these years by a Speaker of your unrivalled experience and knowledge of parliamentary practice. (*Hear, hear*). It is absolutely wrong to attribute to me any intention of showing any insult or disrespect to the Chair. My position is this. My obedience is to you and not to any other member of the House. No member of the House has any business to ask me to withdraw this or withdraw that. There is nothing in our rules which allows any member to ask me to do so. I am under your disciplinary control. I am under your orders. My respectful submission is if the whole statement made by the Deputy Speaker had not been made, I certainly would not have been within my right to counter his arguments. I am here mentioning facts.

Now, coming to the remarks that I made I only wanted to place before you the excitement and the heat under the stress of which these remarks were made. I frankly confess that I did make the remark while I was leaving this chamber; or rather while I was approaching the gate there, I did turn round and say 'You do not deserve to be in that chair'. I am really sorry for that. (*Hear, hear*). The words fell out of my lips in the heat and excitement of the moment and I unreservedly and gladly withdraw them. (*Hear, hear*). I assure you and the Deputy Speaker that no insult of any kind was intended by me. It was really the compulsion of the situation which notwithstanding my better judgment made me in the heat of the moment to utter those words. (*Hear, hear*).

Mr. Deputy Speaker (Sardar Bahadur Sardar Gurbachan Singh): I accept that apology.

Mr. Speaker : It is more than an apology.

ADJOURNMENT MOTIONS

EXTERMENT OF DR. K. M. ASHRAF

Sardar Sohan Singh Josh : 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 externment of Dr. K. M. Ashraf, member of the All-India Congress Committee, from the Punjab on the 19th of May 1944.

Mr. Speaker : What has the Honourable Premier got to say on the motion?

Premier (The Honourable Malik Khizar Hayat): Dr. K. M. Ashraf came to the Punjab in 1940 and an externment order dated the 21st November 1940 was served on him on the 23rd November 1940. He left the Punjab on the 24th November 1940. This externment order remained in force until March 1944. It had been made under rule 26 of the Defence of India Rules and when Ordinance III of 1944 was promulgated early in 1944, the externment order under the Defence of India Rules was cancelled and was replaced by an order made under section 5 of the Restriction and Detention Ordinance (III of 1944), which was dated the 4th March 1944 which was sent to the United Provinces for service on Dr. Ashraf. For some reason the externment order could not be served and Dr. Ashraf returned to the Province in May 1944. Thereupon a fresh externment order was served on him on the 19th May 1944.

It will be seen that Dr. Muhammad Ashraf's externment is not a matter of recent occurrence. He has been externed from the Punjab since 1940. The externment order then made was only cancelled because it was replaced by a fresh externment order. He would not have been able to return to the Punjab, had it not been for the failure of the United Provinces Government to effect service upon him. Further, the question of his externment formed the subject of an adjournment motion which was debated at length on the 25th November 1940. The motion was defeated (see Assembly proceedings volume XIV, pages 383—385, 365—389).

Mr. Speaker : The adjournment motion is disallowed.

CABINET RESIGNATION ON DISMISSAL OF SARDAR SHAUKAT HYAT-KHAN

Raja Ghazanfar Ali Khan : I beg 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 Honourable Premier and other members of the Cabinet to resign when Captain Sardar Shaukat Hyat-Khan was dismissed and have thereby violated the principle of joint responsibility.

Mr. Speaker : Just one thing. The honourable member may make it clear whether this matter can be discussed by an adjournment motion or by a substantive motion.

Raja Ghazanfar Ali Khan : My submission is that there were three courses of action for moving this matter before this honourable House. I am glad that you have agreed that the matter is definite, urgent and of public importance. As I have just stated there were three courses left to bring forward this matter. First of all by moving a motion of no-confidence in the Government. That I do not propose to do at present because I am not quite certain what were the circumstances under which Sardar Shaukat Hyat was dismissed. The public has not been so far informed what were the charges against him, how the case was worked up and who was ultimately responsible for his dismissal, whether it was the Government which dismissed him or whether it was the Governor who acted on his own initiative. These points are not clear. Therefore it would be a hasty step to bring forward a motion of no-confidence against the Government unless we know how far Government is responsible in the matter.

Mr. Speaker : Did the honourable member ask questions on the subject ?

Raja Ghazanfar Ali Khan : Yes, Sir.

Mr. Speaker : When were the questions sent in ?

Raja Ghazanfar Ali Khan : They were sent in about 15 days before the Assembly Session. I do not remember the date. They have been admitted by you but so far they have not come on the list. It may be that the turn of those questions has not been reached yet.

The second course open to me was to bring a substantive motion. I have not brought forward a no-confidence motion and I have explained why I am not bringing it up.

Mr. Speaker : Is not a no-confidence motion a substantive motion ?

Raja Ghazanfar Ali Khan : A substantive motion may or may not be a no-confidence motion.

Mr. Speaker : The honourable member could have moved a resolution.

Raja Ghazanfar Ali Khan : So far as that is concerned, you are well aware that in this House unfortunately there is no room for moving any resolution, because one Thursday is snatched away by the Governor and the other by the Premier. Therefore the second thing for us was to move a substantive motion. I did not bring forward a substantive motion, simply because in a substantive motion there must be a particular recommendation by the House. It must contain a definite recommendation. As long as I do not know who is responsible for this unconstitutional action, I cannot make any recommendation. Therefore I did not bring forward a substantive motion. So far as the adjournment motion is concerned, you know much better that in this House an adjournment motion may be moved with any of the three purposes. First is to bring a censure against the Government. The second object may be to elicit information on a subject of vital importance. This is a matter which has created such a lot of criticism in the public, and I think an adjournment motion can be brought forward just to elicit information, so as to know all the details of a

[Raja Ghazanfar Ali Khan]

particular thing having happened and how that particular thing happened. Therefore I think the best thing is to bring an adjournment motion, and as you are aware any serious matter which has created a stir in the province could be brought forward by means of an adjournment motion without criticising the Government and simply giving an opportunity to Government to explain the position before the public adequately which they have not done so far. Therefore I thought the only course open to me was to move an adjournment motion.

Mr. Speaker : Cannot this be done in the budget session ?

Raja Ghazanfar Ali Khan : I am sure you will agree with me that it will be a most extraordinary breach of this Constitution Act if after such a serious thing having happened which is diametrically opposed to the Instrument of Instructions we cannot in this Assembly bring forward such a motion in any shape or form.

Mr. Speaker : Was not the honourable member a party to these rules in the Assembly ?

Raja Ghazanfar Ali Khan : Rules do give me the right to bring forward an adjournment motion. The only thing is that the words of this particular adjournment motion are liable to be interpreted in more than one way.

Mr. Speaker : What is the honourable member's authority for saying that an adjournment motion can be made for discussing the conduct of Ministers instead of by a substantive motion ?

Raja Ghazanfar Ali Khan : My submission is that it will very much depend upon the wording of the adjournment motion. Now, as I have submitted, the wording of this particular adjournment motion is liable to more than one interpretation. There is another adjournment motion on the agenda, No. 26, regarding the dismissal of Sardar Shaukat Hyat. I submit that if I do not press this particular adjournment motion now, it should not be a bar to my moving the other adjournment motion.

Mr. Speaker : It will be considered when it is reached.

Raja Ghazanfar Ali Khan : Then I have nothing more to say. I will move that motion when it is reached.

Mr. Speaker : This motion is out of order.

Mir Maqbool Mahmood : Sir, on a point of order. I beg to invite your attention to a convention which has been set up in this House. There is a definite convention of this House that whenever the Leader of the Opposition asks for an important question to be discussed, the Leader of the House will give time for its discussion, adjournment motion or no adjournment motion. I submit that in view of the fact that the Leader of the Opposition has asked time for the discussion of this motion, the Honourable Premier will give time to its discussion.

Mr. Speaker : What is the honourable member now discussing ? I have ruled out this motion on the ground that such a motion can be discussed only as a substantive motion, that is, to criticise the conduct of the Governor or Ministers.

Mir Maqbool Mahmood : I want to bring to your notice that in the session of June 1937 a convention has been established and the then Honourable Premier, the Honourable Sir Sikander Hyat-Khan, was pleased to say, "If the Leader of the Opposition considers it necessary or desirable that the subject matter of this adjournment motion should be discussed, not as an adjournment motion, on the floor of the House, I will be glad to provide time for its discussion."

Mr. Speaker : It is a matter for the Leader of the House and the Leader of the Opposition to decide.

Mir Maqbool Mahmood : I am bringing this to your notice lest the Leader of the House should say that, because of your ruling, he will not allow this motion to be discussed. Your ruling should not be a bar to the convention being followed. I am sure it is not your intention.

Mr. Speaker : No.

Mir Maqbool Mahmood : I am glad that you have said that this does not debar the convention being followed.

RESTRICTIONS ON POLITICALS AFTER RELEASE

Pandit Bhagat Ram Sharma : 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 action of the Punjab Government to impose restrictions on politicals after release in the early part of the year 1944.

Premier : This refers to the early part of the year 1944. This is neither urgent nor of recent occurrence. He wants to discuss the policy of the Government followed long ago.

Mr. Speaker : It is not of recent occurrence.

RESTRICTIONS ON MEMBERS OF ASSEMBLY CONGRESS PARTY

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 failure of the Government to remove restrictions on the 18 members of the Punjab Assembly Congress Party after release from Jail in the early part of the year and thus preventing them from attending the forthcoming session of the Punjab Legislative Assembly.

Premier : It is similar to the one over-ruled by you.

Pandit Bhagat Ram Sharma : Two of the M. L. A's., Lala Sant Ram Seth and Seth Sudarshan were restricted recently and this is a matter of recent happening and, therefore, I hope you will be pleased to hold that this is a matter of recent occurrence.

Mr. Speaker : Both the present as well as the previous motions are practically identical. It is, therefore, ruled out of order.

RELEASE OF LAJPAT RAI BHAWAN AND BRADLAUGH HALL TO THEIR OWNERS

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 failure of the Government to release the buildings known as Lajpat Rai Bhawan and Bradlaugh Hall which are in possession of the Government since September 1942.

Mr. Speaker : When did the Government take possession of the buildings ?

Pandit Bhagat Ram Sharma : In 1942.

Mr. Speaker : Why did the honourable member not move any motion before ?

Sardar Kapoor Singh : The adjournment motion does not relate to the question of taking possession of the buildings but it relates to the failure of the Government to return them to the owners even now after two years. When the Government took possession of the buildings is not the question.

Mr. Speaker : Did anybody apply for the restoration of possession ?

Sardar Kapoor Singh : Not once or twice but many times. Dr. Gopi Chand Bhargava and others of the Servants of India Society did apply as far as I know. We are not moving the adjournment motion for taking possession but we are bringing forward this motion to point out the failure of the Government to restore that building to the persons concerned. Instead of 'failure of the Government' let me put 'failure of the District Magistrate'. That would not make any difference. You might say that because it is failure of the Government, therefore, a substantive motion should

be brought forward. If that is not the question, then it is quite in order. In reality motion No. 19, as to the "failure of the Government to remove restrictions on the 13 members of the Punjab Assembly Congress Party" should not have been ruled out. The restrictions are still subsisting. Here is failure of the Government to restore that building in spite of the repeated applications made by the owners or trustees of that building. This motion is quite in order. Mr. Speaker, I would request you to revise your first ruling too. You have ruled out the motion relating to the removal of restrictions on the members of the Assembly Congress Party, but that is identical with this motion so far as failure of the Government is concerned. I hope you would allow that motion to be moved. That is the most important adjournment motion.

Mr. Speaker : Has the Honourable Premier any objections to these two motions being taken up ?

Premier : But we are now considering the motion relating to Lajpat Rai Bhawan and the Bradlaugh Hall.

Mr. Speaker : It is contended that this is a motion similar to the one which has been disallowed and which the honourable members of the Opposition want to be reconsidered.

Premier : There is lot of difference between the two.

Mr. Speaker : There is no harm if both the motions are discussed together.

Premier : There is difference between the two.

Chaudhri Muhammad Hasan : No. 19 is very important from the point of view of the members of the Assembly because restrictions have been imposed. Each time the session is held they are not allowed to participate in the proceedings of the Legislative Assembly in spite of the fact that questions are being asked on that subject and the Government do not reply.

Mr. Speaker : What is Honourable Premier's intention about the motion relating to the release of the two buildings, Lajpat Rai Bhawan and the Bradlaugh Hall ?

Premier : I have no objection if they want to discuss it.

Sardar Kapoor Singh : In that case I think the Honourable Premier should have no objection to the other motion also being discussed.

Premier : How can we discuss an adjournment motion which has already been ruled out ?

Mr. Speaker : If I gave a wrong ruling, can I not correct it.

Premier : You certainly can but your first rulings are always accurate due to your experience and, therefore, I am sure you will never commit a mistake. I do not allege that you cannot revise your previous ruling. You can always do that, but this question has been discussed in more than one way in this House during the last Budget session. If you will make a reference to the proceedings, you will find that this question of restrictions imposed on M. L. A's. has been put before the House in one form or another and it is not a matter which should be raised in the way it is proposed to be raised by means of an adjournment motion. It is neither a matter of urgency nor of recent occurrence. Therefore it is not admissible.

Sardar Kapoor Singh : Sir, it is not a question of imposing restrictions but it is a question of removal of restrictions. Take the case of Pandit Muni Lal Kalia. He applied to the District Magistrate, but was not allowed to attend the Assembly.

Premier : That question was discussed during the last budget session.

Sardar Kapoor Singh : Similarly, you will find that some other members wanted to attend the Assembly, but the Government did not remove the restrictions and did not permit them to attend. It is not a question of imposing restrictions.

[S. Kapoor Singh]

I know that these restrictions were placed about 8 months back and the Government is continuously failing in its duty not to remove those restrictions. It is for this reason that we want to take up this question now. It is a recent matter. Even up to to-day those restrictions are there on those persons and they are not allowed to come here, although they might be sitting in the library or in the office of the Leader of the Opposition. So the matter is quite recent, because restrictions are still there. It is a recent matter, an urgent matter and definite matter too. It is not proper for the Leader of the House to say that this matter is not recent.

Premier : My honourable friends want to bring the question with regard to Pandit Muni Lal Kalia afresh. This question was discussed at length in the last budget session. How can it again be brought in here?

Sardar Kapoor Singh : Pandit Muni Lal Kalia applied on the 16th November to the District Magistrate to allow him to attend the session of the Assembly. Not only that, he put in an application to appear in some case, he was permitted, but he was not permitted to attend the Assembly.

Mr. Speaker : I am doubtful about the accuracy of my ruling, but I have given it.

Sardar Kapoor Singh : You can revise your ruling.

Raja Ghazanfar Ali Khan : Sir, my submission is that it is still open to you to revise and reconsider your ruling in view of the fact that there have been instances of persons who have been released from jail after the last session and the Government have placed restrictions on them also in the matter of attending the Assembly. Even if there is one single instance, I think that can be discussed.

Mr. Speaker : What objection has the Government, if I reopen the subject and allow the motion relating to restrictions on certain members of the House?

Premier : Sir, you can reopen the subject at any stage. But what I am pointing out is that this matter is neither recent nor urgent. This very question of detention of Members of Legislative Assembly started when the non-cooperation movement was started in 1940 and it has continued. If you look up the proceedings of the last session you will find that it is there. How has it now become recent and urgent? The question with regard to Pandit Muni Lal Kalia was discussed at length during the last session. It is nothing new nor is it urgent. I would request you to stick to your ruling which is correct and ought to be adhered to. I submit that this point will come up before the House every time and it is for you to decide. I would appeal to you that in the interest of the time of the House, if a matter had been once before the House, it should not be taken up again. There are many other ways in which honourable members will get their chance.

Mr. Speaker : With regard to the fact whether the matter is recent, conclusive evidence is there that so many persons are restricted and there are restrictions that have not been removed. If 4 or 5 persons are imprisoned or detained and every year this House makes the Government realise it, that in itself does not take away the question of its being of recent occurrence. (*Hear, hear from the Opposition benches*). I think that explanation of its being of recent occurrence also covers urgency. When those people have been in jail for so many years or detained, I think every moment is urgent for them. (*Hear, hear from the Opposition benches*). I may further add that I have practically disallowed no motions on account of want of urgency, because according to Parliamentary Practice, strictly speaking, it is the mover of the motion who is to judge the urgency and after the mover, it is the Speaker who may exercise his power. With regard to it there is no difficulty. But if the Government does not wish the matter to be reopened, I will stick to my ruling.

Chaudhri Muhammad Hasan : You can revise your ruling. You are fully at liberty.

Raja Ghazanfar Ali Khan : I would draw your attention to a recent case in the Bengal High Court where a question was raised as to whether the Speaker has the right to revise his ruling or not. It was held by the Court that the Speaker had the right to revise his ruling whenever he liked without consulting the Leader of the House.

Premier : I bow to your ruling, Sir. It would be a precedent which the Speaker would be setting in this House. He has actually decided to stick to his ruling. It would be wasting the time of the House to discuss the question very often. In the public interest I appeal to you as the custodian of the rights of the House not to allow this question to be discussed very often.

Mr. Speaker : Government is not in favour of the question being reopened I therefore stick to my ruling.

DISMISSAL OF SARDAR SHAUKAT HYAT KHAN

Raja Ghazanfar Ali Khan : 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 dismissal of Sardar Shaukat Hyat Khan.

Sir, the object of the motion is not necessarily to express want of confidence in the Government or to pass a vote of censure. May I invite your attention to five or six rulings given by you in this very House. One of the adjournment motions was admitted by you on the 9th April 1937 where the Government conduct was involved. The Government had shown want of capacity in protecting the life of Sikhs of Kot Bhai Tara Singh.

Again, on the 9th April 1937 you were pleased to rule in order an adjournment motion regarding the 'position of the agriculturists of the province as the result of the recent disaster of hailstorm.' You can imagine what is the object of the adjournment motion. If it were merely to censure the Government then no body would have moved the motion. The Speaker admitted the motion for discussing the question of hailstorm in the province and the Government could say that they could not stop hailstorm in the country.

Again on the 12th April 1937, Lord Zetland, the Secretary of State for India made a statement about the constitution in India and a motion was moved in this House to adjourn and discuss the speech made by Lord Zetland, the Secretary of State of India, and you were pleased to allow this motion to be discussed. One can hardly imagine that while discussing the speech of Lord Zetland in connection with the adjournment motion that the object was to censure the Punjab Government — because naturally the Punjab Government will come in — but we discussed Lord Zetland's statement. Again on the 17th January 1939 there was an adjournment motion regarding 'active canvassing by Government officials in a recent bye-election of the Punjab Legislative Assembly from east Punjab Land-holders constituency. You were pleased to admit the adjournment motion and never suggested that as the conduct of the Government officials was involved it should be discussed by any substantive motion or a motion of no-confidence. As recently as 26th October 1939 you were pleased to rule in order a motion moved by Lala Dani Chand regarding prohibition of entry of Mr. Acharya Narendra Dev to discuss the conduct of the Government. You were pleased to allow it to be moved. My submission is that these are the only 9 or 10 rulings relevant to the issue before us which go to show that the object of an adjournment motion is not either to criticise the Government or to pass a vote of no confidence. As I have said before, the object may be to elicit information or to inform the Government of the views of the honourable members of this House. In moving this adjournment motion my intention for the present—mark the words 'at present'—

[Raja Ghazanfar Ali Khan]

is not to propose a vote of no-confidence against the Government or to censure the Government. After we have thoroughly discussed the position, what were the circumstances in which Sardar Shaukat Hyat was dismissed, then it will be time for us to decide whether the Government is to be blamed or not; if they are to be blamed, to what extent, and whether they deserve a vote of no-confidence or not. It is only after hearing the views of the Government and other honourable members that we shall be able to decide what views we hold. As you are aware, Sardar Shaukat Hyat's dismissal has remained a perfect mystery so far as the public of the Punjab is concerned. Only three days ago we have read a protracted correspondence between the Governor, the Premier and Sardar Shaukat Hyat-Khan wherein Sardar Shaukat Hyat has asked the Governor and the Government to state reasons why he was dismissed. The Government have refused to supply the documents which he asked them to. In view of this nobody knows what the exact situation in the province is and I would request the Premier to realize that apart from the question of personalities and apart from the question of party politics he should rise to the occasion and realize that under the Instrument of Instructions there is collective responsibility and if one Minister is dismissed, he must be brave enough, get up on the floor of the House and say 'I am prepared to justify my conduct'.

Minister of Finance: On a point of order. The Honourable member is now going far beyond his right of recommending to you that his motion is in order. He is now going into the merits and is appealing to sentiments.

Raja Ghazanfar Ali Khan: I am surprised that the Honourable Minister of Finance interrupted me when he knows that you are hearing everything. I was giving reasons why this motion should be discussed, and the reasons are that you will get further information—further information is required because no information has been given by the Government. I ask him to realize that there is no reason why the House should be deprived of any information.

I assure you, Sir, that we will not criticise the conduct of the Ministry or any body else. The main object of the adjournment motion is to seek information from the Government and if the Honourable Premier does not give us any information, in that case one object would be served and that is that the Government will know our views on this matter and also the views of other honourable members of the House and those views might be useful to him.

There is another aspect of the matter also. If the Honourable Minister for Finance does not jump out of his seat to raise another point of order, I will remind the Honourable Premier that at the time of appointing Sardar Shaukat Hyat as a Minister, the Honourable Premier consulted almost every member of the House. Now that Sardar Shaukat Hyat has been dismissed I think you will agree with me, Sir, that it is the right of every member of the House to know the reasons which led to the dismissal of Sardar Shaukat Hyat.

Mr. Speaker: I would request the honourable member to be as brief as possible.

Raja Ghazanfar Ali Khan: My submission is that by allowing this motion you will be giving an opportunity to both sides of the House to express their views on the subject. The members of the House as well as the public at large will know exactly the circumstances under which Sardar Shaukat Hyat was dismissed.

Sardar Lal Singh: Even if this adjournment motion is allowed, where is the guarantee that all the information that the honourable member wants will be forthcoming?

Sardar Shaukat Hyat-Khan: Let us see how much of it is available.

Raja Ghazanfar Ali Khan : The Government will not be doing their duty in seeing that this issue remains a confused issue for all time to come. As a matter of fact, this will provide them with an opportunity to clarify the issue. As has already been pointed out, Sir, the intention is not to censure the Government or the Governor or anybody else but only to provide an opportunity to elicit information and also to let the honourable members of this House express their views on the subject. You will agree with me, Sir, that when this thing happened, there was not a single paper in India which did not make some remark or another about it. The Assembly has met after such an important event having taken place and if such an important constitutional issue is not raised and discussed on the floor of the House we will be putting the Government of India Act, 1935 and democracy to mockery. The Press and the public will not congratulate this Government for not allowing such an important and vital subject to be discussed on the floor of the House. I therefore beg to submit, Sir, that you will be pleased to rule this motion in order and give us an opportunity to discuss it.

Minister for Finance : Whatever the importance of the subject may be, a motion in order to find admission as an adjournment motion in this House must submit itself to certain rules. It would not be a correct procedure, in fact it would be a dangerous procedure, if one were to discuss a matter by way of an adjournment motion which is not liable to be so discussed. This motion, it has been said, is not a no-confidence motion. The honourable member in the course of his speech attempted to point out that the Government had certainly not acted rightly in this matter, and that it was not an adjournment motion in the ordinary sense; it was a motion to elicit information on the point. That is the highest at which the honourable member could place this particular motion. Now let us see the words of the motion. It runs—

.....to discuss a definite matter of urgent public importance, namely, the dismissal of Sardar Shaukat Hyat-Khan.

How did that dismissal come about? It came about either on the recommendation or instance of the Premier or by His Excellency in the exercise of certain power vested in him. (*Laughter*). It is no matter of laughter. It is a very serious question and should be treated as such. If you kindly turn to Section 51 (5) of the Government of India Act, the provision is in these terms—

The functions of the Governor under this section with respect to the choosing and summoning and the dismissal of ministers, and with respect to the determination of their salaries, shall be exercised by him in his discretion.

Now in regard to the dismissal of a Minister—

Raja Ghazanfar Ali Khan : Has the Governor dismissed Sardar Shaukat Hyat?

Minister of Finance : Will the honourable member kindly permit me to say what I have to say?

That function is exercised in his discretion. I take it that that exercise of the functions by the Governor is not open to discussion in this House.

Raja Ghazanfar Ali Khan : It is open to discussion.

Minister of Finance : The exercise of his functions by the Governor in this regard is not open to discussion. I say that most emphatically. For all that I can judge the matter, the exercise of this function by the Governor cannot be described in any sense whatsoever as in his 'administrative capacity'. No.

Mir Maqbool Mahmood : Constitutional capacity.

Minister of Finance : In his capacity as Governor in the exercise of a particular power.

Malik Barkat Ali : Is it in his personal right?

Minister of Finance : In whatever capacity it may be, it is not in his 'administrative capacity.' It is the exercise of a particular power which the Governor is given and which he exercises in his individual discretion and which I have no hesitation in saying cannot be a subject of discussion at any rate on an adjournment motion in this House.

Raja Ghazanfar Ali Khan : Question.

Minister of Finance : May I in this regard cite one very high authority? I refer to Todd, a writer of great authority on constitution. He says (*interruption*). The honourable member will please listen to me. He has expressed the position in these words—

The right of a Governor to dismiss his ministers when he has ceased to have confidence in them is undeniable, and that right is not impaired by the fact of their being able to command a majority in the representative chamber.

Todd has expressed himself in these words in his authoritative book 'Parliamentary Government'. It is a work of a very high authority and this statement has never been questioned.

Raja Ghazanfar Ali Khan : When was that written?

Minister of Finance : In 1840.

Mian Abdul Aziz : That is, before the East India Company came into existence!

Minister of Finance : This is more than amply borne out and in fact secured beyond all challenge in the Government of India Act, Section 51 (5). I take it therefore that it is not a matter for discussion by this House. You cannot discuss the conduct of the Governor in dismissing a Minister.

Raja Ghazanfar Ali Khan : We will not discuss that.

Minister of Finance : Then, what is the other matter to be discussed? What then is sought to be discussed can only be the action of the Premier, though it is said that the motion is intended to elicit information. If I may say so that is only an indirect attempt to bring the conduct of the Premier into discussion. Now, what cannot be done directly except by way of a substantive motion cannot be secured in this indirect manner. You are well aware and it is a matter that has been the subject of numerous rulings by you, that the conduct of a minister cannot be the subject of an adjournment motion. Nay, one may go further and say that no member of the House can be the subject of discussion on an adjournment motion. I take it that no authority is needed for that proposition, you find it stated at great length and in precise terms by that other high authority who I believe wrote in 1860 or thereabout, Sir Erskine May, in his authoritative book on Parliamentary Practice and Procedure. The conduct of no member of the House, much less of that of a minister, can be discussed by an adjournment motion. It will not do merely to say that the object of the motion is merely to elicit information. You will be pleased to remark and rightly too, if I may say so, that this matter might as well form the subject of interpellation asking for definite information and if that definite information is open to challenge in any manner whatsoever it might later on form the subject either of a no-confidence motion in the Government, though this is surrounded by a number of safeguards, or it may be the subject of a substantive motion; and between the two there will be no difference if the real intention is to impeach the action of a minister.

Mr. Speaker : But the question is whether the dismissal of a Minister relates to the conduct of the Governor or of a Minister.

Minister of Finance : I can say straightaway that so far as the dismissal of a minister is concerned, the matter is covered by section 51(5) of the Government of India Act. That is the last word on the question.

Mr. Speaker : Does discussing the dismissal involve discussion of his conduct

Minister of Finance : When the Governor has taken a particular action by virtue of certain powers with which he is amply clothed, that is the last word on the question in spite of what the Opposition may say. It is clearly discussing the action and therefore the conduct of the Governor.

That cannot certainly be done on the very tenuous and restricted ground of an adjournment motion, where if the motion 'the House do now adjourn' is carried it reflects seriously and unmistakably on the ministry which is opposing and naturally opposing a motion of that character.

Mr. Speaker : Would a discussion of dismissal involve the discussion of his conduct or not ?

Minister of Finance : Yes, and it is for this reason that I ventured to put the matter in the forefront that the dismissal being by Governor, to discuss it would be tantamount to discussing the conduct of the Governor in the exercise of powers with which he has been clothed under the Government of India Act. Sir, I go the full length of saying that any canvassing of the dismissal ordered by the Governor in virtue of certain powers with which he is clothed is nothing short of discussing the conduct of the Governor in taking a particular step.

Further — and this is to some extent incidental — I observed a little while ago on page 171 of May and, you were pleased to endorse it on one occasion yourself, that the conduct even of a single member of the House cannot be the subject matter of an adjournment motion. With all humility I count upon Sardar Shaukat Hyat Khan as a friend. I am not claiming any friendship *qua* this motion. I am not indulging in sentiments. I would say this, can you discuss this motion even in the guise of eliciting information without discussing the conduct of Sardar Shaukat Hyat, and if you are doing this, you are within the mischief of the rule which excludes the discussion of the conduct of any member of this House by way of an adjournment motion. Look at it how you like, you are trying to impeach indirectly the conduct of the Governor in the exercise of certain powers which he possesses and undoubtedly possesses under the Government of India Act, or of the Premier for any possible advice he may have given him. You cannot discuss this matter by way of an adjournment motion as you cannot deal adequately with matters of such importance in the course of an hour and a half or two hours ; you cannot deal with this important matter adequately and properly and that is why you cannot take up a matter like this on a mere adjournment motion. An adjournment motion does not provide adequate time and scope for such a motion—and that is the reason for the exclusion of such motion from the purview of adjournment motions.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban : Sir, I just wish to discuss some of the points to which my learned friend has drawn attention, and to bring to your notice certain rules which make it absolutely clear that such a motion can be legitimately moved even if it falls within the domain of the discretion of the Governor. I will make a few references. Rule 41 which directly deals with adjournment motions says :

A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.

The rule definitely says that the matter which will form the subject matter of an adjournment motion must be a definite matter of urgent public importance. I have only one or two questions to put to the Finance Minister, is the dismissal of Sardar Shaukat Hyat a definite matter of urgent public importance or not ? Secondly, does this rule 41 say that matters which have been decided by the Governor in the exercise of his discretion shall not form the subject matter of an adjournment motion ? I draw your attention to rule 68 which says :

(1) The matter of every speech shall be strictly relevant to the matter before the Assembly.

(2) A member while speaking shall not—

[Malik Barkat Ali]

(i) reflect upon His Majesty the King Emperor or use His Majesty's name for the purpose of influencing the debate;

(ii) reflect upon the Governor-General, His Majesty's Representative, or the Governor, in his personal capacity, provided that nothing in this sub-rule shall preclude any reference, subject to the provisions of the Government of India Act, to the Governor-General or the Governor in relation to any act done in his administrative capacity; ”

The only question that I desire to put to the Finance Minister is this. Here is rule 68 which lays down that the Governor shall not be discussed in his personal capacity. He can be discussed in any other capacity. So far as this rule goes, it deals with the Governor and recognises only two capacities — Governor in his personal capacity and Governor in his administrative capacity. Therefore when the learned Finance Minister quotes to us section 51 (5), I am afraid it does not touch the subject.

Of course it is for the Finance Minister to say that the dismissal of a Minister is not a matter of general public importance, but if it is a matter of general public importance, then rule 41 lays absolutely no restriction except the restrictions contained in other rules. I have drawn his attention to rule 68, so that he may have the situation that the rules do contemplate those occasions on which the Governor is to be discussed on the floor of this House, and the only exception is the Governor in his personal capacity, and no discussion must reflect upon the Governor. Similarly, I draw your attention to the rules made by the Governor himself.

These are the rules of the Assembly. I have before me the rules made by the Governor of the Punjab in exercise of the powers conferred on him by the proviso to subsection (1) of Section 84 of the Government of India Act for regulating in regard to certain matters, the procedure and the conduct of business in the Punjab Legislative Assembly. If the Honourable Finance Minister had referred to any rule made by the Governor to the effect that such a matter or any order made by him in the exercise of his discretion shall not be discussed on the floor of the House he certainly would be on stronger ground. As I read these rules made by the Governor there is a clear distinction drawn between matters placed within the discretion of the Governor, and matters placed within the individual judgment of the Governor. These matters within his discretion and matters within his individual judgment are all mentioned and what do these rules say? Not that matters within his discretion shall not be discussed at all. These rules clearly say that all matters within his discretion or within his individual judgment shall be discussed and can be discussed with certain exceptions. For these exceptions, I refer you to rule 4 of the Governor's rules.

Mr. Speaker : That is irrelevant.

Malik Barkat Ali : Under rule 4, “ Any matter connected with the relations between His Majesty or the Governor-General and any foreign State or Prince, the personal conduct of the Ruler of any Indian State or of a member of the ruling family thereof; any matter connected with tribal areas or arising out of or affecting the administration of an excluded area ” — these matters certainly cannot be discussed on the floor of this House without the consent of the Governor. Therefore the necessary implication is that excepting these matters, everything else done by the Governor in exercise of the powers vested in him can be discussed. Rule 5 says :

No resolution shall be moved or discussion allowed save with the consent of the Governor acting in his discretion in regard to any of the following subjects, namely :—

“ Any matter connected with the relations between His Majesty or the Governor-General and any foreign State or Prince—

and so on.

Therefore my respectful submission is that so far as the rules of the Governor go, there is nothing to prohibit this discussion.

Mr. Speaker : Will the honourable member please say whether the discussion of Sardar Shaukat Hyat Khan's dismissal will not involve discussion of the conduct of other Ministers as well as that of Sardar Shaukat Hyat, Khan.

Malik Barkat Ali : Not necessarily. It will be open to the occupant of the chair at that time to stop a member if he is irrelevant or proceeding contrary to the rules.

Mr. Speaker : Will it not involve a discussion of his whole conduct ?

Malik Barkat Ali : Perhaps. The rules say that no personal charge can be made against any member of the House. Rule 68 is clear. It says that the matter of every speech shall be strictly relevant to the matter before the Assembly. It further says :

A member while speaking shall not—

(i) reflect upon His Majesty the King Emperor or use His Majesty's name for the purpose of influencing the debate ;

(ii) make a personal charge against a member.

I respectfully submit therefore that when it is argued that the matter is one which is in the discretion of the Governor, it does not follow from that that any matter within the discretion of the Governor cannot be discussed on the floor of the House. If the Honourable Finance Minister had given any direct authority one would have considered it. Everybody knows that it is the undoubted right of the Governor, as a constitutional Governor and not as a bare despot, to dismiss his ministers at pleasure.

Mr. Speaker : Will not the discussion of dismissal of Sardar Shaukat Hyat-Khan involve discussion of the conduct of his colleagues ?

Malik Barkat Ali : Not necessarily.

Raja Ghazanfar Ali Khan : May I answer that question ? I assure you that so far as this side of the House is concerned, the discussion on this motion will be strictly confined to elicit information from the Government and to give certain information to the Government.

Raja Ghazanfar Ali Khan : I can quote you rulings from the highest parliamentarian, from Sir Frederick Whyte who was sent to India specially, to demonstrate how speakers should conduct themselves when speaking on adjournment motions. There was an adjournment motion in the Central Legislative Assembly on the subject of the Indian troops being sent to China and the Government there raised an objection.

Premier : There were no Ministers in the Central Assembly in the time of Sir Frederick Whyte.

Raja Ghazanfar Ali Khan : The Government then raised the objection that it would raise a discussion on His Majesty's foreign relations. But Sir Frederick Whyte ruled out the objection on the ground that the troops were Indian but said that he would be vigilant to see that no speaker referred to His Majesty's foreign relations and that the speeches would strictly be confined to matters relevant to the subject under discussion. You in the chair would also see that the speeches are strictly confined within the four corners of the subject matter of the motion.

Premier : We have had discussion from both sides of the House. An attempt is being made to move an adjournment motion where really a substantive motion ought to be moved. I would refer you to rule 46 which says that the motion must not relate to a matter of privilege or a matter debatable only upon a substantive motion. This is a matter which is debatable only upon a substantive motion. As the Honourable Finance Minister has pointed out, what can we say on this subject except personalities and politics of the ministers ? With regard to this there is rule 59 in the Manual which says that a motion expressing want of confidence in, or disapproving the policy in a particular respect of a Minister or the Ministry as a whole be made subject to certain restrictions. These restrictions are laid down, and they must be observed. We should not allow a substantive motion to be discussed through this backdoor of an adjournment motion. It will be unfair to the future ministry and it will create a bad precedent.

Malik Barkat Ali : On a point of order. The Honourable Premier calls this adjournment motion a substantive motion. I draw his attention to the definition of substantive motion on page 15 :

A substantive motion is a self-contained proposal submitted for the approval of the Assembly and drafted in such a way as to be capable of expressing a decision of the Assembly.

Now this motion, the draft of which is before you, I respectfully submit, is not capable of expressing a decision of the Assembly and is therefore not a substantive motion.

This is not a substantive motion.

Premier : But the subject matter can only be discussed upon a substantive motion. The conduct of a member or of a Minister can only be brought under discussion on a substantive motion and not on an adjournment motion. It should be discussed only at the proper occasion and not through manouvering of this kind.

You have ruled that an adjournment motion in any shape or form is not a substantive motion and this is a matter which can only be discussed by a substantive motion. I would ask you to give your ruling on the point. The Governor's conduct cannot be discussed here. Conduct of the Ministry or any member thereof and conduct of the member who is involved will be under discussion and an adjournment motion on the point would be creating very dangerous precedent. Therefore, there should be a substantive motion whereby alone they can discuss this subject here. They can bring a motion of no-confidence and the Government will allot time.

Raja Ghazanfar Ali Khan : Wait and see, we shall bring it.

Premier : And then they will hear my views but not through this back-door method. (*Ironical cheers from the Opposition benches.*)

Mian Abdul Aziz : And the Honourable Premier is objecting by the back-door.

Premier : I would ask you to give your ruling.

Chaudhri Muhammad Hasan : If the Leader of the House is so courageous, he should allot a day for discussion. There is a precedent to that effect. In this case the Honourable Leader of the Opposition did not want allotment of time for the discussion of a matter as a matter of favour. I may inform him that there is a convention in the British Parliament that if the Leader of the Opposition desires to discuss a specific and important matter in public interest and asks for time, the Leader of the House invariably tries to accommodate him. I have a debate of the House of Commons in my hand and there it is stated that the Leader of the House said that if the Leader of the Opposition wanted to discuss a certain matter, he (the Leader of the House) was prepared to accommodate him and find time for it on a Government day. If my honourable friend opposite is courageous enough, let him come forward and say that he is prepared to give a day for discussion of this matter.

Mr. Speaker : The honourable member is not referring to something very relevant. There can be no doubt that it is the duty of the Government to find time when a substantive motion duly signed by fifty persons is moved in the House.

Premier : Yes.

Mir Maqbool Mahmood : On a point of order. There may obviously be some misunderstanding created by the statement made by the Leader of the Opposition. What he referred to was a statement made by the late Honourable Sir Sikander Hyat-Khan, as the Premier of the House, from that seat in which he sat. When reference was being made to the fact that apart from fifty votes, whenever the Leader of the Opposition asked for time to discuss a matter of public importance, the Leader of the House accommodated him, the late Sir Sikander Hyat-Khan told the House that he also accepted that convention and every time the Leader of the Opposition would ask for time to discuss a matter of real public importance, he would accommodate him (the Leader of the Opposition). Therefore, the Leader of the Opposition requested

the Leader of the House, through you, whether he accepts the convention set up by his Chief or he wants to back out.

Raja Ghazanfar Ali Khan : When this rule was being discussed—I mean the rule that there should be fifty people for a no-confidence motion the late Sir Sikander Hyat-Khan said that this question of fifty members would concern those occasions when any backbenchers would like to bring a motion and if the Leader of the Opposition would like to bring forward a no-confidence or any other substantive motion, he would give him time. Is the Honourable Premier prepared to do that? Has he got the confidence to do that?

Premier : What the late Premier said was that if there was a matter of urgent public importance and the Leader of the Opposition asked for an opportunity to discuss it, he would provide time for it. If a substantive motion in proper form is put forward and the Leader of the Opposition wants time to discuss it, I would certainly arrange to find time.

Raja Ghazanfar Ali Khan : If I give notice of a substantive motion, then you, Mr. Speaker, have to ask the Leader of the House whether he would give time for that substantive motion or not. You, as Speaker, have got no control over the allotment of time. It is the Leader of the House who has. May I ask him to declare on the floor of this House that if we give notice of a substantive motion, he will give us time because for a substantive motion it is not necessary that there should be fifty members behind it.

Premier : I will find time if you give the notice in a proper form.

Mr. Speaker : I have heard very learned and interesting speeches from various honourable members of this House on the question now before the House, that is whether the adjournment motion to discuss the dismissal of Sardar Shaukat Hyat-Khan is admissible. I have given my best thought to it. The matter is not free from doubt but one or two things are very clear. I do not think the dismissal of a person can be discussed, whatever may be his office and whatever may be his position, without saying certain things against him and certain things in his favour. On certain points he may have erred and reference to them will be a criticism and an attack on the person who will be criticised. The conduct of His Majesty the King, his Ministers, the Governor and other high officials cannot be discussed by an adjournment motion. It can be discussed only by a substantive motion. I have no doubt that if a discussion on the dismissal of Sardar Shaukat Hyat-Khan is permitted, the conduct of the Governor, the gentleman who dismissed him, is bound to come in and then the conduct of his colleagues, the Ministers, is also bound to come in.

The conduct of certain subordinate officials is also bound to come in. Consequently it cannot be contended that this motion will not bring in His Excellency.

It is inconceivable to hold discussion of certain person's dismissal without bringing in the persons dismissing him and his colleagues who acted for him or against him. I think that is the unfortunate position.

Malik Barkat Ali : What about those lathi charges? The maker of the lathi charge is discussed and so are the persons on whom those lathi charges are made.

Mr. Speaker : Yes, but a Minister's conduct cannot be discussed and criticised except by a substantive motion. An adjournment motion is not a substantive motion. As it is not a substantive motion and as the subject matter of the motion cannot be discussed but by a substantive motion, I have with regret to hold the adjournment motion out of order.

USE OF NATIONAL WAR FRONT PLATFORM FOR PARTY PROPAGANDA

Raja Ghazanfar Ali Khan : Sir, I would like to take up adjournment motion. No. 80 I ask for leave to make a motion for the adjournment of the business of the

[**Raja Ghazanfar Ali Khan**]

House to discuss a definite matter of urgent public importance, namely, the use of the National War Front Platform for party propaganda.

Premier : Sir, it has been discussed in the Central Assembly and I object to it now. As I said previously no funds of this province are spent on National War Front and I am not answerable here for the National War Front. It is the Central Legislature which provides funds for the National War Front. We are not spending a farthing on that movement.

Raja Ghazanfar Ali Khan (Urdu): Sir, may I point out to you that this adjournment motion is quite different from the one moved in the Central Legislative Assembly not very long ago. The position is this. The Government of India is supplying funds for the National War Front to the Punjab Government and it is the latter which is responsible for the proper use of the money so supplied. But it is very much regretted that the Deputy Commissioners, who are *ex-officio* advisers and leaders of the National War Front in their respective districts, are using that money for party propaganda work. It is, therefore, my submission that the matter is definite, urgent and of public importance. I hope the Honourable Premier will not avoid discussing this motion on the plea that he is responsible for that matter to the Central Government and not to this House. I request you, Mr. Speaker, to give your ruling in regard to the admissibility or otherwise of this motion. I may add that the position taken up by the Central Government was that if the National War Front platform had been misused for party propaganda in the Punjab, then that matter should be raised in the Punjab and not in the Central Assembly. In view of this, I think, I am quite in order in bringing forward this motion in this House and I hope, Mr. Speaker, you will hold it in order.

Khan Bahadur Shaikh Faiz Muhammad : Sir, may I invite your attention to one of the conditions for an adjournment motion which is that it should not relate to matters on which a resolution cannot be moved. A resolution cannot be moved if it is not primarily the concern of the provincial Government. The question before you is whether National War Front is primarily the concern of the provincial Government. My submission is that it is not primarily the concern of the provincial Government.

Raja Ghazanfar Ali Khan : I only want to raise a discussion on the question of the Punjab Government officials misusing the National War Front platform.

Premier : If the honourable member wants to discuss it then he should bring in a better worded motion.

Raja Ghazanfar Ali Khan : It would be unfair if we are not given an opportunity to bring it to the notice of the honourable members of the House how the Punjab Government officials are misusing the National War Front and thereby impeding the war effort.

Premier : National War Front is a Central subject and it is the Central legislature which has the right to discuss it as the Government of India is responsible for running the National War Front. It is not the concern of the provincial government, because no provincial funds are being spent.

Mir Maqbool Mahmood : Sir, I submit that it appears that there is one essential point on which both the Premier and my friend are agreed. It is that agreed point that is the basis of this discussion and the agreed point is this. It has been admitted that certain officers of the Punjab Government, who are paid out of the provincial funds are actively helping the National War Front. That is a fact which has not been denied. In the circumstances we will have to discuss whether that movement, with which the officials of the Punjab Government are officially associated, and for which they are being officially paid, is or is not a part of party politics and propaganda. This is an

issue on which there can be no difference of opinion on both sides of the House. I would request the Premier to say that he was not aware of the facts and that you can reject it if you like.

Mr. Speaker : In the circumstances explained by the Honourable Premier I am unable to hold the motion in order.

Chaudhri Muhammad Hasan : May I ask the Honourable Premier if he is prepared to accommodate the Opposition and allot a day for the discussion of the question relating to the dismissal of Sardar Shaukat Hyat-Khan ?

Premier : The honourable member is welcome to my room and we can talk about fixing a day as desired by him.

INTERFERENCE OF OFFICIALS AT ELECTIONS OF SIALKOT DISTRICT BOARD

Raja Ghazanfar Ali Khan : 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 improper interference by the Deputy Commissioner of Sialkot in the election of the Vice-Chairman of the District Board held on the 10th August 1944.

Premier : Sir, it relates to an election and we have provided ample remedy for the aggrieved parties under the law. They can make an election petition. I may also point out that if elections are going to be discussed on the floor of the House there would be no end.

Raja Ghazanfar Ali Khan : Is that relevant to the issue ?

Premier : The honourable member is welcome to make an election petition and have his grievances redressed.

Malik Barkat Ali : Election petition can only be filed if objection is taken as to the validity or otherwise of an election. What this adjournment motion seeks to discuss is the intervention on the part of an official and not the validity or invalidity of the election. The question of an election petition, therefore, does not arise.

Premier : This is not the first election that has taken place in the province. Elections are held from year to year in the municipal committees and the district boards, and if in this particular case there has been any official interference, the proper course would be an election petition.

Malik Barkat Ali : Supposing the aggrieved party does not adopt that course ?

Premier : This is not the proper place to raise discussion on such a matter.

Raja Ghazanfar Ali Khan : We are not concerned with the aggrieved party whether they exercise the right of appeal. What we as members of this House are concerned with is that no Deputy Commissioner, or for the matter of that any other Government officer, misuses his power in any election, as that would be in contravention of the Government servants Conduct Rules. Suppose an aggrieved party refuses to file a petition—he might have been won over or he does not want to bother about it—can it be ruled that this House has not got any right even to censure the conduct of those officials who have misused their power ? In this particular case the Deputy Commissioner interfered with the district board's election of the vice-chairman. We are not asking you to restore the defeated gentleman as that can be done by an election petition, I quite agree. The Leader of the House is deliberately confusing the issue. We are not concerned with who is the chairman. What we are concerned with is that the Deputy Commissioner misused his power and we want to censure his conduct.

Premier : Raja Sahib does not realise that the law provides an independent enquiry. The conduct of the official cannot be discussed behind his back on the floor

[Premier] of the House. The Honorable member can go to a court of law where the official concerned can defend himself.

Mr. Speaker : Being an old inhabitant of the province I also know something of what happens in elections. In cases of such complaints people cannot go to a court of law as the mischief may not be a sufficient ground to turn down and invalidate an election and thus deprive people of fairness and justice. I think certain interference on the part of a Deputy Commissioner may not amount to invalidate an election and then to go to a court of law and to prove there such an allegation is not an easy matter. This can be done only departmentally. Personally I see no reason to disallow the motion and am inclined to allow it. (*Hear, hear from the Opposition Benches*).

Minister for Public Works : I object to leave being granted.

Mr. Speaker : Those in favour of leave being granted may please rise in their seats.

As more than 35 members stood up, leave was granted.

Mr. Speaker : The motion will be taken up at 4.30 p.m. today.

EXEMPTION OF BUSINESS FROM RULE "SITTING OF THE ASSEMBLY"

Premier (The Honourable Malik Khizar Hayat) : There is a motion standing in my name on the agenda which reads as follows :—

That the proceedings on (i) the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill, (ii) The Punjab Agricultural Produce Markets (Amendment) Bill and (iii) The Punjab District Boards (Amendment) Bill, be exempted at this day's sitting from the provisions of the Rule 'Sitting of the Assembly'.

It is with considerable reluctance I gave notice of this motion. It is not my intention to give any inconvenience to honourable members opposite.

Mir Maqbool Mahmood : On a point of order. Before the Honourable Premier proceeds further I should like to draw your attention to Rule 12 (2) (c) which refers only to any specified item and not any specified items. If you read the rule you will find that it runs—

That the proceedings on any specified item of business be exempted at this day's sitting.

If you refer to the corresponding rule of the House of Commons you will observe that it provides for the whole of the Government business being thus exempted. Thus while it is open to the House of Commons to get the whole of the Government business exempted, our rules specifically provide for the exemption of only a specified item of business and not all the items of business.

Mr. Speaker : Does not the singular include the plural ?

Mir Maqbool Mahmood : No, Sir. If you compare the rules of the House of Commons and our rules, you will observe the difference. I was a member of the committee which drafted these rules of the Assembly and the wording of the House of Commons was deliberately not adopted and instead we adopted the wording as in the rule, the idea being that only one specified item must be so exempted and not the whole of the Government business. Otherwise there was no reason why the wording of the House of Commons rule was not adopted.

Premier : Under the General Clauses Act singular includes plural also. I submit that during the last two sittings of the Assembly we have made no progress at all. As a matter of fact we are today where we were at the commencement of the session. In the case of the District Boards (Amendment) Bill there is only one clause and we have not made any headway with it because of the party tactics of the Opposition, even though the very same clause was approved by the House in another connection. Again, the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill which has nothing to do with any crimes but only seeks to validate and give protection to officer

for their past acts has not made any progress either. On the other hand we are having a lot of adjournment motions which used to have some importance before but have now ceased to have any importance because of the way in which the privilege of moving adjournment motions is being used. Besides we are always discussing points of order—(An honourable member : You are responsible for that. I do not want to press this motion of mine. I have had a talk with the Leader of the Opposition and he has promised co-operation.

Chaudhri Muhammad Hasan : I do co-operate ; only you do not.

Premier : I have always tried to co-operate with the honourable member. I am not particularly anxious to press my motion, but we have to see that Government business concludes in time. There is a large number of Bills yet on the agenda and we are moving at snail's pace. In fact we have made no progress at all. If the House takes it in a businesslike way as it once did, then there may be no necessity for this motion. The House will remember that a Bill was passed for the appointment of a Marshal for the Speaker. But good sense prevailed among the members and there was no necessity to appoint a marshal. I therefore appeal to the good sense of the Punjabis and seek the co-operation of my friends on the Opposition benches. In asking for the expedition of Government business I am in the good company of a contemporary of mine in another legislature. I am referring to the Premier of Bengal who put forward an amendment to the Rules of Business and Procedure whereby the Governor could fix time limit for the business of the House. He was driven to that condition. I hope we shall have no similar necessity. If my honourable friend, the Leader of the Opposition will kindly see that there is co-operation to get through Government business, I will not press my motion.

FRONTIER CRIMES (VALIDATION OF ACTS, ORDERS AND PROCEEDINGS) BILL

Mr. Speaker : The House will proceed with the discussion of the Frontier Crimes (Validation, etc.) Bill.

Clause 3

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to move—

That in line 4 between the words "such order" the words "bona fide" be inserted.

There is some difference between the amendment moved to clause 2 and the present one. This amendment means that no suit shall lie against any official of Government or against any person who has made such order which has been made valid by this Act. This is going against the law itself. You are a clever lawyer and you know that even if some law permits, individual members are allowed to bring a suit against any official who does anything *mala fide*. You will find that this exemption is given to the officials that nobody can bring a suit against any official who has exceeded his right and then the right of the individual shall be in a way forfeited and all those persons who had been maliciously prosecuted or who had been in a way served with *mala fide* orders, they should be allowed to bring suits against officials who have done so.

Mr. Speaker : Question is—

That in line 4 between the words "such order" the words "bona fide" be inserted.

The motion was lost.

Mr. Speaker : The question is—

That clause 3 stand part of the Bill.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, clause 3 is an indemnity clause and gives very wide powers to officials who are not only said to have exercised certain powers but who are purported to have exercised those powers

[Mian Muhammad Nurullah:]

illegally, and whether it is the right use of the powers or whether it is an abuse of the powers we are asked to indemnify all those officials who have passed orders during the long interval of many years. This is an extraordinary powers that Government wants us to ratify. Clause 3 reads—

No suit or other legal proceeding shall lie in any court against the Provincial Government, or any person, for or on account of or in respect of any such order made, proceeding taken or act done as aforesaid, whether in the exercise or purported exercise of powers as aforesaid, or in execution of or in compliance with orders made or sentences passed, in the exercise or purported exercise of such powers.

Can you imagine a wider power than this? We are kept in the dark and our thumb-impression is wanted to get this clause passed.

Sir, I beg to submit that this is a very serious thing. They want to have very wide powers under this Bill. A constable comes to my house and drives out my children and one of them dies and certain proceedings are taken. But you want me to stop taking any legal proceedings. It will be very unfair, very unreasonable and an extraordinary thing if a relative of mine dies and I or another relative is debarred from taking any legal proceedings. We do not want any Government to possess such wide powers. I, therefore, oppose this clause.

Mr. Speaker : The question is—

That clause 3 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.

Minister of Finance (The Honourable Sir Manohar Lal) : I beg to move—

That the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill be passed.

Mr. Speaker : Motion moved—

That the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill be passed.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban), : Sir, I rise to oppose this motion. I submit that the position is a very simple one. In 1887 the Frontier Crimes Regulation was passed. Now under the terms of that Regulation there are certain sections which are, to use the words of the Regulation itself, of general application. There are other sections which are not of general application and in order that those sections which are not of general application may be made applicable to any class, authority was given to the local Government by means of a notification in the local official gazette, to apply those sections within are not of general or universal application, to some classes not originally within the scope and intendment of the Regulation. In exercise of this power a notification was issued on the 15th November 1887. But the Frontier Crimes Regulation of 1887 was repealed and a new Frontier Crimes Regulation enacted in 1901. After the enactment of this Regulation, no notification whatever was issued by the Punjab Government applying those sections of the Regulation which were not of universal application, to classes outside its normal purview. This matter came up for consideration before the High Court in Criminal Revision No. 1494 of 1948 and the High Court held that after the repeal of the old Regulation of 1887, all notifications issued thereunder automatically came to an end and since no notification had been issued, through the carelessness of Government or its legal advisers, under the enacted Regulation of 1901, the conviction was illegal and the person

convicted and sentenced was set free. Now undoubtedly the Government had this position before them. How have the Government proceeded to handle or tackle the situation created by this decision of the highest courts of justice? I am aware, Mr. Speaker, that in England whenever Habeas Corpus Suspension Acts have been passed under which all civil liberties are practically suspended, they are invariably followed by Indemnity Acts, as soon as normal conditions are restored and the Habeas Corpus Suspension Acts come to an end. How have the Governments in Great Britain dealt with such a situation? One thing they certainly do and that is this, that officers who have *bona fide* acted in that situation of upheaval and great civil commotion, to restore order, are protected, so that they may not be exposed to any litigation on the part of those who have suffered from their illegal interferences. But I know of no such enactment, so far as England is concerned, under which something which was not legal on that date in regard to the liberty of the subject, was validated. I can understand officers being protected against illegal exercise of powers which they did not possess. But I cannot understand why the Government should seek to validate all those acts. In England whenever an Indemnity Act is passed, officers are protected, but those persons whose liberties have been encroached upon that is, who have either been sent to jails or have been fined,—such persons, if they are in jails, are set free at once and in the case of those persons who are fined, their fines are refunded as soon as the Act under the authority of which those sentences were passed comes to an end. Therefore, I ask the Government that while they may be within their rights in protecting their officers who exercised their powers under a mistaken notion, created it may be by an earlier decision—25 Punjab Record 15., how can they ask this House to agree to the continued incarceration of those who have been illegally convicted and sentenced? The right course is that such persons if they have been illegally imprisoned, should be set free at once and if they have been illegally fined, the fines paid should be refunded to them. But the position adopted by Government is one which I cannot understand and I, therefore, oppose the third reading of this Bill on the ground that it works considerable injustice and hardship and is absolutely indefensible in one part. As I have already explained to the House, I would have no objection to the protection of those officers, and to the grant of indemnity to them so that they may be immune from any litigation to which they may be exposed because they acted illegally though *bona fide*, but I cannot understand why sentences illegally passed should not be set aside and why fines that have been illegally imposed should not be refunded. Therefore I beg to oppose the passing of this Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I do feel that the powers given under this Act are too wide and as they are going to have the effect of ratifying certain illegal or unreasonable acts, as my honourable friend, Malik Barkat Ali, has just pointed out, those people who have suffered due to the unreasonable and illegal acts must be protected and those who are in jail due to such acts should be set free. I feel that as this Act is going to be passed without any compensatory clause that such prisoners would be set free, it would work a great hardship and injustice in a number of cases referred to in the statement of objects and reasons.

I feel that, in the first place, the Government should not have got the powers for their officers and if they were to have the powers, they should see from the public point of view and compensate the victims of those unreasonable powers which they want to ratify. I, therefore, oppose the Bill. (*Voices from Treasury benches* : Question be now put).

Mr. Speaker : The question is—

That the Frontier Crimes (Validation of Acts, Orders and Proceedings) Bill be passed.

The motion was carried.

Mian Muhammad Nurullah : But I want a division.

Mr. Speaker called on members who wanted a division and those who did not want a division to stand in their places respectively and then declared that the House did not want a division.

AGRICULTURAL PRODUCE MARKETS (AMENDMENT) BILL

Minister of Development (The Honourable Sardar Baldev Singh): I beg to move—

That the Punjab Agricultural Produce Markets (Amendment) Bill be taken into consideration.

Mr. Speaker : Motion moved—

That the Punjab Agricultural Produce Markets (Amendment) Bill be taken into consideration.

Mian Muhammad Nurullah (Lyallpur East, Muhammadan, Rural) (Urdu): Sir, I beg to move—

That the Punjab Agricultural Produce Markets (Amendment) Bill be circulated for eliciting opinion thereon by the 1st March 1945.

My honourable friend Sardar Ajit Singh has inquired as to what this Bill is about. For his information I may tell him, that it has become a habit with the Government not to do things at the proper time. If at all they do anything they do it badly, with the result that after five or ten months they again come forward and say: at the time of the enactment of such and such an Act we made this omission and that omission and now when we have realized our mistake we want to rectify it and, therefore, the House should just pass this amending Bill and deem it as if it has been passed five or ten months back. They know that they have a majority of the honourable members at their back and call who would, without any hesitation, put their thumb-impression where Government want them to put it. We want that honourable members before taking any such step should know as to what they are going to do. In order to tell them something about this Bill I will refer to some of its clauses. In the first place there is section 2 which seeks to amend section 4 of Punjab Act V of 1939. It says—

In subsection (2) of section 4 of the Punjab Agricultural Produce Markets Act, 1939 after the word "shall" where it first occurs, the words "either for himself or on behalf of another person, or of the Crown" shall be inserted.

We do not say that this amendment be not made. Our point is, why did not my friends do this very thing three years back? During the last two or three years business amounting to crores of rupees has been transacted in the province and because of this defect in the Act Government lost lakhs of rupees which they would otherwise have received by way of fees. I ask why did not my friends put in these words at the time when the Markets Act was enacted? I put it to the honourable members whether they were aware of this defect when the Markets Act was being considered by the House or not. If they knew the defect, why did not they try to remove it then? Why did they allow it to remain there, and thus cause the Government to suffer a loss of a lakh or two lakhs of rupees? I know that the chief purchasing agent of Government earned lakhs of rupees and paid a large sum of money by way of income-tax as well. But that agency paid nothing to this Government. (*Minister of Development:* Will the honourable member please disclose the name of that agency?) Certainly. Before the appointment of six purchasing agents there was the firm of Owen Roberts & Co., which did business amounting to crores of rupees. It purchased foodgrains for the military. If the Government had removed the defect, which they now want to do by means of this amending Bill, they would have gained lakhs of rupees by way of market fees. I ask, why did Government keep sleeping all the time? I want to know from them that if they had not slept over the matter and had carried out this amendment how much money they would have gained which now has simply been lost. Besides I think Government should have moved the following amendment of which I have given notice: "that at the end of the clause the words 'and shall be deemed to have been inserted from the commencement of the said Act' be added. A similar amendment stands in the name of Chaudhri Tika Ram but that is in respect to a subsequent clause.

I think these very words should be added at the end of clause 2 as well, so that the proposed amendment may be deemed to have been made from the commencement of that Act. I assert that Government by their carelessness and inefficiency have caused loss to the market committees and it is for this reason that I think that in order to elicit their opinion the amending Bill be circulated.

The second thing which, I think, my honourable friend Sardar Ajit Singh has not understood pertains to section 3. What does section 3 say? It says—

To section 10 of the said Act the following words shall be added and shall be deemed to have been added from the commencement of the said Act, namely:—

“and if, when such period expires, no person has been appointed to succeed him, such member shall, unless the Government otherwise directs, continue to hold office until his successor is appointed.”

It means that even if a member dies he will continue to hold office until his successor is appointed. Besides, my friends want us to deem this amendment to have been made five years ago. The expiry of two, three or even five years has, in their opinion, no meaning at all. According to them it is quite an ordinary thing. They want us to deem the words “and if, when such period expires, no person has been appointed to succeed him, such member shall, unless the Government otherwise directs, continue to hold office until his successor is appointed” to have been added in section 10 from the commencement of the Markets Act. They want that if a new member is not appointed in place of a member of the old market committee then that member shall continue to hold office even though his successor may not be appointed till five or 10 years. This is the power which my friends propose to give to Government and this is the amendment which they seek to carry out. This Government is highly inefficient. It cannot do anything at the proper time. Its machinery is so very worn out that it takes months to decide about a small matter. Its officials cannot think out any schemes and cannot do any planning. What can they do when they are not wise and original thinkers? If, anyhow, they make up their minds to do a thing, then their plans and schemes fall a prey to red-tapism and thereby months and even years are wasted before such suggestions or schemes see the light of day. I think if an amending Bill like the one now before the House is circulated for eliciting opinion thereon it will do immense good. It will certainly not be a waste of the time of the House. The life of market committees has expired but new members have not been appointed and it is not known when they will be appointed. I advise the Government that before they pass the Bill they should act cautiously and circulate it for eliciting opinion thereon.

Then, Sir, there is another section which I would like to bring to the notice of the House. It is section 4 wherein it is laid down—

Mr. Speaker : The honourable member is discussing the Bill clause by clause.

Mian Muhammad Nurullah : I am not discussing it clause by clause. I am simply referring to certain sections in regard to which the public can express its opinion. I have moved that this Bill be circulated for eliciting public opinion thereon and unless the people know in regard to which points they are required to express their opinion, how can they express any views at all? Anyway section 4 is just like section 3. The same thing has been repeated in it. It means that if any person is appointed as a member of a market committee ten years earlier he would continue to remain its member unless a new one is appointed in his stead. In the opinion of my friends the expiry of five or ten years has no significance at all. Again what is there in clause 4. The words sought to be added to the proviso are—

“Unless there be delay in appointing a new member to succeed the member first mentioned above, in case it shall expire on the date on which his successor is appointed by the Government”

Now, when the Government is to appoint another member in place of the one removed, the public ought to know that they are going to bring about this change. Clause 5 deals with the Provident Fund. Here again the fact should be made known

[Mian Muhammad Nurullah]

to the Market Committees before they are called upon to enter into their management and regulation. It is, therefore, essential that the Bill should be circulated in order to enable them to give their opinion in the matter. Further, it is proposed to substitute 'notified market area' for 'market'. It means that previously the rules were applicable to the markets but now they will be applicable to the notified areas as well. Do the Government want the public to understand that this is a good Bill because it enforces them in small towns also? Then in the end the words commencing with " and the contribution " and ending " employees " are being omitted. Well, this is a formal change.

Again, in the statement of objects and reasons it has been admitted by the Government that this amending Bill has been necessitated because certain lacunæ and defects have come to light. It is all the more reason why this Bill should be circulated for eliciting public opinion. This Government is in the habit of rushing through legislation and when due to bad drafting and haste defects go undetected, they bring amending Bills one after the other in order to remove those defects. I would submit that while making laws the Government should not be in any hurry and they should give due consideration to them before they are brought on the statute book. They should know that there are numerous Acts which have been in force for the last century or so and yet no necessity for amending them has so far arisen. If the Government were to take the Opposition in their confidence and were to accept their constructive suggestions, I do not think they would ever need to introduce such amending Bills. This again is a reason why it is so necessary to circulate it for public opinion.

The proposed Bill seeks to remedy some of these defects and to make some other suitable provisions which have been found to be necessary in the light of experience. The Government admit that during the three years that this Bill has been in operation defects have come to light, but they have not enlightened us as to the nature of those defects. I was not a member of the Select Committee and I do not know what those defects are. They would do well to let us know those defects. I would request the Honourable Ministers to take us into their confidence and thus enlist our co-operation and take advantage of our opinion.

Sir, this Government have made a reference to the ordinance which is sought to be ratified by enacting this piece of legislation. I fail to understand what exceptional circumstances there were to justify the enactment of that ordinance. The enactment of an ordinance presupposes exceptional and not ordinary circumstances. If the Government carefully consider a point before taking hasty step, they would, I am sure, not need ordinances to help them in running the administration. The majority at their back may put their signatures at their beck and call but they should try to be more constitutional in their actions and elicit public opinion. Our voters rightly ask us to explain why the Government enacted such a measure in spite of our presence in the House. I, therefore, submit that the Bill be circulated for eliciting public opinion.

Mr. Speaker : Motion under consideration, amendment moved—

That the Punjab Agricultural Produce Markets (Amendment) Bill be circulated for eliciting opinion thereon by the 1st March 1945.

Raja Ghazanfar Ali Khan (Pind Dadan Khan, Muhammadan, Rural) (Urdu) : Sir, the Government is feeling that extraordinary delay is occurring in the passage of this Bill. But I want to make it clear that the real cause of the delay is the Government itself. Its remedy too is in their hands. In every Legislature it is a custom that the mover of a Bill while moving it, explains its aims and objects clearly. It is the duty of the Honourable Minister to furnish us with the full details while moving the Bill. But here we find a different thing. The Honourable Minister only takes pleasure in moving the Bill without any introduction. In the statement of objects and reasons only this much is said that since 1939 many defects have been detected in the working of this Bill and now by this supplementary measure it is proposed to

remove them. I wish Honourable Minister had taken a little bit of trouble and told us what those defects were. In that case our task would have become much easier. Now we have to make an effort and try to find out the reality. I will have to study the facts or I will have to make conjectures and leave everything to the care of imagination or I will have to consult those friends of mine who are in the marketing boards. In the presence of this darkness it is a strange thing that after four years working we are going to add these lines which in my opinion are totally dangerous and disastrous.

Sir, this amending Bill affects three sections. At first it affects the zamindars. Then comes my backward community. Musalmans are already lagging behind in trade and commerce.

Sardar Ajit Singh : Which clause are you discussing ?

Raja Ghazanfar Ali Khan : I am discussing clause 4.

The third concerned party is Sikhs. Now a very strict condition is being laid down and in future nobody will be able to enter these trades without licence. Not even this much, Sir, but one cannot become an agent of a licence holder without a licence. The rules for the licences are very strict. The Government has fixed that only those people can get a licence who are dealing in this very trade for the last four years. Under these orders neither my friend Captain Muzaffar Khan nor Chaudhri Suraj Mal can get a licence. Agriculturists are already very backward in trade and commerce and in the presence of these rigid regulations it becomes totally impossible for them to better their lot in these fields. The zamindars who wish to enter this line, cannot do so in the face of these hurdles. My friend the Honourable Chaudhri Sir Chhotu Ram, who is not present here on account of illness and I wish him an early recovery, always advises the zamindars to enter this line and according to him zamindars cannot live without it.

Mr. Speaker : Order, order. The House will now take up the adjournment motion.

(At this stage Mr. Speaker left the Chair and it was occupied by Mr. Deputy Speaker).

ADJOURNMENT MOTION

INTERFERENCE OF OFFICIALS AT ELECTIONS, SIALKOT DISTRICT BOARD

Raja Ghazanfar Ali Khan (Pind Dadan Khan, Muhammadan, Rural) (*Urdu*):

I move—

That the Assembly do now adjourn.

Sir, I would like to dwell upon the adjournment motion now before the House in my individual capacity. If I attribute this adjournment motion to a sensational local event, then I am sure the House will not be able to grasp its full significance. There is a great principle underlying this motion and I would request the House to consider it from a higher level. The principle underlying this motion is about the usual practice of the Deputy Commissioners presiding over the deliberations of the District Boards and causing active and improper interference in the day-to-day administration of these District Boards. So far as the recent happening is concerned, I wish to submit that the Deputy Commissioner of Sialkot interfered in the election of the Vice-Chairman of the District Board by using official influence. Most of the honourable members of this House, who happen to be members of the various boards, must have experienced that in case the officials of the district cause active interference in the election, then the very object for which Local Self-Government in the province was started is defeated. It is most unfortunate that in almost all the districts of the province excepting a few, the Deputy Commissioners happen to be the chairmen of District Boards

[**Raja Ghazanfar Ali Khan**]

So far as these districts, where Deputy Commissioners happen to be the chairmen are concerned, I wish to submit that I do not object to their becoming the chairmen of these Boards, but I do object to the principle involved in this practice. The recent happening regarding the election of Vice-Chairman of the District Board, about which I am referring, is alarming and most regrettable. In my opinion this is for the first time that such a thing has happened in the province. It will not be out of place to mention here that this is for the first time that a party which is considered to be one of the most respected parties in India———.

Rai Bahadur Thakur Ripudaman Singh : What does the honourable member mean ?

Raja Ghazanfar Ali Khan : The honourable member has never spoken so far. I shall gladly give way if he wants to interrupt me. He is my ex-colleague and it is a matter of courtesy.

Premier : Nobody is interrupting you. If you want to be interrupted, it is another thing.

Raja Ghazanfar Ali Khan : I was submitting that the League—Unionist controversy over the issue of the recent election in the Sialkot District Board, has cropped up and that a party has been formed in a new shape in this House against the Government. Some honourable members who belonged to one and the same party have changed their seats on this issue from that side of the House to this side of the House.

Mr. Deputy Speaker : The honourable member should not discuss about the members of the House which can only be done by a substantive motion. It is only the interference of the Deputy Commissioner that is under discussion.

Raja Ghazanfar Ali Khan : I simply explain the characteristics of those honourable members of the House who crossed the floor and who differed on this view.

Further, Sir, my respectful submission is this that there were two honourable members of this House, namely, Chaudhri Muhammad Sarfraz Khan and Chaudhri Ghulam Rasul who were rivals for the election of Vice-Chairman of the District Board. Both of them happen to be my friends. So far as my present relations with each one of them is concerned, I do not wish to enter into any details. It will not be out of place to mention here that I make bold to submit and say that if the Deputy Commissioner were to use his official influence in favour of my honourable friend Chaudhri Muhammad Sarfraz Khan, I would not hesitate in bringing in an adjournment motion about it, subject to the permission of my party. (*Interruption*). I wish to inform my honourable friends that I do not act like those honourable members of the House who do not mean what they say and do not say what they mean. My respectful submission is this that it is known to Providence only that a large number of members sided with my honourable friend Chaudhri Muhammad Sarfraz Khan. It will not be out of place to mention here that the additional reason for the large number of members who sided with him was that the honourable member crossed the floor of the House with others on the ground of principle involved in it. They left their old seats of the oppressive Unionists.

Premier : But what was the result ?

Raja Ghazanfar Ali Khan : Yes, it resulted in your favour. Perhaps the Honourable Premier has forgotten that it was he who instructed the Deputy Commissioner telephonically to have the election postponed unless he was able to get Chaudhri Ghulam Rasul, the Unionist candidate, elected against his rival Chaudhri Muhammad Sarfraz Khan. The Deputy Commissioner postponed the date. I do not remember the exact date the election was to take place. I often am in the habit of forgetting dates, and even as student I was very weak in remembering historical dates.

When a date was fixed for a second time it came to the same thing. In spite of the efforts of the Government the authorities could not influence the members. Or, you may say that the then Deputy Commissioner's self-respect, sense of duty and consciousness of responsibility did not allow him to give way under the pressure of the Government. It so happened that that Deputy Commissioner was transferred. I cannot say whether he was transferred on this account or for some other reason. But it is a fact that he was transferred and another gentleman was appointed in his place who began to take interest in that election. Now, unfortunately, this new Deputy Commissioner belongs to my district and is known to me personally.

Premier : May I request the honourable member not to refer to officers who are not present here. These officers are entitled to certain protection from this House.

Mr. Deputy Speaker : That is perfectly true. But the motion itself contains the name of the Deputy Commissioner whose interference in the elections is the subject of discussion.

Raja Ghazanfar Ali Khan : The Chair will bear me out that I have not mentioned the name of any officer.

Mr. Deputy Speaker : The honourable member will please speak to the motion.

Raja Ghazanfar Ali Khan : I am not against any body. That Deputy Commissioner is my friend and I have a great regard for him. But there are certain people who cannot stand the frown of the Premier or the pressure employed by him. Let me make it clear at the same time that all the deputy commissioners are not alike. Fortunately we have got such deputy commissioners in the Punjab who prefer to discharge their duties honestly in spite of the orders of the Premier, and who are not afraid of their transfer, because the Premier cannot do any greater harm to an I.C.S. man except transferring him from one place to another. (*Laughter*). In short, this Deputy Commissioner went from place to place and house to house and saw each and every member of the District Board. Now, sir, all of us know how these members regard the Deputy Commissioner. They consider themselves very fortunate if a Deputy Commissioner shakes hands with them. If any Deputy Commissioner invites them to tea, well, that is considered such an honour that the gentleman can get from them anything he likes in return. Well, sir, the Deputy Commissioner asked them to vote for Chaudhri Ghulam Rasul and told them that the election was not between Sarfraz Khan and Ghulam Rasul but it was between the Unionist Party and the Muslim League, nay, it was between Chaudhri Sarfraz Khan and the Premier. Now sir, if a Deputy Commissioner says to weak zamindars that by voting for Ghulam Rasul they will be obliging not only him but the honourable Premier as well, and that, too, at a time when a short while ago the Revenue Minister had declared before those very zamindars that the Government intended to give to the zamindars so many thousands of acres of land, you can well imagine, sir, what could it amount to. Do you think that under such influence a poor member of a district board, with all his weaknesses, will refuse the Deputy Commissioner his request? Is this the intention of the district boards Act that the deputy commissioners should influence the members of district boards at the time of elections? I am told, I do not know how far it is correct, that the Government issued instructions to the deputy commissioners that they should put pressure on the official and the nominated members of their district boards to vote for certain members. If that is so, it is very objectionable.

Sir, these political controversies shall end one day. A day will come when these problems are solved. But if once the character of our high officers which our province is rightly proud of, is spoilt mercilessly by the party in power, it will be such a blot that it will take a very long time to wash it off. The election is not important, it is the principle which is important. The Deputy Commissioner should have treated both these parties fairly and equally. Both Chaudhri Sarfraz Khan and Chaudhri Ghulam

[Raja Ghazanfar Ali Khen]

Rasul had helped the Government in war effort with men and money. If the Honourable Premier starts making this distinction that a gentleman, merely because he sits with him on those benches, should be preferred to another, who has served the Government equally or more but who is guilty of sitting on these benches, does it not amount to interference in the war effort? This small election is not going to influence the politics of India. If Chaudhri Sarfraz Khan had been successful, it would have been nothing very important for the Muslim League. Nor do I think the Unionist have achieved anything remarkable except a small temporary excitement.

Mr. Deputy Speaker : There is no question of Muslim League party and the Unionist party.

Raja Ghazanfar Ali Khan : Sir, the question is of interference. I am just stating what were the causes for this interference. If you hold it is wrongful to argue like that I won't. I am sure, sir, that so far as the Deputy Commissioner of Sialkot is concerned, he had no personal grudge against Chaudhri Sarfraz Khan. It is proved, sir, that he did help one member and thus took an extraordinary course, and I wanted to give reasons for that. My friend Chaudhri Sarfraz Khan has assured me that he had a great respect for the Honourable Malik Khizar Hayat. Then what were the reasons that the Honourable Premier was disturbed at Simla and he had to issue orders, send telephonic messages and put pressure against Chaudhri Sarfraz Khan.

Premier : What has that to do with the Deputy Commissioner?

Raja Ghazanfar Ali Khan : They are under his orders. My information is that he got the election postponed himself or through one of his Ministers or friends and that he issued orders to the officers there that Chaudhri Ghulam Rasool should be helped in every way. Every Deputy Commissioner knows that the constitution here is a copy of the English constitution. It is also known to everybody that at different times different parties have remained in power in England, but the services there have never shown partiality to any political party. The officers also try to perform their duties honestly but they are influenced from all sides.

The Deputy Commissioners, even the Commissioners should bear in mind, I am not threatening them but am simply reminding them of a simple fact, that before they retire from service they would have to serve under different Governments. Sometimes the Unionist party may be in power. At another time the Muslim league, the Congress or even a coalition Government may be in power. They should not align themselves with any particular political party. Rather they should make it a principle that whatever Government is in power they would do their duties honestly, impartially and fairly and that they would not take part in the party politics at all.

Mr. Deputy Speaker : The honourable member has had 20 minutes. Will e please wind up his speech?

Raja Ghazanfar Ali Khan : Very well, sir. I will wind up in two minutes. Let me make it clear that I have not moved this adjournment motion merely to criticise the Government. I assure my honourable friends that if the matter had not been of such an important nature I would not have made mention of it, not to speak of tabling an adjournment motion in regard to it. It was my ardent desire that I should,

I get an opportunity, tell the officers working in the Punjab that political matters concerned the political parties alone and that they should keep themselves aloof from them. They should not, in order to please any Minister, indulge in party politics at all. With these words I move my adjournment motion.

Mr. Deputy Speaker : Motion moved—

That the Assembly do now adjourn.

Nawab Muzaffar Ali Khan Qizilbash (Lahore, Muhammadan, Rural) : Sir, I stand to oppose this motion for the simple reason that the party opposite has tried to

throw dust in the eyes of the public by bringing this adjournment motion. Let me explain to you why this adjournment motion has been brought. Unfortunately it is due to the Press. In the Press it has appeared in big headlines that the Muslim League candidate has been defeated. That has upset my friends immensely. What! A Muslim League candidate defeated in a fight with a Unionist! Much was made of the results of the bye-election of the Chairman of the Multan Municipality. So much so that Mr. Jinnah put a statement in the Press saying that there was a writing on the wall for the Unionists. Look at the Multan bye-election. After that came the defeat of the Muslim League candidate at Sialkot and that has upset them. They said, what are we going to tell the public? So to cover their shame an excuse has been brought in and wild allegations against an official without any proof are being made.

Let us look at the history of the elections in Sialkot for the last nine years. My friend, Chaudhri Sarfraz Khan, for whom I have the greatest respect, has stood for election of Vice-Chairman of the Sialkot District Board for the last nine times. Let me ask how many times he has been elected during those nine years. Mr. Speaker, it was only once and in the year 1939 that the honourable member was returned. He will not deny that. Now let us take those elections for the last nine years, from the year 1935. In 1935, 1936, 1937 and 1938, my honourable friend Chaudhri Ghulam Rasul who has been elected this year was elected during those years defeating Chaudhri Sarfraz Khan. But it is said to-day that it is the Deputy Commissioner who got him returned. Who got him returned in those four years? Was it he himself or the Deputy Commissioner? The Press made it a defeat of the Muslim League, hence the name of the Deputy Commissioner must be brought in. I am glad we have got this opportunity to-day to bring it to the notice of the public and I am thankful to the mover for bringing forward this motion, so that we can show to the public what are the real facts. Up to 1938 as already stated Chaudhri Ghulam Rasul was elected. Then there was a compromise between the two contestants who belong to the same family, so in 1939 Chaudhri Sarfraz Khan was elected. Then in 1940 again Chaudhri Sarfraz Khan was defeated by Sardar Gurbakhsh Singh. Again in 1941 he was a candidate and this time he was defeated by Chaudhri Shah Nawaz. In 1942 he was again defeated by Chaudhri Faqir Hussain. This is the history for the last eight or nine years. He has been defeated time after time and in 1944 it is the same gentleman who had been returned for four years previously who gets returned. Was it the Deputy Commissioner who was responsible for his eight defeats out of nine contests?

Where does the Deputy Commissioner come in, in the present case? What has he done, let us ask? They say it was Mr. Akhtar Hussain. It was he who postponed the dates of the elections and it was he who issued the order. The date originally fixed for election was the 24th June but that turned out to be a holiday and members went to him and as Chairman of the District Board he changed the date to the 5th July. Then Mr. Akhtar Hussain got orders for transfer to a more important post. That being so—he had heavy work to finish before his departure, he postponed the meeting to the 10th of July. Then came the new Deputy Commissioner—a non-Muslim, and the Muslim League is now trying to whip up communalism by attacking the Deputy Commissioner who happens to be a Hindu. I am very sorry to see a man of Raja Ghazanfar Ali's experience putting in such allegation on flimsy grounds and without any justification attacking the character of the gentleman. What proof has he put before the House? After all he is not here to defend himself. It is very easy to attack a man in his absence. What has he said against him? That he went from house to house asking members to vote for Chaudhri Ghulam Rasul because it was a contest not between Chaudhri Ghulam Basul and Chaudhri Sarfraz Khan, but a contest between the League and the Premier. I ask, is this the way they are going to attack our officials? It is nothing else than throwing dust in the eyes of the public that the Muslim League candidate has been defeated because of the influence which the Deputy Commissioner exercised against their candidate.

[Nawab Muzaffar Ali Khan Qizilbash]

One thing more. If you look at the figures, you will find that the voting was 31 for and 10 against. It is not a question of 4 or 5 nominated members who could be influenced by the Deputy commissioner. Most of the honourable members here are members of local bodies and know how much the Deputy Commissioner can interfere, but it is a question of 31 votes against 10. With these few words, sir, I oppose the motion very strongly.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din (Sheikhupura, Muhammadan, Rural) (*Urdu*): Sir, my honourable friend, Nawab Muzaffar Ali Khan, is jubilant over the fact that the Unionists defeated Muslim League at Sialkot.

It is a matter of pride for him that they have negatived the principle of local self-government. When Local Self-Government Act was passed by Lord Lytton in 1885, the people of this country were glad that henceforth the local bodies will work unhampered and will in due course become training centres for democratic administration of the country. Undoubtedly if the local bodies are to work independently, they can prove very useful in giving the necessary training for self-government on a much larger scale. But I fail to understand what actuated the Government to interfere in such an unimportant election. As my honourable friend Raja Ghazanfar Ali Khan has remarked, it was a contest between two relatives and there was nothing in this election to create public interest. What was the motivating force behind the scenes which compelled Chaudhri Sir Chhotu Ram to forsake the heights of Simla and come down to Sialkot in such sultry weather? What attraction did Sialkot hold for him that he should go to this district twice at such a short interval, unless it was for interfering in that election?

An Honourable Member: Which district has he not visited?

Premier: A Minister is not a servant of the Crown. He can take part in politics.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din: When did I say that a Minister could not? I was just saying that the Minister evinced so keen an interest because it was an election being contested by a Muslim League candidate.

Mr. Deputy Speaker: Is the honourable member discussing the conduct of the Minister or the conduct of the Deputy Commissioner?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din: Sir, I am coming to it. If I am permitted to proceed, I shall submit that the Deputy Commissioner—

Premier: On a point of order, Sir. Chaudhri Sir Chhotu Ram and the Deputy Commissioner are two different personalities. If the honourable member has any grievance against Chaudhri Sir Chhotu Ram, then why should he put it on to the Deputy Commissioner?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din: I am glad that the Honourable Premier has explained that they are two different personalities. (*An honourable member*: What do you think?). I think they are chips of the same block. If this were not so, there would not have been any incentive for concerted action on their part. Why should Chaudhri Sir Chhotu Ram arrange tours after such short intervals? The question arises whether this election was a free election. (*Nawab Allah Bakhsh Tiwana*: He went thrice to Shahpur in summer). He was obliged to do that for an altogether different reason. May God protect every one.

Well, Sir, I was submitting that if Deputy Commissioners were to interfere in these elections, the Local Self-Government will become a farce. Now, as to the question whether the Deputy Commissioner interfered in it or not, I beg to submit that the fact that a district board election was postponed more than once and whenever on a request being made in writing by the District Board members it was not held, it shows that there must be something suspicious about it. That an excuse was made for its

repeated postponement is no justification for the action taken by the authorities. Excuses can be fabricated for each and every illegal action, and blame can be laid at the opponents' door, just as is done in this case. The Government say that the League has played a stunt to avenge the defeat at Multan.

Nawab Muzaffar Ali Khan referred to a statement by the Qaid-i-Aazam in which he is alleged to have stated that every one should take a lesson from the writing on the wall that an outsider was successful against the scion of a noble family. (*An honourable member* : Does the motion under consideration relate to the Deputy Commissioner's interference or Multan election ?) It was only by way of reply to the reference about Multan.

May I know the reason for the postponement of the election when a date had been fixed ? Was it because Government was not sure of 31 against 10 votes ? **N** that had been the case there was no need for postponing the date. It was postponed once. The second time it was again postponed on the plea that the Deputy Commissioner was transferred. Am I to understand that all other work was brought to a stand still because of this transfer ? If not, then why was an ordinary district board election postponed ?

Sayed Amjad Ali Shah : What a presumption !

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : I cannot prove a conspiracy but I can infer from the events that took place that there was a definite indication from the Ministry on which the Deputy Commissioner had to take that reprehensible action. If the Honourable Premier wants me to prove as to when he called his man, gave the order that was to be conveyed and at what time it reached the Deputy Commissioner, I must submit that I shall be unable to do so.

Premier : Unless the honourable member was the messenger, I say that I sent no message.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : I wonder how the Honourable Premier has put such a question. We do not need any evidence for this matter but we can draw conclusion by a comparative study of the facts. An analytical study of the facts only confirmed the allegation that something in the background was taking place and that everything was responsible for the whole calamity. The Government did its best and they were successful in their designs. We are not very much concerned with the election of Chaudhri Muhammad Sarfraz Khan but we condemn the attitude of the ministry in interfering in the affairs of the local bodies and using their officials influence for their own candidates. We want that the Honourable Premier should become more careful in these matters and should never enter into such ugly affairs as the Premier of the province.

Every day we hear that the Government officials are taking part in local politics and a hue and cry is being made from the platform, press and in the form of direct complaints.

Khan Bahadur Shaikh Faiz Muhammad : The evidence is very weak.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : When there is no will to believe one, then the question of evidence does not arise.

Sir, I was saying that the Government should give this matter very serious attention and should see that germs of this dirty game are rooted out of the province once for ever. We should not hear any more that such and such a Deputy Commissioner or any other officer of the state has interfered in such and such a matter in such and such a way. Sir, before I resume my seat, I will again request the Government to take speedy action in the matter and free our province of this curse as early as possible.

Chaudhri Ghulam Rasul (Sialkot Central, Muhammadan, Rural) (*Urdu*) : Sir, my learned friend has got advocates to plead his case but I will myself make an effort to place before the House the real facts and figures about this dilemma. This

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struggle has been going on for the last 20 years. Formerly his father used to contest the elections and after his death Chaudhri Sarfraz Khan is contesting the elections. I had been elected as senior Vice-Chairman for five years and my honourable friend Chaudhri Sarfraz Khan pooled down his differences with me and it was in 1940 that he was elected with my support. But he changed his course very soon and began to work against me. To-day I find him charging the Government of misconduct but I want to know from him whether I did not permit him to stand and succeed, although I was constantly being asked by the Unionist lords not to do so. If my friend entertains any doubt about my strength, then I have got no course open but to challenge him. Let us both resign our district board offices and recontest. (*Uproar*).

Chaudhri Muhammad Sarfraz Khan : Let us both submit our resignations just now.

Chaudhri Ghulam Rasul : Sir, I was saying that my respectable friend Khan Bahadur Maulvi Ghulam Mohy-ud-Din was attributing that success of mine to the visit of a Minister. I will humbly submit, Sir, that he himself has an experience of such ministerial visits. Elections in Sheikhpura could not be conducted without their help.

Sir, If you have a glance over the past elections of our district board, you will find that I have been elected for five times and he has been elected once only and that too with my help. Now I again repeat my challenge and he should as a brave man resign and recontest. At that time the ministers and other such officials should be sent out of the province, so that nobody should have any grievance.

The number of members who voted in favour of my honourable friend Chaudhri Muhammad Sarfraz Khan during the past years was between ten and fifteen. It will not be out of place to mention here that so far my honourable friend Chaudhri Sahib has only once been elected as the senior Vice-Chairman of the Sialkot District Board. My honourable friend Nawab Sahib has already stated on the floor of this House that after Sardar Gurbachan Singh, Chaudhri Shah Nawaz was elected as the Vice-Chairman of the Board. I make bold to submit that my honourable friend Chaudhri Sarfraz Khan was elected to the office of Vice-Chairman of the Board only once. (*Interruptions*). In the circumstances, my respectful submission is this that the charges made against the Deputy Commissioner about the so-called improper interference on his part during the recent election of the District Board are quite incorrect and baseless. With these concluding remarks, sir, I resume my seat.

Captain Bhai Fatehjang Singh : Mr. Speaker, sir, I have listened very intently to the arguments put forward by both the sides, yet I fail to see in what way my honourable friends in the Opposition have come to the conclusion that the Deputy Commissioner interfered in this election. My honourable friend, the candidate, who suffered some defeat, has himself agreed and has not refuted that statement. His misfortune was persistent and it followed him in the sphere of his life from 1934 to practically 1944. (*Voices : No, no.*) I put him a question. Is he prepared to say that he was successful, as Vice-President, all these years except for once ?

Chaudhri Muhammad Sarfraz Khan (Sialkot North, Muhammadan, Rural) (*Urdu*) : Sir, I wish to make a few submissions regarding the conditions under which the election was held. (*An honourable member : What has the honourable member to say in this connection ?*)

Raja Ghazanfar Ali Khan : اب جگر تھام کے بیٹھو میری پارٹی آئی

Chaudhri Muhammad Sarfraz Khan : My honourable friend Raja Sahib was questioned in the course of his speech as to why so much importance was attached to the District Board of Sialkot. I wish to bring this point home to those of my honourable friends who have put such questions, that importance has been attached

to this Board not because of this fact that my honourable friend Chaudhri Ghulam Rasul happened to be my rival in the recent election campaign but because of the fact that the Unionist Cabinet in general and the Honourable Sir Chhotu Ram in particular were the real forces which stood against me and who were making all-out efforts to pull me down.

Chaudhri Ghulam Rasul: Is my honourable friend willing to contest election with my honourable friend Chaudhri Ram Sarup?

Chaudhri Muhammad Sarfraz Khan: I wish to submit that the date for holding election was fixed on the 24th June. As soon as the date in connection with the election was announced, Honourable Sir Chhotu Ram arrived here and began canvassing in favour of my honourable friend Chaudhri Ghulam Rasul. He had already informed the officials of the district about his tour programme and the day he reached Sialkot, he started meeting all the members of the Board one by one and did not leave any stone unturned in using his official influence for canvassing purposes in favour of the Unionist candidate. The Honourable Revenue Minister went on impressing upon the members to vote for Chaudhri Ghulam Rasul, whose rival, he said, was likely to win the polls. He also told them that in case Chaudhri Muhammad Sarfraz Khan succeeded in the contest, then in other words it would mean a death-blow to the Unionist Party. So far as the then Deputy Commissioner Mr. Akhtar Hussain is concerned, I wish to submit that his attitude towards both the parties was partial. The Honourable Premier, who was at that time at Simla, enquired telephonically from the Deputy Commissioner about the exact position of the Unionist candidate. The Deputy Commissioner told him there and then that the Unionist candidate stood no chance of success. Thereupon he telephonically instructed the Deputy Commissioner to postpone the election till he would be able to get Chaudhri Ghulam Rasul, a Unionist M. L. A. elected against me. (*Interruption*). I wish to submit that it was the telephonic instruction to the Deputy Commissioner which was responsible for the postponement of the election.

Chaudhri Ghulam Rasul: May I know from my honourable friend whether he himself heard the Honourable Premier speaking to the Deputy Commissioner or some one has told him about it?

Chaudhri Muhammad Sarfraz Khan: I heard from a very reliable source on 24th June, when election was going to be held, the whole programme regarding the election affair was shelved and I was given to understand that the election was postponed. I protested against the postponement of the election, as I knew it full well that it was done with some purpose, and I requested the Deputy Commissioner to let me know the reasons which made the Government to postpone the date. He replied that he was compelled to postpone the date. Then the next date for holding the election was fixed on 5th July. In the meantime the Deputy Commissioner received orders of transfer to some other place, and he further postponed the election to the 10th August. The new Deputy Commissioner under the pretext of making collections under the Small Saving Scheme, toured the whole area of the district and went on canvassing in favour of the Unionist candidate. He met almost all the members and impressed upon them to cast their votes in favour of my honourable friend Chaudhri Ghulam Rasul. The Deputy Commissioner of Sialkot went to the extent of informing them that it was not a question of Chaudhri Ghulam Rasul and Chaudhri Muhammad Sarfraz Khan, but it was a contest between the Unionist Party and the League, and that by casting their votes in favour of Chaudhri Ghulam Rasul, they would be upholding the cause of the Unionist Party. I wish to point out to the honourable members of this House that sufaidposhes and zaildars happen to be in a majority in this district. The active and improper interference on the part of the Deputy Commissioner resulted in the determination of these sufaidposhes and zilladars to cast their votes in favour of Chaudhri Ghulam Rasul, the Unionist candidate. In this connection I wish to point out that I am proud of my failure. I had not to contest with my honourable friend Chaudhri

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Ghulam Rasul alone, but I had to fight against many odds, namely, the Unionist in general and the Honourable Chaudhri Sir Chhotu Ram in particular. However, I make bold to submit and say that in spite of the strong opposition I had to face during the election campaign, the majority of Muslim members continued to side with me. My honourable friends sitting on the Treasury benches have been claiming and crying from their house tops that their Government is of the people, by the people, and for the people. But I am constrained to remark that it is not so. If they had followed the lines of democracy in the true sense of the word, I am sure such an untoward happening, namely, the active and improper interference of the Honourable Revenue Minister and the Deputy Commissioner, would never have occurred in the history of district board elections. With these words, Sir, I end my speech and resume my seat.

Captain Bhai Fatehjang Singh : (South-East Sikh, Rural) : The facts as placed before the House on both sides are quite clear on the subject that my honourable friend, though very keen and enthusiastic in trying to get the Chair of the Senior Vice-President, has failed and he alleged that this failure was due to some interference by the officials. He also alleged that the Honourable Minister for Revenue visited Sialkot three or four times and that he also visited Sialkot most recently because of his election. If we say that the Honourable Minister for Revenue did visit Sialkot for that purpose, was he not justified? He is not a Congressite or a Muslim Leaguer, he is a member of the Unionist Party. If he goes to Sialkot to support his Unionist candidate for his election, I would congratulate him and I take pride for his having done so. (*Raja Ghazanfar Ali Khan :* What about the Deputy Commissioner?) I am coming to that. I have come here after nearly four years and I find for the first time that Raja Sahib is sitting on those benches. He has always been with us since this Assembly was inaugurated, but to-day I find him in the Opposition and it gives me a little bit of surprise. The name of the Deputy Commissioner coming from him is a most welcome opportunity for me to tell him that the presumption that they have put forward is based on very flimsy and irrelevant facts. They have not been able to substantiate their arguments by any facts. My honourable friend said that a telephone message was received from Simla by the Deputy Commissioner from the Honourable Premier.

Let me explain this point in Urdu. It is said that the Honourable Premier sent a telephone message to the Deputy Commissioner that he should help the candidate of the Unionist Party. Was it done in the presence of the honourable member? Did he himself hear it? Then it is said that when the Deputy Commissioner was asked in the meeting as to why he had postponed the election he said that he could say nothing except that he was helpless in the matter. How do they infer from it that his helplessness was not due to the fact that the day already fixed was a holiday?

Raja Ghazanfar Ali Khan : May I inform the honourable member that the meeting was not postponed? Only this item was postponed. Other business was completed.

Chaudhri Muhammad Hasan : Get full information from the Treasury Benches.

Captain Bhai Fatehjang Singh : We will take it this way that the meeting was postponed because the followers of Chaudhri Ghulam Rasul asked for postponement. The followers of my honourable friend were in a majority. What part had the Deputy Commissioner to play in that? Coming back to the point my honourable friend tried to give this incident a communal colour which I believe to every Punjabi is most painful. My honourable friend Raja Ghazanfar Ali Khan who is a responsible representative, unsurpassed in parliamentary experience, with communal experience, with the experience that when irrelevant facts go down to the communal masses they lead to more trouble, has not hesitated on the floor of this House to paint the picture

entirely different. He said that as my honourable friend had joined the Muslim League that is why the Premier and the Unionist members went everywhere, and because it was a communal affair.

Raja Ghazanfar Ali Khan : I never said that.

Captain Bhai Fatehjang Singh : Because he has joined the Muslim League that is why my honourable friend was defeated. Another argument advanced was that when the Deputy Commissioner took over he went round the villages to start a drive for small savings. Was he not justified? Is it not essential to do so in the interest of the prosecution of war in which all Punjabis have joined? (*Interruptions*). I would ask my honourable friends as to how they have come to the conclusion that the Deputy Commissioner started this tour for small savings in the villages for one purpose alone, i.e., to go and win over members of the district board for my honourable friend on this side. It is not substantiated. With these remarks I conclude my speech and appeal to the House that subjects of this nature should not be brought in to waste the time of the House. We should do some better business.

Sardar Shaukat Hyat-Khan (Attock North, Muhammadan, Rural) : I have just got up to say how surprising it is to hear such eloquent misrepresentation of facts as has been put forward by most of the responsible members on that side of the House. Those members have eloquently tried to defend the conduct of the Government. I suppose it is their duty to do so. It is their duty to defend the Government even when it is wrong. Here you do not require any judicial proof to prove that the Deputy Commissioner and the Honourable Minister for Revenue wrongfully interfered in the election at Sialkot. (*An honourable member :* Did you ever do it?) I know I have never done it, and I will not do it in future. It is only the members and the Ministers of a reactionary Government who do things which are backward and which are not done in any civilised and forward country. (*Minister for Development :* You are most reactionary yourself). You do not have to prove that the Minister for Revenue visited Sialkot on three different occasions and the election of the Vice-President was unduly and without any reason postponed. The first time the meeting was called and postponed. My honourable friend the Parliamentary Secretary said that the 5th of July was a holiday. He seems to have forgotten that the meeting did take place on the 5th July and the Deputy Commissioner under certain instructions conveyed to him either through telephone or other means removed this item and the election was deliberately postponed to defeat the Muslim League candidate. These low means of getting our candidates defeated in district boards does not worry us in the least. We will soon by the grace of God show and show them clearly behind whom the masses in the Punjab stand (*hear, hear*) and as soon as this Government is prepared to come forward and fight the elections we will be able to prove to them that it does not require the Deputy Commissioners and other officials to return the Muslim Leaguers to the district boards and the Assembly; it will be through our own support that most of the Muslim League candidates will be returned and they will be elected every time in spite of the underhand means. There was an apology for the Deputy Commissioner, that he was too busy to attend the meeting which was held for the election of the vice-president. Look at the fallacy. If the Deputy Commissioner was too busy, could not there be another man to preside at the meeting to get through the election? I would like to be corrected by the honourable Minister for Public Works whether it is within the power of the Deputy Commissioner to cancel the election of the vice-president. Sir, from what I know of this Department of local self-Government I can tell him that this thing has happened for the first time in the history of autonomy in the Punjab. (*Nawab Sir Allah Bakhsh Khan :* I challenge this statement). I challenge the honourable member to correct me. Now the Deputy Commissioner finds it difficult to attend the meeting. The Ministry does not allow another man to preside over the meeting and therefore the election is not held, because Chaudhri Sir Chhotu Ram believed that there were people standing behind the honourable member sitting on this side of the House. The Honourable

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Minister for Revenue and his colleagues failed to upset it, and therefore the election was postponed a second time so that they could have their candidate returned by fair means or foul. If they think that they can frighten the Muslim League by these tactics and if they think that the Muslim League is not going to accept their challenge I can assure them before the whole province that the Muslim League accept their challenge and the Muslim League will go on accepting their challenge till we defeat them completely and finish them. We ask them to hold the election not only of the district boards, the municipal committees but also of this legislature and see who is returned. (*Hear, hear*). I can assure them that the deputy commissioners are not going to return them. They are here because of their reactionary powers.

Minister of Development : You are the worst type of reactionary—the root cause of the whole trouble.

Sardar Shaukat Hyat-Khan : The Ministers sitting there should think of their future. Whom do they think that they are representing? They are just the servants of the old bureaucracy; they are just the slaves of the Governor whose orders they obey. They are responsible for corrupting the district boards; they not only try to corrupt the officials but the non-officials as well. But all their actions are going to return on them and one of these days their very actions will take them down to the depths from which they will not be able to rise. (*Hear, hear*).

Mr. K. L. Rallia Ram (West Central Punjab, Indian Christian) : Sir, the honourable members opposite by bringing forward this adjournment motion have raised a storm in the tea cup. Elections take place every day and they have rightly been called the Devil's game. Various candidates contest the election and it is only one that succeeds. In this particular case both the candidates are members of this House. If I had been a voter, without casting any reflection on the honourable member on that side, I would have certainly voted for the honourable member on this side. He has got a thunderous voice and a body like my own. (*Laughter*). These are certainly qualifications for a representative and they appeal to the voters. In these days of democracy, I do not think that voters are so weak as to listen to the deputy commissioners. (*Voices from the Opposition Benches : Oh*). If this statement that any undue influence has been exerted by the deputy commissioner was made twenty years back, it might have been correct. It is quite possible that there might be one or two officials who do such things but that does not matter much. District boards, as far as I understand, have got the system of joint electorate and that is a very healthy symptom for the future progress of this country that all Hindus, Muslims, Sikhs and Christians should vote together. Now the honourable member here could not have the votes of Muslims only; he must have been supported by Muslims, Hindus and Sikhs together and that speaks volumes in his favour especially when the margin was so great. Of course a defeated candidate never admits his defeat, though the best thing for him is to behave like a sportsman. It may be that the person who has defeated him may not be superior to him, but in elections there are many things which count. Moreover it is party government and the honourable members opposite would do the same thing if they were in power. Capital was made out of tours and telegrams and telephones and so on. It was stated that the deputy commissioner phoned to such and such an individual. We know that the deputy commissioners are not fools to talk confidential things before any persons. It is most unfortunate that this election has caused so much misunderstanding on both sides, but honourable members should know how to take things in a sportsmanlike spirit. As democracy progresses people will realise this. Elections when they are over should not be dragged further. Anyway, Sir, this adjournment motion has provided us with a lot of fun and recreation.

Minister for Public Works (The Honourable Sir Muhammad Jamal Khan Leghari) (*Urdu*) : Sir, some of my friends from this side and some from that have taken part in the discussion on the adjournment motion and I have listened to their speeches.

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very carefully. To begin with we have to see whether or not a strong case has been made out against the Deputy Commissioner concerned. The answer, in my opinion, is in the negative. It has been alleged that it was at the instance of the Cabinet that the previous Deputy Commissioner of Sialkot postponed the election of vice-chairman and that if the election had not been postponed the Muslim League candidate would certainly have succeeded. My friends have pointed out that as the honourable Ministers know that the position of the Unionist candidate was weak, therefore, they sent a message to the Deputy Commissioner on the telephone to postpone the election but when they discovered that even that step would not help them they transferred the Deputy Commissioner and sent someone else, who was favourably disposed towards them, to conduct the election of the vice-chairman. It has also been urged that the Honourable Chaudhri Sir Chhotu Ram not content with this, visited that place thrice and did whatever he could to canvass support for the Unionist candidate and that it was after so much trouble and exertion of official influence that the Unionist candidate succeeded in winning the election. I must admit frankly that I do not see any reason in the allegations made against the Government. The argument, that as the previous Deputy Commissioner was a fair and honest one and Government knew that he would not help the Unionist candidate, rather would oppose him as a result of which the League candidate would succeed and hence they transferred him, obviously does not hold any water. Even if for argument sake we take it for granted that the Deputy Commissioner was favourably disposed towards them and was in their opinion very just and fair, I ask why did he, regardless of his honesty and fairmindedness and on the receipt of a mere telephonic message, postpone the election from 24th June to 5th July? I ask when he knew that his transfer was under consideration, why did he not allow the matter to be decided in his presence and why did he postpone it till he was transferred to another district? (*Interruptions from the Opposition and hear, hear from the Treasury Benches*). Then it has been pointed out that the Honourable Chaudhri Sir Chhotu Ram went there and all the trouble arose because of him. We are told that he persuaded the then Deputy Commissioner to exert official influence in favour of the Unionist candidate and thus contrived to get him elected. There is no point in the allegations at all. I really wonder why such questions are asked as to how many gallons of petrol the Honourable Minister for Revenue has used during his tours.

The Honourable Chaudhri Sir Chhotu Ram is reputed to be a touring minister and unlike me his constitution does not stand in the way of his tours even in the hottest days of summer. His zeal for the welfare of the zamindars makes him all the more impervious to the extremes of seasons. His tours are already rankling thorns in the sides of his political opponents. Being in charge of the revenues of the Province he has to undertake tours in order to acquaint himself with and redress the grievances of the zamindars. The objection raised by the Opposition that he undertook three tours of the district in the summer is evidently no reason for censuring the Government or the Deputy Commissioner of Sialkot.

Moreover it is alleged that Chaudhri Sahib put up his own candidate for the election and helped him in defeating his opponent. Now it is not a crime to help a member of the Zamindars party. He is not a servant of the Crown that he should be debarred from setting up his own candidate.

Again the allegation regarding a telephonic communication from the Honourable Premier to the Deputy Commissioner is not made in respect of that Deputy Commissioner whose conduct is the subject of debate to-day. It relates to the Deputy Commissioner in whom the Opposition had full confidence and who came in for a measure of praise from them.

My honourable friend Chaudhri Sarfraz Khan remarked in the course of his speech that the majority of the Muslim members voted in his favour. May I inform the House that there are in all twenty one Muslim members out of whom only ten voted

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for him? Again he said that Hindus and Sikhs voted for the successful candidate while Muslims voted for him. Out of ten votes that he received one must be his own. It, therefore, transpires that in all he received only nine Muslim votes. I do not think the Opposition has been able to make any case which could justify the censure of the Deputy Commissioner.

With these words I oppose the adjournment motion now before the House.

Chaudhri Muhammad Sarfraz Khan : Sir, my honourable friend Chaudhri Ghulam Rasul challenged me to resign my seat and seek re-election. Accepting his challenge I offer my resignation to the Leader of my party. (*Hear, hear*).

Chaudhri Ghulam Rasul : Sir I have also got it in black and white and hand it over to the Honourable Premier. (*Laughter*).

Shaikh Sadiq Hasan (Amritsar City, Muslim, Urban) (*Urdu*) : Sir, I do not propose to say anything in regard to Chaudhri Sir Chhotu Ram's hand in this matter as he is not present in the House. In case he were present I would have asked him to clear his position. But now I will confine myself to the facts as told by my honourable friend Chaudhri Sarfraz Khan. From what he has stated it is clear that the Deputy Commissioner asked the members of the District board individually to vote for the Unionist candidate. Any Deputy Commissioner who does that exposes himself to the charge of deflection from duty. In my opinion such partisanship on the part of the head of district administration calls for an action against him by the Provincial Government. I would request the Honourable Premier to institute an enquiry into the conduct of the Deputy Commissioner and if the allegations made against him by Chaudhri Sarfraz Khan are proved he should take necessary action against him. Let me remind the Honourable Premier that a Government does not always remain in power because as the Persians say *آئینِ جہاں گاہِ چینِ بادشاہ* and it will be a very dangerous precedent to set up if the administrative officers are permitted to take part in party politics. Who knows that the party in power to-day may not be the Opposition of to-morrow and then the same officers may be employed, following their own precedent, to give them trouble.

There is no doubt, Sir, that the Government officials are taking part in petty politics just to please the party in power. If we do not openly condemn this breach of their duty as public servants then, Sir, we will be sowing seed for all these ugly affairs which are highly objectionable and altogether undesirable. I put one simple question, that is, when these officers begin to take part in party politics openly then what will be the fate of justice in our province? It is the solemn duty of the Government to take great care of administration of justice and they must observe it at all cost.

Captain Sardar Naunihal Singh Mann (Sheikhupura West, Sikh, Rural) : Sir, I have heard with great interest the argument advanced by my learned friend on the Opposition. The chief point which is under discussion before the House is how far the Deputy Commissioner of Sialkot was responsible for interfering with the Sialkot District Board elections for Vice-Chairman.

The second thing is that certain allegations have been levelled by my honourable friend Sardar Shaukat Hyat Khan with regard to the visit of the Revenue Minister to which he has taken exception.

Chaudhri Ram Sarup : Sir, two honourable members of Sardar Sahib's group have already had their say on the motion but no one from our group has been allowed to speak, although many honourable members from the Opposition have brought in the name of Chaudhri Sir Chhotu Ram and made allegations against him. Have we not the right to speak in his defence?

Chaudhri Muhammad Hasan : On a point of order, Sir. Chaudhri Ram Sarup has just now said that the Honourable Deputy Speaker has given a chance to two members of Sardar Sahib's party and has ignored Chaudhri Chhotu Ram's party. This is a reflection on the Deputy Speaker and he should withdraw his remarks.

Chaudhri Ram Sarup : Sir, I did not mean it as an aspersion on the Honourable Deputy Speaker. I just wanted to bring it to his notice that while he has allowed two members of Sardar Sahib's group he has not done justice to our group in spite of the fact that allegations were made against our Leader, Chaudhri Sir Chhotu Ram by honourable members on that side of the House. I just wanted to defend him. Anyhow, Sir, I withdraw my words.

Captain Sardar Naunihal Singh Mann : As far as the question of the Minister is concerned, it has been amply made clear that the Ministers are not the servants of Government and as party people they are at liberty to support their party candidates. But for that, I should like to point out, we would not have Sardar Shaukat Hyat-Khan in our midst today as a member of the Assembly. I know the Premier and Sir Chhotu Ram also toured to support his candidature. They spent days and days to canvass for him, and then he was elected as a member of this august House. (*Interruptions*).

As to the question of the Deputy Commissioner having taken any part, certain allegations have been brought against him that a telephonic message from the Premier was sent to him to see that my friend Chaudhri Ghulam Rasul succeeded. Then it is said that the Revenue Minister was on tour at the time in Sialkot. If so, there was hardly any necessity for the Premier to send a telephonic message. Besides, when the Minister was touring I think a word from him to the Deputy Commissioner was quite enough. So all these allegations that have been made are baseless.

As to the question about the postponement of the meetings I should say that in case my honourable friend had a majority—he said he commanded a majority in the District Board—there was no reason, if he had the majority, why he should have allowed the Deputy Commissioner to adjourn the meeting. I presume as you all do that we are in the 20th century. This is the time of democracy. (*Interruptions*).

You know that my honourable friends who were on this side the other day, I find them there. Amongst them there are zaildars, there are honorary magistrates, there are nawabs and there are sub-registrars. Who has asked them not to cross the floor? You find quite a number of Muslim majority sitting on this side of the House and supporting this Government. It is not a Government which is formed on communal basis. We have heard what has been happening on account of communal friction in this country.

Raja Ghazanfar Ali Khan : There must be some limit to irrelevancy.

Captain Sardar Naunihal Singh Mann : Who raised the communal issue? It has been stated that simply because the defeated candidate went to the Muslim League he has been opposed. I am trying to prove that this is wrong. The candidate who has succeeded is a man who was a member and Vice-Chairman of this District Board for several years. It was only with his help the present defeated candidate got into the District Board as a Vice-Chairman and that too only for a year. On certain occasions when two candidates cannot come to a compromise, the parties or the candidates amongst themselves settle that it may be possible for them to come to compromise and they try to postpone elections and ask the Chairman to change the date of elections. But I do not think that if I had the majority I would let the Deputy Commissioner postpone the elections.

Then again if you look at the election results you will be pleased to note that the defeated candidate out of 41 votes got 9 votes only, the 10th being his own. There was no contest at all. Had there been, there would have been a very narrow margin by which he would have been defeated.

[Capt. S. Naunihal Singh Man]

The other threat which has been given to some of the members was that if to-day some of the members on this side resign they would see that they would not be elected. May I remind my friends who had brought forth this idea that they should remember that in the last General Elections we had Muslim League candidates? If I remember right there was only one candidate who succeeded. I would urge the honourable members opposite that they should not try to mislead their electorates on the issue of communalism and they should try to come here and work for the benefit of their electorates. With these few words I oppose with all the emphasis at my command this motion which has been brought forward.

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (*Punjabi*): Sir, I rise to make a few observations regarding the adjournment motion now before the House. My honourable friend Chaudhri Muhammad Sarfraz Khan was pleased to remark in the course of his speech that a majority of Muslim members were in his favour. So far as the district boards of the province in general and the District Board of Sialkot are concerned, I wish to point out that members of all these boards are returned through a joint electorate. However I make bold to submit and say that the Muslim League is a purely communal organisation. There are only 14 non-Muslim members in this Board and no non-Muslim members except those belonging to the Communist Party could ever vote for a League candidate like my honourable friend Chaudhri Muhammad Sarfraz Khan.

Mir Maqbool Mahmood: May I know from the honourable member whether the Muslim members of this Board have been returned through joint electorate or they have been returned through separate electorate?

Sardar Kartar Singh: There are only 24 per cent non-muslim members in this Board and the muslim members do not stand in need of any non-muslim votes. I am of this opinion that the defeat of my honourable friend Chaudhri Muhammad Sarfraz Khan was assured as he sought election on the League ticket. Further, I wish to submit that the lesson of this episode is this that in case any candidate wants to stand on the Muslim League ticket, he must be elected from a separate constituency and in case any one wants to be elected from a joint constituency, he must not seek election on Muslim League ticket. In a joint constituency a Muslim League candidate is sure to lose.

Raja Chazanfar Ali Khan: Is the honourable member relevant?

Mr. Deputy Speaker: Please speak to the motion.

Sardar Kartar Singh: It has been said by my honourable friends from this side of the house that the Deputy Commissioner of Sialkot interfered in the election of Vice-chairman of the District Board held on 10th August 1944. In this connection I wish to submit that deputy commissioners very often do interfere in the administration of the district boards. In the circumstances, it is but meet and proper on the part of the Government to make enquiries in this matter and if the Deputy Commissioner is found guilty, then suitable action must be taken against him. I wish to repeat what I have already said that in case any one wants to be elected, he must not seek election on the Muslim League ticket, because in that case he is sure to be defeated. With these words, Sir, I resume my seat.

Dr. Sir Gokul Chand Narang: I do not admit the allegations made either against the Government or against the Deputy Commissioner. But the argument put forward on this side of the House is that the Deputy Commissioner acted under pressure from the Ministry. This has been repeatedly said. If so, how is the poor Deputy Commissioner to blame? They should go in for the ministry and not for the Deputy Commissioner.

Premier (The Honourable Malik Khizar Hayat): Sir, I had no mind to partake in this debate. It is only one or two questions asked by my honourable friend, Dr. Sir Gokul Chand Narang and one or two other members that have prompted me to speak. I want to deal at this stage with the merits of the adjournment motion. Ample replies have been given by Nawab Muzaffar Ali Khan Qizilbash and other members. Past history is a sure guide as to what happened. During the last ten years there has been a particular party always scoring at the district board election. There have been Muslim deputy commissioners, Hindu deputy commissioners and Sikh deputy commissioners at different times. If that is the case, how can you allege that on this particular occasion there was official interference? Official interference could influence a few votes, if at all. Everybody goes and sees the deputy commissioner. But how can you imagine that a responsible officer will try to influence voting? The result is 81 against 10. How can the interference of the deputy commissioner bring in such a large majority of votes? The cat was let out of the bag by my honourable friends when they pointed out that other influences were at work. It has been asked, why does the ministry interfere? Ministers are not saints. They are not non-politicians. They have a party and they have a point of view. My honourable friends are at liberty to put up a League candidate and if a Unionist candidate seeks election the Unionist party supports him. Here in this case two families have been at loggerheads. It is a family feud and it has been reflected in the district board elections. One faction has been stronger than the other and if the stronger faction happens to succeed, it is not my fault. The whole thing has been given prominence by big head lines in the press. In the Multan municipal by-election there was some fight of which I did not know. There was a wrangle between two Muslim League candidates and a reference has been made to it by Maulvi Ghulam Mohy-ud-Din. There was the vice-president of the city League who was defeated by another Muslim League candidate. But the League president gave out, 'the League candidate had defeated the unionist candidate.' Here in this case the Press has come out with bold head lines saying that the Unionist had won against the League. Chaudhri Ghulam Rasul treated it as a personal matter. The whole incident has been forgotten and now again you have revived it. Then, Sir, the Deputy Commissioners have been brought in. What have the Deputy Commissioners done? Some members of this House were saying that they were preparing a criminal list of officials. The idea is to intimidate the Government officials who perform their duties honestly. This is an attempt to over-awe these public servants without giving them the fullest protection in the rightful discharge of their duties. (*Hear, hear*). If every party were to say, to the officers 'we are going to get power and then we shall bring you to book', is it fair? I have already stated here and I repeat that as long as there is democracy in this land, we should not interfere with the permanent services. The object of the honourable members opposite seems to be to cow down these officials and to bring them to their point of view under communal threats. That is not the proper conduct for an opposition party. As has been rightly pointed out we may change places. We may be there and they may be here. I do not like honourable members to make these threats and try to intimidate these services. I can assure the services that they need not pay the least heed to these threats. (*Hear, hear*). They stand duly protected under the Government of India Act and during the time that I am here I shall see that no such intimidation is offered to interfere in the discharge of their duties.

Then, Sir, my honourable colleague, the Minister of Revenue, and other Ministers have been brought in. In the first place my honourable friends said that Sir Chhotu Ram had no influence with the masses. Now they are worried and they say that he has turned the tables against them. If thanks to Sir Chhotu Ram's influence the result is otherwise you cannot blame the deputy commissioner. It is merely to show off the invincibility of the League and to hide their defeat that the officials have been dragged in. They have been dragged in for no fault of theirs. They are not responsible for the results of the election. It has been asked as to why the last Deputy Commis-

[Premier]

tioner postponed the election. Ample reasons have been given. It has been asked why a telephone message had been sent. There was no need for me to send any telephone message. The election took place not in the time of the Deputy Commissioner to whom reference has been made, as the honourable Minister of Public Works has pointed out.

It took place in the time of his successor, a new comer. It is rather strange that a Government servant who is a Hindu, happens to have influenced staunch Mussalmans. They have probably voted on other grounds against the League candidate. That fellow, i.e., the new Deputy Commissioner had been there for ten days and he worked magic and changed the District Board from one side to the other! What an argument. The change was due to Ghulam Rasul's party and his influence or because of the fact that the Unionist Party's name was mentioned. What harm is done if the name of the Unionist Party is mentioned to influence election and if it has worked magic, then I am proud of the name of the Unionist Party. (*Hear, hear*). It was said that the war effort is adversely affected. This is not the case. Our Party stands for full support for war effort. If somebody adopts that label and expects support from the Ministry, what harm is done to the war effort? I say that it is help to the war effort to side with the party which stands for total war effort. Extraneous matters have been brought in. One member talked of undue influence. That is not the case. If you feel that there was interference, why pounce upon that officer who is not present and who is serving according to the law of the land? Go for an election petition and prove that there has been undue influence and thus get the election set aside and if it is set aside, on the ground of official influence, I shall take due notice. In this way this House is doing immense wrong to a Government servant. He should not be stabbed behind his back. They want to hide the defeat and for that reason they say that the Deputy Commissioner has influenced it. I would appeal to them not to do so. With these words I oppose the motion. (*Cheers*).

An Honourable Member: The question may now be put.

Mr. Deputy Speaker: The question is—

That the question be now put.

The motion was carried.

Raja Ghazanfar Ali Khan (Urdu): Sir, some of the speeches delivered on this motion have been very interesting to me. The speech of my honourable friend, Giani Kartar Singh, was one of them. His words have pained me. However if non-muslims do not like us for joining the Muslim League, if they are angry with us on this account, if they are not going to vote for us for this crime, we shall bear it. No nation can be built up without sacrifices and we are proud to offer sacrifices for our nation. (*Cheers*).

But let me say a few words to my Muslim brothers sitting on those benches.

بہر عشق تو ام می کشند و لرغنا نیست

تو نیز بر سر بام آگہ خورش تماشا سائست

We are being persecuted by non-Muslims because we have been found guilty of loving our nation. They are giving us ultimatams that we shall have to leave the Muslim League, if we desire their help. I ask the Muslim members sitting on that side whether they are proud of this thing. If two more such speeches are made on the floor of this House, most of the honourable members sitting on those benches will come to these benches of their own accord. I could read from their faces that such speeches will bear fruit and that too, very quickly.

Let me make it clear that we are anxious only that the services should not take sides with any political parties. It is not true to say that we have prepared any criminal list. I only want the services to remember that this Government is not going to remain for ever. (*Interruption*).

The first thing is that my honourable friend Nawab Muzaffar Ali was not there. His information is only second hand. (*Nawab Muzaffar Ali Khan Qizilbash*: I read it in the press.) Oh! press. Thank God. After all we are human beings. If an officer helps some one unfairly by misusing the powers given to him and thereby deprives another person of his rights, only because he thinks that the party in power is at his back, that other person, if he happens to hold some responsible post in the course of time, will not be able to drive out of his mind the idea about that officer that he had once sold his conscience for a certain party and that he may do it again and so he is not fit to hold any responsible post. I repeat it again and again. (*Interruption*).

I do not bother about majority or minority at this time. I know that we are not in a majority, otherwise we would have been sitting on those benches. But let the idea of majority not turn the heads of my friends there. In the world today, no party which does not enjoy the confidence of the masses, can long remain in power. The example of Moulvi Fazl-ul-Haq is before them. He could no more remain Premier after he was turned out of the Muslim League. Let them take a lesson from him.

Mr. Deputy Speaker: I request the honourable member to finish his speech.

Raja Ghazanfar Ali Khan: How will it be possible for me to give a reply in such a short time to the twelve speeches made from the other side?

Mr. Deputy Speaker: The honourable member has already given the reply.

Raja Ghazanfar Ali Khan: I have not yet finished.

Mr. Deputy Speaker: The question has to be put before the expiry of the time.

Raja Ghazanfar Ali Khan: But I have not finished and I am giving the reply.

Mr. Deputy Speaker: Order, order. The question is—

That the Assembly do now adjourn

The motion was lost.

The Assembly then adjourned till 12 noon on Tuesday, 12th December 1944.

1917

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the year 1917

Witness my hand and seal this 1st day of January 1917

John J. [Name]

Superintendent of Schools



Witness my hand and seal this 1st day of January 1917

PUNJAB LEGISLATIVE ASSEMBLY

TWELFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 12th December 1944

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

STARRED QUESTIONS AND ANSWERS

MIAN IFTIKHAR-UD-DIN, M. L. A.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : With reference to the answer given to question No. 9498¹ yesterday, will the Honourable Premier be pleased to state whether it is fact a that Mian Iftikhar-ud-Din was detained as an after-effect of the Congress resolution passed in August ?

Premier : Is it a question ?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is it a fact that there was no specific charge against Mian Iftikhar-ud-Din ?

Premier : It does not arise.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : I am asking the information as to how he was detained and why he has not been released.

Premier : These questions do not arise out of the main question. I would ask my honourable friend to read the question. It was asked whether he was operated upon. He is already on parole. My honourable friend is going back to the year of the Lord. He starts with 1865, but we are in the year 1942.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Only 1942. Can the Honourable Premier give us any reason for stopping interviews with his wife also ?

Premier : I think Begum Iftikhar-ud-Din was never under any restriction. How can I stop her ?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Part (b) of the question is whether it is a fact that until February 1944 he was not allowed to have interviews even with his wife and children and the answer was 'yes'.

Premier : There was a period when no interviews were allowed to anybody and that restriction applied to him also.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : What were the reasons ?

Premier : Such restrictions that applied all over are well known. It was the policy that was laid down in cases of certain categories of persons.

Raja Ghazanfar Ali Khan : May I know the difference between continuous parole periods and release under restrictions ?

Premier : How does this question arise ? But if the honourable member wants to be enlightened, I would like to tell him what I understand to be the difference. Release on parole is release under certain restrictions for a fixed period unless it is extended for a further period ; while release under restrictions is for an unlimited period until Government issues orders otherwise.

Raja Ghazanfar Ali Khan : Do I take it that the only difference is that the Government keeps in its hands control of sending a person back to jail whenever it likes ?

Premier : It is not a question but an inference.

Sardar Kapoor Singh : Will the Honourable Premier please state the reason for keeping or detaining Mian Iftikhar-ud-Din in Mianwali jail and segregating him from other detenus ? He was the only detenu with Pandit Shri Ram Sharma, who was transferred to Mianwali jail, while others were being kept either in the Multan jail or in the Gujrat Jail.

Premier : How does this question arise ?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Will the Premier be pleased to state the reasons for not releasing Mian Iftikhar-ud-Din although the committee appointed by the Punjab Government had recommended his release ?

Premier : What committee is my honourable friend referring to ?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Kindly see part (e) of my question.

Premier : It may be in Maulvi Sahib's imagination, but I am not aware of any committee having recommended his release.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : The answer given to that part was 'yes'.

Premier : The Parliamentary Secretary was referring to his release and he said 'yes', he is on parole.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Will he take the trouble of repeating the answer to part (e) of the question ?

Parliamentary Secretary : The answer is a big 'No.'

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Has Government ever thought of appointing a committee of judges or other judicial officers to consider the cases of M. L. As. not yet released ?

Parliamentary Secretary : There is a committee already.

Pandit Bhagat Ram Sharma : May I know whether he has considered the case of Mian Iftikhar-ud-Din's release after the statement issued by Maulana Azad from the jail with respect to disturbances of 1942 ?

Parliamentary Secretary : That is a strange question. Maulana Azad issued a statement somewhere and on the basis of that my honourable friend wants that Mian Iftikhar-ud-Din should be released here in the Punjab.

Pandit Bhagat Ram Sharma : With particular reference to part (g) of the question, I want to know whether he has considered the question of release of Mian Iftikhar-ud-Din after the statement of the Congress President from the jail with respect to disturbances of 1942 ?

Parliamentary Secretary : I am not prepared to answer that question.

CLASS II FOR SECURITY PRISONERS.

*9499. **Khan Bahadur Maulvi Ghulam Mohy-ud-Din :** Will the Honourable Premier be pleased to state—

(a) the number of security prisoners at present detained in the jails of the Punjab ;

(b) the number of those among them who are detained in Class II ;

(c) the reasons as to why the Government has prescribed Class II for security prisoners ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) :

(a) 99.

(b) 29.

(c) To treat them differently from security prisoners of better social status and in some cases because they have criminal records.

Sardar Sohan Singh Josh : May I know the names of security prisoners who have criminal records ?

Parliamentary Secretary : Names cannot be given.

Sardar Sohan Singh Josh : May I know on what basis Government makes this allegation against respectable and patriotic people ?

Parliamentary Secretary : Some of them have criminal records.

Sardar Sohan Singh Josh : May I know whether it is right to injure the feelings of respectable people behind their back ?

Sardar Sohan Singh Josh : May I know whether Government is making these charges frivolously without any proof whatsoever ?

Chaudhri Muhammad Hasan : What are the reasons for not trying them in a court of law ?

Parliamentary Secretary : In the public interest.

Chaudhri Muhammad Hasan : Is there not sufficient material for prosecution in a court of law ?

Parliamentary Secretary : I have given the reply.

Sardar Sohan Singh Josh : May I know whether it is not adding insult to injury to make these frivolous charges ?

Sardar Sohan Singh Josh : On what basis does Government say that they have criminal records ? Is it on the basis supplied to them by the criminals of the C. I. D. ?

Parliamentary Secretary : Government has its own agency for obtaining information and it is on the basis of the information collected through that agency that the Government has stated the facts on the floor of the House.

Sardar Sohan Singh Josh : What is that agency ?

Sardar Kapoor Singh : Was that information scrutinised by the Premier and his Cabinet ?

Premier : The Cabinet cannot frame history sheets or watch the movements of the persons. Under the garb of nationalism have you not got some black sheep ? It is a known fact.

Sardar Kapoor Singh : May I know whether the Premier is satisfied with all these charges made by the C. I. D. ?

Premier : I have not said about everybody. I said there are some people who have criminal records.

Sardar Sohan Singh Josh : May I know whether it is the fertile imagination of the criminals of the C. I. D. ?

Sardar Kapoor Singh : If you find some of the charges against the security prisoners to be frivolous, are you going to detain them still ?

Khan Sahib Shaikh Muhammad Amin : The word 'criminal' is used for convicts and not for those persons against whom allegations are made. Does the Government use the word 'criminal' purposely for people who have not been convicted by a court of law ?

Parliamentary Secretary : It is a question of interpretation of words. I have answered the question. I cannot interpret words here.

Sardar Kapoor Singh : May I know the sort of criminal offences which they are alleged to have committed? Are there any charges of murder and dacoity against them?

Parliamentary Secretary : There are criminal charges. It is not necessary that a person should be a murderer or a dacoit. It may be any offence against the law.

Khan Sahib Shaikh Muhammad Amin : The Parliamentary Secretary happens to be a lawyer and he knows who a criminal is. Is he prepared to say whether the word 'criminal' could or could not be applied to the convicts?

Parliamentary Secretary : I am not aware of any definition of the word 'criminal'.

Chaudhri Muhammad Hasan : Does the Parliamentary Secretary know that till an accused is convicted he is considered innocent in the eye of law?

Sardar Sohan Singh Josh : May I ask in what sense the word 'criminal' was used by the honourable member?

Parliamentary Secretary : In the dictionary sense.

Sardar Kapoor Singh : The Parliamentary Secretary should withdraw the word 'criminal' used against the security prisoners in view of the fact that they have not been tried in a law court.

Parliamentary Secretary : Is it a request for action?

Sardar Sohan Singh Josh : If it is a respectable word and it is used for the honourable member opposite, how would he like it? (*Laughter*).

Chaudhri Muhammad Hasan : Are we to understand by the expression "prisoners who have criminal record" that the record is in the custody of the criminals?

Parliamentary Secretary : I said certain persons have criminal records.

Sardar Kapoor Singh : Is he aware that the word "criminal" is used for persons who habitually commit crimes?

Parliamentary Secretary : They are known as "habitual criminals".

Khan Sahib Shaikh Muhammad Amin : What does my honourable friend mean by 'criminal records'? Does he mean that the persons have committed crimes, and if so, can he say they have committed crimes or there are any allegations against them?

Parliamentary Secretary : The honourable member is asking the interpretation of words. Under the rules I am simply to state facts.

Mian Abdul Aziz : Does the honourable member know that there is the phrase 'criminal tribes'? Does he use it in that sense?

Parliamentary Secretary : Criminal tribes are tribes whose members commit crimes or have a tendency to commit crimes.

An honourable member : Is he one of them?

Parliamentary Secretary : I am not to be drawn in these questions.

Mian Abdul Aziz : What I say is this that the word "criminal" has been used with respect to respectable gentlemen. It carries with it bad sense and therefore he must withdraw it.

Mr. Speaker : What did he say?

Sardar Sohan Singh Josh : He said that in some cases security prisoners have criminal records.

Sardar Kapoor Singh : Some of the security prisoners are most respectable gentlemen. I hope the Parliamentary Secretary would withdraw this word.

Mr. Speaker : It is not unparliamentary ; otherwise I would have asked him to withdraw.

Mian Abdul Aziz : There are records of political activities of certain people : May I know whether he has used the word 'criminal' in that sense ?

Parliamentary Secretary : It would be interesting to my honourable friend to know that some of the gentlemen, whom I am not going to name, have actual convictions to their credit. Does this satisfy my friends ?

Raja Ghazanfar Ali Khan : You have used the word for all of them.

Sardar Sohan Singh Josh : It is again fabrication and a lie against them.

Mr. Speaker : The word 'lie' is unparliamentary.

Sardar Sohan Singh Josh : In that case I say that the statement made by the Parliamentary Secretary is an untrue statement.

HUNGER-STRIKE BY SECURITY PRISONERS CLASS II IN THE MULTAN JAIL.

*9500. **Khan Bahadur Maulvi Ghulam Mohy-ud-Din :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that in August 1944, there was a hungerstrike by the Security Prisoners, Class II, in the Multan Jail ;

(b) the grievances of the prisoners for the redress of which they undertook the hungerstrike ;

(c) the period for which the hungerstrike lasted ;

(d) the terms upon which the hungerstrike was given up and whether these terms have been fulfilled by the authorities ?

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

(b) They demanded to be treated as class I security prisoners, and complained of inadequate medical facilities ;

(c) 18 days.

(d) They abandoned their hungerstrike unconditionally.

Sardar Sohan Singh Josh : Is the Government aware of the fact that they gave up hungerstrike on the persuasion of Mr. Kumar of the Civil Liberties Union ?

Parliamentary Secretary : It is quite possible.

Sardar Sohan Singh Josh : Is the Government aware that the Superintendent gave an assurance to Mr. Kumar that the case against the hungerstrikers would be withdrawn ?

Parliamentary Secretary : I want notice for that question.

Sardar Sohan Singh Josh : Is the Government prepared to reconsider the demand of the II class prisoners and place them under class I security prisoners ?

Parliamentary Secretary : If there is any doubt or ambiguity about the answer that I have given I shall be prepared to elucidate it. If the honourable member wants any other information, he may kindly give notice.

Sardar Sohan Singh Josh : Is it within the knowledge of the Government that the superintendent wanted to withdraw the case and he was not allowed to do so ?

Khan Sahib Khawaja Ghulam Samad : May I know whether the Khaksars are treated as security prisoners or merely detenues ?

Parliamentary Secretary : That has got nothing to do with the answer I have given.

Khan Sahib Khawaja Ghulam Samad : As the question relates to security prisoners, my question is quite relevant.

Raja Ghazanfar Ali Khan : It is a question of general knowledge and common-sense.

Parliamentary Secretary : It is an insinuation.

Raja Ghazanfar Ali Khan : Say that you have no reply to give.

Parliamentary Secretary : My answer to that question is silence.

Rai Bahadur Lala Gopal Das : Silence is half consent. (*Laughter*).

SUPPLYING OF WATER TO SIR JOGINDER SINGH'S ESTATE AT
IQBAL NAGAR.

***9388. Shrimati Raghbir Kaur :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether it is a fact that the irrigation water supplied to Sir Jogindar Singh's estate at Iqbal Nagar, district Montgomery, is charged *abiana* per cubic foot ;

(b) the rate of charges ;

(c) whether this rate of charges is obtainable anywhere else in the province ; if so, where ;

(d) the reasons for not enforcing the above rate of charges all over the province ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) The water supply to Sir Joginder Singh's estate at Iqbalnagar is not charged *abiana* per cubic foot but is charged on the basis of outlet capacity.

(b) The rates of charge for 8 years with effect from kharif 1944 are :—

(i) Rs. 559 per cusec of outlet capacity for each kharif season,

(ii) Rs. 528 per cusec of outlet capacity for each rabi season.

(c) Such charges are based on the rules laid down by Government on the subject and it is open to anybody with an independent outlet to take supply under those rules, if desired.

(d) Does not arise.

Shrimati Raghbir Kaur : I want the answer to be translated in the vernacular.

Raja Ghazanfar Ali Khan : May I know if there is any other person in the province who is charged on the basis of outlet capacity ?

Parliamentary Secretary : I want notice.

Raja Ghazanfar Ali Khan : I am not aware of any other estate where water rate is being charged not on the basis of water supplied but on the basis of outlet capacity.

Sardar Sohan Singh Josh : The honourable the lady member wanted the reply to be read out to her in the vernacular. Would you kindly direct the Parliamentary Secretary to do so ?

Mr. Speaker : Order, order. The next question.

SUPPLEMENTARY DEMANDS.

*9420. **Malik Barkat Ali** : Will the Honourable Finance Minister be pleased to state—

(a) the various supplementary demands obtained from the Assembly since 1st April, 1937 ;

(b) the amount spent in anticipation of the vote of the Assembly in regard to each demand and the amount spent after the supplementary demand was passed by the Assembly ;

(c) the reasons in each case for spending monies in anticipation of the vote of the Assembly ;

(d) the procedure which Government follows in spending monies in anticipation of the vote of the Assembly, the name of the authority that sanctions it and if any change has been made in this procedure the nature of that change ?

The Honourable Sir Manohar Lal : (a) The information asked for is available in the Supplementary Estimates supplied to honourable members at the time these estimates are presented to the Legislative Assembly. These estimates further are also easily available in the library of the Assembly office ;

(b) and (c) The time and labour involved in collecting this information would not be commensurate with the benefit to be derived therefrom.

(d) The attention of the honourable member is invited to paragraph 14-20 of the Punjab Budget Manual (fourth Edition) as amended by correction slip No. 123, dated the 8th August, 1941.

Raja Ghazanfar Ali Khan : May I know from the Honourable Minister whether Supplementary Demands have been put before this House since 1st April 1937 on any Thursday ?

Minister : That does not arise out of the answer given. I shall have to make a reasearch into past history.

Sardar Santokh Singh : May I know whether the Government have ever consulted their law officers that when money was spent in anticipation of the vote of this House that was a lawful charge ?

Minister : I have drawn the attention of the honourable member to paragraph 14-20 of the Punjab Budget Manual which was adopted after all necessary advice, and the provision is in identical terms with that in all other provinces and in consonance with parliamentary practice in England. Apart from that, Mr. Speaker, will you remember that this matter formed the subject of a lengthy debate in this House?

Sardar Santokh Singh : What was the opinion of the law officers ?

Minister : The rules were not open to any doubt.

Sardar Santokh Singh : Does the Honourable Minister remember that this matter was raised in the Public Accounts Committee ? May I know whether it was as a result of that that this was referred to the law officers ?

Minister : The honourable member as a member of that committee will remember that the Chairman of that Committee gave a considered ruling on this matter. It was pointed out in this House in a lengthy debate to which I have just referred that the Government was perfectly justified in anticipating the vote of the Assembly when a need for any emergent expenditure arose.

Sardar Santokh Singh : It was suggested in the Public Accunts Committee that the matter should be referred to law officers. I want to know whether that was done.

Mian Abdul Aziz : The question is whether it was decided in that Committee that the matter should be referred to law officers.

Minister for Finance : It was not so decided. The considered provision in the Budget Manual concludes the question.

MUSLIM LEAGUE EDUCATION COMMITTEE.

*9358. **Malik Barkat Ali :** Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that the Punjab Government refused to permit their educationalists to serve on the All India Muslim League Education Committee.

(b) whether he and the Director of Public Instruction, Punjab, received any letters on the subject from Mr. M. A. H. Qadri, Secretary to the said Education Committee; if so, whether these letters were acknowledged;

(c) whether he is prepared to lay those letters and the relevant correspondence in regard to this matter on the table of the House?

The Honourable Mian Abdul Haye : (a) Yes. In one case only.

(b) No.

(c) Does not arise.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is the Honourable Minister aware of the fact that the letter from Mr. M. A. H. Qadri was published in the papers?

Minister : I am not aware of that. The letter was not received by the Director of Public Instruction.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is it a fact that Dr. Miss Khadija Begum also asked for permission to co-operate with the educational planning of the Muslim League?

Minister : Her request was turned down.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : May I know the reasons for her request being turned down?

Minister : If the honourable member wants reasons, he may put the question on paper.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : The Honourable Minister says that the request was turned down. Why can he not give me reasons for that?

Minister : It was open to the honourable member to have embodied this question in the original question and as he has failed to do so, I want fresh notice.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : My question arises out of the answer given by the Honourable Minister. I want to know the reasons for turning down her request.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : May I understand that the Honourable Minister does not want to give reasons?

Minister : I have given my reply. I want notice.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : May I take it that the Honourable Minister is not prepared to lay on the table the letter of the Secretary of the Muslim League Education Committee with the relevant correspondence?

Minister : No such letter was received.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is his refusal to give reasons based on the fact that the Education Minister does not know the reasons? Did he read the whole order giving the reason?

Mir Maqbool Mahmood : Was the request of Dr. Khadijah Begum to the Minister in writing or oral?

Minister : It was in writing.

Mir Maqbool Mahmood : If so, question (c) asks that Dr. Qadri's letter and relevant correspondence should be laid on the table.

Minister : The reply says that no letters passed between the Director of Public Instruction and Mr. Qadri.

Mir Maqbool Mahmood : With regard to the relevant correspondence, will he be pleased to lay the letter with relevant correspondence giving reasons for the refusal?

Minister : It is not the letter of Dr. Khadijah Begum that is referred to in the question. It is the letter of Mr. Qadri.

Mir Maqbool Mahmood : What is relevant correspondence? It means all the correspondence that took place including the reply to Dr. Khadijah Begum.

Minister : That was not asked by the questioner.

Raja Ghazanfar Ali Khan : Will the Honourable Minister please state if Government is now considering the question of co-operating with this Committee?

Minister : The question does not arise.

Raja Ghazanfar Ali Khan : May I ask whether the Honourable Minister is now considering giving the fullest co-operation to this Committee?

Minister : The question does not arise.

Raja Ghazanfar Ali Khan : My question is very simple.

Mr. Speaker : It may be simple, but it does not arise out of the question.

Raja Ghazanfar Ali Khan : Will the Education Minister please state whether the supersession of Dr. Khadijah Begum was due to the fact that she applied for permission to serve on the Committee?

Minister : Emphatically no.

Raja Ghazanfar Ali Khan : Then what was the reason of turning down her request?

Minister : This question again does not arise.

Raja Ghazanfar Ali Khan : Is it a fact that the Honourable Minister would not allow any educationalists of his department to co-operate with the Muslim League?

Minister : The question does not arise.

Mr. Speaker : The next question.

TEACHING OF GURMUKHI IN INTERMEDIATE COLLEGE, JHANG.

*9473. **Sardar Ajit Singh :** Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that an application was made by 25 students of the Government Intermediate College, Jhang, to the Principal for the introduction of the teaching of Punjabi (Gurmukhi) in the College;

(b) whether it is a fact that a duly qualified Punjabi teacher is already on the College Staff and his time table also allows him to take up the intermediate classes in Punjabi;

(c) if so, will he be pleased to state why the sanction has been withheld although so far no extra staff is needed for the purpose?

The Honourable Mian Abdul Haye : The request of the people of Jhang for making arrangements for the teaching of Punjabi in the Intermediate classes of the Government Intermediate College, Jhang, has been noted and an application for the extension of affiliation to the college to include Punjabi up to the Intermediate standard has been made to the Punjab University.

RURAL DISPENSARY OF HALWARA IN THE DISTRICT OF LUDHIANA.

*9479. **Chaudhri Muhammad Hasan** : Will the Honourable Minister for Education be pleased to state—

(a) the number of out and in-door patients in the rural dispensary of Halwara in the district of Ludhiana since the posting of the present medical officer there ;

(b) whether it is a fact that on account of an increase in the number of patients accommodation for the patients in the said dispensary has become insufficient ;

(c) whether it is a fact that there is sufficient land attached to the dispensary for its extensions ;

(d) whether Government are aware of the fact that Halwara dispensary serves more than 20 big villages of the neighbourhood and about 50 villages with a population of over 2,000 each ;

(e) whether it is a fact that sufficient quantity of medicine is not supplied to this rural dispensary by the District Board ;

(f) whether Government are aware of the fact that surgical instruments in the dispensary are neither sufficient in number nor are they up to date ;

(g) the number of visits paid by the Civil Surgeon, Ludhiana and the D.M.O.H., Ludhiana, to the said dispensary along with their remarks at the time of the inspection ;

(h) whether the Government have considered the question of provincialising this dispensary if not, why not ;

(i) the annual cost of medicines supplied to this dispensary ;

(j) whether the D. M. O. H. or the Civil Surgeon of Ludhiana has ever submitted a report to the District Board about the insufficiency of the medical aid from this dispensary on account of the small quantity of medicines supplied there ;

(k) if the answers to the above be in the affirmative, the action Government intend to take in the matter ?

The Honourable Mian Abdul Haye : (a)—

Year	Daily average attendance of in-patients.	Daily average attendance of out-patients.
1943 ..	25	63·00
1944 ..	24	102·00

(b) The accommodation provided for in-patients is sufficient.

(c) Yes.

(d) Yes.

(e) Yes. The District Board, Ludhiana, which is responsible for the maintenance of the dispensary is being asked to increase supplies.

(f) This is not correct. The stock of instruments, which are in good condition, is sufficient for the kind of work done at the dispensary.

(g) The number of visits paid by the Civil Surgeon, Ludhiana, during the last one year is two. The District Medical Officer of Health paid no visits to the dispensary during this period. The Civil Surgeon was satisfied with the working of the dispensary on each occasion.

(h) As the dispensary at Halwara is rural and Government already gives a grant of Rs. 2,500 per annum for it, which represents almost the entire cost of the maintenance, the question of provincialisation scarcely arises.

(i) Rs. 447.

(j) No.

(k) Does not arise.

Chaudhri Muhammad Hasan : Does the Honourable Minister know that there is an aerodrome about two furlongs away from this dispensary and medical aid is also given by this dispensary to the labourers in this aerodrome and military men ?

Minister : I am not aware.

Chaudhri Muhammad Hasan : Has the Honourable Minister on receiving the notice of this question enquired from the local authorities as to the position of this dispensary and the number of villages to which medical aid is given by this dispensary ?

Minister : Yes.

Chaudhri Muhammad Hasan : If he examines the names of those villages, he will find that the statement that he has given is quite incorrect.

Minister : I have stated that I do not know of any aerodrome and I cannot give the names of any villages.

Chaudhri Muhammad Hasan : Has it ever occurred to the Department's doctors who visit this dispensary to find out whether the insufficiency of medicine is due to war effort ?

Minister : I have stated that medicines are sufficient.

Chaudhri Muhammad Hasan : Is it a fact that several complaints have been made by the labourers and the military men near the aerodrome to the authority that sufficient medical aid is not given by the dispensary ?

Minister : No such complaints were received by Government.

Chaudhri Muhammad Hasan : Is he in a position to deny that the local authorities have received those complaints and enquiries were made by them ?

Minister : If they have received any complaints, they have never forwarded them to Government.

Chaudhri Muhammad Hasan : Will the Honourable Minister now please ask the Civil Surgeon ?

Minister : It is a request for action.

Chaudhri Muhammad Hasan : Is the Honourable Minister aware of the fact that the rural dispensary has to be visited at least twice a year by the D. M. O. H. ?

Minister : It was visited by the Civil Surgeon.

Chaudhri Muhammad Hasan : I say by the D. M. O. H.

Minister : I have already stated that it was not visited by the D. M. O. H.

Chaudhri Muhammad Hasan : Is the Honourable Minister in a position to say that the D. M. O. H. has failed in his duty ?

Minister : No, Sir.

Chaudhri Muhammad Hasan : What are the reasons for saying so when it was incumbent upon him to visit the dispensary at least twice a year ?

Minister : When it was visited by the Civil Surgeon it was not necessary for the D. M. O. H. to visit it.

Chaudhri Muhammad Hasan : Is it a fact that there are different duties to be performed by the Civil surgeon and by the D. M. O. H. in a particular district ?

Minister : Not with respect to these rural dispensaries.

Sardar Kapoor Singh : Does the Honourable Minister consider Rs. 2,500 a sufficient grant in these days when the prices are four times higher ?

Minister : It is considered to be very sufficient.

Sardar Kapoor Singh : What was the grant previously ?

Minister : Rs. 2,500.

Sardar Kapoor Singh : You consider it sufficient even in these days. ?

Minister : Yes.

PRICE CONTROL.

***9232. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Development be pleased to state—

(a) whether the Government have issued any instructions to the district authorities in each district, to adopt certain methods regarding price control ; if so, the nature of the same ;

(b) whether there is any uniformity regarding the price control methods in all the districts of the Punjab or they differ from district to district ;

(c) the names of the necessaries of life whose prices have been controlled in the province ;

The Honourable Sardar Baldev Singh : (a) When any prices are fixed under orders of Government of India or the Provincial Government, necessary instructions are communicated to District Magistrates in each case. When prices are fixed by District Magistrates themselves, they take into consideration all the relevant factors and local conditions. Copies of their orders are received by Government and where necessary suitable directions are given.

(b) Yes. There is a uniformity regarding the price control methods in all the districts of the Province, but in certain cases minor modifications are allowed to suit the local conditions of each district.

(c) The articles including the necessaries of life, of which the prices have so far been controlled, are bajra, jowar, sugar, imported gur, cotton cloth and yarn, various brands of cigarettes, bicycles and bicycle parts, fountain pens, sports goods, razor blades, boot polishes, wines and liquors, cartridges, photographic goods, leather and hides and salt.

Sardar Kapoor Singh : May I know whether instructions were issued to the controlling authorities to collect funds from the depot holders and certain other persons, for the Zamindara League and other bodies ?

Minister : It does not arise out of the reply given. But I may say that no instructions were issued.

Sardar Kapoor Singh : Is the Honourable Minister aware that the civil supplies officers exert their influence in collecting such funds ?

Minister : Not to my knowledge.

Sardar Kapoor Singh : If I supply him with information on the matter is he prepared to take action ?

Minister : Yes.

RATIONING SYSTEM

***9233. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Development be pleased to state whether the Government are considering the

question of rationing all the necessaries of life ; if so, whether the rationing system is likely to be introduced in all the districts of the Punjab, if so, when ;

(b) the names of the districts where the rationing system is already in force and the commodities which are supplied to the public by means of ration cards ?

The Honourable Sardar Baldev Singh : (a) No.

(b) In the towns of Lahore, Amritsar and Rawalpindi detailed card rationing of wheat, wheat-atta and sugar has been introduced. In addition certain commodities are rationed under more or less complete system in nearly all districts of the Province. A statement of these is laid on the table¹.

Khan Sahib Khawaja Ghulam Samad : This has been compiled on the basis of information from the district magistrates received in March 1944. May I know why fresh information was not received from the district magistrates when you are going to answer the question after 8 or 9 months ?

Sayed Amjad Ali Shah : Conditions are the same.

Khan Sahib Khawaja Ghulam Samad : Is the Honourable Minister also of the opinion that conditions were the same ?

Minister : The honourable member should know better whether conditions are the same after 9 months.

Khan Sahib Khawaja Ghulam Samad : The Honourable Minister in reply to my question said that there was uniformity regarding the price control. Now I draw his attention to the statement supplied in connection with this question. In Rohtak sugar worth Re. 1 per week per family is supplied and in Gurgaon it varies from Re. 1 to Rs. 10 according to the status. I want to know why it is so ?

Minister : The honourable member is basing his supplementary questions on the reply given to the previous question.

Mian Abdul Aziz : What would be your ruling if a question has been put and no reply, whether in the negative or in the affirmative, is given by the Minister ?

Mr. Speaker : This question has been asked very often. It is not in my power to make the Minister answer a question.

PRICE OF MILK.

*9234. **Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Development be pleased to state :—

(a) the names of the districts in the province in which the prices of milk, meat and eggs are controlled ;

(b) the names of the districts and the controlled prices of the articles mentioned in (a) in force in those districts ;

(c) whether the Government or their officers took into consideration the price of milch cattle, the price of fodder and other stuff given to milch cattle while fixing the price of milk in the districts referred to in (a) ; if not, why not ?

The Honourable Sardar Baldev Singh : (a) A statement is laid on the table of the House.

(b) The controlled prices vary from one district to another and even within the districts.

(c) Yes. The prices have been fixed by district magistrates taking all general and local factors into consideration.

Statement

MILK.

Hoshiarpur, Gujrat, Rawalpindi, Ludhiana, Lyallpur, Muzaffargarh, Attock, Shahpur, Mianwali, Ambala, Jhelum, Sialkot, Jullundur, Kangra.

MEAT.

Sialkot, Jhelum, Ambala, Mianwali, Shahpur, Attock.

EGGS.

Jhelum, Ambala, Shahpur, Muzaffargarh.

Khan Sahib Khawaja Ghulam Samad : May I know whether in districts where the price of milk has been controlled the respective Deputy Commissioners have done this of their own accord or under instructions from Government ?

Minister : I have already stated that the Deputy Commissioners have controlled the price of milk of their own accord and they have simply informed the Government about it.

Khan Sahib Khawaja Ghulam Samad : I asked for this information 9 months ago and now it is being supplied to me. I want to know whether this information was collected at that time or now ?

Minister : I have laid all the information available on the table and I have nothing more to add.

Khan Sahib Khawaja Ghulam Samad : May I know as to what was the price of milk before it was controlled and before the War broke out ?

Minister : I am not aware of what the price was before the war but I know what the price is just now.

Khan Sahib Khawaja Ghulam Samad : Is the Honourable Minister aware that the price of fodder has increased five times the pre-war price ?

Minister : May be so.

Khan Sahib Khawaja Ghulam Samad : May I know whether at the time of controlling the price of milk due consideration was given to the increase in the price of fodder and whether in view of that the price of milk was increased proportionately to the increase in the price of fodder ?

Minister : Government took into consideration all these factors before fixing the price of milk in those districts.

Khan Sahib Khawaja Ghulam Samad : Is the Honourable Minister aware that the prices of milch animals have gone up 5 or 10 times ? May I know whether this fact was taken into consideration while fixing the price of milk ?

Minister : I have already said that due consideration was given to all the factors before fixing the price of milk in those districts.

Mr. Speaker : No more supplementaries. It is 1 o'clock.

Khan Sahib Khawaja Ghulam Samad : And it will continue tomorrow, I have about one hundred supplementary questions on this question. Real injustice has been done to milk sellers and they are being ruined and destroyed.

ADJOURNMENT MOTIONS

RESTRICTIONS ON MEMBERS OF ASSEMBLY CONGRESS PARTY

Pandit Bhagat Ram Sharma : On a point of order Sir. Yesterday when I moved my adjournment motion No. 19, you were pleased to rule that that particular adjournment motion was not in order. But later on you were pleased to say that you were prepared to revise your ruling if the Leader of the House was willing. I want to point out to you that during the last several years, when this Assembly was sitting, there have been hundreds of occasions when the Chair has always revised its rulings without inviting the Leader of the House to give his assent on the point and during this session also, if I remember aright, there were two occasions on which you were pleased to revise your ruling the same day and give effect to the new ruling after due consideration and in view of that you were pleased to hold that particular adjournment motion moved by me in order. It was within your power to allow this House to discuss that particular adjournment motion after you were pleased to give that ruling. Under these circumstances I would request you to allow us the time to discuss that particular adjournment motion. It is of very great importance concerning 18 members of this Assembly who are restricted by executive action and who are not allowed to come and participate in the proceedings of this House. If this question is of no importance, then there can be no other question which can be of more importance. I would also submit that this matter is of great concern, not only for the members of this House, but for the Chair also. This is the question of the prestige of the members of this House, this is the question of the prestige of the House. Under these circumstances I would request the Chair to rise to the occasion and give due consideration to these facts and take into consideration the importance of the question. (*Honourable members* : Is it a point of order ?)

Sayed Amjad Ali Shah : May I ask whether this point of order is with retrospective effect ?

Mr. Speaker : Order, order. May I know when these restrictions were imposed on those gentlemen ?

Sardar Kapoor Singh : Some members were restricted nearly 5 or 6 months back and some of them were restricted recently. Dr. Sant Ram Seth was restricted nearly 2 months back.

Mr. Speaker : Was no adjournment motion ever moved with regard to the restrictions imposed on any one of them ?

(*Honourable members of the Opposition* : No, Sir).

Premier : You have every right of reopening this matter, but I have to point out that we had taken up adjournment motion No. 31 yesterday and it was discussed. This particular matter was also discussed threadbare on the floor of the House and you came to the conclusion that as these members have already been restricted for more than one year, it was not worth while to discuss the matter again. During the last budget session the same thing was discussed in more than one form. If you revise your ruling and allow discussion on this motion, then I am afraid it will be a never ending discussion and it will take place every day. I would request you that as the last adjournment motion taken up yesterday was No. 31, we should now proceed with adjournment motion No. 32 and onwards to-day.

Chaudhri Muhammad Hasan : You know, Sir, that it was your own ruling yesterday that though the adjournment motion was in order, yet because at the time when the adjournment motion was to be moved nobody stood up to point out to you that the continuance of those restrictions and their removal was a matter of urgent public importance. You were pleased to say that the Leader of the House—though unfortunately I should say—did not agree to allow us another occasion to get the motion admitted.

Mr. Speaker : It is not a question of the Leader of the House agreeing or disagreeing. He is no doubt in possession of information on certain points which nobody else has. Now, what he said was that some of the members have been under restriction for more than one year.

Sardar Kapoor Singh : That was not the question.

Mr. Speaker : If they were under restriction when this House held its session last and the members did not move any adjournment motion at that time, then I disallow them to make a motion now.

(Hear, hear from the Treasury Benches).

Sardar Kapoor Singh : But yesterday you were pleased to declare the motion in order.

Mr. Speaker : Order, order, please. Unless the motion is disposed of, I am not estopped to change my opinion.

Sardar Kapoor Singh : Not very often.

Mr. Speaker : Only in this case.

Sardar Kapoor Singh : I would like to draw a distinction between the imposition of restrictions and their removal. Of course, in position of restrictions is a matter of two years. But we are not going in any way to deal with the result of those restrictions. Those restrictions are still there and we want to move an adjournment motion about the failure to remove those restrictions. It is not a question of imposing restrictions, but it is a question of failure of the Government to remove those restrictions up to this time.

Mr. Speaker : Why did the honourable member not move this motion on an earlier occasion ?

Sardar Kapoor Singh : Because the Government was always pretending that this was not a question which can be dealt with by the Punjab Government but that it was the concern of the Central Government. It was only after a statement made in the Central Legislature that we came to know that this is a provincial question and not a central question.

Mr. Speaker : When was it decided in the Central Legislature ?

Sardar Kapoor Singh : In their November session.

Premier : May I submit, Sir, that I have never said on the floor of the House that it was under the Central Government orders that anybody is being detained. What I said was that the non-co-operation movement was an all-India movement and it had to be dealt with on an all-India basis. A broad policy has been laid down by the Centre with which we are in accord and according to that policy we share full responsibility for the action we take. That was what I said. These restrictions have been in force for more than a year and before the last budget session these restrictions were there. This subject was discussed on the demand for the grant for General Administration and on many other occasions last year. If you admit it to-day, then it will be continuously taken up and discussed from day to day. It will again come on Thursday and the same thing will be repeated every time. There will be no end to it.

In order to be consistent and save the time of the House you correctly ruled yesterday that this was a matter on which an adjournment motion should be ruled out of order. There is nothing new in it. We may now proceed with the next adjournment motion.

Dr. Sir Gokul Chand Narang : May I put a question to the Premier ? Have any people been released between the last session and the present session, and, if so have any restrictions been placed on them ? So far as they are concerned there was no opportunity given to this House to move an adjournment motion between the previous session and the present session. Therefore, if your only objection was that the matter

has already been discussed by this House, that objection would not apply in the case of persons released between the two sessions. I ask the Premier whether it is a fact or not that some detenus have been released in between the two sessions and whether some restrictions have been imposed on them or not. That is the simple question.

Premier : I was going to say that there were 18 M.L.As. It is not only the number of cases which can be made the subject of an adjournment motion. It is the question of the policy of restriction and that policy of preventing M.L.As. from attending the House has been followed long before the last budget session. There is nothing new about it and nothing urgent. The question is whether the M.L.As. were restricted before the last budget session or thereafter ; the question of number is of no importance. The members who were restricted last year before the budget session are equally restricted today except one or two. The question is whether the members were kept away or not before the last session. No changes have come about. The main question is whether the 18 members are being kept away from the Assembly as they were equally kept away before the budget session. There is no change nor anything added to it.

Sardar Kapoor Singh : May I ask the Premier whether he would agree to an adjournment motion regarding restrictions put upon Seth Sudarshan and Dr. Sant Ram Seth ?

Premier : My contention is that they are as they were last year, they are not to attend the Assembly and there is no change. This has been repeated all along and was fully discussed in the last budget session.

Sardar Kapoor Singh : Dr. Sant Ram Seth and Seth Sudarshan have been restricted recently. I may point out that we are going to move another adjournment motion, if there is no objection from the Premier, regarding the restrictions put on Seth Sudarshan and Dr. Sant Ram Seth.

Mian Muhammad Nurullah : May I contradict what the Premier has said just now. The Premier has said that there has been no change since. I want to say that there has been a big change and so many members have come from that side to this side ; and these persons are being restricted so that our number may not increase to 35 and we may not have the right of moving an adjournment motion. If these 18 are restricted then we can be only 22 and cannot move an adjournment motion. If another 18 are added then we will be 35 and will be able to move an adjournment. Therefore restricting them means taking away the right of an adjournment motion. We will also be in a position to bring in a no-confidence motion because we will be 50 or more. There has been a big change as so many members have come from that side to this. There must be a debate on this motion.

Mr. Speaker : Personally I see no objection to the motion being discussed. Rightly or wrongly the motion was disallowed yesterday. (*Honourable members from Opposition benches :* Wrongly). Take it wrongly. I do not claim to be infallible though the Speaker of the House of Commons said that he was infallible like Pope. I do not claim to be infallible, I may have made a mistake. I want to ask what harm will be done if this motion is allowed and discussed. Will heaven fall on earth if this is done ? If it could be discussed six months or a year ago it can be discussed even today.

Minister of Finance : Heavens are not in the habit of falling.

Premier : It is the question of the time of the House and the setting up of a precedent. If you once allow it will always go on. It is not a question of heavens falling. The motion has been discussed off and on. Heavens will not fall if it is discussed at the next budget session ; otherwise this will go on being repeated and the motion will continue to be discussed. That is my objection.

Sardar Shaukat Hyat Khan : The question of detenus was never discussed.

Premier : The question of detenus was discussed threadbare.

Dr. Sir Gokul Chand Narang : So far as I remember no adjournment motion was moved on this point. I remember that I condemned the government for not allowing the members, who are out of jail, to come to the House. I strongly condemned the action of the Government, but there was no motion on that point.

Raja Ghazanfar Ali Khan : It was not discussed at all.

Premier : I know it definitely that it was discussed. The Honourable Sir Gokul Chand Narang has also pointed out that it was discussed.

Sardar Sohan Singh Josh : Are you determined to keep them in jail for all time to come ?

Mr. Speaker : It is quite conceivable that a motion moved by one of the honourable members on this side may be admitted. Will it be permissible for him to say that he does not move it and that time may be given for the discussion of some other motion ? Will the honourable Premier have no objection then ?

Premier : I was submitting that it would be a very awkward precedent if matters which have already been discussed should be allowed to be raised again by way of an adjournment motion. As you rightly pointed out the other day, an adjournment motion can only be brought if the matter is of recent occurrence. I beg to submit that this matter is not at all of recent occurrence. Moreover it has already been discussed as pointed out by Dr. Sir Gokul Chand Narang.

Mr. Speaker : Strictly speaking, I should undo what I did yesterday, but in the face of the opposition from the Government I would request honourable members to discuss this matter during the Budget session.

Mian Abdul Aziz : That means that for some months we will be deprived of discussing it.

Mr. Speaker : No. Budget session begins somewhere in February.

Mian Abdul Aziz : Last time we began in March, I think.

Sardar Kapoor Singh : There are identical motions—motions Nos. 66 and 67—and I suggest that this point may be decided when those motions come up.

Mr. Speaker : Very well. I shall consider this point then. Now we pass on to motion No. 32.

RIOTING AND MOB VIOLENCE AT FARUKHNAGAR

Khan Sahib Khawaja Ghulam Samad : 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 authorities in charge of law and order in Gurgaon district in taking preventive measures to prevent rioting and mob violence at Farukhnagar, Gurgaon district, on 24th July 1944, despite previous information conveyed to them well beforehand.

Mr. Speaker : Is not this matter pending before a court of law ?

Khan Sahib Khawaja Ghulam Samad : It is pending, Sir, But—

Mr. Speaker : I disallow the motion.

Khan Sahib Khawaja Ghulam Samad : I assure you, Sir, that while speaking on the motion no member will refer to that case which is pending before the law court. We only want to discuss the failure of the Government—

Mr. Speaker : I have disallowed the motion.

DISCOURTEOUS BEHAVIOUR OF DEPUTY COMMISSIONER, AMRITSAR,
TOWARDS A DEPUTATION

Sardar Teja Singh Swatantar : 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 insulting behaviour and the abusive language of the Deputy Commissioner, Amritsar, towards a deputation of fifty persons of Tehsil Tarn Taran which waited upon him for the redress of local grievances on the 18th November 1944 at Kothi Ibban (Amritsar district).

Mr. Speaker : Has the Government any information on this point ?

Premier : An enquiry has since been made from the Deputy Commissioner, Amritsar. He has stated that he has been receiving a number of deputations. A deputation of the Kisan Party waited upon him and asked him to postpone the new settlement. There was no genuine public interest in this demand. The Deputy Commissioner denies having used any abusive language or offering any insult to anybody. He only asked them, who paid their travelling allowance ?

Sardar Sohan Singh Josh (Punjabi) : Sir, I wish to make a few submissions in regard to what the Honourable Premier has just stated on the Floor of the House. What I wish to point out is this that the information gathered by the Honourable Premier is quite incorrect and baseless. I have correct information about this matter and I wish to lay the correct version of this information before the House and that is this. The villagers about fifty in number went in a deputation to the Deputy Commissioner of Amritsar. They did not want to make any appeal for any remission of land revenue but they wanted to lay before him the difficulties they were put to, due to the non-availability of sugar. They also wanted to throw some light as to what was happening in connection with the sugar distribution in the villages. They also wanted to lay before him the cases of embezzlement which was the order of the day. I am constrained to remark that the Deputy Commissioner on receiving the deputation used the following words and the result was that the villagers returned disappointed :—

بگو مت-بکراس نہ کرو۔ یہاں سے چائے جاؤ۔ ہم تمہاری بات نہیں چاہتے

Sir, this is happening in the year 1944 when the whole world is changing and imperialism is on its decline. I am really constrained to remark that it was most unbecoming on the part of the Deputy Commissioner, who hails from a country well-known for its civilization, to have uttered such words. Under the circumstances, I wish to submit that the adjournment motion now before the House, is a very important one and is quite in order.

Khan Bahadur Captain Malik Muzaffar Khan (Mianwali South, Muhammadan, Rural) : Sir, one submission I have got to make. I wish to submit that the allegations made against the Deputy Commissioner of Amritsar, by my honourable friend Sardar Sohan Singh Josh, are quite baseless and incorrect. I wish to bring this point home to the honourable members of the House in general and the honourable members sitting on the Treasury Benches in particular that I happen to know the said Deputy Commissioner fully well. I may assure you, Sir, that he is not an officer of the sort my honourable friend has described him to be. I wish to submit once again that the arguments advanced by Mr. Josh are quite incorrect.

Raja Ghazanfar Ali Khan : The honourable member is praising the Deputy Commissioner of Sialkot with a view to get a certificate from him.

Mr. Speaker : The honourable members of the Opposition say that the Deputy Commissioner abused certain persons who waited upon him while the Government version is that he did not. What will the House discuss then ? I do not think any useful purpose will be served by discussing this motion.

Raja Ghazanfar Ali Khan : You are right, Sir.

Chaudhri Muhammad Hasan: Yes, Sir, you are perfectly right.

Mr. Speaker: The next motion.

SUGAR DISTRIBUTION IN RURAL AREAS, AMRITSAR DISTRICT

Sardar Teja Singh Swatantar: 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 stoppage of sugar distribution since 21st October in the rural areas of Amritsar district for the period of one month (now almost two months).

Mr. Speaker: Sardar Teja Singh Swatantar asks for leave to move a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the stoppage of sugar distribution since 21st October in the rural areas of Amritsar district for the period of one month. Is there any objection? (after a pause) No objection being taken the motion will be taken up at 4-30 p.m. today.

SUSPENSION OF RULE 13

Premier (The Honourable Malik Khizar Hayat): I beg to move

That Rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on Thursday, the 14th December 1944.

I would say just a few words in support of this motion. Government business has been entirely held up up till today. It is now the middle of the second week that this House has been in session and yet we have not been able to pass a few validating laws and the District Boards (Amendment) Bill of one clause. We are today as we were at the commencement of the session. There is a lot of Government business yet pending. It is a well recognised principle that Government business should have preference over all other business. You were also pleased to remark the other day from the Chair that the Government has a perfect right to control the time of the House. Even in the House of Commons Thursdays are invariably taken up for Government business and what is more, recently they have been taken up for Government business for the entire period of the war. Here if the circumstances allow and if there is any pressing business we do allow non-official days. But in the present case we cannot allow them. Due to the choking up of Government business I have been compelled to take the next Thursday for Government business. But when there is pressing non-official business, I do not hesitate to allow time for it, as in the case of the Gurdwara (Amendment) Bill for which time has been allotted today, a Government business day. In these circumstances I must ask the House to adopt this motion so that the Government business may be expedited. There are a large number of officers who have got a lot of desk work to attend to, and who have got to work for the betterment of the province or for the war effort. There are a number of members here whose recruiting work has been held up by their having to attend to Assembly work. It is not desirable that they should be kept here indefinitely. I therefore hope that this motion will be adopted without any objection.

Mr. Speaker: Motion moved—

That Rule 13 of the Punjab Legislative Assembly Rules be suspended and the Government business be transacted on Thursday, the 14th December 1944.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban): I rise to oppose this motion. No sound argument has been advanced by the Honourable Premier in support of his motion for taking away both the Thursdays of this session for Government business. I really do not see what the Government would have lost if the next Thursday had been allowed for non-official business. No question of expenditure is involved.

Formerly it used to be argued that prolonging a session meant increased cost by way of travelling and daily allowances of members. Even that consideration does not exist at present, because the members draw their salary irrespective of the duration of the session. Government would not have lost anything if the session was extended by a few days more, to finish the Government business on the agenda. In any case no case has been made out for taking away both the Thursdays of this session which are really reserved for non-official business and not for transacting Government business. I would therefore appeal to the Honourable Premier, who unfortunately is not present in the House now and to his colleagues that they should not make themselves unpopular by taking every time the Thursdays that are intended for non-official business.

I have already stated that Government loses nothing in the shape of money. What were the reasons advanced by the Honourable Premier? The reason he has given is that Government officials have to keep to their desks during the Assembly session. Is that a sound argument? Is it not a fact that the autumn session used formerly to last 3 to 4 weeks? Government can continue the present session until the whole of the business has been gone through. In any case this day should not be taken away but reserved for non-official business.

Chandri, Muhammad Hasan (Ludhiana, Muhammadan, Rural): The Honourable Leader of the House should consider his duty and not deprive the Opposition their right of using this Thursday for non-official business. He must understand that this Thursday was fixed to ventilate the grievances of the public through the members who are not on the Treasury benches, and I suppose that the Honourable the Premier should not play these dirty tactics in order to gag the mouth of the Opposition. Once before Thursday was usurped by him for Government business and the reason given by him is that because Government servants are working here in the Assembly therefore it is not proper that Thursday should be given to non-official business. With due deference I say that it is the duty of Government also to see that the public do not suffer in case official business is transacted even on those days which are reserved for non-official business. I appeal to you and through you to the Leader of the House that he should see that this official business should not have preference over non-official business which is very important. I therefore request him not to press his motion and to withdraw it.

Mir Maqbool Mahmood (Amritsar, Muhammiadan, Rural) (Urdu): Sir, I would like to submit two very important points before the House in regard to this motion. The first is that the Honourable Premier while making this motion referred us to what the late Sir Sikandar Hyat Khan had observed in connection with a similar motion. I tell him that while referring to the late Sir Sikandar's observation in regard to such matters he should also bear in mind the high traditions and conventions established by him. Yesterday my honourable friend the Leader of the Opposition referred the House to one of the conventions established by the late Sir Sikandar that if the Leader of the Opposition would ask for time to discuss a matter of urgent public importance the Leader of the House would invariably try to accommodate him. But I am sorry to remark that the Honourable Premier acting against the very spirit of that convention spurned the request of the Leader of the Opposition when he asked for time to discuss an urgent and important matter. Let me tell the Honourable Premier that if the late Sir Sikandar's name is to be brought in and used on such occasions he should also try to honour and respect the conventions established by him. If he does not intend to do that I respectfully submit that the late Sir Sikandar's name may not be used on such occasions.

I am glad that Government have allotted time out of the Government time to my Sikh friends for bringing forward the Gurdwaras Amendment Bill and I congratulate

[Mir Maqbool Mahmood]

them on that. But I regret to point out that Government are not treating other communities alike. I asked the Government to give me time out of the Government time for enacting the Aukaf Bill. But the Honourable Minister for Education has replied that we should bring forward a Bill to that effect on a non-official day. My submission is that Government have refused to give me time for moving my Aukaf Bill on an official day and they are depriving us of Thursday also. What are we to do? I ask if facilities are provided to other sections why are we deprived of them? Why do not Government mete out a similar treatment to us? Then the Government stands committed for giving time for introducing a Bill to safeguard the publication of the Holy Quran. The late Premier had declared on the floor of the House that he would give time for bringing forward a Bill on those lines, on some Government day. So far no time has been given to the Muslims for moving the Aukaf Bill or the protection of publication of the Holy Quran Bill and yet we are being deprived of Thursday, the only day on which we can move such measures. Now when we are being deprived of the non-official day, will Government think over the advisability of allotting time to Muslims for bringing in these Bills just as they have done in the case of my Sikh brethren.

Raja Ghazanar Ali Khan (Pind Dadan Khan, Muhammadan, Rural) (*Urdu*): Sir, with your permission I would like to urge that the taking away of Thursday, a non-official day, for the transaction of Government business is a great inroad on the rights of the honourable members of this House. I am aware that in the rules of procedure of this House provision has been made that in case of an emergency or in case anything serious happens due to which official business cannot be completed on Government days then official business can be transacted on a Thursday as well. But when this provision was made it was never intended that it would be abused. If the honourable members take the trouble of looking at the list of resolutions so far received by the Secretary of the Assembly they would find that their number has gone up to 80. Though notices of so many resolutions have been received yet the Government or for the matter of that the Secretary of the Assembly has not cared to ballot them as he was bound to do under the rules of procedure of this House.

Mr. Speaker : Please do not bring the Secretary in the discussion.

Raja Ghazanfar Ali Khan : Sir, I have read in the papers, and the Secretary of the Assembly would be aware of it as well, that notices of 70 or 80 resolutions have been received in the Assembly office on behalf of the members of the Unionist party. I ask whether my honourable friends attach any importance to them or not. I admit that the resolutions submitted by members from this side of the House are not very important from the point of view of Government. But I think they do attach importance to those resolutions which have been sent with the express permission of the Honourable Ministers, and I take it that the members of the Unionist party also consider them to be very essential. These resolutions are of very great importance. Among them there are such resolutions that if they are not passed the zamindars would suffer losses of crores of rupees within a few weeks time. For instance the price of cotton has fallen considerably. If this House does not pass a resolution and recommend to the Government of India to take necessary steps to increase the price of cotton the zamindars would suffer great losses. Sir, my submission is that even if we ignore the resolutions sent by the members of other parties, even then there are nearly 80 resolutions notices of which have been sent by the members of the Unionist party. These resolutions in the eyes of Government must be of every great importance and they must be discussed here in the House. But the Honourable Premier for fear lest the ballot should give first or second place to a resolution which he has not the moral courage to oppose, is depriving the members of his own party of an opportunity to discuss their resolutions. He is doing so with the help of those who do not know that while casting their votes in favour of Government they are cutting the throats of their

own brethren. The Honourable Premier although has not given any time to the Muslims for moving the Aukaf and the protection of publication of the Holy Quran Bills, yet he has, very generously, allotted time to the Sikhs for enacting the Gurdwaras Amendment Bill. We have absolutely no interest in that Bill. I ask, if time can be allotted to the Sikhs for passing the Sikh Gurdwaras Amendment Bill, why cannot a few hours be spared for non-official business. Only a short while ago Sardar Kartar Singh was praising the Government for giving him time to enact his Bill, but he should know that he has been benefited at our cost.

Nawab Muzaffar Ali Khan Qizilbash (Lahore, Muhammadan, Rural): It appears, Mr. Speaker that the Opposition have made up their mind to oppose everything that is being put from the Government side, and it is due to their obstructionist tactics that—

Raja Ghazanfar Ali Khan: We shall continue in that policy as long as Government does it. We do not make a secret of it. We are proud of it.

Nawab Muzaffar Ali Khan Qizilbash: It is due to that policy of theirs that Government is forced to bring along this measure. Otherwise there was no intention at all. So far as divisions are concerned, my friend from Lyallpur with only three members sitting on his side called for division, and you said, Sir, you were not going to call for such a frivolous division. When these are the tactics of the Opposition, can we forget that we sitting on this side of the House are also suffering from them? Raja Sahib will realise that we have had something like 70 resolutions, some of them most important resolutions, and we cannot move them because of the Opposition tactics. The other day whenever a motion was taken up everybody stood up to speak and for two or three hours the discussion went on. You will recollect the other day it was not till 3-45 p.m. that the business of the day was taken up. I would say that what we are doing is nothing new. For instance, there is a speech of my late leader, Sir Sikandar Hyat-Khan, to which Mir Maqbool Mahmood has taken great objection. He said that you should not bring his name unless you are going to follow everything that he did. That is a very peculiar statement to make on the floor of this House. He made the statement just because the Premier was not going to give the Opposition time for an adjournment motion, just because the Leader of the Opposition had asked for it. The reason for disallowing the adjournment motion was simply that the subject matter of the motion was one which should be discussed on a substantive motion. If he had asked the Leader of the House to give time for a no-confidence motion, he would certainly have given time to discuss that no-confidence motion.

But why hedge and come from the backside? That was the reason why the Honourable Leader of the House would not agree to that proposition. So far as what has happened previously is concerned, I will just mention that in the year 1942 three Thursdays were taken, in 1943 four Thursdays were taken and in 1944 two were taken. Even in the Parliament, which is called the mother of parliaments, even there no time is given for private business. It is not they on the other side who have got to answer to the public but we sitting on the treasury benches. On the one hand they say that we have done no work and when we do the work they obstruct. They say that we are in a majority and they cannot do anything. If we do anything they raise frivolous objections and if we do not, they say we do not do anything. With these words I support this motion.

Subedar Major Raja Farman Ali Khan (Gujjar Khan, Muslim, Rural) (*Urdu*): Sir, as long as I am a member of this House I shall remain a staunch Unionist. (*Hear, hear*). But in spite of this resolve to adhere to my party through thick and thin I shall not deflect from the path of duty and shall in no case sell my conscience. (*Opposition cheers*). I shall prove from the verses of the Holy Quran that whosoever tolerates the desecration of the Holy Book is an infidel. Sir, you must have seen it reported in the Press that an incident of the desecration of Quran occurred at Rawalpindi. Now

[Raja Farman Ali Khan]

there are Mussalmans among the honourable members on both sides of the House, yet no opportunity is being given to them to bring forward legislation for the protection of our Holy Book. For the last two years no private members' Bills have been allowed to be moved. No true Muslim can tolerate the insults that are hurled at his religion or his Holy Book from time to time. I fail to understand, why when the followers of other religions hold their own sacred books in respect, they should not learn to respect the sacred books of religions other than their own. The unbelievers in our Holy Prophet's day were asked to follow their own religion if they so wished as the Mussalmans were enjoined to follow Islam. Every one should be allowed to follow his own creed without let or hindrance. But here in this unfortunate land of ours mischief makers are always ready to do things which injure the susceptibilities of the followers of other religions. Sir, I do not know anything about law but I am confident that by the grace of God I am a true Mussalman and if the Government can tolerate the desecration of the Quran I at least shall not be a party to it.

In the end I would request my Muslim brethren on both sides of the House to support me in my demand for the immediate introduction of legislation for the protection of the Holy Quran. (*Hear, hear*).

Premier : Sir, I endorse every word of what my honourable friend the Raja Sahib has said. Let me inform him that a committee was set up for this purpose and they are deliberating upon the best measure that can be adopted for the protection of the sacred books of all religions.

Khan Bahadur Shaikh Karamat Ali (Nankana Sahib, Muslim, Rural) (*Urdu*) : Sir, after the most illuminating speech of my honourable friend Raja Farman Ali Khan it would be presumptuous on my part to say even one word on the subject. He has very ably placed the sentiments of the Mussalmans of the Province before the House and in endorsing every word of his speech I would like to say a few words in respect of the usurpation of the non-official days by the Government.

My honourable friend Nawab Muzaffar Ali Khan has said that the Muslim League was indulging in dilatory tactics, which definitely is an unfounded allegation. I would assure him that neither the Muslim League nor any individual member of that party has any such intentions. I would invite his attention to Schedule 1, Rules of Procedure governing the business of this House; after perusing them he would be able to find out on which foot the boot lies. It is the business of the Secretary to cause to be placed in the Assembly office a numbered list in respect of non-official business for ballot. Well, we have no grouse against the Secretary because he is a subordinate and so far as subordinates go, he has to submit to the orders of the Government. He is concerned with his secretarial work but he is made to acquiesce to the will of the majority. Any way Sir, the words of the Schedule are :—

“ A ballot shall be held for each day on which the business other than Government business has precedence. ”

It means that a ballot should have been held for last Thursday as well as for this Thursday and a list of Resolutions and Bills should have been placed in the Assembly office. But it appears that the Government have already made no secret of their intention when they did not allot any day for the non-official business. They rely on the majority at their command. I think such tactics on the part of the Government are worthy of the severest condemnation. We have come here to represent the public who have confidence in us and who want us to convey their feelings to the House. They want us to move resolutions with regard to the sanctity of the Quran, the mosques and the Gurdwaras but we are deprived of placing their grievances before the House on account of the usurpation of the non-official day by this Government. I do not think there can be a greater act of dishonesty on the part of the Government towards the public to

deny them a day for non-official business. It is very essential that the right of the House—rather its birth right—should not be usurped in this highhanded manner.

Mian Muhammad Nurullah : The honourable member from Lahore has remarked that I had asked for a division. I want to give my personal explanation.

Mr. Speaker : Please speak to the motion and be as brief as possible.

Mian Muhammad Nurullah : Thank you very much. The Honourable Premier advanced an argument this morning that once in a blue moon they give a non-official day in the Parliament for the members to move their resolutions. I say that this is absolutely against the convention set up by the late Leader of this House. If he wants to follow Parliament, then he should set up a small Parliamentary Committee to change the rules and thus he should get Rule 13 changed altogether. He also appealed for the co-operation of this House while on the other hand his Secretary or what I may call the 'would be Secretary' or 'Candidate Secretary' was saying that I had called for a division which was frivolous. It was not frivolous. As Secretary of the Muslim League Assembly Party I was calling that division because a great injustice was being done by passing that Bill and we on this side of the House wanted to record our protest. That was, therefore, not a frivolous division at all. If the Leader of the House stands up and says that he will give us time, an hour or so, we will not call for these divisions, but that can be done only if he gives time. I, therefore, oppose the motion before the House.

Premier : The honourable member in his speech has said that I was not correct in saying something. For his information I may tell him that I was quoting the exact words from Sir Sikander, Hyat's speech when he moved a similar resolution to take over Thursday.

Mian Abdul Aziz : On what occasion was it said ?

Premier : He said,

So far as the question of taking away right of non-official members is concerned, my honourable friend is perfectly aware that in the House of Commons it is once in a blue moon that a non-official day is set apart for private member's business because normally on account of congestion of business these days are taken up for Government business.

Mian Abdul Aziz : Will the Honourable Premier please say for how many days the Parliament meets during the year ?

Mr. Speaker : Question is :—

That Rule 13 of the Punjab Legislative Assembly Rules be suspended and the Government business be transacted on Thursday, the 14th December 1944.

The Assembly divided : Ayes 68, Noes 38

AYES

Abdul Haye, The Honourable Mian.	Faqir Hussain Khan, Khan Bahadur Chaudhri.
Abdul Rab, Mian.	Farman Ali Khan, Subedar Major Raja.
Abdul Rahim, Chaudhri (Gurdaspur).	Fateh Jang Singh, Captain Bhai.
Abdul Bahim, Chaudhri (Gurgaon).	Fateh Muhammad, Captain Mian.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik Sir.	Fateh Sher Khan, Malik.
Amjad Ali Shah, Sayed.	Fazal Din, Khan Sahib Chaudhri.
Asghar Ali, Khan Sahib Chaudhri.	Fazal Karim Bakhsh, Khan Sahib Mian.
Ashiq Hussain, The Honourable Nawab Major.	Few, Mr. E.
Baldev Singh, The Honourable Sardar.	Ghulam Qadir Khan, Khan Bahadur.
Brijraj Saran, Kanwar.	Gopal Singh (American), Sardar.
Faiz Muhammad Khan, Rai.	Gurbachan Singh, Sardar Bahadur Sardar.
Faiz Muhammad, Khan Bahadur Shaikh.	Gurbakhsh Singh, Sardar.

Haibat Khan Daba, Khan Bhadur Khan.	Muhammad Shafi Ali Khan, Khan Bahadur Chaudhri.
Hans Raj, Bhagat.	Muhammad Yasin Khan, Khan Sahib Chaudhri.
Harnam Das, Lala.	Muhammad Yusuf Khan, Khan.
Harnam Singh, Captain Sodhi.	Mula Singh, Sardar.
Het Ram, Rai Bahadur Chaudhri.	Muzaffar Ali Khan Qizilbash, Nawab, Sardar.
Jafar Ali Khan, Chaudhri.	Muzaffar Khan, Khan Bahadur Captain Malik.
Jogindar Singh Man, Sardar.	Nasir-ud-Din Shah, Khan Sahib Pir.
Jugal Kishore, Chaudhri.	Naunihal Singh Mann, Captain Sardar.
Khizer Hayat, The Honourable Malik.	Nur Ahmad Khan, Khan Bahadur Mian.
Lal Singh, Sardar.	Pir Muhammad Khan Sahib, Chaudhri.
Manohar Lal, The Honourable Dr. Sir.	Prem Singh, Chaudhri.
Mohar Singh, Rao.	Prem Singh, Mahant.
Mohi-ud-Din Lal Badshah, Sayed.	Rallia Ram, Mr. K. L.
Muhammad Akram Khan, Khan Bahadur Raja.	Ram Sarup, Chaudhri.
Muhammad Ashraf, Chaudhri.	Ranpat Singh, Chaudhri.
Muhammad Azam Khan, Khan Sahib Sardar.	Riasat Ali, Khan Bahadur Chaudhri.
Muhammad Faiyaz Ali Khan, Nawabzada.	Ripudaman Singh, Rai Bahadur Thakur.
Muhammad Hussain, Khan Bahadur, Chaudhri.	Sher Singh, Sardar.
Muhammad Jamal Khan Leghari, The Honourable Nawab Sir.	Sultan Mahmood Hotiana, Mian.
Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir.	Sumer Singh, Rao Sahib, Chaudhri.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Suraj Mal, Rao Bahadur, Chaudhri.
	Tikka Ram, Chaudhri.
	Wali Muhammad Sayyal Hira, Khan Bahadur Sardar.

NOES.

Abdul Aziz, Mian.	Muhammad Hasan, Chaudhri.
Abdul Hamid Khan, Sufi.	Muhammad Hussain, Sardar.
Akbar Ali, Pir.	Muhammad Nurullah, Mian.
Allah Yar Khan Daulatana, Khan Bahadur Mian.	Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.
Amar Nath Shah, Lala.	Mumtaz Muhammad Khan Daulatana, Mian.
Amir-ud-Din, Khan Bahadur, Mian.	Nasrullah Khan, Rana.
Bhagat Ram Choda, Lala.	Nawazish Ali Shah, Sayed.
Bhagat Ram Sharma, Pandit.	Raghbir Kaur, Shrimati.
Duni Chand, Mrs.	Sadiq Hassan, Shaikh.
Ghazanfar Ali Khan, Raja.	Sahib Dad Khan, Khan Sahib Chaudhri.
Ghulam Samad, Khan Sahib Khawaja.	Santokh Singh, Sardar.
Girdhari Das, Mahant.	Shahadat Khan, Khan Sahib Rai.
Gopal Das, Rai Bahadur Lala.	Shaukat Hyat-Khan, Sardar.
Iftikhar Hussain Khan, Nawab.	Sita Ram, Lala.
Kapoor Singh, Sardar.	Sohan Singh Josh, Sardar.
Karamat Ali, Khan Bahadur Shaikh.	Teja Singh, Sardar.
Kartar Singh, Sardar.	Ujjal Singh, Sardar Bahadur Sardar.
Maqbool Mahmood, Mir.	Uttam Singh Dugal, Sardar.
Mazhar Ali Azhar, Maulvi.	
Muhammad Ameen, Khan Sahib Shaikh.	

(At this stage Mr. Speaker left the Chair and it was occupied by Mr. Deputy Speaker.)

SIKH GURDWARAS (AMENDMENT) BILL

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (*Punjab*): Sir, I beg to move—

That the Sikh Gurdwaras (Amendment) Bill as reported by the Select Committee be taken into consideration.

I wish to make a few submissions. My first submission is this that the report of the Select Committee has been prepared after due consideration. Further I wish to bring this point home to the honourable members of this House that I have deleted the clause which placed restrictions on any Sikh, even though entitled to vote in the Gurdwara election, to be enlisted as a voter if he is not able to read and write Gurmukhi. It will not be out of place to mention here that this clause was inserted with a view to encourage the reading and writing of Gurmukhi among the Sikh masses. As my honourable friends are not in favour of inserting the said clause for the present, I have deleted it. With these words, Sir, I move my motion for the acceptance of the House.

Rai Bahadur Lala Gopal Das: Sir, I want to know whether there is a convention that when such a communal Bill is being discussed, members of other communities can also participate in the Debate.

Mr. Deputy Speaker: It is for the House to decide. Motion moved—

That the Sikh Gurdwaras (Amendment) Bill as reported by the Select Committee be taken into consideration.

Sardar Sohan Singh Jesh (Amritsar North, Sikh, Rural) (*Punjab*): Since my honourable friend Sardar Kartar Singh has dropped the clause which placed restrictions on any Sikh, even though otherwise entitled to vote in the Gurdwara election, to be enlisted as a voter if he cannot read and write Gurmukhi, I wish to submit that I do not want to press my circulation motion. So far as this clause is concerned, I wish to point out that the insertion of this clause was against the principle of democracy in general and the democratic traditions of the Sikh Community in particular. From the very beginning I have been taking strong objection to the insertion of this clause and in fact all democratic Sikh members have been opposing it tooth and nail. My honourable friends will agree with me that only 15 or 16 per cent of the whole Sikh population are literate and the rest are illiterate. It is clear from this that the passage of this clause would disfranchise about 85 per cent of the Sikh masses. The passage of this clause would also have very bad effects upon the backward Sikhs in general and the Sikh women in particular. It will not be out of place to mention here that Sikh women and Mazhabi and Ramdasi Sikhs are very backward in education.

At the time of the previous Gurdwara Act the representatives of the Sikhs insisted on the right of vote being given, not only to every Sikh man, but to every Sikh woman and they were prepared to stage a walk out on that issue. I am glad that these people are not now being deprived of their right to vote simply because they are not literate. If they cannot read and write, whose fault is this? It is the fault of their leaders. Why should they suffer for our fault? There was no justification for this re-actionary move. That is why I, and my other democratic friends opposed it. Sardar Teja Singh and I saw Giani Ji, Sardar Kapoor Singh, Sardar Gurbakhash Singh, Sardar Sher Singh and Sardar Pritam Singh in this connection. They all supported this clause in spite of our request. There was an ever increasing feeling among the masses of the Sikhs against this re-actionary move and we are glad that the masses have won. It is a healthy sign. It shows that the Sikh nation is alive, and it can make its leaders retrace their steps if they move in the wrong direction.

Now I would like to bring to the notice of the House how the masses took it. I do not know what opinions have been received by Gianji or by the dailies "Ajit" and "Akali". But so far as we are concerned we have received thousands and thousands of papers signed by hundreds of thousands of Sikhs in which it was declared that they were against this proposal. This thing created a stir among the masses. I am glad

[S. Sohan Singh Josh]

that our leaders bowed before the masses and they should be proud of it. After all the nation is supreme to everybody. I have shown you a bundle of papers containing the opinions of the Sikhs in villages. Let me now mention the names of some important bodies, whose opinions were received by us. They are Ram Garhia Central Federation, Khalsa Kirti Akali Diwan, Gurdwara Parbandhak Committee and the Gurdwara Committees of Kalka, Shahidan, Takhtpura and others.

In every village and in every district resolutions have been passed by the Sikhs that the Bill be withdrawn. Then the newspapers, the *Khalsa Advocate*, the *Khalsa Samachar*, the *Punjabi Sahib*, the *Jang Azadi* and the *Prit Lari*, urged that the proposed Bill was going to deprive the people of their just rights and that it should be withdrawn. Then there are twelve members of Shromani Gurdwara Parbandhak Committee, Ludhiana. Out of them two are on military service. Out of the rest 8 have sent a resolution under their signatures that they were opposed to this measure. Further the members of Shromani Gurdwara Parbandhak Committee, Jullundur which, Mr. Deputy Speaker, is your home district, have sent a written statement that they were against the enactment of the amending Bill into an Act. Again 5 members of Shiromani Gurdwara Parbandhak Committee, Amritsar, 4 of Lahore, 2 of Ferozepore and 2 of Montgomery have expressed their opinions against the enactment of this measure. The opinions are still coming in. Besides, you will recall that a demonstration was held before the Assembly Chamber by Mazbi Sikhs. They urged us not to allow the amending Bill to be passed. What does this all mean? It simply means that the Sikh community cannot permit anybody to deprive it of its democratic rights. The Sikh community is wide awake and can rise up to the occasion and can uphold its democratic traditions. It is the Sikh community which, in order to bring their leaders to the right path, can unite against them. I think that if Sardar Kartar Singh has accepted certain amendments and removed the obnoxious features of the Bill it is due to the great organisation of the Sikh community. When the Sikh people unite they certainly win. If we have been able to unite the Sikhs against this Bill the credit for it goes not to us but to the Sikh community for it has such power that it can succeed in crossing all the hurdles without any external help. Anyhow I think this has been made possible by Sardar Kartar Singh and I congratulate him on that, for he has bowed before the will of the Sikh people. Let me state it frankly that we have no quarrel with anybody. We are working for the Sikh community and if we fight it is for its sake and for its sake alone. We are not opposed to any individual but we are fighting against undemocratic traditions. We shall continue to do so until *bhai laloes* (the poor) win and *malik bhagoes* (the rich) are defeated. We shall continue to fight against *malik bhagoes* until they are completely defeated. As I want the Sikh Gurdwaras (Amendment) Bill to be passed as soon as possible, I do not press my circulation motion.

Mr. Deputy Speaker : Question is—

That the Sikh Gurdwaras (Amendment) Bill as reported by the Select Committee be taken into consideration.

The motion was carried.

CLAUSES 1 AND 2

Mr. Deputy Speaker : Now the House will proceed to consider the Bill clause by clause. Question is—

That clauses 1 and 2 stand part of the Bill.

The motion was carried.

CLAUSE 8

Sardar Sher Singh (Montgomery, Sikh, Rural) : I move—

That in line 8 for the words 'property', the words, 'agricultural land' be substituted.

The motion was carried.

Mr. Deputy Speaker : Question is—

That clause 3 as amended stand part of the Bill.

The motion was carried.

CLAUSES 4 TO 6

Mr. Deputy Speaker : Question is—

That clauses 4, 5 and 6 stand part of the Bill.

The motion was carried.

CLAUSE 7

Sardar Sher Singh : I move—

That in the proposed section 44(2), lines 8—12, for the words 'or a Sikh.....classes' the following be substituted :—

'a Ramdasia Sikh or a Kabirpanthis Sikh, and the other shall be a Sikh who is neither a Mashabi Sikh, a Ramdasia Sikh nor a Kabirpanthis Sikh.'

The motion was carried.

Mr. Deputy Speaker : Question is—

That clause 7 as amended stand part of the Bill.

The motion was carried.

CLAUSE 8

Sardar Sher Singh : I move—

That at the end of clause 8, the following be added :—
'(iii) cannot read and write Gurmukhi.'

The motion was carried.

Mr. Deputy Speaker : Question is—

That clause 8, as amended stand part of the Bill.

The motion was carried.

CLAUSE 9

Sardar Sher Singh : I beg to move—

That at the end of the clause the following be added :—
'(2) cannot read and write Gurmukhi.'

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 9 as amended stand part of the Bill.

The motion was carried.

CLAUSE 10

Sardar Sher Singh : I beg to move—

That clause (a) to the first proviso to the proposed section 49 be deleted.

Mr. Deputy Speaker : Clause under consideration, amendment moved—

That clause (a) to the first proviso to the proposed section 49 be deleted.

Sardar Bahadur Sardar Ujjal Singh (Western Towns, Sikh, Urban) (Punjabi) : Sir, it is only meet and proper that I should speak in Punjabi on the

[S. B. S. Ujjal Singh]

Gurdwara (Amendment) Bill. I seek the indulgence of the House to bear with me because I am unwell and shall not be able to speak loudly enough. In the first instance I would like to explain the reason why this qualification has been found necessary. The Gurdwaras are the abodes of Sikh religion and the Sikh community desires that they should be instrumental in the propagation of the creed. Evidently those who established these Gurdwaras and attached large properties to them meant them not only as houses of worship but also hoped that they would be a source of light to the groping souls. This is where the need for an amendment such as the one now under consideration comes in. Those who will offer themselves for election to serve on the committees as also those who will poll their votes in their favour should have some knowledge of their religion to be fit to fulfil duties for which they are elected. If they are ignorant of religion, as unlettered persons must of necessity be, the purpose for which the Gurdwaras were established will undoubtedly be defeated. By carrying this amendment we want to be sure of the fact that those who will be elected to serve on the committees will not be irreligious self-seekers but men well versed in religious matters. In matters pertaining to religion we cannot afford to adhere strictly to the democratic principle. We want to make our Gurdwaras the mainsprings of religion in the true sense of the word. I do not subscribe to the view that in this country the masses as a whole should have a say in all matters. In order to make an industrial enterprise succeed industrially it is better kept out of the control of the public in general. May I ask my honourable friend Sardar Sohan Singh Josh, who swears by democracy, as to where it is to be found in such all prevailing form? Is it to be found in America, England or the Soviet Russia, of which country he is so enamoured? He will forgive me if I say that a complete democracy as envisaged by my honourable friend is nowhere to be found. Why go far? Here in the Punjab we have Government popularly elected by democratic methods. May I know what proportion of the people have a right to vote in this type of Government?

Again it has been contended that if the right of vote is to be exercised by those only who can read and write Gurmukhi then the number of voters will be reduced to 15 per cent of the total strength. Do my friends know that the total strength of voters of this Assembly is less than 30 lakhs? It means that a mere 11 per cent of the total population has the franchise. Moreover even under the present Gurdwara Act the entire Sikh people did not elect the existing Gurdwara Committees. Out of 37 lakhs of Sikh population in the Punjab only 9 lakhs, i.e., 25 per cent had the right to vote, and the remaining 75 per cent were not enfranchised. I do not think there is any sense in harping upon the democratic principle. I beg to submit that only those who can read and write Gurmukhi can have any knowledge of the Sikh religion and are able to recite *Jappi*. If they cannot do that, what can they know of Guru Nanak Dev Ji? It is only through learning the 'Gurmukhi' that members of the Gurdwara Committees can make our places of worship as the beacon lights of religious knowledge.

The second point made against this amendment is that by introducing the language clause the framers of the amendment are going to deprive those who made sacrifices during the Gurdwara movement from having their say in the management of their Gurdwaras. I think three-fourths of such people whose sacrifices set the Gurdwaras free could read and write Gurmukhi. Those who could not, realised in jails that they lacked religious knowledge and made up this deficiency by learning to read Gurmukhi. This amendment seeks to infuse the idea of acquiring religious knowledge in the Sikh people, because those who do not possess that knowledge owing to their inability to read Gurmukhi, their scriptural language, will find that they are debarred from voting at the Gurdwara elections. This disqualification will put them to shame as being Sikhs they are put out of the fold for lack of religious knowledge. It will not only increase literacy among them but will also enable them to acquaint themselves with their religion. I

would request my honourable friend Sardar Sohan Singh Josh that if he desires to see the Sikh community as a progressive and enlightened nation he would do well to support this amendment.

There is another sub-clause which debars those who are given to drinking liquors, from the right to vote. I am at a loss to understand why my honourable friend has not opposed this amendment as well. Is it not a fact that a large majority will be deprived of exercising their right of vote as a result of this amendment? If it is strictly adhered to, it will no doubt result in disfranchising a large majority. But perhaps, Sardar Sohan Singh Josh and others of his way of thinking believe that those who are unable to give it up will tell lies and this will not affect the number of electors, although their moral fibre may be weakened. After all, the Gurdwara committee is a *dharmak* (religious) body which has to manage the affairs of religious places of worship and only those should serve on this committee who are religious in their outlook. That is why drinking has been put as a disqualification.

But if this disqualification is tolerated by my communist friends, why are they opposed to the amendment regarding the reading and writing of Gurmukhi? This latter amendment is far more useful for the moral and religious uplift of the Sikh community than any other. Perhaps my friends who are opposed to it do not wish religion to take hold of the Sikh masses.

The amendment which is sought to be deleted will help the cause of Gurmukhi and Sikh religion. My firm belief is this that one can read and write Gurmukhi in 2 months. Those groups or bodies who are fighting to maintain power in the executive of these Gurdwaras, will have to devote funds for the teaching of Gurmukhi in order to bring a larger number of their supporters on the electoral roll. One Gurmukhi teacher can teach 40 or 50 people at a time. I fail to understand why Sardar Sohan Singh Josh has taken this course. Whosoever has got any regard for Sikh religion should whole-heartedly support the motion. Gurmukhi-knowing voters will be far more intelligent than present day voters and at the time of voting they will be in a position to exercise their right more carefully and wisely. There is every reason to believe that within ten years after the passing of this amendment the percentage of literates among the Sikhs will rise to 50 per cent; if in every village we have only one Bhai (Gurmukhi teacher) miracles can be performed.

We are giving immense powers to the Shiromani Gurdwara Parbandhak Committee, but we must make sure that the Gurdwaras for all times and for all ages should hold the unique position of light-houses for the followers of truth. This object can only be achieved, if those on whom devolves the responsibility of electing the custodians of Gurdwaras, exercise their right judiciously. This amendment is a step towards that direction.

Before I resume my seat, I will again make an appeal to the Sikh members of the House to pass this clause and thus open a new era of unprecedented progress and development in the Sikh community.

Captain Bhai Fateh Jang Singh (South East, Sikh, Rural): Mr. Deputy Speaker, I have been listening to my honourable friend Sardar Bahadur Sardar Ujjal Singh who has spoken in favour of the clause that voters should not be eligible to vote if they cannot read and write Gurmukhi. My honourable friend belongs to an urban area and has been elected from an urban constituency. He forgets one thing that not many institutions exist in the rural areas which are in a position to give education in Gurmukhi to the masses.

(*Punjabi*): He says the question is of great religious importance. Their contention is this that without this clause we are depriving the Sikhs of education. I ask my friends, is there any Sikh family which does not impart religious education to its children in their homes? There are thousands of illiterate Sikhs who are definitely superior to many insincere Gianies.

[[Capt. Bhai Fateh Jang Singh]

We must not ignore those very voters who have sent us here to decide the fate of the province. They must be given full consideration.

If we pass this amendment then the entire voting strength will shift over from the rural areas to urban population. Thus urbanites will once again monopolise and all those evils connected with such monopolies will appear.

Sardar Santokh Singh (Eastern Towns, Sikhs, Urbans) (*Punjabi*): I had no mind to participate in the debate but Bhai Sahib has made some sweeping remarks that have forced me to take part in it. My friend had not been attending the meetings of the select committee, therefore, he is not aware of the real state of affairs. We all decided almost unanimously that there could not be a better way of educating Sikh masses than having this clause in the Bill. This decision was arrived at almost unanimously and could only be revised in the same manner. I wonder how Giani Kartar Singh thought it fit to make a compromise with the communists over this important matter? He had no right to do so. He alone was not competent to enter into any such compromise, without consulting others. In fact this was the most important clause in the Bill and for the mover to have agreed to its deletion amounts to undoing most part of the good work that was intended to be secured by it.

Some of my honourable friends who have suddenly become keen on the deletion of this clause would have done better by educating the masses, and making them learn "Gurmukhi". After all one who could read and write his name, will be deemed to have complied with this clause. This would have very much advanced the cause of "Gurmukhi". The absence of this clause would cause a set back to the teaching of "Gurmukhi", which would have otherwise reached its height. This proviso was to take effect at the time of second election and not at the time of next election, i.e., after about 7 years from now. One who could not learn to read and write his name even in 7 years would hardly be a desirable voter. (*An honourable member*: He cannot learn even in 20 years). I wish to bring this point home to the honourable members of the House that the proviso of literacy in Gurmukhi was inserted as a result of full agreement

3 p.m. between the members of the select committee and I fail to understand as to what necessitated my honourable friend Sardar Kartar Singh to agree to delete the clause without consulting others. The retention of this clause would not have done any harm. It was sure to do a lot of good. I take strong objection to the attitude adopted by my honourable friend Sardar Kartar Singh the mover of the Bill in having agreed to delete this clause without consulting others.

Having made this protest, I would not say anything further, in respect of this measure which is expected to do a lot of good and I would therefore close my speech.

Mr. Deputy Speaker: The question is:

That clause (a) to the first proviso to the proposed section 49 be deleted.

The motion was carried.

Sardar Sher Singh: I beg to move —

That the second proviso to the proposed section 49 be omitted.

The motion was carried.

Mr. Deputy Speaker: The question is:

That clause 10 as amended stand part of the Bill.

The motion was carried.

CLAUSE 11

Sardar Sher Singh : I beg to move :

That for the proposed subsection (2) the following be substituted :—

"(2) In any plural constituency as provided by section 44, the right of voting shall be exercisable in the following manner that is to say, a vote may be cast for each of the two candidates of whom one shall be a Mazhabi Sikh, a Ramdasia Sikh or a Kabirpauthi Sikh and the other shall be a Sikh who is not either a Mazhabi Sikh or a Ramdasia Sikh or a Kabirpauthi Sikh."

The motion was carried.

Mr. Deputy Speaker : The question is :

That clause 11 as amended stand part of the Bill.

The motion was carried.

CLAUSES 12 TO 18

Mr. Deputy Speaker : The question is :

That clauses 12 to 18 stand part of the Bill.

The motion was carried.

CLAUSE 19

Sardar Balwant Singh (Sialkot, Sikh, Rural) : I beg to move—

That in the proposed section 85 (1) (vi), lines 2—4, the words "and Gurdwara known as Kot Bhai Than Singh situated at Kot Fateh Khan" be deleted.

The motion was carried.

Captain Bhai Fateh Jang Singh (South East, Sikh, Rural) : I move—

That in sub-section (2) of the proposed section 85, lines 1 and 2, the words "except in the case of the Gurdwaras mentioned in clause (i) of subsection (1)," be deleted.

The motion was carried.

Captain Bhai Fateh Jang Singh : I move—

That at the end of subsection (2) of the proposed section 85 the following proviso be added :—

"Provided that any scheme so prepared shall provide that 10 per cent of the gross income be earmarked by the Committee of Management for the promotion and uplift of industry by which the Sikh community shall benefit."

The motion was carried.

Sardar Sher Singh : I move—

That in the beginning of sub-clause (3), the following new parts be added :—

"(a) The local committees for the Gurdwaras Akal Takht and Keeshgarh mentioned in sub-section (1) (i) shall be the Board."

The motion was carried.

Sardar Uttam Singh Duggal : Under this clause I have five or six amendments in my name. They are identical. I shall, with your permission, speak on them at the same time. I move—

That subsection (3) of the proposed section 85 be omitted.

Sufficient reasons have not been advanced to show that this fundamental change in the Gurdwara Act is necessary. Our experience is that it is the other way about. There has been much interference by the Shiromani Gurdwara Parbandhak Committee in the affairs of the local committees. (*An honourable member :* Please speak in Punjabi). Being one who is opposing this Bill, it is my duty to do what you people want me not to do. I will speak in the language that I want to speak and I do not at all want to be dictated. I have a right to speak in any language that I wish to.

Sardar Kartar Singh : It is a request.

Sardar Uttam Singh Duggal : You have ignored my hundreds and thousands of requests. How do you expect me to have respect for your requests ?

Sardar Sampuran Singh : Everything should be addressed to the Chair and there should be no altercation between different members.

Mr. Deputy Speaker : Please address the Chair.

Sardar Uttam Singh Duggal : I bow to your decision and I would respectfully point to the honourable member from Lyallpur through you, that he should also ask his party to address you and not me. As a matter of fact the life of those local committees, which were to act independently of the Shiromani Gurdwara Parbandhak Committee, has been made miserable. To my mind it is clear that the changes are being sought to legalise the doings and misdoings of the Shiromani Gurdwara Parbandhak Committee which they have been doing illegally up to now. The interference of the Shiromani Gurdwara Parbandhak Committee in the affairs of the local committees has been so great, that they would not even sanction most necessary expenses for which the gurdwaras may be badly in need of. This happens in the case of those local committees which do not see eye to eye with Shiromani Gurdwara Parbandhak Committee while, on the other hand, in the case of those local committee whose members are nominees of the Akali Party, the Akali Party goes out of its way to sanction funds whether legal or otherwise. The Akali Party has made the institution of local committees a mere farce and they take the meanest possible advantage that they can. There have been hundreds of cases of misapplication of Gurdwara funds.

Even at the present moment there are considerable number of complaints of irregularities and misuse of gurdwara funds. My honourable friend is fully aware of this thing because he is part and parcel of that body. (*Interruption*). Who cares for judicial commission ? The present Government is ill-advised to support this measure. I take it that it is undue interference in our religious rights and any Government worth the name would not dare to do this thing which the Unionist Government is doing. The object of the Unionist Government is to see that there is a split in the Sikh community. (*Interruption*). What reason has the Government for lending its support to this unholy Bill which seeks to split the Sikh community ? As a matter of fact, it is solely responsible for this unholy act that they are doing. There is already a very great dissatisfaction among the people about the management of gurdwaras. The people who are dissatisfied are solely those people who have no organisation to express their views. As a matter of fact the Akali Party cannot deny the fact that they do not enjoy the confidence of the Panth over the management of gurdwaras (*An honourable member : No*) It is a fact. Why have they postponed the gurdwara elections ? I can tell the House that they will see the result, when the elections are held, as to which party is in power and those people will be true and genuine representatives of the community. If this Bill is passed, it will further extend the cleavage amongst Sikhs. Therefore, I would request the mover of this Bill that, in the interest of the unity of the Panth, he should accept this amendment. We are fully aware of the difference of opinion among the members of the select committee and how, by hook or by crook, the opposition has been silenced. I earnestly feel that the consistent position taken up by me from the very beginning was absolutely sound. Therefore I make bold to move this amendment, though I may be a solitary one in the House.

Mr. Deputy Speaker : Clause under consideration, amendment moved—

That subsection (3) of the proposed section 85 be omitted.

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (*Punjabi*) : Sir, my honourable friend Sardar Uttam Singh Duggal has observed that we are not the real representatives of the Sikhs and that when the Gurdwara elections will take place we will come to know of that. Instead of condemning us, I think, he should feel glad that we are sponsoring this measure because if, according to him, we are not the real representatives of the Sikhs then at the time of the Gurdwara elections the real representatives of the Sikhs would come forward and all the powers which we want to get under the provisions of this Bill will pass on to them. In view of this, I think, we are

doing a good thing. The clause now before the House is the corner stone of the Bill. I would have tried to accommodate my friend but I regret very much to say that he has put forward an amendment which, if accepted, would defeat the real object of the Bill. I am, therefore, unable to accept his amendment.

Mr. Deputy Speaker : The question is

That sub-section (3) of the proposed section 85 be omitted.

The motion was lost.

Sardar Sher Singh : Sir, I beg to move—

That after sub-clause (3) the following new sub-clause be added :—

“(4) The constituencies for the election of the various local committees mentioned in this clause shall be single member constituencies.”

The motion was carried.

Sadar Uttam Singh Duggal (North West Punjab, Sikh, Rural) : Sir, I beg to move

That in sub-section (4) of the proposed section 85, lines 3-4, the words “under the supervision Board” be omitted.

I would like to point out that the local committees, as they exist to-day, have been, owing to undue interference of Shiromani Gurdwara Parbandhak Committee, deprived of the power and authority and with this amending Bill the authority of the local committees will be reduced to nil. If I may say so, they will have practically no power at all. Therefore I suggest that elections should not be held. Why waste public money on these elections? Why not finish this farce once for all and let the centre enjoy all powers and do whatever they wish to do? Once the budget of a local committee is approved by the Shiromani Gurdwara Parbandhak Committee, what right has the Shiromani Gurdwara Parbandhak Committee then to interfere in the day to day working of that committee? If the local committees are to function under the control and guidance of the centre I suggest that it is no use cheating the public on these elections. Finish with these elections and then do what you like. It is absolutely undemocratic and against the age through which we are passing, that all the powers should be given to the persons and then there should be no opposition. They want to kill the opposition from every side and to control the funds of gurdwaras in such a way that nobody should question how they are spending. The body which has given such a poor result, and is the most corrupt body in the Punjab, does it deserve to have this enhanced power? I would strongly submit that this enhanced power should, under no circumstance, be given to this committee.

Mr. Deputy Speaker : Question is—

That in subsection (4) of the proposed section 85, lines 3-4 the words “under the supervision Board” be omitted.

The motion was lost.

Sardar Sher Singh : Sir, I beg to move—

That at the end of the clause, following further proviso be added :—

“Provided further that the existing committees of management of the gurdwaras under this section shall hereafter act as local committees of the respective gurdwaras till the next Gurdwara General Election takes place.”

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 19 as amended stand part of the Bill.

The motion was carried.

CLAUSES 20 TO 23

Mr. Deputy Speaker : The question is—
That clauses 20, 21, 22 and 23 stand part of the Bill.
The motion was carried.

CLAUSE 24

Sardar Sher Singh : I beg to move—
That at the end the following new part be added :—
“(x) Cannot read and write Gurmukhi.”
The motion was carried.

Mr. Deputy Speaker : The question is—
That clause 24, as amended, stand part of the Bill.
The motion was carried.

CLAUSE 25

Sardar Sher Singh : I beg to move—
That at the end of sub-clause (c) the following be added :—
“(ix) Cannot read and write Gurmukhi.”
The motion was carried.

Mr. Deputy Speaker : The question is—
That clause 25, as amended, stand part of the Bill.
The motion was carried.

CLAUSE 26

Sardar Sher Singh : Sir, I beg to move—
That part (a) of the first proviso be deleted.
The motion was carried.

Sardar Sher Singh : Sir, I beg to move—
That the second proviso be deleted.
The motion was carried.

Mr. Deputy Speaker : The question is—
That clause 26, as amended, stand part of the Bill.
The motion was carried.

CLAUSES 27—29

Mr. Deputy Speaker : The question is—
That clauses 27, 28 and 29 stand part of the Bill.
The motion was carried.

NEW CLAUSE

Sardar Kartar Singh : Sir, I beg to move that leave be given to move—

That after clause 29, the following new clause be inserted :—

“30. At the end of section 96 of the said Act the following new subsection shall be added and the present section be renumbered as subsection (1) :—

“(2) If in three consecutive elections no member is elected for the Committee of Management of a notified Sikh Gurdwara the Board may constitute the Committee for such a gurdwara, provided the persons appointed upon such a committee shall be the residents of the district in which the said gurdwara or gurdwaras are situated.”

The motion was carried.

Sardar Kartar Singh : I beg to move—

That after clause 29, the following new clause be inserted :—

"30. At the end of section 96 of the said Act the following new sub-section shall be added and the present section be renumbered as sub-section (1) :—

(2) If in three consecutive elections no member is elected for the committee of management of a notified Sikh Gurdwara the Board may constitute the committee for such a Gurdwar, provided the persons appointed upon such a committee shall be the residents of the district in which the said Gurdwara or Gurdwaras are situated."

The motion was carried.

Mr. Deputy Speaker : The question is—

That the new clause stand part of the Bill.

The motion was carried.

CLAUSES 30 TO 32

Mr. Deputy Speaker : The question is—

That clauses 30, 31 and 32 stand part of the Bill.

The motion was carried.

NEW CLAUSE

Sardar Kartar Singh : Sir, I beg to move that leave be granted to move—

That after clause 32, the following new clause be inserted :—

"33. For sub-section (2) of section 107 of the said Act, the following shall be substituted :—

(2) The proportion which such contribution shall bear to the annual income of a Gurdwara shall be fixed for each Gurdwara by the Board provided that it shall not exceed 1/10th of such income."

The motion was carried.

Sardar Kartar Singh : I beg to move—

That after clause 32, the following new clause be inserted :—

"33. For subsection (2) of section 107 of the said Act, the following shall be substituted :—

(2) The proportion which such contribution shall bear to the annual income of a Gurdwara shall be fixed for each Gurdwara by the Board provided that it shall not exceed 1/10th of such income."

The motion was carried.

Mr. Deputy Speaker : The question is—

That the new clause stand part of the Bill.

The motion was carried.

CLAUSES 33—39

Mr. Deputy Speaker : The question is—

That clauses 33 to 39 stand part of the Bill.

The motion was carried.

NEW CLAUSE

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) : Sir I beg to move that leave be granted to move the following new clause :—

That after clause 39, the following new clause be added :—

"40. In section 125 of the said Act, before the words 'general superintendence', the word 'control, direction and' shall be inserted."

The motion was carried.

Sardar Kartar Singh : I move—

That after clause 39, the following new clause be added :—

"40. In section 125 of the said Act, before the words 'general superintendence', the words 'control, direction and ' shall be inserted."

The motion was carried.

Mr. Deputy Speaker : The question is—

That the new clause stand part of the Bill.

The motion was carried.

CLAUSES 40 TO 46

Mr. Deputy Speaker : Question is—

That clauses 40 to 46 stand part of the Bill.

The motion was carried.

CLAUSE 47

Sardar Pritam Singh Siddhu (Ferozepore West, Sikh, Rural) : I move—

That for clause 47, the following be substituted :—

"For section 142 of the said Act the following section shall be substituted :—

142. (1) Notwithstanding anything contained in section 92 of the Code of Civil Procedure, 1908, or in the Specific Relief Act, 1877, any person having interest in a Notified Sikh Gurdwara may, without joining any of the other persons interested therein, make an application to the Commission, against the Board, the Executive Committee of the Board, or the Committee or local committee or against any member or past member of the Board, of the Executive Committee or of the Committee, or of the local Committee, or against any office holder or past office holder of the Gurdwara or against any employee past or present of the Board or Gurdwara in respect of any alleged malfeasance, misfeasance, breach of trust, neglect of duty, abuse of powers conferred by this Act or any alleged expenditure on a purpose not authorised by this Act and the Commission, if it finds any such malfeasance, misfeasance, breach of trust, neglect of duty, abuse of powers or expenditure proved, may consistently with the provisions of this Act and of any other law or enactment in force for the time being, direct any specific act to be done or forborne for the purpose of remedying the same and may award damages or costs against the person responsible for the same, and may order the removal of any office holder or member of the Board, Executive Committee, or committee or local Committee responsible for the same and may also disqualify any member of the Board, executive committee, or committee or local committee thus removed from such membership for a period not exceeding five years from the date of such removal."

(2) The Board may make a similar application to the Commission which may, in like manner, dispose of it.

(3) The Board or any person aggrieved by an order passed by the Commission under the provisions of subsection (1) or sub-section (2) may, within ninety days of the orders, appeal to the High Court.

The motion was carried.

Mr. Deputy Speaker : Question is—

That the substituted clause 47 stand part of the Bill.

The motion was carried.

CLAUSE 48

Mr. Deputy Speaker : Question is—

That clause 48 stand part of the Bill.

The motion was carried.

CLAUSE 49

Mr. Deputy Speaker : Question is—

That clause 49 stand part of the Bill.

The motion was lost.

PREAMBLE

Mr. Deputy Speaker : Question is—

That the preamble be the preamble of the Bill.

The motion was carried.

TITLE

Mr. Deputy Speaker : The question is—

That the Title be the title of the Bill.

The motion was carried.

Sardar Kartar Singh : Sir, as a result of the amendments adopted by the House to the various clauses of the Bill, certain consequential amendments have become necessary. I accordingly move that the following amendments be adopted:—

Clause 2, line 6, omit the figure '3'.

Clause 8, line 5, substitute semi-colon for the inverted commas after the word "drinks".

Clause 9, line 4, substitute semi-colon for the inverted commas after the word "drinks".

Clause 10, renumber clauses (b), (c) and (d) of the proviso as (a), (b) and (c), respectively.

Clause 19, (i) renumber sub-divisions (a), (b), (c), (d), (e), (f) and (g) of sub-clause (3) as (b), (c), (d), (e), (f), (g) and (h), respectively.

(ii) renumber sub-clause "(4)" as sub-clause "(5)".

Clause 24. In part (c) at the end of item (ix) substitute a comma for the full stop, omit the inverted commas and add the word "or".

Clause 25. In part (c) at the end of item (vii) substitute a comma for full stop and add the word "or".

Clause 26. Re-letter parts (b), (c) and (d) of the proviso as (a), (b) and (c), and substitute a full stop for the semi-colon at the end of part (c).

Clauses 30—32. Renumber clauses 30, 31 and 32 as 31, 32, and 33. Renumber new clause 33 as 34.

Clauses 33—39. Renumber clauses 33, 34, 35, 36, 37, 38 and 39, as 35, 36, 37, 38, 39, 40 and 41 respectively.

New clause. Renumber new clause 40 as 42.

Clauses 40—48. Renumber clauses 40, 41, 42, 43, 44, 45, 46, 47 and 48, as 43, 44, 45, 46, 47, 48, 49, 50 and 51, respectively.

The motion was carried.

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (*Punjabi*): I beg to move—

That the Sikh Gurdwaras (Amendment) Bill be passed.

This question has been thoroughly discussed by the House. I would like to inform my honourable friends who press their amendment under the plea that there cannot be a better way of educating the Sikh masses than this one that last year Nankana Sahib Gurdwara, whose chairman is Sardar Sampooran Singh, allotted one lakh of rupees for the purpose of education of the Sikh masses. I assure the House that in future full attention will be paid to this question and no stone will be left unturned. The Government has earned our gratitude by not opposing this Bill and we are equally thankful to the other parties in the House for not interfering in the progress of this matter of supreme importance to us. Now, Sir, I propose that the Bill may be passed.

Mr. Deputy Speaker : Motion moved—

That the Sikh Gurdwaras (Amendment) Bill be passed.

Sardar Shaukat Hyat Khan (Attock North, Muhammadan, Rural): Sir, in pursuance of the policy which the Muslim League wish to follow with regard to the minorities in Pakistan, my party consider that the decision on religious matters of the minorities should be left entirely to themselves.

An honourable member : Pakistan has not yet come.

Sardar Shaukat Hyat Khan : We would, therefore, leave it to the Sikh friends to decide this issue amongst themselves.

Sardar Uttam Singh Duggal (North-West Punjab, Sikh, Rural): I rise to oppose the motion as it is undemocratic and inopportune. The Bill defeats the very purpose for which the Gurdwaras Act was passed into law in 1925. I cannot understand

[S. Uttam Singh Duggal]

why, when several lakhs of voters are fighting in the battlefields and are unable to express their views on a legislation which is highly controversial, and which affects the well-being of our Gurdwaras and our religious and moral uplift, this Bill is being rushed through. It was said on the floor of this House that no controversial measure would be brought at least for the duration of the war. May I ask if there is any sincerity and truth about what was said? Why can not this Bill wait till the war is over? What particular circumstances of vital importance have warranted this indecent haste with which the Bill is being enacted into law? This Bill if enacted is going to affect our future generations and it will be a moral tragedy if we devitalize the coming generation in order to strengthen our party cliques which happen to control the Gurdwara affairs today. The past history of the last 19 years does not encourage any responsible person to support this Bill. We see daily how mercilessly the Gurdwara funds are being used in stabilising and furthering the political ends of the party. I shudder to think what would be the fate of the gurdwaras when all the gurdwaras are brought under the guidance and control of a central body. If a representative body is to be a representative body it must be equipped with authority. Why hold elections of the local committees when they are to be deprived of all their powers? You will agree with me that when the local people are deprived of all their power they will lose all interest in the welfare of the gurdwaras and it will seriously affect the well-being of the gurdwaras.

It is a very clever move on the part of the Shromani Gurdwara Parbandhak Committee to introduce this Bill and get it through with the unholy alliance of the Unionist Ministry. I warn the Honourable Minister of Development, the so-called representative of the Sikhs in the Cabinet that he will be responsible for this tragedy. Enough mischief has already been done by the Sikander-Baldev Singh Pact.

Raja Ghazanfar Ali Khan : Which party does the Honourable Minister belong to?

Sardar Uttam Singh Duggal : To the Unionist Party.

Minister of Development : No. I do not belong to that party.

Sardar Uttam Singh Duggal : I was saying that enough mischief had been done by the Sikander-Baldev Singh Pact. May I ask the Honourable Minister of Development what has become of that Pact? Has any condition of that Pact been fulfilled?

Minister of Development : This is one of the conditions.

Sardar Uttam Singh Duggal : No, no condition of that agreement has been fulfilled. The only object of that agreement, and the honourable mover of this Bill was responsible for this Pact, was to deprive one person of the ministerial gaddi and to instal another therein. The second was to get this Bill through with the unholy alliance of the Unionist Party. The honourable mover of this Bill was returned to this House on the Congress ticket. As far as I remember he went from door to door asking every one to join the Congress at the time when the Congress was in power. Now, when the Congress is behind the bars the honourable Giani Sahib has deserted the Congress. I should like to point out that Giani Sahib has a strange position in this House.

Mr. Deputy Speaker : No personal references please.

Sardar Uttam Singh Duggal : I was only saying that the honourable Giani Sahib was returned to this House on the Congress ticket.

Sardar Kartar Singh : No, I was returned on the Akali ticket.

Mr. Deputy Speaker : The honourable member will please not be personal.

Sardar Uttam Singh Duggal : I have to explain why this Bill is being got through in this House.

Mr. Deputy Speaker : The honourable member will please confine himself to the Bill.

Sardar Uttam Singh Duggal : When the Congress comes into power again, I am sure Giani Sahib will be the first to lick its feet.

Mr. Deputy Speaker : I cannot allow the honourable member to indulge in such personal references.

Sardar Uttam Singh Duggal : I am only stating facts.

Sardar Kartar Singh : It is the usual practice of contractors to say such things and you happen to be a contractor.

Sardar Uttam Singh Duggal : I am proud to be a contractor. I say that the conduct of a contractor is far better than that of Giani Sahib. I can assure the House that no contractor of standing will do things which the honourable member has been doing.

Mr. Deputy Speaker : May I again ask the honourable member to speak to the motion before the House?

Sardar Uttam Singh Duggal : I am speaking to the motion, but if I am interrupted, I have to give a reply to such interruptions. This Bill is a direct challenge to Sikh principles. Sikh religion does not recognise any caste system. Our Gurus have said go-bye to this long ago. Now the so-called Shromani Gurdwara Parbandhak Committee, the so-called representative of the Sikh community are trying to introduce caste system for which there is no place in the Sikh religion. They are trying to provide 12 seats for the so-called scheduled castes. I make bold to say they are not the true representatives of the Sikhs. They are trying to get this Bill through this House with the unholy alliance of the Unionist Ministry in order to get control of the gurdwaras.

Another point worthy of note in this Bill is that more power has been given to them than hitherto. Their power of spending on religious, educational and industrial purposes has been increased from Rs. 3,000 to Rs. 20,000. I do not understand what social work the Shromani Gurdwara Parbandhak Committee have done during the last twenty years. How many more people have been brought into the fold of Sikhism? The idea of this enhanced power is to enable that party to achieve its political ends. So far lakhs of rupees have been spent in the garb of missionary work, but there has been absolutely no achievement. With these words I oppose the passage of the Bill.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) : I want to say nothing on the merits of the Bill because I think we have sufficiently discussed it. There does not seem to be any difference of opinion except perhaps on one or two points of no great importance. But certain allegations have been made on the floor of the House which I should not like to go unchallenged. One allegation was that the Shromani Gurdwara Parbandhak Committee has been misusing the funds. Again, directly or indirectly accusations of corruption have also been made. I may point out to the honourable member from Rawalpindi that the rules and regulations of the Gurdwara committees and the audit are so strict that even if anybody wanted to be corrupt it would be impossible. He was pleased to say that I am part and parcel of that party. Yes, I am very proud of being part and parcel of that party and therefore I have every reason to say that these allegations are totally wrong and unfounded. I challenge my friend from Rawalpindi to substantiate his accusations, if not in this House anywhere else.

[S. Sampuran Singh]

One thing more. The merits of this Bill are quite clear from the fact that out of 33 Sikh members in this House there is only one who has recorded his dissent. Perhaps this is a unique Bill in one respect that it has the support of both the Government and of the Opposition. All the Sikhs who are really concerned are unanimous and if there is only one note of dissent we can afford to ignore it.

Sardar Uttam Singh Duggal : I rise to offer a word of personal explanation.

Mr. Deputy Speaker : No personal explanation is called for.

The Honourable Sardar Baldev Singh (Minister for Development) (*Punjabi*) :

4 p.m.
Sir, I had no mind to make a speech, but the speech of my honourable friend Sardar Uttam Singh Duggal has forced me to say a few words, only to correct a few wrong statements made by him on the floor of this House. He has been pleased to remark that all the Sikh members here have joined hands with the Unionists to get this Bill passed. Let me state before the House the present position of the Sikhs in the Assembly. There are altogether 33 Sikh members, out of whom 32 are in favour of this Bill and one is opposed to it. I say, no Government can continue for a single day in this province if it ignores 32 out of 33 Sikh members of this House. Will a Government care for 32 or for 1. And who knows why that one member is opposing? It is possible he is doing it under circumstances and for reasons which have nothing to do with the Bill. Sardar Uttam Singh Duggal has made this speech so that his name may appear in head lines in the Press.

Let me come to Sikander-Baldev Pact now. My honourable friend has been pleased to remark that not a single condition of that Pact has been fulfilled. I will not say much here about the terms of that Pact because that is not the point under discussion at this time. But if we admit, for the sake of argument, that my honourable friend is right, then he should be glad that at least one of the conditions of that Pact has been fulfilled today.

Then, he made the wild allegations to the effect that responsible persons have misappropriated the Gurdwara funds. I do not know his grounds for this allegation. I have heard him say something about a judicial case. I knew he would refer to this matter. I would like to bring to the notice of the House that only one case was brought against the Akalis. It was alleged in that case that the Akalis had used the money from the Gurdwara funds in the elections of 1937. I am in a better position to speak about that case because I am one of those against whom many allegations were brought. A suit was filed before the Gurdwara Judicial Commission about the elections of 1937 in which witnesses were summoned and judgment was given. It was held in that judgment that no money from the Gurdwara funds had been wrongfully spent. If my honourable friend does not accept the findings of the Commission, I am prepared even today to have the whole matter re-examined by an impartial non-official tribunal.

Last of all, he was pleased to say something about me. He says that it is the Akalis who have got me appointed as a Minister. Well, Sir, the Akalis had nothing to do with my appointment. I am not an Akali. I had never been an Akali in the past nor do I intend to be one in future. I have never been a Congressman, nor am I one now, nor do I intend becoming one in future. I have never been a member of any party up till now. It has never been my aim to accept Ministership at the expense of my community. Under the present circumstances we are with the Government according to an agreed programme and nothing can deflect me from following the course as long as the programme is pursued.

In conclusion I am thankful to all the persons and parties who have helped us in getting this Bill passed. The Sikhs have never been so united as they have been in connection with this Bill. With these words, Sir, I support the motion now before the House.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*): Sir, I had no intention to make a speech on this motion, but as the name of the Congress has been mentioned two or three times, I must clear the position of the Congress. My friend Gianiji knows that Congress has always been blamed for not helping the Sikhs or for not inviting the opinion of the Sikhs on certain matters. Now it must have been clear from the attitude of the Congress today, that though it does not interfere in religion, it is prepared to help every community so far as its religious freedom is concerned. I hope Gianiji will request his friends not to indulge in the criticism of the Congress, as they have been doing in the past. I know the difficulties in his way, and I congratulate Gianiji in crossing all these hurdles patiently. Only one hurdle is left and it is about the assent of the Governor-General to this Bill. I hope Gianiji will see to it that it is obtained within the shortest possible time, lest the Bill after being passed should remain a dead letter. All the Sikh members are anxious to see that it is enforced as early as possible. With these words I support the motion now before the House.

Mr. Deputy Speaker : Question is—

That the Sikh Gurdwaras (Amendment) Bill be passed

The motion was carried.

AGRICULTURAL PRODUCE MARKETS (AMENDMENT) BILL

Mr. Deputy Speaker : The Assembly will now resume discussion on the Agricultural Produce Markets (Amendment) Bill.

Raja Ghazanfar Ali Khan (Pind Dadan Khan, Muhammadan, Rural) (*Urdu*) : Sir, yesterday I was speaking on the Punjab Agricultural Produce Markets (Amendment) Bill when the House adjourned. At the time I was dealing with section 4 of the original Act. In order to remind my friends as to what section 4 is about I may point out that under the provisions of that section after an area is declared to be a notified market area no person can purchase or sell agricultural produce without taking out a licence. At the time I was bringing it to the notice of my honourable friends that if the amending Bill was passed, three sections, namely the zamindars, the Muslims and the Sikhs, would be adversely affected by it. These three sections of the people would be the greatest losers. To refresh the memory of the honourable members I will read out once again section 4 of the Agricultural Produce Markets Act. It is as follows :

4. (1) After the expiry of the period specified in the notification under section 3 and after considering such objections and suggestions as may be received before the expiry of the specified period, the Government may, by notification and in any other manner that may be prescribed, declare the area notified under section 3 or any portion thereof to be a notified market area for the purposes of this Act in respect of the agricultural produce notified under section 3 or any part thereof.

This is sub-section (1). Sub-section (2) which is more important is as follows :—

(2) After the date of issue of such notification and from such later date as may be specified therein no person unless exempted by rules framed under this Act shall,

and after the word "shall" the words "either for himself or on behalf of another person, or of the crown" shall be inserted. If the amendment is carried the sub-section will read as follows :

After the date of issue of such notification and from such later date as may be specified therein no person unless exempted by rules framed under this Act shall, either for himself or on behalf of another person, or of the Crown, within the notified market area set up, establish or continue or allow to be continued any place for the purchase and sale of the agricultural produce so notified, or purchase or sell such agricultural produce except under a licence granted in accordance with the provisions of this Act, the rules and bye-laws made thereunder and the conditions specified in the licence :

Provided that a licence shall not be required by a grower.....

Mr. Deputy Speaker, my submission is that if this amendment is carried the result will be that unless a person takes out a licence he will not be permitted to purchase

[**Raja Ghazanfar Ali Khan**]

or sell agricultural produce in any notified market area. (*Sardar Santokh Singh* : Is this not already in the Act?) My honourable friend has inquired whether this provision did not exist in the present Act. I may tell him that if it had already been there then what was the need of moving this amendment in the House. I say let the Honourable Minister for Development get up and say so and withdraw the amendment and I would stop my speech. The fact is this that the legal advisers of Government have told them that unless this amendment is carried any person can purchase and sell agricultural produce for himself or on behalf of another person or of the Crown in the notified market area without taking out a licence and for this he cannot be punished under the provisions of the Markets Act. I am opposed to this matter on principle. The reason for this is that the taking out of a licence or not taking out of a licence is not a very objectionable matter. So far as I remember when the original Act was on the anvil of the House objection was taken to this very matter. But at the time an assurance was held out that the traders would not find any difficulty in getting licences. In fact it was pointed out on behalf of Government that they would get it just as a person gets stamps from a post office by placing their price on the counter. If the position had been such I would not have objected to the amendment at all. But the experience of last six years shows that Government have cleverly manipulated the matter. They have issued an order that when a person applies for a licence inquiries should be instituted whether or not he had been engaged in that business for the last three years. If the fact is not established then he is not given a licence at all. In other words it means that all those persons, whether agriculturists or non-agriculturists, ruralites or urbanites, whose forefathers had not engaged in business, after this date, would not be permitted to take to business in grain mandies. Sir, I frankly admit that I know of no country, no province where such restrictions exist that a person can't, even if he so desires, take to business in an agricultural produce market unless he establishes the fact that he had been engaged in that business for the past three years. (*An honourable member* : No province has such a Government as we have here). My honourable friend is quite right and I fully endorse his remark. (*Minister of Development* : Of which my honourable friend was a constituent only sometime back). Yes, but now I have come to my real place. My honourable friend observed only a short while ago that he was neither a Unionist, nor a Congressite nor a Nationalist Sikh nor a Khalsa Diwan Sikh and that, in fact, he belonged to no party at all. He is quite right. His place is surely there because that party is a party of defenceless people. By introducing this Bill the Punjab Government want to prevent a large section of the population of this province from starting any business in foodgrains on the ground that they had not thought of doing so before the notification was issued.

Premier : I Move—

That the question be now put.

Raja Ghazanfar Ali Khan : You will have to learn something more to do that.

Premier : Are you winding up or not ?

Raja Ghazanfar Ali Khan : It is a thing which concerns the interests of at least three-fourths of the people of this province.

Premier : The honourable member has given way and I am glad he has done so. It only concerns the firm of Owen Roberts who do not pay any market fee. How is the rest of the province concerned ? Does the honourable member and his party wish that this firm should not be charged the fee ?

Raja Ghazanfar Ali Khan : I am not concerned with this firm. I was never interested in it. You might be interested. I wonder whether the Honourable Premier

has seen this amendment. May be that I have misunderstood it, although I rarely misunderstand such matters. May I ask him if section 4 is not clear on the point that if a person does not possess a licence he cannot undertake the purchase or sale of agricultural produce in a notified market area. It appears that his Secretaries have kept him in the dark in the matter. I would, therefore, like to read it out for his benefit. (*Interruption*). If the Government wish to save the time of the House from being wasted I also want to save the pockets of the people from being picked.

Premier : Or Owen Roberts :

Raja Ghazanfar Ali Khan : They are nobodies. I am not interested in them. I am only concerning myself with section 4 which says that without a licence no person,—not Owen Roberts—can do business in agricultural produce. If the Honourable Premier can disprove my contention I will discontinue my speech. Now in regard to the grant of licence it is being required of the persons applying for it that they should prove whether they had been carrying on the business even previously. It is a strange order. Do the Government ask a law graduate when he applies for a licence whether his forefathers also practised law? Have they enquired from their employees or contractors whether their ancestors followed the same profession? Here is section 4 (2) which reads—

After the date of issue of such notification and from such later date as may be specified therein, no person unless exempted by rules framed under this Act shall, within the notified market area set up, establish or continue or allow to be continued any place for the purchase or sale of the agricultural produce so notified.....

So on and so forth. An amendment is now brought forward to the effect that no person either for himself or on behalf of any other person shall do business in a notified market. Sir, the words to be inserted after the word 'shall' are :

"either for himself or on behalf of another person or of the Crown".

Does it not clearly indicate that the little chance that a poor zamindar had, under the old Act, of starting business as the agent of a big firm has been taken away from him by the Government through this amendment. In these days people all over the world as well as here in India have begun to realise that a country's progress and welfare largely depends on trade. Taking this fact into consideration this amendment appears to be an act of injustice on the part of the Government. If the Government were to withdraw the notification to the Collectors that no licence should be granted unless they prove that they had been carrying on the same trade, I shall be prepared to resume my seat. I do not object to the licence itself but I am opposed to the notification. So long as that is not withdrawn I shall persist in my opposition to this Bill. To prevent those who want to do business in agricultural produce now is tantamount to depriving them of their ordinary civic rights. I am sure the Honourable Premier will throw some light on the matter.

Mr. Deputy Speaker : Order please. It is 4.30 p.m. we shall now take up the adjournment motion.

ADJOURNMENT MOTION

SUGAR DISTRIBUTION IN VILLAGES IN AMRITSAR DISTRICT

Sardar Teja Singh Swatantar (Lahore West, Sikh Rural) (*Punjabi*) : I beg to move—

That the Assembly do now adjourn.

For the last two months in many villages in Amritsar sugar has not been distributed at all. We know that as far as the production of sugar is concerned we are a

[S. Teja Singh Swatantra]

deficit province. The Punjab produces only 34 thousand tons of sugar per annum but the consumption exceeds 140 thousand tons. The Government adopted different methods to distribute sugar among the public. At first they placed it in the hands of big dealers who were rank hoarders. They started back-door methods and if they were given 10 bags, only 4 used to be distributed in the open market and the rest through unfair ways. Sometime sugar was sold at the rate of one rupee a seer or more. A great hue and cry was raised against this and then food committees were entrusted with this job. They worked wonderfully well. But as the kisan element was dominating in these committees, the Government began to feel jealous of their popularity. This method was given up and the tahsildars, lambardars and zaildars again appeared. These people having official backing never cared to co-operate with the public. I can name dozens of villages which had to go without sugar. Sir, it is a long tale of woes. Many deputations were sent to officials concerned and I accompanied that deputation of Baba Bakale. The Additional District Magistrate directed us to see the tahsildar concerned and he in his turn directed us to see his naib. We vainly placed our complaints before him and things are still going on as before. It is at the sweet will of the lambardar only that one can get sugar otherwise he has to go without it. The quota for marriages has been reduced to 10 seers and that too is seldom granted.

Sir, for two months constantly sugar has not been distributed and nobody knows where that sugar has gone. An enquiry is being held against the tahsildar of Ajnala. It is alleged that he earned lakhs of rupees by unfair means. We informed the thanedar of Jundiala that at such and such place so much quantity of sugar was lying and seven bags of it were seized. But, Sir, I am pained to say that so far no action has been taken against those smugglers. In Tarn Taran the confectioners were granted treble the quota. Now they fear detection and prosecution and therefore, they are putting partitions in their shops so that one shop may appear as three shops. Instances of this kind are not wanting. I wish to quote another instance which is about the fair of Goindwal. The confectioners of this place applied for special bags of sugar which they required for the fair. Before making any decision about the distribution of sugar to these confectioners, the Deputy Commissioner banned the fair on account of cholera, etc. On the one hand the tahsildar resorted to his usual practice of distributing sugar by issuing permits on cash payments which he reserved for himself, while on the other, the Deputy Commissioner banned the fair. I am prepared to quote many instances where permits have been issued by the tahsildars in the rural areas on receiving bribes and illegal gratifications. They issue permits to those villagers only who make payments for the Zamindara League. It will not be out of place to mention here that the local authorities, who happen to be in charge of sugar distribution, instead of making collections for war fund collect for the Zamindara League and are out to fill in their own coffers. I am constrained to remark that they go on receiving bribes thinking that some sort of change is sure to take place in the present system of distribution of sugar and that the sooner they earned heaps of money by resorting to the usual un-called for practices the better it would be in their interests. The villagers voiced their grievances several times to the local authorities but no heed was paid to them. On receiving a deputation of the villagers the Deputy Commissioner said that deputations were sent by the Kisan Committees and that there was some political issue behind them. The Deputy Commissioner who is at the head of the district administration and who is mainly responsible for the distribution of sugar tried to avoid the deputation by using the following words :—

تمہیں یہاں آنے کا کرایہ کہاں سے ملتا ہے۔ بکواس مت کرو۔ یہاں سے چلے جاؤ۔ ہم تمہاری بات نہیں سننی چاہتے۔

Under the circumstances, I really fail to understand who, excepting the local authorities in general and the Deputy Commissioner of Amritsar in particular, is going to hear the difficulties that the people living in the rural areas are put to, during these abnormal times. When such is the attitude of the Deputy Commissioner who is at the helm of the administration, there is no use blaming the tahsildars, zaildars and the lambardars who are also chips of the same block. Further I wish to submit that the local authorities never care to go round the rural areas and see for themselves the difficulties the villages are put to for want of sugar. Whenever any meeting of the Zamindara League is to be held in any village of the district, the local authorities at once move to that place and make the necessary arrangements for receiving the Honourable Ministers. They force the villagers to pay some money for the Zamindara League and thus they gain the good will of the Ministers and are never afraid of any action being taken against them for causing trouble to the poor villagers. I wish to submit that there has been corruption in the matter of distribution of sugar and the authorities concerned with this work have succeeded in sending to the black market at least four thousand bags of sugar which have been saved during the last two months, and have not been unearthed so far. What I wish to point out is this that the embezzlement of four thousand bags of sugar is not an ordinary thing. The whole House can be filled with these four thousand bags of sugar only and such a heap of four thousand bags has disappeared and nobody knows where it has gone—the quota of the last two months. It will not be out of place to mention here and I make bold to submit that instead of distributing the sugar among the poor villagers in the rural areas, the local authorities have favoured these four thousand bags of sugar among themselves and among their favourites.

Mr. Deputy Speaker : Motion moved—

That the Assembly do now adjourn.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjab*): I would like to submit that the matter relating to the adjournment motion now before the House is a very important one. So far as the distribution of sugar is concerned, Government have proved their inefficiency and have totally failed. In the beginning my honourable friends sitting on the Treasury Benches used this system of sugar distribution as an instrument for collecting funds for their own party. Only those persons were given permits for sugar who paid some money to them. Efforts were made to make collections for Jat Mahasabha and only those persons were kept in charge of sugar distribution, who happened to be connected with this sabha and this practice continued for a long time. By resorting to these foul means they wanted to grind their own axes and gain the good-will of those whom they favoured with permits or the depots. Then in the long run food committees were formed in the rural areas with the co-operation of the villagers in order to remove the difficulties regarding the non-availability of sugar. But I am constrained to remark that when my honourable friends sitting on the Treasury Benches in general and the Minister of Development in particular saw and felt that the Kisan Committee had strengthened by leaps and bounds on account of their growing influence, then they made efforts to oppose these committees tooth and nail and thus succeeded in taking away the work of distribution of sugar from them. Government devised ways and means to take such steps as were detrimental to the interests of the Kisan Committees. Government after taking away the work of the distribution of sugar from these committees, employed their henchmen for distribution of sugar. In due course of time these new methods adopted by the Government in regard to the distribution of sugar failed and the difficulties of the villagers for want of sugar grew more and more and since then the cry for redressing their grievances has been a cry in wilderness. So far as the system of the distribution of sugar is concerned, I wish to submit that it is replete with glaring defects. The villagers in the rural areas are facing great difficulties in getting sugar for marriages, etc. A person who requires some sugar for the marriage of his son or daughter succeeds after great difficulty in getting only 10 or 20 seers of sugar. If he does not succeed in getting the required quantity at

[S. Sohan Singh Josh]

the controlled rate, then the black market is open for him and he can very easily succeed in getting as much quantity of sugar as he likes at a very high rate. On the one hand Government are issuing ordinances with a view to stop hoarding, profiteering, etc., while on the other no efforts whatsoever have ever been made to put an end to the corruption which is the order of the day among the very officers who are concerned with the distribution of sugar in rural areas.

Now, Sir, I wish to make some observation regarding what happened at Amritsar very recently.

Khan Bahadur Captain Malik Muzaffar Khan : Sir, the House is not in quorum.

(After ringing the bell for two minutes the Assembly was found to be in quorum.)

Sardar Sohan Singh Josh : Sir, I wish to submit that the villagers of the rural areas of Amritsar went in a deputation to the Deputy Commissioner, who happens to be at the helm of the district administration, to voice their grievances regarding the non-availability of sugar. My honourable friends would be surprised to hear that the Deputy Commissioner instead of giving a patient hearing to their grievances, began to tell them the tale of his own woes. He told them that he was very anxious about his mother who was at such a place where bombs are thrown every day and where people are facing grave problems. The villagers told him that they had every sympathy with his mother who must be quite safe there. They also told him that since Britishers are out to face grave problems in their country, it was but meet and proper on his part to redress their grievances by making sugar available to the poor villagers who are badly in need of it.

As a result of it there was a great embezzlement and a sort of lawlessness in Ajnala, so much so that the Government had to arrest some persons. Investigation started against them. Some of them were set free and others came out on bail. I give the names of some of them with their records. Chanchal Singh, patwari of village Shankri Nangal forged 400 permits in connection with sugar. Hazara Singh Jat of the same village admitted that he used to get sugar from the tahsildar in order to sell it in the black market. Naranjan Singh, who was in charge of the sugar depot at Raja Sansi, used to send 90 bags of sugar every month to Amritsar black market in compliance with the orders of the tahsildar. Miraj Din, a tonga wala of Raja Sansi, admitted that he used to get Rs. 6 per trip for taking sugar to Amritsar and that he was caught once by lambardar Mahr of the same village, who threatened to get him arrested and that he saved himself by paying Rs. 200 by way of bribe and promising him two bags of sugar every month, which he had been giving regularly. Puran Singh, a rehru wala of the same village admitted that he used to take sugar to Katra Jamal Singh in Amritsar, and that one Ruldu Ram, who was also arrested and afterwards set free on a security of Rs. 10,000 was also a party. Autar Singh, a patwari of Vanike, is still under arrest. Is the Government in a position to deny these facts? An embezzlement worth two lakhs has taken place in Ajnala by the kindness of the tahsildar there. I am not in a position to tell who were all the parties to that embezzlement. If a 'halwai' approaches that tahsildar with a request for permanent permit for sugar, he is asked to pay a certain amount for Zamindara League or for War Fund and no receipt of that is given to him. When he pays that money, after a month he is again asked to pay a certain amount. The black market and the profiteering in the time of the present Government is sufficient to discredit them as totally inefficient and corrupt. I know that the Government will try to wash this accusation off. I say it is not in connection with sugar only that the Government have proved themselves inefficient. It is the same with all the articles needed by a zamindar, for example, iron, chari, etc. The Government have not been able to supply any of these things to the zamindars properly. The reason is that the Government use their own agency

for this purpose, but that agency is rotten and corrupt. The Government itself admitted that some embezzlement in the war fund did take place and the Government had to issue orders to the effect that no officer, less than the rank of a deputy commissioner, should realize money for the war fund.

The conditions in the Amritsar district are very bad. The sugar given to the lamboardars or other persons of a village for distribution among the people of that village is divided in equal shares. One-half is distributed among the people of that place and the other half goes to the black market. And all this is done with the knowledge of the tahsildar. The same is the condition about the kerosene oil. People in villages are not getting even a single bottle of kerosene oil for their use. I fear this black out may not bring a complete black out for them as well. People in villages are feeling dissatisfied with the present Government and this feeling is getting stronger and stronger every day. The day is not far off when the present Government shall have to submit its account before the real masters and that day will, indeed, be a hard day for them. With these words, Sir, I support the motion now before the House.

Khan Bahadur Chaudhri Faqir Hussain Khan (Tarn Taran, Muslim, Rural) : (Urdu) : Sir, I am surprised why Sardar Teja Singh Swatantar has brought this motion about Amritsar district. If he was so anxious, he should have brought it about some other districts, because the conditions regarding sugar are much better in Amritsar as compared with those in other districts. It is more or less an audacity to say that the arrangement there is worst. The arrangement of sugar there was not entrusted to the Kisan Committees. Still the Deputy Commissioner did everything he could for the fair distribution of sugar there. (Sardar Sohan Singh Josh : Will he say these words in the villages of that district ?) Yes, anywhere he likes. The arrangement of sugar was given to Panchayat Committees wherever such committees existed. In other places lamboardars were entrusted with this responsibility. The Deputy Commissioner took so much care as not to grant such applications even if the signatures of four out of five lamboardars of a village were there.

5 p.m. Previously kerosene oil was not given to the villagers. Now its quota has also been allotted for different villages which is quite sufficient for the needs of the villagers. I am in a position to assert that now every village is getting its proper quota of sugar and kerosene oil. My honourable friend Sardar Sohan Singh Josh has observed that sugar has not been distributed for the last two months in the rural areas of the Amritsar district. So far as that is concerned it is quite correct. The reason for that is that large quantities of sugar were distributed in Amritsar district and city and that necessitated the cutting down of quotas fixed for the rural areas of that district. But no sugar is being given to the rural areas for the month of December. It has been pointed out that even though permits for sugar had been issued yet no sugar was distributed in the *Mela* of Goindwal. Let me tell my friend that the permits for sugar were issued long before the Deputy Commissioner prohibited the holding of the fair because of the cholera epidemic. It is not correct to say that the permits for sugar were issued after the banning of the *mela*. My friend is labouring under a misapprehension that the permits for sugar were issued after the banning of the *mela*. The fact is that the halwais applied for sugar before the *mela* was stopped and therefore the permits had been issued for sugar. It was after that the Deputy Commissioner prohibited the holding of that fair. My honourable friend has also observed that when the villagers put forward their difficulties and hardships before the Deputy Commissioner the latter was so moved that he began to weep. From that one can also conclude how soft hearted he is. Mr. Addison is so very gentle that it is beyond my comprehension to think that he would go to the length of abusing anybody. If he had made any such remarks to which reference has been made by my friend there must be something serious behind them. The people to whom my friend has referred must have put forward such demands which elicited such a reply from the Deputy Commissioner. Beyond that I cannot say anything about that matter

[K. R. Ch. Faqir Hussain Khan]

because I have no knowledge about it. So far as Mr. Addison is concerned I make bold to say that he is very gentle and his attitude towards the public is highly commendable. He is, in fact, not a Deputy Commissioner of the type as others are. He is so kind and accommodating that one cannot know from appearance that he is the Deputy Commissioner of any district. I wonder why an adjournment motion has been tabled in regard to Amritsar. Had this been moved about any other district I would have thought that there was some truth in the allegation. But so far as Amritsar is concerned I can only say that that is far from being correct. I therefore request my friend to withdraw this adjournment motion.

Shrimati Raghbir Kaur (Amritsar Sikh Women) (*Punjabi*): Sir, I rise to support the adjournment motion moved by my brother here. It relates to Amritsar district which is my home district. I have toured the district myself and can tell you on my own experience that the people in the rural areas have not received their rations of sugar for the last two months. Consequently they had to feed their children on milk sugared with gur or shakar. It is indeed very sad. My brother over there has observed that the Deputy Commissioner of the said district is very kind and gentle. But it is very strange that when the rural people put before him and at his own instance, their grievances in regard to lack of supplies of sugar, iron and kerosene oil, instead of removing them he wept bitterly and remarked that his mother was keeping guard at night in London and had never complained and these people were so loud in their complaints at not receiving ordinary things like iron, sugar and kerosene oil. My submission is that a responsible officer of the position of the Deputy Commissioner asks the people to state their grievances and when they do so he brushes them aside with these remarks. We can never expect such an answer from a high district officer. These are the very people who are the rulers of this country. What can we expect of such people who, when thousands of people go and lay their grievances before them, give such replies? The Deputy Commissioner concerned, as my brother has observed, may be very kind and gentle. I do not deny. But here there is no question of kindness or gentleness. It is a question of life and death of the people. It is a question of their rations. The poor people beg for iron, kerosene oil and sugar and they get nothing.

Mr. K. L. Rallia Ram : May I draw your attention to the absence of quorum in the House

(*At this stage the bells began to ring*).

Raja Ghazanfar Ali Khan : The ministerialists are being whipped out and this is showing disrespect to the House and the Chair.

Nawab Muzaffar Ali Khan Qizilbash : The absence of a large number of members from the House shows that they are not interested in the adjournment motion. Even in the Opposition benches there are very few members sitting.

Raja Ghazanfar Ali Khan : It is the duty of the Honourable Premier to see that the quorum of the House is maintained.

Premier : It is the business of the members interested in the motion and who have sponsored it to see that the House remains in quorum.

Raja Ghazanfar Ali Khan : To-morrow I shall quote authorities to show that it is the duty of the Government to maintain the quorum.

Premier : Not for private members' business.

Raja Ghazanfar Ali Khan : Do I understand the Leader of the House to say that the adjournment motion is private members' business?

Mir Maqbool Mahmood : Non-official business can be taken up only on a Thursday which has now been taken away for Government business.

At this stage a count was taken and it was found that there was no quorum. Thereupon the Assembly adjourned till 12 noon on Thursday, 14th December 1944.

PUNJAB LEGISLATIVE ASSEMBLY

TWELFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY

Thursday, 14th December 1944.

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

STARRED QUESTIONS AND ANSWERS

PRICE OF MILK

Khan Sahib Khawaja Ghulam Samad (Urdu) : In continuation of the supplementary questions and answers to starred question No. 9234¹ asked on 12th December 1944, will the Honourable Minister for Development be pleased to say if he is prepared to take some action in view of the fact that the dealers in milk are suffering a lot on account of increase in the prices of cattle, fodder and other commodities which are eaten by animals and the control on milk in such districts is increasing their troubles?

Mr. Speaker : That is a request for action.

Khan Sahib Khawaja Ghulam Samad (Urdu) : Is the Honourable Minister in a position to state whether the milk dealers are being ruined by this control order?

The Honourable Sardar Baldev Singh : I have no information.

Khan Sahib Khawaja Ghulam Samad (Urdu) : Does he know that in the districts where control is imposed the impure and adulterated milk is being supplied to the public?

Minister : I have no information.

Khan Sahib Khawaja Ghulam Samad (Urdu) : Does he not consider the mixing of water with milk harmful to the public health?

Minister : It depends on the water that is mixed.

Khan Sahib Khawaja Ghulam Samad (Urdu) : Is he aware of the fact that 90 per cent of the dealers in milk are Muslims?

Khan Sahib Khawaja Ghulam Samad (Urdu) : Has he imposed this restriction on them because they are Muslims?

Minister : Not at all.

Mr. Speaker : The next question.

KEROSENE OIL AND SUGAR QUOTA

9234. Rai Behadur Lala Gopal Das : Will the Honourable Minister for Development be pleased to state—

(a) whether Government are aware of the fact that people in the rural areas of the Punjab are not getting adequate quotas of kerosene oil and sugar and are consequently suffering great inconvenience;

(b) whether it is a fact that the quota for kerosene and sugar has been reduced in several rural areas of the province during the last few months;

(c) whether Government are aware of the fact that persons responsible for the distribution of kerosene oil in some districts of the province sell only a part of the allotted quota to the public and dispose of the rest in the black market at very high prices;

[R. B. Gopal Das.]

(d) whether Government are aware of the fact that in many cases the kerosene oil supplied to the public by these monopolists and distributors is mixed with water ;

(e) whether any efforts have been made by the authorities to check this evil and to bring offenders to book ?

The Honourable Sardar Baldev Singh : (a) and (b) So far as kerosene oil is concerned attention is invited to the reply given to the Assembly question No. *9127¹ asked by the Honourable Member for Rawalpindi Muhammadan rural constituency on 3rd March 1944. Quota is always reduced during the summer months in view of the smaller demand. In winter the quota is again increased.

The distribution of sugar is centrally controlled and a quota is allotted to this province. It is not adequate to meet the growing demand for this commodity. The Punjab quota is allotted by Government to the various districts, and local distribution is controlled by District Magistrates. At the end of the sugar year supplies tend to be short, owing to excessive consumption in previous months.

(c), (d) and (e) Complaints about the distribution of kerosene oil in rural areas have certainly come to Government's notice. District Magistrates have made and are making every effort to follow up complaints and take action against the offenders. The Provincial Government in the Supplies Department has at the same time been engaged on the improvement of the general control of distribution, in consultation with the oil companies concerned. An order for the licensing and better control of dealers in kerosene oil is under consideration.

Chaudhri Muhammad Hasan : Is the Honourable Minister aware that the consumption of kerosene oil at this time of the year is greater than in the summer season, because the sugarcane pressing is done in this season ?

Minister : That is my information.

Chaudhri Muhammad Hasan : Is it a fact that the people of the rural areas complain about the quantity that is being supplied to them at present and that Government has not done anything to improve the conditions of the zamindars and tenants in the province ?

Minister : I know that complaints have been made but the difficulty is that the supply of kerosene oil is barely 50 per cent of the pre-war supply.

Chaudhri Muhammad Hasan : Did the Honourable Minister ask the oil companies to increase the supply of kerosene oil to this province ? If so, what was their reply ?

Minister : The oil companies have expressed their inability to increase the quantity for this province.

Mian Abdul Aziz : Is the Honourable Minister aware of the fact that in urban areas there is greater scarcity and hue and cry about the supply of kerosene oil ?

Minister : What the honourable member says may be true about urban areas ? but the complaints about rural areas are far greater than the complaints from the urban areas.

Mian Abdul Aziz : What does Government intend to do regarding urban areas, In Lahore specially there is a great difficulty and there is a monopoly, and as suggested in part (c) you will see that there is great corruption.

Sardar Sohan Singh Josh : May I know how many tins of kerosene oil have been increased in winter, because the Honourable Minister has stated that more oil is consumed in winter ?

Minister : My honourable friend has misunderstood my reply. What I said was that the quantity remains the same. The distribution in summer is less, and the distribution in winter is increased while the quantity of oil remains the same.

Chaudhri Muhammad Hasan : What are those districts where the quantity of kerosene oil has been reduced?

Minister : I do not say that the quantity has been reduced in any particular district, but it is reduced in the province as a whole.

Sardar Sohan Singh Josh : Is the Honourable Minister aware that there is a black-out in 60 or more per cent villages because of lack of kerosene oil?

Minister : I say that there is a shortage of kerosene in rural areas.

Sardar Sohan Singh Josh : May I know what action is proposed to be taken against the offenders?

Minister : Every possible action is being taken. If my honourable friend can bring any instances to my notice, I will look into them.

Sardar Sohan Singh Josh : Will the Honourable Minister be pleased to state whether it is a fact that even when there is a surplus of sugar and kerosene at a depot, they are not distributed?

Minister : I think the position is different. Some districts receive their quota in advance. They distribute what is allotted in a particular month and stock the rest for the month for which it is meant.

Sardar Sohan Singh Josh : May I know in how many cases panchayats and co-operative societies have offered to supply kerosene oil and sugar and how many cases have been refused by Government?

Minister : I want notice of that question.

Pandit Bhagat Ram Sharma : May I know whether the Minister is aware of the fact that the distributing agencies in the rural areas are generally the village officials

Minister : May be. There are village officials and some other agencies also.

Pandit Bhagat Ram Sharma : What are those some other agencies?

Minister : I think my honourable friend knows the meaning of 'some other agencies'. I cannot give any further explanation.

Khan Sahib Khawaja Ghulam Samad : May I know whether any depots for supply of kerosene oil have been opened in the rural areas or whether they have to take their stock from the towns?

Minister : Separate depots have been opened in rural areas.

Khan Sahib Khawaja Ghulam Samad : May I know whether any offenders who resort to black-marketing and mixing of water with kerosene have been brought to book?

Lala Bhagat Ram Choda : May I know whether Government intend to increase the quota of kerosene oil to students preparing for examinations in rural areas?

Minister : If my honourable friend will draw the attention of the District Magistrate, he will certainly attend to this.

Lala Bhagat Ram Choda : Cannot the Minister do something?

Minister : The District Magistrate has got that power.

Chaudhri Muhammad Hasan : Is it a fact that the people of Kurania where the Honourable Minister and three other Ministers were weighed in silver are the worst sufferers in this respect?

Minister of Development : The shortage is all over the Punjab. I do not think that the particular people are at any particular disadvantage.

Sardar Sohan Singh Josh : May I know whether any cases of corruption in this regard have come to the notice of the Honourable Minister?

Mr. Speaker : That does not arise out of this question.

Sardar Sohan Singh Josh : The Honourable Minister has stated that they were taking action against offenders. The Government cannot take any action if there were no such cases. So I want to know whether any such cases have come to his notice in regard to the corruption that is going on in sugar and kerosene oil distribution.

Minister : I have already stated that complaints have been received and Government are doing their best to remove them. If any specific case is brought to my notice, I shall make enquiries.

Sardar Sohan Singh Josh : What arrangements are Government making in order to meet the growing demand in kerosene oil and sugar in the country side ?

Minister : I have already replied that it is beyond our capacity to make any adequate arrangements for the supply of kerosene.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Is the Honourable Minister aware that the method of distributing kerosene oil in Lahore is very defective ; the depots are few in number and the demand is so great that people who want kerosene oil have to wait very long and go disappointed ?

Minister : Action is being taken to increase the depots.

Mian Abdul Aziz : How many depots are there in Lahore for kerosene ?

Minister : I have no information.

Mian Abdul Aziz : Is the Honourable Minister aware that people in and outside Delhi Gate who want kerosene have to go all the way to railway station, which is a long distance off, as there is only one depot holder at Shahalmi Gate, who too opens the depot only twice a week ?

RATIONING IN LAHORE

*9349. **Mr. K. L. Rallia Ram :** Will the Honourable Minister for Development be pleased to state :—

(a) the basis Government have adopted in allowing depots to retail-dealers under the Rationing Scheme in Lahore ;

(b) the names of persons who have been allotted retail-depots but who have no previous experience of wheat or foodgrain trade, and the reasons for allotting these depots to them in Lahore ;

(c) whether the Government have received a number of complaints about the bad quality of wheat and sugar supplied to the people under the rationing scheme in Lahore, if so, what steps have been taken to meet the situation ?

The Honourable Sardar Baldev Singh : (a) The retail distributors were selected by the Rationing Controller out of persons who had applied for the purpose. The selection was intended to secure the services of the best retail distributors available. Government policy on this subject was to make a selection from existing trade channels.

(b) A list is laid on the table, which gives reasons in each case.

(c) Yes—Several complaints about the quality of wheat and wheat atta were received at the start of rationing. Administrative action has been taken in each case, and generally some features of this have been :—

(i) Examination of each case by the local authorities followed up by action, resulting sometimes in the withdrawal from the depot of the wheat in question ;

(ii) In one case all the atta distributed from the (Badami Bagh) Flour Mill, was withdrawn from depots and the mill's licence as an " authorised " trader suspended for a month ;

(iii) The Syndicate's work has come in for closer supervision. Copy of a Press Communiqué which was recently issued on this subject is laid on the table.

The results have been far fewer complaints, and in the case of wheat atta at least there is now general satisfaction.

As regards sugar there have been practically no complaints except for a brief period when Saraswati Sugar was not being distributed, but that of other mills which supply Lahore. This was inevitable as there are a number of supplying mills allotted to this province and a variety of qualities of sugar, not all of which are equally acceptable to the consumer.

List

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| 1. Messrs. Muhammad Amin-Meraj Din of Kotwali Ward. | Experience of ghee trade and of controlled distribution of sugar and atta under the A. R. P. Scheme. |
| 2. Rai Sahib Narsingh Das Kapur of the Kotwali Ward. | Experience of controlled distribution of sugar and atta under the A. R. P. Scheme. |
| 3. Syed Muntaz Ali of the Ichhra Ward. | |
| 4. Messrs. Bagh Ali-Muhammad Akbar of the Misri Shah Ward. | Have been working as contractors of Fuel-wood and Coal (No. 5) had also been running a shop in village Tajpura. |
| 5. Agha Riaz Ahmad Khan of Tajpura in the Misri Shah Ward. | |
| 6. Messrs. Ghulam Muhammad-Hadi Hussain of the Cantonment Ward. | Had been running a Kahari shop combined with the business of a Military contractor. |
| 7. Messrs. Durga Prashad-Banwari Lal of the Cantonment Ward. | General merchant. He has been allowed to run a depot for the benefit of the labourers working in his brick-kiln at some distance from the Sadar Bazar. |
| 8. Messrs. Din Muhammad-Atta Muhammad Ibrahim-Abdullah of the Mughalpura Ward. | Had been running a shop of sharbats and other miscellaneous articles. |
| 9. Messrs. Ghulam Kadir-Muhammad Shaf-Feroze Din of the Mughalpura Ward. | |
| 10. Messrs. Muhammad Iqbal-Fazal Din of Mughalpura Ward. | Are Zamindars. They undertook to work as retail distributors in villages. Kate Khawaja Said, Begumpura and Salamapura, where ordinary traders were loth to go. |
| 11. Messrs. Muhammad Din-Fateh Muhammad of the Mughalpura Ward. | |

Press Note

Since the start of rationing at Lahore, there have been several complaints from consumers and in the Press against the quality and cleanness of the wheat distributed through retail depots. Strong criticism has been directed against the Lahore Grain Syndicate which is responsible under the Rationing Controller's supervision for wholesale distribution. Government have made thorough inquiries and after considering all the reports received have come to the conclusion that the Syndicate's organization has been defective, and that it has displayed inefficiency to a degree which justifies action against it. This action would normally take the form of confiscation of a portion of the security deposited with Government by the Syndicate. In considering this question Government think it just to consider also the fact that the Syndicate has already suffered a considerable loss on account of the atta produced by the Badami Bagh Flour Mill, which was withdrawn from distribution under the Rationing Controller's orders. This atta is valued at Rs. 18,000 and whatever steps may now be taken for its disposal, an absolute loss of at least half that amount will result. In addition the Syndicate's delay in clearing wheat from the Railway Stations have exposed it to heavy claims by the North-Western Railway on account of wharfage and demurrage. In view of these considerable losses and of the fact that the Syndicate was undertaking at considerable pressure a task which was completely new Government is of opinion that its shortcomings have already been adequately punished by incurring these losses. Government, therefore, do not propose to impose a fine in addition but are issuing a severe warning to the Syndicate that any future deficiencies will meet with severe action. In addition, the Badami Bagh Flour Mill which is associated with the Syndicate and which produced atta found to be unfit for distribution is to suffer suspension for a period of one month of its authority permitting it to export and import wheat from or into the rationed area.

2. Action will continue to be taken by Government and by the Rationing Authorities to see that mistakes made by the Syndicate and others concerned in distribution are not repeated.

**SUPPLY OF IRON TO THE PUNJAB GOVERNMENT FROM THE CENTRAL GOVERNMENT
FOR REPAIR, ETC., OF PERSIAN WHEELS**

***9474. Sardar Ajit Singh :** Will the Honourable Minister for Development be pleased to state whether any iron has been supplied to the Punjab Government by the Central Government to distribute among the zamindars of the province for the repairs, etc., of the persian wheels ; if so, how much iron or how many persian wheels have been supplied to the Multan Circle? If no iron or persian wheels has been supplied, the reasons therefor ?

The Honourable Sardar Baldev Singh : In the third period of 1944, viz., from the 1st July 1944 to 30th September 1944, 1,062 tons of good iron was supplied to this Government by the Central Government not only for the repair of persian wheels, etc., but for the entire scheme of supply of iron and steel for agricultural implements. Out of this material 750 persian wheels complete with buckets and chains, and 45,000 buckets have been ordered to be manufactured. As soon as these are ready 20 persian wheels complete with chains, and 2,000 buckets will be supplied to the Multan Circle against its demand of 17 persian wheels and 700 buckets.

In addition 2,812 maunds of defective iron and steel have been allotted to the Multan Circle for smaller implements.

Sardar Ajit Singh : Is the Honourable Minister aware that because of the failure of the Agricultural Engineer to indent the quota of iron promised to the Punjab by the Government of India, which at present is lying with the Registered Iron and Steel Stockholders, the zamindars are suffering great hardships in the matter of getting sufficient iron and steel sheets for their needs ?

Minister : Since the honourable member put the question there has been a meeting and action has been taken.

**SUGARCANE CRUSHERS ACQUIRED FROM THE NAHAN FOUNDRY BY THE
PUNJAB GOVERNMENT**

***9475 Sardar Ajit Singh :** Will the Honourable Minister for Development be pleased to state the number of sugarcane crushers acquired from the Nahana Foundry by the Punjab Government and the number of sugarcane crushers supplied to the Deputy Director of Agriculture, Multan, by the Agriculture Department? If none has been supplied, the reasons therefor ?

The Honourable Sardar Baldev Singh : The Nahana Foundry has agreed to supply 1,500 Nahana cane crushing mills before the 31st December 1944 in 3 lots of 500 each. Two lots comprising 1,000 cane crushers have been actually released and out of them 150 cane crushers have been earmarked for the Multan Circle for distribution among zamindars. Sixty cane crushers only were, however, received in the first week of November and the balance is expected before the middle of December 1944.

Sardar Ajit Singh : Is the Honourable Minister aware that the price last year was Rs. 285 and it has now gone up to Rs. 390 ? If so what is the reason ?

Minister : I have got no information, but I shall look into it. All I can say is that the price has been fixed in consultation with the Government of India, but I am not definite. I shall make enquiries and let the honourable member know.

AGENTS FOR FOODGRAINS

***9490. Mian Muhammad Nurullah :**

***9486. Khan Bahadur Shaikh Karamat Ali :** Will the Honourable Minister of Development be pleased to state—

(a) how many agents were appointed by the Government in 1942-43 to buy foodgrains from the Punjab markets ;

(b) whether it is a fact that purchases were made direct by the Government and passed on to the agents ;

(c) if so, whether the distribution of foodgrains was equal among all the agents ; if not, why not ?

The Honourable Sardar Baldev Singh : The honourable member is referred to the reply given by me to starred question No. 9489¹ asked by Chaudhri Muhammad Sarfaraz Khan.

HEARNE ROAD

***9355. Rai Bahadur Mukand Lal Puri :** Will the Honourable Minister for Public Works be pleased to state—

(a) the date on which Hearne Road was retmetalled last ;

(b) whether Hearne Road is provided with a drain for carrying rain water or sullage ; if not, the action Government propose to take in the matter ?

The Honourable Sir Muhammad Jamal Khan Leghari : (a) The road was last retmetalled 9 or 10 years ago.

(b) No, the matter is receiving attention.

CIVIL DISOBEDIENCE DETENUS AND CONVICTS.

***9001. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Civil Disobedience Movement detenues and convicts are handcuffed when transferred from one jail to another and even when sent to the Mayo or Dental Hospitals for treatment ;

(b) whether it is a fact that they are made to travel third class and are not allowed to travel in a higher class even at their own expenses except when one is sick ;

(c) whether it is a fact that orders have recently been issued to make all transfers in prison vans and a big compartment capable of accommodating thirty prisoners is requisitioned even if one detenu or Civil Disobedience Movement convict has to be transferred ;

(d) whether it is a fact that there are no proper sanitary arrangements in the prison vans and detenues and Civil Disobedience Movement convicts have to put up with considerable inconvenience on that account ;

(e) whether Government intends to remove these grievances ; if not, why not ?

Parliamentary Secertary (Khan Bahadur Shaikh Faiz Muhammad) : (a), (c), (d) and (e) The attention of the honourable member is invited to the reply given to Assembly Question No. 9069² asked by Lala Bhagat Ram Choda on the 6th March 1944.

(b) Except when prison vans are provided Civil Disobedience detenues are permitted to travel in Inter Class Compartments at Government expense. Civil Disobedience convicts, however, travel in prison vans only.

Pandit Bhagat Ram Sharma : You, Mr. Speaker, were pleased to order the other day that in case a member is referred to an answer to a question already given, a copy thereof should be supplied to the member putting the question to enable him to see whether the answer referred to really relates to the question put. Now-the

¹Page 176 ante.

[Pt. Bhagat Ram Sharma.]

Parliamentary Secretary has referred to an answer already given but no copy thereof has been supplied to me and I, therefore, feel handicapped to put any supplementary questions. I know for a fact that my present question is not identical with the previous one referred to by the Parliamentary Secretary and the Government is always trying to evade the answer. I want to bring to your notice that there are certain sets of questions only in connection with which the Government has taken up this position. The Government puts forward such a plea only with regard to questions regarding detenus.

Sardar Kapoor Singh : This question is not identical with the one which has been referred to. The Parliamentary Secretary is evading the answer.

Parliamentary Secretary : My honourable friends opposite overlook the fact that it is provided in our rules that when information can be obtained from any printed record, a question should not be asked and the Government is not bound to reply. When information can be had from the printed record, it is not the duty of the Government to supply that information to the honourable members and it is only by way of courtesy that I am giving a reference to the honourable member.

Chaudhri Muhammad Hasan : You were pleased to order the other day that copy of the answer referred to should be supplied to the member putting the question.

Mr. Speaker : I have no power to pass that order.

Chaudhri Muhammad Hasan : The answer to the previous question is different and the Parliamentary Secretary has referred to it merely to evade the real answer.

Parliamentary Secretary : My honourable friend opposite should have listened attentively to what I said. I said that with regard to (a), (c), (d) and (e) the attention of the honourable member is invited to the reply given to Assembly Question No. 9069¹ asked by Lala Bhagat Ram Choda on the 6th of March 1944. Reply to part (b) which is different has been given in reply to question No. 9001².

Chaudhri Muhammad Hasan : I am sure the Parliamentary Secretary has got the answer in his hand. He should repeat the previous answer.

Parliamentary Secretary : The honourable member can take the trouble of going to the Library for this purpose.

Chaudhri Muhammad Hasan : Has the Parliamentary Secretary cared to get information about this question ?

Parliamentary Secretary : Sufficient care was taken to give a satisfactory answer.

Chaudhri Muhammad Hasan : Has he read the previous answer in order to see whether the answer to this question is the same ? Has he seen the answer to the previous question or not ?

Parliamentary Secretary : I have stated that sufficient care is invariably taken.

Chaudhri Muhammad Hasan : Has the Parliamentary Secretary read the answer himself or does he depend for it upon some subordinate of his who prepares the answers ?

Raja Ghazanfar Ali Khan : Is it not a fact that when the answer is approved by the Minister in charge and a reference is made to the answer given to a previous question, copy of the answer, to which a reference has been made, is attached to the file ?

Parliamentary Secretary : That is why I say that sufficient care is taken and the answer is not evaded. It is only when the Honourable Minister is satisfied

¹Vol. XXII, page 309.

²Page 337, ante.

that the answer is already on the record that he orders that reference be made to the previous answer.

Raja Ghazanfar Ali Khan : Has it not been the practice in this House for the last seven years that whenever a reference is made to an answer already given, the previous answer is read if anybody expresses a desire that the previous answer should be read ?

Parliamentary Secretary : No, that has not been the practice.

Raja Ghazanfar Ali Khan : It has been the practice.

Chaudhri Muhammad Hasan : Has he read the previous answer he is referring to or has the Minister in charge read the previous answer ? Has he satisfied himself that the answer to this question is the same as the answer to the previous question ?

Parliamentary Secretary : At the time of approving the answer, the Honourable Premier satisfied himself that the answer to be given was correct. If there is the least doubt in the honourable member's mind he should go to the Library.

Pandit Bhagat Ram Sharma : Can he give me the number of the previous question and the date on which it was put on the floor of the House ?

Parliamentary Secretary : I have given the number 9069 and 6th March 1944 as the date.

Raja Ghazanfar Ali Khan : Mr. Speaker, you were kind enough to say that in future you will take care that copy of the previous answer would be supplied.

Mr. Speaker : Please do not attribute such statements to me.

Mian Abdlu Aziz : It happened three days back. Please get the report of that day's proceedings.

Mr. Speaker : I never gave such an order, nor can I, under the rules, do so. Honourable members must know how to get certain things done for themselves.

DEFENCE OF INDIA RULES DETENUS.

*9002. **Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether he has made inquiries from other provinces, viz., Madras, Bombay, Bengal, the United Provinces, Assam and Sind as to the treatment accorded to persons detained under Rule 26 of the Defence of India Rules, in those provinces in respect of food, books, letters, interviews, family allowance, writing material facilities and travel ; if not, whether the Government now intends to make such inquiries ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : No. There is no need to make enquiries as copies of the rules governing security prisoners in other provinces are sent to the Punjab Government along with amendments from time to time.

Pandit Bhagat Ram Sharma : May I know whether the Parliamentary Secretary is in a position to say if there is any difference between the rules and practice of the Punjab Government and the rules of other provinces with respect to supply of food, books, letters, interviews, family allowance, travelling facilities, etc., to the persons detained under Rule 26 of the Defence of India Rules ?

Parliamentary Secretary : It requires a detailed study of different sets of rules in different provinces. Therefore it is not possible for me to give an answer to this question offhand.

Pandit Bhagat Ram Sharma : May I know whether he is in a position to say that there is no difference between the rules of this province and those of other provinces ?

Parliamentary Secretary : There are 11 provinces in the country and all have their rules. How is it possible for me to answer this question on the floor of the House ?

Pandit Bhagat Ram Sharma : Can he state whether there are uniform rules in all the provinces with respect to these matters ?

Parliamentary Secretary : Punjab rules are published in the *Punjab Gazette* and the rules of other provinces are published in their respective gazettes. It is open to my honourable friend to read those rules and get this information.

Pandit Bhagat Ram Sharma : Is he in a position to state whether there are uniform rules or whether there is any difference between those rules ?

Mian Abdul Aziz : I would request the Honourable Premier to please see the question. The question has been put with regard to the rules prevailing in Madras, Bombay, United Provinces and Assam. Did he care to send for those rules and compare them with his own rules ?

Premier : We are concerned with the Punjab province only.

Mian Abdul Aziz : Then he may say that he will not reply such questions in future.

Premier : Parliamentary Secretary has not to go all over the country.

Mian Abdul Aziz : It is only India and he should know whether there is any difference between the rules of the Punjab and those of other provinces.

Premier : He is not here for research.

Mian Abdul Aziz : Why not? This question has been put and the Government ought to give a reply. It is most strange that Punjab Government should not consult rules of other provinces.

Pandit Bhagat Ram Sharma : May I know whether he is sure that the Punjab Government is more conservative with respect to these rules than some other provinces ?

Mr. Speaker : Disallowed.

CIVIL DISOBEDIENCE DETENUS AND CONVICTS.

*9003. **Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that all Civil Disobedience Movement detenus and convicts irrespective of their status are made to live in the General Wards when sent for treatment in the Mayo Hospital, Lahore, as indoor patients ;

(b) whether it is a fact that while in the Hospital they are not allowed to mix with one another even though they live in jail together ;

(c) whether it is a fact that they are required to pay the room charges from their own pockets if they want to live in private or family wards ;

(d) whether the Government bears the full expenses of the treatment recommended by their own specialists in such cases ;

(e) whether it is a fact that K. B. Dr. Muhammadad Yusuf had recommended massage for Mr. Raghunandan Saran a prominent Congress leader of Delhi and Maulana Daud Ghaznavi, a well-known Congress leader of Punjab, as an integral part of their treatment but Government have refused to make arrangements for the same at Government expense, if so, why ?

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

(b) They are allowed to mix if they are in the same ward.

(c) Yes.

(d) Yes.

(e) Mr. Raghunandan Saran, who has been released, was detained under the orders of the Central Government. Questions about him cannot be asked on the floor of this House and should be addressed to the Government of India.

Dr. Muhammad Yusuf did recommend massage treatment for Maulana Daud Ghaznavi, but he refused to pay the fee of the masseur of his choice and Government was not prepared to do so. He has since been released.

Chaudhri Muhammad Hasan: Will the Parliamentary Secretary please state whether he has learnt by this time that particular care should be taken about the guests that he entertains or receives? Was Maulana Daud Ghaznavi not his guest while he was detained in jail or kept in hospital?

Premier: How was he a guest? He has since been released and is enjoying his liberty.

Sardar Sohan Singh Josh: May I know whether a police guard is put on the prisoners who are brought to hospital so that they may not mix with others and if they want to mix with other persons they are prevented from doing so?

Parliamentary Secretary: In what way is my answer vague or ambiguous that the honourable member wants elucidation of it? His present question does not arise at all out of the answer given by me.

Sardar Sohan Singh Josh: The Parliamentary Secretary has just stated that they are allowed to mix if they are in the same ward. I put a simple question whether it is a fact or not that police guard is put on the prisoners and they are prevented from seeing persons in the same ward?

Parliamentary Secretary: The question asked was whether those gentlemen are allowed to meet each other and I have said, "Yes, they are allowed to meet each other if they are in the same ward". There is no question of their being able to see anybody who wants to see them. I have said that they are allowed to meet each other if in the same ward.

Sardar Kapoor Singh: May I know whether security prisoners are allowed to live in private wards in the Mayo Hospital for their treatment?

Parliamentary Secretary: How does this arise out of the answer given?

Sardar Kapoor Singh: If security prisoners are allowed to live in private wards in the hospital, what is the reason for not giving the same concession to civil detenus?

Parliamentary Secretary: This question does not arise out of my answer.

Sardar Kapoor Singh: I would like to know the reasons for this discrimination between security prisoners and civil detenus.

Mr. Speaker: May I know whether this information is sought in the question?

Sardar Kapoor Singh: Let the Parliamentary Secretary deny then.

Mr. Speaker: About which part of the answer the honourable member is asking his supplementary question?

Sardar Kapoor Singh: Part (a) where it is said that civil detenus are not allowed to live in private wards.

Sayed Amjad Ali Shah: If the honourable member reads (c), he will find the answer there.

Sardar Sohan Singh Josh: With reference to part (b) of the question, may I know whether it is a fact or not that if two prisoners are living in the same jail and are brought to the Hospital, they are not allowed to mix with one another?

Parliamentary Secretary : So far as part (b) is concerned, I will read the question first and then its answer, and then I think my honourable friend's difficulty will be solved. The question is, whether it is a fact that while in the hospital they are not allowed to mix with one another even though they live in jail together. My answer is that they are allowed to mix if they are in the same ward of the hospital.

Sardar Sohan Singh Josh : May I know whether they are allowed to mix with one another in the Mayo Hospital? It is not a question of ward; but of the Mayo Hospital.

Parliamentary Secretary : I have stated in answer to the question that they are allowed to mix with one another when they are in the same ward.

Sardar Sohan Singh Josh : May I know if one prisoner is in ward 12 and the other is in ward 13 whether they are allowed to mix with each other?

Mr. Speaker : That is a hypothetical question.

Sardar Sohan Singh Josh : May I know whether the prisoners who have been brought to the Mayo Hospital and are living in different wards, are not allowed to mix with one another?

Mr. Speaker : That is a hypothetical question.

MR. JAI PARKASH NARAIN.

*9363. **Sardar Kapoor Singh :** Will the Honourable Premier be pleased to state—

(a) whether Mr. Jai Parkash Narain, a State prisoner, is being kept in any of the jails in the Punjab; if so, where;

(b) whether the expenses for his detention are borne by the Punjab Government or by the Government of India;

(c) whether there has been any correspondence between the Punjab Government and the Government of India regarding his transfer from the Punjab?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) to (c) Mr. Jai Parkash Narain is detained under the orders of the Government of India. Questions regarding him cannot be answered on the floor of this House and should be addressed to the Government of India.

Sardar Kapoor Singh : There is a definite question, part (c) enquiring whether there has been any correspondence between the Punjab Government and the Government of India regarding his transfer from the Punjab. Is that a central subject? Was the Punjab Government prohibited by the Central Government not to have any correspondence with the centre as regard his transfer from the Punjab? Does it become a central subject simply by the reason that he is being detained under the orders of the Central Government? The Parliamentary Secretary is evading a reply to this question. I want a reply to part (c) because it is not a central subject.

Parliamentary Secretary : My learned friend is overlooking one elementary fact, namely, that the correspondence between the two Governments is always confidential and cannot be disclosed.

Sardar Kapoor Singh : I do not want to know the contents of the correspondence. I want to know whether it is a fact that some correspondence took place between the Punjab Government and the Central Government or not.

Parliamentary Secretary : I cannot add anything to the answer already given so far as this question is concerned.

Sardar Kapoor Singh : May I know whether Mr. Jai Parkash Narain is being detained in the Punjab somewhere?

Parliamentary Secretary : He has been detained under the orders of the Government of India and these questions can be asked on the floor of the Central Assembly.

Sardar Kapoor Singh : I want to know whether he is being detained in the Punjab or not. The Punjab Jails are not under the Central Government.

Mian Abdul Aziz : May I know whether the Punjab Government is only acting as an agent of the Central Government and therefore these questions should be asked in the Central Assembly ?

Sardar Kapoor Singh : The Punjab jails are under the Punjab Government and the Central Government has nothing to do with them. I want to know whether it is a fact that he is being detained in some Punjab jail.

Parliamentary Secretary : I cannot add anything.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Who is in charge of the Punjab jails, the Punjab Government or the Central Government ? Who pays the expenses ?

Parliamentary Secretary : These details can be asked on the floor of the Central Assembly.

Chaudhri Muhammad Hasan : Will the Parliamentary Secretary be prepared to say what is the cause of dissension between the Punjab Government and the Central Government ? Why is he being detained here and not in any other province ? Will he state the reason given by the Central Government for the detention of this gentleman in the Punjab jail ?

Parliamentary Secretary : These questions can be asked from the Central Government.

DR. KANWAR MUHAMMAD ASHRAF

*9380. **Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

(a) when and why Dr. Kanwar Muhammad Ashraf, a well-known Congress leader of the U. P. was served with a notice of externment from the province ;

(b) whether the above-mentioned externment order still stands ; if so, the reasons therefor ;

(c) whether the Government has ever considered the question of withdrawing the said order ; if so, with what result ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) On 28th November 1940 and 19th May 1944, to prevent him from acting in any manner prejudicial to the public safety and the maintenance of public order.

(b) Yes ; the circumstances under which he was externed still exist.

(c) First part, No ; second part, does not arise.

Sardar Sohan Singh Josh : May I know whether before the service of this order he has come and lived in the Punjab twice ?

Parliamentary Secretary : The honourable member is giving me information and not asking for information.

Sardar Sohan Singh Josh : May I know whether the reasons advanced now existed at the time when he lived here ?

Parliamentary Secretary : If the reasons had been there different treatment would have been accorded ; at that time no reason existed.

Sardar Sohan Singh Josh : May I know whether he escaped the notice of the Punjab Government when he lived here ?

Premier : I would fill in the details. I made it clear when an adjournment motion was moved on the subject. I made a statement in the House how it was that the notice was not served. He got here, and what followed is all given in my statement.

Sardar Sohan Singh Josh : What are the reasons for externing him from the Punjab? That is not given.

Parliamentary Secretary : The answer is "to prevent him from acting in any manner prejudicial to the public safety and the maintenance of public order".

Sardar Sohan Singh Josh : How did Government come to know that he was intending to do something prejudicial to public interest?

Parliamentary Secretary : From the information received by the Government.

INCREASE IN THE PAY OF POLICEMEN OF THE PROVINCE.

*9386. **Sardar Sohan Singh Josh :** Will the Honourable the Premier be pleased to state—

(a) whether any increase has been effected in the pay of policemen of the province during the current year, if so, its extent;

(b) whether policemen in the province made any representation to the Government in this connection during the present year; if so, the nature of that representation, and whether the Government would place it on the table of the House;

(c) whether it is a fact that they expressed their intention to work without receiving any pay until it was increased;

(d) whether any action was taken against any of those policemen who refused to take their pay, if so, the nature of the action taken?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : (a) The scales of pay of Assistant Sub-Inspectors and lower subordinates of the Punjab Police was revised with effect from the 1st April 1944, and the 1st May 1944, respectively. The old and the revised scales of pay are as follows:—

	Old Scales	Revised Scales
	Rs.	Rs.
Assistant Sub-Inspectors	.. 45—1—60	55—2½—65/2½—75
Head Constables	.. 30—1—41/1—45	35—1—40/1—47/1—50
Foot Constables (Selection Grade)	.. 20—1/3—29	25—1/3—33
Foot Constables (Time-scale)	.. 17—1/3—18—1/7—20	22—1/3—23—1/7—25

(b), (c) and (d) Government had long realised the inadequacy of the scales of pay of the lower ranks of the force and as soon as they were in a position to do so, on the recommendation of the Inspector-General, they carried out a revision. No representation was received in this connection by Government. While the case was in hand there was some impatience in one or two quarters entirely through a misunderstanding. This was set right and no severe disciplinary action was at all necessary.

DISMISSAL OF CAPTAIN SHAUKAT HYAT KHAN.

*9395. **Raja Ghazanfar Ali Khan :** Will the Honourable the Premier be pleased to state whether it is a fact that a few days before Captain Shaukat Hyat Khan's dismissal he had conveyed to the Premier his intention of resigning from the post of Minister, in case he was called upon by the Muslim League to do so; if so, whether the intention was communicated to him in writing or orally?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : No.

Raja Ghazanfar Ali Khan : May I know that the news regarding Sardar Shaukat Hyat's intention to resign was published in the papers a few days before he was dismissed ?

Parliamentary Secretary : News appeared in some papers that Sardar Sahib was prepared to resign.

Raja Ghazanfar Ali Khan : May I know how many days before Sardar Sahib's dismissal did the Parliamentary Secretary read that news that Sardar Sahib was prepared to resign ?

Parliamentary Secretary : I cannot give the date.

Premier : The question is whether a few days before Captain Shaukat Hyat Khan's dismissal he had conveyed to the Premier his intention of resigning from the post of a Minister and the reply is no.

Raja Ghazanfar Ali Khan : The reply given by the Parliamentary Secretary is that news appeared in certain papers that Sardar Sahib was prepared to resign and I am quite satisfied with that reply. Now will the Honourable Premier be pleased to state if it is a fact that he called upon his non-Muslim colleagues to tender their resignations ?

Premier : How does that arise out of the question ?

Raja Ghazanfar Ali Khan : Is it a fact that the Honourable Minister for Finance also tendered his resignation ?

Raja Ghazanfar Ali Khan : Nawab Sir Allah Bakhsh wanted to say something, Sir and I give way because his reply will be more intelligent. (*Laughter*).

Raja Ghazanfar Ali Khan : Does the Honourable Premier remember that when Sardar Shaukat Hyat tendered his resignation he copied it *verbatim* from the resignation which was submitted to the Premier by the Honourable Minister for Finance ?

Premier : This is an improvement on all the statements made up to this day on this matter and I congratulate the honourable member on it.

Mian Abdul Aziz : Is it an improvement from this side or from that ?

Premier : I stated the other day also that the question of resignation was first brought in three or four days after Sardar Shaukat Hyat's dismissal and no reference to it was made at all within that period. When immediately after his dismissal he made a statement to the press no reference to resignation was made nor was any reference to it made when he saw the Governor. It was some days after when the question of politics came in that a statement was issued that some resignation had been given. Now the Honourable Raja Sahib has brought in wider issues. This is the first time that I am hearing about them. The Press was there, the platform was there but up till now nothing was heard.

Raja Ghazanfar Ali Khan : Will the Honourable Premier please state if it is a fact that Sardar Shaukat Hyat told him that his resignation would be tendered either when the Premier decided to part company with the Muslim League or if the Premier thought that he should join the League to strengthen his position and Shaukat should be no more in the Cabinet ?

Premier : I had assurances throughout of blind following. I had no information at all about this. Perhaps the honourable member is referring to what was stated to have appeared in a vernacular paper that a Minister had tendered his resignation to the Qaid-i-Azam. I am not concerned with that.

Raja Ghazanfar Ali Khan : Did the Honourable Premier mention it to a common friend before Shaukat Hyat's dismissal that he had tendered his resignation to the Premier ?

Premier : No, Sir.

Raja Ghazanfar Ali Khan : Is it a fact that the contradiction to the statement of Sardar Shaukat Hyat that he had tendered his resignation appeared several days after that statement appeared ?

Premier : The day I saw that statement, I contradicted it the following morning.

Raja Ghazanfar Ali Khan : Has the Honourable Premier's attention been drawn to the editorial of the 'Statesman' of the 13th December saying that this mystery must be solved by the Premier and the Governor ?

Premier : I am not concerned with what has appeared in that paper. As I stated on the floor of the House the other day I am prepared to discuss this matter provided honourable members opposite give notice of a substantive motion. The Budget session is coming and you will hear all about it. I am also anxious to pour out my heart.

Raja Ghazanfar Ali Khan : Will the Honourable Premier facilitate to bring that time nearer ?

Premier : I cannot bring the Budget session nearer. I myself am waiting for that as I am anxious to have my say on this matter.

Raja Ghazanfar Ali Khan : Is the Honourable Premier prepared to allow us time to discuss this matter ? May I ask him whether after reading the last letter of the Leader of the Opposition, he is prepared to allot a day for the discussion of this matter ?

Premier : That does not arise out of the question. The question is whether any resignation was submitted and the reply is no.

Raja Ghazanfar Ali Khan : Is the Honourable Premier considering the question of bringing a confidence motion and providing an opportunity to discuss this question ?

Premier : That is an insinuation.

Mian Muhammad Nurullah : The Premier talked of blind following. May I ask him whether all the other Ministers are doing the same ?

Mr. Speaker : The next question.

CAPTAIN SHAUKAT HYAT KHAN'S SPEECH AT KARNAL.

*9386. **Raja Ghazanfar Ali Khan :** Will the Honourable the Premier be pleased to state whether it is a fact that after Captain Shaukat Hyat Khan's speech at Karnal in summer, 1943, where he expressed his loyalty to the Muslim League, he was summoned to Simla by the Honourable the Premier; if so, whether the Honourable the Premier advised Captain Shaukat Hyat Khan to abstain from such utterances in future ?

Parliamentary Secretary (Khan Bahadur Shaikh Faiz Muhammad) : I am not prepared to answer on the floor of this House questions concerned with the political utterances of members of the ministry or the advice given to them by the Honourable Premier as Leader of the Party.

Raja Ghazanfar Ali Khan : My question is whether the Premier in his capacity as Premier gave advice to Sardar Shaukat Hyat Khan not to make such utterances ?

Parliamentary Secretary : My honourable friend the Raja Sahib must be very simple if he thinks that the Premier should go on broadcasting what he says to his colleagues.

Raja Ghazanfar Ali Khan : Is it a fact that the Premier sent for Saadur Shaukat Hyat Khan after he had made a speech at Karnal where he expressed his loyalty to the Muslim League ?

Mr. Speaker : Order, order. The time for questions is over.

Raja Ghazanfar Ali Khan : We shall continue this question to-morrow.

ADJOURNMENT MOTIONS

CONTINUED DETENTION OF CERTAIN M.L.As.

Chaudhri Muhammad Hasan : We have decided among ourselves not to move adjournment motions up to No. 57. You may call upon Mrs. Duni Chand to ask for leave to move item No. 57.

Mrs. Duni Chand : 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 continued detention till to-day in jails of 9 members of the Punjab Legislative Assembly, namely, Mr. Deshbandhu Gupta, Pandit Shri Ram Sharma, Sardar Rur Singh, Sardar Harjab Singh, Sardar Kabul Singh, Sardar Partap Singh, Chaudhri Kartar Singh, Mr. Dev Raj Sethi and Sardar Chanani Singh.

Premier : I strongly object to the motion. I have already stated that this motion has been cropping up every morning, not only in this session but in previous sessions also ever since 28rd February 1942. I may draw your attention to the fact that this subject, that is, arrest of M.L.As., was raised on the 23rd February 1942 (Volume XVIII, page 557), but it was ruled out of order for the reason given in the debates. On the next day, that is, 24th February, the same motion was again brought up, leave was given, the motion was discussed and lost—see pages 588 and 631 of the Debates, Volume XVIII. In the same volume at pages 663 and 711 you will find that on 26th February leave was given to discuss an adjournment motion relating to the non-release of certain M.L.As. and it was then discussed and lost. Again from Volume XX, page 62 it will be observed that on 27th October 1942 leave was refused by the House to the moving of an adjournment motion for the arrest and detention of M.L.As. under the Defence of India Rules. The subject again came up during the budget discussion in the course of supplementary demands as may be observed from Volume XXI of the debates, page 81. The matter was again discussed in the course of the general discussion of the Budget on the 11th March 1943—*vide* Volume XXI, page 151 of our debates. It was again sought to raise the matter twice later, that is, on the 6th March and 10th March 1944 by way of privilege motions. Thus it will be observed that the matter has come up before the House several times before and there is also the budget session coming along shortly which will give ample opportunity to the honourable members to raise the subject again, if they so desire. But this is not the way to raise a discussion on the subject over and over again by way of adjournment motions. Adjournment motions are meant to serve a certain specific purpose and this motion cannot serve that purpose. I would therefore, submit that the motion is not in order.

Mr. Speaker : I notice that the detention of these M.L.As. has come up for discussion several times and the Honourable Premier has given reference to pages of our Debates. What have the honourable members got to say ? Is it their point that whenever the House meets this subject should come up for discussion ?

Chaudhri Muhammad Hassan : You were pleased to say the other day that each time and every moment the members are deprived of the opportunity of attending this assembly and taking part in the proceedings each time this matter is of urgent public importance.

Mr. Speaker : Does it follow that an adjournment motion should be moved every day ?

Chaudhri Muhammad Hasan : You ruled the adjournment motion out of order the other day on the ground that it was not pressed at the proper time. Now it has been moved at the proper time, I do not see any reason why it should not be allowed to be moved.

Mr. Speaker : It will be observed that the matter has been discussed on the floor of the House several times.

Sardar Kapoor Singh : I admit that this question has been agitated on the floor of this House several times before. But there is this difference. There was a report recently that the Chief Secretary was pleased to say that the matter of release of these persons was under discussion. A hope was given throughout the Punjab that these persons would be released shortly. In spite of that no release has been made. I am given to understand that in spite of the fact that the recommendation for the release of these prisoners was there, the Honourable Premier is sitting tight over the papers and is not passing orders.

Premier : I must declare that we are not to blame if any false hopes are raised. I have said before that all these cases are periodically reviewed and they are constantly under consideration. That shows that we are not lagging behind. No hopes are ever raised or frustrated. You have already given your ruling, and the House may have a full dress debate in the Budget session on this and other issues.

Sardar Sohan Singh Josh : Mr. Speaker, you were pleased to remark that heavens will not fall if time is given now for the discussion of this subject. As you know this is a very important matter which concerns us very vitally and the whole province is agitated over this question.

Sardar Sampuran Singh : As a matter of fact this matter has never been discussed before the House. It has been referred to several times, but so far discussion on this point has never been allowed.

Mr. Speaker : Could not resolutions be moved for their release? If so, why was not this done?

Raja Ghazanfar Ali Khan : Notices of resolutions had been given but during the last two years Government have not given a single Thursday for non-official resolutions. If you find from your records that there are no resolutions on this subject, then you are perfectly right but when resolutions are there and the Government will not give us a day for discussion, then our position is clear. So far as discussion on the Budget is concerned, our convention so far has been that we take up one particular act of a general nature and discuss the general policy of the Government. There has never been an occasion for discussing this subject.

Sardar Sohan Singh Josh : I want to draw your attention to the fact that a resolution stands in the name of Congress M.L.As. The resolution has been accepted by you but we have not been allowed the opportunity to discuss it because no non-official day is given to us. I, therefore, request you to allow us an opportunity to discuss this matter.

Premier : May I point out, Sir, that this matter was discussed on 3rd March 1943 on Supplementary Demands under the heading 'Arrest and treatment of Congress detenus'? Then during general discussion of the Budget Sardar Santokh Singh, Leader of the Opposition, spoke on this point.

Mian Muhammad Nurullah : The Honourable Premier must know that on general discussion of the Budget no votes are taken. He referred to discussion held on Supplementary Demands. He should know that on Supplementary Demand we can never discuss questions of policy. Discussion there is limited to points raised within those supplementary demands. This is a very wide issue and cannot be discussed either by a supplementary demand or during general discussion of the Budget. We must be given some time now.

Sardar Santokh Singh : May I point out that last year, during the Budget, we had unfortunately to withdraw and the Budget discussion was opened by my friend Shaikh Sadiq Hasan who was at the time on the Ministerial benches. There was no time for us to go into this matter. If during the course of our speeches Dr. Sir Gokul Chand Narang or I made a passing reference to this matter, then it does not mean that there was a full dress debate by this House. May I remind you, Mr. Speaker, that only three days ago you said that every moment is urgent and that heavens would not fall if an adjournment motion is admitted? You wanted to undo your previous ruling which you said was wrong. What has happened during the two days? Why not allow an opportunity to have this discussed? If 85 members rise, in their seats, well and good, if not the whole thing falls through. So, give us Sir, an opportunity of discussing this matter which is of very great importance to the province of the Punjab. There is no matter more important than this. (*Hear, hear*). I would, therefore, request you to let us discuss it.

Premier : In this connection may I point out that the mere fact that somebody could not avail of the opportunity which was there does not entitle him to another opportunity nor does it become recent, nor does it allow another chance. Your ruling is quite correct. The matter has already been discussed. You can refer to the Assembly records. It was by intuition that you gave the correct ruling. You were quite consistent and have come to the right conclusion. I submit that it is not a recent matter.

Sardar Sohan Singh Josh : May I ask why the Government is shy of this question being taken up?

Mr. Speaker : On 8th March 1948, there was a long debate on this very subject. The question of 'arrest and detention of congress detenus' was discussed not only once but many times.

Chaudhri Muhammad Hasan : But here are M.L.A.s.

Mr. Speaker : They are also Congress men.

Dr. Sir Gokul Chand Narang : Sir, the only question now before you is whether this motion is in order or out of order. The Honourable Premier has been stressing the point that during the last Budget session there were some speeches made on this point. The question for your decision is whether, if in a budget session a point has been discussed, there is any rule which precludes the members from moving an adjournment motion in connection with that question. This is the sole question. So far as the importance of the question is concerned, there can be no two opinions. Even the Honourable Premier will agree with me that the question is of the utmost importance. In fact, if I make bold to say, this detention of so many thousands of Congress people is a blot on British administration in this country. It is being more and more prominently recognised all over the world. You must have read in the papers that 127 American citizens submitted a representation to the authorities there that no war effort in India was likely to achieve adequate success so long as these people were shut up behind the bars. I am referring to this only to show that even in America the importance of this question is being recognised. You also know that there is a very wide-spread feeling in Great Britain itself on this question, and many M.P.s. and others have drawn the attention of the British Government there to the sorry state of affairs which has arisen in India in consequence of arrests of a large number of Congress people made by the British Government in this country. When I was speaking on this point on the last occasion, I put a question to the Premier whether they were acting under the instructions from the Government of India or they were themselves responsible for the arrests of these people. He said nothing then but the other day he was pleased to say that orders were passed by him and it has also now been given out by other Governments that these people are under detention under the orders of the provincial Governments. All that the Honourable Premier could say was that they were under

[Dr. Sir Gokul Chand Narang.]

arrest in consequence of the general policy which was initiated publicly, or confidentially by the Central Government.

Premier : Broad principles are laid down by the Government of India and we are in full accord with them.

Dr. Sir Gokul Chand Narang : Yes, certain principles were laid down by the Central Government on which they were acting. But I do not want to discuss those principles, whether they were wrong principles or right principles or whether they were not the result of panic which overtook the British Government without any sufficient cause. I do not want to go into this question nor is it the place or occasion for discussing it. All I was asking the Punjab Government was whether they had acted on their own authority or under pressure from the Central Government. It appears that so far as the arrests of those gentlemen are concerned, they were not dictated by the Central Government. General policy was laid down and in consequence of that policy or according to the interpretation that the Punjab Government put upon that policy a number of individuals were placed under restriction here. I am referring to this simply to show that now the whole blame lies with the Punjab Government and, therefore, I respectfully advise the Honourable Premier not to resist this motion. These people have been arrested and they have been under arrest for a long time, but you will agree with me that it is a continuous wrong and this wrong should come to an end.

Mr. Speaker : Then the matter is not recent.

Dr. Sir Gokul Chand Narang : I was submitting to you that it is a continuous wrong and it is as fresh to-day as it was two years ago when these people were arrested. Their arrest and detention in jails is like a running sore and as long as that sore is running, it requires some medicine and treatment.

Mr. Speaker : The question of recent occurrence is not to be judged by duration only.

Dr. Sir Gokul Chand Narang : Quite right. With regard to this point I can only refer to the remarks which you yourself were pleased to make that every moment of detention in jail gives rise to urgency. When people are shut up without sufficient justification, then it is very urgent that they should be released and not a moment should be lost in releasing them and opening the jail gates for them. The Honourable Premier should utilise this opportunity to show that their detention is justified. If he can prove on the floor of the House that their detention is justified, he will be free from all blame. He should welcome this motion and justify the action which the Punjab Government has taken. Again, Sir, the Honourable Premier was pointing out that we had an opportunity. Why did we not utilise that opportunity to ventilate this grievance? It has been hinted by this side that there had been several reasons why there could not have been a debate on this point. In the first place, Sir, an adjournment motion was moved on the 27th October 1942 and it was admitted by you. You did not rule it out of order. But the difficulty was that the very fact, the very grievance, which they wanted to ventilate here had been responsible for paucity of attendance on this side. Most of the members on this side being in jails, the requisite number of members could not rise in their seats and the motion was defeated as it could not, under the rules, be adopted under those circumstances. It clearly shows that so far as the motion was concerned, it was held in order. Then the Honourable Premier pointed out, "Well, why did they not defeat the budget"? The explanation is the same. If he thinks that the minority has an opportunity of ventilating its grievances only during the budget debate by defeating the budget, then with all respect, I would submit that he is not doing justice to the minority, because by the very nature of things, the minority cannot have its grievance redressed by defeating the budget, because by the very fact that they are a minority, they cannot defeat the budget. It is like

a giant saying to a dwarf, ' why do you not come and have a fight with me, I take off my coat and you take off yours and let us fight '. That certainly will not be a just way of deciding things. Therefore, the argument that they could have defeated the budget by giving votes does not really solve the present difficulty.

Another mode is by way of resolution. I understand that resolutions on this point were submitted, but unfortunately, and it is again a matter on which I have dwelt more than once in this House, the Government has been taking away the time which was really intended for non-official business. Therefore no opportunity was given to this side of the House to discuss this point by means of a resolution. Then again I may submit that if the majority is bent upon defeating the minority, they can adopt another method, and that method has been adopted from time to time by the majority on this side and that is by putting in a large number of their own resolutions so that even when the question of priority comes the minority can be defeated and the minority resolutions will never come up for discussion. I have referred to these things in order to show that so far as this matter is concerned this is the only form in which it can be brought before the House and this is the only opportunity that the minorities can be given to ventilate their views on this point. The only thing that remains for your decision is whether the mere fact that this adjournment motion was moved on the 27th October 1942 and was defeated, would alone debar this side of the House from moving an adjournment motion to-day (*Voices: not defeated*). Leave could not be granted as sufficient number of members could not be found to rise in support of it. That is the only point in fact that you have to decide. You may think that the matter has become old because these people have been in jail for two years or so, but I have not the slightest doubt that that argument would not be a valid argument to rule it out of order. As I have said it is a continuous wrong and every minute it is a fresh question as if those people had been put in jail only yesterday. I would, therefore, submit with due deference that this motion is in order and it ought to be allowed, and I would also request the Premier to let this debate take place: it is not going to break any bones it will only give them an opportunity to have their say and point out if there are any reasons justifying the detention of these people behind the bars. In fact he should welcome this opportunity. That is all I have to say.

Premier: Sir, you have heard what Dr. Sir Gokul Chand has said. I do not want to contradict him. The only point for your consideration is whether it is a recent matter. We have established a convention that the matter was old. There are many matters which have become old and the budget session has passed. If another session is held this matter will not be held as recent because another budget session has passed. This point has to be considered that here is a matter which is admittedly old and is admittedly coming up in the budget session. If the minority did not have the opportunity of carrying their point of view it does not make the matter recent. That is my submission.

Mr. Speaker: There are certain persons who are in jail or are under detention, and some members want them to be released. I think the matter is recent.

Premier: If this is done then this question will always crop up. I must bring to your notice your own ruling which is on record. Your ruling is that this matter is not recent and is out of order.

Mr. Speaker: I said openly in the House that my ruling was not correct. I wanted to revise it but I could not do it without the assent of the House. The unanimous assent of the House was to be obtained and also that of the Leader of the Opposition. He (Leader of the Opposition) had no objection but the Leader of the House did not agree and, therefore, I could not revise my ruling. The ruling has been given.

Premier: That ruling is the healthiest ruling: it is in accord with parliamentary practice. Merely by asserting that the minority did not have a chance the matter cannot be made recent.

Mr. Speaker : If there is any authority for doing so I can revise my ruling.

Premier : There is no need for it. You have given your ruling and it should be adhered to. I call it a golden ruling.

Rai Bahadur Lala Gopal Das : The Leader of the House should let us know what harm will be done in case this adjournment motion is discussed.

Mr. Speaker : I have clearly explained my difficulty. I gave a ruling which I admitted afterwards both openly and privately, was not correct. My ruling is there and I cannot deviate from it so long as it stands. If any authority is produced to the effect that I can revise my ruling I shall certainly do so. *All I can do is that when I consider a ruling wrong I can place it before the House and obtain the unanimous assent of the House for revising it.

Malik Barkat Ali : Where is it laid down that the unanimous assent is necessary for revising your ruling ?

Mr. Speaker : Now my ruling is there and unless it is set aside I must stick to it. Have I power, without the unanimous assent of the House, to revise it ? I am ready to do so, if somebody points out the authority.

Malik Barkat Ali : May I respectfully submit that once it is admitted that your ruling is not correct then the responsibility of giving a correct ruling rests on you, Mr. Speaker, without reference to the Premier or any member of the House.

Mr. Speaker : I cannot change it without the assent of the House.

Malik Barkat Ali : The responsibility is yours. I respectfully submit that there is no authority for the statement that once the Speaker comes to the conclusion that his ruling is wrong he can correct himself only with the permission of the House.

Dr. Sir Gokul Chand Narang : What I want to point out is this. You have yourself admitted, Sir, that you gave a wrong ruling and if you are not prepared to revise it, it means that the evil is going to be perpetuated.

2 p.m.
Apart from that the ruling that you gave was on a different motion and not on this motion. That was on a motion regarding *restrictions imposed on 13 M.L.As. preventing them from coming to this House*. That point is no longer before us. These gentlemen who are now subject matter of the present motion are in jail and the question is why they are being kept in jail. This is entirely an independent question from the one on which you have been pleased to give a ruling. I give you a loophole to get out of your ruling if you want. (*Laughter*).

Premier : My objection was not based on the category under which these persons are being treated ; whether they are kept away from the House or whether they are detained or restricted. My point is that the matter is not of *recent* occurrence. Whatever Dr. Sahib might say, these persons were detained long ago and have been under detention. Therefore the loophole suggested by Dr. Sahib does not serve any purpose. I do not challenge your ruling, Sir, I want to abide by your ruling. We have taken a sufficiently long time over this matter and I would request that the next adjournment motion should be taken up and its admissibility examined.

Dr. Sir Gokul Chand Narang : Sir, this requires your very serious attention. You have admitted that your previous ruling was wrong and that if you want to revise it you can do so only with the unanimous consent of the House. I beg to submit, Mr. Speaker, that you are taking your stand on an extremely technical point. I have already submitted that you can satisfy your conscience and your idea of technicality to the fullest extent by examining these two motions and then holding that they are different. Your previous ruling does not apply to the present motion. You have only to read the two motions to see that they are different.

Premier : Both of them relate to matters which are not of recent occurrence.

Mr. Speaker : I draw the attention of honourable members to *Campion page 188*. It relates to urgency.

The matter upon which the motion is based :—

(a) must have happened recently and be raised at the first opportunity ;

Dr. Sir Gokul Chand Narang : This is the first opportunity. The detention is still there and it is as fresh to-day as it was ever before. You cannot say it is not there. All detentions create urgency.

Lala Sita Ram : Had the matter related to ordinary members of the public or even to the Congressmen in their simple and pure capacity of Congressmen, I would not have stressed the point, as I do not see eye to eye with the Congress views but am rather opposed to them. But my stand rests upon entirely different grounds. My submission is that the matter relates to our M.L.A. brethren who once had the privilege to sit side by side with us in this House. It is not too much therefore, to expect, this little technicality waived off. And even if there is no room for any argument, I think there is one for leniency for our brother members. It is purely for this reason that this motion be allowed to be discussed on the floor of this House.

Dr. Sir Gokul Chand Narang : Apart from that, reference was made to a motion which was discussed on the floor of the House on a previous occasion and it was stated in that connection that since it related to Congress members, it included the M.L.As. My point is this. If a man brings a suit for Rs. 5,000 it may not proceed for certain reasons but a suit for Rs. 2,000 may lie. You cannot rule out this motion which is confined to certain M.L.As. on the ground that a motion in connection with the arrests and detention of a large number of people has already been discussed. You will be pleased to see, Sir, that there are three different motions. One which related to a large number of people and which was moved two years ago ; the second which you have ruled out of order and about which you have been pleased to remark that the ruling was wrongly given by you and the third is the present motion. They are not similar. Therefore even from the technical point of view, you have every right to allow this motion. I am not speaking merely for the sake of speaking. I am quite convinced that if you do not allow this motion you will not be doing the right thing. I submit, that you are not debarred even from a technical point of view to allow this motion to be discussed. Your previous ruling does not in any way stand in the way. I again submit that I am thoroughly convinced of what I am saying otherwise I would not have stood up again and again and taken the time of the House.

Premier : I would request you to give your final ruling on this matter, Sir. You have rightly quoted your authority that the matter must be of recent occurrence. The main problem is of recency. Dr. Sahib has put forth an argument relating to suits. I am not a lawyer, but my argument is based upon commonsense point of view, i.e., part is included in the whole. Moreover the main question of recency is there.

Mr. Speaker : I have heard the learned speeches of the honourable members very patiently and I am very much obliged to them for all that they have stated. I gave a ruling which I pronounced thereafter to be a wrong ruling but it is still there. I want to know if the House will very kindly give their consent to me to change it if I like.

Dr. Sir Gokul Chand Narang : May I just ask you, Sir, if you want to perpetuate for the future generations also the wrong ruling given by you ?

Lala Sita Ram (Trade Union Labour) (Urdu) : Sir, a lengthy discussion has already taken place and I need not prolong the matter unnecessarily. But I have a new submission to make. I wish the Honourable Speaker were not too technical on this point. In my humble opinion he enjoys ample powers to reconsider or amend his own ruling especially when he has now come to the definite conclusion that his first ruling in this connection was somewhat incorrect.

Dr. Sir Gokul Chand Narang : You have admitted that your ruling was wrong and you have also been pleased to make a request to this House to allow you to correct your ruling. Now, I should like to submit that so far as my knowledge goes I am not aware of any authority which compels the Speaker to take the unanimous consent of the House to change his ruling which he admits to be wrong. I say that there cannot be any such authority. Nobody can lay down such a law. If such a law was laid down it would lead to the greatest absurdity in constitutional procedure. If owing to a misunderstanding the Speaker happens to give a wrong ruling which goes in favour of the party in power it will not suit that party to allow the Speaker to correct the ruling. (*Interruption*). There is no question of rules. I am only pointing out that the position which you, Mr. Speaker, have enunciated will lead to greatest constitutional absurdity. I am of course speaking in the technical sense with all possible respect to you, because it will place on record something which is admittedly wrong. You are now taking up the position that you cannot correct your own wrong ruling unless the whole House agrees. I should like you to quote any authority in support of your position. There are able lawyers in the Cabinet, you are yourself an able lawyer and your Secretary also is a capable officer. I would personally be satisfied if any authority is quoted from any constitutional law to show that a Speaker once he has given a wrong ruling which he himself confesses to be wrong cannot correct it unless the whole House gives him permission to do so. I personally feel that that will lead to height of absurdity.

Mr. Speaker : But here the position is different. I once disallowed a motion even though it may be a wrong ruling. Now almost identical motion is before the House.

Chaudhri Muhammad Hasan : No, Sir. There is a difference.

Mr. Speaker : The difference is not fundamental.

Dr. Sir Gokul Chand Narang : It may be only technical.

Mr. Speaker : My difficulty is this. That after giving a ruling disallowing a motion can I hold another identical motion in order ?

Dr. Sir Gokul Chand Narang : Have you any authority to show that you must have the consent of the House to correct your ruling ?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : I will refer you to the well-known book 'The Speaker of the House of Commons.' Unfortunately I have not got that book now before me. There you will find that the Speaker has never been taken to be infallible. Speakers have made mistakes even in the House of Commons.

Mr. Speaker : Can the honourable member cite any authority ?

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : If a Speaker gives a wrong ruling and he cannot subsequently correct it except with the unanimous consent of the whole House, the necessary result would be that that wrong ruling would continue to remain wrong. That would be an absurdity.

Mr. Speaker : The honourable member will please draw my attention at 4.15 to-day to any authority he may have in support of his contention. Meanwhile the House may proceed to consider the next adjournment motion.

Raja Ghazanfar Ali Khan : I understand that you have not yet decided the fate of the adjournment motion. You have asked us to show an authority at 4.15 p.m. and if we show the authority and you are satisfied—

Mr. Speaker : That is the reason why I have not given my ruling expressly.

Raja Ghazanfar Ali Khan : My point of order is, can we take up the next adjournment motion when the first has not been decided ?

Mr. Speaker : The next two motions are not so identical with the one before us.

Raja Ghazanfar Ali Khan : My point has not been answered. What will happen to the present adjournment motion? You have reserved your ruling on this adjournment motion. Supposing you were to take up another adjournment motion and declared it in order, then when will that motion be discussed? What will happen to the present one in case you decide that it is in order?

Mr. Speaker : I will give my ruling before 4-30, and the right motion will be taken up. If I hold this one in order, then this will be taken up.

Raja Ghazanfar Ali Khan : What will happen to the present motion which has been discussed so far?

Dr. Sir Gokul Chand Narang : I hope more light will dawn.

Mian Abdul Aziz : You will be pleased to see that adjournment motion No. 57 is left in abeyance for want of your ruling.

Mr. Speaker : If you are so very keen to have my ruling, my ruling is that unless my ruling on the motion which I disallowed the other day is set aside or revised I must follow it.

Dr. Sir Gokul Chand Narang : Then make a formal request to the House for setting aside your previous ruling.

Mr. Speaker : Have I the assent of the House to revise that ruling?

CONTINUED RESTRICTION ON CERTAIN M.L.A.S.

Mrs. Duni Chand : 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 continued restriction till this day of 13 members of this Assembly belonging to the Congress Party.

Premier : This is substantially the same as the one which has already been ruled out of order.

Mr. Speaker : Yes. So also are the next two motions relating to the detention of Sardar Rur Singh and Lala Duni Chand.

RESTRICTIONS ON DR. SANT RAM SETH, M.L.A.

Sardar Kapoor Singh : 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, imposition of restrictions upon Dr. Sant Ram Seth, M.L.A., and thus preventing him from attending the session of the Punjab Legislature.

Premier : It is the same as those which have been ruled out of order.

Mr. Speaker : The principle underlying is the same.

Sardar Kapoor Singh : It is not the same. There it was the question of continued detention. Here it is a different thing. Dr. Sant Ram Seth was released recently and some restrictions have been placed on him. He was released less than two months ago.

Premier : He is still restricted. He is under parole, to attend to his daughter.

Sardar Kapoor Singh : It is a wrong statement made by the honourable member. He is not under parole. He has been released and certain restrictions have been placed upon him.

Premier : What is the distinction?

Mr. Speaker: Is the honourable member perfectly sure that he was released?

Sardar Kapoor Singh: Yes, Sir.

Mr. Speaker: What has the Honourable Premier got to say?

Premier: He has been released by my order, under restrictions.

Sardar Kapoor Singh: My motion relates to those restrictions. It is admitted by the Honourable Premier that he has been released under certain restrictions. It is a matter of recent occurrence and of the utmost importance.

Mr. Speaker: It is very much different from the previous case. 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, imposition of restrictions upon Dr. Sant Ram Seth, M.L.A., and thus preventing him from attending the session of the Punjab Legislature. Any objection?

No objection having been taken, the motion was put down for discussion at 4-30 p.m.

(At this stage Mr. Speaker left the Chair and it was occupied by Mr. Deputy Speaker).

AGRICULTURAL PRODUCE MARKETS (AMENDING) BILL

Mr. Deputy Speaker: The Assembly will now resume discussion on the Agricultural Produce Markets (Amendment) Bill.

Raja Ghazanfar Ali Khan (Pind Dadan Khan, Muhammadan, Rural) (Urdu): Mr. Deputy Speaker, the other day I dealt with clause 2 of the amending Bill and I had practically finished what I wanted to say about it. In fact what we are urging is that no such restriction, that he would not be allowed to take out a licence for the setting up of business in a grain mandi unless he has been engaged in that business for the last three years, should be imposed on a trader. If any one of His Majesty's subjects, let him be a Hindu, a Sikh or a Muslim, wants to start business in a grain mandi he should not be debarred from doing so. The reason why I am urging this is that my party, on whose behalf I have the honour to make this speech, has issued a manifesto in which great stress has been laid on the point that the zamindars and particularly the backward classes be encouraged and persuaded to take to trade and commerce, and in view of that I have been instructed to oppose this amendment till the Honourable Minister undertakes to withdraw that circular under the provisions of which this restriction has been imposed that only those traders can take out licences who had been engaged in business in grain mandies for the last three years.

Minister for Development: There is no such restriction.

Nawab Muzaffar Ali Khan Qizilbash: The honourable member is mixing up the discussion with the Civil Supplies circular order. Three years time has been fixed for the Civil Supply depots and not for licences. Anybody can take a licence.

Raja Ghazanfar Ali Khan: You do not understand.

Minister for Development: What the honourable member is saying is irrelevant. He is mixing up licences under Food Grains Control Order with the licences under the Marketing Act. Three years is under the Food Grains Control Order and not under this Bill. So far as that order is concerned it has nothing to do with the Marketing Act.

Raja Ghazanfar Ali Khan: What I want to know is whether or not that order is there. If the order exists will Government withdraw it? My question is very simple and my demand is that the order be withdrawn.

Minister for Development: We will not withdraw it.

Raja Ghazanfar Ali Khan : The Honourable Minister has become angry. Well he has categorically stated that the said order will not be withdrawn. I never expected such a reply from the Honourable Minister. But to-day he has cleared it beyond any doubt that the said order shall not be withdrawn. Sir, under the provisions of that order all those persons or communities who have not been engaged in business so far are purposely being debarred from taking to business. I am quite confident that so long as this department remains in the charge of the Honourable Minister for Development such things will happen daily. He may please himself but I warn him that we are a mighty party and when we get power we shall upset this unjust order. So long as he is in charge of the Department he may deprive us of taking to business but the day will surely come when he will have to answer for his deeds.

Minister for Development : That has nothing to do with the amending Bill.

Mr. Deputy Speaker : May I request the honourable member to discuss what is in the Bill and not go beyond it?

Raja Ghazanfar Ali Khan : I have already stated that the object of this amendment is to restrict the conditions of licences. Sir, it has been pointed out in the objects and reasons appended to this Bill that during the working of the Agricultural Produce Markets Act certain defects have been discovered and it is for the removing of those defects that the said Bill has been introduced in the House. What are those defects? Under the provisions of this Bill if any person carries on business for himself or on behalf of any other person or of the Crown, he will be required to take out a licence. Previously he could do without it and now he will not. This is one defect which has been removed. I ask, is this or is this not the object of this clause? In other words it means that when Government discovered that certain loopholes had remained in the Act due to which a person who has not taken out a licence, can do business in a grain mandi, they brought forward this amendment to close them. So long as this amendment is not made, a person can do or set up business in a mandi without a licence. Now this amendment is being removed to tighten the conditions of licences. Is this or is this not the object of this clause? (*Honourable Members :* No, no.) If this is wrong then I think I have not been able to understand the object of this clause. I have already stated that much of the time of the House is wasted because Honourable Ministers move such Bills without elucidating their objects and reasons. In no other legislature does it ever happen that Ministers sponsor measures without clarifying their object.

Mr. Deputy Speaker : May I again request the honourable member to discuss what is in the Bill and not go beyond it?

Raja Ghazanfar Ali Khan : But unlike other legislatures here Ministers move the consideration of Bills without making a speech. I ask, is it not necessary that the objects and reasons of this Bill be explained so that those who intend to participate in the debate on it may know them before they oppose or support it? The Honourable Minister introduced this Bill just now without making a speech in regard to it. After that the honourable members begin discussing it and then the Honourable Minister rises up and says that we have not understood the meaning of the Bill at all. How should we understand it unless he tells us its object? Sir, in all the parliaments of the world it is a set rule that before the second reading of a Bill the Minister-in-charge clarifies the objects and reasons of the measure sponsored by him. But it is amazing that the Honourable Minister introduced this Bill without making a speech in regard to it.

Now, Sir, I come to clause 3 of the amending Bill. I hope that if, what I am going to say, is not correct the Honourable Minister will very kindly correct me. Its object is that if the duration of office of members of the Market Committees, which have been set up under the provisions of the Agricultural Produce Markets Act, expires and new members are not appointed to succeed them they will continue to hold office.

[Raja Ghazanfar Ali Khan.]

I ask whether this is or this is not the intention of this amendment. Have I understood the meaning of this clause or not? The members of the market committees are appointed for 3 years and after the expiry of that period if Government do not appoint new members the same old members will continue to hold office. If this is the object of the amendment I strongly oppose it and the reason for this is quite apparent.

Besides the Market Committees there are other local bodies such as district boards, cantonment boards and municipal committees for whom so far not one such law has been made which provides for the continuance in office of its members, after their term has expired, until their successors are appointed. But here in respect of the market committees, the Government are going to adopt this novel procedure. I am sure this matter will be taken to the courts who will have to decide whether it was right or not on the part of the Government to have done so. At present I only wish to save the time of the Government by pointing out to them the absurdity of such a provision. If they want them to continue for three years, cannot they appoint a new committee after the expiry of their term of office? I would respectfully submit that the principle on which this amendment is being made is wrong, improper and unjust. The reason why this step is being taken by the Government has not been confided to us. There is nothing in our possession from which we could know the object of this amendment except the Statement of Objects and Reasons. Even the Honourable Minister did not enlighten us on this point at the time of introducing this Bill. The Statement of Objects and Reasons speaks of 'defects and lacunae' but does not specify their nature. If in these circumstances I depend on inference and assumption, I am not to blame. In case the Honourable Minister does not let his temper get the better of his sense of fairness, I would say that one of the motives in bringing forward this amendment is that the Government want to keep a firm hand on the members of the market committees. Instead of their usual term of 3 years they will be retained for 6 years. Now, this is a state of affairs which exists neither in the District Boards, the Cantonment Boards nor in any other local body for that matter. All that the Government can do is to extend the term of the body itself but not of its individual members. If that were their intention they could have sought the extension of the tenure of the market committee instead of that of an individual member.

I would like to read out the actual words of the amendment before the House. It runs as follows:—

Unless there be delay in appointing a new member to succeed the member first mentioned above, in which case it shall expire on the date on which his successor is appointed by the Government

There you are. It is for 'a member' and not for the committee. Extension in the terms of district boards and committees is a common occurrence but an extension in the terms of individual members is unheard of. The Government want such a member to continue so long as his successor is not appointed. In other words it might mean 10 or 20 years as the Government may desire. When the term of a member expires the Government will on the pretext of finding his successor allow him to remain in office, on sufferance as it were, and thus would get him to do as they desire. In the meantime it will be given out that a new member has yet to be appointed, so that the poor member will, in the hope that the Government may let him go on for two or three years more, try to please and accommodate them in all their illegitimate demands.

Minister of Education : For how long can this be done?

Raja Ghazanfar Ali Khan : According to this amendment they themselves can do this or make the committee do so as long as they like. Anyhow the question is whether this amendment is at all necessary? Why do they not appoint a new member in place of the one whose term has expired? There is nothing in this Bill which could be worthy of the attention of this House. Both the amendments are

unnecessary and dangerous. In fact the Government want to take those rights back from the committees which were granted to them under the Act in force at present. It would be dangerous to arm the Government with more powers of patronage. (*Chaudhri Sumar Singh*: They will stand you in good stead when you come into power). No Sir, we have no use for such absurd laws. If at any time the affairs of this province are entrusted to us we will lose no time in repealing such laws. (*Hear, hear*). We are not like the Ministers of this Government who in their intoxication of wealth and power scowl at us. No amount of wealth and power can deflect us from the path of duty. The Government have adopted an unfair and overbearing attitude towards us, but our party is determined to treat it with the contempt it deserves. The Honourable Minister would have done much better if he had tried to remove our misunderstanding with reason and argument rather than by disdainfully frowning at us. If we had made a mistake in interpreting the amendment, he should have come forward with a smile and corrected us. I can sincerely assure him that I have interpreted it to mean what I have stated before the House. Even now if he cares to remove the misunderstanding, I would be only too glad to correct myself. I have no quarrel with the provision about obtaining a licence in this Bill. It is the proof of previous claim on this trade, as required by your notification, which I am pitted against. According to this circular commercially backward sections of the population cannot do any business in agricultural produce. I have no hesitation in submitting that if this notification is withdrawn, I will not oppose this Bill.

Sir, I do not wish to take any more time of the House. I am thankful to you and the Honourable Ministers for allowing me to have my say. I can assure the House that if I had not believed the matter to be of vital importance I would never have made such a long speech.

Chaudhri Ram Saroop (Rohtak Central, General, Rural) (*Urdu*): Sir, I have been hearing for three days that these amendments are full of harm for the zamindars and they should not be passed at all. I have thoroughly studied the marketing rules and I have totally failed to find out anything objectionable there. He says that the Food Grains Control Ordinance does not permit a new entrant to do trade and that a licence is compulsory and only those people can get licence under it who are already doing this trade for the 3 previous years. I want, Sir, that this misconception must be removed at the earliest opportunity. If it is baseless and wrong then whatever Raja Sahib has said for three long days is totally immaterial and useless and in that case we must not waste time but the measure must be passed without any delay. I hope that the Honourable Minister will try to clear these doubts of ours.

Minister for Development: It is only under the Defence of India Rules that these licences are required and the honourable member must be knowing that these are simply emergency measures.

Chaudhri Ram Saroop: Now the position is crystal clear, Sir, and only under the Food Grain Ordinance a licence is needed for the purpose of exports outside the province. Such exports and imports are the concern of the rich only and the petty zamindars have nothing to do with it. Moreover, it is very easy for the grower to secure a permit. Now that doubts have been cleared, there seems to be no reason for opposing such a healthy measure on totally unhealthy grounds.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*): Sir, I want to place one or two very important things before the House. In the statement of Objects and Reasons it is said that some defects have been detected in the working of this Act and now this measure has been brought forward to remedy those defects. It would have been much better on the part of the Honourable Minister to tell us, while moving this measure, what were those defects which have necessitated this measure. Sir, I would like to submit without any hesitation that all these so-called "defects in

[S. Kapoor Singh.]

the working are simply lame excuses but the real reasons are definitely far different from what we are told. I understand that in the past irregularities had been taking place and this measure has been brought forward to shelter them. They want to rescue their party people and, therefore, they are hurrying this measure through the House. They want to bury those wrongs deep and these amendments will make their job much easy. Owen Roberts purchased heaps of wheat for the Crown and I can dare say, Sir, that he did not possess the necessary licence. The proposed clause has been brought forward with a view to benefit only those members who are connected with big firms. It will not be out of place to mention here that my honourable friend Raja Ghazanfar Ali Khan happens to be the member of the Northern India Zamindara Syndicate. So far as this firm is concerned, I wish to submit that no licence whatsoever was obtained for it. Honourable Premier and Honourable Minister of Development also happened to be the members of the said Syndicate.

Nawab Sir Allah Bakhsh Tiwana : The Honourable Premier is not here. But I can assure the honourable member that the Honourable Premier is not a member of that Syndicate.

Minister for Development : The honourable member has again brought up this question. I challenge him or any other honourable member on those benches to prove the allegation. The honourable member should take these words back.

Sardar Kapoor Singh : The Honourable Minister of Development wants me to take my words back, but I make bold to say that the Honourable Minister of Development happens to be a member of that Syndicate.

Minister of Development : I again challenge him to prove that.

Sardar Kapoor Singh : May I know from the Honourable Minister of Development whether or not he was a shareholder of the said Syndicate?

Minister of Development : I repeat my challenge and ask him to prove it here in the House or outside.

Sardar Kapoor Singh : Sir, I do not intend entering into details in regard to this matter except this submission that Raja Sahib and others happened to be the members of that Syndicate and none of these honourable members had applied for or obtained any licence. It was very essential for them to obtain the licence but they did not care to do so and the Government too did not take any action against them. Now-a-days we see poor people entering into business without any licence, being caught red-handed and prosecuted in the courts, and such cases appear daily in the newspapers. The big businessmen are free to do whatever they like and there is nobody to see whether they possess any licence or not. These businessmen resort to various uncalled for practices and there is nobody to take any action whatsoever against them. Now my Honourable friends sitting on the Treasury Benches feel that some day these big businessmen are sure to be caught red-handed and this is why the proposed clause, now before the House, has been brought forward. It will not be out of place to mention here that excepting the firm of my honourable friend Sardar Santokh Singh who has already obtained licence for it, all the big firms have not obtained any licence so far. In this connection I wish to submit that it is no use inserting the words "either for himself or on behalf of another person or of the Crown".

Now I wish to make some observations in regard to the other clause. The passage of this Bill in 1939 aroused agitation and resentment about the constitution of the Marketing Committees, as a result of which *Hartal* was observed in the province for about a month. The dealers boycotted sending any members to the Marketing Committees on the ground that they are replete with defects. I wish to point out that the dealers are not represented in those committees and they have boycotted

sending any member to these committees on the ground that Government seems to be desirous of keeping the nominated members there. The Government, as a matter of fact, want to extend the term of their membership till eternity. This is all unfair on the part of the Government. I am therefore of the opinion that the dealers who boycotted sending members to these committees are justified. According to the proposed clause a person, nominated by the Government to be a member of the Marketing Committee, can continue holding office of membership for thirty or forty years. My respectful submission is that the district boards have also been recommending the names of certain members to be nominated as the members of the marketing committees, but I am sorry to say that no heed has been taken to consider these recommendations. Government have intentionally been avoiding nomination of those persons who have duly been represented by the district boards and the dealers. It seems that Government want to gain the good will of those members who are already working in the marketing committees, by extending the period of their membership till eternity. I would request the Honourable Minister of Development that, while making appointments of new members, he must see that dealers are appointed. In fact dealers should be given an opportunity to send their members because previously they were not given any opportunity to do so. It is but meet and proper on the part of the Government to put an end to their practice of nominating whomsoever they like. The amendment now before the House is very important and I request the honourable members of this House in general and the Honourable Minister of Development in particular to give an opportunity to dealers to send their members. With these words, Sir, I strongly support the amendment now before the House.

Minister of Development (The Honourable Sardar Baldev Singh): I wish I had spoken in the beginning when I moved for the consideration of the Bill. If I had done so, we might have avoided all this irrelevant talk that has been going on for the last two days. I can understand Raja Ghazanfar Ali Khan making a long and irrelevant speech, but I cannot really understand my friend, Sardar Kapoor Singh. He represents an important organisation, the Congress, and if this is the attitude of that important political organisation on a minor matter of this nature, then the only thing I can say is 'God help them'.

Sardar Kapoor Singh: We can help ourselves.

Minister of Development: The first objection that has been taken is to the amendment to section 4. Local authorities have held that the word 'person' does not include Government. In this connection I should like to mention that there is only one firm in this province which purchases on behalf of Government and that is Messrs. Owen Roberts and Co., Ltd. Ever since I took charge of this department in 1942 this matter has been under discussion and it has been going from one department to another and ultimately it has been held that Messrs. Owen Roberts & Co. were not representatives of Government and that therefore they were not required to take out a licence under this Act. That is the opinion of the legal advisers of the Government and that is why we have brought forward this amending Bill. There is no other ulterior purpose behind this measure. There is not the slightest desire to deprive any section or community of their right to trade in whatever manner they like. I am sorry Raja Sahib is now not present in the House, but I may assure him that every community will get its due share in the trade of this province. He said that under the Food Grains Control Order unless a person has been in the business for three years he cannot get a licence to do that business. I say that this is a mis-statement of facts. The firm of which Raja Sahib was a member, the Zamindara Syndicate was formed, if I am not mistaken, in 1942. That firm took out a licence and a licence was given under the Food Grains Control Order. That is not the only instance to prove the mis-statement of Raja Sahib. I can cite hundreds of people who have been given licences under the Food Grains Control Order throughout the province.

Khan Bahadur Shaikh Karamat Ali : Is it or is it not a fact that you were pleased to issue instructions to deputy commissioners that no new person who has not been carrying on his trade for the past three years should be issued a licence for dealing in grains ?

Minister of Development : If my honourable friend had waited for a minute he would have got his answer. I was myself coming to that point. Instructions have gone to district magistrates in order to avoid everybody coming into the trade. The instructions do not say that such and such an individual or such and such a body or community should not be given the licence. The district magistrates have been allowed discrimination to grant licences if they are satisfied that a certain individual has been in the trade or knows that trade. I may tell the House that there are hundreds of individuals and firms which have got licences under the Food Grains Control Order during the last two years and-a-half.

Khan Bahadur Shaikh Karamat Ali : But my question remains unanswered.

Minister of Development : I shall clear his point in a minute. No rigid instructions have been given to district magistrates. There are no rigid instructions that no licence should be given where a district magistrate is satisfied that a certain individual or a firm has been in that trade.

I was saying that Messrs. Owen Roberts & Co. have been doing business on behalf of Government and the legal authorities have come to the conclusion that they are not subject to the operation of the Marketing Act and that therefore they need not take out a licence under the law. In order to bring that firm on a level with other firms we have brought forward this amending Bill. I fail to understand what possible objection there can be to this amendment from the Opposition. I may point out that some of the members sitting opposite, when they were on this side raised the objection as to why this firm should have preferential treatment as against Indian firms. I do not know what new circumstances have arisen during the last few months for them to have become staunch supporters of this firm.

The next question is about the extension of the life of the present marketing committees. Due to several reasons and particularly due to the fact that our deputy commissioners are over-worked and also due to the fact that the trading community and the district boards have taken more interest in those marketing committees, district magistrates could not send in their recommendations in time. We wanted to give the fullest possible opportunity to every community and every trading organisation to represent their case to the district magistrates. Now the district magistrates have heard their objections and recommendations, they will submit proposals to Government and a decision will be taken in a month or so. But it is necessary to validate whatever has been done during these months by the marketing committees and it is therefore necessary to amend this clause; and in order to safeguard in the future we have made the same provision that exists in the local bodies and municipalities, that is in future on occasions like this when marketing committees cannot be nominated in time, Government should have power to extend their life for a short period. I want to tell the House one thing in regard to the baseless allegation made by Sardar Kapoor Singh. We do not wish to keep the nominations to these marketing committees pending in order to catch the votes of some members by nominating them to these committees. Nothing of that sort. I will only say this that we could not nominate the members of the marketing committees in time.

As regards the other amendments, they are of a minor nature and I need not take up the time of the House in dilating on them. With these few words I suggest that we proceed with the consideration of the Bill.

Mian Abdul Aziz : May I ask one question of the Honourable Minister? Is it not a fact that he is restricting the issue of licences to people who have not been in the trade for the past three years?

Minister of Development : I have already replied to this question that licenses have been given to those people who started their trade during the last three years. There is absolutely no bar to anybody getting the licence.

An Honourable Member : I move—

That the question be now put.

The Assembly divided: Ayes 64, Noes 26.

AYES 64

Abdul Haye, The Honourable Mian.	Muhammad Akram Khan, Khan Bahadur Raja.
Abdul Rab, Mian.	Muhammad Ashraf, Chaudhri.
Abdul Rahim, Chaudhri (Gurdaspur).	Muhammad Faiyaz Ali Khan, Nawab-zada.
Abdul Rahim, Chaudhri (Gurgaon).	Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
Ahmad Yar Khan, Khan Sahib Chaudhri.	Muhammad Jamal Khan Leghari, The Honourable Nawab Sir.
Ali Akbar, Chaudhri.	Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik Sir.	Muhammad Sarfraz Khan, Raja
Amjad Ali Shah, Sayed.	Muhammad Yasin Khan, Khan Sahib Chaudhri.
Asghar Ali, Khan Sahib Chaudhri.	Muhammad Yusuf Khan, Khan.
Ashiq Hussain, The Honourable Nawab, Major.	Mula Singh, Sardar.
Badr Mohy-ud-Din Qadri, Khan Sahib Sayed.	Muzafar Ali Khan Qisilbash, Nawab Sardar.
Baldev Singh, The Honourable Sardar.	Muzaffar Khan, Khan Bahadur Captain Malik.
Brijraj Saran, Kanwar.	Naunihal Singh Mann, Captain Sardar.
Faiz Muhammad, Khan Bahadur Shaikh.	Nur Ahmad Khan, Khan Bahadur Mian.
Ferman Ali Khan, Subedar-Major Raja.	Pir Muhammad, Khan Sahib Chaudhri.
Fateh Jang Singh, Captain Bhai.	Prem Singh, Chaudhri.
Fateh Khan, Khan Sahib Raja.	Prem Singh, Mahant.
Fateh Muhammad, Captain Mian.	Pritam Singh Siddhu, Sardar.
Fateh Sher Khan, Malik.	Rallia Ram, Mr. K. L.
Fazal Din, Khan Sahib Chaudhri.	Ram Sarup, Chaudhri.
Fazal Karim Bakhsh, Khan Sahib Mian.	Riasat Ali, Khan Bahadur Chaudhri.
Guest, Mr. P. H.	Ripudaman Singh, Rai Bahadur Thakur.
Gurbakhsh Singh, Sardar.	Roberts, Sir William.
Habib Ullah Khan, Khan Bahadur Malik.	Sardar Khan Noon, Major Malik.
Haibat Khan Daba, Khan Bahadur Khan.	Sher Singh, Sardar.
Hans Raj, Bhagat.	Sultan Mahmood Hotiana Mian.
Harnam Das, Lala.	Sumer Singh, Rao Sahib Chaudhri.
Harnam Singh, Captain Sodhi.	Tara Singh, Sardar Sahib Sardar.
Het Ram, Rai Bahadur Chaudhri.	Tikka Ram, Chaudhri.
Indar Singh, Sardar Bahadur Sardar.	Wali Muhammad Sayyal Hiraj, Khan Bahadur Sardar.
Jafar Ali Khan, Chaudhri.	
Jogindar Singh Man, Sardar.	
Lal Singh, Sardar.	
Manohar Lal, The Honourable Dr. Sir.	

NOES 26

Abdul Aziz Mian.	Mumtaz Muhammad Khan, Daultana, Mian.
Akbar Ali Pir.	Nasrullah Khan, Rana.
Amir-ud din, Khan Bahadur, Mian.	Nawazish Ali Shah, Sayed.
Bhagat Ram Choda, Lala.	Raghibir Kaur, Shrimati.
Bhagat Ram Sharma, Pandit.	Roshan Din, Khan Bahadur Chaudhri.
Duni Chand Mrs.	Sadiq Hassan, Shaikh.
Ghazanfar Ali Khan, Raja.	Sahib Dad Khan, Khan Sahib Chaudhri.
Ghulam Samad, Khan Sahib, Khawaja.	Sahib Ram, Chaudhri.
Kapoor Singh, Sardar.	Shahadat Khan, Khan Sahib Rai.
Karamat Ali, Khan Bahadur, Sheikh.	Shaukat Hyat-Khan, Sardar.
Muhammad Ameen, Khan Shaib Sheikh.	Sohan Singh Josh, Sardar.
Muhammad Hasan, Chaudhri.	Taja Singh, Sardar.
Muhammad Nurullah, Mian.	
Muhammad Wilayat Husain Jeelani,	
Makhdumsada Haji Sayed.	

Mr. Deputy Speaker : The question is—

That the Punjab Agricultural Produce Markets (Amendment) Bill be circulated for eliciting public opinion thereon by the 1st March 1945.

The motion was lost.

Mr. Deputy Speaker : The question is—

That the Punjab Agricultural Produce Markets (Amendment) Bill be taken into consideration.

The motion was carried.

Mr. Deputy Speaker : The Bill will now be taken up clause by clause.

CLAUSE 2

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I move :

That in line 6, between the words "persons" and "or" the words "or a clearing agent of the Punjab Government" be inserted.

Clause 2 says :

In subsection (2) of section 4 of the Punjab Agricultural Produce Markets Act, 1939 (hereinafter referred to as the "said Act" after the word "shall" where it first occurs, the words "either for himself or on behalf of another person, or the Crown" shall be inserted.

Now if you incorporate my amendment it will read towards the end, "either for himself or on behalf of another person or a clearing agent of the Punjab Government or of the Crown." There is a great difference between the two. The clearing agents of the Punjab Government were created only a few years ago. They are the creation of the special conditions of supply and adjustment of supply in this province since control started because the Government buys according to a certain policy of its own and then under that policy it gives certain firms certain permits as they are called and according to those permits they supply to the Government those articles which are needed by the Government. Then as soon as that quota required at a time to be purchased in the market is distributed amongst those favoured few owners of permits or firms which are allowed to get their permits, those firms approach these clearing agents and these clearing agents arrange things for them. This function has been performed by the clearing agents for the last two years. The number of clearing agents in the beginning was limited to six firms and recently, I learn, it has been increased by about 15. Any way this point has been raised on the floor of this House, that certain firms could not get licence or did not get licence and a lot of the time of the House has been taken up in this matter. The point is still under dispute and some of the honourable members of this House want to know whether the firm of which Raja Ghazanfar Ali was for some time a member did get a licence in time or not. That was also a firm of clearing agents.

I do not know whether that firm of clearing agents has been paying the marketing fee that every firm should have paid in that marketing area. If they have not been paying that fee it means a huge loss for that particular committee. If that is so I feel that the funds of those marketing committees must not suffer to that extent and if the public are to get any benefit from these marketing committees, they should not be made to suffer, as we know some of these marketing committees have been doing very useful work and they have done very great service to the public. Now if you make them suffer this loss unnecessarily, their funds suffer and the aims, objects and ideals and the benefit they give to the public suffer. Therefore in order to make full use of those marketing committees and get full benefit for the public, we must tax every body, whether it is the firm or the Crown or the clearing agent, or whether it is A, B, C. or Z within that market area, doing this business. I therefore move my amendment.

Mr. Deputy Speaker : Question is—

That in line 6, between the words "persons" and "or" the words "or a Clearing Agent of the Punjab Government" be inserted.

The Assembly divided : Ayes 28, Noes : 60.

AYES 28

Abdul Aziz, Mian.	Muhammad Sarfraz Khan, Chaudhri
Abdul Hamid Khan, Sufi.	Muhammad Wilayat Hussain Jeelani, Ma-
Abdul Rahim, Chaudhri (Gurdaspur).	khdumzada Haji Sayed.
Akbar Ali Pir.	Mumtaz Muhammad Khan Daulatana,
Amir-ud-Din, Khan Bahadur Mian.	Mian.
Bhagat Ram Choda, Lala.	Nasrullah Khan, Rana.
Bhagat Ram Sharma, Pandit.	Nawazish Ali Shah, Sayed.
Duni Chand, Mrs.	Raghubir Kaur, Shrimati.
Ghazanfar Ali Khan, Raja.	Roshan Din, Khan Bahadur Chaudhri.
Ghulam Mohy-ud-Din, Khan Bahadur	Sadiq Hassan, Sh ikh.
Maulvi.	Sahib Dad Khan, Khan Sahib Chaudhri.
Ghulam Samad, Khan Sahib Khawaja.	Sahib Ram, Chaudhri.
Iftikhar Hussain Khan, Nawab.	Shaukat Hyat-Khan, Sirdar.
Kapoor Singh Sardar,	Sohan Singh Josh, Sardar.
Karamat Ali, Khan Bahadur Shaikh.	Teja Singh, Sardar.
Muhammad Nurullah, Mian.	

NOES 60

Abdul Haye, The Honourable Mian.	Fateh Muhammad, Captain Mian.
Abdul Rahim, Chaudhri (Gurdaspur).	Fateh Sher Khan, Malik.
Abdul Rahim, Chaudhri (Gurgaon).	Fazal Karim Bakhsh, Khan Sahib Mian.
Ahmad Yar Khan, Khan Sahib Chaudhri.	Ghulam Qadir Khan, Khan Bahadur.
Ali Akbar, Chaudhri.	Ghulam Rasul, Chaudhri.
Allah Bakhsh Khan, Khan Bahadur	Gurbakhsh Singh, Sardar.
Nawab Malik Sir.	Habib Ullah Khan, Khan Bahadur Malik.
Amjad Ali Shah, Sayed.	Hans Raj, Bhagat.
Asghar Ali, Khan Sahib Chaudhri.	Harnam Das, Lala.
Ashiq Hussain, The Honourable Nawab	Harnam Singh, Captain Sodhi.
Major.	Het Ram, Rai Bahadur Chaudhri.
Badr Mohy-ud-Din Qadri, Khan Sahib	Indar Singh, Sardar Bahadur Sardar.
Sayed.	Jafar Ali Khan, Chaudhri.
Baldev Singh, The Honourable Sardar.	Jogindar Singh Man, Sardar.
Brijraj Saran, Kanwar.	Lal Singh, Sardar.
Faiz Muhammad, Khan Bahadur Shaikh.	Manohar Lal, The Honourable Dr. Sir.
Farman Ali Khan, Subedar-Major Raja.	Mohi-ud-Din Lal Badshah, Sayed.
Fateh Jang Singh, Captain Bhai.	

Muhammad Akram Khan, Khan Bahadur Raja.	Muhammad Yasin Khan, Khan Sahib Chaudhri.
Muhammad Ashraf, Chaudhri.	Muhammad Yusuf Khan, Khan.
Muhammad Azam Khan, Khan Sahib Sardar.	Naunihal Singh Mann, Captain Sardar.
Muhammad Faiyaz Ali Khan, Nawab-zada.	Nur Ahmad Khan, Khan Bahadur Mian.
Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.	Pir Muhammad, Khan Sahib Chaudhri.
Muhammad Hussain, Khan Bahadur Chaudhri.	Prem Singh, Mahant.
Muhammad Jamal Khan Leghari, The Honourable Nawab Sir.	Pritam Singh Siddhu, Sardar.
Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir.	Rallia Ram, Mr. K. L.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Riasat Ali, Khan Bahadur Chaudhri.
Muhammad Sarfraz Khan, Raja.	Ripudaman Singh, Rai Bahadur Thakur, Roberts, Sir William.
	Sardar Khan Noon, Major Malik.
	Sher Singh, Sardar.
	Sultan Mahmood Hotian a, Mian.
	Sumer Singh, Rao Sahib Chaudhri.
	Tara Singh, Sardar Sahib Sardar.
	Tikka Ram, Chaudhri.
	Wali Muhammad Sayyal Hiraj, Khan Bahadur Sardar.

Mian Muhammad Nurullah (Lyallpur, Muhammadan Rural) : I move—

That at the end of clause 2 the words "and shall be deemed to have been inserted from the commencement of the said Act" be added.

It has been said by the Honourable Minister from the other side that the only firm which was not paying this levy of three pies per maund to the marketing committee was the firm of Messrs. Owen Roberts. This firm is, we are told, acting for the Crown and this firm was acting for a number of years. This firm might be acting since the Agricultural Produce Markets Act has been in operation or even before that, I do not know.

That is a firm which buys food grains from the markets for the military on behalf of the Government of India and has a monopoly of doing this business in this province for a number of years. Sir, if you work out the total amount on the basis of 8 pies per maund for all that they purchased and for all that they sold during that period, it will come to lakhs of rupees. I am not exaggerating in any way, it must come to lakhs of rupees and where have those lakhs of rupees gone? They must have gone as contribution towards marketing committees for which we made this Act and which we brought into being for the benefit of poor zamindars of the ilaqa who are coming to the markets and selling their goods and who were at a great disadvantage before. These disadvantages are being removed by the existence of marketing committees. But this fund has not been contributed to for a number of years. It has also been admitted by the Honourable Minister that the question as to whether that firm, which is acting for the Crown, was to pay this levy or not was in the hands of their legal advisers for about two years. If you work out the figures for 2 years, it must come to a very huge figure. Why did they leave it hanging for those 2 years? Marketing committees have suffered a lot during those years. Why was the question not discussed with the legal advisers and why could not the officials of the Government, who wanted to bring this Act and who wanted to impose a tax of 8 pies per maund on that firm, personally discuss the matter with those legal advisers who were their servants? They should have come to a decision earlier. We have suffered a lot due to this Bill not being brought before the House 2 years ago. There are 3 or 4 Bills before the House and there are certain clauses which we are going to pass in these Bills and we are asked to say that they should apply retrospectively. That is exactly what I want to be done in this case. If you want me to quote a precedent, I will do so. It is there within this Bill. I will point

out to you that there is another amendment in the name of Chaurdhri Tika Ram to the same effect. It is with regard to clause 6. It is to the effect "and shall be deemed to have been substituted from the commencement of the said Act." He wants to substitute certain thing from the commencement of the Act. What do I want? I also want to insert something and deem that it has been inserted from the commencement of the Act. It will bring some advantage to the marketing committees. It will bring thousands of rupees to the marketing committees. All the amenities and remedies that they want to apply within those committees would be easily applicable and the condition of the poor zamindars who bring produce from outside and suffer a disadvantage, would become better. I therefore recommend that this be inserted that the firm upon which this tax is levied, should pay the tax from the commencement of the Act.

Mr. Deputy Speaker : Clause under consideration, amendment moved is

That at the end of clause 2 the words "and shall be deemed to have been inserted from the commencement of the said Act" be added.

Minister for Development (The Honourable Sardar Baldev Singh) : Sir, I rise to oppose the amendment moved by Mian Muhammad Nurullah, for the simple reason that it is not possible to give his clause a retrospective effect. We have examined it thoroughly and it is not possible to do so. If we had been convinced that we could levy marketing fee with retrospective effect we would have done it. I can assure the House that it is not possible to do so under the present conditions. Therefore, I oppose this amendment.

Mr. Deputy Speaker : Question is—

That at the end of clause 2, the words "and shall be deemed to have been inserted from the commencement of the said Act" be added.

The House divided : Ayes 24, Noes 64.

AYES 24

- | | |
|-----------------------------------|------------------------------------|
| Abdul Aziz, Mian. | Muhammad Hasan, Chaudhri. |
| Abdul Hamid Khan, Sufi. | Muhammad Nurullah, Mian. |
| Akbar Ali, Pir. | Muhammad Sarfraz Khan, Chaudhri. |
| Barkat Ali, Malik. | Muhammad Wilayat Husain Jeelani, |
| Bhagat Ram Choda, Lala. | Makhdumzada Haji Sayed. |
| Bhagat Ram Sharma, Pandit. | Mumtaz Muhammad Khan Daultana, |
| Duni Chand, Mrs. | Mian. |
| Ghazanfar Ali Khan, Raja. | Nasrullah Khan, Rana. |
| Ghulam Mohy-ud-Din, Khan Bahadur | Roshan Din, Khan Bahadur Chaudhri. |
| Meulvi. | Sadiq Hassan, Shaikh. |
| Ghulam Samad, Khan Sahib Khawaja. | Sahib Dad Khan, Khan Sahib Chau- |
| Iftikhar Hussain Khan, Nawab. | dhuri. |
| Kapoor Singh, Sardar. | Shaukat Hyat-Khan, Sirdar. |
| Karamat Ali, Khan Bahadur Shaikh. | Sohan Singh Josh, Sardar. |

NOES 64

- | | |
|--------------------------------------|--------------------------------------|
| Abdur Rahim, Chaudhri (Gurdaspur) | Badr Mohy ud-Din Qadri, Khan Sahib |
| Abdul Rahim, Chaudhri (Gurgaon). | Sayed. |
| Ahmad Yar Khan, Khan Sahib Chaudhri. | Baldev Singh, The Honourable Sardar. |
| Ali Akbar, Chaudhri. | Balwant Singh, Sardar. |
| Allah Bakhsh Khan, Khan Bahadur. | Brijraj Saran, Kanwar. |
| Nawab Malik Sir. | Faiz Muhammad, Khan Bahadur Shaikh. |
| Amjad Ali Shah, Sayed. | Faqir Hussain Khan, Khan Bahadur |
| Asghar Ali, Khan Sahib Chaudhri. | Chaudhri. |
| Ashiq Hussain, The Honourable Nawab | |
| Major. | |

Farman Ali Khan, Subedar-Major Raja.	Muhammad Jamal Khan Leghari, The Honourable Nawab Sir.
Fateh Jang Singh, Captain Bhai.	Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir.
Fateh Khan, Khan Sahib Raja.	Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Fateh Muhammad, Captain Mian.	Muhammad Sarfraz Khan, Raja.
Fateh Sher Khan, Malik.	Muhammad Yasin Khan, Khan Sahib Chaudhri.
Fazal Din, Khan Sahib Chaudhri.	Muhammad Yusuf Khan, Khan.
Fazal Karim Bakhsh, Khan Sahib Mian.	Mula Singh, Sardar.
Ghulam Qadir Khan, Khan Bahadur.	Muzaffar Ali Khan Qizilbash, Nawab Naunihal Singh Mann, Captain Sardar.
Gopal Singh (American), Sardar.	Nur Ahmad Khan, Khan Bahadur Mian.
Habib Ullah Khan, Khan Bahadur Malik.	Pir Muhammad, Khan Sahib Chaudhri.
Hans Raj, Bhagat.	Prem Singh, Chaudhri.
Harnam Das, Lala.	Prem Singh, Mahant.
Harnam Singh, Captain Sodhi.	B. Illia Ram, Mr. K. L.
Het Ram, Rai Bahadur Chaudhri.	Ram Sarup, Chaudhri.
Indar Singh, Sardar Bahadur Sardar.	Riasat Ali, Khan Bahadur Chaudhri.
Jafar Ali Khan, Chaudhri.	Ripadaman Singh, Rai Bahadur Thakur.
Jogindar Singh Man, Sardar.	Roberts, Sir William.
Kabul Singh, Master.	Sultan Mahmood Hotiana, Mian.
Manohar Lal, The Honourable Dr. Sir.	Sumer Singh, Rao Sahib Chaudhri.
Mohi-ud-Din Lal Badshah, Sayed.	Suraj Mal, Rao Bahadur Chaudhri.
Muhammad Akram Khan, Khan Bahadur Raja.	Tara Singh, Sardar Sahib Sardar.
Muhammad Ashraf, Chaudhri.	Tikka Ram, Chaudhri.
Muhammad Azam Khan, Khan Sahib Sardar.	Wali Muhammad Sayyal Hiraj, Khan Bahadur Sardar.
Muhammad Faiyaz Ali Khan, Nawabzada.	
Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.	
Muhammad Hussain, Khan Bahadur Chaudhri.	

Mr. Deputy Speaker : The question is—

That clause 2 stand part of the Bill.

Mian Muhammad Nurullah : Sir, we the members on this side cannot understand why a tax of three pies per maund cannot be assessed because it is well known to the officers of the Government how much food grain was purchased for the military in this province on behalf of the Government of India. There is nothing impossible. I feel that Government can take action if they want it. It is said that it is not practicable to assess the tax, for the last many years. Surely it can be.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : I had no intention of speaking on this clause but I have decided to do so after hearing the reply given by the Minister in charge, that he wishes that this clause should not be given effect to retrospectively. There is the difficulty that the Government is not in a position to assess the tax which they would like to realise from a particular firm. I am at a loss to understand why the Minister in charge has taken up that position. After all there must be some record of all the transactions which this particular firm has carried during the last year when this tax was not levied. There must be so many agencies. As far as I know during the last three years, under the Sales Tax Rules, and the Food Grains Control Order and other rules, there was not a single firm which was not required to keep regular accounts of all food grains which they exported or imported. This was incumbent upon every firm to keep regular accounts of all grains which they dealt with. It was not in one place that accounts were recorded : it was recorded in every place. With a view to keep control and to be informed of the movements of the grain it was

made incumbent under the rules by the Punjab Government that they should keep up-to-date information of all stocks of grain which were in the hands of different companies and individuals and in the hands of those people who were dealing with it. Under these circumstances, I know it for a fact that there is information with respect to these transactions in the offices of the Government and I was surprised to hear from the Minister in charge that it was not possible to say how much grain has been bought or sold and that they could not arrive at any definite figures in regard to that and that was why they were not giving it retrospective effect. With these remarks I oppose the clause.

Mr. Deputy Speaker : Question is—

That clause 2 stand part of the Bill.

The motion was carried.

CLAUSE 3

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : I beg to move—

That in lines 6-7, the words " unless the Government otherwise directs ", be omitted.

The clause reads—

To section 10 of the said Act the following words shall be added and shall be deemed to have been added from the commencement of the said Act, namely :—

' and if, when such period expires, no person has been appointed to succeed him, such member shall, unless the Government otherwise directs, continue to hold office until his successor is appointed '.

Now, Sir, if my amendment is accepted the clause would read—

' and if, when such period expires, no person has been appointed to succeed him such member shall continue to hold office until his successor is appointed '.

I fail to understand why the Government is so keen to reserve this power to themselves. Why should the Government have a wavering mind ; once they agreed to the appointment of a certain person, why not let him continue till his successor has been appointed ? Why should the Government once again want the matter to be referred to them ? Once they have acted in a particular manner they should stand firm on it. This is why I say that these words are not necessary and should be omitted.

Mr. Deputy Speaker : Question is—

That in lines 6-7, the words " unless the Government otherwise directs ", be omitted.

The motion was lost.

Mian Muhammad Nurullah : I move—

That at the end the following proviso be added :—

' Provided that if the period expires due to the apathy or negligence of an officer of the Crown, he shall be punished accordingly '.

As a matter of fact, the minister should also have been included. My point is this. If the period expires and no action to appoint a successor has been taken, due to the apathy of any Government officer or because of the red-tapism of the Government, the officer who is responsible for the delay should be suitably punished. If my amendment is accepted that would add to the efficiency of the Government officers and to the administration of the Government. They will be more alert and they will never be slack as they are now. With these words, I move my amendment.

Mr. Deputy Speaker : The question is—

That at the end the following proviso be added :—

' Provided that if the period expires due to the apathy or negligence of an officer of the Crown, he shall be punished accordingly '.

The motion was lost.

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

ADJOURNMENT MOTION

Mr. Speaker : The Assembly will now take up the adjournment motion.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Before we proceed to the discussion of the adjournment motion, I should like to discuss the question whether the Speaker can revise his ruling if he feels that his ruling is wrong. I find that it is for him to correct his ruling and not for the House to give its advice to the Speaker to revise it. In support of it I will refer you to the book 'Speaker of the House'. It reads—

When the Speaker finds himself in a difficulty he has the immense advantage of being able, as the supreme ruler of the House to impose his will unquestioned upon all concerned, even should he have gone unintentionally beyond his exact functions as the director of debate, the preserver of order the protector of the rights of Members. His word is law within the Chamber. His decision is final. Once the Speaker has ruled, there is no more to be said. Before that fiat all must bow. It is permissible to those Members who think he is wrong to point out to him respectfully where he is at fault, as it appears to them; but if he adheres to his decision it must be accepted without question. At least no discussion is allowed. It may be obviously wrong to a large section of the House, but it cannot be disputed by argument. The fact that the Speaker says a thing and sticks to it, makes that thing right, at least for the time being or for the purposes of immediate action. There is no appeal there and then from his verdict. No stay of execution can be applied for, then and there.

The only way in which the ruling of the Speaker can be brought to the judgment of the House is not by a vote on supplies.

It can only be done by means of a vote of censure of which due notice has been given, and for the discussion of which the Government have agreed to allot a day.

Mr. Speaker : But the point is whether I can myself correct an incorrect ruling given by me.

Raja Ghazanfar Ali Khan : May I know whether the time taken up in discussing this point will be counted towards the two hours allotted for the discussion of the adjournment motion ?

Mr. Speaker : Yes, it will. This discussion will form part of the adjournment motion.

Raja Ghazanfar Ali Khan : Then I submit that the discussion of this point may be postponed till to-morrow.

Mr. Speaker : I have no objection.

Malik Barkat Ali : I am of the view that this question must be discussed now. It is a very important question, because if you come to the conclusion that you can yourself revise your ruling, then the adjournment motions which are anterior will have to be taken up. How can you take up an adjournment motion which is posterior once you hold that you can revise your ruling and you actually revise it ? My respectful submission is that this question will have to be decided in order that the motion which stands above the present one may be taken up. There is no escape from the position that this matter must be discussed and decided now in order that you may be able to give your final decision.

Raja Ghazanfar Ali Khan : If this point is going to be discussed and decided upon now, then I respectfully submit that the time taken up for discussion of this point should not be counted towards the time allotted for the discussion of the adjournment motion.

Mr. Speaker : I think this point may be taken up and discussed to-morrow.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Do I understand that this discussion is postponed till to-morrow ?

Mr. Speaker : Yes, this matter may be taken up to-morrow. I would request the honourable member to see me in my chamber at 10 a.m. to-morrow and then we will decide the point.

RESTRICTIONS ON DR. SANT RAM SETH, M. L. A.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (Punjabi) : I move—

That the Assembly do now adjourn.

Sir, many speeches have been made in the House for and against the motion. I will tell the House what type of man Dr. Sant Ram Seth is and what ideology he follows. He was elected on the Congress ticket from Amritsar. All the honourable members know that since the time of Mahatma Gandhi's taking over the reins of the Congress command, it has been the accepted creed of the Congress that no underhand means should be adopted. Secret methods are totally condemned. Everything must be done openly and publicly. Nothing of secret nature can be tolerated by that noble principled body. Dr. Seth signed the Congress pledge and during his membership from 1937 to 1942 he seriously abided by all those noble principles of that patriotic body.

In 1939 war broke out in Europe. Imperial Government of England had been making declarations about their faith in Democracy but realities proved that it was simply misstatement of facts and nothing else. The National Congress asked them to make their aims and objects clear. As their boasts had nothing in reality therefore they totally failed to satisfy the nationalists' demands. They refused to apply all those noble doctrines as the Atlantic Charter and other such pronouncements to India. The British Labourites, who are also part and parcel of British Imperialism, are also now objecting to His Majesty's Government's Indian policy. In August 1942, the Congress passed its famous resolution. The mass arrests were started in its lieu. Dr. Seth was also arrested in the same connection. Although the Congress did not instruct anybody to commit any act of violence, yet the Government charge them with such rebellious and treasonous intentions and deeds and mass action was taken throughout the country against this patriotic body. Sir, I have placed the Congress ideology before the House and we cannot entertain any doubt about their high ideal. They are simply fighting for the independence of India. It is strange that the Indian forces are used in the liberation of Poland, Greece and other down-trodden countries of Europe but our fate remains unaltered, our progress for liberty is still a dream for the future.

(At this stage Mr. Speaker left the Chair and Mr. Deputy Speaker occupied it.)

But I am constrained to remark that the Punjab Government became a puppet in the hands of the Government of India in detaining Congressmen. All-out efforts were made to put them to trouble by resorting to uncalled for practices. The treatment meted out to the Congress detenus in the jails of the province is most undesirable. I wish to submit that Dr. Sant Ram Seth was detained for two years. Government, at the time of detaining him, did not think in the least that he was a great worker. In this connection I wish to point out that if he had not been detained, he would not have thrown the Government over-board. It will not be out of place to mention here that so far as Dr. Sant Ram Seth is concerned, it was he who worked wholeheartedly in the riots of Amritsar by putting his life in danger. He wanted that all the communities should unite together. Government did not take into consideration his principle of non-violence and his previous record which was a proof of his being a great personality. What Government did was this that he was detained under those laws against which nobody could make any appeal. Dr. Sant Ram Seth went on tolerating the unnecessary trouble he was put to. Besides, Government issued an Ordinance, namely, the Restriction Order of 1944. In this connection I wish to submit that there is hardly any jail in the province where the movements of Congress detenus have been against the principle of non-violence. In spite of the fact that congress detenus followed the principle of non-violence in the premises of the jails in the true sense of the word, restrictions on freedom of speech and freedom of any movement whatsoever were placed on those detenus who were released from time to time. Government, by placing these restrictions, wanted to put an end to their activities regarding the press and the platform. Government, after releasing Dr. Sant Ram Seth, placed some restriction on him. So far as this restriction order

[A. Kapoor Singh]

concerned, I make bold to submit that this is an absurd order. The restrictions placed on Dr. Sant Ram Seth were such that he was not to take part in any activity regarding the press and platform. The restriction order was served on him by the Home Secretary. The conditions in this restriction order run as follows:—

- (i) Shall after 24 hours from the service of this order reside or remain within the limits of Amritsar.....
- (ii) Shall not without the permission personally obtained in writing from the District Magistrate, Amritsar, go outside the limits of Amritsar.
- (iii) Shall not without the permission previously obtained in writing from the District Magistrate, join or take part in any procession or meeting of five or more persons other than a purely religious procession or meeting.
- (iv) Shall not take any part either openly or secretly by speech or writing in any political or subversive movement.
- (v) Shall not make any speeches in public.
- (vi) Shall not without permission obtained in writing from the District Magistrate, make any communication to any newspaper.

Now I wish to prove as to how this restriction order is based on absurdity. The first condition relates to his reaching Amritsar within 24 hours. It was not possible for him to reach Amritsar within 24 hours. In this connection I am reminded of the cases of Baba Gurdit Singh, who was also given the time of 24 hours to reach the required destination. It was humanly impossible for him to reach within 24 hours and consequently a suit was filed against the Government for issuing such an absurd order and the result was that Government had to release him. Such absurd orders are being passed by the Government. In my opinion it is humanly impossible for a person to catch the train and reach the destination within 24 hours. The next restriction is this that he cannot go outside the limits of Amritsar without the permission of the District Magistrate. In this connection I wish to bring this point home to the Honourable Premier who is not at present in his seat that he has been pleased to announce on the floor of this House that so many detenus have been released on the ground of health, etc., and that in case they happen to act in any subversive manner prejudicial to public safety, they would be again detained. May I know from the Honourable Premier whether the restriction on those Congressmen, who have been released on grounds of health, have been imposed with a view to improving or undermining their health? I think these restrictions have been placed to undermine their already deteriorated health? My honourable friends in this House would agree with me that restricting any person's (whatever his position be) movements within the limits of a notified area would create a very bad effect upon his conscience. It will not be out of place to mention here that the imposition of such restrictions are sure to undermine the already reduced health of those Congressmen who have been released for reasons of health. Such persons require open air which they can get by moving towards the country-side. But they cannot do anything of the sort, because the restrictions are there. My honourable friends would agree with me that there was absolutely no necessity of imposing any such restrictions. Government have placed these restrictions on Dr. Sant Ram Seth with a view to preventing him from acting in any manner prejudicial to the public safety and the maintenance of public order. What I wish to point out is this that if he intends taking part in any subversive movement then would it not be possible for him to take part in such a movement within the very limits of the city where he is restricted?

But the Congress does not believe in violence or under-hand methods. Therefore, I am sure that this condition has simply been imposed to prevent them from attending the meetings of this Assembly.

5 p.m.

The next condition is that he cannot attend meetings of five or more persons. This is simply absurd. No distinction is made between political and non-political meetings. When we ask them to make it more clear they say that they will take the

commonsense view of every meeting and then decide whether it is political or not. I put them a simple question. Is the meeting of this Assembly a political meeting or not? Is it such meeting where subversive movements take place or where something prejudicial to law and order takes place? The definition of a Provincial Legislature in the Government of India Act, 1935 is as follows :—

There shall for every Province be a Provincial legislature which shall consist of His Majesty represented by the Governor, and.....

Now Sir, is it correct to think about a body which consists of His Majesty, represented by the Governor, that it shall indulge in subversive movements or activities dangerous to the present Government. You yourself can imagine, Sir, how far this order is lawful. Does the Government think that preventing Dr. Sant Ram Seth from attending the meetings of this Assembly is just? Does the Government consider this House a political body?

Mr. Deputy Speaker : Motion moved—

That the Assembly do now adjourn.

Nawab Muzaffar Ali Khan Qizilbash (Lahore, Muhammadan, Rural) : Mr. Deputy Speaker, I stand to oppose the motion made by my honourable friend Sardar Kapoor Singh. He said that the Congress stands for independence. Let me assure him that every member sitting on this side of the House also stands for independence.

Sardar Sohan Singh Josh : But you do not stand for the release and lifting up of the restrictions imposed upon the congress detenus.

Pandit Bhagat Ram Sharma : He is standing all right!

Nawab Muzaffar Ali Khan Qizilbash : There is this difference and that is the way the Congress wanted to get independence and the way the Muslim League and other parties wanted to get independence.

Mr. Deputy Speaker : Do not discuss all that.

Nawab Muzaffar Ali Khan Qizilbash : The way the Congress wanted to get independence was by their August resolution and by what followed after the resolution. The Muslim League and every other political body was against it. It was only the Punjab where sabotage, derailments and all other unnecessary shedding of blood, which happened in other provinces, did not take place.

Sardar Sohan Singh Josh : That is all the more reason why they should be released and restrictions removed.

Nawab Muzaffar Ali Khan Qizilbash : Why did it not happen here is the question. There were no Congressites here because timely action was taken and the right type of people were put behind the bars. This was a broad policy laid down by the Government of India. (*Interruptions*). The Punjab Government took upon itself full responsibility for it. Many people were let out but the detention was not indiscriminate. Take the case of Dr. Sant Ram Seth. He was not put in jail till about one year after that. He was detained in 1943. This is a clear proof of the fact that the Punjab Government was not shutting in all the Congress people indiscriminately.

Sardar Kapoor Singh : He was in jail when all other arrests were made and no sooner that sentence expired, he was again put in jail.

Malik Barkat Ali : The honourable member does not even know the facts. He should prepare his brief.

Nawab Muzaffar Ali Khan Qizilbash : He was detained in 1943. (*Interruptions*). There were lots of other people who were let out. Some were let out on compassionate grounds, others were let out, because they were ill and some were let out because they were not considered necessary to be detained. Dr. Sant Ram Seth was let out because he had lost his daughter and partly because of his ill health. There

[Nawab Muzaffar Ali Khan Qizilbash]

are two alternatives in front of these gentlemen. One is that on compassionate grounds they be let out and restricted. To our mind these restrictions are a much more humanitarian way of treating them than detaining them. Take the case of other provinces. In Assam, where they say that Muslim League is in power, they have done exactly the same thing. They have let out people on these grounds but with restrictions. In North-West Frontier Province they have gone a step further. They keep them detained. There the moment they are out I do not know what will become of the Muslim League Ministry. In our case it has been hinted that we are placing these restrictions on the members because we will lose our majority. I ask them to work out the figures for themselves. Thirty three is the number given by the Secretary of the Congress Assembly Party as those of the opposition members. What difference will it make if those twelve or thirteen come out?

Sardar Sohan Singh Josh : Ask your members who are the waverers.

Khan Bahadur Nawab Malik Sir Allah Bakhsh Khan : None is a waverer on this side.

Nawab Muzaffar Ali Khan Qizilbash. This allegation is false. It is not so. If to-day the resolution of 'quit India' is withdrawn and a general policy is laid down, we will be the first people to let them out. We do not want to keep them any longer.

Sir, there is one other point which I would like to make before I finish and that is this that my honourable friends, the Muslim Leaguers are joining hands here with the Congress and along with them are asking us to let out all those people. My submission is, what is good for the Punjab is also good for Bengal, North-West Frontier Province and other provinces. I would ask them a question. Have they got the permission of Mr. Jinnah on that point? Have they consulted him whether they should join the Congress? Because by doing so they are putting him in a very difficult position. Here they are shouting for the release of Congress detenus and for the removal of their restrictions and thus putting him in an awkward position. Why has he not issued instructions to his Ministries in Bengal, North-West Frontier Province and Sind to let out those people?

Chaudhri Muhammad Hasan : Does the honourable member follow the policy of Mr. Jinnah?

Nawab Muzaffar Ali Qizilbash : I would like to make one point before I sit down. There is an offer I would like to make to my honourable friends opposite and that is this. Whatever the All-India situation may be, whether Mr. Gandhi or Mr. Jinnah or His Excellency the Viceroy come to any terms or not, if they here assure the Government that they will give every support to the war effort—unconditional and unstinted, I assure them, that we will be the first to let the whole lot of them out whether we are sitting here or not.

Sardar Kapoor Singh : Will he ask his Government to grant immediate freedom?

Mrs. Duni Chand (Lahore City Women, General) (Urdu) : Sir, I rise to support the adjournment motion moved by my brother. To-day it is acclaimed on all sides that this war is being waged for democracy and liberty. So far as this profession, which is nothing more than a paper propaganda, is concerned every one of us will agree with it. But if one were to see the actions of this Government one would simply cry out that old Punjabi adage: *میان نمونہ اندر مٹی نے باہر چرونہ* which aptly applies to them. This Government have always meted out a step-motherly treatment to the Opposition. Here is a sample of what this so-called democratic Government have been doing. Even to-day thirteen honourable members, who are the elected representatives of thousands of people, are not permitted to enter

the Chamber. This is the treatment which is being meted out to the representatives of the voters whose sons are made to offer sacrifices on different battle fronts. The Government have themselves admitted that the Indian soldiers have fought bravely and gallantly on the fronts and have thus helped the cause of the allies immensely. But what reward is being given to them? In return for these sacrifices of voters the Government have meted out this treatment to their representatives. This is an instance of what this democratic Government are doing. No doubt some of the detenus have been released but Government are very kind on the M. L. As. They will never agree to remove restrictions on them. After all their fault is simply this that if they are released the danger to the Ministry will increase and that is the reason why restrictions are not being removed from the Congress M. L. As. and they are not permitted to come and attend the House. They are being deprived of freedom which is their birth right. The honourable members can well imagine what treatment is being meted out to the detenus from this fact alone that when questions are asked in regard to them Government evade replying them on the plea that sufficient paper was not available for the purpose. The case of Dr. Sant Ram Seth is before the House. His two daughters, one aged 15 or 16 and the other a minor, died during the absence of their father. But this stone hearted Government did not permit their father to just have a last look at his dying daughters. (*Shame, shame*). The honourable members over there claim their Government to be democratic Government but I will tell you what it really is. We hear that in Germany and other countries there are concentration camps where prisoners are kept. It may be true. We also hear that in those concentration camps prisoners are subjected to untold tortures. I admit that such things might be happening in those camps. But I ask whether here people are not subjected to the same kind of treatment as is meted out in those concentration camps. The Congress detenus have been in prisons for the last two or two and a half years. No charges have been framed against them on which their detention could be justified. The fact is that Government want to suppress the Congress and therefore they have no other recourse open to them to attain their object but to imprison these patriots whether innocent or guilty. I ask, has the Government ever thought that these detenus have innocent children and wives who curse the Government day and night? Their children are longing to see their fathers, their bread winners. But Government have shut them up behind the prison bars. Have they ever thought as to how the wives and children of these detenus are making their both ends meet? What to speak of that when we table adjournment motions to discuss the question of their release they are opposed on the ground that the matter they seek to discuss is not fresh and of recent occurrence. This question may not be of any importance to those who draw fat salaries but it is certainly fresh for those whose children are crying for bread day and night and whom Government have kept in jails for the past two and a half years. It is a matter of urgent importance for those women whose children are down with fever and they cannot go out to bring medicines for them with the result that they die away for lack of medical aid. If we put questions for giving allowances to the families of detenus, evasive replies are given. The allowances which are being given to the families of these detenus at present are nothing. My submission is that if a person, who can earn bread and supply clothes to his family, is imprisoned, it then becomes the duty of the Government to give a living allowance to his family. Or is it because John Bull has ordered their incarceration in jails so that they may languish there while their dependents automatically starve to death in their absence? But these people seem to forget that those who seek to destroy others cannot themselves escape destruction for long.

شمع کو دیکھو، دیکھو ان کے ستانے والے

میرے آپ بھی اور ان کے جلائے والے

Let me warn the Government that by destroying our patriotic youngmen they are paving the way to their own destruction. There is a power, mightier than their own,

[Mrs. Duni Chand]

which is cognizant of the atrocities being perpetrated by them on innocent people, who have been wrongfully confined in jails. They have been so confined not because they committed any unlawful acts but because this Government wanted an excuse for crushing the movement for the liberation of the country. All this is being done under the British Government who claim that no innocent person can be punished under the legal system introduced by them. So long as his guilt is not established no thief, dacoit or murderer can be convicted. The law courts are open to them and they are at liberty to put up defence through their lawyers. If however the court finds them guilty and they are convicted they have still the right to appeal against its judgment. May I know from this avowedly democratic Government if the honourable members of this House, who represent thousands of people of this province, are not in a position to enjoy as much legal rights as are conceded to common thieves and murderers? Is it the sort of liberty which is incessantly being boosted in the Press from the radio and in various other ways? If this is democracy then God help us.

The Punjabi proverb ذات دی کوزہ کرلی شہنیران فال جیو

aptly applies to the case of this Government. Evidently we have a democratic system of Government but if anyone from outside were to see the real state of affairs in these enlightened times what will he think of us? A neutral observer like Mr. Phillips was compelled to express an opinion which was not too pleasant for the bureaucratic ears and evoked a storm of protest from the Indian bureaucrats. The old Punjabi adage very truly portrays their position :

میان نمودار ادر مٹی تے باہر چونہ

Sir, I shall not take more time as many other honourable members wish to speak on this matter. I shall therefore, close my speech with a request to the Government that they should not trample upon the rights of the Opposition in whose absence the very proceedings of this House are shorn of all vestige of legality. The Government can no doubt do what they like with the aid of the majority that they command in this House but they should remember that they shall have to answer for their doings before the public. Moreover when they appear before God they will have to tremble just as they do now before the Opposition during question hour. (Laughter).

Captain Bhai Fatehjang Singh (South-East, Sikh Rural) : Mr. Deputy Speaker this adjournment motion is rather a painful one both to the members here and there. It is no pleasure to members on this side of the House to see that certain of their fellow members have been restricted; but unfortunately, at a time when most of the nations of the world are fighting vital battles for the settlement of major issues, such a situation was created and no loophole was left. Although it may be a painful duty to the members of the Government here, in the interest of bigger issues the Government had to sacrifice their sentiments and also their personal inclination whatever they may be.

Sardar Sohan Singh Josh : Is there any danger to the united nations which are fighting? Please do not talk rot.

Captain Bhai Fatehjang Singh : My honourable friend has put me a question regarding united nations. That was exactly the point that I was coming to. Coming to the united nations let us take the case of China, Russia, of which my friend seems to be the representative, Great Britain and America have given an assurance to China to free this country from the yoke of the Japanese who are trying to strengthen their hold on it.

Pandit Bhagat Ram Sharma : Are we discussing international affairs?

Captain Bhai Fatehjang Singh : We have given an assurance to China. My friend will agree with me on this issue that the Japanese should be kept away from

this country at all costs. An assurance was given by the united nations which include Russia.

Sardar Sohan Singh Josh : The honourable member should know that the Congress is against the Japanese imperialism.

Captain Bhai Fatehjang Singh : I was going to say exactly the words which you have in your mind. Coming back to this unfortunate incident that certain members of this House have been put under restrictions (*Chaudhri Muhammad Hasan* : Only 18 of them). Let us say 1,300 for argument's sake (*An honourable member* : Would the honourable member like to be one of them?) I will not mind, as has happened to my other friends, if we are put under restrictions for a better and beneficial cause for the country as a whole.

Pandit Bhagat Ram Sharma : How would the honourable member like the idea of going to jail?

Captain Bhai Fatehjang Singh : I will not mind going to jail. If my friend over there wants to taste it he is welcome. What I was saying is this that we are facing today very critical and urgent issues to be decided by the united nations.

Chaudhri Muhammad Hasan : This is repetition.

Captain Bhai Fatehjang Singh : You can not hackle me like that. If my honourable friend the Leader of the Opposition has some patience he will be thoroughly satisfied and his constant interruptions make me feel that my honourable friend is satisfied with what I am saying but only to satisfy the press he wants to make out his case. Coming back to the point, I was saying that the incident, however unfortunate it may be, and however painful duty of the Government it may be, we have got to do certain things, and one of the painful duties is to put certain people under certain restraints. I could not say how the international position justified the restraints unless I tell you some everyday facts which are known to every man in the street. In this country even our biggest leader, Mahatma Gandhi, has associated his moral support to the united nations. He himself said that he would not like any Congressmen to put a spoke in the wheel of the war machinery. I was submitting, Sir, that it is the duty of a Government to restrict a person or detain him if in their opinion he is likely to act in a way which would excite the feelings of the people leading to disorder in the province. We know it for a fact that we Punjabis are of excitable temperament—ample proof of it can be found in this very Chamber. That is why I say that the Government is perfectly justified in putting restrictions on people who might create mischief in the province. It is only on the basis of certain information that the Government is obliged to take such an action and that information is not known to us. My honourable friends opposite, on account of party motives, might say that it is unnecessary and useless but in my opinion it is absolutely genuine and useful. I may also point out that the Government have been quite reasonable in dealing with those people on whom restrictions have been placed because if they give undertaking that they will be no hindrance to the war effort and to successful prosecution of the war those restrictions will be removed. I would remind my honourable friends opposite that leading men like Mr. Birla to whom the Congress owes its financial existence—

Sardar Sohan Singh Josh : Do not show your ignorance.

Captain Bhai Fatehjang Singh : Does the honourable member deny that Congress owes its financial existence to Mr. Birla?

An Honourable Member : Are you subscribing to the Zamindara League.

Captain Bhai Fatehjang Singh : I was saying, Sir, that leading men like Mr. Birla and Mahatma Gandhi have expressed themselves in agreement with the policy of the Government towards war effort.

Chaudhri Muhammad Hasan : Have you been able to appreciate what they say? (*Laughter*).

Captain Bhai Fatehjang Singh : If those restricted persons or detained persons were released and they did something which might lead to mutiny, who would be responsible?

Chaudhri Muhammad Hasan : The word 'mutiny' is objectionable.

Captain Bhai Fatehjang Singh : If the Japanese come here it would lead to the massacre and bloodshed of those very children about whom the honourable lady member was referring. She said that the detained persons have got children whom they have to look after. May I inform her that we are concerned not only with those children but millions and millions of other children also. What will happen if through lack of foresight on the part of the Government certain people committed acts which might lead to mutiny in the province?

Raja Ghazanfar Ali Khan : Is the honourable member quoting from the speech of General Dyer at the Jalianwala Bagh?

Sardar Sohan Singh Josh : What has become of your patriotism?

Captain Bhai Fatehjang Singh : It is following your's. We are backing Russia for your sake.

In conclusion, Sir, I say that if India has to come successful out of this war we must not act in haste. However painful our duty of putting restrictions on dangerous persons may be we must perform it in the interest of the people at large and in the interest of our country. With these words, I oppose the motion. (*Hear, hear and cheers*).

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): Sir, the adjournment motion under debate is undoubtedly of a very limited character. But it raises, none-the-less, a constitutional issue of the gravest import. I am not going to discuss on this occasion as to why the Government originally decided to lodge those Congress leaders in jail, I will only discuss this adjournment motion. The question is whether on reasons of compassion or on reasons of health, it is a fact that the Government released Dr. Sant Ram Seth and after releasing him they have placed certain restrictions on him. I am thankful to the gentleman who has brought forward this motion for having placed before the House those restrictions. One of those restrictions is that Dr. Sant Ram Seth shall reside within the city of Amritsar and will be able to leave Amritsar only with the previous written sanction of the District Magistrate of Amritsar. Now I want to ask one question from the Honourable Premier who is fortunately in the Chamber. By all means place restrictions on Dr. Sahib. But why can you not make an exception to this effect that this previous permission of the District Magistrate shall not be required when Doctor Sahib is called upon by a summons from His Excellency the Governor to attend meetings of this House? I put this question to the Honourable Premier in all solemnity whether he considered this aspect of the question when placing restrictions on Dr. Sant Ram Seth. My respectful submission is that it is the duty of this House to see under the constitution under which we are meeting that no honourable member of the House, who has been released by the order of the Government, is prevented in any manner or by any person from attending this House. This is the question that I put to the Honourable Premier and I shall wait for his reply. Another restriction that has been imposed is this—"you shall not without the previous permission in writing of the District Magistrate join or take part in any meeting of five or more persons other than purely religious procession or meeting." The Home Secretary has been pleased to exempt a purely religious procession or a purely religious meeting from the operation of this restriction. If he can be permitted to join a purely religious procession or meeting, why can he not be free without any kind of restriction to attend the meetings of this House when this House

has been summoned by the Governor under the authority of the statute? There is another restriction that he shall "not make any speech in public and that he shall not without permission previously obtained in writing from the District Magistrate make any communication to any newspaper." This restriction does not concern the question I am debating.

I was submitting that attendance in this House is not a crime, is no offence. On the contrary, it is an obligation imposed by the statute upon every member after summons has been received by him from the Governor. The statute itself says that if a member does not attend the meetings of the Assembly for sixty consecutive days then it will be open to the House to remove him from membership of the House. The rules that this Assembly has framed in regard to allowances and salaries that are payable to members also lay down an obligation upon the honourable member before he can receive his salary or allowance that he must attend at least 90 meetings of this House. Therefore, if there is an obligation on an honourable member in his capacity as the elected representative of a constituency to attend this House, then I fail to see how the Government can, with any regard to the constitution, be a party to the imposition of a restriction under which he cannot attend this House. I would request the Honourable Premier to take a very serious view of the matter. We are not discussing to-day why the Congress members were detained in pursuance of the resolution of August 1942. That is a much larger issue, though I have never concealed my views on the subject. Whatever my party affiliations, I have always stood on the floor of this House for the liberty of its members and I have always protested against the continued detention of those members. I say it is a sacred obligation resting on every member, no matter to what party he belongs, to see that members of this House are not kept in jail as a result of any executive action on the part of Government. Let me tell the Honourable Premier that the Muslim League stands for the liberty of individuals, that the Muslim League stands for the release of the Congress members. Neither our leader nor our organisation has passed any resolution to the effect that we want these leaders to be kept in jail. On the contrary whenever the members of the Muslim League have spoken from any platform they have raised their voice of protest against this action either of the central Government or of the provincial Government in detaining the members of the Assembly. However, that is a much larger issue. I do not propose to discuss it. It will of course come up for discussion in the course of business of this House. The issue before us at present is a very limited one. When you have yourself released an honourable member of this House, why do you impose these restrictions? If it is considered that certain restrictions are absolutely necessary, why have you not at least exempted them from the operation of those restrictions for the purpose of their attendance in this House? I would therefore ask the Honourable Premier to take a very serious and responsible view of the situation. It will not do to say, what is the Frontier Government doing? The honourable gentleman who made that remark is unfortunately not present in the House now. Let me inform him as well as other members of the House that whenever the Frontier Government has released any member of the Assembly it has not placed any restrictions on him. (*Hear, hear*). May I ask the Honourable Premier to bear this fact in mind and also the fact that where restrictions have been placed by the central Government on the liberty of the members of the central legislature that Government has not gone to the length of saying, "You shall not attend the meetings of the Central Assembly". I therefore want a clear cut answer to the submissions that I am making. Government is free to take any view of the Congress members. Government may think them to be a potential danger to the state. Let them take any view they like and let them impose any restrictions they like. But what is their answer to the contention that those members should be free to attend the meetings of this Assembly? The Honourable Premier will agree with me that it is really below the dignity of an honourable member of this House to go to a district magistrate, however great he

[Malik Barkat Ali]

may be, no matter how powerful he may be, to go to a district magistrate with folded arms and ask him for permission to attend the meetings of this Assembly. There can be no greater insulting situation for a member of this House. You are aware that so great is the sanctity attached by Parliament to this House that it has gone to the length of incorporating in the Government of India Act a section that no member shall be responsible to anybody for any speech that he makes on the floor of this House. No matter how seditious, how traitorous that speech may be, Government cannot call him to account outside the walls of this Chamber for any speech that he may make. That is the degree of sanctity attached to this House by the Mother of Parliaments. That being so, I wait to hear what answer will be forthcoming from the side of the treasury benches to justify the imposition of these restrictions on the members of this Assembly. Luckily the Honourable Premier is now here. I trust that in the course of his reply he will state in full the reasons which have compelled him to prevent the members of this Assembly from attending the meetings of the Assembly. May I venture to express the hope that the statement that he will be making will be a welcome one that will send a wave of relief throughout the length and breadth of this province. I trust he will take his courage in both his hands and order that from today all members of this Assembly shall be free to attend it, no matter how great and how coercive may be the restrictions which he may otherwise impose on them.

Raja Ghazanfar Ali Khan (Pind Dadan Khan, Muslim, Rural) (*Urdu*): Sir, Nawab Muzaffar Ali and the Honourable Premier have brought in the name of the Muslim League.

Premier: I did not.

Raja Ghazanfar Ali Khan: You did bring in this question.

Premier: I just asked him his opinion.

Raja Ghazanfar Ali Khan: Yes, Sir. He asked the opinion of Malik Barkat Ali. I declare it on the floor of this House that the Muslim League Assembly Party here is not our own party. It is a party belonging to a political organization and its policy, too, is the policy of that same body. The Working Committee of the Punjab Muslim League adopted unanimously a manifesto which has the blessings of the Quaid-i-Azam. Therefore what our party is declaring today is the official policy of the Punjab Provincial Muslim League. Now let us see what has been said about the civil liberties in that manifesto:—

During the present war emergency the Muslim League will strenuously fight to see that the slogan of 'Defence of the Country' is not fraudulently used against persons who are no menace to public safety but who are simply disliked by the party in power. Consequently we stand for the drastic curtailment of the number of political prisoners and for no detention without trial. We stand for the amendment of emergency legislation so as to safeguard the rights of the innocent. We also demand the humane treatment of political prisoners in jails. Similarly all emergency restrictions upon the freedom of speech, the press, organization, movement, etc., must be strictly confined in operation to prevent hindrance to the war effort.

We are determined to put it into practice, no matter whether we sit on this or that side of the House. This is not our policy but the policy of that organisation which is representative of the 90 millions of Muslims in India. We have not said this today only but we have been declaring it for the last few weeks from the platform of the Civil Liberties Union along with our Communist and Congress friends and we have not said it in one place, but we have been going from place to place and town to town to declare this policy of ours. So far as the Quaid-i-Azam and the All-India Muslim League are concerned, they do not interfere in provincial matters. (*Interruptions*). Yes, in order to destroy the traitors or crush the mutinous elements within the Muslims he does interfere. Well, Sir, as I was submitting, so far as the policy of the Muslim League is concerned it is uniform all over India. You will not find in any of the provinces, where the Muslim League is in power, any M. L. A's. who after being set free from jails are not permitted to attend the meetings of the provincial legislatures. Not a single

such M. L. A. shall be found in the Frontier, Sind, Bengal or Assam. But, Sir, the trouble is that the party in power here is an irresponsible party without any aim or object and with no programme before it. It is a hotch potch party consisting of many contradictory elements. They have mentioned the name of the Frontier Province time and again in this connection. I ask the Honourable Premier to declare here that he shall set aside all the restrictions imposed upon the Congress M. L. A.'s in this province on the very day the Frontier Government sets them free in that province. If he is prepared to give such an undertaking, I shall ask the Frontier Government to set free all the Congress M. L. A.'s tomorrow, only to prove that the Punjab Government never means what it says. (*Interruptions*). Sir, I am not afraid of the interruptions but the trouble is that nobody can hear me in the hue and cry created by them. You should open a training school here, Sir, in order to give us training in how interruptions are made in Parliament.

Well, Sir, as I was submitting, the question is very simple. A member of the Punjab Legislative Assembly is put in jail without trial. Then the Government sets him free on the report of the police or on consideration of health, etc. Now if he comes in the precincts of this Assembly Chamber, he is quite law abiding. He can enter the Assembly Library as well. He can come to the lobbies outside. But as soon as he enters the door of this Chamber, his movements, all of a sudden, become prejudicial to the law and order of the province and he begins to hinder the war efforts. I appeal to the honourable members on this and that side of the House. I appeal to their sense of fairness and justice. I appeal to them in the name of the responsible position they hold. Let them consider this matter very carefully. Let them give their every thought to this question. Is it fair to say that a certain member is quite innocuous when he is outside in the society of his friends or when he is moving about the city, but whenever he enters the door of this Chamber he at once becomes dangerous and his movements begin to hinder the war efforts. My honourable friend Nawab Muzaffar Ali has made a speech but he has not said a word about this matter. Similarly, our brave General, the Sardar Bahadur, who is so anxious to repeat the story of the mutiny, has also made a speech, but he, too, kept quiet over this issue. (*Rao Bahadur Chaudhri Suraj Mal* : The medal of bravery is reserved for you only). I do not want to repeat here the achievements of my honourable friend who has just interrupted me. It is a different story altogether. I must retort. That is my habit. Well, Sir, I want the Honourable Premier to answer only this question in his speech. I do not ask why the Government does not set them free. I do not ask why the restrictions from their speech and writing are not removed. What I say is this : How can the war efforts suffer when a certain member walks into this Chamber from the Library below ? Here everything is done according to the List of Business. Even if we suppose for the sake of argument that that member shall indulge in speeches against the British Government, how can it prove harmful ? So far as the public is concerned that speech will not reach them, because no paper shall publish it, because the Government can take action against a paper if it publishes any such speech though it is delivered on the floor of this House. And so far as the members of this House are concerned, you cannot expect from Chaudhri Suraj Mal that he will begin to make bombs after hearing a speech from Diwan Chaman Lall. (*Interruptions*). Sir, my honourable friend and I are sailing in the same boat. We both give recruits to the army, pay to the war fund and salam the 'sahib bahadurs'.

My submission is that if anybody retards the war efforts he can be hauled up under the Defence of India Rules. But it is very surprising that the Congress political prisoners are being kept in jail without their being convicted in any law court. The question now before us is not whether the political prisoners should be released or not, but the question of questions to which I want a straight reply is this, why are these prisoners being kept behind the bars without a regular trial ? I personally think that the keeping of innocent persons behind the bars is an unpardonable sin. To me it seems that the Honourable Premier

[Raja Ghazanfar Ali Khan]

is afraid that if he lets out so many M. L. A's. they would go to the Assembly and take part in the proceedings and will vote against the Government. That is the main reason why they are kept behind the bars and restrictions are imposed on them. But my submission is that those restrictions cannot and do not prevent them from taking part in the proceedings of this House unless the Honourable Premier according to his fancy declares this Assembly to be an unlawful assembly. Why does not the Honourable Premier say so? (*Minister for Education*: What about the North-West Frontier Province?) For God's sake, Mian Sahib, do not sleep in this House. Your remark has reminded me of a Punjabi adage:

ساری رات زلیخا پڑھدے رہے دینی پوچھیا او جنا سی یا رن

I have been discussing the North-West Frontier Province for the last fifteen minutes and the Honourable Minister is asking me this question now. I do not know in what dreams he was then immersed. I may tell him that I have thrown out a challenge to the Leader of the House, that let him, if he has the courage, get up and declare on the floor of the House that his Government has become politically bankrupt and it has no policy of its own and that he regards the North-West Frontier Province as the most advanced province politically and that if the Government of that province released the political prisoners he would follow suit, I give him an undertaking that we will persuade that Government to let out the Congress political prisoners. Let me tell my friends that the policy of the Muslim League is that the political prisoners should not be kept in jails without their being convicted in the ordinary law courts. My friends will have to act on this policy sooner or later. Let them give up this fear once and for all that if they released the Congress prisoners their Government would be ousted because their days are already numbered. Why do they not face realities? Every section of the House hates the Government. The members of the Independent Party showed some inclination towards the Government but they got such a rude shock that they again took their old position. In fact there is not a single section in the whole of the Punjab which does not hate this Government. As I have already stated the days of this Government are numbered. Let them do some good work and release the Congress political prisoners before we drive them out of office without the help of Congress political prisoners.

Mian Sultan Mahmud Hotiana (Pakpattan, Muhammadan, Rural) *Urdu*: Sir, many learned members have participated in the debate on the adjournment motion and after their speeches, particularly the speeches of Malik Barkat Ali and Raja Ghazanfar Ali Khan, I think, I am at some disadvantage in expressing my feelings in regard to this motion. Anyway I would try to tell you, as best as I can, what I think about this adjournment motion. It relates to Dr. Sant Ram Seth, who was first imprisoned, then released and was later restricted to Amritsar. So far as his imprisonment was concerned, that was not a very important matter. As against big people, like Gandhiji, Pandit Jawahar Lal Nehru, and other Congress Leaders, he is nothing. After the August resolution of the Congress they were all imprisoned and are up till now, except Gandhiji, in prison. Dr. Sant Ram Seth, an ordinary member of the Punjab Legislative Assembly, was also arrested on that score and was put in jail. This is not any matter in regard to which an adjournment motion should be moved. This is, in fact, quite an ordinary matter, and so much importance should not have been attached to it as is being done. Dr. Sant Ram Seth was arrested as a result of the passing of the August Resolution of the Congress in Bombay. That resolution was so very dangerous and I think, the Punjab Government should be congratulated that at a time when disorder prevailed throughout the length and breadth of India the Punjab remained free from trouble. In other provinces post offices were burnt, telephone wires were cut, Government servants were murdered, railway lines were uprooted, railway trains were derailed and so on. But thank God nothing happened in the Punjab.

Sardar Sohan Singh Josh : What was that resolution due to which so much trouble arose ?

Mian Sultan Mahmud Hotiana : It was the same resolution which was passed by the Congress in Bombay, in August 1942.

Sardar Sohan Singh Josh : May I know from the honourable member whether Dr. Sant Ram Seth was arrested before or after that resolution ?

Mian Sultan Mahmud Hotiana : After that resolution.

Sardar Sohan Singh Josh : The honourable member is misinformed. At the time when the August resolution was passed Dr. Sant Ram Seth was in jail. Subsequently he was released and was put in prison again.

Mian Sultan Mahmud Hotiana : Anyway my submission is this that the arrest and imprisonment of an ordinary M. L. A. like Dr. Sant Ram Seth is not any matter of public importance in regard to which an adjournment motion should be moved. Sir, the position is this. He was kept in that jail where M. L. As. are imprisoned. He was placed in A Class. He got good food and had ample other facilities provided to him. He got books to read and sufficient room to have his daily walks. (*An honourable member* : If the honourable member is enamoured of that jail so much why does he not go there ?) Anyway he was kept there as long as the Government considered his imprisonment necessary. When they found that the circumstances had changed due to which his continued imprisonment was unnecessary he was immediately set at liberty, and was asked to live in his native town, Amritsar, and not to go anywhere else. So far as his restriction in Amritsar is concerned the Honourable Premier will answer this question because he is in a better position to throw light on the matter. My submission is simply this that if we take it for granted that the Honourable Premier does not remove restrictions from M. L. As. because he is afraid that they will come here and oust his Government, I ask why did he let out Sardar Teja Singh Swatantar ? He was in jail and was kept there till Government saw that the policy of communists had changed and when that happened he was let out the very moment. (*Premier* : This is home thrust). The same thing happened with Sardar Sohan Singh Josh. He was also in jail and when the Government saw that he was no longer a danger to the peace and tranquillity of the province he was set at liberty and was permitted to go anywhere he liked. (*Raja Ghazanfar Ali Khan* : The Government released them for fear of Russia).

Sir, I beg to submit that there is no personal enmity behind the imposition of restrictions upon Dr. Sant Ram Seth. The members of the Cabinet have nothing against him personally but they have acted in the interest of the administration of the province in not allowing him to attend the session of the Assembly. It is the interest of the public which is sought to be safeguarded by the imposition of these restrictions. Fortunately for the prompt action of the Government our province has been kept free from disturbance of any kind. I think it is better to restrict the movements of such persons as are liable to break the peace than putting them behind the bars.

May I ask my honourable friend Raja Ghazanfar Ali Khan, who has commenced to champion the cause of the civil liberties of the people, how can he, a Muslim Leaguer, join hands with the Congress in spite of the fact that they are opposed to the Muslim League's demand for Pakistan ? (*Raja Ghazanfar Ali Khan* : Why do you not also join us ?) Does he think he will be able to persuade them to accept the League's point of view ? Or is it because of the lure of a Ministership that he has crossed the floor ?

Raja Ghazanfar Ali Khan : I have absolutely no hesitation in admitting that we are out to oust the Ministry.

Mian Sultan Mahmud Hotiana : If that is why they have joined hands with the bitterest of their enemies I would condemn them a hundred times for selling their community for their personal gain.

Again a reference was made to the North-West Frontier Government. May I ask him another question? Is my honourable friend prepared to publicly condemn the Premiers of those provinces where the Muslim League Ministries are still keeping political workers behind the bars?

Raja Ghazanfar Ali Khan : I am prepared to condemn every Premier who does not allow members, after they have been released, to attend the session of the Assembly.

Mian Sultan Mahmud Hotiana : My honourable friend should know that imposing restrictions is not as reprehensible as keeping them in jails.

With these words I oppose the adjournment motion now under discussion.

Premier (The Honourable Malik Khizar Hayat) : I must confess that this is an adjournment motion which I do not consider to be a pleasant task for me to oppose. It is not a pleasant task for anybody to detain people behind the bars—people who are his colleagues. I am restricting them from being present and I know that it is not a pleasant thing to be defending such an action but there is a responsibility cast on the Government and unpleasant though it may be, it has got to be discharged in the interest of the safety of this province and in the interest of successful prosecution of the war, I would like to refer briefly to the war situation as it was when the August Resolution of 1942 was passed by the Congress. The Germans were then in the Caucasus, Japan was at the door of India where she is still to-day. I am glad to say that the situation has improved, the air raid dangers that we were afraid of, are not now there. It was at this critical time that an attack was made on the peace of India. Rails were taken away, police stations were burnt and there was widespread disorder all over the land. I do not want to dilate on that but it was in those circumstances that arrests of Congress people were made. In other provinces a very large number of arrests had to be made. Comparatively speaking, our arrests were small in numbers. The disturbances in the Punjab were very minor. As the situation has been improving, we have been relaxing our policy of detention and restriction.

I would, in this connection, remind you that there are two types of members opposite. One set are those sincere supporters of the liberty of the citizens. They want the release of political prisoners. There is another party which is exploiting the sincere party for its own ends. They are saying something here which is different from their policy. I would remind the so-called supporters of what their Leader said about the August Resolution of 1942. He said that it was directed against them and he resisted it. He said that it was against the League particularly and the Muslims generally. It was on a later occasion that an attempt was made to ask the League to join in the demand for the release of political prisoners and if my memory is not weak, the words then used were, "We cannot carry these prisoners on our shoulders for the benefit of another party". That is their official policy. Can they say whether that party has ever officially stood for the release of political prisoners?

Raja Ghazanfar Ali Khan : Here is the manifesto.

Premier : We are for the prosecution of the war and, therefore, we have taken these precautions for the sake of the peace and tranquillity of the province under the mandate of this House. Let me refer to that manifesto. I do not know who drafted this manifesto. People say that it came hot from a Communist table in Bombay and it has been retouched here and there. It has stolen pieces from the creeds of various parties and a menu has been prepared from bits stolen from other people's tables. (Cheers). Some of the things mentioned in the manifesto have been given effect to by us. My honourable colleague the Minister of Public Works has ordered that the

Government should take up transport industry and nationalize it. That is there. Let me here quote the Punjabi saying: *Khan de dand hor te daban de dand hor*. If you say that this good thing should be done here, let it be done in other provinces where this party is in power and then we will say that this party is a sincere supporter of liberties of the citizen. Until you have done it, do not wave that manifesto. That does not carry us anywhere (*cheers*). I might remind him that there is a province having affiliation to the party to which my honourable friends there belong and they are keeping members under restrictions also. Would he make enquiries? (*An honourable member: Assam.*)

The motion at present relates to Dr. Sant Ram Seth. Instead of speaking on the whole subject, I would like to confine myself to this question of restriction. These gentlemen were restricted because of much information in my possession which I cannot divulge in the public interest, otherwise, as it has been said by my colleague from Montgomery, if the Government had been afraid, they would have been afraid of Moscow-Wallas. They were detained and now they are released. There is one M. L. A. who was released and allowed to come to the Assembly. We consider cases on their merits. I cannot bring all the facts before you but I might do so if there were a secret session. (*Honourable members from Opposition benches: Hold one.*) I also admit that these people are restricted without trial. It is just to prevent them from doing unlawful things. Prevention is better than cure. Some danger is apprehended and that is why we are keeping them under restrictions. We want that the peace and tranquillity of the province may not be disturbed in any way. It is in order to meet that situation that they are restrained. But the margin of error is very small. We have got people who were really wanted. In this particular case I shall not dilate about some of the honourable member's activities and tell the House why I kept him in. When it came to my notice that his daughter was ailing—unfortunately she has died—I at once released him. Now it is said that he is not allowed to come to the Assembly, that there is nothing wrong in allowing him to come to the Assembly, and that every member has a right to come here. I would submit that even in the North-West Frontier Province they have detained many persons but have allowed others to go out provided they would not take part in politics or unlawful activities. I would remind the House of the case of one Chanan Singh whom I released. After his release he was found doing something which he should not have done. So I had to re-arrest him. Now we are constantly watching all these gentlemen and are considering their cases from time to time. I can assure the House and the public that as soon as we find that there is a case for release, we always release that man. You might have seen in the papers that unconditional releases on a very large scale have recently been made. Where circumstances allow it I do so.

As to the allegations that we do not allow them to come to the Assembly because we are afraid, I submit that I have no such fear at all. This alliance we see on the Opposition benches is only on this very issue. Why should I be frightened on that score? I know that they are combined on this issue only, otherwise they are poles asunder. (*Interruptions*). I said that it was stated that M. L. As. are not being released because they will come and make the Opposition strong. That was an insinuation. I was saying that there is only one earthly issue on which my honourable friends opposite can combine and that is this very issue of release of those persons; otherwise they will stand apart like the North and South poles. (*Interruptions*). How can nationalism and communalism be merged into one? Their Leaders have tried it—I wish they had come to terms—but the only way is our way. If they merge themselves permanently the result will be Unionist Party and then we will stand vindicated. It is not a question of Ministership. My honourable friends there may be here. What we want is that there should be a party on an economic basis. (*Hear, hear from the Treasury benches*). We are free from outside dictation. We are free from outside

[Premier]

interference. We know everything about that manifesto. We also know sufficiently well what happened when certain office bearers were elected.

Raja Ghazanfar Ali Khan : Unanimous. My honourable friend feels jealous of it. I pity him.

Premier : It was asked why we were restricting Dr. Sant Ram Seth within Amritsar. The reason is that we can watch him there. When he applied to go out for treatment of his daughter, we let him go. But in view of his record, I do not think that at present he should be entirely free in the interest of tranquillity and peace of the province. If I find any justification for his release I will free him. This policy, as I have said, has been followed in conformity with other provinces. My honourable friend Raja Sahib was good enough to say that he condemns every Minister who restricts M. L. As. from coming here. If he finds that one is his own party man would he condemn that man also for keeping behind the bars the largest number of persons in a major province ?

Raja Ghazanfar Ali Khan : State the name.

Premier : Just wait. I am coming to that. My honourable friends are saying 'why do you not release them, nothing is going to happen ?' As I pointed out the other day, this is one of the greatest responsibilities of the Government. The times through which we are passing are very difficult. I remember that in the last war when the victory was at hand the worst trouble occurred in the Punjab. We have to keep a vigilant eye on everybody and every movement. We cannot allow any underground movement to go on. We cannot allow any subversive movement to go on. We have to watch those who are released so that there may be no under-ground movements, to see that they observe law and order and that further progress in law-breaking is not made. We are considering these cases and a most liberal view is taken. We have released a large number of people. At present counting both the categories, that is, civil detenus and security prisoners, we have in the Punjab jails 136 prisoners, in all. Against this, in the United Provinces—the latest list I have is of 15th July—there are 898 persons detained, in Madras 591, in Behar 536, in Assam, a very small province, 149 and in Bengal the number is 1,823, (*Hear, hear from the Treasury Benches*), a Muslim League province. In the North-West Frontier Province about which my honourable friend was so impatient, there are 63 prisoners in jail and 42 restricted, a total of 105. Mark the number of restricted ones please. This is a general policy on which other Governments are also acting. See what the Unionist Government is doing. This province has a large area, the North-West Frontier Province is hardly equal to a division and there the number of prisoners is 105 as against 136 in the Punjab. I am not content with this and, as I have said, I am looking into these cases. We are considering them and if more releases can be made none will be happier than myself to do so. We are asked whether we are keeping those people in prison under the policy of the Government of India or of our own. I have explained this point at length, and I would once again state that a broad policy has been laid down by the Government of India because the non-co-operation movement was an All-India movement. Local Governments are charged to preserve law and order and in pursuance of that broad policy these arrests were made. That is the position. As to Dr. Sant Ram Seth, as soon as his daughter died, I let him out and there he is attending to his home affairs in Amritsar. He was on parole to look after his sick daughter—it was a T. B. case and she died—how could one help it. All facilities were given to him and he is at his home now. I was saying that was the position in the Punjab. Therefore, while I would caution my friends of the Congress who are genuinely anxious for the release of detenus, I must repeat that liberal action is being taken about these prisoners and as conditions in the country go on improving we continue to consider their cases. I cannot say more than this at this stage (*Voices from Opposition :* We have signed the manifesto). As

to the gentlemen who have signed the manifesto and want to vote with the Congress, you know what sort of vote it is, whether it is a genuine vote or a tainted vote. The country is there to judge. I have given facts province by province. What is good here should be good there. You have your central high command. They should take action elsewhere and then you come and join the liberty Union and say that the Unionists are reactionary people. They are keeping people behind the bars, and you cannot blow hot and cold at the same time. You must be genuine, otherwise the manifesto is not worth the paper on which it is written. (*Applause*). You have put this item in the manifesto. That does not make any difference. I say you must act on what you say. You must be judged by your actions. Mere assertions cannot befool the public. You can befool some people for some time but you cannot befool all people for all time (*An honourable member from Opposition*: How long have you befooled the people?) The late Premier followed the policy of non-intervention from outside, and, when I took over, in consonance with the benefit of the Punjab and the Punjabis, I went on following that policy, for I found it in the best interests of the Mussalmans also. I do not want that there should be outside interference, whether from Muslims or non-Muslims, in the affairs of the Punjab. As I do not want majority party in the centre to interfere with the provinces I cannot allow minorities of other provinces to interfere with the majority here. I would therefore ask my League friends to be genuine in their professions; and if, nothing else, at least to see that the word *Muslim* attached to their party's label is respected and makes them genuine in what they say. Your actions here are different from what is happening in other provinces.

With these words I oppose the adjournment motion.

Sardar Kapoor Singh: Sir, the honourable the Premier has introduced certain matters which are not germane to the discussion. I would ask him whether it is not a fact that when Dr. Sant Ram Seth one of the members of the Assembly, was arrested there was no allegation against him that he took part in the subversive movement. He was in prison at the time when the resolution was passed, and he was not free later to express an opinion on the resolution.

Premier: It was not in pursuance of the resolution that he was arrested in July 1948, that was in pursuance of some other action taken by him.

Sardar Kapoor Singh: That he was in jail is admitted. I want to know from the Premier in what subversive movement he took part when in jail. He was in jail all along.

Premier: Before he went to jail he did something.

Mr. Deputy Speaker: The question is—

That the Assembly do now adjourn.

The Assembly divided Ayes: 28, *Noes*: 61.

AYES 28.

Abdul Hamid Khan, Sufi.

Akbar Ali, Pir.

Amar Nath Shah, Lala.

Barkat Ali, Malik.

Bhagat Ram Choda, Lala.

Bhagat Ram Sharma, Pandit.

Duni Chand, Mrs.

Ghazanfar Ali Khan, Raja.

Iftikhar Hussain Khan, Nawab.

Kapoor Singh, Sardar.

Karamat Ali, Khan Bahadur Shaikh.

Mazhar Ali Azhar, Maulvi.

Muhammad Hasan, Chaudhri.

Muhammad Hussain, Sardar.

Muhammad Nurullah, Mian.

Muhammad Sarfraz Khan, Chaudhri.

Muhammad Wilayat Hussain Jeelani,

Makhdumzada Haji Sayed.

Mumtaz Muhammad Khan Daulatana.

Mian.

Nasrullah Khan, Rana.

Raghubir Kaur, Shrimati.

Sadiq Hasan, Shaikh.

Sahib Dad Khan, Khan Sahib Chaudhri.

Sahib Ram, Chaudhri.

Santokh Singh, Sardar.

Shaukat Hyat-Khan, Sirdar.

Sohan Singh Josh, Sardar.

Teja Singh, Sardar.

Uttam Singh Duggal, Sardar.

NOES 61.

Abdul Haye, The Honourable Mian.	Mohar Singh, Rao.
Abdul Rab, Mian.	Muhammad Akram Khan, Khan Bahadur Raja.
Abdul Rahim, Chaudhri (Gurdaspur).	Muhammad Azam Khan, Khan Sahib Sardar.
Ahmad Yar Khan, Khan Sahib Chaudhri.	Muhammad Hussain, Khan Bahadur Chaudhri.
Ali Akbar, Chaudhri.	Muhammad Jamal Khan Leghari, The Honourable Nawab Sir.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik Sir.	Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir.
Amjad Ali Shah, Sayed.	Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Anant Ram, Rai Sahib Chaudhri.	Muhammad Yasin Khan, Khan Sahib Chaudhri.
Asghar Ali, Khan Sahib Chaudhri.	Mula Singh, Sardar.
Ashiq Hussain, The Honourable Nawab Major.	Muzaffar Ali Khan Qizilbash, Nawab Sardar.
Baldev Singh, The Honourable Sardar.	Muzaffar Khan, Khan Bahadur Captain Malik.
Balwant Singh, Sardar.	Naunihal Singh Mann, Captain Sardar.
Faiz Muhammad, Khan Bahadur Shaikh.	Nur Ahmad Khan, Khan Bahadur Mian.
Faqir Chand, Chaudhri.	Pir Muhammad, Khan Sahib Chaudhri.
Faqir Hussain Khan, Khan Bahadur Chaudhri.	Prem Singh, Chaudhri.
Fateh Jang Singh, Captain Bhai.	Prem Singh, Mahant.
Fateh Muhammad, Captain Mian.	Pritam Singh Siddhu, Sardar.
Fazal Din, Khan Sahib Chaudhri.	Ram Sarup, Chaudhri.
Gopal Singh (American), Sardar.	Biasat Ali, Khan Bahadur Chaudhri.
Guest, Mr. P. H.	Ripudaman Singh, Rai Bahadur Thakur.
Habib Ullah Khan, Khan Bahadur Malik.	Roberts, Sir William.
Haibat Khan Daba, Khan Bahadur Khan.	Sardar Khan Noon, Major Malik.
Hans Raj, Bhagat.	Sher Singh, Sardar.
Hari Chand, Rai Bahadur Rai.	Sultan Mahmood Hotiana, Mian.
Harnam Das, Lala.	Sumer Singh, Rao Sahib Chaudhri.
Het Ram, Rai Bahadur Chaudhri.	Suraj Mal, Rao Bahadur Chaudhri.
Indar Singh, Sardar Bahadur Sardar.	Tara Singh, Sardar Sahib Sardar.
Jafar Ali Khan, Chaudhri.	Tikka Ram, Chaudhri.
Jogindar Singh Man, Sardar.	
Jugal Kishore, Chaudhri.	
Khizar Hayat, The Honourable Malik.	
Lal Singh, Sardar.	
Manohar Lal, The Honourable Dr. Sir.	

The Assembly then adjourned till 10 a. m. on Friday, 15th December 1944.

PUNJAB LEGISLATIVE ASSEMBLY

TWELFTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY

Friday, the 15th December 1944.

The Assembly met in the Assembly Chamber at 10 a. m. of the clock. Mr. Speaker in the Chair.

UNSTARRED QUESTION AND ANSWER.

OFFICERS AND ESTABLISHMENT OF PROVINCIAL TRANSPORT DEPARTMENT.

1785. **Sardar Sher Singh**: Will the Honourable Minister of Public Works be pleased to state the number community-wise of officers and establishment of the Provincial Transport Department with their grades of pay?

The Honourable Sir Muhammad Jamal Khan Leghari: The statement showing the required information is laid on the table—

Statement showing the number of officers and establishment community-wise employed in the Provincial Transport Department with their grades on 1st December 1944.

Rank	Grade of pay	Total No.	Muslim	Hindu	Sikh	Christian
OFFICERS						
1. Secretary, P.T.A., D.T. C.I. and A. I. G. Police (Traffic).	I.-P.-Grade plus Ra. 200 per mensem special pay	1	1	..	..	..
2. Deputy Transport Controller II.	625—50—1,375— (J.S.E.) plus Offg. 1,750—100—2,150 Rs. 200 per mensem special pay ..	1	1	..	..	..
3. Technical Adviser Transport.	Fixed at 1,000	1	..	..	..	1
4. Officer on Special Duty Transport.	300—30—510/30—600—40—720— 40—800—50—850— (P.C.S.) plus Rs. 200 per mensem special pay ..	1	1	..	..	..
5. Extra Assistant Transport Controllers ..	200—25—500—25—700 200—20—560/20—600—25—650	3	..	1	1	1
6. Chief Superintendent ..	350—20—450—30—480/20—600 plus Rs. 100 per mensem special pay ..	1	1	..	..	..
7. Statistician ..	200—15—275/15—470/15—500/20—600	1	Vacant	..	..	..
8. Secretaries, Regional Transport Authorities.	P. C.S. Grade	2	1	1	..	..
	D. S. Police grade plus Ra. 100 per mensem special pay ..	2	..	1	1	..
Total ..		14	5	3	2	2
		1 One post is vacant 2 posts are vacant				

Rank	Grade of pay	Total No.	Muslim	Hindu	Sikh	Christian
MINISTERIAL ESTABLISHMENT						
1. Superintendents ..	260-15-350	2	2	..	..	..
2. Head Assistants ..	190-15-260	2	..	1	1	..
3. Assistants ..	80-7-150-7-192/8-200 ..	*13	6	4	..	..
4. Stenographers ..	80-4-120	4	1	3	..	..
5. Senior Clerks ..	60-4-120	15	8	4	3	..
6. Junior Clerks ..	35-2½-60/2½-85	†57	29	20	4	..
	35-1½-60/1½-75					
Total ..		93	46	32	8	..
MECHANICAL STAFF						
1. Gas Plant Inspectors ..	80-7-150/7-185/8-225 ..	5	1	3	1	..
2. Mechanics ..	60-4-100	5	‡5	2	..	..
3. Inspectors, Spare Parts	80-5-140/7½-185	5	not yet filled up.			
Total ..		15	3	3	1	..
PROSECUTING S.-I. POLICE						
SUB-INSPECTOR OF EXCISE						
Assistant Secretaries, Regional Offices.	.. ..	4	3	1	..	..
.. ..	.. ..	1	1	..	..	..
Total ..		5	4	1	..	..
POLICE STAFF ON DEPUTATION TO THE TRANSPORT DEPARTMENT						
1. Inspector (European) ..	205-7½-325	10	..	..	..	10
2. Sergeants (European) ..	150-5-200	2	..	..	..	2
3. Sub-Inspectors ..	80-5-110/5-130	2	..	1	1	..
4. Assistant Sub-Inspectors	55-2½-75	6	4	1	1	..
5. Head Constables ..	35-1-40/1-47/1-50	13	8	1	4	..
6. Foot Constables ..	25-½-33	36	29	3	4	..
	22-½-25					
Total ..		69	41	6	10	12

*Three posts still vacant, two of which reserved for Sikhs Applications invited by means of advertisement.

†Four posts are still vacant.

‡Three posts are vacant.

QUESTION HOUR.

Premier (The Honourable Malik Khizar Hayat): Sir, in order to expedite the business pending before this House—we can not go on to the next week because of the forthcoming Muharram—in agreement with my friends of the Opposition, I beg to move—

That the question hour be dispensed with at to-day's sitting of the Assembly and that the business of the House be interrupted at 12-30 p.m.

The motion was carried.

ADJOURNMENT.

Premier: I beg to move—

That the Assembly at its rising to-day shall stand adjourned *sine die*.

The motion was carried.

WRONG RULING—CANCELLATION.

Mr. Speaker: I cancel my wrong ruling. (*Hear, hear, and applause.*) I am sorry that all this has happened. I have found no authority which requires me to cancel wrong ruling given by me with the consent of the House.

ADJOURNMENT MOTIONS.

ZAMINDARA LEAGUE AND OFFICIALS.

Raja Ghazanfar Ali Khan: 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 activities of Deputy Commissioner and other civil officers of the Jhang district in helping the organisation of Zamindara League in their district by convening meetings and collecting funds.

Mr. Speaker: Raja Ghazanfar Ali Khan 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 activities of Deputy Commissioner and other civil officers of the Jhang district in helping the organisation of Zamindara League in their districts by convening meetings and collecting funds.

Premier: No objection.

Mr. Speaker: No objection having been taken, the motion will be taken up at 12-30 p.m. or earlier if the business on the agenda is concluded earlier.

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 1944-45 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 1944-45, which specifies:—

(a) the supplementary grants (first instalment) made by the Punjab Legislative Assembly in its session held in December 1944, and

[Minister for Finance]

(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.
8	Charges on Irrigation Establishment	56,530	..	56,530
10	25—General Administration	1,50,590	20,000	1,70,590
12	28—Jails and Convict Settlements	1,80,760	..	1,80,760
14	47—Miscellaneous Departments	6,000	..	6,000
16	37—Education (excluding European and Anglo-Indian Education)	11,21,970	..	11,21,970
20	41—Veterinary	14,400	..	14,400
26	62.A—Other Revenue Expenditure connected with Electricity Schemes	16,910	..	16,910
30	64—Famine	5,85,000	..	5,85,000
32	57—Miscellaneous	2,71,820	..	2,71,820
34	Loans to Municipalities, Advances to Cultivators, etc.	50,000	..	50,000
17	38—Medical	10	..	10
18	39—Public Health	10	..	10
24	Charges on Public Works Department, Buildings and Roads Establishment	10	..	10
	GRAND TOTAL	24,54,030	20,000	24,74,030

LAHORE :

(Sd.) B. J. GLANCY,

The 13th December 1944, }

Governor of the Punjab.

AGRICULTURAL PRODUCE MARKETS (AMENDMENT) BILL.

Clauses 3 to 5.

Mr. Speaker : The House will now resume discussion on the Punjab Agricultural Produce Markets (Amendment) Bill. The question is—

That clauses 3, 4 and 5 stand part of the Bill.

*The motion was carried.**Clause 6.*

Parliamentary Secretary (Chaudhri Tikka Ram) : I beg to move—
That in part (a), line 3, after the word 'and', the following words be added :—

" shall be deemed to have been substituted from the commencement of the said Act".

The motion was carried.

Mr. Speaker : The question is—

That clause 6 as amended 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.

Minister of Development (The Honourable Sardar Baldev Singh): Sir, move—

That the Punjab Agricultural Produce Markets (Amendment) Bill be passed.

Mr. Speaker : Motion moved—

That the Punjab Agricultural Produce Markets (Amendment) Bill be passed.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): Sir, I pointed out at the time to the Honourable Minister for Development that clause 2 of this Bill is very wide. It gives power to the Government to continue the present members till others are appointed. The present members have been there for a long time. But as it is the intention of the Bill to validate their appointment during this interim period, I would expect that they would not continue for long but new appointments would be made and the dealers would be allowed to send in their representatives as last time when these committees were formed, they had no opportunity to send their representatives. I would, therefore, again request the Honourable Minister for Development that he should not continue the present members any longer but would give an opportunity to the dealers to send in their representatives.

Khan Bahadur Shaikh Karamat Ali (Nankana Sahib, Muhammadan, Rural): Mr. Speaker, I should very candidly admit that the rules made by the Honourable Minister for Development regarding the conduct of business in the market committees are exceedingly good and that reflects credit either on the vigilance of the Minister over his staff or on the really talented and able assistants who do the work of drafting of rules, etc. But at the same time I should point out a very serious handicap from which this Bill is suffering. I referred yesterday to the issuing of licences to people who wanted to enter into the business of grain stocks. That is against public policy in so far as it prevents young men or men of my age, from entering the profession merely because they do not possess or their forefathers did not possess the necessary experience in that branch. It has nowhere been made a law by any Parliament in any country that a person should not be allowed to pursue a particular trade unless he has some sort of previous experience in that trade. In fact, if he is not competent in the line, the competition would turn him out of the market and at the same time he would suffer financially. But, for a Government to stop a man from entering any trade and taking his chance in life, is much too absurd, hence unjustified. It is against law and against common sense. I, therefore, submit that the Honourable Minister for Development should issue instructions to see that no such rigidity is observed by the district magistrates in issuing licences for people dealing in grain.

Sardar Santokh Singh (Eastern Towns, Sikh, Urban): I would like to say just a few words. So far I did not take part in the discussion because I found that the amendments suggested in the Amending Bill were more or less verbal and they did not call for any serious observations. But I should like to make one suggestion. If

[S. Santokh Singh]

the traders do submit any panel, I hope the honourable Minister will be pleased to issue instructions that the district magistrates should accept that panel without any change.

Minister of Development : With regard to the point mentioned by Sardar Santokh Singh, in cases where we receive any complaints or representations from the traders, the matter is referred to the deputy commissioners. In some cases we have received their recommendations and in some other cases their recommendations have not come as yet and that is one of the reasons why new market committees have not been formed.

As regard the point raised by Sheikh Karamat Ali, I gave an assurance yesterday and made it absolutely clear and I shall repeat it once again, that no rigidity has been enforced till now. I made enquiries and I wish to state for the information of the House that over 50 licences have been issued to those people who have had no experience of the trade and who were absolutely new and who were beginners. I repeat that as far as these instructions are concerned they have not been enforced rigidly.

Mr. Speaker : The question is—

That the Punjab Agricultural Produce Markets (Amendment) Bill be passed.
The motion was carried.

DISTRICT BOARDS (AMENDMENT) BILL.

Mr. Speaker : The House will now resume discussion on the Punjab District Board (Amendment) Bill.

Mian Muhammad Nurullah : Regarding my amendment, now that saner views have prevailed all over, I would suggest that it would be much better if the Government brings in a comprehensive measure. I, however, do not press my amendment.

Mr. Speaker : The question is—

That clause 2 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.

Minister of Public Works (The Honourable Sir Muhammad Jamal Khar Leghari) : I beg to move—

That the Punjab District Boards (Amendment) Bill be passed.

Mr. Speaker : Motion moved is—

That the Punjab District Boards (Amendment) Bill be passed.

Sardar Shaukat Hayat Khan (Attock North, Muhammadan, Rural) : Sir, it is indeed painful for me to see that the Honourable Minister in charge of the Bill is still insisting, in spite of our protest, to put this amending Bill to this House and put it through in a manner which I would characterise as hustling through this House.

As I pointed out the other day, we on this side of the House are in no way opposed to this antiquated legislation which was passed in 1883. But what we are really against is this half measure and half baked amendments which are put through in this manner from time to time. Instead of removing the ills of the 1883 enactment this measure and the measures which have been moved up till now only aggravate the malady of bureaucratic ascendancy in the district board administration. I do not know why my honourable friend, in spite of our requests, has brought this amending clause forward. You will remember that only in the last session the whole amending Bill came before us and the House was so co-operative that within about half an hour 11 clauses of that amending legislation were passed. But now the Ministry fights shy of it. Why? What is holding my honourable friend from bringing it forward? These people, who are great preachers of democracy, have themselves thrown back the legislation which was proudly hailed by the Honourable Premier as his best baby.

Rai Bahadur Lala Gopal Das : It was your subject.

Sardar Shaukat Hayat Khan : I do not deny that it was my subject. I still say that I am proud of certain parts of the Bill but I would like the Honourable Minister to take courage and bring those parts forward. This motion which has been brought forward before us is nothing but reactionary. It is a motion which affects clause 5 of the Punjab District Boards Act, 1883. In that clause it is said that all lands shall be subject to the payment of a local rate not exceeding twelve pies and not less than ten pies. I do not know whether the Honourable Minister in charge has considered what the local rate is and what it means giving unfettered power to the provincial Government to tax the poor peasantry to any limit. If there were a limit imposed upon it, one would think that this measure would not be used carelessly but the way in which the district board administration is being run, the way in which nominated members and officials are running the administration and oppressing the people, one cannot hand over legislation of this nature in the hands of this reactionary Ministry which has no other business in this world but to oppress the zamindars whom they proudly broadcast that they are protecting. They do not like clause 16 to be passed because that clause takes away their pots from the chairmanships of district boards. That was the real progressive part of the Bill and that part they are not prepared to bring forward only because it is going to take power away from the officials and consequently the Ministry is not going to be able to dictate its terms to the poor members who have got no voice left. Under clause 16 of the new Bill before the House, the members have to elect one of their own members, and not an ex-officio member as chairman who will, with the approval of the provincial Government, become the Chairman. This is the thing which my honourable friend the Minister in charge does not wish to bring forward at this moment. If elected representatives want to tax their people for the better administration of the district, for better works in the district and for provision of greater amenities in the district, then it could be said that it would be done in a progressive and democratic manner. Now a days a *farman* is issued from Lahore and the district boards are bound to obey those orders and tax poor peasants to any limit. I would like to say a word to those people who were quick in criticising our manifesto yesterday. Let the world see how they are protecting the zamindars. The zamindar for whose protection the Zamindara League is set up, is the most oppressed man to-day. I have got figures from that very manifesto which the Honourable Premier criticised. I am going to compare the lot of the zamindar with that of the non-zamindar in the Punjab, how he is taxed, how he is oppressed and how the non-zamindar gets away with it and the Zamindara League Government is sitting tight there bringing forward legislation of this nature. While up to the income of one thousand rupees the non-zamindar does not pay any tax, a zamindar up to that income pays a tax equivalent to one-fourth of his income. Similarly, if you go down the list you will find that up to an income of 33 thousand rupees a year, the zamindar pays more tax than the non-zamindar and the Honourable

[Sardar Shaukat Hyat Khan]

Minister who is supposed to be the protector of the peasants of this province is hitting the poor peasant who is finding it difficult to make both ends meet. He is being taxed to a limit which he cannot afford. It is easy to criticise other people. I would ask the Ministry to look into their own records and find if their conscience permits them to criticise the Muslim League, a progressive body. It is said that we are having outside interference. We are having outside interference and we are proud of it but the outside interference is not that of Sir Bertrand Glancy who comes from England. Is Sir Bertrand Glancy a Punjabi? Is he better than the one great Leader of the Muslims who has been hailed by nine crores of Muslims? (*Cheers*). Should he be considered as an outsider? I will go further down and see how the Government proposes to help the poor people. The Honourable Premier was very keen in trying to throw mud at the Muslim League. I do not think it is worth our while throwing mud at them because they themselves are so much in mud that they cannot get out of it. Look at this piece of paper. This is the Bill which the Honourable Minister has taken three days to get through this House.

Sayed Amjad Ali Shah : All credit to you.

Sardar Shaukat Hyat Khan : All credit to us indeed because we are not standing for any reactionary and backward legislation. We want to go forward. My party wants to go forward and you people want to tie yourselves to the strings of that old and out of date bureaucratic Ministry. (*Interruptions*). I have been a Minister and I am glad that I am out of it now. I am much happier because I can stand for the rights of the people but those people sitting mum and dumb should wake up. It is said that Sir Chhotu Ram and the Honourable Premier are going to protect the zamindars. What do they do? They bring forward a Bill to the effect that there should be limitless taxation. I will read part (b) of clause 5 (2) of the Bill :—

"(b) In respect of the whole or any part of the area subject to the authority of a District Board, abolish or reduce, or, on the recommendation of the District Board, increase the local rate".

You can go on increasing the local rate and those zamindars, whom you have been trying to protect, have gone under and under and one day I hope they will find that they cannot go down much further, and then even you will not be able to resist their call to freedom and for a progressive Ministry.

Rai Bahadur Lala Gopal Das : But all the district boards are ruled by the zamindars.

Sardar Shaukat Hyat Khan : I wish they were. If the zamindars are ruling them, then I would be the first person to say that all the power that they require should be given to them and all the district boards and municipalities be run by the people. Do the present Government allow the zamindars to run their own institutions? Look at the premier city of Lahore.

Mr. Speaker : The honourable member should confine his speech to the matters mentioned in the Bill and not to matters beyond it.

Sardar Shaukat Hyat Khan : I will come to the district boards. I would not say much more. I have just one more request to make to the Honourable Minister. I will ask him, "For God's sake take the trouble of reading comprehensive notes that are lying in the office."

Mr. Speaker : Whole of the District Boards Act cannot be discussed.

Sardar Shaukat Hyat Khan : I will ask him to read this very section of that Act and see that portion which is holding him back from bringing forward the whole Bill before the House. He should have spent half an hour or so in reading those notes. He will find co-operation of this side of the House in bringing it forward on a democratic basis.

Mr. K. L. Rallia Ram (West Central Punjab, Indian Christian) : Sir, this is the smallest and the shortest Bill that I have seen before the House for the last so many days, and so many amendments have been moved. The object has been only to impede its passage. If my honourable friends on the opposite side will take the trouble of reading section 6, they will find that the position is quite clear and they will know how this money is going to be spent. Section 6 says that this local rate, as it is, can be spent for 3 objects. One is education, the other is roads and the third is village post. For no other object can this tax be levied. District Boards are in a very bad condition and so far as I know their finances are not good. Therefore we should strengthen their position. The three crying needs of the district boards are education, sanitation and roads. How can you expect them, with their limited finances, to have more schools. Under the reforms a good deal of expansion has taken place, but that is not all. Much more has got to be done. Ninety per cent. of our people are still ignorant, illiterate and poor. Therefore, it is of utmost importance that we should have more schools and better schools and in order to have better schools we must give better education and in order to give better education we must have better teachers and highly paid teachers too. How can you expect a teacher, who is getting Rs. 17 or 20 to give better education. In answer to a question I was told that in a certain district board teachers are getting less than Rs. 20. How can you trust your future generation to the care of those low paid teachers. Under these circumstances I think this local rate is almost necessary, so that we can have highly paid teachers who can impart better education to our future generation, on whom depends the destiny of our self-governing institutions. Democracy is to originate in villages and not in cities. If this money is not going to be spent on the necessities of district boards then you will cripple them. You claim to be the friends of the zamindars but we are greater friends than you are. You are standing in their way. This money is not going to the coffers of the Government. I would stress that this Bill must be passed as it is one imperative need of the day.

Minister of Public Works (The Honourable Sir Muhammad Jamal Khan Leghari) (Urdu) : Sir, the debate on this Bill has now been going on for the last two days and several honourable members on both side of the House have taken part in it. The objections raised by the Opposition have been amply met by the speakers on this side, and I do not propose to waste the time of the House in rebutting the arguments advanced by my honourable friends Mian Muhammad Nurullah and Sardar Kapoor Singh while speaking on their amendments. Two days have already been wasted on an inconsequential amendment by the Opposition and I would, therefore, confine my remarks to a mere statement of the objects necessitating the introduction of this Bill. According to the Act of 1883, section 5, the maximum local rate per rupee was one anna only. (*An honourable member* : Ten pies.)

Khan Sahib Chaudhri Ahmad Yar Khan : Why does the honourable member worry his head over these details ? After all the local rate is to be paid by us. He is not being asked to pay anything. (*Laughter*).

Minister : Sir, the House is aware of the fact that in these days when war is going on the prices of the necessaries of life have increased four fold and consequently the wages of labourers, etc., have increased likewise. Now the district boards, which have to maintain roads, repair bridges and carry on their educational and other activities find it very difficult to meet the increased expenditure. This rise in prices has affected their revenues adversely. The local rate is being levied at the maximum permissible rate. Other taxes, too, have reached maximum limits. Their reserve funds too are gradually exhausting. In the face of these unusual circumstances the Government was repeatedly asked to find out a way to meet their difficulties. The only way open to us is to pass such a legislation as the present one and thus enable them to supplement their incomes. My honourable friends ask me, why I do not present the entire District Board Bill before the House instead of bringing forward

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a very small part of it. They must be having a thorough idea of the time which has been spent in the passage of this clause and if we take up the whole Bill and pass it at this speed, then it will take not less than three months.

Raja Ghazanfar Ali Khan : Should I take it that you will take up the whole Bill in the next budget session ?

Minister of Public Works : I will make every effort to get that measure passed at the earliest possible moment.

I was saying that the general condition of roads is not good. The employees are now demanding higher wages. Their demand for increased pay is legitimate and it cannot be denied for long.

The freedom of these boards has been very much talked about and the nominated element in the boards has unnecessarily been condemned. There is not a single district board in the province where the elected members are less than 66 per cent and more than 75 per cent. In the presence of such heavy elected element the nominated element is totally ignorable.

As the time at the disposal of the House is very short, I cut down my speech and propose that the motion may be passed.

Mr. Speaker : Question is—

That the Punjab District Boards (Amendment) Bill be passed.

The motion was carried.

LEGISLATIVE ASSEMBLY ALLOWANCES OF MEMBERS (AMENDMENT) BILL.

Minister of Finance (The Honourable Sir Manohar Lal) : I beg to introduce the Punjab Legislative Assembly Allowances of Members (Amendment) Bill.

I beg to move—

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

Mr. Speaker : Motion moved—

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

Chaudhri Muhammad Hasan (Ludhiana, Muhammadan, Rural) (*Urdu*) : Sir, I rise to oppose to the Bill now before the House. I wish to make a few submissions in support of my contentions. The object of bringing forward this Bill, now before the House is simply to please the Unionist members, so that they may stick to the Government side, more or less it is just like purchasing them by putting an additional sum in their pockets. Government have not provided any relief to those low paid Government servants who draw Rs. 200 or less as their salaries.

Mr. Speaker : Has the honourable member given notice of an amendment ?

Chaudhri Muhammad Hasan : No, I only intend to oppose the motion. I wish to submit that the poor low paid Government servants are hard-hit during these abnormal times. May I ask the honourable members sitting on the Treasury Benches in general and the Honourable Finance Minister in particular whether they have cared to enhance the dearness allowance given to low paid subordinates, namely, peons, orderlies and clerks who do not seem to be satisfied with the present allowance. Since the prices have shot up to an unexpected abnormal level, it is practically impossible for the low paid staff of the Government to make their both ends meet. When the Government is going to increase the allowance for the M. L. As. by Rs. 100, I do not see any reason why the Government servants getting Rs. 200 or less should not be given a monetary help, because they are financially hard-up as compared with the honourable members of this House who are well-off in every way. It will not be out-

of place to mention here and I make bold to submit that my honourable friends sitting on the Unionist Benches happen to be capitalists who roll in wealth. They have never cared to voice the grievances of these low-paid Government servants who are hard-hit due to the abnormal rise in the prices of commodities. What I wish to submit is this that most of the honourable members sitting on this side of the House, who are not financially well-off manage to pull on smoothly during these abnormal times. They are fully aware of the hard lot of the Government servants drawing Rs. 200 or less and this is why they want that some monetary help should be given to them. I am constrained to remark that my honourable friends who are for the immediate passage of the Bill now before the House have no spirit of sacrifice. On the one hand they go on crying from their house-tops that they are the well-wishers of the zamindars and the poor sections of the public, while on the other no efforts have been made to ameliorate the hard-lot of the poor and the down trodden. Their verbal sympathy is not going to improve their condition in the least. Under the circumstances I would appeal to my honourable friends sitting on the Treasury Benches in general and the Honourable Finance Minister in particular that the passage of the Bill should not be pressed and that the total sum of £ allowance which they intend to give to the honourable members of this House, should be spent for the amelioration of the poor. It seems that the Honourable Finance Minister has been pressed by my honourable friends sitting on the Unionist Benches, to rush through this Bill hurriedly. Perhaps these honourable members want to return to their home with a fairly good sum amounting to Rs. 1,200.

Further I wish to submit that it is but meet and proper on the part of the Government to afford some relief to low-paid Government servants with a view to put an end to corruption, etc. It is crystal clear that the Government servants find it impossible to make their both ends meet and in case they are not given any relief in the form of a suitable increase in their salaries, I am sure corruption will continue to prevail in the services. In my opinion there is this political move behind the measure now before the House, that by passage of this Bill, my honourable friends sitting on the Treasury Benches, who have no set programme or any centre or high command want to show the public-at-large that majority of the honourable members of this House are with them. However, I would request them that in case this Bill is passed, they must make it a point to ameliorate the hard lot of the poor. It is but meet and proper on the part of the honourable members sitting on the Unionist Benches to make at least this much of sacrifice in the shape of allowing the Government to spend the proposed allowance of the honourable members of the House for the benefit of the poor low-paid Government servants. So far as the honourable members sitting on this side of the House, are concerned I have no hesitation in informing them that all of them are in favour of spending the proposed amount of the allowance for the benefit of the poor services. It is no use for the honourable members sitting on the Treasury Benches to rush through this fiscal measure hurriedly. It will not be out of place to mention here that besides their T. A., etc., they are drawing fat salaries amounting to thousands and it is in the fitness of things that their first and foremost duty should be to improve the lot of the poor. They have never cared to improve their lot for the last seven or eight years. In this connection I would like to bring this point home to my honourable friends belonging to the Scheduled Castes that their brethren, majority of whom are working as peons, jamadars and orderlies are experiencing great hardships on account of the abnormal rise in the prices of commodities, so much so that they find it impossible to make their both ends meet. Under the circumstances I appeal to them that by siding with the Unionist members with a view to rushing through the Bill they would be doing a great injustice to the cause of their brethren who are terribly hard hit. (*Interruption*). It seems that my honourable friends sitting on the Treasury Benches are bent upon administering injustice to the poor people of this province. My respectful submission is this that the Unionist members of this House

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who happen to be the representatives of their constituencies, are so rich that they can afford to bear the expenses of their journey and maintain their servants, etc. They enjoy their life to their lees. A monthly allowance of Rs. 200 would not make any difference to them. In my opinion there is some political issue behind it. I have no hesitation in saying that my honourable friends sitting on the Unionist Benches in general and those on the Treasury Benches in particular have become very greedy and are trying to make other honourable members of this House greedy. They do not worry about the pitiable condition of the poor. They feel pride in saying that they are the real well wishers of the people. In this connection I may inform them that they are the well wishers of the people in name only. There are many honourable members on the opposite side of the House, who want to oppose this fiscal measure with a view to provide some relief to the poor services but they have been forced to be in its favour. So far as the Bill now before the House is concerned, I make bold to submit and say that the public will resent the attitude adopted by the honourable members, sitting on the Treasury Benches when they would be answerable before them. Let me however, inform them that they are ruthlessly spending the public purse for those who are not actually in need of it. With these words, Sir, I strongly oppose the Bill now before the House.

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muslim, Rural) (*Urdu*) : Sir, my honourable friend, the Leader of the Opposition, has advanced conflicting arguments in opposing this Bill. On the one side he says that the Government has been guilty of injustice in not increasing the pay of those Government officials who are drawing Rs. 200 per month during these hard-pressed days. And on the other hand he says that the Government is doing injustice by increasing the allowance of the members of this House from Rs. 200 to Rs. 300 per month. Does he not realise that the representatives of the public who do no other work except the work for the betterment of those whom they represent deserve better treatment at the hands of the Government? It is said that the Unionists are capitalists. They must know that the representatives of the poor must be compensated for the work they do, because the work of the public takes all their time and they find no time to do something to earn their living. If no such steps are taken it will become very difficult for the poor representatives of the poor to come here and to voice their feelings during these hard-pressed times. We do not demand it because we are greedy but because of the principle involved in it. The House contains both the rich and the poor as its members. The honourable Leader of the Opposition has been pleased to say something about spending this sum on the poor. I say who prevents him or his friends to spend their allowances on the poor? They are at liberty to spend it as they like or not to take it at all. But Sir, it is all propaganda. What they say about the Government officials is only to please them. They oppose the present Bill in order to show that they are very selfless. But they will pocket the money all the same. With these words, Sir, I support the Bill now before the House.

Mian Abdul Aziz (Outer Lahore, Muslim, Urban) (*Urdu*) : Sir, as you know originally we used to get this allowance according to our daily attendance. This remained the practice till 1942. As after that time the sessions of the Assembly were held only off and on and those sessions, too were not for more than five to ten days, except of course the budget session which used to run for 15 or 20 days. Hence some of the members represented to the Government to fix monthly allowances for them. I pointed out even at that time that it would be another burden of four to five lakhs to the provincial exchequer for nothing. Members come here in the interest of their constituencies and not to make money. If they mean to serve the public let it be a free service, though they come here after spending so much on their elections. But if they mean to take back what they have spent on their elections in

this way then it is a different thing. Let those who come from outside get allowance from Rs. 10 to Rs. 15 per day and one can understand that. But what is the position here? Under the present Bill we are not only increasing the monthly allowance from Rs. 200 to Rs. 300 per month but also giving it a retrospective effect.

Sardar Sohan Singh Josh : Sir, as many members want to speak on this Bill, the time for each member may be fixed.

Shaikh Sadiq Hasan : Yes that must be done.

(Mr. Speaker in consultation with the House time was fixed three minutes for each member).

Mian Abdul Aziz : As I was submitting, the honourable members are entitled to get the increased amount not only after the enactment of the present Bill, but from the 1st of April, 1944. Now Sir, the last session of the Assembly ended on the 31st of March 1944. So far I remember we have done nothing from that time up till now. How are we justified in asking for increased allowances for these eight months during which we have done nothing?

I think, the members here are quite rich. Therefore what my honourable friend Raja Fateh Khan has said is quite out of place. If they feel so much for the poor, let them all resign and send here only the middle class or the poor. *(An honourable member :* The House shall, then, become a poor house).

Premier : If the rich are not to come, you, too shall not be able to return to this House.

Mian Abdul Aziz : I shall be glad only if the Honourable Premier and some of our colleagues do not come here.

Mr. Speaker : The honourable member's time is up.

Mian Abdul Aziz : Well Sir, for the reasons I have stated briefly I strongly oppose the Bill now before the House. It will be another burden of 2 lakhs to the provincial exchequer for nothing.

Subedar Major Raja Farman Ali Khan (Gujar Khan, Muhammadan, Rural). *(Urdu) :* Sir, the honourable members opposite are opposing the Bill on the ground that Government by increasing the allowance from Rs. 200 to Rs. 300 are so to say throwing a bait to the honourable members on this side to remain in the Unionist party. It is entirely wrong. The fact of the matter is that the enhanced allowance is being sanctioned for the poor members who cannot make their living with Rs. 200. You know why we, the zamindars, have become poor and destitute. Our poverty is mainly due to the vakils who charge fees from Rs. 500 to Rs. 1,000 for ordinary cases. *(Laughter).* This increased allowance, as I have already submitted, is being sanctioned for the poor members. If my friends do not need it as they profess so loudly let them not have it. But their inside is the reverse of their outside. If this allowance is sanctioned they will certainly pocket it, however loudly they might have opposed it in the House. My submission is that we are the representatives of the poor and are doing work for them. Therefore we have also a right to live in the world. It has been suggested that the Bill should be circulated for eliciting public opinion thereon. It does not concern the public at all. It is concerned with us and therefore our opinion should be taken in regard to it. We have expressed our opinion that this allowance must be sanctioned. It has become a habit with my friends to profess what they do not do. I am sure if this enhanced allowance is sanctioned by the House they will take it all the same. *(Laughter).*

Khan Bahadur Shaikh Karamat Ali (Nankana Sahib, Muhammadan, Rural). *(Urdu) :* Sir, I think that if an irrelevant remark is made from that side it should not be followed by an irrelevant one from this side. But as now speeches are being made for the sake of propaganda only, I think, it will not be out of place if I also say a word by way of reply. My honourable friend over there has observed that it is the

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members of the legal profession who are responsible for the poverty of the zamindars. He is entirely mistaken. It is the *haramkari* of the zamindars which has made them destitute and paupers, and not the vakils.

Premier : May I suggest to the honourable member, a parliamentarian as he is, that he should not have used the word *haramkari*. It does not do him any good nor does it do any good to a profession that thrives and lives on such deeds.

Khan Bahadur Shaikh Karamat Ali : I think the Honourable Premier has not understood the meaning of the word *haramkari*, otherwise he would not have objected to it. *Haram* is an Arabic word and means only an evil and *kari* means deeds. *Bad* is a Persian word and means the same. If the Honourable Premier objects to the using of the word "haramkari" I withdraw it and substitute for it the word *badkari*.

Mr. Speaker : The honourable member should not use these words. They are unparliamentary.

Khan Bahadur Shaikh Karamat Ali : Sir, it is the evil ways of the zamindars which have made them destitute and not the members of the legal profession. That is what the Honourable member opposite should seriously think about and try to put his house in order.

Khan Bahadur Chaudhri Faqir Hussain Khan : Sir, may I ask the honourable member whether he would be prepared to tolerate the use of the word if it is used in regard to him?

Khan Bahadur Shaikh Karamat Ali : My honourable friend has stated that it is the members of the legal profession who have made the zamindars destitute and I am simply telling him that it is not the vakils but the evil ways of the zamindars themselves which are responsible for their poverty and backwardness.

Khan Bahadur Chaudhri Faqir Hussain Khan : But he has not used the word *badkari* or *haramkari* in regard to Vakils.

Khan Bahadur Shaikh Karamat Ali : If my friend thinks that these words are improper I withdraw them. Anyhow I ask, have my friends considered dispassionately the argument which has been advanced in favour of increasing this allowance from Rs. 200 to Rs. 300? If so, have my friends also considered the point whether the work done by them so far merits this increment in their allowances? It looks funny to me at least. During the whole of the year the Assembly meets for only 30 or 35 days. But this compensatory allowance, as it is called is being given every month of the year, to cater unto the needs of honourable members which are living in Lahore in connection with the sessions of the Assembly. In the statement of objects and reasons it is stated that this allowance is being paid to the members of the Assembly owing to abnormal rise in the cost of living and travelling. Has the Honourable the Finance Minister considered the question that it is only when we come to Lahore that we feel that the cost of living and the rents of houses or hotels have abnormally increased and that too for a period of 30 or 35 days only when the Assembly is in session? If he felt kindly disposed towards the honourable members, he could have paid them increased allowance for that period alone. I do not think there is any justification for making any increase in this allowance. They are already getting Rs. 200 per month which is sufficient for satisfying their needs whilst they are in Lahore attending the session of the Assembly. The allowance should not be considered as a source of income. My honourable friend the Leader of the Opposition has remarked and rightly so that this allowance is not being paid to members in order to enrich them, it is not a source of their livelihood at all. In view of these considerations it has been urged from this side of the House that this Bill is unnecessary and I therefore oppose it.

Khan Haibat Khan Daha (Khanewal, Muslim, Rural) (*Urdu*) : Sir, I had no intention of taking part in the discussion on this Bill but I am reminded of an anecdote

in this connection and I would like to convey it to the honourable members on that side of the House.

A friend of mine, who is unfortunately dead, was in the habit of refusing to join us on the table whenever he was asked to do so the first time. On being asked the second time however he used to accept the invitation and devour all the viands on the table. (*Laughter*). The same is the case with my honourable friends opposite. At heart they are mighty pleased at the prospect of a rise in their salaries but outwardly they are making a pretence of opposing it. My honourable friends should realise that the Unionists being, as a whole, well-to-do people it is they on the other side of the House who will be benefited by this Bill. It is for their sake that the Bill has been introduced otherwise we do not stand in need of it. If they are as honest as they want us to believe they can donate this increase to an orphanage or some other charitable institution. I would request my friends not to oppose each and every measure sponsored by the Government merely for the sake of opposing it.

Shrimati Raghbir Kaur (Amritsar, Sikh, Women) (*Punjabi*): Sir, I rise to oppose this Bill which has been introduced with the object of increasing the allowance of the honourable members of this House. It has caused us a great deal of amazement that the Honourable Ministers, who are themselves drawing three to four thousand rupees should have thought fit to impoverish the provincial exchequer further by raising the salary of the honourable members from Rs. 200 to Rs. 300. Should I take it that this Government is going to distribute the revenues of the province, which had been swelled with the hard earned money of the poor extorted through the imposition of a series of taxes, among 175 members of this legislature? Do I take it that the rest of the people of this province have no right to these public funds? Could not this same amount be used for enhancing the very meagre salaries which are being given to the poor clerks, peons, etc.? An honourable member has just now informed the House that the honourable members of the Assembly work for only 35 or 36 days in the year. Do the Government think that Rs. 200 are not sufficient for this work that they propose to increase it to Rs. 300? It will not be the jingle of Rs. 3,500 in their pockets but will in fact be the rattle of the bones of the poor. This money was paid into the coffers of the Government by these poor people who had to deprive themselves and their children of their frugal fare and the clothes in which they were clad in order to pay their taxes. It would have been in the fitness of things if this money were spent on the health and education of the people, but this Government like the proverbial blind man have started distributing it among their own kith and kin.

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A blind man was once asked to distribute sweets among the children of the locality but he finished the whole of the sweets in giving the same again and again to his own children. The same is the case with this Government. They want to see the Unionists prosper even at the cost of all the other people of the province.

With these words I oppose this Bill.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muslims, Rural) (*Urdu*): Sir, my honourable friends opposite have made a mountain of a molehill. Their opposition is only for the sake of opposition and is not based on any principle. Every honourable member is aware of the circumstances which have necessitated the amendment of the provision which was made in 1935. The war has created abnormal conditions and the prices of daily necessities have increased manifold. If in these hard times the honourable members of this Assembly also demand an increase in their allowance I do not think there is anything wrong in it which should make my honourable friends on the opposite side of the House, raise an outcry against it. I am surprised to see the members of the Muslim League party joining hands with the Opposition in this matter when the Muslim League Government in Bengal have also effected the same increase there.

[Khan Md. Yusuf Khan]

Moreover, may I ask the honourable members who reside in Lahore whether they spend anything extra during the sitting of the Assembly for their travelling and stay in Lahore. In spite of the fact that they do not have to spend a single pie for attending the Assembly they continue drawing their salaries. Yet my honourable friend Mian Abdul Aziz has the cheek to ask us as to what we do with the salary that we are already getting. I would like to inform the House that many of our honourable friends who have now crossed the floor and joined the Opposition used to ask us to convey to the Leader of our party that as the expenses had increased to such a large extent our allowance should be increased. They even signed a memorial for being placed before the Leader of the party.

Again my honourable friends over there had raised an objection at the time of the introduction of the present Act that as they travel, on principle, in third class only they should not be given first class fare. But in spite of it all they have continued to draw first class fare. There is a lot of difference between what my honourable friends say and what they actually do. I would request my honourable friends to come forward and say as we are saying that we are really in need of money and we want that our salaries be increased. So far as we on this side of the House are concerned we have no hesitation in admitting that we do want our allowance to be increased. It is no use trying to deliver speeches when they do not believe in them. If on the other hand they are so sincere in their assertions they will be at liberty to go and pay the increase in their allowance back in the treasury. Anyhow it is not possible for us to believe their change of heart when we know that they approached us for this very purpose.

With these words I support the Punjab Legislative Assembly Allowances of Members (Amendment) Bill.

Shaikh Sadiq Hassan (Amritsar city, Muhammadan, Urban) (*Urdu*): Sir, self-praise is no recommendation. I did not want to enter into this dirty controversy but some of my honourable friends on that side of the house have forced me to touch it. When there was no fixed salary then many members tried their level best to extend the session as much as possible. I personally think it great injustice that for working twenty days in the year we must be paid the '86 hundred per annum'. Instead of increasing our salaries by one hundred the other alternative is the grant of dearness allowance. It is argued that they cannot supplement their income by any other way, therefore, this increase must be sanctioned. I want to tell them that there are many other avenues of supplementing the incomes in the form of getting squares of land from Government and such other official benevolences. I strongly propose that this matter may be entrusted to a select committee. With these words I oppose the motion to pass this amending Bill at present.

Mian Sultan Mahmood Hotiana (Pakpattan, Muhammadan, Rural) (*Urdu*): Sir, there is so much hue and cry against this proposed increase in the members' salaries. The entire opposition has come from our lawyer friends in the Opposition. For them this salary is totally immaterial. They exploit the poor for the whole year and attend the house at the same time, therefore, salary as a member does not matter much for them. While having prosperous practice they should not ignore their friends whom the voters have sent here to represent them but who are financially not as well off as others are. As members they are bound to tour their constituencies. As ordinary people they can live in any way but as members they must live honourably. Likewise they have to meet hundred and one expenses in the capacity of a member.

Sir, in view of these circumstances and in the face of the existing abnormal rise in prices, it will be a great injustice to our members if we do not pass this amendment. Therefore, I propose that it may be passed without any further delay.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) (*Punjabi*): Mr. Speaker, I have got up to oppose this Bill. I have to say that many speakers on the other side,

have attacked the lawyers, but by making, such indiscreet attacks, they have given proof of their ignorance. If you examine carefully you will find that a large number of the important members of this House, belong to this honourable profession. Such speakers forget that the Government side has no less number of lawyers in them than the Opposition. They should know that the Honourable Ministers, for Revenue, Finance and Education, come from this very profession, which is somewhat depreciated by the back benchers, sitting on the ministerial side.

It has been remarked that the opposition to the Bill is only for show, otherwise all members including the Opposition, are keen to get their compensatory allowance enhanced. Even if we admit that this is true, even then it shows the high character of the members sitting on this side of the House, despite the fact that they want more money, they try to do what they ought to. The question is not what they feel inclined to do, the question is what they do. They are following the call of their conscience and I shall praise their character for doing so. When the British first came to this country in view of the fact that they have come from such a great distance from their homes, the Government paid them high salaries, and for other political reasons also, they kept their standard of living much higher than the people of the country, and the Indians who, at a later stage, occupied the same position which the British officers held, were given the same salary, to justify the high salary they had to pay to their own compatriots. But it is our duty that we should keep in view the standard of living of these people in our eyes, who had to work hard, day and night in the fields to make their meagre livelihood. They have no clothes to cover their persons, nor do they get a square meal during the day. If we compare ourselves with these, then you will appreciate that the compensatory allowance of Rs. 200 which we are getting, is rather too much and if you compare with the salary of the British officer, then it is very small. Congress acted wisely when they reduced the standard of living of the Ministers to that of the common run of people. With these few words I oppose the Bill.

Mr. K. L. Rallia Ram (West Central Punjab, Indian Christian): Sir, I speak on this motion with some hesitation and I assure you that it makes no difference to me, although I belong to a very poor profession, whether it is good or bad. I rise to speak because there has been a great misconception on the subject. Some of the members have taken this question as personal, as if they are going to increase their own emoluments. But it is a question of principle that is involved and the salaries are attached to the office and not to the members. Members get it no doubt, but it is for the office in order to keep the prestige of the office. This enhancement has been made after taking into consideration the present economic conditions in the country brought about as a result of this war. If one member goes away then another comes in and he will also get it. It may become a permanent feature of the Assembly. It is quite true that it makes no difference to some members. What difference does it make to our Premier or Ministers? Every member will get his salary in order to keep the prestige of his office. We cannot introduce any inferiority complex here in the House to give this to those who need it and not to give to those who do not need it. I find that in British Parliament it is £ 400 and now it has been raised to £ 500 and due to this war it is going to be further increased. Therefore we should take this measure in this light and not in the light of personal view. It is open to any member who feels a conscientious objection, to return this money to Government, or to spend it on party politics or in any other way he likes. Therefore personal attacks which have been made are not fair. We must keep balance of mind. We should take every question in its true light and true perspective and should not introduce personal elements and try to attack our brother members and lawyers. It is most unfortunate to bring this poison in this House. Had it been a question of my personal salary, I assure you that I would have voted against it. But here is the question of office, although personality does come in. With these words I support this measure.

Mian Abdul Rab : Sir, may I ask the honourable member, Rana Nasrullah Khan whether he was one of those who signed a request to the Premier that salaries of the members should be increased ?

Mr. Speaker : I disallow the question.

Rana Nasrullah Khan (Toba Tek Singh, Muhammadan, Rural) (*Urdu*) : Sir, I had no idea to participate in the discussion on the Bill now before the House. I wish to make a few submissions in regard to certain references made on the floor of this House by my honourable friends sitting on the Unionist Benches. It was questioned by these honourable members in the course of their speeches as to why certain honourable members of this House crossed the floor. So far as the Bill now before the House is concerned, I wish to submit that some time ago some Unionist members signed a representation and asked the Honourable Speaker to persuade the Honourable Premier to increase their allowance (*Interruption*). I have no hesitation in saying that I saw light the day I left the party. What I wish to point out is this that my honourable friends sitting on the Treasury Benches never cared to improve the hard lot of the poor low-paid Government servants. In this connection I wish to quote an instance. Once a boy of six or seven years of age was beaten by a policeman. The child began crying for his mother. When his mother reached the spot, she saw her child crying for her. She at once exclaimed "let praises be on him who has made the child cry for his mother". Similarly, when the attitude of the Muslim League Assembly Party changed a lot the Government found no alternative except bringing in this Bill in order to save their own skin. To further elucidate this point, I would like to say that the Government being threatened by the Muslim League Assembly Party want to please the honourable members sitting on the Unionist Benches by making a suitable increase in their allowance. They think that the passage of this Bill would result in the solidarity of the Unionist Party. I wish to submit that my honourable friends have some doubts in our sincerity, but I make bold to submit and say with all the emphasis at my command that I have every doubt that my honourable friends are not sincere to their party. It is but meet and proper on the part of my honourable friends sitting on the Treasury Benches to circulate the Bill for eliciting public opinion, for it is the public whom we represent in this House, who must decide our case.

Mian Abdul Rab : May I know whether it is a fact that my honourable friend Rana Nasrullah Khan was also among those who signed the representation for increasing the allowance.

Rana Nasrullah Khan : Only yesterday the Honourable Minister of Education was asleep and to-day my honourable friend Mian Abdul Rab is dozing in his seat. I may, however, inform him that I had signed the representation when I had already left his party.

Mian Abdul Rab : Thank God! My honourable friend is relieved of all the troubles.

Rana Nasrullah Khan : Yesterday there was a good deal of discussion on the subject of enhancing the salaries of patwaris and my honourable friends must have felt the attitude of the Government in this behalf. I would again request my honourable friends sitting on the Treasury Benches not to pass this Bill but do something substantial to improve the hard lot of the poor low-paid Government servants. In this connection I wish to bring this point home to them that we do not demand any special favours from the Government. I would however suggest that if mere compensation was intended to be given, the Government might as well give them a depot each.

Sayed Amjad Ali Shah : The honourable member is already a contractor. What more does he want now ?

Rana Nasrullah Khan : I am not prepared to undertake any contract of the Unionist Party. I am a contractor of the Government of India, and so is my honourable friend.

I just put a proposal before them. Those members who are rich will not get more rich by this additional one hundred per month. And those who are poor, let them meet their expenses as they are doing at present. If they must increase this allowance, let it be increased according to the ratio in which dearness allowance has been granted to the services. Have they granted Rs. 100 as dearness allowance to the officials getting Rs. 200 per month? Why are they keeping mum now? Why do they not answer this simple question of mine? With these words I oppose the Bill.

An honourable member : The question may now be put.

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Minister of Finance (The Honourable Sir Manohar Lal) : Sir, I wish to occupy the attention of the House only for a few minutes, and beg to say at the very outset that the honourable the Leader of Opposition was less than just when he said that this proposed legislation is in prusance of some political manoeuvre. I am here to say most emphatically that no political manoeuvre whatsoever lies behind this legislation. Another honourable member said that Government has brought in this measure only because of a particular event, the change over to the opposition of certain members, that has taken place recently. Honourable members on that side know very well that this matter was urged on the Government something like 8 or 9 months ago, and it was towards the conclusion of the last budget session when Government came to the opinion that if on an enquiry they found that a large part of the House favoured this measure, Government will duly consider it. Therefore we must put aside once for all any idea of a political considerations direct or indirect. The proposed legislation does not favour any particular part of the House, nor does it discriminate against any one in any manner (*Raja Ghazanfar Ali Khan :* Except the Congress M. L. As. who are restrained.) If the honourable members feel that they are not justified in taking advantage of this legislation, that they should not touch this additional compensatory allowance there is nothing to compel them to get that additional allowance. It is no use their merely pretending that if all the other members do not take the allowance they would also not do it. That is an unreal argument. They are not fair to themselves in putting it forward. It is a matter of pity that on a question of this importance arguments totally unreal should be suggested. The Leader of Opposition asked further that while this measure is being sponsored by Government and undertaken particularly by the Finance Minister why the Government did not think of its poor services. Now that is not a subject on which I could enlarge upon on this occasion because I think I would not be wholly relevant if I did so; but let me intimate to this House that the Punjab Government is to-day spending something like a crore and a half to two crores on ameliorating the condition of its services. May I say further that if honourable members went about with a microscope to make a research throughout the various provinces of India they would not find any other province which had treated its services so generously in the matter of the allowances (*hear. hear.*).

Particular reference was made to the 'chaprassis' and people in that station. I am able to state that every chaprassi today in the Punjab is getting more than twice what he was getting two years ago, i. e., more than hundred per cent. (*An honourable member :* Is it enough?) That is not the question. It was asked what attention Government gives to this matter. I am free to point out and the Premier will bear me out, that hardly a fortnight passes when the question

(Finance Minister.)

of ameliorating the condition of some class or another of our services is not being pressed on me. Our record in this matter will bear the strictest examination, what we have done we can be justly proud of, we have no reason whatever to feel that we are not trying to do our utmost in this regard; we have spent nearly 2 crores out of a total revenue of 20 crores. (*Raja Ghazanfar Ali Khan*: Are we discussing the budget?) That is why I do not want to go into details. I want to point out this fact to the Leader of the Opposition that prices have risen more largely in the Punjab than they have in other provinces. Our prices have risen from 100 to something in the neighbourhood of 390. That is the index. I may say that it would be wholly impossible within the narrow limit of our budget to give all the relief which this increase in prices would demand. But we are doing our best. Although we have not been able to raise the salary of services from 200 to 300 we have very nearly gone near that figure. (*Raja Ghazanfar Ali Khan*: How much have you given to a man getting Rs. 200). We give him something in the neighbourhood of Rs. 250. This matter is not to be lightly treated. There has been something of an unreality about the way in which the debate has proceeded. We are making our best endeavour to meet the situation and the wishes of the honourable members of this House. As I listened to the debate, in spite of the way eloquence was affected, there has been a clear indication by honourable members and very properly so of their strong feeling that this compensatory allowance should be raised. One other fact I should like to mention. An honourable member from that side said, "well prices in Lahore have not particularly risen" Sir, prices elsewhere in the Punjab have risen in the same measure and are not giving this allowance to members residing in Lahore on the basis of prices having risen in Lahore. It is a compensatory allowance — you may object to it if you so desire— but it is a compensatory allowance to members for the many functions they discharge as members of this legislature to the province; it is a compensatory allowance for their services—valuable services and it does not matter whether a member actually resides in Lahore or not. Under these circumstances, the objection that was raised by an honourable member opposite does not hold. I may point out that even in England where prices have gone up only by 67 per cent and that bears no comparison to the increase that has taken place here, they have thought fit to raise their allowance, I do not think that there is anything wrong whatsoever in members of this Legislative Assembly in claiming a larger allowance than they have had hitherto. (*Hear, hear*).

12 Noon.

Mr. Speaker : Question is—

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

The motion was carried.

Mr. Speaker : Now the House will proceed to consider 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 : Question is—

That the title be the title of the Bill.

The motion was carried.

Minister of Finance (The Honourable Sir Manohar Lal) : I beg to move—

That the Punjab Legislative Assembly (Allowances of Members) (Amendment) Bill be passed.

Mr. Speaker : Motion moved—

That the Punjab Legislative Assembly Allowances of Members (Amendment) Bill be passed.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): I just went out for half a minute and I could not move the amendment that I wanted to. It is a great shame to this House that we are passing a measure to increase our allowances but nothing is being paid to our colleagues who are in jail. I strongly protest against this motion and request that my amendment should be included in the Bill so that those members of the House who are not getting anything should get what we are getting.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*): Sir, I rise to oppose this motion. The reason for this is that it has not been made clear from what item this increase is being made in the allowances of the honourable members. I think there are only two sources from which this enhanced allowance is being given. Either some saving has been made in the item budgeted for allowances of members or that Government are contributing additional money from the provincial exchequer to meet the new expenditure.

Mr. K. L. Rallia Ram : Is the honourable member in order at this stage to say what he is saying? The Bill is about to be passed now.

Mr. Speaker : Speeches at this stage should be strictly limited to the matter contained in the Bill.

Sardar Kapoor Singh : I have submitted that either this money is being provided from the savings effected in the item of allowances of members or from somewhere else. I know that some saving has been made in the item of allowances for members. How? The honourable members who are in jails have not been paid any allowance so far and this saving has occurred because of that. My honourable friends should consider this matter carefully that on the one hand their allowances are being increased from Rs. 200 to Rs. 300 but on the other hand not a single pie is being paid to members who are in jails. I respectfully draw the attention of the Honourable Premier to his own reply which he gave to me when I made a request to increase the allowance of Master Kabul Singh. He stated that Rs. 50 were quite sufficient for him. I ask if Rs. 50 are quite sufficient for Master Kabul Singh who is a member of the Punjab Legislative Assembly, why Rs. 200 are not deemed to be sufficient for other members? After all they are also members of this House. It is not proper that the members of the party in power should get their allowances increased and the congress M. L. As. now in prison be deprived of them. I may inform my friends that Government are giving allowances to other detenus as well but not a single pie is being paid to congress M. L. As. now in jail.

Mr. E. Few : Are we discussing Legislative Member's allowances or jail allowances?

Mr. Speaker : Which point is the honourable member discussing?

Sardar Kapoor Singh : I want to tell my friends simply this that this enhanced allowances which they would get they would get from that saving which has occurred due to non-payment of allowances to congress M. L. As. who are in jail.

Sardar Teja Singh Swatantar (Lahore West, Sikh, Rural) (*Punjabi*): Sir this is not the occasion to make a long speech. I will simply put forward one or two points. It has been urged from that side that the Congress members say something and do quite another. It is incorrect to say so. The Congress has ruled in seven provinces and we all know what salaries were given to the Ministers, Parliamentary Secretaries and Members there. It is therefore wrong to say that the acts of the Congressmen are contrary to their professions.

[S. Teja Singh Swatantar.]

Then it has been argued that though we oppose this Bill now; when it is passed into law we will certainly pocket the additional allowances as well. That is quite correct. We will certainly take our allowances. But I may tell my friends that out of that sum we spend on ourselves the same amount which has been fixed by Congress for members. From the remainder we contribute to the funds of the Congress Assembly Party and to the kisan committees. Let me also tell my friends that this allowance is paid to them by way of honour. It is not a salary at all. Therefore while increasing their allowances they should keep this point before them as well.

The third point which I want to bring to the notice of the house is that a glance at the list of those who support the Punjab Legislative Assembly (Allowances of Members) (Amendment) Bill will show that out of 99 Unionist M.L.As. 61 are either Knights, Khan Bahadurs, Sardar Bahadurs or Rai Bahadurs. The cream of landed gentry is very keen on seeing this Bill pass into law although the bills of expenditure of each one of them run into thousands of rupees. It seems absurd on the part of the Government benches to support such a demand because there cannot be more than 9 or 10 members on that side of the House who really stand in need of this allowance. Some of the opposition members belong to poor classes yet they are deadly against the passage of this Bill. Not a single member from that side of the House stood up to oppose the grant of further allowance to the honourable members. My honourable friend Mr. K. L. Rallia Ram, while supporting the District Boards Bill waxed eloquent in respect of the meagre salaries given to school teachers yet he had not a word to say on his pet theme in this connection. Does he not realise that by paying Rs. 900 to each M.L.A. in a lump sum it will make some 2 lac rupees and at the rate of Rs. 100 per mensem the total cost of this extra allowance to one hundred and seventy five members will amount to more than Rs. 2 lakhs annually? Could not this amount, i.e., 4 lakhs be used in granting allowances to the poor hard hit school teachers whose case was so loudly voiced by my honourable friend? Was it not possible for the Government to expend Rs. 4 lakhs just once on a canal in the doaba to provide much needed relief to the people of that *ilaga*? Could it not be made better use of by increasing quarter allowance, wages to the sweepers of this Assembly who cannot even get a hovel big enough for a dog to sleep in with their present allowance of rupee one only? May I ask the Honourable Minister the ratio in which he granted allowance to clerks, doorkeepers and peons, etc., of this House? They are being given a flat rate of Rs. 14 which is not more than 10 per cent of their pay. If, however, you want to give the honourable members an allowance in the ratio of 50 per cent of their salary why do you not do likewise in the case of your subordinate staff who are really so hard hit that they cannot make both ends meet in these days. No amount of argument can justify the 50 per cent increase in the salary of the honourable members of this House? I, therefore, oppose this Bill with all the emphasis at my command.

Sardar Sohan Singh Josh : I move—

That the question be now put.

The motion was carried.

Minister of Finance (The Honourable Sir Manohar Lal): I rise merely to take note of what has been said by the honourable members on the other side with regard to the desirability of continuing the work in the Doaba. I wish to mention to this House clearly that we have made ample provision in that direction, for the irrigation and other activities in the Doaba. (*Hear, hear*). Not only that. We have actually undertaken works and I am in a position to say here that we want to complete that work in the most satisfactory manner irrespective of whatever the cost may be. Therefore it is useless to allege that this additional couple of lakhs which this Bill means will stand in the way of any improvement in the Doaba, or any other part of the province. It cannot stand in the way of any other desirable measure of improvement in the province.

Mr. Speaker : The question is—

That the Punjab Legislative Assembly (Allowances of Members) (Amendment) Bill be passed.

The Assembly divided : Ayes 70, Noes 31.

AYES : 70

Abdul Rab, Mian.	Manohar Lal, The Honourable Dr. Sir.
Abdul Rahim, Chaudhri (Gurgaon).	Mohar Singh, Rao.
Ahmad Yar Khan, Khan Sahib Chaudhri.	Muhammad Akram Khan, Khan Bahadur
Ali Akbar, Chaudhri.	Raja.
Allah Bakhsh Khan, Khan Bahadur	Muhammad Ashraf, Chaudhri.
Nawab Malik Sir.	Muhammad Azam Khan, Khan Sahib
Amjad Ali Shah, Sayed.	Sardar.
Anant Ram, Rai Sahib Chaudhri.	Muhammad Hassan Khan Gurchani,
Asghar Ali, Khan Sahib Chaudhri.	Khan Bahadur Sardar.
Ashiq Hussain, The Honourable Nawab	Muhammad Hussain, Khan Bahadur
Major.	Chaudhri.
Baldev Singh, The Honourable Sardar.	Muhammad Jamal Khan Leghari,
Faiz Muhammad, Khan Bahadur Shaikh.	The Honourable Nawab Sir.
Faqir Hussain Khan, Khan Bahadur	Muhammad Nawaz Khan, Lieutenant-
Chaudhri.	Colonel Sardar Sir.
Farman Ali Khan, Subedar -Major	Muhammad Saadat Ali Khan, Khan
Raja.	Bahadur Khan.
Fateh Jang Singh, Captain Bhai.	Muhammad Yasin Khan, Khan Sahib
Fateh Khan, Khan Sahib Raja.	Chaudhri.
Fateh Muhammad, Captain Mian.	Muhammad Yusuf Khan, Khan.
Fateh Sher Khan, Malik.	Mula Singh, Sardar.
Fazal Din, Khan Sahib Chaudhri.	Muzaffar Ali Khan Qizilbash, Nawab
Fazal Karim Bakhsh, Khan Sahib Mian.	Sardar.
Few, Mr. E.	Muzaffar Khan, Khan Bahadur Captain
Ghulam Qadir Khan, Khan Bahadur.	Malik.
Ghulam Rasul, Chaudhri.	Nasir-ud-Din Shah, Khan Sahib Pir.
Gopal Singh (American), Sardar.	Naunihal Singh Mann, Captain Sardar.
Guest, Mr. P. H.	Nur Ahmad Khan, Khan Bahadur
Gurbachan Singh, Sardar Bahadur Sar-	Mian.
dar.	Pir Muhammad, Khan Sahib Chaudhri.
Habib Ullah Khan, Khan Bahadur	Prem Singh, Mahant.
Malik.	Rallia Ram, Mr. K. L.
Haibat Khan Daha, Khan Bahadur	Ranpat Singh, Chaudhri.
Khan.	Riasat Ali, Khan Bahadur Chaudhri.
Hans Raj, Bhagat.	Ripudaman Singh, Rai Bahadur
Hari Chand, Rai Bahadur Rai.	Thakur.
Harnam Das, Lala.	Sardar Khan Noon, Major Malik.
Harnam Singh, Captain Sodhi.	Sher Singh, Sardar.
Het Ram, Rai Bahadur Chaudhri.	Singha, Diwan Bahadur S. P.
Indar Singh, Sardar Bahadur Sardar.	Sultan Mahmood Hotiana, Mian,
Jafar Ali Khan, Chaudhri.	Sumer Singh, Rao Sahib Chaudhri.
Jogindar Singh Man, Sardar.	Suraj Mal, Rao Bahadur Chaudhri.
Khizar Hayat, The Honourable Malik.	Tara Singh, Sardar Sahib Sardar.
Kishen Das, Seth.	Tikka Ram, Chaudhri.
Lal Singh, Sardar.	

NOES : 31

Abdul Aziz, Mian.	Muhammad Willayat Husain Jeelani,
Akbar Ali, Pir.	Makhdumzada Haji Sayed.
Allah Yar Khan Daulatana, Khan Bahadur Mian.	Mumtaz Muhammad Khan Daultana,
Amar Nath Shah, Lala.	Mian.
Bhagat Ram Choda, Lala.	Nasrullah Khan Rana.
Bhagat Ram Sharma, Pandit.	Nawazish Ali Shah, Sayed.
Duni Chand, Mrs.	Raghibir Kaur, Shrimati.
Ghazanfar Ali Khan, Raja.	Roshan Din, Khan Bahadur Chaudhri.
Girdhari Das, Mahant.	Sadiq Hassan, Shaikh.
Gopal Das, Rai Bahadur Lala.	Sahib Dad Khan, Khan Sahib Chaudhr
Iftikhat Hussain Khan, Nawab.	Sahib Ram, Chaudhri.
Kapoor Singh, Sardar.	Sampuran Singh, Sardar.
Karamat Ali, Khan Bahadur Shaikh.	Santokh Singh, Sardar.
Muhammad Hussain, Sardar.	Shahadat Khan, Khan Sahib Rai.
Muhammad Nurullah, Mian.	Shaukat Hyat-Khan, Sardar.
Muhammad Sarfraz Khan, Chaudhri.	Sohan Singh Josh, Sardar.
	Teja Singh, Sardar.

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

ADJOURNMENT MOTION

ZAMINDARA LEAGUE AND OFFICIALS

Raja Ghazanfar Ali Khan (Pind Dadan Khan, Muhammadan, Rural) (*Urdu*):

I beg to move—

That the Assembly do now adjourn.

Sir, everybody knows that in the 20th century it is impossible to perform miracles. In the last five months the Unionists have changed many colours like the chameleon. Sometime they become Jats and sometime they become Zamindars.

In the course of five months they have collected 14 lakhs and still there are promises for 3 lakhs of rupees more. Before I charge the deputy commissioners for their official interference in such political matters and their help to the ministerialist lords, I will try to bring forward some proofs in support of our contention.

While making an analytical study of facts we have to take notice of two facts and they make the situation totally clear. Firstly, we have to study circumstantial evidence and then the individual witness' examination.

Sir, in your long life you must have witnessed many movements in this very land of five rivers. It must have ranged from political, economic and religious fields to all other possible social spheres. I dare say, that inspite of the Punjab's proverbial big heartedness you cannot have witnessed such fabulous amounts of money being collected in such a short spell of time.

An appeal was made to the people for contribution to the fund in memory of Mrs. Gandhi. It was also stated in the appeal where the fund would be spent and I think those objects were reasonable enough to convince the people who could afford to contribute generously to this Fund. Punjab was generous enough to contribute a large amount of money, namely, 3 lakhs and 75 thousand rupees for this Fund within six or seven months. It was the result of collective efforts made by the Press which appealed to people more than once and the workers and Congress representatives who made tours in the whole of the province for the contribution of this Fund. Above all, the mighty name of Mahatama Gandhi was working behind it. After putting so much labour and energy, an amount of 3 lakhs and 75 thousand rupees have been collected. Now we have to study the objects for which an enormous amount of money was raised

for a political party, namely, the Zamindara League. Let us find out the objects and reasons for contributing to Zamindara League. Although this League has not made appeals to the people of this province to this effect, yet the people are generously making contributions, so much so that heavy purses have been presented to the Honourable Premier who happened to visit different places in the province. This generous attitude of the people apparently indicates that the party run by the Honourable Premier is sufficiently strong and popular among people who have taken into their head to contribute to this party as one of their duties. Hence it is most essential to find out, as I have already stated, the objects and reasons working behind the popularity of this party. Luckily, I have found out the Manifesto of the Zamindara League. The objects and reasons given there are as follows:—

“The aim and the object of this League is to attain freedom through constitutional methods—”

Further it is mentioned therein:—

“The members of this League shall be allowed to join any communal or political party, which in other words means—”

Sir, Now it is clear that the aim of Zamindara League is to achieve freedom and liberty through constitution and constitution alone. But the people do not seem to have liked the principle of the Zamindara League since this principle has been adopted by them. It is also stated in the manifesto of the Zamindara League that a person who happens to be a member of this League can join any other party at any time he likes. (*Interruption*). I think the honourable member is not mentally fit to sit on the Government benches. I would suggest to the Leader of the Unionist Party to get honourable members sitting opposite medically examined before they are allowed to make speeches. (*An honourable member*: I think you are talking about your Party). Now let me place before you the rules and regulations given in the Manifesto about which I was submitting before I was interrupted. It is laid down in this manifesto that a person paying Rs. 100 to the Zamindara League will be considered a life member of the said League. It seems very ridiculous that by accepting hundred rupees from a member, the Zamindara League has closed all avenues on them because it will be practically impossible for the Zamindara League to oust him, from the party or to take any action against him. Their hands are tied in this respect, so much so that in case the honourable member is ousted from the League, he has every right to go to a civil court to sue against it. And to crown all, the drawback found in the Manifesto is this. There is the provision for patrons of this League. A person paying ten thousand rupees is considered to be a patron of the League. And the worst of it is that in case these patrons happen to go poles apart from the Leader on some issue, the Leader's position will be at stake, since he can be ousted and turned out by the former. As a matter of fact the Leader of the Zamindara League seems to have been thrown to the mercy of the patrons.

Now let me submit a few words more in connection with 17 lakhs of rupees raised by the Zamindara League towards whose curious and peculiar manifesto I have been drawing the attention of the House. The people who have contributed to the Zamindara League Fund are from different classes, namely, some of them are agriculturists, some of them are non-agriculturists. Even the poor and the rich, the ruralites and the urbanites have contributed to this Fund. Even the “Birlas” of this province have paid their share towards this Fund. I think this is just like the proverbial quilt of Dharamshallas. Whoever lies under it falls to sound sleep. Now you will be interested to know how this enormous amount of money has been collected by the Zamindara League. Naturally this question arises in every human mind: For what benevolent cause was this huge amount raised? Really it is not an easy task to collect so much money in a very short period of less than three or four months. The fact of the matter is that this amount has been extorted from the zamindars through harassment by the Government officials like commissioners and deputy commissioners. In this connection the Division of Multan is topping the list, and I would rather say that the record

[Raja Ghazanfar Ali Khan.]

of the Multan Division is as black as can be painted. I may also point out that the officials of this Division are vicious enough to go round the whole area and collect money by harming the poor people, and the worst of it is that certain deputy commissioners of the province have put *dal bashi* on some squares of land. The zamindars who have been the victim of this Fund come to us to complain against the attitude of the Government officials, who have been realising the sum of Rs. 5 or Rs. 10 per square of land from them. Now to-day, when the trumpet of democracy is being loudly blown, if the Government officials go so much out of their way to raise funds for a political party, it must bring down the motives of Government services to a very low level. And I think that the Government instead of feeling proud over such a vulgar attitude, should hang their heads in shame. Apart from this, the Honourable Premier has been using the platform meant for National War Front, for his propaganda. He has been abusing the Muslim League and the Quaid-i-Azam from the platform of the National War Front. The National War Front, as I have already submitted has been misused by the Honourable Premier. He has surprisingly gone so far in misusing the National War Front that if Mr. Churchill was spared a few movements of leisure, I am sure, he would have issued warrants against the Premier of the Punjab under the Defence of India Act, because the money which could have gone to the War efforts through Saving Certificates has been usurped by the Premier of the Punjab for the Zamindara League. I would thereupon lose no opportunity in pointing out to His Excellency Sir Bertrand Glancy, the representative of the Crown, that war efforts are being impeded under his eyes and if he sleeps over it further, he will be considered responsible for impeding the War efforts. I may further point out that Japan is still to be defeated and as Indians it is our national duty to keep the Japs away from our doors. But it is a great pity that the present Government in the Punjab instead of forging unity among people holding different opinions, is trying to cause further splits among them for grinding their own axe.

The present Ministry is prejudicing the minds of the Muslims of the Punjab against the war efforts. I know Malik Khizar Hayat does not stand in need of the sympathy of the Muslims of this province. But the British Government is still in need of their sympathy. I know the record of the present Government. I know they have no sympathy for the war efforts. They are just taking the protection of the National War Front to do propaganda for their party. Because after the defection of Malik Khizar Hayat from the Muslim League it has become very difficult for him to face the public.

Deputy commissioners, revenue officers, tehsildars and patwaris, all participate in the meetings of the Zamindara League and nobody objects to it. But if at the time of the passing of the Qaid-i Azam from Gujranwala an official, who was just crossing the road at that time, is seen there, his explanation is called for and he is degraded.

ہم آہ بھی رتے ہیں تو ہو جا تے ہیں بدنام

وہ قتل بھی کرتے ہیں تو چرچا نہیں ہوتا

This Government is going beyond all limits in oppressing the people. They are intimidating the public. Their policy is not based on any principle or law. They are following a head strong policy. Perhaps they do not know that the Punjabis are very self-respecting people. They are men of honour. They have always been jealous to guard their rights. They are not to be bought over by money. If the Government think they can buy the Muslims of this Province by a few silver coins they are living in a paradise of dreams. The Muslims of the Punjab will treat such offer with the contempt they deserve. Let the time come. Everybody shall come to know what the public thinks about them.

I must tell the Government that they are lowering the standard of services in the province. Do they consider it creditable to put an official in the Civil Secretariat after giving him promotion for his misdeeds, simply because he had helped a certain political party? The Government are selling their patronage by auction. They help everybody who participates with them in this vile conspiracy. They help and patronise every person who plays his part in this bloody drama. In nine or ten districts of the Punjab, all officials from deputy commissioners to patwaris are doing nothing except collecting funds for the Zamindara League. I have no time otherwise I would have put before the House all the facts about these districts, how the officials there are mis-using their influence in favour of the party in power. They must have studied history. Do they not know that no party can keep itself in power with the help of money, threats or unlawful activities? Do they consider themselves an exception? They should understand that they, too, are not going to remain in power because of their abuse of power. No doubt they have collected very large funds. But the methods adopted in the collection of those funds cannot be a credit to any Government. A deputy commissioner, I do not want to disclose his name, before the visit of the Honourable Premier to his district, held a meeting of about 40 important persons of that district. Some six or seven out of those persons are known to me. So they disclosed what happened there. That deputy commissioner told those present that the deputy commissioner of Montgomery, who wanted extension, had contributed something like Rs. 40,000 to the Zamindara League when the Honourable Premier had visited that district, and so he wanted a sum of at least Rs. 60,000 to be given to the Zamindara League from this district. After that he told every one present that he had written such and such sum against his name and enquired whether he agreed to that. Well, the poor people could do nothing but agreed. I am reminded of a story in this connection. We had a deputy commissioner once in whose time the post of an honorary magistrate fell vacant. As ill-luck would have it one Rai Bahadur was also a candidate for that post. He went to see the deputy commissioner in that connection. The deputy commissioner made him sit and stand five times and then asked him what he wanted. The Rai Bahadur told him his desire. He was told that that post was reserved for the biggest fool in that district. The Rai Bahadur said nobody excelled him in foolishness. After that the deputy commissioner told him that he was retiring and wanted him to buy his furniture. The Rai Bahadur agreed. The deputy commissioner when asked the price of a persian carpet told him that he would give it to him for nothing, that is for a nominal price of Rs. 2,000. The Rai Bahadur offered to pay Rs. 200. The deputy commissioner said "The papers of that post are still on my table." The poor Rai Bahadur had to agree. The deputy commissioner sold all his furniture and got what he asked by way of its price with the help of this threat. Similar is the case with our Premier. He collects funds for the Zamindara League by telling people that their papers of squares of land, etc., are still on his table. (*Interruptions*). I observe that my words are not quite pleasant to some gentlemen.

My point is that the Government may collect funds for their party. We have no objection to that. But they should not lower the standard of the services in this province. They should not collect these funds by coercing or intimidating the public. They must remember that they as well as their coming generations will have to live in this very province. This is the province we used to feel proud of. But to-day they are ruining it for their selfish motives.

The Premier has not attended a single public meeting which was not held under the name of National War Front, except of course the solitary example of Karoli. I admit Chaudhri Chhotu Ram has influence in his ilaqa. Everybody holds some influence in the ilaqa where he lives. But I say, why pretend? Why take shelter behind the National War Front? Why do they not face the public as they are? Why do they not use their own power and influence? Why do they bring in the officials?

[Raja Ghazanfar Ali Khan.]

We do not intend to pass a vote of censure against the Government. They have collected 17 lakhs, let them have it. If I had been the Governor of this province I should have seized this sum and had given it to the war fund, because I know that it has been collected by deceiving the public. They should thank the officials who have created this structure of Zamindara League for them. Let them now say good bye to their such methods. Let them see to this structure now without the help of the officials. But I know they will not be able to keep this House standing because its very foundations are rotten. (*Cheers*).

Mr. Deputy Speaker : Motion moved—

That the Assembly do now adjourn.

Nawab Muzaffar Ali Khan Qizilbash (Lahore, Muhammadan, Rural) : Mr. Deputy Speaker, the honourable mover did not say a word about the adjournment motion which he has placed on record. It relates to only one district and relates to activities of the Deputy Commissioner of Jhang and the organisation of the Zamindara League in the district, convening of meetings and collecting funds. He had nothing to tell us against the Deputy Commissioner of Jhang or other civil officials. When something definite is alleged, people want a definite proof for it, but when there is nothing definite (*hear, hear*) so many vague things are said. What has the honourable mover said after all? He has not said a single thing except that the Honourable Premier had been going about and holding meetings on the same platform as the National War Front and the Zamindara League meetings should have been separate. He said that money had been presented to him at these meetings in the presence of the commissioner and the deputy commissioner. We do not deny that, why should we? What are those platforms meant for? They are meant for the prosecution of War and what does the Zamindara League and the Unionist Party stand for? They stand for the prosecution of war and for victory. What do the addresses which have been presented to the Honourable Premier say? They are to the effect that the Honourable Premier's Government has done so much for the backward people of the Punjab, that this Government has done so much for the zamindars who are the backbone of the Punjab and this money is being given for the utmost prosecution of the War for which those zamindars stand. What does the Muslim League do? Have they done openly anything towards the prosecution of War? They throw mud at us by saying that we use the official agency. We do not. I know that some Muslim officials have come to me and have told me that the Muslim League is challenging that they are coming into power, the writing on the wall is clear, and those Muslim officials should, as Muslims, do their duty and help the Muslim League party to come into power.

I regret very much that the Muslim Leaguers are employing coercive methods to frighten the officers by making all sorts of allegations. Not only this but they threaten the officers and try to intimidate them. On the one hand they tell them, "you are a Muslim and we are also Muslims and as a Muslim you must do your duty" and on the other they tell the Muslim officers that the Hindus are communalists and they are trying to keep us out of power. Is this the way that they want to do propaganda? It is they, Sir, who are throwing dust into their eyes and it is said that unfortunately there are many Muslim officers whom they have used in this way. (*Hear, hear from the Treasury Benches*). They are falling into their trap. Let us keep them aloof. You may be in power here or we may be, but let us run the administration for the good of the people. You look from your own point of view for the good of people and we are here to look from our point of view for the good of people. We are representing all the communities and we stand as much by the Muslims as anybody else. I admit that the Muslims on the whole are the most backward and it is our duty to serve them as best as we can. All the acts that we have passed are for their benefit.

The Government has been considering all these years seriously what the late Sir Fazli-Husain started and then the late Sir Sikander carried it on and now our leader is carrying on. What is it? It is a programme of bringing backward classes to the front. Now under the call of religion my honourable friends opposite are coercing the backward classes. They want to take the powers away from them. I quite agree that we are uneducated and we are not literate but we are a majority here. We will have our people here, whether we are as able as you or not, whether we can put our case as well as you or not, but we are a majority. After all it is the age of democracy and it is a rule of majority. We are here. Why should they bring in officials? Every time since this Assembly started, they have been bringing in all the officials. Take the case of Sialkot. What was that, nothing else but frightening and terrorising the officials. During the whole session, all such questions have been asked. What is that? It is quite clear that the object is to threaten the officials and make them do what they should not do. They said at the time when our leader was turned out of their party, that the Ministry would collapse and that they would be there and it was just a question of days. They challenged us to call the Session and show us what they could do. Here is this session. What has happened? Now they say, "No, no, call the budget session and let us see what happens". Budget session is also coming and we will see what happens. What is all this? It is nothing but chucking the dirt at the Officials. Let them do good to the people and let them do their duty. They have hard work to do. They cannot please every-body if they have to carry out their duty honestly. Leave them alone. With these words I resume my seat.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjabi*): Sir, the question now before us is that funds are being collected forcibly from the zamindars for the Zamindara League. Before I deal with this question I would like to tell my friends what this Zamindara League is. If a glance is cast at the constitution and policy of this League it would be found that it is a body of toadies, Rai Bahadurs, Khan Bahadurs and Sardar Bahadurs. All these self-seekers, the yesmen of Government and the enemies of India, have formed their own party to further their interests. The object of this Zamindara League is to suppress the Congress and all other progressive sections. The jagirdars are, perhaps, the most reactionary people in India. They worship the Government, come what may. They have organised themselves in the form of the Zamindara League in order to negate the demand of the people for independence. They always support the British Imperialism. They are even to-day being fed and brought up in the lap of the British Government, and their strength is due to bureaucracy. They have absolutely no voice in the public. If they have any doubts on that score let them go to the people and ask for funds in the name of the Zamindara League. Why do they depend for the collection of funds for the Zamindara League on the district officials? Yesterday the Honourable Premier observed that the people were willingly contributing funds for the Zamindara League. I challenge him, if he has any influence on the zamindars or the labourers, let him come along with us and we will gather together 40 to 50 thousand people and in that gathering let him make an appeal for the Zamindara League funds and we will see how much he gets. As I have submitted this League has been formed to oppose the progressive sections like the Congress, the Kisan Committees, etc., and it is existing on the support of the Government officials. In fact it is the creation of Government. These people are afraid of the Congress and other progressive sections have formed the Zamindara League in order to protect their jagirs and estates. Beyond that they have no other object in view. But just see these very people are doing all these things in the name of the people, the zamindars. It has been reported from Ludhiana by Sardar Dasaunda Singh that the zamindars are gathered together in the name of the Zamindara League but in such meetings adverse propaganda is made against the Muslim League. What a political honesty?

Mr. Deputy Speaker : The honourable member's time is up.

Sardar Sohan Singh Josh: I will take only a couple of minutes more. As I was submitting, they first masqueraded in the garb of Jat Mahasabha but as it was taken exception to by Master Tara Singh on the ground that it would affect the solidarity of the Sikh people by creating distinction of Jats and non-Jats among them they misused the name of the Zamindars, in order to disguise their class character and strengthen the position of the wealthy landlords, and thus brought the Zamindara League into existence. They have denied that Government officials were employed for the collection of *dal bachh* subscriptions for the Zamindara League. Here is a *dal bachh* in original, dated 12th November 1944, signed by Munshi Dewan Singh, Banta Singh and Gehna Singh. The words are:—

ایک عدد ڈھال باش چندہ زمیڈارہ لیگ ازان پتواری وصول پایا۔

The second is a *parcha girdawari* for village Kotla Warris Shah with the inscription چندہ زمیڈارہ لیگ on the top. It contains a list of the names of those who were made to subscribe for the Zamindara League. Besides these there is a letter from Lieut. Ahmad Khan and Hasan Khan, B. A., belonging to Chak 56/10-R. It runs as follows :

ہم لوگوں کو افسوزوں نے زمیڈارہ لیگ کا چندہ وصول کرنے کیلئے بہت تنگ کیا ہوا ہے۔ ہم لوگ گورنمنٹ برطانیہ کے خیر خواہ ہیں۔ ہم جنگ کے لئے چندہ دے سکتے ہیں لیکن ہمارے لئے مشکل ہے کہ زمیڈارہ لیگ کا چندہ بھی ہم سے برا وصول کیا جائے۔۔۔

So far as the Zamindara League is concerned it is a patent fact that they are out to suck the life blood of the poor with the help of the bureaucracy. The programme of the Zamindara League does not appear to be any other than the vilification of the Muslim League. No one can subscribe to a party which is politically opposed to his own, unless he is deceived into believing that he is subscribing to his own party or is forced to do so by the Government officials.

With these words I support the adjournment motion now under discussion.

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muslim, Rural) (*Urdu*): The mover of this adjournment motion, Raja Ghazanfar Ali Khan, while speaking on it expressed his surprise that whereas all the publicity and boosting in the nationalist press had not been able to attract more than Rs. 3 lakhs to the Kasturba Memorial Fund how was it that the Zamindara League had been showered with subscriptions amounting to a huge sum of Rs. 17 lakhs. I am amazed at my honourable friend who has overlooked the peculiarities of the Punjab while formulating the argument. He should know that ours is a martial province which is practically bearing the brunt of the country's defence. The second peculiarity is that the reigns of the provincial Government are in the hands of a Zamindara ministry. Moreover now the Punjab Congress has slipped into the Hindu Mahasabha camp and having lost their following it is no wonder that they could not collect larger amount for the Kasturba Fund.

Besides this I would like to bring this fact to the notice of the House that no community or section thereof can keep itself alive without organising itself especially when, as is the case with the zamindars, it has been economically ruined by the *sahukars* and other opposing forces. In such circumstances the efforts of a community for their organisation and self preservation are worthy of the highest praise rather than of condemnation. I am all the more surprised at my honourable friend's attitude because he comes of a martial family himself and it does not lie in his mouth to oppose the very efforts which are being made to put life in his own people. He is probably opposing these efforts of the Zamindara League only for the sake of opposition otherwise he knows how great is the need for organising the zamindars. If any pressure had been put upon the people in the Rawalpindi district, by the officials of the Government, as has been alleged by the Opposition, I would certainly have come to know of it. The

production of one or two *ahal bachh* by my honourable friend Sardar Sohan Singh Josh does not prove that the Government is carrying on a policy of forcibly extracting subscriptions for the Zamindara League.

With these few words I beg to oppose the motion under consideration of the House.

Chaudhri Muhammad Sarfraz Khan (Sialkot North, Muhammadan, Rural) (*Urdu*): Sir, on the 12th of October 1944 the Honourable Premier had to pay a visit to Sialkot. The Deputy Commissioner wanted to collect 15 thousand rupees before the arrival of the Honourable Premier. A meeting of the leading men was summoned and there Chaudhri Ghulam Rasul proposed that if the depot holders were asked to make the contributions then there could not be a better way of collecting the sum. The Deputy Commissioner approved the idea and Sardar Baldev Singh, the Civil Supply Officer, forced them successfully and the amount was collected. These businessmen are very narrowminded in spending uselessly and this affair had no charm for them. They were told that it was simply to fight out the evil of Pakistan. Those people who could not satisfy the officers, they were persecuted and their licences were cancelled and Haji Tajuddin was one of those victims. On that day very few Zamindars were present. The Premier too announced in a low voice that the money was to be spent over the uplift of the Zamindars.

Premier (The Honourable Malik Khizar Hayat): I have to deal with a very vast subject, Sir, and in the course of 15 minutes, left to me I shall only be able to touch some of the important points that have been raised by the honourable members opposite. It has been said that the Zamindara League has recently emerged. I may inform honourable members that it is not so. The Zamindara League has been there all along. The position was that it was confined to the villages while in towns we had the Muslim League. Since the breach between us and the honourable members opposite who are solely responsible for this breach—the Zamindara League has been revived. Raja Sahib criticised its creed. I may inform him that the creed of the Zamindara League is the same as that of the Unionist party. That creed is that within our own province we should have complete agreement in regard to economic or other important matters and the programme while in all-India question where representation or rights have to be claimed on a communal basis, we leave our members free to join any movement or demand any constitutional protection that they like. The whole trouble arose when the unfortunate cleavage between us and honourable members opposite became apparent. They were of the view that public meetings were impossible except through the Muslim League platform and that it was the only platform public would attend, but when they found that there was a spontaneous response to our appeal of the Zamindara League their claims were not fulfilled they became upset. They become all the more disappointed when they saw sufficient sums being given for the Zamindara League and the zamindars of the province uniting under its banner. There is no other complaint that they have been able to put forward except that officials are helping the League and collecting funds for it. The reason for this allegation is that they have to explain away the failure. As to the accusation of dividing muslims the public can see who are the persons or party responsible for dividing the Muslim members of the House into two different groups. As for me, I have put forward my case before the public, they have heard me and have I think come to the conclusion that I am not to blame.

The reason why funds are forthcoming for the Zamindara League and are not forthcoming for certain other organisations has amply been given by my friend Raja Fateh Khan. Reference was made to the Kastur Bai Memorial fund and it was said that only Rs. 8 lakhs were collected for that fund while Rs. 17 lakhs were collected for the Zamindara League. I need not go into that as that was also amply replied to by Raja Fateh Khan.

Coming to the subject matters of the adjournment motion, namely the contribution made by Jhang district towards the funds of the Zamindara League, I would

Hon. Prem.
[Ch. Md. Sarfraz Khan.]

like to refer to the benefits that that district has derived through the legislation passed by the Unionist Government, i. e., the Zamindara Government.

Raja Ghazanfar Ali Khan : So you are selling those Legislations ?

Premier : The people of the district want to show their gratitude and strengthen the Zamindara League they are coming forward with their contributions.

It was said that coercion was used by the officials and the Deputy Commissioner. Not a word has been said as to any specific charge how the Deputy Commissioner or any other official coerced anybody or what he or any official did outside the Government Servants Conduct Rules and , as was pointed out by Nawab Muzaffar Ali Khan, only vague allegations were made about it, which do not merit any reply.

Now I will mention some of the benefits that the Jhang district has derived from the legislative measures enacted by us. The Debt Conciliation Board has scaled down debts by 3 crores of rupees. Secondly, 47,721 acres of land has been restored to its owners under the Punjab Restitution of Mortgaged Lands Act. If you value it at Rs. 300 per acre about one crore and forty one lakhs worth of land has been restored.

The total debt reclaimed comes to 17 lakhs of which the debt scaled down under the law is 8 lakhs. Thus the total benefit to this district of Jhang alone comes to roughly 4½ crores and with this record if we approach the people and ask for funds what wonder is there if they contribute a lakh of rupees voluntarily ?

Dr. Sir Gokul Chand Narang : I hope creditors who lost money and lands had not to pay any contribution.

Premier : I say that all classes have contributed to the funds of the Zamindara League. They would not have contributed ordinarily, but they feared a greater menace which threatened them. They have perhaps contributed to this fund as the lesser evil.

Dr. Sir Gokul Chand Narang : Yes, after all a quarter per cent commission is not very much ! (*Laughter*).

Premier : You are business people and you can calculate that amount and invest. But we are working for the defence of all classes and communities.

Then, it was said that I was misusing the National War Front. I have refused to answer this question because I do not want the National War Front to be dragged on to the floor of this House. But I do say that when I go to address public meetings to accelerate war effort it is the function of every officer to be there. These meetings are addressed by me as Premier in pursuance of the policy of the total war effort which is the mandate issued by this House. It is therefore the duty of every official high and low to be at the meetings to help me in the furtherance of the war effort. I was asked whether the deputy commissioners were advisers of the National War Front. May I tell the Honourable member that they are not only advisers but are in some case leaders also. It is their job to do everything in furtherance of the war effort and to secure the co-operation of all those who stand for a total war effort.

Now, there are some political bodies who are not co-operating in this war effort. They are instead bargaining with other political bodies in the hope that the Hindus and the Mussalmans will come to a settlement, and instead of making sacrifices in the war they will achieve power cheaply in this way, but these communities have not yet settled among themselves. If they have not successfully bargained themselves it is not my fault. They are, however, still going on bargaining while those who are for the war effort, co-operate and support the National War Front without any reservation. There are two cardinal principles of the National War Front which I may mention here. I have got here a pamphlet about the aims and objects of the National War Front which the Raja Sahib should have seen already. On the top of this pamphlet is printed in broad letters "the total war effort." Then comes the promotion of communal harmony. It is by agreeing with these aims only that we can successfully prosecute the war. It is by communal harmony that we can have peace at home. But our friends on the other side do not want to promote communal harmony but are

instead advocating communalism in all its nakedness. Under the circumstances how can they go out and speak on the platform in support of the National War Front? That is the difficulty. But there are other bodies besides the Zamindara League associating with this National War Front. But in this case it is not the officials that help the Zamindara League, rather it is the Zamindara League that helps the officials in the prosecution of the War by its co-operation and collaboration. Anybody that declares itself for a total war effort, and the promotion of communal harmony is welcome to co-operate with the National War Front. But we cannot allow a dog fight going on among the communities when the war is going on. We must see that there are no communal wrangles which may thwart the War effort.

Raja Ghazanfar Ali Khan : You are engineering hatred between communities.

Premier : No, we are not. The Zamindara League is the greatest supporter of communal harmony and that is why it welcomes National War Front meetings. In turn the National War Front welcomes everybody whose creed is exactly in consonance with its own. The Zamindara League, the Soldiers Board—they are all welcome, but there is no scope for advocates of naked communalism, who are not co-operating with war effort.

Dr. Sir Gokul Chand Narang : Not even covered communalism.

Premier : Covered communalism is at least better than uncovered one.

Raja Ghazanfar Ali Khan : What were you before April?

Premier : Then it has been alleged that people are misled to give funds for the Zamindara League. But, how can they be misled? There is no official agency to collect funds. There might be one or two officials here and there whose zeal might have overrun their discretion, but if any such case is brought to my notice I will be the first to take action against an officer of that sort. We do not want any official collection for a popular organisation like the Zamindara League. It can collect money by other means and agency, that is, voluntary contributions by its supporters and members. The other day Raja Sahib read something pleasing to the patwaris in his manifesto evidently to secure their support for the Muslim League. We do not need to resort to such things to secure help of Government servants.

I have got many things more to say, but I do not want to take up the time of the House nor to weary the members, but I must say one thing. The Muslim League has issued secret instructions to its workers how to collect evidence to support their theory that officials are helping in the collection of contributions to the Zamindara League. (*Honourable Members of the Opposition :* No. That is false). They dare not deny it. I have a positive proof. But we do not mind these tactics of the Muslim League. We have got our funds by adopting clean methods. We have not collected them by other means which are better known to people elsewhere. With these words I oppose the motion.

Mr. Deputy Speaker : The question is—

That the Assembly do now adjourn.

The assembly divided : Ayes 27 and Noes 78.

AYES : 27

Abdul Aziz, Mian.

Abdul Hamid Khan, Sufi.

Akbar Ali, Pir.

Allah Yar Khan Daulatana, Khan Bahadur Mian.

Amir-ud-Din, Khan Bahadur Mian.

Bhagat Ram Choda, Lala.

Bhagat Ram Sharma, Pandit.

Duni Chand, Mrs.

Ghazanfar Ali Khan, Raja.

Ghulam Samad, Khan Sahib Khawaja.

Iftikhar Hussain Khan, Nawab.

Kapoor Singh, Sardar.

Karamat Ali, Khan Bahadur Shaikh.

Mazhar Ali Azhar, Maulvi.

Muhammad Hasan, Chaudhri.

Muhammad Hussain, Sardar.

Muhammad Nurullah, Mian.

Muhammad Wilayat Hussain Jeelani,

Makhdumzada Haji Sayed.

Mumtaz Muhammad Khan Daulatana, Sahib Dad Khan, Khan Sahib Chaudhri.
 Mian. Sahib Ram, Chaudhri.
 Naerullah Khan, Rana. Shaukat Hyat-Khan, Sardar.
 Roshan Din, Khan Bahadur Chaudhri. Sohan Singh Josh, Sardar.
 Sadiq Hassan, Shaikh. Teja Singh, Sardar.

NOES: 78.

Abdul Haye, The Honourable Mian. Mohy-ud-Din Lal Badshah, Sayad.
 Abdul Rab, Mian. Muhammad Akram Khan, Khan Bahadur Raja.
 Abdul Rahim, Chaudhri (Gurdaspur). Muhammad Ashraf, Chaudhri.
 Abdul Bahim, Chaudhri (Gurgaon). Muhammad Azam Khan, Khan Sahib Sardar.
 Ahmad Yar Khan, Khan Sahib Chaudhri. Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Ajit Singh, Sardar. Muhammad Hussain, Khan Bahadur Chaudhri.
 Ali Akbar, Chaudhri. Muhammad Jamal Khan Leghari, The Honourable Nawab Sir.
 Allah Bakhsh Khan, Khan Bahadur Nawab, Malik Sir. Muhammad Nawaz Khan, Lieutenant-Colonel Sardar Sir.
 Amjad Ali Shah, Sayed. Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Anant Ram, Rai Sahib Chaudhri. Muhammad Sarfraz Khan, Raja.
 Asghar Ali, Khan Sahib Chaudhri. Muhammad Shefi Ali Khan, Khan Bahadur Chaudhri.
 Ashiq Hussain, The Honourable Nawab Major. Muhammad Yasin Khan, Khan Sahib Chaudhri.
 Badr Mohy-ud-Din Qadri, Khan Sahib Sayed. Muhammad Yusuf Khan, Khan.
 Baldev Singh, The Honourable Sardar. Mula Singh, Sardar.
 Balwant Singh, Sardar. Muzaffar Ali Khan Qizilbash, Nawab Sardar.
 Brijraj Saran, Kanwar. Muzaffar Khan, Khan Bahadur Captain Malik.
 Faiz Muhammad, Khan Bahadur Shaikh. Nazir-ud-Din Shah, Khan Sahib Pir.
 Faqir Chand, Chaudhri. Naunihal Singh Mann, Captain Sardar.
 Faqir Hussain Khan, Khan Bahadur Chaudhri. Nur Ahmad Khan, Khan Bahadur Mian.
 Farman Ali Khan, Subedar-Major Raja. Pir Muhammad, Khan Sahib Chaudhri.
 Fateh Jang Singh, Captain Bhai. Prem Singh, Chaudhri.
 Fateh Khan, Khan Sahib Raja. Prem Singh, Mahant.
 Fateh Muhammad, Captain Mian. Pritam Singh Siddhu, Sardar.
 Fazal Din, Khan Sahib Chaudhri. Rallia Ram, Mr. K. L.
 Fazal Karim Bakhsh, Khan Sahib Mian. Ram Sarup, Chaudhri.
 Few, Mr. E. Ranpat Singh, Chaudhri.
 Ghulam Qadir Khan, Khan Bahadur. Riasat Ali, Khan Bahadur Chaudhri.
 Ghulam Rasool, Chaudhri. Ripudaman Singh, Rai Bahadur Thakur.
 Gopal Singh (American), Sardar. Roberts, Sir William.
 Guest, Mr. P. H. Sher Singh, Sardar.
 Habib Ullah Khan, Khan Bahadur Malik. Sultan Mahmood Hotiana, Mian.
 Hans Raj, Bhagat. Sumer Singh, Rao Sahib Chaudhri.
 Hari Chand, Rai Bahadur Rai. Suraj Mal, Rao Bahadur Chaudhri.
 Harnam Das, Lala. Tikka Ram, Chaudhri.
 Het Ram, Rai Bahadur Chaudhri. Wali Muhammad Sayyal Hiraj, Khan Bahadur Sardar.
 Indar Singh, Sardar Bahadur Sardar.
 Jafar Ali, Khan, Chaudhri.
 Jogindar Singh Man, Sardar.
 Jugal Kishore, Chaudhri.
 Khizar Hayat, The Honourable Malik.
 Lal Singh, Sardar.
 Manohar Lal, The Hon'ble Dr. Sir.
 Mohar Singh, Rao.

The Assembly has adjourned sine die.

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